

**Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, August 16, 2016 - 5:30 p.m.**

1. VERIFICATION OF NOTICE

Vice Chair Levin verified that the meeting was properly noticed.

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

Vice Chair Levin called the meeting to order at 5:35 p.m., led the Pledge of Allegiance, and requested roll call.

Roll Call:

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

Staff Present: Roxanne Holland, Audree Juhlin, Matt Kessler, Cari Meyer, Ryan Mortillaro, Robert Pickels, Mike Raber and Lisa Weiler-Parsons.

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

There were no announcements.

4. APPROVAL OF THE FOLLOWING MINUTES:

- a. May 17, 2016 (R)
- b. June 7, 2016 (R)
- c. July 19, 2016 (SV)

Vice Chair Levin announced that agenda item 4, the approval of minutes, would be waived until we have a full commission present to vote.

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.)*

Vice Chair Levin opened the public forum.

Madeline Mahler, Sedona, AZ: Indicated that she lives behind the Super 8 Hotel and she had a written statement prepared, but she won't bore the Commission with that. Vice Chair Levin then interrupted to ask if she was speaking to agenda item 6, the Super 8 Hotel, and Ms. Mahler indicated yes, so the Vice Chair advised Ms. Mahler that she would need to reserve her comments until then and explained that this item is for everything that is not on the agenda.

Having no additional requests to speak, the public forum was closed.

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

- a. Discussion/possible action regarding a request for Development Review to remodel the exterior façade of an existing hotel at 2545 State Route 89A (Super 8 Hotel/Andante Inn). The property is approximately 2.66 acres and zoned C-2 (General Commercial). A general description of the area affected includes but is not limited to the south side of the State

Route 89A and Andante Drive intersection. APN: 408-24-018. Applicant: Railroad Inn LLC/Ned Sawyer Case Number: PZ15-00013 (DEV)

Staff's Presentation: Cari Meyer indicated that this is a Development Review application for the Andante Inn, which was formerly known as the Super 8. They are going through a rebranding and will no longer be using the Super 8 brand and this remodel is part of that rebranding. Cari then described the location of the parcel, showed an aerial of the developed parcel and building in question, and provided the background of the property from the County Assessor's records indicating that the buildings were built between 1924 and 1981, although we have no way of verifying those dates.

Cari stated that the hotel was the last building built in 1981, and it has operated as a hotel since then. The property was not included when the City rezoned a number of properties to Lodging, so it is now considered a non-conforming lodging use in a C-2 zone. The development standards that were in place at the time of construction were different than they are now, so it is also considered a non-conforming development. Therefore, it is subject to Land Development Code, Article 12 - Non-Conforming Situations, for both the development and the use of the property, which limits how much they can do with the building and the use.

Cari indicated that this site is one parcel just over 2.5 acres in size and it is currently used as a hotel and restaurant; the Golden Goose is on the same parcel. They have access at the traffic light at Andante Drive and also off of Stutz Bearcat Drive. There are no FEMA-designated floodplains on the lot and their existing parking is asphalt.

Cari stated that the primary item in this proposal is the addition of balconies and patios to each of the 66 hotel rooms. Each balcony is approximately 6' x 8' and with those balcony additions, they would be replacing windows with glass doors and sidelights to allow more natural light into the building. They also would be repainting the entire building and some of the changes on the south side of the building, with the balconies, necessitated a reconfiguration of that portion of the parking lot, so they will be adding a new parking area. They included a way to accommodate more parking in a vacant area on the site if needed in the future, and they would also be adding some additional landscaping and doing some upgrades to the existing lighting on the site.

Cari explained that in the site plan submitted, Phase 1 improvements don't require Commission approval; those are mainly landscaping, some signs along the S.R. 89A frontage and some of the parking. Phase 2 future improvements are the primary things being considered, including the building and the parking redesign necessitated by the changes to the building. They have already started some of the landscaping work along the frontage and staff has been working with them to ensure all of that complies with the codes.

Cari referenced the elevations and renderings provided, showing how the balconies would be incorporated into the building; however, the colors shown are not the colors. They were used to show the contrast. Their proposed colors were then shown to the Commission, which were a little darker than shown. Cari explained that as we looked at different ways for them to bring the building into closer compliance, one of the things discussed was making sure that the colors were dark enough, and the proposed colors would receive the maximum amount of alternate standard points if this was a new development.

