



PLANNING AND ZONING COMMISSION MEETING

LIBRARY PROGRAM ROOM
808 S 7th AVENUE, SAFFORD, ARIZONA
Tuesday, January 19, 2021
5:30 PM

MINUTE RECORD

COMMISSIONERS PRESENT: Tracey O'Donnal, Chairperson; E.C. "Buff" Cunningham III, Commissioner; James Moser, Commissioner; Jerry Hancock, Commissioner; Lee Patterson, Commissioner

COMMISSIONERS ABSENT: Ed Ragland, Vice-Chair; John Figueroa, Commissioner

STAFF PRESENT: Susan Anderson, Planning & Community Development Director; Jennifer Surber, Administrative Assistant; Matt Platt, IT Specialist

OTHERS PRESENT: Robert Hernandez, Deborah Hernandez

1. **WELCOME AND CALL TO ORDER:** called the meeting to order at 5:32 p.m.
2. **ROLL CALL:** Chairperson O'Donnal, Commissioners Patterson, Commissioner Hancock, Commissioner Cunningham, and Commissioner Moser were in attendance in person. Vice-Chair Ragland and Commissioner Figueroa were absent.
3. **SELECTION OF CHAIR AND VICE-CHAIR:** Per Municipal Code 17.84.110 C(1), the commission shall elect a chairperson and vice chairperson from among its own members who shall serve for one year until their successors are elected and qualified.

Commissioner Hancock nominated Chairperson O'Donnal to serve another term as Chairperson.

It was motioned by Commissioner Patterson, seconded by Commissioner Moser, and carried unanimously to re-elect Chairperson O'Donnal to serve as Chairperson for the Planning and Zoning Commission. **MOTION ADOPTED**

Commissioner Hancock nominated Commissioner Moser to serve as Vice-Chair for the Planning and Zoning Commission.

It was motioned by Commissioner Hancock, seconded by Chairperson O'Donnal, and carried unanimously to elect Commissioner Moser to serve as Vice-Chair for the Planning and Zoning Commission. **MOTION ADOPTED**

4. **PUBLIC COMMENT ON AGENDA:** None

5. **MINUTES:** It was motioned by Commissioner Patterson, seconded by Commissioner Hancock and carried unanimously to approve minutes of the December 21, 2020 Planning and Zoning Commission Meeting. **MOTION ADOPTED**

6. **STAFF PRESENTATION:** The Planning & Community Development Department is in receipt of a rezone application from Robert Hernandez. The rezone request is for Graham County Parcel # 101-17-012 located at 815 West 10th Street. The 6,822 square foot parcel has the remains of a single family residence that was destroyed by a fire.

The applicant is requesting to rezone the property from R-2 Multiple Family Residential to C-MH Conventional Manufactured Home. The purpose of the C-MH Conventional Manufactured Home district is to provide a district where single-family conventional and manufactured homes may be interspersed. Under the current zoning, the property could be redeveloped with a three (3) unit triplex apartment.

The C-MH district requires a minimum lot size of 6,000 square feet and a minimum lot width of 60 feet. The 6,822 square foot property meets the minimum lot size requirements of the C-MH district. The property does not meet the minimum lot width of 60 feet for the R-2 Multiple Family Residential or the C-MH Conventional and Manufactured Home districts. The property is fifty (50) feet in width.

C-MH Permitted Uses include

- One (1) single family detached dwelling per lot or parcel.
- One (1) manufactured home per lot or parcel. I want to mention those are manufactured homes and not mobile homes that are created July 15, 1976 or more recent.
- Home occupations in accordance with the regulations in chapter 17.28.020.B.7.
- Animals which are considered customary household pets with the following limitations:

Up to three (3) dogs, cats, or other small mammals exclusive of animals under the age of six (6) months, provided that horses, cows, goats, and other hooved animals shall not be permitted;

Up to twelve (12) birds, six (6) of which may be chickens (roosters are not allowed) provided they are kept within a fully enclosed building or accessory building, and which do not create odor or sound which is detectable on an adjoining lot.

