

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON AUGUST 9, 2022, 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 Barlow called the meeting to order at 7:00 p.m.

**2. ROLL CALL**

All present

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

**COMMISSION MEMBERS ABSENT:** None

**STAFF MEMBERS PRESENT:** Justen Tregaskes, Planning and Zoning Director, Morgan Brown, City Attorney, Ashley Duncan, Permit Coordinator, and Katie Fechtelkotter, Planner

**GUESTS PRESENT:** Mary Hoefner, John Hoefner, Nancy Lorenz, Robert Lorenz, Barbara Russo, Mark Russo, Tamara Edwards, Tammie Rothermel, Jerry Rothermel, Carol Schilling, Bill Schilling, Rich Fox, Syd Fox, Hailey Owens, Maureen Owens, Richard Campbell, Lynne Gallagher, Steve Neely, Roni Baker, M.A. Fontaine, Carolyn Walker, Joan Long, Suzanne Fern, Brad Fitch, Jeff Morgan, Bridget Morgan, Robert Dranger, Debbie Stoffel, Shawn Conner, Jeff Mcneil, Robin Mcneil, Michael Mcneil, Ashley Fitch, Dan Brewer, Devery Brewer, Dan Purcell, Janet Simpson and others.

**3. INVOCATION**

Commissioner Roberts gave the invocation.

**4. PLEDGE OF ALLEGIANCE**

Commissioner Lewis led the pledge of allegiance.

**5. NEW BUSINESS**

A. Conditional Use Permit submitted by Shad Housley of Legacy Community Homes to allow for a residential home for disabled children who required 24-hour nursing care located at 1400 N. Fairway Dr., that being A.P.N. 309-31-169 & 170A (Rescheduled from the July 26, 2022, Planning and Zoning Commission Meeting).

Ms. Fechtelkotter read the staff summary report.

On June 30, 2022, Shad Housley of Legacy Community Homes submitted a Conditional Use Permit (CUP) to allow for a residential home for disabled children who require 24-hour nursing care located at 1400 N. Fairway Dr., that being A.P.N. 309-31-169 & 170A. The applicant has indicated that this will not be a group home for drug or alcohol rehabilitation, but for children who are severely handicapped and are mostly bed-ridden. This item was originally scheduled for the July 26, 2022, Planning & Zoning Commission meeting, however the meeting was unexpectedly cancelled due to a lack of quorum. Staff as well as the applicant were available for questions and a total of approximately 30 people were present.

The home has four (4) bedrooms, two (2) bathrooms, is 1,979 square feet in size and was built in 1971. The subject property is 16,553 square feet in size and is zoned R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet). A group home for the handicapped is a conditional use in the R1-15 zone. Other conditional uses in this zone include an additional dwelling for use as a guest house, churches, public utility buildings, temporary sales offices, private schools, golf courses, hospitals, police stations, fire stations and bed and breakfasts. Permitted uses in the R1-15 zone include single-family dwellings, attached guest units, schools, parks, home occupations such as accountants, attorneys, counselors, in-home childcare of up to five (5) children, musical instruction, tutoring, recreation areas and centers. Home occupations permit no more than two (2) business visitors an hour or eight (8) a day and no more than two (2) deliveries of products or materials per day or ten per week, excluding postal deliveries are permitted.

According to City Code Chapter 19.05.010 a group home for the handicapped is defined as; "A dwelling shared by four (4) or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently; (2) A record of having such an impairment; or (3) Being regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration."

According to the Arizona Department of Health Services, a "Group home means a residential facility that is licensed to serve more than four minors at any one time, that is licensed by the department of health services."

On June 15, 2022, a pre-application meeting was held with the applicant, the Building Official, the Timber Mesa Fire and Medical District, the City Engineer and the Planning and Zoning department. Minor improvements will need to be done to make the home compliant with American Disabilities Act (ADA) which will require a building permit. The applicant was also informed that due to the occupancy of the home a sprinkler system is required.

City Code Chapter 19.20.060 requires that notices must be sent a minimum of 10 days prior to the meeting. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given. Staff posted a notice on the subject property and mailed letters to all property owners within 300 feet of the property on July 15, 2022.

