

AGENDA

City of Sedona Planning and Zoning Commission Meeting

5:30 PM

Tuesday, March 6, 2018

NOTICE:

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a public hearing open to the public on Tuesday, March 6, 2018, at 5:30 pm in the City Hall Council Chambers.

NOTES:

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

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

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

PROCEDURES:

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

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL
2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF
3. APPROVAL OF THE FOLLOWING MINUTES:
 - a. January 9, 2018 (Retreat)
 - b. January 16, 2018 (WS)
 - c. January 16, 2018 (R)
 - d. February 6, 2018 (WS)
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.)*
5. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES:
 - a. Discussion/possible action regarding a request to amend an existing Conditional Use Permit for Red Rock Jeep at 301 N State Route 89A (Sacajawea Plaza). The property is zoned General Commercial (C-1) and is located on the west side of State Route 89A, between Jordan Road and Apple Avenue. APN: 401-13-051A Applicant: Red Rock Jeep (Paul Smith) Case Number: PZ17-00020 (CUP)
 6. Discussion/possible recommendation regarding a request for an Administrative Waiver at 460 Peach Lane to reduce interior and exterior side setbacks. The property is zoned multifamily residential (RM-3) and is located at the northwest corner of Peach Lane and Sunset lane. APN: 401-14-100 Applicant: Verde Valley Habitat for Humanity (Dan Surber) Case Number: ADM18-00001
 7. Discussion/possible action regarding proposed changes to the Planning and Zoning Commission's Operating Rules and Procedures.
8. FUTURE MEETING DATES AND AGENDA ITEMS
 - a. Tuesday, March 20, 2018; 3:30 pm (Work Session)
 - b. Tuesday, March 20, 2018; 5:30 pm (Public Hearing)
 - c. Tuesday, April 3, 2018; 3:30 pm (Work Session)
 - d. Tuesday, April 3, 2018; 5:30 pm (Public Hearing)
9. EXECUTIVE SESSION

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

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

The mission of the City of Sedona government is to provide exemplary municipal services that are consistent with our values, history, culture and unique beauty.

MEETING LOCATION:
CITY HALL COUNCIL CHAMBERS
102 ROADRUNNER DR, SEDONA, AZ

AGENDA

City of Sedona Planning and Zoning Commission Meeting

5:30 PM

Tuesday, March 6, 2018

10. ADJOURNMENT

Physical Posting: March 1, 2018 By: DJ

Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov/planning or in the Community Development Office, 102 Roadrunner Drive approximately one week in advance of the meeting.

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

Staff Report
PZ17-00020 (CUP)
Red Rock Western Jeep Tours
Summary Sheet



City of Sedona
Community Development Department
102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • www.sedonaaz.gov/cd

Meeting Date: March 6, 2018

Hearing Body: Planning and Zoning Commission

Action Requested: Consideration of renewal of a Conditional Use Permit

Staff Recommendation: Approval, with conditions, of a renewed Conditional Use Permit

Location: 301 N State Route 89A

Parcel Number: 401-13-051A

Owner: Sacajawea Plaza LLC
39 Stephens Way; Berkeley, CA 94705

Applicant: Paul Smith (Red Rock Jeep LLC)
2481 W State Route 89A; Sedona, AZ 86336

Project Summary: Request to renew the existing Conditional Use Permit to allow for a jeep tour office and staging area

Site Size: ± 0.59 acres

Community Plan Designation: Commercial

Zoning: General Commercial (C-1)

Current Land Use: Commercial Mall (Sacajawea Plaza)

Surrounding Properties: Area zoning Area land uses

North, South, West:	C-1	Retail/Commercial
East:	PD	Retail/Commercial

Report Prepared By: Matt Kessler, Assistant Planner

- Attachments:**
1. Aerial View & Vicinity Map
 2. Applicant Submitted Materials
 - a. Application & Letter of Intent
 - b. Project Plans
 - c. Citizen Participation Report
 3. Conditions of Approval, Previous CUPs



PROJECT SUMMARY:

Red Rock Western Jeep Tours is requesting to renew their approved Conditional Use Permit (CUP).

SITE CHARACTERISTICS

- The project site is one parcel of approximately 0.59 acres.
- The property is located in Coconino County.
- The site is located on the west side of State Route 89A, between Jordan Road and Apple Avenue.
- The existing jeep tour business on this property is part of the Sacajawea Plaza shopping center and has operated in this location since 2012.
- The existing conditional use permit for Red Rock Jeep Tours was approved in May 2012 (CUP2012-1).
- There is existing pedestrian access to the site from both Jordan Road and State Route 89A. Existing vehicular access is located behind the building from Jordan Road.

BACKGROUND

Red Rock Western Jeep Tours has operated in the Sedona area for over 25 years. The tour office and staging area was previously located at 270 N State Route 89A. In 2012, the office was relocated to its current location at Sacajawea Plaza (301 N State Route 89A) following the approval of a 5-year CUP (CUP2012-1). The staff report and conditions of approval from the previous CUP are included as Attachment 3. Red Rock Western Jeep Tours also operates an accessory facility at 2481 W State Route 89A that serves as their vehicle repair and storage facility.

Requirement for a renewed Conditional Use Permit

This property is zoned General Commercial (C-1). Uses in this zone are regulated by Land Development Code (LDC) Section 620.02 (C-1 Use Regulations). The jeep tour office and staging is a conditionally permitted use (LDC 620.02.B.13), and is currently permitted as shown on the CUP site plan approved by the Planning and Zoning Commission. Any CUP is subject to a limited time period of approval, after which it must either be renewed or expire (LDC 402.05.A). As the time frame set for the existing CUP was 5 years, the business owner must renew the CUP for the existing use to continue on this property.

PUBLIC INPUT

- Project documents submitted by the applicant were placed on the Project and Proposals page of the Community Development Department website (www.sedonaaz.gov/projects).
- Staff completed the required public noticing for this project. All notices contain contact information or a way to submit comments. As of writing this report, Staff has received no public comments.
- The applicant mailed a letter to the neighboring property owners, informing them about the project and inviting them to contact them with any questions. The applicant's Citizen Participation Report is provided as Attachment 2.c.

REVIEW AGENCY COMMENTS AND CONCERNS

The submitted documents were routed to reviewing agencies for comments. No comments were received.

DEVELOPMENT PROPOSAL

- The applicant is applying to renew the existing CUP for this business to allow for continued use as a jeep tour office and staging areas at Sacajawea Plaza (see attached site plan, Attachment 2.b).
- No changes from the previous Conditions of Approval are proposed.

Access, Traffic, and Parking

- There are two vehicular access points to the site off of Jordan Road. No changes in the access points are proposed.
- No change to the existing parking or site access is proposed under this application.

Lighting

- No new lighting is proposed.

Signs

- No new signs are proposed.

REVIEW, COMMENTARY, AND ANALYSIS

DISCUSSION

Section 620.02.B.13 of the LDC lists “Jeep tour offices and stages areas, excluding on-site storage of vehicles” as a conditionally permitted use in the C-1 zoning district, and as such is subject to the findings stated in section 402.06 of the LDC:

- A. That the proposed location of the conditional use is in accordance with the objectives of this Code and the purpose of the zoning district in which the site is located.
- B. That the granting of the conditional use permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:
 1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination;
 2. Any hazard to persons and property from possible explosion, contamination, fire or flood;
 3. Any impact on surrounding area resulting from unusual volume or character of traffic.
- C. That the characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.
- D. That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.
- E. That the proposed expansion or change of a nonconforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.

Staff Evaluation: *It is Staff's opinion that this request for renewal of the CUP meets the required findings listed above. The use is consistent with the purpose of the General Commercial (C-1) zoning district, and has operated at its current location for 5 years without issue.*

The applicant has not requested a time frame for the renewal. Taking into consideration Red Rock Jeep Tours' ongoing operation without issue at this location, Staff is recommending that this application be approved without an expiration date. If an issue arises, staff will address it through the established code enforcement process. If a resolution cannot be reached, staff may initiate proceedings to revoke the CUP. Other than the expiration date, no changes from the previously approved permit are proposed or recommended.

Recommendation and Motions

PZ17-00020 (CUP)

Red Rock Western Jeep Tours



City of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • www.sedonaaz.gov/cd

Staff Recommendation

Based on compliance with ordinance requirements as conditioned, general consistency with the Land Development Code and the requirements for approval of a conditional use permit and the compatibility with surrounding land uses and character of the surrounding area, Staff recommends approval of the proposed conditional use permit as set forth in case number PZ17-00020 (CUP), Red Rock Western Jeep Tours, subject to applicable ordinance requirements and the conditions as outlined in the staff report. Staff does not recommend a time limitation with this CUP as the business has operated at this location for 5 years without incident.

Sample Motions for Commission Use

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

Recommended Motion for Approval

I move for approval of case number PZ17-00020 (CUP), Red Rock Western Jeep Tours, based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the recommended Conditions of Approval.

Alternative Motion for Denial

I move for denial of case number PZ17-00020 (CUP), Red Rock Western Jeep Tours based on the following findings (specify findings).






As recommended by Staff

1. The use shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes in operation or activities to the approved Conditional Use Permit determined to be substantial by the Community Development Director shall require reconsideration by the Planning and Zoning Commission at a public meeting.
2. The applicant shall ensure that the use is operating in compliance with the Land Development Code requirements and applicable conditions of approval. If contacted by City Staff regarding a potential violation in the operation of this use, the applicant shall work with City Staff to address the issue in a timely manner. If a satisfactory solution is not found, City Staff may initiate proceedings to revoke the CUP (LDC 402).
3. Adequate parking for the applicant's jeeps (no more than 4 as shown on the site plan) and customer parking shall be maintained on the property. No on-street parking associated with this business shall be allowed.
4. No vehicle maintenance, repair, servicing, or washing shall be permitted on the property.
5. The use shall be limited to the area shown on the site plan, subject to compliance with all applicable requirements.
6. Within thirty days of approval of the Conditional Use Permit, the property owners of record of the subject properties shall sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Conditional Use Permit.

Aerial View

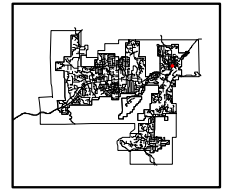
Parcel
#401-13-051A
Momo's Korean
Food Truck

-  Parcel #401-13-051A
-  Parcel Boundary
-  Street Centerline



0 12½ 25 Feet

City Index



GIS, City of Sedona
01/23/2017
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This map is designed to provide information about Sedona, and has been prepared for general planning and informational purposes only. It is not necessarily accurate to engineering or surveying standards. Every effort has been made to make this map as complete and as accurate as possible; however, no warranty of fitness is implied. The information is provided on an "as is" basis. The City of Sedona shall have neither liability nor responsibility to any person or entity with respect to any loss or damages in connection with or arising from the information contained on this map.



N STATE ROUTE 89A

Vicinity Map

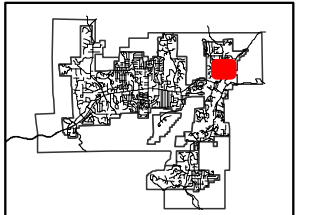
Parcel #
401-13-051A
Momo's Korean
Food Truck

- Parcel #401-13-051A
- Zoning Boundary
- Building Footprint
- Parcel Boundary
- Trail
- Street Centerline



