

SHOW LOW PLANNING AND ZONING COMMISSION
Regular Meeting – Tuesday, July 25, 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, July 25, 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 602-04-260 submitted by Roy De La Torre of Aliberto's Mexican Foods to add a drive-through at their existing location of 1457 East Deuce of Clubs, Show Low, Arizona, that being A.P.N. 210-14-032A.

B. Consideration of Conditional Use Permit 602-04-261 submitted by Jason Spear to allow for a recreational vehicle resort on property located at 100 East Owens/ 201 South Central Avenue, Show Low, Arizona, that being A.P.N. 210-13-001F.

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 July 11, 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, July 21, 2023.

Ashley Duncan

CITY OF SHOW LOW STAFF SUMMARY REPORT

AGENDA TITLE: Consideration of Conditional Use Permit 602-04-260 submitted by Roy De La Torre of Aliberto's Mexican Foods to add a drive-through at their existing location of 1457 East Deuce of Clubs, that being A.P.N. 210-14-032A (Katie Fechtelkotter)

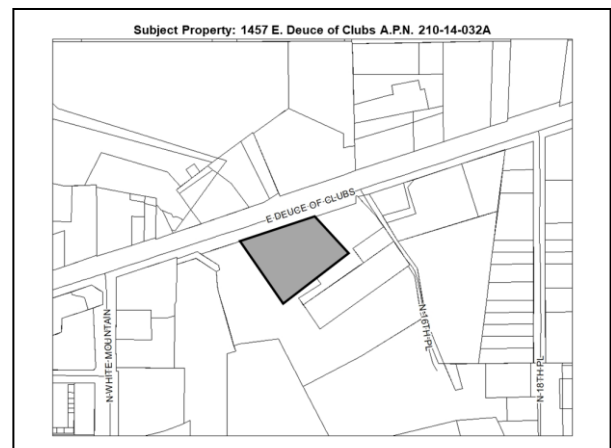
RECOMMENDATION

I **MOVE** to approve CUP 602-04-260 submitted by Roy De La Torre of Aliberto's Mexican Foods to add a drive-through at their existing location of 1457 East Deuce of Clubs, that being A.P.N. 210-14-032A, subject to staff recommendations.

BACKGROUND

Roy De La Torre of Aliberto's Mexican Foods has submitted a Conditional Use Permit (CUP) to add a drive-through at their existing location of 1457 East Deuce of Clubs, that being A.P.N. 210-14-032A. The subject property is zoned C-2 (General Commercial), drive-through restaurants require a CUP in the C-2 zone.

The applicant has operated Aliberto's Mexican Foods at this location since January of 2004. The applicant plans to relocate existing parking spaces in front of the building to accommodate the new drive-through. In addition, the applicant has also committed to upgrading the landscaping in front of the new drive-through area.



FINDINGS OF FACT

1. Roy De La Torre of Aliberto's Mexican Foods has submitted a Conditional Use Permit (CUP) to add a drive-through at their existing location of 1457 East Deuce of Clubs, that being A.P.N. 210-14-032A. The subject property is zoned C-2 (General Commercial), drive-through restaurants require a CUP in the C-2 zone.
2. The applicant has operated Aliberto's Mexican Foods at this location since January of 2004. The applicant plans to relocate existing parking spaces in front of the building to accommodate the new drive-through. In addition, the applicant has also committed to upgrading the landscaping in front of the new drive-through area.
3. Current zoning of the surrounding properties includes.

North: C-2 (General Commercial)
South: C-2 (General Commercial)
East: C-2 (General Commercial)
West: C-2 (General Commercial)
4. The current land uses of the surrounding properties include.

North: Owen's Propane/Horne Autobody
South: Residential
East: Residential
West: Show Low Creek
5. Transmittal memos were sent to all affected agencies. No applicable comments have been received.
6. No public comment has been received regarding the proposed development.

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 602-04-260 submitted by Roy De La Torre of Aliberto's Mexican Foods to add a drive-through at their existing location of 1457 East Deuce of Clubs, that being A.P.N. 210-14-032A, 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 Timber Mesa Fire and Medical District.
3. The right-of-way adjacent to the subject property shall be landscaped, including sod, and shall be maintained.
4. Parking and lighting shall meet all requirements of City Code Chapter 19.105.

STANDARDS FOR REVIEW

Project: Conditional Use Permit 602-04-260 submitted by Roy De La Torre of Aliberto's Mexican Foods to add a drive-through at their existing location of 1457 East Deuce of Clubs, that being A.P.N. 210-14-032A.

General Plan

Economic Development

Goal: Balance job opportunities for all age groups
Objective: Attract and retain a mix of industry that offers variety in job level and skills

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))

