

SHOW LOW PLANNING & ZONING COMMISSION
MINUTES OF THE REGULAR MEETING OF TUESDAY, MARCH 10, 2009

1. **Call to Order.** Chairman Skillin called the meeting to order at 7:01 PM.
2. **Roll Call.**

COMMISSIONERS PRESENT: Chairman Skillin; Vice Chairman Allsop; Commissioner Isaacs; Commissioner Johnson; Commissioner Leech; and Commissioner Sakamoto.

COMMISSIONERS ABSENT: Commissioner Saner.

STAFF PRESENT: Justen Tregaskes, Planning and Zoning Director; Telford Chapman, Senior Planner; Katie Blakeslee, Community Development Specialist; and Diana Hough, Administrative Asst., John Holman, City Attorney's Office.

GUESTS PRESENT: Councilman Latham, Jason Tate, and others.

3. **Invocation.** Commissioner Johnson gave the invocation.
4. **Pledge of Allegiance.** Commissioner Leech led the assembly in the pledge.
5. **Public Hearings.**
6. **Old Business.**
7. **New Business.**
- A. **Consideration of a Conditional Use Application submitted by Barry Nicks and Mark Knoell to operate a used car sales business, Drive Now Auto Sales, L.L.C., at 700 S. White Mountain Road, more particularly known as A.P.Nos. 210-23-011B and 210-23-032B.**

Commissioner Sakamoto declared a conflict of interest. He and one of the applicants, Mr. Nicks, work in the same office.

Mr. Chapman presented the staff summary report, including the Findings of Fact and the following Staff Recommendations: 1. All development shall comply with all applicable federal, state and local requirements; 2. Development shall occur in substantial conformance to the submitted site plan; 3. All outdoor storage shall conform to section 15-1-60(D) (8) (b). All outdoor storage, including vehicles, shall be screened by a six (6) foot high solid fence; 4. All areas not utilized for driveways, walkways and parking shall be landscaped and maintained on the subject property in a manner consistent with section 15-1-60(D)(7). Landscaping shall be completed by May 10, 2009; 5. All parking and loading areas shall comply with section 15-1-46 of the City Code. Parking lot surfacing shall be completed prior to occupancy and operations commencing; 6. Applicant cannot use public street right of way to display vehicles. Signs are not permitted on the right of way; 7. All lighting shall comply with Division V, Outdoor Light Control of the City Code; 8. All proposed signage shall require a separate sign permit application and must comply with section 15-1-45 of the City Code; 9. Any vehicle not in running condition shall not be stored on the property for more than seventy-two (72) hours; 10. No semi-tractor and trailer parking shall be permitted; 11. Trash enclosure location shall be identified and the

enclosure be constructed in accordance to city code. Mr. Chapman pointed out various components of the conceptual plan as they relate to the applicable conditions on the overhead. Staff and a representative of the applicants were present to answer questions.

Commissioner Leech asked if the 72 hour limit for non-operating vehicles is in our ordinances. Mr. Tregaskes stated that this is a standard condition for a business of this nature, but it is not in Chapter 15 of the city code specifically.

Commissioner Isaacs asked if the landscaping illustrated on the drawing complies with city code. She thought it looked pretty minimal. Mr. Tregaskes said that the site plan is more conceptual in nature. The applicant will need to comply with city code in submitting a landscaping plan and implementation of that plan.

Commissioner Johnson asked about proposed signage and if the site would allow placement of a monument sign. Mr. Tregaskes said the applicants had indicated they would be using the existing supports for signage, which was not located in the right of way. He also noted that a monument sign could be installed that would meet site visibility requirements.

Mr. Tregaskes also noted that the applicant was requesting fencing that was covered with material. City code does allow the commission some leeway to grant their request. However, staff recommends following city code and requiring solid fencing.

Chairman Skillin noted there was no mention in the application regarding mechanical work. Mr. Chapman said the applicant's request was for used auto sales, not repairs. Chairman Skillin then asked why there was no landscaping noted along the south side of the property. Mr. Chapman said the applicant was not leasing property directly adjacent to Meadowbrook Place along the southern property line. Mr. Tregaskes added that any business expansion that includes this portion would require additional landscaping. The current applicants have indicated they do plan to clean up this area for now.

Chairman Skillin clarified that the commission is being asked to approve the conditional use permit for the whole property, but the applicant is leasing a part of it. Mr. Tregaskes explain the commission could approve the permit for only the leased portion of the property and require them to come back to the commission if they expand to include the southern portion. The other option would be to stipulate the applicant meet city code if they do expand.

Vice Chairman Allsop asked for further explanation of the paving/non-paving requirements for this application. Mr. Tregaskes said the customer parking and vehicle display areas are required to be paved. The storage area does not require paving.

