

**Summary Minutes**  
**City of Sedona**  
**Planning & Zoning Commission Work Session**  
**Vultee Conference Room, 102 Roadrunner Drive, Sedona, AZ**  
**Thursday, January 28, 2016 - 3:30 p.m.**

**1. VERIFICATION OF NOTICE**

The Chair confirmed that the meeting had been properly noticed.

**2. CALL TO ORDER & ROLL CALL**

Chair Losoff called the work session to order at 3:30 p.m.

**Roll Call:**

**Planning & Zoning Commissioners Present:** Chair Marty Losoff, Vice Chair Kathy Levin and Commissioners Randy Barcus, Avrum Cohen and Larry Klein. Commissioners Eric Brandt and Gerhard Mayer were excused.

**Staff Present:** Warren Campbell, Roxanne Holland, Matt Kessler, Adam Langford, Cari Meyer, Ryan Mortillaro, Donna Puckett and Ron Ramsey

**3. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS**

Chair Losoff referenced an article in the Arizona Republic about most cities lacking walkable, affordable neighborhoods and how cities are behind the times in keeping up with the younger generations that want to walk to work, etc. They examined 170 neighborhoods in 20 cities, and they didn't find very good scores. He then asked staff to send the article to everybody.

Commissioner Cohen announced that the Cardinals lost.

Commissioner Klein indicated that he read that a lot of the 'millennials' don't get drivers licenses; the percentage is way down. The Chair added that in D.C., they all use Uber daily; the closest place to Sedona is Flagstaff.

**4. DISCUSSION REGARDING THE FOLLOWING ITEM ON THE PLANNING & ZONING COMMISSION'S PUBLIC HEARING AGENDA FOR FEBRUARY 2, 2016**

- a. **Discussion regarding a request for a Conditional Use Permit to operate a Jeep Tour Office at 320 N State Route 89A, Suite T (Sinagua Plaza). The subject property is approximately 2.351 acres and zoned PD (Planned Development). A general description of the area affected includes but is not necessarily limited to the area east of N State Route 89A between Arroyo Roble Road and Amara Lane. The lot is further identified as Assessor's Parcel Number: 401-13-030A. Applicant: Marc Balocco, Sedona Off-Road Adventures Case number: PZ15-00017 (CUP)**

**Presentation, Cari Meyer:** Cari indicated that the applicant's representative is present, and **Kate Mahady from Aspey Watkins and Diesel PLLC** introduced herself. Cari explained the purpose of the work session and stated that the item is scheduled for a public hearing on Tuesday.

Cari indicated that this request is for a Conditional Use Permit (CUP) for a business in an existing suite at Sinagua Plaza in Uptown. This business applied for a Tenant Occupancy Permit approximately 1½ years ago; however, it was mistakenly approved without the requirement to get a CUP, which staff should have caught at that time, but didn't. When it came up, we contacted the business owner and property owner, and they have been very responsive in working with staff to get the proper permit in place.

Cari stated that it is zoned PD, but it was previously C-1 and a number of properties were unified under a single PD zone, but kept the C-1 uses, and that requires a CUP for the jeep tour office. A concern that came up was the use of the loading areas. Staff believes that concern is addressed through some of the conditions, and staff talked to the Police Department about how they enforce the loading areas, so they are looking at different ways. They have some officers in Uptown who deal with traffic and parking-related issues, so they are aware and will try to remedy the situation by doing some different things.

Cari indicated that another thing that came up was the location of this business's maintenance and service washing areas. They are not permitted to do any of that on this site; this is just the office. They have a separate site off of Yavapai Drive where they are approved to do repairs and service maintenance, and they use local car washes.

Cari noted that there were a couple of handouts -- a short memo regarding an email that had been sent in a timely manner, but didn't reach her in time, so that email with the comments was provided, and also there were some recommended changes to the Conditions of Approval that were also provided. In Condition 3, we are recommending removal of the specific reference to the timeframe, because with what we have been doing with the Police over the last few weeks, we don't know exactly how that is going to pan out, so we wanted it to be more general, so one situation wouldn't apply only to this business while something else would apply to all other businesses. Once we have a system in place to enforce the loading area, it will apply equally to everybody, and in Condition 4, the word "actively" was removed.

**Commission's Questions:**

Commissioner Cohen indicated that the Commission would be working on the CFA in Uptown so . . . , Cari interjected that staff does not know that, and the Commissioner then stated, eventually He then asked how the CUP would affect how the Commission looks at the CFA. Cari explained that the CUP won't necessarily be affected by the CFA process, but in anticipating updates to the Land Development Code, we are doing some projects that raise higher-level questions, like those that came up with the email that was distributed, and we will be taking note of things that need to be addressed area-wide as we look at Uptown projects, instead of looking at a specific business.

