

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON DECEMBER 13, 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**

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

**COMMISSION MEMBERS ABSENT:** None

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

**GUESTS PRESENT:** Michael Bouches 1800 N Medina Loop, Jason Stanley 700 N 1<sup>st</sup> Ave., Tate Ash, Cole Ironside 1701 N 22<sup>nd</sup> Ave., Bruce Ironside P.O. Box 1358, Anthony Mattia 1080 E Whipple, and others.

**3. INVOCATION**

Commissioner Roberts gave the invocation.

**4. PLEDGE OF ALLEGIANCE**

Commissioner Lewis led the pledge of allegiance.

**5. NEW BUSINESS**

- A. Consideration Public Hearing and Consideration of a zone change request submitted by Tate Ash to amend the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses on property identified as A.P.N. 210-16-128G.

Mrs. Fechtelkotter read the staff summary report.

Tate Ash has submitted a zone change request to amend the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses on property identified as A.P.N. 210-16-128G.

At their regular meeting of July 1, 2003, the Show Low City Council approved ordinance No. 2003-09 (conditions attached) for a zone change request submitted by Kaibab

Industries to provide consistency of zoning as the property was split zoned C-2 and C-1 (Neighborhood Commercial) and to allow a phased, mixed-use commercial development. This development was to include a movie theater, several retail shops, and a restaurant. Based on neighborhood concerns condition number two of ordinance No. 2003-09 states, "All future development and density associated therewith shall be submitted in substantial conformance with the Site Plan presented at the open house on June 3, 2003." The subject property is shown on the Site Plan (copy attached) as a parking lot. Any development of the subject property other than a parking lot will require a zoning amendment to remove this condition.

The applicant is proposing to build a two-story, eight-unit multi-family dwelling on the subject property. Multi-family dwellings up to 10 units are a permitted use in the C-2 zone, subject to the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zone. Multi-family dwellings over 10 units are a conditional use in the C-2 zone, provided they meet the standards of the R2-7 zone. The applicant has also indicated that the standard C-2 zoning district uses would be possible should apartments not be constructed on the subject property.

The applicant held a neighborhood meeting with property owners located within 300 feet of the subject property on October 3, 2022. Neighbors expressed concerns regarding increased traffic, location of City utility lines, private easement access to the properties to the north/west of the subject property, drainage/irrigation, and the location/type of fencing.

### **FINDINGS OF FACT**

1. Tate Ash submitted a zone change request to amend the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses on property identified as A.P.N. 210-16-128G.
2. At their regular meeting of July 1, 2003, the Show Low City Council approved ordinance No. 2003-09 for a zone change request submitted by Kaibab Industries to provide consistency of zoning as the property was split zoned C-2 and C-1 (Neighborhood Commercial) and to allow a phased, mixed-use commercial development. This development was to include a movie theater, several retail shops and a restaurant.
3. Based on neighborhood concerns condition number two of Ordinance No. 2003-09 states, "All future development and density associated therewith shall be submitted in substantial conformance with the Site Plan presented at the open house on June 3, 2003." The subject property is shown on the Site Plan (copy attached) as a parking lot. Any development of the subject property other than a parking lot will require a zoning amendment to remove this condition.
4. The applicant is proposing to build a two-story, eight-unit multi-family dwelling on the subject property. Multi-family dwellings up to 10 units are a permitted use in the C-2

zone, multi-family dwellings over 10 units are a conditional use in the C-2 zone provided they meet the standards of the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zone. The applicant has also indicated that the standard C-2 zoning district uses would be possible should apartments not be constructed on the subject

5. The applicant held a neighborhood meeting with property owners located within 300 feet of the subject property on October 3, 2022. Neighbors expressed concerns regarding increased traffic, location of City utility lines, private easement access to the properties to the north/west of the subject property, drainage/irrigation, and the location/type of fencing.

6. Current zoning of the surrounding properties include:

North: C-1 (Neighborhood Commercial) and C-2 (General Commercial)  
South: C-1 (Neighborhood Commercial)  
East: C-2 (General Commercial)  
West: C-1 (Neighborhood Commercial)

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

North: Single-family residential and vacant commercial  
South: Single-family residential  
East: Commercial Offices  
West: Single-family residential

8. Transmittal memos were sent to all affected agencies no applicable comments were received.

9. The property was posted, letters were sent to all neighbors within 300 feet of the subject property and a notice was published in the newspaper in accordance with City Code. No public comment has been received regarding the proposed development.

### **STAFF RECOMMENDATIONS**

After reviewing the Standards for Review, Findings of Fact, discussions with the applicant, the City of Show Low Zoning and Land Ordinances, and the City of Show Low General Plan, staff recommends that the Planning and Zoning Commission recommend approval of zone change request 605-03-119 submitted by Tate Ash to amend the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses on property identified as A.P.N. 210-16-128G, subject to staff recommendations and forward this recommendation to the City Council.

