

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, September 19, 2017 - 3:30 p.m.

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

Chair Losoff called the meeting to order at 3:30 p.m., led the Pledge of Allegiance and requested roll call.

Roll Call:

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

Staff Present: Justin Clifton, James Crowley, Andy Dickey, Audree Juhlin, Cynthia Lovely, Steve Mertes, Ryan Mortillaro, Robert Pickels Jr., Rob Pollock, Donna Puckett and Mike Raber

Councilor(s) Present: Mayor Sandy Moriarty and Councilor Scott Jablow

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

There were no announcements.

3. APPROVAL OF THE FOLLOWING MINUTES:

a. August 15, 2017 (R)

Chair Losoff indicated that he would entertain a motion to approve the minutes of August 15, 2017.

MOTION: *Commissioner Barcus so moved. Commissioner Klein seconded the motion.*
VOTE: *Motion carried five (5) for and zero (0) opposed. Vice Chair Levin and Commissioner Cohen were excused.*

4. 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.)

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

5. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES.

Chair Losoff noted that there are four items and the Commission has had several meetings on these items, which is why a 20-minute time period will be very appropriate.

Robert Pickels Jr. stated that he wanted to take a couple of minutes to go through a remedial exercise to remind the Commission of the process and what it is that you are being asked to do at the public hearing today. A.R.S. § 9-461.06 defines a Major Amendment as a substantial alteration of the City's land use mixture or balance as established in the Community Plan's Land Use Element. It is up to the City to develop what the criteria are that meet that definition in the statute, and all of the applications that are before you here today have been determined to fall within the criteria for a Major Amendment.

The City Attorney explained that there are three separate processes that are involved in the Major Amendment consideration. There is a staff evaluation and recommendation, which includes

solicitation of comments from various agencies. Following that, a Staff Report is generated and presented to the Commission, which you all have seen. The Commission then has the responsibility to consider comprehensively all of the information that has been provided, in deciding whether or not to approve the various Amendments. Then, the decision of the Commission is forwarded on to the City Council for potential action. The only form of guidance that is provided to the Commission in the decision-making process, in the form of criteria, is found in the City of Sedona Planning & Zoning Commission Handbook, which is a document that is generated by staff. It is not formally-adopted document by the City Council; it's an assistance document that is prepared by City staff and distributed to the Commissioners. In that document, there are two specific areas identified to assist in making a determination of whether or not a Plan Amendment is appropriate. One is that the request is supported by the Community Plan when all visions, goals, objectives, policies and other recommendations are comprehensively evaluated, and that the Amendment is not detrimental to the City as a whole. Beyond that, it is up to the Commission to determine what additional information you want to consider as part of your evaluation and action process, so then, your recommendation again will be forwarded on to the City Council, and again, the City Council will ultimately act to adopt the recommendation or not.

Chair Losoff asked if there were any questions and stated that given our previous work sessions and other discussions, and we talked about this at our last meeting a little bit, but at this point, he would like to call for an Executive Session.

Robert Pickels Jr. explained that would require a motion to go into an Executive Session to discuss with legal counsel matters listed on the agenda, followed by a second. Chair Losoff then stated that he would entertain such a motion. Commissioner Klein asked if this is just something related to Son Silver West and Chair Losoff stated no; it is related to all four issues. Again, this is somewhat, not new for us, but we have not had four Major Plan Amendments in a while, let alone at all, so it is time for us to get some legal advice as to Plan Amendments in general and on any of the specific issues we may want to ask on a legal basis.

MOTION: Commissioner Barcus moved that we go into Executive Session. Commissioner Klein seconded the motion.

Robert Pickels Jr. stated that he wanted to clarify that it is for the specific purpose of consulting with legal counsel on matters identified on the agenda. Chair Losoff stated to let the record note that.

VOTE: Motion carried five (5) for and zero (0) opposed. Vice Chair Levin and Commissioner Cohen were excused.

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.

The Commission went into Executive Session at 3:37 p.m. and returned to open session at 4:05 p.m.

5. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES. (continued)

Overview: Mike Raber indicated that he would like to give an overview of the Plan Amendments, and then go into each one individually. You have four proposals under review that are considered Major Community Plan Amendments. Two of those also include Zone Change considerations. One

is for conceptual and one if for final review. Major Amendments are defined in Chapter 9 of the Sedona Community Plan, and as legal counsel covered, by state law, once a city has defined what constitutes a Major Amendment, there are procedural steps that follow. Those include consideration once per year at a single public hearing; they are subject to adopted public participation procedures; they must be approved by at least two-thirds of the City Council, and they can be initiated by the City or requested by the private sector.

Mike stated that the packet has been put together with a cover memo that describes the points to consider in the decision-making process for those Amendments and briefly describes each proposal, the Major Amendment criteria, and the process. There are three proposals submitted by applicants that also involve changing the Sedona Community Plan's Future Land Use Map. Those are the Sedona Hard Cider proposal to allow for production of hard cider within existing buildings; the Pinon/89A Multi-family Project to allow the development of a 45-unit apartment complex, and Son Silver West Parking Lot to allow for the future development of a parking lot to serve the adjacent conditionally-allowed commercial use. Each of those three applications include the following in the packet . . . Chair Losoff interjected that Son Silver West is not for a parking lot; it's a Plan Amendment, and Mike explained that is their intent.

Mike Raber then continued to say that each of the following three applications include the following in your packet: Staff Report; Vicinity and Aerial Maps; Applicant's Materials, which includes the applicants Letter of Intent, Citizen Participation Plan and Report, and site plans; Staff's Evaluation that includes items such as staff's comments on the Letters of Intent and a new Community Plan checklist that is intended to provide an analysis on how each proposal addresses the Community Plan goals and Community Expectations, and if the property is located within a Community Focus Area in the Community Plan, there are Community Expectations attached to that. All three of these proposals are located within a CFA. Next in each of the packets are the staff and review agency comments and comments from the public.

Mike stated that one of the proposals tonight has been initiated by the City for a Major Text Amendment to the Plan to create a Multi-family High Density designation that allows more than 12 units per acre. This would be tied to future projects providing strategies to address local housing needs. The packet for this item includes the Staff Report, Project Description, Background Report and more Facts & Figures, Citizen Participation Report, staff's responses to the Planning & Zoning Commission, and public comments.

Mike Raber then indicated that in all of the Staff Reports, there will be a discussion and evaluation of the Major Amendment that asks the Commission to determine whether the Amendment is in the interest of the public, not detrimental to the City, etc., and is consistent overall with the Sedona Community Plan. In the Conclusion section, we have Findings of Fact and staff's recommendations on whether the proposal should be approved based on applicable goals, policies, CFA expectations and overall consistency with the Community Plan.

Mike indicated that on each of these items in your packet, we will have a staff presentation, questions for the Commission, and if applicable, the applicant will give a presentation with questions, and you can open it to the public, and then go through your process.

As a reminder, Chair Losoff stated that we are going to try to keep presentations to 20 minutes each on each side of the presentations.

- a. **Discussion/possible action regarding a request for approval of a Major Community Plan Amendment to the Future Land Use Map from SFLD (Single-family Low Density) to PA (Planned Area) and Zone Change from RS-18b (Single-family Residential) to PD (Planned Development) to allow for the production of hard cider within the existing buildings. The property is located at 145 Copper Cliffs Lane, west of State Route 179 near the Canyon Drive roundabout. APN: 401-26-004 Applicant: John R. Graham Case Number: PZ17-00007 (Major CPA, ZC)**

Presentation: Warren Campbell stated that there are two requests associated with this application – the Major Community Plan Amendment and a Zone Change. Warren identified the location of the approximate 3.63-acre subject property, owner John Graham, and authorized agent Alan Everett. He indicated that it is currently a single-family residence with an orchard. They do some cider production, and there is a guesthouse. It is located within the Copper Cliffs Community Focus Area, but the plan is not in place at this time.

Warren referenced a vicinity site plan and indicated that the subject property is significantly below the grade of SR 179 in the Copper Cliffs Dr. neighborhood. On the site plan aerial, he pointed out the agricultural feel and indicated it is a large lot with an orchard on the right-hand side of the aerial.

Warren explained that the proposal for the Major Community Plan Amendment is to redesignate the property from Single-family Low Density to Planned Area and, in conjunction with that, to rezone the property from Single-family Low Density to Planned Development to accomplish the goals of the hard cider. They will be using the existing buildings for the production of the hard cider and all activities will take place inside the existing buildings; there is no new construction proposed. The cider production is anticipated to be accomplished from the production of the orchards onsite; however, there will be occasional times when offsite deliveries of apples will be necessary. There will be no retail or tasting room on the property. The closest building is over 100 ft. away from a neighboring property, and there are a number of other additional licenses and permits that will be needed, to accomplish this goal, from the state, federal and county levels. Staff's review regarding a number of elements is in the memorandum, and with it being contained within existing buildings, there was minimal impact to the various elements during the review, as there is minimal change to how the property would be operating.

Warren again stated that it is within the Copper Cliffs CFA, and as stated, there is no plan adopted for that in place, but it does have four goals identified for the CFA and it does address three of them very specifically. This would result in retaining a larger parcel and the rural character of the neighborhood. It would preserve the agricultural plantings and the residential land balance currently existing on the lot, and it would evaluate potential non-residential uses tied to protecting the creek and developing the agricultural uses for protection.

Warren indicated that staff looked at the Community Plan goals. There are a number of goals, and staff spoke to each of these in the Community Plan checklist, so there is a thorough evaluation of all of these, but staff looked at it with regard to Land Use, Housing and Growth, Environment, Economic Development and Community, and again, this is in the memorandum as well. There were some questions earlier about why this couldn't be accomplished through a home occupation type of permit, and we discussed at the work session that it would not meet the criteria for a home occupation, primarily because of employees and some of the actions being taken onsite, and that is why we have the application before us tonight.

Warren stated that for public input, we did receive one written and one verbal statement of support. You have the written one, and the verbal one came in today stating that they supported the application as it would preserve that agricultural character of the neighborhood. We also have six Findings of Fact contained within the memorandum, and the statements of fact in terms of Zoning, Land Use designation, CFAs, etc., and staff is recommending approval of both of these to be forwarded to the City Council for both the Major Community Plan Amendment and the Zone Change.

Note: There were no questions of staff and the applicant declined the opportunity to give a presentation.

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

Commission's Summary Discussion:

Chair Losoff asked if this is approved as a Plan Amendment, is there anything to prohibit housing from going on there? Mike Raber indicated that the CFA Expectations are what we would look at for the result of this Plan Amendment, and it talks about retaining large parcels and rural character, and preserving the agricultural and residential land balance. It does talk about accepting alternative forms of housing, but you have to look at that in the context of the overall CFA, so any zoning that came in after that, and then also the preservation and protection of the riparian environment along Oak Creek. When you put those together in context, we are talking about a very low-key situation and staff feels this application really fits that. As far as an opportunity for something else to come in, that would be looked at very carefully against those CFA expectations.

Chair Losoff indicated that he would entertain a motion for approval, disapproval or continuation.

MOTION: Commissioner Brandt moved to recommend to the Sedona City Council approval of case number PZ17-00007 (Major CPA), Sedona Hard Cider, based on the findings as outlined in the Staff Report, and subject to all applicable requirements and the recommended Conditions of Approval. Commissioner Klein seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. Vice Chair Levin and Commissioner Cohen were excused.

MOTION: Commissioner Brandt moved to recommend to the Sedona City Council approval of case number PZ17-00007 (ZC), Sedona Hard Cider, the proposed Major Community Plan Amendment as set forth in case number PZ17-00007 (Zone Change), Sedona Hard Cider, based on compliance with Land Development Code requirements, conformance with the requirements for approval of a zone change and consistency and conformance with the Community Plan, and subject to all applicable ordinance requirements and the recommended Conditions of Approval. Commissioner Mayer seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. Vice Chair Levin and Commissioner Cohen were excused.

- b. Discussion/possible action regarding a request for approval of a Major Community Plan Amendment to the text of the Land Use, Housing, and Growth Chapter (Chapter 3) to create a Multifamily High Density designation allowing for more than 12 dwelling units per acre for development project that provide strategies for achieving housing diversity, affordability, and availability in order to address local housing needs. Applicant: City of Sedona Case Number: PZ17-00008 (Major CPA)**

Presentation: Mike Raber stated that this is a Text Amendment only; there are no specific properties being redesignated as part of this proposed Amendment. The request has been initiated by the City as a Text Amendment to allow for consideration of multi-family developments with densities that exceed 12 units per acre if the proposed development provides strategies to address local housing needs. The purpose of this Amendment is to better align the Community Plan's density with the Community Plan's goals. One of those key goals is to encourage diverse and affordable housing options. This Amendment really provides a process to consider projects above 12 units per acre. We currently can't consider a project that would exceed that density in almost every case.

Mike indicated that specifically the proposal would add a High Density Multi-family designation of more than 12 units per acre to the Future Land Use Map legend, so on that Map there would be a new Multi-family category. We would add language to the Plan's Multi-family Residential description that projects may exceed densities of 12 units per acre on a case-by-case basis through considering strategies that address local housing needs. Then, we would add a policy to the Plan also reflecting the same language.

Mike stated that this Text Amendment does not change the density on any property. As proposed, a project over 12 units per acre would still need approval of a Major Amendment and a Zone Change. A separate Major Amendment request to this new designation has been proposed by an applicant for an apartment project, and you will see that on the next agenda item for your consideration. It is contingent upon approval of this item.

Mike indicated that regarding our existing housing types in Sedona, Multi-family housing makes up about 14% and the national average is about 32%. Out of the City's Multi-family housing, rental apartments only make up 27%, so out of about 6,500 housing units in the City, there are about 238 rental apartment units; this is less than 4% of all the housing units in the City. In terms of acreage, approximately 1.3% of the Residential zoning is Multi-family. Less than half of 1% of that is vacant Multi-family, so there is a diminishing supply of vacant land. We currently have about 18 acres left; the largest of these parcels is kind of the entrance past Uptown as you are getting into the Canyon that actually has a RM-2 designation or 12 units per acre as a cap. It is in an area that is extremely steep, and to build anything at that capped density would probably be difficult – not to say it can't be built on, but we have areas of difficult topography in some of these locations. There is one Multi-family Zoning District that is called RM-3 that existed before the City incorporated and that allows 20 units per acre, and it is in an area that is adjacent to the AAA Industrial Park with two acres left of that zoning, so that is out of that 18 vacant acres. This Map represents the vacant land that is already specifically zoned for multi-family uses. It doesn't indicate any proposal; it is strictly an existing vacancy map.

Mike stated that there are two scenarios where multi-family housing for more than 12 units per acre can be approved. One is on property that is zoned RM-3, which allows up to 20 units per acre, and there are only two vacant acres left. Properties can't be rezoned to RM-3 without amending the Community Plan, which is what we will be dealing with through this Amendment as well as the following agenda item to go above 12 units per acre. The other scenario where more than 12 units per acre can be approved is within the Western Gateway CFA. We have an adopted plan for that area that supports the higher density, but any development project within the Western Gateway still has to go through a Minor Plan Amendment process, as well as Zone Change.

Mike explained that some of the challenges to the availability of Multi-family housing include the diminishing supply of vacant land, zoning limitations, and land costs. The historic trend for large lots has seen residential acreage developed with less homes and units than originally allowed through zoning since incorporation, so we have seen larger lots utilizing a lot of that land and that has some bearing on the City's ability to grow as well. Some development limitations include the Community Plan's density of 12 units per acre for multi-family projects. That maximum density is often cited as being too low to support diverse and affordable housing options. Other challenges to development include the land costs and fees, our development standards, and the approval process itself.

Mike indicated that other factors that impact housing in Sedona include the high cost of housing and one of the factors that contribute to affordability is unit size; smaller units typically rent for lower prices than larger units, and for a project with smaller units to work, they need more units and with the threshold of 12 units per acre, there is limited option for them to be able to do that. Another factor is short-term vacation rentals. With the passage of SB1350, we have seen many houses previously rented for long-term being converted to short-term rentals. Substandard housing, growth in the neighboring communities and changes in housing preferences are other factors as well. Mike added that lack of housing impacts local businesses, the community and schools. Traffic patterns are another implication with the lack of walkable or bike-able alternatives.

Mike stated that one of the six major outcomes of our Second Community Plan is to create an environment that encourages diverse and affordable housing options. This is consistent with the vision of the Plan for a future that nurtures connections between people, encourages

healthy and active lifestyles, supports a diverse and prosperous economy, and values the protection of the environment. Other Community Plan goals are consistent with higher density housing options including mixed-use, walkable districts; creating a more walkable, bike-able community; supporting local businesses, and meeting the needs of the community as well.

Mike indicated that the Citizen Participation Report is included in the packet and has comments from our August 22nd open house, our online comment form and other emails. Those comments are in Attachment 6 of the packet, and we also received several comments since that packet was distributed and those were handed out at the last work session and tonight. The comments cover a broad spectrum that are both supportive and in opposition. We also received one telephone call in opposition and that was due to perceived traffic impacts.

Mike stated that to recap, the City is proposing a Major Text Amendment to add new a Land Use category of Multi-family High Density in the Community Plan. This will allow consideration of development projects with a density greater than 12 units per acre, if the project includes strategies for addressing local housing needs. This proposal will not redesignate any property to this category; it does not provide new entitlements to property owners, and it also is not an affordable housing amendment. This Amendment is intended to provide an opportunity for higher density projects that can be approved as rental apartments through the rezoning process.

Mike pointed out that we have a city with only 238 rental apartment units out of 6,500 housing units. There needs to be some incentive for this type of housing, which is badly needed in the community. This contributes to the City's goal for greater housing diversity and can contribute to more affordable options, but it is not an affordable subsidized housing amendment. A new project would need to get Community Plan Amendment approval to apply the new designation to the Map, and then obtain a rezoning and Development Review approval to move forward. That review includes the citizens, Planning & Zoning Commission and City Council.

Mike stated that staff's Findings of Fact reflect what we just covered, and they are in the staff Report for your consideration. Staff is recommending approval of this item and staff is open to questions.

