

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON TUESDAY, APRIL 10, 2018 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 meeting to order at 7:00 PM.

2. ROLL CALL

**COMMISSION MEMBERS PRESENT:** Chairman Bill Johnson, Vice Chairwoman, Debbie Robertson, Commissioner Kathleen Behrends, Commissioner Don Berry, Commissioner Eric Bishop , Commissioner Jon Adams , 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:** Charles Pelletier, Eduardo Saldana, Laura Singleton and Michael Bosley.

3. INVOCATION

Commissioner Adams gave invocation.

4. PLEDGE OF ALLEGIANCE

Commissioner Berry led the Commission and audience in the Pledge of Allegiance.

5. OLD BUSINESS

None.

6. NEW BUSINESS

- A. Consideration of Conditional Use Permit 602-04-208 submitted by Eduardo Saldana Facio to allow for a restaurant serving alcoholic beverages located at 2101 E Deuce of Clubs, that being A.P.N. 210-24-003B.

Ms. Fechtelkotter stated that a Conditional Use Permit (CUP) application has been submitted by Eduardo Saldana Facio to allow for a restaurant serving

alcoholic beverages located at 2101 E. Deuce of Clubs, that being A.P.N. 210-24-003B.

The subject property was previously Jalapenos Café, which ceased operations at the location on March 29, 2018. The property was purchased by a new owner and they wish to open a Mexican restaurant serving alcoholic beverages. A restaurant serving alcoholic beverages requires a CUP in the C-2 (General Commercial) zone.

The applicant stated that they plan to eventually be open seven days a week from 6am to 9pm. They stated that there will be no outdoor seating or overly loud music. In addition, the applicant plans to refurbish the parking lot and will screen and relocate the trash enclosure to minimize conflicts with vehicular traffic. There currently is no landscaping on the subject property. The applicant has submitted a proposed landscaping plan with the CUP application; however it does not meet City Code requirements for landscaping.

The current zoning of the surrounding properties includes:

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

The current land uses of the surrounding properties includes:

North: Show Low Ford  
South: Spur Feeds  
East: Vacant Commercial  
West: Gas Station

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

Arizona Department of Transportation (ADOT) - Stated that due to the change of owner/occupants a new encroachment permit for the driveway shall be submitted to ADOT.

The property was posted and letters were sent to all property owners within three hundred (300) feet of the subject property. No comments have been 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 602-04-208 submitted by Eduardo Saldana Facio to allow for a restaurant serving alcoholic beverages located at 2101 E. Deuce of Clubs, that being A.P.N. 210-24-003B, subject to the following conditions:

1. All development shall comply with all applicable federal, state and local requirements, including building permit, fire code and ADOT requirements.
2. Prior to opening the restaurant shall obtain a City business license.
3. Prior to the sale of alcohol at the subject property, a state liquor license shall be obtained.
4. Landscaping shall be installed and maintained in accordance with the submitted landscape plan.
5. The surfacing of all access ways, interior driveways, and parking areas, shall be surfaced in accordance with City Code.
6. All signage shall meet the requirements of Section 15-1-45 of City Code.
7. Any outdoor lighting shall meet all requirements of City Code.
8. This conditional use permit is non-transferable.

Chairman Johnson opened the floor for questions of the staff or the applicant.

Vice Chairwoman Robertson asked if all surfaces are to be paved. Ms. Fechtelkotter stated not necessary to be paved and Mr. Tregaskes agreed that that since it is an existing building and parking lot, it is not required to be a hard surface. Mr. Tregaskes stated that the requirement is a compact base with gravel and that applicant plans to update this in the future.

Applicant, Eduardo Saldana stepped up to the podium and stated that he lives at 1481 E Gardener St. Vice Chairwoman Robertson asked if the permit would be beer and alcohol. Applicant confirmed yes that it would be and that the hours would be Monday through Saturday from 6 A.M to 8 P.M. and Sunday 11 A.M. to 8 P.M. Commissioner Clark asked if applicant has had experience in owning a business, Mr. Saldana stated that he has worked at El Cupido for last 13 years and wants to open own business, but does not have alcohol experience.

Chairman Johnson opened the floor for questions by the public.

There were no questions.

**Vice Chairwoman Debbie Robertson made a motion to approve CUP 602-04-208 submitted by Eduardo Saldana Facio to allow for a restaurant serving alcoholic beverages located at 2101 E. Deuce of Clubs, that being A.P.N. 210-24-003B, subject to staff recommendations. Commissioner Don Berry 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 602-04-209 submitted by Chris Johnson of Avalon Investments to allow for a drive-thru coffee shop located at 421 N. White Mountain Road, that being A.P.N. 210-16-100D.

A Conditional Use Permit (CUP) application has been submitted by Chris Johnson of Avalon Investments to allow for a drive-through coffee shop located at 401 N. White Mountain Rd., that being A.P.N. 210-16-100D.

The subject property is a vacant parcel of land located between the Verizon store and Discount Tire on N. White Mountain Road. The applicant plans to build a 2,400 square foot drive-through coffee shop with a small outdoor patio. They plan to serve coffee and tea drinks along with a limited menu of food items. Proposed hours of operation of the coffee shop are seven days a week from 5am to 9pm.

The subject property is zoned C-2 (General Commercial). A drive-through use requires a CUP in the C-2 zone. Conceptual drawings and a site plan have been submitted to the City and have been attached for your review. As indicated on the submitted site plan the applicant proposes to use the existing driveways from Discount Tire and Washington Federal to access the subject property.

