

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON APRIL 26, 2022, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA**

**1. CALL TO ORDER**

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

**2. ROLL CALL**

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

**COMMISSION MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Justen Tregaskes, Planning and Zoning Director; Katie Fechtelkotter, Planner; and Ashley Duncan, Permit Coordinator

**GUESTS PRESENT:** Jodi Whitehead, Blake and Karen Haney, Matt Burnett, David Merrell, and Gary Martinson.

**3. INVOCATION**

Commissioner Roberts gave the invocation.

**4. PLEDGE OF ALLEGIANCE**

Commissioner Lewis led the pledge of allegiance.

**5. NEW BUSINESS**

- A. Consideration of a Preliminary Plat for Buffalo Bill's Resort Villas, a 20-lot subdivision submitted by Gary Martinson of Bison Homes, LLC, located at A.P.N. 309-52-028E.

Ms. Fechtelkotter read the staff summary report.

Buffalo Bill's Resort Villas. This project is to be located on A.P.N. 309-52-028E and is approximately 2.44 acres in size. Maximum proposed total unit count is 20 units. The proposed development is zoned C-2 (General Commercial).

The submitted preliminary plat indicates 20-lots with a one car garage for each unit. The minimum, maximum, and average lot sizes are 3,527 square feet, with an overall density of 8.2 units per acre.

The developer has indicated that the units will be sold and individually owned. Tract A includes a parking lot that will be owned and maintained by the Property Owner's Association (POA).

At their regular meeting of December 14, 2021, the City of Show Low Planning and Zoning Commission approved CUP 602-04-242 to allow for grading, a restaurant serving alcohol and multi-family housing on the subject property, conditions have been attached for review. Staff has reviewed the submitted preliminary plat and has found it meets the requirements of City Code and the conditions of CUP 602-04-242.

### FINDINGS OF FACT

1. Gary Martinson of Bison Homes, LLC has submitted a Preliminary Plat for a project to be called Buffalo Bill's Resort Villas.
2. This project is to be located on A.P.N. 309-52-028E and is approximately 2.44 acres in size. Maximum proposed total unit count is 20 units and is zoned C-2.
3. The submitted preliminary plat indicates 20-lots with a one car garage for each unit. The minimum, maximum and average lot sizes are 3,527 square feet, with an overall density of 8.2 units per acre.
4. The developer has indicated that the units will be sold and individually owned. Tract A includes a parking lot that will be owned and maintained by the Property Owner's Association (POA).
5. At their regular meeting of December 14, 2021, the City of Show Low Planning and Zoning Commission approved CUP 602-04-242 to allow for grading, a restaurant serving alcohol and multi-family housing on the subject property.
6. Staff has reviewed the submitted preliminary plat and has found it meets the requirements of City Code and the conditions of CUP 602-04-242.
7. Zoning of the surrounding properties includes:
  - North: C-2 (General Commercial)
  - South: RCD (Recreation Community District)
  - East: C-2 (General Commercial) and RCD (Recreation Community District)
  - West: R1-7 (Single Family Residential, 7,000 square feet) and RCD (Recreation Community District)

8. Land uses of the surrounding properties includes:

- North: Vacant Commercial
- South: Trailhead at Torreon Subdivision

East: Circle K, Proposed Silver City Subdivision and new Buffalo Bill's Tavern  
West: Fairway Park Center and Trailhead at Torreon Subdivisions

9. Transmittal memos were sent to all affected agencies, applicable comments received include.

Arizona Department of Transportation (ADOT)- It appears the developer plans on accessing this site from State Route 260, which requires a permit from the Northeast District, which requires a traffic impact and drainage studies.

10. No public comment has been received regarding this proposed development.

### **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 the preliminary plat for Buffalo Bill's Resort Villas, a 20-lot subdivision submitted by Gary Martinson of Bison Homes, LLC, located on A.P.N. 309-52-028E subject to the following conditions:

1. All development shall comply with all applicable federal, state, and local requirements, including Timber Mesa Fire and Medical District, and ADOT requirements.
2. The project, including number of lots and overall density, shall be developed in substantial compliance to the submitted Preliminary Plat.
3. Development shall comply with the conditions of CUP 602-04-242 including setback and fencing requirements along the west property line.
4. Prior to construction taking place on the subject property, the city shall approve all required infrastructure design.
5. Trees are of an utmost importance. As much as possible, street design, lot layouts and unit placements shall be coordinated to save trees.