Cari explained that there are two non-conforming situations, as mentioned. Non-conforming developments are allowed to do improvements to the property as long as the project does not exceed a 25% valuation of the building. Once they pass that threshold, they would be required to bring everything into full compliance, which would mean tearing down the building in this case, because of the heights of the building, and redoing the site would run into problems, because they also have the non-conforming use. Therefore, it was very important for them to stay under that 25% valuation, and they provided some information about the valuation of the

building and the improvements, and they are about 12%, so they are well under that threshold based on staff's review. However, when doing an improvement to a non-conforming development, the code requires that the project demonstrate closer compliance in one or more of the following categories: Lighting, landscaping, color, height and massing, screening, and signs. When this project was brought forward in a work session last year, we asked the Commission in which of these items should they focus their efforts, and as outlined in the Staff Report, the top three things were that the Commission wanted to see improvements to the building, then parking and landscaping, so as outlined in the Staff Report, staff believes that they are addressing those plus some of the other items in the list.

Cari indicated that as far as non-conforming uses, that section states that the non-conforming use may continue, but they cannot expand into a new portion of a building or site, and it actually states that exterior remodeling of the building is encouraged, if it is bringing it into closer conformance. As outlined in the Staff Report, staff believes that this project meets those required findings and can be considered by the Commission.

Cari summarized staff's evaluation by stating that staff did a complete analysis of the Land Development Code and Design Review Manual, and there are a couple of areas where they are not in compliance, but all of those situations are existing conditions, and in the vast majority of them, they are making them better and coming into as close conformance as they can without doing a major tear down of the building. The applicant completed their Citizen Participation Plan and received two positive comments regarding the design of the remodel and staff completed the public noticing and talked with one neighbor who had concerns about noise and privacy. Noise is regulated through the City's Nuisance Ordinance and City Code, and there are certain noise levels that they can't exceed; any issue would be handled through Code Enforcement. Regarding privacy, they are adding landscaping along that back property line, but they are limited to a 6' high wall, which may not alleviate all of the concern, but they are also adding some landscaping there.

Cari also indicated that all of the outstanding review agency comments were related to future requirements for what they will need to do if they are going to be doing work in the right-of-way, for instance, so what we would be expecting at the building permit stage, so as outlined in the Staff Report, staff believes that the project meets the findings required for Development Review approval and staff is recommending approval of the project.

Applicant's Presentation - Ned Sawyer, Project Architect: Mr. Sawyer indicated that he would be happy to answer any questions for the Commission, but they certainly agree with staff. The owner and Landscape Architect is also present. They have been trying to demonstrate, working on the landscaping, that they want to upgrade the property. They think the solution is a good one; they've had a good response, and they did conform in all areas with the additional parking. There has been no problem with the parking numbers as they exist now, but should there be a problem in the future, they did onsite relate the necessary parking, but that expense was just having the open space, and the landscape that is there now enhances the overall project.

Vice Chair Levin opened the public comment period at this time.

Madeline Mahler, Sedona, AZ: Indicated that she lives behind the Super 8 Hotel and she had a written statement prepared, but she will cut right to the chase. She is concerned about the noise issue with the proposed balconies in the back. Her backyard and the back of her house, where her bedrooms are, is where the balconies will be on their second and third stories. She is concerned about the noise level and she wants to know to whom does she complain? She is sure there will be a noise issue, so does she call the Police Department, the front office; who does she call?

Audree Juhlin explained that the typical process for Code Enforcement complaints is through our Code Enforcement Division and a phone call to the front counter will make sure that the complaint is appropriately distributed; that number is 282-1154. If it is after hours, the Police Department, but not the 911 number, is where you would call. Ms. Mahler thanked the Commissioners for their time.

Having no additional requests to speak, the public comment period was closed.

Commission Questions of Staff/Applicant:

Commissioner Cohen referenced the comments just presented and indicated that he didn't understand from the pictures and design what is facing her property. It appears like there is more than just her house that faces the back of the property, so he is concerned about two things. The first is addressing the noise and the second is privacy, but he doesn't know how the balconies are designed against the back; he thought they were mostly in the front.

