

SHOW LOW PLANNING AND ZONING COMMISSION
REGULAR MEETING - TUESDAY, SEPTEMBER 12, 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 City Council will be held on Tuesday, September 12, 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 602-04-263 submitted by Gary Martinson to allow a microbrewery and an event center serving alcohol located behind 400 North Clark Road at A.P.N. 309-52-028F (Katie Fechtelkotter)

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 August 22, 2023

8. **SUMMARY OF CURRENT EVENTS:**

- A. Commission Members
- B. Planner

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 and 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 and Zoning Commission meeting, 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 and 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 the foregoing notice was posted on September 8, 2023.

Ashley Duncan

**City of Show Low
STAFF SUMMARY REPORT**

AGENDA TITLE: Consideration of Conditional Use Permit 602-04-263 submitted by Gary Martinson to allow a microbrewery and an event center serving alcohol located behind 400 North Clark Road at A.P.N. 309-52-028F (Katie Fechtelkötter)

RECOMMENDATION

I **MOVE** to approve CUP 602-04-263 submitted by Gary Martinson to allow a microbrewery and event center serving alcohol located behind 400 North Clark Road on A.P.N. 309-52-028F, subject to staff recommendations.

BACKGROUND

Gary Martinson has submitted plans for a hotel, offices, microbrewery and an event center that will serve alcohol located behind 400 North Clark Road on A.P.N. 309-52-028F. This property is approximately 1.24 acres in size and is located directly behind the new Buffalo Bill's Tavern and Museum. The subject property is zoned C-2 (General Commercial), microbreweries and facilities that serve alcohol require a Conditional Use Permit (CUP) in the C-2 zone.

On December 14, 2021, the Planning and Zoning Commission approved a CUP to allow for grading, a restaurant serving alcohol and multi-family housing on a portion of the subject property (original conditions are attached). Since the previous CUP did not include a microbrewery or an event center serving alcohol, a new CUP is required. A site plan and elevations of the proposed development has been attached for review.

ATTACHMENTS

1. 602-04-263- CUP- Finding of Facts-Standards For Review
2. 602-04-263- CUP- Subject Property Maps
3. 602-04-263- CUP- Application
4. 602-04-263- CUP- Plans

FISCAL IMPACT

None

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FISCAL IMPACT

None

FINDINGS OF FACT

1. Gary Martinson has submitted plans for a hotel, offices, microbrewery and an event center that will serve alcohol located behind 400 North Clark Road at A.P.N. 309-52-028F. This property is approximately 1.24 acres in size and is located directly behind the new Buffalo Bill's Tavern and Museum. The subject property is zoned C-2 (General Commercial), microbreweries and facilities that serve alcohol require a Conditional Use Permit (CUP) in the C-2 zone.
2. On December 14, 2021, the Planning and Zoning Commission approved a CUP to allow for grading, a restaurant serving alcohol and multi-family housing on a portion of the subject property (original conditions are attached). Since the previous CUP did not include a microbrewery or an event center serving alcohol, a new CUP is required. A site plan and elevations of the proposed development has been attached for review.
3. Current zoning of the surrounding properties include.

North:	C-2 (General Commercial)
South:	RCD (Recreation Community District)
East:	C-2 (General Commercial)
West:	C-2 (General Commercial)

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

North:	Circle K
South:	Trailhead at Torreon subdivision
East:	Buffalo Bill's Tavern & Museum
West:	Buffalo Bill's Resort Villas

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 602-04-263 submitted by Gary Martinson to allow a microbrewery and an event center serving alcohol located behind 400 North Clark Road at A.P.N. 309-52-028F, subject to the following conditions:

1. All development shall comply with all applicable federal, state, and local requirements, including building and fire code requirements.
2. Prior to the sale of alcohol at the subject properties, a state liquor license shall be obtained.

3. All signs shall comply with City Code 19.100.
4. The applicant is responsible to ensure that parking complies with City Code 19.105.
5. Landscaping meeting City Code 19.70.120(G) shall be installed and maintained.

