

**CITY OF SAFFORD
PLANNING AND ZONING COMMISSION MEETING
THURSDAY, MARCH 27, 2008 – 5:30 P.M.
PHELPS DODGE ROOM - LIBRARY
800 S. 7th AVENUE, SAFFORD, ARIZONA**

“The mission of the City of Safford is to make Safford a great place to live, work, and visit”

1. **CALL TO ORDER:** Chairman Tuttle called the meeting to order at 5:35 p.m.
2. **ROLL CALL:** Chairman Tuttle stated that the Commission did have a quorum but requested to have the roll call later in the meeting.

CITY STAFF PRESENT: Pete Stasiak, Community Development Director; Sandra Findley, Administrative Assistant; Dustin Welker, Planner/Downtown Coordinator and Randy Petty, City Engineer.

VISITORS: Tom Palmer, Robert Bermudez, Michael Thompson, B. Bermudez, David Jones, Chris Jones and Alan Biffo.

3. **PUBLIC COMMENT ON AGENDA:**

Chairman Tuttle stated that he has two requests to address the Commission that will be heard when the item is addressed on the agenda.

4. **MINUTES:**

Review and approval of minutes of the March 13, 2008 Planning and Zoning Commission Meeting. It was moved by Vice Chair Fowler, seconded by Commissioner Cervantez, and carried unanimously (4-3 absent) to approve the Minutes of March 13, 2008.

MOTION APPROVED

5. **PLANNING AND ZONING CASES:**

5.1 Case Z-03-08; Robert Bermudez Property Application to rezone (zoning amendment) approximately 8 acres located generally south of 20th Street and east of Safford Cota Ranch. Property is located beginning SW corner of the NE quarter of the NW quarter of section 20, township 7 south, range 26 east, Graham County, Arizona (parcel number 103-08-031.) The applicant is requesting a rezoning from A-R (Agricultural) to a PUD (Planned Unit Development) for the purpose of developing a residential townhome development. The intent is to develop a maximum of 70 one and two-story attached townhome units, ranging in size from 1100 to 1800 square feet. Each unit would have a two-car attached garage. The project will include the required minimum of 10% common landscaped open space.

Mr. Stasiak stated that the application was to rezone a seven acre parcel to a PUD (Planned Unit Development) which allowed ten townhome units per acre and with the common space there will be approximately 60 one and two story units. He referred to the map indicating the location of the parcel. He explained that the parcel was previously owned by Dr. Rath. Mr. Heavy Owens was building a subdivision adjacent to the property which resulted in the sewer backing up from Relation Street. He added that the City made an Agreement with Dr. Rath in 1995 for 20' of right of way down the canal and along the back of the property to alleviate the sewer problem. He explained that within the 20' right of way are sewer, water and gas lines. He stated that the City also acquired a 30' right of way from the LDS Church for access to the property. He pointed out the different properties that surrounded the parcel stating that at this time we were here for a rezone, but that the developer has a map and a conceptual drawing of the plan for the townhomes. He asked Mr. Bermudez and Mr. Palmer to address the Commission.

Mr. Bermudez said he feels the location of the townhomes would be ideal for the 55 plus (age) market. He presented pictures that he had taken of the properties surrounding the parcel.

Chairman Tuttle asked if the road along the west side of the LDS Church property is being used by anyone for access (no).

Mr. Palmer explained that they had presented their plan to the Development Review Committee which was attended by representatives from the police and fire departments and also the school district and had received positive feedback. He presented an aerial map that showed the surrounding properties and zonings of each of them. He also presented a map of the roads and easements that would be within and around the development. He explained that the garages will be hidden in the back of the homes with the front of the homes and porches facing the street and sidewalk. He added that an alley in the back of the homes would provide access to the garages. He stated that the homes will be two or three units attached to each other with common open space which along with the alleys would be maintained by the HOA. The streets will be public streets owned and maintained by the City. He presented a conceptual drawing of the townhomes and added that there will be 55-61 units on the seven acre parcel.

Commissioner Overstreet confirmed that the alley and open space will be maintained by the HOA and the paved streets will be owned and maintained by the City (yes).

Chairman Tuttle asked if the height of the homes will be within the 30' maximum ordinance (yes).

Chairman Tuttle stated that the PUD allows 10 units per acre and asked how many Cota Ranch had per acre. Mr. Stasiak stated around six to six and one half homes per acre. Chairman Tuttle stated that several developments were planned for the area and asked if there were plans to alleviate traffic problems with a traffic light at the intersection of 20th Street and Hwy 191. Mr.

Petty stated that this development warrants a traffic impact analysis study since it is over 50 homes. Mr. Stasiak explained that the study would evaluate a traffic light requirement.

Commissioner Overstreet asked if the LDS Church has expressed any concerns with development (no). He explained that there was a lot of traffic in and out of the church and that the property was in a close proximity and could cause a traffic flow problem at times. He expressed his concern with city limit agricultural areas being taken away. Mr. Stasiak stated that part of the General Plan Land Use Map that was passed in 2004 refers to use of land within the city limits and utilizing that land to the best interest of the city.