On July 20, 2022, staff met with a group of neighbors regarding their concerns with the proposed group home. These included increased noise, traffic, on-street parking, a fence that could be a potential escape hazard, ponds along the golf course being a potential drowning hazard, that it is a commercial business and not a family, the transitory nature of the residents, including the 24 hour-operation of the home with several employees and medical care providers coming to the house each day, a decline in property values, the disturbance of flashing lights and sirens from ambulances and emergency vehicles, a need for additional lighting and security cameras, a lack of recreation activities for the residents of the home, the incompatibility of the group home with the neighborhood, utilizing a home as a business is against the deed restrictions for their subdivision, and how the CUP will be enforced.

This item was originally scheduled for the July 26, 2022, Planning & Zoning Commission meeting, however the meeting was unexpectedly cancelled due to a lack of quorum. Staff as well as the applicant were available for questions and a total of approximately 30 people were present. On July 27, 2022, Staff re-posted the property and re-sent letters to all property owners within 300 feet of the property notifying them that the meeting had been rescheduled for August 9, 2022. Staff has had numerous conversations with concerned individuals related to this CUP application. Staff has attached several letters from neighbors expressing their concerns and a petition with 148 signatures from neighbors in the area indicating their opposition to the proposed group home at this location. Copies of documents received prior to noon on August 5, 2022, have been attached. Copies of any letters or documents submitted after this time will be provided at the meeting.

The City's General Plan includes a housing element, with several goals and objectives, with emphasis on mixed-use, greater density and affordability in choice. One of the goals is to maintain residential consistency, balance, and spacious appearance with an objective of providing a land use plan and zoning that strive to achieve compatibility with dissimilar uses next to each other. Further, the goal of maintaining residential consistency, balance and spaciousness includes housing for families, active retired

persons and special needs populations is addressed by encouraging a full range of shelter choices.

The Department of Justice (DOJ) and the Department of Housing and Urban Development (HUD) are jointly responsible for enforcing the Federal Fair Housing Act (the Act), which prohibits discrimination in housing based on race, color, religion, sex, disability, familial status, or national origin. The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics. A DOJ document outlining the Fair Housing Act has been attached.

The *Local Land Use Laws and Practices and the Application of the Fair Housing Act*, issued by the DOJ and HUD, dated November 10, 2016, states, "When enacting or applying zoning or land use laws, state and local government may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or perspective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias." Additionally, "A local government may not block a group home or deny a requested reasonable accommodation in response to neighbor's stereotypical fears or prejudices about persons with disabilities or a particular type of disability." It is staff's opinion that this submittal falls under the protection of the Federal Fair Housing Act.

### **FINDINGS OF FACT**

1. On June 30, 2022, Shad Housley of Legacy Community Homes submitted a Conditional Use Permit (CUP) to allow for a residential home for disabled children who require 24-hour nursing care located at 1400 N. Fairway Dr., that being A.P.N. 309-31-169 & 170A. The applicant has indicated that this will not be a group home for drug or alcohol rehabilitation, but for children who are severely handicapped and are bed-ridden.
2. This item was originally scheduled for the July 26, 2022, Planning & Zoning Commission meeting, however the meeting was unexpectedly cancelled due to a lack of quorum. Staff as well as the applicant were available for questions and a total of approximately 30 people were present. On July 27, 2022, Staff re-posted the property and re-sent letters to all property owners within 300 feet of the property notifying them that the meeting had been rescheduled for August 9, 2022.
3. The home has four (4) bedrooms, two (2) bathrooms, is 1,979 square feet in size and was built in 1971. The subject property is 16,553 square feet in size and is zoned R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet). A group home for the handicapped is a conditional use in the R1-15 zone.

