



PLANNING AND ZONING COMMISSION MEETING

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

MINUTE RECORD

COMMISSIONERS PRESENT: Tracey O'Donnal, Chairperson; James Moser, Vice-Chair; Jerry Hancock, Commissioner; Lee Patterson, Commissioner, Ed Ragland, Commissioner

COMMISSIONERS ABSENT: John Figueroa, Commissioner

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

OTHERS PRESENT:

1. **WELCOME AND CALL TO ORDER:** called the meeting to order at 5: 30 p.m.
2. **ROLL CALL:** Chairperson O'Donnal, Vice-Chair Moser, Commissioners Patterson, Commissioner Hancock and Commissioner Ragland were in attendance in person. Commissioner Figueroa was absent.
3. **PUBLIC COMMENT ON AGENDA:** None
4. **MINUTES:** It was motioned by Commissioner Ragland, seconded by Commissioner Hancock and carried unanimously to approve minutes of the March 15, 2021 Planning and Zoning Commission Meeting.
MOTION ADOPTED

5. **STAFF PRESENTATION:**
On March 22nd, Ordinance #O21-003 allowing Vietnamese pot-bellied pigs in the A-R Agricultural District and the R-10 Single Family Residential District took effect. Note that by cross reference in the R-10 Single Family Residential District, this permitted use for Vietnamese pot-bellied pigs also applies to the R1-6 Single Family Residential District, the R-2A Duplex Residential District, and the R-2 Multiple Family Residential District.

During City Council discussions on this issue, City Council requested staff find an alternative to having the applicant rezone their property from C-2 Highway Commercial to a residential district since the text amendment only applies to residential uses. Note "D" below for non-conforming

single-family dwellings in the C-2 Highway Commercial District. The “non-conforming” category applies to buildings, structures, or uses that were lawfully allowed but no longer adhere to the specific regulations applicable to a zoning category and are therefore exempt from those requirements. This is commonly referred to as being “grandfathered in.”

17.52.030 - Specific requirements.

- A. The maximum building height shall be forty-five (45) feet.
- B. There shall be no minimum lot area.
- C. All outdoor lighting shall be hooded or shielded to deflect source of light away from residential districts and shall comply with all of the requirements of the outdoor lighting code which is [chapter 15.32](#).
- D. Nonconforming single-family dwellings, uses, and accessory buildings shall be allowed to be increased or expanded provided that the R-2 Multiple-Family Residential District requirements pertaining to setbacks, maximum lot coverage, building height in feet and building height in stories are followed.
- E. Any new commercial development on property adjoining a residential zone shall provide a sight-obscuring fence, five (5) to six (6) feet in height or other satisfactory buffer to protect the neighboring residential zone. The buffer which the developer proposes shall be clearly indicated on the building permit application.

Staff is recommending that a new subsection be added that states “Nonconforming single-family dwellings and uses shall comply with the requirements of Section 17.28.020 for animals which are considered customary household pets.”

Section 17.28.020 (8) states:

- 8. Animals which are considered customary household pets with the following limitations:
 - a. 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 hoofed animals, excepting “C” below, shall not be permitted;
 - b. 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.
 - c. Up to two (2) Vietnamese pot-bellied pigs provided that males are neutered and females are spayed.

Staff is recommending the following changes in red to the C-2 Highway Commercial District Section 17.52.030 Specific Requirements:

17.52.030 - Specific requirements.

- A. The maximum building height shall be forty-five (45) feet.
- B. There shall be no minimum lot area.
- C. All outdoor lighting shall be hooded or shielded to deflect source of light away from residential districts and shall comply with all of the requirements of the outdoor lighting code which is [chapter 15.32](#).
- D. Nonconforming single-family dwellings, uses, and accessory buildings shall be allowed to be increased or expanded provided that the R-2 Multiple-Family Residential District requirements pertaining to setbacks, maximum lot coverage, building height in feet and building height in stories are followed. .
- ~~E. Any new commercial development on property adjoining a residential zone shall provide a sight-obscuring fence, five (5) to six (6) feet in height or other satisfactory buffer to protect the~~

neighboring residential zone. The buffer which the developer proposes shall be clearly indicated on the building permit application. **NONCONFORMING SINGLE-FAMILY DWELLINGS AND USES SHALL COMPLY WITH THE REQUIREMENTS OF SECTION 17.28.020 FOR ANIMALS WHICH ARE CONSIDERED CUSTOMARY HOUSEHOLD PETS.**

F. ANY NEW COMMERCIAL DEVELOPMENT ON PROPERTY ADJOINING A RESIDENTIAL ZONE SHALL PROVIDE A SIGHT-OBSCURING FENCE, FIVE (5) TO SIX (6) FEET IN HEIGHT OR OTHER SATISFACTORY BUFFER TO PROTECT THE NEIGHBORING RESIDENTIAL ZONE. THE BUFFER WHICH THE DEVELOPER PROPOSES SHALL BE CLEARLY INDICATED ON THE BUILDING PERMIT APPLICATION.