0 45 90 Feet

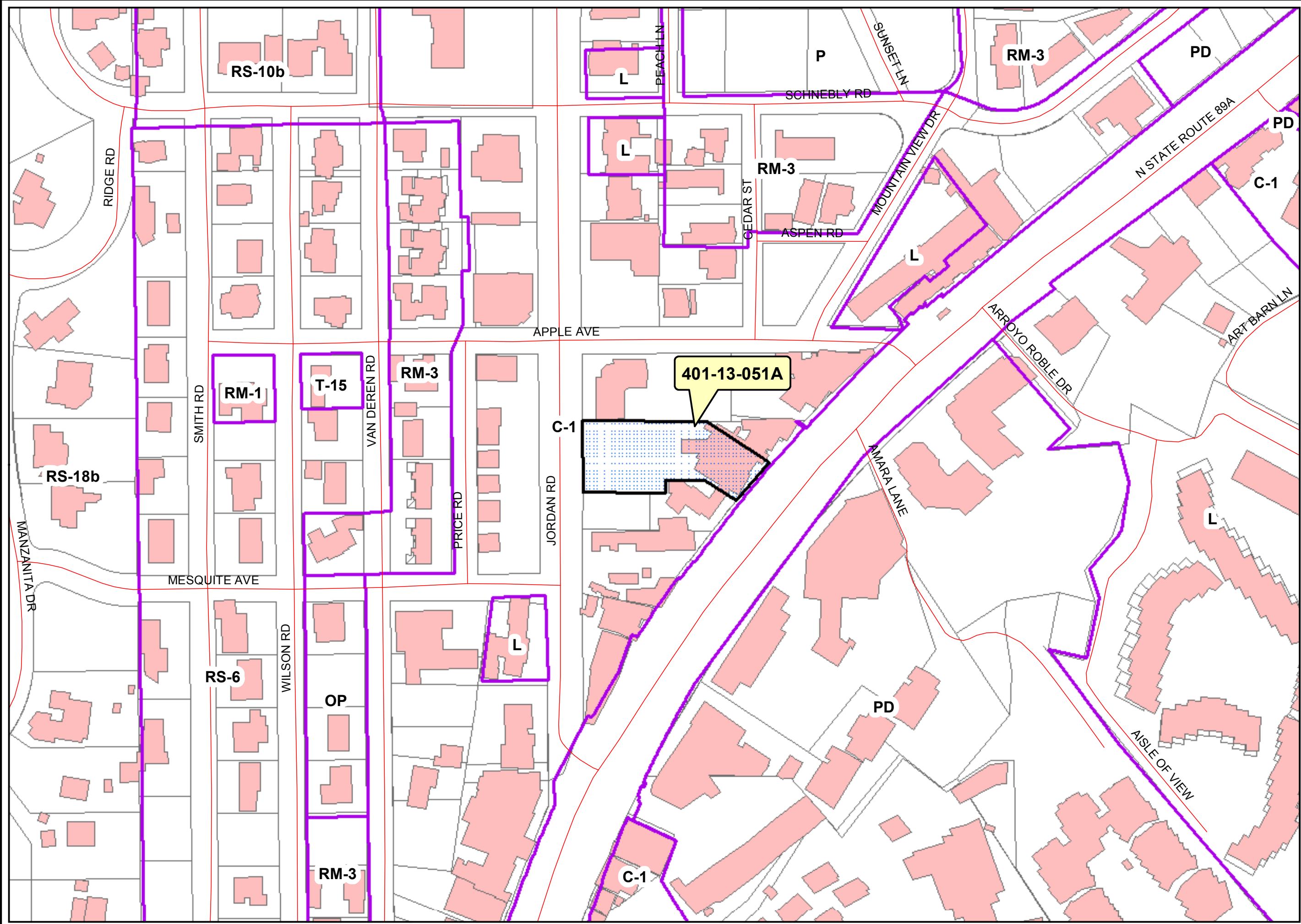
City Index



GIS, City of Sedona
01/23/2017
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Project Application



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

The following application is for:

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

PROJECT CONTACT:	Paul Smith	Phone:	928.202.2858	App. #:	PZ17-00020
Address:	2481 W. SR 89A	Cell Phone:	" "	Date Rec'd:	12/20/17
E-mail:	paul@azttg.com	Fax:	928.284.1399	Rec'd by:	Matt
PROJECT NAME:	Red Rock Jeep Uptown loading/unloading	Parcel #:		Fee Pd:	\$750
Project Address/Location:	301 N. SR 89A	Acres:		Zoning:	

Project Description: This submittal is for renewal to an already granted C.U.P. for Red Rock Jeep for loading/unloading off of Jordan Rd to reduce 89A uptown congestion

OWNER NAME:	Sharon Mitchell	APPLICANT NAME:	Paul Smith
Address:	—	Company Name:	Red Rock Jeep
Phone:	(510)681-6481	Address:	2481 W. SR 89A, Sedona
Cell Phone:	—	Phone:	928.202.2858
E-mail:	aesopseditions@gmail.com	Cell Phone:	" "
		E-mail:	paul@azttg.com
ARCHITECT/ENGINEER:		AUTHORIZED AGENT/OTHER:	
Company Name:		Company Name:	
Address:		Address:	
E-mail:		E-mail:	
Phone:		Phone:	
Cell Phone:		Cell Phone:	
ID #/Exp. Date:			
City Business License #:			



December 18, 2017

City of Sedona
Dept. of Community Development
104 Road Runner Drive
Sedona, AZ 86336

Re: Letter of Intent for Conditional Use Renewal Application/ Permit

Red Rock Western Jeep Tours – Sacajawea Plaza (Rear Parking)

Red Rock Western Jeep Tours has been operating under permits granted by the U.S. Forest Service, in Sedona, Arizona for over 25 years. We are privileged to call Sedona home and look forward to many more years as a thriving business. While we function as a jeep tour operator, we truly see ourselves as a strong promoter of Sedona's tourism economy through hotel partnerships, tour operator partnerships - as an employer and most importantly stewards of our precious lands.

We have been running our current operation in Uptown Sedona for over 20 years and operating out of Sacajawea Plaza with the current CUP from the city of Sedona and would like to request a renewal for use of the Sacajawea Plaza parking lot drive through area structure for a loading and unloading Zone for the Jeep Tours.

The Parking lot has changed and updated the parking lines however; this has not and will not have any effect on our requested renewal plan.

The intent of the request for a renewal CUP for the Sacajawea Plaza location is to use for the following reasons:

- Our customers sales office is located in front (on Main Street)
- The "Drive – Through " offers a safe and controlled environment for loading guest
- The Parking lot is configured to allow one –way traffic
- Exit onto Jordan is much safer than exiting out onto 89 A Uptown traffic
-

The present Conditional Use Permit issued by the City of Sedona has been very successful in re-routing traffic flow out of the heavily congested center of Uptown-89A to Jordan away from pedestrian traffic to make it easier and safer additionally, it has lowered the number of Jeep dedicated parking from 8:00 am to 4:00 pm and reduced the visibility for loading and unloading from 89 A to a more concealed location off of Jordan Road.

Operating Hours for the loading zone is from 8:00 am to 6:00 pm with tours departing typically at 8:00 am, 10:00 am, 12:00 pm, 2:00 pm and 4:00 pm. Our seasonal average of loading / unloading events is approximately 15 to 20 per day. Loading/unloading time is less than five (5) minutes.

Thank You for reconsideration of our application for Conditional Use Permit.

Paul Smith

A handwritten signature in blue ink that reads "Paul Smith".

President / Owner

Red Rock Western Jeep Tours , Inc.



PROPERTY / INTERESTED PARTY OWENER NOTIFICATION LETTER

The City of Sedona requires notification of the renewal application for Conditional Use Permit to interested parties and property owners within 300 feet of subject properties.

This request is for a renewal to an already granted Conditional use Permit allowing a staging area in the Sacajawea Plaza at 301 State Route 89 A, Sedona AZ rear parking lot drive through area by the overhead structure, loading/unloading zone for the Red Rock Western Jeep Tours.

Our sales office is located in the front of the building off Main Street. The Drive through in the rear parking lot off of Jordan Road has offered a safe and controlled environment for loading/unloading guest.

The parking lot is configured to allow one-way traffic. Exiting onto Jordan road is much safer then exiting out onto 89A in uptown traffic.

A copy of the parking lot with the drive through area is attached.

If you should have any questions please feel free to contact me.

Thank You

A handwritten signature in blue ink, appearing to read "Paul Smith", written over the typed name.

Paul Smith

President / CEO

928-301-2858

Paul@azttg.com

Red Rock Western Jeep Tours Inc.

P.O. BOX 198

Sedona- Arizona 86339

928-282-2248

12/18/2018

City of Sedona Community Development Department
102 Roadrunner Drive Sedona, AZ 86336

Subject: Letter of Authorization Conditional Use Permit (CUP)
Located at Sacajawea Plaza (301 N. State Route 89A, Sedona Arizona 86336
AP 401-13-0501A)

To whom it may concern:

I certify that I am the owner of the property for which the permit is to be issued.

I authorize Representative Paul Smith of Red Rock Western Jeep to act on my behalf respecting the Conditional Use Permit (CUP) application for operation of a Jeep Tour office and staging area located at Sacajawea Plaza (301 N. State Route 89 A, AP 401-13-051A).

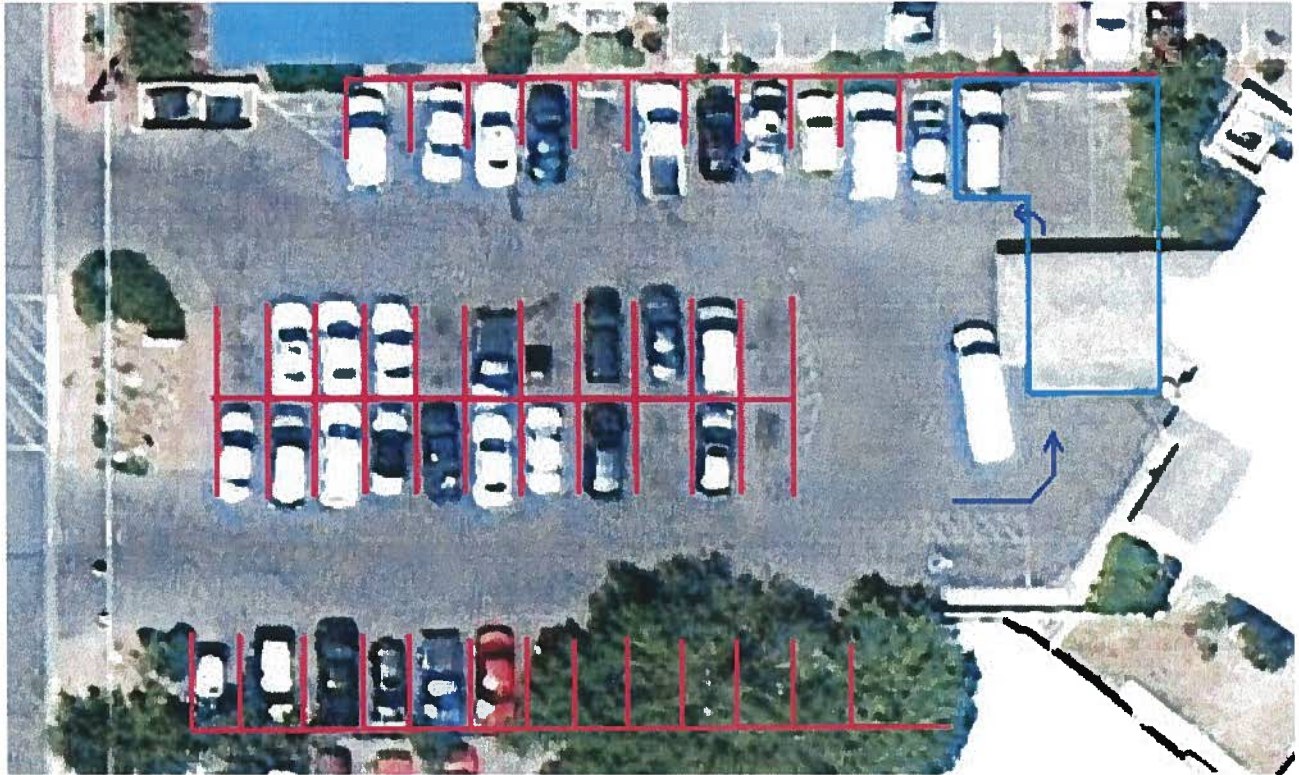


Sharon A. Mitchell
Landlord



Date

Sacajawea Plaza Rear Parking Lot – Site Plan



The area marked in light blue indicates the proposed location where Red Rock Jeep would like to park up to four jeeps (day-time / business hours only). The area below the drive-through is the area proposed to be used for customer loading / unloading. The dark blue arrows indicates traffic flow for jeep traffic.



"Street View" image of rear of Sacajawea Plaza. Customers will exit the mall through rear entrance and walk to the drive-through to loading zone. Blue arrow indicated traffic direction

RECEIVED
MAR 05 2012
CITY OF SEDONA
COMMUNITY DEVELOPMENT



View from the rear entrance to Sacajawea Plaza. The Blue "box" on the load-bearing wall of the drive-through is the proposed site of a sign indicating "loading Zone – Red Rock Jeep"

RECEIVED
MAR 05 2012
CITY OF SEDONA
COMMUNITY DEVELOPMENT



Red Rock Western Jeep Tours
2481 W 89A
Sedona, Arizona 86336

Feb. 27, 2018

Matt Kessler
Asst. Planner – Community Development
City of Sedona

Re: Renewal of Citizen Participation Report

The following is the results of our citizen participation campaign to obtain feedback from the local residents and commercial entities in close proximity to the area impacted for the loading and unloading of customers at the address 301 N. 89A

We sent out over 40 mailings to parcel owners within 300 feet of the area described in the Commercial Use Permit (CUP). The mailings were sent out on Dec 18, 2017. To this date no calls or letters commenting support or disapproval have been received.

This is not a surprise as there were few to none at the time of obtaining the original CUP. In addition, the project has had great success between the city, local businesses, and our company. The project has effectively redirected traffic off of well congested uptown 89A, reduced the distance from the large coach parking to the loading of customers, and moved flow to other commercial businesses that are able to benefit from the added volume.

Nancy Conway and I would be glad to answer any further questions on the process as we were both directly involved.