1. All development shall comply with all applicable federal, state, and local requirements including building code, and fire codes.

2. Prior to the commencement of any development on the subject property, engineering improvements, drainage and grading plans shall be submitted to the City for review and approval.
3. Development of multi-family uses shall comply with the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zoning district standards, including fencing requirements from adjacent properties. A six-foot solid material fence shall be installed for apartment use along the south and west property lines and shall not be placed over any public or private easements.
4. No buildings or structures shall be built over any City water or sewer mains and an easement shall be dedicated to the City for these utilities.

### **CONDITIONS OF ORDINANCE 2003-09**

1. Development shall comply with all applicable Federal, State, and local requirements.
2. All future development and density associated therewith shall be submitted in substantial conformance with the Site Plan presented at the open house on June 5, 2003.
3. Water, sewer and drainage master plans shall be submitted to and approved by City Engineering staff prior to the commencement of construction of improvements on the subject property.
4. The project developer and Show Low City Council shall enter into a Development agreement addressing issues relating to East Owens roadway improvements and dedication of any required right-of-way.
5. The developer shall be responsible for securing and satisfying any necessary ADOT (Arizona Department of Transportation) permits or approvals.
6. Screening is to be worked out between the developer and the owners of adjoining properties used for residential purposes. If the developer and property owners cannot reach agreement, then the Community Development Director will serve as mediator to facilitate a mutually satisfactory solution.

Commissioner Roberts inquired if the existing parking for current businesses been insufficient. Mrs. Fechtelkotter informed she is unaware of such issue.

Director Tregaskes stated the north 50 ft is an easement to property to the north and west. Applicant is aware of easement and the proposed development shows no intent to develop on easement.

Commissioner Lewis asked if ADOT permitting is currently in review process.

Mrs. Fechtelkotter advised the ADOT requirement is from the original zone change and has been taken care of.

Commissioner Roberts asked if staff is confident in parking accessibility to proposed tenants. Mrs. Fechtelkotter informed that the parking is sufficient. Director Tregaskes further advised the conceptual drawing which indicate the building and 20 parking spots. The number of spaces shown is what city code requires for parking, however. The site plan may change based on actual engineered drawings.

Vice Chairman Barlow inquired if the drive access could be put in the easement if access is given to neighbor properties. Director Tregaskes explained the understanding is the easement is written in such a way that it is for the express use for adjacent properties, the easement is essentially a no build zone and needs to be left to adjacent properties and how they see fit to utilize it.

Vice Chairman Barlow asked if the neighboring properties could build a road if desired. Director Tregaskes confirmed that was correct in accordance with the easement. Vice Chairman Barlow inquired if multifamily is built, the standards for the R2-7 zone be implemented. Director Tregaskes confirmed that is correct.

Vice Chairman Barlow inquired what the thinking of the phrase “of apartment use” by staff regarding the 6-foot fencing. Mrs. Fechtelkotter advised the phrasing has to do with the zoning of the proposed project. Vice Chairman Barlow inquired if the fencing is due to the different zoning district. Director Tregaskes confirmed that the fencing is due to the project being a residential use which requires separation from abutting commercial properties.

Vice Chairman Barlow opened the Public Hearing:

Mary Brimhall 260 S. 12<sup>th</sup> Place -Expressed concerns about zoning and original conditional use, as well as the city not being held accountable for drainage and traffic plans.

With no further comment from the public, Vice Chairman Barlow closed the public hearing and brought the item back for further discussion.

Commissioner Adams requested staff recommendation #2 be expanded on.

Director Tregaskes explained the drainage has been a concern for many years and in an effort to address those concerns, staff is requiring any new development to submit engineered plans showing how the project will address drainage.

Commissioner Roberts asked if this development has the potential to be a solution to previous flooding issues. Director Tregaskes informed the commission that he was unable to confidently confirm as the project is not in the drainage channel. That hypothesis would need to be studied and all aspects taken into account, but the

development will be constructed in such a way that it will not cause additional problems for down stream neighbors.

**COMMISSIONER ROBERTS MOVED TO RECOMMEND APPROVAL OF ZONE CHANGE REQUEST 605-03-119 SUBMITTED BY TATE ASH TO AMEND THE CURRENT C-2 (GENERAL COMMERCIAL) ZONING CONDITIONS TO ALLOW FOR ALL USES AS OUTLINED IN THE C-2 ZONING DISTRICT, INCLUDING MULTI-FAMILY USES ON PROPERTY IDENTIFIED AS A.P.N. 210-16-128G SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER LEWIS SECONDED THE MOTION. PASSED 7 TO 0 WITH VICE CHAIRMAN BARLOW AND COMMISSION MEMBERS ADAMS, ATENCIO, HATCH, LEWIS, ROBERTS, AND WHITEHEAD VOTING IN FAVOR.**

Director Tregaskes advised that this matter has been scheduled for the agenda of City Council's 1<sup>st</sup> meeting of the new year.

