

SHOW LOW PLANNING AND ZONING COMMISSION
Regular Meeting – Tuesday, March 14, 2023

PURSUANT to A.R.S. Section 38-431.02, notice is hereby given to the Show Low Planning and Zoning Commission and to the general public, that a **Regular Meeting** of the Show Low Planning and Zoning Commission will be held on Tuesday, March 14, 2023, at 7:00 PM in the City Council Chambers, 181 North 9th Street, Show Low, Navajo County, Arizona. The agenda for this meeting is as follows:

1. CALL TO ORDER

2. ROLL CALL

3. INVOCATION

4. PLEDGE OF ALLEGIANCE

5. NEW BUSINESS

A. Consideration of Conditional Use Permit 602-04-257 submitted by JES Dev. Co., Inc. to allow for 60 apartment units on property located at 2103 E. Deuce of Clubs, Show Low, Arizona, that being A.P.N. 210-24-004.

B. Consideration of Conditional Use Permit 602-04-258 submitted by Catholic Charities Housing for Hope to allow for 64 apartment units on property located at 4464 S. White Mountain Rd., Show Low, Arizona, that being A.P.N. 212-04-134A & 135C **WITHDRAWN BY APPLICANT.**

6. 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.

7. APPROVAL OF MINUTES

A. Planning and Zoning Commission Regular Meeting of January 24, 2023.

B. Planning and Zoning Commission Study Session of February 28, 2023.

8. SUMMARY OF CURRENT EVENTS

A. Commission Members

B. Planning and Zoning Director

9. ADJOURNMENT

NOTICE TO PARENTS AND LEGAL GUARDIANS: Parents and legal guardians have the right to consent before the City of Show Low makes a video or voice recording of a minor child, pursuant to A.R.S. § 1-602(A)(9). The Show Low Planning & Zoning Commission regular meetings are recorded and may be viewed on the City of Show Low's website. If you permit your child to attend/participate in a televised Planning & Zoning Commission, a recording will be made. You may exercise your right not to consent by not allowing your child to attend/participate in the meeting.

Pursuant to the Americans with Disabilities Act (ADA), the Planning & Zoning Commission endeavors to ensure the accessibility of its meetings to all persons with disabilities. If you need accommodation for a meeting, please call the City Clerk's office at (928) 532-4061 at least 48 hours prior to the meeting for accommodation.

I, Ashley Duncan, do hereby certify that this agenda was posted on Friday, March 10, 2022.

Ashley Duncan

CITY OF SHOW LOW STAFF SUMMARY REPORT

AGENDA TITLE: Consideration of Conditional Use Permit 602-04-257 submitted by JES Dev. Co., Inc. to allow for up to 60 apartment units located at 2103 E. Deuce of Clubs, that being A.P.N. 210-24-004 (Katie Fechtelkotter).

RECOMMENDATION

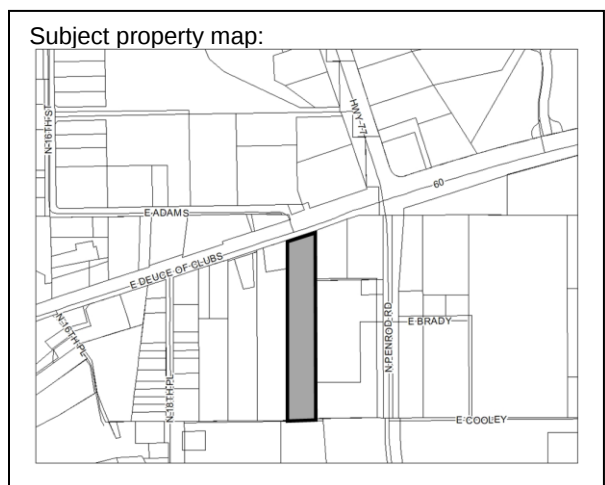
I **MOVE** to approve CUP 602-04-257 submitted by JES Dev. Co., Inc. to allow for up to 60 apartment units located at 2103 E. Deuce of Clubs, that being A.P.N. 210-24-004, subject to staff recommendations.

BACKGROUND

JES Dev. Co., Inc. has submitted a CUP to allow for up to 60 apartment units located at 2103 E. Deuce of Clubs, that being A.P.N. 210-24-004. The subject property is approximately 4.75 acres, is zoned C-2 (General Commercial) and is currently undeveloped. Multiple-family dwellings over 10 units require a CUP in the C-2 zone and are required to meet the standards of the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zone.

A site plan was submitted that shows two, two story, 35-foot-high apartment building with a maximum of 50 units. The applicant had originally planned on 60 apartment units, however due to additional construction cost and site work they may reduce the total unit count to 50 apartments. The applicant is currently in the process of applying for a Low-Income Housing Tax Credit (LIHTC) from the Arizona Department of Housing (ADOH).

For a property of this size the maximum lot average per dwelling unit is 2,500 square feet in the R2-7 zone. This means that the total maximum unit count for this property is 82 units. In addition, the maximum building height is not to exceed 35 feet. The applicant indicated that they have applied for this CUP as a requirement for applying for LIHTC funding from ADOH. Therefore, the submitted site plan is conceptual in nature, and the final development shall meet all requirements of City Code.



FINDINGS OF FACT

1. JES Dev. Co., Inc. has submitted a CUP to allow for up to 60 apartment units located at 2103 E. Deuce of Clubs, that being A.P.N. 210-24-004.
2. The subject property is approximately 4.75 acres, is zoned C-2 (General Commercial) and is currently undeveloped. Multiple-family dwellings over 10 units require a CUP in the C-2 zone and are required to meet the standards of the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zone.
3. A revised site plan was submitted that shows two, two story, 35-foot-high apartment building with a maximum of 50 units. The applicant had originally planned on 60 apartment units, however due to additional construction cost and site work they may reduce the total unit count to 50 apartments. The applicant is currently in the process of applying for a Low-Income Housing Tax Credit (LIHTC) from the Arizona Department of Housing (ADOH).
4. For a property of this size the maximum lot average per dwelling unit is 2,500 square feet in the R2-7 zone. This means that the total maximum unit count for this property is 82 units. In addition, the maximum building height is not to exceed 35 feet. The applicant indicated that they have applied for this CUP as a requirement for submitting an application for LIHTC to ADOH. Therefore, the submitted site plan is conceptual in nature, and the final development shall meet all requirements of City Code.
5. Current zoning of the surrounding properties include.

North: I-1 (Light Industrial)
South: R1-15 (Single-Family Residential, Manufactured Homes Excluded, 15,000 Square Feet)
East: C-2 (General Commercial)
West: C-2 (General Commercial)
6. The current land uses of the surrounding properties include.

North: Quality Home Center & Home Source
South: Vacant residential
East: America One Mini Storage
West: Banditos Restaurant & Pet Food Warehouse
7. Transmittal memos were sent to all affected agencies. Applicable comments received include.

Arizona Department of Transportation (ADOT)- A permit from ADOT is required for access onto U.S. 60. A traffic impact study and drainage study are required.

Timber Mesa Fire and Medical District (TMFMD)- The project shall meet 2018 International Fire Code (IFC) and amendments as adopted by TMFMD.

8. A nearby property owner had questions regarding the nature of the request, however they did not have any objections to this request.

STAFF RECOMMENDATIONS

After reviewing the Zoning Ordinance, Standards for Review, Findings of Fact, 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 602-04-257 submitted by JES Dev. Co., Inc. to allow for up to 60 apartment units located at 2103 E. Deuce of Clubs, that being A.P.N. 210-24-004 subject to the following conditions.

1. All development shall comply with all applicable federal, state, and local requirements, including building permit, sign, parking, Fire District, and ADOT requirements.
2. Entryway landscaping meeting the requirements of City Code Chapter 19.70.120(G) shall be installed and maintained. The applicant shall coordinate with ADOT and City Staff to landscape the Deuce of Clubs right-of-way.
3. ADOT permits shall be required. The developer of the subject property shall coordinate driveway locations including roadway and sidewalk requirements with the adjacent property owners and ADOT.
4. All drainage on the subject property shall be designed in accordance with Chapter 17.20.50, Drainage Design, and shall not negatively affect any downstream properties.
5. The development shall comply with Chapter 19.55 R2-7 zone, single-family and multiple-family residential (seven thousand square feet) of City Code, including density, height, and recreation area requirements.
6. Maximum building height shall be limited to a maximum of 35 feet.
7. Building design shall comply with Chapter 19.70.120(F) and include mountain design architecture such as exposed wood beams, stone, split-face block, and other complimentary natural appearing materials.
8. All development shall comply with Chapter 19.110, Outdoor Light Control. Lights shall be fully shielded from adjacent properties and roadways.

STANDARDS FOR REVIEW

Project: Conditional Use Permit 602-04-257 submitted by JES Dev. Co., Inc. to allow for up to 60 apartment units located at 2103 E. Deuce of Clubs, that being A.P.N. 210-24-004

General Plan

HOUSING

Goal: Integrate open space and parks into housing developments.

Objective: Encourage developers to integrate meaningful open space into plans.

Zoning Ordinance

Chapter 19.20 CONDITIONAL USE PERMITS

19.20.010 Purpose.

Every zoning district contains certain uses of land which are normal and complementary to permitted uses in the district, but which, by reason of their typical physical or operational characteristics, influence on the traffic function of adjoining streets, or similar conditions, are potentially incompatible with adjacent activities and uses. It is the intent of this chapter to permit conditional uses if the use can be designed and developed in a manner which assures maximum compatibility with adjoining uses. It is the purpose of this chapter to establish principles and procedures essential to proper guidance and control of such uses. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(A))

19.20.020 General regulations.

- (A) Zoning district regulations established elsewhere in this chapter specify that certain uses of land may be allowed by the commission as conditional uses in a given district subject to the provisions of this section and the requirements set forth in district regulations. The planning and zoning commission is empowered to grant or to deny applications for conditional use permits and to impose conditions upon them.
- (B) Any use, legally established and in compliance with the rules and regulations of the state of Arizona and the City of Show Low, that is existing on the effective date of the ordinance codified in this chapter which is reclassified as a conditional use by this chapter for the district in which it is located shall be considered as meeting the conditions which would otherwise be imposed upon such use by this chapter, and its continuance shall not be subject to issuance of a conditional use permit; provided, however, that to the extent that such use fails to conform to the requirements of this chapter, it shall be considered nonconforming as described in Chapter [19.95](#), and its continuance shall be governed by all nonconforming use regulations applicable thereto.

