

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW PLANNING AND ZONING COMMISSION HELD ON TUESDAY, JUNE 25, 2024, 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, Vice Chairman Roberts, Commissioner Hatch, Commissioner Wilson, Commissioner Adams, Commissioner Schnepf, and Commissioner Whipple.

**STAFF MEMBERS PRESENT:** Planning and Zoning Director; Justen Tregaskes, Planner; Katie Fechtelkotter, Planner; Moriah Saline and City Attorney; Anna Atencio.

**GUESTS:** Kevin Kugler, Kurt Gessner and Guests.

**3. Invocation.**

Commissioner Adams gave the invocation.

**4. Pledge of Allegiance.**

Vice Chairman Roberts led the Council and audience in the pledge of allegiance.

**5. NEW BUSINESS:**

- A. Public hearing and consideration of a zone change request submitted by Joseph Holland of NV Us Investments, LLC to rezone A.P.N. 210-33-040C from AR-43 (Agricultural-Residential 43,000 Square Feet) to C-2 (General Commercial) to allow for multifamily housing. (Moriah Saline)

Ms. Saline said Joseph Holland of NV Us Investments LLC submitted a request to annex A.P.N. 210-33-040C. On April 23, 2024, a public hearing for the annexation was held. On June 4, 2024, the Show Low City Council approved the annexation of A.P.N 210-33-040C.

The applicant has submitted a request to rezone A.P.N. 210-33-040C from AR-43 (Agricultural-Residential 43,000 Square Feet) to C-2 (General Commercial) to allow for the development of multi-family housing on the subject property. The applicant owns the adjacent property and desires to develop the properties concurrently.

**FINDINGS OF FACT**

1. Joseph Holland of NV Us Investments LLC has submitted a request to rezone A.P.N. 210-33-040C from AR-43 (Agricultural-Residential 43,000 Square Feet) to C-2 (General Commercial) to allow for the development of multi-family housing on the subject property. A conceptual site plan has been included.
2. The parcel is approximately 0.51 acres in size. The applicant has indicated that they wish to rezone the subject property to the same zoning as the adjacent parcel (210-33-040B) then combine the two parcels for joint development.

3. The annexation of A.P.N 210-33-040C into the City of Show Low was approved by the City Council at their meeting on June 4, 2024, with the passing of Ordinance No. 2024-05.
4. The applicant held a neighborhood meeting, on March 20, 2024, with property owners located within 300 feet of the subject property. No neighbors attended the meeting.
5. Current zoning of the surrounding properties include:
  - North: A-General (Residential)
  - South: A-General (Residential)
  - East: A-General (Residential)
  - West: C-2 (General Commercial)
6. The current land uses of the surrounding properties include:
  - North: Residential / County
  - South: Residential / County
  - East: Vacant Residential / County
  - West: Vacant Commercial / City
7. Transmittal memos were sent to all affected agencies, no applicable comments were received.
8. The property was posted, letters were sent to all the neighbors within 300 feet of the subject property and a notice was published in the newspaper in accordance with City Code. Two phone calls from area property owners requesting general information were received.

### STAFF RECOMMENDATIONS

After reviewing the Standards for Review, Finding Facts, 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 approve zone change request 605-03-121 submitted by Joseph Holland of NV Us Investments LLC to rezone A.P.N. 210-33-040C from AR-43 (Agricultural-Residential, 43,000 Square Feet) to C-2 (General Commercial) to allow for the development of multi-family housing, 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.

Ms. Saline said Director Tregaskes was available for questions.

Commissioner Wilson asked if the applicant planned to build duplexes on the property.

Director Tregaskes said that was correct, the property in front has a large drainage area, they are proposing to leave the front portion as a natural buffer, the trees would remain other than some minor tree thinning. The back half of the property is where the development would be located, there would be a total of five buildings with two units and a total of 10 units. These would be market rate apartments. The applicant plans to recess the buildings into the hill

and keep the overall roof-lines as low as possible.

Commissioner Wilson asked if the project would fall under the workforce housing program.

Director Tregaskes said he did not believe so as the applicant has not submitted an application to participate in the workforce housing program.

Vice Chairman Roberts asked how the commission could ensure that the trees on the front of the property would remain and asked if they could make a condition of approval that as many of the mature trees are preserved as possible, which would be consistent with some of the other commercial properties in that area.

Director Tregaskes said that the Commission could add a second condition stating that all development would be in substantial conformance of the submitted conceptual plan. This would include the natural buffer at the front of the property as well as the total number of units for the site.

Vice Chairman Roberts clarified that if the applicant wanted to modify the plan as proposed that they would need to apply for another zone change.

Director Tregaskes said that was correct. In the commercial zone up to 10 multi-family use units is a permitted use, so once the zoning is approved as long as the units do not exceed 10 it would just require a building permit. However, anything over 10 units is a conditional use, which would require the property to be posted and letters to be sent to all property owners within 300 feet of the subject property.

Commissioner Wilson asked what the two phone calls were about.

Director Tregaskes said both of the phone calls were from property owners who were not immediately adjacent to the property and had general questions. Director Tregaskes also said there was an additional neighbor who came to City Hall and submitted a public records request for the zone change file earlier today and that individual is present at the meeting.

Chairman Barlow asked if the Commission added a condition that the property was to be developed in conformance with the submitted site plan and the applicant wanted to do something different would they need to hold another neighborhood meeting.

Director Tregaskes said yes, the entire zone change process would need to be followed if they wanted to develop the property differently than the proposed plan.

Chairman Barlow asked if the property was sold, would that mean that the future property owner would be required to develop the property in substantial conformance with the proposed site plan as well.

Director Tregaskes said that was correct.