Cari showed the aerial view of the property and identified the house belonging to Ms. Mahler. She then explained that the applicant is proposing to have balconies of the same look and size on the front and the back of the building. The Commissioner again expressed concern that the houses were there before the redesign, so he would ask the architect what could be done to protect those houses in a way that would protect their privacy and protect them from noise.

Applicant, Dan Campbell, Scottsdale, Arizona: Indicated that his in-laws own the majority of the hotel and when they started this project, they were concerned about the Commissioner's comment, so they went to the room on the third story that looks down there, and they have an existing window and are just going to cut that existing window down to the floor and put in a door, so they will be able to walk out 4' further and look down, but it is pretty much the same view as they have now. They looked down and felt she was very protected, especially the house portion. They could look down and see some of her backyard a little bit, but they can take her up, so she can see that view. On the noise, he understands that the City is very efficient at dealing with noise and they have processes for that, but they are her neighbor and he would hope that if she wants noise stopped . . . , they deal with noise complaints from their own clients, and if they get a call from a neighbor, they will address it immediately, so they will respond quickly to any noise issue, because they not only affect their neighbors, they affect their guests, and they want happy guests.

Vice Chair Levin asked if it is his opinion that there is not a privacy issue with the adjacency of her home to the back of the hotel, and Mr. Campbell stated that is his view, but it is not his house, so she may be a little bit pickier than him. The Vice Chair then suggested that it might be best for her to take your offer, if she is willing, to see what the view is, as a way of resolving that. The Vice Chair then explained that she didn't mean to dismiss Ms. Mahler's comments, but the Commission cannot entertain a conversation from the audience to the podium and back; however, she could address the Commission again if she wished to do so.

Madeline Mahler, Sedona, AZ: Returned to the podium and referenced what was said about the third floor, and then indicated that guests on the second floor look down into her house where she is standing in her family room and wave, so they can see her from the second floor.

Commissioner Cohen then referenced landscaping and indicated that from the first presentation, the Golden Goose is part of the property, but he doesn't have a sense of what the landscaping along S.R. 89A is going to look like. Cari Meyer stated that the applicant's Landscape Architect can speak to that, but she pointed out the new landscaping and indicated that they are doing some site walls as well, and the sign would be incorporated into that area; it consists of trees and shrubs. Commissioner Cohen indicated that he is good, and Cari added that one thing staff will continue to work with them on is to ensure all of the landscaping along the property line at the south end of the property meets our landscape requirements. This shows some placeholders where the landscaping goes, but there is sufficient landscape area in

the peninsulas that will need to meet code requirements for the installation of trees and shrubs. She doesn't know if that will speak to the privacy issue, but additional landscaping is required.

Commissioner Cohen asked Cari to explain the height and mass differences, because they don't meet current code. Cari indicated that under the current code, in general, you can go to 22' and up to 27' if you meet certain design standards with the building and the color. A building of this size would be required to have three masses in both plan view and elevation view, so that is where you see steps and grooves, etc. This building is a box, which we would not allow today, but the code does speak to the non-conforming development, as far as what you can do with buildings in this situation, and that is where the 25% valuation comes in. It basically says that you can't make it worse and everything new has to comply, so everything new is under the height limitation, and roofs over the balconies were removed, because that was over the height requirement, and they meet the darkest color you could get alternate standard points for. Also, it is a non-conforming use, so the code says you can't expand a non-conforming use into a new section of the building; therefore, they couldn't expand it for a lodging use, so even though they have a box, they couldn't add on for a lodging use, which makes it difficult as a hotel.

Cari indicated that staff looked at what they could do to make it better and at the purpose of the code. The purpose of the code is to create shadow lines and visual interest to create something that is not a flat surface, and staff believed that from the shadow lines being created, even though they are not doing things that necessarily break up the mass of the footprint of the building, the balconies get into closer compliance with the purpose of the code. Again, they are limited in what they can do with the building and the combination of the building and their use, but staff felt what they were doing addressed the intent of the code, if not the letter of the code.

Commissioner Cohen stated that from the report of the previous discussion and his own observation, it doesn't appear that there will be any traffic issues, because there is a traffic light on one exit and no problem with a right turn on Stutz Bearcat. He then asked if the Commission doesn't need to think about any traffic problem with this, and Cari stated that staff would look at increases with a development like this, but since they are not increasing the number of rooms or their square footage, there would be no anticipated increase with this project over what would be expected currently, so they wouldn't need to do a traffic study.

