

AGENDA

City of Sedona Planning and Zoning Commission Meeting

3:30 PM

Thursday, September 1, 2016

NOTICE:

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a Work Session open to the public on Thursday, September 1, 2016, at 3:30 pm in the Vultee Conference Room.

NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least 24 hours in advance.
- Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov/planning

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

- To allow the public to provide input to the Planning and Zoning Commission on a particular subject scheduled on the agenda.
- Please note that this is not a question/answer session.

PROCEDURES:

- Fill out a "Comment Card" and deliver it to the Recording Secretary.
- When recognized, use the podium/microphone.
- State your name and city of residence
- Limit comments to 3 MINUTES.
- Submit written comments to the Recording Secretary.

1. VERIFICATION OF NOTICE
2. CALL TO ORDER & ROLL CALL
3. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS
4. DISCUSSION REGARDING PROJECT UPDATE SUMMARY
5. DISCUSSION REGARDING THE FOLLOWING ITEM ON THE PLANNING & ZONING COMMISSION'S PUBLIC HEARING AGENDA FOR SEPTEMBER 6, 2016



Scan with your mobile device to access project documents online

- a. Discussion regarding a request for a Conditional Use Permit to operate an open air business (including outdoor entertainment) at 2575 State Route 89A (Vino di Sedona). A general description of the area affected includes but is not necessarily limited to the area southwest of the intersection of State Route 89A and Andante Drive. The subject property is approximately 0.52 acres and C-2 (General Commercial). The subject property is also known as Assessor's Parcel Number 408-24-017. **Applicant:** Vino di Sedona/Wes and Rebecca Schemmer **Case Number:** PZ16-00005 (CUP)

6. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, September 6, 2016; 5:30 pm (Public Hearing)
- b. Thursday, September 15, 2016; 3:30 pm (Work Session)
- c. Tuesday, September 20, 2016; 5:30 pm (Public Hearing)
- d. Thursday, September 29, 2016; 3:30 pm (Work Session)

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.

8. ADJOURNMENT

Physical Posting: August 25, 2016 By: DJ

Note that members of the City Council and other City Commissions and Committees may attend the Planning and Zoning Commission meeting. While this is not an official City Council meeting, because of the potential that four or more Council members may be present at one time, public notice is therefore given for this meeting and/or event.

A copy of the packet with material relating to the agenda items is available for review by the public in the Community Development Office, 102 Roadrunner Drive after 1:00 p.m. the Thursday prior to the Planning and Zoning Commission meeting and on the City's website at www.SedonaAZ.gov.

Project Update Summary

August 16, 2016 (for September 1, 2016 meeting)



Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • Fax: (928) 204-7124

The following updated is provided to the Planning and Zoning Commission approximately once every 3-4 months to provide an update on various projects. Changes from the previous update *are indicated by italics*. Commissioners are welcome to contact Staff with questions regarding a project at any time.

Projects Approved by Planning and Zoning Commission

1. PZ 13-00002 (DEV); PZ14-00003 (SUB) Park Place Condominiums
 - a. Redesign for condominiums.
 - b. Development Review approved May 7, 2013 (2 year approval from approval of Plat Amendment); Plat Amendment approved May 27, 2014.
 - c. *The deadline to have permits issued was May 27, 2016. Permits were not issued and this project expired. This project will be removed from future updates.*
2. PZ 13-00014 (ZC, DEV) Sky Ranch Lodge Expansion
 - a. Zone Change and Development Review for 40 new lodging units and a 7,500 square foot meeting facility
 - b. The Planning and Zoning Commission approved the Development Review and recommended that City Council approve the zoning on February 18, 2014.
 - c. City Council approved the Zone Change and Development Agreement for this project on April 22, 2014. (2 year time frame)
 - d. No permit applications have been submitted. Sky Ranch Lodge submitted an application for a Time Extension prior to the expiration date. That project will be coming to the Planning and Zoning Commission for consideration in the near future.
3. PZ 13-00013 (DEV, ZC, Land Swap, Development Agreement) Sedona Rouge Expansion
 - a. Development Review for 32 new lodging units (new site plan, development under the previously approved plans is no longer being pursued)
 - b. The Planning and Zoning Commission approved the Development Review and recommended the City Council approve the zone change on April 15, 2014.
 - c. City Council approved the project on June 10, 2014.
 - d. A Temporary Certificate of Occupancy was issued on December 23, 2015. This allows the business to begin operation while the final requirements of the project are being met. Outstanding items that need to be completed include a pedestrian crosswalk across Rodeo Road and completion of paving of Goodrow in ADOT right-of-way.
 - e. *All inspections were complete in July 2016 and a final Certificate of Occupancy was issued. This project is complete and will be removed from future updates.*
4. PZ 13-00015 (SUB) Sky Ridge Subdivision
 - a. Subdivision for 19 new single family lots on the old ILX property off of Brewer Road
 - b. The Planning and Zoning Commission recommended approval of the Preliminary Plat on July 15, 2014.

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- c. City Council approved the Preliminary Plat on October 14, 2014.
 - d. City Council approved the Final Plat on April 28, 2015. The applicant must provide the required financial assurances for the construction of the infrastructure prior to recording the Final Plat.
5. PZ 13-00016 (ZC, DEV) CVS/pharmacy
- a. Zone Change and Development Review for new 12,913 square foot building for CVS/pharmacy at 20 Airport Road.
 - b. Planning and Zoning Commission approved the Development Review and recommended that City Council approve the Zone Change on December 16, 2014.
 - c. City Council approved this project on May 12, 2015.
 - d. Building permits have been issued and the project is under construction.
6. PZ14-00001 (DEV) Tlaquepaque North
- a. Development Review application for expansion of the Tlaquepaque Arts and Crafts Village on the north side of State Route 179.
 - b. The Planning and Zoning Commission approved this project on August 19, 2014.
 - c. *Construction on the building shells and site work is complete. Tenant improvements have been completed and Certificates of Occupancy issued for 3 of the 4 businesses. The 4th business is operating under a Temporary Certificate of Occupancy.*
7. PZ14-00005 (ZC, DEV, Minor CPA) Sedona Marriott Courtyard
- a. 121 room Marriott Courtyard Hotel.
 - b. The Planning & Zoning Commission approved the Development Review and recommended that the City Council approve the Zone Change and Minor Community Plan Amendment on September 29, 2014.
 - c. The City Council approved the project on October 28, 2014.
 - d. All permits have been issued and the project is under construction.
8. PZ14-00013 (DEV) Nexus Commercial Center
- a. Development Review for a 10,000 square foot commercial building to be built on the lot in front of City Hall (20 Roadrunner Drive).
 - b. The Planning and Zoning Commission held a Conceptual Public Hearing on December 11, 2014.
 - c. This project was approved by Planning and Zoning Commission on April 21, 2015.
 - d. Permits have been issued and the project is under construction. *The building is complete and the first tenant has moved in under a Temporary Certificate of Occupancy. The remaining site work and landscaping must be complete prior to issuance of a Final Certificate of Occupancy.*
9. PZ14-00015 (CUP) Sedona Bike Park
- a. Conditional Use Permit to operate a Bike Skills Park at Posse Ground Park.
 - b. This project was approved by the Planning and Zoning Commission on February 17, 2015.

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- c. *Phase I of the Bike Park is complete. Future phases will be built as funding becomes available. As all current phases are done, this project will be removed from future updates.*

10. PZ15-00009 (DEV) Whole Foods Façade Remodel

- a. This project was approved by the Planning and Zoning Commission on October 20, 2015.
- b. *All work reviewed by the Planning and Zoning Commission is complete. This project will be removed from future updates.*

11. PZ15-00010 (DEV) Thai Spices

- a. This project was approved by the Planning and Zoning Commission on November 3, 2015.
- b. Permits have been issued and construction may begin at any time.

