

**SHOW LOW CITY COUNCIL**  
**Regular Meeting – Tuesday, January 3, 2023**

**PURSUANT** to A.R.S. Section 38-431.02, notice is hereby given to the Show Low City Council and to the general public, that a **Regular Meeting** of the Show Low City Council will be held on Tuesday, January 3, 2023, at 7:00 p.m. 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. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that is within the jurisdiction of the City Council may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the City Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the call to the public, individual City Council 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.

6. **SPECIAL EVENTS:**

A. Presentation by Nexus Coalition for Drug Prevention.

7. **CONSENT CALENDAR:**

- A. Proclamation by the Mayor Proclaiming January 16, 2023, as **MARTIN LUTHER KING, JR. DAY OF SERVICE** in the City of Show Low.
- B. Consideration of Acceptance of Amendment to Grant Funds from Governor's Office of Highway Safety and Authorization of Associated Budget Transfers. (Brad Provost)
- C. Consideration of Award of Purchase of Fleet Vehicles and Authorization of Associated Budget Transfers. (Justin Johnson)

- D. Consideration of Acceptance of Wayne Barry Lift Station Removal, City of Show Low Project No. S-1722. (Shane Hemesath)
- E. Consideration of Minutes of Show Low City Council meetings:
  - (1) Special Meeting of December 6, 2022.
  - (2) Regular Meeting of December 6, 2022.
  - (3) Special Meeting of December 14, 2022.

8. **NEW BUSINESS:**

- A. **PUBLIC HEARING** – Ordinance No. 2023-01 Amending the Zoning Ordinance of the City, Amending the Zoning on the property described as A.P.N. 210-16-128G from the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses. (Justen Tregaskes)
- B. Consideration of Ordinance No. 2023-01 Amending the Zoning Ordinance of the City, Amending the Zoning on the property described as A.P.N. 210-16-128G from the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses. (Justen Tregaskes)
- C. Consideration of Acceptance of McNeil Acres and 11th Street Sewer Replacement, City of Show Low Project No. S-1122. (Shane Hemesath)

9. **SUMMARY OF CURRENT EVENTS:**

- A. Council Members
- B. Mayor
- C. City Manager

10. **SCHEDULING OF MEETINGS:**

Scheduling of meetings, which may be brought up at this time.

11. **ADJOURNMENT.**

**SCHEDULED MEETINGS/EVENTS:**

|          |         |                                  |
|----------|---------|----------------------------------|
| 01/03/23 | 7:00 PM | CITY COUNCIL – REGULAR MEETING   |
| 01/10/23 | 7:00 PM | P&Z COMMISSION – REGULAR MEETING |
| 01/17/23 | 7:00 PM | CITY COUNCIL – REGULAR MEETING   |
| 01/24/23 | 7:00 PM | P&Z COMMISSION – REGULAR MEETING |

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 City Council 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 City Council 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 City Council 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.

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Rachael Hall, City Clerk

I, Rachael Hall, do hereby certify that the foregoing notice was posted on Friday, December 30, 2022.

T:Packets-Council/2023/cca0103



# *Proclamation*

*City of Show Low*  
*Office of the Mayor and City Council*

**WHEREAS**, the Rev. Dr. Martin Luther King, Jr., who was born on January 15, 1929, dedicated his life to promoting peace, freedom, equality, and justice for all through non-violent means; and

**WHEREAS**, in 1983, the United States Congress recognized Dr. King's legacy as one of America's outstanding civil rights leaders by adopting the third Monday in January (the month of his birth) as a federal holiday and, in 1994, designated this holiday as a national day and service; and

**WHEREAS**, the Martin Luther King, Jr. Day of Service is observed as a "day on, not a day off" to devote to service projects that strengthen communities, empower individuals, bridge barriers, and create solutions to social problems; and

**WHEREAS**, the Show Low City Council and the City of Show Low value and encourage community service and will honor Dr. King's teachings by designating a day in April 2023 to devote to one or more projects that will benefit the entire community.

**NOW, THEREFORE**, I, John Leech, Jr., Mayor, on behalf of the Show Low City Council, do hereby proclaim **January 16, 2023**, as

## *♣ Martin Luther King, Jr. Day of Service ♣*

in the City of Show Low and encourage citizens to volunteer their time and participate with city employees in a service project on Saturday, April 29, that will strengthen and enhance this community.

Dated this **3rd** day of **January, 2023**.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused to be affixed the Seal of the City of Show Low.

John Leech, Jr.  
Mayor

**CITY OF SHOW LOW  
STAFF SUMMARY REPORT**

**AGENDA TITLE:** Consideration of Acceptance of Amendment to Grant Funds from Governor's Office of Highway Safety and Authorization of Associated Budget Transfers (Brad Provost)

**RECOMMENDED MOTION**

I **MOVE** to accept the amendment to grant funds from the Governor's Office of Highway Safety in the amount of \$6,668.92 for a grant total of \$16,668.92 and associated budget transfers.

**BACKGROUND**

On October 18, 2022, the City Council accepted grant funds from the Governor's Office of Highway Safety (GOHS) in the amount of \$10,000.00 for overtime funding for DUI enforcement. The GOHS has issued amendment number 2023-57 to the grant (Contract #2023-AL-031) in the amount of \$6,668.92 to purchase portable breath testing devices (PBTs). Officers will use these devices when conducting investigations involving impaired drivers and underage drinking.

There are no matching fund requirements if this award is accepted.

Attachments:

Letter from GOHS Director Alberto Gutier

**FISCAL IMPACT**

Anticipated cost: \$6,668.92

Funding source (account no.): 22-455-430-6115-2262 (Portable Breath Tests)

| Description                       | Account              | Approved<br>Budget | Transfer | Amended<br>Budget |
|-----------------------------------|----------------------|--------------------|----------|-------------------|
| Unanticipated Revenue/Grants      | 22-402-350-3903-0000 | \$8,520,476        | (6,669)  | \$8,513,807       |
| Portable Breath Tests             | 22-455-360-3342-2262 | \$0                | 6,669    | \$6,669           |
| Unanticipated Expenditures/Grants | 22-402-430-8150-0000 | \$8,520,476        | (6,669)  | \$8,513,807       |
| Portable Breath Tests             | 22-455-430-6115-2262 | \$0                | 6,669    | \$6,669           |
| Total                             |                      | \$17,040,952       |          | \$17,040,952      |



DOUGLAS A. DUCEY  
GOVERNOR

ALBERTO GUTIER  
DIRECTOR  
GOVERNOR'S HIGHWAY SAFETY REPRESENTATIVE

DATE: December 8, 2022

TO: Chief Brad Provost  
Show Low Police Department  
411 E. Deuce of Clubs  
Show Low, AZ 85901

TRANSMITTAL: Amendment Number: 2023-57  
Effective Date: December 8, 2022  
Revision Number: 001  
Project Coordinator: Beverly Roush  
Contract Number: 2023-AL-031  
Program Area: 402-AL

FROM: Alberto Gutier, Director  
Governor's Highway Safety Representative  
Governor's Office of Highway Safety

**NARRATIVE:**

The purpose of this Amendment is to add funds to enhance DUI/Impaired Driving Enforcement to Materials and Supplies for the purchase of PBTs (15) and Mouthpieces (1,000).

There is a \$6,668.92 increase in Federal funds because of this Amendment.

**ESTIMATED COSTS:**

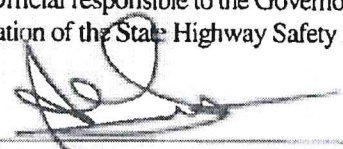
|                                                    | From       | To         |
|----------------------------------------------------|------------|------------|
| I. Personnel Services (includes overtime)          | \$7,143.00 | \$7,143.00 |
| II. Employee Related Expenses (ERE 40%)            | \$2,857.00 | \$2,857.00 |
| III. Professional and Outside Services             | \$0.00     | \$0.00     |
| IV. Travel In-State                                | \$0.00     | \$0.00     |
| V. Travel Out-of-State                             | \$0.00     | \$0.00     |
| VI. Materials and Supplies<br>PBTs and Mouthpieces | \$0.00     | \$6,668.92 |
| VII. Capital Outlay                                | \$0.00     | \$0.00     |

**TOTAL ESTIMATED COSTS** \$10,000.00 \$16,668.92

\*Includes all applicable training, tax, freight, and advertising costs. The GOHS reserves the right to limit reimbursement of Employee Related Expenses from zero (0) to a maximum rate of 40 percent. This is the maximum ERE amount to be reimbursed. It is agreed and understood that the Show Low Police Department shall absorb any and all expenditures in excess of **\$16,668.92**.

**AGREEMENT AND AUTHORIZATION TO PROCEED**

by State Official responsible to the Governor for the  
administration of the State Highway Safety Agency.

  
\_\_\_\_\_  
Alberto Gutier, Director  
Governor's Highway Safety Representative  
Governor's Office of Highway Safety

12-9-22  
Date

**CITY OF SHOW LOW  
STAFF SUMMARY REPORT**

**AGENDA TITLE:** Consideration of Award of Purchase of Fleet Vehicles and Authorization of Associated Budget Transfers (Justin Johnson)

**RECOMMENDATION**

I **MOVE** to award the purchase of two vehicles from Hatch Toyota in an amount not to exceed \$81,998.40 and authorize the associated budget transfers.

**BACKGROUND**

The City's fiscal year 2023 planning and zoning and engineering budgets each included \$40,000.00 for the purchase of a fleet vehicle. Bid packets were hand-delivered to all four local, new car dealers, which included Hatch Toyota, Arizona Dodge, Show Low Ford, and Horne Auto Center. Hatch Toyota and Show Low Ford both submitted qualifying bids. Hatch Toyota submitted a bid for a Toyota Tacoma and Show Low Ford submitted a bid for a Ford Ranger. Hatch Toyota was the low bid.

Staff recommends approving the purchase of two Toyota Tacoma's from Hatch Toyota in an amount not to exceed \$81,998.40 and authorizing the associated budget transfers.

Attachments:

Bid tabulation

**FISCAL IMPACT**

Anticipated cost: \$81,998.40

Funding source (account no.): Vehicle Purchase Planning and Zoning (11-430-495-7420-0000/4302242) \$40,999.20 (1 vehicle); Vehicle Purchase Engineering (11-450-495-7420-0000/4502316) \$40,999.20

| Description                        | Account                      | Approved<br>Budget | Transfer | Amended<br>Budget |
|------------------------------------|------------------------------|--------------------|----------|-------------------|
| Aerial Mapping                     | 11-450-495-7300-1926         | \$60,000           | (2,000)  | \$58,000          |
| Vehicle Purchase Engineering       | 11-450-495-7420-0000/4502316 | \$40,000           | 1,000    | \$41,000          |
| Vehicle Purchase Planning & Zoning | 11-430-495-7420-0000/4302242 | \$40,000           | 1,000    | \$41,000          |
| Total                              |                              | \$140,000          |          | \$140,000         |

|                                     | <i>Hatch<br/>Toyota</i> | <i>Show Low<br/>Ford</i> |
|-------------------------------------|-------------------------|--------------------------|
| <b>Vehicle</b>                      | <b>Tacoma</b>           | <b>Ranger</b>            |
| <b>MSRP</b>                         | \$35,757.00             |                          |
| <b>Sale Price</b>                   | \$34,860.00             | \$36,890.16              |
| <b>Fees</b>                         | \$1,200.50              |                          |
| <b>Taxes</b>                        | \$2,938.70              | \$3,109.84               |
| <b>Base price w/ fees and taxes</b> | <b>\$38,999.20</b>      | <b>\$40,000.00</b>       |
| <b>Warranty</b>                     | <b>\$2,000.00</b>       | <b>\$2,740.00</b>        |
| <b>5yr/100K</b>                     | 5yr/100K                | 5yr/100K                 |
| <b>Total w/ warranty</b>            | <b>\$40,999.20</b>      | <b>\$42,740.00</b>       |

## CITY OF SHOW LOW STAFF SUMMARY REPORT

**AGENDA TITLE:** Consideration of Acceptance of Wayne Barry Lift Station Removal, City of Show Low Project No. S-1722 (Shane Hemesath)

### RECOMMENDATION

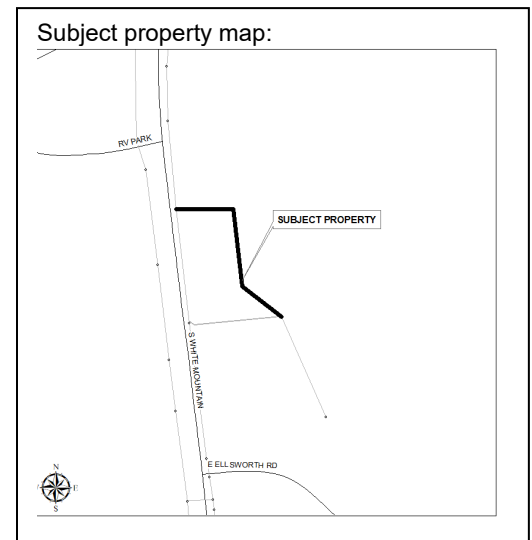
I **MOVE** to accept the Wayne Barry Lift Station Removal, City of Show Low Project No. S-1722, with a final cost of \$171,045.21, release the retainage, and initiate the two-year warranty period.

