

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON NOVEMBER 13, 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 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: Anna Banks and Alex Royalty

3. INVOCATION

Chairman Johnson gave Invocation.

4. PLEDGE OF ALLEGIANCE

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

5. OLD BUSINESS

- A. Consideration of Conditional Use Permit 602-04-216 submitted by First Cup, LLC to allow for a drive-through coffee shop on property located at 4551 S. White Mountain Road, that being A.P.N. 212-03-149. (Remove from table)

Chairman Johnson removed from the table Conditional Use permit 602-04-216.

Ms. Fechtelkotter states that at its regular meeting of October 23, 2018, the Planning and Zoning Commission tabled the application submitted by First Cup, LLC for a Conditional Use Permit (CUP) to allow a drive-through coffee shop located at 4551 S. White Mountain Rd., that being A.P.N. 212-03-149. The subject property is currently zoned C-2 (general commercial). This item was tabled in order to allow the applicant

and an adjacent property owner time to resolve concerns related to the proposed drive-through. A revised drive-through layout was later submitted to staff and presented to the adjacent property owner, who indicated no opposition to the drive-through layout.

At their regular meeting of March 25, 2014 the Planning and Zoning Commission (the commission) granted CUP 602-04-167 for a drive-through restaurant at the subject property. According to City Code Section 15-1-32(1)(2) all CUPs are valid if the project is started within twelve (12) months of CUP approval and completed within eighteen (18) months of CUP approval, unless the time limit is extended by the Planning and Zoning Commission. On April 14, 2015 the commission approved a one-year extension to the original CUP. Since CUP 602-04-167, expired a new CUP is required for a drive-through restaurant. Drive-through restaurants require a CUP in the C-2 zone.

The subject property has been vacant for several years and was most recently utilized by a check cashing/payday loan business, prior to that the building was utilized as a restaurant. The applicant has indicated that they plan to demolish the existing building and construct a new 2,275 square foot building. This will house a coffee and ice cream shop.

Ms. Fechtelkotter read the Findings of Fact.

First Cup, LLC has submitted a Conditional Use Permit (CUP) to allow a drive-through coffee shop located at 4551 S. White Mountain Rd., that being A.P.N. 212-03-149. The subject property is currently zoned C-2 (general commercial).

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: Denny's
South: Sears
East: Park Pineway Shopping Center
West: Commercial

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

Navajo County Health Department - Plans for the kitchen must be submitted to Environmental Health for approval prior to construction.

The property was posted and letters were sent to all property owners within three hundred (300) feet of the subject property. No public comment has been received regarding this CUP.

Ms. 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 602-04-216, submitted by First Cup, LLC to allow a drive-through restaurant located at 4451 S. White Mountain Rd., that being A.P.N. 212-03-149, subject to the following conditions:

1. All development shall comply with all applicable federal, state and local requirements, including building permit, and Navajo County Health Department requirements.
2. Building design shall comply with building design guidelines outlined in Section 15-1-60(D)(6) of City Code.
3. Landscaping will be required; the owner/applicant shall coordinate with the Arizona Department of Transportation (ADOT) and City staff.
4. The applicant is responsible for coordinating access across adjacent properties prior to issuance of a building permit.

Mr. Tregaskes clarified that the Findings of Facts that stated that no public comment was received regarding this CUP was incorrect as we did receive public comment from the adjoining property owner. The concerns from the owner were access, drive-through layout and parking. The drive-through layout was changed to address concerns and we have an email from the applicant indicating that the subject property parcel will retain the same cross access and cross parking with the adjoining shopping center. Mr. Tregaskes also clarified that on Staff Recommendations it was read as parcel 210 and should be 212.

Chairman Johnson opened the floor to staff questions. Commissioner Adams asked if the parking will be shared on both sides. Mr. Tregaskes stated that the original proposed site plan for the drive-through wrapped around the building and did a 90 degree into the cross access area and across from the drive-through the number of stalls which would help facilitate the location of the drive-through and provide flow for two way traffic. The Concern was that there was not a sufficient queuing area for a drive-through, as it is anticipated that this drive-through will be popular, especially in the morning hours. The response on the new submitted site plan was to still remove the

parking spaces on the north side of Denny's and lengthen the drive-through before they exit out to allow for more queuing spots and keep further away from highway or White Mountain Road. This does result in the loss of parking spaces, about 9, from the lengthening, however it is believed that it will not affect the shopping center parking lot.

Vice Chairwoman Robertson asked if this property ever had a drive-through. Mr. Tregaskes stated that from what he knows in the last 19 years, there has been no drive-through, previously it was a Pizza Hut, but never a drive-through.

Chairman Johnson opened the floor to applicant and Public questions, there was none.

COMMISSIONER BISHOP MOVED TO APPROVE CONDITIONAL USE PERMIT 602-04-216 SUBMITTED BY SUBMITTED BY FIRST CUP, LLC TO ALLOW FOR A DRIVE-THROUGH COFFEE SHOP LOCATED AT 4551 S. WHITE MOUNTAIN ROAD, THAT BEING A.P.N. 212-03-149, SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER BEHRENDTS SECONDED THE MOTION. PASSED 7 TO 0 WITH CHAIRMAN JOHNSON, VICE CHAIRWOMAN ROBERTSON, AND COMMISSION MEMBERS BEHRENDTS, CLARK, BISHOP, ADAMS AND HUDSON VOTING IN FAVOR.

Mr. Tregaskes stated that there is a seven day appeal period. If anyone would like to appeal to the City Council within those seven days, they need to submit a request to the City Clerk. If no appeal is received within those seven days, this Conditional Use Permit becomes effective.

6. NEW BUSINESS

- 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 October 23, 2018

COMMISSIONER CLARK MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES ON OCTOBER 23, 2018. COMMISSIONER ADAMS 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

A. Commission Members

Commissioner Bishop, Vice Chairwoman Robertson and Chairman Johnson wished everyone a Happy Thanksgiving.

B. Planning and Zoning Director

Mr. Tregaskes wished the Commission and Public a Happy Thanksgiving. Mr. Tregaskes stated that there is an item for the second meeting in November for a public hearing of a zone change and that there will be no second meeting in December as it is permanently cancelled due to the commission rules and procedures. Mr. Tregaskes wished the Commission Members and the Public a Merry Christmas.

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 November 13, 2018 AT 7:16 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 November 13, 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