- (C) Every conditional use permit issued shall be applicable only to the specific conditional use and to the specific property for which it is issued. The maintenance of special conditions imposed by the permit, as well as the compliance with other provisions of this chapter, shall be the responsibility of the property owner. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(B))

19.20.030 Application process.

- (A) *Authorized Applicant.* An applicant for a conditional use permit shall be one (1) of the following:
- (1) The owner(s) and/or authorized agent of the property;
 - (2) Any person with a potential interest in the property, together with the name, address and signature of the owner and/or authorized agent of the property.
- (B) *Submittal Requirements.* Application for a conditional use permit shall be filed with the planning and zoning department on a form provided by the planning and zoning department. The applicant shall provide the planning and zoning director with a detailed site plan with the information requested in Chapter [19.15](#), and the narrative information as requested on the application form. An applicant shall also furnish the commission any additional information the planning and zoning director may consider relevant.
- (C) *Mandatory Applicant Attendance.* Applicants, or their representative with authority to speak for and bind the applicant, shall be present at all meetings and public hearings required under this section.
- (D) *Representations of Applicant Binding.* All representations by the applicant, or by the applicant's authorized representative, made in writing, or during any city public meeting or public hearing, or by any submitted plan, plat, drawing or other graphic depiction in support of the application, and designated in the record by the planning and zoning commission and/or city council, shall be deemed to be conditions of approval.
- (E) *Diminution of Fair Market Value Waiver Required.* An executed, notarized waiver by the owner of the subject property of any and all claims for diminution in fair market value as defined by A.R.S. § [12-1134](#) arising out of the subject application shall be submitted. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(C))

19.20.040 Staff review.

An application for a conditional use permit shall be submitted to the planning and zoning director at least twenty-one (21) days prior to the public meeting. The recommendation shall be submitted to the planning and zoning commission prior to the scheduled public meeting.

The recommendation shall set forth whether the conditional use permit should be granted, granted with conditions, denied, or set for a public hearing. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(D))

19.20.050 Standards for reviewing conditional use permits.

- (A) The application shall be consistent with and conform to the general plan and any other adopted plans;
- (B) There shall be no significant adverse or intrusive effect upon property within three hundred (300) feet of the external boundaries of the subject property as a result of the proposed use; and
- (C) The proposed change would not be detrimental to the public health, safety and general welfare of the persons or property in the surrounding area, nor to the community in general. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(E))

19.20.060 Notification requirements.

Notice of the nature of the conditional use permit application and the date of the meeting at which it will be considered shall be posted on the property and shall be mailed to the owners of all real property within three hundred (300) feet of the property for which application is made at least ten (10) days prior to the meeting. Notwithstanding the notice requirements set forth in this section, the failure of any person or entity to receive notice shall not constitute grounds for any court to invalidate the action for which the notice was given. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(F))

19.20.070 Commission action.

Based on the application, site plan, standards of review, staff's recommendation and any other presented information the commission has the following options in rendering a decision:

- (A) The commission may grant a conditional use permit with conditions the commission deems necessary to secure the intent and purpose of this section and require such guarantees and evidence that such conditions are being, or will be, complied with as the commission may desire.
- (B) Deny the conditional use permit. If the commission finds that the application and supporting data do not indicate that all applicable conditions and requirements of this section will be met, it shall deny the permit. Notice of denial, including reasons therefor, shall be mailed to the applicant at the address shown in the application, and the commission shall report its actions to the city council.

- (C) At its discretion, set the matter for a public hearing. If the commission does set the matter for public hearing, notice thereof shall be given to the public by publication of a notice in the official newspaper of the city and by posting the property included in the application not less than fifteen (15) days prior to the hearing. The notice shall set forth the time and place of the hearing and include a general explanation of the matter to be considered and a general description of the area affected.
- (D) Continue the matter one (1) time to a specific date not to exceed thirty (30) days from the original meeting date. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(G))

19.20.080 Appeals.

- (A) Any aggrieved person may file an appeal with the city council regarding any decision of the planning and zoning commission regarding the commission's action on a conditional use permit by filing a written notice of appeal with the city clerk specifying the request. If no appeal is filed with the council within seven (7) days after commission action, the action of the commission shall be considered final.
 - (B) When an appeal is filed with the city clerk, the planning and zoning director shall place the item on the next available regular city council meeting agenda, or, in the alternative, the planning and zoning director may set the matter for public hearing before the council as per the notification requirements outlined in Section [19.20.070\(C\)](#). Notice shall be given to the planning and zoning commission of such appeal and the commission shall submit a report to the council prior to the hearing setting forth the reasons for its action taken. The commission shall be represented at the hearing by the commission chairman or his designee.
- (B) *Council Action.*
- (1) May grant or deny it; the council may elect to set the matter for a public hearing, and the latter action shall require notification as outlined in Section [19.20.070\(C\)](#).
 - (2) The council shall, within fifteen (15) days of the public hearing, either uphold the decision of the planning and zoning commission or make a decision of its own. The council is not bound by the record of the commission's findings and/or decision in reaching its decision.
 - (3) The council may grant a conditional use permit with conditions the council deems necessary to secure the intent and purpose of this section and require such guarantees and evidence that such conditions are being, or will be, complied with as the council may desire.
 - (4) The council's decision shall be final and shall become effective immediately. Notice of the decision shall forthwith be mailed to the applicant at the address shown in the

application. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(H))

19.20.090 Time limits.

- (A) Conditional use permits become effective seven (7) days after approval by the planning and zoning commission, but in the event an appeal is filed, said permit shall not become effective until a decision upholding granting of the permit is arrived at by the council.
- (B) The construction of any improvements allowed by a conditional use permit shall commence within twelve (12) months or as otherwise stipulated by the commission and must be completed within eighteen (18) months or as otherwise stipulated by the commission in accordance with the development plan, unless extended by the planning and zoning commission, otherwise the conditional use permit shall become null and void.
- (C) The commission may establish a time limitation for specific conditional use permits and prior to the termination of this time limit, the commission may reconsider said use permit to determine if the permit should be reissued for an additional time period or be terminated.
- (D) A conditional use permit shall not be effective until the conditions of the permit are fulfilled unless specific clarifications on the conditional use permit as to timing of compliance are present.
- (E) If a time limit is not established by the commission, and the conditional use is discontinued for more than twelve (12) months, a new conditional use permit shall be required.
- (F) An applicant may submit a master plan of a proposed development which requires a conditional use permit and have the development approved by the commission. No further conditional use permit process will be necessary to implement this plan as long as it is in substantial compliance with the master plan and is completed within the time period established by the commission.
- (G) No person shall reapply for the same or substantially the same use permit on the same or substantially the same plot, lot, or parcel of land within a period of one (1) year from the date of denial or revocation of said use permit. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(I))

19.20.100 Revocation and enforcement.

- (A) Use permits granted in accordance with the provisions of this chapter may be revoked if any of the conditions or terms of the permit are violated or if any law or division is violated in connection therewith. The planning and zoning director shall notify the permittee of a

violation of a conditional use permit. If the violation is not remedied or the remedy is not substantially begun in the opinion of the planning and zoning director, the permittee shall be served with a notice that the planning and zoning commission will consider revocation of the conditional use permit at a commission meeting specified in the notice. This commission meeting shall not be held less than ten (10) days after the notice is mailed by certified mail or by personal delivery. If the commission decides to revoke the permit, the property owner shall cease the use for which the conditional use permit was issued.

- (B) Failure to comply with the conditional use permit or the standards of this chapter may result in a complaint being filed in the magistrate court as per Section [19.10.080](#). (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 3, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-32(J))

Article II. C-2 Zone – General Commercial

19.70.090 Purpose.

The purpose of this district is to provide for General Commercial uses to serve the community and White Mountain region. Property development standards are designed to encourage orderly, attractive and compatible commercial development in the city. Single-family residential development shall be prohibited in the General Commercial zone. Because no list of uses can be complete, decisions on specific uses not included as examples on the following lists of permitted and conditional uses will be made by the planning and zoning director. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(A))

19.70.100 Permitted uses.

- (A) All uses identified as “permitted uses” in the Neighborhood Commercial zone.
- (B) Merchandise must be sold on site. Uses permitted under this category shall include, but are not limited to, the following:

Aerobics studios;
Antique dealers;
Artificial limbs and braces, sales and manufacturing;
Assayers;
Assembly halls and auditoriums;
Auction halls with goods stored and auctioned within a building;
Automobile parts and supplies, retail sales;
Automobile sales, licensed franchise dealers;
Automobile rental and leasing;
Awnings, custom, retail sales and fabrication (indoor only);
Balls and bearings, retail sales;
Barber and beauty supply and equipment, retail sales;

Beer, ale and wine distributors (no bottling);
Blood and plasma centers;
Boat sales and service;
Bottled fuel, storage and distribution (no bulk storage, 500-gallon maximum capacity);
Bowling alleys;
Building materials, retail sales (indoor only);
Burglar alarm equipment, sales, service and monitoring;
Camper sales;
Candy, retail and wholesale sales and distribution;
Carpet, rug, and furniture cleaners;
Cesspool builders and service (offices only);
Charitable institutions;
Christian Science reading rooms;
Cigarette vending service;
Clothing, retail sales and alterations;
Coin machines, rental and service;
Collection agencies;
Computer sales;
Contractors' offices;
Cosmetics, retail sales;
Costume rental;
Crockery, retail sales;
Dairies, retail sales of products;
Dental laboratories;
Dental supplies;
Department stores;
Diaper supply services;
Electrical contractors' shops;
Electrical equipment, retail sales;
Engravers;
Entertainment bureaus;
Express, messenger and courier companies, office and dispatch only;
Feed, retail sales, office;
Financial institutions, drive through permitted;
Fire protection equipment, retail sales and service;
Fish markets, retail sales;
Floor coverings and refinishing;
Food products, sales and warehousing;
Furnaces, retail sales and repair;
Furniture, retail sales, repair and refinish;
Garage equipment, retail sales;
Garages (parking, public);
Gas appliances, retail sales and service;
Gas companies, offices only;
Gas regulating equipment, sales and service;
Glass and mirror sales, installation and repair;

Groceries, retail sales;
Guns, retail sales and repairs;
Gymnasiums, private and commercial;
Hardware, retail sales;
Hats, retail sales and repair;
Headstone (tombstone) sales and display;
Health clubs;
Health food products, retail sales;
Heating, ventilating and air conditioning equipment, retail sales;
Historical museums;
Hobby shops;
Home appliance sales and service;
Home electronics, general sales and service;
Home improvement sales, within an enclosed building;
Hospital service organizations;
Hotel equipment and supplies, retail sales;
Hotels and motels;
House furnishings, retail sales;
Janitorial supplies, retail sales;
Laboratories, clinical and dental (accessory to medical offices);
Lawnmower repair shops;
Leather goods, custom;
Libraries, private, rental;
Linen supply, laundry services;
Locksmith shops;
Martial arts studios;
Medical supplies, retail sales and rental;
Monuments, retail sales and display;
Mortuaries;
Motion picture equipment, retail sales and display;
Motion picture theaters;
Motor freight companies, offices only;
Motorcycles, sales and service;
Musical instruments, repairing, service, retail sales;
Music studios;
News services;
Office furniture, equipment and supplies, retail sales and showroom;
Oil burner, retail sales;
Painting equipment and supplies, retail sales;
Parking lots, commercial;
Pet shops, retail sales;
Pharmaceuticals, distribution and sales;
Photographic developing;
Physical therapy equipment, retail and wholesale;
Playground equipment, retail sales;
Plumbing fixtures and supplies, display and retail sales;

Printers;
Printer's equipment and supplies, sales;
Produce, retail sales;
Public transportation depot;
Radio and television studios;
Record retention center;
Restaurants, alcoholic beverages prohibited;
Restaurant equipment, retail sales;
Safes, repair and sales;
Saw sharpening shops;
School equipment and supplies, retail and wholesale;
Sewing machines, retail sales and repair;
Shoe repairing equipment and supplies, sales;
Skating rinks;
Soaps, retail sales;
Soda fountain supplies, retail;
Sound systems and equipment, retail sales and repairs;
Sporting goods, retail and wholesale;
Swimming pool supplies;
Tack shops;
Theaters;
Tobacco sales;
Vacuum cleaners, retail sales and service;
Variety stores, retail sales;
Vehicle service;
Veterinarians, retail sales and supplies;
Video sales and rental;
Window cleaning service;
Window display installation, studio and shop;
Woodworking equipment, retail sales.