Best regards,

Paul Smith
President / Owner
Red Rock Western Jeep Tours
928.202.2858 cell

.attachments Parcel owner list, address detail, letter to parcel owners



DEPARTMENT OF COMMUNITY DEVELOPMENT
Current Planning Division

104 Road Runner Drive
Sedona, Arizona 86336

Tel : 928-203-5044
Fax : 928-204-7124
TDD: 928-282-3113
E-mail: jraymond@sedonaaz.gov

SUMMARY SHEET

Conditional Use Permit –Red Rock Western Jeep Tours

Case number: CUP2012-1

Recommendation: Approval with conditions.

Parcel number: 401-13-051A

Meeting date: May 1, 2012

Applicant: Paul Smith

Proposal: Request for a Conditional Use Permit to allow for a jeep tour loading and unloading zone, sales office and jeep parking area during business hours.

Location: 301 N State Route 89a

Site size: ± 0.59 acre

Current zoning: C-1 (General Commercial)

SCP Designation: Commercial

Surrounding land use and zoning:

	Area zoning	Area land uses
North:	C-1	Existing commercial development
South:	C-1	Existing commercial development
East:	C-1	State Route 89A and existing development zoned PD
West:	C-1	Jordan Road and existing commercial development

Summary of Issues: Jeep tour facility with loading and unloading zone within an existing commercial building (Sacajawea Plaza).

Report prepared by: Jared Raymond, Associate Planner



Current Planning Division

STAFF REPORT

To: Planning and Zoning Commission

Through: John O'Brien, Director
Nicholas Gioello, Senior Planner
Department of Community Development

From: Jared Raymond, Associate Planner
Department of Community Development

Meeting date: May 1, 2012

Applicant: Red Rock Western Jeep Tours

Case number: CUP2012-1

BACKGROUND

The applicant currently operates a Jeep Tour business (Red Rock Jeep Tours) at 270 North Highway 89A in Sedona, Arizona. The applicant is requesting to relocate the current business to a new location at 301 N. Highway 89A in Suite G of the existing Sacajawea Plaza. This new location will allow for jeep tours and a tour sales office and the parking and staging of jeep tour vehicles. This proposed uses would be in addition to the existing uses at the site. Per the applicant's letter of intent, the majority of clients are picked up at their hotels and resorts; however, some foot traffic customers could be anticipated. The applicant is planning to stage the jeeps (up to 20 per day) along with the display/parking of the jeep vehicles in the rear of site. The subject property is approximately 290 feet south of the intersection of Highway 89a and Apple Avenue and surrounded by existing commercial uses. The property fronts Highway 89A and abuts Jordan Road where there are two curb cuts for ingress and egress on the property.

SITE CHARACTERISTICS and DEVELOPMENT PROPOSAL

- The applicant estimates approximately 20 tours per day to be staged at the site.
- Tours would be available for pedestrians who walk up to the business.
- The applicant proposes to park a maximum of four Red Rock Jeep Tour vehicles on the site.
- Based on the current land use and the square footage of the commercial building, staff has determined that 24 parking spaces are required to serve the existing uses.

- There are 48 parking spaces indicated on the site plan.
- There is sufficient parking to allow four jeep vehicles to park on the property.
- One ADA parking space will be provided.
- The tour loading area is proposed to be located in the rear of the property under the covered drive-thru.
- The applicant proposes to operate seven days a week, from 8:00 am to 6:00 pm.
- No vehicles will be washed on site.

Access and Traffic Issues

- There are two existing driveways for ingress and egress that connect to Jordan Road.
- No access is obtained on 89A.
- There are no proposed changes and access will remain as it currently exists.

Grading/Drainage

- The existing asphalt parking surface and parking area will remain unchanged. Therefore, no grading or changes to existing drainage systems are proposed.

Vegetation/Landscaping

- The entire site is almost completely paved.
- No additional landscaping will be added with this application.

Signage

- Existing.
- One new sign is proposed in the drive thru area indicating "Loading zone-Red Rock Jeep". No other new signs are proposed.

Outside lighting

- Existing.
- No additional lighting is proposed.

COMMENTS AND CONCERNS

Community Development – Long Range Planning

- The Sedona Community Plan designates the site for the jeep tour pick-up and drop-off location as Commercial. There are multiple existing commercial uses at this location that are conforming uses.
- Overall, the proposed use is compatible with the Community Plan.

Community Development – Current Planning

- The applicant contacted 26 neighboring properties by mail within 300 feet of the subject property and received no responses from the surrounding property owners and businesses.
- Staff is supportive of granting the Conditional Use Permit subject to conditions of approval.

City Engineering Department

- Engineering has no concerns with the proposal provided that no vehicle washing takes place on the premises. This will be addressed in the conditions of approval.

Sedona Fire District

- No comments on this proposal.

Arizona Department of Transportation (ADOT)

- No comments on this proposal.

Sedona Police Department

- Supportive of the CUP application.

Other applicable review agencies

- No comments on this proposal.

ANALYSIS

Staff's review focused on:

Compliance with ordinance and reviewing agency requirements

Ordinance requirements and reviewing agency concerns have either been satisfied or will be satisfied through application of conditions of approval.

Consistency with the Sedona Community Plan

The development proposal is consistent with the General Commercial designation on the Sedona Community Plan Land Use Map.

Compliance with Conditional Use Permit findings

According to Article 620 of the Land Development Code, "Jeep tour offices and staging areas, excluding on-site storage of vehicles" require approval of a Conditional Use Permit when the proposed use is located in a C-1 (General Commercial) District. The proposal being brought forth by the applicant requires approval as a Conditional Use Permit. Section 402.06 of the Land Development Code requires that the following findings shall be made before granting a Conditional Use Permit.

- A. *That the proposed location of the conditional use is in accordance with the objectives of the Code and the purpose of the zoning district in which the site is located.*
- B. *That the granting of the Conditional Use Permit will not be materially detrimental to the public health, safety or welfare. The factors to be considered in evaluating this application shall include:*

- 1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination.*

2. *Any hazard to persons and property from possible explosion, contamination, fire or flood.*
 3. *Any impact on surrounding area resulting from unusual volume or character of traffic.*
- C. *That the characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area.*
- D. *That the proposed use, as it may be conditioned, will comply with the applicable provisions of this Code, and other ordinances.*
- E. *That the proposed expansion or change of a non-conforming use (if applicable) is no more deleterious to other properties in the surrounding area than the existing use.*

It is staff's opinion that the request for a Conditional Use Permit to operate jeep tours and a tour sales office on the subject property meets the necessary findings. Operation of a commercial enterprise on the subject property is in accordance with the Community Plan and the C-1 zoning district.

The applicant has indicated a desire to park a maximum of four jeeps vehicles on the site. There is adequate parking on the site that will allow for the parking of up to four jeeps without impacting the existing parking. The Land Development Code indicates on-site storage of jeeps is not permitted. Therefore, no overnight parking or jeeps is allowed after business hours.

In staff's opinion, the relocation of a jeep tour office and staging area within the Sacajawea Plaza along Highway 89a and Jordan Road is appropriate and compatible with the other commercial uses in the surrounding area. The general vicinity is a mix of commercial uses including lodging, retail sales, and commercial offices. At present, there is adequate parking available on the site to accommodate the needs of the existing businesses plus the additional parking spaces for jeep parking. A total of four jeep vehicles will be parked on site during business hours.

Existing vehicular movement patterns on the subject property will be maintained. Vehicles entering and exiting the site can do so by using the existing driveways along Jordan Road and a minor increase in traffic is expected along Jordan Road. In staff's opinion, there will be no detriment to the public health, safety and general welfare from the proposed jeep tour business.

The applicant has not requested a specific time frame for the Conditional Use Permit. Staff suggests that the Conditional Use Permit should be approved for five years and it would seem appropriate to review the conditional use permit for potential renewal at that time.

RECOMMENDATION

Based on compliance with all ordinance requirements and satisfaction of the conditional use permit findings of the Land Development Code, staff recommends approval of case number CUP2012-1 subject to all applicable ordinance requirements and the attached conditions of approval:

Recommended Motion for Approval

I move for approval of case number CUP2012-1, based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the staff report.

Alternative Motion for Denial

I move for denial of case number CUP2012-1, based on the following findings (*specify findings*).

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

REVISED CONDITIONS OF APPROVAL
CUP2012-1
Red Rock Jeep Tour

1. The Conditional Use Permit approval shall be valid for a period of five (5) years and shall expire on May 16, 2017. At least 63 days prior to the expiration date, the applicant shall file a renewal application of the Conditional Use Permit. The Planning and Zoning Commission shall then reevaluate the jeep tour business based on consistency with City ordinances, the conditions of approval, and compatibility with the surrounding area. During this period, staff will complete annual reviews and assessments of the business to ensure that its operation is consistent with Land Development Code requirements and applicable conditions of approval.
2. Adequate parking for the applicant's jeeps (no more than 4 as shown on the site plan) and customer parking shall be maintained on the property. No on-street parking associated with this business shall be allowed.
3. No vehicle maintenance, repair, servicing or washing shall be permitted on the property.
4. Within thirty days of approval of the Development Review, the property owners of record of the subject properties shall sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Development Review.



City Of Sedona Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 * www.sedonaaz.gov/cd

Memorandum

To: Planning and Zoning Commission
From: Matt Kessler, Assistant Planner
Date: March 6, 2018
RE: Administrative Waiver Request

Action Requested: Comments/Recommendation on an Administrative Waiver
Location: 460 Peach Lane (Coconino County)
Parcel Number: 401-14-100
Applicant: Verde Valley Habitat for Humanity, Inc.
Site Size: ± 0.26 acres
Zoning District: Residential Multifamily (RM-3)
Current Land Use: Vacant

	<u>Area zoning</u>	<u>Area land uses</u>
East:	RS-10b	Single-family residential/Vacant
North, West:	RM-3	Multifamily residential
South:	P	Municipal parking lot

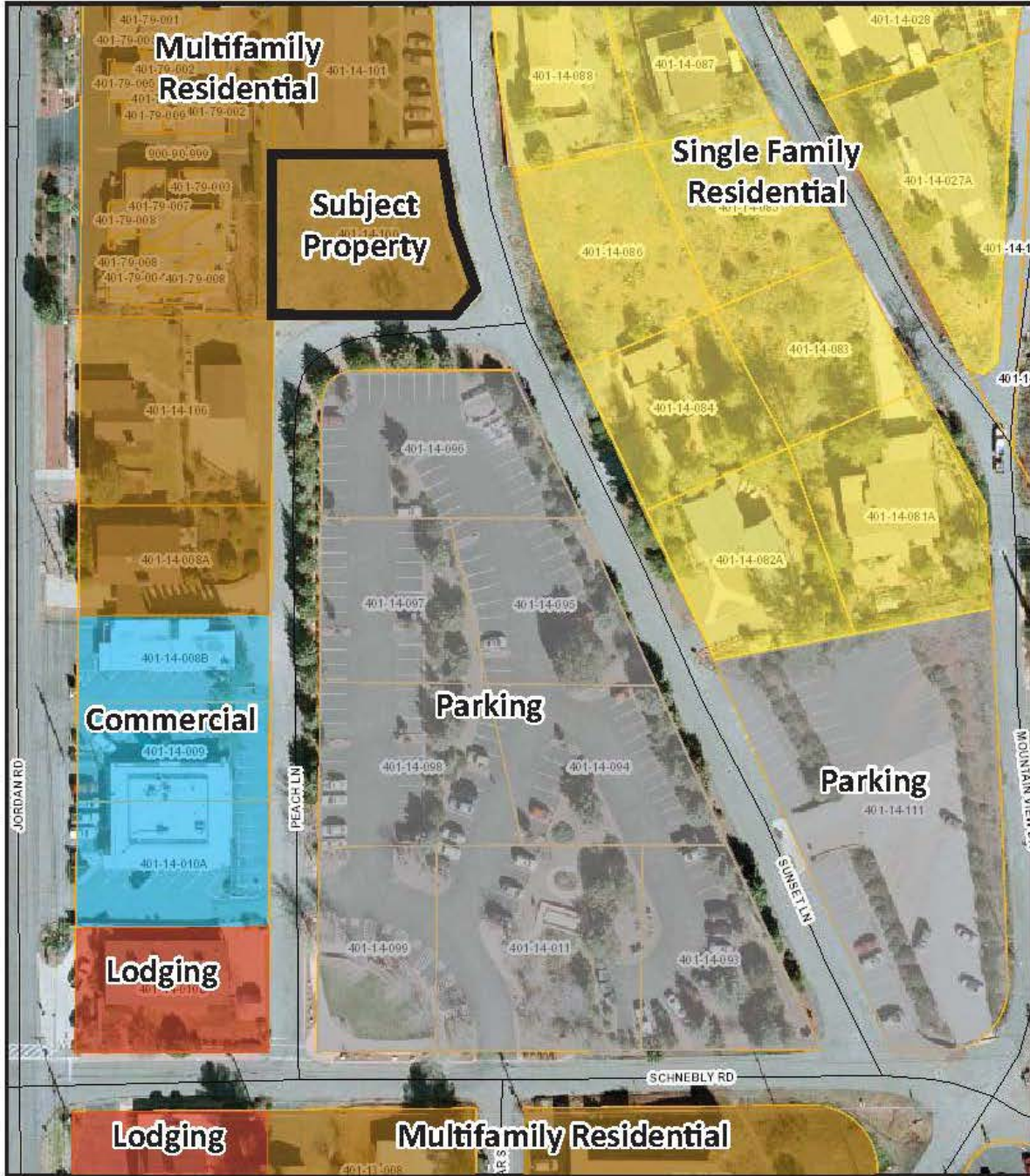
Summary

The property owner has submitted a development review application to construct a triplex. The property owner is also requesting an administrative waiver to reduce the interior and exterior setback requirements by 20%. The request would reduce the setback along the north property line by two (2) feet (from 10 to 8 feet) and the setback along the south property line by three (3) feet (from 15 to 12 feet). The administrative waiver application materials, including the applicant's letter of intent, are included as Attachment 1. The property location, site plan and request summary is provided below.