Commission's Questions and Comments:

Commissioner Klein indicated that he had talked to several people about this issue and some people are in favor and some are against. Those who are against have raised some questions that he will ask for them. One is that the Community Plan was voted on by the public on March 11, 2014, and the Future Land Use Map legend was indicated for Multi-family Medium and High Density to be four to 12 units per acre; Mike Raber confirmed that is correct. Commissioner Klein stated that when the people voted on this, they voted for multi-family housing on the basis that it would be limited to no more than 12 units per acre. The Commissioner then asked if that is a fair assessment, and Mike Raber stated yes. Commissioner Klein then stated that the question asked is that this was just voted on three or so years ago, so what has changed in that period of time to require consideration of a Major Plan Amendment to change that high density from a maximum of 12 units per acre to more than 12. Mike Raber explained this had been an issue even before the last Plan adoption, but some things have changed – one is SB1350, the vacation rental legislation, that is potentially taking some rental opportunities out of the market. We also haven't done an inventory in a while of our rental apartment units, and it is definitely not any larger than it was 10-20 years ago, so we are dealing with an increasing number of housing units, a decreasing amount of multi-family land and probably a decreasing number of apartment units, so there have been some things that are changing, but they are not changing in the direction that allows for more of that type of housing opportunity; it is going the other way.

Commissioner Klein stated that one of the big issues is people in favor of this say that employers are having problems keeping employees; they can't afford to live here, so if we can build more apartments, the employees will be able to live here. The Commissioner then asked

if staff has really analyzed whether or not that is an accurate perception. Somewhere in staff's papers, he read that affordable housing is considered to pay no more than 35% of gross income for rent and utilities. If you take a project, taking the one that is on the agenda next, where at the last meeting the applicant said that rents for a one-bedroom apartment might be \$1,150 a month and add another \$150 for utilities, that is \$1,300 a month, which is \$15,600 a year, so you would need to be making \$44,000 for that 35% threshold, so does staff feel that if projects like this are built, the workers here – most single workers aren't making \$44,000 a year or even close. What is staff's feeling on who is going to be renting these apartments? Mike Raber indicated that staff's feeling is that this is meeting a badly needed niche for diversity of housing in the community aside from any discussion of affordability. It has more to do with a lack of a type of housing; we don't have rental apartment housing, and this is the first step the City can take in ensuring that we get some incentive in place to see that start happening. That in turn, over time, can have some impact in bringing us up and getting a few more rental apartment units.

Chair Losoff asked to see the slide on what the Plan Amendment would do and not do, and he then read that it will not create affordable housing projects. Warren Campbell added that the Area Median Income (AMI) for Yavapai County is roughly \$52,000 per year, so there are a number of employees who would make those wages – nurses, doctors, planners, etc., who seek housing, but can't find it, and we believe this housing would meet some needs.

Commissioner Klein indicated that in staff's papers, they say that staff would like to see this Amendment approved before dealing with the issue of reducing development fees, sewer fees. He then asked if that would help assist in getting these projects built. He doesn't know the percentage of people who would be opposed to this in the community, but he assumes it is significant. Has staff looked at the issue of instead of trying to increase the density and then deal with the issue of sewer fees, development fees, if you reverse that and said if we waive the sewer fees and development fees for these type of projects, would that allow these projects to be built without having to change the density above 12 units per acre? Audree Juhlin explained that the Housing Guidelines provided to you on Monday outline what we can and cannot do, and it talks about waiving or deferring fees now. We have that ability through Council action, but we have not seen any significant increase in the number of apartments units as Mike presented in his overview tonight, and based on having the ability to waive or defer fees has provided enough incentive to get more apartments. We do have it, but we are not getting what we need, and what we are hearing from the developers is that the economy of scale of 12 units per acre is great, but it does not pencil out. They need more units per acre to make that kind of project, without some kind of subsidies, work in Sedona, because of the challenges that Mike presented, such as the high land costs.

Chair Losoff pointed out that the Commission has had a couple of work sessions on this, and most of our questions have been answered; however, Commissioner Klein stated that one issue that has never been discussed is that one of the things this Amendment seeks to do is add a #17 to the Land Use policies of the Community Plan that would say you could have multi-family housing greater than 12 units per acre, but he wants to focus on #10 of that Land Use policy on page 53 of the Community Plan that says, "Where supported through citizen participation . . ." If he is interpreting that correctly, it means that citizens have to be in agreement for this to happen. It says, "Where supported through citizen participation in a City-initiated planning process, allow densities greater than 12 dwelling units per acre in mixed use projects in the West Sedona Corridor." The Commissioner then stated that the way he reads that is at the time this Plan was voted on, the people of Sedona said if you want to have any developments greater than 12 units per acre, the citizens have to support it, and it has got to be mixed-use in the West Sedona Corridor, but he wants to focus on the part that says 'where supported through citizen participation'. To him, that says that the citizens voted and said they want to be able to approve whether or not there is going to be densities greater than 12 dwelling units per acre. He then asked if that is a fair interpretation, and Mike Raber stated yes; it is about our Community Focus Areas.

Commissioner Klein then asked, if you passed this Major Community Plan Amendment, aren't you taking away the citizen's rights to be able to say through citizen participation whether they want to have more than 12 dwelling units per acre in a development. Mike Raber explained that is specific to the development of CFA plans, and yes, we put that in there for consideration of those plans, but they don't cover all of the corridor either, and there is some limitation to that, and that is one of the reasons you would be approving another policy that would make that a little broader than just the limited CFA areas. We are saying that we are still requiring a Major Amendment on top of a Major Amendment – that is in the proposal, so if you approve this tonight, you would see a change in the Community Plan text and on the Map legend, but if an applicant comes in, as with the next applicant, and wants to rezone to that higher density, they still have to do a Major Plan Amendment, and then a Zone Change.

Chair Losoff indicated that maybe is a literal interpretation, and he sat on the Community Plan development and the Community Plan isn't written to say that every time a change is made, it has to go back to the public; that is what Plan Amendments are for, so if you are suggesting that if we are making a Plan Amendment on any of these issues, it has to go back to the public, that is not the way the Plan is interpreted. Commissioner Mayer added that it also allows for flexibility.

Having no additional questions of staff, Chair Losoff opened the public comment period.

Jean Jenks, Sedona AZ: Ms. Jenks referenced the publicity pamphlet the electorate received for the March 11, 2014 Community Plan election that states, "Future property Zone Changes must be consistent with the Community Plan. There is no Multi-family High Density designation allowed for more than 12 dwelling units per acre in the Plan, so rezoning to greater than 12 units per acre is not consistent with the Plan; it is a ghastly idea. The Major Plan Amendment is not only illegal, but it is unrealistic and unsafe. It ignores the crucial lack of adequate roadway infrastructure and the miserable traffic congestion plaguing our City, especially in the Uptown area where she lives. It will promote dangerous conditions, such as peril in case of a hospital emergency or in the event of wildfires. People have trouble getting from one place to another now. She got a copy of the official results for the 2014 Community Plan election from the City Clerk yesterday. There were 6,495 registered voters at the time, total votes equaled 2,484 of which 1,530 were yes and 954 were no; only 23.6% of the registered voters voted yes. This is nothing to crow about, and she doesn't see how the City can go forward with this Plan Amendment.

Milton Small, Sedona, AZ: Mr. Small indicated that his question is regarding the height of the multi-family home; he is assuming it is two stories. His main concern is he keeps seeing in the agenda platform "affordability", and then he sees that there will not be any subsidies involved, and he wanted to be assured, as a taxpayer in Sedona, that no subsidies whatsoever will be allocated, so that his costs go up for the privilege of living in Sedona. His other question has to deal with housing value. People who come to Sedona come for a specific reason. It is an area geographically for affluent housing. Land value is high and most of the people who have built the 6,500 homes, from the number you indicated tonight, spent large sums of money to protect the value of these homes and land use on existing homes, so why would the City consider downgrading the most important asset of all of a local landowner by putting in multi-type housing or using the word 'affordable' housing for the local employers that need employees, which are working at the present time because all businesses are functioning as we speak and they travel either from Cottonwood or Verde Valley or elsewhere, and he has never seen a restaurant or local business closed because of a lack of employee participation. He is also against the sewer fee waiver. How is the increased volume handled; we just had an increase on sewer fees, and he doesn't want another increase, since he is living on a retired income. Cost of living in Sedona should be considered before we consider putting multi-type housing into effect and reducing the value of local housing where people have lived here for years. This is their most important asset of all and by putting these structures and a house where good money was paid for will only result in lower housing values.

Glenn Cocoros, Sedona, AZ: Mr. Cocoros indicated that in trying to make a Major Community Plan Amendment to increase high density to above 12 units, the question is as presented earlier by staff, is this detrimental to the City as a whole? Staff has presented an interesting supposition that we need to increase the multi-unit housing for reasons that may or may not be substantiated. Commissioner Klein brought up an interesting point. Increasing the housing and the number of cars is a concern, since the proposal for the very expensive traffic plans have not been finalized. Living in western Sedona, he knows the traffic is much worse than it was, and if you increase the traffic in the western corridor, you are going to increase the traffic problem in that area. There also is another interesting proposal that was accepted by a lot of people in the survey saying that we should put a digital sign on I-17 directing traffic up SR 260 to Cottonwood, coming in the western corridor for people coming in on the weekends, and that is probably a great idea for people living in Oak Creek, but not such a great idea if we are going to increase the number of cars in the western corridor. Addressing local housing needs, what are the local housing needs? We don't have to necessarily be in line with a national average of a percentage of this and that; we are Sedona, we are not the national average. This is a very interesting City and a beautiful City; it has been founded on what the gentleman before was saying, and to bring in more people and cars is something that we really should consider. He doesn't know that growth is the best thing in the world. He has heard from people that if we don't grow, we stagnate, but he doesn't believe that. He believes in the City of Sedona with the people that are here, if we don't grow, we still grow in culture and a number of ways that are beneficial and that are supposed to be the way Sedona was founded. Please don't separate housing density from the final traffic plan, which has not even come in yet. Maybe we should wait for that.

John Penke, Sedona, AZ: Did not respond when called to speak.

Mary Parker Brosnahan, Sedona, AZ: Ms. Brosnahan stated that she was at the last meeting and was compelled to speak, because she is shocked at the 'out-of-touchness' of the retirement community that feels Sedona is a retirement community. Sedona is not a retirement community; it was founded as a working community, and because all these retired people made their living in other places, and then decided to come here and build their big homes and say they don't want other people to live here; as the Map says, there are very few places if you approve the zoning change; there are only one or two places. Forty-five cars, the problem we have in Sedona are not the locals; it is all the tourists if anyone wants to talk about the car situation. Having the locals have a place to live – what if the teachers lived there. Somebody said who is going to make \$44,000 a year, how about a teacher, a city planner, one of our employees of Sedona. Seventy-five percent of the City of Sedona employees come in from Cottonwood. That doesn't make her feel like they are interested; well, she shouldn't even say that. She feels they would be more interested, and she had to commute from Cottonwood, so to say that she moved to Sedona for the clean air, no traffic and she doesn't want anybody moving here behind her, that is a very indulgent attitude, and she doesn't think it is healthy for Sedona. We need kids in schools; we need employees for some of the things. I've never heard of a store closing, because they don't have enough employees. How in touch are these people? Are they in touch with us who are working and need employees? Everyone needs to work together; we've got three groups of people. We have the retirement, the people who want to come and enjoy Sedona, the tourists, and then we've got people who are still raising a family and living and working, and we have to find a way to work together. It shouldn't be us versus them. We all have to find a way to work together and that is not by saying we don't want any more growth in Sedona. That simply doesn't work that way, so she would ask that you give the Zone Change, because if you don't even give the option, how are you going to look into it. As she understands, there still has to be a lot of hoops to jump through even if the Zone Change does happen, and we have to at least allow this option to see what it could bring.

Dell Willman, Sedona, AZ: Ms. Willman stated that she may be a little more confused since she came to the meeting than before she got here, but the one thing that stood out for her was that this Community Plan was established in 2014, and the question was what has changed

since 2014. One thing that has changed tremendously is the traffic. It doesn't make any difference where it comes from; we all know it is here and we know that it is a lot worse in the last few years, and it is a lot worse in the west Sedona corridor. It concerns her that the community voted for a density of four to 12 per acre, so she didn't vote for that; she didn't vote for more than 12, and she feels that we need to really look at this in terms of whether we are having a real legitimate input in this. It is the traffic that concerns her, and the density does concern her. It is one thing to have 12 units; it is another to have 20 in an acre, and we are not being given the input that we need, and it is a lot about the traffic. It is not about whether people can afford it; it is about whether or not we can have our City be a place where you even want to live anymore.

Jessica Williamson, Sedona, AZ: Ms. Williamson stated that about the traffic, she noted that if people are living in Cottonwood and driving here to work, they are already part of our traffic problem. They aren't new people coming here; they are already here, so assuming that there is going to be a huge change in traffic is not particularly reasonable. During this Community Plan process, she remembers staff saying anytime she was there for a public meeting, that if the Plan was approved, there would have to be changes to zoning and other technical issues to accomplish the goals of the Plan. Over and over, she heard that and here we are making a change to accomplish a Plan that you fellas supported, and now she hears, oh my goodness, we don't want to change anything in the Plan, because then that is just not fair. This is a process of accomplishing what she believes is a very good goal of the Community Plan, and she thinks you believe that too or at least you all voted for it, which is an increase in housing diversity. Since she has been in Sedona, she has seen many apartment buildings, she doesn't know how many, but at least two or three convert from rental apartment to condominium, and she doesn't believe that is even in the 4% figure. She would hazard that there are fewer than 4%, and while you can argue that we don't need any multiple-dwelling housing in Sedona, because we're Sedona, she would argue that housing diversity must include apartment buildings for people who need them and work here. She spoke to someone about this issue, and he said someone he hires could live there, so while it is tempting to believe that the lack of employee housing has anything to do with businesses; she knows every business person she talks to talks about how hard it is to keep employees, because they don't have anywhere to live here. So, she would urge you not to listen to the fearmongering and the fears that people have. She doesn't see a reason to make an assumption; she doesn't feel it is probably backed by any study that apartment houses or multiple dwellings reduce people's value of their house. That is for her a fear, and she sees no reason to believe that is necessarily true, so she would look at what the issue really is, which is . . . *Ms. Williamson's was signaled that her time was up.*

Lynn Eaton, Sedona, AZ: Ms. Eaton indicated that she is the Attorney-in-Fact for Paul and Gladys Eaton who are residents of west Sedona, Juniper Knolls. She would also second or third for fifth the concerns about traffic and doing this before the traffic plan is complete. Any change to density before there is a traffic plan would be a mistake. If that seems reasonable after the traffic plan is done, then that is another thing. The second issue is the whole vagueness of who needs this housing. Yes, there probably is a great need for rental housing; she is not opposed to rental housing. She is opposed to the increase in the density, since that wasn't part of what anyone voted for, and also there are very few examples of what that would look like. In the Facts and Figures section, they didn't give any examples of really high density that exists even though they said there were. Either these are people who are basically minimum wage people – retail, restaurants, hotels where the need is, or they are higher income level – teachers and nurses. When we talk about this need for the high density, we need to be very clear on who we are trying to build this housing for and what that rental ceiling will be, and so forth. The other issue she has, and the example she is looking at is the proposal C, is the parking and how much of the land is completely covered with either parking, driveway or buildings, and with high density it is most of the acreage, and that isn't good for Sedona and for the environment.

Kim Turtenwald, Sedona, AZ: Mr. Turtenwald stated that he is an apartment owner, and he is hearing an argument that these high-density apartments would be for workers here. His understanding is you can't rent apartments saying you have to be a worker to live in these units. That argument is void; it is illegal to try to control who can live in the apartments. How many people, you have to look at that factor too, and the cars would be here on the time off from work. It does add more traffic, so he is not for this.

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

Commission's Summary Discussion:

Chair Losoff asked Mike Raber if when talking about greater than 12 for high density, we can cap it at a certain number. Mike Raber stated yes, the Commission could recommend that to Council. That is not staff's recommendation, but the Commission could make that recommendation. The Chair indicated that at the work session, the Commission talked about not more than 20, and Mike explained that what we know about 20 units per acre limit is that it is difficult to go above that. We have height, parking, lot coverage, etc. restrictions, and all of those things make it very difficult to go beyond that density, but staff doesn't know if in the future that might be too limiting if we have opportunities for higher densities than that, where a project could really get a large number of units to happen that are needed to fill that niche through some Planned Development proposal maybe on a larger piece of property. We have the RM-3 zone that caps at 20 per acre, and that is at least the threshold that you need to attain.

The Chair then stated to the Commissioners that if we were to go on with this Amendment, he would suggest talking about capping this, whatever that number might be, but we will come to that later. He also thanked Warren Campbell for the report on the housing numbers, and pointed out that this is a Plan Text Amendment, nothing more and nothing less, and he then asked to see the screen one more time as to what it does and does not accomplish, and indicated that as we go forward, it is only a Text Amendment and it is not going to create any property change or new entitlements or affordable housing units. He then asked Mike Raber if that is correct, and Mike stated that he would like to make one comment.

Mike Raber noted that we heard about traffic concerns, and people need to realize that not every proposal is coming from scratch on a piece of property that doesn't already have some entitlement that will generate traffic. All of our Multi-family, if built to the maximum of 12 units per acre is going to generate some traffic. The question is how much above that; we even have proposals, as you will see in the next agenda item, that takes a commercial property and is proposing to change that. Commercial generates additional trips, so it not in a vacuum. It is not like you are going to add all of these additional trips from square one. You are starting maybe from a different place and this proposed Amendment would do nothing to increase that, because you would still have to evaluate each project by itself for what its traffic contribution would be, what its impact would be, and how you would mitigate that.

Chair Losoff noted that from the public, there was a concern that this may be illegal, and Mike Raber indicated that he was not aware of what the person was talking about. The Chair then asked if it is all within legal parameters as far as we know, and Mike indicated that as far as controlling who can live there, there might be some parameters around that, but he is not sure what was specifically being referred to. Robert Pickels Jr. stated that he didn't have anything to add to that without reviewing the Fair Housing Act and other considerations.

The Chair then indicated that there were also concerns about subsidies, and Audree Juhlin indicated that she had failed to mention when we were talking about that provision in our policy, that when we make a recommendation to City Council for the waiver of fees, that is with the understanding that the City's Housing In-Lieu Fund is compensating and paying for those fees, so we are waiving it from the applicant, but if the City Council supports and approves that recommendation, we are paying those fees through the In-Lieu Housing Fund. The Chair then

stated that it is not going to affect any citizen directly and increase taxes, and Audree stated no, it is still being paid; it is just that the City would be doing that in partnership with the project. The Chair then asked about the concern regarding height, and Audree Juhlin explained that any application would have to meet the existing Land Development Code height requirements.

Commissioner Klein stated that if we capped the density at a certain number, what would happen in a CFA? Could you then approve a CFA with a greater density than what the Commission said it wanted to approve or if we say let's cap it at 20 units per acre, would that apply across the board and you couldn't do a CFA with greater density? Mike Raber indicated that it would be a possibility in another CFA to look at a higher threshold. Commissioner Klein then asked if they can't say that if they wanted to cap it; it has to apply to CFAs too, and Mike pointed out that is really not on the agenda, but that is what we have the CFA planning process for, to go through that plan process and talk through those things like we did very thoroughly with the Western Gateway, as you will recall. Chair Losoff indicated it is what comes first, the chicken or the egg. If we set a cap, it could set a precedent for a CFA and set some direction, but it is half of one and six of another.