CONDITIONS OF CUP 602-04-242

1. All development shall comply with all applicable federal, state, and local requirements, including but not limited to, Arizona Department of Environmental Quality (ADEQ), Arizona Pollutant Discharge Elimination System (AZPDES) requirements, and Storm Water Pollution Prevention Plan and Permit (SWPPP).
2. Hours of operation for grading shall be limited to 7:00 am to 10:00 pm.
3. Dust and smoke from grading and processing operations shall not adversely impact neighboring properties.
4. The applicant shall not negatively impact any existing easements located on the subject property.
5. A grading permit shall not be approved without a tree preservation plan, showing meaningful tree preservation of trees on the subject property.
6. An approved grading permit is required prior to commencement of grading activities.
7. All signs shall comply with Chapter 19.100 of City Code, Signs.
8. All parking areas shall comply with Chapter 19.105 of City Code, Parking.
9. All lighting shall comply with Chapter 19.110 of City Code, Outdoor Light Control.
10. Prior to the sale of alcohol at the subject property, a state liquor license shall be obtained.
11. A solid six-foot material fence and 20-foot setback shall be installed and maintained between Fairway Park Center and lots 91, 96, 97, and 98 of the Trailhead at Torreon boundaries.

STANDARDS FOR REVIEW

Project: Conditional Use Permit 602-04-263 submitted by Gary Martinson to allow a microbrewery and an event center serving alcohol located behind 400 North Clark Road at A.P.N. 309-52-028F.

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:
A.P.N. 309-52-028F



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: 8-21-23
Time received: 3 AM/PM
Received By: KBT

OWNER INFORMATION

Name: BISON HOMES LLC
Address: P.O. Box 217, Show Low, AZ 85902
Mailing Address Apartment/Unit#
City State ZIP Code
Phone: 480-229-5511 Email: Cary.Martinson@BisonHomes.com

APPLICANT INFORMATION (if different)

Name: CARY MARTINSON
Address: P.O. Box 217
Mailing Address Apartment/Unit#
Show Low AZ 85902
City State ZIP Code
Phone: 480-229-5511 Email: Cary.Martinson@BisonHomes.com

PROPERTY INFORMATION

Address of Property: Not Assigned / Next to 400 N. Chalk RE Parcel Number (A.P.N.): 309-52-028F
Legal Description of Property: Parcel B - 1.24A. - See attached

Zoning Classification: C-2 Applicant's interest in Land: Owner

What is the Nature of the Request? all the sale of alcohol - Micro Brewery
and Event Center - Resort Suites Rentals - Sale of
Schoon City Villas

APPLICATION REQUIREMENTS

1. One (1) copy of 24" X 36" map and one (1) copy of the same map in 11" X 17" (additional maps may be required if requested by Staff) **All maps must be drawn to scale and shall include:**
 - ☐ Lot dimensions.
 - ☐ Location, size, height, use and exterior materials of all buildings and structures.
 - ☐ Size and dimensions of yards and space between buildings.
 - ☐ Location and height of walls and fences.
 - ☐ Location, number of spaces, dimensions, circulation patterns, and surface materials for all off- street parking and loading areas, driveways, access ways and pedestrian walkways.
 - ☐ Location, dimensions area, materials, and lighting of signs.
 - ☐ Location and general nature of exterior lighting.
 - ☐ Street dedications and improvements.
 - ☐ Existing and proposed grades and drainage systems.
 - ☐ Size and location of all existing and proposed public and private utilities. All easements must be shown.
 - ☐ Natural features such as mesas, rock outcroppings, or streams and manmade features such as existing roads and structures, with indication as to which are to be retained and which are to be removed or altered.
 - ☐ Landscaping, including all surfacing material around buildings and in all open spaces.
 - ☐ A vicinity sketch showing the location of the site in relation to the surrounding street system.
 - ☐ Adjacent properties and their uses shall be identified.
 - ☐ A legal description of the land included in the site plan and of the lot; the name, address and telephone number of the owner, developer and designer.
 - ☐ Any information which the zoning administrator may find necessary to establish compliance with this and other ordinances.

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

See attached

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.

The project/subdivision will access off both Hwy 260 & Codey Dr. The project is located between Buffalo Bills Tavern & Museum & Buffalo Bills Resort Villas

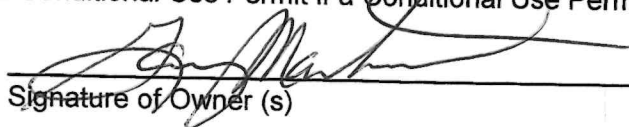
4. Explain what utility demands are going to be required and what steps, if any, will have to be made to meet your utility demands.

All utilities are currently installed into the site including water/sewer/streetlights & gas. All drainage needs & requirements are in place will serve Letter - 2 - When submitted with Phoenix CUP Application

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.

