



## PLANNING AND ZONING COMMISSION MEETING

LIBRARY PROGRAM ROOM  
808 S 7<sup>th</sup> AVENUE, SAFFORD  
THURSDAY, MAY 16, 2019  
5:30 PM

### MINUTE RECORD

**COMMISSIONERS PRESENT:** Gene Fowler, Chairman; Diane Junion, Vice-Chair; James F. Moser, Commissioner; E.C. "Buff" Cunningham III, Commissioner; John Q. Figueroa, Commissioner; Tracey O'Donnal, Commissioner; Jerry Hancock, Commissioner

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

**OTHERS PRESENT:** Maryna Abakshyna, Vaughn Grant, Linda Taylor, Mel Taylor, Tom Johnson, Judy Persson, Robert Persson, Susan D. Elsberry, Rock & Glenna Clonts, David Hakes, Mark Gherna, Jane Villalba, Alicia Tolman, Devin Scott Gillespie, Ron Tolman, Robin Dutt, Tom Elms, Sue Ciancimino, Tom Sanders, Laura Tolman, Derek Kruger, Atella L. Scott, Judith Warren, Cindy Woodman, Jan Napier, Ogonna Sally, Joyce Allred, Span Allred, Paul R. David, David Sowders, Coralee Allen, Marty Allred, and others who did not sign in

1. **WELCOME AND CALL TO ORDER:** Chairman Fowler called the meeting to order at 5:33 p.m.
2. **ROLL CALL:** All Commissioners were present. Chairman Fowler welcomed Commissioner Hancock as the newest appointed Commissioner and Susan Anderson as the City's new Planning & Community Development Director.
3. **SELECTION OF CHAIR AND VICE CHAIR:** It was motioned by Commissioner O'Donnal, seconded by Commissioner Moser, and carried unanimously to reappoint Gene Fowler as Chairman of the Planning and Zoning Commission. **MOTION ADOPTED**

It was motioned by Commissioner O'Donnal, seconded by Chairman Fowler, and carried unanimously to reappoint Diane Junion as Vice-Chair of the Planning and Zoning Commission.

**MOTION ADOPTED**

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

5. **PUBLIC HEARING:** Chairman Fowler closed the regular meeting and opened a Public Hearing to hear comments from the public regarding a text amendment request.

- 5.1 **Text Amendment:** A request has been received to amend the permitted uses in the C-2 Highway Commercial District, adding homeless shelters as a conditional use, and, to amend the definitions section adding a definition for homeless shelter. Final comments from the public will be heard prior to giving a recommendation to the Safford City Council.

Ms. Anderson introduced the proposed text amendment and noted the Commission will need to make a recommendation to be presented at the City Council's June 10, 2019 meeting. Ms. Anderson referred to the zoning maps and presentation, attached. Ms. Anderson noted City staff is recommending denial of this request for a text amendment to add shelter facility to the C-2 Highway Commercial Zoning District. We do not consider this to be the highest and best use for properties in this district due to the fact that this type of use is not in line with typical highway commercial uses such as retail, office, service, restaurant and hotel businesses. Properties located in the C-2 Highway Commercial District generally have the highest property valuation in the city and generate substantial sales taxes. As stated in the purpose section of the C-2 Highway Commercial District, "this district encourages heavier commercial establishments intended for highway locations." The Safford General Plan recommends supporting opportunities for Commercial Highway Corridor development that considers the unique economic development potential of each highway. Additionally, there are safety concerns with having a shelter facility located on or near a five-lane highway. Based on the above reasons, staff does not recommend adding shelter facility as a conditional use in the C-2 Highway Commercial Zoning District.

Ms. Anderson explained this is a two-step process: The zoning ordinance will need to be changed to allow this use as a conditional use, then if Council approves, the applicant will fill out a conditional use permit application, which will also come before the Planning and Zoning Commission and City Council. Tonight's item is just for the text amendment, not a site-specific location. If approved, any C-2 Highway Commercial area would be allowed to have a shelter facility with an approved conditional use permit.