4. Other conditional uses in this zone include an additional dwelling for use as a guest house, churches, public utility buildings, temporary sales offices, private schools, golf courses, hospitals, police stations, fire stations and bed and breakfasts. Permitted uses in the R1-15 zone include single-family dwellings, attached guest units, schools, parks, home occupations such as accountants, attorneys, counselors, in-home childcare of up to five (5) children, musical instruction, tutoring, recreation areas and centers. Home occupations permit no more than two (2) business visitors an hour or eight (8) a day and no more than two (2) deliveries of products or materials per day or ten per week, excluding postal delivers are permitted.
5. According to City Code Chapter 19.05.010 a group home for the handicapped is defined as; "A dwelling shared by four (4) or more handicapped persons, including resident staff, who live together as a single housekeeping unit and in a long-term, family-like environment in which staff persons provide care, education, and participation in community activities for the residents with the primary goal of enabling the resident to live as independently as possible in order to reach their maximum potential. As used herein, the term "handicapped" shall mean having: (1) A physical or mental impairment that substantially limits one (1) or more of such person's major life activities so that such person is incapable of living independently; (2) A record of having such an impairment; or (3) Being regarded as having such an impairment. However, "handicapped" shall not include current illegal use of or addiction to a controlled substance, nor shall it include any person whose residency in the home would constitute a direct threat to the health and safety of other individuals. The term "group home for the handicapped" shall not include alcoholism or drug treatment center, work release facilities for convicts or ex-convicts, or other housing facilities serving as an alternative to incarceration."
6. According to the Arizona Department of Health Services, a "Group home means a residential facility that is licensed to serve more than four minors at any one time, that is licensed by the department of health services."
7. On June 15, 2022, a pre-application meeting was held with the applicant, the Building Official, the Timber Mesa Fire and Medical District, the City Engineer and the Planning and Zoning department. Minor improvements will need to be done to make the home compliant with American Disabilities Act (ADA) which will require a building permit. The applicant was also informed that due to the occupancy of the home a sprinkler system is required.
8. City Code Chapter 19.20.060 requires that notices must be sent a minimum of 10 days prior to the meeting. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given. Staff posted a notice on the subject property and mailed letters to all property owners within 300 feet of the property on July 15, 2022.

9. On July 20, 2022, staff met with a group of neighbors regarding their concerns with the proposed group home. These included increased noise, traffic, on-street parking, a fence that could be a potential escape hazard, ponds along the golf course being a potential drowning hazard, that it is a commercial business and not a family, the transitory nature of the residents, including the 24 hour-operation of the home with several employees and medical care providers coming to the house each day, a decline in property values, the disturbance of flashing lights and sirens from ambulances and emergency vehicles, a need for additional lighting and security cameras, a lack of recreation activities for the residents of the home, the incompatibility of the group home with the neighborhood, utilizing a home as a business is against the deed restrictions for their subdivision, and how the CUP will be enforced.
10. The City's General Plan includes a housing element, with several goals and objectives, with emphasis on mixed-use, greater density and affordability in choice. One of the goals is to maintain residential consistency, balance and spacious appearance with an objective of providing a land use plan and zoning that strive to achieve compatibility with dissimilar uses next to each other. Further, the goal of maintaining residential consistency, balance and spaciousness includes housing for families, active retired persons and special needs populations is addressed by encouraging a full range of shelter choices.
11. The Department of Justice (DOJ) and the Department of Housing and Urban Development (HUD) are jointly responsible for enforcing the Federal Fair Housing Act (the Act), which prohibits discrimination in housing on the basis of race, color, religion, sex, disability, familial status, or national origin. The Act prohibits housing-related policies and practices that exclude or otherwise discriminate against individuals because of protected characteristics. A DOJ document outlining the Fair Housing Act has been attached.
12. The *Local Land Use Laws and Practices and the Application of the Fair Housing Act* issued by the DOJ and HUD, dated November 10, 2016, states, "When enacting or applying zoning or land use laws, state and local government may not act because of the fears, prejudices, stereotypes, or unsubstantiated assumptions that community members may have about current or prospective residents because of the residents' protected characteristics. Doing so violates the Act, even if the officials themselves do not personally share such bias." Additionally, "A local government may not block a group home or deny a requested reasonable accommodation in response to neighbor's stereotypical fears or prejudices about persons with disabilities or a particular type of disability." It is staff's opinion that this submittal falls under the protection of the Federal Fair Housing Act.
13. Current zoning of the surrounding properties include.  
  
North: R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet)

- South: R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet)
- East: R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet)
- West: R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet)

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

- North: Show Low Country Club Estates Subdivision
- South: Show Low Country Club Estates Subdivision
- East: Show Low Country Club Estates and Fairway Four Subdivision
- West: Country Club Manor, Unit One Subdivision

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

Timber Mesa Fire and Medical District- The home shall comply with the 2018 International Residential Code (IRC), an approved sprinkler system shall be required.