12. PZ16-00001 (DEV) Garnello Warehouse

- a. Development Review for a new commercial warehouse at 60 Sinagua Drive.
- b. *This project was approved by the Planning and Zoning Commission on June 7, 2016. The next step will be submittal of a building permit application.*
- c. *The applicant has requested changes to the approved color and materials board. This change will require Planning and Zoning Commission review and will be coming forward to the Commission in the near future.*

Pending Projects

1. PZ15-00013 (DEV) Super 8 Façade Remodel

- a. Staff has completed initial review of this project and provided comments to the applicant. The Planning and Zoning Commission held a work session on this item on November 17, 2015.
- b. *Since the Work Session, Staff has been working with the applicant to address all comments. This item is scheduled for a public hearing with the Planning and Zoning Commission on August 16, 2016.*

2. PZ16-00002 (DEV) 1520 Plaza

- a. Development Review for a new commercial building at the corner of Posse Grounds Road and State Route 89A. The Planning and Zoning Commission held a Conceptual Public Hearing for this item on April 5, 2016. Staff will continue to work with the applicant to address comments and concerns. The next step will be for the applicant to submit a final application packet.

3. PZ16-00003 (TE) Sky Ranch Lodge

- a. Time Extension request to extend the approvals for the Sky Ranch Lodge project (PZ13-00014) for an additional 2 years. City Staff is currently reviewing the request and will be bringing this project forward to the Commission in the near future.

4. PZ16-00004 (Major CPA, ZC) Elevations at Foothills South (former Sedona Racquet Club)

- a. *Major Community Plan Amendment and Zone Change for the former Sedona Racquet Club. If approved, this application would change the Community Plan designation from Public/Semi-Public to Single Family Low Density Residential and change the zoning from*

OP (Office Professional) to RS-18a (Single-Family Residential). This project is tentatively scheduled for public hearing with the Planning and Zoning Commission on September 20, 2016 and a public hearing with the City Council in October.

5. *PZ16-00005 (CUP) Vino di Sedona*
 - a. *Conditional Use Permit to allow for open air business (including outdoor entertainment) at Vino di Sedona. This project is scheduled for a public hearing with the Planning and Zoning Commission on September 6, 2016.*
6. *PZ16-00006 (CUP) Orchards Inn Wireless*
 - a. *Conditional Use Permit for a modification to an existing rooftop wireless facility at Orchards Inn. The required expert review has been completed and this project will be scheduled for a public hearing with the Planning and Zoning Commission in the near future.*
7. *PZ16-00007 (Minor CPA)*
 - a. *City-initiated Minor Amendments to the Community Plan, including clarification, housekeeping changes, and updates to the document. This project is tentatively scheduled for public hearing with the Planning and Zoning Commission on September 20, 2016 and a public hearing with the City Council in October.*
8. *PZ16-00008 (DEV Amendment)*
 - a. *Amendment to a previously approved Development Review application – PZ16-00001 (DEV), Garnello Warehouse. The property owner has requested changes to the approved color and materials board. Staff is currently reviewing these changes and will be scheduling a Planning and Zoning Commission Hearing on this project in the near future.*

Long Range Planning Efforts

1. *CFA 1/2: Western Gateway*
 - a. *The Planning and Zoning Commission recommended approval of the Western Gateway CFA Plan on January 19, 2016.*
 - b. *City Council approved this plan on May 24, 2016.*
 - c. *This project is complete and will be removed from future updates.*
2. *CFA 9: Schnebly Hill Road*
 - a. *A draft plan for the Schnebly CFA is now available for public comment. There will be a neighborhood open house on August 25th. The Commission will be reviewing the draft plan this fall.*
3. *Ranger Station Park Planning*
 - a. *A consultant is now working on the master plan which will include a detailed site plan and cost estimates. The master plan will be brought to the Commission on October 13, 2016 for review and comment.*

Staff Report

PZ16-00005 (CUP) Vino di Sedona
Summary Sheet



City of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • Fax: (928) 204-7124

Meeting Date: **Work Session:** September 1, 2016
Public Hearing: September 6, 2016

Hearing Body: Planning and Zoning Commission

Action Requested: Approval of a Conditional Use Permit

Staff Recommendation: Approval, with conditions, of a 3-year Conditional Use Permit

Location: 2575 State Route 89A (Vino di Sedona)

Parcel Number: 408-24-017

Applicant: Vino di Sedona, Wes & Rebecca Schemer

Project Summary: Request for a Conditional Use Permit for an Open Air Business (including special events and outdoor entertainment) to operate at Vino di Sedona, an existing restaurant/wine bar.

Site Size: ± 0.52 acres

Current & Proposed Zoning: C-2 (General Commercial)

Current Land Use: Restaurant/Wine Bar

Current SCP Designation: Commercial

	<u>Area Zoning</u>	<u>Area Land Uses</u>
East, South:	C-2	Existing Hotel
West, North:	C-2	Existing Commercial

Report Prepared By: Cari Meyer, Senior Planner

Summary:

Vino di Sedona is requesting approval of a Conditional Use Permit (CUP) to allow for special events and outdoor entertainment within their existing patio area. The property is located at the southwestern corner of the State Route 89A and Andante Drive intersection.

Attachments:

	Page
1. Vicinity and Aerial Maps	1
2. Application Packet	3
3. Citizen Participation Report	11
4. Tenant Occupancy Permit (B-00985)	12



BACKGROUND

Vino di Sedona is requesting approval of a Conditional Use Permit (CUP) to allow for special events and outdoor entertainment within their existing patio area. The property is located at the southwestern corner of the State Route 89A and Andante Drive intersection. Based on Yavapai County Records, this property was constructed as a Bar/Tavern in 1949 and it is Staff's understanding that though business names and owners have changed, the use has been in continuous operation since originally constructed.

The current business, Vino di Sedona, has operated at this location since November 2014 and is approved for a total indoor occupancy of 45 people and a total outdoor occupancy of 20 people. This application would not approve changes to the occupancy, but would allow for the addition of outdoor entertainment events in the patio area.

Requirement for a Conditional Use Permit

This property is zoned C-2 (General Commercial). Uses in this zone are regulated by Land Development Code Section 621.02 (C-2 Use Regulations). The existing restaurant/wine bar with outdoor seating is a permitted use (LDC 621.02.A.22 and 65). However, the use regulations section specifically states that *"All uses described in this section shall be conducted within a completely enclosed building unless otherwise permitted by use permit, the specific requirements of this section, or LDC 902."* While restaurants may have outdoor seating, no other outdoor use is permitted.

The applicant wishes to use the outdoor patio area for special events, including live music and other outdoor entertainment. Use of the outdoor area other than for restaurant seating is considered an Open Air Business, which is permitted in the C-2 zone, subject to the requirements of LDC 917 (Open Air Business), which includes a requirement for a CUP (LDC 917.01.B).

Temporary Use Permits

Prior to applying for a CUP, the applicant applied for and was approved for three (3) separate Temporary Use Permits (TUPs) for the property. These events were fundraisers for various community organizations and operated in the way that is proposed under this application. The City is not aware of any issues and did not receive any complaints as a result of those events.

While the TUP process worked for the events that have taken place, TUPs are only allowed a limited number of times per year and the property owner or event organizer must apply for a separate TUP for each event. Approval of the CUP would allow these events to happen on a more regular basis and allow the property owner to schedule events without having to apply for a separate permit each time.

SITE CHARACTERISTICS

- The property is located at the southwest corner of the State Route 89A and Andante Drive intersection (See Attachment 1).
- The existing business on this property is Vino di Sedona, which has been operating at this location since November 2014. There are no other businesses on the subject property.