- B. Conditional Use Permit submitted by Mountain Christian School to allow for a private school at 700 N. Central Ave., that being A.P.N. 210-04-080A.

Mrs. Fechtelkotter read the staff summary report.

Mountain Christian School has submitted a Conditional Use Permit (CUP) to allow for a private school on property located at 700 N. Central Ave., that being A.P.N. 210-04-080A. The subject property is split zoned R1-7 (Single-Family Residential, 7,000 square feet) and MH (Manufactured Housing). A private school is a conditional use in both the R1-7 and MH zones. The subject property is owned by the First Baptist Church of Show Low, the church building is 24,000 square feet. Church services are held weekly on Sundays and activities are held on Tuesday and Thursday evenings. The school will not affect the existing use of the building as a church.

Mountain Christian School serves children in kindergarten through eighth grade. There are currently 128 students enrolled and 17 staff members. School hours are 8:00 AM to 3:00 PM Monday through Thursday. This time does not overlap with any of the existing staggered start times of Show Low High School, Junior High or Whipple Ranch Elementary schools located within the vicinity of the subject property. Based on enrollment and staff the school will require 23 parking spaces. The subject property has three different parking lots with access on both North 1<sup>st</sup> Avenue and North Central Avenue, which will provide ample parking as well as areas for student drop-off and pick-up.

### **FINDINGS OF FACT**

1. Mountain Christian School has submitted a Conditional Use Permit (CUP) to allow for a private school on property located at 700 N. Central Ave., that being A.P.N. 210-04-080A.

2. The subject property is split zoned R1-7 (Single-Family Residential, 7,000 square feet) and MH (Manufactured Housing). A private school is a conditional use in both the R1-7 and MH zones.
3. The subject property is owned by the First Baptist Church of Show Low, church services are held weekly on Sundays and activities are held on Tuesday and Thursday evenings. The school will not affect the existing use of the building as a church.
4. Mountain Christian School serves children in kindergarten through eighth grade. There are currently 128 students enrolled and 17 staff members. School hours are 8:00 AM to 3:00 PM Monday through Thursday. This time does not overlap with any of the existing staggered start times of Show Low High School, Junior High or Whipple Ranch Elementary school located within the vicinity of the subject property.
5. Based on enrollment and staff the school will require 23 parking spaces. The subject property has three different parking lots with access on both North 1<sup>st</sup> Avenue and North Central Avenue, which will provide ample parking as well as areas for student drop-off and pick-up.
6. Current zoning of the surrounding properties include.
  - North: R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) and C-1 (Neighborhood Commercial)
  - South: MH (Manufactured Housing) and R1-7 (Single-Family Residential, 7,000 square feet)
  - East: R1-7 (Single-Family Residential, 7,000 square feet)
  - West: MH (Manufactured Housing) and R1-7 (Single-Family Residential, 7,000 square feet)
7. The current land uses of the surrounding properties include.
  - North: Apartments/Church
  - South: Single-family residential
  - East: Single-family residential
  - West: Single-family residential
8. Transmittal memos were sent to all affected agencies. Applicable comments received include.

Timber Mesa Fire and Medical District (TMFMD)- There is no objection to the proposed use, however the fire alarm system will need to meet minimum requirements for an "E" occupancy if not already compliant.
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 602-04-251 submitted by Mountain Christian School to allow for a private school on property located at 700 N. Central Ave., that being A.P.N. 210-04-080A subject to the following conditions.

1. All development shall comply with all applicable federal, state, and local requirements, including parking and loading requirements.
2. The applicant shall be responsible for coordinating with the City of Show Low Building Department and Timber Mesa Fire and Medical District to ensure that all applicable codes are being met and that the required permits and inspections are obtained prior to utilizing the subject property for school use.
3. The applicant is responsible for developing a circulation plan that will ensure vehicles will not back-up onto any City streets during pick-up and drop-off times.

Commissioner Adams requested an expanded explanation on staff recommendation requirement on #3 as far as assuring the guarantee of lack of traffic back up, feasibility of that, and thought process. Mrs. Fechtelkotter explained the applicant submitted a proposed concept that wasn't feasible and is currently working on redesigning the pickup and drop off concept.

