

Regular Meeting

January 4, 2012

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**CALL TO ORDER**

A Regular Meeting of the Planning and Zoning Commission of the City of Coolidge was held in the Council Chambers, 911 S. Arizona Boulevard, Coolidge Arizona. Vice-Chairman Jesse Cañez called the meeting to order at 7:00 p.m. Those present were Vice-Chairman Jesse Cañez, Nitza Verdugo-London, Don Williams and Brent Kempton. Also present was Growth Management Director Alton Bruce.

**PLEDGE OF ALLEGIANCE**

Vice Chairman Cañez led the Pledge of Allegiance.

**APPROVAL OF MINUTES:**

Commissioner Verdugo-London **moved** approval of the minutes of the November 3<sup>rd</sup>, 2011 regular meeting Kempton **seconded**. **Motion passes unanimously.**

**PRESENTATIONS:**

*NONE*

**OLD BUSINESS**

*NONE*

**NEW BUSINESS**

**COOLPZ – 11-11-13 CUP** An Application for Conditional Use Permit by Russell and Margaret Miracle to operate a Group Home for non-medical assisted senior assisted living on a parcel they own located at 2173 W. Pima Ave. in Heartland Ranch on APN 209-38-3360. Conditional Use Permit is required.

Mr. Bruce presented the application as submitted for a group home for the elderly not to exceed 10 people and listed the requirements in the Zoning Ordinance for such a group home. Mr. Bruce went on to indicate that the federal courts have determined that group homes must be considered by the City to be residential, not commercial uses and that the Zoning

Ordinance must make provisions for them to be considered in all residential zones, although that does not obligate the Commission to grant a Conditional Use Permit for any particular location.

The applicant, Margaret Miracle then made a presentation to the Commission on their proposed use, describing the property and stating that there would never be more than 6 residents at the facility. In response to questions from the Commission, Ms. Miracle made it clear that the residents, while they require 24-hour care but does not require full time nursing/medical care. She gave an example of a patient that is being discharged from the hospital from dementia. Commissioner Verdugo-London asked about the Homeowner's Association. Ms. Miracle indicated that they had been in touch with the Association and the governing board would meet a week from now to speak to the issue.

Commissioner Kempton asked about the qualifications of the caregivers. Ms. Miracle indicated that they would be licensed as caregivers by the State of Arizona. Vice-Chairman Cañez asked about locks and security. Vice Chairman Cañez asked if the applicant had contacted neighbors about their proposal. Ms. Miracle indicated that they had made director contact with only one of their neighbors who had no objections to the proposed use. Mr. Bruce indicated that he had received one phone call from a neighbor who had questions but had not voiced either support or opposition.

Vice Chairman Cañez opened the public hearing. The first member of the public to testify identified herself as Janet Fisher who lives six doors away from the proposed use. Ms. Fisher stated that she objected to the use because she pays a hefty amount to live in a single family residential

neighborhood and she feels that this is a commercial use and is inappropriate for this location. She believes that it will open the door to other commercial uses in the area. In response to a question from Vice Chairman Cañez Mr. Bruce indicated that there is a spacing requirement that would prevent any similar use locating within 1200 feet of this location if it is approved. Ms. Fisher feels it will lower property values and that it will create serious traffic problems.

A second resident, Ms. Michelle Hung at 2161 W. Pima Ave., indicated that the Miracles had not contacted her. She also indicated that she had not received a mailed notice of this hearing. Mr. Bruce indicated that notices were mailed to the County Assessor address of record and stated that he would check the mailing list to determine what occurred with her notice. Ms. Hung went on to state that this was a Fannie Mae foreclosure and that current rules require that such homes be sold for owner-occupied use only. She went on to state that “once the door was opened” it could be used for “children with disabilities” and that she was concerned with the safety of her children. She also stated her agreement with Ms. Fisher that this is a single family neighborhood and she will be at the HOA meeting to speak in opposition to the use. Mr. Bruce indicated that the use could not be converted to another type of Group Home without further hearings.

A third resident, Mr. Gary Hodges of 2185 W. Cameron Blvd. then testified. He opened by stating that he came to meeting to basically hear what was being proposed. He stated concerns about increased traffic, particularly if hospice, ambulances or the fire department responds to a medical emergency. He quoted the CCR’s prohibiting business uses.

The Commission asked a number of questions of the applicant and proceeded with a discussion of parking and other issues. Ms. Hung returned to the podium to address the issue of the size of the rooms. The Commission pointed out that the State would be inspecting the house to determine if the space was sufficient. Mr. Hodges returned to the podium to ask for clarification on the “non-medically assisted” standards. Ms. Fisher returned to podium to make some statements regarding the layout of the house.

Commissioner Verdugo-London **moved** and Commissioner Kempton **seconded** approval of the Conditional Use Permit subject to the stipulations outlined in the state report. **Motion Passed unanimously**

**COOLPZ – 11-12-14 AMD** An Application by the City of Coolidge to Amend Section 501-C of the City of Coolidge Zoning Ordinance to allow Manufactured Homes to be located in the AG – Agricultural Zone on parcels of 4 or more acres by Conditional Use Permit. Public Hearing, Discussion and Action

Mr. Bruce discussed the proposed amendment. He indicated that the current Zoning Ordinance requirements are fairly restrictive for manufactured homes, limiting them to the R-5 and R-6 zones or in the Manufactured Home Overlay Zone which applies some of the older parts of the City. It does not, however, allow manufactured homes in the AG zone even though the County Zoning Ordinance allows manufactured homes in its General Rural Zone. It is also at odds with common practice under which farmers often use manufactured homes as farmworker housing. The amendment would allow manufactured homes on lots greater than 4 acres by Conditional Use Permit subject to the same standards as used in the

Manufactured Home Overlay Zone.

Donald Legendre spoke in favor of the amendment indicating that he owns a four acre lot off of Vah Ki Inn and Skousen. He and his wife had purchased the property prior to it being annexed and had always intended to install a manufactured home on the property.

The Commission discussed various aspects of the amendment including parking, other alternative requirements

Commissioner Williams **moved** and Commissioner Verdugo-London **seconded** approval of the Amendment. **Motion Passed unanimously**

**REPORTS FROM THE  
CHAIRMAN/GROWTH  
MANAGEMENT DIRECTOR**

.Mr. Bruce spoke briefly on various issues relating to the Commission including the proposed prison project, the Juwi Solar project, and the AWOS system.

**CALL TO THE PUBLIC**

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**ADJOURNMENT**

**MOTION** was made by Commissioner Kempton to adjourn the meeting. **SECONDED** by Commissioner Verdugo-London **Motion carried**. Meeting adjourned 8:08 pm.