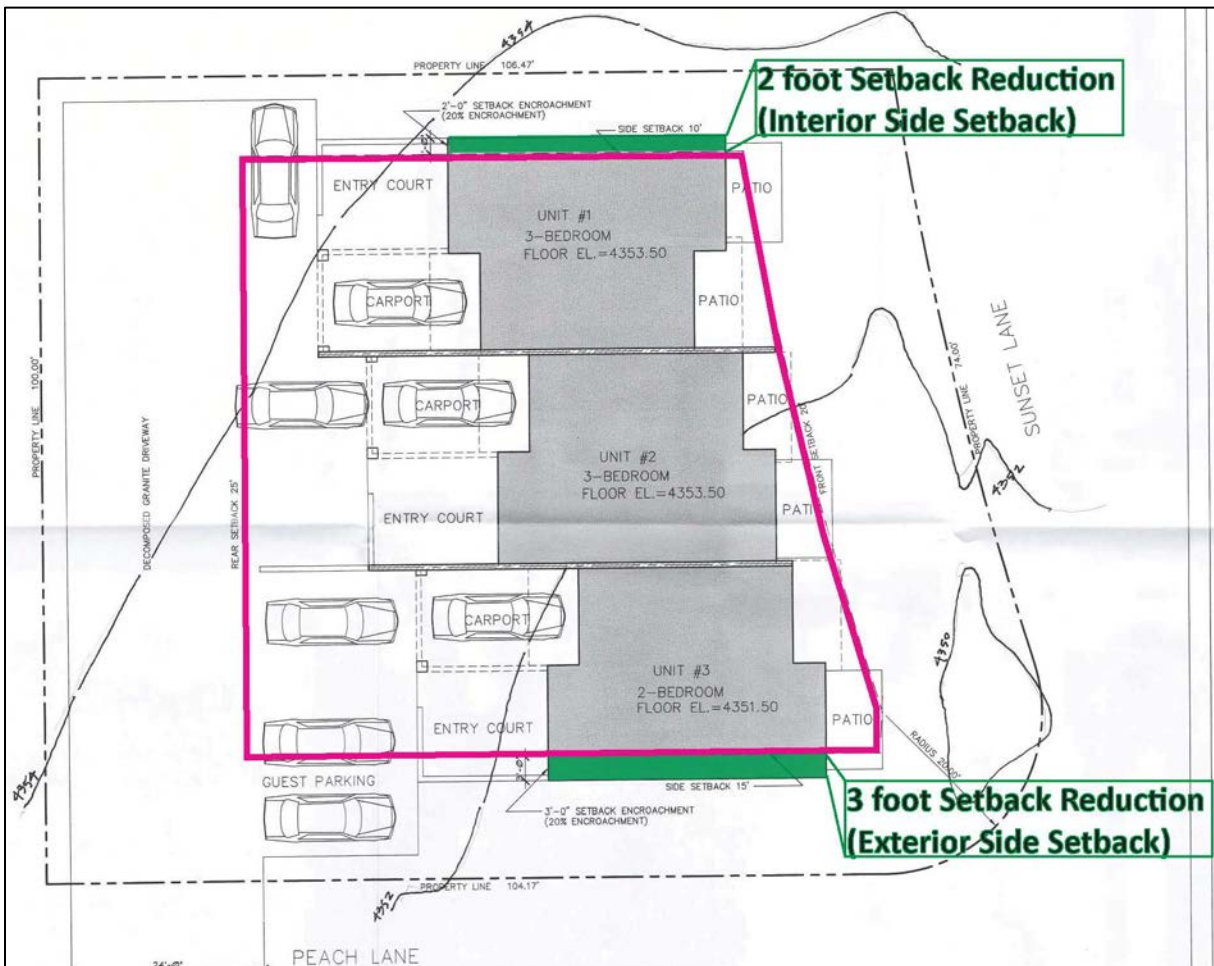
RM-3 District Development Standards		460 Peach Lane	
Minimum Lot Size:	0.5 acres	Existing Lot Size:	0.26 acres (52% of minimum size)
Required Interior Side Setback:	10 feet	Requested Interior Side (North) Setback:	8 feet (20% reduction)
Required Exterior Side Setback:	15 feet	Requested Exterior Side (South) Setback:	12 feet (20% reduction)
Density Allowed	20 units per acre	Density Proposed	3 Units* (11.5 units per acre)

*Based upon lot size, 460 Peach Lane would be permitted up to 5 units on the property

The property is located at the corner of Peach Lane and Sunset Lane, directly north of the City's municipal parking lot. The properties to the west and north are multifamily residential (RM-3) and single family residential lots to the east.



The Land Development Code (LDC) requires a 10 foot interior yard setback; the property owners are requesting a reduction of two feet (20%) for an eight (8) foot interior yard setback to the north. The LDC requires a 15 foot exterior yard setback; the property owner is requesting a reduction of three (3) feet (20%) for a 12 foot exterior yard setback adjacent to Peach Lane.



Administrative Waiver

Article 4 (Review Procedures), Section 405 (Administrative Waiver)

LDC Section 405 regulates the procedures and findings for the administrative waiver process. While administrative waivers are generally considered an administrative action, LDC Section 405.03.A states that “for projects that require development review approval by the Planning and Zoning Commission, the proposed administrative waiver shall first be presented to the Commission for their input and recommendation prior to the Director’s action and decision”. As the proposed triplex will require Planning and Zoning Commission review, the Commission must also review the administrative waiver and make a recommendation to the Director.

The purpose of an Administrative Waiver is to address “exceptional circumstances where waiving certain regulations of the Code will result in a development project that is an improvement in comparison to a development project where the regulations are strictly applied” (LDC 405.01:Purposes). The granting of an Administrative Waiver allows for the injection of equity and reason to be applied when a zone district affects a parcel in ways that would result in an increased burden upon an individual property. The LDC provides the Director authority to grant a waiver to the regulations of all articles of the LDC, except

Articles 7 (Subdivision/Land Divisions) and 8 (Grading & Drainage). An administrative waiver can differ by no more than 25% of the regulations in question. Consideration is given to special circumstances including size, shape, topography, location and surroundings where the strict application of regulations would deprive the property or development of privileges enjoyed by other properties of the same zoning district. Consideration may also be given for the protection of natural watercourses, trees, existing healthy mature vegetation, rock outcrops or other natural features on existing lots, reduction to yard setback requirements of no more than 25%. Administrative waivers should not constitute a granting of special privileges inconsistent with the limitations on other properties in the vicinity and zoning district. Finally, a waiver shall not be granted if special circumstances applicable to the property are imposed by the property owner.

For an administrative waiver to be granted, the Director must determine that the application meets the required findings of LDC 405.04 (Findings). These include the following:

A. *The Director may grant an administrative waiver to a regulation prescribed by all articles of this Code, except Articles 7 and 8 SLDC, including fences, walls, hedges, screening, or landscaping, site area, lot width or depth, front, rear or side yards, coverage, height of structures, distances between structures, usable open space or frontage on a public street, as the waiver was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Director finds the following:*

1. *That due to special circumstances applicable to the subject property, including its size, shape, topography, location, and surroundings, the strict application of this Code will deprive this property of privileges enjoyed by other properties of the same classification in the same zoning district;*
2. *That any waiver is subject to conditions that will assure that the modification authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zoning district in which the subject property is located;*
3. *The waiver differs by no more than 25% from the regulations of this Code;*
4. *The waiver shall not create a hardship on adjacent properties (an example would include the approval of a building height waiver on a property that is located below the grade of adjoining properties and creates no visual or view corridor impacts for adjoining properties);*
5. *The rationale for approving the waiver shall include environmental, geographical, contextual or aesthetic reasons or other similar reasons as determined by the Director (an example would include the approval of a setback waiver to save mature, existing native vegetation or trees);*
6. *Waivers shall be reserved for exceptional circumstances. The Director must find that granting the waiver will result in a significantly better overall result than denying the waiver.*

B. Where a request for a reduction of a yard (setback) requirement of no more than 25% is made to protect natural watercourses, trees, existing healthy mature vegetation, rock outcrops or other natural features on existing lots, the Director's decision shall be based upon the following findings:

- 1. That strict or literal interpretation and enforcement of the specified regulation (such as setback requirements) would result in practical difficulty or development inconsistent with the objectives of this Code;*
- 2. That there are exceptional or extraordinary conditions relating to the property such as drainage or flood hazards, size or shape of the site, geology or topography, and existing healthy mature vegetation and trees;*
- 3. That the granting of the yard adjustment will not be detrimental to the public health, safety, or general welfare, or materially injurious to properties or improvements in the vicinity.*

Other Considerations:

Legal Nonconforming Lot

The property is considered a legal nonconforming lot as it is approximately 48% smaller than the minimum lot size required by its zoning district. Article 12 (Nonconforming Situations) of the LDC includes provisions for nonconforming lots. Section 1201 defines a nonconforming lot as the area or dimensions of which a lot was lawful prior to the adoption or revision of the LDC but which fails by reason of such adoption or revision to conform to present zoning requirements. The current lot size and dimensions were established by the Mountain Villa Subdivision Plat, approved by Coconino County in July 1957. As this property size and dimensions have remained unchanged since the original subdivision was approved, this property meets the definition of a legal nonconforming lot.

LCD Section 1201 sets the standards for development of nonconforming lots, including the following:

- A. Lots that were legally established and in conformance with the applicable zoning ordinance when created shall be eligible for construction and use in accordance with current standards, subject to the following. In any district where single-family dwellings are permitted, the yard requirements (setbacks) applicable in the zoning district shall apply, with the following exception: on substandard width lots, an interior side yard may be reduced by half the lot width shortage provided such reduction does not exceed 25% of the required yard width.*
- B. If applicable yard requirements (setbacks) cannot reasonably be complied with in accordance with subsection (A) of this section, an administrative waiver or variance, whichever applies, from the applicable setback requirements may be granted based upon the findings of SLDC 405.04 (administrative waiver) or 404.06 (variances).*
- C. This section only applies to undeveloped, nonconforming lots or to lots for which new construction is proposed.*

As a nonconforming lot, development of this property is permitted in accordance with the current standards of the zoning district. When considering the request for an administrative waiver, the undersized nature of the lot is a consideration that should be taken into consideration, as required minimum setback requirements have a greater overall impact on buildable area for an undersized lot than they do for lots that meet minimum size requirements.

Interior Lot vs Corner Lots

Development standards for each zoning district typically have two separate standards for side setbacks: one for interior setbacks and another for exterior setbacks. Exterior setbacks (also called street side yards) border a street and typically have a larger setback than interior setbacks. Therefore, on corner lots, side setbacks have a greater impact than on interior lots. For example, in the RM-3 zoning district, a lot with 2 interior side setbacks has setbacks totaling 20 feet while a corner lot with one interior and one exterior side setbacks has setbacks totaling 25 feet, a difference of 5 feet.

In many circumstances, this discrepancy may be addressed by platting a corner lot with a width that is at least 5 feet wider than the minimum requirement. However, in this instance, the minimum requirement and the existing lot width are both 100 feet, leaving no extra width as could be seen on other corner lots.

For this project, the total reduction requested is 5 feet. If this lot were an interior lot of exactly the same size and dimensions, no administrative waiver would be needed for the proposed development. However, as it is a corner lot with increased setbacks on the exterior side yard, the setbacks have a greater impact and approval of a waiver may be supported for the proposal.

Public Comments

Staff has completed the required public noticing (LDC 405.03.D) for this request and to date has received four written letters of opposition. The letters cite several concerns over the proposed project and waiver application. Topics addressed in these letters include, but are not limited to, potential effects to property values, the number of proposed units for the lot size, and visual impacts to neighbors. These letters are included as Attachment 2.

