

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON AUGUST 27, 2019 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. CALL TO ORDER

Chairman Clark called the meeting to order 7:00 p.m.

2. ROLL CALL

COMMISSION MEMBERS PRESENT: Chairman Brandt Clark, Vice Chairman Bishop, Commissioner Behrends, Commissioner Hephner, Commissioner Jon Adams, Commissioner Robertson, and Commissioner Josh Adams

COMMISSION MEMBERS ABSENT: None.

STAFF MEMBERS PRESENT: Justen Tregaskes, Planning and Zoning Director; Morgan Brown, City Attorney; and Linda Haynes, Administrative Assistant

GUESTS PRESENT: John Phillips, Curtis Fernau, Kim Fernau, Rick Fernau, and Larry Abrams.

3. INVOCATION

Commissioner Josh Adams gave the invocation.

4. PLEDGE OF ALLEGIANCE

Commissioner Hephner led the Commission and audience in the Pledge of Allegiance.

5. OLD BUSINESS

None.

6. NEW BUSINESS

- A. Conditional Use Permit application submitted by John Reddell, to allow for an operation of a car wash on property located at 4420 S. White Mountain Road, that being A.P.N. 212-04-133D and 212-04-135D.

Mr. Tregaskes read the staff summary. A Conditional Use Permit (CUP) application has been submitted by John Reddell to allow for a car wash on

property at 4420 S. White Mountain Road, that being A.P.N. 212-04-133D & 135D.

The applicant plans to build a 4,480 square foot drive through car wash and 5,146 Square Foot vacuum canopies. The project is planned to have all equipment housed within the building. The facility is vehicle oriented with on-site queuing areas and directional signs. The hours of operation will be 7am to 9pm, seven days a week.

The subject property is zoned C-2 (General Commercial). A car wash requires a CUP in the C-2 zone. A site plan has been submitted to the City and has been attached for your review.

Mr. Tregaskes read the Findings of Facts.

The current zoning of the surrounding properties includes:

North:	C-2 (General Commercial)
South:	C-2 (General Commercial)
East:	C-2 (General Commercial)
West:	C-2 (General Commercial)

The current land use of the surrounding properties includes:

North:	Park Pineway Shopping Plaza
South:	Vacant Commercial
East:	Mudslingers Drive-thru Coffee
West:	Vacant Commercial

Transmittal memos were sent to all affected agencies. No applicable comments were received.

The property was posted and letters were sent to all property owners within three hundred (300) feet of the subject property. No public comment has been received. Since preparation a phone call was received from another business owner with general questions on carwash and its operations.

Mr. Tregaskes read the staff recommendations.

After reviewing the Standards for Review, the Zoning Ordinance, discussions with the applicant, and because the request is consistent with the City of Show Low General Plan, staff recommends that the Planning and Zoning Commission approve Conditional Use Permit 602-04-221 submitted John Reddell to allow for a car wash on property at 4420 S.

White Mountain Road, that being A.P.N. 212-04-133D & 135D subject to the following conditions;

1. All development shall comply with all applicable federal, state and local requirements, including building permit, sign, Fire Code, and Arizona Department of Transportation (ADOT) requirements.
2. The applicant shall coordinate with the Public Works Department to ensure that adequate backflow protection and grease/sand separation to be installed by the developer.
3. Landscaping meeting the requirements of City Code Section 15-1-60(D)(7) shall be installed and maintained. The applicant shall coordinate with ADOT and City Staff to landscape the White Mountain Road right of way.
4. Parking and lighting requirements of Section 15-1-46 of City Code shall be met; all under canopy lighting shall be recessed.
5. Development shall occur in substantial conformance to the submitted site plan and building elevations.
6. ADOT permits shall be required. The developer of the subject property shall coordinate driveway locations with the adjacent property owner and ADOT.

Chairwoman Robertson asked if ribbon curbing and curbs will be placed in the area. Mr. Tregaskes stated that White Mountain Road is an A.D.O.T. highway, but they are anticipating internal curbing.

John Reddell, at 4992 S. 158th St. Gilbert AZ 85298, stated that he is representing the owners of the project and are in agreement with all the staff recommendations.

Chairman Clark asked when the project would break ground.

Mr. Redell said owners are ready to build now, but probably be a four month process for plan completion, making the anticipated date after the first of the year.

