

**CITY OF SAFFORD
PLANNING AND ZONING COMMISSION MEETING
THURSDAY SEPTEMBER 25, 2008 – 5:30 P.M.
CITY OF SAFFORD ANNEX COMMUNITY ROOM
800 8th 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 5:30 p.m.

2. **ROLL CALL:**

MEMBERS PRESENT: Dr. Ray Tuttle, Chairman; Gene Fowler, Vice-Chairman; Commission Members: Jim Moser, Patricia Cervantez, Gherald Hoopes, E.C. “Buff” Cunningham and Dalton Overstreet.

MEMBERS ABSENT: None

CITY STAFF PRESENT: Peter Stasiak, Community Development Director; Dustin Welker, Planner/Downtown Coordinator and Sandra Findley, Administrative Assistant.

VISITORS: Jane Dugan, Randa McKinney, Heavy Owens, Stacey Kempton, Joe and Nina Carpenter and other guests that did not sign in.

3. **PUBLIC COMMENT ON AGENDA:** Ms. Stacy Kempton regarding Case Z-10-08: Libra Enterprises LLC Conditional Use Permit and will be heard when the agenda item is discussed.

4. **MINUTES:**

Review and approval of minutes of the August 28, 2008 Planning and Zoning Commission Meeting. Vice Chair Fowler stated that Don Knight’s name was misspelled on page one. He also questioned the last sentence on page four, paragraph four, that states the drainage plan is an ordinance to be approved by the City Engineer. Mr. Stasiak explained that the minutes were properly stated. Commissioner Cervantez noted that corrections should be made to the minutes that incorrectly title Commissioners as Chairman. It was moved by Commissioner Hoopes, seconded by Vice Chair Fowler and carried unanimously (7 – 7 present) to approve the Minutes of August 28, 2008 with the above noted corrections.

MOTION APPROVED

5. **DEVELOPMENT REVIEW COMMITTEE MINUTES:**

There were no comments to the minutes of the September 22, 2008 Development Review Committee Meeting.

6. **PLANNING AND ZONING CASES:**

6.1. Case Z-09-08: Heavy Owens; (Tierra Bonita II) Request for Variance: Application for a request for variance for side set-backs on the corner lots adjacent to 26th Street in Tierra Bonita II, lots include: 1, 20, 21, 40, 41 and 60. Current setbacks from 26th Street include a 5' sidewalk, 8' of right of way, and a 15' setback from the side per municipal code requirements. Mr. Owens is requesting a variance for the 15' side set back to a 10' side set back on corner lots which would reduce the total 28' of setbacks from 26th street to 23'. Mr. Owens is requesting the setback to accommodate larger homes on the 26th Street frontage properties. This property is located north of 26th Street and west of 8th Avenue.

Mr. Stasiak explained that the ordinance for an R1-6 subdivision such as Tierra Bonita II states that a corner lot must have a 15' side setback for visibility. He stated that Mr. Owens is requesting a variance from the 15' side setback to a 10' side setback. Mr. Stasiak stated that the City ordinances have conflicting statements in the code and presented the following from the City Zoning Code:

Title 17.12.100 Clear view of intersecting streets – In all zones which require a front yard, no obstruction which will obscure the view of automobile drives shall be placed on any corner lot within a triangular area formed by the street property lines and line connection them at points thirty-five (35) feet from the intersection of the street lines. (Ord. 96-347 § 1(11-3-10))

Mr. Stasiak referred to an attached drawing from Chief Building Inspector Joe Dominguez with representation of a house sitting 10' and 15' back from the property line and clearly maintaining the required line of vision of 35' in both cases. Mr. Stasiak stated that this occurs in other instances throughout the community and that the 35' line of vision has been the rule that has been followed. Vice Chair Fowler asked for clarification on the measurements and Mr. Stasiak stated the measurements were taken from the center of the street along with the right of ways and sidewalks. Vice Chair Fowler asked if the plans for the homes were side setbacks (yes).

Mr. Owens addressed the Commission and explained that they were requesting the variance to attract a higher end market due to the strict demands on the housing industry at this time. He explained that many entry level market applicants cannot qualify for the loan and down payment requirements that have been imposed causing a hardship for his home sales which are only three to date. He further explained that they would like to put their model homes on these lots that would include the corner lot for the most exposure to the 26th Street general population. He stated that the hardship they are dealing with at this location is the need to put their "best foot forward" enabling them to sell homes. He said they would appreciate the variance and that clear site

visibility has always been a priority and there will be no site obscuring at this location either in or out of the subdivision.