Chair Losoff asked what if the CFA comes up with no jeep tour offices in the Uptown CFA, and Cari stated that if a CUP needed to be renewed . . . The Chair interrupted to say that an active CUP would just run its course until it expires. Cari pointed out that we would need to get input from a lot of people, including business owners and property owners.

Commissioner Cohen noted that when the jeep company got approval, it didn't come to Planning & Zoning and asked if they met all of the conditions to satisfy staff to allow them to operate. Cari stated other than the need for a CUP, yes. The Commissioner noted that wasn't their fault, so he assumes that they pretty much meet them all now, and Cari responded yes. The Commissioner then stated that this was done 1½ years ago, and if they had received a CUP, they would have been given a 5-year term. Since they have already been in business for 1½ years, should we consider a 3½-year CUP to fit the original request? Cari explained that the conditions are recommended, and the Commission can, as in the past, approve a different time period. Commissioner Cohen then asked how it would affect the business if the Commission went to a 3½-year CUP, and Cari explained that they would have to apply for an extension in 3½ years, but it wouldn't change anything in terms of what staff does to monitor the business and address any issues. If there is a problem, we would not wait until the CUP expires to address it. Chair Losoff asked what the cost implications would be to reapply for the CUP, and Cari stated that a renewal is half of the current fee, so currently, it would be \$750.

Vice Chair Levin commented that there had been no complaints during the 1½ years, and Cari clarified other than the general complaints about uses of the loading areas. Commissioner Cohen added that everybody does that, and the Vice Chair then asked if there are other tour

operators in Uptown that are seemingly violating the loading expectations or was this complaint unique to this company. Commissioner Cohen stated that the answer is yes; there is a bus tour that parks buses for a long time. The Vice Chair asked if it is a more widespread issue that doesn't have anything to do with the CUP per se, so it is something that staff would want to look at. Cari indicated yes, and it is not going to prevent us from doing enforcement. If there is an issue, we are not going to wait until it expires to address it. The Vice Chair then explained that she is suggesting that it could be much broader than that. Warren Campbell added that perhaps this particular application and how it came to our attention has caused staff to direct attention to that concern and to pay more attention to excessive staging in all loading areas.

Chair Losoff noted that he drives by there several times a week, and there is a bus and another jeep office, so it is a problem for the City, in terms of S.R. 89A in Uptown, so what we do in the CFA. . . He then asked if the applicant had received any complaints, and Kate Mahady stated no, and there was no response to any of the citizen participation information they sent out. The Chair then indicated that he would probably think there are more violations from the public and others than the commercial businesses. You see vans pull up and park there for a while, but it is an issue. Cari again stated that staff would be working on it, but it is not specific to this business; this CUP just brought the issue to light.

Vice Chair Levin stated that, to Commissioner Cohen's comment, it was through no fault of their own, and the applicant has been doing business without complaints, so she doesn't see a necessity to rollback, as though they applied for a CUP 1½ years ago. The Chair agreed that it would be a penalty to them for something they didn't cause, but the timeframe is within the Commission's discretion.

Commissioner Klein asked Cari why the language was stricken if we are concerned about the use of the loading areas, and Cari explained that language is the purpose of the loading areas, and we felt it was covered under the "follow all rules and signs", and it is more of a redundant statement. Again regarding the five minutes, we didn't want to have one rule for this business and some other rule for everyone else. The Commissioner then asked if where the language says ". . . would comply with all traffic laws" would take care of this issue, and Cari indicated yes. Warren Campbell then added that as attention has been brought to the use of the loading areas for a multitude of groups, there potentially will be an examination of the signage, timing, etc., so what whatever is decided to be the best way to regulate and inform people on the use of those areas would apply to all users, and this provides that flexibility. Commissioner Klein then stated that he agrees that it should be granted for 5 years, if it is granted. Commissioner Cohen then stated that he wasn't opposed to that; he was just asking the question.

Chair Losoff asked how this came to staff's attention, and Cari stated some citizens who were concerned about the use of these areas and knew that a CUP is typically required for this type of use requested through a Public Records Request a copy of the Conditions of Approval, and staff realized we didn't have them.

