

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON FEBRUARY 26, 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 7:00 p.m.

2. ROLL CALL

COMMISSION MEMBERS PRESENT: Chairman Bill Johnson, Vice Chairwoman Debbie Robertson, Commissioner Kathleen Behrends, Commissioner Eric Bishop, Commissioner Jon Adams, Commissioner Chris Hudson, and Commissioner Brandt Clark

COMMISSION MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Justen Tregaskes, Planning and Zoning Director; Morgan Brown, City Attorney; Katie Fechtelkotter, Planner and Linda Haynes, Administrative Assistant

GUESTS PRESENT: Bill Haltom, Kyle Thomas, Marvin Peterson, and Curtis Fernau

3. INVOCATION

Commissioner Adams 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. Election of Officers

Mr. Tregaskes said the rules and procedures for the Commission states that every year the commission votes to elect a Chair and Vice Chair, which typically takes place in January of the calendar year, however due to not having a full

Commission in the last meeting; it was postponed until there was a full Commission to vote. Mr. Tregaskes said the decision needed to be decided on whether or not to do the election this evening or wait until after March when the Council appoints the new commissioners. The consensus from the Commission was to wait until the first meeting in March following the reappointments from the Council to do the election.

B. Public Hearing and Consideration of a zone change request, submitted by Bill Haltom of Creative Development L.L.C., to RE-ZONE a portion of A.P.N. 210-31-020K from C-2 (General Commercial) to R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet) to allow for the construction of a single-family residence.

Ms. Fechtelkotter stated that building permit 17230 was issued on October 3, 2017 to allow for the construction of 18 two-story short-term rental cabins on the subject property. The subject property is currently zoned C-2. The construction of the cabins is a permitted use in the C-2 zone. The applicant now wishes to build a single family residential home on the southwest side of the subject property. Single family residences are not permitted in the C-2 zone.

The proposed lot size will be approximately 15,400 square feet; the applicant has indicated a 20 foot setback along the southwest side of the subject property. In order to build the single family residence on the subject property, the applicant will be removing three of the proposed cabins, which include two units each along the south side of the subject property, as well as eliminating a barbeque area and playground. In addition, the two cabins on the southeast of the subject property will only be one-story tall and further reduce the units by two each, for a total reduction of eight units on the subject property.

The minimum lot size in the R1-15 zone is 15,000 square feet. The property adjacent to the southwest of the subject property is zoned R1-15. Along Meadow View Place lots range from a minimum size of 16,117 square feet to a maximum of 87,991 square feet.

Ms. Fechtelkotter read the Findings of Facts.

1. The zoning of the surrounding properties includes:
 - North: C-2 (General Commercial)
 - South: R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet) and C-2 (General Commercial)
 - East: C-2 (General Commercial)
 - West: C-2 (General Commercial) and R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet)

2. The land uses of the surrounding properties includes:

North: Single-Family Residential
South: Single-Family Residential
East: Show Low Meadow
West: Single-Family Residential

3. A neighborhood meeting was held by the applicant to explain the changes to area residents. Several neighbors attended the meeting who had general questions about the project.
4. Staff mailed letters and subject property maps to all property owners within three hundred feet of the subject property, and posted the property in accordance with State law; staff did receive a comment from a neighbor who was concerned about lot size compatibility, however no objections were received.

Ms. Fechtelkotter read the Staff recommendations.

After reviewing the Standards for Review, the City of Show Low Zoning Ordinance, discussions with the applicant, and because the request is consistent with the City of Show Low General Plan, staff recommends that the Planning and Zoning Commission approve zone change request 605-03-113 submitted by Bill Haltom of Creative Development L.L.C., to rezone a portion of A.P.N. 210-31-020K from C-2 (General Commercial) to R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet) and forward this approval to the City Council subject to the following conditions:

1. All development shall comply with all federal, state and local requirements, including building permit requirements.
2. The minimum lot size for the residence shall be 15,000 square feet.
3. As shown on the proposed site plan, there shall be a minimum 20 foot setback along the south side of the subject property.
4. The lot shall be split prior to the issuance of a building permit for a residence.