DEVELOPMENT PROPOSAL

- The applicant is applying for an Open Air Business CUP to allow for the addition of outdoor entertainment to the existing patios.
- The business would continue to operate under the existing Tenant Occupancy Permit and restrictions on number of occupants.
- The CUP site plan depicts the entire enclosed back area. The current Tenant Occupancy Permit only applies to the patios east of the building. Only areas currently permitted for occupancy would be permitted to have outdoor entertainment.
- The applicant has included the entirety of the enclosed area to the east and south of the building in the event that they might propose an expansion in the future. By approving the CUP as submitted, if the applicant is successful in adding additional areas to the occupancy permit, the CUP would not have to be amended. Before an expansion can be approved, Building, Fire, and Zoning codes must be satisfactorily addressed.

Access, Traffic, and Parking

- Access to the site is off of State Route 89A. This application will not impact any existing access.
- There are no anticipated changes to current traffic levels as a result of this CUP.
- There is sufficient parking available on site. If the use of the patio were expanded, parking requirements would need to be evaluated in conjunction with the revised Tenant Occupancy Permit.
- The applicant has proposed to use public parking available on Stutz Bearcat Drive for overflow parking on an as needed, limited basis. While use of this public parking cannot be prohibited, it cannot be applied towards their required parking total or used to increase the area of the expanded patio functions of the business in the future.

Public Input

- The applicant completed a Citizen Participation Plan and did not receive any responses. A copy of the Citizen Participation Report is attached.
- Staff completed the public notification for this project. As of writing this report, Staff has not been contacted by any members of the public regarding this project.

COMMENTS AND CONCERNS

- All internal and external review agencies were given an opportunity to review this application. The Fire District was the only review agency to submit comments, outlining what would be required if the business were to expand in the future.

REVIEW, COMMENTARY, AND ANALYSIS

The following action is requested from the Planning and Zoning Commission:

CONDITIONAL USE PERMIT Approval from the Planning and Zoning Commission

DISCUSSION

Section 620.02.C of the Sedona Land Development Code (LDC) states that Open Air Businesses are subject to the requirements of LDC 917 (Open Air Businesses). This section of the code lists the following requirements for Open air businesses:

1. Open air business activities shall be conducted on the same lot or parcel as the primary business with which such activities are associated. The area in which displays and business activities occur outside a permanent structure shall be designated "outside sales/display area."

Staff Evaluation: *The Open Air Business will be conducted on the same parcel as Vino di Sedona, the primary business. The area to be used has been designated on their site plan.*

2. The outside sales/display area shall be an area enclosed and surrounded by:
 - a. A building or group of buildings.
 - b. A masonry wall at least 6 feet in height (or as otherwise specified for the applicable zoning district).
 - c. A combination of the above.
3. The Commission may authorize other screening as an alternative to masonry walls; provided, that the outside sales/display area is properly screened from the view of any contiguous property, right-of-way or easement. Alternative screening may include, but is not limited to, fencing, landscaping or dense live plant material.

Staff Evaluation: *The area to be used is enclosed by a wall and the building. No additional screening is required.*

4. Applications for open air businesses are subject to the requirements of LDC 402, Conditional uses. In addition, applications submitted must include:
 - a. A plan identifying the entire outside sales/display area and all existing and proposed structures on the same parcel or lot.
 - b. A proposed implementation schedule.
 - c. The use category(s) for the outdoor sales and display activities:
 - Category A: Retail (general retail sales only)
 - Category B: Professional Services (includes general retail sales and/or professional services)
 - Category C: Food Services (includes general retail sales, professional services and/or food service)
 - d. A brief description of the items to be sold or services to be provided.
 - e. A drawing showing the separate sales/display locations to be used, location and dimensions of items to be displayed, and any furniture, devices or accompanying features used in the outside sales/display area. For food service uses, indicate any heating or cooking devices utilized, source of power, and the like.
 - f. Hours of operation.
 - g. Transaction Privilege Tax (TPT) number.
5. A valid copy of all necessary permits required by state or local health authorities must be on file with the Community Development Department.

Staff Evaluation: *All necessary information has been provided. Staff considers this use accessory to the existing food service use. The hours of operation will mirror the hours of operation of the restaurant/wine bar. The outdoor entertainment will be required to comply with the City's Sound Ordinance and all other applicable code requirements. Other relevant information was provided and reviewed with the applicant's Tenant Occupancy Permit and Business License information.*

6. Off-street parking for the outside sales/display area shall comply with the provisions of this article. The number of spaces shall be consistent with those required in the schedule of off-street parking requirements in LDC 912.04.

Staff Evaluation: *As the use has been in existence and continually in operation at this location since approximately 1949, it may continue in the manner in which it has historically operated, including parking. This CUP will not increase parking demand. If the applicant applies to increase the area used for the business in the future, Staff will reevaluate the property to ensure adequate parking is provided.*

7. "Gross floor area" shall be determined by calculating the square footage of the outside sales/display area as depicted on the required Site Plan.

Staff Evaluation: *The Tenant Occupancy Permit allows the use of 2 outdoor areas, one 952 square feet and the other 780 square feet. If the applicant wishes to expand that area, they will be required to submit a new Tenant Occupancy Permit and meet all Building, Fire, and Zoning Codes for expanded use of the space.*

8. Following issuance of a conditional use permit and in accordance with the proposed implementation schedule, the city will inspect the area and items displayed to ascertain compliance with the provisions of these regulations. In addition, the city may inspect such areas and items at any time thereafter to ensure continued compliance.

Staff Evaluation: *If approved, the applicant will be required to operate in compliance with the Conditions of Approval and respond to any complaints regarding the business operation. If violations are found, Staff will work with the business owner to address the issues. If no solution is found, Staff may initiate proceedings to revoke the CUP.*

9. Any proposed revisions or changes to an approved conditional use permit that would result in an increase in the number of sales/display locations, an increase in floor area or a change in the approved use category shall be submitted in the same manner, and may be subject to the same approval process as the original review.

Staff Evaluation: *The applicant has included the entire patio/backyard area in the Site Plan for consideration under the CUP application. Currently, the applicant has only been approved for occupancy of a portion of this area due to Building, Fire, and Zoning Code restrictions, including exiting and parking. If the applicant is able to satisfy these requirements to increase the use/occupancy of the area, this CUP would not need to be amended. As it is not known at this time if an expanded occupancy would be approved, Staff is recommending approval of a 3-year CUP to give the applicant time to determine whether occupancy of the entire area will be possible.*

10. If applicant fails to comply with conditions of a use permit, the conditional use permit shall be suspended automatically and may be revoked in accordance with the procedures prescribed in LDC 402.10.

Staff Evaluation: *As stated above, Staff will work with the applicant to address any issues that may arise as a result of operation under the CUP. If a solution cannot be arrived at, Staff may initiate proceedings to revoke the CUP.*

11. General Standards.

- a. Outdoor sales and display items, furniture or other associated devices shall not obstruct exits and entrances nor shall they impede free flow of pedestrian traffic.
- b. The designated outdoor sales/display area shall be kept clean and free from litter and debris at all times.
- c. To minimize visual impacts and maintain an attractive appearance, the city may require aesthetic enhancements (such as decorative and/or architectural embellishments, landscaping, and the like).

Staff Evaluation: *These requirements are included as Conditions of Approval.*

In addition to the requirements for an Open Air Business, this application must be found to comply with the Conditional Use Permit findings. These criteria are noted in Section 402.06 of the LDC:

- A. That the proposed location of the conditional use is in accordance with the objectives of this Code and the purpose of the zoning district in which the site is located.

Staff Evaluation: *The purpose of the C-2 zoning district is for the location of general sales and services activities. This zoning district permits the proposed use through the approval of a Conditional Use Permit.*

- B. That the granting of the conditional use permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:
1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination;
 2. Any hazard to persons and property from possible explosion, contamination, fire or flood;
 3. Any impact on surrounding area resulting from unusual volume or character of traffic.