- (C) *Multiple-Family Dwellings*. Up to ten (10) units (must meet the standards of the R2-7 zone). Manufactured homes are excluded. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(B))

19.70.110 Conditional uses.

- (A) Acoustical material, sales;

Agricultural implements, distributions and display, retail sales;
Ambulance service;
Amusement park;
Automobile, body and fender shops;
Automobile radiator shops;

Automobile sales, used;
Bars, taverns, cocktail lounges;
Building materials (outdoor storage yard);
Cabinetmaker;
Carbide sales and distribution;
Car wash;
Clothing manufacturing;
Cold storage (no slaughtering);
Cosmetics, compounding, packaging and storage;
Crematorium;
Dairy products manufacturing;
Dance halls;
Drive-in theaters;
Drive-through restaurants;
Equipment rental (indoor storage only);
Express companies, warehouses and garages;
Exterminators;
Family game centers;
Farm implements and machinery, retail sales;
Firewood storage;
Food processing;
Frozen foods processing;
Frozen foods, wholesale storage and distribution;
Fuel dispensing (retail only);
Furniture, wholesale and storage;
Golf or baseball driving ranges;
Groceries, wholesale and warehouse;
Heliport (medically related);
Homeless shelters;
Horseshoeing;
Hospitals;
Imported goods, wholesale, warehouse;
Indoor shooting range;
Ink, compounding, packaging, sales and storage;
Laboratories, testing and research;
Liquidators;
Liquor stores;
Lubricating compounds, wholesale, storage;
Lumber, sales;
Machine shops;
Machine tools, sales and storage;
Machinery dealers, retail sales and showrooms;
Manufactured home parks and subdivisions, subject to the property development standards of the MH zone;
Massage establishments;
Material handling;

Microbrewery;
Miniature golf;
Mini-storage facilities (personal use only). No unit greater than five hundred (500) square feet;
Missions, religious;
Monument works. No outdoor sandblasting;
Multiple-family dwellings, beyond ten (10) units (must meet the standards of the R2-7 zone). Manufactured homes excluded;
Newspaper printing;
Nonchartered financial institutions;
Nursing homes;
Oil burners, service and repair;
Painting equipment and supplies, wholesale storage;
Paper products, wholesale and storage;
Pawnbroker, pawnshop;
Plant nurseries;
Plumbing fixtures and supplies, wholesale, storage;
Pool and billiard halls;
Produce, wholesale, storage;
Public and civic uses serving alcoholic beverages;
Public storage garages;
Public/private utility structures, and appurtenances thereto for public service use;
Quick freeze plants;
Radio and television broadcasting stations;
Recreational vehicle parks or campgrounds subject to the regulations in [Section 19.25.200](#);
Recreational vehicle sales and service (licensed franchise dealers);
Recreational vehicle sales (used);
Refrigerators (wholesale and storage);
Rehabilitation centers;
Restaurants serving alcoholic beverages;
Secondhand goods;
Sheet metal work;
Sign shops, fabrication and painting;
Soaps, compounding, packaging, storage;
Surplus stores;
Taxicab garages;
Taxidermists;
Tire repairing equipment and supplies;
Toiletries, compounding, packaging, storage;
Trailer rental;
Trailer sales;
Vehicle repair;
Veterinary clinics that board animals;
Wine bottling.

(B) *Manufacturing.* Manufacturing incidental to a permitted sales or service shall be permitted through a conditional use permit subject to the following:

- (1) Such manufacturing activity shall be restricted to not over fifty (50) percent of the ground floor area of the building devoted to the permitted use.
- (2) All such manufacturing shall be conducted within a completely enclosed building, and there shall be no external evidence of the activity such as noise, vibration, smoke, odor, dust, gas, glare, etc. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(C))

19.70.120 Property development standards.

(A) *Minimum Lot Area.* Five thousand (5,000) square feet.

(B) *Minimum Lot Width.* Fifty (50) feet.

(C) *Minimum Front Yard.* Ten (10) feet. Where lots have a double frontage, the ten (10) foot yard shall be provided on both streets.

(D) *Minimum Side Yard.* None, except where a side lot line adjoins a lot in a residential zone, there shall be a fifteen (15) foot side yard, and where a side lot line abuts a street, there shall be a ten (10) foot side yard. Requirements for separation as outlined in the International Building Code shall be met.

(E) *Minimum Rear Yard.* Six (6) feet, except where a rear lot line adjoins a lot in a residential zone, there shall be a twenty (20) foot rear yard or the height of the building, whichever is greater. Requirements for separation as outlined in the International Building Code shall be met.

(F) *Building Design.* Maximum building height shall be forty-five (45) feet, except by conditional use permit. The placement of manufactured homes/buildings is prohibited. All buildings located within the General Commercial zoning district shall comply with the following:

- (2) A minimum of two-thirds (2/3) of the primary building surface (defined as walls visible from the right-of-way or adjacent properties) exclusive of windows and doorways shall be treated with natural appearing materials such as stone, split face block, siding, brick, or exposed beams. The remaining one-third (1/3) of the primary building surface shall be treated with materials complementary in characteristics to the primary treatment material. Treatment shall be equally distributed on all building sides.
- (3) Primary facade planes which are visible from the public right-of-way and exceed fifty (50) feet in length shall require the addition of architectural elements such as building offsets, covered porches, or bay windows.

(4) All roof overhangs shall be a minimum of twelve (12) inches in width.

(5) No metal siding utilizing vertical seams shall be allowed.

(G) *Landscaping.* All development located within the C-2 (General Commercial) zoning district shall be accompanied with a landscaping plan. This landscaping plan shall incorporate the following:

(1) An average of ten (10) feet of the lot measured from the front property line and the street side property line, extending the developed length of the property (except for driveways) with a minimum distance of three (3) feet from the front property line and the street side property line, extending the developed length of the property (except for driveways), shall be landscaped.

(2) All open areas not designated and surfaced for parking shall be landscaped with trees, shrubs, ground cover, pedestrian walkways and plazas in a manner acceptable to the planning and zoning director or his/her designee.

(3) A minimum of thirty (30) percent of the required landscaping area shall consist of vegetative ground cover. The remaining area may be landscaped with rock, gravel or similar landscaping materials. A minimum of one (1) tree per two hundred (200) square feet of required landscaped area shall be provided. In addition, a minimum of one (1) bush or shrub shall be provided for every one hundred (100) square feet of required landscaped area. Trees, bushes and shrubs may be grouped. The use of native or indigenous species is required. A list of approved trees, shrubs, bushes and ground cover is available from the community development department. Deviations from this list may be permitted following written approval from the planning and zoning director. In addition to these landscaped portions, an area equal to at least five (5) percent of the required parking area exceeding twenty thousand (20,000) square feet shall be landscaped. Preservation of existing trees is strongly encouraged.

(4) All landscaping shall be installed and maintained in substantial conformance to the submitted and approved landscaping plan.

(H) *Screening.*

(1) Where the lot adjoins a residential zone, dissimilar uses shall be screened from the residential property by a solid material fence six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission.

(2) All outdoor storage must be screened from the public view and from the view of the adjoining property owners. A sight-obscuring fence shall be built, or sight-obscuring landscaping fence shall be planted, and maintained around the perimeter of the outdoor storage area. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05;

Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(D))

19.70.130 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(E))

19.70.140 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(F))

19.70.150 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(G))

19.70.160 Plan review.

The provisions of Chapter [19.15](#) shall apply to all uses. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(H))

Chapter 19.55 R2-7 ZONE – SINGLE-FAMILY AND MULTIPLE-FAMILY RESIDENTIAL
(7,000 SQUARE FEET)

19.55.010 Purpose.

This district is intended to promote and preserve medium density single-family and multiple-family residential development. Regulations and property development standards are designed to protect the residential character of the district and to prohibit all incompatible activities. Land use is composed chiefly of individual homes and multiple-family dwellings, together with required recreational, religious and educational facilities. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(A))

19.55.020 Permitted uses.

(A) Single-family dwellings.

(B) Multiple-family dwellings.

- (C) Customary accessory uses and buildings, provided such uses are incidental to the principal use.
- (D) Temporary buildings for uses incidental to construction work, which buildings shall be removed upon completion or abandonment of the construction work.
- (E) Publicly owned and operated schools, parks and recreation areas and centers.
- (F) Home occupations.
- (G) Manufactured housing not less than twenty (20) feet wide, with axles and tongues removed, placed on a permanent foundation and anchored according to applicable codes. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(B))

19.55.030 Conditional uses.

- (A) Churches and similar places of worship.
- (B) Private schools.
- (C) Public utility buildings, structures, or appurtenances thereto for public service use.
- (D) Temporary home and land sales offices provided they are located within the same subdivision as the land and homes that are offered for sale.
- (E) Medical and dental clinics and offices.
- (F) Nursery schools and day care centers.
- (G) Bed and breakfast.
- (H) Golf courses and associated facilities but not including miniature golf or commercial driving ranges.
- (I) Public and quasi-public facilities which provide essential services including hospitals, police and fire stations and substations and cemeteries.
- (J) Fraternal and social facilities, meeting halls and similar uses; no alcoholic beverages.
- (K) All multifamily uses not specifically addressed in Sections [19.55.040](#) and [19.55.050](#).
- (L) Group home for the handicapped. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(C))

19.55.040 Apartments, condominiums, etc. – Property development standards. Apartments, condominiums, townhouses, or other similar type developments in which no real property other than the footprint of each unit is individually owned, or is under common ownership.

(A) *Minimum Lot Area.* Seven thousand (7,000) square feet.

(B) *Minimum Lot Area per Dwelling Unit.*

Area of Lot (square feet)	Minimum Lot Average per Dwelling Unit (square feet)
7,000 to 10,500	3,500
10,501 to 15,000	3,000
15,001 and over	2,500

(C) *Minimum Average Lot Width.* Sixty (60) feet.

(D) *Minimum Lot Frontage.* Thirty (30) feet.

(E) *Maximum Lot Coverage.* Forty (40) percent.

(F) *Minimum Front Yard.* Twenty (20) feet.

(G) *Minimum Side Yard.* One (1) side yard of five (5) feet and one (1) side yard of twelve (12) feet except that where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet. Subdivisions that received final plat approval prior to January 7, 2003, may utilize side yard setbacks of either five (5) feet and twelve (12) feet or eight (8) feet and eight (8) feet except where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet.

(H) *Minimum Rear Yard.* Fifteen (15) feet.

(I) *Maximum Building Height.* Not to exceed thirty-five (35) feet.

(J) Except where the two (2) zones are separated by a city street, where a multifamily development of three (3) units or more adjoins a single-family residential zone, the development shall be screened from the single-family residential property by a solid material fence, six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission.

(K) *Recreation Area.*

- (1) Five hundred (500) square feet of usable open space shall be provided for each dwelling unit. "Usable open space" shall mean space that can be enjoyed by people. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc.,

which is meant to provide an open garden atmosphere. Usable open space does not include any required yards less than ten (10) feet in width, parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.