GENERAL PLAN:

Zoning Ordinance Section 17.20.020 D 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 amendments 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 #1 of the Safford Neighborhood Character Area of the General Plan 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.”

Along Highway 191 there is 63 residential uses on C-2 property that are nonconforming. By adding this cross reference, it takes care of the residential uses that are along the highway that are zones C-2 and allows them to have household pets that include the Vietnamese potbellied pigs.

Commissioner Patterson As long as they are nonconforming residences they can have these animals your proposing but as soon as that becomes commercial that goes away?

Susan Anderson Correct. This only applies to nonconforming single-family dwellings and uses. That is, cross reference goes back to the language you have in 17.28.02 which is part of the R-10 Single Family Residential District, R1-6 Single Family Residential District, the R-2A Duplex Residential District, and the R-2 Multiple Family Residential District.

Commissioner Hancock If someone was looking at a new place that would not apply? Or if they tear it down and build a new residence.

Susan Anderson They wouldn’t be able to build a new residence. There is some AR property out there that you could. If you build a residential property in C2 it must be on the second floor. 1st floor being commercial.

Vice-Chair Moser There are some gray areas too. If they tear down the old house and build a new one.

Susan Anderson They can’t do that because it’s nonconforming use. We had this conversation with P&Z commission before and there were concerns about letting new residential structures along Highway 191 because it is a 5-lane highway and it’s busy and fast.

Chairperson O'Donnal Not the best use of property.

Susan Anderson Yes. This solves a couple of issues. It clarifies pets on nonconforming residential properties and also allows the applicant not to have to rezone their property.

Commissioner Hancock I had a question about 8A up to 3 dogs, cats or small animals excludes animals under the age 6 months. Is that for puppies?

Susan Anderson Yes kittens or puppies. Breeding on a low scale.

Commissioner Moser Under non-conforming use you use to be able to expand the use up to 50%. That is how it was in the county and was mandated by state.

Susan Anderson May vary by district. Will look up in our code. There is nothing in our provision that allows it specifically.

Vice-Chair Moser That it is our ordinance, but state law, state enabling legislation. The city you got to comply with state statues.

Susan Anderson – That is something I will have to research to see if there is a conflict and if we are exceeding the state requirements. That will be a separate issue.

Chairperson O'Donnal – Director Anderson will research that.

6. **PUBLIC HEARING:** The Chairperson closed the regular meeting and opened 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 text amendment.

6.1 **PUBLIC COMMENTS:** Comments will be accepted at this time.

PUBLIC COMMENT: None

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

MOTION ADOPTED

7. **TEXT AMENDMENT DISCUSSION AND ACTION BY THE PLANNING AND ZONING COMMISSION:**

Commissioner Patterson This is the most streamline way to get done what we were worried about in the meantime with the applicant being in C2.

Chairperson O'Donnal I agree I think this gives us a lot of clarification and makes it clearer what they can do with these nonconforming residential properties.

Commissioner Hancock I agree with what you two have said. I think it's the right thing to do.

It was motioned by Commissioner Hancock, seconded by Vice-Chair Moser and carried unanimously to move that the Planning & Zoning Commission recommend that City Council approve a text amendment of C-2 Highway Commercial District Section 17.52.030 Specific Requirements citing General Plan Goal #1 of the Safford Neighborhood Character.

MOTION ADOPTED

8. **PROJECT UPDATES AND ANNOUNCEMENTS:**

Site plan for apartments on 1st Avenue. They are ready to submit building plans for review
Planning & Zoning Commission Vacancy - No applications received as of today.
Dr. Carter’s Office should be opening soon.
Assisted Living Facility - have not heard anything further about that property.
Lots of residential building going on.

9. **CALL TO THE PUBLIC – NON-AGENDA ITEMS:** None

10. **NEXT SCHEDULED MEETING:** To be determined.

11. **ADJOURN:** It was motioned by Commissioner Patterson, seconded by Commissioner Ragland and carried unanimously to adjourn the meeting at 5:57 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, April 19, 2021 and approved at a Planning & Zoning Commission Meeting on Monday, May 17, 2021. I further certify the meeting was duly called, held and that a quorum was present.

Date

Jennifer Surber, Administrative Assistant