Commissioner Adams asked how often the Planning and Zoning Commission adds conditions similar to this one.

Director Tregaskes said this is fairly common, according to City Code

representations by the applicant can be considered a conditions of approval of the zone change.

Commissioner Hatch asked that if the condition is really necessary the representation by the applicant is a condition of approval or if that is redundant.

Director Tregaskes said somewhat, but over time, it is much easier to review when it is an actual condition of the ordinance.

Chairman Barlow asked since the applicant was not in attendance did that mean the Commission could not vote on this item.

Director Tregaskes said that was correct as City Code requires that the applicant or representative be in attendance at the meeting and he clarified that the applicant was notified of the meeting.

Director Tregaskes said this item was scheduled for a public hearing and that generally if there is someone in attendance who would like to speak, that they allow them the opportunity to speak on the item.

Chairman Barlow opened the item for a public hearing.

Director Tregaskes clarified that this will not be the only opportunity for the public to speak on the item.

Kurt Gessner said he lives next to the property at 2851 S. White Mountain Rd. Mr. Gessner said that this development will violate his privacy. He said that there were some promises made at another zone change that were not upheld. He asked the commission to add a condition of a 16 foot-high block privacy fence and explained the fence from the other development is now in disrepair. He said that the reason for the tall fence is because the potential for the people in the duplexes to look down onto his property.

Chairman Barlow closed the public hearing.

Chairman Barlow asked when there is a multi-family development like this that does not require a CUP what kind of fencing is required per City Code adjacent to residential zones

Director Tregaskes said that City Code requires a solid six foot fence to screen residential zones. This would be wood or block, but not chain link with slats. He read from chapter 19.25, and said there is a little bit of latitude for the Commission. The Commission could require a fence higher than six feet or they could waive the fence requirement.

Chairman Barlow clarified if that would be done at time the building permit would be applied for.

Director Tregaskes said that according to City Code the Commission could discuss fencing alternatives. He said since the proposed development is 10 units this would not require a CUP, so this would be the most appropriate time for the Commission to determine the type and height of fence they would like to see.

Chairman Barlow asked if there were different building setbacks for a

commercial property that is adjacent to properties located in the county because the property located to the north of the subject property is located in the county.

Director Tregaskes said that multifamily development is based on the R2-7 zoning district. The minimum side yard is one side of five feet and the other is 12 feet, so they could be as close as five feet from the property line. Director Tregaskes said that this is something the applicant could clarify if they were present as there were no setbacks or scale indicated on the site plan.

**COMMISSIONER HATCH MOVED TO CONTINUE THE ITEM TO THE NEXT AVAILABLE PLANNING AND ZONING COMMISSION MEETING; SECONDED BY COMMISSIONER ADAMS; PASSED 7 TO 0 WITH CHAIRMAN BARLOW, VICE CHAIRMAN ROBERTS, COMMISSIONER SCHNEPF, COMMISSIONER WHIPPLE, COMMISSIONER HATCH, COMMISSIONER WILSON, AND COMMISSIONER ADAMS VOTING IN FAVOR.**

Director Tregaskes said this item has been scheduled for a public hearing with the City Council for the July 16th meeting, this item may be brought back to the Commission at July 9th meeting, provided the applicant is available.

**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 May 28, 2024.

**VICE CHAIRMAN ROBERTS MOVED TO APPROVE THE PLANNING AND ZONING COMMISSION REGULAR MEETING MINUTES OF MAY 28, 2024; SECONDED BY COMMISSIONER WILSON; PASSED 7 TO 0 WITH CHAIRMAN BARLOW, VICE CHAIRMAN ROBERTS, COMMISSIONER SCHNEPF, COMMISSIONER WHIPPLE, COMMISSIONER HATCH, COMMISSIONER WILSON, AND COMMISSIONER ADAMS VOTING IN FAVOR.**

**8. SUMMARY OF CURRENT EVENTS:**

A. Commission Members

Commissioner Hatch said it's a good day in Show Low and he is thankful for the recent moisture.

Commissioner Wilson said that with 4th of July coming up it is getting busier, and to be careful. She hopes to see everyone attend the parade for the 4th of July holiday.

Commissioner Whipple said he is new and is excited to be on the Commission and asked everyone to have fun and be safe for the upcoming 4th of July holiday.

Commissioner Schnepf said he's excited for the 4th of July

Commissioner Adams welcomed Commissioner Whipple and said with the upcoming 4th of July to give yourself extra time with all the people here and to be safe.

Vice Chairman Roberts said the weather is great, and asked everyone to have extra patience and kindness.

Chairman Barlow welcomed Commissioner Whipple to the Commission, he said it is nice to have all seven chairs filled and appreciates the participation.

B. Planning and Zoning Director

Director Tregaskes welcomed Commissioner Whipple to the Planning and Zoning Commission. He also welcomed new staff member Moriah Saline. He also reminded the public that despite the rain we are still in Stage 2 fire restrictions, that means no open fires or fireworks. The Fourth of July celebration will be on Thursday, July Fourth, the parade will start at 9:00 AM on the Deuce of Clubs from West Owens and continues to White Mountain Road. There will be a wet zone at 11:00 AM at Frontier Park. Freedom Fest will start at 3:00 PM at the Show Low High School, there is a change due to the reseeding of the football field, they have asked the public to not go on the football field, however the practice field will be open instead. Finally fireworks will be at 9:00 PM at the High School.

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 JUNE 25, 2024, AT 7:36 P.M.**

ATTEST:

  
Zach Barlow, Chairman

APPROVED:

  
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 June 25, 2024. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this 9<sup>th</sup> day of July, 2024

  
Katie Fechtelkötter