

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING & ZONING COMMISSION HELD ON TUESDAY, DECEMBER 14, 2022, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9<sup>TH</sup> STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA**

**1. CALL TO ORDER**

Chairman Hephner called to order @ 7 PM

**2. ROLL CALL**

All present

**3. INVOCATION**

Commissioner Adams gave the invocation

**4. PLEDGE OF ALLEGIANCE**

Vice Chairman Barlow lead the pledge of allegiance

**6. NEW BUSINESS**

- A. Consideration of Conditional Use Permit 602-04-240 submitted by Compassionate Care of AZ, Inc. dba Consume Cannabis to allow for a Marijuana Dispensary located at 1350 N. Penrod Rd., that being A.P.N. 210-49-123.

Mrs. Fechtelkotter presented the staff summary report below.

Compassionate Care of AZ, Inc. dba Consume Cannabis has submitted a Conditional Use Permit (CUP) to allow for a marijuana dispensary located at 1350 N. Penrod Rd., that being A.P.N. 210-49-123. Staff has reviewed the application and has found that it meets the requirements outlined in Title 19.120 *Medical marijuana-related facilities* of City Code. Several items have been excluded from the packet due to those items' confidential nature; those items are available to Commission members upon request. In addition, some information included in the packet has been redacted for safety and security reasons. In November 2010, Arizona voters approved Proposition 203, which allowed the use of marijuana for medical purposes. The proposition stated local jurisdictions cannot prohibit Medical Marijuana Dispensaries (MMD); however, cities may enact reasonable zoning regulations that limit the use of land for registered non-profit marijuana dispensaries to specified areas. At its regular meeting of September 1, 2020, the City Council voted to approve a zone change request to change the zoning of the subject property from I-1 (Light Industrial) to C-2 (General Commercial). As stated, the purpose of the zone change was to allow for a MMD at the subject property. Per title 19.120.040(A) medical marijuana dispensaries are limited to the C-2 zone through a CUP. Medical marijuana cultivation facilities are limited to the I-1 and I-2 (Heavy Industrial) zones. Because this will be a MMD and not a

medical marijuana cultivation facility, a rezone of the subject property to C-2 was required. In November 2020, Arizona voters approved Proposition 207, which allows the use of marijuana for recreational purposes. The Arizona Department of Health Services began accepting applications for recreational marijuana dispensaries on January 19, 2021. Based on this change to state law, the requirements for medical and recreational marijuana are considered to be the same.

The subject property was previously utilized by Western Grade and is currently vacant. The applicant has indicated that they plan to relocate from their current location in Taylor to the subject property. The applicant will utilize a portion of the building for a marijuana dispensary; a floor plan is available to Commission members upon request.

At its regular meeting of June 4, 2013, the City Council Approved CUP 602-04-156 submitted by Green Hills Patient Center, Inc. (Green Hills) to allow for a Medical MMD at 3191 S. White Mountain Rd. The Council included 17 conditions as a part of the approval. These conditions have been attached for review.

At its regular meeting of June 20, 2017, the City Council considered a request by Green Hills to amend the conditions of approval of their CUP. Condition no. 5 was eliminated, and condition no. 15 was amended to read, "This permit is for the sale of medical marijuana and related paraphernalia only. On-site cultivation is prohibited." City Council did not approve the request to remove amend condition no. 16, which limited the hours of operation to six days a week from 9:00 AM to 6:00 PM. On October 27, 2020, the Planning & Zoning Commission approved CUP 602-04-233 submitted by Compassionate Care of AZ, Inc. for a MMD on the subject property. Since the CUP was approved there is a completely new board of directors for Compassionate Care of AZ, Inc. dba Consume Cannabis. Condition no. 2 of the CUP stated, "This conditional use permit is nontransferable. Should a change in ownership or location occur, a new conditional use permit shall be required." Based on the change in ownership, a new CUP is required. The applicant had also requested to be open seven days a week, however, condition no.15 of the CUP stated, "The hours of operation are limited to six days a week from 9:00 AM to 6:00 PM. With Commission review in six months." All other conditions of approval of CUP 602-04-233 have been included for your review. The current applicant has requested extended hours of operation however, to be consistent with the conditions outlined for Green Hills and the previously approved CUP for this location, staff recommends that the days of operation be limited to six days a week from 9:00 AM to 6:00PM.