Staff Evaluation: *The proposed outdoor entertainment use, as conditioned, and based on site characteristics and previous experience, is not anticipated to create a nuisance. The property is surrounded by other commercially zoned properties and is approximately 220 feet from the nearest residential properties. In addition, the applicant has been approved for a number of Temporary Use Permits (TUPs) for the same type of use proposed under the CUP. The City has not received any complaints regarding those events. No hazards as a result of explosion, contamination, fire, or flood are anticipated as a result of this use. This use is not anticipated to increase traffic in the area.*

- C. That the characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.

Staff Evaluation: *This site is surrounded on all sides by other commercially zoned properties and it bordered on the north by State Route 89A. Staff believes that this use is compatible with the other uses and permitted uses in the area.*

- D. That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.

Staff Evaluation: *By complying with the Conditions of Approval, this project will be in compliance with the applicable provisions of the Land Development Code.*

- E. That the proposed expansion or change of a nonconforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.

Staff Evaluation: *No expansion or change of a non-conforming use is proposed.*

It is Staff's opinion that request for a CUP meets the necessary findings. The open air business is consistent with the purpose of the C-2 (General Commercial) zoning district as well as the LDC. This use has operated at this location under TUPs without issues.

The applicant has requested that the CUP be approved for the entire backyard area rather than just the area currently permitted for occupancy, with the anticipation that they will be working towards meeting the necessary requirements for increasing occupancy. As it is unknown at this time whether occupancy may be increased, Staff is recommending a CUP approval for 3 years. After 3 years, the applicant will be required to apply for a renewal of the CUP, at which time the questions of expanded occupancy should be addressed. In addition, Staff will continue to work with the applicant to address any issues that arise.



Staff Recommendation

Based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings of the Land Development Code, staff recommends approval of case number PZ16-00005 (CUP) subject to all applicable ordinance requirements and the attached conditions of approval:

Recommended Motion for Approval

I move for approval of case number PZ16-00005 (CUP), Vino di Sedona, based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the staff report.

Alternative Motion for Denial

I move for denial of case number PZ16-00005 (CUP), based on the following findings (*specify findings*).

(Please note that the above motions are offered as samples only and that the Commission may make other motions as appropriate.)

Conditions of Approval

PZ16-00005 (CUP) Vino di Sedona

As proposed by Staff



Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • Fax: (928) 204-7124

1. The use shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes in operation or activities to the approved Conditional Use Permit determined to be substantial by the Community Development Director shall require reconsideration by the Planning and Zoning Commission at a public meeting.
2. The Conditional Use Permit approval shall be valid for a period of three (3) years and shall expire on September 6, 2019. At least 63 days prior to the expiration date, the applicant shall file a renewal application of the Conditional Use Permit. The Planning and Zoning Commission shall then reevaluate the permit application based on consistency with City ordinances, the conditions of approval, and compatibility with the surrounding area.
3. The applicant shall ensure that the use is operating in compliance with the Land Development Code requirements and applicable conditions of approval. If contacted by City Staff regarding a potential violation in the operation of this use, the applicant shall work with City Staff to address the issue in a timely manner. If a satisfactory solution is not found, City Staff may initiate proceedings to revoke the CUP.
4. The use shall operate in compliance with all applicable Land Development Code Regulations, including the Open Air Business Regulations (LDC 917).
5. The use shall operate in compliance with all applicable Sedona City Code Regulations, including the Sound Control Regulations (SCC 8.25).
6. The use shall be limited to the area approved for occupancy by the City of Sedona, subject to compliance with all applicable requirements.
7. The applicant or a designated representative shall be available during all outdoor events and shall address any complaints in a timely manner.
8. The applicant shall comply with all requirements of the Yavapai County Community Health Services.
9. The applicant shall keep customers informed about the location of legally available parking. Property owners who have not given permission for overflow parking on their property may ticket and/or tow illegally parked cars.
10. All requirements of the Sedona Fire District shall be satisfied.
11. Within thirty days of approval of the Conditional Use Permit, the property owner of record of subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Conditional Use Permit.

Vicinity Map

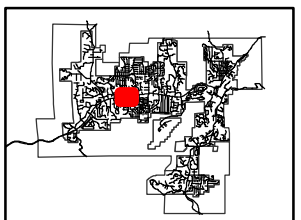
Parcel #
408-24-017
Vino Di Sedona

- Parcel #408-24-017
- Zoning Boundary
- Building Footprint
- Parcel Boundary
- Trail
- Street Centerline



0 45 90 Feet

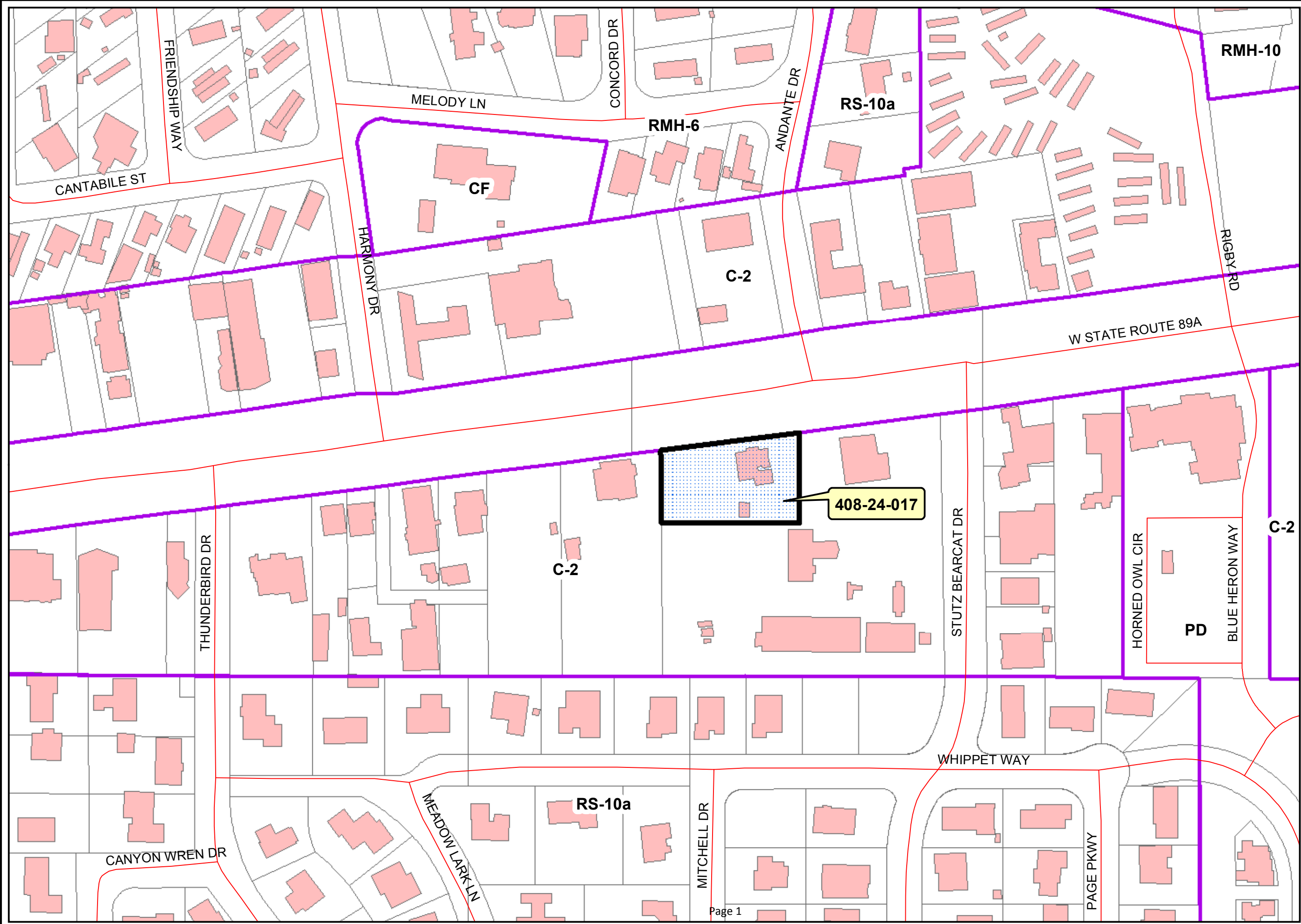
City Index



GIS, City of Sedona
06/28/2016
g:\public\projects\lweisschemmer\408-24-017_vicinity.mxd

This map is designed to provide information about Sedona, and has been prepared for general planning and informational purposes only. It is not necessarily accurate to engineering or surveying standards. Every effort has been made to make this map as complete and as accurate as possible; however, no warranty or fitness is implied.




