



PLANNING AND ZONING COMMISSION MEETING

LIBRARY PROGRAM ROOM
808 S 7th AVENUE, SAFFORD
THURSDAY, OCTOBER 17, 2019
5:30 PM

MINUTE RECORD

COMMISSIONERS PRESENT: Tracey O'Donnal, Chairperson; Diane Junion, Vice-Chair; E.C. "Buff" Cunningham III, Commissioner; Jerry Hancock, Commissioner; Ed Ragland, Commissioner

COMMISSIONERS ABSENT: John Q. Figueroa, Commissioner; James F. Moser, Commissioner

STAFF PRESENT: Susan Anderson, Planning & Community Development Director; Amber Hogle, Administrative Events Liaison; Matt Platt, IT Specialist

OTHERS PRESENT: Sherry Brady and David Hakes representing the Gila Valley Ministerial Association

1. **WELCOME AND CALL TO ORDER:** Chairperson O'Donnal called the meeting to order at 5:42 p.m.
2. **ROLL CALL:** Roll call of those present. Commissioner Figueroa and Commissioner Moser were excused for previous engagements.
3. **PUBLIC COMMENT ON AGENDA:** None
4. **MINUTES:** It was motioned by Commissioner Hancock, seconded by Commissioner Ragland and carried unanimously to approve minutes of the September 19, 2019 Planning and Zoning Commission Meeting. **MOTION ADOPTED**
5. **PLANNING AND ZONING:** Review of proposed text amendments.
 - 5.1 Text Amendment for hospital and clinic for small and large animals: Per Municipal Code 17.20.030(c), a text amendment may be initiated by a majority vote of the commission. The proposed amendment includes:
 - Defining hospital and clinic for small animals
 - Defining hospital and clinic for large animals
 - Adding hospital and clinic for small animals as a permitted use in the A-R Agricultural Residential District
 - Adding hospital and clinic for large animals as a permitted use in the A-R Agricultural Residential District subject to limitations

- Adding hospital and clinic for large animals, subject to the approval of a conditional use permit and subject to limitations in the C-2 Highway Commercial District

Ms. Anderson summarized the process incurred to date regarding this text amendment, noted on attached communication form. The next steps will be to have a Planning and Zoning hearing for Planning and Zoning Commission recommendation, which will include advertising of the text amendment, then the recommendation will go to City Council for final approval or denial.

Ms. Anderson presented information on hospitals and clinics for small and large animals found on page 2 of the attachment and noted a kennel is a separate facility, not defined within a hospital/clinic facility. Ms. Anderson asked for comments on the definitions read.

Vice-Chair Junion asked how “short term care related to surgical or medical” can be enforced? Ms. Anderson replied it is tricky to police it, but one example is if an ad is seen for boarding horses.

Commissioner Hancock inquired and Ms. Anderson confirmed that if something is a “permitted use” it allows staff to be the approving body, and if it is “conditional use” it goes before the Planning and Zoning Commission and City Council. Commissioner Hancock asked if staff is comfortable with having the responsibility of a permitted use as he feels things should come to Planning and Zoning Commission and City Council to not put pressure on staff to make determinations.

Chairperson O’Donnal inquired if what is written is what staff is recommending? Yes

Ms. Anderson noted small animals are already a permitted use in the C-2 Highway Commercial district. She added that Dr. Phelps was told his options when he first made contact with her office, however he wanted staff to approve that large animals were similar to small animals, and Ms. Anderson did not feel hospitals and clinics for small animals were similar to large animals. She explained to Dr. Phelps that he could appeal her decision to the City Council but he did not follow through. The City Manager then asked Ms. Anderson to take the options to the Planning and Zoning Commission and City Council.

Commissioner Hancock asked how difficult it is to rezone a C-2 Highway Commercial property to AR Agriculture Residential? Ms. Anderson replied the applicant would have to go through the rezone process with the Planning and Zoning Commission and City Council, which includes advertising.

Chairperson O’Donnal asked in the zoning ordinance for C-2 Highway Commercial, where it talks about setback minimum of 40’ in commercial, wouldn’t it be more likely that they would be next to commercial than residential? Ms. Anderson said she can revise to include both if it is the desire of the Commission; the Commission concurred to do so. Chairperson O’Donnal asked if it can be done for both AR Agriculture Residential and C-2 Highway Commercial? Ms. Anderson replied it can. Vice-Chair Junion stated since AR Agriculture Residential is already considered a business district to add language to both to be consistent.