Commissioner Brandt commented that as far as a density cap, the zoning, height requirements, coverage and parking, etc., are going to be what controls. It is not like we are doing high density and it is going to allow another story or two to go on these properties. It still has to follow suit if it was a hotel, a commercial building, or whatever zone it is in, so it doesn't need any more restrictions placed on it because of that. Commissioner Klein brought up a good point about what has changed, and if this is what everybody voted on then, what has changed in the meantime, but SB1350 allowing any residential property, that is not governed by a HOA, to do short-term rental, so instead of renting for every month to anybody that wants it for long term, it is far more convenient and you can get a lot more money for just renting it out for a weekend one month, and that takes it out of the long-term rental market, so in effect, that has reduced the density in town, because there are a lot of people renting any kind of housing in Sedona -- you know things that are questionable that you think really, people come in for a nice weekend are going to want to stay here, but for someone long-term, they might think it is a great place to help out the owner and fix it up a little bit. That is a major change in what is happening in the calculus of the whole situation. Some of these things apply to the next item, but something else to consider is when the densities were established, the 12 units per acre, when the City was incorporated, there was a trend more towards regular-size families or what they called nuclear families at the time. The trend is for smaller housing and smaller families, so if you have the density of 12, that means you would have to get a couple of roommates, so the people who were developing would still make a two or three-bedroom unit, and still have 12 units, and then rent it out to somebody that would get a couple of roommates. That's even a higher density and a realistic situation that has happened; it used to be when he was a kid, that is what he did, so in a way this makes it seem more realistic for actually targeting the need now.

Commissioner Brandt added that he agrees, talking about traffic, that it is the tourists from mid-day to late afternoon that is really the problem. Employees are going to be coming at more of a workday timeframe, and hopefully, these are for people that are already working here, so there is really no effect on traffic because of that. There is also the small-town effect; everybody thinks this is a small town, but if you have to drive 20 minutes to get to work, that takes away from that small-town effect -- too bad says the people who live here, so there are people who drive 20 minutes, maybe they don't care to or don't have the time to do the things that a real community has. Oh well, the people who live here say that is too bad. Well, a lot of people are moving to communities because of community involvement and they see a thriving community, and that is what attracts them, so people think they want to keep their property values. Well, having a vital community is what is really going to keep it. Yes, everybody looks at the scenery, but as they said in the old days, you can't eat the scenery. One important point about traffic is, as someone in the work session last week said, more traffic means that the emergency vehicle can't get to me, because of this new traffic, and he thought that was a good point; to him it used

to be the real inconvenience of not having diversified housing was that maybe your waitress or server at the restaurant wasn't going to be there on time or at all, so you weren't going to get good service. Now, maybe we aren't going to have an ambulance driver, because he lives 20 minutes away, instead of living in an apartment. We need more diversity of housing in this town for it to be a real place and to take care of the people that can live here, so that is it in a nutshell and he is in favor of this Amendment.

Commissioner Barcus stated that he is opposed to any cap. The topography and the existing zoning rules and regulations, height requirements, cover, etc. have everything we need, and we don't need additional constraint, so he would be opposed to any cap.

Chair Losoff noted that both Commissioner Brandt and Commissioner Barcus have convinced him that caps for the Text Amendment aren't necessary, because we can look at caps as each project comes in. Commissioner Barcus stated that is correct; we have two additional opportunities to look at each project that comes before the Commission – Major Community Plan Amendment once a year and then a Zoning application, either coincidental or at a later time after the Community Plan Amendment. The Chair then asked if there were any concerns about the Plan Amendment as a whole, and Commissioner Barcus stated no issues or concerns.

Commissioner Mayer stated that he has no issue with it either, and Commissioner Klein indicated that he would be in favor of the cap. Our current RM-3 zoning caps it at 20 units per acre, and a good percentage of the citizens are very concerned about changing from 12 units per acre, which they voted for, to a higher limit, so he would be in favor of capping it at 20.

Chair Losoff indicated that he would entertain a motion for going forward making a recommendation to the City Council, either for or against.

MOTION: Commissioner Barcus moved to recommend to the Sedona City Council approval of case number PZ17-00008 (Major Community Plan Amendment), Multi-family High Density Text Amendment, based on the findings as outlined in the Staff Report. Commissioner Mayer second the motion.

In discussion on the motion, Chair Losoff again asked to see the slide and indicated that he has mixed feelings about high density, and one of the reasons he was thinking of a cap was because psychologically the words 'high density' seem to have a negative connotation, so if we put some type of limit on it, it may resolve that, but he heard enough from the Commissioners that he is persuaded not to have a cap; however, he is in favor of the high density Text Amendment, because all it does is change the text and give the opportunity in the future to look at projects as they come in. It does not guarantee any group or developer will come in to provide us with high density, nor would high density guarantee low-income, workforce housing, affordable housing – none of that, we don't know for sure until the project comes in, so the Text Amendment is just a text amendment that gives us some additional flexibility that we don't have now, and he thinks that, if we had some of the concerns and conditions in the City that we have now, when the Plan Amendment was being looked at, this may have been thought of more thoroughly, so he would be in favor of the Amendment.

Commissioner Klein stated that there are good arguments on both sides. He is concerned that a majority of the citizens would be against this, but Commissioner Brandt made a very good point about the effect of SB1350, and he has heard that could add 1,000 vacation rentals to the City, which could reduce the available rental market, so that is a good point, even though he is in favor of a cap. It is a tough decision for him, but he is going to vote in favor of it. Chair Losoff again commented that the Text Amendment gives greater flexibility in the future.

VOTE: Motion carried five (5) for and zero (0) opposed. Vice Chair Levin and Commissioner Cohen were excused.

Chair Losoff recessed the meeting at 5:25 p.m. and reconvened at 5:30 p.m.

- c. **Discussion/possible action regarding a request for approval of a Major Community Plan Amendment to the Future Land Use Map from C (Commercial) to MFHD (Multi-family High Density), Conceptual Zone Change from C-2 (General Commercial) to RM-3 (High Density Multifamily Residential), and Conceptual Development Review to allow for the development of a 45-unit apartment complex. The property is located at 3285 W State Route 89A, at the southeastern corner of the intersection of W State Route 89A and Pinon Drive. APN: 408-11-086A Applicant: Keith Holben, MK Company, Inc. Case Number: PZ17-00009 (Major CPA, Conceptual ZC, Conceptual DEV)**

Presentation: Warren Campbell stated that this item contains three applications. One application is for recommendation and the other two are for Conceptual Review at this point. The Conceptual Reviews are for Zone Change and Development Review, and they are contingent upon the adoption of the item we previously discussed, which you have recommended for approval.

Warren explained that we are here to discuss a Major Community Plan Amendment to the Pinon/89A Multi-family project. Warren identified the street address, the owner Haven Management and Consulting, and the authorized agent Keith Holben. Warren also indicated the subject property is 2.26 acres, currently vacant and located within the Dry Creek Community Focus Area, but there is no CFA Plan in place at this time. He showed a vicinity map and aerial site plan to point out the location of the subject property, and indicated that although the land is vacant, there has been significance disturbance on the site.

Warren indicated that Major Community Plan Amendment that you will recommend for or against tonight would redesignate the property from Commercial to Multi-family High Density unitizing that new land use designation just discussed for density greater than 12 units per acre. It would also remove the property from the Lodging Area Limits, and a Community Plan Amendment is necessary to allow for consideration of this request and consideration of the subsequent rezoning and Development Review applications, which will be discussed at a conceptual level. Again, this item is contingent on the previous application, and it will utilize that new category to propose up to 20 units per acre on the site, which will be reviewed on a case-by-case basis as the project moves forward with the rezoning and Development Review.

Warren stated that four policy goals of the Dry Creek Community Focus Area have been included as contained within the Community Plan, and it addresses several of those by providing a mixed-use, walkable environment; by introducing a new type of Land Use in the area, and by providing a buffering as a land use between SR 89A and the residential behind, so we believe it is in substantial alignment with the Community Plan Expectations with the Dry Creek CFA. The multi-family apartments contribute to the mixed use, provide uses that are lacking in the area and community, provide housing diversity, specifically rental apartment housing as proposed, and it is compatible with the other expectation needs of the CFA.

Warren added that it directly addresses one of the Community Plan's six major outcomes for housing diversity, and it would increase the apartment supply by approximately 19%. This is a significant community benefit as staff sees it. As we have discussed, apartments currently comprise about 4% of Sedona's total housing and this one project would be a 19% increase over that 280-some units we just saw. The applicant is proposing some strategies to ensure the project continues to meet the community's housing needs in the future. This would be hashed out and agreed upon at future stages with the rezoning process and the Development Review, but at this point, the applicant is suggesting that they would be willing to include elements that would incorporate that no short-term vacation rentals would be allowed; no condo conversions would occur; a minimum rental time period of 90 days or greater; some priority would be given to several units for local workforce housing on a first come, first serve basis, and they would also make several units available to those making 90% or less of the Area

Median Income, which is about \$52,000 now, so that would be someone making about \$47,000.

Warren stated that staff believes that this is in substantial compliance with the Community Plan goals, and there is an Attachment C with your memorandums that goes through the entire Community Plan goals stated in there. It addresses the Land Use goals of Housing and Growth, and growing within established residential and commercial limits, it creates a mixed-use, walkable district by providing some density in walkable distance of several commercial areas, and it encourages diverse and affordable housing options. It also helps with the circulation, because people can walk and they are already here as we discussed, so if we anticipate this correctly, it will be some of the people who work here and that traffic is already coming, plus it will help with some Economic Development goals as well.

Warren then recapped that the request is specifically for a Community Plan Amendment to change the Future Land Use Map designation, so they can ask for a future RM-3 rezoning, which you will see on a conceptual level tonight, to lay the groundwork for the future request of the rezoning and Development Review, and because we have the Conceptual Review of the project, we are going to go into some of the specifics of what will likely be proposed as it moves forward through the process.

Warren indicated that the existing site is zoned C-2 and has a land use designation of Commercial. These two elements align to encourage and support restaurants and bars, drive-thru stores and restaurants, bowling alleys, theaters, skating rinks, jeep tours and staging, supermarkets, department stores, and through a Conditional Use Permit gas stations and convenience stores, so there is a wide variety of commercial-type uses – some a little more intense than others.

Warren explained that the applicant is proposing to develop a 45-unit apartment complex, which is at the 20 dwelling units per acre. The Major Community Plan Amendment would have to occur first, and the City Council will take action on your recommendation, and it would remove it from the Lodging Area Limits. The Conceptual Zone Change would be from General Commercial (C-2) to the High Density Multi-family. Again, it is a 45-unit complex and the Zone Change and Development Review will occur afterwards. A glance at the proposal and Conceptual Review shows that it is 45 apartment units, with a mix of one and two-bedroom units in three buildings. There would be some common areas, storage and parking. We would anticipate the site plan looking as proposed as it moves forward through the process, and some conceptual elevations show a two-story building to meet the height requirements.

Warren stated that staff reviewed the project with regard to many elements, and it has been thoroughly evaluated in the memorandums. Looking at the various things, such as access, traffic, connectivity on a conceptual level, we haven't received some of the elements that would allow for a more thorough review, but there has been some initial review done and some feedback provided as contained in the memorandum. One element to be discussed, if the Commission believes it is appropriate, would be that the applicant would anticipate asking for some flexibility on some parking standards in looking at how he might address the needs of the development as proposed. Public input, as you have heard through the process thus far includes a number of people who support and a number of people who oppose the proposal for various reasons. Many of the Findings of Fact have already been discussed, but they are thoroughly discussed in the memorandum, and staff is recommending that the Commission forward a recommendation for approval of the Community Plan Amendment for the conversion of the land use designation and we also want to be on the record as saying that staff is supportive of the concepts in conjunction with the Zone Change and Development Review portions of the application at this point; however, there is no action to be taken by the Commission tonight, and we are seeking any feedback you have on those elements, so we can bring forward a project in the future that begins to address your comments.

Presentation, Applicant Keith Holben, MK Company, Scottsdale, AZ: Mr. Holben introduced two project team member consultants Brian Andersen, Project Architect, and Paul Guzek, from Lee Engineering, who has done traffic analyses. Mr. Holben indicated that in the previous work sessions, traffic has been an issue, so Paul Guzek is here to review the traffic impact statement that has been prepared in conjunction with this proposed project.

Mr. Holben pointed out that the Commission has seen the concepts of this project before in the work sessions, which he attended, but he thought it might be important to spend a couple of minutes on what the existing zoning allows. The existing zoning of the property is zoned C-2, so in considering the proposed project, the important question for the community to review is what could happen on this property today as it is, without any approvals other than the Design Review. Under the C-2 code, there are over 80 permitted uses and a couple in the list that he wanted to point out are amusement arcades; appliance sales and repair; auto parts stores, including minor machine services; automobile repair in association with vehicle sales and rentals; automobile, truck, trailer, boat, camper, farm implement and machine, recreational vehicle, and motorcycle sales and service are all included in the existing land use. Moving on, walking alleys and billiard halls, clubs and lodges, cocktail lounges and bars, commercial kennels, convalescent homes, drive-in stores and restaurants, drug stores and pharmacies, financial institutions . . . again, just a few of them, and he can go on in the list with public storage facilities, mortuaries, liquor stores, restaurants including fast food, supermarkets, tire sales, on and on, so you get the idea that there is a whole host of issues that would have quite a bit of intensity at this location that is worth pointing out to the community.

Mr. Holben then indicated that he wanted to go back to what they have worked on in the community with the neighbors. He showed the site and referenced a summary of their citizen participation and neighborhood outreach. In May, they mailed to all owners in the magenta area inviting them to a public open house on May 23rd. They took those comments and made revisions to their conceptual site plan, heard public comments, and then they held the second one recently, on September 12th. He identified the minimum required notification area of 300 ft., but indicated that they went outside of that and mailed to them all in an effort to notify the neighborhood directly.

Mr. Holben referenced the major comments they received from the open houses, and indicated that a lot of them dealt with what the project would look like, what the lighting would be, what the landscaping would look like, who they see using this project as the renters, etc. A lot of questions revolved around traffic and traffic generation, which Paul Guzek will discuss, so they made a collective list of comments and have tried to respond to those, as best as they can at this point.

Mr. Holben then referenced a graphic showing their neighborhood support in green. They have spent a considerable amount of time with the immediate neighbors, and he has letters of support from all of those in the green. They have still been in discussions with Relics on some issues, and he thinks it was pointed out earlier that there are some concerns over sound and how that is mitigated, and we do have some ideas on that, that Brian Andersen will review.

Chair Losoff stated that he doesn't understand what Mr. Holben is saying; in the green area, they are all in support? Mr. Holben stated yes; he only highlighted the ones that are immediately adjacent to the site. The Chair indicated that the Commission has many letters that are just the opposite, and asked how that is reconciled. Mr. Holben explained that is only the immediate neighbors that adjoin the site; he is advocating the ones that are potentially most affected.

Commissioner Mayer asked if he could ask questions and the Chair indicated yes; however, Audree Juhlin reminded the Commission that we are limiting the time to 20 minutes for each presentation. The Chair stated that he understands, but this is a significant issue, so we will give them a little flexibility, but try to stay within 20 minutes.

Commissioner Mayer referenced the green area that have nothing built on them yet and asked how the applicant obtained their support. Mr. Holben again stated that the green properties are owners that immediately are adjacent to the site and adjoin them. He received their support through talking with them and . . . , Commissioner Mayer interrupted to say that they are not living there; they are empty properties, and Mr. Holben stated that is not true; there is only one single-family residence that backs to the project, and that is in the lower left-hand corner. Commissioner Mayer indicated that he knows that, and the Chair asked the Commissioner to just ask the question and the Commission will debate that later. Mr. Holben again explained that the green represents the owners that are only adjacent; they about the property, support.

Mr. Holben referenced the conceptual site plan and stated that it has been designed in approximately three different buildings. There is a common area amenity pool, BBQ and outdoor area. The Chair requested that he use a marker, and Mr. Holben identified the three buildings, the common area amenities, and the location of the area of covered parking. The Chair interrupted to say that the community may not be able to see, and asked the applicant to point out SR 89A. Mr. Holben then identified SR 89A, Pinon Drive, and the proposed access to the site, and noted the area that requires stormwater retention for the site and the area of a natural wash that will be left in its present natural state. Mr. Holben also pointed out Sedona Real Hotel, the vacant residential property to the south, and the only built single-family residence adjacent to the site. He also referenced the property immediately to the west and indicated that it is also zoned Commercial, C-2, and indicated that the property immediately to the west may be CO.

Mr. Holben then asked Traffic Engineer Paul Guzek, who did the traffic analysis, to comment on his findings. Mr. Guzek indicated that he was asked to review the traffic impacts associated with this site and provide a trip generation letter comparing the existing zoning to what the proposed could be and what is proposed for the site. He looked at the existing zoning, identified the land uses, and determined that a fast-food restaurant is permitted and that typically is a high generating type of land use. Using that and the ITE Trip Generation Manual that gives estimates of how many peak-hour a.m. and p.m. daily trips would be generated from such a site, he compared that to what the proposed garden homes would be, and it identifies that a fast-food restaurant would generate about 1,200 trips a day and in the a.m. peak hour, it would generate about 120 trips and in the p.m. peak hour about 80 trips. When you compare that to what is being proposed on the site, the proposed 45 dwelling units would generate about one-quarter of what is identified under the current zoning, and the 45 units would only generate about 24 trips in the a.m. peak hour and about 30 trips in the p.m. peak hour, so this site in context would only add about 30 trips per hour onto the site, which is about one vehicle every two minutes, as opposed to what a fast-food restaurant would generate, and that would be over two trips per minute, so it is generating about one-fourth of what could be constructed on that site. This also is not the maximum development potential of that site, but a land use that he thought could be generated, so this is probably a conservative estimate of what could be built on the C-2 site.

Mr. Guzek stated that he also looked at the developments to the south; the existing residential development that has maybe 60 existing and 80 units or lots available, and using that same ITE Trip Generation rate, those trips generate about one vehicle trip per peak hour, so currently on Pinon Drive, the existing volume is probably about 30 vehicles in the peak hour per direction, so this site would only add between 5 and 18 trips in any peak hour.

