

MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON TUESDAY, DECEMBER 12, 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 Whipple, and Commissioner Hatch.

COMMISSION MEMBERS ABSENT: Commissioner Schnepf, Commissioner Wilson, and Commissioner Adams.

STAFF MEMBERS PRESENT: Planning and Zoning Director; Justen Tregaskes, Planner; Katie Fichtelkotter, and City Attorney; Anna Atencio.

GUESTS: Brandon Garvin, Madaline McDonald, Tony Leonardo and Guests.

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 602-04-265 submitted by Brandon Garvin to allow for the reduction in side yard setbacks from 21 feet to 16 feet for a detached building over 15 feet in height located at 261 E. Whipple, that being A.P.N. 210-32-010E. (Justen Tregaskes)

Director Tregaskes said Brandon Garvin has submitted a conditional use permit application on behalf of James and Barbara Farpelha. The purpose of this application is to allow for the reduction in side yard setbacks from 21 feet to 16 feet for an 18x50 RV carport over fifteen (15) feet in height on property located at 261 E. Whipple, that being A.P.N. 212-32-010E. The subject property is zoned R1-15 (Single-family residential, 15,000 square feet). City code section 19.25.060(F)(3) states, "Detached accessory buildings shall meet street side setbacks. Side and rear setbacks shall be equal to or greater than the height of the accessory building. Any encroachment into these permitted side and rear setbacks shall require a conditional use permit."

A twenty-one (21) foot tall accessory structure is proposed along the west property line of the subject property. Side yard setbacks in this case would be required to match or exceed the height of the structure, unless otherwise

approved through a conditional use permit. The applicant is requesting a reduction in the side yard setbacks from twenty-one (21) feet to sixteen (16) feet from the west property line. As indicated on the attached site plan, the proposed structure will be located approximately 337 feet from East Whipple.

FINDINGS OF FACT

1. Brandon Garvin has submitted a conditional use permit application on behalf of James and Barbara Farpelha. The purpose of this application is to allow for the reduction in side yard setbacks from 21 feet to 16 feet for an 18x50 RV carport over fifteen (15) feet in height on property located at 261 E. Whipple, that being A.P.N. 212-32-010E. The subject property is zoned R1-15 (Single-family residential, 15,000 square feet).
2. City code section 19.25.060(F)(3) states, "Detached accessory buildings shall meet street side setbacks. Side and rear setbacks shall be equal to or greater than the height of the accessory building. Any encroachment into these permitted side and rear setbacks shall require a conditional use permit."
3. According to county records, the subject property is approximately 4.8 acres in size. The northwest corner of the property is fairly level, with approximately forty (40) feet of fall as you move to the east.
4. The applicant is currently in the process of completing a home on the subject property for the property owner. An RV carport has been proposed to protect their RV while they are at the home.
5. Current zoning of the surrounding properties include.

North: R1-7 (Single-family residential, 7,000 square feet).

South: R1-10 (Single-family residential, manufactured homes excluded, 10,000 square feet,), R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet).

East: R1-10 (Single-family residential, manufactured homes excluded, 10,000 square feet,), R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet).

West: R1-15 (Single-family residential, manufactured homes excluded, 15,000 square feet).

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

North: Timber Ridge subdivision

South: Single-family residential

East: Single-family residential

West: Jehovah's Witness church

7. Transmittal memos were sent to all affected agencies. No applicable comments were received.
8. Staff has received several phone calls from notified individuals. No opposition has been received regarding the proposed development at the time the staff summary report was prepared.

STAFF RECOMMENDATIONS

After reviewing the Zoning Ordinance, Standards for Review, Findings of Fact, discussions with the applicant, and because the request is consistent with the City of Show Low General Plan, staff recommends that the Planning and Zoning Commission approve Conditional Use Permit 602-04-265 submitted by Brandon Garvin on behalf of James and Barbara Farpelha to allow for the reduction in side yard setbacks from 21 feet to 16 feet for a detached building over fifteen (15) feet in height on property located at 261 E. Whipple, that being A.P.N. 212-32-010E subject to the following conditions;

1. All development shall comply with all applicable federal, state, and local requirements.
2. Per city code, any exterior lights shall be shielded so that the source of light is not visible from adjacent properties or the city right of way.
3. RV occupancy shall be in compliance with time limits as established in city code chapter 19.25.120(A).

Director Tregaskes said staff as well as the applicant is available for questions.

Commissioner Hatch asked clarification of where the RV carport will be located.

Director Tregaskes said it will be almost directly adjacent to the Jehovah's Witness parking lot as indicated on the aerial photograph.

Commissioner Whipple asked why the applicant wanted to place the RV garage in this particular location.

Director Tregaskes said that due to the topography of the lot, the north west portion of the property is the most conducive to placing an RV and the location of the dog run which is indicated as "E" on the site plan is where the topography starts to fall off.