### BACKGROUND

At its regular meeting on June 21, 2022, the Show Low City Council awarded a construction contract to Apache Underground and Excavating in an amount not to exceed \$184,320.00 for the Wayne Barry Lift Station Removal project. The scope of the work included installing approximately 1,000 linear feet of new eight-inch PVC sewer line, six new concrete manholes, new sewer services, and replacing the existing asphalt removed. The installation of the new sewer main resulted in the elimination of the Wayne Barry Lift Station, and gravity sewer is now provided to the area.

During construction, less rock excavation was encountered than anticipated. The scope of work has been completed for a final project cost of \$171,045.21.

Staff recommends accepting the Wayne Barry Lift Station Removal, City of Show Low Project No. S-1722, with a final cost of \$171,045.21, releasing the retainage, and initiating the two-year warranty period.



### FISCAL IMPACT

Anticipated cost: \$171,045.21

Funding source: Wayne Barry Lift Station Removal (42-755-180-1620-0000/7552269)

RV PARK

SUBJECT PROPERTY

S WHITE MOUNTAIN

E ELLSWORTH RD



**MINUTES OF THE SPECIAL MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, DECEMBER 6, 2022 AT 10:00 A.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA**

1. Call to Order.

Mayor Leech called the meeting to order at 10:08 a.m.

2. Roll Call.

**COUNCIL MEMBERS PRESENT:** Mayor Leech, Councilman Adams, Councilman Allsop, Councilman Clark (left the meeting at 10:09 a.m.), Councilman Hatch and Councilman Judd.

**COUNCIL MEMBERS ABSENT:** Vice Mayor Kakavas.

**STAFF MEMBERS PRESENT:** Ed Muder, City Manager; F. Morgan Brown, City Attorney and Rachael Hall, City Clerk.

**GUESTS:** Anna Atencio.

Councilman Clark declared a conflict of interest and recused himself from the discussion.

**COUNCILMAN HATCH MOVED TO RECESS INTO EXECUTIVE SESSION TO DISCUSS CITY ATTORNEY POSITION; SECONDED BY COUNCILMAN ADAMS; PASSED 5 TO 0 WITH MAYOR LEECH, COUNCIL MEMBERS ADAMS, ALLSOP, HATCH, AND JUDD VOTING IN FAVOR.**

The Show Low City Council recessed into Executive Session at 10:10 a.m.

3. **EXECUTIVE SESSION.**

- A. Confidentiality Statement.

- B. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of a public officer, appointee, or employee of any public body. Pursuant to A.R.S. Section 38-431.03(A)(1).

- (1) City Attorney Position.

4. **POST EXECUTIVE SESSION.**

Consideration of any item on the Executive Session portion of this agenda, which the Council may wish to take action upon in Open Session.

The Show Low City Council reconvened into Open Session at 11:03 a.m.

5. Adjournment.

There being no further business to be brought before the Council, **MAYOR LEECH ADJOURNED THE SPECIAL MEETING OF THE SHOW LOW CITY COUNCIL OF DECEMBER 6, 2022 AT 11:03 A.M.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Rachael Hall, City Clerk

\_\_\_\_\_  
John Leech, Jr., Mayor

T:\docs\cc120622s

**CERTIFICATION**

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **SPECIAL MEETING** of the City Council of Show Low held on December 6, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Rachael Hall, City Clerk

**MINUTES OF THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, DECEMBER 6, 2022, AT 7:00 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA**

1. Call to Order.

Mayor Leech called the meeting to order at 7:00 p.m.

2. Roll Call.

**COUNCIL MEMBERS PRESENT:** Mayor Leech, Vice Mayor Kakavas, Councilman Adams, Councilman Allsop, Councilman Clark, Councilman Hatch, and Councilman Judd.

**COUNCIL MEMBERS ABSENT:** None.

**STAFF MEMBERS PRESENT:** Ed Muder, City Manager; Morgan Brown, City Attorney; Justin Johnson, Deputy City Manager; Greg Westover, Police Commander; Shirley Patterson, City Magistrate; Cari Bilbie, Accounting Manager; Shane Hemesath, City Engineer; Jacob Allen, Airport Manager; Bill Kopp, Public Works Director; Rick Austin, Public Works Operations Manager; Grace Payne, Communications Manager; Kathy Clements, Assistant City Clerk; Nicole Hudson, Deputy City Clerk; and Rachael Hall, City Clerk.

**GUESTS:** Kenny Patterson, Daniel and Brooke Patterson, Claudia and Paul Layton, Mathew Patterson, Richard Bilbie, Riala Leech, Mike Mellor, Tiffany Hendrickson, Scott and Jamie Tipton, Lanie Meier, McKay Hall, Sharon Hatch, John Hannah, Christa Rask, James Tyra, Justin Butler, Debbie Allsop, Rae Lynn Atencio, Guy Hatch, and others.

3. Invocation.

Councilman Judd gave the invocation.

4. Pledge of Allegiance.

Mayor Leech led the Council and audience in the pledge of allegiance.

5. **CALL TO THE PUBLIC:**

Any citizen desiring to speak on a matter that is within the jurisdiction of the City Council may do so at this time. Comments may be limited to three minutes per person and shall be addressed to the City Council as a whole, and not to any individual member. Issues raised shall be limited to those within the jurisdiction of the City Council. Pursuant to the Arizona Open Meeting Law, the City Council cannot discuss or act on items presented at this time. At the conclusion of the

call to the public, individual City Council 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.

6. **SPECIAL EVENTS:**

A. Swearing in of New Council Members. (Rachael Hall)

The newly elected Council Members recited the oath of office.

B. Designation of Vice Mayor to Two-Year Term. (Mayor John Leech, Jr.)

Mayor Leech opened the floor to accept nominations for the office of Vice Mayor.

Mayor Leech nominated Vice Mayor Kakavas.

All voted for Vice Mayor Kakavas. Councilwoman Kakavas was declared the new Vice Mayor.

C. Recognition of Retiring City Employee.

Mayor Leech said Judge Patterson was hired as a Court Clerk on December 6, 1995; she was promoted to Court Clerk II on March 29, 2004. Judge Patterson became the Lead Clerk and Associate Magistrate on October 13, 2008, and on January 1, 2009, became the City's newly elected City Magistrate.

Christa Rask, Counselor with Show Low High School and Teen Court Coordinator, recognized Judge Patterson's service and volunteerism for the past 15 years with the Teen Court program.

Mr. Brown said he appreciated Judge Patterson's service and wished her the best in her retirement.

Vice Mayor Kakavas said she appreciated Judge Patterson's dedication and all the hard work she had put into the Teen Court and Court system. She thanked her and wished her happiness and joy in her retirement.

Councilman Clark thanked Judge Patterson and stated that Judge Patterson had made an impact on the community with the Teen Court program. He shared his appreciation of her willingness always to help and

her kind servant's heart. He acknowledged her remarkable job in the 2018 Campaign of maintaining an admirable and respectful campaign.

Mayor Leech presented Judge Patterson with an engraved gavel.

Judge Patterson thanked her family, staff, Scott Tipton, and the City. She said she loved her job with the City and appreciated the support she received. She was looking forward to starting the retirement chapter of her life.

D. Presentation of Annual Comprehensive Financial Report for Fiscal Year 2022.

Mr. Johnson thanked the staff for their hard work. He introduced McKay Hall of Hinton Burdick, who presented the results of the fiscal year 2022 Annual Comprehensive Financial Report (ACFR).

Mr. Hall said the auditors issued an unmodified or "clean opinion" for the 2022 audit. In the report on compliance and internal controls, no material weaknesses and no significant deficiency related to year-end accounting adjustments were noted. The report on State compliance had no material issues or reportable findings. The single audit report for Federal grants and loans received that were \$750,000.00 or more had an unmodified or "clean opinion," and there were no findings.

Mr. Hall said government-wide financial highlights reflected a total net position (equity) of \$154,887,283 as of June 30, 2022. Over time, increases or decreases in net position were an indicator of whether the City's financial health was improving or deteriorating. Total net assets increased by \$15.7 million the fiscal year, of which \$12.2 million was an increase in net governmental activities and \$3.5 million was an increase in business-type activities (water, wastewater, and refuse). The total revenues from all sources were \$50.27 million, and the total cost of all City programs was \$34.54 million.

Mr. Hall said governmental capital assets increase. Additions were \$6.5 million, and depreciation totaled \$4.2 million. Significant governmental capital asset additions, including improvement additions (\$821,000), building additions and improvements (\$427,000), and various road improvements (\$1.1 million).

Mr. Hall said business-type capital assets remained the same, with additions of \$2 million and a depreciation expense of \$2.6 million. The significant business-type capital asset additions were various water and wastewater infrastructure improvements, and software additions.

Mr. Hall said total governmental long-term debt decreased overall by \$1,176,412 as a result of regularly scheduled annual debt service. Utility fund long-term debt decreased by \$594,001 as a result of regularly scheduled annual debt service. Debt service payments scheduled for FY23 should be approximately \$1.8 million, which was comparable to FY22.

Mr. Hall said the prior fiscal year's total general fund balance increased from \$22,095,620 to \$29,183,294, which was a significant increase. The unassigned fund balance was \$28,154,493, or 127% of total general funds expenditures. The general fund reported revenues in excess of expenditures of \$10,059,316, an increase of \$2.0 million from FY21. Actual resources received in the general fund exceeded the final budget by \$9,150,221. Actual expenditures were \$9,570,239 less than the final budget.

Mr. Hall said the general fund balance sheet showed significant increases in fund balance over the last five years. It went from \$13,406,473 in FY2018 to \$34,411,308 in FY22. The liabilities have not grown as quickly as the assets.

Mr. Hall said the total cash in the general fund increased by \$1,915,639. There was a positive trend in cash over the last five years. Increases in fiscal year 2021 resulted in part from reduced spending related to the pandemic and the unexpected sales tax revenues in the same period.

Mr. Hall said fluctuation between net revenue and net expenditures was expected in the general fund. Revenues and related expenses had increased in FY19 due to the large airport grant and an increase in tax revenues. The City budgeted conservatively and worked to keep expenses down due to the pandemic in FY21, while sales tax revenue ended up being more than expected and budgeted. Inflation was expected to cause expenses to increase over time.

Mr. Hall said sales taxes were the City's most significant single annual source of governmental revenues. The sales tax revenues increased by 8.32% during the fiscal year and increased by 51.74% over the last five fiscal years. Other tax revenues were fairly consistent, with slight increases over the last five years.

Mr. Hall said the Highway User Revenue Fund (HURF) was expected to break even over time as resources were accumulated and expended on road projects. Expenses have consistently exceeded revenues over the last five years requiring transfers in to help cover expenses. HURF cash

had remained fairly consistent over the previous five years with slight decreases in FY19, FY21, and FY22 as significant road improvements were completed during these years, as well as various road equipment purchases.

Mr. Hall said the water enterprise fund was reported on a full accrual basis and should show revenues in excess of expenditures to provide for depreciation and future capital requirements. The last five years reported net operating revenue over expenses which was a positive trend. The water fund showed a strong cash position, which continued to increase every year.

Mr. Hall said the wastewater enterprise fund was reported on a full accrual basis and should show revenues in excess of expenditures to provide for depreciation and future capital requirements. The wastewater fund had reported a trend in net operating losses for three of the last five years. The major cause for the losses had been depreciation. During FY20, the loss significantly decreased and during FY21 and FY22, revenues were slightly more than expenses, which was a positive trend. Cash had increased over the last five years, with a slight drop in 2019 and increases in 2020 through 2022.