Vice Chairman Allsop asked if there was a limit on the number of vehicles that could be parked on the property. Mr. Tregaskes said staff had not calculated for a maximum number, but the applicant will need to meet parking and driveway requirements. Vice Chairman Allsop asked if the commission could stipulate a specific number. Mr. Tregaskes said that it would be difficult to give the commission a realistic estimate. Mr. Chapman noted that condition five states that parking and loading will comply with city code. Vice Chairman Allsop asked if the applicant had indicated ADA parking in front of the office. Mr. Tregaskes said condition one would cover that requirement.

Commissioner Johnson asked for further information on the fencing. The request was deferred to the applicant.

Commissioner Isaacs verified that the parking area would be concrete or asphalt. Mr. Tregaskes said that was correct.

At this time, Chairman Skillin invited the representative of the applicants to come to the microphone to address questions. Mr. Jason Tate, 161 N. Retreat Way, came forward. He said the applicant would like to erect chain link fencing with a blended material covering. Commissioner Johnson was concerned with how the material would wear considering the winds we experience here.

Commissioner Isaacs asked how vehicles would be unloaded with only a 26 foot driveway. Mr Tate said their current transport vehicle is a three-car hauler. He also noted there was a driveway surrounding the property that the owner has given them permission to use. So the vehicles can be unloaded without turn around space needed.

Vice Chairman Allsop asked how long the applicants intended on using this fencing. Mr. Tate said they have a three year lease proposal with an option to purchase at the end of the lease. They want to wait until they purchase the property before investing in permanent fencing. They also hope to increase business and expand the paved area. They estimated parking for 20-30 vehicles with the plans presented in this application. He estimated that permanent fencing would double or triple the fencing price. Vice Chairman Allsop asked if we could stipulate some conditions for fence repairs if the material fencing was allowed. Mr. Tregaskes expressed staff concerns because city code specifically says solid material fence. They feel three years is a long time for temporary fencing. If the commission does approve the chain link and material fencing, staff would like a specific time frame for permanent fencing, not just leaving it open-ended. If the commission requires solid fencing and the applicant appeals their decision, council will hear the item.

After further discussion, Chairman Skillin asked the applicant if he would be amenable to installing wood fencing around the storage area within a 90-day timeframe, noting that the wood panels are fairly easy to unscrew from the posts to reconfigure. Mr. Tate reiterated that they were reluctant to install permanent fencing, only to have to tear it down soon if the business does well and expansion is needed. He assured the commission that the storage area would not look 'junky.' Chairman Skillin restated that he felt 90 days would be enough time to see if the applicant was going to need larger storage or selling areas. The applicant could even opt at that time to have no storage and not need a fence. Mr. Tate said 90 days would give them a good idea of how to proceed with the fencing.

Chairman Skillin also asked the applicant if he was okay with the condition that, upon termination of the lease, the conditional use permit would terminate. Mr. Tate replied he would agree to that condition.

COMMISSIONER LEECH MOVED TO APPROVE THE CONDITIONAL USE PERMIT 602-04-112 SUBMITTED BY BARRY NICKS AND MARK KNOELL OF DRIVE NOW AUTO SALES, L.L.C. TO OPERATE A USED AUTOMOBILE SALES BUSINESS AT 700 S. WHITE MOUNTAIN ROAD, MORE PARTICULARLY DESCRIBED AS A.P.NOS. 210-23-011B AND 210-23-032B, SUBJECT TO STAFF RECOMMENDATIONS, INCLUDING THREE ADDITIONAL CONDITIONS: PERMANENT FENCING SHALL BE INSTALLED

AROUND THE STORAGE AREA WITHIN 90 DAYS; THE CONDITIONAL USE PERMIT IS APPLICABLE TO THE LEASED AREA AS REPRESENTED IN THE APPLICATION; AND, THE CONDITIONAL USE PERMIT SHALL BE TERMINATED UPON TERMINATION OF LEASE ; SECONDED BY COMMISSIONER JOHNSON. PASSED UNANIMOUSLY.

Mr. Tregaskes said that the permit would become effective in seven days providing no appeals were received in the office of the city clerk prior to that date.

- 8. Call to Public.** Since no one from the audience came forward to speak, the Chairman dispensed with reading the call.
- 9. Approval of Minutes.**
 - A. Planning and Zoning Meeting of February 24, 2009.**
 - B. Planning and Zoning Study Session of February 24, 2009.**

CHAIRMAN SKILLIN MOVED TO APPROVE THE MINUTES AS PRESENTED THIS EVENING BY UNANIMOUS CONSENT; SO APPROVED.

- 10. Summary of Current Events.**
 - A. Commission Members.** Chairman Skillin advised the commission that, effective the first meeting in April, he would be tendering his resignation. He has sold his hotel business and will be moving to Texas.
 - B. Planning and Zoning Director.** No report.
- 11. Adjournment.** Chairman Skillin adjourned the meeting at 7:33 PM.

ATTEST:

APPROVED:

Justen Tregaskes
Planning and Zoning Director

Keith Skillin, Chairman

Diana Hough
Administrative Assistant

Date