Vice Chairwoman Robertson asked if there have been any new concerns since the agenda packet was printed. Mr. Tregaskes said the only concerns received are stated in the staff report; however there is a property owner in attendance that has concerns about lot size compatibility.

Commissioner Adams asked about landscaping and who was in charge of that. Mr. Tregaskes said the original site plan of the subject property side is short term commercial cabins proposed that would require landscaping as part of a commercial development. What they are now proposing is to remove a portion of the project from the subject property with a little of over a 15,000 square foot lot to put a single family home. The home would be under R1-15 zoning requirements, which is a standard residential zoning district that has no minimums landscape requirements besides complying with property maintenance and fire standards. Commissioner Adams asked about landscaping for the rest of the project. Mr. Tregaskes replied that anywhere that has a street frontage would require landscaping and they do have a landscaping plan in place that was approved with the city's C-2 zoning requirements.

Chairman Johnson asked if there are any units showing on the map currently there. Mr. Tregaskes stated that building number one is currently under construction.

Applicant Bill Haltom at 2000 N. 43rd Avenue approached podium. Commissioner Hudson asked the applicant how the project is progressing. Mr. Haltom stated that the existing cabins are being financed by himself, not through a bank. Due to having to finance the cabins himself, he had to put the cabins on hold to finish the homes on 43rd Avenue and finish the duplexes off of Ninth Street. The reason for the zone change is that the South end of the property is extra land and he could use the land to build a home with the meadow view. This will help control the look of the south end which will also be by the cabins. Commissioner Adams asked if all homes will be similar to which is already built. Mr. Haltom stated his goal is to build an amazing house that will complement the views with a wraparound porch. The cabins are to be rustic stone and should be a landmark for Show Low. Getting the first one completed will be a milestone and once completed he will be excited to show everyone.

Chairman Johnson asked if a mechanism is in place in city code for financial support if something were to occur and the project could not be completed. Mr. Tregaskes stated that there is no bond requirement for commercial projects.

Commissioner Clark asked what the timeline is for a permit to be pulled until a C of O is issued. Mr. Tregaskes said the timeline for a building permit is once the permit is issued you have six months to start the construction. Once the construction has started it is valid for a period of six months or until the next inspection, which triggers the 6 months to start over. Commissioner Clark asked when the last inspection and deadline was for this project. Ms. Fechtelkotter said October 2018 was the last inspection and they have until April 2019 to request another one. Commissioner Clark asked what stage of progress the project was at. Mr. Haltom said that he is currently at the framing inspection and ready to do a shear nailing on the roof and walls. Once the inspection is approved he will put up the siding and add windows. The windows and siding will take up to three

weeks to receive. Commissioner Clark asked about what would happen if he did not meet the deadline. Mr. Tregaskes stated he would need to request an extension and get approved from the building official.

Chairman Johnson opened the Public Hearing.

Kyle Thomas at 1200 Meadow View Place stated that he is a practicing dentist and moved to Show Low ten years ago. Dr. Thomas purchased a home in the Meadow View subdivision five years ago because of the benefits of the quiet, short, dead end street, the security of no traffic and the large lots and space and the neighbors. Dr. Thomas said in June 2017, Mr. Haltom and Mr. Baker purchased the property at 1501 Meadow View Place, which had been vacant for several years. Dr. Thomas discussed the neighbors and their lot sizes and stated that the average lot sizes in the neighborhood are a size of .88 acres. Dr. Thomas said that due to the average size of these lots he is concerned about approving the small .35 acre lot size for the new residential project. Dr. Thomas stated that him and some of the other neighbors he has spoken to, oppose the rezoning due to the acreage size. Dr. Thomas feels that the neighborhood will not benefit from the re-zoning and disagrees on change. Dr. Thomas said that he first heard of the re-zoning from the Planning and Zoning posting and feels that when the project is complete, the traffic will increase. Dr. Thomas stated that he believes Mr. Haltom does not have the funds to complete the cabin project as they have been sitting for the last two years. Dr. Thomas requests that the Commission reconsider re-zoning and have a more reasonable approach that is acceptable and benefits all the parties involved. Dr. Thomas said he does support re-zoning the entire piece to be consistent with the size density of the neighborhood, building larger residential lots to help create an asset to the Meadow View family.