Gary Markinson, Owner/Developer

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)

8/11/23
Date

Signature of Owner (s)

Date

Signature of Applicant (If other than owner)

Date

WAIVER OF CLAIMS UNDER ARIZONA REVISED STATUTES § 12-1134

I, GARY MARTINSON, the owner of the property described as A.P.N. 309-52-028F

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 11 day of August, 2023


Signature of Property Owner

STATE OF ARIZONA)

) ss.
County of Navajo)

SUBSCRIBED AND SWORN before me this 11th day of August, 2023
by Dana Gail Foster.
Name of Signer


Notary Public

[Notary Seal]

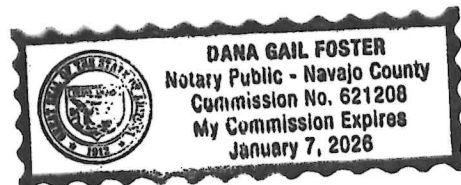
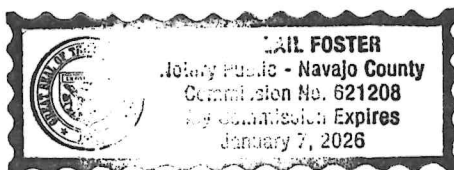


EXHIBIT A
PARCEL B

A PORTION OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 10 NORTH, RANGE 21 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, CITY OF SHOW LOW, NAVAJO COUNTY, ARIZONA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF LOT 26 OF FAIRWAY PARK CENTER, AS RECORDED IN BOOK 12 OF PLATS, PAGE 45, NAVAJO COUNTY RECORDER'S OFFICE, AND A POINT ON THE SOUTHERLY RIGHT-OF-WAY OF WEST COOLEY STREET (SHOWN AS CEDAR PARKWAY ON SAID SUBDIVISION PLAT), MONUMENTED BY A REBAR WITH ALUMINUM CAP STAMPED L.S. 7334, FROM WHICH THE NORTH 1/4 CORNER OF SAID SECTION 23, MONUMENTED BY A NAVAJO COUNTY BRASS CAP, BEARS NORTH 08° 17' 18" WEST, A DISTANCE OF 1108.57 FEET;

THENCE, ALONG SAID SOUTHERLY RIGHT-OF-WAY, SOUTH 89° 08' 26" EAST, A DISTANCE OF 22.12 FEET TO A POINT OF NON-TANGENT CURVATURE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 189.33 FEET AND CENTRAL ANGLE OF 45° 36' 41", THENCE, CONTINUING ALONG SAID SOUTHERLY RIGHT-OF-WAY, NORTHEASTERLY ALONG SAID CURVE, A DISTANCE OF 150.72 FEET (CH: BEARING = NORTH 66°42'36" EAST, DISTANCE = 146.77 FEET), THENCE SOUTH 47° 53' 58" EAST, A DISTANCE OF 124.40 FEET TO THE MOST SOUTHERLY CORNER OF NAVAJO COUNTY ASSESSOR'S PARCEL NUMBER 309-52-029, MONUMENTED BY A REBAR WITH ALUMINUM CAP STAMPED L.S. 7334, THENCE SOUTH 39° 16' 17" EAST, A DISTANCE OF 18.76 FEET, THENCE SOUTH 52° 51' 18" EAST, A DISTANCE OF 32.50 FEET TO THE MOST NORTHERLY CORNER OF THE PARCEL HEREIN DESCRIBED AND THE POINT OF BEGINNING;

THENCE SOUTH 37° 08' 42" WEST, A DISTANCE OF 59.81 FEET;

THENCE SOUTH 24° 13' 15" EAST, A DISTANCE OF 278.51 FEET;

THENCE SOUTH 65° 46' 45" WEST, A DISTANCE OF 14.50 FEET;

THENCE SOUTH 15° 25' 22" WEST, A DISTANCE OF 29.85 FEET TO A POINT ON THE NORTHERLY LINE OF LOT 98 OF TRAILHEAD AT TORREON, AS RECORDED IN BOOK 20 OF PLATS, PAGE 30, NAVAJO COUNTY RECORDER'S OFFICE;

THENCE, ALONG THE NORTHERLY LINE OF SAID LOT 98 AND SAID TRAILHEAD AT TORREON, SOUTH 74° 34' 38" EAST, A DISTANCE OF 113.45 FEET TO THE NORTHEAST CORNER OF SAID LOT 98 AND THE SOUTHWESTERLY CORNER OF TRACT F OF SAID TRAILHEAD AT TORREON, MONUMENTED BY A REBAR WITH PLASTIC CAP STAMPED L.S. 15888;

THENCE, ALONG THE WESTERLY LINE OF SAID TRACT F, NORTH 38° 08' 42" EAST, A DISTANCE OF 150.35 FEET;

THENCE NORTH 24° 14' 57" WEST, A DISTANCE OF 23.64 FEET;

THENCE NORTH 69° 13' 15" WEST, A DISTANCE OF 21.21 FEET;

THENCE NORTH 24° 13' 15" WEST, A DISTANCE OF 132.60 FEET;

THENCE NORTH 84° 33' 12" WEST, A DISTANCE OF 42.41 FEET;

THENCE NORTH 54°40'32" WEST, A DISTANCE OF 163.08 FEET TO THE POINT OF BEGINNING.

