

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON FEBRUARY 12, 2019 AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. CALL TO ORDER.

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

2. ROLL CALL.

COMMISSION MEMBERS PRESENT: Chairman Bill Johnson, Commissioner Kathleen Behrends, Commissioner Eric Bishop, Commissioner Chris Hudson, and Commissioner Brandt Clark.

COMMISSION MEMBERS ABSENT: Vice Chairwoman Debbie Robertson and Commissioner Jon Adams.

STAFF MEMBERS PRESENT: Justen Tregaskes, Planning and Zoning Director; Morgan Brown, City Attorney; Katie Fechtelkotter, Planner; and Tamra Reidhead, Deputy City Clerk.

GUESTS PRESENT: Ryan Ellsworth, Blaine Wilcock, and others.

3. INVOCATION.

Chairman Johnson gave the invocation.

4. PLEDGE OF ALLEGIANCE.

Commissioner Behrends led the Commission and audience in the pledge of allegiance.

5. OLD BUSINESS.

NONE

6. NEW BUSINESS.

A. Public Hearing and Consideration of Zone Change request submitted by Ryan Ellsworth of Paradise Acres L.L.C. to amend the zoning conditions for property located at 740 N. 4th Avenue, Show Low, Arizona, that being A.P.N. 210-04-031 through 210-04-051.

Ms. Fechtelkotter said that Ryan Ellsworth of Paradise Acres L.L.C. submitted a request to amend the condition of approval of Ordinance No. 2016-03 to remove the solid wall requirement along the east side of the subject property and North

4th Avenue, on property located at 740 North 4th Avenue, Show Low, Arizona, that being A.P.N. 210-04-031 through 210-04-051. All other zoning conditions would remain unchanged.

Ms. Fechtelkotter said at its regular meeting of November 1, 2016, the Show Low City Council approved the original zone change request to rezone the subject property from MH (manufactured housing) and R1-7 (single-family residential, seven thousand square feet) to R2-7 (single-family and multiple-family residential, seven thousand square feet) in order to allow the construction of 58 apartment units on the Paradise Trailer Park property.

Ms. Fechtelkotter said three apartment buildings had been completed, and the fourth was currently under construction. The certificate of occupancy (C of O) for the fourth building was contingent upon compliance of condition no. 9 of Ordinance No. 2016-03, which stated, "Painted or stained solid masonry or concrete fencing shall be required around the perimeter of the project."

Ms. Fechtelkotter read the findings of facts aloud.

1. Ryan Ellsworth of Paradise Acres L.L.C. has submitted a request to amend the zoning conditions for property located at 740 North 4th Avenue, Show Low, Arizona, that being A.P.N. 210-04-031 through 210-04-051.
2. The applicant has requested that the existing zoning conditions be amended to remove the solid wall requirement along the east side of the subject property and North 4th Avenue due to drainage issues on the subject property. All other zoning conditions would remain unchanged.
3. At their regular meeting of November 1, 2016 the Show Low City Council approved the original zone change request to re-zone the subject property from MH (manufactured housing) and R1-7 (single-family residential, seven thousand square feet) to R2-7 (single-family and multiple-family residential, seven thousand square feet) in order to allow the construction of 58 apartment units on the Paradise Trailer Park property.
4. The perimeter wall was shown on the original site plan, submitted as part of the original zone change application and added as a condition of approval by City Council.
5. The applicant has committed to installing landscaping in place of the solid wall.
6. The zoning of the surrounding properties includes:
North: R1-7 (Single-Family Residential, 7,000 square feet)
South: MH (Manufactured Homes)

- East: MH (Manufactured Homes, R1-7 (Single-Family Residential, 7,000 square feet), R2-7 (Single-Family and Multiple-Family Residential, 7,000 square feet)
- West: R1-7 (Single-Family Residential, 7,000 square feet)
7. The land uses of the surrounding properties includes:
- North: Show Low Junior High School and Auditorium
- South: Single-Family Residential
- East: Single-Family Residential
- West: Single-Family Residential
8. Transmittal memos were sent to all affected agencies. No applicable comments were received.
9. A neighborhood meeting was held by the applicant to explain the changes to area residents. No neighbors attended the meeting; however, staff received several notes of support for removing the requirement of a solid wall. These notes have been attached for your review.

Ms. Fechtelkotter read the staff recommendations aloud.

After reviewing the Findings of Fact, discussions with the applicant, the zoning ordinance, and because the request is consistent with the City of Show Low General Plan, the Planning and Zoning Commission may:

Make a recommendation to **Approve** the request submitted by Ryan Ellsworth of Paradise Acres L.L.C. to amend the zoning conditions for property located at 740 North 4th Avenue, Show Low, Arizona, that being A.P.N. 210-04-031 through 210-04-051 and forward this recommendation to the City Council subject to the following conditions:

1. Conditions of approval nos. 1 through 8 of Zone Change 605-03-107 shall remain in effect
2. Condition no. 9 shall be amended to change the requirement of a solid masonry or concrete fencing to be replaced with vegetative screening along the east side of the subject property and North 4th Avenue.

Ms. Fechtelkotter said approval of the request would change condition no. 9 as approved by the City Council and allow the applicant to receive a C of O for the fourth apartment building without installing the fence along the east side of the subject property and North 4th Avenue.

-OR-

Make a recommendation to **Deny** the request submitted by Ryan Ellsworth of Paradise Acres L.L.C. to amend the zoning conditions for property located at 740 North 4th Avenue, Show Low, Arizona, that being A.P.N. 210-04-031 through 210-04-051 and forward this recommendation to the City Council.

Ms. Fechtelkotter said denial of the request would leave condition no. 9 as approved by the City Council and would require the applicant to install the fence around the perimeter of the subject property prior to receiving a C of O for the fourth apartment building.

