

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON July 24, 2018 AT 7:00 PM IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA**

**1. CALL TO ORDER**

Chairman Johnson called meeting to order at 7:00 PM

**2. ROLL CALL**

**COMMISSION MEMBERS PRESENT:** Chairman Bill Johnson, Vice Chairwoman Debbie Robertson, Commissioner Kathleen Behrends, Commissioner Eric Bishop, Commissioner Jon Adams

**COMMISSION MEMBERS ABSENT:** Commissioner Brandt Clark, Commissioner Don Berry

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

**GUESTS PRESENT:** Rosi and Art Hoyer, Billie Anderson, Jody Rankin, Ana and Antonio Del Rincon, Ray Rawkin, Steve Chlupsa, Gene Hall and Toby Reidhead

**3. INVOCATION**

Commissioner Adams gave 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. Consideration of Conditional Use Permit 602-04-122A for Drive Now Auto Sales, submitted by Gene Hall and Toby Reidhead, to allow for used automobile sales on property located at 650 S. White Mountain Road, that being A.P.N. 210-23-011C.

Ms. Fechtelkotter stated that a Conditional Use Permit (CUP) application for Drive Now Auto Sales, submitted by Gene Hall and Toby Reidhead, to allow for used automobile sales on property located at 650 S. White Mountain Rd., that being A.P.N. 210-23-011C

Drive Now Auto Sales has operated at 700 S. White Mountain Rd., adjacent to the subject property since March 2009. Drive Now Auto Sales wishes to use a portion of the property located at 650 S. White Mountain Rd. to park and sell vehicles. The subject property is zoned C-2 (General Commercial), automobile sales require a CUP in the C-2 zone. The subject property was not included as a part of the original CUP, therefore an expansion of the original CUP was required.

The current zoning of the surrounding properties includes:

North: C-2 (General Commercial)  
South: C-2 (General Commercial)  
East: C-2 (General Commercial)  
West: R1-7 (Single-family residential, seven thousand square feet)

The current land uses of the surrounding properties includes:

North: Commercial  
South: Drive Now Auto Sales  
East: Agricultural  
West: Residential

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

The property was posted and letters were sent to all property owners within three hundred (300) feet of the subject property. Several calls were received regarding the nature of the request, however no objections were received.

Mrs. Fechtelkotter read the Staff recommendations.

After reviewing the Standards for Review, the 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 Conditional Use Permit 602-04-122A for Drive Now Auto Sales, submitted by Gene Hall and Toby Reidhead, to allow for used automobile sales on property located at 650 S. White Mountain Rd., that being A.P.N. 210-23-011C, subject to the following conditions:

1. All previous conditions of CUP 602-04-122 shall apply to the subject property.

Vice Chairwoman Robertson asked if there have been any complaints since operating. Ms. Fechtelkotter said that no.

Chairman Johnson opened questions to staff and public. There were no questions.

Vice Chairwoman Robertson made a motion to approve CUP 602-04-122A, for Drive Now Auto Sales, submitted by Gene Hall and Toby Reidhead, to allow for used automobile sales on property located at 650 S. White Mountain Rd., that being A.P.N. 210-23- 011C, subject to staff recommendations. Jon Adams seconded the motion. Motion passed unanimously.

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.

- B. Consideration of Conditional Use Permit 602-04-213 submitted by Reigle & Associates, to allow for two drive-through restaurants on property located at SR 260 & E. Evergreen Lane, that being A.P.N. 212-03-117.

Commissioner Adams stated he had a conflict of interest with this item due to working for owner before and excused himself.

Ms. Fechtelkotter stated that a Conditional Use Permit (CUP) application has been submitted by Reigle & Associates, to allow for two drive-through restaurants on property located at SR 260 & E. Evergreen Ln., that being A.P.N. 212-03-117. The subject property is zoned C-2 (General Commercial). A drive-through use requires a CUP in the C-2 zone.

