

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, February 2, 2016 - 5:30 p.m.

1. **VERIFICATION OF NOTICE**

Chair Losoff verified the meeting had been properly noticed.

2. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**

The Chair called the meeting to order at 5:30 p.m., led the Pledge of Allegiance, and requested roll call.

Roll Call:

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

Staff Present: Audree Juhlin, Cari Meyer, Robert Pickels, Donna Puckett, and Ron Ramsey

3. **ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF**

Cari Meyer announced that the Sedona Marathon is Saturday and there will be some delays and detours around Dry Creek Road. The Marathon starts at 9:00 a.m., and there is a half-marathon, and 10K and a 5K. Registration is still open, and there is additional information about road closures and detours on the City's website.

4. **DISCUSSION REGARDING THE PROJECT UPDATE SUMMARY**

Chair Losoff expressed appreciation for the good summaries and asked if there has been any indication of activity by Park Place. Cari stated no and indicated that staff will probably send them something to let them know that their Development Review is expiring in May. The Chair commented that several projects like this one were hurry up; we have to get this approved.

Commissioner Cohen asked if there is a date for the Tlaquepaque North completion, and Cari stated no, we have reviewed some of the Tenant Improvement Permits, so they are moving forward and we are working with ADOT and the property owner regarding the pedestrian crossing.

5. **PUBLIC FORUM: *(This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)***

The Chair opened the public forum and, having no requests to speak, closed the public forum.

6. **CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES:**

- 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 pointed out that this business is in Sinagua Plaza in Uptown, and they applied for a Tenant Occupancy Permit in May of 2014 that was erroneously approved. Staff discovered the error and contacted the business owner to correct it, and that is the reason for this request, because it is PD zoning with C-1 uses, which requires a CUP for a jeep tour office.

Cari noted that in the Staff Report, it indicated that we had not received any comments; however, one comment had been lost in the email system and that was provided with a response at the work session. Another comment was received today was from Dave Swartwout, which was provided to the Commission before the meeting. The biggest concerns with both of them were parking and the use of the public loading areas. As we looked at this use, there is sufficient parking for this use and all of the other uses onsite, and then regarding the loading areas, the public loading areas in Uptown are for use by any commercial vehicle for loading and unloading purposes. As a result of some of the comments received, the Police Department has begun more proactive enforcement to make sure these areas are used for loading and unloading purposes only, so we will be tracking it to see if that is working or if we are still receiving complaints, and if so, we will look at ways to further enforce those areas on a more global basis and apply the same rules to everybody.

Cari explained that was the impetus for the removal of more specific language from the Condition of Approval. There was a reference to a 5-minute limit, and the concern was that if we decided something else would work better, we wanted to be able to enforce all rules equally throughout that area for all businesses, so we changed the Condition to be more general, so everyone will be on an even playing field.

Vice Chair Levin asked if staff had responded to Mr. Swartwout's email, and Cari stated not in the same way as Mr. Segner's email, but staff could contact him. The loading areas are public and available for any commercial vehicle. Mr. Swartwout had commented about companies coming in from out of town, and again, they are for any commercial vehicle. He also commented about vehicles sitting there, and that is what we are trying to proactively enforce.

Cari then noted that there was a change to the suggested motion to reference the revised Conditions of Approval, and added that the applicant's representative is present to answer any questions.

Commission's Questions and Concerns:

The Chair asked how the Staff Report was different than the one received last week, and Cari indicated that it is exactly the same. She just provided it again, in case you lost it.

Commissioner Brandt indicated that in Dave Swartwout's letter, he says that this opens up any tour company being able to use the loading zone without even having an office in Sedona, and it seems that, through the Conditional Use Permit, it is permitting that use of the loading zones. Cari explained that the loading zones are available for use by any commercial vehicle, whether it is a delivery truck or a tour company, so if there was a tour company that only had an office in Cottonwood and used the loading zones for loading and unloading, it is a public loading zone.

The Chair added that it could be a Cola-Cola truck and they don't have offices in Sedona, so it is public. He then noted that the letter wasn't addressed to the Commission; it was addressed to someone else and they just sent it to us for our information, so he doesn't know if it is even discussable. Commissioner Brandt noted that it was on the dais so he figured it was discussable. Audree Juhlin explained that it was forwarded as a discussion item for the Commission to consider, and the point that this is legally allowed for any commercial purpose is the point to be discussed.

Commissioner Brandt noted that it doesn't seem likely that a tour company from somewhere else would come; however, Audree pointed out that if they did, they could. Chair Losoff stated

that there are tour buses that come in and unload; however, Commissioner Brandt added that they have their designated zone on Jordan. The Chair agreed, but indicated that they also unload in this zone as well.

Commissioner Cohen stated that sometimes they sit there for a long time, when they come back to pick up people, and Commissioner Brandt noted that he would bet that the Uptown businesses would like to have tour buses load and unload right in front of their businesses, so it is benefitting everybody.

Chair Losoff recalled a time when friends were coming in on a tour, so they met for lunch, and the tour bus driver parked there and also went in for lunch for a good 45 minutes, but the issue is enforcement. We have to step it up a little now that we know it is an issue.

Commissioner Cohen noted that the CUP that is requested is for the business office, which has proper parking and uses the loading zone in an appropriate fashion, based upon what Cari explained. He then asked if the issue for the Commission is the CUP related to that business office, and Vice Chair Levin stated yes.

The Chair then opened the public comment period and, having no requests to speak, closed the public comment period.

MOTION: Commissioner Cohen moved for approval of case number PZ15-00017 (CUP) based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the revised Conditions of Approval. Commissioner Barcus seconded the motion.

Chair Losoff stated that as the Land Development Code is being revised, something like this could be taken into account for not only Uptown, but also other areas with loading zones.

VOTE: Motion carried five (5) for and zero (0) opposed. Commissioners Klein and Mayer were absent.

Commissioner Cohen thanked Cari for her work in preparing them at the work session, because it answered a lot of questions.

7. Discussion regarding the future update of the Sedona Land Development Code.

Audree Juhlin explained that staff has no further update since the last meeting. This item is placed on the agenda periodically to provide the Commission with an opportunity to include things on the list of items to look at as we update the Land Development Code. As mentioned by the Chair in the last agenda item, we can look at the issue of the CUPs and tours.

8. FUTURE MEETING DATES AND AGENDA ITEMS

- 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)**
- e. Tuesday, March 1, 2016; 5:30 pm (Public Hearing)**

Audree Juhlin stated that there is nothing on February 11th, so staff would recommend canceling that work session. On Tuesday, February 16th, we will have three items – first will be a debrief on the CFA process, second will be a discussion on the Community Benefits Policy to see how that is working based on previous projects, and third is the Chair's request to have an FYI discussion on the City's Annual Report.

Audree indicated that for the work session on February 25th and the meeting on March 1st, there is nothing scheduled yet, but we won't cancel them at this point. Audree then added that as an FYI,

staff will be looking at the Commission's and City Council's schedules to arrange a joint work session perhaps near the end of March. Vice Chair Levin asked if the Commission could be provided with the City Council's priorities, and Audree indicated that she would email the priority list to the Commission.

The Chair then asked if notification to staff if a Commissioner is going to miss a meeting should be agendized or if we just . . . , Audree then added, dock them points or take away their gold stars.

9. 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.

10. Adjournment

Chair Losoff called for adjournment at 5:50 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on February 2, 2016.

Donna A. S. Puckett, *Administrative Assistant*

Date