

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON JANUARY 26, 2021 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

**COMMISSION MEMBERS PRESENT:** Chairman Bishop, Vice-Chairman Hephner, Commissioner Adams, Commissioner Barlow, Commissioner Hatch, and Commissioner Roberts. Commissioner Bess appeared telephonically.

**COMMISSION MEMBERS ABSENT:**

**STAFF MEMBERS PRESENT:** Justen Tregaskes, Planning and Zoning Director; Morgan Brown, City Attorney; Katie Fechtelkotter, Planner and Rachael Hall, Deputy City Clerk.

**GUESTS PRESENT:** Shane Shumway, Rick and Kim Fernau, and others.

**3. INVOCATION**

Commissioner Adams gave the invocation.

**4. PLEDGE OF ALLEGIANCE**

Vice-Chairman Hephner led the Commission and audience in the Pledge of Allegiance.

**5. OLD BUSINESS**

None.

**6. NEW BUSINESS**

**A. Election of Officers**

Chairman Bishop said the rules and procedures for the Commission states that every year the commission votes to elect a Chair and Vice-Chair.

**VICE-CHAIR HEPHER MOVED TO RE-ELECT ERIC BISHOP TO THE OFFICE OF CHAIRMAN, SECONDED BY COMMISSIONER ROBERTS. PASSED 7 TO 0 WITH COMMISSION MEMBERS ADAMS, BARLOW,**

**BESS, BISHOP, HATCH, HEPHNER, AND ROBERTS VOTING IN FAVOR.**

**COMMISSIONER ADAMS MOVED TO RE-ELECT ROB HEPHNER TO THE OFFICE OF VICE-CHAIR, SECONDED BY COMMISSIONER ROBERTS. PASSED 7 TO 0 WITH COMMISSION MEMBERS ADAMS, BARLOW, BESS, BISHOP, HATCH, HEPHNER, AND ROBERTS VOTING IN FAVOR.**

- B. Consideration of Conditional Use Permit 602-04-235 submitted by Shane Shumway to allow for a building exceeding forty-five (45) feet in height and restaurant serving alcoholic beverages on property located at 1501 E. Woolford Rd. that being A.P.N. 210-32-016L&N.

Ms. Fechtelkotter said Shane Shumway, of T.L.S. Hospitality, LLC submitted a Conditional Use Permit (CUP) application requesting to construct a building exceeding forty-five (45) feet in height with a restaurant serving alcohol at 1501 East Woolford Road, A.P.N. 210-32-016L & N. The subject property is zoned C-2 (General Commercial). Buildings exceeding forty-five (45) feet in height and restaurants serving alcohol both require a CUP in the C-2 zoning district.

Ms. Fechtelkotter said the subject property is located at the northeast corner of Woolford and White Mountain Roads and adjacent to the Hampton Inn. A CUP was granted in September of 2005 to the Hampton Inn to allow for a construction height exceeding the maximum building height. Maximum building height in effect in 2005 was thirty-five (35) feet and the building height of the Hampton Inn was approximately forty-six feet and three inches (46' 3") above finish floor elevation. City code currently allowed for buildings in the C-2 zoning district to be forty-five (45) feet in height, with additional height increases allowed through a CUP. Similar CUPs for height allowances were previously granted to Navapache Regional Medical Center in 2005 for an eighty-five (85) foot building and in 2011 for a proposed La Quinta hotel (not constructed) approximately fifty (50) feet in height.

Ms. Fechtelkotter said according to the submitted conceptual plans, the applicant is requesting to construct a new building adjacent to the Hampton Inn. The proposed height is fifty-three (53) feet above finish floor. The elevation of the road in the intersection of Woolford and White Mountain Roads is approximately 6,374 feet. Elevation of the subject property is approximately 6,366 feet along the west property line adjacent to this same intersection, for a difference of eight feet. No user has been determined for the proposed restaurant. City Council approval of any new liquor license is required.