## FINDINGS OF FACT

1. Compassionate Care of AZ, Inc. dba Consume Cannabis has submitted a CUP to allow for a Marijuana Dispensary located at 1350 N. Penrod Rd., that being A.P.N. 210-49-123.
2. Staff has reviewed the application and has found that it meets the requirements outlined in Title 19.120 *Medical marijuana-related facilities* of City Code. Several items have been excluded from the packet due to those items' confidential nature; those items are available to Commission members upon request. The policies and procedures manual has been included for review however, some information has been redacted for safety and security reasons.
3. In November 2010, Arizona voters approved Proposition 203, which allowed the use of marijuana for medical purposes. The proposition stated local jurisdictions cannot prohibit Medical Marijuana Dispensaries (MMD); however, cities may enact reasonable zoning regulations that limit the use of land for registered non-profit marijuana dispensaries to specified areas.
4. At its regular meeting of September 1, 2020, the City Council voted to approve a zone change request to change the zoning of the subject property from I-1 (Light Industrial) to C-2 (General Commercial). As stated, the purpose of the zone change was to allow for a MMD at the subject property. Per title 19.120.040(A) medical marijuana dispensaries are limited to the C-2 zone through a CUP. Medical marijuana cultivation facilities are limited to the I-1 and I-2 (Heavy Industrial) zones. Because this will be a MMD and not a medical marijuana cultivation facility, a rezone of the subject property to C-2 was required.
5. In November 2020, Arizona voters approved Proposition 207, which allows the use of marijuana for recreational purposes. The Arizona Department of Health Services began accepting applications for recreational marijuana dispensaries on January 19, 2021. Based on this change to state law, the requirements for medical and recreational marijuana are considered to be the same.
6. The subject property was previously utilized by Western Grade and is currently vacant. The applicant has indicated that they plan to relocate from their current location in Taylor to the subject property. The applicant will utilize a portion of the building for marijuana dispensary; a floor plan has been attached to the Commission packet for review.
7. At its regular meeting of June 4, 2013, the City Council Approved CUP 602-01-156 submitted by Green Hills Patient Center, Inc. (Green Hills) to

allow for a Medical Marijuana Dispensary at 3191 S. White Mountain Rd. The Council included 17 conditions as a part of the approval.

8. At its regular meeting of June 20, 2017, the City Council considered a request by Green Hills to amend the conditions of approval of their CUP. Condition no. 5 was eliminated, and condition no. 15 was amended to read, "This permit is for the sale of medical marijuana and related paraphernalia only. On-site cultivation is prohibited." City Council did not approve the request to remove amend condition no. 16, which limited the hours of operation to six days a week from 9:00 AM to 6:00 PM.

9. On October 27, 2020, the Planning & Zoning Commission approved CUP 602-04-233 submitted by Compassionate Care of AZ, Inc. for a MMD on the subject property. Since the CUP was approved there is a completely new board of directors for Compassionate Care of AZ, Inc. dba Consume Cannabis. Condition no. 2 of the CUP stated, "This conditional use permit is non-transferable. Should a change in ownership or location occur, a new conditional use permit shall be required." Based on the change in ownership, a new CUP is required.

The applicant had also requested to be open seven days a week, however, condition no.15 of stated, "The hours of operation are limited to six days a week from 9:00 AM to 6:00 PM. With Commission review in six months."

10. The current applicant has requested extended hours of operation however, to be consistent with the conditions outlined for Green Hills and the previously approved CUP for this location staff recommends that the days of operation be limited to six days a week from 9:00 AM to 6:00PM.