Mr. Hall said net revenues were expected to fluctuate in the health insurance fund based on demand or claims activity. Three of the last five fiscal years reported excess revenues, which allowed for healthy reserves. The Internal Service Health Insurance fund cash had increased significantly over the last five years, which allows for healthy reserves.

Mr. Hall reviewed the City's major governmental fund balance; the general fund went up to \$29,183,294 from \$22,095,620, building the City's resources. The HURF remained consistent, and there was a slight increase in the internal services fund. The City's water fund reported a \$2,184,609 increase, while the wastewater fund reported an increase of \$1,279,888.

Mr. Hall thanked the staff for their help and support during the audit.

7. **CONSENT CALENDAR:**

- A. Consideration of Approval of Employment Agreement with City Magistrate. (Mayor John Leech, Jr.)
- B. Consideration of Approval of Proposed Fiscal Year 2024 Budget Calendar. (Justin Johnson)

- C. Consideration of Acceptance of 16th Avenue and Park Plaza Roadway Improvements, City of Show Low Project No. R-5422. (Shane Hemesath)
- D. Consideration of Acceptance of Frontier Park Splash Pad Design and Construction, City of Show Low Project No. FM-2122. (Shane Hemesath)
- E. Consideration of Acceptance of Amendments to Grant Funds from Governor's Office of Highway Safety and Authorization of Associated Budget Transfers. (Greg Westover)
- F. Consideration of Minutes of Show Low City Council meetings:
  - (1) Study Session of November 15, 2022.
  - (2) Regular Meeting of November 15, 2022.

**COUNCILMAN HATCH MOVED TO APPROVE THE CONSENT CALENDAR AS PRESENTED; SECONDED BY COUNCILMAN ADAMS; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

8. **NEW BUSINESS:**

- A. **PUBLIC HEARING** – Application Submitted by Lanie Cathleen Meier for #6, *Bar*, Liquor License on Behalf of Cattlemen's Steakhouse & Lounge for its Location at 1231 East Deuce of Clubs, Show Low, Arizona. (Rachael Hall)

Ms. Hall said Lanie Cathleen Meier, representing Cattlemen's Steakhouse & Lounge, submitted an "owner transfer" application for a #6, *Bar*, Liquor License for its location at 1231 East Deuce of Clubs. The request would transfer the existing #6, *Bar*, license from the current license holder, Tiffany Cywinski, to the applicant. Lanie Meier had purchased Cattlemen's Steakhouse & Lounge from Tiffany Cywinski. As required by state law, the property was posted, and no public input was received.

Ms. Hall said the Show Low Police Department conducted a background check on the applicant and found nothing amiss. The Department of Liquor Licenses and Control conducted its own internal investigations and background checks. Based on the investigator's findings and the recommendation of the City Council, the State Liquor Board would decide whether to approve or deny the application. If the City Council chose to recommend denial of the application, the motion must state the reasons for denial.

Mayor Leech opened the matter for a public hearing. There was no input, and he closed the public hearing.

- B. Consideration of Application Submitted by Lanie Cathleen Meier for #6, Bar, Liquor License on Behalf of Cattlemen's Steakhouse & Lounge for its Location at 1231 East Deuce of Clubs, Show Low, Arizona. (Rachael Hall)

**VICE MAYOR KAKAVAS MOVED TO RECOMMEND APPROVAL TO THE STATE LIQUOR BOARD OF THE APPLICATION SUBMITTED BY LANIE CATHLEEN MEIER FOR #6, BAR, LIQUOR LICENSE ON BEHALF OF CATTLEMEN'S STEAKHOUSE & LOUNGE FOR ITS LOCATION AT 1231 EAST DEUCE OF CLUBS, SHOW LOW, ARIZONA; SECONDED BY COUNCILMAN HATCH; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

- C. Consideration of Award of Construction Contract for East Mills and East Owens Waterline Replacement, City of Show Low Project No. W-3222 and Authorization of Associated Budget Transfers. (Shane Hemesath)

Mr. Hemesath said the City's fiscal year 2023 Capital Improvement Plan budget included \$160,000.00 for a water improvement project labeled "Mills from Owens to 6th" as well as \$370,000.00 for a water improvement project labeled "East Owens 1st Street to 11th Street." The two projects were connected and were combined to save on procurement and construction costs. The scope of work for this project consisted of replacing approximately 4,000 lineal feet of aging and deteriorating six-inch and two-inch AC and galvanized waterlines with new eight-inch PVC water main, installing new water services and fire hydrants, and replacing any existing pavement or concrete required for the improvements.

Mr. Hemesath said the project was designed by Painted Sky Engineering with a construction estimate of \$635,000.00 for both improvements. The project was publicly bid according to statutory requirements with the following results:

| <u>Contractor</u>                          | <u>Total Bid</u> |
|--------------------------------------------|------------------|
| Central Arizona Civil Construction Company | \$ 695,989.00    |
| Apache Underground and Excavating          | \$ 715,382.00    |
| B4 Enterprises Inc.                        | \$ 887,506.00    |
| Western Grade LLC                          | \$1,098,320.50   |

Mr. Hemesath said staff recommended awarding the construction contract for the East Mills and East Owens Waterline Replacement, City of Show Low Project No. W-3222, to Central Arizona Civil Construction Company

in an amount not to exceed \$695,989.00 and approving the associated budget transfers.

**VICE MAYOR KAKAVAS MOVED TO AWARD THE CONSTRUCTION CONTRACT FOR THE EAST MILLS AND EAST OWENS WATERLINE REPLACEMENT, CITY OF SHOW LOW PROJECT NO. W-3222, TO CENTRAL ARIZONA CIVIL CONSTRUCTION COMPANY IN AN AMOUNT NOT TO EXCEED \$695,989.00 AND APPROVE THE ASSOCIATED BUDGET TRANSFERS; SECONDED BY COUNCILMAN ADAMS; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

- D. Consideration of Recommendation to Select Airport Planning and Environmental Services Consultant for Focused Planning Study and Environmental Assessment for Crosswind Runway Project. (Jacob Allen)

Mr. Allen said on October 21, 2022, a request for qualifications (RFQ) was published to solicit statements of qualifications (SOQ) from airport consulting firms to provide planning and environmental services for the crosswind runway project per the Federal Aviation Administration (FAA) and Arizona Department of Transportation (ADOT) standards. The selection process followed the procedures outlined by the FAA and Arizona Revised Statutes Title 34. Three SOQs were received, and all three firms were interviewed by a selection committee. The firms gave a presentation and answered questions asked by the selection committee. Dibble & Associates Consulting Engineers, Inc. was selected as the most qualified firm.

Mr. Allen said staff recommended selecting Dibble & Associates Consulting Engineers, Inc. as the consultant for the airport planning and environmental services focused planning study and environmental assessment for the crosswind runway project.

Mr. Allen said a scope of work and fees for the projects would be developed in coordination with the FAA following the consultant selection process.

Mayor Leech asked if this was an additional crosswind runway. Mr. Allen said yes, the plan was for a future north-south facing runway to better align with the prevailing winds at the airport, which was barely out of the 95% wind coverage the FAA liked to see. This runway would also be longer than the existing crosswind runway.

Mayor Leech asked whether the existing runway would be eliminated if

this project moved forward. Mr. Allen said yes, if the project were funded based on the recommendation of the focused planning study and environmental assessment, the existing 442 runway, the shorter crosswind runway, would be replaced.

Vice Mayor Kakavas asked if Dibble and Associates had conducted work for the City. Mr. Muder said yes, Dibble and Associates had done some water planning work for the City years ago.

**VICE MAYOR KAKAVAS MOVED TO APPROVE THE RECOMMENDATION TO SELECT DIBBLE & ASSOCIATES CONSULTING ENGINEERS, INC. FOR THE AIRPORT PLANNING AND ENVIRONMENTAL SERVICES FOCUSED PLANNING STUDY AND ENVIRONMENTAL ASSESSMENT FOR THE CROSSWIND RUNWAY PROJECT; SECONDED BY COUNCILMAN ADAMS; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

- E. Consideration of Approval of Five-Year Capital Improvement Plan for Fiscal Years 2024 to 2028. (Bill Kopp)

Mr. Kopp said the City of Show Low was required by City Code to have an approved five-year Capital Improvement Plan (CIP). The CIP was a planning tool to look five years ahead to plan and prioritize the City's needs. The program was administered by an advisory committee that consisted of City staff and representatives from the City Council. Prior to the advisory committee meeting, a public notice was issued seeking recommendations for capital project requests. Every requestor that provided contact information received a written response from staff.

Mr. Kopp said the first year of the CIP (2024) included any projects that were not funded in the fiscal year 2023 budget. The 2024 projects were the committee's top priorities; however, it was understood that all the projects could not be funded. The budget process would be the final determinant of which projects received funding.

Mr. Kopp said only projects over \$50,000.00 were included in the CIP. Smaller projects would be accounted for in each department's operations budget. Each project listed in the CIP had a detailed "Capital Outlay Project Sheet," which identified the project, its cost, potential funding sources, and a timetable. Detailed cost estimates and maps were also included with the worksheets when appropriate.

Mr. Kopp said staff held a meeting with the advisory committee on November 3, 2022, and on November 17, 2022, at which time the CIP was approved by the committee. Staff recommended that the Council approve the five-year Capital Improvement Plan for fiscal years 2024 to 2028.

Vice Mayor Kakavas thanked staff for getting the Timothy McKay Memorial Park project on the docket.

**COUNCILMAN HATCH MOVED TO APPROVE THE FIVE-YEAR CAPITAL IMPROVEMENT PLAN FOR FISCAL YEARS 2024 TO 2028 FOR THE CITY OF SHOW LOW; SECONDED BY COUNCILMAN ADAMS; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

- F. Consideration of Resolution No. R2022-24 Adopting One-Time Reduction to Consumer Price Index Rates for Water and Wastewater Utility Fees and a One-Time Reduction to Construction Cost Index Rates for Capacity Fees. (Justin Johnson)

Mr. Johnson said on December 6, 2011, the City Council adopted Resolution No. R2011-45 establishing an annual Construction Cost Index (CCI) adjustment to capacity fees. Similarly, on December 2, 2014, the City Council adopted Resolution No. R2014-39 establishing an annual Consumer Price Index (CPI) adjustment for water and wastewater monthly billing rates.

Mr. Johnson said on November 15, 2022, the City Council held a study session to discuss a reduced CPI adjustment to utility fees and a reduced CCI to capacity fees for the calendar year beginning January 1, 2023, to ease the impact of inflation on its residents. Staff believed the balances of the applicable funds could absorb this reduction with minimal impact.

Mr. Johnson said staff recommended approving Resolution No. R2022-24 authorizing a one-time reduction to the annual CPI and CCI adjustments in the following categories:

- No CPI increase in water utility monthly fees
- Reduce the CPI increase in wastewater utility monthly fees from 7.85% to 3%
- Reduce the CCI increase in capacity fees from 7.74% to 3%

**COUNCILMAN JUDD MOVED TO ADOPT RESOLUTION NO. R2022-24 APPROVING A ONE-TIME REDUCTION TO CONSUMER PRICE INDEX RATES FOR WATER AND WASTEWATER UTILITY FEES AND A ONE-**

**TIME REDUCTION TO CONSTRUCTION COST INDEX RATES FOR CAPACITY FEES, FOR THE CALENDAR YEAR BEGINNING JANUARY 1, 2023; SECONDED BY MAYOR LEECH; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

- G. Consideration of Award of Purchase of Vehicles and Authorization of Associated Budget Transfers. (Rick Austin)

Mr. Austin said the City's fiscal year 2023 budget included \$627,352.00 between four departments in Public Works to purchase ten City vehicles, including three three-quarter ton trucks, six one-ton trucks, and one dual-wheel dump bed truck. Each truck was sent to bid with a request that it be equipped with the City's standard equipment which included a service body, pipe racks, commercial snowplow system, light bars, and two-way radios. Bid packets were hand delivered to four local dealers which included Hatch Toyota, Arizona Dodge, Show Low Ford, and Horne Auto Center. A mandatory pre-bid conference was held on October 27, 2022, with Arizona Dodge and Show Low Ford in attendance, both of which submitted bids.