Ms. Fechtelkotter read aloud the Findings of Facts:

1. Shane Shumway of T.L.S. Hospitality, LLC submitted a CUP to allow for a building exceeding forty-five (45) feet in height and restaurant serving alcoholic beverages located at 1501 E Woolford Rd., that being A.P.N. 210-32-016L & N.
2. The subject property is zoned C-2 (General Commercial). Buildings exceeding 45 feet in height and restaurants serving alcohol both required a Conditional Use Permit (CUP) in the C-2 zoning district.
3. Based on submitted conceptual building elevations, the applicant is requesting to construct a four story building with a maximum height of 53 feet in height above finish floor elevation. The subject property is approximately eight feet below the elevation of the road in the intersection of Woolford and White Mountain Roads and slopes downward gradually to the east.
4. Similar height allowances had been granted for the Hampton Inn, Navapache Regional Medical Center (Summit), and for a proposed La Quinta hotel which has not been constructed.
5. A site plan had been submitted as part of this application. This site plan was conceptual in nature and was subject to change. No user had been selected for the restaurant at this time.
6. The subject property is part of a larger area that was included in a development agreement between the City and the property owners. This development agreement outlined responsibilities for the development of the area, including roadway improvements, landscaping, and building design.
7. Current zoning of the surrounding properties included;  
  
North: C-2 (General Commercial)  
South: C-2 (General Commercial)  
East: C-2 (General Commercial)  
West: C-2 (General Commercial)
8. The current land uses of the surrounding properties included;  
  
North: The Meadow  
South: National Bank of Arizona  
East: Hampton Inn  
West: Speedway Convenience Store, Horne Auto Sales, Miles Eye Center

9. Transmittal memos were sent to all affected agencies. No applicable comments were received.
10. No public comment had been received regarding the proposed development.

Ms. Fechtelkotter said after reviewing the Zoning Ordinance, Standards for Review, findings of facts, discussions with the applicant, and because the request was consistent with the City of Show Low General Plan, staff recommended that the Planning and Zoning Commission approve CUP 602-04-235 submitted by Shane Shumway of T.L.S. Hospitality, LLC to allow for a building exceeding forty-five (45) feet in height and a restaurant serving alcohol located at 1501 East Woolford Road, A.P.N. 210-32-016L and N subject to the following conditions:

1. All development should comply with all applicable federal, state, and local requirements, including applicable conditions of the existing development agreement.
2. All lighting should be fully shielded from adjacent properties and rights of ways. Freestanding lighting should not exceed the height of the existing freestanding light poles in the Hampton Inn parking lot.
3. A reciprocal ingress/egress and parking agreement between the Hampton Inn and the subject property should be recorded.
4. This CUP was for approval of the requested building height and restaurant only. All other approvals, including building permit, drainage, signage, parking, and building design would be contingent upon compliance with existing codes and would be reviewed at the time of formal building permit submittal.

Mr. Tregaskes said a letter was received this afternoon from an adjacent property owner, Joshua Hall. Copies of the letter were provided to members of the commission. Mr. Tregaskes read the last paragraph of the letter which stated, "To be clear, I am pro-growth and support the efforts of the "Shumway Group." I am even willing to agree to the eight (8) foot height variance, even though it obscures my buildings, upon the condition that the developers are willing to make the hotel design more complimentary to the "Mountain Theme" already set forth throughout the business center."

Shane Shumway, 380 East Iris Lane in Pinetop, presented information relative to the proposed project and company history including currently operating the Hampton Inn. He described the amenities of the proposed

building. They are proposing a Marriot hotel, Town Suites brand with 3,000 square-feet of conference space. A restaurant would be included and provide outdoor space. Mr. Shumway highlighted goals for the general plan for the City and why this development would meet those goals.

Commissioner Adams asked what issues did the Commission need to decide? Mr. Tregaskes said there were two issues, one for the restaurant to sell alcohol, the second item was for the height requirement.

Commissioner Roberts asked if the Council has to approve the restaurant to serve alcohol? Mr. Tregaskes said with any liquor license, the Council is required to review the application and make a recommendation to the state liquor board.

Commissioner Barlow asked if there is anything in the existing development agreement about height and restaurants serving alcohol? Mr. Tregaskes said in the existing development agreement it stated that all development shall be constructed of masonry, stucco, split face block, log, wood or similar type construction materials. Colors and design shall reflect the mountain environment.

Commissioner Roberts asked for clarification on the eight foot drop referenced in the staff report? Mr. Tregaskes said staff referenced the elevation of the intersection as it was a defined location. This elevation at the intersection is eight feet higher than the property adjacent to the intersection. Commissioner Roberts stated the building would be eight feet below the height of the road at that point.