16. On July 15, 2022, in accordance with city code chapter 19.020.060 the property was posted and letters, utilizing the mailing address for the property owner on record with Navajo County were mailed to all property owners within 300 feet. On July 27, 2022, Staff re-posted the property and re-sent letters to all property owners within 300 feet of the property notifying them that the meeting had been rescheduled for August 9, 2022. Staff has had numerous conversations with neighbors regarding concerns to increased traffic, noise, safety concerns, fire code and ADA requirements. Staff has attached multiple letters and documents from neighbors expressing their concerns and a petition with 148 signatures from neighbors in the area indicating their opposition to the proposed group home at this location. Copies of documents received prior to noon on August 5, 2022, have been attached. Copies of any letters or documents submitted after this time will be provided at the meeting.

### **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 602-04-249 submitted by Shad Housley of Legacy Community Homes to allow for a residential home for disabled children who require 24-hour nursing care located at 1400 N. Fairway Dr that being A.P.N. 309-31-169 & 170A subject to the following conditions;

1. Prior to allowing residents at this location all development shall comply with all applicable federal, state, and local requirements, including fire code, Americans with Disabilities Act (ADA), and Arizona Division of Developmental Disabilities (AZDDD)

and Arizona Department of Health Services (AZDHS) licensing requirements for group homes

2. A six-foot solid material fence shall be installed on the north, south and west property lines in accordance with City Code.
3. There shall be no on-street parking. All staff and visitors must park on the property and out of the public right-of-way.
4. As stipulated by the applicant this group home shall not be utilized for drug or alcohol rehabilitation.
5. This CUP is non-transferrable. Any change in ownership will require the new owner to comply with applicable code requirements in place at the time of ownership change.

Upon completion of reading the staff summary report Mrs. Fechtelkotter informed the commission that the applicant's representative would be providing a summary of the reasons for the application.

Mr. Jeff Morgan, chief operating officer of Legacy Community Homes, emphasized the core values and mission of this company. He further explained that this home allows for families to stay in the community they live in without having to be placed in metropolitan areas which tends to create traveling/visiting hardship on families.

Commissioner Adams requested clarification on the child limit amount. Director Tregaskes clarified the home will serve up to six children with the required staffing.

Commissioner Roberts inquired if home occupied business percentage citywide was available. Director Tregaskes directed the question to Mrs. Fechtelkotter who advised roughly 20-30% of business permits are for a home occupation. Director Tregaskes further explained that the city currently has roughly one thousand active business permits and of those 20-30% apply to home occupations.

Vice Chairman Barlow requested information on why the residential amount is limited to six. Director Tregaskes stated the six limitation is based on state licensing requirement, housing size and staff requirements. Director Tregaskes further continued to explain that any information put in the CUP application is binding per City Code.

Commissioner Roberts advised the public and commission that due to the proximity of his residence to the proposed location neighboring residents approach him with concerns related to this application.

Commissioner Lewis inquired into housing staff per resident ratio. Mr. Morgan informed Commissioner Lewis that per the application it is one nurse to three children.



Commissioner Hatch inquired about how staffing for the remaining household operation, not just the medical staff for the residents, would be met. Mr. Morgan explained that the medical staff would be the main full-time staff while company staff may be on site from time to time, as well as therapists or outside medical personal.

Commissioner Roberts asked if the property would be able to accommodate onsite parking for all expected non-residents per the CUP requirements. Mr. Morgan explained that the possibility to expand current driveway as well as add a circular drive to the front of the home is in discussion to meet this requirement.

Commissioner Roberts further inquired how often the applicant expects ambulance presence at the location. Mr. Morgan advised that in his experience of having two of the intended residents in his home he called emergency services once in ten years.

Commissioner Adams asked if it was known which areas children with such circumstances were placed in if needing to leave their local community. Mr. Morgan explained that many of them were placed in homes or facilities as far as Phoenix to Tucson

Vice Chairman Barlow requested to know if plans for exterior modification to the home were currently under design. Mr. Morgan explained the applicant has intentions to clean-up the interior and exterior of the home, upgrade landscape, paint with the intent to blend in with the neighborhood and minor construction for ADA accessibility. However, none were currently under design.

