

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON JULY 13, 2021 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. CALL TO ORDER

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

2. ROLL CALL

COMMISSION MEMBERS PRESENT: Vice Chairman Hephner, Commissioner Adams, Commissioner Barlow, and Commissioner Roberts

COMMISSION MEMBERS ABSENT: Commissioners Hatch and Lewis

STAFF MEMBERS PRESENT: Justen Tregaskes, Planning and Zoning Director; and Katie Fechtelkotter, Planner

GUESTS PRESENT: None

3. INVOCATION

Commissioner Adams gave the invocation

4. Pledge of Allegiance

Commissioner Barlow led the Commission and audience in the Pledge of Allegiance

5. OLD BUSINESS

NONE

6. NEW BUSINESS

- A. Conditional Use Permit submitted by Tracy Mulac of Bertie's White Mountain Café and Donuts to allow for a restaurant serving alcoholic beverages located at 1191 E. Deuce of Clubs that being A.P.N. 210-14-018A&B.

Ms. Fechtelkotter read the staff summary report. Tracy Mulac has submitted a conditional use permit application to allow for a restaurant serving alcoholic beverages at 1191 E Deuce of Clubs, that being A.P.N. 210-14-018A&B. The applicant is renting the property from the owner. The subject property is zoned DC (Downtown Commercial). Restaurants serving alcoholic beverages require a conditional use permit in the DC zoning district.

The applicant currently operates Bertie's White Mountain Café and Donuts and plans to add beer, wine and liquor to their current menu. The hours of operation will be 7 a.m. to 10 p.m. daily. The applicant proposes to utilize an existing outdoor seating area to the north of the restaurant, along the Deuce of Clubs and would like to add an outdoor seating area to the rear of the restaurant, near the parking lot. City Council and State Liquor Board approval are also required prior to serving alcohol. In accordance with city code, transmittal memos were sent to all affected agencies, the property was posted, and letters were sent to all property owners within three hundred (300) feet of the subject property.

Ms. Fechtelkotter read aloud the Findings of Fact;

1. Tracy Mulac of Bertie's White Mountain Café and Donuts to allow for a restaurant serving alcoholic beverages located at 1191 E Deuce of Clubs that being A.P.N. 210-14-018A&B. The applicant is renting the subject property from the owner.
2. Restaurants serving alcoholic beverages require a conditional use permit in the DC zoning district.
3. Hours of operation will be 7 a.m. to 10 p.m. daily.
4. City Council and State Liquor Board approval are also required prior to serving alcohol.
5. Current zoning of the surrounding properties include;

North: DC (Downtown Commercial)
South: DC (Downtown Commercial)
East: DC (Downtown Commercial)
West: DC (Downtown Commercial)
6. The current land uses of the surrounding properties include;

North: Uptown Building and Desert Title
South: Cooley Professional Building and Chase Bank
East: Cattlemen's Restaurant
West: Arizona White Mountain Leather Company
7. Transmittal memos were sent to all affected agencies. Applicable comments received include;

City of Show Low- Outdoor seating areas shall not be located in any recorded easements. On the application the applicant indicated that parking improvements will be done by the City. The City has budgeted for

funds for these improvements; however they will not be completed until all property owners sign off on an agreement with the City.

Timber Mesa Fire & Medical District (TMFMD)- All code required egress shall be met. Closing in the front patio may affect the egress requirements as two suites have been combined into one.

8. Letters were sent to all property owners within three hundred (300) feet of the subject property.

Ms. Fechtelkotter said after reviewing the Zoning Ordinance, Standards for Review, Findings of Fact, 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 602-04-238 submitted by Tracy Mulac of Bertie's White Mountain Café and Donuts to allow for a restaurant serving alcoholic beverages located at 1191 E Deuce of Clubs that being A.P.N. 210-14-018A&B subject to the following conditions;

1. All development shall comply with all applicable federal, state and local requirements, including fire codes.
2. Prior to the sale of alcohol at the subject property, a state liquor license shall be obtained.
3. All signs shall comply with title 19.100 of the city code.
4. Any outdoor seating areas shall be located out of any recorded easements.
5. This conditional use permit is non-transferable.