Commissioner Roberts requested verification that vacant land is the proposed location. Mrs. Fechtelkotter explained the applicant has proposed using the existing facility. Commissioner Roberts furthered inquired if the empty lot could be used as a potential drop off and pickup area. Mrs. Fechtelkotter advised the lot would have to brought to City Code if the applicant and landlord came to that arrangement. Director Tregaskes further advised there are 3 existing hard surfaced parking locations on the property. If the existing locations become insufficient, the portion of the lot indicated by Commissioner Roberts would need to be paved. In addition, he explained staff's desire to see a circular plan created however, staff understands infrequent back up may occur.

**COMMISSIONER LEWIS MOVED TO APPROVE THE CONDITIONAL USE PERMIT SUBMITTED BY MOUNTAIN CHRISTIAN SCHOOL TO ALLOW FOR A PRIVATE SCHOOL, LOCATED AT 700 N. CENTRAL AVE., THAT BEING A.P.N. 210-04-080A SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER ROBERTS SECONDED THE MOTION. PASSED 7 TO 0 WITH VICE CHAIRMAN BARLOW AND COMMISSION MEMBERS ADAMS, ATENCIO, HATCH, LEWIS, ROBERTS, AND WHITEHEAD VOTING IN FAVOR.**

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



- C. Conditional Use Permit submitted by Laird Show Low Storage, LLC to allow for RV and Mini Storage on property located at 1151 N. Auto mall Pkwy., that being A.P.N. 210-61-001, 002, 011A and 012A.

Mrs. Fechtelkotter read the staff summary report.

Laird Show Low Storage, LLC has submitted a Conditional Use Permit (CUP) to allow for RV and mini storage on property located at 1151 N. Auto mall Pkwy., that being A.P.N. 210-61-001, 002, 011A and 012A.

The subject property is the former location of the Tate's GMC/Buick dealership. The applicant plans to remodel the interior of the building for climate controlled mini storage. The existing parking lot to the west will include approximately 170 drive-up mini storage units and 58 covered RV storage spaces. The lot to the east of the building would have 187 uncovered outdoor RV storage spaces. The subject property is zoned C-2 (General Commercial), mini storage and RV storage requires a CUP in the C-2 zone.

As a part of this request the applicant is proposing to install an eight-foot-tall masonry wall around the existing parking lot for the outdoor mini storage, covered RV storage and the south boundary of the uncovered RV storage. They are proposing an eight-foot-tall chain-link fence on the east property line next to the airport. Fences over six feet in height may be approved by the Planning and Zoning Commission. The applicant has also indicated that depending on market conditions A.P.N. 210-61-002 (indicated on the site plan as Parcel 2) may be developed into additional storage area.

### **FINDINGS OF FACT**

1. Laird Show Low Storage, LLC has submitted a Conditional Use Permit (CUP) to allow for RV and Mini Storage on property located at 1151 N. Auto mall Pkwy., that being A.P.N. 210-61-001, 002, 011A and 012A.
2. The subject property is the former location of the Tate's GMC/Buick dealership. The applicant plans to remodel the interior of the building for climate controlled mini storage. The existing parking lot to the west will include approximately 170 drive-up mini storage units and 58 covered RV storage spaces. The lot to the east of the building would have 187 uncovered outdoor RV storage spaces. The subject property is zoned C-2 (General Commercial) mini storage and RV storage requires a CUP in the C-2 zone.
3. As a part of this request the applicant is proposing to install an eight-foot-tall masonry wall around the existing parking lot for the outdoor mini storage, covered RV storage and the south boundary of the uncovered RV storage. They are proposing an eight-foot-tall chain-link fence on the east property line next to the airport. Fences over six feet in height may be approved by the Planning and Zoning

Commission. The applicant has also indicated that depending on market conditions A.P.N. 210-61-002 (indicated on the site plan as Parcel 2) may be developed into additional storage area.

4. Current zoning of the surrounding properties include.

North: A-1 (Airport)  
South: C-2 (General Commercial)  
East: A-1 (Airport)  
West: C-2 (General Commercial)

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

North: Show Low Airport  
South: Hatch Toyota  
East: Show Low Airport  
West: 77 Subaru

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

Timber Mesa Fire and Medical District- Site may require additional hydrants to be installed, distances will be checked upon submittal of construction documents. Fire sprinkler system will need to be verified as property designed for change of use to accommodate storage. No objections to proposed CUP.

7. 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 602-04-252 submitted by Laird Show Low Storage, LLC to allow for RV and Mini Storage on property located at 1151 N. Auto mall Pkwy., that being A.P.N. 210-61-001, 002, 011A and 012A subject to the following conditions.

1. All development shall comply with all applicable federal, state, and local requirements, including parking and loading requirements.
2. The applicant shall be responsible for coordinating with the City of Show Low Building Department and Timber Mesa Fire and Medical District to ensure that all applicable codes are being met and that the required permits and inspections are obtained prior to utilizing the property for RV and mini storage.