The information is provided on an "as-is" basis. The City of Sedona shall have neither liability nor responsibility to any person or entity with respect to any loss or damages in connection with or arising from the information contained on this map.





Aerial View

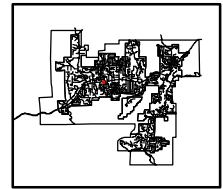
Parcel
#408-24-017
Vino Di Sedona

-  Parcel #408-24-017
-  Parcel Boundary
-  Street Centerline



0 5 10 Feet

City Index



GIS, City of Sedona
06/28/2016
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Project Application



City Of Sedona
Community Development Department
 102 Roadrunner Drive Sedona, AZ 86336
 (928) 282-1154 • Fax: (928) 204-7124

DATE: 6/27/16

The following application is for:

- Conceptual Review
- Final Review
- Appeal
- Time Extension
- Development Review
- Conditional Use Permit
- Subdivision
- Zone Change
- Variance
- Major Community Plan Amendment
- Minor Community Plan Amendment

PROJECT CONTACT:	<i>See below</i>	Phone:		App. #:	<i>PZ16-00005</i>
Address:		Cell Phone:		Date Rec'd:	
E-mail:		Fax:		Rec'd by:	<i>Cari</i>
PROJECT NAME:	<i>Outdoor Entertainment</i>	Parcel #:	<i>408-24-017</i>	Fee Pd:	<i>\$1500</i>
Project Address/Location:	<i>2575 W 89A / VINO DI SEDONA</i>	Acres:	<i>0.52</i>	Zoning:	

Project Description:	<i>CONDITIONAL USE PERMIT FOR VINO DI SEDONA</i>
----------------------	--

Business Owner/Contact:

OWNER NAME:	<i>WES & REBECCA SCHEMME</i>	APPLICANT NAME:	<i>SAME</i>
Address:	<i>111 VISTA BOVITA DR SEDONA 86336</i>	Company Name:	<i>VINO DI SEDONA</i>
Phone:	<i>815-823-4255</i>	Address:	<i>2575 W SR 89 A</i>
Cell Phone:	<i>815-823-4255</i>	Phone:	<i>928-554-4682</i>
E-mail:	<i>WSCHEMME@GMAIL.COM</i>	Cell Phone:	<i>815-823-4255</i>
		E-mail:	<i>INFO@VINODISEDONA.COM</i>

PROPERTY OWNER: Al Feliciona

ARCHITECT/ENGINEER:	<i>Al Feliciona</i>	AUTHORIZED AGENT/OTHER:	<i>NA</i>
Company Name:		Company Name:	
Address:		Address:	
E-mail:	<i>feliciona1@msn.com</i>	E-mail:	
Phone:	<i>928-451-2382</i>	Phone:	
Cell Phone:		Cell Phone:	
ID #/Exp. Date:			
City Business License #:			

Conditional Use Permit Application

Applicant:

Charles Starr Corp
dba: Vino Di Sedona
2575 W SR 89A
Sedona, AZ 863367
Phone: 928-554-4682
Email: Info@vinodisedona.com

Objective: Obtain a Conditional use permit that allows Vino Di Sedona to provide outdoor music and special events.

Description: Conditional Use Permit for special events and/or outdoor music.

Special events: We believe in being active within our community. We wish to make our facility available to multiple groups. Including but not limited to Sedona Women, Humane Society of Sedona, The 911 Memorial, Sedona Chamber of Commerce, weddings and showers; just to name a few. We request to be allowed to make our facility open for such groups. Sound, parking, traffic and safety issues will be observed. In the future we hope to plan such events primarily on Sundays, if at all possible, as Sunday is a lower traffic day.

For any special interest group or organization, we will require the sponsor to provide 1 million dollar liability insurance listing the following...

- City of Sedona
- Mr. Al Felicione & 2575 W SR 89 LLC (Property owner)
- Charles Starr Corp., dba Vino Di Sedona

Outdoor Music

Intensity / volume: Our goal is to provide music at a conversational volume. We want our customers to be able to have conversation during musical performances. Loud music will not be outside and we will abide by the cities volume restrictions, so that the music does not create a nuisance to surrounding properties. See figure 2.

Frequency: When weather permits music will be held outdoors in the timeframe of normal business hours, while abiding by city regulations.

X Site plan: See attached.

X Notice to Neighbors within 500' (See letter attached)

We have hand delivered letters to The Golden Goose, Thai Spices & The Super 8. (The Golden Goose & Thai Spices verbally approved this letter).

- Open House Date: _____
 - o Golden Goose
 - o Thai Spices
 - o Super 8

X Letter of authorization from property owner. See attached letter

Neighbor response plan

In the event that a neighbor has an issue with an event or any other situation our neighbors have been given our phone number (928-554-4682), Our cell phone number (815-823-4255) and email (info@vinodisedona.com). Any issues will be addressed immediately.

Parking plan

We have ample parking for the vast majority of events. However, in the rare case that our lot is full we will instruct patrons to use the public parking on Stutz Bearcat.

We will post an Overflow Parking Sign within our wine bar. Patrons will be instructed, that if you lot is full, to park in the legal parking spaces on Stutz Bearcat and not to park in the Super 8/Golden Goose parking lot.

Please see Google Maps view & figure 1.

Vino Di Sedona

June 5, 2016

Dear Neighbors,

We, Vino Di Sedona, are applying for a conditional use permit from the city of Sedona. The purpose of the permit is to allow us to host outdoor music as well as fund-raisers and community events without each special interest group having to get their own permit.

We believe in being active within our community and wish to make our facility available to multiple charitable groups. Including, but not limited to, the Sedona Women, the 911 Memorial, the Humane Society, the Northern Arizona Oncology Foundation, and the Sedona Chamber of Commerce. We want our neighbors to be aware of our plans to control traffic and sound during events. Although we already have some community events and fund-raisers scheduled during the week, in the future we will make our location available for fund-raisers and other similar community events primarily on Sundays so that parking is more readily available. In most cases we have plenty of parking available in our own parking lot. In the event we host a larger event, overflow parking will be directed park in public spaces on Stutz Bearcat. Events like the Chamber of Commerce Mixer, scheduled for this fall, will provide satellite parking if needed.

As far as outdoor music, we plan on hosting acoustic music outdoors in the warmer months in the evenings between 6:00 and 10:00 PM, and on Saturday afternoons, 3:30-6:00 PM. Bands or acts that are louder will not be outdoors. We understand that bands could create a noise issue therefore we will be hosting them less frequently and only indoors. For the majority of our entertainment we want music that is at a level that allows people to have a conversation. Outdoor music will not violate any of the cities volume restrictions and, all outdoor music will end by 10:00 PM. In the event you ever have any issues, you can call the wine bar at 928-554-4682 and let us know, and we'll address any issues immediately. You can also reach Wes directly on his cell phone at 815 823-4255 or info@vinodisedona.com.

The city requires us to hold an open house to address any questions our neighbors may have, that date is yet to be assigned. Until then, we will be happy to answer any questions you have at your convenience. Call Wes or Rebecca at 928 554-4682 or Rebecca's cell at 815-325-9413.