VICE CHAIRMAN BISHOP MOVED TO APPROVE TO APPROVE CUP 602-04-221 SUBMITTED BY JOHN REDDELL TO ALLOW FOR A CAR WASH ON PROPERTY AT 4420 S. WHITE MOUNTAIN ROAD, THAT BEING A.P.N. 212-04-133D & 135D, SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER HEPHNER SECONDED THE MOTION. PASSED 7 TO 0

WITH, COMMISSION MEMBERS BEHREND, CLARK, BISHOP, JOSH ADAMS, JON ADAMS AND HEPHNER VOTING IN FAVOR.

Mr. Tregaskes said that there is a seven day appeal period. If no appeal is received by the City Clerk within the seven days, this conditional use permit will be considered effective.

- B. Public Hearing and Consideration of a zone change to revert the zoning from R1-15 (single-family residential, manufactured homes excluded, 15,000 square feet) to C-2 (general commercial) on a portion of A.P.N. 210-31-020K.

Mr. Tregaskes read the staff summary. At its regular meeting of February 26, 2019, the Planning and Zoning Commission voted 6 to 1 (Commissioner Hudson opposed) to recommend approval of the zone change request submitted by Bill Haltom of Creative Development LLC. Mr. Haltom requested to rezone a portion of A.P.N. 210-31-020K from C-2 (General Commercial) to R1-15 (Single-family Residential, Manufactured Homes Excluded, 15,000 square feet) to allow for construction of a single-family residence.

Two individuals addressed the Commissioners during the public hearing at the February 26, 2019 Planning and Zoning Commission meeting with concerns related to public notification, lot size, density, traffic, and the status of the uncompleted commercial cabin.

At its regular meeting of March 5, 2019 the city council approved the zone change request submitted by Bill Haltom of Creative Development LLC to rezone a portion of A.P.N. 210-31-020K from C-2 (general commercial) to R1-15 (single-family residential, 15,000 square feet. As stipulated by the applicant, the exterior of the commercial building currently under construction on A.P.N. 210-31-020K was to be completed within ninety (90) days from the effective date of the ordinance. This condition has not been met.

Building permit no. 17230 was issued on October 3, 2017, to allow for the construction of a single rental cabin. The applicant has proposed 18 two-story short-term rental cabins consisting of two units per building for a total of 36 units on the subject property. Unit sizes range from approximately 500 square feet for lower-level units to approximately 400 square feet for upper-level units. A kitchen was not indicated on the approved building plans.

As part of the zone change request, the applicant indicated that the scale of the approved commercial project would be reduced by changing two of the proposed buildings from two-story to one-story and eliminating three of the proposed buildings to construct a single-family residential home on the

southwest side of the property. These changes reduced the total number of buildings from 18 to 15 and the total number of units from 36 to 28.

The minimum lot size in the R1-15 zone is 15,000 square feet. The residential lot size proposed by the applicant is approximately 15,400 square feet. The adjacent property southwest of the subject property is zoned R1-15. Along Meadow View Place, lots range from a minimum size of 16,117 square feet to a maximum of 87,991 square feet.

Letters were sent to all properties within 300 feet of the subject property as well as the members of the public who spoke at the March 5, 2019 council meeting inviting them to a neighborhood meeting on Thursday July 18, 2019 to discuss the revision of this portion of the subject property from residential (R1-15) back to commercial (C-2). Two people attended the meeting with general questions regarding the process.

Mr. Tregaskes read the Findings of Facts.

1. At its regular meeting of March 5, 2019 the city council approved a zone change request submitted by Bill Haltom of Creative Development LLC to re-zone a portion of A.P.N. 210-31-020K from C-2 (general commercial) to R1-15 (single-family residential, 15,000 square feet).
2. As stipulated by the applicant, the exterior of the commercial building currently under construction on A.P.N. 210-31-020K was to be completed within ninety (90) days from the effective date of the ordinance. This condition has not been met.
3. Letters were sent to all properties within 300 feet of the subject property as well as the members of the public who spoke at the March 5, 2019 council meeting inviting them to a neighborhood meeting on Thursday July 18, 2019 to discuss the revision of this portion of the subject property from residential (R1-15) back to commercial (C-2).
4. The zoning of the surrounding properties include:

North:	C-2	(General Commercial)
South:	R1-15	(Single-family residential, manufactured homes excluded, 15,000 square feet) and C-2 (General Commercial)
East:	C-2	(General Commercial)
West:	C-2	(General Commercial) and R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet)

5. The land uses of the surrounding properties include:

North:	Single-Family Residential
South:	Single-Family Residential
East:	Show Low Meadow
West:	Single-Family Residential
North East:	Commercial Property

6. Letters were sent to all properties within 300 feet of the subject property as well as the members of the public who spoke at the March 5, 2019 council meeting inviting them to a neighborhood meeting on Thursday July 18, 2019 to discuss the revision of this portion of the subject property from residential (R1-15) back to commercial (C-2). Two people attended the meeting with general questions regarding the process.

7. Staff mailed letters and subject property maps to all property owners within three hundred feet of the subject property, posted the property, and published a notice in the newspaper in accordance with State law; one phone call was received with questions related to the request.

COMMISSION OPTIONS

After reviewing the Standards for Review, the Findings of Fact, previous conditions of approval, representations of the applicant and statements made during the Public Hearing, the commission may:

Move to recommend that the City Council revert the zone change approved through Ordinance 2019-04. This reversion would have the effect of removing the R1-15 (single-family residential, manufactured homes excluded, fifteen thousand square feet) zoning from the subject property and revert this zoning to the previous C-2 (General Commercial) zoning district. Any future development of the subject property would be required to comply with the C-2 zoning district requirements.

Or

Move to recommend that the City Council keep the zone change approved through Ordinance 2019-04 in effect. This would result in the R1-15 (single-family residential, manufactured homes excluded, fifteen thousand square feet) zoning remaining in place on the subject property. Any future development of the subject property would be required to comply with the R1-15 zoning district requirements and conditions one through five of Ordinance 2019-04.

Mr. Tregaskes reminded the commission and public that in this circumstance the commission acts as a recommending body to the council and that the condition was put on by the council, not the commission. The council may go along with the commission recommendation, modify or overturn the decision and move forward in a different direction. Any action taken tonight is not final and will be taken at City Council.

Chairman Clark asked the City for clarification, if the City is applicant and the property owner is not present, is it okay for the commission to move forward. City Attorney stated that is correct.

Kim Fernau, at 1331 E. Meadow View Place stated that she would like the zoning stay to stay the way it currently is. When it was rezoned back in March they were in favor of that and do not feel it would benefit to revert back to commercial, as she feels it would punish the neighborhood and not the not applicant or builder.

Larry Abrams, at 831 N. 44th Cul, said he was representing for Valerie who lives on Meadow View Lane. He stated she has concerns on the wall being a divider between the property home and her home and wanted to know how the process would work if the zoning stays residential.

Mr. Tregaskes clarified that anytime you have commercial property that abuts to a residential property, the owner is required to put up a solid wall between the residential and commercial. If the property remained residential, then there would be two residential properties next to each other, allowing no requirement to put up a wall. If the property were to revert back to commercial and it was adjacent to a residential lot, they would be required to put up a wall.

Vice Chairman Bishop asked about the other side of the residential property. Mr. Tregaskes said if the property is a commercial and it is against a residential they would be required to put up a wall.

Commissioner Hephner asked if area lot was 15,400 square feet.

Mr. Tregaskes stated it is pretty close. He advised that the minimum lot size in a R1-15 zone is 15,000 square feet, making this current property 400 square feet over the minimum zoning requirement.

Mr. Abrams asked if the property was the same owner, would they have to be a wall between the commercial and residential.

Mr. Tregaskes stated yes, that was correct and that a wall is required by zoning is when the commercial property abuts a residential property and in this case it

would be the north line which is residential and the east line which is residential per the subject property map.

Mrs. Fernau said that the Meadowview street is a 12% grade and the more traffic on the street will make it harder for the neighborhood. She asked for the commission to consider that when making a decision.

Vice Chairman Bishop stated he was disappointed that the building was not finished and overall thought it would be better for the neighbors to be kept residential.

Commissioner Jon Adams agreed.

Chairman Clark asked if the commission votes on this motion will this be the last time the commission may have to come across this issue again.