Vice Chairwoman Robertson asked what Dr. Thomas's feelings were about the previous plan, which has three more cabins, a play yard, ramada and a barbeque area and how he feels about the difference to add 3 more cabins as opposed to adding a home. Mr. Thomas said he does not feel there is a difference between 12 or 15 cabins due to the amount of traffic, which has already increased. Dr. Thomas feels the things being removed could be beneficial for the children, such as the playground and ramada area. Dr. Thomas said that the density is crazy for that area as the property is not that wide and there will be no other access, nor could there be one built due to the dead end.

Vice Chairwoman Robertson asked if Dr. Thomas was objecting to the whole plan in its entirety or the fact Mr. Haltom wants to pull a piece off for residential. Dr. Thomas said he is objecting the .32 re-zoning when the average lot size is .88 an acre, he would like to see the house on a bigger lot, but feels the funding may not be there to complete the project as stated in the newspaper.

Chairman Johnson asked Dr. Thomas if he was aware when he bought his house that it was by a commercial property. Dr. Thomas stated he was not aware until later and didn't think it was going to be a problem. Chairman Johnson said that even though they buy the property it does not always stay that way due to future productivity and commercial projects. Dr. Thomas found out when there was a listing put up and when he called they said it was zoned commercial. He is not opposed to commercial growth but does not understand why this location is zoned as a commercial lot.

Commissioner Bishop asked how long the property has been zoned commercial. Mr. Tregaskes said that is the original zoning for that property, which is approximately over 40 years. Commissioner Bishop asked for clarification on what the focus is for tonight's agenda regarding the residential and commercial properties. Mr. Tregaskes said that the primary focus is on the portion of the property being requested to be rezoned, which is the residential portion, but because it is a portion of the commercial property, there is going to be some discussion about the property in general.

Commissioner Bishop asked if Dr. Thomas did not receive a letter notifying him because he is beyond the 300 feet from property guideline. Mr. Tregaskes said that Dr. Thomas was well outside the 300 feet notification boundary, which is why we post the property.

Commissioner Bishop said that the portion be requested to be re-zoned does appear to be quite a bit different than other properties in area, is that normal for a re-zone to try and make it compatible and keep consistency. Mr. Tregaskes said that is a consideration that is made. When we look at something, we look at what is the underlying zoning. As an example, if this was zoned R1-7, that would require a minimum of 7,000 sq. ft. lot. When you purchase property, part of the protection you have is what is the underlying zoning. This helps to establish what the minimum criteria is for that area, unless you are in an established subdivision as they have a recorded plat that states what the lot sizes will be. In an unrecorded development or something that has just happened over time your protection falls down to what the underlying zoning is, which in this case is a minimum of 15,000 square feet lots. It is not a guarantee that all lots will continue to be a certain size in the neighborhood and unless you are at zoning minimums there is always the possibility that they are allowed to a smaller lot size.

Commissioner Clark asked if this zone request is not approved will the original building project still be approved. Mr. Tregaskes said yes and that from a staff perspective they have struggled with this due to the fact that this property is zoned commercial and the development being started is a permitted use, same as a hotel or motel, which is allowed in the C-2 zoning. However in this case, the applicant is requesting commercial to residential, infringing into residential, which helps reduce the total number of units by almost 25 %, which normally does not

get seen by the commission. The question is do you grant the request and allow a lot that is smaller than what is already there in the neighborhood, but it's a residential lot which would reduce impact on neighborhood or would you deny the request and allow the applicant to move forward as originally proposed with the higher number of units closer to the neighbors.

Commissioner Clark stated that the reason why the commercial project never came to Commission two years ago was because the property was zoned commercial and did not require commission approval. Dr. Thomas said even if it's not required to have a meeting or notify neighbors, he feels it's the right thing to do and feels they didn't do it due to push back they would receive. Dr. Thomas had no idea what was going on and feels that due to the small size of the neighborhood, Mr. Haltom should not have put all the commercial items there without having a friendly neighborhood meeting.