Wes and Rebecca Schemmer

Vino Di Sedona
2575 W SR 89A

Google Maps view of parking.



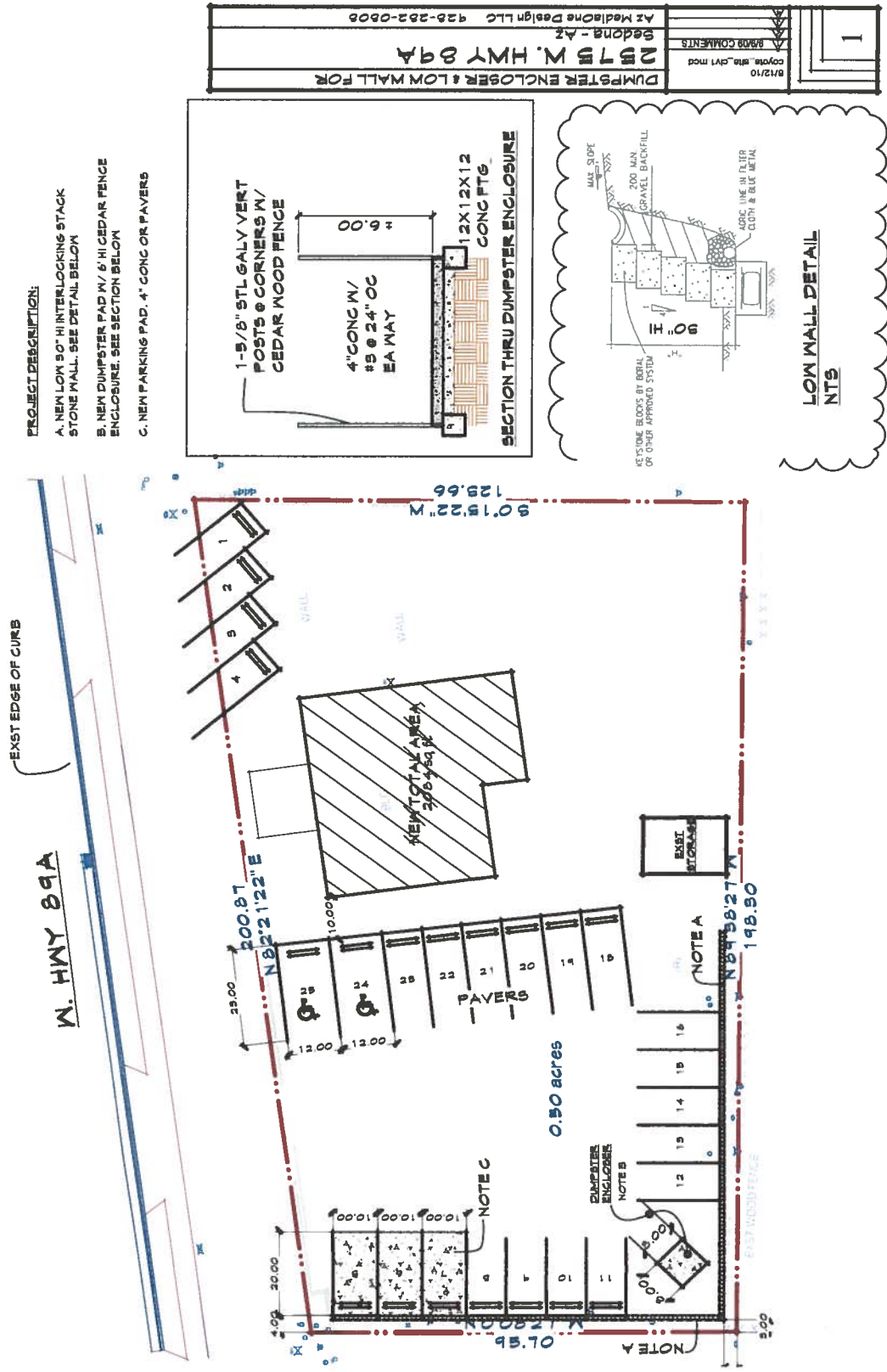


Figure 1 - Detailed parking

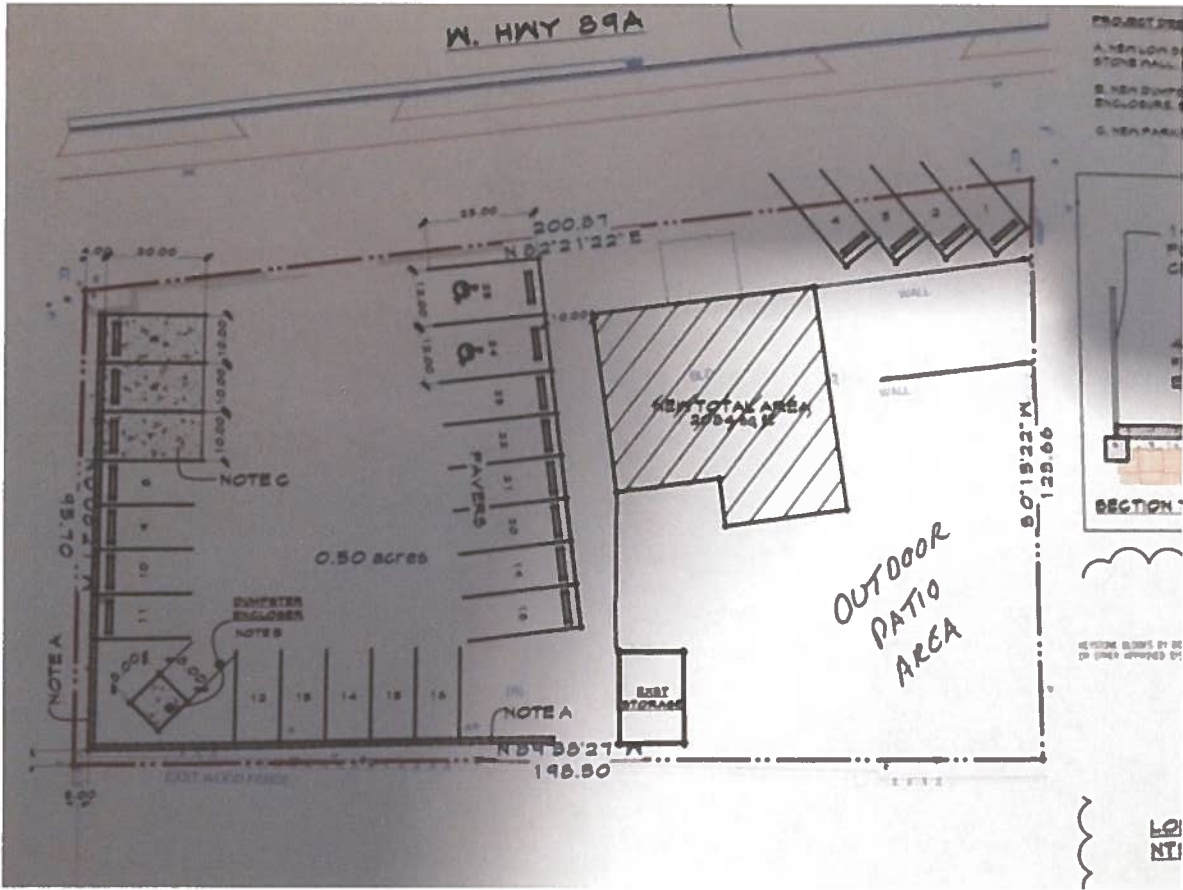


Figure 2 - Outdoor Patio area / outdoor music location

Letter of Authorization from Property Owner

6/23/2016

RE: Approval for Conditional Use Permit for Vino Di Sedona

This letter is in reference to my approval and support allowing Vino Di Sedona located at 2575 W SR 89A, Sedona, AZ 86336 to obtain and conduct business while abiding by the Rules and Regulations set by the City of Sedona's Conditional Use Permit.