The Chair noted that the Commission hadn't discussed anything other than the loading area, and asked if the Commission could make a condition to say, "No loading and unloading" there. The CFA could be three or four years down the road, and we have the Land Development Code being acted on. If you go into that area, it seems that there is ample space in the back for loading and unloading. Cari explained that was one of the questions in the comment, and the established loading areas were intended for this type of purpose for all commercial vehicles. The signs say tour and commercial vehicles loading and unloading only; no parking. She talked to a neighboring property owner and the roads off of S.R. 89A that go back to the parking structure are private roads, and one of the property owner's concerns was an increase of traffic on that road, so if we put them on the side streets with the turning, etc., they are very steep. Chair Losoff stated if it is a private road, our options are limited. Cari then added that if it gets to the point that the loading zones aren't working and the City Council decides we are not going to have them, they can make that decision or change them, but again, that would

apply to everyone equally. Chair Losoff indicated that as Warren commented, it has heightened our awareness and the City's Police Department may pay special attention to them. He hasn't noticed it being a major problem, but if we want to be proactive, these are things we can address. The applicant has demonstrated their responsibility, so there shouldn't be any problem on their end; it is just the nature of the beast.

Commissioner Barcus asked for clarification about the traffic laws and if traffic laws apply to motor vehicles on public highways and loading zones, etc., and Cari stated that is right. The Commissioner then asked if when the City designates a loading zone, then the Police Department . . . Cari interjected that this loading zone is on the City's right-of-way, and the Commissioner then continued to ask if the Police Department is the enforcer of those traffic laws that relate to loading and Cari replied yes.

Warren Campbell stated that he why he suggested that the language change to that condition to allow the City to change the language on the signs, so enforcement can follow-through based on what the signs say. There could be a timeframe, etc., so we think it will afford us flexibility as we explore the issue. Commissioner Barcus asked if we would go through a public process to revise those ordinances, and Warren stated that he would image we would. Ron Ramsey then explained that the state law allows us, within our jurisdiction, to control parking on public highways, so this would qualify, and then our own local ordinances require that the Engineer make recommendations as to parking, such as one-way, any kind of access, etc., and then the Council approves that.

Chair Losoff noted that we own that section of S.R. 89A, so it is basically city-owned and operated, so this opens our eyes and this is a good opportunity to deal with some of that. Commissioner Klein then asked about the current law regarding the use of the loading zones, and Cari stated it is like the active loading and unloading; it says no parking, and that is what we are looking at to see if some of that needs to be strengthened in our code.

Commissioner Klein mentioned that his wife was driving some French exchange students around and they said, "Oh, so the yellow light means speed up". Cari stated that in general these kinds of things tend to be somewhat vague until a problem arises, so we are just now starting that process. It is never a good job to just say let's get rid of all loading areas; we want to work with the businesses and Police Officers to find the lowest impact solution.

Commissioner Cohen commented that sales are not permitted on the street, so he would assume they don't do that. Kate Mahady stated that they can't do that; they have to sign a waiver and everything is paid by credit card, so that is not happening with this company. She also confirmed that they are sent to the office, and explained that it happens regularly, because people see, "We are leaving soon", but they can't solicit or sell from that loading zone.

Chair Losoff stated that regarding the CUP, it seemed that all of the parameters and criteria are being met, and the issue being discussed is more of a general land code. Cari encouraged the Commissioners to look at the loading areas and let staff know what they see. The Chair indicated that he doesn't know that we can hold the applicant responsible; ideally, if we could put the loading and unloading in the back, that would be ideal and affect everybody along the road. The Chair then stated that he appreciated the email and asked if any other people were concerned. Cari stated that she heard from the owner of the hotel to the north, and the concern was about the traffic on the side street.

##### **5. Discussion regarding the future update of the Sedona Land Development Code.**

Warren explained that this is a standing agenda item in case something comes up in a meeting, but as an update, the ADU regulations went to the City Council yesterday, and we will be going for a final on that on February 9th. Article 15, the HPC article, has been before HPC once and we are having another work session on February 8th. We anticipate a final recommendation in March, so P&Z will probably see it in April. Regarding the Sign Code, we have some meetings scheduled with

the City Attorney, who indicated that a group of attorneys nationwide has been addressing the issue that happened with the Supreme Court ruling on the City of Gilbert case, so we are progressing on that. He also has been working with Audree on identifying which portions of the Land Development Code we want to have a consultant help with and we are putting together the RFP. A separate element would be the Telecommunications piece in a separate RFP. Vice Chair Levin asked if that is Article 17 and Cari stated yes, the Wireless Communications.

Chair Losoff asked if staff wanted input from the Commission as to what should be included in the RFP, and Warren indicated he would bring that up with Audree. The Chair then stated that if any Commissioners have any suggestions as to what should be in the first wave of Land Development Code revisions, let staff know. There are things that stick out like signs and noise. Warren stated that we have a list and have been taking notes.

Vice Chair Levin asked if, as the Community Plan was adopted, staff has looked at where changes need to be made to match the language in Community Values in the Plan or in the adopted CFAs like densities, and Warren stated yes, and staff will be focusing on it even greater as we try to match up things. Chair Losoff then asked for staff to share the list with the Commission at the next meeting and Warren stated sure.