Mr. Tregaskes stated that any property can do a zone change once a year, so it could be possible a property owner would could come back and reapply or a future property owner could come back and apply for a zone change. In this case, hopefully we dealt with this issue and satisfied that.

Chairman Clark asked what was the trigger mechanism was that brought this issue to the Commission again.

Mr. Tregaskes said that the Commission had recommended numbers 1- 5, which are general conditions of approval. One of those condition requirements was for the livable sq. ft. to be a minimum of 2,500 square feet. When the recommendation went to Council for approval, the property owner was asked by the council when he anticipated the completion of the outside of the building under construction to be done. The owner stated within 90 days. Council asked if property owner if willing to put that as a stipulation condition. He was willing and it was added as condition number 6. Unfortunately, that agreement did not take place and that is why it came back to the Commission. The stipulation was put on by the Council, not the Commission.

Chairman Clark asked if the motion was approved would that remove the condition number 6.

Mr. Tregaskes stated it would remove that condition.

COMMISSIONER ROBERSTON MOVED TO RECOMMEND THAT THE CITY COUNCIL KEEP THE ZONE CHANGE APPROVED THROUGH ORDINANCE 2019-04 IN EFFECT. THIS WOULD RESULT IN THE R1-15 (SINGLE-FAMILY RESIDENTIAL, MANUFACTURED HOMES EXCLUDED, FIFTEEN THOUSAND SQUARE FEET) ZONING REMAINING IN PLACE ON THE

SUBJECT PROPERTY. ANY FUTURE DEVELOPMENT OF THE SUBJECT PROPERTY WOULD BE REQUIRED TO COMPLY WITH THE R1-15 ZONING DISTRICT REQUIREMENTS AND CONDITIONS ONE THROUGH FIVE OF ORDINANCE 2019-04. COMMISSIONER BEHREND'S SECONDED THE MOTION. PASSED 7 TO 0 WITH, AND COMMISSION MEMBERS BEHREND'S, CLARK, BISHOP, ROBERTSON, JOSH ADAMS, JON ADAMS AND HEPHNER VOTING IN FAVOR.

Mr. Tregaskes said that this has been scheduled for a Public Hearing with the City Council next week at their regular scheduled date at 7pm in the Council Chambers.

7. **CALL TO THE PUBLIC – Any citizen desiring to speak on a matter that is within the jurisdiction of the Planning and Zoning Commission may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Planning and Zoning Commission as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Planning and Zoning Commission. Pursuant to the Arizona Open Meeting Law, the Planning and Zoning Commission cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual Planning and Zoning Commission members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.**

Curtis Fernau, at 160 N. 46th Drive asked if it is required to have a Performance bond for commercial work when someone does a project.

8. APPROVAL OF MINUTES

- A. Planning and Zoning Commission Regular Meeting of June 25, 2019.

COMMISSIONER ROBERTSON MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES ON JUNE 25, 2019. COMMISSIONER HEPHNER SECONDED THE MOTION. PASSED 7 TO 0 WITH, AND COMMISSION MEMBERS BEHREND'S, CLARK, BISHOP, ROBERTSON, JOSH ADAMS, JON ADAMS AND HEPHNER VOTING IN FAVOR.

9. SUMMARY OF CURRENT EVENTS

Commission Members

Commissioner Robertson advised everyone to be fire wise since there has been no rain.

Commissioner Hephner said that he was excited to see things moving in town with Culvers and Circle K. He advised that the Battle of Bands and Vans event is this weekend at Frontier Field.

Planning and Zoning Director

Mr. Tregaskes said that School is back in session and reminded parents to be careful around school zones. Advised that the Battle of Bands and Vans event was this weekend at Frontier Field, and there has been parking lot updates and parking added to existing parking lot and the lot adjacent to field, to help with the concerns from other events.

10. ADJOURNMENT

THERE BEING NO FURTHER BUSINESS TO BE BROUGHT BEFORE THE PLANNING AND ZONING COMMISSION, CHAIRMAN CLARK ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF AUGUST 27, 2019 AT 7:35 PM.

ATTEST:

APPROVED:

Justen Tregaskes
Planning and Zoning Director

Brandt Clark
Chairman

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **REGULAR MEETING** of the Planning and Zoning Commission of Show Low held on August 27, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Linda Haynes
Administrative Assistant