- (2) Where a centralized recreation area is provided, the usable open space may be reduced up to two hundred fifty (250) square feet per dwelling unit at the following ratio: For each square foot of recreational area, open space requirements may be reduced by three (3) square feet. Recreational areas may include community use facilities, indoor recreational areas, swimming pools, hobby shops, etc. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(D))

19.55.050 Twin homes, townhouses, etc. – Property development standards. Twin homes, townhouses, or other similar type developments in which real property other than the footprint of each unit is individually owned.

- (A) *Minimum Total Lot Area (Prior to Development)*. Seven thousand (7,000) square feet.
- (B) *Minimum Lot Area (Each Unit)*. Thirty-five hundred (3,500) square feet.
- (C) *Minimum Average Lot Width (Prior to Development)*. Sixty (60) feet.
- (D) *Minimum Average Lot Width (Each Unit)*. Thirty (30) feet.
- (E) *Minimum Total Lot Frontage (Prior to Development)*. Thirty (30) feet.
- (F) *Minimum Lot Frontage (Each Unit)*. Fifteen (15) feet.
- (G) *Maximum Lot Coverage (Each Unit)*. Forty (40) percent.
- (H) *Minimum Front Yard*. Twenty (20) feet.
- (I) *Minimum Side Yard*. Eight (8) feet except that where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet. Side yards of zero (0) feet for structures utilizing a common wall may be allowed; provided, that all other property development standards, including required street side setbacks, are met.
- (J) *Minimum Rear Yard*. Fifteen (15) feet.
- (K) *Maximum Building Height*. Not to exceed thirty-five (35) feet.
- (L) Except where the two (2) zones are separated by a city street, where a multifamily development of three (3) units or more adjoins a single-family residential zone, the development shall be screened from the single-family residential property by a solid material fence, six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed

or required by the planning and zoning commission. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(E))

19.55.060 General provisions.

The provisions of Chapter [19.25](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(F))

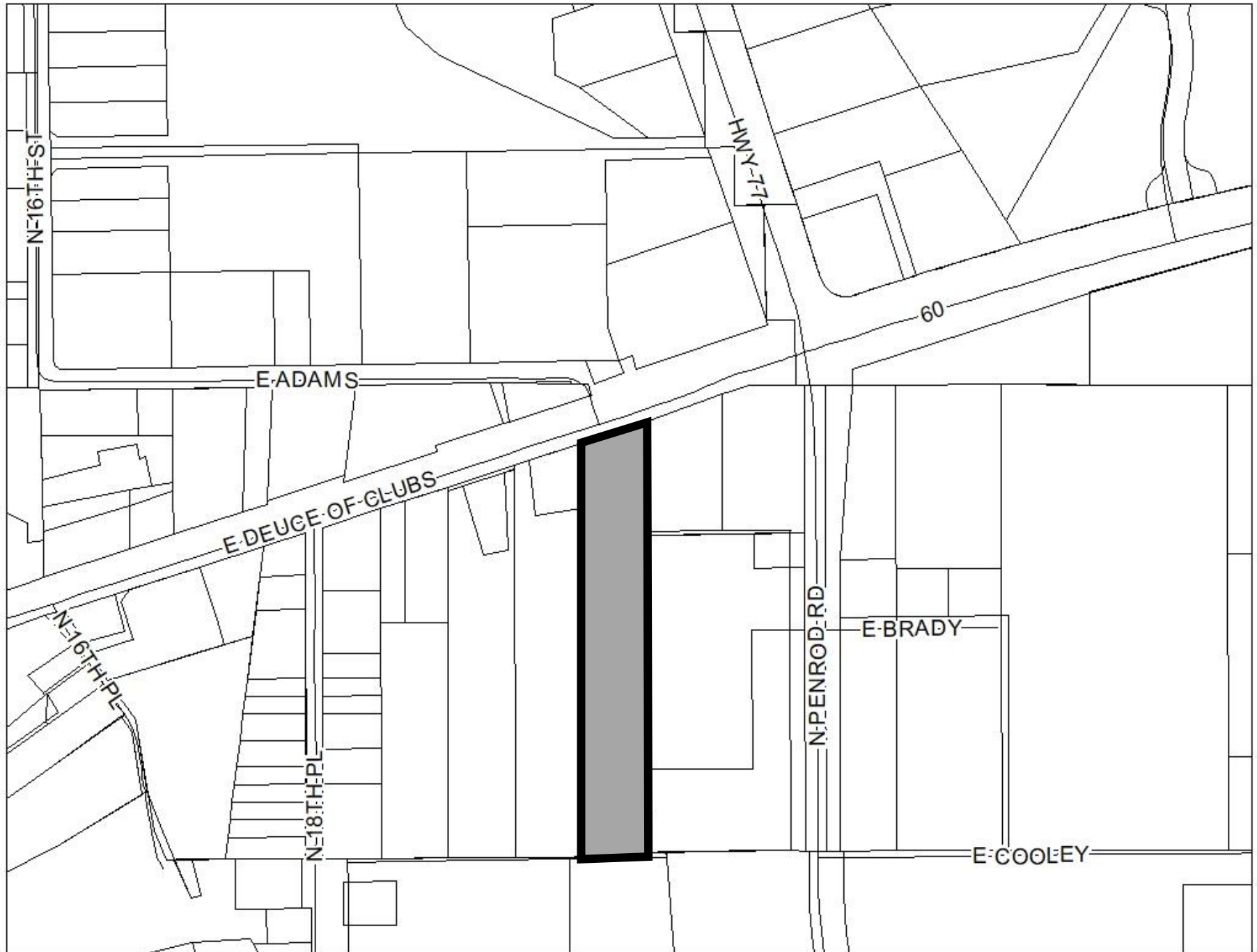
19.55.070 Signs.

The provisions of Chapter [19.100](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(G))

19.55.080 Parking and loading.

The provisions of Chapter [19.105](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(H))

Subject Property: 2103 E. Deuce of Clubs Rd. A.P.N. 210-24-004





Subject Property:
2103 E. Deuce of Clubs
A.P.N. 210-24-004



City of Show Low Planning & Zoning

180 N. 9th Street, Show Low, AZ 85901
(928) 532-4040

Conditional Use Permit Application

(Filing Fee: \$150.00)

For Office Use Only

Date received: 2-14-23
Time received: 2 AM/PM PM
Received By: KBF

OWNER INFORMATION

Name: Astra American Inc

Address: Po Box 610228
Street Address

Dallas TX 75261
City State ZIP Code

Phone: _____ Email: _____

APPLICANT INFORMATION (if different)

Name: JES Dev Co, Inc

Address: 206 Peach Way
Street Address

Columbia MO 65203
City State ZIP Code

Phone: 573-443-2021 Email: tleon@aepartners.com

PROPERTY INFORMATION

SWC Of E Deuce of Clubs & N
Address of Property: Penrod Rd, Show Low, AZ 85901 Parcel Number (A.P.N.): 210-24-004

Legal Description of Property: N/A

Zoning Classification: C-2 General Commercial Applicant's interest in Land: Land Development

What is the Nature of the Request? Request conditional use to allow multi-family Housing in C-2 zoning.

APPLICATION REQUIREMENTS

1. One (1) copy of 24" X 36" map and one (1) copy of the same map in 11" X 17" (additional maps may be required if requested by Staff) **All maps must be drawn to scale and shall include:**

- ☒ Lot dimensions.
- ☒ Location, size, height, use and exterior materials of all buildings and structures.
- ☒ Size and dimensions of yards and space between buildings.
- ☒ Location and height of walls and fences.
- ☒ Location, number of spaces, dimensions, circulation patterns, and surface materials for all off- street parking and loading areas, driveways, access ways and pedestrian walkways.
- ☒ Location, dimensions area, materials, and lighting of signs.
- ☒ Location and general nature of exterior lighting.
- ☒ Street dedications and improvements.
- ☒ Existing and proposed grades and drainage systems.
- ☒ Size and location of all existing and proposed public and private utilities. All easements must be shown.
- ☒ Natural features such as mesas, rock outcroppings, or streams and manmade features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.
- ☒ Landscaping, including all surfacing material around buildings and in all open spaces.
- ☒ A vicinity sketch showing the location of the site in relation to the surrounding street system.
- ☒ Adjacent properties and their uses shall be identified.
- ☒ A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer.
- ☒ Any information which the zoning administrator may find necessary to establish compliance with this and other ordinances.

2. A statement of how this proposed project or use will comply with the goals and objectives of the Show Low General Plan:

See section 2 of attached narrative.

3. A statement as to what steps will be taken to avoid and minimize any adverse impact on the public health, peace, convenience, comfort, safety and general welfare of the surrounding property owners and users as well as the general welfare of the City.

See section 3 of attached narrative.

4. Explain what utility demands are going to be required and what steps, if any, will have to be made to meet your utility demands.

See section 4 of attached narrative.

5. **PLEASE NOTE:** In accordance with City Code, Title 19.20.030(C) and (D), you or your authorized representative must be present at all Planning and Zoning Commission and/or City Council hearings or public meetings regarding this application. Below please list any person(s) authorized to represent you during this application process. Representations made during those meetings or hearings and designated in the record shall be deemed conditions of approval.

COLE Engineering

Rosemann & Associates

I certify that the information on this application form and attachments are true and correct to the best of my knowledge. I realize that any incorrect information may lead to the cancellation of any proceedings and the Conditional Use Permit if a Conditional Use Permit has been issued.

Signature of Owner (s) M. DACE

2/10/2023

Date

Signature of Owner (s)

Date

B. K. S. Brian Kimes, JES Dev Co, Inc

2/15/23

Signature of Applicant (If other than owner)

Date

WAIVER OF CLAIMS UNDER ARIZONA REVISED STATUTES § 12-1134

I, Astra American Inc by M. PACE, the owner of the property described as A.P.N. 210-24-004
SECRETARY

Show Low, Arizona, hereby waive any and all claims for diminution in value to my property which may arise under A.R.S. § 12-1134 as a result of my request and application for a CONDITIONAL USE PERMIT. Further, I agree to defend, indemnify, and hold harmless the City of Show Low, its officers, employees, and agents from and against any and all such claims for diminution in value to my property as defined in A.R.S. § 12-1134 arising out of my application or request for the applicable land use action as described above.

DATED this 10th day of February, 2023
Astra American Inc

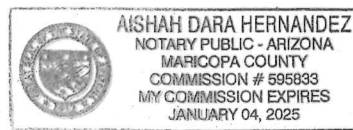
Signature of Property Owner M. PACE, SECRETARY

STATE OF ARIZONA)
) ss.
County of Maricopa)

SUBSCRIBED AND SWORN before me this 10th day of February, 2023
by M. PACE
Name of Signer

Aishah Dara Hernandez
Notary Public

[Notary Seal]



1. Description of the Proposal

The applicant is proposing an affordable housing multi-family development located on a 4.75± gross area subject property with no existing buildings or driveways. The site is bound to the north by E Duce of Clubs, to the east by auto sales retail and storage units, to the south by vacant land, and to the west by restaurant and retail. The proposed development for this site is a two-story multi-family facility comprising of up to 50 units. Site ingress/egress will consist of a driveway on E Duce of Clubs. Traffic will circulate through the site via a single drive along the length of the development and a turnaround at the south side of the development.

The applicant is requesting approval for a conditional use permit to allow for the construction of this community-enhancing multi-family development in the C-2 – General Commercial zoning district.