The Commissioner asked if their occupancy rate is not full right now, but it fills up, how that will affect traffic. Mr. Ed Nelson, Property Manager, stated that it is currently running at a very high occupancy. They anticipate the occupancy will decrease, because their rates are going to increase a little bit, so he can say with great certainty, it is not going to increase.

Commissioner Brandt referenced the parking and indicated that the amount of parking is under what is required. He then asked if there is no problem, and Cari stated no; staff checked with the Police Department and Code Enforcement, and they have never received a complaint, and based on conversations with the hotel management, they don't have a parking issue, but if their occupancy rates increase, they have shown how they would meet all of the parking requirements in that additional vacant area. The Commissioner then asked if that is because the occupancy rate isn't 100%, and Cari stated that they're minimum parking requirements and we didn't factor in any shared parking with the restaurant. We did straight square footages on the restaurant, their meeting room and the hotel, so there was no shared parking factored in and in conversations with them, they have a number of groups come in vans, so it could be the people they are attracting, but also there is no shared parking calculated into their minimum, so for what would be required if you calculated the hotel plus the meeting room and the restaurant, they can accommodate all of that parking onsite if needed.

Commissioner Brandt indicated that he was asking, because he is wondering if our parking standards are overblown and if we could save open space in other projects; he is just using it as an example, but every project is different and if sharing isn't considered, then that probably

has a lot to do with it. He then referenced the research, etc., in the report and indicated it was fantastic, and there was a summary towards the end and some updates and things about landscaping that weren't included, but there was a Landscaping Plan, so he asked if that summary was updated for the work session and not this hearing. Cari explained that staff has been working with them on their revamping of the existing, so that is where you see some of the more detailed landscaping plans. The landscaping that has not gone through that full development is the landscaping in the reconfigured parking area, where they are showing the required peninsula and landscape areas, but not the trees and shrubs, so staff will be working with them on that to ensure all of the plant counts and types comply with the code.

Commissioner Brandt then commented that he is still getting used to the electronic form and going through page by page scrolling. It is towards the end of the Staff Report and there is kind of a summary, and then highlighted italicized items for follow-up, but some of the follow-up seems like it is not. . ., Cari explained that was part of the non-conforming evaluation of the project where staff is showing the areas that the code specifically states you can demonstrate closer compliance. Vice Chair Levin commented that it is page 10, if you are referring to the section of the Staff Report that is entitled "Discussion and Staff Evaluation". Commissioner Brandt stated no and Cari asked if it is page 8 of 13 and Commissioner Brandt replied, "Current Planning Comments", so page 26. Cari then indicated that those are the comments that staff would have had before they submitted this plan, which resulted in this plan. Staff just likes to show the Commission that we are reviewing the plans and offering comments.

Commissioner Barcus asked if the restaurant, meeting room and office building are going to be painted to match the new paint scheme of the hotel, and Cari explained that is not part of the review, and she thinks the restaurant is red rock.

Ned Sawyer, Project Architect, explained the reason the plan says Phase 1 and 2 is because this is the Landscape Plan, and if you have been by the site, they wanted to get started on the landscaping, so as they followed through to get the permit drawings complete, based on approval this evening, then that will be done, so there is confusion in Phase 1 and Phase 2. Presently, there is no intent to repaint everything. There are site walls there and that they're adding, but since they are only addressing the building itself and trying to improve the entire site, if they have it in the budget, he is sure the owner would consider it. Cari then added that the current buildings meet color requirements and Commissioner Barcus noted that is the answer he was looking for, even though they may not be the same color. Since this is kind of a hybrid project with non-conforming uses, but it is trying to become more conforming, that is what he was trying to figure out. Cari then stated that the color on the buildings is conforming.

Commissioner Cohen referenced the Conditions of Approval and read, "If the parking demand increases to the point where customer parking cannot be accommodated in existing parking areas, the property owner shall build additional parking as shown on the site plan." He then asked if the property owner is the one who makes that decision or the City of Sedona or both. Cari explained that staff would work with them if we start getting complaints or if the neighboring businesses start complaining that hotel customers are parking in their lots.