11. Current zoning of the surrounding properties include.

North: I-1 (Light Industrial)  
South: I-1 (Light Industrial)  
East: C-2 (General Commercial)  
West: I-1 (Light Industrial)

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

North: Vacant Industrial  
South: Quality Ready Mix  
East: Northern Arizona Automall  
West: Quality Ready Mix

13. Transmittal memos were sent to all affected agencies. Applicable comments received include. Timber Mesa Fire & Medical District (TMFMD)- All installed security locks to conform with applicable 2018 Fire Code requirements. Any modifications will require approval from the Authority Having Jurisdiction (AHJ). Must meet all other applicable codes and standards.

14. 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 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 602-04-240 submitted by Compassionate Care of AZ, Inc. dba Consume Cannabis to allow for a Marijuana Dispensary located at 1350 N. Penrod Rd., that being A.P.N. 210-49-123 subject to the following conditions.

1. All development shall comply with all applicable state and local requirements including Arizona Department of Health Services requirements, city zoning, and business permit requirements.
2. This conditional use permit is non-transferable. Should a change in ownership or location occur, a new conditional use permit shall be required.
3. The applicant shall comply with all documents submitted to the city as part of this conditional use permit, including the Operational Procedures and supplemental materials.
4. Signage shall only display the facility name.
5. Submission of an application for a dispensary registration certificate constitutes permission for the city to enter and inspect the dispensary.
6. An on-site inspection of the dispensary shall occur at a date and time agreed to by the dispensary and the city that is no later than five working days after the date the city submits a written request to the dispensary to schedule the certification or compliance inspection, unless the city agrees to a later date and time.
7. The city may, after receiving allegations of the dispensary's noncompliance with this conditional use permit or state law from a verified source, inspect the property for compliance with notice.
8. If the city identifies a violation of City Code Chapter 19.120 or any condition of approval, the city may schedule a hearing related to the revocation of this conditional use permit.

9. The applicant shall be responsible for installing and maintaining exterior lighting to facilitate surveillance.

10. A security plan meeting the approval of the Arizona Department of Health Services with a copy provided to the city shall be required prior to the opening of the business. All alarm systems shall comply with Chapter 7.25, Alarm System Regulations, of the City Code. Panic buttons shall be installed in the interior of the building. A security guard shall be on the premises at all times the dispensary is open for business.

11. No loitering shall be permitted on the exterior of the proposed business.

12. Only qualifying individuals, employees of the business, or other qualified individuals, including city and state staff members shall be permitted inside the proposed business.

13. The dispensary shall not dispense, deliver, or otherwise transfer marijuana to an entity other than another dispensary with a valid dispensary registration certificate issued by the Arizona Department of Health Services, a qualifying patient with a valid registry identification card, or a designated caregiver with a valid registry identification card; or acquire usable marijuana from any entity other than another dispensary with a valid dispensary registration certificate issued by the Arizona Department of Health Services, or cultivation facility with a valid cultivation registration certificate issued by the Arizona Department of Health Services.

14. This permit is for the sale of marijuana and related paraphernalia only. On-site cultivation is prohibited.

15. The hours of operation are limited to six days a week from 9:00 AM to 6:00 PM.

Chairman Hephner asked staff to clarify if the application is just for the sale of medical marijuana or if recreational purchase is allowed. Mrs. Fechtelkotter informed the Chairman that recreational purchase option would be available, as is allowed under State Law.

Chairman Hephner further asked for clarification regarding hours of operation and why it is specified. Mrs. Fechtelkotter explained that hours of operation are specified in staff's recommendations due to the existing Dispensary operating hours and City Councils decisions.

Commissioner Hilgard inquired into if edible marijuana products will be available for purchase. Mrs. Fechtelkotter informed the commissioner that she is unable to answer questions regarding available product of sales and believed that question would be better asked to the applicant.

Vice Chairman Barlow inquired into items #13 and asked for clarity due to it reading to only serve consumers with medical based cards. Mrs. Fechtelkotter passed the question to Director Tregaskes and Director Tregaskes informed the commission staff agreed that item #13 could be clarified.

Chairman Lewis requested clarification on item #15 regarding whether operation hrs. of 6 days a week is open for applicant preference or if there are staff selected days that fall under the item number. Director Tregaskes replied that yes, the item number could use clarification and that days, Monday through Saturday closed on Sunday from 9am- 6pm, are clear on record of the other dispensary.