Expectations of the Planning and Zoning Commission

As required by LDC 405.03.A, the administrative waiver has been placed on the Commission's March 6, 2018 agenda. It is expected that, at the March 6, 2018 meeting, the Commission will discuss and provide a recommendation on the administrative waiver application. It should be noted that the Commission is only agendized to discuss the administrative waiver request (reduction of setbacks), not the development review application for the proposed triplex.

Following the Commission's discussion, the Director will make a determination. Appeals of the Director's decision may be made to the Board of Adjustment within 15 days of the decision. Once the Administrative Waiver process is complete, the development review application will proceed and will be subject to review from the Commission.

Attachments:

1. [Application Materials including letter of intent and site plan](#)
2. [Public comments](#)

**Application for
Administrative Waiver**



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

Per Section 405 of the City of Sedona Land Development Code

Owner Name:	VERDE VALLEY HABITAT FOR HUMANITY	Adm. Waiver #	ADM18-0000
Phone:	928-649-6788	Date Rec'd:	2-1-18
Cell Phone:	TANIA SIMMS 928-301-2067	Deposit Rec'd:	
Address:	737 S. MAW ST. COTTONWOOD AZ 86326	Initials:	Cari

Applicant Name:	DAN SURBER - DAN SURBER ARCHITECT
Phone:	928-204-2814
Cell Phone:	928-821-2182

Property Address:	460 PEACH LANE SEDONA, AZ. 86338
Legal Description of property:	Attached
Parcel #:	401-14-100
Lot #:	# 23
Lot size:	.26 ACRES


Statement of the precise nature of and reasons for the Administrative Waiver being requested:
 Per Section 405-04B of the Land Development Code, "if a yard adjustment is requested, describe the site sensitive features, (i.e. trees, large shrub masses, watercourses, etc.) that will be protected.

Attached

Requesting a 20% interior side encroachment from 10'-0" to 8'-0" and a 20% exterior side encroachment from 15'-0" to 12'-0"
 In order to provide livable area for 3 new affordable housing units we are requesting side yard encroachments of 20%.

SEE LETTER OF INTENT.

I hereby certify that I am the owner of the property, or the authorized agent of the property owner, for which a yard adjustment is being requested.

 DAN SURBER 1/30/2018
 Owner Signature (or authorized agent) Printed Name Date

Verde Valley Habitat for Humanity – Sedona Units

Owner/Developer:

Habitat for Humanity

737 Main Street

Cottonwood, Arizona 86326

LETTER OF INTENT AND PROJECT INFORMATION FOR: “THE HABITAT FOR HUMANITY – SEDONA UNITS” Request for Administrative Waiver for Setback Variance

The applicant is proposing a new multi-family tri-plex building consisting of two three bedroom units and one two bedroom unit with associated driveway, parking, entry court and patios that will be located on existing vacant site at 460 Peach Lane Sedona, Arizona. The units will be attached and housed in one building structure.

The project is being developed for the Sedona community through a partnership between the Verde Valley Habitat for Humanity, the City of Sedona, local community leaders and the local contractors to provide affordable housing options for our community workforce.

The subject property/Assessors parcel # 401-14-100, is a 11,326 sq.ft. (.26 acre) parcel and is zoned RM-3 (High Density Multi-family Residential).

Units allowed on parcel = 5 units

Lot Coverage Allowed = 2,832 sq.ft. (11,326 sq.ft. x 25% = 2,832 sq.ft.)

Floor Area Ratio = 5,663 sq.ft. (11,326 sq.ft. x .5 = 5,663 sq.ft.)

The subject parcel is a corner lot and is bordered on the south by Peach Lane and Sunset Lane on the east.

The subject property is surrounded by RM-3 (High Density Multi-family Residential) to the west and north, RS-10b (Single Family Residential) across Sunset Lane to the east and the City of Sedona Public parking lot across Peach Lane on the south.

Building Information:

The new building will consist of three attached housing units.

Units 1 and 2 will be two story units with three bedrooms. The lower floor will have the kitchen, dining/living great room and one bedroom/bath with two bedrooms and bath at upper level. Unit 3 will be two story unit with two bedrooms. The lower floor will have the kitchen, dining/living great room and one bedroom/bath with one bedroom and bath at upper level. The units will be attached and each unit will have an attached single car carport and storage.

Each unit will have 904 sq.ft. of lot coverage. (lower level livable + portion of carport)

Total lot coverage for parcel will be 2,712 sq.ft.

The orientation of the building will run parallel to the longest property dimension running north to south with vehicle and pedestrian access along the west property line.

Orientation of units will take advantage of the natural surrounding views to the north and south vistas.

Administrative Waiver:

The Owner is requesting an Administrative Waiver for a 20% side setback encroachment on the north and south property side setbacks. We are requesting this review based on the current constraints of the existing site size and the two adjacent streets. The parcel is a non-conforming RM-3 zoned parcel. Property development standards for RM-3 zoning require a minimum lot area of 21,780 square feet or .5 acres. The subject lot has only 11,326 square feet or .26 acres. Also the lot is a corner lot which requires a 15 foot side setback, in lieu of the usual 10 foot interior side setback, on the south side property adjacent to Peach Lane. Peach Lane services one adjacent lot but is primarily used for access to the city public parking lot located directly across from the subject property. In order to provide livable area for each housing unit the width of each unit was set at 26'-8" (14'-4" for living/kitchen + 12'-4" for bedroom/carport).

The total length of building for three units would require 80'-0". The current setbacks would accommodate a length of 75'-0" so we are asking for an additional 5 feet.

The administrative waiver process allows for a 25% encroachment into side setbacks. The north interior side setback of 10'-0" adjacent to the existing multi-family development would be reduced to 8'-0" for a 20% encroachment and the south exterior side setback of 15'-0" adjacent to Peach Lane and City of Sedona Public parking would be reduce to 12'-0" for a 20% encroachment.

The granting of the yard adjustments will not be detrimental to the public health, safety, or general welfare, or have a visual impact on the surrounding properties.

The visual impact will be reduced by varying building heights and building setbacks, using natural building materials to create a structure that will fit into the existing surrounding context.

A new landscape buffer/barrier will be planted at the north and south property lines to minimize the visual impact for the one property to the north and from Peach Lane.

The massing at the south property line adjacent to Peach lane will also be kept to a one story height.

We believe and hope the need for affordable housing options for the community, which has been a recognized as a top community benefit in the community plan, will warrant this administrative waiver.

We respectfully request that you review the attached drawings and information for an administrative setback variance waiver.

Please feel free to contact the Owner or Architect with any questions or comments.




Thank you,

Dan Surber, Architect (agent)
Owner/Developer
Verde Valley Habitat for Humanity

January 30, 2018
Date

Aerial View

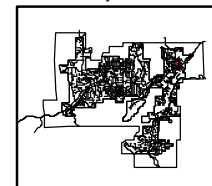
Parcel
#401-14-100
Habitat
for Humanity

-  Parcel #401-14-100
-  Parcel Boundary
-  Street Centerline



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City Index



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

The information is provided on an "as is" basis. The City of Sedona and all have no other liability or responsibility to any person or entity with respect to any loss or damages in connection with or arising from the information contained on this map.



Vicinity Map

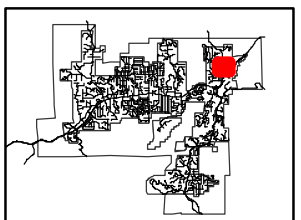
Parcel #
401-14-100
Habitat
for Humanity

- Parcel #401-14-100
- Zoning Boundary
- Building Footprint
- Parcel Boundary
- Trail
- Street Centerline



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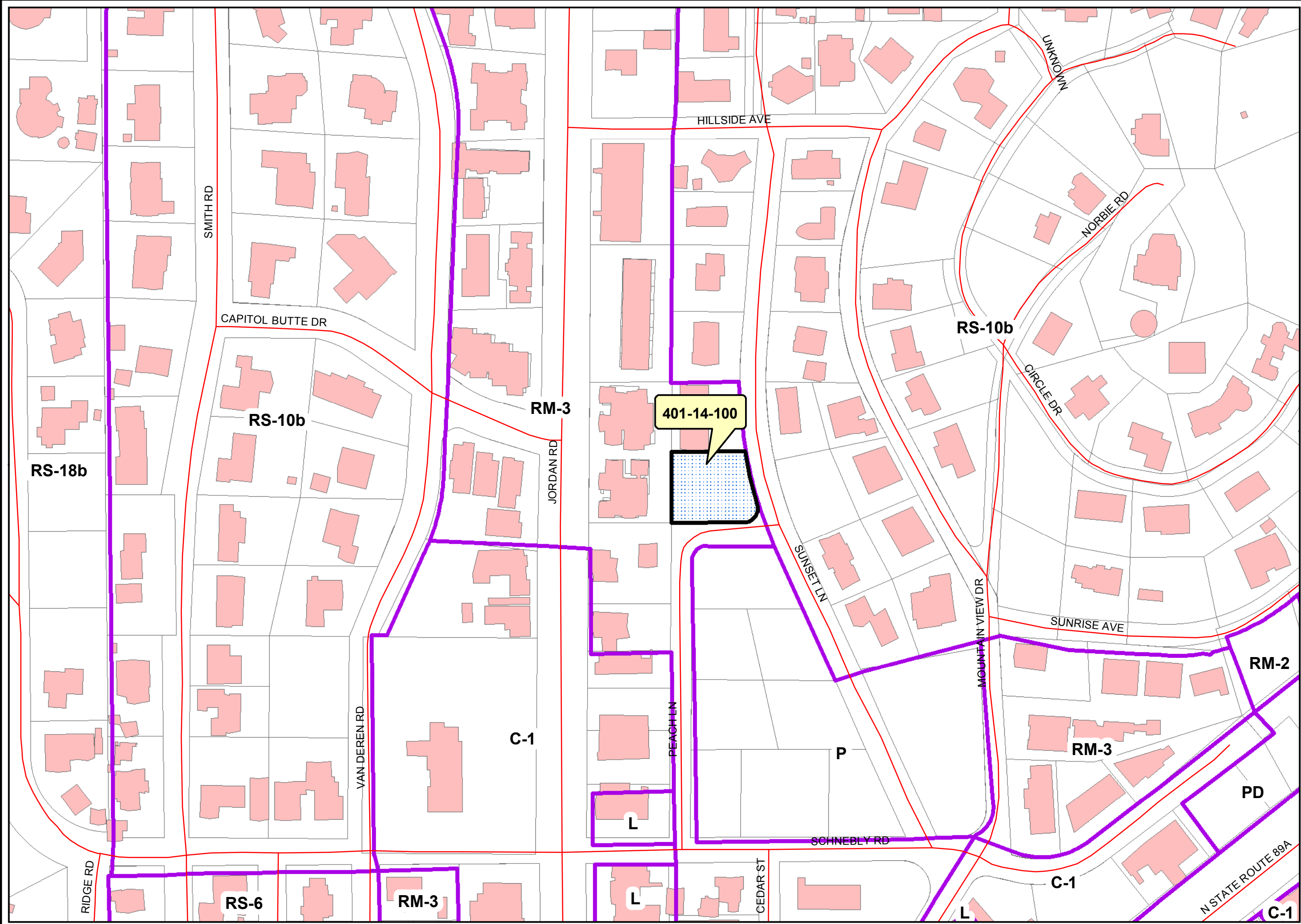
City Index



GIS, City of Sedona
01/30/2018
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February 17, 2018

Matt Kessler, Assistant Planner

City of Sedona Community Development Department

102 Roadrunner Drive

Sedona, AZ 86336

Re: ADM18-00001 (Parcel 401-14-100, 460 Peach Lane)

Affected Party: 520 Jordan, Unit #4, Parcel 401-79-004

Dear Sir:

I am writing you in response to an "Application for Administrative Waiver" that I received in the mail a few days ago. **I respectfully request you to deny this waiver for a number of very valid reasons given below.**

By way of background, there is a proposed development on the above captioned lot which will place 3 housing units on the subject property and several waivers are being requested. Additionally, the application process has identified various features of the proposal by the architect Dan Surber, on behalf of Habitat for Humanity. I own Unit #4 of 520 Jordan, which I have placed in a real estate Limited Liability Company under the name 520 Jordan, LLC.

Explicit variations requested:

1. 20% Reduction of 10 ft Interior Side Setback
2. 20% Reduction of 15 ft Exterior Side Setback

Identified additional features stated in the request:

1. RM-3 Zoning Requires a Minimum of 21,780 sq ft (0.5 acres)—the Subject Lot has only 11,326 sq ft (0.26 acres)
2. "The granting of the yard adjustments will not be detrimental . . . or have a visual impact on the surrounding properties."
3. ". . . vehicle and pedestrian access along the west property line."

Real estate resale values in this area remain 'soft' since the prices dropped abruptly in the 2007-2008 timeframe. The properties located at 520 Jordan, of which there are 8 or 9, were originally sold in the area of \$250k and if a resale attempt was made currently by any of the owners, the prices would be approximately the same. Hence, the properties have not appreciated sufficiently to match inflation.