It was motioned by Vice-Chair Junion, seconded by Commissioner Ragland and carried unanimously to recommend making AR Agriculture Residential a permitted use and C-2 Highway Commercial a conditional use, with adding residential and commercial to both AR Agriculture Residential and C-2 Highway Commercial. **MOTION ADOPTED**

Ms. Anderson noted there will be a public hearing as the next step in the process to approve their recommendation.

5.2 Text Amendment for Shelter Facilities: Per Municipal Code 17.20.030(c), a text amendment may be initiated by a majority vote of the commission. The proposed amendment includes:

- Defining a shelter facility
- Adding shelter facilities in the A-R Agricultural Residential District with certain limitations
- Adding shelter facilities, subject to the approval of a conditional use permit, in the C-2 Highway Commercial district with certain limitations

Ms. Anderson reviewed the proposed amendments on pages 3-5 of the attachment.

Vice-Chair Junion inquired how “temporary” is monitored, and how many days or weeks that is defined? Ms. Anderson stated language can be added to include a specific time.

Reverend Sherry Brady, President of the Gila Valley Ministerial Association (GVMA) stated in their written shelter definition they have a 90 day time limit. Commissioner Ragland asked if they researched that time? Reverend Brady responded yes, Bisbee and Tucson had similar times.

Ms. Anderson referenced the first strike through on page 3 which was removed after discussions with the City Manager’s desire to not want the facility to be a walled off facility. The second strike through on page 4 was also per the City Manager’s recommendation to make it a quarter of a mile.

Commissioner Ragland inquired about security, is there always someone at the house responsible? Reverend Brady stated in their shelter they plan to have someone in charge (“managers”) at all times of the day and night and added motion lights can be used as security as well.

Commissioner Cunningham asked who they are securing the property for, the public or the people there?

David Hakes, Pastor of the Safford Seventh Day Adventist Church stated he came from Flagstaff where he had previous experience with shelters which included very strict curfews, always someone there monitoring indoors and outdoors, and no loitering allowed. He does not recall any problems in his experience. People translate a shelter equating drugs and alcohol, however in his past experience, that is not the case as those items were never allowed on the premises and the shelter strictly adhered to their guidelines, including no swearing.

Commissioner Hancock asked if they were considering families at their shelter? Reverend Brady replied that will possibly happen later; Pastor Hakes added as of now it will just be

men because there are different types of facilities and we currently have facilities for women and children (Safe House – whom GVMA already has a working relationship with).

Chairperson O'Donnal asked Ms. Anderson her interpretation of on-site security? Examples given were doors locked in the evenings, manager is trained to deal with situations and manage those types of facilities.

Commissioner Hancock inquired if it is a permitted use and someone decides to open a shelter different than the provisions presented, will that be a difficult issue for staff to deal with? Ms. Anderson replied that is why staff is recommending A (2) on page 4 which can also be added under AR Agriculture Residential district limitations. If there are questions on a shelter plan, staff would have the Police Chief review the management plan as well. The Commission concurred to include A(2) on page 4 to the AR Agriculture Residential district as well.

Chairperson O'Donnal suggested adding A (1) from page 4 to make the provisions identical. Ms. Anderson explained it is staff's recommendation to not make the AR Agriculture Residential district as onerous as the C-2 Highway Commercial district and added set-backs already exist in the AR district but do not exist in C-2.

Chairperson O'Donnal questioned licensing requirements for shelter facilities at state and local levels? GVMA isn't aware of any special licensing however Ms. Anderson said she pulled that language from Flagstaff. A City Business license would be required at the local level.

Commissioner Cunningham referred to some of the language in A (2) on page 4 and feels it makes shelter facilities sounds like a rehab facility. Chairperson O'Donnal questioned if it is included so that the facility makes it a requirement since a lot of homeless have addictions? Commissioner Cunningham asked why to include it, who is paying for those? Chairperson O'Donnal responded the government pays for those services. Vice-Chair Junion feels it is included as guidance since the residents won't go out and get it on their own.

Ms. Anderson stated "treatment programs" can be removed from the language if that is the desire of the Commission. Chairperson O'Donnal suggested making it broader.

Pastor Hakes added for example in the GVMA's plan, if residents are going to be successful they may need these things, but some may just need a place to stay; they at least have the programs available.

Vice-Chair Junion suggested calling it an "action plan" and Commissioner Hancock added "as needed."

Ms. Anderson suggested rewording the end of A (2) on page 4 to read "...services provided at the facility, and such as training and counseling and treatment programs for residents" and leave at that so people don't think it is a rehab center. Ms. Anderson also suggested the applicant has a pamphlet that they take to surrounding neighbors as outreach to explain their purpose.