Vice Chairwoman Robertson asked about neighborhood meeting and notification. Mr. Haltom said that a neighborhood meeting was held and he used the 300 feet policy from Planning & Zoning department.

Commissioner Bishop asked why he is re-zoning only a portion of it to residential and not whole thing. Mr. Haltom said he has plan to build short stay cabins on the commercial property, but if the residential portion does not get approved he will end up building three more cabins, instead of one residential. Commissioner Bishop questioned why eighteen cabins were approved and now he wants to do less and remove three cabins to build a house. Mr. Haltom said there would be eight units less than the original request of cabins. Building a residential house would help as a fundraiser for the budget to finish the project as residential funding is easier to obtain. Commissioner Clark asked when idea came about to build the residential home. Mr. Haltom said that he felt that the idea of building a home and using funds to build cabins was a great idea that came about the last 90 days when he submitted the application and held neighborhood meeting.

Marvin Peterson at 20 North White Mountain Road asked the Commission if they are aware of the traffic issue in that area as it is already a problem due to ambulances being stacked up. Mr. Peterson said due to safety concerns on that road he is hoping for a light in that area. Mr. Tregaskes stated that area is an ADOT highway and they have no plans on putting a light there. Mr. Peterson was concerned on why that commercial use gets to use the land for residential use, as well as having two story properties with kitchens in each unit. Mr. Tregaskes stated as permitted the units are two stories with one unit on the top and one on the bottom with no kitchens in any unit, so each building has two units. What they are proposing is to get rid of three buildings and reduce two buildings to one story, which would remove a total of eight units.

Commissioner Bishop said there are a few concerns expressed; the first concern is to not rezone a portion of it, then there is the traffic concerns and last the

parcel size. Commissioner Clark stated that the impact of the neighborhood should be taken into consideration and asked if the access would be off Meadow View Place. Mr. Tregaskes confirmed the access would be off of Meadow View Place, just like any other residential lot would be.

Mr. Tregaskes stated that traffic counts for a residence are 10 trips per day. Leaving is one trip and returning is a considered a second trip. There no counts for hotels, motels or rental type units like this, however we have found there are two peak waves, which is morning and in the evening. With a commercial property there are less trips and less traffic then with a home. Traffic is inevitable due to the impact of growth, but the benefit is that the property is on the entrance side of Meadow View Place rather than the back end of Meadow View Place.

Commissioner Hudson asked if a Certificate of Occupancy would be issued per each building or the whole project. Mr. Tregaskes said that you cannot get a Certificate of Occupancy until the infrastructure that is required for the project is in place, such as the parking lot and drainage. Each building is separate and once each one is complete, they can get the Certificate of Occupancy.

Mr. Tregaskes stated that the Options for commission are straight approval, approval with recommendations, and the third being recommendation for denial.

Commissioner Hudson asked if they could add a stipulation of a condition to the zoning due to the concerns on the structure. Chairman Johnson agreed to add a stipulation. Commissioner Bishop asked if it was possible to have at least one building completed before they could build a new one. Mr. Brown stated that they could not attach stipulations to the existing permitted zoning. Commissioner Clark stated that there would be no benefit in requiring a Certificate of Occupancy and is torn in what to do since the project has been sitting for a while already, but at the same time they would have the ability to lessen the density. Commissioner Clark said having a larger house of about 2,500 square foot would better for the neighborhood than a smaller house on the lot. Mr. Tregaskes said that the commission could put a stipulation on minimum livable square footage which could help with concerns with neighbors and add comfort to them that they are not getting the smallest house and smallest lot. Mr. Haltom was comfortable with the agreement of building the house at a minimum size of 2,500 square feet. Mr. Tregaskes clarified that a livable space does not include a garage, porch or deck.