**Vaughn Grant, representing Gila Valley Ministerial Association (GVMA):** Mr. Grant was not aware he would be doing a presentation at tonight's meeting. He stated the GVMA is "not going in to this with blinders." The GVMA is a mixture of lots of churches from the community. They have toured other shelters in Flagstaff and Bisbee (similar to size for Safford), they have a laid-out plan that they will bring to the City Council meeting. Currently every 4<sup>th</sup> Sunday the GVMA serves a meal to the homeless population of 20-30 at Firth Park. Half of the local homeless population is there because they want to be. A fourth are there due to mental situations, and the other fourth are legitimately homeless. A previous doctor's office has been donated to the GVMA (Dr. Patel's old office) for use of a homeless shelter. The GVMA thinks something needs to be done so they are supporting this. The building could hold 8-12 people with a place to sleep, shower, and get back on their feet. There are rules on allowable time spent at the facility which will encourage the individual to get back on their feet. Mr. Grant added the Gila Valley Samaritan Home is in the process of getting their 501C3 and their organization would take over operation of the shelter. The Bisbee location has been in operation for over 30 years (it is a small location, but a little larger than the one proposed here). Mr. Grant stated

from a business standpoint, he likes that this is a conditional use situation because the City Council has to approve by location and can deny it. The GVMA has reached out to nearby neighbors and the next-door neighbor wants a privacy fence put in. The GVMA knows something needs to be done to open a shelter facility.

Commissioner O'Donnal inquired how many shelters are in our valley? Mr. Grant replied none. He did note the Safe House is available, but it only caters to women.

Chairman Fowler inquired about the shelter that used to be located on Lonestar? Mr. Grant replied that facility is not really a homeless shelter or designed for it. There is a half dozen long term individuals that do go there for help, however there are no rules or regulations being followed to his knowledge.

Commissioner O'Donnal asked Mr. Grant to clarify the Gila Valley Samaritan Home? Mr. Grant stated they are approximately one month away from getting their 501C3 established. If people want to donate to the cause, they will be able to use it as a tax write off once the 501C3 is established. The Gila Valley Samaritan Home will operate the homeless shelter which will include a full-time person at the shelter during the day.

Mr. Grant realizes there are those that don't want a shelter next to them but feels this is a decent location for it.

Vice-Chair Junion stated she understands the problem cannot be ignored. She asked for clarification: one-fourth of the current homeless population wants help, fifty percent doesn't want help, can they keep coming back to the shelter? Mr. Grant said if the shelter cannot help them, "that is it." There are other opportunities to provide something more long term for those individuals to help make them the best they can be for this community. It is a scary scene under the bridge; there are a dozen sleeping under the Safford bridge on an average at night. The shelter is going to try to help get them back on their feet; to help them know their benefits (social security, etc). The shelter does not want the recurring ones that doesn't want to help themselves.

Chairman Fowler opened the podium to the public for comments.

**Mel Taylor, Scott Medical Solutions (next door to proposed location):** Mr. Taylor stated C-2 is not conducive of residential use. He feels both descriptions Ms. Anderson read on her presentation were in contradiction. He was concerned about the possibility of hazardous spills that can and have happened in the highway corridors and noted one recently in which a semi tipped over in that vicinity. He agrees with what the GVMA is doing and will help with whatever they need, however feels this location is a bad idea and changing C-2 to allow residential is not a good use of the zoning.

Chairman Fowler asked Ms. Anderson to clarify the zoning to include residential. Ms. Anderson replied currently C-2 only allows living quarters if there is a second story above the business.

**Coralie Allen, Awakening Recovery Center:** Ms. Allen stated there is no reason so far why their business would not approve this. They would work with and provide services to the homeless.

**Tom Sanders:** Mr. Sanders stated he has done homeless outreach in our community and has participated with the GVMA in the past. He mentioned a gentleman that was living by the theatre that he helped get off the street. If there would have been a facility like this then, it would have been a lot easier. Shelter facilities offer education on social security, mental, and substance abuse. He noted another situation he witnessed where a homeless individual was afraid to go to Tucson because it is a big community. Mr. Sanders understands the opposition but has seen firsthand that resources for homeless are nonexistent here. He feels there is nothing to lose; if approved, this will be approved on a site specific, case by case basis. The GVMA has a good plan and is trying to better the community. Mr. Sanders noted the opposition to having the facility on the highway, but stated they are already along the highway now.

**Tom Johnson, Johnson Motors:** Mr. Johnson stated this area is the gateway to the valley, why would you encourage them to be on the highway since they do get hit? He stated he has supported every charity in this valley, but to do in this location is ridiculous.

