

MINUTES

MINUTES OF THE JOINT WORK SESSION BETWEEN THE MAYOR AND COUNCIL AND THE PLANNING & ZONING COMMISSION OF THE CITY OF BISBEE, COUNTY OF COCHISE, STATE OF ARIZONA HELD ON THURSDAY, JANUARY 6, 2011 AT 5:30 PM IN THE BISBEE MUNICIPAL BUILDING, 118 ARIZONA STREET, BISBEE, ARIZONA.

THE MEETING WAS CALLED TO ORDER BY MAYOR PORTER AT 5:30 PM.

ROLL CALL

COUNCIL

Councilmember Boyd Nicholl, Ward I

Councilmember Bennie Scott, Ward III

Councilmember Luche Giacomino, Ward II

Mayor W.J. "Jack" Porter

Councilmember Anna Cline, Ward III

Late 5:37

Councilmember Ransom Burke, Ward II, Mayor Pro Tempore

Councilmember Ken Budge, Ward I

PLANNING AND ZONING COMMISSIONERS:

Commissioner Mark Appell

Commissioner Alan Moore

Commissioner Judy Anderson

Commissioner Jerry Stafford

STAFF

Stephen J. Pauken, City Manager

Gloria P. Gonzalez, City Clerk

John Charley, Community Development Director

THE FOLLOWING ITEM WAS DISCUSSED AND/OR CONSIDERED AT THIS MEETING:

1. A JOINT WORK SESSION WITH THE PLANNING AND ZONING COMMISSION TO REVIEW AND DISCUSS POSSIBLE AMENDMENTS TO THE BISBEE ZONING CODE, ARTICLE 8, PARKING AND LOADING AS IT RELATES TO 5.3 OF THE ZONING CODE, HISTORIC PRESERVATION OVERLAY ZONE.

JOHN CHARLEY, COMMUNITY DEVELOPMENT DIRECTOR

John Charley explained that several months ago he presented to the Planning and Zoning Commission some initial thoughts on developing a specific parking code dedicated to the historic district. The Commission felt it was appropriate to have this Joint Session to present more specific recommendations. Mr. Charley explained that this was a work in progress and not meant to be final, as these were broad strokes about a complex issue.

Commissioner Mark Appell expressed concerns to overcome the public opinion to bring parking meters to Old Bisbee because the issue was more complicated than that.

Mr. Charley then provided a power point presentation that is attached as Exhibit “A” to the original minutes of the Work Session..

Commissioner Appell commented that Mr. Charley made a strong case and felt that the recommendations were very sound and quick fixes to the existing problems.

Commissioner Alan Moore pointed out the amount of perceived controversy over the proposed changes that may not be understood. He felt this was a great opportunity. There were many business owners and potential builders of residences that could not proceed because they did not meet the current parking regulations. He added that by reducing the requirement, there would still be a number of properties that could not expand or obtain a permit to build.

Councilmember Nicholl asked if the City reduced the number of parking spaces required, which obviously would be done because the City would need the “In Lieu” fees. He asked if the City owned any other sizeable property in the Historic District. Mr. Charley replied that the City did not. Councilmember Nicholl commented that there was no capital need to purchase lots and that this was a big issue. Mr. Charley replied that across the U.S., these programs ranged from \$5,000 a spot to \$20,000 a spot. Without the revenue stream the City would miss out on an opportunity, but there were other options. If the growth is there, the funding stream was there. Councilmember Nicholl expressed that the City was faced with enormous limitations.

Commissioner Moore stated that it would take a large number of contributors for this fund to have a great deal of impact on the infrastructure of Old Bisbee. The proposal would give an alternative to businesses that would like to expand to the next level. Councilmember Nicholl pointed out that the City was frozen by the current parking regulations and needed to move toward some creative solution.

Mayor Porter pointed out that if a building like the Lyric Theater was purchased and an individual put down \$500,000 for the building, \$200,000 for business inventory and stocking shelves, and then pay another \$150,000 for parking spaces, was not going to happen. Mayor Porter indicated that all Old Bisbee parking standards should be eliminated completely and grandfather all existing commercial buildings. These buildings have always been there and seem to have parking; however, the requirement for the Special Use Permits (SUP) for all new construction and residential could be appealed to the Board of Adjustment. He commented that this had occurred and the Board of Adjustment turned them down.

Councilmember Scott was aware of the problems and had concern with the residential parking and fees. An example used was 725 B & C Tombstone Canyon – if these were rentals and a person wanted to rent the house, who was responsible for the payment of the parking spot. Mr. Charley stated that this did not apply to existing buildings and only applied to new structures or businesses that were hoping to be expanded.

Councilmember Scott commented that it would be nice to see parking tickets again, because there are cars parked in the No parking zones on Brewery Gulch and further expressed that he was a little against these “In Lieu” fees. Mayor Porter commented that this would actually stifle growth in Old Bisbee.

Councilmember Budge expressed the elimination of the need for any kind of parking requirements, but the City has a responsibility to protect what is there now. Mayor Porter explained that this was where the City would grandfather the existing building, but new construction would not. Mayor Porter reiterated that the City would eliminate all Old Bisbee standards, grandfather all existing commercial buildings and require Special Use Permits for all new construction. Councilmember Budge asked under the Special Use Permits what regulation would require the new construction to provide parking. Mayor Porter stated it could be required through the Special Use Permit. Councilmember Budge pointed that the only thing the “In Lieu” fees would do, was to give the City a revenue stream to produce pocket parking in the residential areas.

Councilmember Budge asked if the idea came up of required Special Use Permits for every new construction, would the Planning and Zoning Commission handle it on a case by case basis. Commissioner Appell replied that this might not be a sound planning principal, and there needed be some standards and guidelines to fall back on. Mayor Porter recalled one case that came before the Planning and Zoning Commission for an SUP for a new construction on High Road where the chance to waive requirements came up, but didn't because the neighborhood standards came into play. John Charley replied that it also went before the Board of Adjustments and was denied, but that in that case, the off street parking requirements were not met. Without the off street parking, the City could not issue a building permit.

Councilmember Scott expressed that he would like to see the parking on Walsh Avenue expanded and that signage was needed. He explained that some of the parking lots needed to be signed so that people could get to these areas.

Councilmember Budge said that if the City would allow people to expand because the City has a responsibility to expand the parking that was available, but it would be costly. He indicated that whatever the decision was, it would not solve all the issues..

Councilmember Giacomino asked if the City owned any other property in Old Bisbee, other than Walsh Avenue that could be developed into small parking lots. Mr. Charley replied that there might be a few small ones, but nothing sizeable.

Councilmember Burke agreed with Councilmember Scott that enforcement of parking needed to be more consistent and felt that one ticket would stop 10 other cars from parking there. Sooner or later, the City would need to provide more spaces. Councilmember Burke asked if this is a one time fee and if it transferred with the deed. Mr. Charley replied in the affirmative.

Councilmember Cline also agreed with the parking enforcement and should be started immediately.