Vice Chairman Barlow further inquired if signage announcing the home would be posted anywhere on the property. Mr. Morgan informed the commission there would be no signage, as the intent of this home is to make the residence feel inclusive and like any other home in the community.

Vice Chairman Barlow opened the meeting to public comment. The following members of the public spoke to express their concerns.

Tamera Edwards 1541 Fairway Dr.- questioned the type of children in the home. Questioned if behavioral issues would be present and if proposed staffing qualifications were sufficient.

Brad Fitch 1401 N 40<sup>th</sup> Dr. – advised this is a community of families. Questioned the importance to the commission of the 150 signatures not in favor of approval. How does the applicant know the project will have light impact on neighborhood, property appearance in 5-10 years, can applicant guarantee only disabled residents will be admitted?

Maureen Owens-1301 N 41<sup>st</sup> Dr. informed the commission her concerns are the excessive foot traffic in the area, limited funding which can affect the landscaping, excessive noise, and children with behavioral issues.

Suzanne Fern- 1321 N 26<sup>th</sup> Dr. voiced apprehension of staff turnover and care that comes from it, the applicant's ability to retain employees, will the company verify immigration status of employees, any undisclosed conflicts of interest between the applicant and the commission, and if distance requirements for similar structures will be enforced in the future.

Jeff McNeil -1400 Fairway Dr. informed the commission he opposed the CUP because of this being a business in a residential neighborhood, increased traffic and dangers to the home being located near ponds on the golf course.

Ashley Fitch 1401 N 40<sup>th</sup> Dr. advised that her aversion of the allowance of this CUP is the increased traffic and noise from emergency services, distance of home from property lines and parking issues.

Debbie Stophel -3571 W Fairway Ct. stated that her belief was that her and neighboring property rights were not being considered.

Daniel Brewer- 965 Old Highway Dr. Brewer informed the commission that as a pediatrician he deals regularly with children who have disabilities like those who will be benefitting from this facility, and it is not only greatly needed in the community but would be beneficial to the patient and families of the patient. Dr. Brewer further expressed his concern about the discriminatory comments that were mentioned.

Robert Draper- 1341 N Fairway Dr. expressed concerns regarding right of way safety due to sizing, ability to properly surprise residents, the residence safety and service noise increase.

Deverly Brewer 965 Old Highway Expressed that she supports this CUP because of firsthand experience with the need of support not only for families but the children as well.

Tammi Rothermel 1500 Fairway Dr. objected the CUP due to it being a business, the age median in the neighborhood, change of residence type, and policing of home supervisors.

John Hephner 1401 Fairway Dr. informed the commission of his disbelief in the ability to accommodate parking requirements.

Carolynn Walker- 1340 N Fairway Dr. addressed concerns regarding safety of home residents, distressing impact on community, will all state required documents be a necessity, harsh chemicals due to remodeling intentions and lack of information and accessibility to the applicants.

Jennifer Day 1441 N Fairway Dr. thanked her neighbors for their concern to this CUP due to her child's medical difficulties however, she informed the commission that she

supports the approval of this application for reasons such as having first hand experience of discrimination and the danger it brings and believes the community is capable of being welcoming, if the management of the property is properly maintained it will contribute to the community and knows the heartache of having to travel great distances to visit her child in a medical care facility. Mrs. Day further showed her support by addressing her family's voluntary assistance in helping the applicant maintain landscape as well as small remodeling projects.

Director Tregaskes addressed concerns by members of the community.

Director Tregaskes clarified that the current driveway on the proposed property will need to be widened for use of side-by-side vehicle parking. He further explained that the street Mr. Draper mentioned does not meet current infrastructure standards which is the reasoning for staff recommendation of on-site parking.

Director Tregaskes further advised a community in Illinois had distance requirements regarding structures of this type and the courts ruled against this. Therefore, city code has no distance requirements for similar facilities.

Director Tregaskes responded to concern of excessive traffic by explaining this facility calculates less than the normal family home trip amount as well as less than a home occupation trip calculation.