Chairman invited the applicant to come forward:

Tom Galvin with Rose Law Group at 70144 E Stetson, Scottsdale, Az  
David Flood, chairman of Consume Cannabis

Tom Galvin with Rose Law Group at 70144 E Stetson, Scottsdale, Az. complimented the working relationship with staff as well as stating the staff report being one of the best he has read. In addition, he informed the commission the applicant is invested in abiding by the conditions set forth in the CUP.

Commissioner Roberts inquired into the security consciousness of Consume Cannabis and if they meet the same consciousness as the previous CUP owners. Mr. Flood states that they are if not more so. They own and operate in three (3) additional states, incorporate forty-five (45) cameras at all locations, hire a third-party security guard and included safety designs in the building details, including volts and a panic room. Commissioner Roberts additionally inquires into the protocol for internal theft and how that is prevented. Mr. Flood informed the commissioner his company uses a global ERP system, so all product and distribution are tracked and accounted for as well as enacts a daily live count of product.

Commissioner Roberts further inquired into the safety plan for customers pending entrance to the shop, so they are not lined up along the building near the busy traffic. Mr. Flood advised that not only is there ample parking of a planned 35 spaces, but the build is setback from the road as well as having an internal vestibule for pending patrons and having online ordering available for accelerated transaction times.

Commissioner Lewis inquires if the third-party security guard is an armed or unarmed guard. Mr. Flood stated that most locations use an armed guard, and such security is planned to be employed at this location. Commissioner Lewis further asked if there is continued education and training for such individuals and who will be hired. Mr. Flood informs the commission that

Consume Cannabis hires a third party for security who employees former or current law enforcement. Mr. Flood stated that Consume Cannabis has the security do perimeter walks as well as maintains a presence at the front of the building and during product deliveries. Also, the security plan for this location calls for one and half guards across the week which give the availability of cross over.

Commissioner Hilgart requested information on how the applicant regulates edibles regardless of how the Health Department and Department of Environmental Health defines classification of such product. Mr. Flood explained that the applicant does not currently produce edibles in the state of Arizona however, manufacturing facility building development is directed toward FDA and OSHA future expectation regulations. Mr. Flood further informed the commission they not only hire food scientists as well as third-party food scientists to evaluate receipts formulas for edible consumption.

Chairman Hephner inquired as to what the applicant is anticipating and why they are requesting extending hours. Mr. Flood explains that the hours request was to not only keep synchrony of other locations, schedule flexibility for employees, allows employees to go from part time to full which influences loyalty and not having individuals continuously job searching, customer availability for those who specifically consume cannabis for medicinal purposes and the longer hours and extended day request is to allow after hour work access or if they forget and need to refill the medicinal need on a Sunday.

Chairman Hephner inquired if online ordering is available to both medical and non-medical consumers. Mr. Flood responds that product ordering is the only available option through the applicant's website.

Chairman Hephner address the public for any questions regarding this topic. Public has no questions.

Commissioner Roberts moves to approve the CUP application subject to staff recommendations and Commissioner Lewis seconds the motions. Director Tregaskes clarified the commissioners motion includes modifying staff recommendation number 13 to allow recreational and medicinal sales and number 15 limiting days of operation to Monday through Saturday, the commissioner confirmed.

Chairman Hephner put motion for approval to vote, none opposed motion passed

- B. Consideration of Conditional Use Permit 602-04-241 submitted by Homeland Fence & Supply to allow for a fence supply business and recreational vehicle

storage located at 3301 S. White Mountain Rd., that being A.P.N. 210-33-013C.

Mrs. Fechtelkotter presented the staff summary report below.

