

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON APRIL 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

COUNCIL MEMBERS PRESENT: Chairman Bill Johnson, Vice Chairwoman Debbie Robertson, Commissioner Kathleen Behrends, Commissioner Don Berry, Commissioner Eric Bishop, Commissioner Jon Adams, Commissioner Brandt Clark

COUNCIL MEMBERS ABSENT: None

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

3. INVOCATION

Chairman Johnson 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 602-04-210 submitted by Roy and Deena Pace to allow for expansion of a Non-Conforming use on property located at 700 S. 11th street, that being A.P.N. 210-22-030C.

Ms. Fechtelkotter stated that a Conditional Use Permit (CUP) application has been submitted by Roy and Deena Pace to allow for the expansion of a non-conforming use located at 700 S. 11th St., that being A.P.N. 210-22-030C.

Roy and Deena Pace have been operating a trucking business on the subject property for many years. The applicant wishes to place a 3,600 square foot metal building on the property so they are able to house equipment related to the trucking business and work

on trucks out of the weather. A site plan showing the location of the proposed building and an elevation of the building was submitted with the CUP application and is included in the packet for review.

The subject property is zoned MH (Manufactured Housing), a trucking business is not allowed in the MH zone, however the business is a non-conforming use. Section 15-1-43 defines a non-conforming use as, "a use of a structure or land which was lawfully established prior to the adoption of this division but which, under this division, does not conform to the use regulations for the district in which it is located." A non-conforming use may be expanded through a CUP.

The current zoning of the surrounding properties includes:

North: MH (Manufactured Housing)
South: MH (Manufactured Housing)
East: R1-7 (Single-family residential, seven thousand square feet)
West: MH (Manufactured Housing)

The current land uses of the surrounding properties includes:

North: Residential
South: Residential
East: Residential
West: Residential

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

Navajo County Health Department - Any activity that generates hazardous waste which could contaminate groundwater, shall meet Arizona Department of Environmental Quality (ADEQ) requirements.

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

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. Fechtelkötter 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 602-04-210 submitted by Roy and Deena Pace to allow for the expansion of a non-conforming use located at 700 S. 11th St., that being A.P.N. 210-22-030C, subject to the following conditions:

1. All development shall comply with all applicable federal, state and local requirements, including building permit, sign, and Fire Code requirements.
2. Any hazardous wastes that are produced shall be disposed in a manner that complies with ADEQ regulations for hazardous waste disposal.
3. Any trucking activities and all truck related equipment and material shall be stored inside the building.
4. This conditional use permit is non-transferable.

Chairman Johnson opened the floor for questions for staff.

Vice Chairwoman Robertson asked if there were going to be restrooms in this location.

Chairman Johnson asked applicant to come forward.

Applicant, Deena Pace and friend, Dan Carrie approached podium. Deena Pace stated that there were no restrooms, but there were some available on site.

Mr. Tregaskes stated that he had received two phone calls on the permit request and no objections were expressed.

Chairman Johnson opened the floor to the public.

Mark Murrey approached the podium. Mr. Murrey stated that he lives at 741 S. 11th Street, across the street from proposed site. Mr. Murrey stated that he and his neighbor Allen, who could not be present, had some concerns. Mr. Murrey expressed that his concerns were on truck traffic, the demolition of the old house, the entrance for the shop, if shop would be utilized for tire changing and if there was going to be an above fuel ground or below fuel storage. Mr. Murrey also requested if a non-see through fence would be required.

Chairman Johnson asked the applicant to approach podium for questions.

Chairman Johnson asked about the entrance. Mr. Carrie stated that the entrance on Stratton, once house demolished, will be the entrance. Mr. Carrie stated that there will be no extra traffic as what's going on now will be same for next year. It is a private

business and there will be no fuel storage on the property, only fuel tanks on trucks. Mr. Carrie advised that the fencing currently runs downhill on Stratton and the existing home blocks more than three quarters of the building until the end of property. Privacy fencing would bring more attention to the property because of the different fencing. Chairman Johnson asked if the old house would be going away. Mr. Carrie confirmed yes and stated that the old house will be demolished due to age and that shed is already gone. Mr. Tregaskes asked if they plan on changing tires. Ms. Pace stated yes and they have been already for their private use. Ms. Pace states there is no outside work and that the building was not being built for outside work.

Chairman Johnson opened the floor to the Public.

Tom Smith approached the podium and stated that he lives next door and has no objections on applicants request.