Director Tregaskes also advised that if this facility does not stay current and meet state requirements the state license will be revoked. He also stated that any construction will be done to meet current building and ADA Code. In addition, Director Tregaskes informed that Mr. Morgan and applicant had an onsite meeting with members of the community prior to the meeting scheduled for July 26, 2022. Staff also met neighbors on site to discuss concerns related to this project. Both staff and the applicant answered questions for over an hour on July 26, 2022, with approximately 30 neighbors in attendance.

City Attorney Mr. Brown addressed and clarified the definition of property rights and reiterated this application is a conditional use permit. This application is for a group home with required licensing under the law of Arizona. This facility is allowed which is their property right. Mr. Brown advised staff are trying to balance property rights of surrounding neighbors. Mr. Brown further educated that due to these rights, staff implemented additional conditions on the applicant which is why this is considered a CUP.

Mr. Brown additionally addressed the Fair Housing Act and referenced comments of not in my neighborhood or not this neighborhood. He further stated that due to this Act one cannot deny applications but can make conditions to the applicant which has been done in here.

Vice Chairman Barlow invited Mr. Morgan to respond to public comments.

Commissioner Roberts inquired if housing staff is medically qualified and maintained. Mr. Morgan explained that staff has a medical license and background check per state requirements. Mr. Morgan continued to explain the applicant wants employees to share company core values.

Mr. Morgan also advised that a majority of daily tasks will be executed by expected staff however, if there is need for additional staff, they would be of the CNA variety.

Commissioner Hatch requested clarification on fully licensed nurse to child ratio and resident need of full-time nursing care. Mr. Morgan clarified that the ratio is one nurse to every three kids and in accordance with state regulations only licensed medical staff will be employed for care of the residents. He further advised if the resident no longer needs such care, they will be put in placement that meets their new needs.

Commissioner Roberts commented that as a commission the intent is to do what's best for the community. He personally feels that nobody has the right to say that because one community is more upscale than another gives that community the right to take facilities such as group homes and direct them to lower income communities. He further stated that he doesn't believe that intention to be fair and as a community we have a social responsibility to help, include and be accepting of all citizens.

Vice Chairman Barlow entertained a motion.

**COMMISSIONER ROBERTS MOVED TO APPROVE THE CONDITIONAL USE PERMIT SUBMITTED BY SHAD HOUSLEY OF LEGACY COMMUNITY HOMES TO ALLOW FOR A RESIDENTIAL HOME FOR DISABLED CHILDREN WHO REQUIRED 24-HOUR NURSING CARE LOCATED AT 1400 N. FAIRWAY DR., THAT BEING A.P.N. 309-31-169 & 170A SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER ADAMS SECONDED THE MOTION. PASSED 6 TO 0 WITH VICE CHAIRMAN BARLOW, AND COMMISSION MEMBERS ADAMS, HATCH, LEWIS, ROBERTS, AND WHITEHEAD VOTING IN FAVOR.**

Director Tregaskes re-read the staff recommendations as adopted for the commission and all viewers at home.

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.

**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.**

## **7. APPROVAL OF MINUTES**

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

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

## **8. SUMMARY OF CURRENT EVENTS**

Commissioner Adams thanked the public for attending the meeting.

Commissioner Whitehead expressed thanks and appreciation for being on the commission.

Commissioner Roberts thanked the attending public and expressed gratitude for being a part of the community.

Commissioner Hatch stated it's a great day in Show Low.

Commissioner Lewis mentioned school returning and "Go Cougars"

Vice Chairman Barlow thanked public in attendance and gave a shout out to staff for being present at Council Chambers on meeting of July 26, 2022, and available for questions with the community

Director Tregaskes welcomed Commissioner Whitehead. He also reminded the community that school has started and asked everyone to be aware and cautious around the buses and school zones.

## 9. ADJOURNMENT

There being no further business to be brought before the Planning and Zoning Commission, VICE CHAIRMAN BARLOW ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF AUGUST 9, 2022, AT 9:35 PM.

**ATTEST:**

**APPROVED:**

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

\_\_\_\_\_  
Zachary Barlow  
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 August 9, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

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

\_\_\_\_\_  
Ashley Duncan