The current zoning of the surrounding properties includes:

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

The current land uses of the surrounding properties include:

North: Verizon Wireless  
South: Discount Tire  
East: Vacant Commercial  
West: Chase Bank

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

Timber Mesa Fire and Medical District (TMFMD) - Must meet requirements of 2015 IFC as adopted.

Ms. Fechtelkotter stated that they did receive a memo from ADOT after the Staff Summary was prepared, and it stated that they had no issues.

The property was posted and letters were sent to all property owners within three hundred (300) feet of the subject property. No comments have been 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 602-04-209 submitted by Chris Johnson of Avalon Investments to allow for a drive-through coffee shop located at 401 N. White Mountain Rd., that being A.P.N. 210-16-100D, 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. The owner/applicant shall be responsible for obtaining any necessary ingress/egress easements from neighboring property owners.
6. This conditional use permit is non-transferable.

Chairman Johnson opened the floor for staff questions.

Commissioner Adams asked if the red and blue area, where the old Nick's Grocery was is still a commercial property. Ms. Fechtelkotter sated it is. Chairman Johnson stated that on Item number five would there be access

available from Verizon and Discount . Ms. Fechtelkotter stated access would be from Discount Tire or Washington Federal.

Chairman Johnson opened the floor to questions for the Applicant.

There were none.

Chairman Johnson opened the questions to the public.

Michael Bosley stepped up to the podium. Mr. Bosley stated that he was the owner of the Pour Station and the White Mountain Ice. Mr. Bosley stated that within the 3/4 mile area of his coffee shop, there are already 3-4 coffee shops. Mr. Bosley stated that this amount of coffee shops already put a lot of strain on him as a business owner. Mr. Bosley stated that there are already two of the same coffee shops in the White Mountains and feels no need for a third one. Mr. Bosley stated that the third one will hurt their business, which is already hurting due to the new minimum wage law and they would struggle. Mr. Bosley stated that the corner of location during the rush hour, especially during busy season, is a nightmare and not sure if the design would be beneficial, even though ADOT approved it.

Vice Chairwoman Robertson asked if the Planning and Zoning Commission has the right to say a business cannot have a permit even if there are 3 or 4 of the same business in the area. Mr. Tregaskes stated that the Planning and Zoning Commission has the right to review the physical merits. Technically the name should have no bearing on whether you can say yes or no. What needs be looked at is its application on its face and does it have conflict with the neighbors in general. To say "business x, we have too many business x", all the Commission can do is ask does this meet city code, parking, landscaping, all city codes?

Chairman Johnson closed the Public session.

Chairman Johnson opened the floor for staff questions.

Commissioner Adam wanted confirmation that ADOT did approve. Mr. Tregaskes stated that ADOT has jurisdiction and give access and permission on their road. ADOT and the applicant, have pushed access as far to the south as possible utilizing shared driveway with Discount Tire, no other driveways will be built. They have worked with the bank and have worked with ADOT to get a shared driveway to loop around the back, tying into driveways that already exist. ADOT has conceptually approved. Commissioner Behrends asked if the enter and exit will be the same driveway. Justen stated it would be possible to potentially come into White Mountain and come back in making a left or right just as you do now. This same option would exist on the Deuce as well. Bill stated

no access at North corner. Mr. Tregaskes stated that there is no access from Verizon only from the bank and White Mountain road.

Charlie Pelletier stepped up to the podium and stated his address is 7333 Double Tree Ranch Rd. Scottsdale. Vice Chairwoman Robertson asked if he had talked to Verizon. Mr. Pelletier stated that he has not approached Verizon, only Discount Tire and the bank. Mr. Tregaskes stated that the representative is new to the project and that the owner has had no response to tie in or to have a connection to Verizon. Commissioner Adams asked if the bank exit will be the same. Mr. Tregaskes confirmed that it will be and stated that looping around and tying into existing driveway has been discussed and agreed with by Washington Mutual.

**Vice Chairwoman Debbie Robertson made a motion to approve CUP 602-04-209 submitted by Chris Johnson of Avalon Investments to allow for a drive-through coffee shop located at 401 N. White Mountain Rd., that being A.P.N. 210-16-100D, subject to staff recommendations. Commissioner 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.

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

A. Planning and Zoning Commission Regular Meeting of February 13, 2018

**Commissioner Bishop moved to approve the Planning Zoning Commission Regular Meeting Minutes on February 13, 2018. Commissioner Clark seconded the motion. Motion passed unanimously.**

9. SUMMARY OF CURRENT EVENTS

A. Commission Members

Commissioner Clark welcomed Linda, and stated he was excited to have her aboard.

Commissioner Behrends stated that the new playground is wonderful and is very well attended.

Vice Chairwoman Robertson said it was great to see all the building and nice to see all is going well. Reminded people to be fire wise.

Chairman Johnson welcomed Linda as well.

B. Planning and Zoning Director

Mr. Tregaskes welcomed Linda to the team and stated that we are in the process of filling the Community Development Specialist position, which also includes code enforcement of landscaping. New hire to start on Monday. Mr. Tregaskes also stated that fire season is shaping up with a number of spot fires. Please be careful with debris and brush and remove from home. Mr. Tregaskes stated that City offers excess trash removal days and that the City also does a city wide clean up at no additional cost. If you have a trash can, you can participate.

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 APRIL 10, 2018 AT 7:33 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 April 10, 2018. I further certify that the meeting was duly called and held and that a quorum was present.

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

(SEAL)

\_\_\_\_\_  
Linda Haynes  
Administrative Assistant