Chairman Barlow clarified that if there wasn't the topography issue and they were able to place the RV 21 feet from the property line, instead of 16 feet they would not need a CUP from the Commission.

Director Tregaskes said yes.

Commissioner Roberts asked if there were any objections from the property owners on the west side of the subject property.

Director Tregaskes said no.

Chairman Barlow invited members of the public to come forward with any comments or concerns.

Madaline McDonald of 280 South Timber Ridge Loop, said that lives here full-time and said that she hears constant construction noise and loud music. She said that they had to follow the city zoning requirements when they placed her manufactured home on their property and had to reduce the size of her deck due to a front setback issue and is frustrated that they are getting to reduce the setback for the placement of an RV garage by five feet and is against the request.

Tony Leonardo of 281 South Timber Ridge Loop said he had difficulty getting his home on his property, there is plenty of room to place the RV elsewhere on the property and is against the CUP reducing the setback by five feet. He doesn't want to look at buildings, he wants to look at trees and the meadow and is worried that Show Low will start to look like Flagstaff.

Brandon Garvin, the applicant, is the owner of Outwest Construction. He said he builds a quality home, and the applicant has the means to build the house they want. They used to live in a small town, which now has 3 million people. They are also an elderly couple, and said he helps people build their dream. Barbara has difficulty walking and due to the topography of the lot they are building in the area that is the most flat. The applicant said he plans to build a nice structure that will hide the RV from the view and from the church. He said it will be directly behind the church building and that they reached out to the church members, who had no objections to the location of the RV garage. The applicant stated that he feels most people will see the home and not the RV garage. The applicant said that the owners want to preserve the trees and not remove any more than necessary.

Commissioner Hatch asked how large the home is.

Mr. Garvin said that the home is 13,000 square feet under roof.

Commissioner Hatch clarified that the RV garage is 280 feet back from the front property line and asked if it would be finished just like the house.

Mr. Garvin said that was correct.

Commissioner Whipple asked if they were planning on building a 21 foot tall RV garage regardless of where it would be placed on the property.

Mr. Garvin said to fit the RV, it must be at least 21 feet tall.

Commissioner Hatch asked if the property starts to fall rather quickly just beyond the area they are building.

Mr. Garvin said yes, it does quite a bit and they still needed to bring in an additional six feet of fill just to turn the RV around in the proposed location.

Commissioner Roberts asked how tall the main structure is.

Mr. Garvin said it is 35 feet tall.

Commissioner Roberts asked if that means the RV garage would be 14 feet lower than the house.

Mr. Garvin said that was correct.

Commissioner Roberts asked if the RV garage would be setback 280 feet or 337 feet, because he thought he saw different dimensions on the site plan.

Mr. Garvin said the RV garage would be setback approximately 280 feet from the south driveway entrance to and 185 feet to the rear property line.

Commissioner Roberts clarified that the length of the lot as 337 feet on the west property line.

Mr. Garvin said the length of the west property line is 671 feet.

Director Tregaskes clarified that on the submitted site plan the dimension shown is 337 feet from the Whipple right of way to the front of the proposed RV garage.

Commissioner Roberts clarified that the RV garage would be setback more than 280 feet back from the front property line.

Mr. Garvin said that was correct; he misread the dimension on the site plan.

Commissioner Roberts stated that he noticed that there was a bit of an incline to the driveway when he was at the property.

Mr. Garvin said that was correct, it is 17 feet higher from the street where the RV garage would be placed.

Commissioner Roberts wondered how visible the RV would actually be from the street considering it is proposed to be located 337 feet back from the front property line.

Mr. Garvin said that hopefully it won't be too visible based on how far it is setback and the fact that they plan to leave several trees to help screen the RV garage from the street. He said that it would be much more visible to the

church along the west property line.

Commissioner Roberts said that was his concern since the church would be the most impacted by the location of the RV garage.

Commissioner Whipple asked if there is a fence between the church and the subject property.

Mr. Garvin said it is a barb-wire fence.

Commissioner Hatch asked if they were planning on putting a fence along the west property line.

Mr. Garvin said they plan to extend the privacy fence in the next year after the home is completed.

Ms. Atencio asked Commissioner Roberts when he inspected the property if that was in his capacity as a Planning Commissioner or something else because she wanted to make sure that there was not a conflict of interest that needed to be declared.

Commissioner Roberts clarified that he wanted to look at the property as his duty as a Planning Commissioner out of curiosity and clarified that he did not enter the property, but just viewed it from the road.