3. Landscaping meeting the requirements of City Code 19.70.120(G) shall be installed and maintained.
4. The building shall meet the building design requirements of City Code 19.70.120(F).
5. All access-ways, interior driveways, and parking areas shall be surfaced in accordance with City Code.
6. All outdoor storage shall be screened with a solid material fence from the adjacent properties located within the Northern Arizona Auto mall.
7. Any outdoor lighting shall meet Federal Aviation Administration (FAA) and City Code requirements.
8. All vehicles parked/stored outside shall appear in usable condition.
9. A separate Conditional Use Permit will be required to expand the storage facility on A.P.N. 210-61-002.

Commissioner Roberts inquired if the revenue of the previous business was known, in addition Commissioner Roberts inquired if staff could provide job and tax revenue under the current proposal. Mrs. Fechtelkotter advised the commissioner she didn't possess that information and recommended redirecting those questions to the applicant.

Vice Chairman Barlow inquired if the 8ft fence height was at the request of applicant or staff. Mrs. Fechtelkotter advised the height was at the request of the applicant.

Commissioner Adams inquired if staff had a concept of what their recommendation of FAA requirements being met looked like. Mrs. Fechtelkotter advised she was aware of the Form 7460 through FAA for type of construction and height restrictions. Director Tregaskes further advised FAA regulations mirrors city code as far as light be shielded. There is nothing distinctly different than what is already in the auto mall area.

Commissioner Hatch stated his concern echoed Commissioner Roberts, if releasing this size of commercial development is the best opportunity for future business and the City of Show Low. He further explained that his concern for the proposed use was due to the original intended history of the auto mall and how the proposed intention does not match that concept.

Commissioner Roberts inquired if Commissioner Hatch could provide the estimated number of jobs a car dealership could potentially produce. Commissioner Hatch explained the proposed property as a dealership could offer employment opportunities of 25-45 employees. He further expressed concerns on the proposed plat map which indicates the east and west side of property and how other auto industry business could be better suited for this location.

Commissioner Roberts stated this proposal shows it is within conformity of Show Low General Plan. He inquired if when the general plan was developed if the area was identified as an auto mall.

Director Tregaskes informed the commission it was not identified as such and was originally part of a forest service exchange and was rezoned to a C-2 zoning designation with no auto mall only restrictions. The Director further explained that the property owner at the time had Deed Restrictions which limited it to an auto mall uses only however, it is staff's understanding those restrictions have been lifted.

Vice Chairman Barlow asked if the deed restrictions were mentioned as part of the platting process in relation to the auto mall. Director Tregaskes informed that CC&R's were mentioned to go along with the property which is consistent with all types of property however, those conditions were not tied specifically to the property as an auto mall.

Vice Chairman Barlow mentioned on the site plan there is indication of an 8 ft masonry wall. Vice Chairman Barlow further inquired if the commission would need to approve this height instead of a 6ft masonry wall. Mrs. Fechtelkötter confirmed that was correct.

Commissioner Lewis asked if the commission was treading on legal issues based on approval or disapproval based on type of business discrimination. Mr. Brown replied that the zoning has been established. The purpose for the meeting is to apply any conditional requirements. If the applicant meets the zoning requirement its difficult to deny due to lack of agreement on the type of business.

Commissioner Roberts requested confirmation that the CUP gives authority to the commissioner to approve or deny based on the location of the application not the business specifically. Director Tregaskes reminded the commission of CUP approval standards as outlined in city code section 19.20.050.

All conditional use permits shall be evaluated for the following standards:

(A) The application shall be consistent with and conform to the general plan and any other adopted plans.

(B) There shall be no significant adverse or intrusive effect upon property within three hundred (300) feet of the external boundaries of the subject property as a result of the proposed use; and

(C) The proposed change would not be detrimental to the public health, safety and general welfare of the persons or property in the surrounding area, nor to the community in general.

Commissioner Hatch inquired why the application was placed before the commission if CC&Rs are in effect and the project is commercial. Director Tregaskes advised that in

any zoning district there a permitted uses, there are also zoning uses that are adamantly not allowed, and then there are conditional uses which are allowed by code but with more review which is why we bring the CUP to the planning and zoning commission for review of additional requirements that need to be enacted to make this compatible with neighboring properties.

Commissioner Hatch asked why in-light of the deed restriction and HOA why the CUP is required. Director Tregaskes advised it is because a mini storage is a Conditional Use in the C-2 zoning, which is the underlying zoning of this property.

Commissioner Roberts requested advisement on whether the potential of legal repercussions are possible due to approval or disapproval on this application. Director Tregaskes informed the commission that the question still applies to the 3 standards of reviewing of the conditional use permits. The Director further explained that if the commission voted to not pass the CUP, they need to provide a detailed explanation of why they felt the reason was justified in accordance with chapter 19.20.050.