SAID PARCEL OF LAND CONTAINS 1.24 ACRES, MORE OR LESS.

RESERVING, SUBJECT TO, AND TOGETHER WITH ALL EASEMENTS OF RECORD.

SILVER CITY – PARKING SCHEDULE

FACILITIES

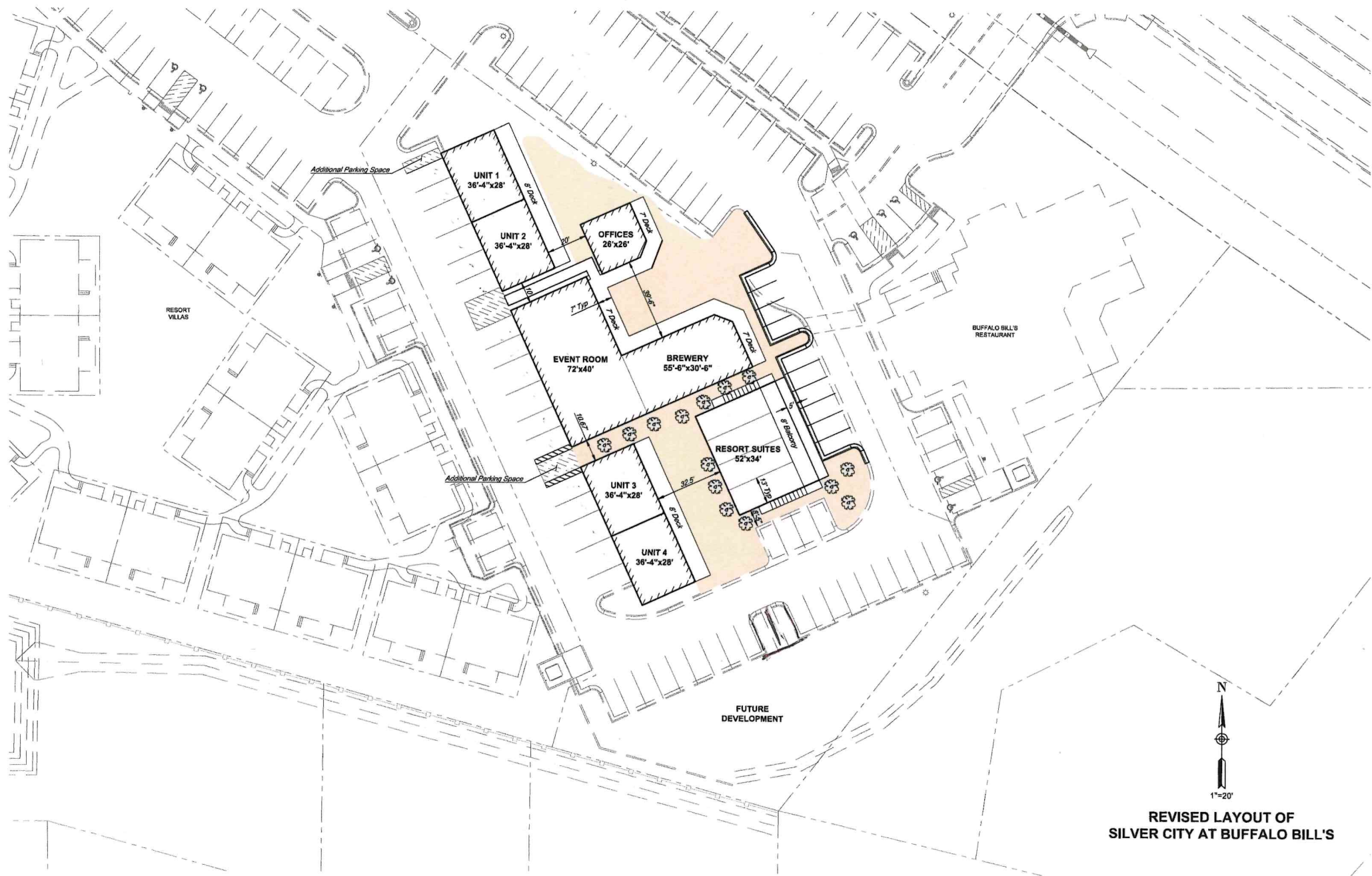
PARKING REQUIRED

CARS

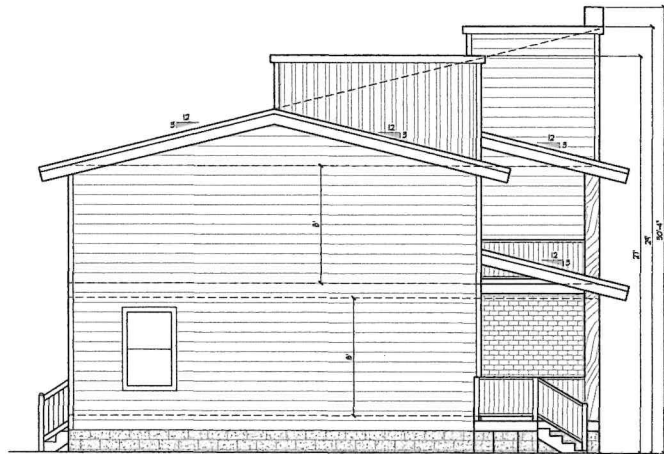
• 4 – Resort Villas	8
• Brewery/Taproom-350 sf	7
• Event Center-1750 sf	35
• Resort Suites	<u>8</u>
	58

PARKING PROVIDED

• Resort Villas	16
• Behind Brewery	7
• Front of Brewery	4
• Front of Suites	6
• Left Side of Suites	4
• South End of Site	<u>21</u>
	58



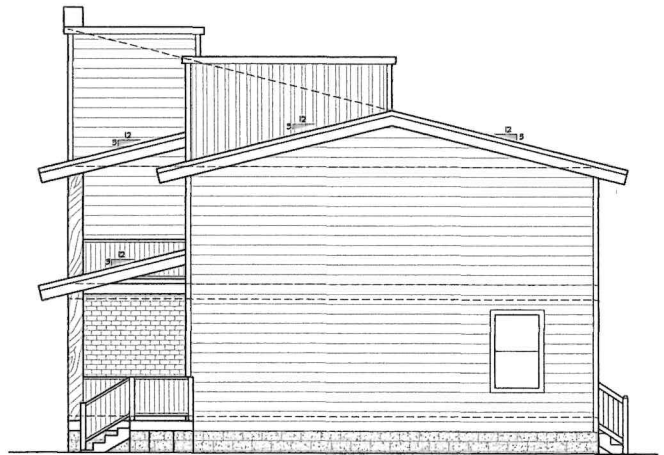
REVISED LAYOUT OF
SILVER CITY AT BUFFALO BILL'S



LEFT SIDE ELEVATIONS



FRONT ELEVATIONS



RIGHT SIDE ELEVATIONS



REAR ELEVATION

ELEVATIONS

ARROWHEAD
DRAFTING

SILVER CITY DUPLEX
TOLSON / SHOW LOW, AZ

ELEVATIONS
BUILDER: CAMBRIC CONSTRUCTION
480-276-6428

ARROWHEAD
DRAFTING, LLC
PO Box 1044 / Phoenix, AZ 85010 • www.arrowheaddrafting.com
Email: customhomes@arrowheaddrafting.com • Phone (602) 276-5077

DATE: 5/24/2022
SCALE: 1/4" = 1'-0"
SHEET:

1-EV

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON TUESDAY, AUGUST 22, 2023, AT 7:00 PM 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.

COMISSION MEMBERS PRESENT: Chairman Barlow, Commissioner Roberts, Commissioner Schnepf, Commissioner Whipple, Commissioner Hatch, Commissioner Wilson

COMMISSION MEMBERS ABSENT: None

STAFF MEMBERS PRESENT: Katie Fechtelkotter, Anna Atencio; City Attorney and Ashley Duncan

GUESTS: Connie Wegeng, 281 West Aspen Trail, Renea and Travis Issacs, 201 West Whipple Street., Caleb Hair, 922 Lazy S Drive, Dena Webster, 180 Creekwood Lane, D. Michael Yate, 3608 Rainbow Lake Drive, Jeff Bevers, 70 CR 3139, Debi Thomas, 51 Timber Ridge Loop.

3. Invocation.

Commissioner Whipple gave the invocation.

4. Pledge of Allegiance.

Commissioner Roberts led the Commission and audience in the pledge of allegiance.