- Churches.
- Parks.
- Security light(s), provided the light source shall not be seen from adjoining property and shall comply with the outdoor lighting regulations found in chapter 15.32, the outdoor lighting code.
- Bed and breakfast establishments with the issuance of a conditional use permit.

Per Zoning Ordinance Section 17.20.020, the applicant is required to hold a neighborhood meeting on the rezoning prior to going before the Planning and Zoning Commission. A meeting notice along with the rezoning application was mailed to all property owners within 150 feet of the property. The meeting was held on December 28, 2020 at 6:00 p.m. at the Safford Annex Building. One member of the public attended the meeting and expressed concerns that if a manufactured home is moved onto the property, that it be skirted with a more durable material

then aluminum and asked if a ramp will be installed. They had some questions about the front steps of the building.

Section 17.20.020 D of the General Plan Zoning Ordinance states that “all amendments to this title shall be made in accordance with the General Plan. It is public policy that this title shall not be amended unless it can be shown that the changed or changing conditions make the proposed amendment reasonably necessary to the promotion of the purposes of this title.”

The purpose of the Zoning Ordinance is to “promote the health, safety, morals, convenience, order, prosperity and general welfare of the present and future inhabitants of the city by guiding development within the city in accordance with the general plan...”

Goal #14 of the General Plan Land Use and Character Area Element states to “support infill, land uses, strategies, and programs that enhance Safford’s existing neighborhoods and increase the quality of life of Safford’s residents.”

RECOMMENDATION: Staff is recommending that the Planning & Zoning Commission recommend the rezone request for approval by the City Council for the following reasons:

1. The rezone request is in conformance with General Plan Land Use and Character Element Goal #14.
2. The rezone is compatible with the adjoining single family residential properties.

An email from Mr. Hinkins was submitted and reads as follows, The houses in this area are mostly 50 to 60 years old this will lower the value. I understand that it is costly to rebuild may be the lot could be sold and move to an area already zoned. Mr. Hinkins is totally against the approval of this request. The applicant Robert Hernandez is here tonight to speak.

ATTACHMENTS: Rezone Application
Neighborhood Meeting Minutes supplied by applicant
Aerial
Email from Lowell Hinkins

Commissioner Patterson I have some clarification questions for Ms. Anderson. It doesn’t meet the 60 ft width requirement, but it also doesn’t meet for R-2 which’s it’s currently zoned correct?

Susan Anderson Correct.

Robert Hernandez I understand that moving a manufactured home to an area that is mostly homes takes an affect on people’s opinions on what they think or how it’s going to look. I have a lot of pride in my family. Unfortunately, my mom did not have insurance and has already cost \$5,000.00 in just moving what is left of the house and we still have more to go. With that being said, she can’t afford to rebuild. I have a manufactured home from 1984 out in Artesia and with your permission want to bring it in to Safford in place of the home. I plan to stucco it and make it look like a home. The house was stucco before and want to go for the same type of look. There have been other homes that have come before you and ask to do things and they did not fulfil what they said they were going to do or they started and then they stopped. I respect all of you here. Hold me accountable for everything I am saying to you today. This means a lot to me to get my mom to where she has lived for the past 60 years. I will do everything I need to get

her back there. I will take pictures of what I am doing and put them in the paper if I have to, to show progress. Hold me accountable for what I'm saying here today. I do plan to make it look good and will do anything the city requires me to do.

Chairperson O'Donnal I have a question just for clarification. On your application it says the manufactured home is 60X14?

Robert Hernandez Yes

Chairperson O'Donnal And what is the lot size? Do we know the width?

Susan Anderson Lot size is 6822 sq ft. The lot width is 50 ft and you have 7 ft set backs on either side so that 14 ft taken away from 50 ft is 36 ft in width is the potential width of the manufactured home and Mr. Hernandez could clarify the width of the one you proposed to move on site.

Chairperson O'Donnal What I am trying to determine is how is it going to fit? What is the length

Commissioner Patterson It is a really deep lot. I drove by it today and it's much deeper in person than perceived on the map.

Chairperson O'Donnal So the lot is 50X100+

Commissioner Patterson Is that shop in the back on the property as well?