Commissioner Cohen then referenced the noise and privacy issue for the people in back and asked if the windows referenced currently exist or if the hotel building was built before the houses in back of it. Cari explained that she had not researched when the houses were built, but based on a visual assessment, it appears that they would be newer than 1981, but she doesn't have that information. The Commissioner then stated that if somebody built a house and then an airport was put there, the property owner has a right to question the airport, but if the airport was already there and the property owner buys a house, the question goes away, and he is trying to understand where this idea fits with the hotel, the privacy and the noise in the back.

Ed Nelson, Property Manager, stated that he has been there since 1993 and there are three houses. Actually, one that doesn't show in that diagram is the subject that we are talking about. The other two aren't close to their building, but those houses were built approximately 12 years ago, and when the houses were being built, they wanted to be good neighbors and built out the existing privacy fence. It is only 6', but they were conscious that the houses were coming in and they wanted to work with them and will continue to work with them.

Commissioner Cohen asked if some landscaping would help screen her house, and Mr. Nelson indicated that there is room for some improvement there, but there is some existing landscaping trees that are quite tall, and Mr. Campbell spoke about the visual line there and the trees do provide some privacy. The Commissioner then asked if the Commission approved this request this evening, would we have some consideration from you that this would be done as best you can with some more landscaping to shield her house.

Vice Chair Levin explained to Commissioner Cohen that would probably be included in a Condition of Approval, if the full Commission is in agreement that we should do so. Mr. Nelson added that they are very conscious of that and they want to work together.

Dan Campbell, Applicant, indicated that although she left, they exchanged phone numbers and we have a 6' wall (audio unclear) another 2' above that, but she is going to come by the hotel and we will put her in those rooms. They want happy neighbors, so they will address it in some way, whether they plant some shrubs that will hide it or make their wall higher. They don't want their guests to be peeping toms looking down at her. Hopefully, she will come by their hotel tomorrow.

Commission's Discussion:

Commissioner Barcus stated that he was satisfied with staff's recommendation. Commissioner Brandt indicated that he was also satisfied, but he would like to add that the balconies are relatively small, so they are not like party decks. There are glass railings, so that will hold sound in, and it is an improvement to the City to have the building improved visually – color-wise and detail-wise, so he is in favor of the project.

Commissioner Cohen stated that he is in favor of the project; the design is going to add a lot in that part of the City, and he is prepared to make a motion. Vice Chair Levin indicated that she also agrees with the Commission that these improvements will add to the aesthetic appearance of this hotel, which is a good thing, and it will also add to your guests' experience, so she is ready to accept a motion.

MOTION: Commissioner Cohen moved to approve the proposed Development Review for Super 8/Andante Inn façade remodel as set forth in case number PZ15-0013 based on compliance with all ordinance requirements and satisfaction of the Development Review findings, and applicable Land Development Code requirements and the conditions as outlined in the Staff Report. Commissioner Barcus seconded the motion.

Vice Chair Levin indicated that she was waiting for an amendment; however, Commissioner Cohen indicated that he would take their word for it, because they have been in the community a long time and have shown good faith in lots of places. The Vice Chair then noted that the Commissioner had read the motion without amendment and it has been seconded.

VOTE: Motion carried four (4) for and zero (0) opposed. Chair Losoff and Commissioners Klein and Mayer were excused.

Mr. Sawyer thanked staff for working with them very well from the beginning.

7. DISCUSSION REGARDING THE FOLLOWING ITEMS ON THE PLANNING & ZONING COMMISSION'S PUBLIC HEARING AGENDA FOR SEPTEMBER 20, 2016.

- a. **Discussion regarding a request for approval of a Major Amendment to the Sedona Community Plan's Future Land Use Map, re-designating approximately 4.43 acres from Public/Semi-public to Single-family Low Density Residential (.5 to 2 DU/AC) and a proposed rezoning from OP (Office Professional) to RS-18a (Single-family Residential). The property lies along the east side of Racquet Road within the Foothills South subdivision (100 Racquet Road – site of the former Sedona Racquet Club). APN: 408-11-243A Applicant: Elevations at Foothills South, LLC/Ralph Young Agent: SEC, Inc., Neil Johnson Case Number: PZ 16-00004 (Major CPA, ZC)**

Staff's Presentation: Mike Raber stated that we received an application for a Major Community Plan Amendment and Zone Change to allow for the residential redevelopment of the former Sedona Racquet Club site within the Foothills South Subdivision, and the Racquet Club has been abandoned for a number of years. By State law, Major Community Plan Amendments are considered once a year at the same time, and this was the only application received. The Planning & Zoning Commission will consider this request in a public hearing on September 20th, and then it will go to the City Council in October following a recommendation from the Commission.