I will also require that the owners of the business at this location notify me of all Event Dates, the Name of the Organization holding such events and proof of liability insurance.

Special interest group or organizations will be required to provide proof of One Million Dollar liability insurance Policy listing the following:

- City of Sedona
- Mr. Al Felicione & 2575 W SR 89A LLC
- Charles Starr Corp., dba: Vino Di Sedona

Sincerely,



Al Felicione

Letter of authorization from property owner

Cari Meyer - Re: from Vino Di Sedona

From: Wes Schemmer <wschemmer@gmail.com>
To: Cari Meyer <CMeyer@sedonaaz.gov>
Date: 8/16/2016 5:45 PM
Subject: Re: from Vino Di Sedona

Cari,

Let me know if you need this in a more formal letter....

Summary of citizen participation process:

We did not get any responses from the letters sent out concerning our application for the conditional use permit. This did not surprise us, as we communicate regularly with the owners of Thai Spices and the Golden Goose.

The only concern that has come up is parking issues. We plan to attack said issue the same way we addressed it earlier this year, with the events for Sedona Women, Northern Arizona Oncology and the 911 fund raiser.

1) We had personal posted in the entrance of the Super 8 parking lot, as well as the entrance to Thai Spices. We directed people not to park in their lots, rather to use the public parking on Stutz Bearcat. This worked very well.

2) We also post regularly within the wine bar, that overflow parking is on Stutz Bearcat. Not in our neighbors lots.

Let us know if you need more information. Also, please let us know time and location for the 1st & 6th? Do we need to prepare for anything?

Regards,

Wes & Rebecca

**Tenant Occupancy
Permit Application**

RECEIVED
SEP 18 2014



**City Of Sedona Community &
Economic Development Department**
102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • Fax: (928) 204-7124

CITY OF SEDONA
COMMUNITY & ECONOMIC
DEVELOPMENT

LOCATION INFORMATION		Permit #:	B-00985
Business Name (if applicable):	CHARLES STARR CORP. DBA: VINO DI SEDONA	Date Received:	9/18/14
Business Address:	2575 W ST RT 89A	Deposit Paid:	\$50
Building Name (if applicable):		Staff:	Cari
Subdivision Name (if applicable):		Parcel #:	408-24-017
Intended Use (i.e. retail, food service, office professional, etc.):	RETAIL & WINE BAR	Lot #:	

TENANT INFORMATION		BUILDING OWNER OR PROPERTY MANAGER	
Tenant Name:	WES & REBECCA SCHEMMER	<u>Owner</u> Manager Name:	ALBERT FELICIONE
Address:	111 VISTA BONITA DR, SEDONA	Address:	P.O. Box... 20053, SEDONA, AZ
Phone:	928. 823. 4255	Phone:	928-451-2382
Cell Phone:	SAME	Cell Phone:	SAME
E-mail:	WSCHEMMER@GMAIL.COM	E-mail:	FELICIONE1@MSN.COM

Requirements:

1. You are required to contact the Sedona Fire Marshal's Office at (928) 282-6800 to schedule a Fire Code Compliance ^{w/permits} inspection. Approval from the Sedona Fire District is required in order to obtain a Certificate of Occupancy from the City of Sedona.
2. You are required to contact the Arizona Department of Revenue to report the City of Sedona as your place of business for sales tax purposes.
3. You are required to complete and return a City of Sedona Business License Application to the Finance Department.
4. Building signage requires a City of Sedona Sign Permit.
5. Grand opening banners or promotional banners require a separate Temporary Sign Permit.
6. Final building inspection & approval is required prior to receiving a Certificate of Occupancy
7. You are required to complete the attached Tenant Improvement/Tenant Occupancy Preliminary Questionnaire in its entirety.

Process - The Tenant Occupancy Process is a five step process:

1. Submit Application
2. Review Application
3. Issue Permit
4. Inspect Location
5. Issue Certificate of Occupancy

Business Owner Agent Property Manager

WES SCHEMMER
Print Name

Wes C Schimmer
Applicant Signature

9/18/14
Date

**Commercial
Preliminary Questionnaire**



**City Of Sedona Community &
Economic Development Department**
102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • Fax: (928) 204-7124

Applicant Name:	WES & REBECCA SCHEMMER	Phone:	815.823.4255	Permit #:	
Business Name:	VINO DI SEDONA	Cell Phone:	SAME	Business License #:	
Street Address:	2575 W ST RT 89A	Building or Plaza Name:		Suite #:	

Please describe, in detail the type of proposed business activity:

WINE & BEER BAR, WINE & BEER RETAIL, COFFEE SHOP

Responsible party for current sewer billing?	WES SCHEMMER	Account #:	APPLIED 9/18/14
Hours of operation:	10 - MIDNIGHT	Location of restrooms relative to this space:	INDOOR. SAME AS EXISTING
Prior to this proposal, what type of business activity was conducted at this location?	SAME	What types of businesses are in the adjacent tenant spaces?	SUPER 8 TO THE REAR NONE
Will the building exterior be painted?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	If yes, please provide color samples.	NO CHANGE
Does the building have a fire sprinkler system?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	What is the gross floor area? (square feet)	2084
Will exterior signs or window signs be used?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Describe any alterations or additions to exterior lighting.	NONE
How many off-street parking spaces are located on the property?	27	How many spaces are solely reserved for your business' use?	ALL 27

Restaurants

If planning a restaurant, please check the following that apply:	<input checked="" type="checkbox"/> Full service <input type="checkbox"/> Self-service	<input type="checkbox"/> Take-out <input checked="" type="checkbox"/> Liquor service	Anticipated # of meals served per peak hours of operation:	LIMITED FOOD SERVICE ~MEALS 10 PER HOUR. WINE & BEER ONLY
Grease trap size and location:	SAME YES AS EXISTING		Grease interceptor size and location:	
# of indoor seats*:	45 AS EXISTING		# of outdoor seats*:	20 SAME AS EXISTING

*Seat counts are necessary and need to be calculated with every permit.

Seat counts affect changes to the customer's monthly billing and the property owner's ERU capacity.

Initial: WS

I acknowledge the above information is true to the best of my knowledge. Sign & date below.

WES SCHEMMER Wes G Sch 9/18/14
Print Name Signature Date

Property Sewer Billing Information



City Of Sedona Community & Economic Development Department
102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • Fax: (928) 204-7124

If your property is or will be connecting to the City's sewer system the following information is required in order to set up a sewer account and/or verify/update existing sewer information.

Property Owner Name:	ALBERT FELICIONE
Mailing Address:	P.O. Box 20053, SEDONA, AZ, 86341
Phone:	928-451-2382
Cell Phone:	SAME
Email Address:	FELICIONE1@MSN.COM
Property Address:	2575 WEST ST RT 89A, SEDONA
Parcel Number:	408-24-017