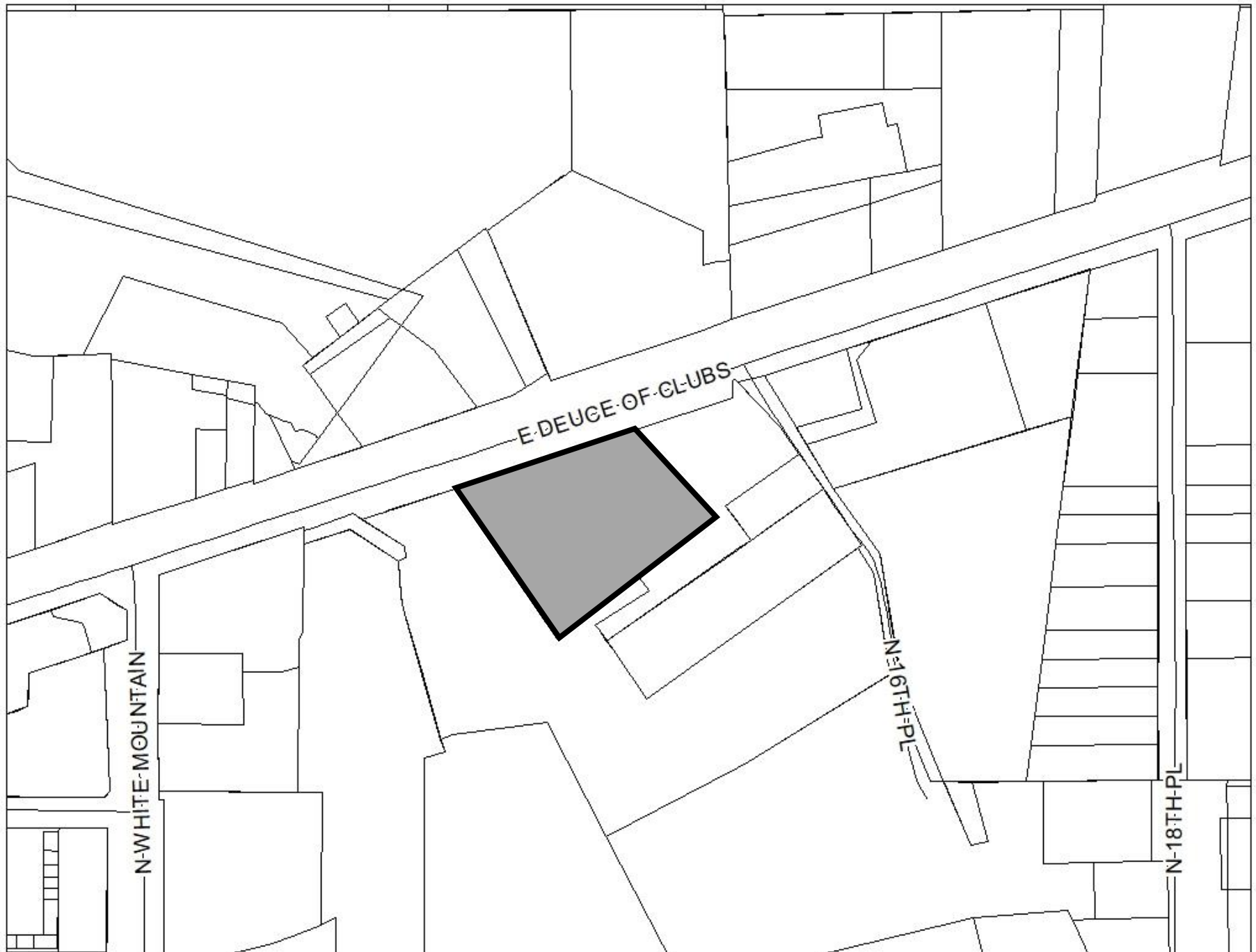
19.70.150 Parking and loading.

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))

Subject Property: 1457 E. Deuce of Clubs A.P.N. 210-14-032A





Subject Property:
1457 E. Deuce of Clubs
A.P.N. 210-14-032A



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: 6-30-23
Time received: 4:40 AM/PM
Received By: KBF

OWNER INFORMATION

Name: DOWNTOWN CENTER LLC / S. Ngo

Address: 5045 W. BASELINE RD. BUILDING 105 #250

Mailing Address

Apartment/Unit#

LAVEEN

AZ

85339

City

State

ZIP Code

Phone: (623) 234-4002

Email: RENT@DWEB.US

APPLICANT INFORMATION (if different)

Name: ROY DE LA TORRE

Address: 1457 E DEUCE OF CLUBS

Mailing Address

Apartment/Unit#

SHOW LOW

AZ

85901

City

State

ZIP Code

Phone: (928) 242-4603

Email: Roy de la torre 12352@gmail.com

PROPERTY INFORMATION

Address of Property: 1457 E DEUCE OF CLUBS, SHOW LOW, AZ 85901 Parcel Number (A.P.N.): 210-14-032A

Legal Description of Property: NE quarter of the NE quarter of Section 20, Township 10 North, Range 22 East of

the Gila and Salt River Base and Meridian, Navajo County, AZ

Zoning Classification: Municipal C-2 Applicant's interest in Land: ADDING A DRIVE-THRU

What is the Nature of the Request? PROVIDE THE PUBLIC DRIVE THRU ACCESS TO THE ALIBERTO'S

MEXICAN RESTAURANT INSTEAD OF HAVING TO WALK THROUGH THE PARKING LOT. IMPACT IS MINIMAL AS

THE CHANGES ONLY INCLUDE A LARGE MENU SIGN ON AN EXISTING PARKING LOT

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:

THIS PROJECT WILL BOOST ECONOMIC DEVELOPMENT TO HELP COMBAT SHOW LOW'S RAPID RISING
TOURISM RATE. ADDING A DRIVE THRU WILL ALLOW US TO SERVICE MORE INDIVIDUALS.

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.

WITH PUBLIC HEALTH AND PEACE IN MIND, WE HAVE ENSURED THAT WE HAVE ADEQUATE DRIVE-
THRU SPACE TO AVOID "LINES TO THE ROAD" WHICH COULD LEAD TO ROAD VEHICLE ACCIDENTS.

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.

ELECTRICAL WIRING WILL BE NEEDED TO HOOK UP THE DRIVE-THRU MENU BOARD AS WELL AS THE
SPEAKER SYSTEM/HEADSET INTERCOMS FOR COMMUNICATIONS. A SIMPLE ELECTRICAL CIRCUIT
FROM EXISTING PANEL IS ALL THAT IS NEEDED.

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.

ROY DE LA TORRE HAS AUTHORITY TO SPEAK ON OUR BEHALF AS IT RELATES TO THE DRIVE-THRU.

COMMITMENTS OUTSIDE OF THE MENU SIGN, DRIVE-THRU WINDOW ARE OUTSIDE THE SCOPE OF

WHAT ROY IS AUTHORIZED TO REPRESENT.