Vice Chairman Barlow inquired if RV storage produces sales tax and revenue for the City of Show Low. Director Tregaskes stated he would recommend that question to applicant.

Commissioner Atencio asked if in being zoned commercial the RV/mini storage was inconsistent with the general auto mall concept and asked if it was consistent with the general plan for Show Low. Director Tregaskes advised the general plan map is not very specific. The break down is constituted of different land use categories with the entire auto mall use being commercial.

Vice Chairman Barlow called the applicant up for questions.

Michael Laird- 1151 Automall Parkway

Commissioner Roberts inquired how many RV storage areas there are going to be. Mr. Laird informed him there will be 58 covered, 170 uncovered and 151 climate control storage units.

Commissioner Roberts further inquired into staff necessity to run the proposed project. Mr. Laird advised the property will require a staff of 3.

Commissioner Roberts asked if the possibility of expansion would affect the airport and the applicant advised it would not to his knowledge.

Vice Chairman Barlow requested clarification on the masonry and chain link fencing. Mr. Laird explained it was his understanding was that staff required screening and has no objection to other recommendations from staff.

Vice Chairman Barlow asked the applicant if he was aware of what the sales tax revenue is provided to the city from the type of use proposed. Mr. Laird stated he was uncertain on Show Lows sales tax for storage units. He further explained that the state has a percentage of tax per unit. Mr. Laird further explained he is unsure if there is a difference between the RV storage and the mini storage units.

Commissioner Hatch asked for clarification on the definition of an enclosed RV unit. Mr. Laird stated he intended for those spaces to be top cover units.

Commissioner Hatch inquired if the applicant intended to have solid surface walls on property lines that about 77 Subaru and Hatch Toyota. Mr. Laird stated that was accurate per staff's recommendation.

Commissioner Hatch asked if the applicant was planning to develop all 3 lots in the vicinity of application. Mr. Laird stated that the intention was to utilize the existing lot and develop the remaining lots for RV storage.

Commissioner Roberts asked if the applicant has looked at other real estate properties for this concept. Mr. Laird confirmed he has and believes the proposed is the best property available for this use.

Commissioner Roberts asked if commissioners were allowed to be excused from the vote. Mr. Brown advised that was not allowed.

Vice Chairman Barlow opened the meeting for public comment

Curtis Fernau 1060 N 47<sup>th</sup> Dr. Expressed concern regarding property rights and business types.

There being no other comments, Vice Chairman Barlow brought the matter back to commission for further discussion.

Commissioner Adams explained that he didn't disagree with fellow commissioner comments to this point but expressed that businesses following rules and regulations should be allowed to proceed without bias.

Commissioner Roberts asked the applicant if RV repair would be a possibility. Mr. Laird advised he is interested in doing not only what the commission recommends but also what is beneficial for the community and could be a possibility in the future.

Vice Chairman Barlow asked if RV repair is allowed in the current zoning or would require a CUP. Director Tregaskes informed him that if the intentions was solely used for RV repair it would require a CUP however, there are exceptions for accessory uses under a main business.

Vice Chairman Barlow commented that he agrees with fellow commissioners concerns however, given the requirements to deny a CUP that there is enough justify a denial. He further stated that due to there not being a sales tax revenue statements made at time platting he believes it should be approved at this location

**COMMISSIONER ADAMS MOVED APPROVE THE CONDITIONAL USE PERMIT SUBMITTED BY LAIRD SHOW LOW STORAGE, LLC TO ALLOW FOR RV AND MINI STORAGE ON PROPERTY LOCATED AT 1151 N. AUTOMALL PKWY., THAT BEING A.P.N. 210-61-001, 002, 011A AND 012A SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER WHITEHEAD SECONDED THE MOTION. PASSED 7 TO 0 WITH VICE CHAIRMAN BARLOW AND COMMISSION MEMBERS ADAMS, ATENCIO, HATCH, LEWIS, ROBERTS, AND WHITEHEAD VOTING IN FAVOR.**

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

- D. Conditional Use Permit submitted by Eric Ashworth of One Eyed Jacks Sports Lounge to allow for a bar serving alcohol on property located at 4481 S. White Mountain Rd., that being A.P.N. 212-03-147A.

Ms. Fechtelkotter read the staff summary report.

Eric Ashworth of One Eyed Jacks Sports Lounge has submitted a Conditional Use Permit (CUP) to allow for a bar serving alcohol on property located at 4481 S. White Mountain Rd., that being A.P.N. 212-03-147A. One Eyed Jacks is relocating from their existing location at the Days Inn to the subject property. They will be keeping their existing hours of operation from 12:00 PM to 2:00 AM seven days a week.