Vice Chairman Barlow inquired if the detention basin is within the discussed parcel on the preliminary plat layout or a separate parcel. Director Tregaskes informed the Vice Chairman that there are two proposed detention basins one in the northwest corner along Cooley next to the Fairway Park sub-division and the second is off site of property within Trailhead at Torreon and owned by the applicant. The Vice Chairman further inquired if the unit layout was able to be changed and the Director advised that minor changes are possible, however, the units could not be moved to the plat in Torreon.

**COMMISSIONER ROBERTS MOVED TO RECOMMEND APPROVAL OF THE PRELIMINARY PLAT FOR BUFFALO BILL'S RESORT VILLAS, A 20-LOT SUBDIVISION SUBMITTED BY GARY MARTINSON OF BISON HOMES, LLC, LOCATED AT A.P.N. 309-52-028E SUBJECT TO STAFF RECOMMENDATIONS AND FORWARD THE RECOMMENDATION TO THE CITY COUNCIL. COMMISSIONER LEWIS SECONDED THE MOTION. PASSED 6 TO 0 WITH CHAIRMAN HEPHNER, VICE CHAIRMAN BARLOW AND COMMISSION MEMBERS ADAMS, HATCH, LEWIS, AND ROBERTS VOTING IN FAVOR.**

B. Consideration of a Preliminary Plat for Silver City at Buffalo Bill's, an eight-lot subdivision submitted by Gary Martinson of Bison Homes, LLC, located at A.P.N. 309-52-028F.

Ms. Fechtelkotter read the staff summary report.

Gary Martinson of Bison Homes, LLC has submitted a Preliminary Plat for a project to be called Silver City at Buffalo Bill's. This project is to be located on A.P.N. 309-52-028F and is approximately 1.24 acres in size. Maximum proposed total unit count is eight units. The proposed development is zoned C-2 (General Commercial).

The submitted preliminary plat indicates a chapel, barn and eight two-story buildings with three bedrooms, two baths and a two-car garage underneath. The minimum, maximum and average lot sizes are 2,035 square feet, with an overall density of 6.4 units per acre.

The developer has indicated that the units will be sold and individually owned. Tract A includes a parking lot that will be owned and maintained by the Property Owner's Association (POA).

At their regular meeting of December 14, 2021, the City of Show Low Planning and Zoning Commission approved CUP 602-04-242 to allow for grading, a restaurant serving alcohol and multi-family housing on the subject property, conditions have been attached for review. Staff has reviewed the submitted preliminary plat and has found it meets the requirements of City Code and the conditions of CUP 602-04-242.

### **FINDINGS OF FACT**

1. Gary Martinson of Bison Homes, LLC has submitted a Preliminary Plat for a project to be called Silver City at Buffalo Bill's.
2. This project is to be located on A.P.N. 309-52-028F and is approximately 1.24 acres in size. Maximum proposed total unit count is eight units. The proposed development is zoned C-2.
3. The submitted preliminary plat indicates eight two-story buildings with three bedrooms, two baths and a two-car garage underneath. The minimum, maximum and average lot sizes are 2,035 square feet, with an overall density of 6.4 units per acre.

4. The developer has indicated that the units will be sold and individually owned. Tract A includes a parking lot that will be owned and maintained by the Property Owner's Association (POA).
5. At their regular meeting of December 14, 2021, the City of Show Low Planning and Zoning Commission approved CUP 602-04-242 to allow for grading, a restaurant serving alcohol and multi-family housing on the subject property.
6. Staff has reviewed the submitted preliminary plat and has found it meets the requirements of City Code and the conditions of CUP 602-04-242.

7. Zoning of the surrounding properties includes:

North:	C-2 (General Commercial)
South:	RCD (Recreation Community District)
East:	C-2 (General Commercial)
West:	C-2 (General Commercial)

8. Land uses of the surrounding properties includes:

North:	Circle K
South:	Trailhead at Torreon Subdivision
East:	New Buffalo Bill's Tavern
West:	Proposed Buffalo Bill's Resort Villas Subdivision

9. Transmittal memos were sent to all affected agencies, applicable comments received include.

Arizona Department of Transportation (ADOT)- It appears the developer plans on accessing this site from State Route 260, which requires a permit from the Northeast District, which requires a traffic impact and drainage studies.

10. No public comment has been received regarding this proposed development.

### **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 the preliminary plat for Silver City at Buffalo Bill's, an eight-lot subdivision submitted by Gary Martinson of Bison Homes, LLC, located on A.P.N. 309-52-028 F subject to the following conditions:

1. All development shall comply with all applicable federal, state, and local requirements, including Timber Mesa Fire and Medical District, and ADOT requirements.