Chairman Tuttle asked if a model home will be built on one of the lots. Ms. McKinney stated that was correct and that she would like to be able to put any of their plans on any lot. Commissioner Cunningham asked if model homes will be built on all six lots (no). Chairman Tuttle asked if this variance will only apply to those six lots (yes). Commissioner Moser asked if side walls will be six foot high. Ms. McKinney explained that the six foot walls will be in the back of the house with the height dropping down in the front of the house for traffic site visibility.

Mr. Stasiak said the Development Review Committee recommended that there be a six foot wall around the back yard and that the wall would not be higher than three foot at the front of the house and that the garages be on the north side of the lots to prevent backing out into an intersection. He explained that the inconsistency in the City codes warranted the variance as one part of the code states that you must have 15' setbacks, but another part of the code states that you must have 35' site visibility, which is what has been used throughout other parts of the community.

Commissioner Moser asked if the request will go before the Council (yes).

It was moved by Commissioner Moser, seconded by Vice Chair Fowler and carried unanimously (7-7 present) to approve Case Z-09-08, a request for variance for side set-backs on the corner lots adjacent to 26th Street in Tierra Bonita II, lots include: 1, 20, 21, 40, 41 and 60. Current setbacks from 26th Street include a 5' sidewalk, 8' of right of way, and a 15' setback from the side per municipal code requirements. Mr. Owens is requesting a variance for the 15' side set back to a 10' side set back on corner lots which would reduce the total 28' of setbacks from 26th street to 23'. Mr. Owens is requesting the setback to accommodate larger homes on the 26th Street frontage properties. This property is located north of 26th Street and west of 8th Avenue.

MOTION APPROVED

Mr. Stasiak asked that the minutes reflect that staff recommends stipulating that the garages be on the north side of the property and that the wall from the back yard to the front yard be no higher than three feet. There was no opposition to the recommendation from the Commission.

6.2 Case Z-10-08: Libra Enterprises LLC Conditional Use Permit: Application for a request for a Conditional Use Permit for the use of a residential structure in a R1-10 (Single Family Residential) zone. Applicant is requesting a Conditional Use Permit to use the structure as an Adult Assisted Living Facility. The Maximum number of residents in the facility would be 10 and would be serviced by certified employees and overseen by a licensed professional in assisted living care. The property location is 1680 Relation Street, Safford, AZ, parcel number 101-20-005c.

Mr. Welker explained that Bill Struckman was the home builder and that Joe and Nina Carpenter are interested in buying the property to use as an assisted living facility. He stated that there would be eight residents instead of ten as stated in the advertisement and that the structure has four bedrooms so a maximum of two residents per room. He said there would be two or three employees during the day and one at night unless there were special needs. Mr. Welker said the concerns that came from the Development Review Committee meeting were parking which will be limited in front after widening of Relation Street and that there could be some concerns with the planned developments to the north of the property. Mr. Welker said that there is a need for an adult assisted living facility within the community. He stated that the house would be brought to ADA standards which would be monitored by the City's Chief Building Inspector, Joe Dominguez. Mr. Welker stated that there had been no opposition from the community up until this point, but there were citizens in the audience that would like to address the Commission followed by comments from Nina Carpenter.

Chairman Tuttle asked what the lot size was and asked if parking could be addressed somewhere other than the front of the property. Mr. Carpenter said the lot was almost $\frac{1}{2}$ acre and that the east side of the property could be used for seven or eight cars. Mr. Stasiak stated that the house has a three car garage with three additional parking spaces on the driveway to accommodate a total of approximately six cars.

Vice Chair Fowler asked if the City has the right of way for the street expansion on Relation Street in front of this property (no). Commissioner Overstreet stated that there were survey markings on the side of the street indicating the widening project. He stated that he did not think the facility should be in that specific area but that he had spoken with La Wynn Brown regarding her existing facility and he feels there will not be a parking issue. He asked Ms. Carpenter what the plans were for remodeling the home. Ms. Carpenter explained that she would like to keep residents to a maximum of eight and she will enclose the garage for a common area and add another handicap accessible bathroom and use the fourth bedroom as an office. Commissioner Overstreet asked how many care givers were required and if there will be anyone living on the premises. Ms. Carpenter explained that it takes five employees for a 24 hour shift and that no one will live there on a permanent basis.