Mr. Guzek indicated that basically this site will generate a lot less trips than what could be proposed in the C-2 zone. The other element identified is the site fronts on SR 89A, and there is an existing driveway opening that is currently used by Relics Restaurant, and with closing of that any restaurant trips that are using that driveway could use the other two existing driveways to the east of this location, and closing that driveway that is adjacent to Pinon Drive would also improve safety. Chair Losoff asked staff for a hard copy of that for the future.

Mr. Holben indicated that regarding the traffic study, there was a reference to the existing curb cuts along SR 89A, and in the graphic, one recommendation of the traffic study was to close the current curb cut that fronts the subject property, so there is an existing pavement section and it all falls on the subject site; this is not relative to ownership on the Relics site. The issue is the close proximity of this curb cut to Pinion Drive and Mr. Guzek's report identified that this potentially causes a traffic concern, a conflict, relative to the center turn lane and Pinon Lane. Relics Restaurant does have two existing curb cuts along SR 89A that can be utilized, so closing this is seen as a traffic enhancement for the current traffic conditions that result here. In Mr. Guzek's analysis of the fast-food restaurant, he used a 2,500 sq. ft. restaurant, and to put it in context of the traffic being generated by that site, and to summarize it, that is about 4.5 times more than what this site would generate as our proposed multi-family, and to put that in further context, if we look at the present Floor Area Ratios or Coverage ratios that could be utilized under the existing C-2, the maximum allowable by code would be almost 40,000 sq. ft. of commercial space, and in his analysis, he only used 2,500 sq. ft., and it generates in its current zoning, just taking one pad and not developing the rest of the site, 4.5 times the amount of traffic this site would generate, so in that context, they feel this is a very beneficial proposal for the community from the traffic standpoint, because they can't measure it from what happens now, because the site is not going to stay vacant forever. The site does have existing entitlements and existing land uses that, in fact, are quite a bit more intense than what they are proposing for the site and that is an important planning element that they looked at in this process.

Mr. Holben stated that, finally, a couple of important things for the community is when we talk about housing and what this project is and what it isn't, it is not a subsidized housing project. It would be a market rate project. Secondly, a lot of discussion about who would live here and what does it mean for the community, and they see this as a vital element to this community, and any community. The questions they have to ask themselves is how to keep the community vibrant, what are the important things? Certainly things like providing quality housing, for some of our most needed people in the community – first responders, teachers, administrators, governmental employees, firefighters, etc., the people that service Sedona residents day in and day out, we can't take that lightly. Things that the folks here in Sedona enjoy and the services they provide daily are provided by workers here and a lot of them need a place to rent, and that is what they are proposing to do. Additionally, he has received comments from seniors in the community saying that they can't afford to buy a home in Sedona anymore, and they have a fixed income, but they would like a nicer place to live, and their place is old and worn down, and that is what this speaks to again. This isn't just housing for workers; it is housing for the community. It is housing for the people who want to be there and it is greatly needed. One final figure that he would submit to you is that, according to staff's assessment, this would add about 19% of new inventory to the City, and the laws of supply and demand will help make their units more affordable, because there will be new inventory in this community, and they think that is a huge benefit towards affordability -- let the law of demand and supply work, and they think that will happen with this project.

Commission's Questions and Comments:

Commissioner Klein referenced a slide where the applicant apparently will agree that he wouldn't convert this to condos, the minimum rentals would be 90 days, and there won't be any vacation rentals. The Commissioner then asked if that would be part of a Development Agreement and a condition of getting a Zone Change, and Warren Campbell stated yes. Commissioner Klein then asked, if that all happens and he builds this project, then two years from now, he sells it, are those limitations binding on a subsequent purchaser. Warren stated yes, he believes so, and Audree added that is correct; it would run with all successors.

Chair Losoff asked to have the green area shown and indicated it was somewhat misleading, because for every comment the Commission received in writing in favor, there is also one opposed, so we might not want to use that again. Mr. Holben explained that the intent was to show the support for the project from those that they feel are the most greatly impacted or the

immediate neighbors; the ones that front the property – not the larger community or the larger area, but the folks that back up to the property or are immediately adjacent to it; that is why they chose to use that graphic. It is not intended in any way to represent the greater community's perspective on that; that would be fairly hard for them to gauge. They have received some letters and emails of support that were forwarded on to staff from the greater community.

Chair Losoff stated that the Commission received some last minute comments today, and you probably didn't have a chance to go through them. He then asked staff if there is any way for the Commission to get these ahead of time, so the Commission doesn't have to read them tonight. Audree Juhlin explained that the public has the ability to provide comments right up to and during the meeting.

Commissioner Brandt referenced site plans of optional building locations at the work session last week that were to the benefit of the restaurant and asked if that is something that they are still looking at now. Mr. Holben explained that was not submitted by them; that was submitted by Relics. He has discussed some engineering challenges with that site plan, as far as namely the retention basin location that would need to be in the southeast corner of the property the way the property flows, so he has had those discussions and he has had the project Architect Mr. Anderson analyze what we can do for some sound mitigation, and he has some concept on that, and he could answer those questions.

Commissioner Brandt indicated that he has other comments regarding the positioning, but he will save those until later. The Commissioner then referenced the drainage storage area and asked if it is in the lowest portion of the property and that is why it is in that location. Mr. Holben stated yes, by code, they are required to retain the 100-year, 2-hour event, and there are some variations, but at that location. As a rule, that needs to occur at the lowest point of the property where the stormwater would collect, not only offsite, but onsite, and then can collect in that area and be metered out over time. Commissioner Brandt indicated that there is rock close to the surface in Sedona, but some projects he has been affiliated with have used under-paving storage tanks and that might be something to consider here to get more flexibility.

Chair Losoff asked if the Fire Department had signed off on their plan, and Audree Juhlin explained that this is a conceptual plan, so it is in the review process and you will have that with the public hearing Staff Report. The Chair then commented that there was some concern about the location of some of the parking onsite and the office.

Chair Losoff opened the public comment period and noted that several of the people had commented on the earlier Plan Amendment, so if their comments were the same and they wanted to defer, that was fine.

Joseph DeSalvo, Sedona; AZ: Mr. DeSalvo stated that he owns Relics and what was cited as a change that would benefit Relics; it doesn't really benefit Relics, it would benefit the tenants in that first building that is immediately adjacent to Relics' patio. They get complaints from across SR 89A and from back on Pinon, and complaints that are going to come in as a result of that unit being right where you are, are going to be horrendous. They would be more than willing to give up their land for what you just called underground storage retention systems, because that could go exactly in the place where they are going to be putting this area for water retention, where another building block for their units could go in, thereby, with that diagram he gave the Commission the last time he was here, would allow for a big setback and buffer zone for the people living in this apartment complex. It would make it better for them, and he could show where that was on the diagram, because it is just amazing when you look at that diagram that he just had up. If you put the pointer at that point where the courtyard is, that is their courtyard right there, and that is where noise comes when we are not even having entertainment – that is just from people being out on the patio talking to each other. That noise is going to go right into that building that is right there, when that building could be moved over to that green area that

is in back. Those buildings can be shifted if we didn't have to have that big green area for water retention, and they will provide the ground for the underground pavement idea, because that is perfect to take advantage of that. Then, see where the swimming pool is, that whole area to the front toward SR 89A could be the green area, and if that was the green area, then there would be a huge buffer for the people living there and there wouldn't be such a problem with noise.

Bill Gunning, Sedona, AZ: Mr. Gunning indicated that he is a 32-year resident of Sedona and he has a number of concerns. Everybody talked about the cars as not really being a concern that we have worry about, but he believes that cars are a concern. Traffic is a concern, and challenging the Community Plan that has been adopted with new changes; inevitably there will be changes, but he doesn't think they should come before . . ., it sounds like you've got the wagon before the horse on this deal. Let some of these other community events, like he went to the water company yesterday and asked them about their easements; the road they are proposing to enter from on Pinon crosses their easement. There is a 120 ft. easement there running down to the highway, and there is also water service there, where they have a well, and they are very concerned that that be protected. The only reason he knows about this is because he was on Planning & Zoning when another project came in, and the City identified that road coming in as one of the most dangerous roads in the community, and now suddenly that observation is not being made any more, and they are going to keep the old road that they were going to straighten out, at the cost of the next development; that is a mistake. You are going to create a situation of very dangerous in and out traffic in the area, and you are probably going to make the water company a little bit mad, using their land. Also, he is in support 100% of the Community Plan, which he attended 32 meetings; he was one of the Commissioners that helped write the Community Plan – the original one that was well received, and at the time they did it, there was only one person against it. What we are doing today is putting the wagon before the horse, and you might want to slow things down a little bit and get comments from all of the utilities that are going to be involved, because there is something going on here that doesn't quite gel out.

Jessica Williamson, Sedona, AZ: Ms. Williamson indicated that this is a chance for the City with little available land to take a step toward a goal of the Community Plan. She understands that this is conceptual, and if it can't be done, it can't be done. This just says let's go ahead and see if it can be done. Forty-five rental apartments, some of them restricted to people who earn \$47,000 is a great step. This is a private development; the people who are going to spend their money doing this believe there is a market, and she defers to their judgment about that. She is interested in what the people who don't want this want here. Lodging perhaps; she would much rather have an apartment building serving our residents, our community, than more lodging. A gas station, fast food, her sense is that a lot of people don't want anything here, and that just is not going to happen with the supply of land we have here in Sedona. This is her corner; she lives right behind the library and she thinks it is a great opportunity and a great development, and she would recommend that the Commission vote yes to let planning on this go forward and see whether or not the challenges; she sees a lot of challenges here. The reviews haven't been done, the thing isn't done, so let it go forward and see if it can be done. See if the City can actually achieve a part of the Community Plan.

Lynn Eaton, Sedona, AZ: Ms. Eaton stated that she is the Attorney-in-Fact for Paul and Gladys Eaton, residents of Juniper Knolls. Let's talk first about what was brought up; the worst case scenario fast-food restaurant. She would be shocked if you allowed that in this neighborhood. It is not even a reasonable idea, so that is sort of fearmongering; let's bring up the worst possible thing. Maybe it should be a City dump or something, and then maybe you'll approve this; that is a terrible way to go. The other thing she wanted to bring up was the traffic on Pinon. They showed a diagram that showed owners that were in favor of this, and there was one resident; one person that drives Pinon that was in favor of this. All of the rest of those properties were not developed, so they don't care what happens to the traffic on Pinon, and the people who have written in against it are probably the people that do drive Pinon. Going back

to parking spots, there were several designs, and she is going to talk about the SR 89A apartments. There was a listing on the side of it discussing how many required parking spaces there were, and that was supposed to be 82.5 based on unit size, but they came up with for providing was 92 parking spaces; however, 24 were supposed to be for motorcycles and 24 were supposed to be for bicycles, so in reality that is 44 spaces for cars -- not even one car per apartment, and if you have couples in there or roommates, etc., you are going to have a lot more cars than 44 in 45 units, so where are these people going to park? Where she doesn't want them parking is on Pinon Drive or anywhere in the neighborhood. Right now, the roads are narrow and there are no sidewalks. We walk around the neighborhood; everyday people are out walking their dogs and walking around. If people start parking on Pinon, it is going to be a traffic hazard and a danger to pedestrians. She doesn't understand this whole thing about not having an access from SR 89A. She doesn't see how that is any different than turning into Pinon Drive -- whether you are turning in there or turning in Pinon Drive. As somebody turning on Pinon or leaving Pinon would prefer to have them have their own driveway and not have to deal with those 300 cars a day. *Ms. Eaton was signaled that her time was up.*

John Bender Jr., Sedona, AZ: Mr. Bender stated that they live in the Juniper Knolls Subdivision and drive out Pinon Drive, and they came this afternoon and got to the intersection of Pinon and SR 89A and sat there quite a few minutes waiting for the traffic coming by to let up so they could get out onto SR 89A. Then, they came over here and couldn't find parking here at this building and they are parked up the street on the side of the road, because there was no other place to park. That is the kind of thing that he fears is going to be happening with too much density, too high a density and not enough parking spaces. Commissioner Brandt mentioned that the Commission could approve the Text Amendment, because there are other avenues in place to limit the density, such as requirements for the number of parking spaces. Well, if you approve that and review this project and throw out the requirement for the number of parking spaces, where have we gotten to? He also has a problem with the traffic going out onto Pinon Drive. Let's say five or six people are leaving this apartment complex and they are in line waiting to either turn left or right on SR 89A, now anyone in the neighborhood is backed up behind them, so he agrees with the owner of Relics -- change where the buildings are, keep the access off of SR 89A where it is now. It sounded like a generous offer from the Relics guy to be able to facilitate rearranging things there, but their big concern is the traffic on Pinon Drive. A lot of developments are required, in areas he is familiar with, to add a turn lane. If those people are coming out of there and headed to Cottonwood, they are sitting there for a long time waiting to turn left on SR 89A and the back-up would be even worse. He doesn't know if there are any thoughts of making requirements of improvements at the intersection of Pinon and SR 89A. Currently, there is no streetlight there, so he would urge the Commission to look at some of the traffic stuff. We are being threatened with a fast-food restaurant, and it rubs all of them the wrong way; it feels like a threat. There is no fast-food restaurant going in there. *Mr. Bender Jr. was signaled that his time was up.*

Dell Willman, Sedona, AZ: Ms. Willman stated that she lives on Pinon, and she agrees with the fast food, trying to figure out the number of cars based on a fast-food restaurant is ridiculous. You could have used the mortuary; that might have been a little better, but it all feels like a threat to her, because if this is such a wonderful place for a fast-food restaurant or a tire store, she thinks it would be there already. She has been there seven years and nothing has gone in, and obviously nothing has gone in ever, and it is true, she would rather it were empty, but she realizes that she can't fight everything and all growth. It is the traffic that is an issue. If you have ever driven on Pinon, you know that it is a strange way to come off of SR 89A. She finds it frightening; it is like it is backwards, so it is not a safe intersection. If you've got people backed-up, not only could you have a problem with people backed-up waiting to get out onto SR 89A, but it is possible that people could be backed-up trying to get into the complex off of Pinon, and then you've got people backed-up on SR 89A waiting to get on Pinon. The other thing is that the estimate of traffic on Pinon at this point is way over estimated. As she figures it, 30 cars each way in the peak hours, during an hour is 60 cars and that is one car per minute. She has never seen that kind of traffic on Pinon, and it is true that

we walk that area. The people who live in that area walk, ride bicycles, and walk children and dogs, and if you've got that limited number of parking spaces, if nothing else, where will their guests park? They are going to have people come visit and where are they going to park; they are going to park on Pinon, and that is a narrow street. It is just a bad idea traffic-wise, and that is why she is still pushing if you are bound and determined to do something and put a complex there, it shouldn't have 20 units per acre.

Jean Jenks, Sedona, AZ: Ms. Jenks indicated that traffic in Sedona is a disaster without this Plan Amendment, and the precedent it will set will not be good. Why are affordable complexes proposed throughout Sedona at this late date? With hordes of tourists eroding Sedona, the City ought to admit, it has missed the bus. The City of Sedona lodging inventory of a couple of years ago reported 2,607 lodging units. These just keep coming and coming, and they don't seem to stop. Sedona's traffic congestion and gridlock have become detrimental to citizens and tourists alike in recent years. There are health issues with all of the traffic clogging Sedona's streets, how are residents living in Sedona's eastern area supposed to get to the medical center in time to avert a medical catastrophe in case of a heart attack or stroke or other emergency during heavy tourist season? According to the City's 2016 Comprehensive Annual Report, the fiscal year 2010 population of 11,463 has dwindled to a little over 10,000, while the median age of 50.5 has increased to 58. These statistics tell us that people are leaving Sedona and many families don't want to move here. Analyses about worker utilization of the proposed SR 89A/Pinon apartments are missing. For all we know, crime could be coming in. Why are people leaving Sedona?

Marie Brown, Sedona, AZ: Ms. Brown stated that she is a 40-year property owner in Foothills South and a 30-year resident. At a recent P&Z work session, someone said that we need to protect the small town character of Sedona. When she arrived 40 years ago, you were a small town with a population around 3,500 and your Uptown area housed a butcher shop, a bank, and mom and pop retail shops. On opening day of little league, the Posse Ground was packed with teams. The St. Patrick's Day Parade took place along the SR 89A corridor and was followed by a pancake breakfast. The fourth of July, the Lions Club hosted a carnival at the Posse Ground and you could lie on the grass and watch the fireworks. We were truly a small town. The Uptown area is home to timeshare, trolley, jeep and helicopter tour companies. The St. Patrick's Day Parade is a few blocks along Jordan Road, and the few little league teams that we now have must travel to other communities for competition. We are no longer a small town, but rather a tourist community in which some of us have the privilege to live. She wants to thank the firefighters, the paramedics, the police, the teachers, the doctors and nurses, and those who work in our banks and grocery stores. They have helped her when her husband was ill; they protected her and her home, and they have always been pleasant to her as she went about her daily activities. These are the people that make for a vibrant community, and yet some people who receive these services are in essence saying thank you for the service, but we don't want you to live here, so who are we protecting and preserving our community for – the part-time residents that may live here one or two months out of the year; those who can build large homes or the 3.5 million tourists that come to our community that mostly come with cars that are causing our traffic problems? We can pay lip service to diversified housing or we can embrace and allow the dialogue to take place on projects such as the 45 apartments being proposed. This developer is very brave to even begin the long arduous process of trying to build this type of housing in Sedona. Hopefully, we begin to reflect the beauty of our surrounding areas in how we treat and respect one another. Let's think of ways to bring us back to the small town feeling while embracing those who work for us and welcome them to also live with us.

Patricia Garner, Sedona, AZ: Ms. Garner stated that she agrees with all of the traffic issues that people have already discussed, but one item that was not discussed so far is sidewalks. We do walk on Pinon; she walks a lot and she has to go like (gestured with hands up) this now when she crosses to make sure someone sees her. You need to have sidewalks on Pinon Drive, if you are going to add more traffic.

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

Commission's Summary Discussion:

Chair Losoff stated that if he understands this complex issue; we have three concerns – the Plan Amendment, Zone Change and Development Review concept. Warren Campbell clarified that there are three elements; one of them you will make a recommendation on and that is the Community Plan Amendment for the land use designation. The other two are conceptual and feedback is sought on those, no action.

Chair Losoff then asked the Commissioners to just take the Plan Amendment on its own as a recommendation that we make for or against to the City Council.