Ms. Fechtelkotter stated that staff as well as the applicant was available for questions. Vice Chairman Hephner asked Director Tregaskes what the purview of the Planning and Zoning Commission is in regards to this application. Director Tregaskes explained that there are separate processes that overlap in regards to liquor licenses. In order to get a liquor license to serve alcohol at a restaurant they need to get a CUP from the Commission. In addition, they must obtain the liquor license from the state of Arizona Liquor Board. The Planning and Zoning Commission does not approve the liquor license, but determines whether it is appropriate for there to be a liquor license at the location. The City Council and State do a much more thorough review such as; how accurate and complete the application is prior to issuing a liquor license. Director Tregaskes pointed out that there are restaurants with liquor licenses nearby; Cattlemen's, which is adjacent

to the subject property, as well as The House which is located approximately one block south of the subject property. Both of these properties are zoned DC (Downtown Commercial), so there is a precedence for restaurants serving alcohol in the DC zone.

Vice Chairman Hephner called for public comment, seeing none he moved to the vote.

COMMISSIONER ADAMS MOVED TO APPROVE CUP 602-04-228 SUBMITTED BY TRACY MULAC TO ALLOW FOR A RESTAURANT SERVING ALCOHOLIC BEVERAGES AT 1191 E. DEUCE OF CLUBS, THAT BEING A.P.N. 210-14-018A&B SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER ROBERTS SECONDED THE MOTION. MOTION PASSED 4 TO 0 WITH VICE CHAIRMAN HEPHNER AND COMMISSION MEMBERS ADAMS, BARLOW, AND ROBERTS VOTING IN FAVOR.

Mr. Tregaskes said as with any Conditional Use Permit, there is a seven day appeal period. If no appeal is received by the City Clerk within those seven days, this Conditional Use Permit will be considered 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 June 22, 2021.

COMMISSIONER ROBERTS MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF JUNE 22, 2021. COMMISSIONER ADAMS SECONDED THE MOTION. MOTION PASSED 4 TO 0 WITH VICE CHAIRMAN HEPHNER AND COMMISSION MEMBERS ADAMS, BARLOW, AND ROBERTS VOTING IN FAVOR.

9. SUMMARY OF CURRENT EVENTS

Commissioner Barlow is thankful for the rain, but stated that it is still important to be mindful of fire safety for the benefit of our wonderful community.

Commissioner Roberts agreed with Commissioner Barlow, offered his condolences to the family of the bicyclist that passed away this week due to injuries sustained in the bicycle crash. He also wanted to thank to everyone who helped make all the Fourth of July events smooth and successful as well as the Derby Down the Deuce. He is thankful for the community and grateful to live here.

Commissioner Adams echoed the comments of the other Commissioners and wanted to recognize the City of Show Low employees and others who helped with the Fourth of July and Derby Down the Deuce events, which were lots of fun and nice to see a great turnout at these events.

Vice Chairman Hephner said it was wonderful to see all of the participation in the Fourth of July and Derby Down the Deuce events online. He also reminded everyone that it is summertime and recognized the hard work of the police, fire and health workers at the hospital to keep everyone safe and healthy. In addition, he reminded everyone that even though masks are no longer required, that COVID is still here and asked everyone to be nice to each other.

Planning and Zoning Director Tregaskes announced the resignation of Planning and Zoning Commission Chairman Bishop, who was the longest serving member of the Commission and recognized him for his positive attitude and wiliness to serve the community and wished him and his family the best on his move for another job opportunity. There is now a vacancy on the Commission, applications will be accepted until Friday, August 6, 2021 at 5:00pm and invited anyone watching or if anyone knows of someone who would be interested in serving on the Planning and Zoning Commission to encourage them to apply for the vacancy. He also mentioned that the lights downtown have been changed to Purple and Orange in support of the Phoenix Suns in the NBA playoffs. In addition, he recognized the success of Fourth of July and the Derby Down the Deuce, not just the participants and organizers, but the people who show up as it is the purpose of these events. He also wanted to recognize the Chamber of Commerce for putting on the Derby Down the Deuce event. Finally, since there are no items for the agenda, there will be no Planning and Zoning Commission meeting on July 24, 2021.

10. ADJOURNMENT

There being no further business to be brought before the Planning and Zoning Commission, VICE CHAIRMAN HEPHNER ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF JULY 13, 2021 AT 7:17 PM.

ATTEST:

APPROVED:

Justen Tregaskes
Planning and Zoning Director

Robert Hephner
Vice 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 July 13, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Katie Fechtelkotter
Planner