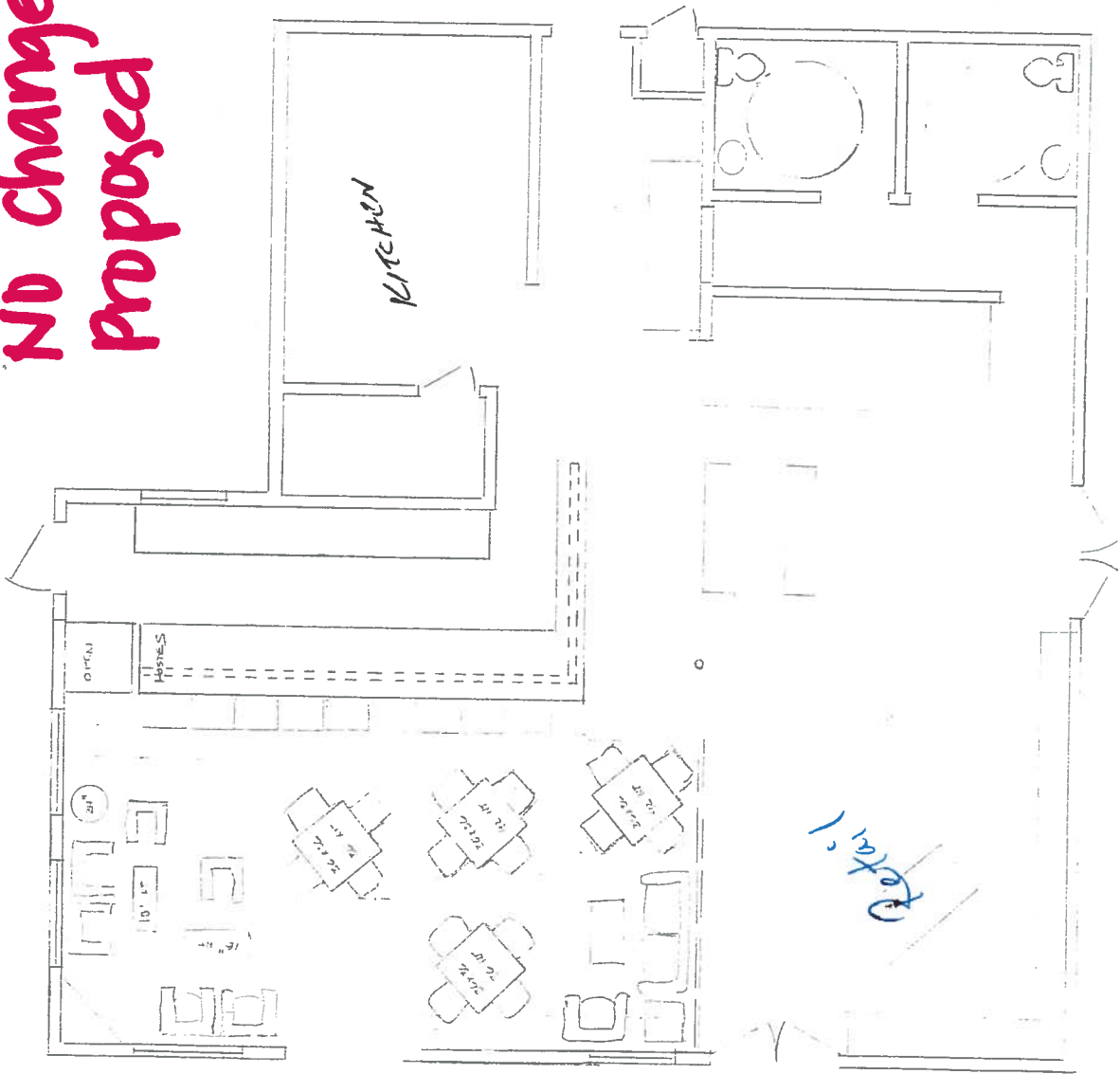
Type of Property:

- Single-Family Residential
- Accessory Dwelling Unit
- Multi-Family
- Commercial Business
- Restaurant, number of seats:
- Other, please indicate:

County:

- Yavapai County
- Coconino County

Existing.
NO changes
Proposed

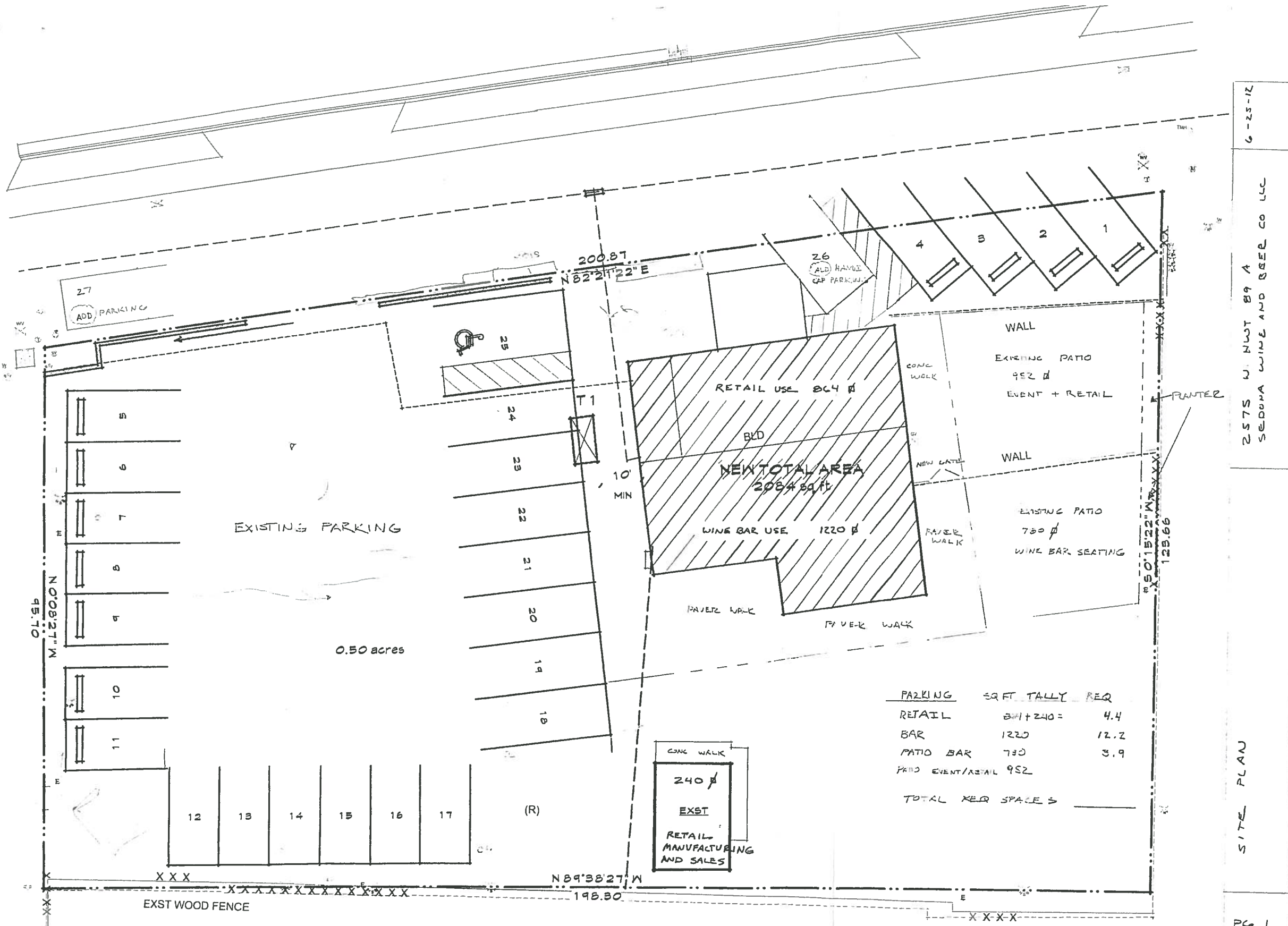


No structural
changes to
existing floor
plan

SEATING PLAN	SEDCOA KLINE AND ISSER, CO 2575 W. HWY 89 A SEDONA AZ 86336
SEATING PAGE	

B-00905

EXISTING
site Plan.
NO changes
Proposed



PARKING	SQ. FT.	TALLY	REQ
RETAIL	864 + 240 =		4.4
BAR	1220		12.2
PATIO BAR	730		3.9
PRD EVENT/RETAIL	952		
TOTAL REQ SPACES			

SITE PLAN

APPROX EXISTING - VERIFY ALL CONDITIONS

1" = 10'

1/28/12	2575 N. HWY 89A
aycda_site_rev1_v2011	SEDONA AZ 86336

6-25-12
 2575 N. HWY 89 A
 SEDONA WINE AND BEER CO LLC
 SITE PLAN
 PG 1