What it appears the application is requesting is to further erode my resale value for the sake of squeezing another unit on an adjacent property. Stated another way, this is an attempt to use the force of law (specifically provisions of Section 405 of the Land Development Code) to improve the profit of the builder at my personal expense. I do not believe the Development Department should be in the

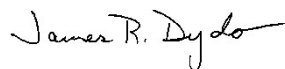
business of creating profit for one entity vs. another, i.e. deciding the winner and loser of a business transaction. Stated another way, the existing law should be upheld **without the granting of any waivers of any kind**. Surprisingly missing from the application is why 3 units are necessary, whereas 2 units would easily fit on the property without the granting of the proposed setback waiver. There is no stated valid reason for needing a waiver—other than what appears to be a desire to ‘cram’ more units on a sub-sized lot.

Referring to the ‘Identified Features’ listed above, why is it necessary to build on a property that is too small anyway? If RM-3 requires a minimum lot of 0.5 acres, why is someone trying to build on 0.26 acres? This should not be permitted *ab initio*.

The Request for Waiver also states that there will not be ‘visual impact’ on the surrounding properties. The west side of the proposed building is my backyard view. Which means I am going to be looking at someone’s carport. The access to those carports is also in my backyard. Hence, my view is drastically compromised in contradiction to the claim that “The granting of the yard adjustments will not be detrimental . . . or have a visual impact on the surrounding properties.” The drawing supplied with the application only shows the east side of the proposed building—not my view of the west side of the proposed property. If the proposed installation were located on a proper 0.5 acre lot—none of this would be an issue. There are scores of lots located in Sedona of proper size for this development. There is no rational reason to put the proposed structure in this location.

Architecturally, most suburban style dwellings have the access to parking facing the road—typically, the owner drives into a garage directly from the road. This is for several reasons, but the idea is that the garage facing the road on which the dwelling is built allows for a much bigger and better backyard experience, along with increased privacy. If the access to the proposed building is on the west side, there would not be any greenspace for the owners to enjoy.

Sincerely,

A handwritten signature in black ink that reads "James R. Dydo". The signature is written in a cursive, flowing style.

James R. Dydo, Ph.D., P.E.

Member

520 Jordan, LLC

Matthew Kessler - ADM18-00001 (460 Peach Lane) -notification of opposition

From: Catherine Janik <catherine.janik@yahoo.com>
To: "mkessler@sedonaaz.gov" <mkessler@sedonaaz.gov>
Date: 2/8/2018 12:36 PM
Subject: ADM18-00001 (460 Peach Lane) -notification of opposition

Dear Mr. Kessler:

I received the packet of information in the mail regarding the above application for an Administrative waiver from Dan Surber to reduce the setbacks for the RM-3-zoning district with respect to this property.

Please consider this email as **my opposition** to the setback reduction request. I do not agree that the waiver should be granted.

Very truly yours,

Catherine J. Janik
Owner: 520 Jordan Road, Unit #2
Sedona AZ 86336

Matthew Kessler - ADM18-00001 (460 Peach Lane) - notification of opposition to Administrative Waiver

From: William Luyties <wh_luyties@yahoo.com>
To: "mkessler@sedonaaz.gov" <mkessler@sedonaaz.gov>
Date: 2/9/2018 11:33 PM
Subject: ADM18-00001 (460 Peach Lane) - notification of opposition to Administrative Waiver
Cc: William Luyties <wh_luyties@yahoo.com>

Dear Mr. Kessler:

We are owners of a condominium on the property at 520 Jordan Rd that sits to the west of the proposed development. We are opposed to any reduction in setbacks with respect to the application for an Administrative Waiver from Dan Surber. Such reductions will result in a larger development than the property can support in accordance with the existing regulations. As such it will have a negative impact on housing density, sight lines, and traffic flow and ultimately the value of all property in the neighborhood.

Please consider this email as **our opposition** to the setback reduction request.

Very truly yours,

William and Claudia Luyties
Owners: 520 Jordan Road, Unit #8
Sedona AZ 86336

February 18, 2018

Matt Kessler

City of Sedona

Community Development Department

102 Roadrunner Drive

Sedona, Arizona 86336

Re: ADM18-00001 (460 Peach Lane)

Sir:

I recently received your letter of February 5, 2018 regarding a proposed request for waiver for the above captioned property. **I wish to state that I do not think you should issue any waiver of any kind for the proposed development and rather, enforce existing zoning requirements.**

I own the property located at 470 Jordan—which will be affected by the outcome. I recall when I purchased my property that there was a description of the existing zoning in the area and a copy of the CCR's was issued to me at that time. I am sure that when the owner of 460 Peach Lane purchased, they were afforded the same.

The letter you sent and the "Letter of Intent" have contradictory statements in them. On Page 2 of the "Intent," Line 4, it indicates the property standards for the RM-3 zoning ". . . require a minimum lot area of 21,780 square feet or 0.5 acres." The subject lot is on 11,326 square feet or 0.26 acres. I don't recall ever seeing a previous waiver request, but reading that as it is written would indicate that nothing can be built on that property.

In the letter you sent, you indicated that the only two waivers that were requested were a 20% reduction in interior setback and a 20% reduction in exterior setback—hence the contradiction. Nothing was mentioned about building on a parcel deemed too small by current zoning.

In any event, the builder/developer offers no actual valid reason for requesting the waiver and one can only assume it is strictly for convenience. There apparently is no underlying reason why the waiver would benefit anybody but the builder. Additionally, the builder could have easily proposed a 2-unit development and would have not needed either of the 2 setback waivers.

Sincerely,



Teresa E. Quinlin, M.D.



City of Sedona Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • Fax: (928) 204-7124

TO: Planning & Zoning Commission
FROM: Audree Juhlin, Director
DATE: March 6, 2018
RE: Commission Operating Rules and Procedures

On December 5, 2017, the Planning and Zoning Commission discussed, made modifications, and, in a unanimous vote (5-0) recommended approval of the proposed amendments to their Operating Rules and Procedures.

On January 9, 2018, City Council considered the Commission's recommended Operating Rules and Procedures. At this meeting, several Councilors proposed additional amendments. However, before considering those additional amendments, Council felt it was important to have the Commission first review, comment and make recommendations on them. These items are provided below. Several of the proposed changes are considered housekeeping items and are not included in the list below, but will be individually addressed by staff in the next version of the document. Additionally, the Councilor's proposed amendments are attached to this memorandum for your information. Proposed deletions are ~~struck out in red~~ and proposed additions are in red.

Article 1 Membership

Section 1.2

- Consider removing the word "successive": *"Failure to attend three ~~successive~~ unexcused meetings or the number of meetings necessary to be efficient in their duties as determined by the City Council"*.
- Consider including in 1.2.1 a time frame such as a 12-month period or per term. *"Failure to attend three ~~successive~~ unexcused meetings ~~in a 12-month period? Term?..."~~*
- Consider adding an "or" at the end of 1.2.1 and deleting *"A Member may also be removed at any time for inefficiency..."* at the beginning of 1.2.2.

Reword as follows:

1.2 Because the participation of all Members is necessary to carry out the duties of the Commission in the best interest of the citizens of Sedona, consistent attendance by the Members is of the utmost importance. For this reason, and pursuant to Section 2(D) of Ordinance 88-6, a member may be removed at any time by the City Council for:

- 1.2.1 Failure to attend three ~~successive~~ unexcused meetings ~~during a 12-month period? term?~~ or the number of meetings necessary to be efficient in their duties as determined by the City Council; ~~or~~



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- 1.2.2 ~~A Member may also be removed at any time for inefficiency~~ Inefficiency, neglect of duty, or malfeasance.

Article 3 Chair

Section 3.3

- Consider deleting 3.3 in its entirety:

~~“The Chair may appoint committees to perform such duties as may be deemed necessary.”~~

Renumber items

Article 5 Community Development Director

Section 5.2

- Consider deleting “~~and purchases~~” from 5.2:

Reword as follows:

~~“The Director shall approve all Commission expenses~~ ~~and purchases.~~”

Article 6 Legal Counsel

Section 6.1

- Consider deleting “~~and attend its meetings as necessary~~”
- Consider adding “~~Legal counsel shall attend unless excused by the Director.~~”

Reword as follows:

~~“The Commission shall be advised by the City Attorney or his/her designee who shall act as its Legal Counsel~~ ~~and attend its meetings as necessary.~~ ~~Legal counsel shall attend unless excused by the Director.”~~

Article 9 Meetings

Section 9.11

- Consider deleting: “~~A regular meeting may be canceled.~~”
- Consider adding: “~~The Director, in consultation with the Chair, may cancel the meeting...~~”

Reword as follows: “~~A regular meeting may be canceled~~ ~~The Director, in consultation with the Chair, may cancel the meeting~~ due to a lack of substantive agenda items to be addressed, meeting location scheduling conflicts, emergency conditions, inclement weather, or other acts of nature beyond the City’s control.”



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Section 9.12

- Consider deleting “~~by an affirmative vote of a majority of the Members present.~~”

Reword as follows:

“The Commission may table an agenda item until a later date to enable additional testimony to be heard, a site visit, or for other good cause ~~by an affirmative vote of a majority of the Members present.~~”

Article 10 Quorum and Voting

Section 10.4

- Consider adding the following to the end of 10.4: “*unless otherwise specified.*”

Reword as follows: “...Official actions shall be accomplished only by an affirmative vote of a majority of members present *unless otherwise specified.*”

Article 11 Agendas

Section 11.2

- Consider adding the following language: “*In consultation with the Chair, the Director will determine if the item is appropriate for Commission discussion.*”
- Consider deleting the following language: “~~The Chair and the Director shall determine if the item is appropriate for Commission discussion~~”

Reword as follows: “If a Member wants to place an item on the agenda for discussion, it must be related to the powers and duties of the Commission. The Member shall contact the Director for consultation with the Director and the Chair. *In consultation with the Chair, the Director will determine if the item is appropriate for Commission discussion. The Chair and the Director shall determine if the item is appropriate for Commission discussion.*”

Article 14 Conduct of Members

Section 14.1

- Consider deleting the following language: “... Arizona Open Meeting Law, ~~City Council Rules of Procedure and Policies,~~...”
- Consider adding the following language: “*the general Commission handbook, and the Planning and Zoning Commission’s Handbook...*”

Reword as follows: “Commission Members shall follow the provision of the Arizona Open Meeting Law, ~~City Council Rules of Procedure and Policies,~~ *the general Commission handbook, and the Planning and Zoning Commission’s Handbook,* as well as the Commission’s Operating Rules and Procedures and any other applicable regulation or provision.”



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Section 14.2

- The following items were recommended to be removed by staff and the Commission. Consider keeping them.
 - *Conflict of Interest: Members shall abide by the provisions of Arizona Revised Statutes 38-501 to 38-511. When a Member determines that he has a conflict of interest, he shall declare such conflict, refrain from discussion or voting on the matter, and step down from the dais until completion of the item.*
 - *“Conflict of Office: If a Member has been elected or appointed to another public office, and a conflict of office emerges in the Commission’s deliberation of specific matters, the member shall declare such conflict for the record. The Member may then participate in discussions of the matter, but shall abstain from voting on the matter.”*

Section 14.5

- Consider adding: *“on matters that are before or could come before the Commission.”*
- Consider deleting: *“~~Commission matters unless explicitly invited by the Council or directed by a majority vote Members.~~”*

Reword as follows: “Members shall not appear to speak before the City Council on matters that are before or could come before the Commission. ~~Commission matters unless explicitly invited by the Council or directed by a majority vote Members.~~”

Section 14.6

- The following item was recommended to be removed by staff and the Commission. Consider keeping it.
 - *“Representation by Members: No member shall represent an applicant or an appellant before the Commission or the Council on matters related to Commission business.”*

Article 16 Instruments of Commission Action

Section 16.5

- Consider deleting: *“...~~passed on a~~ ...”*
- Consider adding: *“...or other official actions approving or denying an...”*

Reword as follows: “Resolutions ~~passed on a~~ or other official actions approving or denying an Agenda item.”



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Article 17 Amendments

- Consider deleting: “...~~or the Director~~...” and “...~~affirmative vote of four or more~~ ...”
- Consider adding: “... *a majority vote of its*...” and “*If, following presentation discussion of proposed amendments to these Operating Rules and Procedures, the Commission declines to make an affirmative recommendation to City Council, the Director may nonetheless forward those amendments to City Council for consideration.*”

Reword as follows: “*The Commission ~~or the Director~~ may recommend to City Council amendments to these Operating Rules and Procedures at any regular or special meeting by ~~affirmative vote of four or more~~ a majority vote of its Members. If, following presentation discussion of proposed amendments to these Operating Rules and Procedures, the Commission declines to make an affirmative recommendation to City Council, the Director may nonetheless forward those amendments to City Council for consideration. Recommended amendments are subject to final approval by the City Council.*”

Expectations of the Planning and Zoning Commission

City Council has asked that the Commission consider several additional amendments to the Operating Rules and Procedures. It is expected that, at the March 6, 2018 meeting, the Commission will discuss and provide a recommendation on these items.