The subject property is zoned C-2 (General Commercial) and has been vacant for several years, it was previously utilized by RT's Black Bull Restaurant and Sports Lounge. Establishments serving alcohol require a CUP in the C-2 zone. Use Permit (UP) 93-013 was issued on September 1, 1993, by the Planning and Zoning Commission for a sports bar and grill at this location. According to City Code 19.20.090 if a time limit is not established by the commission and the use is discontinued for more than twelve months a new CUP is required. Approval from the Arizona Department of Liquor Licenses and Control is required prior to opening for business.

### **FINDINGS OF FACT**

1. Eric Ashworth of One Eyed Jacks Sports Lounge has submitted a Conditional Use Permit (CUP) to allow for a bar serving alcohol on property located at 4481 S. White Mountain Rd., that being A.P.N. 212-03-147A.

2. One Eyed Jacks is relocating from their existing location at the Days Inn to the subject property. They will be keeping their existing hours of operation from 12:00 PM to 2:00 AM seven days a week.
3. The subject property is zoned C-2 (General Commercial) and has been vacant for several years, it was previously utilized by RT's Black Bull Restaurant and Sports Lounge. Establishments serving alcohol require a CUP in the C-2 zone.
4. Use Permit (UP) 93-013 was issued on September 1, 1993, by the Planning and Zoning Commission for a sports bar and grill at this location. According to City Code 19.20.090 if a time limit is not established by the commission and the use is discontinued for more than twelve months a new CUP is required.
5. Approval from the Arizona Department of Liquor Licenses and Control is required prior to opening for business.
6. Current zoning of the surrounding properties include.

North: C-2 (General Commercial)  
South: C-2 (General Commercial)  
East: C-2 (General Commercial)  
West: C-2 (General Commercial)

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

North: Park Pineway Shopping Center  
South: Commercial strip mall  
East: White Mountain Vacation Village  
West: Park Pineway Shopping Center

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

Show Low Police Department- Provided a memo (see attached) outlining concerns related to the current One Eyed Jacks location. If approved the CUP should contain stipulations that the applicant, follow state law including practices that protect patrons and the public from unsafe and unlawful conduct.

Timber Mesa Fire and Medical District- Existing life safety systems are to be serviced and updated as needed prior to occupancy. No objections to the proposed CUP.

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 602-04-253 submitted by Eric Ashworth of One Eyed Jacks Sports Lounge to allow for a bar serving alcohol on property located at 4481 S. White Mountain Rd., that being A.P.N. 212-03-147A, subject to the following conditions.

1. All development shall comply with all applicable federal, state, and local requirements, including building and fire code requirements.
2. Prior to the sale of alcohol at the subject property, a state liquor license shall be obtained.
3. Practices protecting patrons and the public from unsafe and unlawful conduct shall be implemented prior to opening for business at the location.
4. The applicant shall be responsible for coordinating with the City of Show Low Building Department and Timber Mesa Fire and Medical District to ensure that all applicable codes are being met and that the required permits and inspections are obtained prior to opening.
5. All outdoor storage, materials and debris shall be removed, in addition the parking lot and roofing shall be repaired prior to opening for business at the location.
6. All signs shall comply with City Code 19.100
7. All parking areas shall be repaired, striped, and maintained in accordance with City Code 19.105.

Commissioner Adams asked if being open till 2am is typical for this type of business. Mrs. Fechtelkotter advised that it was.

Commissioner Adams further asked if this application has any differences from the original property use in the past. Mrs. Fechtelkotter advised there was not.

Commissioner Roberts inquired if the police calls from original use of the property were known. Mrs. Fechtelkotter informed they were not.

Commissioner Atencio requested to know if there were specific practices to implement requested from the Police Dept. Director Tregaskes advised there was no specific list just that they would like to see practices being proactive rather than reactive.

Commissioner Lewis requested clarification regarding all parking to be maintained and if the applicant is aware of their responsible area. Director Tregaskes advised a majority of the parking area has already been repaved with the exception of minor repairs still needed that fall to the applicant.

Vice Chairman Barlow expressed concern regarding the letter from Show Low Police Dept. and inquired into the ability for a time restriction on the CUP. Director Tregaskes clarified if he was asking for a review period and confirmed that was a possibility if the commission required it as part of the motion.

Commissioner Whitehead asked for the preventive measures taken by the applicant per the Police Departments request. Director Tregaskes deferred that question to the applicant.

Vice Chairman Barlow invited the applicant to speak.

Ashley Dickerson- 480 W Deuce of Clubs

Ms. Dickerson informed the commission that safety was a reason for the relocation as well as added security members who will all be guard card certified, all staff to be certified by the state liquor board and an identification program for patrons to be implemented. Ms. Dickerson further explained the business and the Police Department are making plans to work conjunctively for all safety concerns.

