



**City Of Bisbee
Planning and Zoning Commission Meeting
118 Arizona Street
Bisbee, Arizona 85603**

May 21, 2009, 6:30 pm

Action Agenda and Minutes

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

6:30 pm Call To Order

Roll Call:

**Rob Page – Chair - present
Mark Apel – Vice Chair - present
Debby Gardner - present
Judy Anderson - present
Douglas Dunn - present
Britt Dveris - present
Jerry Stafford - present**

Approval of previous minutes Approval of the Minutes dated April 16, 2009 - Call for motion to approve last meeting's minutes

**Motion to approve the minutes from April 16, 2009 – Debby Gardner Second-Mark Apel
Passed**

CALL TO THE PUBLIC – Ask if any member of the public wishes to speak about Planning and Zoning Issues NOT on this agenda. NONE

New Business

Item 1.

Discussion and Possible Recommendation to Mayor and City Council Concerning an Application for the Transfer of City Property. Parcel # 103-61-141 Lots 5A and 6A of Block 22

An application for the transfer of City property has been submitted by Diane C. Moore concerning parcel 103-61-141 lots 5A and 6A of Block 22. This vacant parcel is located south of and adjacent to the applicant's primary residence at 412 Garden Avenue in Old Bisbee. Running with and continuing to the channel wall, but not including the wall itself. The parcel measures approximately 620 square feet.

- Call for Planning Directors report

Mr. Charley summarized the request from the applicants who reside at 412 Garden Ave. Notifications were made. There were no communications for or against the proposal.

- Call for applicant statement

Applicant not present

- Declare public hearing open

Mr. Page opened the hearing.

- Call for public comment for or against

No one spoke for or against the request.

- Call for applicant rebuttal

None

- Declare public hearing closed

Mr. Page closed the hearing.

- Call for Commission discussion (May ask applicant questions)

Mr. Dveris asked what the applicant's intent was for the property.

Mr. Mesquit explained that the applicant wishes to add a garage to the property and wished to consolidate the property, clean it up and have it for general use since it is contiguous to their current property.

Mr. Dveris asked if the set backs would be affected.

Mr. Mesquit explained that setback requirements are from the property line and the property line will change if the applicants acquire the property. The floodway appears to follow the channel, according to the maps.

Ms. Anderson noted that if Public Works has no concerns then she is satisfied.

- Call for City Staff recommendations

Mr. Charley recommended that the Commission recommend approval to the City Council.

- Call for motion

Debby Gardner moved to recommend that City Council approve the public sale of this City property.

Second – Bret Dveris

- Call for discussion of motion

No Discussion

- Call for Vote

Rob Page – Chair - yes

Mark Apel – Vice Chair - yes

Debby Gardner - yes

Judy Anderson - yes

Douglas Dunn - yes

Britt Dveris - yes

Jerry Stafford - yes

Item 2.

Discussion and Possible Recommendation to City Staff Regarding Changes to the Zoning Code and Future Planning and Zoning Commission Agenda Items

At the request of the Community Development Department, the City Attorney has drafted a listing of possible changes to the Zoning Code. Staff is seeking recommendations for these and similar items to be placed on future Planning and Zoning agendas.

Mr. Charley explained that he asked Mr. MacKinnon to review the Zoning Code and recommend changes.

Mr. MacKinnon provided additional information on what items might be considered for future zoning code discussion and addressing some topics that need attention. Issues include:

- 1. Setback regime and parking requirements are two big policy discussions.**
- 2. Abandonment and non-conforming use wording.**
- 3. Height restrictions.**

A four page written report was made available to the Commission to explain the purpose of the changes. A prepared draft of code changes was included in the written report.

Mr. Safford asked if these topics will be broken down into separate topics or covered at one session.

Mr. MacKinnon recommended they might be addressed over two meetings.

Ms. Anderson noted that she agreed that there may not be any issues of great substance and that these items could be reviewed in fewer rather than many sessions. She asked about height restrictions in old Bisbee and if there is a height in mind?

Mr. Mesquit responded that the DRB has not yet recommended a formula.

Figures of 6-8 and 8-10 were discussed. 8 feet was a figure that seemed reasonable to the Commissioners.

Debby Gardner noted a typo in 2.2.2 Inspection, line 3 “know” should be “known”.

Mr. Page questioned 5.1. General asking, how are we getting rid of the animals?

Mr. MacKinnon explained the history of this section and recommended that it should be a City code issue and not a Zoning code issue.

Mr. Dunn noted that 2.2 Zoning Administrator – would prefer that Zoning Administrator remain and become the responsibility of the Community Development Director.

Mr. MacKinnon stated that in removing the Zoning Administrator from the language, any doubt as to who is responsible is also removed.

Mr. Dunn. Noted that 2.2.3 uses the term Building Official instead of Building Inspector.

Mr. MacKinnon suggested that the use of titles be consistent and will double check the issues and relay

Mr. Dunn recommended that a public hearing be held at the next meeting to adopt these recommended changes.

Mr. Dveris noted that 1.8 references the requirement the Zoning Code be consistent with the General Plan.

Mr. MacKinnon responded that the wording was a little absolute and unnecessary to say they are consistent. He noted that the Zoning Code and the General Plan are not presently consistent.

Mr. Mesquit noted that 6.3 changes concerning the side yard, rear yard accessory building permissions. There were no concerns for the proposed changes.

Mr. Dunn repeated his motion that a public hearing be scheduled for the adoption of this including the 8 foot height restriction on 6.1 and also John will provide some clarification on the Building Official or Building Inspector terms.

Ms. Anderson provided the second. Passed.

Item 3.

Discussion and Possible Recommendation to City Staff Regarding the Review and Update to the City of Bisbee Subdivision Code

Staff will present an update on the progress made in researching possible revisions to the subdivision code

Mr. Charley reported that Sholo's sub-division code is being made available to the Commission for review. Mr. Charley and Mr. Apel agree that this is a direct, simple form to use. Community Development will provide a list of recommendations on how this may work for the City.

Mr. Charley has contacted the City of Sholo and find that they are pleased with the code. Tom Klimek has received a copy and will review it as well.

Mr. Safford, questioned the lack of an in-fill section.

Mr. Mesquit asked about infrastructure improvement agreements. Were bonds required when allowing a subdivision? Mr. MacKinnon said that bonds were not required but rather assurance agreements. Mr. MacKinnon suggested these be in the code to avoid having to negotiate these items in contracts or assurance agreements.

The topic will be added to the next agenda.

Commissioner's Comments

Mr. Dunn and Mr. Page both noted their appreciation of Mr. Charley's work.

Planning Directors Report

In an effort to address the City's commitment to water conservation, Mr. Charley has been working with Cado Daily. Ms. Daily will provide seasonal slide presentations for use on Channel 5. The Water Wise logo is now placed on the City's website. There is potential that the Water Wise offices and possible the Extension office may have use of office space below City Park.

Mr. Charley let the Commission know that the Council approved the second reading of the ordinance regarding the Charrette best practices. The first week of June will see those enacted.

Adjournment

Motion to adjourn: Mark Apel Second-Debby Gardner