Access to the property will be along the northern property line and southern property line off Evergreen Lane and not from South White Mountain Road. The conceptual site plan indicates two buildings. At this time the applicant has only identified an occupant for one of the buildings, however the site needs to be prepared for at the same time for both of the buildings. Following discussions with the applicant, they have agreed not to grade or fill the subject property until a building permit for the site has been issued. Conceptual drawings and a site plan have been submitted to the City and have been attached for your review.

The current zoning of the surrounding properties includes:

- North: C-2 (General Commercial) and PUD (Planned Unit Development)

South: C-2 (General Commercial)  
East: PUD (Planned Unit Development) and R1-7X (Single-family residential, manufactured homes excluded, seven thousand square feet)  
West: C-2 (General Commercial)

The current land uses of the surrounding properties includes:

North: Commercial/Rodeo grounds  
South: Commercial  
East: Rodeo grounds/Residential  
West: Commercial

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

City Engineer, Drainage and detention to be addressed per correspondence sent to applicant on July 9, 2018.

Navajo County, Restaurants require Navajo County Health Department permits.

Timber Mesa Fire and Medical District (TMFMD), New construction to be per adopted fire codes for TMFMD.

The property was posted and letters were sent to all property owners within three hundred (300) feet of the subject property. Several calls were received regarding the nature of the request, however no objections were received.

Ms. Fechtelkoter read the Staff Recommendations

After reviewing the Standards for Review, the 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 Conditional Use Permit 602-04-213 submitted by Reigle & Associates, to allow for two drive-through restaurants on property located at SR 260 & E. Evergreen Ln., that being A.P.N. 212-03-117, subject to the following conditions:

1. All development shall comply with all applicable federal, state and local requirements, including building permit, sign, Fire Code, and ADOT requirements.
2. The applicant shall coordinate with the Public Works Department to ensure that adequate backflow protection will be installed.

3. Landscaping meeting the requirements of City Code Section 15-1-60(D)(7) shall be installed and maintained.
4. Parking and lighting requirements of Section 15-1-46 of City Code shall be met.
5. No grading or fill shall take place on the property until a building permit has been issued.
6. This conditional use permit shall remain effective as long as a building permit has been issued within one (1) year of CUP approval.

Chairman Johnson opened the floor to questions.

Commissioner Bishop wanted to verify that the Conditional Use Permit was for two drive-through restaurants. Mr. Tregaskes stated that was correct. Vice Chairwoman Robertson asked about the property level. Ms. Fechtelkotter said that they will grade the property to make it level and will fill the property, but not all the way to street. Chairman Johnson asked if the level will be lower. Mr. Tregaskes stated that the property has been proposing to utilize the front of the property off Evergreen. They are proposing to fill the site and stated that deepest spot would be 6-10 feet, but will still not be level with the road as it will be approximately five to seven feet below the road.

Chairman Johnson asked if it will be like the medical offices. Mr. Tregaskes advised that it would be lower than the offices, but higher than the strip mall offices. Chairman Johnson asked where the driveway location would be. Mr. Tregaskes stated the proposed location of driveway would be east on Evergreen, per recommendation from the Public Works Director. They are also proposing to tie into existing the driveway by the Rodeo grounds, which is located behind Sears. The proposed traffic light installation, which is part of the hospital improvements, will be about 100 feet south of Matteo's. Mr. Tregaskes said that he did receive two phone calls from property owners in Evergreen Estate whose concerns were about traffic but they did not oppose project.

Chairman Johnson asked if there was a turn lane for access this property. Mr. Tregaskes stated that the center lane on the highway would be utilized if turning left as the other commercial properties. There has been a preliminary discussion with ADOT, but they have not yet required a right turn lane.