**Mark Gherna, office on 2<sup>nd</sup> Ave/Hwy:** Mr. Gherna said he was not notified of this. He lives right next to his office and stated lots of crime exists with homeless already in this area. They sleep behind his business or home. He has tried to ask nicely of them to leave, but they won't. He noted the hotel next to this area is full of drugs per the Gila Valley Herald news. He has had to add cameras to his property because it has gotten out of hand and sees it every day.

**Marty Allred, A&A Office Rentals, SW corner of Hwy 70 and 2<sup>nd</sup> Ave:** Mr. Allred is 200-250 feet from the proposed location and wasn't aware of the location until he read it in courier. The GVMA never contacted him. Mr. Gherna has provided Mr. Allred with five articles from local media regarding drug busts have taken place at the Tour Rest motel. He stated homelessness is a complicated problem without an obvious solution. Mr. Allred feels the Planning and Zoning Commission is here to improve property values and thinks this will reduce those. He feels neighbors would leave and sell to make it a bigger homeless shelter. He mentioned nearby businesses that would be affected such as Casa Manana, one of the biggest restaurants in the valley, multiple banks, medical facilities, and offices. Homeless are susceptible to mental illnesses, drugs, financial problems, high cost of housing. A high percentage of homeless are mentally ill and he feels this will be a magnet for homeless when they get to town and there is no way to prevent that even though the GVMA will have rules in place. The highway coming in and out of town is no place for a homeless shelter. Mr. Allred is sympathetic to the homeless problem but feels this is a bad location and does not want across the street from his property.

**Mel Taylor:** Mel Taylor added everyone has made comments that are site specific, but he did not because this hearing was for a text amendment only. He wished to add there is a parking problem near the proposed building and expressed his concern for kids playing in the yard at the facility on the highway. Mr. Taylor stated doctor offices are perceived to have drugs inside, so they would have to increase their security.

Commissioner Moser excused himself from the meeting for a prior engagement at 6:31 p.m.

**Maryna Abakshyna, Dominos Pizza:** Ms. Abakshyna mentioned this location is close to Casa Manana but does not see representation from Casa Manana in the audience. She stated the homeless sleep and pee on her property. Homeless is not just mental problems; she slept in a shelter one night, and the next day she figured out how to go find a job. She stayed in the Safe House for women, however saw a man stay there, so they can help men too. Ms. Abakshyna identified local businesses that need workers. The homeless sleep under the bridge, pee and poop, do you think a shelter will stop this? She noted in San Francisco there are many homeless who go outside and pee and poop at night. Their government tried to get homeless out, but they got a lawyer. Ms. Abakshyna stated she pays a lot of property tax so she has rights too. She likes charity and supporting people, but feels the shelter should be built outside of the city of Safford. Ms. Abakshyna had a friend ask her, “what if they (homeless) need to go to Walmart and don’t have a car?” but Ms. Abakshyna said the shelter has everything they need.

Ms. Anderson noted two letters were received from Susan Elsberry and Ray and Nayda Luster and they will be entered in to the record, see attached letters.

**Unidentified Representative from GVMA:** The gentleman stated this was not supposed to be site specific but saves the GVMA from having to clarify the location in the future. He agrees there is a problem with homeless. The GVMA is trying to help alleviate the problem, not make it go away. Homeless people are already there and will continue to be there whether there is a shelter there or not. We were not prepared to make a presentation since this meeting was not site specific. He understands those against it but commented to them to donate a building for it. He mentioned having a shelter located out of town creates a transportation issue for them to get to work, get their supplies, etc. The shelter will not accept people under the influence of drugs or alcohol and added there are ways to put teeth in to the program to make it work to deal with many issues that arise. The location would look better than it looks now. He also clarified in response to an earlier comment that in their shelter rules, children are not allowed at the shelter.

Chairman Fowler spoke on behalf of the Commission and stated that they know there is a homeless problem, and something needs to be done, but this hearing is for designating location uses. Chairman Fowler stated regardless of the outcome, it does not mean the Commission does not support the cause.

6. **CLOSE PUBLIC HEARING:** It was motioned by Vice-Chair Junion, seconded by Commissioner Hancock, and carried unanimously to close the public hearing and enter into regular session. **MOTION ADOPTED**
7. **MINUTES:** It was motioned by Commissioner O’Donnal, seconded by Commissioner Figueroa and carried unanimously to approve minutes of the May 11, 2017 Planning and Zoning Commission Meeting. **MOTION ADOPTED**
8. **PLANNING AND ZONING COMMISSION:**
  - 8.1 **Text Amendment:** The Planning & Zoning Commission will review and discuss a request to amend the permitted uses in the C-2 Highway Commercial District adding homeless shelters as a conditional use, and, to amend the definitions section adding a definition for

homeless shelter. The Planning and Zoning Commission will need to make a recommendation on these items to the City Council.