Homeland Fence & Supply has submitted a Conditional Use Permit (CUP) to allow for a fence supply business and recreational vehicle (RV) storage on property located at 3301 S. White Mountain Rd., that being A.P.N. 210-33-013C. There is an existing office and storage building located on the subject property. According to Navajo County records both buildings were built in 1958. These buildings have been vacant for several years. On May 10, 2011, the Planning & Zoning (P & Z) Commission approved CUP 602-04-143 to allow for the construction of a building exceeding 45 feet and to allow for the construction of a hotel on the subject property. On November 12, 2013, the P & Z Commission approved CUP 602-04-143A to extend the timeframe of the original CUP and for fence design and design modifications. Because the project was not completed within 18 months of approval the CUP expired. At their regular meeting of February 7, 2018, the P & Z Commission approved CUP 602-04-206 to allow for a building over 45 feet in height, grading and fill prior to issuance of a building permit and extending the timeframe to construct the hotel to three years. However, that CUP has expired in February 2021, and they no longer plan to build a hotel on the subject property. The property is zoned C-2 (General Commercial), fence supply businesses and RV storage require a CUP in the C-2 zone. The applicant has also indicated that they would like to install a decorative fence along the front property line. A conceptual site plan has been included for review.

### **FINDINGS OF FACT**

1. Homeland Fence & Supply has submitted a CUP to allow for a fence supply business and RV storage located at 3301 S. White Mountain Rd., that being A.P.N. 210-33-013C.
2. There is an existing office and storage building located on the subject property. According to Navajo County records both buildings were built in 1958. These buildings have been vacant for several years.
3. On May 10, 2011, the Planning & Zoning (P & Z) Commission approved CUP 602-04-143 to allow for the construction of a building exceeding 45 feet and to allow for the construction of a hotel on the subject property. On November 12, 2013, the P & Z Commission approved CUP 602-04-143A to extend the timeframe of the original CUP and for fence design and design modifications. Because the project was not completed within 18 months of approval the CUP expired.

4. At their regular meeting of February 7, 2018, the P & Z Commission approved CUP 602-04-206 to allow for a building over 45 feet in height, grading and fill prior to issuance of a building permit and extending the timeframe to construct the hotel to three years. However, that CUP has expired in February 2021, and they no longer plan to build a hotel on the subject property.

5. The property is zoned C-2 (General Commercial), fence supply businesses and RV storage require a CUP in the C-2 zone. The applicant has also indicated that they would like to install a decorative fence along the front property line. A conceptual site plan has been included for review.

6. Current zoning of the surrounding properties include.

North: C-2 (General Commercial)

South: C-2 (General Commercial) and A-General (Navajo County)

East: AR-43 (Agricultural-Residential, 43,000 Square feet)

West: C-2 (General Commercial)

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

North: Commercial office building

South: Vacant commercial & A-General

East: Vacant agricultural residential

West: Vacant commercial

8. Transmittal memos were sent to all affected agencies. Applicable comments received include. Arizona Department of Transportation (ADOT)- An encroachment permit for access is required, which will entail a traffic and drainage study since it is a commercial business. Timber Mesa Fire and Medical District (TMFMD)- Fire apparatus roads must meet minimum loading requirements as prescribed in the 2018 IFC as adopted by TMFMD (75,000 lb. minimum).

9. 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 602-04-241 submitted by Homeland Fence & Supply to allow for a fence supply business and RV storage located at 3301 S. White Mountain Rd., that being A.P.N. 210-33-013C 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. Any engineer shall certify any changes to drainage and grading on the site.
3. The surfacing of all access ways, interior driveways and parking areas, shall be surfaced in accordance with City Code and shall meet the minimum loading requirements outlined by TMFMD.
4. All vehicles parked/stored on the property shall be in useable condition.
5. As indicated on the submitted site plan, storage of vehicles shall be located to the rear of the property.
6. All outdoor materials shall be screened by a six-foot solid material fence, and all materials shall be stored below fence height.
7. Landscaping meeting the requirements of City Code Chapter 19.70.120 shall be installed and maintained. The applicant shall coordinate with ADOT and City Staff to landscape the White Mountain Road right of way.
8. Parking and lighting requirements of Chapter 19.105 of City Code shall be met.
9. All signage shall meet the requirements of Chapter 19.100 of City Code
10. The developer of the subject property shall work with ADOT to obtain a new driveway permit.