Mr. Tregaskes said he discussed the proposed landscaping with Mr. Blaine Wilcock, who indicated they would agree to plant four trees and five bushes or shrubs per building for a total of 16 trees and 20 bushes as a vegetative screening. Mr. Tregaskes stated that at this time they are not stating what type of trees to put in, mainly due to the concerns of the overhead powerlines on the property as they don't want the trees to grow into the lines in five years and cause problems. Mr. Tregaskes said that if the commission wishes to make a recommendation to council to allow the wall to be removed in lieu of the vegetative screening, then staff would support that with the required 4 trees and 5 bushes per building as previously discussed with Mr. Wilcox.

Commissioner Bishop said there were several notes of support for removing the solid wall. Were there others besides the two in the packet. Mr. Tregaskes stated that there were two written and one verbal discussion.

Commissioner Bishop asked if city staff agreed that the drainage issue on the property prevented the construction of the wall. Mr. Tregaskes said it wouldn't prevent construction of the wall, however it would impact the location and construction of the wall. Because of the required drainage on the property, there was a ditch on the property behind the sidewalk, it would impact the location of the wall and construction materials and techniques used to put the wall in place.

Commissioner Hudson asked if the drainage was put in as part of the construction of the apartments. The applicant, Ryan Ellsworth, from 1301 East Whipple, said when the plan was approved, a drainage report had not been completed but as one of the last conditions given by council putting in curb gutter and sidewalks. Mr. Ellsworth worked with City of Show Low staff and the Engineering Department and came up with the design to solve the drainage issue problems and then he put in the curb gutter and sidewalk. There was no drainage plan and no detention pond submitted in the plan two years ago, however as plans evolved he realized that they would need to be completed. Mr. Ellsworth stated that he ended up putting in detention pond which helped to take care of drainage. When the drainage plan was done, it created other problems.

Commissioner Hudson said you are not planning to change the west boundary wall. Mr. Ellsworth stated that the wall on west and south would remain. We have another detention pond on north end and will tie it all in. He will meet with staff to work out and landscape to tie in the property with the new purchase of the home next door.

Chairman Johnson opened the matter for a public hearing. There being no input, he closed the public hearing.

Chairman Johnson said if the Commission chose to approve the request, the motion would need to include the stipulation regarding trees and bushes.

COMMISSIONER BISHOP MOVED TO APPROVE THE REQUEST SUBMITTED BY RYAN ELLSWORTH OF PARADISE ACRES L.L.C. TO AMEND THE ZONING CONDITIONS FOR PROPERTY LOCATED AT 740 N. 4TH AVENUE AND FORWARD THIS RECOMMENDATION TO THE CITY COUNCIL SUBJECT TO THE FOLLOWING CONDITIONS:

- 1. CONDITIONS OF APPROVAL NOS. 1 THROUGH 8 FOR ZONE CHANGE NO. 605-03-107 SHALL REMAIN IN EFFECT.**
 - 2. CONDITION NO. 9 SHALL BE AMENDED TO CHANGE THE REQUIREMENT OF SOLID MASONRY OR CONCRETE FENCING TO THE REQUIREMENT OF VEGETATIVE SCREENING CONSISTING OF FIVE BUSHES AND FOUR TREES PER BUILDING ON THE EAST SIDE OF THE SUBJECT PROPERTY ALONG NORTH 4TH AVENUE;**
- SECONDED BY COMMISSIONER BEHREND; PASSED 5 TO 0 WITH CHAIRMAN JOHNSON AND COMMISSION MEMBERS BEHREND, CLARK, BISHOP, AND HUDSON VOTING IN FAVOR.**

Mr. Tregaskes stated that this item would be presented to the City Council at its next meeting on February 19, 2019 at 7:00 p.m.

- 7. CALL TO THE PUBLIC** – Any citizen desiring to speak on a matter that is within the jurisdiction of the Planning and Zoning Commission may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Planning and Zoning Commission as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Planning and Zoning Commission. Pursuant to the Arizona Open Meeting Law, the Planning and Zoning Commission cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual Planning and Zoning Commission members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

None.

- 8. APPROVAL OF MINUTES.**

Planning and Zoning Commission Regular Meeting of November 27, 2018.

COMMISSIONER BISHOP MOVED TO APPROVE THE MINUTES OF THE PLANNING AND ZONING COMMISSION OF NOVEMBER 27, 2018; SECONDED BY COMMISSIONER HUDSON; PASSED 5 TO 0 WITH CHAIRMAN JOHNSON AND COMMISSION MEMBERS BEHREND, CLARK, BISHOP, AND HUDSON VOTING IN FAVOR.

9. SUMMARY OF CURRENT EVENTS.

Commission Members

Commissioner Behrends commended city crews for the great job they did in keeping the roads clear during the recent snowstorm.

Planning and Zoning Director

Mr. Tregaskes said the Commission seats currently held by Chairman Johnson and Commissioners Bishop, Clark, and Hudson would expire the end of March. Those members who wanted to reapply and any citizen who might want to apply would need to submit an application by March 1.

Mr. Tregaskes said elections to determine who would serve as Chairman and Vice Chairman normally would have been held tonight, but since two commissioners were absent, the elections would be held at the next Commission meeting in two weeks.

10. ADJOURNMENT.

There being no further business to be brought before the Planning and Zoning Commission, **CHAIRMAN JOHNSON ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF FEBRUARY 12, 2019 AT 7:23 P.M.**

ATTEST:

APPROVED:

Justen Tregaskes
Planning and Zoning Director

William Johnson
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 February 12, 2019. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Linda Haynes
Administrative Assistant