Commissioner Lewis asked if the security guards will be unarmed or armed. Ms. Dickerson advised the guards will be unarmed.

Commissioner Atencio asked for clarification on what jurisdiction will be certifying the applicants' staff. Ms. Dickerson informed her that those certifications come from the Liquor Board. Commissioner Atencio further inquired if the applicant had any complaints with the Liquor Board, the applicant informed her there are none.

Commissioner Adams asked for thoughts and concerns on a 12 months review from his fellow commissioners as well as inquiring on how to implement that process.

Vice Chairman Barlow replied with agreement with the review due to the severity of the memo from the PD.

Director Tregaskes advised the commission that if a review was the decision made by the commission, they could require either an automatic review at the 12-month specified time frame or a review at 12 months if deemed necessary by the Police Department.

Commissioner Lewis agreed with the options available as the applicant is an existing business within the community and feels if the P.D. aren't requiring a review, a mandate review is excessive.

Commissioner Roberts inquired if the Liquor Board monitored such issue. Director Tregaskes informed that was accurate however, this application had multiple jurisdictions involved such as the proposed location needing a CUP. Director Tregaskes

reminded the commission that not only does the applicant need approval of the CUP, but the Liquor Board also needs to approve the relocation.

Commissioner Adams asked if staff has experienced a review decision prior to this applicant. Director Tregaskes advised that they have and referenced Hatch Construction & Paving's quarry site however, he further mentioned that a review period is rare.

Commissioner Lewis stated that he didn't understand why the review period was being required with an existing business that was heavily monitored by a state agency and he further believes that due to the nature of the business its not uncommon for police to be called.

Commissioner Roberts stated that he believed business location can decide what type of patrons utilize the business and feels a review is the right direction to go.

Director Tregaskes further informed the commission they could review the CUP at any time if a report was made that the applicant was not following the approved upon recommendations.

Vice Chairman Barlow stated that he would like the review in 12 months per the Police Departments recommendation.

Commissioner Atencio inquired if Show Low Police Department frequently submitted memos for CUP applications. Mrs. Fechtelkotter explained it was the first one she has received in her 15 years of employment.

**COMMISSIONER LEWIS MOVED TO APPROVE THE CONDITIONAL USE PERMIT SUBMITTED BY ERIC ASHWORTH OF ONE EYED JACKS SPORTS LOUNGE TO ALLOW FOR A BAR SERVING ALCOHOL ON PROPERTY LOCATED AT 4481 S. WHITE MOUNTAIN RD., THAT BEING A.P.N. 212-03-147A SUBJECT TO STAFF RECOMMENDATIONS AND AN ADDITIONAL CONDITION THAT THIS CUP MAY BE REVIEWED IN 12 MONTHS TIME IF REQUESTED BY THE POLICE DEPARTMENT. COMMISSIONER ADAMS SECONDED THE MOTION. PASSED 7 TO 0 WITH VICE CHAIRMAN BARLOW AND COMMISSION MEMBERS ADAMS, ATENCIO, HATCH, LEWIS, ROBERTS, AND WHITEHEAD VOTING IN FAVOR.**

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

**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 August 23, 2022.

**COMMISSIONER ROBERTS MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF AUGUST 23, 2022. COMMISSIONER ROBERTS SECONDED THE MOTION. PASSED 7 TO 0 WITH, VICE CHAIRMAN BARLOW AND COMMISSION MEMBERS ADAMS, ATENCIO, HATCH, LEWIS, ROBERTS, AND WHITEHEAD VOTING IN FAVOR.**

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

Commission Members

Commissioner Lewis wished the community a merry Christmas and requested the community be mindful of the less fortunate.

Commissioner Whitehead agreed with Commissioner Lewis

Commissioner Antacio is looking forward to being a part of the commission and is looking forward to the community events.

Commissioner Roberts is happy to be a part of the community and congratulated to Mr. Brown on his promotion.

Commissioner Adams welcomed the new commissioners and thanked the city workers for their hard work this holiday.

Commissioner Hatch stated it's a great day in Show Low and happy holidays, he also encouraged the community to be mindful of the less fortunate and encouraged everyone to look for ways to help.

Vice Chairman Barlow welcomed the new commissioner and thanked city staff for keeping the streets safe.

Planning and Zoning Director

Director Tregaskes welcomed the new commissioner, he also thanked public works and the community and business for going out and adding to the festive holiday. He also encouraged everyone to keep an eye on pets and the plumbing due to cold weather.

## 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 DECEMBER 13, 2022, 2022 AT 8:57PM.

**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 December 13, 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