Commissioner Brandt stated that he hadn't heard that much opposition to a downzone before. P&Z reviewed a conceptual plan for a hotel on this property maybe two or three years ago, and it had underground parking. It was a full-blown hotel on this property, which is in the Lodging Area Limits . . . Chair Losoff interrupted to say that he thinks they were proposing a Trader Joe's there as well. Commissioner Brandt indicated that was before his time, but the hotel went across Pinon, interestingly enough thinking about traffic, and included the other two parcels that are up the highway. Those were not in the Lodging Area Limits, but this property under consideration is in the Lodging Area Limits, meaning that it could have the same amount of density and more intensive use and the type of use – tourists, that are actually the ones that are contributing to the traffic problems that we have right now. To him, there are concerns about the actual location of buildings, how it relates to any neighbors and to the historic building of the restaurant, yes, traffic too, but there will be traffic studies. He is sure the City's Engineering Department will review that, but overall, we are looking at the reduction from taking this property out of the Lodging Area Limits and putting it into something that is, as Marie Brown pointed out, for the local service people, so he is in favor of moving this forward.

Chair Losoff stated that some of the comments we heard from the public related to the rezoning or Conceptual Review, so he won't comment on those yet, but in terms of the fear factor, and as Commissioner Brandt just mentioned, right now, there are 80 possibilities that could be used there. He then asked staff if that is right, and Warren Campbell stated yes. The Chair then indicated that we have seen different applications over the years, since he has been on the Commission, for various developments that would be more intense than the one we have before us, and again as someone mentioned, it can't be done, but at this point according to the current zoning, it can legally and we could not necessarily stop it.

Commissioner Klein stated that he agrees with Commissioner Brandt. He would rather see an apartment complex here than lodging, and it is his understanding that the way it is zoned currently, if someone wanted to put a fast-food restaurant there that fits within the current zoning, so he doesn't know that it is necessarily trying to bring fear to the issue, because if someone came with a fast-food proposal and it complied with the Development Review standards, it gets approved. He then asked Commissioner Brandt is that is not true, and Commissioner Brandt stated that is true. Commissioner Klein then stated that he would rather see apartments there than lodging.

Commissioner Mayer indicated that he agrees with Commissioner Klein; he also would rather see apartments there. We need them in town, but there is a lot of homework in regard to parking and traffic, so that is going to come up later.

Commissioner Barcus stated that a downzone to apartments is appropriate for this property and he looks forward to a very thorough review of the development plan by the developers to see how they expect to conform to Sedona's . . . , Chair Losoff interrupted to say that approving a Plan Amendment, which to use your word 'downzoning' does not mean we are approving any specific project at this point. This gives us the opportunity and if it went to a Zone Change and other developments, we would still have the Development Review criteria, as well as a Zone

Change criteria. Commissioner Mayer added that he hopes the developer takes into consideration the comments heard regarding traffic, etc., and maybe do some homework and make some changes. He saw some good comments. He lives in the neighborhood too, so he thought they were all legit, but just work on it a little bit more.

Chair Losoff pointed out that the Commission is just entertaining the recommendation on the Plan Amendment at this point. We have two more things to discuss on this – the Zone Change criteria and the Design Review conceptual, so let's talk about the Plan Amendment now. The Chair then stated that he would entertain a motion.

MOTION: Commissioner Barcus moved to recommend to the Sedona City Council approval of case PZ17-00009 (Major CPA), Pinon/89A Multi-family Project, based on the findings as outlined in the Staff Report, and subject to all applicable ordinance requirements and the recommended Conditions of Approval. Commissioner Mayer seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. Vice Chair Levin and Commissioner Cohen were excused.

Chair Losoff stated that the Commission would now discuss the Zone Change and the Design Review development. The Commission heard a lot of comments from the public related to some of the Zone Changes; the utilities are part of any project. He then asked if it is correct that all the agencies are asked to review it, and Audree Juhlin stated that is correct. The Chair then stated that includes the water company, Fire District, Police and asked who else. Audree Juhlin stated that there is a host of companies.

The Chair indicated that the Commission heard a lot of conversations about parking, traffic, and sidewalks. He then asked if staff wanted to comment on that. Warren Campbell stated that staff is hearing the same concerns and will be prepared to address those in the thorough review when we get more detailed reports, studies and site plans, but we have been hearing the same input, and the applicant has been present and hearing those same comments as well. We are seeking the feedback and these will be elements we will focus on beyond the normal things. Chair Losoff indicated that the discussions are pretty serious from the Commission's point-of-view, so all of those issues need to be reviewed and taken care of for our next meeting, we hope. It also included a turn lane; there was a comment about that, but he doesn't know if ADOT has been involved yet, and again, we want to be careful not to look at this in a vacuum. SR 89A, west Sedona and this whole area is in the future going to be developed quite a bit more than it is today, so we have to consider all of these elements. The Chair then asked if we missed anything besides parking, SR 89A access.

Mike Raber indicated that if you can be as specific as possible, that would be real helpful. These are pretty broad topics. The Chair stated that the issue is we want to minimize all of them and any traffic issues. Parking should accommodate not just motorcycles or bicycles, but the number of cars for the various apartments, if they are approved. The whole issue on SR 89A, turn lanes – is it better to have a turn lane into the property or not, maybe even put up a stop sign or a light on that corner; sidewalks, that is specific he thinks. There was a specific recommendation from Relics in terms of design of the property and that should be considered. He isn't an architect or designer, it may have some merit, it may not, but it is certainly something to look at.

Commissioner Klein indicated that as you are driving down Pinon Drive towards SR 89A, as soon as you pass the last house on the right, it makes a very quick, sharp 'S' turn, and it is his understanding that the proposed access to the proposed apartment complex would be right after the 'S' turn. He doesn't think it is a good idea to have the access to this property on Pinon. You own that driveway that is on SR 89A and that is a much better approach to take. You are going to be creating a very dangerous condition on Pinon Drive, if you allow vehicles access to this apartment complex from Pinon, because you are going to have residents from Juniper Knolls coming down this 'S' curve on Pinon and it is possible that cars could be

backed-up from the intersection on SR 89A and that could create a very dangerous condition, so if no changes are made to the intersection of SR 89A and Pinon, like a light, left turn lane, he doesn't think it is a good idea to have the access on Pinon. Also, the applicant talked about reducing the number of parking spaces and that is potentially a problem, because if you start looking at the economics of this apartment complex and what the rents will be, you could have a situation where two people are sharing a one-bedroom apartment and they both want cars, so he doesn't think a reduction in the number of parking spaces could be appropriate, in fact, you may need to increase the number of parking spaces, because you could have a lot of people doubling up on their rents, and that will create more need for cars. He doesn't know where the figures for the motorcycles and bicycles came from, but his experience is that it is difficult to get people out of their cars. Just look at the traffic in Sedona, so another real concern is the number of parking spaces. Finally, he doesn't know if this is an issue, but there is an Arizona Water Company well to the right, when you come around the 'S' curve on Pinon, and the Arizona Water Company has an easement, and his question is the way the project is currently designed, does that in any way interfere with the well or the easement. Commissioner Klein noted that the applicant is shaking his head no.

Chair Losoff again stated that all of the agencies, including water companies, are brought in on this, so the Commission will get the official recommendations from them as well. Again, you are hearing conceptually a Zone Change downzoning to an apartment complex may be in our best interest, but there are some issues with that. Conceptually at this point, the issue isn't so much that as it is all of the zoning implications and traffic loud and clear, and all the things connected to it; we are very concerned about that.

Commissioner Mayer stated that Mr. DeSalvo had a pretty good point regarding moving, but he is not an architect either, but that would be a great idea. Also, the same concerns as Commissioner Klein. He lives there too and he doesn't think that is a great idea to get onto Pinon at all. He would object to that, even a sidewalk is not going to do it, so there should be other ways. The Commissioner asked to look at the slide where the property is laid out, and indicated that it showed SR 89A a little bit, but opposite of Relics is a similar situation where you go into apartment buildings, and there are two driveways – one going to the townhouses and one to the hotel, so he doesn't see a problem with coming out on SR 89A from the project and that would relieve some issues regarding traffic on Pinon for us who live there, as well as other people. Commissioner Mayer then stated that parking is another one, according to the traffic study, there are about 300 trips coming out of that per day from the proposed property, and there is a hundred from us, the people who live on Juniper Drive, so that is not realistic.

Chair Losoff indicated that he would think the Commission would have another work session, and Audree Juhlin indicated yes, staff can schedule that.

Chair Losoff recessed the meeting at 6:45 p.m. and reconvened the meeting at 7:00 p.m.

- d. **Discussion/possible action regarding a request for approval of a Major Community Plan Amendment to the Future Land Use Map from SFLD (Single-family Low Density) to PA (Planned Area) to allow for the consideration of a future rezoning to potentially allow a parking lot to serve the adjacent conditionally allowed commercial use. The property is located at 1535 State Route 179, on the western side of State Route 179 south of Arrow Drive. APN: 401-31-011 Applicant: Francis J. Slavin, Esq. and Heather N. Dukes, Esq., Francis J. Slavin, PC Case Number: PZ17-00010 (Major CPA)**

Presentation: Audree Juhlin indicated that the last item on the agenda related to the Community Plan is for Son Silver West. The property we are discussing is located on SR 179 and the owners are Ms. Linda Rose Robson and William B. Robson. Their authorized agents are Mr. Francis Slavin and Ms. Heather Dukes, who are here tonight. They do have a presentation and are available for questions. The property is just short of one-half acre and is currently vacant, and it is located within the Morgan Road CFA.

Audree referenced a Vicinity Aerial Map and pointed out the Morgan Road roundabout, the Broken Arrow Subdivision, and the vacant subject property. Another view also showed the subject property in context with the surrounding Broken Arrow Subdivision and the Son Silver West Gallery directly to the north.

Audree explained that the applicant is requesting a Major Amendment to the Community Plan redesignating the property's Future Land Use designation from Single-family Low Density to a Planned Area. Single-family Low Density is a residential designation, whereas, the Planned Area is a non-residential designation. This Community Plan Amendment is necessary to allow for the consideration of a zoning application for any other non-residential uses, including the private parking lot concept. The applicant has submitted, she believes on August 29th, the Zone Change application, so we do have that in-house now.

Audree referenced the concept site plan that was presented as part of the packet materials for the proposed vacant lot. She then identified the area that is the vacant lot proposing a parking lot and the relationship to the existing parking lot on the right side. She indicated that in the original submittal, you recall from previous discussions, the applicant intended to have the Community Plan Amendment and the zoning application heard concurrently. We did not receive the zoning materials as part of the original Community Plan Amendment packet, but we did get the zoning application on August 29th, so this rezoning is not being heard tonight. It is only the Major Amendment to the Community Plan, and again, if this Amendment is recommended for approval by the Commission and approved by the City Council, that would allow for the consideration of the Zone Change application.

Audree indicated that before going much further, she wanted to clarify, there has been some confusion between what is an existing Land Use Map and the Future Land Use Map. The existing Land Use Map is in the Community Plan and it is intended to reflect distinct land uses on the properties as they are. The Future Land Use Map is intended to depict what we look for in the future. The existing conditions identified on the existing Land Use Map may not necessarily be what is the desired outcome for future development, and it is not uncommon that the existing Land Use Map and the Future Land Use Map are different. In closing on this topic, the Future Land Use Map is the important guide for the Commission, Council, staff, applicant and community to look at when considering land use and development proposals and making decisions on those topics.

Audree referenced the zoomed-in Future Land Use Map out of the Community Plan that shows the property in the red, the blue oval is the Morgan Road CFA, and the surrounding Broken Arrow Subdivision that has the Future Land Use designation of Single-family Low Density. The closest non-residential Future Land Use designations are to the south - Poco Diablo has a Commercial - Lodging Future Land Use designation, and to the north we have another Commercial and Lodging designation with the Arabella.

Audree explained that this property is located within the Morgan Road CFA; there is not a specific plan for this area yet. When you are considering a Planned Area designation, the Community Plan states that where Future Land Use Planned Area designation falls within a CFA, the CFA Community Expectations apply. In this case, the Morgan Road CFA has two Community Expectations. The first Expectation for the Morgan Road CFA is, "Explore opportunities for non-residential uses along SR 179 if key public or neighborhood amenities are provided." For example, "good pedestrian access to neighborhoods, open space retention, or enhancement next to the highway." As we discussed in the previous work session, it was really difficult for staff to look at the Planned Area in isolation and how it was compliant or not compliant with this Community Expectation in determining what key public or neighborhood amenities are being provided. The issue we discussed before is, because the proposal does not include the properties that it proposes to support – the Gallery to the north. The Planned Area designation allows for consideration of a number of non-residential uses, so looking at just the Planned Area designation in an area that is completely surrounded by Single-family Low

Density was a difficult analysis for staff to do. The second Community Expectation is, "Consider new non-residential development only if compatible with the character of the neighborhood," so as she just mentioned, the surrounding properties all have the Residential Single-family Low Density Future Land Use designation; however, the Planned Area designation, which allows for non-residential uses is not consistent with those surrounding properties that have that Residential designation.

Audree stated that in summary, the consideration of a Planned Area non-residential designation for the vacant lot we are discussing tonight, that would support the adjacent Gallery, which has a Future Land Use designation of Residential is not consistent, so we have two inconsistencies here. Further, the Gallery itself is non-residential; it's a Commercial use, but it also has a Future Land Use designation of Residential, so that is an inconsistency there as well. Because the Planned Area designation in and of itself is very broad in nature, it allows for a number of different kind of non-residential uses to be considered. It really is difficult at this stage, without more information, to determine how the proposal would comply or not with the Community Plan.

Audree indicated that to better understand compliance with the Community Plan, staff is recommending that the Community Plan Amendment analysis include the north property with the Gallery, Tracts 41 and 42 with this vacant property, Tract 40, along with a zoning application. Then, we have the information we need to determine compliance with the Community Plan and CFA Community Expectations, or the other option is always wait until the CFA Specific Plan has been adopted.

Audree indicated that staff has received public input, the applicant did conduct a city outreach, and they included their report in the Commission's packet. Any comments that staff has received from the public is also in the packet; they are summarized into two different categories. The neighbors are essentially against the proposal citing concerns with parking, traffic, expansion and compatibility, whereas, the visitors and tourists are overall supportive of the continuation of the Gallery.

Audree stated that staff is recommending denial of this proposal, as outlined in the Staff Report, and she is going to summarize the reasons:

- The proposed Community Plan Future Land Use designation of Planned Area is not consistent with the Single-family Low Density Future Land Use designation for the surrounding properties, including the Gallery, which the vacant lot proposal is intending to support.
- The proposed Community Plan Future Land Use designation of Planned Area would allow for other non-residential uses on Tract 40, the vacant lot, while all surrounding properties are restricted to Single-family Low Density considerations, including the legal non-conforming Gallery, again that it proposes to support.
- Without a concurrent zoning application, there are no assurances that the representations made in the Letter of Intent are going to be fulfilled.
- The proposal is being considered in isolation of the Gallery, Tracts 41 and 42, which are an integral component of the proposed parking lot.
- Without all properties tied together, the vacant lot and the Gallery, there are no assurances that they will function as one unit.
- Because the conceptual parking lot proposal supports a use located offsite, it is difficult to evaluate the extent, the need, and whether the demand could be addressed for parking in a different manner.
- Additionally, it is unclear how the Planned Area proposed designation of the area meets the Morgan Road CFA Expectations.
- Consideration and approval of this request in isolation really simply is not good planning principles.

- A comprehensive application for the Community Plan Major Amendment and a Zone Change for all properties involved – the vacant lot and the Gallery, is probably the most viable means of resolving the long-term issues surrounding the use of Son Silver West, including the need for parking.

Audree Juhlin indicated that at the last work session, the Commission asked about the difference between the application we just heard, the apartment application, and the Son Silver West application, because on face value there appears to be some similarities, so she did address that quickly last week, but we have put together a little more information in response to that question.

Audree explained that starting with Son Silver West, in this case, we did not have a zoning application submitted at the same time with the Community Plan application. This proposal is very much dependent upon the adjacent commercial Gallery use; it is not a standalone proposal. It allows for a number of other non-residential uses and the consideration of zoning applications for non-residential commercial uses. The proposal is very difficult to evaluate consistency with the Community Plan and CFA Community Expectations, and the change -- and this is probably the most critical piece right here, the change from Residential to Planned Area Future Land Use Non-residential designation goes from a very limited number of residential uses to a broad, a vast number of possible non-residential uses, so you are going from a very narrow Future Land Use designation now, to the potential of allowances of many other possible considerations.

Audree Juhlin indicated that the 89A/Pinon apartments application for the Community Plan Major Amendment did include zoning applications for the conceptual Zone Change you just discussed and the conceptual Development Review application, so we did receive the zoning application and the beginning of those documents as part of the consideration. The proposal is an independent use; it is not dependent upon another property to assess its consistency with the Community Plan and the CFA Expectations, and in this case, which is different from Son Silver West, the change from Commercial, which allows for a large number of non-residential uses to Multi-family is limited. In Son Silver West's case, it opens up the possibilities; this proposal narrows down the possibilities, so those are the main differences between the apartment proposal and Son Silver West.

Audree indicated that concluded staff's presentation; however, we do have Mr. Slavin and Ms. Dukes here to present on behalf of the property owners' perspective of the proposal.

Commission's Questions and Comments:

Chair Losoff asked to see the one slide where you show the next steps -- the three things that could be done in the future. Audree indicated it is staff's recommendation on how best to analyze the proposal.

Commissioner Klein asked if this Major Community Plan Amendment gets approved so this is designated on the Future Land Use Map as Planned Area, and then Son Silver West withdraws their application for a Zone Change to parking, what other types of Zone Changes could they request on Tract 40. Audree Juhlin explained that if the Future Land Use designation is changed to Planned Area that would open up a number of different types of potential non-residential uses. We would be looking at consistency with the Community Plan CFA Expectations, so we are going to go back to these two Expectations and say, if we are looking at other non-residential uses, are they providing a key public or neighborhood amenity, so whatever use comes forward, they are going to have to satisfy this Expectation, as well as a second Expectation that it is compatible with the character of the surrounding neighborhood, so any commercial use would have to meet those two Expectations.

Mike Raber added that is one of the reasons why we want to see the whole operation combined as one – coming in as one application, so we can look at the whole property and other properties in context with each other.

Presentation, Applicant's Authorized Agent Mr. Francis Slavin: Mr. Slavin introduced himself and his colleague, Ms. Heather Dukes, and stated that before he starts his presentation officially, there is a fourth option which would be to prove what they are suggesting as the interim. They tie this all together with a Development Agreement, so all the concerns about what could occur, not occur -- they have the best possible situation you can have. They have an existing use; you know what is there. We all know what's there on 42 and 41. They tie those together; it's under A.R.S. § 9-500.05 if anybody wants to look it up. The Development Agreement – they've done dozens of these things in their practice. They can tie these three parcels together, so the existing uses, the specified uses go with Tract 40. In the event that there was ever an abandonment of that use, then the zoning for this property could be reverted, so they can cover all of that. The big concern is what they do about this today, and do they put off for another year solving an extremely serious traffic problem here that essentially impacts everybody. It impacts the City, impacts the neighborhood and impacts their client's use. Their client, a small business use, has been here for years and years.