Mr. Austin said Arizona Dodge rescinded its bid on November 14, 2022, as the bid did not include the applicable taxes as required in the bid documents, leaving Show Low Ford as the sole qualified bidder.

Mr. Austin said due to the rising price of trucks and the standard upfit for the vehicles, the bid was over the budgeted amount by \$226,453.00. After reducing the number of trucks from ten to eight and adjusting the upfits on two of the trucks, the difference between the budgeted amount and the final purchase price was \$14,916.37.

Mr. Austin said staff recommended approving the purchase of eight trucks from Show Low Ford in an amount not to exceed \$642,268.37 and authorizing the associated budget transfers.

Mayor Leech asked if it was normal for the other businesses not to submit bids. Mr. Austin said yes, it was normal.

**VICE MAYOR KAKAVAS MOVED TO AWARD THE PURCHASE OF EIGHT VEHICLES FROM SHOW LOW FORD IN AN AMOUNT NOT TO EXCEED \$642,268.37 AND AUTHORIZE THE ASSOCIATED BUDGET TRANSFERS; SECONDED BY COUNCILMAN CLARK; PASSED 7 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS AND COUNCIL MEMBERS ADAMS, ALLSOP, CLARK, HATCH, AND JUDD VOTING IN FAVOR.**

9. **SUMMARY OF CURRENT EVENTS:**

A. Council Members

Councilman Adams thanked staff for their work all year long and the downtown decorations.

Vice Mayor Kakavas thanked staff for their work in keeping the community running. She wished Mr. Muder well in his retirement. She wished all the employees and fellow Council Members a Merry Christmas and Happy New Year.

Councilman Allsop thanked the finance staff for their work on the City's finances. He said he visited the Navajo County Peace Officer Memorial, for which Show Low Main Street donated \$10,000. He thanked the Main Street staff for their hard work raising funds for this project. He wished the staff a Merry Christmas and Happy New Year.

Councilman Clark said he appreciated staff and all their work on the downtown lights. He said Feasts of Carols performed last week, and all shows were sold out. He encouraged people to see The Forgotten Carols on Thursday night at Show Low High School Auditorium. He wished everyone Merry Christmas and Happy New Year.

B. Mayor

Mayor Leech said he attended the ribbon cutting for the inclusive playground at Frontier Park last week, and it was well attended. He wished everyone a Merry Christmas. He thanked Mr. Muder for his service to the City.

C. City Manager

Mr. Muder said the Christmas lights and holiday decorations were on full display for Show Low Shines for the Holidays. There were several family-friendly events to celebrate the holidays. The Flashlight Candy Cane Hunt would be held on the Senior Field at City Park on Thursday, December 8, for kids ages 12 and under. The library would host "Winter Fest," a family event on December 14. The City's final event for the year would be the Deuce of Clubs Drop on New Year's Eve, December 31, in front of the public library. The festivities begin at 11:00 p.m., followed by the dropping of the giant card and fireworks at midnight.

Mr. Muder said the aquatic center remained closed for annual maintenance and would reopen to the public Monday, December 19. The City appreciated everyone's patience during this closure.

Mr. Muder said the Community Fast officially ended three weeks ago, but donations were still being accepted to help fellow citizens in need this holiday season. Contributions would be accepted through December at City Hall and local banks—National Bank, Chase, and Arizona Central Credit Union.

Mr. Muder said that residents could recycle Christmas trees after the holidays from Sunday, December 26, through Sunday, January 8. All decorations and lights should be removed, and trees could be dropped off at the designated area at the Frontier Park parking lot north of the Deuce of Clubs on 9th Place. The trees would be taken to Novo Power in Snowflake for use as biomass fuel.

Mr. Muder expressed the City's condolences to the Mills family on the passing of former Councilman Doyle Mills. Councilman Mills served for four years on the City Council from May 1980 until May 1984. The City appreciated his service to the City and citizens of Show Low.

Mr. Muder said this was the last regular Council meeting for 2022 and wished everyone a Merry Christmas and safe and happy holidays.

10. **SCHEDULING OF MEETINGS:**

Scheduling of meetings, which may be brought up at this time.

None.

11. **ADJOURNMENT.**

There being no further business to be brought before the Council, **MAYOR LEECH ADJOURNED THE REGULAR MEETING OF THE SHOW LOW CITY COUNCIL OF DECEMBER 6, 2022 AT 8:06 P.M.**

ATTEST:

APPROVED:

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Rachael Hall, City Clerk

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John Leech, Jr., Mayor

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### CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **REGULAR MEETING** of the City Council of Show Low held on December 6, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Rachael Hall, City Clerk

**MINUTES OF THE SPECIAL MEETING OF THE SHOW LOW CITY COUNCIL HELD ON TUESDAY, DECEMBER 14, 2022, AT 1:30 P.M. IN THE CITY COUNCIL CHAMBERS, 181 NORTH 9TH STREET, SHOW LOW, NAVAJO COUNTY, ARIZONA**

1. Call to Order.

Mayor Leech called the meeting to order at 1:31 p.m.

2. Roll Call.

**COUNCIL MEMBERS PRESENT:** Mayor Leech, Vice Mayor Kakavas, Councilman Adams, Councilman Allsop, Councilman Hatch, and Councilman Judd.

**COUNCIL MEMBERS ABSENT:** Councilman Clark.

**STAFF PRESENT:** Ed Muder, City Manager; F. Morgan Brown, City Attorney; and Rachael Hall, City Clerk.

**GUESTS:** Anna Atencio.

3. Discussion and Consideration of City Attorney Contract for Anna Atencio.

The Council reserves the right to adjourn into Executive Session for discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining, or resignation of a public officer, appointee, or employee of any public body or to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations. Pursuant to A.R.S. Sections 38-431.03(A)(1) and 38-431.03(A)(4).

Mr. Brown said staff met with Anna Atencio to discuss a contract for the full-time city attorney for the City of Show Low. He presented the contract to the Council for their review.

Mayor Leech asked if it was standard to have the severance, Mr. Brown said yes it was standard because this position was an at-will employee so there was a severance clause in the contract.

**VICE MAYOR KAKAVAS MOVED TO APPROVE THE EMPLOYMENT CONTRACT AS PRESENTED TO HIRE ANNA ATENCIO AS THE FULL-TIME CITY ATTORNEY FOR THE CITY OF SHOW LOW; SECONDED BY COUNCILMAN JUDD; PASSED 6 TO 0 WITH MAYOR LEECH, VICE MAYOR KAKAVAS, AND COUNCIL MEMBERS ADAMS, ALLSOP, HATCH, AND JUDD VOTING IN FAVOR.**

Several Council members congratulated Ms. Atencio.

4. Adjournment.

There being no further business to be brought before the Council, **MAYOR LEECH ADJOURNED THE SPECIAL MEETING OF THE SHOW LOW CITY COUNCIL OF DECEMBER 14, 2022, AT 1:36 P.M.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Rachael Hall, City Clerk

\_\_\_\_\_  
John Leech, Jr., Mayor

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### CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the **SPECIAL MEETING** of the City Council of Show Low held on December 14, 2022. I further certify that the meeting was duly called and held and that a quorum was present.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

(SEAL)

\_\_\_\_\_  
Rachael Hall, City Clerk

## CITY OF SHOW LOW STAFF SUMMARY REPORT

**AGENDA TITLE:** Public Hearing and Consideration of Ordinance No. 2023-01 Amending the Zoning Ordinance of the City, Amending the Zoning on the property described as A.P.N. 210-16-128G from the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses (Justen Tregaskes)

### RECOMMENDATION

By unanimous consent, read Ordinance No 2023-01 by title only, as all Council Members have a copy.

I **MOVE** to adopt Ordinance No. 2023-01.

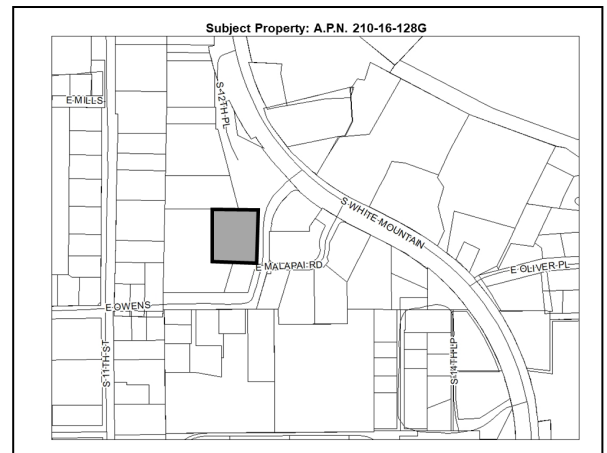
### BACKGROUND

At its regular meeting on July 1, 2003, the Show Low City Council approved Ordinance No. 2003-09 (conditions attached) for a zone change request submitted by Kaibab Industries for a master planned commercial project. This development was to include a movie theater, several retail shops, and a restaurant. A.P.N. 210-16-128G was shown on this plan as a proposed parking lot. Condition number two of Ordinance No. 2003-09 states, "All future development and density associated therewith shall be submitted in substantial conformance with the Site Plan presented at the open house on June 3, 2003." Based on this condition, any development of the subject property other than a parking lot requires a zoning amendment.

Tate Ash has submitted a zone change request to amend the current zoning conditions of Ordinance No. 2003-09 to remove Condition 2 on the subject property to allow for all uses as outlined in the C-2 zoning district, including multi-family uses. The applicant held a neighborhood meeting on October 3, 2022. Neighbors expressed concerns regarding traffic, the location of city utility lines, private easement access to the properties to the north/west of the subject property, drainage/irrigation, and the location/type of fencing. Following a public hearing at their meeting of December 13, 2022, the Planning and Zoning Commission voted 7-0 to approve the submitted request and forward this recommendation to the city council subject to specified conditions.

Prior to Ordinance 2003-09, the subject property was zoned C-1 (Neighborhood Commercial), which is the original zoning for this parcel. The applicant is proposing to build a two-story, eight-unit multi-family dwelling on the subject property. Multi-family dwellings of up to ten units are a permitted use in the C-2 zone, subject to the requirements of the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zone. Multi-family dwellings over ten units are a conditional use in the C-2 zone, provided they meet the standards of the R2-7 zone. The applicant has indicated that the standard C-2 zoning district uses would be possible should apartments not be constructed. Construction plans, including drainage and detention plans, will be required prior to any development.

Attachments:  
Commission Decision  
Ordinance No. 2023-01



## **COMMISSION DECISION**

After reviewing the Standards for Review, Findings of Fact, discussions with the applicant, the City of Show Low Zoning and Land Ordinances, and the City of Show Low General Plan, the Planning and Zoning Commission approved zone change request 605-03-119 submitted by Tate Ash to amend the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses on property identified as A.P.N. 210-16-128G, and forwards this recommendation to the City Council subject to the following conditions.

1. All development shall comply with all applicable federal, state, and local requirements including building code, and fire codes.
2. Prior to the commencement of any development on the subject property, engineering improvements, drainage and grading plans shall be submitted to the City for review and approval.
3. Development of multi-family uses shall comply with the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zoning district standards, including fencing requirements from adjacent properties. A six-foot solid material fence shall be installed for apartment use along the south and west property lines and shall not be placed over any public or private easements.
4. No buildings or structures shall be built over any City water or sewer mains and an easement shall be dedicated to the City for these utilities.

## **CONDITIONS OF ORDINANCE 2003-09**

1. Development shall comply with all applicable Federal, State, and local requirements.
2. All future development and density associated therewith shall be submitted in substantial conformance with the Site Plan presented at the open house on June 5, 2003.
3. Water, sewer and drainage master plans shall be submitted to and approved by City Engineering staff prior to the commencement of construction of improvements on the subject property.
4. The project developer and Show Low City Council shall enter into a Development agreement addressing issues relating to East Owens roadway improvements and dedication of any required right-of-way.
5. The developer shall be responsible for securing and satisfying any necessary ADOT (Arizona Department of Transportation) permits or approvals.

6. Screening is to be worked out between the developer and the owners of adjoining properties used for residential purposes. If the developer and property owners cannot reach agreement, then the Community Development Director will serve as mediator to facilitate a mutually satisfactory solution.