Mike indicated that the site is currently designated Public/Semi-Public on the Community Plan's Future Land Use Map, and the proposed Major Amendment would redesignate this site as Single-Family, Low-Density Residential, which is the same as the designation surrounding it within the Foothills South Subdivision. The Major Amendment is required when there is a proposed change from Public/Semi-Public to Residential, so that is why we are looking at a Plan Amendment for this.

Mike explained that on the Zoning Map, the site is zoned Office Professional and this was a designation that was established with the adoption of the City's Land Development Code based on previous zoning that was established by Yavapai County before incorporation. To be consistent with the proposed Community Plan change, the site would also be rezoned to RS-18A, which is the same as the surrounding zoning within the Foothills South Subdivision.

Mike noted that the current proposal is very similar to the Community Plan Amendment and Zone Change that was approved in 2001-2002 for the adjacent four acres to the south of the subject property. At that time, it was also part of a larger area that was designated Public/Semi-Public and zoned Office Professional. This area is now within the Unit 4 of Foothills South Subdivision.

Mike indicated that during staff's original review in 2001 - 2002, it was noted that the Community Plan supports lowest densities next to National Forest lands, which is in this area, and the change would be consistent with the surrounding Foothills South Subdivision. The original Public/Semi-Public and Office Professional designations were intended for the original Racquet Club and not other uses that could also be included in the OP zone. Changing the zoning to RS-18A brings the area into closer conformance with its residential character.

Mike explained that several Foothills South residents and the HOA board members formed an LLC and submitted the current application to address concerns regarding the land use compatibility of this remaining Office Professional zone within the residential area. In this case, the proposal can be considered a community benefit to bring the site into conformance with the rest of the Subdivision. The existing OP zone, for example, allows a number of non-residential uses that may not be compatible with the residential character in the area.

Mike indicated that the applicants' Citizen Participation Plan and Report were included in the packet with the review agency and public comments. Most of the comments are really more applicable to a future subdivision review process, and that would be the next step for the applicant, so that is not part of this application. Subdivision design and review is not part of

what is before you now. Mike then stated that the current Major Amendment and Zone Change would allow the applicant to move forward with that subdivision.

Mike then referenced the memo in the packet and indicated it has more detail on the background and Community Plan considerations, and as a reminder, this is a work session, so staff and the applicant are looking for any Commission feedback or questions, and there could be an additional work session on September 15th if needed.

Commission's Questions:

Commissioner Barcus disclosed for the record that Mr. Johnson, who is the applicant's representative, is his neighbor, and he socializes with his neighbors, so he wanted everyone to know that he is a neighbor. He doesn't have any questions; he understands why this is a Major Plan Amendment, but it seems like a minor major to him in reading through all of the materials before us. The complexity is going to come in the next step of the subdivision part, which we are not dealing with at this point.

Commissioner Cohen asked if this falls within the domain of the homeowners' association and Mike Raber stated yes; the LLC currently has ownership, but the homeowners' association has been involved in the process. The Commissioner then asked if they are agreeable to this request. Mike Raber stated that he knows the LLC is and he is assuming the homeowners' association is as well, but he doesn't know the details in terms of designs, etc. The Commissioner then asked if this is the major recreational facility in Foothills South, and Mike Raber stated that it isn't any longer; it is not being used currently. The Commissioner then stated that he is just thinking crazy like a park, but we don't own it, so we can't do that.

Commissioner Cohen then asked, as this comes back to the Commission, if the homeowners' association will have had a chance to weigh-in. Mike explained that they have certainly been notified and had an opportunity to weigh-in at this point, but we haven't reached the public hearing stage yet, so there are still opportunities for the homeowners' association to weigh-in, as well as other residents in the area. We haven't received any specific negative comments with the exception of one letter, which is in the packet, from a nearby homeowner who is concerned about future subdivision access adjacent to his property. Mike then pointed out the location of that homeowner's parcel and indicated that he is not aware of any other negative comments. He knows that there were concerns in the applicant's public participation report and one was about making sure the CC&Rs were adhered to in any future subdivision.