Mr. Slavin indicated that he first of all wanted to start out by talking about how this property first got here even before this property was first brought into the City. This land use pattern for Broken Arrow West was established 33 years before Sedona became incorporated. He referenced a plat that was recorded in June of 1955, and stated that again, it was recorded together with a Declaration of Restrictions, so they have not only the plat, but it declared what the restrictions were on the various properties. The property, there were a total of 28 Tracts, 16 of which were restricted for Single-family Residential and seven were restricted to Business use, and it says, the business district shall be confined to those Tracts numbered 38 to 44 inclusive, fronting on Sedona Rimrock Highway. Now, it shows those are the seven tracts. This was done before the City of Sedona was a glint any anyone's eye. Thirty-three years before it was incorporated this was a private land development pattern that was established for this area for several decades. Every single property owner in this Subdivision has this Declaration and has this plat reference in their title insurance policy, so they all will know about this buying in here, as what the original plan was there before there was any type of zoning restrictions placed on it.

Mr. Slavin stated that in 1960, Ernestine Nestler Todd established La Galleria on Tract 42, and you heard about her last week from one of the persons that was addressing you, and what happened is that in 1964, Coconino County adopted its first Zoning Ordinance, so four years after she established her art gallery, the County came in and did its zoning, and the County zoned all lots in Broken Arrow Single-family Residential, notwithstanding the Subdivision plat and the Declaration of Restrictions. La Galleria then continued to operate as a protected legal non-conforming use – that was again on Tract 42.

Mr. Slavin referenced a 1992 Conditional Use Permit that they talked about in the work study session, and he'll get into that in a moment. Basically back in February of 1990, Ms. Todd sent a letter to Mr. Tom Schafer who was then the Community Development Director, and he says, "In accordance with the request of Mr. and Mrs. Robson, the current owners and operators of the Son Silver West Gallery, this letter is provided to describe the character of the business which existed at the La Galleria Art Gallery prior to my selling it to Mr. and Mrs. Robson. During my ownership of La Galleria, I also conducted the outdoor display of pottery, chimes, chilies, and southwestern art-and-craft items. I have been familiar with the Sedona area for in excess of 25 years. The outside display area and Gallery presently maintained by the Robsons is compatible with that which was done at that location in my previous business." So again, this is Ms. Todd talking about what legal non-conforming uses were established on Tract 42 before the Robsons even bought it and began to operate as an art gallery, just like Ms. Todd did.

Mr. Slavin presented the history of Son Silver West showing pictures of Bill on a step ladder and Rio as a child with the chilies; they started him early in the business. Anyway, they bought the gallery from Ms. Todd in 1981, and then they purchased Tract 41 in 1987. Then in 1988, the City of Sedona incorporated; the City adopted the County zoning, which is not uncommon for new incorporated cities. Son Silver West continued to operate as a legal non-conforming use on Tract 42. We've got photos, actually from your files here in the City, as to what this looked like back in 1991. This was again before the 1992 CUP and you can see the chili rack in the upper-left corner, and then you can see also the outdoor display that was occurring in front of the chili cage; a Building Permit was issued to put a roof and a shade structure over it. There is a lot of outdoor activity and outdoor sales that was occurring back in 1991 before the CUP was approved.

Mr. Slavin commented that he is trying to move it as fast as he can and apologized for speaking so quickly. The Chair stated that is okay, because we have 25 cards here, so keep it to 20 minutes if you can.

Mr. Slavin then referenced the alternate site plan #2 that was eventually approved by your predecessors and the Staff Report was based upon a prior version of this site plan. In fact, the Staff Recommendation Report back then differs from this approved plan in certain respects, but you'll notice there is a drive-through area in the front. There used to be parking and the initial Gallery had people parking front-end in front of the Gallery, and then they parked along Sedona Rimrock Highway. There could be 20 or 30 cars parked along the Sedona Rimrock Highway taking care of what was some reasonable parking demands even back then.

Mr. Slavin indicated that the site characteristics, and this was something they wanted to address the last time, this was a Staff Report, which again, there were some discrepancies, but essentially it provides for 2,250 sq. ft. of retail space, 1,300 sq. ft. of a pottery shop with a kiln, which again is retail space, 5,000 sq. ft. of outside retail display area, and a 1,950 sq. ft. single-family dwelling. From the parking demands back then, the site was under-parked. If you add all of those up, and you take one space for 250 sq. ft., they were required to have 34 parking spaces. Well, they weren't even close to that; however, the alternate site plan that was approved by your predecessors added approximately 1,550 sq. ft. of retail area and if you divide that by 250 sq. ft., that requires six more parking spaces, and the residents require two parking spaces, so the total required parking even back in '92 was 42 spaces on that site, and they currently have 16-18 spaces today. The staff actually said in the Report that 34 parking spaces are required, 17-20 are provided. The applicant's parking proposal, although not in compliance with ordinance requirements, represents an improvement over a less than ideal existing situation. The Planning & Zoning Commission has authority to waive parking requirements under a CUP approval.

Mr. Slavin stated that one note he would make is that back in 1992, the Zoning Ordinance provided for the Planning & Zoning Commission to grant a CUP to extend a legal non-conforming use, and that was a good idea at the time, because when you have a newly incorporated city, you are going to have legal non-conforming uses existing. That has since been eliminated from your ordinance.

Mr. Slavin referenced a 1993 site plan that was approved by then Community Development Director Tom Schafer, and this was a – you will notice how this differs from the alternate site plan that showed the drive-through area in the front of the building. This shows outdoor storage or outdoor display in front of the building along SR 179 and to the south of the building, again on Lot 41. Again, they are maintaining that this is consistent with the CUP that was granted back in 1992. This also allowed them to build an additional storage structure. They have a number of Building Permits; he is not going to go through all of those with you. They have the slide; he provided you with a copy of the slides, but in the interest of time, he will just move through this. There are approximately eight of those permits.

Mr. Slavin indicated that 2011 was a very important year for them, and there is a man by the name of John O'Brien who was the predecessor to Ms. Juhlin as the Community Development Director, and he was the person that, an issue was involved in 1992 and the CUP and was in charge of enforcing that CUP since 1992 to 2011. He issued a Notice of Violation to the Robsons. He said you have a coffee shop you've put in there; you can't use that. You have put in shade structures; we think those are problematic. The roof system, we think is problematic, fences are wrong along the rear and front property lines, and the use of Tract 40 for parking.

Mr. Slavin stated that this was appealed by the Robsons, and he will not go into all of the steps that that was appealed, but this is a precursor then to a decision made by Mr. O'Brien back on December 21, 2011, and this is an important aspect of the planning that was for this property. This is directed to Rose Robson and to Rio Robson, it says, "Hi Rose and Rio, I've been giving your building permit situation at Son Silver West some thought lately and how we might proceed. Rather than get into some long drawn out enforcement action based on what you might have or might not have constructed at Son Silver West over the years, here is how I would like to proceed." This is the man in charge of enforcing and interpreting the Zoning Ordinance. "You have already shut down the coffee shop and this was my primary concern. I appreciate you taking care of this. The other two issues are the construction of the shade structures behind the former coffee shop and the roof system attached to the storage building. You claim these were replacements of other similar structures that were in disrepair and were constructed many years ago. I cannot locate building permits on any of those older structures, but they may have been constructed before Sedona incorporated. I cannot make this determination with the information I have. I am ok with leaving them as they are." Then, he went on to say in the second page of the letter, "This documentation will establish that . . .", so he is asking them to turn in a site plan and photographs, then he says, his concluding statement here is, "This documentation will establish what you are allowed to have at Son Silver West at this time and will give us a historical record of the allowable uses on your property. Then, from this point forward, there won't be a question with what is allowed and what is not allowed", and this has been the subject of some interpretations. They've been to the Board of Adjustment; they've been to the Superior Court in Coconino County, and they are negotiating with staff the final resolution of that.

Chair Losoff indicated that it might help if we went on to the actual application you have today, because looking at the clock, you have about six minutes.

Mr. Slavin stated that here is the overall; this shows Tract 40 and Tracts 41 and 42. You can see on Tract 40 the location of this – there is a commercial driveway that was approved by the City and was part of the ADOT upgrade of a rural sort of highway into a modern, urban arterial, and you can tell from that that there is a lot of the area on Tract 40, which is zoned Residential that has a commercial driveway on it. Let's go on to a couple of these and proceed ahead.

Mr. Slavin explained that this application, Mr. Chairman, this is the site plan; it is for 36 spaces on Tract 40, existing 16 spaces on Tract 41 - Planned Area Land Use designation. The Robsons are seeking approval to change the land use designation of Tract 40 to Planned Area for this new parking. Under the Planned Area designation, it says, "Planned Areas were established in the 2002 Community Plan and brought forward in this Plan to address needs and provide benefits for certain areas, including land use transitions or buffers between residential areas, commercial uses and highway corridors, and they think they have that exact situation. The Planned Area is a transitional land use that is compatible with the surrounding Single-family Residential designations, commercial uses and SR 179, and they will provide enhanced buffering and land uses that are compatible with both the existing residential and commercial areas, including strategic building and parking placement, use of topographical changes, vegetative screening and buffering techniques.

Mr. Slavin pointed out that in the blue circle; there are two circles on here. One in green and one in blue, and the blue one is the parking area for the Church of the Red Rocks and that is something that was approved in this Community Focus Area apparently without any problems. One of the attributes of the Morgan Road Community Focus Area is as stated, and this is called an attribute now of the CFA, "Existing non-conforming commercial uses and church parking area along SR 179 in otherwise residential area." It talks about the two things they have to do under Community Expectations. Number one, explore opportunities for non-residential uses along SR 179 if key public or neighborhood amenities are provided -- good pedestrian access to neighborhoods, open space retention, or enhancement next to the highway. Consider new non-residential development only if compatible with the character of the neighborhood.

Mr. Slavin asked Ms. Dukes to go on to the compatibility to the neighborhood slide, and indicated that he wanted to show what the compatibility to the neighborhood slide is. Here they have shown what the uses are starting at the roundabout area. They have Sacred Light of Sedona, Camus Clinic for Psychiatry, Son Silver West Gallery, the subject property, and Tracts 39, 38 and these are all business tracts as designated in the plat and restrictions. On the east side, all of Lots 1-6 and 31-34 are designated as business uses, but they are more like professional uses, and they are required to take place in a residence, and they are limited to 600 ft., but on the east side everything is the same -- or on the west side everything is what he has told you.

Mr. Slavin referenced the church parking area; there is overflow church parking area approved along SR 179. It is located in the Morgan Road CFA and in an area designated as Single-family Low Density, located in a parcel separate from the main use, and accessed from a residential use. Look at theirs, overflow art Gallery parking area proposed along SR 179, located in the Morgan Road CFA, located in an area designated as Single-family Low Density, and located on a parcel separate from the main use, but they have access to SR 179. These are photographs that were taken this morning and yesterday regarding the parking on the subject site.

Mr. Slavin indicated that they have a parking study; he is not going to go through the slides of the parking study, except to point out to you that this parking study points out -- and they have given you a copy of the whole parking study. This parking study points out the need for additional parking here, even taking into account the parking derivation based upon the original Staff Report, which again was lower than what was actually approved by the Planning Commission. This is one he does want to show; these are the occupied spaces that were on May 29th and this shows the parking that was existing on this site. Kimley-Horn, they are the top traffic engineering firms, and they say that in retail areas sometimes, they experience the need for up to six parking spaces per 1,000 sq. ft. for retail, so if they took that, then when we did a recalculation just upon the 1992 Staff Report, it would require them to have 52 parking spaces, and that is exactly what they are applying for. The highest and best use; this is a broker's opinion that says the highest and best use for this property is for parking, and it's not for residential use, because of the commercial driveway, the existing operations on Tract 42 and 41, and the 10,000 cars per day that drive by this site.

Mr. Slavin indicated that he had one more slide that is their website, and they had this up over the weekend and, as of this morning, they have 211 petition signatures in favor of this project.

Mr. Rio Robson stated, "One more thing.", and Mr. Slavin stated those are petitions that they turned in before from customers. There are 2,200 signatures; he doesn't know if that makes a difference to you or not. The petitions were then left with staff and Rio Robson added, "And Sedona residents as well".

Commission's Questions and Comments (continued):

Commissioner Klein asked of the applicant what was meant by saying a Development Agreement could be tied to this request for a Major Community Plan Amendment; he didn't

understand what that means. Mr. Slavin explained that staff has pointed out to you that this is not a preferable way for you to proceed; that all of these three properties should be considered together in one plan, rather than allowing Tract 40 to go ahead, because what happens if the uses on 42 and 41 for instance are abandoned -- that is one idea. Well, the way to treat this is to consider all as one. We can do a Development Agreement. We do the Community Plan Amendment, we do the rezoning and we do the Development Agreement, and by the way, the Development Agreement just goes to the Mayor and Council, but the Development Agreement would allow them to limit the use on Tract 40 to parking; that's one thing. Number two, it would limit their use to being used in connection with the existing Gallery operation. If the Gallery then is abandoned and shuts down, then basically, the parking use goes away on this property, and we can get it done that way. The concern they have is they can't go another year with the parking problems; they are just stupendous, and it is not because they are expanding, it is because there are 3.5 million people that come to Sedona every year, and this is a popular tourist destination -- Son silver West is. It is a throwback to old Sedona and it is a very, very popular destination, so no matter what parking studies they do, they need the parking. They have to take care of it now, and if they then need to say how is this going to relate to what is going on, on 41 and 42, they are demonstrating to you why they need the parking. They will freeze 42 and 41 and 40; they will tie them all together, and the concerns that staff has, they don't think are going to be a problem.

Commissioner Klein then asked if this Development Agreement is something that would be done after we vote on the Major Community Plan Amendment, and then if that gets approved, we would vote on the Zone Change. Mr. Slavin stated that the way this would work is that in order for a Development Agreement to be used, first of all, the Community Plan Amendment needs to be approved, because the state statute says that the Development Agreement must be consistent with the General Plan, so you recommend approval in the General Plan. They will be having, hopefully, they will have their rezoning application before you, and then they would suggest, and they talked to the City Attorney and Ms. Juhlin about this, that they then take the zoning case and the Community Plan Amendment and put them on one agenda, maybe the last agenda in December, so they could review your recommendation on their Community Plan Amendment and review your recommendation on the zoning, and they would also have on that agenda a third item, which would be a Development Agreement that would be negotiated with staff, that would be primarily himself and Mr. Pickels, and they will work that out. He has already promised to get Robert some other copies of ones they have done before, and he thinks there is a legal way for them to make that happen. So in terms of how this would work, it would all go to the Mayor and Council in three items.

Chair Losoff noted that Mr. Slavin has known staff has been resisting doing this in a vacuum, and asked Mr. Slavin if there is any reason you just didn't apply for the zoning at the same time and make all of our jobs easier. Mr. Slavin indicated that they are in the course right now, and they were negotiating with staff trying to resolve the areas of usability on the site, and that was a big issue in the 2015 NOVs. Keep in mind in 2011, it was all signed off by Mr. John O'Brien and in 2015, they got NOVs with regard to the amount of coverage, let's say, of the property, so with working on that, they didn't think that it was going to be something that would be appropriate, and they talked to staff about that. The Chair then stated that going forward, there is no guarantee that if the Plan is amended, that we would agree to a Plan Development Agreement. You may suggest one, but we may not agree with it; he then asked the City Attorney if that is correct. Mr. Pickels Jr. interjected that he and Mr. Slavin did discuss this earlier today on a couple of occasions, and as a concept it is not something that he would outright discount, but unfortunately, that is not part of your application tonight. It is not part of the Staff Report tonight, so it is not something that he would recommend considering tonight, although it is certainly something that he is willing to entertain and discuss moving forward.

Having no further questions, *Chair Losoff opened the public comment period and noted that there are over 20 cards, so he would ask if you heard something or you have something*

discussed that is the same as you were going to say, if you want to pass or just say ditto, that is okay with the Commission.

Lorraine Coutin, Sedona, AZ: Ms. Coutin indicated that a few weeks ago her sister brought her daughters to Sedona for the first time. On their succinct short list of savory sites to see were only two venues. The two sanctuaries her sister shared with her daughters, the Chapel was the first, Son Silver West Gallery was the second. What say you, Sun City is not a sanctuary? Her sister and nieces would hardily disagree. The authoritative Webster's 2nd International Dictionary defines sanctuary as shelter, refuge, protection, a place of resort for those who seek relief. Surely, Son Silver fits that definition, for it is here that her family forgot the woes of the world as they waded in this sanctum sublime tiptoeing through tulips of a garden divine. Stuffed inside were multitudinous fossils and artifacts from offshoot, offbeat treks around the globe. Their sights danced the surface of mysterious objects waiting to be explored. Their secrets unraveled as they wandered through the lucent labyrinth of room after room in a marvelous maze that brought time to a standstill. Son Silver is an inspiration; it peaks our imagination. It preserves hope and keeps our dreams afloat. How lucky we are that it exists in our midst and is free to explore any time that we wish. On the agenda tonight, this landmark enriching Sedona has a prosaic, innocuous request – permission to provide expanded parking on land that they own. She finds it appalling that this fabulous treasure trove in our illustrious community felt it necessary to send out these flyers to enlist our support in their endeavor. This is a slam dunk, a no brainer; no debate is warranted. We should unanimously support the Son Silver family and their petition for parking. For if they flourish in their enterprise, we flourish in our soul. Then, we are intrinsically interwoven in a magical tapestry that is Sedona.

Tom Trimble, Tucson, AZ: Mr. Trimble stated that over the past 15 years, he has done a bit of civil engineering and surveying work for Rio and his family, and one thing that he doesn't think has been brought up yet is in 2001- 2002 when SR 179 was constructed and the commercial driveway was put in, Rio lost approximately 30 parking spaces when they improved SR 179, so he doesn't think this is an unreasonable request at all. This would just be recapturing spaces he lost a number of years ago.

Scott Hancock, Sedona, AZ: Mr. Hancock indicated that he has been resident for about 27 years. Now, he lives approximately 1,000 ft. from Son Silver West and he has never had any issues with them whatsoever. The issues he has is with the parking; he has observed this past summer, driving by, they are having issues in off-season and they have been so busy, traffic is coming to Sedona, and it is going to keep coming to Sedona. He believes the Council has it that in the future it will be entertaining new hotels and developments coming here, and those people will need places to park, and they have the opportunity here to provide parking in an area at a popular store that will cost the City of Sedona nothing. He knows when you have to address Uptown parking that is probably going to end up coming out of the taxpayers' pocket – that is his opinion, and he doesn't think that this is too much to ask that you guys approve this and send it up to the City Council.