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)

6/28/23
Date

Signature of Owner (s)

Date

Roy De La Torre
Signature of Applicant (If other than owner)

6/28/23
Date

WAIVER OF CLAIMS UNDER ARIZONA REVISED STATUTES § 12-1134

I, Sieu Ngo, the owner of the property described as A.P.N. 210-14-032A

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 28th day of June, 2023.

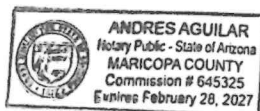

Signature of Property Owner

STATE OF ARIZONA)
) ss.
County of Maricopa)

SUBSCRIBED AND SWORN before me this 28th day of June, 2023.
by Sieu Ngo
Name of Signer


Notary Public

[Notary Seal]



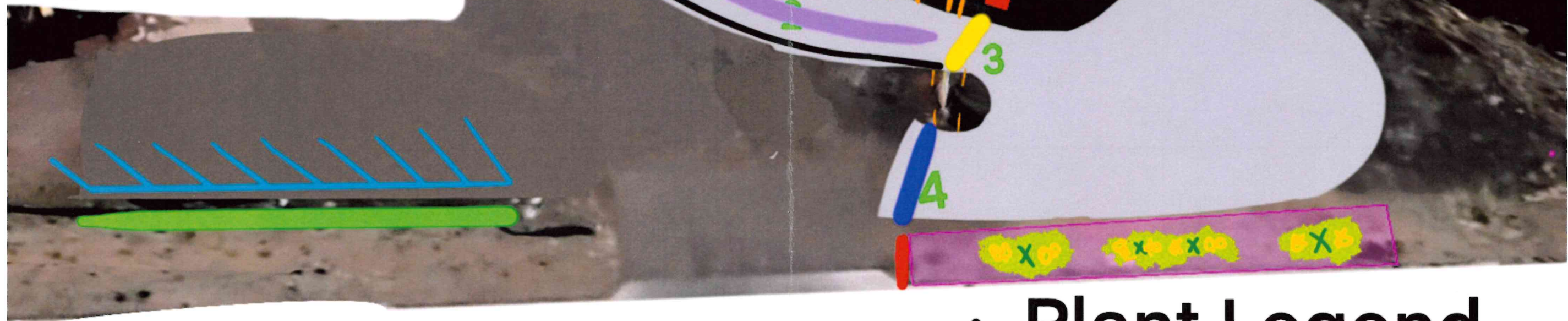
Order Menu

Pick-up Window

Parking

Curb

Landscaping



- Window to sign/pole-21f
- Sign/pole to 10ft steep sidewalk-29ft
- 10ft away from property line
- Total car runway distance- 86ft
- Relocated parking- 82ft
- Landscape area- 800ft

Plant Legend

	Quantity
X Little trees	4
Shrubs	8
Vegetation ground cover	300sq

RECEIVED
JUN 30 2023 4:40 PM

CITY OF SHOW LOW STAFF SUMMARY REPORT

AGENDA TITLE: Consideration of Conditional Use Permit 602-04-261 submitted by Jason Spear to allow for a recreational vehicle resort on property located at 100 East Owens/ 201 South Central Avenue, that being A.P.N. 210-13-001F (Katie Fechtelkotter)

RECOMMENDATION

I **MOVE** to approve CUP 602-04-261 submitted by Jason Spear to allow for a recreational vehicle resort on property located at 100 East Owens/ 201 South Central Avenue, that being A.P.N. 210-13-001F, subject to staff recommendations.

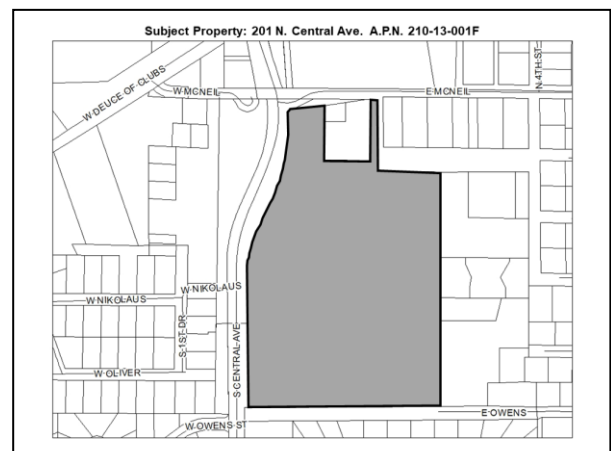
BACKGROUND

Jason Spear has submitted a Conditional Use Permit (CUP) to allow for a recreational vehicle (RV) resort on property located at 100 East Owens/ 201 South Central Avenue, that being A.P.N. 210-13-001F. The subject property is 20.55 acres and is zoned C-2 (General Commercial). RV parks require a CUP in the C-2 zone and shall be developed according to section 19.25.210 of City Code.

Among City Code requirements, each unit within a RV Park shall have a minimum lot area of 1,400 sq. ft. in addition to a minimum of 500 sq. ft. of recreation area per unit, or 250 sq. ft. if the recreation area is centralized. According to city code useable opens space is defined as, "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."

The applicant has proposed a 152 space RV resort on the subject property. Each RV space will be 40-feet by 50-feet, with 24-foot wide, two-way access roads throughout the resort and a six-foot solid fence along the east and south property lines. The park will include a host area, office, dog areas, a playground, commercial area, pond, and walking trail. The main access to the resort will be off Central Avenue with a secondary access off East Owens. There will be two emergency only accesses onto East McNeil.

The resort will be developed in three phases over two years. The first phase will include the host area, office, and development of 75 lots. The second phase will consist of the development of 71 additional lots and the playground area. The third phase will include the development of lots 147 through 152, the commercial area and walking trail. The applicant has committed to preserve as much of the surrounding trees and vegetation as possible. The applicant has submitted a conceptual plan which has been attached for review.