2. The project, including number of lots and overall density, shall be developed in substantial compliance to the submitted Preliminary Plat
3. Development shall comply with the conditions of CUP 602-04-242.
4. Prior to construction taking place on the subject property, the city shall approve all required infrastructure design.
5. Trees are of an utmost importance. As much as possible, street design, lot layouts and unit placements shall be coordinated to save trees.

Charmain Hephner invited applicant up: Gary Martinson at 720 N. Retreat Way, Show Low.

Vice Chairman Barlow asked Mr. Martinson to clarify if the units will be 2 story with garage, 3 levels in total, or 1 level living unit above and garage on below. Mr. Martinson informed that there will only 2 levels in total.

Vice Chairman Barlow inquired as to what Mr. Martinson's plans for the chapel and barn shown on the plans are. Mr. Martinson informed the commission the intended purpose is to assist in the wild west theme intended with this development as well as be used as active structures with the intended purpose of large gatherings.

Commissioner Adams stated that it shows that the parking lots are to be maintained by a homeowner's association on both plats. Commissioner Adams asked if one association is going to run both subdivisions or would the management of the lots be split into two separate associations. Mr. Martinson advised the management will be under separate associations.

Commissioner Roberts inquired if the ownership association for the Resort Villas will be released to the homeowners at some point to which Mr. Martinson advised that it will be. Commissioner Roberts further inquired if the residential units in Silver City would stay under the management of the restaurant and Mr. Martinson advised that was the most likely outcome.

**COMMISSIONER LEWIS MOVED TO RECOMMEND APPROVAL OF THE PRELIMINARY PLAT FOR SILVER CITY AT BUFFALO BILL'S RESORT VILLAS, AN EIGHT-LOT SUBDIVISION SUBMITTED BY GARY MARTINSON OF BISON HOMES, LLC, LOCATED AT A.P.N. 309-52-028F SUBJECT TO STAFF RECOMMENDATIONS AND FORWARD THE RECOMMENDATION TO THE CITY COUNCIL. COMMISSIONER ROBERTS SECONDED THE MOTION. PASSED 6 TO 0 WITH CHAIRMAN HEPHNER, VICE CHAIRMAN BARLOW AND COMMISSION MEMBERS ADAMS, HATCH, LEWIS, AND ROBERTS VOTING IN FAVOR.**

- C. Consideration of Conditional Use Permit 602-04-248 submitted by Mathew Burnett to allow for the expansion of a non-conforming structure on property located at 550 S. 7<sup>th</sup> Avenue, Show Low, Arizona, that being A.P.N. 210-12-019.

Ms. Fechtelkotter read the staff summary report.

Mathew Burnett has submitted a Conditional Use Permit (CUP) to allow for the expansion of a non-conforming structure located at 550 South 7th Avenue, that being A.P.N. 210-12-019. According to Navajo County records the structure was built in 1965, this was prior to the establishment of a building department in the City of Show Low. The home is a legal established non-conforming structure that does not meet current setbacks. The subject property is zoned R1-7, single-family residential, 7,000 square feet.

The minimum setback for a structure along a street is a minimum of 20 feet from the property line in the R1-7 zone. The current home is set back approximately 10 feet from the property line along W. Reidhead. The applicant is proposing to add a 12-foot by 22-foot carport on to the existing home along W. Reidhead, which would not project out further into the setback than the existing home.

City Code defines a non-conforming structure as, "A structure which was lawfully erected prior to the adoption of the ordinance codified in this title but which, under this title, does not conform with the standards of development and construction, lot coverage, yard spaces, height of structures, distance between structures or other standards prescribed in the regulations for the district in which the structure is located." Per section 19.95.060(A) of City Code a legal non-conforming structure may be expanded through a CUP.

A similar CUP request was approved by the Planning and Zoning Commission at the regular meeting of April 9, 2019, for a 12-foot by 26-foot attached awning addition on the property adjacent to the subject property that faces South 8th Avenue.

### **FINDINGS OF FACT**

1. Mathew Burnett has submitted a CUP to allow for the expansion of a non-conforming structure located at 550 S. 7th Avenue, that being A.P.N. 210-12-019.
2. According to Navajo County records the structure was built in 1965, this was prior to the establishment of a building department in the City of Show Low. The home is a legal established non-conforming structure that does not meet current setbacks. The subject property is zoned R1-7, single-family residential, 7,000 square feet.
3. The minimum setback for a structure along a street is a minimum of 20 feet from the property line in the R1-7 zone. The current home is set back approximately 10 feet from the property line along W. Reidhead.
4. The applicant is proposing to add a 12-foot by 22-foot carport on to the existing home along W. Reidhead, which would not project out further into the setback than the existing home.
5. City Code defines a non-conforming structure as, "A structure which was lawfully erected prior to the adoption of the ordinance codified in this title but which, under this title, does not conform with the standards of development and construction, lot

coverage, yard spaces, height of structures, distance between structures or other standards prescribed in the regulations for the district in which the structure is located.”