Following the Commission’s discussion and possible action, the Director will agendize the Operating Rules and Procedures at a future City Council meeting for final approval.

Attachments:

- A. Redlined P&Z recommended Operating Rules and Procedures as recommended on December 5, 2017
- B. Clean copy P&Z recommended Operating Rules and Procedures as recommended on December 5, 2017
- C. Council comments (January 9, 2018)

~~RESOLUTION NO. 1988-362017~~ Exhibit A

CITY OF SEDONA
PLANNING AND ZONING COMMISSION
OPERATING RULES AND PROCEDURES

Be it resolved that pursuant to City of Sedona Ordinance 88-6, the Planning and Zoning Commission of the City of Sedona (hereinafter called the Commission) adopts the following amended eOperating Rules and Procedures as its by-laws to govern its conduct and function.

Article 1: Membership

1.1 Each member of the Commission (~~hereinafter called~~ Member) shall be selected and shall serve as provided in City of Sedona Ordinance 88-6, Section 2. ~~The membership term year shall commence on July 1 and end on June 30.~~

1.2 Because the participation of all Members is necessary to carry out the duties of the Commission in the best interest of the citizens of Sedona, consistent attendance by the Members is of the utmost importance. For this reason, and pursuant to Section 2(D) of Ordinance 88-6, a member may be removed at any time by the City Council for:

1.2.1 Failure to attend three successive unexcused meetings or the number of meetings necessary to be efficient in their duties as determined by the City Council.

1.2.2 A Member may also be removed by the City Council at any time for inefficiency, neglect of duty, or malfeasance.

~~4.41.3~~ Removal by City Council may be without the necessity of a hearing or notice and such action shall be final.

Article 2: Officers

2.1 A Chair and Vice-Chair shall be elected annually from among the Commission's membership at the first regular meeting in January and at such other times as these offices may become vacant.

2.2 The Vice-Chair shall serve in the absence of the Chair. In the absence of both the Chair and Vice-Chair, the Commission shall elect an Acting Chair.

~~The officers of the Commission shall consist of a Chairperson and Vice-Chairperson who shall be elected by the Commission from among its members at the first meeting in July, to serve from that time until June 30 of the following year, or until their respective successors are elected. A vacancy occurring in an office shall be filled by an election held at any regular meeting or at a special meeting called for that purpose.~~

~~In the absence of the Chairperson and the Vice-Chairperson at any meeting for which a quorum is present, the Members present shall elect one of their number to act as Chairperson Pro Tempore for that meeting.~~

Article 3: Chairperson

3.1 The Chairperson shall preside at all public hearings and other meetings of the Commission, and decide points of order or procedure.

3.2 The Chairperson is a voting member and shall have the right to make and second motions, but shall not initiate or second motions unless he relinquishes the Chair.

3.3 The Chairperson may appoint committees to perform such duties as may be deemed necessary

3.4: HeThe Chair shall work with the Director to coordinate the work of the Commission and shall perform all other duties required by law, ordinance and these Operating Rules and Procedures.

Article 4: Vice-Chairperson

4.1 The Vice-Chairperson shall perform all duties of the Chairperson in the absence of the Chairperson.

4.2 If the Chair vacates the office before completing his/her term, the Vice-Chair will assume the office and serve the remainder of the term. A new Vice-Chair will then be elected at the next regularly scheduled meeting.

Article 5: ~~Executive Secretary~~Community Development Director

5.1 The ~~Executive Secretary to the Commission shall be the Director of~~ Community Development Director (hereinafter called SecretaryDirector). ~~The Secretary~~ or his/her designee shall attend all Commission meetings; shall attend to official correspondence of the Commission; shall cause written minutes to be kept of all meetings; shall maintain files of official records, findings and decisions of the Commission and its rules and regulations; shall supervise clerical work and technical preparations necessary to disposition of business before the Commission; and shall perform

all other duties required by law, Ordinance and these Operating Rules and Procedures.

6.2 The ~~Secretary~~Director shall approve all Commission expenses and purchases ~~on vouchers prior to their submittal to the City Manager.~~

Article 6: Legal Counsel

6.1 The Commission shall be advised by ~~an the City a~~Attorney or his/her designee who shall act as its Legal Counsel and attend ~~all~~ its meetings ~~as necessary unless excused by the Chairperson.~~

6.2 The Commission shall act in accordance with ~~rulings by opinions of~~ its Legal Counsel regarding points of law.

6.3 Except in the case of Executive Sessions, advice of Counsel shall be recorded in the minutes of the meeting before disposition of any question of law or matter requiring legal interpretation or advice.

Article 7: Other Advisors

7.1 The Commission may request any department head, officer of the City, or any consultant retained by the City to attend any Commission meeting as appropriate.

Article 8: Creation of Committees

8.1 A Committee of not more than three Members may be created by the Chair~~person~~, or by a majority vote of the Commission, to study a report on planning and zoning matters and make recommendations to the Commission.

8.2 Meetings of committees shall be properly noticed, agendized and appropriate minutes taken.~~any committee recommendation must be ratified by the Commission.~~

8.3 Any committee shall be formed for a specific time period after which it shall dissolve, unless extended by the Chair~~person~~ or by vote of the Commission.

Article 9: Meetings

9.1 All meetings shall be held in full compliance with the provisions of ~~the Arizona~~ the Arizona Open Meeting Law, the City Council Rules of Procedure and Policies, the Commission's Handbook, the Commission's Operating Rules and Procedures and any other applicable regulation or provision.

9.2 Regular meetings of the Commission shall be ~~held~~ scheduled on the first and third Tuesday of each month, ~~commencing~~ at 5:30 p.m.

or at a time set in advance so as to ensure reasonable public notice and participation.

9.3 Such meetings shall be held in the City Council Chambers or at such place as the Commission may otherwise direct on its notices.

~~The purpose of the first regular meeting of each month shall be to review and act upon new development proposals; the second regular meeting shall be devoted primarily to long-range planning issues. If the normal date for such meetings falls on a holiday or election day, the meeting may be rescheduled.~~

9.4 Work Sessions may be held on the first and third Tuesday of each month at 3:30 pm or at a time set in advance so as to ensure reasonable public notice. Such meetings shall be held in the City Council Chambers or at such place as the Commission may otherwise direct on its notices. Work Sessions are intended to address Commission questions, comments, and requests for additional information.

9.25 Special meetings may be called by the Chairperson, the Director or by three or more Members, subject to legal requirements. The reason(s) for calling any special meeting shall be stated at the time of notification.

9.36 At regular and special public meetings of the Commission, Robert's Rules of Order (revised) shall, to the extent practical, be observed except where they may conflict with other provisions of the Commission's Operating Rules and Procedures, or with any City ordinance, provision or Arizona statute.

9.47 All meetings and hearings of the Commission shall be open to the public; except that the Commission may hold executive sessions for the purposes and under the conditions set forth in ARS §38-431.02 and Amendments thereto.

~~9.5: The Commission shall hold a work study session at 3:30 p.m. on the Thursday preceding its regularly-scheduled Tuesday public meetings to address questions, comments, requests for additional information, and concerns regarding agenda items for that meeting. In the event there is a need to change the day and time of work study sessions, such action may occur only upon approval by a majority vote of the Commission. In all cases such sessions shall be properly noticed and shall be open to the public, but the public shall not participate unless specifically requested to do so by the Chairperson. No formal vote nor commitment shall be made at such sessions. If the agenda for a work study session does not involve an Applicant's items, and the items agendized do not call for additional discussion or information, the meeting may be cancelled at the Chairperson's discretion.~~

- ~~9.6: No public meeting or executive session of the Commission shall be held with less than 24 hours notice to all Members and to the public, with an agenda posted in accordance with state law.~~
- ~~9.7: Any meeting may be recessed and resumed with less than 24 hours notice if proper public notice was given for the initial session and if, prior to recessing, notice is publicly given as to the resumption of the meeting. In the latter case, every reasonable effort shall be made to advise the public.~~
- 9.8 The Commission may approve, conditionally approve, deny or continue any item on its agenda. In the event an applicant is not present, the Commission may or may not decide to continue the item until the applicant is present.
- 9.9 In the event that any Commission meeting lasts more than four hours, it may be continued to a time and place certain by a vote of the Commission.
- 9.10 Any requests for continuance received after legal notice for public hearing has been given shall be acted on by the Commission at the noticed hearing. Any request for continuance received by staff less than five business days prior to the noticed hearing date shall not be approved by the Commission unless extenuating circumstances are found to exist.
- 9.11 A regular meeting may be canceled due to a lack of substantive agenda items to be addressed, meeting location scheduling conflicts, emergency conditions, inclement weather, or other acts of nature beyond the City's control.
- 9.12 The Commission may table an agenda item until a later date to enable additional public comment to be heard, a site visit, or for other good cause by an affirmative vote of a majority of the Members present.

Article 10: Quorum and Voting

- 10.1 ~~A minimum of four Members shall constitute a quorum of the Commission for all meetings and work sessions. A majority of the current membership of the Commission shall constitute a quorum and a quorum shall be required to conduct business of the Commission.~~ If a quorum cannot be obtained, the names of members present shall be recorded and the meeting shall be rescheduled.
- 10.2 Any vote may be taken by a voice vote and a show of hands. If the vote is not unanimous, a roll call vote shall be taken.
- 10.3 No Member present may abstain from voting unless ~~(a) that Member was absent during all or a portion of a hearing on a~~

~~subject, or (b) because a conflict of office, or (c) a conflict of interest exists according to Arizona Revised Statutes §38-501 to 38-511. In the latter case, Article 14.1 and 14.2 of these Rules and Procedures shall be observed.~~

- 10.4 Any motion for approval which fails to carry shall be considered a denial of the proposal. However, any action may be reconsidered if a motion to reconsider, made by a member who voted in the affirmative, is passed. Any motion for denial which fails to carry shall not be considered an approval of the proposal. When a motion for denial fails, a positive motion or a motion for approval must be made and considered for any official action. Official actions shall be accomplished only by an affirmative vote of a majority of members present.

Article 11: Agenda

~~The Chairperson shall call for the preparation of the agenda for each meeting. Any Commission member, Council member, the Secretary or his designee, or member of the public may request items to be placed on the agenda. The Chairperson in cooperation with the staff, shall determine priorities of agenda items requested.~~

11.1 All agendas shall be prepared by the Director for each meeting of the Commission.

11.2 If a Member wants to place an item on the agenda for discussion, it must be related to the powers and duties of the Commission. The Member shall contact the Director for consultation with the Director and the Chair. The Chair and the Director shall determine if the item is appropriate for Commission discussion.

11.3 During the course of any meeting, the Chairperson may change the order of agenda items to avoid inconvenience or delays to the public.

11.4 The agenda for each regular and special meeting, except for executive sessions and work-study sessions, shall consist of the following:

~~11.1: Verification of notice, c~~Call to order, pledge of allegiance, roll call.

~~11.2:~~ Approval of minutes of previous meeting (s)

~~11.3: Announcements & Summary of Current Events by Commissioners & Staff~~Correspondence.

~~11.4: Announcements and Director's report.~~

~~11.5: Public Forum: citizens may address the Commission on non-agenda items according to rules announced by the Chairperson.~~

~~11.6: Consent Agenda.~~

~~11.7: Agenda items.~~

~~11.8: Future meeting~~ Future meeting dates agenda items.

11.9: Adjournment.

Article 12: Public Comment

12.1 The public is encouraged to submit written statements for the record; such statements shall be kept with the minutes of the meeting at which time they are received.

12.2 Any person present at a Commission meeting, other than a work-study session or executive session, may address the Commission on any matter ~~of concern before~~ the Commission upon being recognized by the Chairperson.

12.3 Persons shall not address the Commission on any agenda item or present evidence without first having filled out an information card and presented same to the Secretary Director.

12.4 ~~Persons claiming to represent groups or organizations shall present documentation or petitions to that effect before being recognized.~~ Time limits and other restrictions may be imposed by the Chairperson after review of the agenda and an estimate of the duration of the meeting.

12.5 The Chairperson shall may require that comments be pertinent and non-repetitive, and that decorum be maintained.

Article 13: Minutes and Records

13.1 The Secretary Director or his/her designee shall keep official written minutes of all meetings, and maintain an audiotape recording of all meetings ~~as backup for seven years in accordance with State laws.~~

13.2 The minutes shall show the vote of each Member on every Commission action, or if a Member fails to vote shall so indicate and show the reason for such failure to vote.

13.3 ~~Insofar as possible, m~~Members shall advise the Secretary Director or his/her designee of any changes or corrections in the minutes, so they can be recorded before the meeting. Simple errors in spelling, punctuation, etc. may be corrected at any time as long as no change in meaning or substance is involved.

13.4 Other official records, including Commission findings, decisions and other official actions, shall also be maintained by the Secretary Director as required by state law.