Commissioner Cohen stated that we are talking about rezoning it so homes could be built, and he then asked if that would affect traffic, because that stoplight on S.R. 89A when you come out of Foothills South . . . , Vice Chair Levin clarified that there is a stop sign. The Commissioner agreed and indicated that making a left turn there is almost like taking your life in your hands, and asked what it would do in terms of traffic and if the Traffic Department will be asked to see if a stoplight is necessary. Mike explained that if there is a traffic impact statement required, it would come with the subdivision, because we don't currently know how many lots would come forward. They proposed a concept of nine additional lots and that would be the maximum that they could do, so if it is less than that, the traffic impact analysis would be different. Mike then added that there are trips generated with additional lots, but there are also a number of trips that are possible with the OP zone and its uses that may be quite a bit more, and the applicant has indicated that the previous use was generating more trips than a nine-lot subdivision would.

Commissioner Barcus indicated that he was going to mention to staff that on Thursday morning, he did go out there and walk around the property, and it struck him that there were probably 40 or 50 parking spaces, all of which were empty, and this is a fairly large complex. He didn't count the number of parking spaces or the number of tennis courts, but it is a very large building that looks like it could have accommodated a great number of people in the past, so whatever the number of houses that might get proposed down the road, compared to its previous use; we need to just sort of think about where we draw the line, because the previous

use was an operating racquet club, even though it has been closed for a while. The Commissioner then added that he had to go through a gate to get there, and this is a private subdivision; not a public subdivision, so it strikes him that this is very different, because it is a closed, gated community.

Applicant's Agent, Neil Johnson, Sedona, AZ: Mr. Johnson referenced the traffic in question and indicated that the historic records from the Racquet Club indicated that at its height, it was drawing about 270 visits per day and there are a little over 70 paved parking spaces available that are not being used, so they expect a significant reduction in traffic by downsizing it to nine lots, as opposed to that large facility.

Commission's Discussion:

Commissioner Brandt indicated that in following-up on the comments about it being a private place and that it is not like a park, that is a good point that it actually could have been a benefit to subdividing the property and offered to the City, but again, it is a gated subdivision, so it is not like the public could enjoy the open space or park facility. He supposes that it was a benefit to the City when it had tournaments, etc., so as far as a precedent, if we were to consider it again, it might be something taken into consideration that changing the zoning on another type of subdivision open space or benefit place, that was a benefit for the creation of a subdivision, might not be considered as a change of zoning, so we could preserve it as the public benefit that it might have been considered.

Vice Chair Levin noted that this is just for discussion and asked staff if there was anything more to get from the Commission. Mike Raber indicated that he didn't have anything further to add if the Commission had no other questions or concerns at this point. The Vice Chair then asked if the discussion of traffic and comparisons with prior uses might come through during the subdivision phase, and Mike stated that was right, depending on what triggers the need for a traffic impact analysis, etc.

The Vice Chair then stated that there seems to be some consensus among the present Commissioners to go forward, but asked if there is a necessity for another meeting to discuss this. Commissioner Brandt asked if the Vice Chair meant another work session and Vice Chair Levin indicated yes, because we could have another one if there are unresolved issues. Commissioner Brandt noted that other members of the Commission might want to speak; however, the Vice Chair stated that she didn't know that we would reschedule it to accommodate Commissioners that weren't present, but if there is anything additional that you want from staff or other research that needs to be answered before the public hearing on the 20th. . . Commissioner Cohen interjected a question as to if there was a way to get information from the homeowners' association about how they feel about this; they probably feel pretty good about it, because it has been vacant for a long time, but it would be helpful for the record to have a statement from them.

Vice Chair Levin explained that they would be notified within 500 ft. or whatever, and Cari added that it is a Major Plan Amendment, so the entire City is notified and Mike added that notification is going out in a couple of weeks, and he is not aware of any concerns raised by the association at this point. The Vice Chair noted that they also haven't submitted any opposing views, because they weren't in the packet and Mike confirmed he hadn't seen any.