Chairman Hephner invited the applicant forward.  
Tomas Cedarblade 2450 S White Mountain Road

Commissioner Roberts asked how many RV spaces would be made available and if dust control will be happening in the area. The applicant informed the commissioners that 30 useable space is in the plan and dust control will be active.

Chairman Hephner asked the applicant about which road will be used for access. The applicant references a satellite photo showing a driveway off HWY 77 and advised that is the intended driveway and current approved ADOT access point.

Vice Chairman Barlow inquired to confirm that there is no current access from this site to Ellsworth and the applicant confirmed that is correct.

Vice Chairman moves to approve this CUP application and Commissioner Adams seconds the motion. Chairman puts motion to vote and motion passes with none opposed.

- C. Consideration of Conditional Use Permit 602-04-242 submitted by Gary Martinson of Bison Homes to allow for grading, a restaurant serving alcohol and multi-family housing located at 3905 & 3921 W. Cooley, that being A.P.N. 309-46-012C, 309-52-028A and 309-52-029.

Chairman Hephner excuses himself from application proceedings due to conflict of interest @ 7:46 p.m.

Mrs. Fechtelkotter presented the staff summary report below.

Gary Martinson of Bison Homes has submitted a Conditional Use Permit (CUP) to allow for grading, a restaurant serving alcohol and multi-family housing located at 3905 & 3921 W. Cooley, that being A.P.N. 309-46-012C, 309-52-028A and 309-52-029.

The applicant has submitted a request to begin grading prior to obtaining a building permit. The subject property is 5.12 acres in size and the proposed development will include a new 7,800 square foot restaurant serving alcoholic beverages and 15 one-story villas with two units each, including a one-car garage for each unit, with a total of 30 new residential units. The applicant may rent out the villas or sell them independently. The number of villas and/or the restaurant size may need to be reduced to preserve trees on the subject property. The applicant has indicated that there will be a 20-foot setback and a six-foot solid material fence between the subject property and Fairway Park Center and Torreon. The subject property is zoned C-2 (General Commercial). Grading on lots over 5,000 square feet prior to the issuance of a building permit, restaurants serving alcoholic beverages and multi-family housing over ten units require a CUP in the C-2 zone.

### **FINDINGS OF FACT**

1. Gary Martinson of Bison Homes has submitted a Conditional Use Permit (CUP) to allow for grading, a restaurant serving alcohol and multi-family housing located at 3905 & 3921 W. Cooley, that being A.P.N. 309-46-012C, 309-52-028A and 309-52-029.
2. The applicant has submitted a request to begin grading prior to obtaining a building permit. The subject property is 5.12 acres in size and the proposed development will include a new restaurant serving alcoholic beverages and

15 one-story villas with two units each, including a one-car garage for each unit, with a total of 30 new residential units. The applicant may rent out the villas or sell them independently.

3. The number of villas and/or the restaurant size may need to be reduced to preserve trees on the subject property. The applicant has indicated that there will be a 20-foot setback and a sixfoot solid material fence between the subject property and Fairway Park Center and Torreon.

4. The subject property is zoned C-2 (General Commercial). Grading on lots over 5,000 square feet prior to the issuance of a building permit, restaurants serving alcoholic beverages and multi-family housing over ten units require a CUP in the C-2 zone.

5. Current zoning of the surrounding properties include.

North: C-2 (General Commercial) & C-1 (Neighborhood Commercial)

South: RCD (Recreation Community District)

East: C-1 (Neighborhood Commercial) & RCD (Recreation Community District)

West: RCD (Recreation Community District)

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

North: Circle K and vacant commercial

South: Trailhead at Torreon subdivision

East: Commercial office buildings

West: Fairway Park Center and Trailhead at Torreon subdivisions

7. Transmittal memos were sent to all affected agencies. Applicable comments received include.

Arizona Department of Transportation (ADOT)- This project will need to submit a traffic study when they apply for an access permit from ADOT.

Timber Mesa Fire and Medical District (TMFMD)- Must meet all applicable fire codes.

8. Staff has received two phone calls from neighbors, one who had questions about a fence and another regarding general questions about the project.

