



## PLANNING AND ZONING COMMISSION MEETING

LIBRARY PROGRAM ROOM  
808 S 7<sup>th</sup> AVENUE, SAFFORD  
THURSDAY, FEBRUARY 19, 2015  
5:30 PM

### MINUTE RECORD

**COMMISSIONERS PRESENT:** Gene Fowler, Chairman; Diane Junion, Vice-Chair; John Q. Figueroa, Commissioner; Boyce McBride, Commissioner; Tracey O'Donnal, Commissioner

**COMMISSIONERS ABSENT:** E.C. "Buff" Cunningham III, Commissioner; James F. Moser, Commissioner

**STAFF PRESENT:** Dustin Welker, Planning & Community Development Director; Amber Hogle, Administrative Assistant; Dale Clark, IT Specialist

**OTHERS PRESENT:** Brian Montoya

1. **WELCOME AND CALL TO ORDER:** Chairman Fowler called the meeting to order at 5:32 p.m.
2. **ROLL CALL:** A quorum of the Planning & Zoning Commission was present. Vice-Chair Junion joined the meeting at 5:34 p.m.
3. **PUBLIC COMMENT ON AGENDA:** None
4. **MINUTES:** It was motioned by Commissioner O'Donnal, seconded by Commissioner Figueroa and unanimously carried to approve minutes of the May 22, 2014 Planning and Zoning Commission Meeting. **MOTION ADOPTED**
5. **DEVELOPMENT REVIEW COMMITTEE MINUTES:** The Commission reviewed minutes of the February 9, 2015 Development Review Committee Meeting. There were no comments.
6. **PUBLIC HEARING:** Commissioner Fowler opened the Public Hearing at 5:36 p.m.
  - 6.1 **Case Z-01-15, Zoning Request from R1-6 to C-MH:** An application to rezone from R1-6 (Single Family Residential) to C-MH (Conventional and Manufactured Home) on Graham County Parcel # 101-19-043, 1213 S. 9th Ave., Safford AZ 85546. Concerning the C-MH

zone, section 17.44.010 of the Safford Municipal Code states: The purpose of this zoning district is to provide a district where single-family conventional and manufactured homes may be interspersed.

PUBLIC COMMENTS: Members of the Public were not present at this time.

Mr. Welker addressed the concerns of the Development Review Committee which are written in the attached minutes reviewed by the Commission. Mr. Welker stated this request to rezone does fit within the guidelines of our current General Plan and there has not been any complaints or concerns to date from the surrounding neighbors of the location.

Chairman Fowler inquired if notices were mailed to property owners and if they were traceable? Mr. Welker stated notices are mailed certified, return receipt to property owners within 300 feet surrounding the property.

Commissioner McBride asked if anyone was currently living in the home on the property. (Yes)

Commissioner O'Donnal assumed the home would meet set back requirements for the property? (Yes)

Chairman Fowler commended staff for following through with the last rezone approved in 2014 similar to this one and feels confident staff will follow the guidelines on this rezone and permitting process as well.

Mr. Welker reminded the Commission that this is a Public Hearing and their comments and concerns can be heard during the item discussion following the Public Hearing.

Brian Montoya with Five Star Home Center joined the meeting at this time and stated he was present to offer answers to questions the Commission may have. He will be placing the manufactured home on the property for the Martinez family. Mr. Montoya stated the plan is for a 24'x64', ground pit set home. It will look as if it is site built and will also include a stucco façade which will make it hard to visually tell it is a manufactured home.

Commissioner O'Donnal inquired if the placement is similar to those in the Stone Willow development? Mr. Martinez replied yes; the property will be dug out 18" before placing the home. Only 6-8" of block will be visible.

Commissioner O'Donnal also asked if tie downs would be used. Mr. Montoya stated they are not required but they do use.

Commissioner O'Donnal feels this will be an improvement to the area and will look nicer.

Commissioner McBride inquired if there are any other manufactured homes in the area? An exact number was not known but it was a consensus of Commission and staff that others are in the area.

- 6.2 **Code Amendment Proposal: A proposal to amend Title 17.16.020, Nonconforming Buildings and Uses eliminating restrictions to the use of properties in the event of a fire, flood, or other calamity or act of nature.**

PUBLIC COMMENTS: None

Mr. Welker stated the City's entire zoning ordinance was redone 2 years ago. At that time several flaws were fixed and this is the first issue to come about to date. Mr. Welker feels something has changed in the lending circuit since he has received several phone calls addressing this section. Mr. Welker gave an example of a non-conforming building. Lenders will not take over a loan due to this clause. He feels this was not the intent of our code; it is more for old homes destroyed by a fire to be rebuilt as commercial. A negative example this issue can have on property owners is if an elderly couple cannot sell their nice, well-kept home then the home becomes vacant after they pass away and then it becomes a problem to the City. He also stated as staff we are not in the business of making people homeless and feels this is an unenforceable code therefor recommends the change, attached.

Commissioner O'Donnal stated a property does need to meet existing zoning codes with regards to lending. She feels changing this ordinance would save the property owner(s) time by not having to request a variance from the City Council each time the need arises.

Commissioner McBride stated why keep the code if is not enforceable.