Mr. Shumway said at the current zoning allowance of 45 feet, we could create the same density, it would change the parapet wall which would expose mechanical equipment on the top of the building. The height increase allowed the parapet wall to act as a screen from the roof mounted equipment which created a better looking building.

Commissioner Roberts stated this looked consistent with the new hospital building.

Commissioner Hatch asked about the north corner where the firepit would be, would the public be allowed to come to that area? Mr. Shumway said it would be open to the public due to that space would be part of the restaurant.

Commissioner Adams asked Mr. Shumway if he was involved with the Hampton Inn? Mr. Shumway said yes, he was part owner in the Hampton Inn.

There being no further questions by the commission to the applicant or staff, Chairman Bishop opened the meeting to comments from the public.

Rick Fernau, 1331 East Meadow View Place, asked about the height of the Hampton Inn parking lot lights and if they were in compliance with the required conditions of approval for that project? Mr. Tregaskes said yes, the originally approved height was fifteen (15) feet. They came back to the commission and received an allowance to exceed that height because of the type of lights and the shielding they used. Staff recommended the same height as what is at the Hampton inn. Staff has discussed lighting with the applicant and have recommended utilizing lights that are fully shielded. Mr. Fernau said he looked forward to the project.

Commissioner Roberts asked about the letter that was received. Mr. Shumway said he talked with Mr. Hall yesterday about his concerns. The bottom line was meeting the city code with a building that looks nice and is able to be built. He will work with staff and Mr. Hall as much as possible. Mr. Tregaskes said staff was able to discuss this with the applicant. There was a commitment to look at and address concerns. All construction would need to meet the wording in the development agreement.

**VICE CHAIR HEPHNER MOVED TO APPROVE CUP 602-04-235 SUBMITTED BY SHANE SHUMWAY TO ALLOW FOR A BUILDING EXCEEDING FORTY-FIVE (45) FEET IN HEIGHT AND A RESTAURANT SERVING ALCOHOLIC BEVERAGES LOCATED AT 1501 EAST WOOLFORD ROAD, THAT BEING A.P.N. 210-32-016L & N, SUBJECT TO STAFF RECOMMENDATIONS; SECONDED BY COMMISSIONER ADAMS; PASSED 7 TO 0 WITH CHAIRMAN BISHOP, VICE CHAIR HEPHNER, COMMISSIONERS ADAMS, BARLOW, BESS, HATCH, AND ROBERTS VOTING IN FAVOR.**

Mr. Tregaskes said that with any Conditional Use Permit there is a seven (7) day appeal period. If no appeal is received by the city clerk within this seven days, the conditional use permit will become effective.

## **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.

None.

## 8. APPROVAL OF MINUTES

A. Planning and Zoning Commission Regular Meeting of October 27, 2020

**COMMISSIONER ADAMS MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF OCTOBER 27, 2020; VICE-CHAIR HEPHNER SECONDED THE MOTION; PASSED 6 TO 0 WITH CHAIRMAN BISHOP, VICE-CHAIR HEPHNER, COMMISSIONERS ADAMS, BESS, HATCH, AND ROBERTS VOTING IN FAVOR. COMMISSIONER BARLOW ABSTAINED AS HE WAS NOT ON THE COMMISSION AT THE TIME THE MEETING TOOK PLACE.**

## 9. SUMMARY OF CURRENT EVENTS

A. Commission Members

Commissioner Adams thanked city staff and the county for snow removal during the past few days.

Commissioner Barlow thanked city staff.

Commissioner Roberts thanked city staff for snow removal. Reminded people to be considerate of others.

Commissioner Hatch stated he was glad to be here.

Commissioner Bess reminded people to be safe and to mask up.

Vice-Chair Hephner thanked city staff for snow removal. Stated that Summit is working their best for vaccinations.

Chairman Bishop welcomed the two new Commissioners Barlow and Hatch to the commission.

B. Planning and Zoning Director

Thanked public works crew for their work on snow removal. He reminded the public that Waste Management is running a two-day delay on trash/recycle pick-up due to the recent storm. The Show Low School District would have a two-hour delay tomorrow.

## 10. ADJOURNMENT

There being no further business to be brought before the Planning and Zoning Commission, CHAIRMAN BISHOP ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF JANUARY 26, 2021 AT 7:39 PM.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Justen Tregaskes  
Planning and Zoning Director

\_\_\_\_\_  
Eric Bishop  
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 January 26, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Justen Tregaskes  
Planning and Zoning Director