2. Proposed Project's Compliance with Show Low's General Plan (Section 2 in CUP Application)

This site is in a retail/employments section of the Show Low General Plan. This development would add to the value of the surrounding retail and acts as a transition from the residential planned areas to the south of the site to the retail/employment centers planned areas to the north of the development. In addition, in accordance with the General Plan, Housing Element pg 29-30 lists an array of supply shortage including to but not limited to, "Affordable, entry-level housing and especially choices in rental dwellings..." Within this same section, Housing Goals further discuss and encourage affordable housing options.

3. Steps Taken to Avoid and Minimize Adverse Impact on Public Health, Peace, Convenience, Comfort, Safety and General Welfare of the surrounding property owners and users as well as General Welfare of the City (Section 3 in CUP Application)

The site is currently designed to minimize any impacts on adjacent property owners by including screening walls on both the east and west sides of the site where the parking lot is near the property boundaries. The multi-family buildings are located centrally and adequately setback within the site which avoids site impacts to the planned residential zone to the south of the development. No adverse effects are anticipated by this multi-family facility on the surrounding Commercial and Residential land uses.

4. Utility Demands and Extensions (Section 4 in CUP Application)

The surrounding area around this parcel is already in a developed state. No new utility extensions are foreseen aside from tapping into City of Show Low owned water/sewer and other necessary taps into existing utilities in the frontage of the property.

5. Summary

This conditional use permit proposal has been designed to eliminate adverse effects to the surrounding community, does not require extensive utility demands, and is in compliance with the City of Show Low General Plan. This development would add value to the surrounding developments and the Show Low community.

GENERAL NOTES

- ALL UTILITIES SHOWN HAVE BEEN DRAWN IN BASED ON CITY OF SHOW LOW, AZ. GIS DATA.
- THIS PLAN IS FOR THE EXCLUSIVE USE OF OUR CLIENT AND IT IS NOT INTENDED TO BE USED FOR CONSTRUCTION BUT RATHER FOR CONCEPT AND PRELIMINARY QUANTITY TAKE-OFFS. NO UTILITY COORDINATION HAS BEEN PERFORMED BY COLE AND ASSOCIATES. USE OF THIS INFORMATION BY CLIENT IS AT THEIR RISK.
- THIS PLAN IS SUBJECT TO ALL LOCAL, STATE, AND FEDERAL REGULATIONS.
- GENERALLY ACCEPTED DESIGN PRACTICES HAVE BEEN USED IN THE CREATION OF THIS PLAN. NO FINAL ENGINEERING DESIGN, REPORT, AND OR STUDIES HAVE BEEN COMPLETED.
- SUFFICIENT ENGINEERING DESIGN HAS NOT BEEN COMPLETED TO ENSURE CONSTRUCTABILITY OF THE SITE AS SHOWN.
- ALL DIMENSIONS SHOWN ARE MEASURED TO FACE OF CURB.
- TOPOGRAPHICAL INFORMATION GENERATED BY HISTORICAL MAPS.
- SITE IS RELATIVELY FLAT, NO RETAINING WALLS OR EXCESSIVE GRADING SLOPES ARE EXPECTED FOR THIS SITE.

LEGEND

- PROPERTY LINE
ADJACENT PARCEL LINE
SETBACK/EASEMENT LINE
STORM DRAIN
PROPOSED WATER MAIN
PROPOSED SANITARY SERVICE
EXISTING WATER MAIN
EXISTING SEWER MAIN
WM PROPOSED WATER METER
FIRE HYDRANT
PARKING SPACE COUNT
SEWER MANHOLE
UNDERGROUND RETENTION RISER
DRY WELL
STORM DRAIN CATCH BASIN

PROJECT INFORMATION

SITE ADDRESS: E DEUCE OF CLUBS
SHOW LOW, AZ 85901

A.P.N.: 210-24-004

GROSS/NET AREA: 206,910 SF : 4.75 AC

EXISTING/PROPOSED ZONING: C2 GENERAL COMMERCIAL (APPROVED CUP)

PROPOSED USE: AFFORDABLE MULTI-FAMILY DEVELOPMENT

BUILDING AREA: 35,520 SF

BUILDING HEIGHT: 2-STORIES / MAX 35 FT

GREEN/OPEN SPACE REQUIRED: 250 S.F./UNIT = 250 * 50 = 12,500 S.F.

GREEN/OPEN SPACE PROVIDED: 12,500 S.F.

CONSTRUCTION TYPE: VA

SPRINKLER SYSTEM TYPE: 13R

LOT COVERAGE: 35,520 SF / 206,910 SF = 17.2%

DWELLING UNITS: UP TO 50 UNITS

MAXIMUM DENSITY: 1 UNIT PER 2,500 S.F. OF LOT

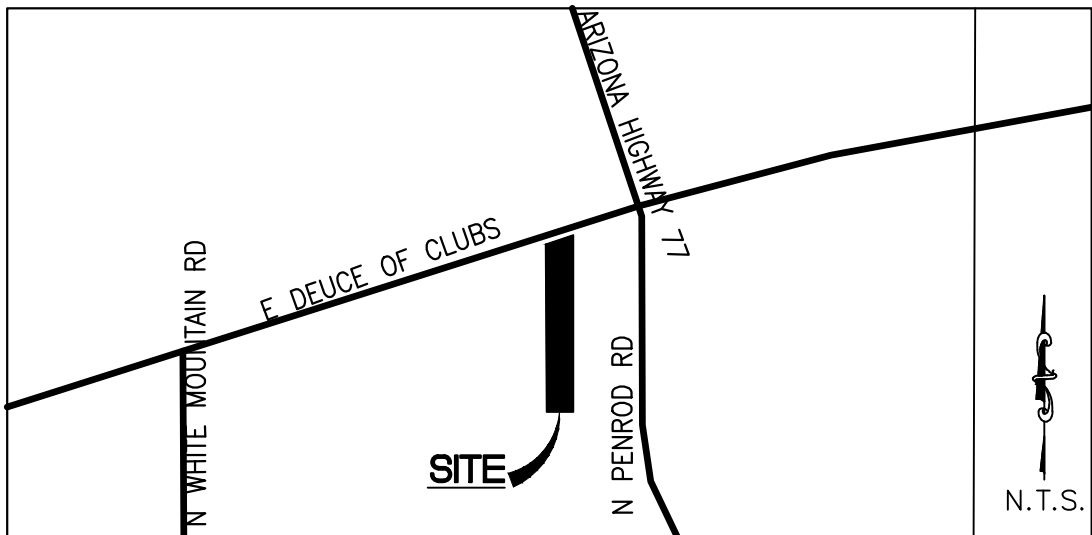
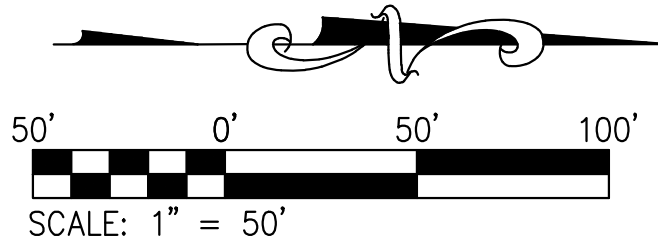
PROPOSED DENSITY: 50 UNITS / 206,910 SF = 1 UNIT PER 4,140 S.F.
50 UNITS / 4.75 AC = 10.5 UNITS/AC

PARKING REQUIRED PER CITY OF SHOW LOW 19.105.010.D.6
(MULTIPLE DWELLINGS TWO OR MORE BEDROOM UNITS)
2 PER DWELLING UNIT
100 REQUIRED TOTAL SPACES
100 TOTAL (8 ACCESSIBLE)

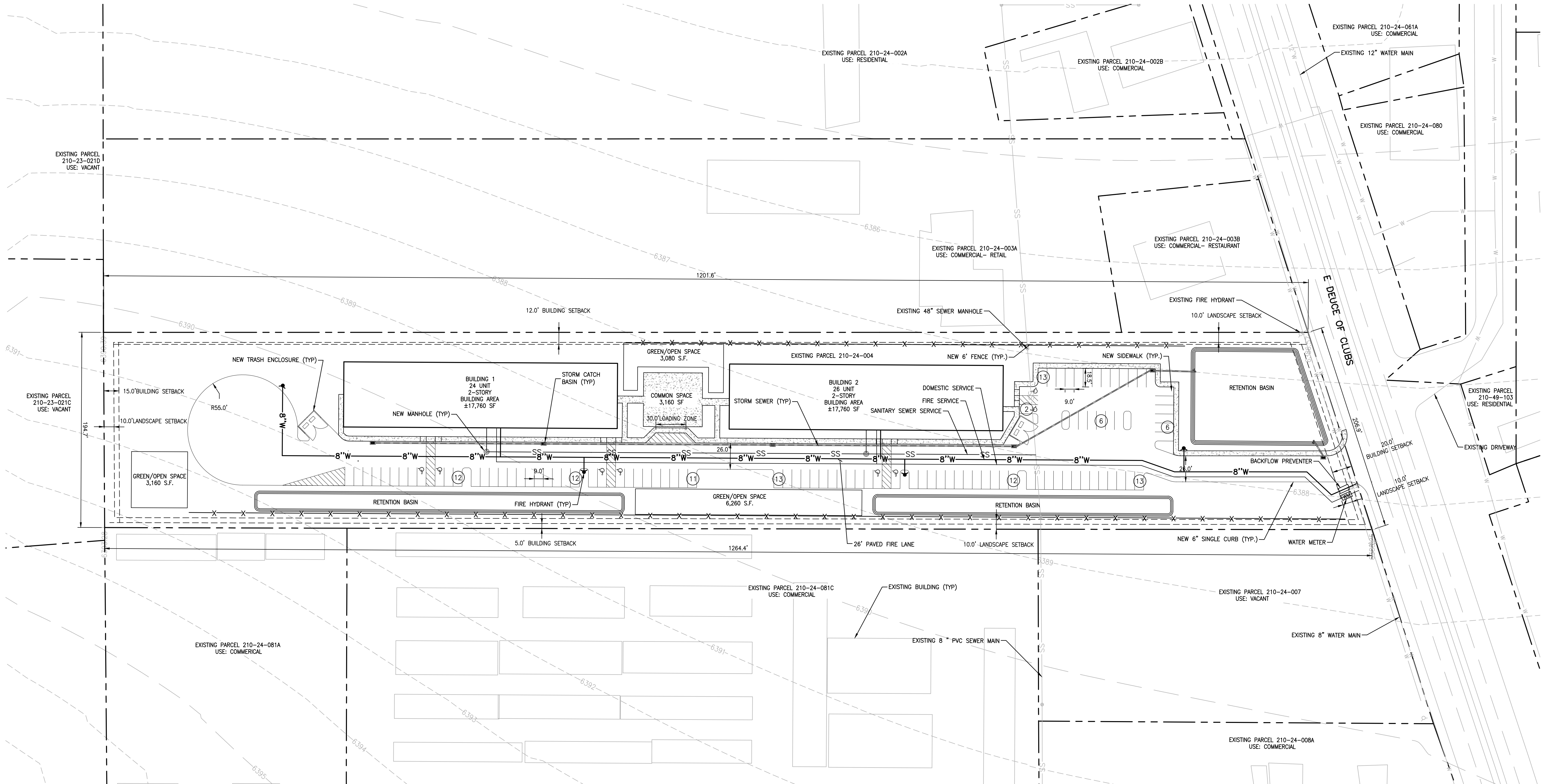
PARKING PROVIDED:

BUILDING SETBACKS:

FRONT	20 FT
SIDE	12 FT
SIDE	5 FT
BACK	15 FT



VICINITY MAP
SEC. 21, T.10N., R.22E.