Robert Hernandez Yes

Commissioner Hancock It's in good shape

Commissioner Moser I'm just wondering if you have given any thought to lowering the home as much as you can so it's not so high. Like excavating and a crawl space so you can lower it a little bit, so it doesn't stick up.

Robert Hernandez Right now from what I measured the shop you mentioned will be higher than the manufactured home will be. I thought about that, but I want to have room under the manufactured home if I need to. I plan to place a nice skirting around it and make sure it's presentable. I did want to be able to get under it for any kind of work I need to do as far as plumbing.

Commissioner Moser I was thinking you will need to excavate if you have a crawl space. You can set it about a foot off the ground.

Susan Anderson I'm sure by code it's a requirement that the manufactured homes which is governed by Graham County. They get the building permit to set the home from Graham County. Graham County inspects the pad, and jacks. There is going to be a certain minimum requirement of height above grade.

Commissioner Moser Yes that would be necessary for the crawl space underneath that you would make by excavating. I've seen it done a lot.

Commissioner Patterson If this didn't pass thru us and the council what would happen with the property. Is it going to stay as is if you are unable to place a manufactured home on it?

Robert Hernandez I would clean it up.

Commissioner Patterson The one email we got that was against it was about home values and if you're not able monetarily or physically to clean up the lot it's going to be better to have a manufactured home on the lot than it is to have an empty lot. In my opinion in thinking through this.

Chairperson O'Donna There was a fire that went through there and it is still not all torn down.

Commissioner Patterson Yes so aesthetically it would look better to have a manufactured home on the lot than what is there now.

Robert Hernandez I do plan to put the manufactured home if I am allowed and make it look presentable. I understand if I was a neighbor I would want them to bring in something nice and I would not want my value to go down.

Commissioner Hancock You're going to stucco it so it looks like it has new paint?

Robert Hernandez Yes. What I'm going to do is wrap foam around it and put chicken wire and put windows like my mom house use to look. It's not going to be as big as her old house was but that look is what I'm after.

Commissioner Hancock Would you still have room to get by if you're going park there with the storage unit there?

Robert Hernandez Yes It's going to be long ways

Commissioner Hancock As I drove down and back by Ruth Powell and the High School area there is a number of older homes and some mobile homes. I call the ones that are not maintained as mobile or house trailers and this is a manufactured home, I feel if it is done appropriately as this gentleman says it's going to be done I feel it's going to look better than a lot of the others down the street.

Robert Hernandez I have been going off and on to the property and picking up trash. I had a safety net around it and I don't know who or why but they have taken it down. I've had people go and dump trash on the property. It upsets me and there is records of me calling the police. They've taken pictures but there is not much they can do if there is no proof of who did it. This is a concern of mine and I want to get over there and start making progress. I feel bad that this happened on March 31st and it's been taking this long. There were lots of discussion with my mom on what to do and how to go about it. We decided on the manufacture home. I do want to get there and clean it up. I don't know who or why they would throw trash there. It is sad and truly upsetting to me. I do plan to take pictures and put in the paper to show all of you that I am truthful and do what I say I'm going to do. Anything I can do that will make this more presentable will make you all feel better about this.

Chairperson O'Donna I do have a question. If we rezone this parcel for the manufactured homes that is pretty much all we can do? We can't make requirements like you have to have a

skirt; you have to stucco. Once it's rezoned we can put whatever manufactured home he wants as long as it meets the zoning requirements?

Susan Anderson That is correct.

Chairperson O'Donnal Keep in mind that there was discussion tonight on what Mr. Hernandez would like to do we can't hold him to any of those improvements that he is hoping to do with stucco, or skirting, or steps. We are just going to rezone it or not rezone it and he can go from there as long as he meets the requirements.

Susan Anderson That is correct and I do want to point out also that this is for Mr. Hernandez's sake, any modifications that are done to the manufactured home have to go through the county and have to get approved by the county. So if there is any changes of windows, or whatever the case maybe that's all done through the county and the county does the inspections of those improvements for the state.

Chairperson O'Donnal Like the affidavit of the fixtures and the elevations certificates? And there are requirements that will have to be met for it to be moved to get that permit.