### **FINDINGS OF FACT**

1. Tate Ash has submitted a zone change request to amend the current C-2 (General Commercial) zoning conditions to allow for all uses as outlined in the C-2 zoning district, including multi-family uses on property identified as A.P.N. 210-16-128G.
2. At their regular meeting of July 1, 2003, the Show Low City Council approved ordinance No. 2003-09 for a zone change request submitted by Kaibab Industries to provide consistency of zoning as the property was split zoned C-2 and C-1 (Neighborhood Commercial) and to allow a phased, mixed-use commercial development. This development was to include a movie theater, several retail shops and a restaurant.
3. Based on neighborhood concerns condition number two of Ordinance No. 2003-09 states, "All future development and density associated therewith shall be submitted in substantial conformance with the Site Plan presented at the open house on June 3, 2003." The subject property is shown on the Site Plan (copy attached) as a parking lot. Any development of the subject property other than a parking lot will require a zoning amendment to remove this condition.
4. The applicant is proposing to build a two-story, eight-unit multi-family dwelling on the subject property. Multi-family dwellings up to 10 units are a permitted use in the C-2 zone, multi-family dwellings over 10 units are a conditional use in the C-2 zone provided they meet the standards of the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zone. The applicant has also indicated that the standard C-2 zoning district uses would be possible should apartments not be constructed on the subject property.
5. The applicant held a neighborhood meeting with property owners located within 300 feet of the subject property on October 3, 2022. Neighbors expressed concerns regarding increased traffic, location of City utility lines, private easement access to the properties to the north/west of the subject property, drainage/irrigation, and the location/type of fencing.
6. Current zoning of the surrounding properties include:  
  
North: C-1 (Neighborhood Commercial) and C-2 (General Commercial)  
South: C-1 (Neighborhood Commercial)  
East: C-2 (General Commercial)  
West: C-1 (Neighborhood Commercial)

7. The current land uses of the surrounding properties include:

North: Single-family residential and vacant commercial  
South: Single-family residential  
East: Commercial Offices  
West: Single-family residential

8. Transmittal memos were sent to all affected agencies no applicable comments were received.

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

## **STANDARDS FOR REVIEW**

### **General Plan**

#### **Land Use**

**Goal:** Preserve natural surroundings and the rural, hometown atmosphere.

**Objective:** Promote infill and indicate prime growth areas for programmed expansion of service systems to discourage sprawl.

**Goal:** Stress compatibility of land uses.

**Objective:** Reduce negative impacts on residential areas.

#### **Housing**

**Goal:** Maintain residential consistency, balance and spacious appearance.

**Objective:** Provide a Land Use Plan and zoning that strive to achieve compatibility with dissimilar uses next to each other.

## **Zoning Ordinance**

19.10.100 Text amendments and zone changes.

(A) *Purpose.* The purpose of this section is to allow amendments to the text of these zoning regulations or the zoning map so that the city may respond to changing

conditions. The provisions of this section are not intended to relieve particular hardships nor to confer special privileges.

(B) *Application Process.*

- (1) *Authorized Applicant.* An applicant for an amendment to change the zoning on any property shall be one (1) of the following:
  - (a) The owner(s) and/or authorized agent of the property;
  - (b) One (1) or more of several joint owners of property who own individually or as a group and hold a majority interest in the property;
  - (c) Seventy-five (75) percent, or more, of the owners of property in the area and seventy-five (75) percent, or more, of the land area covered by the application when the application covers more than one (1) property;
  - (d) The city council or planning and zoning commission on its own motion at a public meeting.
- (2) *Submittal Requirements.* To have a zoning ordinance or zoning map amendment processed the applicant shall submit an application on a form provided by the planning and zoning department and shall comply with each of the following requirements, as deemed applicable by the planning and zoning director:
  - (a) A pre-application meeting shall be arranged by the applicant with the planning and zoning director to discuss any proposed amendment prior to any application submittal.
  - (b) A neighborhood meeting shall be coordinated through the planning and zoning director but conducted solely by the applicant with city staff attending for observation and general questions only.
  - (c) A narrative of how the proposed amendment is consistent with and conforms to the general plan and with the development plan map of the City of Show Low. Any contemplated uses shall be explained within the narrative, as well as outlining the neighboring land uses adjacent to the property.
  - (d) The pre- and post-zoning densities for the particular subject property shall also be calculated and included into the narrative.
  - (e) At least one (1) reasonably detailed and legible map no smaller than eight and one-half (8-1/2) inches by eleven (11) inches showing the particular property or properties that are being petitioned for a change and showing the adjoining properties and the public streets within a radius of three hundred (300) feet from the external boundaries of the proposed zoning map amendment. Indicate

the current ground cover, location of buildings and parking areas, and the setback of the existing buildings and parking areas.

- (f) A statement revealing any conditions or restrictions of record (if any), such as floodplain, deed restrictions, liens, etc., which would affect the permitted uses of the property if rezoned as requested and the date or dates (if any) of expiration thereof.
  - (g) Such conceptual plans, photographs, drawings, building elevations, and other supporting documents (if any) as the applicant may desire to present or deemed necessary by the planning and zoning director.
  - (h) 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.
  - (i) *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.
  - (j) 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.
- (C) *Staff Review.* A completed application for an amendment to the text of these regulations or the zoning map shall be submitted to the planning and zoning director at least twenty-five (25) days prior to the public hearing. The recommendation shall be submitted to the planning and zoning commission prior to the scheduled public hearing. The recommendation shall set forth whether the amendment or rezoning should be granted, granted with conditions, or denied, and the grounds for any such recommendations as they relate to the standards and purposes of the zoning district classifications set forth in this chapter.
- (D) *Standards for Reviewing Proposed Amendments.* All proposed amendments shall be evaluated to ensure the application is consistent with and conforms to the general plan and any other adopted plans. The proposed change shall not be detrimental to the majority of the persons or property in the surrounding area, nor to the community in general.
- (E) *Public Hearing.* The planning and zoning commission shall at a minimum give notice and shall conduct a public hearing on the application in accordance with the requirements of A.R.S. § [9-462.04](#) and amendments thereto. 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.

- (F) *Commission Action.* The planning and zoning commission shall review the application and the testimony presented in the public hearing and shall render a decision at the conclusion of or within thirty (30) days after the public hearing in the form of a written recommendation to the city council. The recommendation shall include the standards for review, the commission's findings of fact and its recommendation. If more information is requested by the commission, the public hearing may be continued one (1) time to a specific date not to exceed thirty (30) days from the originally scheduled public hearing.
- (G) *Council Action.*
- (1) Once the commission has held a public hearing, the council may adopt the recommendation of the commission without holding a public hearing if there is no objection, no request for public hearing, or other protest. If requested by any aggrieved party, any member of the public and/or any member of the city council, the council shall give notice and shall conduct a public hearing on the application in accordance with the requirements of A.R.S. § [9-462.04](#) and amendments thereto. If a public hearing is held by the city council a decision shall be rendered at the conclusion of or within thirty (30) days after the public hearing.
  - (2) If the owners of twenty (20) percent or more, either of the area of the parcel(s) of land included in the proposed change, or of those immediately adjacent in the rear or any side thereof extending one hundred fifty (150) feet therefrom, or of those directly opposite thereto extending one hundred fifty (150) feet from the street frontage of the opposite parcels of land, file a protest in writing against a proposed amendment, the amendment shall not become effective except by a favorable vote of three-fourths (3/4) of all members of the city council. If any member of the city council is unable to vote on such a question because of a conflict of interest, then the required number of votes for passage of the question shall be three-fourths (3/4) of the remaining membership of the council; provided, that such required number of votes shall in no event be less than a majority of the full membership of the legally established governing body.
  - (3) A decision of the council involving rezoning of land which is not owned by the city and which changes the zoning classification of such land may not be enacted as an emergency measure and such change shall not be effective for at least thirty (30) days after final approval of the change in classification by the council.
  - (4) The city council may attach conditions to a rezoning request as are necessary to carry out the purposes of the general plan or other adopted plans and ensure compatibility with adjacent land uses. Except as modified by actions of the city council, conditions adopted by ordinance in accordance with prior law shall

remain in full force and effect. A violation of any condition shall be considered to be a violation of these regulations. The city council may approve a change of zoning district conditioned upon one (1) or more of the following:

- (a) A requirement that development proceed in accordance with a specific area plan, site plan, conceptual plan and/or development schedule.
  - (b) A requirement of public dedication of rights-of-way as streets, alleys, public ways, drainage and public utilities, and installation of off-site improvements as are reasonably required by or related to the effect of the rezoning.
- (H) *Reversion.* The city council may approve a change of zoning district conditioned upon a schedule for development of the specific use or uses for which rezoning is requested. If at the expiration of this period the property has not been improved for the use for which it was conditionally approved, the legislative body, after notification by certified mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.
- (I) *Reconsideration of Denied Amendments.* In the event that a petition for an amendment is denied by the city council, or is withdrawn after the conclusion of the commission hearing, the commission shall not consider the petition or any other petition for the same or substantially the same amendment as it applies to the same property or zoning ordinance text described in the original petition, or any part thereof, within a period of one (1) year from the date of such denial action or withdrawal, unless the conditions upon which the original denial or withdrawal was based have changed. (Ord. No. 473, §§ 1 – 4, 6-6-00; Ord. No. 2006-07, § 2, 3-7-06; Ord. No. 2007-03, § 1, 1-16-07; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-31)

## 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:
- (1) 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.
  - (2) 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.
  - (3) All roof overhangs shall be a minimum of twelve (12) inches in width.
  - (4) No metal siding utilizing vertical seams shall be allowed.
- (G) *Landscaping.* All development located within the C-2 (General Commercial) zoning district shall be accompanied with a landscaping plan. This landscaping plan shall incorporate the following:
- (1) An average of ten (10) feet of the lot measured from the front property line and the street side property line, extending the developed length of the property (except for driveways) with a minimum distance of three (3) feet from the front property line and the street side property line, extending the developed length of the property (except for driveways), shall be landscaped.
  - (2) All open areas not designated and surfaced for parking shall be landscaped with trees, shrubs, ground cover, pedestrian walkways and plazas in a manner acceptable to the planning and zoning director or his/her designee.
  - (3) A minimum of thirty (30) percent of the required landscaping area shall consist of vegetative ground cover. The remaining area may be landscaped with rock, gravel or similar landscaping materials. A minimum of one (1) tree per two hundred (200) square feet of required landscaped area shall be provided. In addition, a minimum of one (1) bush or shrub shall be provided for every one hundred (100) square feet of required landscaped area. Trees, bushes and shrubs may be grouped. The use

of native or indigenous species is required. A list of approved trees, shrubs, bushes and ground cover is available from the community development department. Deviations from this list may be permitted following written approval from the planning and zoning director. In addition to these landscaped portions, an area equal to at least five (5) percent of the required parking area exceeding twenty thousand (20,000) square feet shall be landscaped. Preservation of existing trees is strongly encouraged.

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

(H) *Screening.*

- (1) Where the lot adjoins a residential zone, dissimilar uses shall be screened from the residential property by a solid material fence six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission.
- (2) All outdoor storage must be screened from the public view and from the view of the adjoining property owners. A sight-obscuring fence shall be built, or sight-obscuring landscaping fence shall be planted, and maintained around the perimeter of the outdoor storage area. (Ord. No. 522, §§ 1 – 4, 1-7-03; Ord. No. 2005-10, § 4, 4-19-05; Ord. No. 2006-07, § 7, 3-7-06; Ord. No. 2006-20, § 3, 8-15-06; Ord. No. 2009-08, §§ 1, 2, 6-2-09; Ord. No. 2010-08, §§ 1, 2, 5-4-10. 1976 Code § 15-1-60(D))

19.70.130 General provisions.

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

19.70.140 Signs.

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

19.70.150 Parking and loading.

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

19.70.160 Plan review.

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

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

19.55.010 Purpose.

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

19.55.020 Permitted uses.

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

19.55.030 Conditional uses.

- (A) Churches and similar places of worship.