DEVELOPER/OWNER:
DESERT WILLOW ESTATES, LP
25 EAST 12TH STREET, SUITE 201
KANSAS CITY, MO 64106
573-441-2123



LIHTC PURSUIT
SHOW LOW, AZ

SWC E DEUCE OF CLUBS & N PENROD RD
SHOW LOW, AZ 85901

CONCEPT PLAN

+ PHOENIX
2701 E Camelback Road
Phoenix, AZ 85016
602.795.4111 tel
www.colellc.com

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CIVIL ENGINEERING / SURVEYING / PLANNING / LANDSCAPE ARCHITECTURE
Cole & Associates, Inc. is a full-service engineering and design firm, serving a broad range of clients in the "built" environment.

DESIGN/CALC BY	DM
DRAWN BY	PO
CHECKED BY	JCM
DRAWING SCALE	
DATE	02/17/2023
Job Number	22-0002
Sheet Number	C-001



PONDEROSA PINE ESTATES

WALK-UP BUILDING ELEVATION

Show Low, AZ

March 7, 2023

A7

rosemann
& ASSOCIATES_{PC}

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON JANUARY 24, 2023, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. CALL TO ORDER

Chairman Barlow called the meeting to order at 7:00 p.m.

2. ROLL CALL

COMMISSION MEMBERS PRESENT: Chairman Barlow, Commissioner Adams, Commissioner Hatch, Commissioner Roberts, and Commissioner Whitehead

COMMISSION MEMBERS ABSENT: Vice Chairman Lewis

STAFF MEMBERS PRESENT: Justen Tregaskes, Planning and Zoning Director; Katie Fechtelkotter, Planner; Anna Atencio, City Attorney; and Ashley Duncan

GUESTS PRESENT: Kari Rosenthal and David Rosenthal

3. INVOCATION

Commissioner Roberts gave the invocation.

4. PLEDGE OF ALLEGIANCE

Commissioner Hatch led the pledge of allegiance.

5. NEW BUSINESS

- A. Conditional Use Permit submitted by Greg Hitchens of Hitchens Associates Architects to allow for two drive-through restaurants at 4421 S. White Mountain Rd., that being A.P.N. 212-03-159N.

Ms. Fechtelkotter read the staff summary report.

Greg Hitchens of Hitchens Associates Architects has submitted a Conditional Use Permit (CUP) to allow for two drive-through restaurants located at 4421 S. White Mountain Rd., that being A.P.N. 212-03-159N. The subject property is zoned C-2 (General Commercial). Drive-through restaurants require a CUP in the C-2 zone. The subject property is considered an out-parcel of the Park Pineway Shopping Center and was previously designated for development, it is currently a paved parking lot with 53 spaces. The development of the property was in conjunction with the existing shopping center and the new development will need to account for the existing drainage facilities on the subject property. The applicant has indicated that there will be sufficient

parking for the shopping center with the additional development. Access to the subject property will be from within the existing Park Pineway Shopping Center, there will be no driveway access directly onto S. White Mountain Rd. There are two different occupants that have been identified and the conceptual site plan shows two separate buildings, each with their own drive-through. The conceptual site plan and proposed building elevations have been attached for your review.

FINDINGS OF FACT

1. Greg Hitchens of Hitchens Associates Architects has submitted a Conditional Use Permit (CUP) to allow for two drive-through restaurants located at 4421 S. White Mountain Rd., that being A.P.N. 212-03-159N. The subject property is zoned C-2 (General Commercial). Drive-through restaurants require a CUP in the C-2 zone.

2. The subject property is considered an out-parcel of the Park Pineway Shopping Center and was previously designated for development, it is currently a paved parking lot with 53 spaces. The development of the property was in conjunction with the existing shopping center and the new development will need to account for the existing drainage facilities on the subject property.

3. The applicant has indicated that there will be sufficient parking for the shopping center with the additional development. Access to the subject property will be from within the existing Park Pineway Shopping Center, there will be no driveway access directly onto S. White Mountain Rd.

4. There are two different occupants that have been identified and the conceptual site plan shows two separate buildings, each with their own drive-through. The conceptual site plan and proposed building elevations have been attached for your review.

5. Current zoning of the surrounding properties include.

North: C-2 (General Commercial)

South: C-2 (General Commercial)

East: C-2 (General Commercial)

West: C-2 (General Commercial)

6. The current land uses of the surrounding properties include.

North: Pet Sense

South: Taco Bell

East: Park Pineway Shopping Center

West: Joyride Express Car Wash

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

Arizona Department of Transportation (ADOT)- A permit from the Northeast District is required to utilize the existing driveways on State Route 260 (S. White Mountain Rd.) A traffic pre-submittal (TGP-240) with trip generation is needed to determine if a full traffic impact analysis or statement will be required. Navopache Electric Cooperative (NEC)- Location of transformer will be determined at time of service request. Unisource Energy Service- Unisource does not provide natural gas to that facility, as a reminder please use the free 811 service prior to any construction.

8. No public comment has been received regarding the proposed development at the time the staff summary report was prepared.

STAFF RECOMMENDATIONS

After reviewing the Zoning Ordinance, Standards for Review, Findings of Fact, 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 602-04-256 submitted by Greg Hitchens of Hitchens Associates Architects to allow for two drive-through restaurants located at 4421 S. White Mountain Rd., that being A.P.N. 212-03-159N subject to the following conditions;

1. All development shall comply with all applicable federal, state, and local requirements, including permit, sign, landscaping Fire Code and Arizona Department of Transportation (ADOT) requirements.
2. The surfacing of all access ways, interior driveways, and parking areas shall be surfaced in accordance with City Code and shall meet the minimum loading requirements outlined by TMFMD.
3. The applicant shall coordinate with the Public Works Department to ensure that adequate backflow protection is installed.
4. The right-of-way adjacent to the subject property shall be landscaped, primarily with grass or sod and the landscaping shall be maintained.
5. Parking and lighting shall meet all requirements of City Code Chapter 19.105.
6. This conditional use permit shall remain effective as long as a building permit has been issued within one (1) year of CUP approval.

With no questions for staff Chairman Barlow invited the applicant's representative up.

David Rosenthal-2482 E White Mountain Blvd.

Commissioner Adams asked for an estimate on the amount of employees for the building. Mr. Rosenthal informed he was not 100 percent sure but would estimate 5 on the Papa Murphy 3-5 on soda side.

Commissioner Adams further inquired about the applicants concept of accommodating customers who have oversized vehicles. Mr. Rosenthal responded that he believes they are to building code requirements but could get the architect on the phone for any verification the commission would like.

Chairman Barlow asked staff if the drive throughs are required to be fire truck accessible.

Director Tregaskes explained staff and the architect have had multiple conversations regarding the drive through design primarily with Commissioner Adams question in mind and the architect has made multiple revision to meet the City Code for measurements as well as queuing area. Director Tregaskes also informed the commission that parking lot spaces for in building access would also be available. Director Tregaskes further explained that fire access is not required for the drive through but the perimeter of the building will allow fire access requirements to be meet.

With no further questions for the applicant representative or staff the chairman entertained a motion.

COMMISSIONER ADAMS MOVED TO APPROVE THE CONDITIONAL USE PERMIT SUBMITTED BY GREG HITCHENS OF HITCHENS ASSOCIATES ARCHITECTS TO ALLOW FOR TWO DRIVE-THROUGH RESTAURANTS AT 4421 S. WHITE MOUNTAIN RD., THAT BEING A.P.N. 212-03-159N SUBJECT TO STAFF RECOMMENDATIONS. COMMISSIONER ROBERTS SECONDED THE MOTION. PASSED 5 TO 0 WITH CHAIRMAN BARLOW, AND COMMISSION MEMBERS ADAMS, HATCH, ROBERTS, AND WHITEHEAD VOTING IN FAVOR.

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.

6. 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.

7. APPROVAL OF MINUTES

A. Planning and Zoning Commission Regular Meeting of January 10, 2023.

COMMISSIONER ADAMS MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF JANUARY 10, 2023. COMMISSIONER ROBERTS SECONDED THE MOTION. PASSED 5 TO 0 WITH, CHAIRMAN BARLOW AND COMMISSION MEMBERS ADAMS, HATCH, ROBERTS, AND WHITEHEAD VOTING IN FAVOR.

8. SUMMARY OF CURRENT EVENTS

Commission Members

Commissioner Hatch stated he appreciated the city for keeping the roads clear.

Commissioner Whitehead welcomed Anna as the new city attorney.

Commissioner Roberts thanked the city staff for keep roads cleared and safe during the snow.

Commissioner Adams thanked ADOT and City Staff for keeping the roads clear and thanks Parks & Rec. in advance for all their hard work for the Daddy Daughter Dance

Chairman Barlow thanked ADOT and City Staff for keeping the roads clear and asked the community to drive safe.

Planning and Zoning Director

Director Tregaskes gave a shout out to Public Works crews for keeping the roads cleared, asked the community to please be careful for those roads that haven't melted and gave a reminder on the Ground Hog Day Breakfast and Daddy Daughter Dance tickets were still available.

9. ADJOURNMENT

There being no further business to be brought before the Planning and Zoning Commission, VICE CHAIRMAN BARLOW ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF JANUARY 23, 2023, AT 7:19 PM.

ATTEST:

APPROVED:

Justen Tregaskes
Planning and Zoning Director

Zachary Barlow
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 January 24, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Ashley Duncan

MINUTES OF THE STUDY SESSION OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON FEBRUARY 28, 2023, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA

1. CALL TO ORDER

Chairman Barlow called the meeting to order at 7:00 p.m.

2. ROLL CALL

COMMISSION MEMBERS PRESENT: Chairman Barlow, Vice Chairman Lewis, Commissioner Adams, Commissioner Hatch, Commissioner Roberts, and Commissioner Whitehead

COMMISSION MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Justen Tregaskes, Planning and Zoning Director; Anna Atencio, City Attorney, and Ashley Duncan

GUESTS PRESENT: Guests

**3. REVIEW AND DISCUSSION OF PROPOSED REVISIONS TO CHAPTER 19.25
GENERAL REGULATIONS**

Director Tregaskes discussed proposed changes to chapter 19.25, General Regulations, as follows.

19.25.060 (F) (3) Detached accessory buildings ~~which meet the setback requirements for a main structure for the zone in which they are located~~ may exceed fifteen (15) feet in height provided they do not exceed the height of the main structure. Detached accessory buildings shall meet street side setbacks. Side and rear setbacks shall be equal to or greater than the height of the accessory building. Any encroachment into these permitted side and rear setbacks shall require a conditional use permit.

19.25.060 (F) (4) Detached accessory buildings which meet the setback requirements for a primary building for the zone in which they are located may exceed the height of the primary building but not exceed the maximum building height for that zone provided they ~~meet the setbacks for the main building and~~ are located on a lot a half-acre in size or greater. Detached accessory buildings shall meet street side setbacks. Side and rear setbacks shall be equal to or greater than the height of the accessory building. Any encroachment into these permitted side and rear setbacks shall require a conditional use permit.