Commissioner Cohen referenced the noise code and asked if the Commission had anything to say about the helicopters, which are one of the loudest noise creators in the area; however, Ron Ramsey pointed out that we weren't agendized for that. If you would like to add it to Land Development Code revisions and updates, that would be fine. The Commissioner again asked if we have any say on the helicopters, tour companies or their routes. Chair Losoff stated he didn't know if the Land Development Code revisions include the issue of airport noise. Warren stated that staff will note airport noise applicability and provide the list that we shared some months ago. We also have a list from former Commissioner Currvan. Chair Losoff clarified that he was interested in the list that staff will be working on in terms of the RFP, and Warren indicated that would be the list where we want greater expertise and help.

Commissioner Cohen asked about the Soldiers Pass concern regarding noise that the City Council . . . Chair Losoff explained that the Commission can't discuss that; the Land Development Code is the subject. The Commissioner stated that the Chair was asking if there was anything that we wanted to have looked at by the . . . Warren then interjected that he would note examining the Sound Ordinance for things like helicopters, OHVs, etc.

Vice Chair Levin asked if the revisions that would reflect the language in the new Community Plan would be outsourced, and Warren stated that staff would be highly involved in all steps to ensure it says what it needs to say. Cari added that we will not be relying on an outside consultant to be our Community Plan expert. Chair Losoff stated that it was suggested in the last meeting that this become an agenda item and he would encourage that to be done again, sooner than later, and he will talk with Audree too about putting this on the agenda. Warren commented that a large number of potential topics were noted at the last meeting.

## **6. FUTURE MEETING DATES AND AGENDA ITEMS**

- a. Tuesday, February 2, 2016; 5:30 pm (Public Hearing)**
- b. Thursday, February 11, 2016; 3:30 pm (Work Session)**
- c. Tuesday, February 16, 2016; 5:30 pm (Public Hearing)**
- d. Thursday, February 25, 2016; 3:30 pm (Work Session)**

Cari stated that the only thing for any of the four dates listed is the public hearing for the Conditional Use Permit on Tuesday; however, Audree and Warren took copious notes from the last meeting, so we will be looking at the best time to get those on an agenda.

Chair Losoff asked if under announcements and current events, we could put in some of the things we are talking about next week. Warren stated if staff is ready, and Donna Puckett noted that

agenda is already posted. The Chair then stated that he wouldn't ask for it on February 2nd, but to put these items on February 11th if we can. He understands that to discuss these things, for example, the Green Building Code update, benefits, traffic, debriefing of the CFA process and the Land Development Code. We don't need a presentation of specifics; we just need to open up discussions of where we are, what we are doing and some of the questions you heard today, to ensure they are being discussed, including the Community Plan implications and the issues we just heard from Commissioner Cohen and others. Warren added that there was one from Commissioner Barcus about a discussion of the objectives in the Annual Report, so we have a list and when we would be ready to . . . Chair Losoff interrupted to say that when it rains it pours; there is nothing on the agenda now, but don't wait for some projects. Let's make it a point on February 11th to put several of these items on the agenda for discussion purposes. We aren't looking for formal presentations or specific outcomes, but just a general discussion on where we are, what we are doing and what more needs to be done as you go forward.

Donna Puckett noted that Commissioner Brandt had indicated that he would not be available on the 11th, but she doesn't know if there is anyone else. The Chair stated that is possible, but unless we hear otherwise, the Commission will expect that on the 11th. He then asked if there is anything on the 16th, and Cari repeated that nothing was planned for any of these meetings, then Warren stated that staff would look at loading them up with some of these topics. The Chair then asked about the 25th and Cari repeated her answer again.

The Chair asked the Commissioners if there were any other items to put on one of these meetings, and Commissioner Cohen asked when the Tlaquepaque project is going to be completed, and Cari stated that we don't know exactly. The Chair then asked if there is a project update on Tuesday's agenda, and Cari stated yes, it is in your packet and on the agenda for discussion. Commissioner Cohen then asked if we could also discuss traffic as that relates to that Tlaquepaque project, and Cari stated staff could give some updates.

The Chair then asked to put on the agenda traffic as it relates to Tlaquepaque, because we couldn't discuss it otherwise; however, Cari explained that an update on current projects is on the agenda, and traffic was part of that project, so we can discuss it on Tuesday.

## 7. EXECUTIVE SESSION

**If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:**

- a. **To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).**
- b. **Return to open session. Discussion/possible action on executive session items.**

*No Executive Session was held*

## 8. ADJOURNMENT

Chair Losoff called for adjournment at 4:12 p.m., without objection.

I certify that the above is a true and correct summary of the work session of the Planning & Zoning Commission held on January 28, 2016.

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Donna A. S. Puckett, *Administrative Assistant*

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Date