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

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

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

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

| <b>Area of Lot<br/>(square feet)</b> | <b>Minimum Lot Average per Dwelling Unit<br/>(square feet)</b> |
|--------------------------------------|----------------------------------------------------------------|
| 7,000 to 10,500                      | 3,500                                                          |
| 10,501 to 15,000                     | 3,000                                                          |
| 15,001 and over                      | 2,500                                                          |

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

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

- (E) *Maximum Lot Coverage*. Forty (40) percent.
- (F) *Minimum Front Yard*. Twenty (20) feet.
- (G) *Minimum Side Yard*. One (1) side yard of five (5) feet and one (1) side yard of twelve (12) feet except that where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet. Subdivisions that received final plat approval prior to January 7, 2003, may utilize side yard setbacks of either five (5) feet and twelve (12) feet or eight (8) feet and eight (8) feet except where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet.
- (H) *Minimum Rear Yard*. Fifteen (15) feet.
- (I) *Maximum Building Height*. Not to exceed thirty-five (35) feet.
- (J) Except where the two (2) zones are separated by a city street, where a multifamily development of three (3) units or more adjoins a single-family residential zone, the development shall be screened from the single-family residential property by a solid material fence, six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission.
- (K) *Recreation Area*.
- (1) Five hundred (500) square feet of usable open space shall be provided for each dwelling unit. "Usable open space" shall mean space that can be enjoyed by people. This could include landscaped plazas, grass and trees, fountains, sitting areas, etc., which is meant to provide an open garden atmosphere. Usable open space does not include any required yards less than ten (10) feet in width, parking areas, vacant or undeveloped lots or any other space which does not contribute to the quality of the environment.
  - (2) Where a centralized recreation area is provided, the usable open space may be reduced up to two hundred fifty (250) square feet per dwelling unit at the following ratio: For each square foot of recreational area, open space requirements may be reduced by three (3) square feet. Recreational areas may include community use facilities, indoor recreational areas, swimming pools, hobby shops, etc. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(D))
- 19.55.050 Twin homes, townhouses, etc. – Property development standards. Twin homes, townhouses, or other similar type developments in which real property other than the footprint of each unit is individually owned.
- (A) *Minimum Total Lot Area (Prior to Development)*. Seven thousand (7,000) square feet.

- (B) *Minimum Lot Area (Each Unit)*. Thirty-five hundred (3,500) square feet.
- (C) *Minimum Average Lot Width (Prior to Development)*. Sixty (60) feet.
- (D) *Minimum Average Lot Width (Each Unit)*. Thirty (30) feet.
- (E) *Minimum Total Lot Frontage (Prior to Development)*. Thirty (30) feet.
- (F) *Minimum Lot Frontage (Each Unit)*. Fifteen (15) feet.
- (G) *Maximum Lot Coverage (Each Unit)*. Forty (40) percent.
- (H) *Minimum Front Yard*. Twenty (20) feet.
- (I) *Minimum Side Yard*. Eight (8) feet except that where a side lot line abuts a street, there shall be a minimum side yard of twenty (20) feet. Side yards of zero (0) feet for structures utilizing a common wall may be allowed; provided, that all other property development standards, including required street side setbacks, are met.
- (J) *Minimum Rear Yard*. Fifteen (15) feet.
- (K) *Maximum Building Height*. Not to exceed thirty-five (35) feet.
- (L) Except where the two (2) zones are separated by a city street, where a multifamily development of three (3) units or more adjoins a single-family residential zone, the development shall be screened from the single-family residential property by a solid material fence, six (6) feet in height as defined in Chapter [19.25](#) or as otherwise allowed or required by the planning and zoning commission. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(E))

19.55.060 General provisions.

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

19.55.070 Signs.

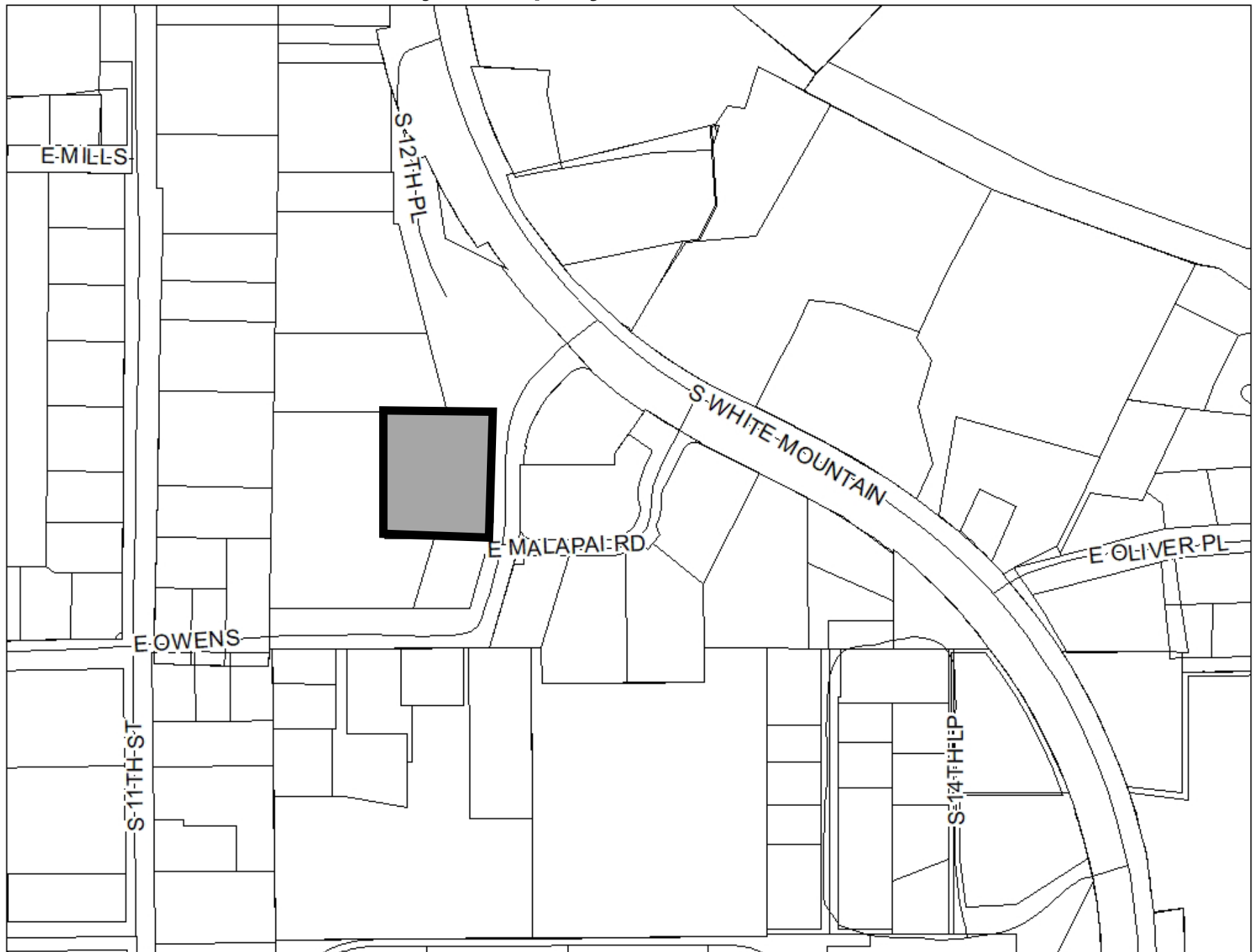
The provisions of Chapter [19.100](#) shall apply. (Ord. No. 2009-01, §§ 1, 2, 1-20-09; Ord. No. 2009-08, §§ 1, 2, 6-2-09. 1976 Code § 15-1-56(G))

19.55.080 Parking and loading.

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



**Subject Property: A.P.N. 210-16-128G**



Tate Ash  
7515 E Sherwood  
Snowflake, AZ 85937

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City of Show Low Planning and Zoning  
180 N 9<sup>th</sup> St  
Show Low, AZ 85901

RE: Zoning Amendment Narrative APN 210-16-128G

It is my understanding that the subject property (Property), currently zoned C-2, was previously zoned C-1. The Property was part of a development plan known as Show Low Theaters, that was presented to the City Council in 2003. During these meetings/process, the Property's zoning was changed from C-1 to C-2. A site plan dated June 5, 2003 (attached), shows the Property designated as a parking area. As part of the approved development plan, Exhibit C (attached), was approved, which stipulated that future development shall be submitted in substantial conformance with the approved Site Plan. Based on this approval, any development on the Property other than a parking lot, would require a zoning amendment to lift or remove this stipulation.

The submitted Zoning Amendment Application is simply to remove the verbiage that requires substantial conformance to the parking lot designation on the Property for future development. We are simply requesting this stipulation be removed so the Property can be developed within the confines of the C-2 classification and those prescribed approved uses.

Currently, we are considering a two-story, 8-unit, single building multifamily dwelling. C-2 zoning allows for up to 10 units of multifamily as long as it meets the standards of R2-7 zoning. Regardless of whether we move forward with a multifamily product or commercial product, the Property needs the site plan stipulation removed for any future development.

Sincerely,



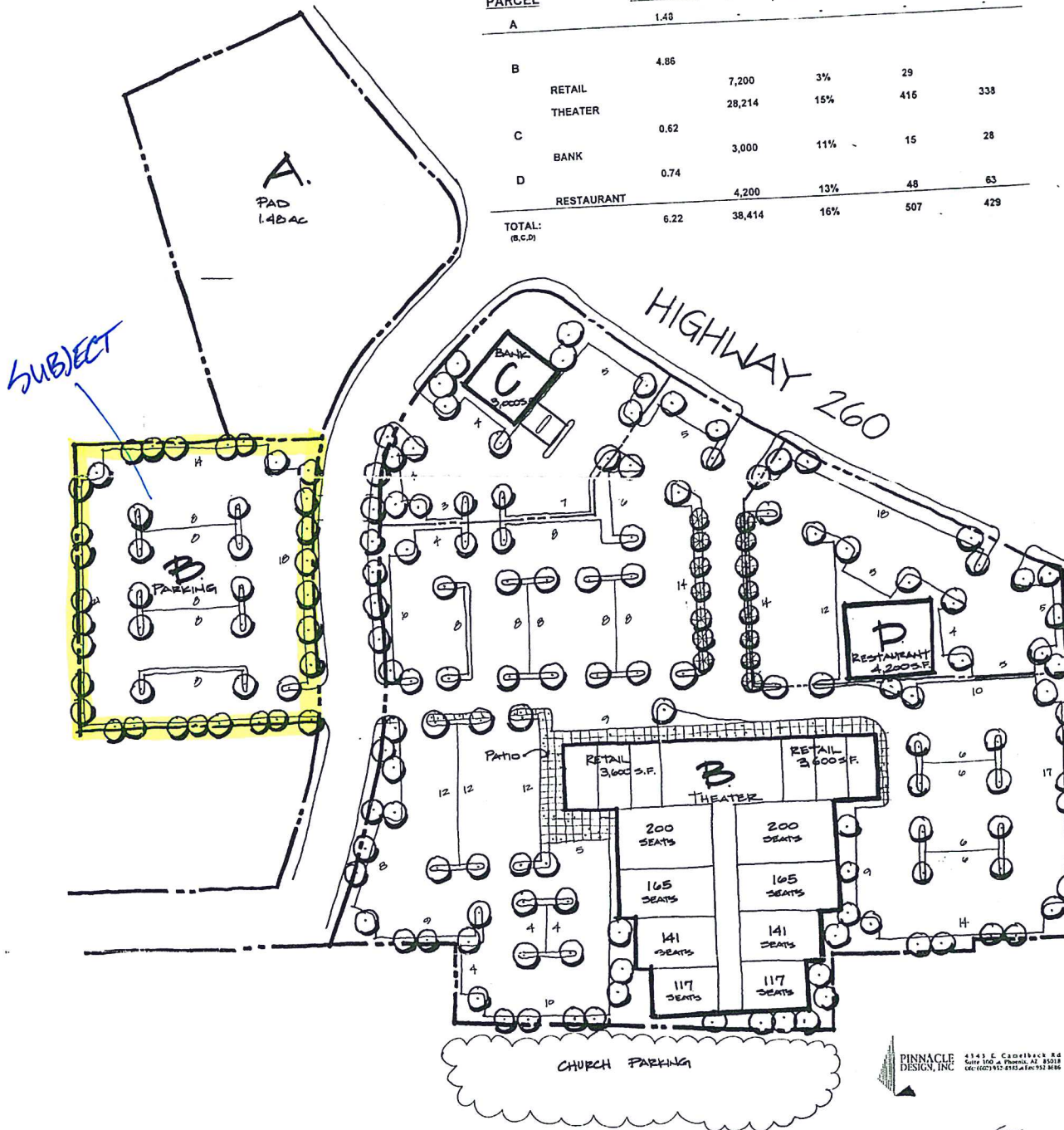
Tate Ash  
Applicant

11/9/22

## EXHIBIT C

1. Development shall comply with all applicable Federal, State and local requirements.
2. All future development and density associated therewith shall be submitted in substantial conformance with the Site Plan presented at the open house on June 5, 2003.
3. Water, sewer and drainage master plans shall be submitted to and approved by City Engineering staff prior to the commencement of construction of improvements on the subject property.
4. The project developer and Show Low City Council shall enter into a Development Agreement addressing issues relating to East Owens roadway improvements and dedication of any required right-of-way.
5. The developer shall be responsible for securing and satisfying any necessary ADOT (Arizona Department of Transportation) permits or approvals.
6. Screening is to be worked out between the developer and the owners of adjoining properties used for residential purposes. If the developer and property owners cannot reach agreement, then the Community Development Director will serve as mediator to facilitate a mutually satisfactory solution.