FINDINGS OF FACT

1. Jason Spear has submitted a CUP to allow for a recreational vehicle resort on property located at 100 East Owens/ 201 South Central Avenue, that being A.P.N. 210-13-001F.
2. The subject property is 20.55 acres and is zoned C-2 (General Commercial). RV parks require a CUP in the C-2 zone and shall be developed according to section 19.25.210 of City Code.
3. Among City Code requirements, each unit within a RV Park shall have a minimum lot area of 1,400 sq. ft. in addition to a minimum of 500 sq. ft. of recreation area per unit, or 250 sq. ft. if the recreation area is centralized. According to City Code useable opens space is defined as, "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."
4. The applicant has proposed a 152 space RV resort on the subject property. Each RV space will be 40-feet by 50-feet, with 24-foot wide, two-way access roads throughout the resort and a six-foot solid fence along the east and south property lines. The park will include a host area, office, dog areas, a playground, commercial area, pond, and walking trail. The main access to the resort will be off Central Avenue with a secondary access off East Owens. There will be two emergency only accesses onto East McNeil.
5. The resort will be developed in three phases over two years. The first phase will include the host area, office, and development of 75 lots. The second phase will consist of the development of 71 additional lots and the playground area. The third phase will include the development of lots 147 through 152, the commercial area and walking trail. The applicant has committed to preserve as much of the surrounding trees and vegetation as possible.
6. Current zoning of the surrounding properties includes.

North:	C-2 (General Commercial)
South:	R1-7 (Single-Family Residential, 7,000 Square Feet)
East:	C-1 (Neighborhood Commercial)
West:	C-2 (General Commercial) and R1-7(Single-Family Residential, 7,000 Square Feet)
7. The current land uses of the surrounding properties include.

North:	Show Low Plaza Shopping Center
South:	Timber Ridge Subdivision
East:	White Mountain Villas Apartments
West:	Vacant Commercial/Westwood Subdivision
8. Transmittal memos were sent to all affected agencies. No applicable comments have been received.

9. The property was posted, and letters were sent in accordance with City Code. Staff received a phone call from a neighbor who voiced concerns regarding traffic and speed along Central Avenue.

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 602-04-261 submitted by Jason Spear to allow for a recreational vehicle resort on property located at 100 East Owens/ 201 South Central Avenue, that being A.P.N. 210-13-001F, 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. All interior driveways shall have a minimum width of 24 feet. All driveways and interior parking areas shall be surfaced in accordance with City Code and shall meet the minimum loading requirements outlined by Timber Mesa Fire and Medical District.
3. Plans for construction, including grading and drainage shall be done by a registered Civil Engineer and submitted to the City for review and approval prior to the commencement of any site-work. The detention pond shall be developed with the first phase of the project for the entire development.
4. There shall be additional landscape/screening installed along the east side of the subject property.
5. Lots 147 through 152 shall be screened with a solid material fence from all rights-of-way.
6. The right-of-way adjacent to the subject property shall be landscaped according to City Code and shall be maintained.
7. Parking and lighting shall meet all requirements of City Code Chapter 19.105. All lighting shall be fully shielded from adjacent properties and rights-of-ways.

STANDARDS FOR REVIEW

Project: Conditional Use Permit 602-04-261 submitted by Jason Spear to allow for a recreational vehicle resort on property located at 100 East Owens/ 201 South Central Avenue, that being A.P.N. 210-13-001F.

General Plan

Land Use

Goal: Preserve natural surroundings and the rural, hometown atmosphere.
Objective: Encourage master planning of large expanses of lands slated for private development.

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))

19.25.210 Recreational vehicle parks.

- (A) *Location.* Recreational vehicle parks shall be allowed only in zones that specifically permit or conditionally permit such use.
- (B) *Staff Review.* Recreational vehicle parks shall require approval by the staff in accordance with the provisions of Chapter [19.15](#) and Section [19.25.220](#). Staff shall ensure adequate provision of streets, driveways, walkways, proper layout of recreational vehicle park, proper sanitary facilities, adequate fire protection, adequate protection of surrounding properties, adequate water supply and compliance with the provisions of this title and all other ordinances and codes of the City of Show Low.
- (C) *Time Limit.* Recreational vehicle park placements may be permanent; provided, that all placements comply with this title and applicable building codes as adopted by the City of Show Low.
- (D) *Improvements.* No structures shall be permitted in any required separation distance as required by this section.

(E) *Site Specifications.*

- (1) Sites must be clearly defined, well drained, and reasonably level.
- (2) Each recreational vehicle site must be no less than one thousand four hundred (1,400) square feet in area.
- (3) All recreational vehicle placements (as well as any permanent additions or accessory structures) shall be required to maintain minimum separation distances:
 - (a) A minimum of ten (10) feet between any permanent placements or accessory structures;
 - (b) A minimum of ten (10) feet from any private roadway; and
 - (c) A minimum of twenty (20) feet from any public right-of-way.
- (4) Fire ring design, location, and placement/installation shall be approved by the Show Low fire district.

(F) *Recreational Space Requirements.* Recreational vehicle parks shall be required to provide recreational space per Section [19.55.040\(K\)](#).

(G) *Office and Registration Facilities.* Each recreational vehicle park must provide an adequate and easily identifiable office or registration area. Registration facilities must be located so as not to interfere with the normal flow of traffic in and out of the park.