5. **NEW BUSINESS:**

- A. Consideration of Conditional Use Permit 602-04-262 submitted by Maranatha Bible Church to allow for grading without a building permit on property located at 900 South Central Ave, Show Low, Arizona, that being A.P.N. 210-30-013. (Katie Fechtelkotter)

Mrs. Fechelkotter read the staff summary report.

Maranatha Bible Church has submitted a Conditional Use Permit (CUP) to allow for grading without a building permit at 900 S. Central Avenue, that being A.P.N. 210-30-013. The subject property is zoned MH (Manufactured Homes). Grading on lots over 5,000 square feet prior to the issuance of a building permit and churches require a CUP in the MH zone.

The applicant has submitted a request to begin grading prior to obtaining a building permit. The subject property is 4.02 acres in size and the proposed development will include a 7,000 square foot church building and an

approximately 34,000 square foot parking lot with 71 spaces. The applicant has submitted a tree removal plan, which indicates that most of the trees on the subject property will remain. In addition, the applicant has indicated that an architect is currently working on the construction plans for the church and they hope to submit plans to the building department for review within the next year.

FINDINGS OF FACT

1. Maranatha Bible Church has submitted a Conditional Use Permit (CUP) to allow for grading without a building permit located at 900 South Central Avenue, that being A.P.N. 210-30-013.

2. The subject property is zoned MH (Manufactured Homes). Grading on lots over 5,000 square feet prior to the issuance of a building permit, and Churches require a CUP in the MH zone. The applicant has submitted a request to begin grading prior to obtaining a building permit. The subject property is 4.02 acres in size and the proposed development will include a 7,000 square foot church building and an approximately 34,000 square foot parking lot with 71 spaces.

3. The applicant has indicated that an architect is currently working on the construction plans for the church, and they hope to submit plans to the building department for review within the next year.

4. Current zoning of the surrounding properties include.

North: R1-7 (Single-Family Residential, 7,000 Square Feet)

South: MH (Manufactured Housing)

East: R1-15 (Single-Family Residential, Manufactured Homes Excluded, 15,000 Square Feet)

West: MH (Manufactured Housing)

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

North: Pine Haven Subdivision

South: Vacant Residential

East: Residential

West: Vacant Residential

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

Timber Mesa Fire and Medical District (TMFMD)- The future church building shall meet all applicable fire codes.

7. The property was posted, and letters were sent out to property owners within 300 feet of the subject property in accordance with City Code. At the time the staff summary report was prepared staff has not received any calls regarding the project.

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 602-04-262 submitted by Maranatha Bible Church to allow for grading without a building permit located at 900 South Central Avenue, that being A.P.N. 210-30-013 subject to the following conditions.

1. All development shall comply with all applicable federal, state, and local requirements, including but not limited to, Arizona Department of Environmental Quality (ADEQ), Arizona Pollutant Discharge Elimination System (AZPDES) requirements, and Storm Water Pollution Prevention Plan and Permit (SWPPP).
2. Hours of operation for grading shall be limited to 7:00 am to 10:00 pm.
3. Dust and smoke from grading and processing operations shall not adversely impact neighboring properties.
4. The applicant shall not negatively impact any existing easements located on the subject property.
5. A grading permit shall not be approved without a tree preservation plan, showing meaningful tree preservation of trees on the subject property.
6. An approved grading permit is required prior to commencement of grading activities.
7. All grading shall comply with the City approved drainage plan.
8. A Conditional Use Permit (CUP) for the church shall be obtained prior to the commencement of construction of the church.

Commissioner Wilson asked what the hurry is for a grading permit if the building plans are not ready until next year.

Mrs. Fechtelkötter stated she would direct that question to the applicant.

Commissioner Roberts expressed concern about the project being abandoned.

Chairman Barlow clarified that this CUP does not include the building of the church and the applicant will need a second CUP for that construction.

Mrs. Fechtelkötter confirmed that was correct.

Chairman Barlow asked that applicant to come forward.

Applicant, Steven Hair, 260 South 1st Drive answered questions.

Commissioner Wilson asked what the hurry is for a grading permit if the building plans are not ready until next year.

Mr. Hair stated that budgeting of the church only allows this project to be done in phases; grading, structure and then the interior improvement of the structure. Mr. Hair further stated that money will need to be raised for the building of the structure, which will be on going while the grading work is done.

Commissioner Hatch inquired what the time frame was for raising the funds for the currently intended grading work.

Mr. Hair stated the church was nine years old and the land was purchased 3-4 years ago and with the pandemic there was no earnest fundraising. The applicant further explained that there is no current financial plan in place currently for the remaining phase.

Commissioner Hatch stated that potentially the applicant could look at nine years to get land and nine years to build that building.