| PARCEL            | NET<br>ACREAGE | BUILDING<br>S.F. | BUILDING<br>COVERAGE | PARKING<br>REQUIRED | PARKING<br>PROVIDED |
|-------------------|----------------|------------------|----------------------|---------------------|---------------------|
| A                 | 1.43           |                  |                      |                     |                     |
| B                 | 4.86           | 7,200            | 3%                   | 29                  |                     |
|                   |                | 28,214           | 15%                  | 416                 | 338                 |
| C                 | 0.62           | 3,000            | 11%                  | 15                  | 28                  |
| D                 | 0.74           | 4,200            | 13%                  | 48                  | 63                  |
|                   |                |                  | 16%                  | 507                 | 429                 |
| TOTAL:<br>(B,C,D) | 6.22           | 38,414           |                      |                     |                     |



PINNACLE  
DESIGN, INC.  
4145 E. Camelback Rd.  
Suite 100 Phoenix, AZ 85018  
(602) 952-8143 Fax: 952-8146

# SHOW LOW THEATERS

PREPARED FOR: KAIBAB INDUSTRIES

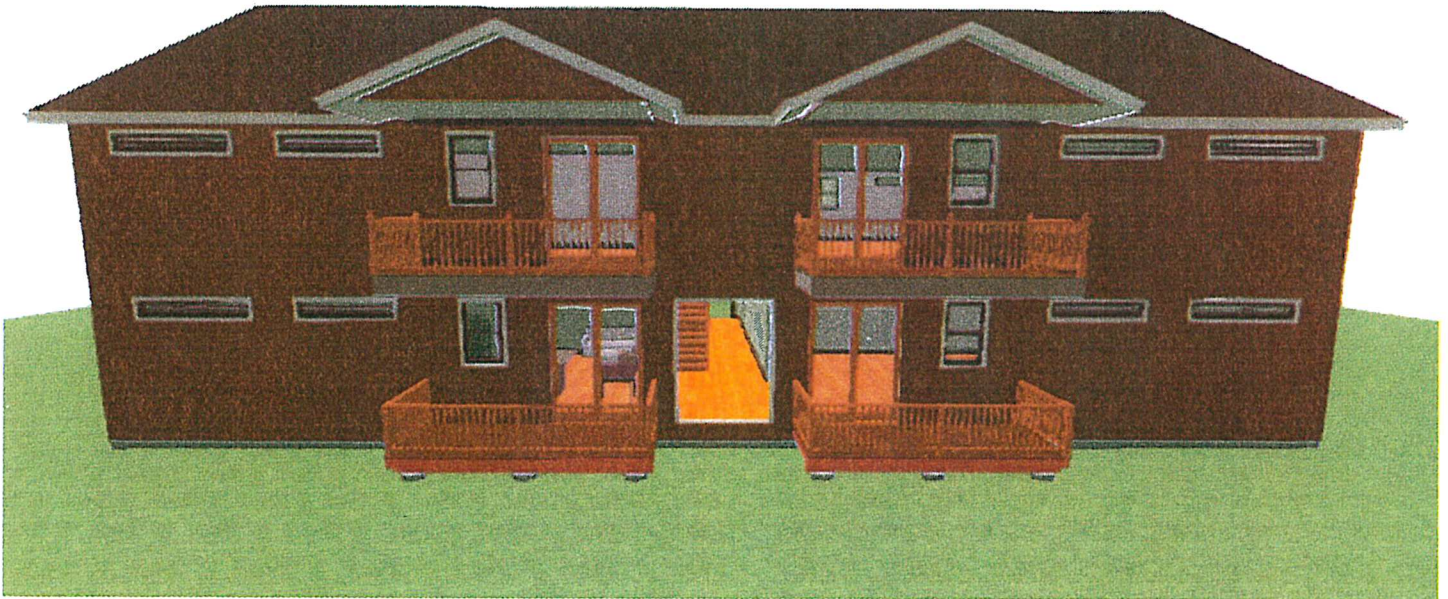
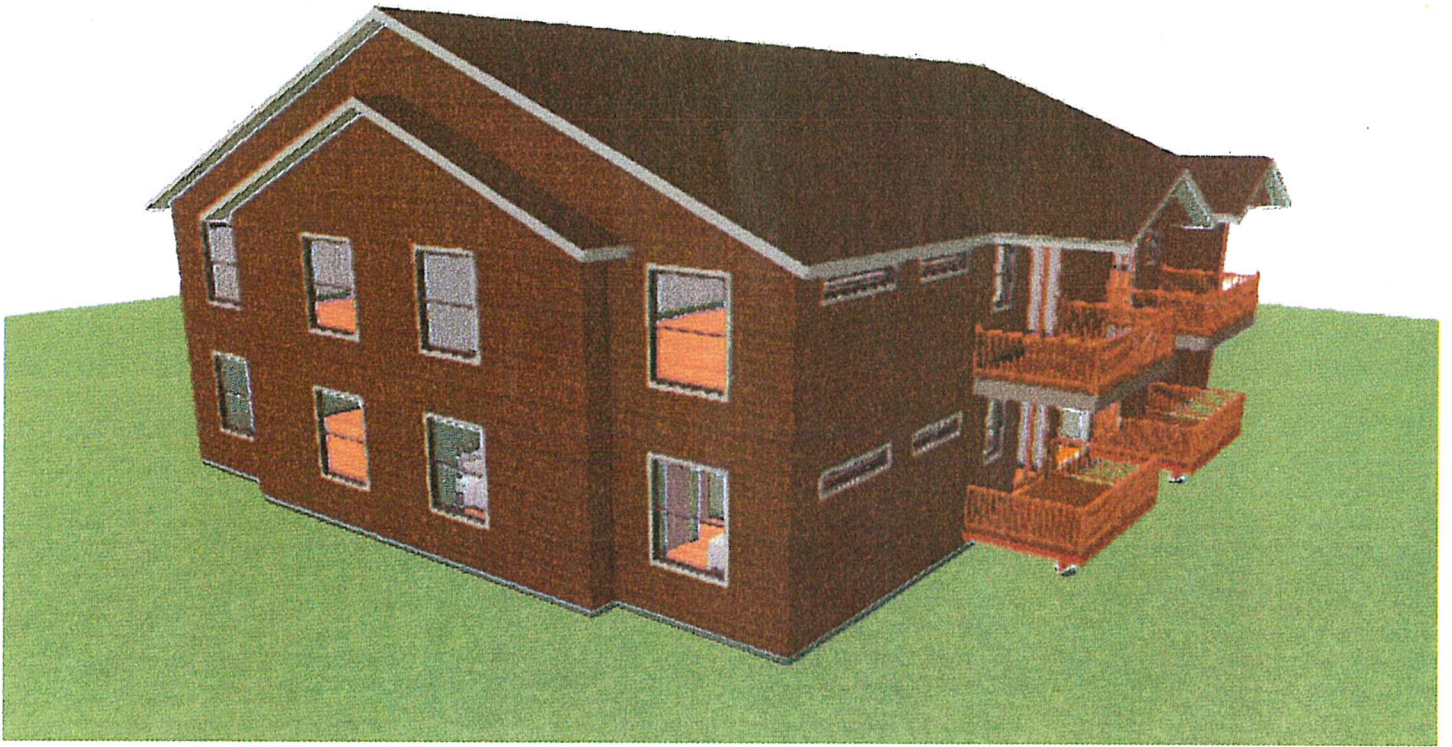
SCALE: 1" = 40' N

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## **CITY OF SHOW LOW ORDINANCE NO. 2023-01**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF SHOW LOW, ARIZONA, AMENDING THE ZONING ORDINANCE OF THE CITY, TITLE 19, AMENDING THE ZONING ON PROPERTY LOCATED IN THE SOUTHEAST QUARTER OF SECTION 20, TOWNSHIP 10 NORTH, RANGE 22 EAST OF THE GILA AND SALT RIVER MERIDIAN, NAVAJO COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS A.P. NO. 210-16-128G TO ALLOW FOR ALL USES AS OUTLINED IN THE C-2 (GENERAL COMMERCIAL) ZONING DISTRICT, INCLUDING MULTI-FAMILY USES.**

### **RECITALS:**

1. Chapter 19.10, Chapter 19.30 of the Zoning Ordinance of the City of Show Low establishes zoning districts within the City of Show Low as shown on the map entitled "Zoning Map of the City of Show Low" which is incorporated in said Article 19.10 by reference and empowers the Council to make changes in said zoning districts.
2. The subject property was included in a previous zone change adopted through Ordinance 2003-09. Condition No. 2 of this ordinance states, "All future development and density associated therewith shall be submitted in substantial conformance with the Site Plan presented at the open house on June 3, 2003."
3. The Site Plan presented at the open house on June 3, 2003, indicates that the subject property will be utilized as a parking lot. At a neighborhood meeting held October 2, 2022, the applicant has presented a revised site plan for the subject property indicating that this property may be used for apartments.
4. Ordinance 2023-01 will amend Condition No. 2 on the subject property to allow for all uses as outlined in the C-2 (General Commercial) zoning district, including multi-family uses.
5. The Planning and Zoning Commission, at its Regular Meeting of December 13, 2022, held a public hearing on the zone change herein described and recommended the change be adopted by the Council.

### **ENACTMENT:**

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the City of Show Low, Arizona, as follows:

The zoning of the subject property is hereby amended by changing the portion thereof graphically represented on Exhibit A, attached hereto and made a part hereof by this

reference, to show the location boundaries of the subject property as said location and boundaries are shown on Exhibit A; to have the effect of amending the zoning of the property legally described on Exhibit B, attached hereto and made a part hereof by this reference, known as on A.P. No. 210-16-128G to allow for all uses as outlined in the C-2 (General Commercial) zoning district, including multi-family uses; with those conditions indicated on Exhibit C, attached hereto and made a part hereof by this reference.