Joe Lee Frank, Sedona, AZ: Mr. Frank indicated that he is just in awe of the amount of slides and points and construction by the City planners in opposition to this really small change. In 1926, Franz Kafka wrote a novel called *The Castle*, and what he can say after his three years here in Sedona, is the actions of the City of Sedona vis-à-vis Son Silver are nothing but Kafkaesque. In that novel, he describes a bureaucracy that is completely unassailable. Every answer that is provided is met with five new objections. Son Silver is as key to the Sedona experience as Snoopy Rock, and he would like to add that he doesn't know the owners, he doesn't know their representatives. He has never even set foot on the property. His comments are completely about what he believes is justice and appealing to your sense of fairness in dealing with these people. He has watched this during the time that he has been here, and if in fact the City does not want this business to be in business, then move to have the City Council

have the lawyers take them to court and condemn the property instead of the death by 1,000 cuts that is being inflicted on this important small business in Sedona.

Ann Fabricant, Sedona, AZ: Ms. Fabricant stated that she is a native southwesterner and she has been in business at Tlaquepaque for 39 years, and she has a store across the street, and Son Silver West is an iconic place along with Garlands and Tlaquepaque. It is where the visitors want to come. Like most of you, she hates the traffic in town, and she would take her income down 50% to get rid of the traffic; her life here is no longer pleasurable. When somebody wants to just put in a parking lot by one of these really important venues, which is historic and has great stuff, it just seems like a no brainer. She really hopes that you will do this. At Creekside, they had to hire a parking attendant just to keep people out of their limited parking. People are crawling over all the Uptown trying to find a place to park. They will park anywhere. She lives in Lazy Bear Estates and now the parking is up as far as Smith Road; it is coming up towards them. It is just unmanageable and any kind of parking lot near a commercial venue is really important.

Savas Sosangelis, Sedona, AZ: Mr. Sosangelis indicated that he got this in the mail and it was distressing. He doesn't care what you believe, which way the Gallery should go, but when you have to address the people of Sedona through a mailer like this, it shows a real issue that we are actually missing the boat. We have an iconic establishment, we have a family-run business that the Robsons started from basically a small institution, and it is one of the most premiere areas in Sedona. Thirty-three years ago, it was the first place he stopped with his wife coming off of I-17, and it represented what Sedona is, was and will be. He doesn't know why you have to punish a successful family business, and that is what is happening. You've got a business that has grown so well that they are being punished for growing and being a premiere institution in Sedona, which they truly are. The other issue is you've got the owners that are giving you a solution. It is so basic; it's a flag right in front of us. Just let them park the cars, let them service their clientele and everything is fine. It is the easiest solution he has ever seen, and the owners have given it to you. Finally, he has had guests come, and they go to the Gallery and were turned away. He wanted to show them Sedona; they take them to the Gallery and they were forced to leave. Oh, you can't get out of your car; you can't park here. You have a good family, a good business, an institution that is Sedona, please respect it. Just try to understand what these people have created, and there are a lot of people that really, really, really appreciate the Gallery.

Christine Adams, Sedona, AZ: Ms. Adams stated that she lives in the Broken Arrow Subdivision and she has been a realtor for about 25 years and deals in investment properties, commercial and residential. She spoke during the work session, and she was trying to explain how she felt that the City was being punished, because the Robsons have been out of compliance for so long, and their marketing tactics have helped to make people who haven't been here very long not understand the issue that is really going on there. This is not a commercial corridor; this is a business corridor for people who have small houses, who live inside the house and have a business there. This was what the Gallery used to be, and let's call the store a commercial store, because it is not a gallery anymore. You don't go there for gallery presentations. It is a magical store for sure, but it is about 15,000 sq. ft. bigger than it should have been. If it has just stayed the way it was, and then maybe bought some property somewhere else where they could have expanded, then had what they really are looking for, that would have been different, but to really -- they keep appealing. Every time they lose, they appeal. They have a lot of money to appeal, and what is happening is that we are going to lose our whole neighborhood, and that whole area is going to change. What we are talking about here isn't about whether we like this business or whether we don't like this business. It is about what is going to happen to that area, and anything else -- that is the elephant in the room and anything else is just fluff, so she really wants to call a spade a spade. Let's figure out what is going to happen to that area, and if we want to make it a big commercial area and put in big parking spaces, that is what is going to happen; she guesses that is what is going to happen, but to have her area talked about in this manner is really distressing.

Mark DiNunzio, Sedona, AZ: Mr. DiNunzio stated that he is going to speak in favor of the request by the applicant as presented. The focus of the Commission ought to be solely and firmly on that narrower issue of additional parking needed now and not on the broader issues that staff has raised as reasons not to move forward with this request as presented. SR 179 is a state highway; it is not a neighborhood road. It carries thousands of cars a day and it will continue to be a state thoroughfare, but it is a corridor lined with neighborhoods. It is not necessarily part of the neighborhood, it is a thoroughfare. There are other destinations along SR 179 that have already been mentioned -- Poco Diablo, the parking lot at the Church of the Red Rocks, and that parking lot, by the way, happens to be twice the size of the request by Son Silver West and it is already there on the highway. He doesn't remember any push back from others when that was approved. A second exception is the fire station at the Chapel was allowed to construct a sculpture of 9/11 on the property. The station is first and foremost a working first responder fire and emergency operation. It is not a public park; the sculpture is a tourist attraction with a promotional sign on northbound SR 179. It has made the station a tourist destination that is an exception to the Community Plan for that area or an exception for the normal approval and use of a fire station. In West Sedona, the new Marriott Courtyard and the soon to be considered adjacent 80-plus room motel arguably ignore many fundamental CFA and Community Plan wishes. Response to concerns has been that others in the CFA would be asked to provide those amenities. His point is that the Commission ought not kick this can down the road, because of somewhat academic arguments of what might be, what the hurdles might be going forward. The question is will this be good for the applicant and good for the broader community. He thinks the answers are abundantly clear. The solution offered is simple, the negatives are negligible. Please do the right thing for the applicant and the broader community by doing the common-sense thing. Please move this forward to the City Council.

Judith Reddington, Sedona, AZ: Ms. Reddington indicated that she was privileged to be part of the Community Plan process that took three years that Marty often refers to, and during that time we were really fortunate; we did not have a lot of – it was 2008 times when there wasn't so much development and pressure to modify our planning, and we had an opportunity to envision what kind of community we wanted to live in, and then the community had the opportunity to approve that. She just has a huge amount of respect for community planning and citizen participation in community planning, and we have a plan. Now, we have a situation that developed during that time with this commercial property that is Son Silver West; however, that was never envisioned to be a highly commercial area. It does have a CFA segment and that was intended to serve the community. She also would like to say that what you are considering now isn't just this. It is a very large area of what she thinks Mr. Slavin referred to as an area that has horrendous traffic problems and, like dominos or a house of cards, that whole area is very vulnerable. It is vulnerable, because there are a lot of properties along that corridor that are ready for redevelopment, and a number of them are for sale. When you consider Son Silver West and Son Silver West's plans and consider the traffic issues, etc., you are really considering a large swath. She also knows that that section of land that Son Silver West is currently in has suffered economically, and there have been a number of sales that have been specifically sold by neighbors, because of inconveniences created by that business – lighting and traffic, noise, deliveries and assorted other things, so that section is vulnerable too. They currently own three of the seven residential units that are around that and she doesn't know what their plans are exactly.

Andrea Smith, Sedona, AZ: Ms. Smith indicated that she is also a gallery owner. She has a gallery at Tlaquepaque that she has had for the last 18 years, and she has been coming to Sedona probably for 25 years. She also lives in Broken Arrow right across from Son Silver West. She has watched Son Silver West expand, expand, expand and change, and not give any credence to rules or lives. She has a gallery and she has to follow lots of rules, lots of laws, she has to pay taxes; many, many things that it just seems like they ignore, so it kind of irritates her that certain people get certain privileges that others don't. It is a blatant way of just trying to grab a little bit more, a little bit more, a little bit more, and you need to look at all of the things in the past that have been just glazed over, that haven't been covered, because there

are so many issues with this company that no one has dealt with, so she doesn't really think there is any need for expansion. She believes they need to be stopped, so as a gallery owner also and she has to follow rules, she would like for them to follow the same rules.

Rob Adams, Sedona, AZ: Mr. Adams wanted to point out that this really isn't about the neighborhood or the City trying to shut down the business that the Robsons have. This is about bringing them into compliance, and operate under the same rules that every other business in this town has to operate under. Regarding the business lots that Mr. Slavin was talking about, the original intent of the business lot on Tract 40 and all those lots that face SR 179 on both the east and west side, as stated in the Broken Arrow CC&Rs, was to allow an office professional-type of business to be established in lots along the Sedona Rimrock Highway frontage, now SR 179. These business lots were to be restricted to a maximum of 600 sq. ft. in a space that could be utilized for business purposes within the living quarters of the lot owner. Examples of allowable uses were artist studio, private doctor's office, private real estate office, etc. It is important to note that those lots are still zoned Residential, all of them, and it is also important to note that the entire SR 179 corridor is residential with the exception of Poco Diablo, from Canyon all the way to the southern boundary of the City. This is for a reason; the intent was to have commercial districts along West Sedona and in Uptown, not along that corridor. Son Silver West has a long history of illegal use and expansion of the lots in which they have done business. The original artist studio, which had been established on Tract 42 prior to the Robson's purchase in 1981 has been illegally expanded from the original 600 sq. ft. of business use to over 15,000 sq. ft. Since this expansion has taken place over 36 years, the Broken Arrow Civic Improvement Association was not attentive to the violation of the CC&Rs that was gradually taking place. In 2015, Son Silver West applied for a Planned Area development, which brought the neighborhood focus on what has been occurring at that business site. It was revealed that the Robsons had purchased an additional four adjoining lots and were planning to utilize all of these lots for business purposes. It was also revealed that these residential lots were being illegally used for manufacturing, packing, shipping and other business purposes. Multiple other violations have since been discovered – setback encroachments, parking lot violations, creation of a non-permitted coffee shop, use of a shed for a non-permitted chapel, lighting violations, non-compliant fencing and screening, fire safety violations, non-compliant signage and excessive traffic and noise have all come to the attention of the neighborhood and the City. In addition, several years ago Son Silver West was audited and fined for non-compliance in paying their sales tax.

Dr. Luis Camus, Sedona, AZ: Dr. Canus stated that he and his wife own the private psychiatric practice on Arrow Dr. right behind Son Silver West since 1998, a full 19 years ago. His concern this evening is the unsafe and, frankly speaking, unsightly use of the narrow residential road called Arrow Drive for the on-street parking of Son Silver West employees. Son Silver West is obviously trying to fix this problem tonight by this Community Plan Amendment to potentially allow the building of a 36-car parking lot. This business is only trying to work with the community and not against it in his opinion. It is courageously and expensively trying to work with the residents of this neighborhood and not work against it. Also, this business gives employment to a significant number of people, something that we need very much in Sedona, so please allow this Amendment to pass, so that we can together solve this employee problem on Arrow Dr. The Robsons are only trying to solve this problem, and they need our help to do it.

Richard Hubbell, Sedona, AZ: Mr. Hubbell stated that he is a resident of Sedona/Oak Creek Canyon, and he has lived in Sedona and maintained a landscape architecture and land planning practice since 1971, and he has certainly seen the evolution of the Ernestine Nestler Gallery to the earlier phases of Son Silver, etc., as it has evolved, and he has recognized that, as a term that was used earlier, as a 'throwback' character kind of developed facility, which we really need a lot of in Sedona. He is here primarily to speak about the aspect of the parking or the other issues that have been brought up and will continue to be brought up. He thinks that probably with the wisdom of the City staff, P&Z and Council, and the owners and neighbors,

hopefully those issues can be resolved. His concern is specifically that centered around the parking area. They are talking about a relatively small -- he has heard it referred to as an expansion of large parking; this is a relatively small 36-parking space. It is heavily landscaped; it is heavily screened, and based on the efforts -- by the way he designed this parking lot and the landscaping, but based on the preservation of the existing trees that they tried to accomplish, the number of parking spaces is limited to far less than would be allowed if they had just viewed this as an open parking area with no trees. The parking area has been organically designed to take advantage of existing trees. They recognized the need for buffering from the highway, and they have additional landscape buffering in that area, and it is going to utilize an existing curb cut; there are no new curb cuts allowed, so the access to SR 179 will be restricted to those existing curb cuts. He heard in the introduction to what is going on here, logistically and tactically, we are trying to get a resolution that one of the concerns was that even though it is proposed for parking, under the PAD, PUD there are other uses allowed under that classification, which is true, but this is the one and only singular specific use that is being proposed -- parking. Other than designated open space . . . *Mr. Hubbell was signaled that his time was up.* He then stated that he supports the project.

Mary Brosnahan, Sedona, AZ: Ms. Brosnahan stated that she has lived in the Chapel area for many years, so she was there when SR 179 expanded, and she saw the destruction they reeked on all of the businesses along there and the houses along there, and she does indeed know that they took away a lot of parking and made it harder, so of course the parking is important, which is what we are talking about tonight, and she urges you to go ahead and approve it, before it has to go through all of the other cumbersome drama of whatever has to happen to join it all together. They have a solution; give them their solution. She also feels in expanding more, that the idea of saying what the idea was behind this, when it was zoned -- before it was zoned way back when, it was supposed to be this, it was supposed to be that, this is a very elegant and it certainly is a museum and a gallery. If you spend your time through there, you will see things that you don't see anywhere else. It is not obtrusive; it is not ugly; it is not standing up on a hill. It is tucked in; it winds through and for the City to come in and put in their zoning like they do, and have everyone now fit into to our new zoning is bureaucratic, that is why bureaucrats -- that is why it is getting difficult to make a way. It is not, she doesn't like to use 'fair', but it is not community to take what has already been built and done, then come in and put in your new rules and say now you have to fit into our rules. This has been going on a long time; it is a beautiful well-established and well-liked business in Sedona. No one has trouble with it, and if you start picking apart businesses that are long established and not allow them to grow in a healthy manner, that is not community. They have a solution, fix their solution and if there are still issues, then go back and work with those separately.

Don Sciore, Sedona, AZ: Mr. Sciore stated that he lives in the Broken Arrow complex and he is opposed to the Robeson's proposal based on the negative impact of commercial creep on his property values, and he purchased his property in a Single-family Residential Low Density area. The bottom line here is the PA designation or Planned Area designation just is too ambiguous for the future use of this property. Mr. Slavin made the point earlier about the case that they follow the philosophy of it is easier to beg for forgiveness than to ask permission. There are several things that had to be removed from the property that were out of compliance, and he wanted to point out too that at last Thursday's work session, they heard that there is already a judgment against Son Silver West to reduce retail space by quite a bit. When asked if the retail space was reduced would the parking lot be needed, Mr. Slavin, and he quotes, said, "Hell no". The other day, he received this beautiful brochure as well, and he was distressed by it too, and not because it was a beautiful brochure with a lovely picture of the Robsons, that made a great picture -- that is how you do a brochure, but it was deceptive at best, much like comparing the Church of the Red Rocks to Son Silver West. The one thing that bothers him about it was, not unlike political campaigns that we are all familiar with today, that it said to him that he who can throw the most money at an issue wins. He doesn't have a lawyer, he can't afford to create and distribute this brochure, but you can see the strategy. Second, keeping Sedona, Sedona is about neighbors working with neighbors in the best interest of the

community. This is a residential community, and to his knowledge, working together hasn't happened. He was thinking when he saw the brochure a more appropriate Web address would be www.keepsedonapavedwithparkinglotssoyoucangrowyourbusiness. Finally, he has always lived by the saying of all things in moderation, and he even agrees with absolutely things. There is a place for a gallery here; there is a place for a souvenir shop, there is a place for a craft shop; how else are you going to pay for a gallery? But at some point, somebody has to be the adult and say enough. You have gone beyond moderation and it is time to get into following the rules like everyone has to and begin thinking about your neighbors as part of the community. This proposal is not in the interest of the community or in the interest of keeping Sedona, Sedona.

Ron Volkman, Sedona, AZ: Mr. Volkman stated that he lives just outside of Sedona, west of Palatki ruins, and he would like to give an overview that goes along with the letter and analysis that Carol Pinciario, the realtor, had submitted. Carol has been a realtor since 1985; she is a 37-year realtor, and she has strong expertise in commercial and the history of this location. He moved into Sedona in 1975, and what was on the corner of Arrow and the highway was the Coconino County National Forest Visitor Center and Administrative Office; that is what was there in 1975. La Galleria was next door, and in 1982, the Forest Service moved out and Century 21 Real Estate moved in for another 26 years there; 41 Arrow, which is where Dr. Camus' psychiatric office is and that was rezoned in 1994 by the approval of the City and Planning & Zoning Commission to OP, Office Professional, so it has always been known as a commercial and service hub. That is the history of this location in Sedona for as long as he can remember. The other thing he would like to bring up that was in Ms. Pinciario's letter is there is precedent of the City and the Planning & Zoning Commission making conversions of Residential to Parking. It was done less than 400 yds. away at the Church of Red Rocks. It was needed; it was necessary. Those were residential lots; it was accomplished. In West Sedona on SR 89A last year, this Commission, and he thinks he spoke in front you -- the Over the Edge Bike Shop, behind it they needed parking, a very successful small business, and they desperately needed parking. You all heard them and that residential lot behind them was rezoned. Things change in Sedona; this town's tourism has grown exponentially, so there are things that are thrown at you that just say, hey it is necessary, so that is why we are here tonight. It is necessary, and he would say to you what is being put forward tonight -- and by the way, just not to preach at you, but just please Commissioners, stop and look at the reality of what is on the ground right there in front of you. He knows you can trip and stumble all over all of the objections, the language, the clauses of the Plan. He thinks that this proposal, the language of it meets exactly the language in the Planned Area part of the Community Plan that talks about buffers. The highest and best use of that property -- my God, the curb cut is a major road access-way for big trucks right off the highway. The highest and best use of this. . . *Mr. Volkman was signaled that his time was up.* Mr. Volkman then added . . . is not residential; it's parking he hopes you will approve.