Commissioner Behrends asked if there would be a center lane on Evergreen. Chairman Johnson agreed one was needed but said Evergreen was not wide enough. Vice Chairwoman Robertson asked what pad on the map Culvers would be on. Ms. Fechtelkotter said the larger one to the south. Commissioner Bishop asked if the

restaurant would be higher than the parking lot. Mr. Tregaskes stated that parking lot and restaurant will be at similar level, with some sloping from following the natural contour may be seen. Chairman Johnson asked if the Public Works Department is okay with drainage issues. Mr. Tregaskes stated they had comments on drainage but stated this would be acceptable. Commissioner Bishop asked how many feet from turning lane from 260 to property. Mr. Tregaskes stated an estimated amount of about 200 feet.

Chairman Johnson asked if there were any questions for the applicant, there were none.

Chairman Johnson opened the floor to the public for questions.

Antonio Del Rincon approached the podium and said that he lives on the first house on Evergreen Lane and that he has concerns about the entrance on Evergreen. Mr. Del Rincon said that it is hard to turn left due to traffic, and now with two traffic lights wondered if it will help shorten the traffic or will the lights be synchronized. Chairman Johnson said that is ADOT's jurisdiction and we can express concerns but ADOT makes the ultimate decision. Mr. Tregaskes stated that when the traffic light is installed it does introduce gaps in traffic, but how it will be timed, particularly in the north, he does not know as it is an ADOT issue. Mr. Del Rincon stated that going into Matteo's or the doctor offices and exiting off Evergreen is going to be a mess for traffic and does not want traffic using the back road. Chairman Johnson stated that he understood the concerns of the traffic on White Mountain and knows there will be more. Commissioner Bishop asked why there was no entrance on White Mountain Road. Mr. Tregaskes referred the question to the applicant for explanation on what ADOT discussions they may have had with them about an exit on White Mountain.

Steve Chlupsa approached the podium and stated that he is not the applicant, but he is trying to buy the property from the developer and put in the Culver's. Mr. Chlupsa advised that he has heard that ADOT has concerns on adding another entrance due to cost. Mr. Chlupsa believes that the people heading north will turn on Evergreen and if they miss the turn will have another entrance. Mr. Chlupsa believes these two entrances would be a great benefit for the Culver's Franchise as at Culvers Payson location there are two entrances. Mr. Chlupsa said that ADOT has concerns on additional entrances due to traffic, which may cause issues. Commissioner Bishop asked if both entrances would be operational at the time of opening. Mr. Chlupsa stated yes and that he is trying to buy the entire property and only have one restaurant, but that would not change the entrances and will allow additional parking on one side.

Chairman Johnson asked what traffic issues Culvers has had in Payson regarding trailers. Mr. Chlupsa said has had no issues in two years. Vice Chairwoman Robertson asked about dining in capacity. Mr. Chlupsa said Payson sixty percent dine in and forty

percent drive-through, typical Culvers is 50/50. Population predicts that percentage. The Show Low restaurant guess would be more dine in due to summer visitors, he estimates a fifty five percent dine in and forty five percent drive-through. Capacity with patio would be about 130 people.

Mr. Del Rincon asked about traffic and if both entrances will be primary and voiced concerns about the dirt road which will bring unnecessary traffic to the neighborhood. Mr. Chlupsa said both entrances would be primary and said yes and that he would be happy to move the entrance back to help with a right turning lane. Mr. Tregaskes stated that would add more width for right of way and would need to be approved by ADOT and Public Works Director due to expansion. Chairman Johnson asked if there is more space at the north entrance. Mr. Tregaskes stated there is 24 - 28 feet pavement width to the south and the entrance at the north has more width. Mr. Chlupsa said that if he buys all the property, that will fix entrances for trailers due to property location. Mr. Del Rincon asked if the north entrance will be shared. Mr. Chlupsa stated it will be shared and that all will have to be developed with ADOT as currently there are no curbs.

Chairman Johnson stated that with no information from ADOT a decision is still needed to be made. Billie Anderson, 2150 E. Evergreen Lane, was concerned on how many trees will be cut down and as well as the lighting into the neighborhood. Mr. Tregaskes said City code requires all lighting be fully shielded and in regards to trees the neighborhood is 300 feet from property site and that portion will remain currently undisturbed, which is approximately a football field worth of trees that will be left.