Susan Anderson Right. That is correct.

Commissioner Patterson A couple of meetings ago we approved the 1985 date for manufactured homes to head up to the council. This is a 1984. They have not gone through their second reading of that. Are we allowed to push this through being 1984? Or is that going to cause problems at the council level?

Susan Anderson Right now City Council is going to have that as a workshop item for further discussion. There are a couple options for City Council. I don't know if they are going to move forward with the 1985 date, there is some conflict with our conversations with the City Attorney. Most jurisdictions have the 1976 date which is done by the Federal Government. City Council will be discussing those at a workshop meeting. One thing that council can do, if they choose to move forward with the 35 year date following the recommendation from the Planning and Zoning Commission, they could if they want to change the effective date of that ordinance which may give time for Mr. Hernandez to have this rezone to take effect because it has to go to City Council then a first reading at that meeting and a second reading at another, then 30 days after that before it even takes effect. Regarding the 35 year age limit, the City Council if they wish to, can change that effective date to June if they want or July.

Commissioner Patterson So at that point Mr. Hernandez would be grandfathered in?

Susan Anderson Basically that 35 year time frame would not come into play. If that is the case I would encourage Mr. Hernandez to move very rapidly and get his permit from the county and get the property prepped.

Chairperson O'Donnal Hopefully you will encourage City Council to do a future effective date. I think that is only fair for any to give time to finish current plans rather than change something right in the middle. A future date is something that would be courteous to the whole community so that they could complete current plans but moving forward, future plans would go with that future date.

Susan Anderson That is certainly something that staff would do. Mr. Hernandez did speak to the City Council regarding the age issue of manufactured homes so he was at that public meeting for that hearing.

7. **PUBLIC HEARING:** The Chairperson closed the regular meeting and open the Public Hearing. Pursuant to Section 17.20.050 of the City of Safford Municipal Code and Arizona Revised Statutes § 431.01, the Planning and Zoning Commission will conduct a public hearing for the purpose of taking public comments relating to the rezone request.

7.1 **PUBLIC COMMENTS:** We heard from Mr. Hernandez and there is no one else here for public comments.

7.2 **CLOSE PUBLIC HEARING:** It was motion by Commissioner Patterson, seconded Commissioner Moser and carried unanimously to close the public hearing and enter into regular session.

MOTION ADOPTED

8. **REZONE DISCUSSION AND ACTION BY THE PLANNING AND ZONING COMMISSION:**

Chairperson O'Donna There is already manufactured homes nearby look at the map you can see the parcel south catty-corner is a manufactured home. One street over there is already a manufactured home and if you continue on 10th Street past 10th Avenue there are more manufactured homes over by Ruth Powell so within a ½ mile radius there is more manufactured homes. I understand the concerns from neighborhood meeting and the email. Anytime there is change people wonder how it is going to affect me. Considering there is already manufactured homes in that area I don't feel that it would be a big change.

Commissioner Patterson A manufactured home on the lot will be an improvement of how the area looks from the burnt down house that is currently there. I think that Mr. Hernandez has a good plan and in good faith is trying to get his mother into her own place that she has lived at for 60 years.

Commissioner Hancock I agree with what was said. I feel that a manufactured home being taken care of and clean and property cleaned up, that is better than some of the properties I've seen in the area. There is a lot of places that could look nicer if they cleaned up and kept the weeds down. If Mr. Hernandez does what he says he is going to do I think that it will be great for the area and will be fine.

It was motioned by Patterson, seconded by Commissioner Moser, and carried unanimously to move the Planning and Zoning Commission recommend that City Council approve the rezone request from R-2 Multiple Family Residential to C-MH Conventional Manufactured Home for Graham County Parcel # 101-17-012 citing General Plan Land Use and Character Element Goal #14.

MOTION ADOPTED

Chairperson O'Donna There are currently manufactured homes in the area and as we continue to move forward with these rezones, we need to keep that in mind. If there were not currently manufactured homes in the area, I might not approve it. I think it is important to have things that are conforming to protect property values. Keep in mind these might not get approved in the future.

Susan Anderson May I make a suggestion to amend the motion and add that into your motion.