Reverend Brady stated the GVMA has a communication plan written out and will go one-on-one to neighbors when their property is identified.

Ms. Anderson clarified it was the Commission’s desire to add as a permitted use in the AR Agriculture Residential district with the addition of language from page 4 A (2).

There was no further discussion regarding shelter facilities in the C-2 Highway Commercial district as presented.

It was motioned by Commissioner Ragland, seconded by Vice-Chair Junion and carried unanimously to recommend the amended text as described above. **MOTION ADOPTED**

Ms. Anderson noted staff will move forward with the public hearing process for the Commission’s next meeting.

6. **PROJECT UPDATES AND ANNOUNCEMENTS:**

- Text amendment for accessory structures (storage sheds) will be brought to the Commission for their recommendation per City Council request.

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

8. **NEXT SCHEDULED MEETING:** November 21, 2019

9. **ADJOURN:** It was motioned by Vice-Chair Junion, seconded by Commissioner Ragland and carried unanimously to adjourn the meeting at 6:53 p.m. **MOTION ADOPTED**

APPROVED:

Tracey O’Donnal, Chairperson
 Planning & Zoning Commission

ATTEST:

Amber Hogle, CMC, Administrative Events Liaison
 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 Thursday, October 17, 2019, and approved at a Planning & Zoning Commission Meeting on November 21, 2019. I further certify the meeting was duly called, held and that a quorum was present.

Date

Amber Hogle, CMC, Administrative Events Liaison



City of Safford, Arizona

Planning and Zoning Commission Staff Report (REVISED)

Meeting Date: October 17, 2019

Subject: Zoning Ordinance Text Amendment Proposals

Department: Planning and Community Development

From: Susan Anderson, Planning and Community Development Director

REQUESTED ACTION: Review and provide comments on proposed text amendments before scheduling a public hearing for the November 21st Planning and Zoning Commission meeting.

BACKGROUND:

At the May 16, 2019 Planning and Zoning Commission meeting, the Commission held a public hearing for a proposed text amendment to add homeless shelters as a conditional use in the C-2 Highway Commercial District, and, to amend the definitions section adding a definition for homeless shelter. At that meeting, the Commission voted to deny the request for a text amendment to the C-2 Highway Commercial District. The applicant subsequently withdrew their text amendment application.

At the August 15, 2019 Planning and Zoning Commission meeting, the Commission heard from Dr. J. A. Phelps during the call to the public regarding allowed uses in the C-2 Highway Commercial District which includes hospitals and clinics for small animals as a permitted use but does not include any provisions for hospitals and clinics for large animals.

At the September 19th Planning and Zoning Commission meeting, the Commission provide staff with direction regarding shelter facilities and hospitals and clinics for large animals.

During this meeting, the Commission requested that staff provide a definition of a shelter facility and draft a proposed text amendment to add shelter facility as a permitted use in the A-R Agricultural Residential District with additional requirements. Currently, shelter facilities are considered a permitted use in the A-R District under Zoning Ordinance Section 17.40.020 H "Hospitals and institutions of an educational, religious, charitable or philanthropic nature,

homes for the aged, convents, nursing home, and convalescent homes provided that any of these uses containing more than ten (10) beds will require the approval of a conditional use permit.” By specifically adding “shelter facilities” as a permitted use will clarify the interpretation that the above code reference does include shelter facilities.

The Commission also requested staff draft a proposed text amendment to add shelter facility as a conditional use in the C-2 Highway Commercial District, and, suggested that specific conditions could be applied. Chairperson O’Donnal did mention that not everyone may agree that shelter facilities should be in the C-2 Highway Commercial District.

Regarding hospitals and clinics for large animals, the Commission requested staff check other jurisdictions and draft a proposed text amendment that defines both hospitals and clinics for small animals and hospitals and clinics for large animals. The Commission also requested that staff draft a proposed text amendment to add hospitals and clinics for both small and large animals as a permitted use in the A-R Agricultural Residential District while also looking at possible setback requirements and minimum acreage requirements. Additionally, the Commission requested that hospitals and clinics for large animals be added to the C-2 Highway Commercial District as a conditional use. Currently, hospitals and clinics for small animals is a permitted use in the C-2 Highway Commercial District.

During the September 20, 2019 City Council Work Session, staff informed the Council on the previous night’s Commission discussions regarding hospitals and clinics for large animals and shelter facilities.