Director Tregaskes said he wanted to clarify the setback requirements. He said that in any zoning district there are minimum setback requirements of how far back buildings must be from property lines. There are many different zoning districts that are in the City of Show Low and they have different setback requirements. He explained that some zoning districts have 5,000 square foot minimum lots. While another zoning district has 7,000 square foot minimum lots, which is what Timber Ridge is across the street. There is another zoning district with a minimum lot size of almost an acre. He said that doesn't prevent someone from having a larger piece of property, it is just the minimum lot area required for those zoning districts. In the R1-7 zoning district any time you are along a street, buildings must be set back a minimum of 20 feet from the street property line. He said this was alluded to during the public comment portion of the meeting. He explained when there is a 7,000 square foot lot with a street on the front and back of the property it can make a big difference in the size and location of where a structure may be located on that property. He also explained that there are side yard and rear yard setbacks from property lines that are not along streets. In this case the minimum side yard setback for the primary structure, which is the house is one side of eight feet and one side of 12 feet. There is a possibility for a 35-foot-tall house to be located eight feet from the side yard property line in this zoning district.

The home was not built to the minimum setback of 20 feet, but was setback 118 feet from the front property line and much more than the required eight-foot side yard setback. The applicant exceeds the setback requirements for the

home. There are different setbacks for accessory structures, such as a detached garage or workshop. It is a structure that is an accessory to a house. Setbacks for accessory structures exceed what a standard home would require. If there is an accessory structure that is 15 feet in height or less you would only need to be 5 feet from the side property line. If the structure is over 15 feet, but less than the height of the home, it must be the height of the structure setback from the property line or if it is less than that they must come to the Planning and Zoning Commission for a CUP. The applicant is building 21 foot tall building, which is approximately 14 feet shorter than the house and they are asking to be located 16 feet from the side property line instead of the 21 feet due to the height of the building. Director Tregaskes explained that if this structure was attached to the house, it could be 35 feet tall and eight feet from the side property line. He said they are more restrictive on this structure than the standard setbacks for a home. Director Tregaskes clarified that the setbacks for an accessory structure are more restrictive than a home.

Mr. Garvin added that they have already put in the utilities for the RV. He said it won't be visible from the street. He said the RV garage will be a very nice looking structure.

Commissioner Roberts asked if the garage was attached to the home a CUP would not be required.

Director Tregaskes affirmed this.

COMMISSIONER ROBERTS MOVED TO APPROVE CUP 602-04-265 SUBMITTED BY BRANDON GARVIN ON BEHALF OF JAMES AND BARBARA FARPELHA TO ALLOW FOR THE REDUCTION IN SIDE YARD SETBACKS FROM 21 FEET TO 16 FEET FOR A DETACHED BUILDING OVER FIFTEEN (15) FEET IN HEIGHT ON PROPERTY LOCATED AT 261 E. WHIPPLE, THAT BEING A.P.N. 212-32-010E, SUBJECT TO STAFF RECOMMENDATIONS; SECONDED BY COMMISSIONER HATCH; PASSED 4 TO 0 WITH CHAIRMAN BARLOW, COMMISSIONER ROBERTS, COMMISSIONER WHIPPLE, AND COMMISSIONER HATCH VOTING IN FAVOR.

Director Tregaskes said that this CUP will become effective in 7 days unless an appeal is received by the City Clerk.

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 November 14, 2023.

COMMISSIONER ROBERTS MOVED TO APPROVE THE MINUTES OF THE NOVEMBER 14, 2023 PLANNING AND ZONING COMMISSION MEETING; SECONDED BY COMMISSIONER WHIPPLE; PASSED 4 TO 0 WITH CHAIRMAN BARLOW, COMMISSIONER ROBERTS, COMMISSIONER WHIPPLE, AND COMMISSIONER HATCH VOTING IN FAVOR.

8. **SUMMARY OF CURRENT EVENTS:**

A. Commission Members

Commissioner Roberts said it's a great day in Show Low and wanted to applaud the Public Works Department for the great job on the beautiful lights in the downtown area of the City. He said it's extremely glorious to see all the beautiful lights lit up at 1:00 AM when there is not traffic around.

Commissioner Whipple agreed with Commissioner Roberts that the lights downtown and at City Park look great and for the Public Works Department to keep up the good work.

Commissioner Hatch said it's another great day in Show Low and wished everyone a happy holiday.

Chairman Barlow said since this is the last meeting before Christmas he wanted to wish everyone a Merry Christmas.

B. Planning and Zoning Director

Director Tregaskes said that the downtown Christmas lights are really impressive and that the Public Works Department deserves large portion of the credit for the work to make the downtown area look so great. He also said that this will be the last Planning and Zoning Commission meeting of the year and the next one won't be until January so he wanted to wish everyone a Merry Christmas and a Happy New Year.

9. **ADJOURNMENT:**

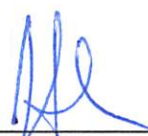
There being no further business to be brought before the Commission, **CHAIRMAN BARLOW ADJOURNED THE REGULAR MEETING OF THE SHOW LOW PLANNING & ZONING COMMISSION MEETING OF DECEMBER 12, 2023, AT 7:34 P.M.**

ATTEST:

APPROVED:



Zachary Barlow, Chairman



Planning and Zoning Director

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 December 12, 2023. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 24th day of February, 2024.



Katie Fechtelkott