6. Per section 19.95.060(A) of City Code a legal non-conforming structure may be expanded through a CUP.
7. A similar CUP request was approved by the Planning and Zoning Commission at the regular meeting of April 9, 2019, for a 12-foot by 26-foot attached awning addition at the property adjacent to the subject property that faces South 8th Avenue.
8. Current zoning of the surrounding properties include.

North:	R1-7 (Single-family residential, 7,000 square feet)
South:	R1-7 (Single-family residential, 7,000 square feet)
East:	R1-7 (Single-family residential, 7,000 square feet)
West:	R1-7 (Single-family residential, 7,000 square feet)

9. The current land uses of the surrounding properties include.

North:	Residential
South:	Residential
East:	Residential
West:	Residential

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

### **STAFF RECOMMENDATIONS**

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 602-04-248 submitted by Mathew Burnett to allow for the expansion of non-conforming structure located at 550 S. 7th Avenue, that being A.P.N. 210-12-019 subject to the following conditions.

1. All development shall comply with all applicable federal, state, and local requirements, including building permit requirements.
2. The carport shall not be closer to the property line than the existing structure.
3. No further expansions are allowed unless approved through future Conditional Use Permits.



Commissioner Roberts expressed concern that allowing this new CUP will set precedence for neighboring properties to vary from current setbacks. Mrs. Fechtelkotter advised Commissioner Roberts that a CUP for the same purpose was previously approved in 2019 for a different applicant as mentioned in the staff summary report.

Commissioner Roberts further inquired if the allowance of the car port will impact traffic visibility. Mrs. Fechtelkotter indicated that it would not.

Vice Chairman Barlow inquired if the Right of Way for Reidhead at this location up to city standard for this zoning. Mrs. Fechtelkotter advised that it was.

Chairman Hephner invited the public up: Blake Haney at 601 S. 7<sup>th</sup> Ave.

Mr. Haney requested to know what type of material will be used for this structure.

Chairman Hephner invited the applicant up: Matthew Burnett at 550 S 7<sup>th</sup> Dr.

Mr. Burnett advised the Commission and public there would be no structure to this structure, just posts and smoked fiberglass. Chairman Hephner clarifies there will be no siding and the applicant confirmed that was correct.

**COMMISSIONER ADAMS MOVED TO APPROVE THE APPROVE THE CONDITIONAL USE PERMIT SUBMITTED BY MATHEW BURNETT TO ALLOW THE EXPANSION OF A NON-CONFORMING STRUCTURE AT 550 S. 7<sup>TH</sup> AVENUE, THAT BEING A.P.N. 210-12-019 SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER ROBERTS SECONDED THE MOTION. PASSED 6 TO 0 WITH CHAIRMAN HEPHNER, VICE CHAIRMAN BARLOW AND COMMISSION MEMBERS ADAMS, HATCH, LEWIS, AND ROBERTS VOTING IN FAVOR.**

Director 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.

**6. 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.**

A. Planning and Zoning Commission Regular Meeting of April 12, 2022.

**COMMISSIONER ADAMS MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF APRIL 12, 2022. COMMISSIONER ROBERTS SECONDED THE MOTION. PASSED 6 TO 0 WITH, CHAIRMAN HEPHNER AND COMMISSION MEMBERS ADAMS, VICE CHAIRMAN BARLOW, HATCH, LEWIS, AND ROBERTS VOTING IN FAVOR.**

**1. SUMMARY OF CURRENT EVENTS**

Commission Members

Commissioner Roberts advised the community that it is fire season and to be please aware and cautious.

Commissioner Hatch stated its another great day in Show Low

Commissioner Lewis wanted to publicly thank those who volunteer their time for community events and sports leagues.

Vice Chairman Barlow stated he felt blessed to live in this community and encouraged the community to take advantage of the good weather.

Planning and Zoning Director

Director Tregaskes stated that Show Low School District is having their annual musical and encouraged the community to attend.

**2. ADJOURNMENT**

There being no further business to be brought before the Planning and Zoning Commission, CHAIRMAN HEPHNER ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF APRIL 26, 2022, AT 7:31 PM.

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Robert Hephner  
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 April 26, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

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

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Ashley Duncan