RECOMMENDATION:

Regarding the text amendment requests, staff is providing the following:

Hospitals and clinics for small and large animals

Definitions (Zoning Ordinance Section 17.08.040)

A hospital and clinic for small animals means a facility for the diagnosis, medical, and, surgical treatment of small animals and household pets by a licensed Doctor of Veterinary Medicine, along with the boarding of such animals limited to short-term care related to the medical or surgical treatment. For the purpose of these regulations, small animals shall be deemed to be dogs, cats, rabbits, poultry, as well as, other small mammals, birds and reptiles that are kept as pets.

A hospital and clinic for large animals means a facility for the diagnosis, medical, and, surgical treatment of large animals and livestock by a licensed Doctor of Veterinary Medicine, along with the boarding of such animals limited to short-term care related to the medical or surgical

treatment. For the purpose of these regulations, large animals and livestock shall be deemed to be cattle, equine, sheep, goats, ostriches, emus, swine, and, other large mammals.

A-R Agricultural Residential District (Zoning Ordinance Section 17.40.020)

Add as a permitted use “hospital and clinic for small animals.”

Add as a permitted use “hospital and clinic for large animals, provided that barns and corrals for the short-term care related to the medical or surgical treatment of large animals are allowed only within the rear third of the property, and, shall be set back a minimum distance of not less than forty (40) feet from any residential dwelling.”

C-2 Highway Commercial District (Zoning Ordinance Section 17.52.020)

Add “hospital and clinic for large animals, subject to the approval of a conditional use permit. Barns and corrals for the short-term care related to the medical or surgical treatment of large animals are allowed only within the rear third of the property, and, shall be set back a minimum distance of not less than forty (40) feet from any residential dwelling.”

Shelter facility

Definitions (Zoning Ordinance Section 17.08.040)

A shelter facility means a supervised publicly or privately operated shelter designed to provide temporary housing accommodations to indigent, needy, homeless or transient persons or families who lack a fixed, regular, and adequate nighttime residence. The shelter facility may also provide ancillary services such as counseling or vocational training.

A-R Agricultural Residential District (Zoning Ordinance Section 17.40.020)

Add as a permitted use “shelter facility subject to the following limitations:

On-site management and on-site security shall be provided during hours when the shelter facility is in operation.

The shelter facility shall house no more than 15 persons.

~~Any outdoor facilities associated with the shelter facility shall be designed to provide security for residents, visitors, employees and the surrounding area.~~

No such shelter facility shall be located on a lot that is within one thousand (~~1,000~~ 1,320) feet of the lot of another shelter facility.”

C-2 Highway Commercial District (Zoning Ordinance Section 17.52.020)

Add shelter facility, subject to the approval of a conditional use permit, and, subject to the following limitations:

A. The agency or organization operating the shelter facility shall comply with the following requirements:

1. Staff and services shall be provided to assist residents in obtaining permanent shelter and income.

2. The provider shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, security, screening of residents to ensure compatibility with services provided at the facility, and training, counseling, and treatment programs for residents.

3. On-site management and on-site security shall be provided during hours when the shelter facility is in operation.

4. The shelter facility shall house no more than 15 persons.

~~Any outdoor facilities associated with the shelter facility shall be designed to provide security for residents, visitors, employees and the surrounding area.~~

B. No such shelter facility shall be located on a lot that is within one thousand (~~1,000~~ 1,320) feet of the lot of another shelter facility.

C. When adjacent to a residential zoning district, a minimum 20 foot rear yard setback shall be maintained.

D. The shelter facility shall maintain good standing with City and/or State licenses for the owner(s), operator(s), and/or staff on the proposed shelter facility.

Below is an explanation of the conditional use process.

Section 17.12.205 of the Zoning Ordinance provides guidelines for issuing conditional use permits. Conditional use permits are treated like a rezoning of property, are site specific, and are issued by the City Council. Conditional use permits are first reviewed by the Planning and Zoning Commission at a public hearing. The Planning and Zoning Commission then provides the City Council with a recommendation. Specific conditions may be recommended to City Council

by the Planning and Zoning Commission. The City Council may also include additional conditions.

A conditional use permit may be revocable, may be granted for a limited time period, or may be granted subject to conditions the City Council may prescribe. Conditions may include, but shall not be limited to, drainage, buffers, fences/walls, landscaping, street dedications and improvements, location of site access, signs, hours of operation, a development schedule and such other conditions as the City Council may deem necessary to insure the compatibility of the use with surrounding development and uses and to preserve public health, safety and welfare.

ATTACHMENTS: Zoning District map