Chairman Fowler noted ninety percent of tonight's comments does not affect what the decision to be made is.

Commissioner Cunningham referred to C-2 properties on the displayed zoning map and stated "not in our backyard" is how a lot feel.

Chairman Fowler questioned does a shelter fit C-2 zoning?

Commissioner O'Donnal asked Ms. Anderson if the City has any current zoning that allows homeless shelters? Ms. Anderson replied it is permitted in the Agricultural District which states, "hospitals and institutions of a religious, charitable or philanthropic nature." Commissioner O'Donnal asked if becoming 501C3 would qualify them? Ms. Anderson confirmed.

Commissioner Hancock noted the Safe House across from the hospital and said he lives nearby and sees lots of traffic coming and going. He inquired if that is an allowed zone or grandfathered in? Commissioner Hancock expressed he would like to get the homeless off of the main highway and stated the police have a tough enough time to keep them away from the park now. He feels the agricultural area or similar would be better suited for this use.

Commissioner O'Donnal agrees having a facility on the highway is a dangerous location. She noted most homeless do not have transportation, so a shelter does need to be located somewhere that they can get to places on foot; highway is too high traffic. Commissioner O'Donnal feels the agricultural option, light commercial, or general commercial would be a better suited zone.

Commissioner O'Donnal inquired if there was a need for a definition, even if not approved so it is included in a zone? Ms. Anderson stated that is a possibility pending how the City Council votes. If the City Council votes against, they will look at adding a shelter facility as a staff initiated definition for shelter facility so people will feel like they have an option of where they can go. Chairman Fowler agreed.

Commissioner Hancock agrees with Commissioner O'Donnal. He respects the individuals that have tried to provide facilities and would like to let them know of areas they could go in the future rather than a "slap in the face" to the GVMA.

Chairman Fowler noted this is a heavy subject, not to support the GVMA feels wrong, but feels Commissioner O'Donnal's suggestion could be an olive branch to help them.

It was motioned by Commissioner O'Donnal, and seconded by Commissioner Figueroa to deny request of a text amendment to C-2 Highway District.

Vice-Chair Junion abstained from the vote since she owns C-2 property.

Commissioner Hancock added to the motion to be in support of our staff recommendation.

Commissioner O'Donnal restated the motion to read as follows:

It was motioned by Commissioner O'Donnal, seconded by Commissioner Figueroa, and carried 4-1 to deny the request, as recommended by City staff, to amend the text of C-2 Highway District. Commissioner Cunningham opposed. Vice Chair Junion abstained.  
**MOTION ADOPTED**

9. **PROJECT UPDATES AND ANNOUNCEMENTS:**

Ms. Anderson noted the following current and upcoming projects City staff is working on:

- FMI Grant has been submitted for La Tierra Park
- Submitted a grant for two other parks: El Paso Park and 14<sup>th</sup> Avenue Park, along with improvements to park located near St Rose of Lima Catholic Church
- Safford Pool opening day is May 24

Vice-Chair Junion stated American Mattress Gallery building should be complete by June 1. There will be a soft opening mid June, and all are invited to the ribbon cutting in mid July.

Chairman Fowler served his notice that he will be resigning from the Commission after 18-22 years. He will stay on as Chairman until his replacement is found.

10. **CALL TO THE PUBLIC:** None

11. **NEXT SCHEDULED MEETING:** TBD

12. **ADJOURN:** It was motioned by Vice-Chair Junion, seconded by Commissioner O'Donnal and carried unanimously to adjourn the meeting at 7:09 p.m. **MOTION ADOPTED**

APPROVED:

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Gene Fowler, Chairman  
Planning & Zoning Commission

ATTEST:

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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, May 16, 2019, and approved at a Planning & Zoning Commission Meeting on meeting date TBD. I further certify the meeting was duly called, held and that a quorum was present.*

\_\_\_\_\_  
Date:

\_\_\_\_\_  
Amber Hogle, CMC, Administrative Events Liaison

DRAFT