Vice Chairwoman Robertson stated that she understood Culvers was willing to take on responsibility of giving more space if ADOT and Engineering approved, however was wondering who will pay the price of the road. Mr. Chlupsa said that if ADOT allowed the curb, the developer would pay cost. Vice Chairwoman Robertson asked if that was put as a condition would he be willing to accept it with no problem. Mr. Chlupsa said yes.

Billie Anderson stated that if traffic is backed up in morning and evening that the entrance will be a zoo and wants to know what will happen when a backup happens. Chairman Johnson said the issues with White Mountain Road cannot be controlled and will need to be addressed when they come up. Mr. Chlupsa said that Culver's is not open until 10 am which will help with traffic in the morning and are open at night until 10 PM. They pay attention to noise and only take out trash before 9 PM and want to be the best neighbors they can be. Mr. Chlupsa said that in his opinion if he gets entire property he will put the building in middle of the property, which will help flow of the exit and entrances, with the natural egress out to the north of the property.

Vice Chairwoman Robertson made a motion to approve CUP 602-04-213 submitted by Reigle & Associates, to allow for two drive-through restaurants on property located at SR 260 & E. Evergreen Ln., that being A.P.N. 212-03-117, subject to staff

recommendations and adding an additional condition requiring the owner to install a center turn lane and curbing on E. Evergreen Lane subject to ADOT and Public Works Approval. Commissioner Bishop seconded the motion. Motion passed unanimously.

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.

Chairman Johnson thanked the public for all the input.

- 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.

Steve Chlupsa, from Culvers asked the Commission if ADOT does not approve the extra lane will the Conditional use Permit be denied. Mr. Tregaskes stated that if ADOT says no to expansion, then will still be able to move forward, minus the turn lane.

Jody Rankin approached the podium and said that she lives on Evergreen and wants to know where traffic light at medical center will be. Mr. Tregaskes stated that he will update this in his report.

Chairman Johnson closed the Call to the Public.

## **8. APPROVAL OF MINUTES**

- A. Planning and Zoning Commission Regular Meeting of April 24, 2018

Chairman Johnson moved to approve the Planning and Zoning Commission Regular Meeting Minutes on April 24, 2018. Vice Chairwoman Robertson seconded the motion. Motion passed unanimously.

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

A. Commission Members

Commissioner Behrends said that she was grateful for the moisture and stated to be careful for children as school starts next week.

Commissioner Adams said that the City did a great job for the Fourth of July.

Vice Chairwoman Robertson said she was thankful for the rain and the community.

Chairman Johnson agreed that he was thankful for weather and the community and the recent weather and stated traffic is a nightmare so be careful with road rage.

B. Planning and Zoning Director

Mr. Tregaskes said the update on the traffic light is a part of the new building being put up from the hospital. The hospital is working with AODT and received a grant to obtain the new light. The new turn lane has already been installed and a new driveway has already been poured. The location is approximately halfway down from the previous trailer park that was previously at that site location. The general process is to install bases and let them sit to set the concrete, set arms minus the lights and then eventually hang lights. A flashing notification process will happen before the lights become active. Mr. Tregaskes reminded everyone that Show Low School Districts first day back to school is August 2<sup>nd</sup> and cautions drivers to be careful for children and buses. Take extra time when school is in session. Mr. Tregaskes extended a huge thank you to not only the residents of Show Low, but to the summer visitors who have recognized the fire restrictions. Mr. Tregaskes stated that this summer had the potential of turning out to be a bigger fire danger than the Rodeo-Chediski fire residents experienced a few years ago. Mr. Tregaskes also thanked those who chose to obey the fire restrictions and to the merchants who removed fire hazards from their sales and posted signs. The City is very thankful for no fires and owes it to the citizens and visitors.

**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 JULY 24, 2018 AT 8:01 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 **July 24, 2018**. 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