It was motioned by Patterson to amend the above motion and add that there are already manufactured homes in the area and this would not be the only one in that area. The motion was seconded by Commissioner Moser, and carried unanimously to move the Planning and Zoning Commission recommend that City Council approve the rezone request from R-2 Multiple Family Residential to C-MH Conventional Manufactured Home for Graham County Parcel # 101-17-012 citing General Plan Land Use and Character Element Goal #14.

MOTION ADOPTED

9. **PROJECT UPDATES AND ANNOUNCEMENTS:**

We received plans for Dorothy Stinson Elementary School. Those are in house and being reviewed. It is a state funded project so it does not necessarily fall under our purview but they are letting us take a look at what they are doing. I don't know time frames on when they want to get the project done. The plan is to keep the existing school till the new school is done, then transition to the new building and then demolish the existing. It is finally moving forward. Funding for that was quite difficult.

Update on the text amendments that were before you:

- Clinics and animal hospitals is moving forward. The second read at city council is coming up.
- Manufactured home age limit was pulled to have further discussion as far as legality and if we can limit the age of the manufactured homes.
- Pot-bellied pigs issue was discussed at City Council. City Council decided that since her property was C-2 Highway Commercial they did not want to force her into a situation where she would have to rezone her property. Staff has come up with a solution and basically that project is on hold for further discussion with City Council. Staff has come up a potential solution that would be similar to adding non-conforming residential houses in the C-2 Highway Commercial District where you could not expand or make them bigger and we changed some of that language that council approved to allow that if you have a residential use in the C-2 district, that you can add a garage or other buildings or improve the buildings. So staff has come up with a solution that would add language in the C-2 zone only for residential uses and would tie those residential uses back to the other districts for customary household pets which would include the pot-bellied pigs.

Commissioner Patterson Which we approved in the R-10. It kind of back end ties around the R-10. Will that come back to the Planning and Zoning Commission?

Susan Anderson Yes that is a separate issue because it wasn't advertised as a change to the C-2 Highway Commercial District. That will come back to you as a public hearing then a recommendation to City Council.

Other Projects:

Medical office building across from hospital - A quarter of that building will be Dr. Carter's office Building going on in: Copper Canyon
Tierra Bonita II off of 26th Street
Finished Mesa View at 17th & Discovery Park Blvd.

Chairperson O'Donnal 14th project that we made a recommendation to rezone for a subdivision?

Susan Anderson that project has not moved forward. I do want to bring up another issue that has been put on hold is maximum lot coverage and rear yard setback. The Planning and Zoning Commission recommended to increase the lot coverage to 50% per the Council request but the Planning and Zoning Commission did not recommend to reduce the rear yard setbacks from 20ft to 15ft. The City Council will have further discussion on the setback at the workshop.

Commissioner Hancock Any progress of the nursing home off 20th Avenue?

Susan Anderson No I have not heard anything from them. Cost of construction materials may be issue. Could be licensing through the state and what they have to do for that. I do have a 40-unit apartment complex off 1st Ave that is going through the site plan review process. That project is not moving too quickly. I also have 3 fourplex's over by Gold Course Road and 20th Avenue that I haven't heard from in a while.

10. **CALL TO THE PUBLIC – NON-AGENDA ITEMS:** None
11. **NEXT SCHEDULED MEETING:** To be determined.
12. **ADJOURN:** It was motioned by Commissioner Hancock, seconded by Commissioner Patterson and carried unanimously to adjourn the meeting at 6:15 p.m. **MOTION ADOPTED**

APPROVED:

Tracey O'Donnal, Chairperson
Planning & Zoning Commission

ATTEST:

Jennifer Surber, Administrative Assistant
Planning & Community Development

STATE OF ARIZONA)
) ss
County of Graham)

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the Meeting of the Safford Planning & Zoning Commission, located in Safford, Graham County, Arizona, held Tuesday, January 19, 2021 and approved at a Planning & Zoning Commission Meeting on Monday, March 15, 2021. I further certify the meeting was duly called, held and that a quorum was present.

Date

Jennifer Surber, Administrative Assistant

DRAFT