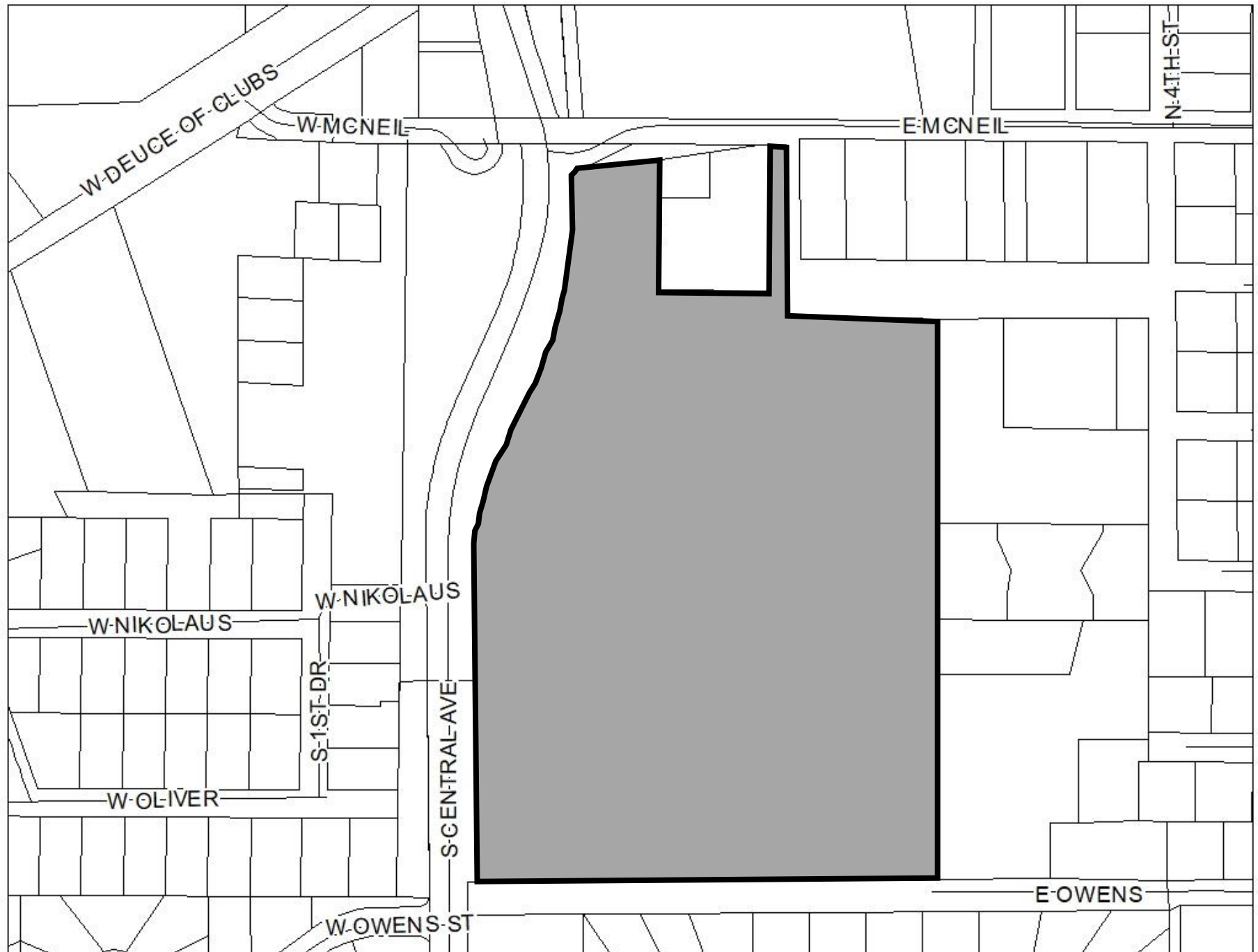
(H) *Maintenance.* Recreational vehicle parks must be well maintained in all areas. This includes the grounds, restroom facilities, buildings and any recreational space and equipment. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10; Ord. No. 2017-04, §§ 1, 2, 3-7-17. 1976 Code § 15-1-44(U))

19.55.040(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))

Subject Property: 201 N. Central Ave. A.P.N. 210-13-001F





Subject Property:
201 N. Central Ave.
A.P.N. 210-13-001F

W DEUCE OF CLUBS

W MCNEIL

E MCNEIL

N 4TH ST

W NIKOLAUS

W NIKOLAUS

S 1ST DR

S CENTRAL AVE

W OLIVER

W OWENS ST

E OWENS



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: 7-3-23

Time received: 10:50 AM/PM

Received By: KDF

OWNER INFORMATION

Name: JASON SPAN

Address: 5925 WAGON WHEEL LANE
Mailing Address Apartment/Unit#

LAKESIDE AZ 85929
City State ZIP Code

Phone: 928-528-7082 Email: JASON@JTWILDOFFOUTDOORS.COM

MIKE FISH 928-940-0234 FISH.GTOGUY@GMAIL.COM
APPLICANT INFORMATION (if different)

Name: _____

Address: _____
Mailing Address Apartment/Unit#

City State ZIP Code

Phone: _____ Email: _____

PROPERTY INFORMATION

Address of Property: T13D Parcel Number (A.P.N.): 210-13-001F

Legal Description of Property: SEE ATTACHMENT

Zoning Classification: MUNICIPAL Applicant's interest in Land: DEVELOP RV RESORT

What is the Nature of the Request? SEEK APPROVAL FOR DEVELOPMENT

OF AN RV RESORT

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:

THIS PARK WILL COMPLY WITH THE GENERAL PLAN IN PROVIDING A SAFE, OPEN PLACE FOR CITY VISITORS TO STAY AND RECREATE. WE WILL ENHANCE TO PROPERTY TO FACILITATE SHORT TERM VISITORS TO THE CITY, WHILE PRESERVING THE CITY'S OPEN AND WELCOMING ATMOSPHERE.

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.

IT IS OUR GOAL TO NOT OVER CROWD THIS SPACE. WE ARE PLANNING ON DEVELOPING OVER SIZED SITES TO PREVENT CONGESTION, NOISE, ETC. WE ARE A CAMPGROUND MANAGEMENT COMPANY AND ADHERE TO QUIET HOURS ETC...