Director Tregaskes explained the editing of item #3 and #4 was to clarify language and verbiage.

19.25.060 (G) (1) Temporary parking structures (without footings) shall not be permitted within a required ~~front yard~~ **street side** setback and shall be permitted after city staff approval of a site plan indicating proposed location (no building permit required); or

19.25.060 (G) (2) Portable shelters may be located within a required ~~front yard~~ **street side** setback and shall be permitted for a period not exceeding seven (7) consecutive days. Extended periods of time may be permitted after city staff approval of a site plan indicating proposed location (no building permit required).

Director Tregaskes explained that staff felt this verbiage change was necessary due to seeing some confusion at times with home placement.

19.25.060 (H) (2) May be approved as an accessory use for permanent storage purposes in commercial zoning districts ~~through a conditional use permit~~. Placement in these districts requires a minimum one hundred (100) foot setback from any public right-of-way, **be painted a neutral color,** and ~~satisfactory screening~~ **be screened from adjacent properties or rights-of-ways by a six (6) foot tall solid material fence or wall.**

Director Tregaskes advised staff's proposal was to remove this item from being a conditional use in the City Code and be a permitted use instead.

Commissioner Hatch stated that he is against the containers being allowed in the city limits under any conditions due to becoming an eye sore and lack of probability for removal.

Commissioner Roberts disagreed and stated that if screened and not visible they should be allowed.

Commissioner Adams inquired into the number of storage container requests received. Director Tregaskes advised that under City Code these containers are allowed only in commercial and industrial zones and are prohibited in residential zones, which falls under the Building Code. He further explained that staff receives a frequent amount of inquiries regarding these types of containers. However, after explaining the approval process in the entirety most inquirers are no longer interested. Director Tregaskes further explained that high volume retail is the most likely locations for use of these containers.

Commissioner Roberts questioned the use of these containers during construction which Director Tregaskes confirmed is allowed with an active building permit for 12 months.

Director Tregaskes then inquired if the commission would rather not see these containers allowed in commercial zones and reminded the commission this proposal is an open discussion.

Chairman Barlow inquired if setbacks were regulated in a commercial zone or if the containers were able to be set right along the property lines. Director Tregaskes advised that most commercial zones have a 0-foot side yard setback. However, these need to be at least 5 feet back due to fire code.

Chairman Barlow asked if the thought of having containers being painted should apply to the industrial zones as well. Director Tregaskes replied that that stipulation could be added.

Chairman Barlow questioned if even with the removal of the CUP requirement for the container, would the community still need approval from staff prior to being able to utilize sea containers in the city limits. Director Tregaskes stated this was correct.

Commissioner Hatch stated that he wanted to keep the code as written.

Director Tregaskes clarified that consensus was to keep the CUP requirement. The Planning & Zoning Commission agreed.

(M) Residential Driveways. All residential driveways shall be a minimum of two (2) feet from neighboring property lines

Director Tregaskes explained this item was proposed as an addition to help prevent erosion issues from one property to another.

Chairman Barlow requested clarification that this item was not a change but a new addition, the director confirmed that was correct.

19.25.090 Walls and fences.

(A) *Height.* No solid, view-obscuring wall, fence or hedge over three (3) feet high and no chain link or wire fence or similar open, non-view-obscuring fence over four (4) feet high shall be constructed or maintained nearer to the street line than the required front or street side building setback line, nor be more than six (6) feet in height in any rear or side yards. **Street side fence height shall be**

determined either from the vertical distance from the crown of the nearest adjacent road to the highest point of the fence or the vertical distance from the natural grade of the property where the fence is located to the highest point of the fence, whichever is greater Fences may be built above these

heights in the following situations:

Director Tregaskes explained the current city code for street side fencing limits solid material fencing to 3 feet in height, a see through fencing material is limited to 4 feet in height. He stated there is no proposed change with this due to safety concerns. The Director further explained the concern is how to measure the starting point for the height requirement because of multi-vast topographic lots and issues and concerns come in when the property is lower in elevation than the road. The recommendation is that measurement starts at the highest point of the road or ground elevation, whichever is higher.

Commissioner Roberts requested to rediscuss page 5 item (M) due to not favoring the addition. Commissioner Roberts stated he felt the 2-foot set back was excessive and interfered with use of property-to-property owners.

Director Tregaskes asked the Commissioners if they had any thoughts or concerns on the purposed 2 feet setback.

Chairman Barlow inquired if anywhere else in the city code grading guideline proximities are mentioned. Director Tregaskes stated that he was unaware of such codes.

Commissioner Adams requested Director Tregaskes to reiterate the intent behind this addition. Director Tregaskes explained it was proposed as a preventive measure in erosion control.

Chairman Barlow stated that a 1-foot setback wouldn't be large enough to be impactful and is in favor of the 2 feet distance. He also stated that from a construction standpoint it would be difficult to construct a driveway on the property line without encroaching on the neighboring property line and the 2 feet sounds reasonable.

Director Tregaskes confirmed that the consensus with the majority of the commission was to leave the addition in.

Chairman Barlow asked for clarification on 19.25.080 and whether the 25-foot distance standard applied to all types of roads. Director Tregaskes confirmed it was and that section of code was not referred to often.

19.25.090 (4) (5) In commercial and industrially zoned property, **required fences may be constructed to eight (8) feet in height. ~~Barbed~~** and razor wire is permitted only above the six (6) foot height limitation **in industrial zones. Use of barbed or razor wire in commercial zones requires approval from the planning and zoning commission.**

Director Tregaskes explained that commercial or industrial zoning allows a 6-foot-tall fence with 2 feet of barb wire in addition as a permitted use. However, an 8-foot-tall fence with no wire needs P&Z Commission approval. Director Tregaskes further explained staff felt the code was backwards which is the intent for the purposed change.

Chairman Barlow asked if in the industrial zone would an 8 foot tall fence be allowed to have barbed in addition. Director Tregaskes read the proposed change but informed the Chairman of the option to make additional changes to allow a total of 10 feet.

Chairman Barlow advised he was okay with the initial purposed change.

19.25.090 (D) *Swimming Pools and Other Bodies of Water.*

(1) In all zoning districts, a swimming pool shall not be located ~~in the required front yard~~ **between the front of the house and the street side setback,** required landscaped areas or closer than five (5) feet from the water's edge to any property line.

Director Tregaskes advised the pools to go on side or rear of the home.

Commissioner Adams asked for the purpose of this change. Director Tregaskes explained the reason for this change is for esthetic and safety reason, however this code section is rarely referred to.

~~19.25.110 — Outdoor storage.~~

~~With the exception of automobiles, trailers, motorcycles, manufactured homes, boats, motor homes, growing plants, nursery stock, Christmas trees, and service stations displaying new automotive and related items which are displayed and are for sale shall not be considered outdoor storage, outdoor storage shall not be~~

~~allowed in a lot's required front yard setback. All outdoor storage shall be screened by a six (6) foot high solid masonry fence, or a fence or screening of a height and material as allowed or required by the planning and zoning commission. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(K))~~

Director Tregaskes further informed the reason for the removal of this section is due to contradiction as well as outdoor storage being referred to in each zoning district it self.

Commissioner Roberts asked about the striking of the word (electrical) in 19.25.120 item A.

19.25.120 (A) *Storage*. The owners and tenants of residentially zoned property may store, park or locate personal recreational vehicles such as but not limited to boat trailers, utility trailers, travel trailers or motor homes, provided they do not obstruct the view of oncoming traffic from vehicles entering a street at intersections and driveway entrances. Such recreational vehicles may not be rented or otherwise used for income purposes. Campers, motor homes, and travel trailers in conjunction with a residence may be inhabited for no more than fourteen (14) consecutive days, and no more than thirty (30) days in anyone (1) calendar year. Inhabitation for this purpose may be defined as including, but not be limited to, connection to external fuel tanks or natural gas, skirting, or connection to water, sewer, ~~electrical~~ or natural gas exceeding thirty (30) days.

Director Tregaskes confirmed that was correct due to a majority of the community having campers or R.V's and would prefer to keep the battery in those units charged while being parked. He further explained that by striking the word it removes any issue for such use.

19.25.130 Home occupations.

(A) A home occupation is any activity carried out for gain by a resident, conducted as an accessory use in the resident's dwelling unit. Home occupations shall be permitted in any residential zone upon the issuance of a home occupation permit and a business license permit from the City of Show Low subject to the following requirements:

Director Tregaskes explained the verbiage change was to stay consistent with housekeeping.

19.25.130 (A) (12) Only refuse enclosures customary to a residence shall be permitted in conjunction with a home occupation. ~~Refuse enclosures not emptied as part of a regularly scheduled residential refuse service shall be prohibited.~~

Director Tregaskes stated that staff felt the second sentence was redundant.

Director Tregaskes advised the commission there are no other changes to home occupations however, he did inform the commission of potential changes at the state level that would require cities and towns to remove regulation to home based business.

19.25.150(A) (1) The planning and zoning director shall obtain the approval of the fire ~~department~~ **district** and police department to ensure that land area is adequate for the proposed use and related parking and to ensure that traffic safety is considered.

Director Tregaskes advised this section changes was also a verbiage change with no other purposed changes in this section.

19.25.170 (A) (2) *Location.* Trash enclosures shall not be located in any required front **street side** or side yard without the approval of the planning and zoning director.

Director Tregaskes advised this section changes was also a verbiage change to be consistent.

19.25.190 Performance standards.

Any permitted or conditional use must conform to the following performance standards. In conjunction with the plan review and development review processes, the developer-applicant shall provide to the planning and zoning director information that is sufficient to show that the proposed use and the manner of its conduct will meet these performance standards.