Mr. Tuttle asked Ms. Stacy Kempton for her comments. Ms. Kempton asked how many cars will be parked at the site daily. Ms. Carpenter stated approximately three per day. Ms. Kempton stated that if the garage is enclosed there will be room for only three in the driveway. Ms. Carpenter explained other parking will be on the side of the home that would accommodate approximately six cars. Ms. Kempton explained that she was not necessarily against this project, but that the other projects have been planned as well and promises have been made to improve Relation Street and she is frustrated that the improvement plan keeps taking a back seat to other projects. Chairman Tuttle stated that he understood that Relation Street would be improved as a shared cost with the City as the property was developed. Mr. Stasiak explained that the developer would be responsible for the turning radius into the subdivision but that Relation Street would be the

responsibility of the City. He added that the City is looking at two ways to fund the improvement; one would be that the developer would widen and improve the street in front of their property and the other would be to adopt a transportation impact fee to be used for roadways that would be an additional fee when a building permit was purchased. He added that \$37 million worth of transportation improvements are required for the City within the next twenty years and Relation Street was one of the top five on the list. He added that the City did not have the money for the improvements at this time.

A citizen from the audience asked how this project will affect the value of their property. Mr. Stasiak stated that he was not qualified to answer that question, but that in his opinion the facility will be a quiet environment with residents keeping indoors and to themselves. Commissioner Cervantez stated that she had lived near this type of facility and did not even know that it was there until she required a need for it. She added that it is a very quiet environment with little traffic and no parking problems.

Ms. Kempton asked if the property will be landscaped (yes) and what will happen if the property is sold. Chairman Tuttle stated that a Conditional Use Permit would only apply to the current owner and is good for one year and if it is not developed according to plan a reapplication procedure would be required.

Commissioner Overstreet stated that he understood that the City was responsible for improvements on Relations Street and would like to see it as one of the first projects.

Commissioner Moser explained that he did not think this Conditional Use Permit would cause a traffic impact and that the proposal was practically residential in nature. He feels it will be a win situation for all as the property will be improved with landscape features.

It was moved by Commissioner Hoopes, seconded by Commissioner Cervantez and carried unanimously (7-7 present) to accept Case Z-10-08, a request for a Conditional Use Permit for the use of a residential structure in a R1-10 (Single Family Residential) zone. Applicant is requesting a Conditional Use Permit to use the structure as an Adult Assisted Living Facility. The Maximum number of residents in the facility would be 10 and would be serviced by certified employees and overseen by a licensed professional in assisted living care. The property location is 1680 Relation Street, Safford, AZ, parcel number 101-20-005c.

Mr. Welker explained that the Commission has authority to make stipulations to the Conditional Use Permit and staff feels the following should be specified:

- Maximum of eight residents and if the number should ever increase it would come before the Commission for acceptance.
- Back and front yards should be fenced.
- Stipulate that the Commission accepts the garage conversion.
- No signage for the business on the property.

- Extra parking will be to the back of the property which should have a non-dust type of material covering the area.

It was moved by Commissioner Hoopes, seconded by Commissioner Cervantez and approved unanimously (7-7 present) that his motion would include the above mentioned stipulations.

MOTION APPROVED

6.3 Project Updates:

Mr. Stasiak explained that he would like inform Ms. Kempton and Commissioner Overstreet of the plans from the City Capital Improvement Plan. He stated that the number one street improvement plan is Hollywood Road which is in the beginning stages now and upon its completion Relation Street will be the next project and that the number three project will be a traffic signal at Relation Street and 20th Avenue.

Mr. Stasiak gave the following updates:

- Stone Willow Subdivision is submitting their engineering cost to the City for bonding and will go forward with the 64 manufactured housing units.
- Casa Dorada Apartments has been issued an “At Risk Grading Permit”, drainage plans have been approved by the City Engineer and an outside contractor has been secured to reroute the power line that goes through property.
- The townhome project at 8th Avenue and 10th Street is moving forward and will have federal and state subsidies for down payment and closing costs to assist new home buyers.
- Motel 6/Holiday Inn Express site and civil plans and soils and drainage reports have been received and should be reviewed within two weeks for building permits for both hotels to be issued in October if all plans are in order.

Vice Chair Fowler asked who is responsible for the cost to move the power line at the Casa Dorada Apartments. Mr. Stasiak explained that it is the responsibility of the land owner.

Vice Chair Fowler asked if there was any information regarding the Hampton Inn. Mr. Welker stated from calls he has received it seems they are still working on their financing.

7. **CALL TO THE PUBLIC:** None
8. **NEXT SCHEDULED MEETING:** October 9, 2008
9. **ANNOUNCEMENTS:** None
10. **ADJOURN:** The meeting adjourned at 6:26 p.m.

APPROVED:

Ray Tuttle, Chairman
Planning and Zoning Commission

ATTEST:

Sandy Findley, Administrative Assistant