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.

WE WILL PROVIDE WATER, POWER AND SEWER TO EACH SITE. IT IS OUR UNDERSTANDING, SUFFICIENT UTILITIES ALREADY EXIST TO THE PROPERTY LINES

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.

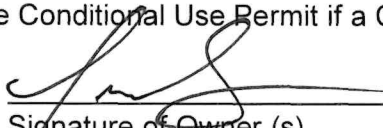
JASON SPEAR

TRISHA SPEAR

MIKE FISH

BERNADETTE FISH

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)

6/26/23
Date


Signature of Owner (s)

6/26/23
Date

Signature of Applicant (If other than owner)

Date

I, JASON SPRAR, the owner of the property described as A.P.N. 210-13-001F

DATED this 26 day of June, 2023

STATE OF ARIZONA)
) ss.

County of Navajo

SUBSCRIBED AND SWORN before me this 26TH day of June, 2023,
by Jason Spear.

Notary Public

- 4 -

JUL 03 2023

SPEARFISH RV RESORT

PARTNERS;

Jason Spear
Trisha Spear
Mike Fish
Bernadette Fish

This resort will comply with the City of Show Low's general plan for providing a safe open space for city visitors to stay and recreate. It is our goal to develop this resort in such a way as to enhance the property and facilitate short term visitors to the city while preserving the cities open and welcoming atmosphere. The RV sites proposed are oversized, giving plenty of room for our visitors to enjoy their space without feeling crowded.

Time line:

We are presenting this R.V. RESORT as a three phase development project.

The first phase is to be developed along the east side of the property extending to the north and south borders. This first phase would be projected to break ground 60 days after close of escrow and be completed approximately 120 days after breaking ground. First phase would include the development of the first 73 sites which would extend 250' from the east border toward the center of the property.

Phase two; this phase will run adjacent to phase one extending to the north and south border of the property and extending 500' from the east border toward the center of the property. Phase two will develop another 80 sites. Phase two is projected to be completed 120 days after the completion of phase one. Both phase one and phase two are projected to open for operation in April of 2024.

Phase three; this phase will include the development of the commercial property, main entrance, flood retention and floodplain development along Central Rd. and will also include the development of a park area and beautification nearest the intersection of Central and Owens.

The partners of this property are residents of the area, including being born and raised, attending school, living and working in the City of Show Low. All of our partners recognize the need to preserve an area in the heart of our city, which is otherwise surrounded by commercial properties, i.e. paved parking lots, car dealerships etcetera. Our partners are committed to developing an area both welcoming to our guests and aesthetically pleasing to the City of Show Low. Our commitment is to preserve the natural space and atmosphere for our residents and visitors who travel here to enjoy our great city. It is our goal to develop this area in such a way as to become a resource for the city's events and future development. In conclusion, this resort will add needed resources and value to the city's model, increasing revenue while supporting the City of Show Low in being exclusive to hosting the only resort of this kind in the area.

Legal Description

Assessor Description:

Section 20, T10N, R22E: Beg Nw Cor Sw4 Section 20; Th E 640'; Th S 1000'; Th W 640'; Th N 1000' Tpob Less .73 Ac For Street Less 1.99 Ac To City Of Show Low Per 1232-192 Less 1.02 To 210-13-001A Per 97-22554 For 98 Roll Less .06 Ac To City Of Show Low (Per 98-13536)....Also: Section 20, T10N, R22E: Beg W4 Cor; Th S88Dg45'E 859.8'; Th S0Dg37'W 314.5' Tpob; Th S0Dg37'W 1046'; Th N89Dg25'W 859.8'; Th N0Dg37'E 360.5'; Th S89Dg25'E 640'; Th N0Dg37'E 685.5'; Th S88Dg45'E 219.8' Tpob 10.58Ac Also From W4 Cor; Th S88Dg45

DEVELOPMENT SCHEDULE

Phase One: Develop sites 1 thru 71 and 143 thru 146. Also develops the host area and office at S/E corner. Development for phase one is estimated 180 days.

Phase two: Develop sites 72 thru 142. Development for phase two is estimated 180 days after completion of phase one.

Phase three: Develop commercial building area, retention pond, natural park, walking trails and sites 147 thru 152. Development of phase three is estimated 12 months after the development of phase two.