### **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 602-04-242 submitted by Gary Martinson of Bison Homes to allow for grading, a restaurant serving alcohol and multi-family housing located at 3905 & 3921 W. Cooley, that being A.P.N. 309-46-012C, 309-52-028A and 309-52-029 subject to the following conditions.

1. All development shall comply with all applicable federal, state, and local requirements, including but not limited to, Arizona Department of Environmental Quality (ADEQ), Arizona Pollutant Discharge Elimination System (AZPDES) requirements, and Storm Water Pollution Prevention Plan and Permit (SWPPP).
2. Hours of operation for grading shall be limited to 7:00 am to 10:00 pm.
3. Dust and smoke from grading and processing operations shall not adversely impact neighboring properties.
4. The applicant shall not negatively impact any existing easements located on the subject property.
5. A grading permit shall not be approved without a tree preservation plan, showing meaningful tree preservation of trees on the subject property.
6. An approved grading permit is required prior to commencement of grading activities.
7. All signs shall comply with Chapter 19.100 of City Code, Signs.
8. All parking areas shall comply with Chapter 19.105 of City Code, Parking.
9. All lighting shall comply with Chapter 19.110 of City Code, Outdoor Light Control.
10. Prior to the sale of alcohol at the subject property, a state liquor license shall be obtained.
11. A solid six-foot material fence and 20-foot setback shall be installed and maintained between Fairway Park Center and lots 91, 96,97, and 98 of the Trailhead at Torreon boundaries.

Commissioner Roberts confirms the type of design for the livable units is similar to those put in next to the Pro Shop. Mrs. Fechtelkotter confirms that is accurate.

Vice Chairman asked if the CUP allows for grading on neighboring parcel on 309-66-994. Director Tregaskes informs that the grading is for the parking lot and restaurant. The portion for the Twin homes project is to maintain grade as much as possible. The grading permit in discussion tonight is for the parking lot and driveways for the restaurant currently only.

Vice Chairman invites the applicant forward.  
Gary Martinson at 720 N Retreat Way, Show Low.

Commissioner Roberts asked if the applicant is transferring the original Buffalo Bill's to this location or if he is intending for a second location. Mr. Martinson that the application is for relocation purposes only.

Commissioner Hilgart inquired what timeline for the residential part of the project would be and Mr. Martinson stated he is hopeful to have the restaurant started in March and finished in October while the residential aspect would start closer to June.

Vice Chairman opens to the public for questions.  
Virginia McCormick 451 N. 40 Circle states that she has concerns about tree preservation and screening. Director Tregaskes stated that Mr. Martinson is very active in accommodations and has submitted a tree preservation plan and obligated himself to a screening plan.

Commissioner Hatch moves to approve the CUP and Commissioner Roberts second's motion. Vice chairman puts approval to vote and passed with none opposed.

Chairman Hephner rejoins the meeting @ 8:08.

## **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.

## **8. APPROVAL OF MINUTES**

A. Planning and Zoning Commission Regular Meeting of November 9, 2021.

Hilgart approved and Commissioner Adams seconds the approval. Chairman Hephner puts approval to vote and passed with none opposed

## **9. SUMMARY OF CURRENT EVENTS**

A. Commission Members

Commissioner Lewis wishes everyone a Merry Christmas and extends gratitude for the good relationships between staff and the commission.

Commission Hilgart extends Holiday greetings.

Commissioner Hatch asked the community to give to those less fortunate and remember the spirit of Christmas

Commissioner Adams commends the city on the Christmas Parade.

Commissioner Roberts commends the city and staff on how well ran the city is.

Vice Chairman Barlow commends staff on the work effort put in to prepare for meetings.

Chairman Hephner extends a Merry Christmas

B. Planning and Zoning Director looks forward to applying extends Happy Holidays and Merry Christmas. Invites members of the community to come and enjoy the light show that Public Works and local volunteers have put together.

**10. ADJOURNMENT**

Chairman Hephner adjourns meet at 8:15 p.m.

**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 December 14, 2021. I further certify that the meeting was duly called and held and that a quorum was present.

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

\_\_\_\_\_  
Ashley Duncan  
Permit Coordinator