

**City Of Bisbee  
 Planning and Zoning Commission Meeting  
 1415 Melody Lane, Building G  
 In the Cochise County Board of Supervisors, Hearing Room  
 Bisbee, Arizona 85603  
 January 18th, 2018, @ 5:30 pm**

**Agenda**

*THE ORDER OR DELETION OF ANY ITEM ON THIS AGENDA IS SUBJECT TO MODIFICATION AT THE MEETING.*

**5:30 pm Call To Order**

**Roll Call - Commission Members**

	<b>Present</b>	<b>Absent</b>	<b>Excused</b>
<b>Judy Anderson-Chair</b>			X
<b>Mark Apel – Vice Chair</b>			
<b>Thomas Morehouse</b>			
<b>Noah Suby</b>			
<b>Nancy Parana</b>			
<b>Michael McPartlin</b>			
<b>Louis Pawlik</b>			
<b>Douglas Dunn – Council Liaison to the Commission</b>			

**CALL TO THE PUBLIC –**

**Agenda Item 1.**

**Public Hearing, To Consider Rezoning Application 17-03.**

**Discussion and Possible Recommendation to the Mayor and City Council.**

Kimberly Blanck has applied to rezone the property at 54 Cochise Row. This parcel is currently zoned R-1. The Applicant is requesting that the zoning be changed to R-3. The parcel ID number is 102-05-097G

All public notice requirements have been complied with.

Pursuant to Article 3.1.3 of the Zoning Code, prior to forwarding its recommendation to the Mayor and City Council, the Planning and Zoning Commission shall hold a Public Hearing relating to this application, for public comment. Upon completion of the Public Hearing, the Commission shall transmit a copy of its findings and recommendations to the applicant and to the City Council.

Call for the Staff report.

Declare the Public Hearing open and receive comment.

Declare the Public Hearing closed.

Call for Commission discussion.

Call for any additional staff recommendations.

Call for a motion.

Call for discussion of motion.

Call for vote.

**A possible motion:** I move that the Planning and Zoning Commission recommend that the Mayor and Council of the City of Bisbee approve this application with the conditions of rezoning that have been recommended in the Staff Report.

## **Agenda Item 2.**

### **Discussion and Possible Recommendation To The Mayor And Council, To Amend The Zoning Code Article 3.5.5 Of The City of Bisbee,**

Public Hearing. This is a Public Hearing for the consideration of amending the Zoning Code Article 3.5.5

The full text of the proposed amendments to Article 3.5.5 is attached to this agenda.

Call for the Staff report. (The City is the applicant for this item.)

Declare the Public Hearing open and receive comment.

Declare the Public Hearing closed.

Call for Commission discussion.

Call for any additional staff recommendations.

Call for a motion.

Call for discussion of motion.

Call for vote.

**A possible motion:** I move that the Planning and Zoning Commission recommend that the Mayor and Council of the City of Bisbee amend Zoning Code Article 3.5.5 by

**a.** deleting from article 3.5.5.A.3 the words “retention of the structure would cause undue financial hardship on the owner,”

**b.** Recognize the City’s ability to condemn and order the demolition of unsafe structures

- c. Institute a process to prevent and abate conditions deemed “demolition by neglect”
- d. Require owners seeking DRB demolition approval, to consult design and construction professionals to verify that rehabilitation is not feasible in their specific instance.

**Agenda Item 3.**

**For Discussion and Possible Action: Creation Of A List Of Agenda Items That The Commission Will Prioritize For Action In 2018.**

**Agenda Item 4.**

**For Discussion and Possible Action: Amending the Special Use Permit and Rezoning Procedures and Forms.**

The Commission is in the process of updating the Rezoning Application form and the Special Use permit form.

The Commission will be considering what changes to these applications are appropriate.

**Agenda Item 5.**

**For Discussion only: The Commission Will Discuss Amending Article 7 Of The Zoning Code To Limit The Use Of Stationary Vehicles As Off Site Signage.**

**COMMISSIONER COMMENTS:**

Please refrain from any discussion, comments only.

**FUTURE AGENDA ITEM SUGGESTIONS** (Board members may suggest topics for future meeting agendas, but Board will not here discuss, deliberate or take any action on these topics.)

**Adjournment**

Individuals with hearing disabilities can contact the City Clerk's Office (520) 432-6012 to request an Assisted Listening Device, at least 24 hours before the meeting.

Anyone needing special accommodation to attend this meeting should contact Joe Ward at (520) 432-6015 at least twenty-four hours before the meeting.

Public documents referred to herein may be viewed during regular business hours at the City Clerk's Office at 118 Arizona St., Bisbee.

Pursuant to A.R.S. § 38-431.03(A)(3), the Board may vote to enter executive session at any point during this meeting for discussion or consultation for legal advice with its attorney(s), who may appear telephonically.

## **Text of the proposed amendment to Zoning Code Article 3.5.5**

### **3.5.5 Demolition and Movement of Historic Buildings**

The Design Review Board must approve all demolition permits and relocation permits for any significant part of any building in the Historic Preservation (HP) Overlay District. No permit shall be issued by the Building Inspector until DRB approval. In making its' decision, the Design Review Board should determine whether and to what extent demolition or movement affects the structure in question or any contributing structure within the district as demolition and/or movement can have significant impact on the City in general. For permit approval the applicant must show that preserving the building is not physically and/or economically feasible.

**A. Approval:** The Design Review Board may recommend approval of the demolition or relocation permit if any of the following conditions exist:

1. The structure is judged by the Building Inspector to be a hazard to public safety, the Building Inspector may order the immediate demolition of the building in accord with his charge to protect the public health and safety. The Inspector will notify the DRB members of his decision.
2. It is demonstrated that the structure is a deterrent to a major improvement program which will be of substantial community benefit.
3. A determination is made that a building or structure no longer presents an opportunity for feasible rehabilitation, which is arrived at after an on-site visit by a licensed contractor, structural engineer or architect experienced in historic preservation work. Any costs shall be borne by owner.
- ~~3. Retention of the structure would cause undue financial hardship to the owner, which would be defined as a situation where~~
- 4 . The investment required to preserve or rehabilitate the structure could not be offset by the return on the property.
5. The Design Review Board shall notify the Building Official that the demolition permit is approved. The Building Official may do the following:
  - a. Issue the permit, or,
  - b. Deny the permit based on other duly adopted and applicable ordinances or regulations.

**B. Denial:** If preservation or rehabilitation is determined to be feasible, and if the structure has been designated as one having special significance or as a contributing property within the District, the Design Review Board shall deny the permit for demolition or movement of a structure.

C. Demolition by Neglect: If a structure in the District is judged by the Building Inspector to be in danger of falling into irreparable condition because of neglect, a Notice of Neglect will be sent to the Legal Owner(s) stating the conditions that must be remedied. Within 60 days of such notice, the Owner(s) may request a public hearing before the DRB Board. The DRB Board may rescind or confirm all or part of the Notice of Neglect based on information provided by the Owner(s). If the DRB confirms the Notice of Neglect or the Owner(s) fails to correct the conditions listed, the City of Bisbee will begin issuing violation notices and seek all remedies and penalties in accordance with Bisbee City Code.