AMENITIES

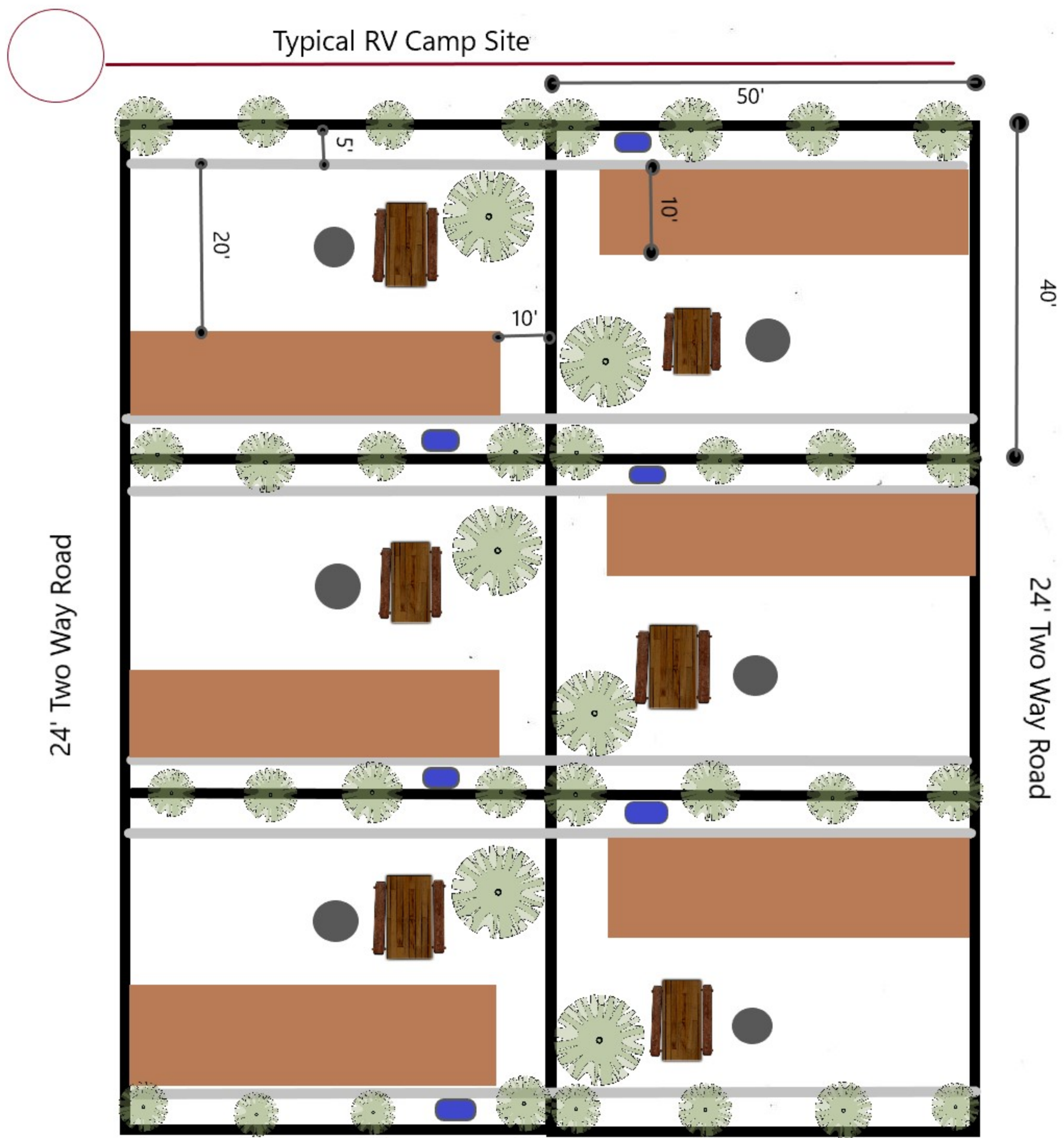
RV Parking

General Store (phase three)

Water Feature/Fishing (retention pond)

Walking Trails

Playground



LANDSCAPING

Trees will be planted every 100' along the south and west borders of the property.

Ground cover will be planted along the south border of the property near Owens

Trees will be planted along the entrance to the property off Central at every 50'

Trees will be planted between each site at every 15'

A shade tree will be planted in each site near the picnic table.

Existing tree's/shrubs will be preserved as natural as possible

SPEARFISH RV RESORT



MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON JULY 11, 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, Commissioner Whipple and Commissioner Schnepf.

COMMISSION MEMBERS ABSENT: Vice Chairman Lewis and Commissioner Wilson.

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

GUESTS PRESENT: Theresa Bruemmer, Ray Rankin and Guests.

3. INVOCATION

Commissioner Roberts gave the invocation.

4. PLEDGE OF ALLEGIANCE

Commissioner Whipple led the pledge of allegiance.

5. NEW BUSINESS

Chairman Barlow declared a conflict of interest and turned item A over to Commissioner Roberts.

- A. Public Hearing and Consideration of a zone change requested submitted by Steve Chlupsa of SL Property Investments LLC to rezone a portion of A.P.N. 212-03-159X from PUD (Planned Unit Development) to C-2 (General Commercial) to allow for all uses as outlined in the C-2 zoning district.

Ms. Fechtelkotter read the staff summary report.

Steve Chlupsa of SL Property Investments LLC has submitted a request to rezone a portion of A.P.N. 212-03-159X from PUD (Planned Unit Development) to C-2 (General Commercial) to allow for all uses as outlined in the C-2 zoning district. The parcel is approximately 8.74 acres in size, the applicant has indicated that they wish to rezone just

under 11,000 square feet of the property to allow for commercial uses. The applicant already owns the property to the west, including Culver's as well as the property located to the south.

At the July 6, 1993, City Council meeting, the City Council approved Ordinance No. 364 to rezone the subject property to PUD (Planned Unit Development) from C-2, R1-7 (single-family residential 7,000 square feet), and MH (Manufactured Housing) to allow for the development of the White Mountain Vacation Village Development. The conceptual master plan for White Mountain Vacation Village indicated this property was to be utilized as "Festival Area". Conditions of Ordinance No. 364 have been included in the staff report for review and a copy of the Conceptual Master Plan for White Mountain Vacation Village is attached.

FINDINGS OF FACT

1. Steve Chlupsa of SL Property Investments LLC has submitted a request to rezone a portion of A.P.N. 212-03-159X from PUD (Planned Unit Development) to C-2 (General Commercial) to allow for all uses as outlined in the C-2 zoning district.
2. The parcel is approximately 8.74 acres in size, the applicant has indicated that they wish to rezone just under 11,000 square feet of the property to allow for commercial uses. The applicant already owns the property to the west, including Culver's as well as the property located to the south.
3. At the July 6, 1993, City Council meeting, the City Council approved Ordinance No. 364 to rezone the subject property to PUD (Planned Unit Development) from C-2, R1-7 (single family residential 7,000 square feet), and MH (Manufactured Housing) to allow for the development of the White Mountain Vacation Village Development. The conceptual master plan for White Mountain Vacation Village indicated this property was to be utilized as "Festival Area".
4. Conditions of Ordinance No. 364 have been included in the staff report for review and a copy of the Conceptual Master Plan for White Mountain Vacation Village is attached.
5. The applicant held a neighborhood meeting with property owners located within 300 feet of the subject property on February 27, 2023. No neighbors attended the meeting.
6. Current zoning of the surrounding properties include:
 - North: PUD (Planned Unit Development)
 - South: C-2 (General Commercial)
 - East: PUD (Planned Unit Development)
 - West: C-2 (General Commercial)
7. The current land uses of the surrounding properties include:
 - North: Vacant White Mountain Vacation Village
 - South: Vacant Commercial

East: Vacant PUD
West: Vacant Commercial

8. Transmittal memos were sent to all affected agencies, applicable comments received include. Arizona Department of Transportation (ADOT)- if the developer plans on accessing this site from State Route 260 it will require a permit from the Northeast District. A TGP-240 presubmittal for possible traffic impact study, and drainage study will need to be submitted.