Mr. Murrey approached podium and asked about duplex and other house. Ms. Pace stated that son lives in the block building and Mr. Carrie stated that the duplex is storage.

Mr. Murrey said that as long as it all looks good and if it is not a big tire shop, then it would not be a problem.

Chairman Johnson closed the floor to the public.

Commissioner Brandt Clark moved to approve CUP 602-04-210 submitted by Roy and Deena Pace to allow for the expansion of a non-conforming use located at 700 S. 11th St., that being A.P.N. 210-22-030C, subject to staff recommendations. Commissioner 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 602-04-211 submitted by Land Development Consultants, LLC to allow for a retail fuel facility and car wash on property at S. Cub Lake Road and S. White Mountain Road, that being A.P.N. 212-03-001P&Q.

Ms. Fechtelkötter stated that a Conditional Use Permit (CUP) application has been submitted by Land Development Consultants, LLC to allow for a retail fuel facility and car wash on property at S. Cub Lake road and S. White Mountain Road, that being A.P.N. 212-03-001P&Q.

The applicant plans to build a 5,881 square foot convenience store, with ten fuel pumps and a 1,262 square foot drive through car wash on the northern portion of the subject property. The hours of operation will be 24 hours a day, seven days a week. The proposed site plan indicates that there will be one access off of Cub Lake Road and two off of State Route 260.

The subject property is zoned C-2 (General Commercial). A retail fuel facility and car wash 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.

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) and

The current land uses of the surrounding properties includes:

North: Walgreens
South: Lowe's Home Improvement
East: Commercial
West: Commercial/residential

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

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

Navajo County - A Navajo County Health Department Permit is required to sell food.

The property was posted and letters were sent to all property owners within three hundred (300) feet of the subject property. Staff received several phone calls regarding the nature of the request; however no opposition has 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 602-04-211 submitted by Land Development Consultants, LLC to allow for a

retail fuel facility and car wash on property at S. Cub Lake Road and S. White Mountain Road, that being A.P.N. 212-03-001P&Q 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. The applicant shall coordinate with Arizona Department of Transportation (ADOT) and City Staff to landscape the Cub Lake Road and White Mountain Road rights of way. The applicant shall coordinate with staff in identifying and preserving existing trees.
4. Parking and lighting requirements of Section 15-1-46 of City Code shall be met; all under canopy lighting shall be recessed.
5. Development shall occur in substantial conformance to the submitted site plan and building elevations.
6. Arizona Department of Transportation (ADOT) permits shall be required. The developer of the subject property shall be responsible for the installation for all improvements as required by ADOT.

Chairman Johnson opened the floor to staff questions.

Vice Chairwoman Robertson asked where the second entrance from the 260 would be. Ms. Fechtelkotter stated that it was one entrance was off Cub Lake Road and the other was off Hwy 260. Ms. Fechtelkotter stated that it would be a right turn only and the second would have a left turn.

Vice Chairwoman Robertson asked if the road will be paved at the same time as the Circle K was being built. Mr. Tregaskes stated that the Cub Lake Road improvements will be at a later date following ADOT approval.

Commissioner Bishop asked if there was parking in front of the buildings and in the back. Ms. Fechtelkotter stated yes.

Commissioner Adams asked about landscaping and trees and what the plan would be for them. Ms. Fechtelkotter stated that staff was working with applicant on trees and

that they do have a proposed plan to preserve the trees. Mr. Tregaskes stated that this is a heavily treed site and that the application for this site build was received in December. Since then the City has been working with applicant to preserve the trees. The applicants have proposed a heavy landscaping plan, with more than what is required. The landscaping includes the portion of the right a way, as well as the coordination with ADOT to landscape almost the same as Maverick did. Mr. Tregaskes stated that he does not want to mislead the public or staff and that most all the current trees will be taken off the property.

Chairman Johnson opened the floor to applicant questions.

There were none.

Chairman Johnson opened the floor to Public comments.

Mark Murray, 741 S. 11th Street, approached the podium and asked if Walmart would ever have a gas station, as it is permitted for that and was wondering if maybe the applicant could purchase that space for the new building. Mr. Murrey also asked if they are planning on cutting all the thirteen acres. Mr. Tregaskes stated that only the building site and circulation, which is about an acre, would be cut, the remaining would be undeveloped at this time. Chairman Johnson asked if there would be room if Walmart choose to do so. Mr. Tregaskes said that originally there was a CUP for a gas station in front of Walmart. Mr. Tregaskes stated that the north corner is already occupied, the south corner was not for development and that the only potential would be in front of Walmart and there would be no possibility of gas station there.