Commissioner O'Donnal questioned the 6 month period. Mr. Welker stated it is written as a provision for the home/property to not stay vacant. Staff would make sure at least due diligence is being shown by the property owner that the property would not stay vacant. Commissioner O'Donnal suggested to allow one year however Mr. Welker feels 6 months is reasonable as the City is willing to work with homeowners pending circumstances.

Commissioner McBride reaffirmed Mr. Welker's comments in that no criteria is stated on what has to happen during the time period; the City just has to see that the property owner is making progress.

Commissioner O'Donnal asked to define "started." Permit? Cleaning lot? Mr. Welker replied that it gives us leeway to look at and determine the progress.

Chairman Fowler stated rebuilding the home could go on forever without having provisions however Commissioner Figueroa mentioned building permits are only valid for one year.

7. **CLOSE PUBLIC HEARING:** Commissioner Fowler closed the Public Hearing at 6:03 p.m.

8. **PLANNING AND ZONING COMMISSION:**

8.1 **Martinez Rezone (Case Z-01-15):** The Planning & Zoning Commission will review a request to rezone property located at 1213 9<sup>th</sup> Avenue, Safford and make a recommendation to the Safford City Council. The rezone is a request from R1-6 (Single Family Residential) to C-MH (Conventional and Manufactured Home) with the intention to place a manufactured home on a permanent foundation.

It was motioned by Vice-Chair Junion, seconded by Commissioner O'Donnal and carried unanimously to make a recommendation to the City Council to approve the rezone of property located at 1213 9<sup>th</sup> Avenue to C-MH as submitted for this property.

**MOTION ADOPTED**

8.2 **Municipal Code Revision:** The Planning & Zoning Commission will review and discuss proposed changes to Title 17.16.020 of the City of Safford Municipal Code pertaining to Nonconforming Buildings and Uses and make a recommendation to the Safford City Council.

Commissioner O'Donnal inquired if the permit states work has to be complete by a certain date? (Yes) Permits are valid for one year and then expire. Commissioner O'Donnal mentioned when someone builds their own home it can take longer. Mr. Welker stated that he does not recall a time in his 7 years with the City that a permit for a home was not completed within the time-period.

Members of the Commission brought attention to a home in Safford that has been in the process of being completed for years. The shell is complete, however the interior is not. Mr. Welker stated he would have the City Building Department check in to the home.

Mr. Welker stated staff feels this is an appropriate change.

Chairman Fowler stated there needs to be an incentive for people to take action.

It was motioned by Commissioner McBride, seconded by Vice-Chair Junion and carried unanimously to make a recommendation to the City Council to approve the wording change as presented.

**MOTION ADOPTED**

9. **PROJECT UPDATES AND ANNOUNCEMENTS:**

**Fed-Ex:** Fed-Ex should be issued a Certificate of Occupancy in April and is trying to find other businesses to occupy nearby vacant property. They are putting in a road with medians and

vegetation will be fed with reclaimed water in the future. The road includes paved lanes, a sidewalk, and utility easement. The road behind the Mt. Graham Shopping Center from 20<sup>th</sup> Avenue to the canal, owned by the City has existed for many years however has never been improved due to the lower traffic demands of that area. Fed-Ex will be building 300-400' of road to their property.

**Birdno Property:** The property located on 14<sup>th</sup> Avenue and Highway 70 is needed to expand the road way. The owners were not willing to sell an easement only. The City is also looking to purchase the field behind the home to expand and build more commercial property. The new road will be named 1<sup>st</sup> Street and would tie in to 8<sup>th</sup> Avenue. The plan is to help alleviate traffic on Highway 70 eventually.

**Main Street Project:** The "Bump Out Project" started out rough with the contractor however is going smoother now and is set to be complete by the end of March.

**David Funeral Home:** This building is being converted into an apartment complex via remodel. Staff feels the contractor has done a good job with the project.

**Skinner Dental Office:** Property located on 20<sup>th</sup> Avenue and 8<sup>th</sup> Street by Walmart is owned by Walmart. Walmart has a not-to-compete clause on the property therefor it cannot be a retail location. The property was sold to Seth Skinner to build his dental office. The property will also include one other office space and construction should begin within the next month.

**Multi Use Trail:** The latest phase has been completed. Once the County and Thatcher finish their portions one could walk from EAC to the Safford Cemetery.

**General Plan Update:** The City will be updating its General Plan and the Commission will be involved in the process. There will be lots of hearings, meetings and public input coming up.

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

11. **NEXT SCHEDULED MEETING:** TBA

12. **ADJOURN:** It was motioned by Commissioner Figueroa, seconded by Vice-Chair Junion and carried unanimously to adjourn the meeting at 6:35 p.m. **MOTION ADOPTED**

APPROVED:

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Gene Fowler, Chairman  
Planning & Zoning Commission

ATTEST:

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Amber Hogle, CMC, Administrative Assistant  
Planning & Community Development

STATE OF ARIZONA     )  
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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, February 19, 2015, and approved at a Planning & Zoning Commission Meeting on \_\_\_\_\_. I further certify the meeting was duly called, held and that a quorum was present.*

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Date:

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Amber Hogle, CMC, Administrative Assistant