9. The property was posted, and letters were sent to all neighbors within 300 feet of the subject property and a notice was published in the newspaper in accordance with City Code. No public comment has been received regarding the proposed development.

STAFF RECOMMENDATIONS

After reviewing the Standards for Review, Findings of Fact, discussions with the applicant, the City of Show Low Zoning and Land Ordinances, and the City of Show Low General Plan, staff recommends that the Planning and Zoning Commission recommend approval of zone change request 605-03-120 submitted by Steve Chlupsa of SL Property Investments LLC to rezone a portion of A.P.N. 212-03-159X from PUD (Planned Unit Development) to C-2 (General Commercial) to allow for all uses as outlined in the C-2 zoning district, subject to staff recommendations and forward this recommendation to the City Council.

1. All development shall comply with, all applicable federal, state, and local requirements including ADOT, building code, and fire codes.

CONDITIONS OF ORDINANCE 364

(Approved July 6, 1993)

1. A preliminary Development Plan be submitted and approved by the Planning and Zoning Commission and City Council within two years.

2. A minimum of a twenty-foot buffer be provided on the perimeter boundaries adjacent to residential zoning (either County or City).

Commissioner Roberts opened the item to public comments.

Curtis Fernau 621 S. Mountain Pines Avenue- expressed concerns regarding the entrance and exit availability in the neighborhood to the southeast of the proposed project.

Tom Bruemmer 2211 Evergreen Lane- also expressed concern regarding the traffic flow on Evergreen.

Commissioner Roberts closed the Public Comments and Director Tregaskes to address the concerns.

Director Tregaskes stated that the proposed project is to the northwest of the Evergreen Estates subdivision. Evergreen Lane continues out on to a County road and intersects with Show Low Lake Rd. Director Tregaskes stated that staff agrees the main access point is Evergreen Ln. because of the quicker access there are multiple access points. Director Tregaskes the mentioned that should Commissioner Roberts want more detail the projects engineer was available for questions.

Commissioner Roberts said he had questions for the engineer.

Bruce Ironside with Ironside Engineering came forward.

Commissioner Roberts clarified the proposed zoning and additional square footage mentioned was to match the adjoining parcel.

Mr. Ironside confirmed that was accurate and the reason for doing so was to simplify civil design.

Commissioner Roberts further requested if Mr. Ironside and Director Tregaskes agreed that the additional square footage would not be a major traffic contributor.

Both individuals agreed while stipulating they couldn't one hundred percent commit without the intended future use being decided.

Commissioner Roberts asked about Timber Mesa Fire Departments concerns. Director Tregaskes stated that their review would be at the Building Permit application phase.

COMMISSIONER HATCH MOVED TO APPROVE THE ZONE CHANGE REQUEST SUBMITTED BY STEVE CHLUPSA OF SL PROPERTY INVESTMENTS LLC TO REZONE A PORTION OF A.P.N. 212-03-159X FROM PUD (PLANNED UNIT DEVELOPMENT) TO C-2 (GENERAL COMMERCIAL) TO ALLOW FOR ALL USES AS OUTLINED IN THE C-2 ZONING DISTRICT, SUBJECT TO STAFF RECOMMENDATIONS AND FORWARD THIS RECOMMENDATION TO THE CITY COUNCIL. COMMISSIONER WHIPPLE SECONDED THE MOTION. THE MOTION PASSED 4 TO 0 WITH COMMISSION MEMBERS ADAMS, AND ROBERTS VOTING IN FAVOR (CHAIRMAN BARLOW RECUSED HIMSELF AND COMISSIONERS LEWIS AND WILSON WERE ABSENT).

Chairman Barlow returned to the meeting.

Mr. Tregaskes said that this zone change will be considered by the City Council, next Tuesday, July 18, 2023, in the City Council Chambers.

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 April 25, 2023.

COMMISSIONER ROBERTS MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF APRIL 25, 2023. COMMISSIONER SCHNEFF SECONDED THE MOTION. THE MOTION PASSED 5 TO 0 WITH, CHAIRMAN BARLOW, AND COMMISSION MEMBERS ADAMS, HATCH, AND ROBERTS VOTING IN FAVOR.

8. SUMMARY OF CURRENT EVENTS

Commissioner Schnepf had no comment.

Commissioner Whipple reminded the community that school would be in session soon.

Commissioner Hatch stated it was a great day in Show Low.

Commissioner Roberts commended the Public Works department for all their work with events in the month of June and also that the community is still in fire season.

Chairman Barlow reminded the community it is still summer, and that traffic is still busy.

Planning and Zoning Director

Director Tregaskes thanked Public Works and Parks and Rec dept for all the work put in for the 4th of July. He further thanked Timber Mesa Fire Department for the fire works show. Director Tregaskes further reminded the community that with the incoming rain driving conditions will change and to be cautious.

9. ADJOURNMENT

There being no further business to be brought before the Planning and Zoning Commission, CHAIRMAN BARLOW ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION OF JULY 11, 2023, AT 7:24 PM.

ATTEST:

APPROVED:

Katie Fechtelkottter
Planner

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 July 11, 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