Commissioner Cohen then asked if current ownership of the property is the same owners as when it was a tennis facility and Mike stated no; the property owners and homeowner members got together and formed the LLC to purchase the property. Vice Chair Levin indicated that she expects that the Commission will hear from them in the next phase to support or not support this potential amendment and zone change, but the fact that they are not here now is telling, if they were in opposition – well, that is going too far.

Commissioner Brandt asked why it was Office Professional zoning for a tennis club, and Mike explained that it historically was zoned as an RS zone under Yavapai County, and it was called Residential and Services. When we did the Land Development Code, we had to come up with zones that they were closest to and we were dealing with two different counties and two different zoning districts, so we took the Coconino County side, which was Office Professional, because it was the closest to matching that Residential and Services, and they allowed similar uses, so that is how the actual zoning was put in place. The Community Plan had designated it Public/Semi-Public prior to that, because of the county's original zoning of RS, so its designation goes back to pre-incorporation.

b. Discussion regarding proposed Minor Amendments to the Sedona Community Plan. The Minor Amendments include clarification, housekeeping changes and updates to the document. Case Number: PZ 16-00007 (Minor CPA)

Mike Raber stated that since the adoption of the new Community Plan, we've identified several Minor Amendments involving clarification, housekeeping and update items that were summarized in the memo in the packet, and he also attached the pages from the Plan that show the changes that would be made. On pages 27 and 28 for the Commercial and Lodging uses, this is the most significant change and it is really a reorganization of . . . Vice Chair Levin interjected a request for a corresponding packet page number, and Mike stated page 82.

Mike then continued to say that is really a reorganization of the pages under two new headings. We put a heading of Planned Area and Community Focus Areas, and then Lodging Area Limits; there is no change to the text otherwise, but we took a couple of pieces of that original paragraph and put them under the corresponding heading. Staff believed that helps with the context of this section, because it was always a little difficult to read, and now, we have Lodging Area Limits right above the maps instead of in a different place on the previous page and trying to relate those two things. We also noted housekeeping changes on pages 26, 112 and 114 in the packet, and then the update part is on pages 34, 37 and 41, where we've caught this up with the CFA Plans that have been adopted, and put the references on the pages. You can now see the Western Gateway is really in place of what were two CFA areas originally, and we have the actual boundary shown. Similarly for Soldiers Pass, we also have the boundary now that the CFA Plan has been adopted.

Commission's Questions:

Vice Chair Levin asked if the Minor Amendments go to the Council for approval and Mike stated yes; the only differences are that there is no two-thirds vote requirement, we don't do a citywide mailing, and they don't have to be heard one time per year.

Commissioner Barcus asked if this is on the same track as the Major Plan Amendment and Mike stated yes, it will be heard September 20th and go to Council in October, the same as the Major Amendment.

Vice Chair Levin asked if that passes, does staff anticipate that we would get amended pages to go into our hard copies of the Community Plan or if that is cumbersome. Mike stated that staff could do that and it would not be cumbersome, and it is a small enough document that we might be able to reissue the document itself, depending on the number of copies.

The Vice Chair then asked if all of the Commissioners are in agreement with the proposed Minor Amendment changes to the Community Plan, and the Commissioners nodded yes.

8. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Thursday, September 1, 2016; 3:30 pm (Work Session)**
- b. Tuesday, September 6, 2016; 5:30 pm (Public Hearing)**
- c. Thursday, September 15, 2016; 3:30 pm (Work Session)**
- d. Tuesday, September 20, 2016; 5:30 pm (Public Hearing)**

Cari Meyer stated that for September 1st and 6th, we have Vino di Sedona wanting to do some outdoor entertainment on their patio, which is next to the Andante Inn project. They are allowed to do outdoor dining on the patio, but no events or entertainment, so they applied for a Conditional Use Permit. On the first, we also have a couple of minor items and a project update, and we will discuss the Commission's schedule and some possible changes to give the Commission some weeks off by consolidating meetings, etc.

Cari then indicated that on the 15th and 20th, we have the Community Plan Amendments, but it sounds like you don't want the work session for those, but we do have a potential wireless site modification in Uptown that needs a Conditional Use Permit, and that will potentially be on those dates as well, so we won't cancel the 15th yet.

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.**

There was no Executive Session.

10. ADJOURNMENT

Vice Chair Levin called for adjournment at 6:50 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 August 16, 2016.

Donna A. S. Puckett, Administrative Assistant

Date