~~(A) Noise.~~

~~(1) Unless otherwise defined herein, all terminology shall be in conformance with applicable publications of the American National Standards Institute (ANSI) or its successor body.~~

~~(2) Instrumentation used in making sound level measurements shall be a sound level meter with an A-weighting scale, associated octave band filters, and windscreen for outdoor use. The instrument shall be manufactured in accordance with ANSI standards. Measurement shall be made using a flat network of the sound level meter.~~

~~(3) *Maximum Permissible Sound Levels by Receiving Land Use.*~~

~~(a) The noise standards for the various categories of land use as presented in Table I and set forth in terms defined shall, unless otherwise specifically indicated, apply to each property or portion of property substantially used for a particular type of land use reasonably similar to the land use types shown in Table I. Where two (2) or more dissimilar land uses occur on a single property the more restrictive noise limits shall apply.~~

~~(b) Where doubt exists when making identification of receiving land use, the planning and zoning director may make an interpretation.~~

~~(c) No person shall operate or cause to be operated any source of sound at any location within the city or allow the creation of any noise on property owned, leased, occupied, or otherwise controlled by such person, which causes the noise level to exceed the environmental and/or nuisance interpretation of the applicable limits given for the receiving land use category in Table I.~~

~~(d) Sound levels by receiving land use shall be measured at the boundary or at any point within the boundary of the property affected.~~

~~(4) *Corrections to Exterior Noise Level Limits.*~~

~~(a) If the noise is continuous, the equivalent continuous noise level (L_{eq}) for any hour will be represented by any lesser time period within the hour. Noise measurements of a few minutes only will thus suffice to define the noise level.~~

~~(b) If the noise is intermittent, the L_{eq} for any hour may be represented by a time period typical of the operating cycle. Measurement should be made of a~~

~~representative number of noisy/quiet periods. A measurement period of not less than fifteen (15) minutes is, however, strongly recommended when dealing with intermittent noise.~~

~~(c) If the measured ambient level exceeds that permissible in Table I, the allowable noise exposure standard shall be the ambient noise level. The ambient level shall be measured when the alleged noise violations source is not operating.~~

I. Exterior Noise Limits

	Noise Level (dBA)	
	10:00	7:00
	p.m.	a.m.
	to	to
Receiving Land Use Category	7:00 a.m.	10:00 p.m.
Residential	62	70
Commercial	65	72
Industrial	70	85

~~(5) Noise Level Adjustments.~~

~~The maximum permissible daytime noise levels listed are subject to the following adjustments for duration:~~

Noise has an "on time" of no more than:	And p.m. "off time"* between successive "on times" of at least:	
0.5 minutes	1/2 hour	}
5.0 minutes	1 hour	} Add 7 dBA

Noise
has an
“on time”
of no
more
than:

And p.m. “off time”
between successive
“on times” of at least:

		) to permitted level
10.0	1	)
minutes	hour	)
20.0	4	)
minutes	hours	

~~* “Off time” is when the level of the primary noise being measured does not exceed that of the background noise in any octave band.~~

~~(6) Exemptions. The following activities or sources are exempt from these noise standards:~~

~~(a) Activities covered by the following: Emergency signaling devices, domestic power tools, air conditioning and air handling equipment for residential purposes, refuse collection vehicles.~~

~~(b) The unamplified human voice.~~

~~(c) Aircraft operations.~~

~~(d) Construction or routine maintenance of public service utilities.~~

~~(e) House of worship bells or chimes.~~

~~(f) The emission of sound for the purpose of alerting persons to the existence of an emergency, or the emission of sound in the performance of emergency work.~~

~~(g) Special events which are conducted pursuant to a temporary use permit issued by the city in accordance with Section [16.05.050](#); provided, that all terms~~

~~and conditions of the temporary use permit are complied with, including, but not limited to, terms and conditions relating to noise restrictions.~~

(A) Noise

- (1) It is unlawful for any person or entity owning, operating, or in control of any restaurant, hotel, dance hall, show, business, or any other place of public amusement, entertainment, or accommodation, to play or allow to be played or emitted any music or sound from musical instrument or instruments that: (i) is loud, unreasonable, excessive, or unreasonably offensive to the senses; (ii) unreasonably disturbs, disrupts, or interferes with the slumber of any person in a residence, hotel, or any similar place of accommodation; or (iii) unreasonably disturbs, disrupts, annoys, or interferes with the peaceful, comfortable, and quiet enjoyment of the life or property of any person.
- (2) It is unlawful for any person or entity to play, operate, or use, or allow to be played, operated, or used, any sound amplification device, including without limitation a loud speaker, sound truck, radio, mobile device, computer, or any instrument or device of any kind or character that emits loud or unreasonable noise and is attached to or upon or in any vehicle or trailer unless the person or entity in owning, operating, or otherwise in charge of such vehicle or trailer is operating in accordance with an approved Special Event.
- (3) Notwithstanding any other provision of this Article, and in addition thereto, it shall be unlawful for any person without justification to make, continue to make, cause, or allow to be made or continued, any unreasonable noise that disturbs, disrupts, or interferes with the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area. Factors that may be considered in determining whether a noise is unreasonable for purposes of this provision include, but are not limited to, the following:
 - (a) The volume of the noise;
 - (b) The intensity of the noise;
 - (c) Whether the nature of the noise is usual or unusual;
 - (d) Whether the nature of the noise is natural or unnatural;
 - (e) The volume and intensity of the background noise, if any;
 - (f) The proximity of the noise to residential sleeping facilities;
 - (g) The nature and zoning of the area within which the noise emanates;
 - (h) The time of the day or night the noise occurs;
 - (i) The duration of the noise;
 - (j) Whether the noise is recurrent, intermittent or constant;
 - (k) Whether the noise is produced by a commercial or noncommercial activity;
and
 - (l) Whether it is an impulse noise.

- (4) It shall be unlawful for any person or group of people in or upon a public street, alley, public place, place of public accommodation, or property used to conduct business, to make any loud, excessive, or unreasonable noise, or to scream, shout, or yell in a manner that disturbs the peace and quiet of any residential neighborhood or the residences therein.
- (5) In addition to any exemptions expressly set forth elsewhere, the following shall be exempt from this Chapter:
 - (a) Safety signals and alarm devices, storm warning sirens or horns and the authorized testing of such equipment, authorized emergency vehicles engaged in an emergency activity and emergency pressure-relief valves;
 - (b) A vehicle operated by a gas, electric, communications, water utility company, refuse collection, or governmental entity while being operated for official business;
 - (c) When the sound amplification system is being operated to request assistance of an emergency nature or to warn of a hazardous situation;
 - (d) A vehicle used for advertising in a parade or in a political or other special event as authorized by the city;
 - (e) Church chimes or bells;
 - (f) Crowd noises resulting from activities such as those planned for school, government, or community groups or duly authorized by such groups;
 - (g) Organized sporting events;
 - (h) Noises created by any aircraft operated in conformity with or pursuant to federal law, federal air regulations, or air traffic control instructions issued pursuant to or within duly adopted federal air regulations, together with any noise created by aircraft operating under or pursuant to declaration of any emergency under federal air regulations;
 - (i) Heating and cooling equipment including home, business, pool, or spa equipment when it is functioning in accordance with manufacturer's specifications and is in proper operating condition;
 - (j) Landscape maintenance equipment when it is functioning in accordance with the manufacturer's specifications and with all mufflers and noise-reducing equipment in use and in proper operating condition between the hours of 7:00 a.m. and 10:00 p.m.;
 - (k) The lawful exercise of established rights under the United States or Arizona Constitutions; or
 - (l) Construction noise between the hours of 7 a.m. and 10 p.m.
- (6) The following persons and entities shall be deemed responsible for any and all violations of this Chapter (the "Person(s) Responsible"):

- (a) Any and all persons or entities causing or creating the violative noise shall be deemed responsible for the same;
- (b) Any and all persons or entities allowing the violative noise to emanate from property the person or entity owns, occupies, manages, or controls shall be deemed responsible for the violative noise;
- (c) Any person in attendance who engaged in any conduct causing, facilitating, or perpetuating the violative noise shall be deemed responsible for the violative noise; and
- (d) If the person or entity causing or creating the violative noise does so upon property owned, occupied, managed, or controlled by another, the persons or entities owning, occupying, managing, or controlling the property shall also be deemed responsible for the violative noise after prior three (3) instances of the same or similar violative noise emanating from the property.

(7) Repeat Offenders

- (a) Any Person(s) responsible for three (3) or more of the same or similar type of violation of this Chapter within a three-month period shall be deemed a "Repeat Violator" for the ensuing twelve-month period following the date of the most-recent violation. Any additional violations of this Section by a Repeat Violator during that period shall be subject to a civil penalty of at least \$2,500 for each such violation.
- (b) A Repeat Violator, holding a city business permit shall be subject to immediate revocation of the license. In lieu of revocation, the planning and zoning director or designee may in their discretion impose a lesser sanction, including but not limited to temporarily suspending the permit for a reasonable time, or holding revocation in abeyance for the remaining term of the permit conditioned on no additional violations of this Chapter, or such other conditions as the planning and zoning director or designee deems reasonable and appropriate.

Director Tregaskes explained staff proposed removal of specific noise level and proposing and prudent wording.

19.25.190 ~~(7)~~ **(8)** Preexisting Uses Not in Conformance. Where an industry **industrial** or commercial business has established its use away from other incompatible uses and subsequently, through the encroachment of development, now finds itself adjoining a receiving land category which would require a reduction in noise generation, said industry **industrial** or commercial business shall not emit a noise which exceeds the maximum noise limitations for the receiving land use category by more than ten (10) decibels levels produced prior to the encroachment or by similar land uses in the general area.

Director Tregaskes additionally advised this proposed change is a means of protection for existing developments.

Chairman Barlow requested the additional verbiage of “Big Construction” be added.

Director Tregaskes confirmed that addition would be made.

Vice Chairman Lewis inquired if neighborhoods should have time specifications mentioned and Director Tregaskes advised the judgement call would be up to the police officer who arrived at the call.

19.25.190 (D) *Vibration*. No vibration shall be permitted which is **reasonably and readily** discernible beyond the lot line to the human sense of feeling for three (3) minutes’ or more duration in any one (1) hour of the day between the hours of 7:00 a.m. and 7:00 p.m., or for thirty (30) seconds’ or more duration in any one (1) hour during the hours of 7:00 p.m. to 7:00 a.m.

Director Tregaskes explained this addition is for harassment prevention.

19.25.220 (C) *Applicability*. No person, entity, or corporation or any subsequent successors to said lot or parcel shall remove or cause to be removed or intentionally destroy any trees of six (6) inches in diameter or greater, measured at diameter at breast height (DBH), from a developed or undeveloped lot or parcel ~~zoned R2-7, commercial or industrial~~ without first obtaining approval from the planning and zoning department, except when necessary for the construction of streets, driveways, utility lines, and structures approved in a previously obtained building permit **or for forest health activities**. For any existing lot or parcel or once a site plan has been approved on a developed or undeveloped lot or parcel, any subsequent modifications shall require similar approval. Any decision is binding on the property.

Requests for tree removal may be filed independently or in conjunction with the plan review process for a development. The tree removal plan shall be reviewed by the property owner or designee and the planning and zoning director **(joint committee)**. In the event the joint committee cannot agree upon the proposed tree removal plan, a mutually agreed upon third party shall be called upon to assist the other parties in developing a satisfactory solution. Upon receipt of a request for tree removal, the joint committee shall consider such request ~~within three (3) working days~~ **in conjunction with the submitted building plans or**

forest health plans. If the joint committee is satisfied that the applicant's proposal is not detrimental to the subject lot or parcel or adjacent parcel(s), then approval shall be granted. The applicant shall begin to remove the trees cut down from the subject property within fifteen (15) days and shall complete the tree removal process within thirty (30) days.

(E) *Appeals*. Any party who is dissatisfied or aggrieved by the decision of the joint committee may appeal such decision to the ~~city council at their next scheduled meeting~~ **Board of Adjustment**. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(V))

Director Tregaskes explained the proposed changes are for clarification changes and correct procedures.

Director Tregaskes further explained that the remaining section under Guest units/Houses has no current proposed changes, however, is a hot topic for legislation and has the potential for changes in the future.

Director Tregaskes asked if the commission has any additional requests, questions, or additions.

With no further comments from the commission Director Tregaskes turned the Study Session over to Chairman Barlow.

4. ADJOURNMENT

There being no further business to be brought before the Planning and Zoning Commission, CHAIRMAN BARLOW ADJOURNED THE STUDY SESSION OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF FEBRUARY 28, 2023, AT 8:06 PM.

ATTEST:

APPROVED:

Justen Tregaskes
Planning and Zoning Director

Zachary Barlow
Chairman

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **STUDY SESSION** of the Planning and Zoning Commission of Show Low held on February 28, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this _____ day of _____, 20____.

Ashley Duncan