Vice Chairwoman Robertson asked if the same owner that owns the building site owns the other thirteen acres. Mr. Tregaskes stated that the applicant is leasing the property and that the property is common ownership with the adjacent thirteen acres.

Commissioner Adams said that the hospital has cleared everything out for trees and to please preserve as much as we can on this location.

Mike Desmint approached the podium. Mr. Desmint stated that he lives at 1630 N. North Drive and that he is on board but expressed that he has concerns on the traffic and congestion off of Cub Lake and White Mountain Rd. Mr. Desmint also had concerns that there is no left turn at Cub Lake and questioned how deliveries would be handled. Mr. Tregaskes stated that property owner will give up right of way to widen out the intersection of Cub Lake Road and White Mountain Road. Mr. Tregaskes said that ADOT is aware of the dangers of the corner and the city hopes to see improvement. Deliveries would be delivered from Cub Lake Road and circle around back and come out front.

Chairman Johnson stated that tree cutting is a concern and shares the same concern with Mr. Tregaskes about the traffic. Mr. Desmint has concerns with ADOT and Chairman Johnson hopes ADOT will help to address these issues.

Mark Murrey approached podium. Mr. Murrey was concerned about the Cub Lake entrance for the fuel. Mr. Tregaskes addressed that there is a new traffic light being proposed at the hospital and that there were traffic studies done at Cub Lake Road. This Cub Lake Road study has been reviewed by Public Works and ADOT, and both are satisfied with the traffic study. Mr. Tregaskes stated that the driveway on the west side is 40 feet wide, the minimum being 24 feet, giving enough room for a truck to get through.

Chairman Johnson asked if delivery schedule was at night or day.

Applicant, Mike Scarbrough approached podium. Mr. Scarbrough stated he was with Land Development Consultants and stated that deliveries will take place during the early morning or late evening. Chairman Johnson asked if delivery time for fuel was the same. Mr. Scarbrough said that fuel deliveries are determined by demand.

Vice Chairwoman Robertson commented that as a citizen she would like them to do their best to keep as many trees as possible. Mr. Scarbrough agreed and stated that he has been trying to work with city on best solution for trees, sewage and drainage. Mr. Scarbrough stated he has no intent to get rid of all trees but some will not make it due to development.

Commissioner Adams asked if trees will be landscaped back onto property. Mr. Scarbrough stated that they will replant native trees that fit the environment. Mr. Tregaskes agreed and stated that they are working with City on keeping the plant palette we see normally.

Chairman Johnson asked if there were any other questions from public.

There was none.

Chairman Johnson brought this item back to the Commission for a motion.

Commissioner Bishop made a motion to approve CUP 602-04-211 submitted by Land Development Consultants, LLC to allow for a retail fuel facility and car wash on property at S. Cub Lake Road and S. White Mountain Road, that being A.P.N. 212-03-001P&Q, subject to staff recommendations. Commissioner 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 April 10, 2018

Vice Chairwoman Robertson moved to approve the Planning and Zoning Commission Regular Meeting Minutes on April 10, 2018. Commissioner Bishop seconded the motion. Motion passed unanimously.

9. SUMMARY OF CURRENT EVENTS

- A. Commission Members

Commissioner Adams stated to be careful with fire danger and Vice Chairwoman and Chairman Johnson agreed on that statement.

- B. Planning and Zoning Director

Mr. Tregaskes invited members of the Commission and the Public to attend the Annual Day of Service, this Saturday, at the Old Pavilion, at 9:00 AM. Mr. Tregaskes stated to bring clothes and tools suitable for working. There will be various projects around the City. The projects will end at 12:00 PM at which time, lunch will be provided.

Mr. Tregaskes stated that the Planning & Zoning Meeting on May 8, 2018, will be cancelled due to no pending requests.

Mr. Tregaskes stated to please be careful with fire danger. Mr. Tregaskes stated that he had received a report from the Fire Chief and it stated that we are four weeks ahead schedule on when we would normally see fire activity. Mr. Tregaskes stated to please be careful with any activities that are fire related and to be fire wise. Commissioner Berry stated the Apache Forest will be closing in May. Mr. Tregaskes states that he is unaware of an official date as of yet, but reminded the public to check on conditions as they can change quite quickly, before making official plans.

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 24, 2018 AT 7:53 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 _____. 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