CHAIRMAN JOHNSON MOVED TO RECOMMEND APPROVAL OF ZONE CHANGE REQUEST 605-03-113 SUBMITTED BY BILL HALTOM OF CREATIVE DEVELOPMENT L.L.C., TO REZONE A PORTION OF A.P.N. 210-31-020K FROM C-2 (GENERAL COMMERCIAL) TO R1-15 (SINGLE-FAMILY RESIDENTIAL, MANUFACTURED HOMES EXCLUDED, 15,000 SQUARE FEET) LOT TO ALLOW FOR THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENCE, SUBJECT TO STAFF RECOMMENDATIONS AND INCLUDING

A MINIMUM DWELLING SIZE, EXCLUSIVE OF PATIOS, PORCHES AND GARAGES, TO BE 2,500 SQUARE FEET OF LIVABLE SPACE.

MOTION PASSED 6 TO 1 WITH CHAIRMAN JOHNSON, VICE CHAIRWOMAN ROBERTSON, AND COMMISSION MEMBERS BEHREND, CLARK, BISHOP, ADAMS VOTING IN FAVOR AND COMMISSIONER HUDSON VOTING NOT IN FAVOR.

Mr. Tregaskes stated that this item would be taken to the next scheduled public hearing at the next City Council meeting which will be held next Tuesday 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.**

Mr. Peterson asked the commission if the city has a safety crew in town. Commissioner Clark said any safety concerns should be addressed with the Public Works Director.

Mr. Haltom stated that he would like to apologize about the condition of the cabin and if he could get out there safely he would have had it covered up before the meeting. Mr. Haltom stated that his company, Creative Development, has helped clean up the meadow by removing cedar trees and scrub oaks.

8. APPROVAL OF MINUTES

Planning and Zoning Commission Regular Meeting of February 12, 2019.

COMMISSIONER CLARK MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES ON FEBRUARY 12, 2019. COMMISSIONER BISHOP SECONDED THE MOTION. PASSED 7 TO 0 WITH CHAIRMAN JOHNSON, VICE CHAIRWOMAN ROBERTSON, AND COMMISSION MEMBERS BEHREND, CLARK, BISHOP, ADAMS AND HUDSON VOTING IN FAVOR.

9. SUMMARY OF CURRENT EVENTS

Commission Members

Commissioner Behrends commend the city for their excellent service and stated they did a great job.

Commissioner Bishop agreed that the city did a fantastic job with the snow removal and thanked the city staff.

Vice Chairwoman Robertson stated that she agreed the city staff did a great job and she is thankful for them being out in the cold and taking care of things.

Chairman Johnson said that due to the level of staffing and size of the storm, he was thankful we came through as well as we did this week.

Planning and Zoning Director

Mr. Tregaskes said he appreciated the snow efforts of the public safety officials and the snow plow crews. The City has a number of crews that run in 24 hour multiple days in a row, working 12 hour shifts overnight and throughout the day. Mr. Tregaskes thanked the public safety, police, fire and ambulances that were able to help out through the storm as well.

Mr. Tregaskes advised the Commission that the next meeting will be held on March 12, 2019, which is during spring break. If there is a conflict or any issues with that date, to please let him know.

Mr. Tregaskes said that today is his youngest sons 15th birthday.

Mr. Tregaskes said at times the commission does get questions about the state highways that run through town, in regards to whom is responsible for the up keep, designation, and determining when lights go in and when they do not. All major roads that go through town (White Mountain Road, Deuce of Clubs and Clark Road) are state highways that are run by ADOT. There are times that the City is able to have some input, but ultimately it is their call in what takes place. An example of a project we have asked for help on is the turn signal and turn lanes on Cub Lake, Show Low Lake and White Mountain Roads. It took some time but we finally have some funding from ADOT and cooperation from the neighboring property owners to get an extended right-of-way and hope that the problem area will be addressed soon. This could be several years for a State Highway but at least it is on the radar. Any citizen that has a concern with city streets or state highways should get in touch with the City's Public Works Department. This will help the city bring awareness to ADOT on projects that are safety concerns.

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 26, 2019 AT 8:41 PM.

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 26, 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