Mr. Hair stated that land inquires for purchase didn't start until 3-4 years ago which was done without fundraising.

Commissioner Roberts clarified that Mr. Hair believed that once the grading is done and people start to see the construction of the building, it will help with raising money for the project.

The applicant confirmed that was correct.

Commissioner Roberts inquired if the applicant believed it would be detrimental to the fundraising if the project got started and couldn't aggressively fundraise and the project sits without progress for long timeframes.

Mr. Hair stated that he is anxious to see the project completed and he knows that God provides the money when he is ready. He further stated that once the project gets started the phases will flow but he has no guarantee.

Commissioner Roberts again expresses concern about the possibility of this project not reaching completion due to lack of guarantees.

The applicant acknowledged the commissioners' concern.

Commissioner Schnepf asked what the total dirty work would be.

Mr. Hair stated the contractor had that information and that he believed the

civil drawings submitted reflected that information. He further stated that the intended property design was for maximum landscape development and all dirt removal would be repurposed on the site for another reason.

Commissioner Wilson asked if the applicant had confirmed this location is zoned for a church.

Mr. Hair stated that legally a church is not bound to zoning regulations, but that the property is a good area for such structures.

Commissioner Wilson asked if the current budget allowed for the start of phase two or was only enough for phase one.

The applicant stated the budget was sufficient for only phase one currently.

Chairman Barlow stated that he liked the intended use of this property. The chairman then asked what the intended time frame of completion for the grading work was.

Mr. Hair stated he expected this work to be completed between October and November 2023.

Chairman Barlow asked what besides the dirt work is intended to be done with phase one, if any.

The applicant commented that he believed the infrastructure should be done as well.

Chairman Barlow then asked Mrs. Fechelkotter if lot paving is a requirement with the grading permit.

Mrs. Fechelkotter advised paving is reviewed with the building permit application.

Chairman Barlow asked if the City Engineering department review includes culvert and drainage upgrades.

Mrs. Fechelkotter stated that was correct and she believed the grading and drainage has been submitted and is currently under review.

Commissioner Roberts requested clarification on dust and erosion control submittals being done after the building permit submittal.

Mrs. Fechelkotter stated that improvements can be made to ensure dirt control is available through the SWPPP, which is a sediment run off plan, which is a requirement.

Commissioner Roberts asked if the applicant would or wouldn't be allowed to install curbing.

Mrs. Fechelkotter said they would and the paving plan has been submitted as well.

Chairman Barlow asked if the applicant planned on paving.

Mr. Hair stated that it would be done during phase two. He further stated that the tree and hydrology reports have been submitted as required to help with drainage.

Commissioner Wilson asked if the neighboring lots were available for purchase and zoned for manufactured homes.

Mrs. Fechlekotter confirmed that was correct.

Commissioner Roberts asked if staff anticipated that this project would conflict with the RV park to the south.

Mrs. Fechelkotter said she didn't believe so.

Chairman Barlow opened to public comment.

Renee Issacs 201 West Whipple- expressed a concern about the grading being done prematurely and disagrees that the traffic will not be impacted.

Deena Webster 180 Creekwood Lane- stated she has concerns about grading being done with the funds to build the structure as well as the impact this project will have on the meadow and wildlife in the area.

Mrs. Fechelkotter explained that a CUP was required for grading due to a previously abandoned project that left an empty lot in town.

Chairman Barlow invited Mr. Hair up to respond to public comment.

Mr. Hair stated that renderings are complete and the wildlife and natural vegetation will be very minimally impacted.

Chairman Barlow turned the discussion to the Commission.

Commissioner Roberts expressed concern about the financial security and project timeline and would feel more comfortable with revisiting this application in 4-6 months.

Ms. Atencio reminded the commission there are standards for review included in the packet and any denial needs to fall within the basis of those standards. Also, if denied, the applicant has a year before resubmitting is allowed.

Chairman Barlow stated he shares Commissioner Roberts concern project completion concerns and asked staff what the landscaping requirements per city code are.

Mrs. Fechelkotter stated the lineal frontage of the developed area minus the driveway entrance times 10 is the required landscaped area. She further said that 30 percent of that formula needs to be vegetative ground cover, which is considered to be sod or artificial turf. One tree to 200 square feet landscape area and one shrub or bush to 150 square feet of landscape area.

Chairman Barlow asked if the required landscape would be placed along Central Ave.

Mrs. Fechelkotter stated that was correct.