Reed Proctor, Sedona, AZ: Mr. Proctor indicated that he has been in Sedona since 1972 and he would like to say that Son Silver West is kind of iconic as a landmark. You have the Flatiron Building in New York, the Empire State, and you've got Son Silver West, so it is well-landscaped, well thought out, and unfortunately, the traffic. If you looked at the traffic on Sunday, people slowing down trying to get in there, and they can't, because there is not enough parking. All the parking lots are full. The plan that you have in front of you is excellent. Everything that the family has done to make that a better place is excellent; it looks better every year. It is "a museum" like somebody else pointed out, and another very important thing that was said in the interest of not-growth of why they should be contained and not allowed to grow, Sedona has grown and it has gotten exponentially bigger. Look at Phoenix; he remembers when it used to be a distinctive light source, now it goes for 100 miles in every direction, so to think that a business should not be allowed to grow, because it insults somebody's idea of neighborhood is totally insane. We need a parking lot to give them the ability to bring in more revenue that pays everybody's salaries here, so let's do the intelligent thing and give them their parking spots and make this a better community.

Thomas Jackson, Sedona, AZ: Mr. Jackson stated that it is just a parking lot; what is the big deal? He will tell you what the big deal is. It is not so much what happens in a parking lot during business hours; it is what happens in a parking lot after business hours and before business hours, particularly for the residents who live around there. The fork lifts, the delivery trucks, the leaf blowers – all of these things that happen before and after, into the night, early in the morning. This affects them, so it isn't just a parking lot. It is a staging area that they take advantage of, and he finds it offensive, the noise and the problems that it creates.

Rick Rosenzweig, Sedona, AZ: Mr. Rosenzweig indicated that he lives in the Chapel area and has been a Sedona area resident for 47 years. He has known the Robsons for many years and as a commercial real estate broker, he worked closely with them to serve their commercial real estate needs. He is a true believer in small business. In 2014, they acquired a 3,500-sq. ft. building across from the Tavern Grill in old town Cottonwood. They have turned it into one of the most attractive and successful businesses in that area. In 2006 to help solve their long-term storage needs, they acquired a 6,000-sq. ft. building with 30 ft. ceilings in Rimrock to store the many creative items they find on their buying trips. That building is packed to the ceiling. Perhaps you have noticed how neatly they have arranged their gift items in their display yard on SR 179. This popular business really should be a source of pride to the City of Sedona. In 1981 upon acquiring La Galleria, a similar business that had occupied the same SR 179 location for many years, they renamed the business Son Silver West and created one of the area's most eye-catching signs. They have steadily increased their business, which consistently brings in a significant amount of sales tax revenue. In fact, the Robsons biggest problem is that they simply have had too much success. Although there have been issues with the City of Sedona, their only true desire has been to find ways to make their business more enjoyable for their customers. If the City would work with them and help support their business goals, everyone would benefit thereby. When he was handling the sale of the property to CVS, Mayor Moriarty stated that she would like for Sedona to be seen as more business friendly. Allowing the Robsons to have more parking to serve their growing customer demand would help achieve that goal.

Jeff Moore, Sedona, AZ: Mr. Moore stated that he lives in the Broken Arrow area and has known the Robsons since the '70s. He has heard some stuff here tonight that is completely -- that doesn't come from any place of knowledge. Someone mentioned earlier about art not being at Son Silver West Gallery; he doesn't know if that person knows what art is. Come visit their galleries, come see, the owner is a true artist and master potter. The creativity that comes from Bill Robson you can see on the property there. You can see that this is not something that is put together by people who are just trying to do a thing about making money. This is about spreading creativity, art and knowledge of art to our community. Parking in this community, some of you might recognize him as the owner of the Marketplace Café. He knows this community well and he knows the problems with parking. Traffic on SR 179, he has heard people say that Son Silver West Gallery is the cause of that parking or traffic area, instead of addressing the issue of a crosswalk between Tlaquepaque and Tlaquepaque Two, where we have to wait for every person that crosses the street and the turnabouts where visitors don't understand what a turnaround is, so blaming the traffic on Son Silver West, who actually bought a left-turn lane to help with that possibility of that happening before it even happened. This parking lot next door is needed; he lives in the neighborhood, he supports these guys, he supports the Amendment. They need the parking lot; let's get it happening. Let's be neighbors, let's work this out. The Robsons are going to be – they have a solution; they are not going to put this on you. They are going to pay for it. It is not going to be paid for by the community here. It is going to be paid for by the Robsons, so let's be neighbors. Let's do something together in this neighborhood and help support it in an iconic location, like Son Silver West Gallery that people from all over the world come to visit

Scott Schrader, Sedona, AZ: Mr. Schrader indicated that he lives up the hill from Son Silver West Gallery. He guesses he really is a neighbor in that regard. In addition to his other

neighbors expanding upon the problems they have with the noise at 4:30 a.m. in the morning, garbage cans slamming every Wednesday morning, leaf blowers at 8:00 a.m. every morning, he is going to try to stick up a little bit more for the City. The City has simply – there have been a lot of allegations that they simply swap, change, move things around, well maybe and maybe not, but it appears that a Superior Court Judge in Flagstaff has agreed with the City and their position. Now, he understands that Son Silver West is going to argue against that; he certainly would, no question about it, but at least at this point that gives the City some validation that their points are in fact valid and concerning. We are the residents who live in the immediate vicinity of Son Silver West. Their Gallery is beautiful; nobody can take any questions of that. We simply want them to comply with what the City has requested them to comply with. That is all we are asking as neighbors. We don't expect them to go away; we don't want them to go away, but we do expect them to comply with the various codes and requirements. He certainly had to comply with all of those codes and requirements.

Walter Shrode, Sedona, AZ: Mr. Shrode stated that a lot of what he was going to say has already been said, so a couple of issues he just wanted to give some clarification around. One of them is that the intended uses that was brought up that they were for business slots, that is true, but there was a supplemental restriction to those lots, specifically Lots 39-46 that was filed with the Coconino Clerk's Office in July of 1956, which limits the use of those lots to in-residence doctor's office and professional offices, so it meant that you had to live in the residence, and then you could have one of those professional offices. What has happened since then, they are saying it is unfair that the City is trying to impose these restrictions on this business. The City is not trying to impose the restrictions on them after-the-fact. The City was incorporated in 1988; they issued a Conditional Use Permit for them and gave them the rules. They violated it the very next year; the City had to file a Notice of Violation in 1989, and they didn't ever resolve it, until they let them have an amended CUP in 1993. That has been in contention ever since then, in fact that is what is being litigated now, and they still never complied with it, and they continue to expand, so it is not the City who is imposing unreasonable restrictions on them. They City gave them the restrictions right up front and is only asking them to comply with them, as every other business in town has to do, so the City is not beating up on anybody, so that is unfair for anybody to say that about the City.

Meri Thomason, Sedona, AZ: Ms. Thomason indicated that she has many friends who do business in the City, and she supports them. In fact she owns something that was purchased at Son Silver West, but she cannot support this request by Slavin and Dukes for zoning to allow for an additional parking lot. You know you have heard that they are already out of compliance with the Superior Court order, and as Mr. Sciore brought up, that he spoke with someone and asked if this was in compliance would there still be any need for more parking, and the answer came back no, so you have your answer right there. Compliance is the way to go. She lives off Arrow Dr. and she frequently walks from her home over to SR 179, and then on that beautiful sidewalk. Every day she sees five or six vehicles parked in front of a home on Arrow Dr. that she believes belongs to Mr. Robson, and she would think it is rather unethical for a business not to have their employees park away from a residential area. She has also seen deliveries at that home, and she knows that is not in compliance either. If you approve this rezoning request, she already knows of one neighbor, resident who wants to immediately start a change for two other lots to be commercial. Please avoid that domino effect that would occur. Keep our residential community safe to walk around and peaceful. We have a lot of people who either run or walk or bike along SR 179 with that sidewalk and the bike lane, and including more traffic for a parking area larger than what is already there isn't going to keep them safe. There is no need to show these people any favors, when they have shown such contempt. One visit she went to Son Silver West and she was told by the guy there to park in an area clearly designated no parking, and she asked about it and said, "Are you sure I can park here?", and the guy said yes. Evidently, they put commercialism and capitalism and profits over the law. We don't need to reward people for doing that. She has some comments, for as long as she has, from the people that she listened to. Loraine, you said no debate is warranted, she disagrees. There is a lot of people here who have differing points of opinion,

and we deserve to debate for their ears. Joe Frank called it Kafkaesque, and she says it is capitalism gone wild. Ann Fabricant said it is an iconic place as did a few others; yes, and it deserves to stay the way it is.

The Chair noted that everybody stayed on time, and regardless of what position you took or didn't take, it was well appreciated. Having no additional requests to speak, the Chair closed public comment period.

Commission's Summary Discussion:

Robert Pickels Jr. stated that he has consistently advised the Commission to avoid discussion or consideration of the ongoing violations and litigation thereto, and that continues to be his recommendation to the Commission, but that being said, during the applicant's presentation there was a reference to interpretative differences that we have regarding the existing allowable uses, and he doesn't presume to know whether or not those issues will have an impact or influence the Commission's decision, but to the extent that they might, it would be appropriate to hear staff's perspective on any of those issues, so he just would offer that as a suggestion, if that is the preference of the Commission.

Chair Losoff indicated that he is glad that Robert Pickels Jr. said that, because it may be the same issues that he has been thinking of and would say that as we bring them up, but maybe if you talk about that, it will address some of those concerns, so that would be good. Before we get into that, a couple of things we heard that there were some supplemental restrictions on the land back several years ago, is that . . . Audree Juhlin stated that she is not sure what the person was referring to. The Chair then said that for the next meeting, we will need to look at that. Also, there was the issue of traffic; he is not aware that there were traffic issues in this area. He goes up and down SR 89A and passes Son Silver West maybe three or four times on a given day, and he has yet to be caught up in traffic. Coming home on SR 89A perhaps, but he is not aware . . . on SR 179; he's sorry, SR 179. Anyway, we will come to that at another time.

Commissioner Klein asked the City Attorney to repeat what he said. Robert Pickels Jr. stated again his advice has been not to discuss or consider the ongoing violations or litigation related to those violations, but to the extent that they as was characterized, our interpretative differences regarding the allowable uses, and again to the extent that they may or may not influence or impact the decision the Commission is asked to make tonight, it would be appropriate to at least hear staff's perspective on those limited issues, and he doesn't know what those are at this point. The Chair then asked Audree Juhlin if she would want to take that, and Audree indicated that she would prefer that the Commission asked questions in response to the presentation.

Audree explained that Mr. Slavin's presentation covered a lot of history, a lot of information, and if she went point-by-point on the presentation that we have in front of us, it might take a couple of hours. Robert Pickels Jr. added that again he would just add the caveat that if that is not going to influence or impact your decision, then don't talk about it, but to the extent that it might, then you should have at least both perspectives.

Audree stated that she can, while you are thinking about that, respond to the situation that was brought up regarding the church that sits just a little bit north of the Son Silver West property. That one is a lot different than the consideration before you tonight; the church is a conditionally allowed use in single-family residential districts along with associated parking. The church did come forward with a Conditional Use Permit for it and the associated parking. That approval does not require and did not require a Community Plan Amendment; it did not require a Zone Change as in the case we are talking about tonight. Those are conditionally allowed for single-family uses and it is supported with the Future Land Use designation currently.

Chair Losoff indicated that there were several comments or questions that were attributed to the Son Silver West attorney regarding what was said or wasn't said, that if this business stayed as it was originally thought to be stayed, they wouldn't need additional parking. He then asked if that is an issue we can talk about, and Robert Pickels Jr. stated that it is somewhat hypothetical when you are talking about two different interpretations, whether it is 5,000 sq. ft. or something more than 5,000 sq. ft. of display area, and that is something that is currently in litigation, so it really is kind of hypothetical to consider that. The Chair then indicated that we will try to avoid hypotheticals. Chair Losoff then reminded the Commissioners that we are talking about a Plan Amendment. We are not talking about a rezoning or a Parking designation. We are talking about a Plan Amendment and what was in our Staff Report. In making a recommendation regarding a Community Plan Amendment to the City Council, P&Z should determine whether such Amendment is in the interest of the public and is consistent with the community's vision, adopted Plans, CFA, Community Expectations and overall consistency with the Sedona Community Plan; that is what we are basically here to discuss, since we don't have any other application on it yet. Let's keep that in mind as we go through our discussion. Also on page 12 of the Staff Report, there are several bullet points that we should be looking at and discussing -- Findings of Fact. He also noted that to be fair, we should probably keep our comments to a minimum in terms of time.

Commissioner Brandt stated that he has learned that we have an icon in the City and that is your store. It is beloved and for good reason. There are some really unique things there, beautifully kept. He hears that the leaf blowers go on at 3:30 a.m. or something like that, but even icons, good families, great stores need to follow the rules, and he doesn't even want to talk about what those are, but he wants to talk about exactly what is presented, and what is presented is to plan one property of the highway frontage, and this staff recommendation, as well as all of the staff's recommendations that we've had tonight, have been so thorough and crystal clear as to what the background and situations are that, he thinks the wording was 'poor planning' that we are looking at this piece of the property, as opposed to the whole property in its entirety. What has been presented tonight by the representation and by the public, by the owners is great groundwork; however, a lot of it has been pulled out of the equation. It needs to be all a part of the equation; we need to look at the entire equation together. It is a residentially-zoned property in the middle of a residential neighborhood. In the old days, maybe there weren't so many people that this property would have affected, but there are more people around now, so he is in agreement with staff's recommendation that this should be denied and expect that we will be looking at it again next year, hopefully, in its entirety.

Commissioner Klein stated that in deference to . . . Chair Losoff interrupted to say that he doesn't mean to be facetious, but we have had several meetings on this, so he is sure there aren't too many new things to talk about. Commissioner Klein then continued to say that a couple of the members of the public said that when the attorney for the applicant was asked if the space was reduced would you need the parking and he said, "No". Commissioner Klein stated that he was actually the one that asked that question and it was in response to a comment by the member of the public that said that the space had to be reduced to 1,500 sq. ft., which is inaccurate, and the attorney candidly admitted if they had to reduce to 1,500 sq. ft. they don't need the parking. He is going to follow the City Attorney's advice and say okay, we can't look at a lot of the complaints that the public has about non-compliance by Son Silver West. If we could look at that maybe it would make a decision easier, but he gathers from the City Attorney that we shouldn't do that. There is a bad situation here, because you've got employees and tourists parking on Arrow Dr., and if nothing is done about that, that situation is going to continue. If this Major Community Plan Amendment is denied, it is not going to help the parking situation there, and it seems that it is obvious that this is a big problem. He doesn't know how much it matters, but of the people who spoke tonight, more people were in favor of this project than against; he counted 14 to 10 for whatever that is worth, so in many respects, he would be in favor of approving this parking, but the thing that concerns him is the fact that we have an application for a change to a Planned Area. They want a Major Community Plan Amendment to change to a Planned Area, and we don't have an accompanying Zone Change

request. If both of those were together, he would probably vote in favor of this, but they are not together, and he doesn't necessarily agree with staff that we can't consider what is on Lots 41 and 42; you have to consider what is on Lots 41 and 42, and it is important to remember that this business was here before the City was ever incorporated, and they are a legal non-conforming use. Again, he doesn't think we can get into the issues of everything that has happened, whether or not they are in compliance, whether there has been illegal expansion, but he is going to vote against this solely because of the fact that they withdrew their application for a Zone Change in conjunction with their request for a Major Community Plan Amendment, but he doesn't know that necessarily the result, depending on what the City Council does, is going to be a win for anyone.

Commissioner Mayer stated that it is a really hard thing to do, and he has to separate the legal challenges the applicant has from this request, and he is for it, so whatever happens now after, that is something that is going to be in the hands of lawyers and, once again, it is tough. There's the neighbors, who are affected by it, there's the business, there's the City affected by it, the visitors, everybody is affected by it, and he has known that business for a long time; he even worked on that business and did some improvements, so maybe he should excuse himself . . . *Some members of the audience yelled, yes.* Commissioner Mayer then continued to say, maybe he said, but he likes the business, he likes also the need for the parking at that point is there. Whatever happens later, that is going to be decided by courts, he guesses that is what is going to be.

Commissioner Barcus stated that like everything tonight, nothing is simple, but he is going to vote for a motion for approval, because we can manage the zoning application through the existing processes, and there is a lot of other things that he could say about it, but that is the thing that tipped it for him into voting to approve a motion for approval to recommend the Community Plan Amendment.

Chair Losoff Indicated that he has been thinking about this a lot and we have heard from the public a lot, and if this was a popularity contest, it would be a hands down, but this isn't a popularity context. We are talking about a Major Plan Amendment, and his concern is, since he has been on the Commission, that we should not act in a vacuum. Sometimes, we have no choice, but many times we do, and this is one time we have a choice, and if we acted on this tonight, we would be acting in a vacuum. We should take a look at the whole picture, not just parking, but what the whole environment should be in that area. He also thinks that from a community perspective, this is a residential area, and granted there are some businesses in and about, he wouldn't consider the church or churches a so-called business. Poco Diablo was mentioned, but that is further down the road, and he doesn't consider that part of this neighborhood, so from his perspective, he is looking at what a Major Plan Amendment should do, he is looking at 10 or 11 concerns that staff has spelled out, and in the past we have had Staff Reports which had a few objections here or there; this one has 10 or 11, and he can't ignore that, so given that and given what staff has recommended, he is going to not be in favor of the Plan Amendment, so hearing no more discussion, he would entertain a motion.

MOTION: Commissioner Brandt moved to recommend to the Sedona City Council denial of case number PZ17-00010 (a Major Community Plan Amendment), Son Silver West based on the findings as outlined in the Staff Report. Commissioner Klein seconded the motion. VOTE: Motion carried three (3) for and two (2) opposed. Commissioners Barcus and Mayer were opposed, and Vice Chair Levin and Commissioner Cohen were excused.

Chair Losoff commented that the Commission recommends to the City Council not to approve the Plan Amendment.

6. FUTURE MEETING DATES AND AGENDA ITEMS
a. Thursday, September 28, 2017; 3:30 pm (Work Session)

- b. Tuesday, October 3, 2017; 5:30 pm (Public Hearing)**
- c. Thursday, October 12, 2017; 3:30 pm (Work Session)**
- d. Tuesday, October 17, 2017; 5:30 pm (Public Hearing)**

Audree Juhlin stated that the next meeting is a work session on Thursday, September 28th and that is for consideration of the Oxford Suites at the Soldier Pass/Saddlerock area. On Tuesday, October 3rd, we have the continuation of the public hearing related to the Wireless Master Plan and associated changes to Article 17 of the Land Development Code. On Thursday, October 12th, we have the work session for the Marriott Residence Inn. And then on Tuesday, October 17th, we don't have anything on that date, but we may put the work session on the 89A/Pinon Apartments on that date, but that is uncertain right now. Chair Losoff stated that he won't be available on October 12th.

See agenda Item #7, Executive Session, on page 2 above.

8. ADJOURNMENT

Chair Losoff called for adjournment at 8:55 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 September 19, 2017.

Donna A. S. Puckett, *Administrative Assistant*

Date