Vice Chair Fowler apologized for being late to the meeting and asked for clarification regarding access to the property. Mr. Stasiak stated it is on the east side of the LDS Church. Vice Chair Fowler asked if that would align with the street leading into the subdivision across 20th Street (no). He asked who owns the property between this parcel and the LDS Church (LDS Church owns it). He asked what the street size will be into the development. Mr. Stasiak stated 50' right of way with 40' back of curb which is the normal size street for the City. Vice Chair Fowler asked if it will include sidewalks. Mr. Stasiak explained that the developer will install curbs, gutters and sidewalks within the subdivision. He added that due to the Agreement that was made between the City and Dr. Rath it is the City's responsibility from the edge of the property back to the street to build to the same standards as always. He added that sidewalks will be recommended. Mr. Stasiak explained the Agreement to Vice Chair Fowler who was absent during the first explanation. He added that in May of 2000 the City acquired another 30' right of way from the LDS Church which made a 50' right of way. Chairman Tuttle added that nothing can be built there except a road or to just leave it open (yes).

Chairman Tuttle asked Michael Thompson to address the Commission. Mr. Thompson stated that he represents the Tolman's who own one of the biggest homes in the area. He stated that he supports what Commissioner Overstreet has spoken about earlier regarding the agricultural property within the city limits being used up and also the traffic concerns that the development will bring for 20th Street and Hwy 191. He explained that if the rezone was for homes instead of a PUD for townhomes he would not object as there are established homes surrounding the parcel. He explained that the added number of people and traffic are too high for the area.

Chairman Tuttle stated that a letter had been received from the Tolman's when the developer wanted to build apartments and asked Mr. Thompson how the Tolman's felt about the new proposed development of townhomes. Mr. Thompson explained that Mr. Tolman is a businessman and is for progress, but for proper progress and he does not feel a PUD zoning is correct for this small parcel.

Chairman Tuttle asked what density the current zoning of AR (Agricultural) allowed (one acre parcels minimum) and what a R1-10 zoning would allow (10,000 sq ft).

Chairman Tuttle asked Baltazar Bermudez to address the Commission. Mr. Bermudez explained that he lives on 1st Avenue which is already too crowded so he has to use 20th to access his property. He also stated that all of the tumbleweeds in the pictures belong to the developer.

Chairman Tuttle asked David Jones to address the Commission. Mr. Jones stated that he has looked at the long range zonings that were in place about six years ago and the City wanted to put commercial zoning as far down on Hwy 191 as possible. He explained that there is a group of people on Hwy 191 from Graveyard Wash almost to 20th Street that own agricultural rural homes that comply to no more than one house per acre. He stated that the seven acres is sitting on the northwest corner of agricultural developed properties. He said six years ago the City's plan was for this area to remain agricultural. He expressed that he felt the area should remain long range agricultural and Mr. Bermudez could use his property for this type of home development. He added if the City wants to change the density to (example) R1-10 that would be reasonable for the area. He stated that a PUD would cause problems for his property which butts up to this parcel. He asked the Commission to take another look at the long range plans that have been made and changes that are being proposed and stay within the long range agricultural residential plans that should remain in place for that area. He requested that the Commission not allow a high density development among the long established properties in this area.

Chairman Tuttle asked Chris Jones to address the Commission. Ms. Jones stated that she owns the property directly south of the parcel and bought it when it was in the county, the property was then annexed into the City with their understanding that it would remain an agricultural zoning as she has a dog kennel. She stated that surrounding property owners have tried to break up their parcels, but they have always been told that could not be done, it must remain one acre per home. She explained that the current one acre per home should be maintained as they will be discriminated against if not.

Chairman Tuttle asked if the Land Use Map as designated by the General Plan was available. Mr. Stasiak asked for a five minute break to retrieve the map (6:25 p.m.)

Chairman Tuttle reconvened the meeting (6:33 p.m.). He stated that upon review of the 2004 General Plan Land Use Map the land use designation for this property is for low density residential which limits the density to a maximum of half acre lots, the current zoning limits it to one dwelling per acre.

Commissioner Hoopes asked for clarification on the AR designation. He said that he has seen rural residential of one acre minimum and low density of one half acre minimum so all could be AR and this is just the General Plan designation, but is there only one AR zoning (yes). Chairman Tuttle stated that the land use is a guideline and the land use may include multiple zonings within that land use but the density of the zoning cannot exceed what the land use says

without going before the Commission. He explained that the Commission needs to think about increasing the zoning that will increase the density over what has been designated. Mr. Stasiak explained that this falls under what is called a Minor Plan Amendment because it involves less than 20 acres and changes can be made to the Land Use Map. Commissioner Hoopes asked for clarification of a Minor Plan Amendment. Mr. Stasiak stated that a Major Plan Amendment is for 20 or more acres and involves submitting an amendment application in April that is reviewed in October. A Minor Plan Amendment states that the Commission and Council can make small changes to the map. Commissioner Hoopes asked if a Minor Plan Amendment would need to be recommended for the rezone to be considered. Mr. Stasiak explained that the Minor Plan Amendment in this case would just fall under the rezone.