Chairman Barlow stated that he would be interested in potentially adding a condition where the landscape requirements are accomplished with the CUP for the grading permit, due to the potential for this property to stay undeveloped for an unknown amount of time and asked what the commission and staff thoughts are on the condition.

Ms. Atencio reminded the commission that any additional conditions added must be reasonable and to keep in mind what adding landscape to an active construction site will look like.

Commissioner Whipple inquired if adding trees in advance of a building permit to the west of Central Ave. was possible and if that was the Chairman's thoughts.

Chairman Barlow confirmed that was his preference, just not necessarily near the entrance, and doesn't believe it will impact the grading work if done towards the end of the grading construction.

Commissioner Roberts asked if the applicant could address the possibility of this additional condition.

Chairman called Mr. Hair forward.

Mr. Hair agrees to the proposed additional condition of approval.

Commissioner Wilson requested confirmation that as long as this CUP meets standards for review the commission has no choice but to approve it with potentially adding conditions.

Ms. Atencio confirmed that was essentially correct.

Chairman Barlow moved to approve the motion with an additional condition of

approval that landscaping as required per city code based on the submitted site be required to be installed with the grading work on the north and south sides of the proposed entrance to the facility.

CHAIRMAN BARLOW MOVED TO APPROVE CUP 602-04-262 SUBMITTED BY MARANATHA BIBLE CHURCH TO ALLOW FOR GRADING WITHOUT A BUILDING PERMIT AT 900 SOUTH CENTRAL AVENUE, THAT BEING A.P.N. 210-30-013, SUBJECT TO STAFF RECOMMENDATIONS INCLUDING THE CONDITION OF APPROVAL THAT LANDSCAPING AS REQUIRED PER CITY CODE BASED ON THE SUBMITTED SITE PLAN BE RE REQUIRED TO BE INSTALLED WITH THE GRADING WORK ON THE NORTH AND SOUTHSIDES OF THE PROPOSED ENTRANCE TO THE FACILITY; SECONDED BY COMMISSIONER ROBERTS; PASSED 6 TO 0 WITH CHAIRMAN BARLOW, COMMISSIONER ROBERTS, COMMISSIONER WHIPPLE, COMMISSIONER WILSON, COMMISSIONER SCHNEPF, COMMISSIONER HATCH VOTING IN FAVOR.

Mrs. Fechelkotter stated that with any CUP there is a seven day appeal period. If no appeal is received within seven days, this CUP is effective.

6. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that is within the jurisdiction of the Planning and Zoning Commission may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the Planning and Zoning Commission as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the Planning and Zoning Commission. Pursuant to the Arizona Open Meeting Law, the Planning and Zoning Commission cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual Planning and Zoning Commission members may (1) respond to criticism made by those who have spoken, (2) ask staff to review a matter, and (3) ask that a matter be put on a future agenda.

None

7. **APPROVAL OF MINUTES:**

A. Planning and Zoning Commission Regular Meeting of July 25, 2023.

CHAIRMAN BARLOW MOVED TO APPROVE THE MINUTES FROM THE REGULAR PLANNING AND ZONING COMMISSION MEETING FROM JULY 25, 2023, SUBJECT TO THE FOLLOWING AMEDNMENTS: ITEM A, ADDING COMMISSIONER HATCH AS A COMMISSIONER VOTING IN FAVOR AND ITEM B, ADDING COMMISSIONER WILSON VOTING IN FAVOR ; SECONDED BY COMMISSIONER WILSON; PASSED 6 TO 0 WITH CHAIRMAN BARLOW, COMMISSIONER ROBERTS, COMMISSIONER WHIPPLE, COMMISSIONER WILSON, COMMISSIONER SCHNEPF, COMMISSIONER HATCH VOTING IN FAVOR.

8. **SUMMARY OF CURRENT EVENTS:**

A. Commission Members

Commissioner Wilson stated that Meals on Wheels are now at the senior center and are always looking for donations and volunteers.

Commissioner Schnepf stated school is back in session and encouraged the community to come out to the games.

Commissioner Hatch stated it's another great day in Show Low.

Commissioner Roberts agreed with Commissioner Hatch.

Chairman Barlow thanked for all the work put into the staff summary packets and making literature easily comprehensible.

B. Planner

Mrs. Fechelkotter advised that Vice Chairman Lewis has resigned and thanked him for his service to the commission.

9. **ADJOURNMENT:**

There being no further business to be brought before the Commission, **CHAIRMAN BARLOW ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING & COMMISSION MEETING OF AUGUST 22, 2023, AT 7:54 P.M.**

ATTEST:

APPROVED:

Katie Fechtelkotter, 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 August 22, 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