**PASSED AND ADOPTED** this 3rd day of January 2023, by the Mayor and Council of the City of Show Low, Arizona.

---

John Leech, Jr., Mayor

ATTEST:

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Rachel Hall, City Clerk

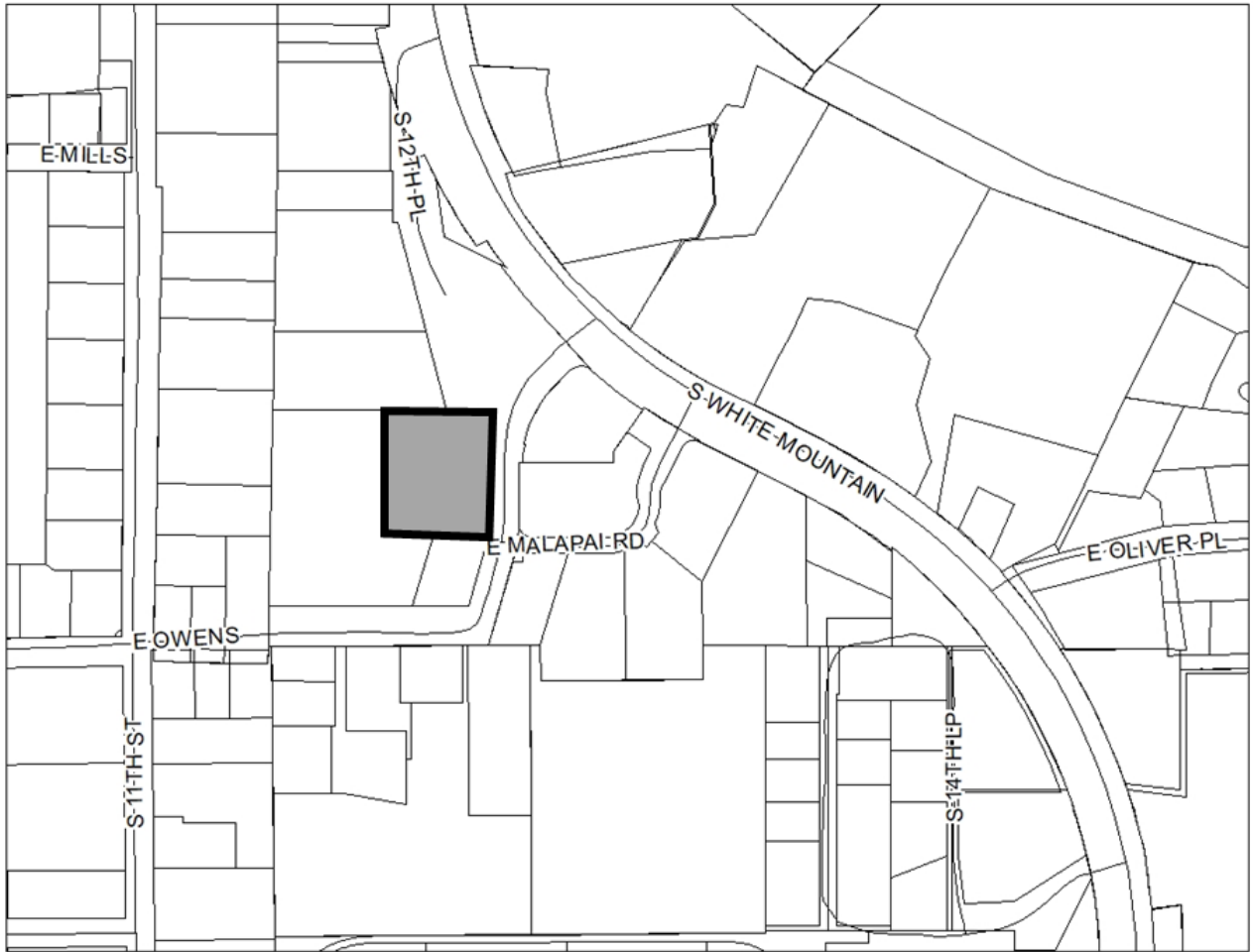
APPROVED AS TO FORM:

---

F. Morgan Brown, City Attorney

**Exhibit A**

**SUBJECT PROPERTY MAP**



**Exhibit B**

**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE COUNTY OF NAVAJO, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

Section 20, T10N,R22E:Com E4 Cor Sec 20; Th S00°25'14 E 827.45'; Th S89°34'46 W 742.14'; Th Alg A Curve (R=1061') 120.66'; Th Alg A Curve 104.98'; Th N63°30'00 W 136.60'; Th N08°28'00 W 55.41'; Th N53°16'02 W 83.51'; Th S00°13'57 W 73.26'; Th N89°39'21 E 4.85'; Th S14°25'07 E 380.50'; Th S89°04'03 E 75.83'; Tprob; Roll Th N89°04'03 W 192.51'; Th S00°30'20 W 223.39'; LI Th S89°23'51 E 84.56'; Th S89°38'11 E 99.73'; Th N16°31'09 E 10.79'; Th Alg A Curve (R=125') 34.94'; Th N00°30'20 E 164.58'; Th Alg

## **Exhibit C**

### **CONDITIONS**

1. All development shall comply with all applicable federal, state, and local requirements, including building code and fire codes.
2. Prior to the commencement of any development on the subject property, engineering improvements, drainage, and grading plans shall be submitted to the City for review and approval.
3. Development of multi-family uses shall comply with the R2-7 (Single-Family and Multiple-Family Residential, 7,000 Square Feet) zoning district standards, including fencing requirements from adjacent properties. A six-foot solid material fence shall be installed for apartment use along the south and west property lines and shall not be placed over any public or private easements.
4. No buildings or structures shall be built over any City water or sewer mains, and an easement shall be dedicated to the City for these utilities.

## CITY OF SHOW LOW STAFF SUMMARY REPORT

**AGENDA TITLE:** Consideration of Acceptance of McNeil Acres and 11th Street Sewer Replacement, City of Show Low Project No. S-1122 (Shane Hemesath)

### RECOMMENDATION

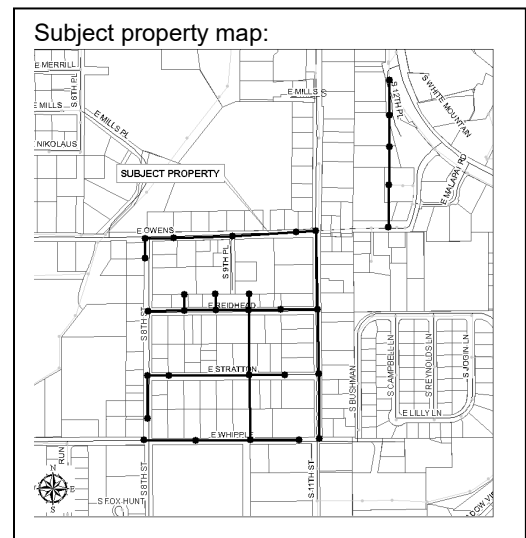
I **MOVE** to accept the McNeil Acres and 11th Street Sewer Replacement, City of Show Low Project No. S-1122, authorize associated budget transfers, approve the \$86,992.13 change order for a final cost of \$1,591,117.13, release the retainage and initiate the two-year warranty period.

### BACKGROUND

At its regular meeting on April 5, 2022, the Show Low City Council awarded a construction contract to Apache Underground and Excavating in an amount not to exceed \$1,504,125 for the McNeil Acres and 11th Street sewer replacement project. The scope of the work included installing approximately 8,000 linear feet of new eight-inch PVC sewer line, 29 new concrete manholes, new sewer services, and replacing the existing asphalt removed.

The McNeil Acres Subdivision is one of the older subdivisions in the City. During construction, additional unknown sewer taps were discovered that required connection to the new sewer main and some required grade adjustments. Due to the extremely poor condition of the asphalt in the subdivision, the existing asphalt would break apart and ravel near the trench line while the new sewer main was being installed. As a result, large asphalt patches needed to be replaced. The City's current budget includes funding for the reconstruction of the McNeil Acres Subdivision. However, this work is not scheduled until the summer of 2023. The larger asphalt patches were installed to ensure the roadways would hold together through the winter and be ready for reconstruction next year. These changes resulted in an additional asphalt patch cost of \$86,992.13, bringing the final project cost to \$1,591,117.13

Staff recommends accepting the McNeil Acres and 11th Street Sewer Replacement, City of Show Low Project No. S-1122, authorizing associated budget transfers, approving the \$86,992.13 change order for a final cost of \$1,591,117.13, releasing the retainage, and initiating the two-year warranty period.



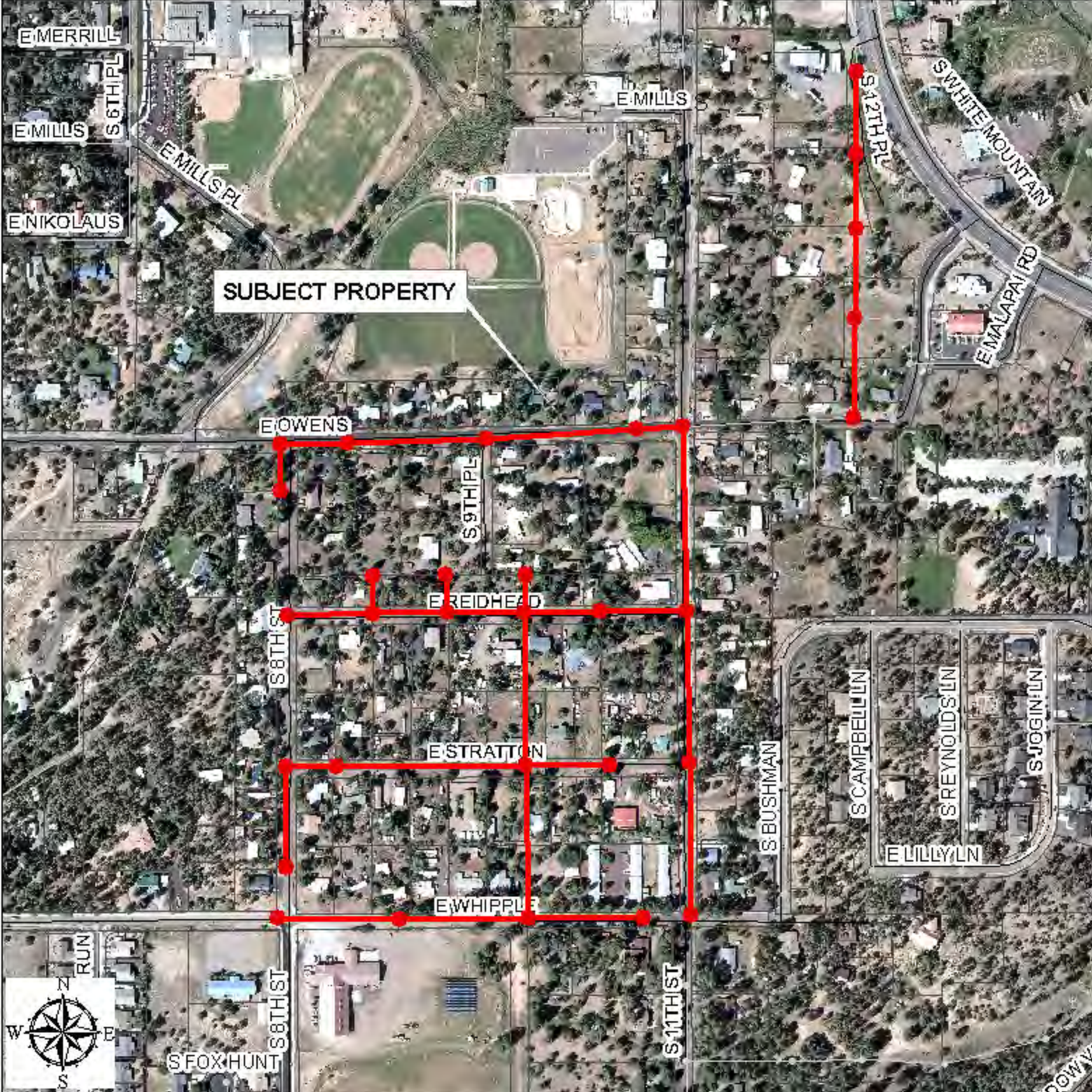
### FISCAL IMPACT

Anticipated cost: \$1,591,117.13

Funding source: \$891,026.00 42-755-180-1620-0000/7552249 (McNeil Acres); \$700,092.00 42-755-180-1620-0000/7552250 (11th Street Sewer)

| Description                   | Account                      | Approved<br>Budget | Transfer | Amended<br>Budget  |
|-------------------------------|------------------------------|--------------------|----------|--------------------|
| Streets General Improvements  | 12-500-495-7310-0000/5001801 | \$456,241          | (48,716) | \$407,525          |
| McNeil Acres Sewer            | 42-755-180-1620-0000/7552249 | \$842,310          | 48,716   | \$891,026          |
| Sewer General Improvements    | 42-755-180-1620-0000/7551802 | \$150,000          | (38,277) | \$111,723          |
| 11 <sup>th</sup> Street Sewer | 42-755-180-1620-0000/7552250 | \$661,815          | 38,277   | \$700,092          |
| Total                         |                              | <u>\$2,110,366</u> |          | <u>\$2,110,366</u> |

T:\packets\010323\S-1122McNeil Acres and 11th St Sewer



E MERRILL

E MILLS

E NIKOLAUS

S 6TH PL

E MILLS PL

SUBJECT PROPERTY

E MILLS

S 42TH PL

S WHITE MOUNTAIN

E MALAPAI RD

E OWENS

S 9TH PL

E REIDHEAD

S 8TH ST

E STRATTON

E WHIPPLE

S BUSHMAN

S CAMPBELL LN

S REYNOLDS LN

S JOGAN LN

E LILLY LN



S FOX HUNT

S 8TH ST

S 11TH ST

S DOW VILLAGE