Mr. Stasiak stated that he would like to try to give the Commission a perspective of the proposed development. He said that the Pinaleno Foothills Apartments off of 26th Street are built on approximately seven acres with 64 units so it was comparable to the development being discussed. He added that because the development is over 50 units a traffic analysis is required and that many of the streets within the city are becoming congested therefore a complete transportation analysis of the entire city was done. He added that as a result of the analysis, improvements over the next 20 years are estimated at \$37 million. He further explained that ADOT has plans for a bypass for Hwy 191 using Welker Lane, Barney Lane or Montierth Lane and Hwy 191 will become 1st Avenue. He explained that may not happen for 10 to 15 years and the point is that those traffic issues are not what the Commission is here to decide at this meeting. He explained that the Commission's purpose for this meeting is to decide if this is a proper use for this particular piece of property.

Mr. Stasiak stated that Staff, along with the fire and police departments, the utilities division and private individuals have studied the area and it was the unanimous decision of the Development Review Committee to recommend approval of the rezone. He added that it was Staff's recommendation to Mr. Bermudez to rezone the property to a PUD as he did not want the possibility for future apartment buildings and they are not allowed under the PUD zoning.

Chairman Tuttle asked Commissioner Hoopes if he was present at the Development Review Committee meeting when this was discussed (yes) and if he had any input that came from that meeting. Commissioner Hoopes stated that the Committee discussed the fact that there would be much less density with the townhomes than there would have been with apartments. He added that the police and fire departments look at different issues such as adequate road widths and ingress to the property, not if the rezone is correct or not correct based on the general plan; they are looking at if there are concerns with the technical aspects to bring to the Commission.

Vice Chair Fowler stated that he felt the property should be developed in some way, but it would be nice if it were developed in a lower density manner to stay consistent with surrounding properties.

Chairman Tuttle stated that the dilemma is the right of a person to own a property and build a home on it versus taking the property and making the maximum profit by developing it.

Commissioner Overstreet stated he did not have a problem with the development but he did with the density and he would like to stay consistent with the land use that has been designated. He explained that the parcel was only approximately one quarter acre and he would prefer to see that it was left as the land map states or that the density is changed to half or quarter acre lots.

Chairman Tuttle explained that west of this property was rezoned R1-6 and it does butt up to this property so he feels that type of density would be allowable on this parcel also which could be a compromise.

It was moved by Vice Chair Fowler, seconded by Commissioner Overstreet to deny the request as presented for the application to rezone (zoning amendment) approximately 8 acres located generally south of 20th Street and east of Safford Cota Ranch. Property is located beginning SW corner of the NE quarter of the NW quarter of section 20, township 7 south, range 26 east, Graham County, Arizona (parcel number 103-08-031.) The applicant is requesting a rezoning from A-R (Agricultural) to a PUD (Planned Unit Development) for the purpose of developing a residential townhome development. The intent is to develop a maximum of 70 one and two-story attached townhome units, ranging in size from 1100 to 1800 square feet. Each unit would have a two-car attached garage. The project will include the required minimum of 10% common landscaped open space.

Chairman Tuttle asked for a roll call vote on the motion because of the extensive discussion that had taken place.

AYES: (4) Dr. Ray Tuttle, Chairman; Gene Fowler, Vice-Chairman; Commission Members, Dalton Overstreet, and Gherald Hoopes.

NAYES: (1) Commission Member, Patricia Cervantez.

ABSENT: (2) Commission Members, Jim Moser and E.C. "Buff" Cunningham

Motion denied 4 -1 with 2 absent.

MOTION DENIED

DISCUSSION: Commissioner Overstreet asked if the request will go before the Council after the Commission has denied it. Mr. Palmer addressed the Commission and asked for clarification regarding the request to the Council. Mr. Stasiak stated that the developer may take the request to the Council with an unfavorable motion from the Planning and Zoning Commission if he so desires.

Mr. Stasiak asked for item number two on the agenda (roll call) to be addressed at this time

MEMBERS PRESENT: Dr. Ray Tuttle, Chairman; Gene Fowler, Vice-Chairman (5:55 p.m.)
Commission Members: Patricia Cervantez, Gherald Hoopes, and Dalton Overstreet.

MEMBERS ABSENT: Commissioners Jim Moser and E.C. "Buff" Cunningham.

5.2 Project Updates: None

6. **CALL TO THE PUBLIC:** None
7. **NEXT SCHEDULED MEETING:** April 10, 2008
8. **ANNOUNCEMENTS:** None
9. **ADJOURN:** The meeting adjourned at 6:55 p.m.

APPROVED:

Ray Tuttle, Chairman
Planning and Zoning Commission

ATTEST:

Sandy Findley, Administrative Assistant