Article 14: Conduct of Members

14.1 Commission Members shall follow the provisions of the Arizona Open Meeting Law, City Council Rules of Procedure and Policies, the Commission's Handbook, as well as the Commission's

Operating Rules and Procedures and any other applicable regulation or provision.~~Conflict of Interest: Commission Members shall abide by the provisions of Arizona Revised Statutes §38-501 to 38-511. When a Member determines that he has a conflict of interest, he shall declare such conflict, refrain from discussion or voting on the matter, and step down from the dais until completion of the item.~~

- ~~14.2: Conflict of Office: If a Member has been elected or appointed to another public office, and a conflict of office emerges in the Commission's deliberation of specific matters, the member shall declare such conflict for the record. The Member may then participate in discussions of the matter, but shall abstain from voting on the matter.~~
- 14.3: Ex-parte contacts: (a) Whenever any party initiates contact with a Member regarding a filed application, the Member shall refer that party to the staff. (b) Whenever an external contact persists in offering information, the Member shall report the information, identity of the source, and date of the contact to the Commission for inclusion in its formal record. (c) Written information transmitted to a Member shall be forwarded directly to the staff for review and incorporation into its report. (d) Members may seek information from ~~other Members~~, the Secretary/Director, the Legal Counsel, or staff prior to a meeting, but no Member shall discuss any application with any other party prior to the hearing or express any bias, prejudice, or individual opinion on proper judgment of the application prior to its hearing and determination.
- 14.42 ~~Appearance before Council:~~ Members shall not appear to speak before the e City Council on Commission matters unless explicitly invited by the Council, or directed by a majority vote of ~~members~~Members, to do so.
- 14.5 ~~Representation by Members: No Member shall represent an applicant or an appellant before the Commission or the Council on matters related to Commission business.~~

Article 15: Hearing of Applications

Public hearings shall be guided by the following format:

- a. Staff presentation and recommendation.
- b. Questions to staff by Commission.
- c. Applicant presentation.
- d. Questions to the Applicant by~~from~~ Commission.
- e. Open to ~~questions or~~ comments from the public regarding that agenda item. in support of proposal.
- ~~f. Open to questions or comments from public in opposition to proposal~~

- ~~gf.~~ Close public participation.
- ~~hg.~~ Additional dDiscussion and additional questions by Commission.
- ~~ih.~~ Open for a motion.
- ~~ji.~~ Discussion of motion by Commission.
- ~~kj.~~ Vote on motion.

Article 16: Consent Agenda

~~— In order to expedite action on routine and non-controversial items where applicant and staff are in agreement and no public comment has been received, such items may be grouped on a Consent Agenda to be considered by the Commission as a single item. If any debate or discussion other than simple clarifications should be required, or upon the request of any Member, an item may be removed from the Consent Agenda to be considered individually following consideration of the Consent Agenda.~~

Article 1716: Instruments of Commission Action

The instruments by which the Commission shall officially report its work include:

- ~~1716.1~~ Official notice of meetings as provided by ~~Article 9 of these~~ Operating Rules and Procedures and required by Arizona ~~law~~Law.
- ~~1716.2~~ Agenda of meetings as described in ~~Article 11~~the Commission's Operating Rules and Procedures and required by Arizona Law.
- ~~1716.3~~ Staff reports prepared by the Director.
- ~~1716.4~~ Minutes of meetings as described in ~~Article 13~~Arizona Law.
- ~~17.6.5~~ Resolutions passed on a ~~an~~ agenda items approved.

Article 1817: Amendments

~~These~~ Commission or the Director may recommend to City Council amendments to these Operating Rules and Procedures ~~may be amended~~ at any regular or special meeting by affirmative vote of four or more Members. Recommended amendments are subject to final approval by the City Council.

Article 18: Severability

These Operating Rules and Procedures are declared to be severable. If any article or portion thereof is for any reason held to be legally invalid, such holding shall not affect the validity of remaining portions.

Adopted: P&Z Commission – Sept. 6, 1988 – By CC – R1988-36, 1988
Revised: R1989-32, November 1, 1989
Revised: R1991-05, February 20, 1991

Exhibit A

CITY OF SEDONA
PLANNING AND ZONING COMMISSION
OPERATING RULES AND PROCEDURES

Be it resolved that pursuant to City of Sedona Ordinance 88-6, the Planning and Zoning Commission of the City of Sedona (hereinafter called the Commission) adopts the following amended Operating Rules and Procedures as its by-laws to govern its conduct and function.

Article 1: Membership

- 1.1 Each member of the Commission (Member) shall be selected and shall serve as provided in City of Sedona Ordinance 88-6, Section 2.
- 1.2 Because the participation of all Members is necessary to carry out the duties of the Commission in the best interest of the citizens of Sedona, consistent attendance by the Members is of the utmost importance. For this reason, and pursuant to Section 2(D) of Ordinance 88-6, a member may be removed at any time by the City Council for:
 - 1.2.1 Failure to attend three successive unexcused meetings or the number of meetings necessary to be efficient in their duties as determined by the City Council.
 - 1.2.2 A Member may also be removed by the City Council at any time for inefficiency, neglect of duty, or malfeasance.
- 1.3 Removal by City Council may be without the necessity of a hearing or notice and such action shall be final.

Article 2: Officers

- 2.1 A Chair and Vice-Chair shall be elected annually from among the Commission's membership at the first regular meeting in January and at such other times as these offices may become vacant.
- 2.2 The Vice-Chair shall serve in the absence of the Chair. In the absence of both the Chair and Vice-Chair, the Commission shall elect an Acting Chair.

Article 3: Chair

- 3.1 The Chair shall preside at all public hearings and other meetings of the Commission, and decide points of order or procedure.
- 3.2 The Chair is a voting member and shall have the right to make and second motions
- 3.3 The Chair may appoint committees to perform such duties as may be deemed necessary
- 3.4 The Chair shall work with the Director to coordinate the work of the Commission and shall perform all other duties required by law, ordinance and these Operating Rules and Procedures.

Article 4: Vice-Chair

- 4.1 The Vice-Chair shall perform all duties of the Chair in the absence of the Chair.
- 4.2 If the Chair vacates the office before completing his/her term, the Vice-Chair will assume the office and serve the remainder of the term. A new Vice-Chair will then be elected at the next regularly scheduled meeting.

Article 5: Community Development Director

- 5.1 The Community Development Director (Director) or his/her designee shall attend all Commission meetings; shall attend to official correspondence of the Commission; shall cause written minutes to be kept of all meetings; shall maintain files of official records, findings and decisions of the Commission and its rules and regulations; shall supervise clerical work and technical preparations necessary to disposition of business before the Commission; and shall perform all other duties required by law, Ordinance and these Operating Rules and Procedures.
- 5.2 The Director shall approve all Commission expenses and purchases.

Article 6: Legal Counsel

- 6.1 The Commission shall be advised by the City Attorney or his/her designee who shall act as its Legal Counsel and attend its meetings as necessary.
- 6.2 The Commission shall act in accordance with opinions of its Legal Counsel regarding points of law.
- 6.3 Except in the case of Executive Sessions, advice of Counsel shall be recorded in the minutes of the meeting before disposition of any question of law or matter requiring legal interpretation or advice.

Article 7: Other Advisors

- 7.1 The Commission may request any department head, officer of the City, or any consultant retained by the City to attend any Commission meeting as appropriate.

Article 8: Creation of Committees

- 8.1 A Committee of not more than three Members may be created by the Chair, or by a majority vote of the Commission, to study a report on planning and zoning matters and make recommendations to the Commission.
- 8.2 Meetings of committees shall be properly noticed, agendaized and appropriate minutes taken.
- 8.3 Any committee shall be formed for a specific time period after which it shall dissolve, unless extended by the Chair or by vote of the Commission.

Article 9: Meetings

- 9.1 All meetings shall be held in full compliance with the provisions of the Arizona Open Meeting Law, the City Council Rules of Procedure and Policies, the Commission's Handbook, the Commission's Operating Rules and Procedures and any other applicable regulation or provision.
- 9.2 Regular meetings of the Commission shall be scheduled on the first and third Tuesday of each month at 5:30 p.m. or at a time set in advance so as to ensure reasonable public notice and participation.
- 9.3 Such meetings shall be held in the City Council Chambers or at such place as the Commission may otherwise direct on its notices.
- 9.4 Work Sessions may be held on the first and third Tuesday of each month at 3:30 pm or at a time set in advance so as to ensure reasonable public notice. Such meetings shall be held in the City Council Chambers or at such place as the Commission may otherwise direct on its notices. Work Sessions are intended to address Commission questions, comments, and requests for additional information.
- 9.5 Special meetings may be called by the Chair, the Director or by three or more Members, subject to legal requirements. The reason(s) for calling any special meeting shall be stated at the time of notification.
- 9.6 At regular and special meetings of the Commission, Robert's Rules of Order (revised) shall, to the extent practical, be observed except where they may conflict with other provisions of the Commission's

Operating Rules and Procedures, or with any City ordinance, provision or Arizona statute.

- 9.7 All meetings and hearings of the Commission shall be open to the public; except that the Commission may hold executive sessions for the purposes and under the conditions set forth in ARS §38-431.02 and Amendments thereto.
- 9.8 The Commission may approve, conditionally approve, deny or continue any item on its agenda. In the event an applicant is not present, the Commission may or may not decide to continue the item until the applicant is present.
- 9.9 In the event that any Commission meeting lasts more than four hours, it may be continued to a time and place certain by a vote of the Commission.
- 9.10 Any requests for continuance received after legal notice for public hearing has been given shall be acted on by the Commission at the noticed hearing. Any request for continuance received by staff less than five business days prior to the noticed hearing date shall not be approved by the Commission unless extenuating circumstances are found to exist.
- 9.11 A regular meeting may be canceled due to a lack of substantive agenda items to be addressed, meeting location scheduling conflicts, emergency conditions, inclement weather, or other acts of nature beyond the City's control.
- 9:12 The Commission may table an agenda item until a later date to enable additional public comment to be heard, a site visit, or for other good cause by an affirmative vote of a majority of the Members present.

Article 10: Quorum and Voting

- 10.1 A majority of the current membership of the Commission shall constitute a quorum and a quorum shall be required to conduct business of the Commission. If a quorum cannot be obtained, the names of members present shall be recorded and the meeting shall be rescheduled.
- 10.2 Any vote may be taken by a voice vote and a show of hands. If the vote is not unanimous, a roll call vote shall be taken.
- 10.3 No Member present may abstain from voting unless a conflict of interest exists according to Arizona Revised Statutes §38-501 to 38-511.
- 10.4 Any motion for approval which fails to carry shall be considered a denial of the proposal. However, any action may be reconsidered if a motion to reconsider, made by a member who voted in the

affirmative, is passed. Any motion for denial which fails to carry shall not be considered an approval of the proposal. When a motion for denial fails, a positive motion or a motion for approval must be made and considered for any official action. Official actions shall be accomplished only by an affirmative vote of a majority of members present.

Article 11: Agenda

- 11.1 All agendas shall be prepared by the Director for each meeting of the Commission.
- 11.2 If a Member wants to place an item on the agenda for discussion, it must be related to the powers and duties of the Commission. The Member shall contact the Director for consultation with the Director and the Chair. The Chair and the Director shall determine if the item is appropriate for Commission discussion.
- 11.3 During the course of any meeting, the Chair may change the order of agenda items to avoid inconvenience or delays to the public.
- 11.4 The agenda for each regular and special meeting, except for executive sessions and work sessions, shall consist of the following:
 - Call to order, pledge of allegiance, roll call.
 - Approval of minutes of previous meeting (s)
 - Announcements & Summary of Current Events by Commissioners & Staff.
 - Agenda items.
 - Future meeting dates
 - Adjournment.

Article 12: Public Comment

- 12.1 The public is encouraged to submit written statements for the record; such statements shall be kept with the minutes of the meeting at which time they are received.
- 12.2 Any person present at a Commission meeting, other than a work session or executive session, may address the Commission on any matter before the Commission upon being recognized by the Chair.
- 12.3 Persons shall not address the Commission on any agenda item or present evidence without first having filled out an information card and presented same to the Director.
- 12.4 Time limits and other restrictions may be imposed by the Chair after review of the agenda and an estimate of the duration of the meeting.

- 12.5 The Chair may require that comments be pertinent and non-repetitive, and that decorum be maintained.

Article 13: Minutes and Records

- 13.1 The Director or his/her designee shall keep official written minutes of all meetings, and maintain an audio recording of all meetings in accordance with State laws.
- 13.2 The minutes shall show the vote of each Member on every Commission action, or if a Member fails to vote shall so indicate and show the reason for such failure to vote.
- 13.3 Members shall advise the Director or his/her designee of any changes or corrections in the minutes, so they can be recorded before the meeting. Simple errors in spelling, punctuation, etc. may be corrected at any time as long as no change in meaning or substance is involved.
- 13.4 Other official records, including Commission findings, decisions and other official actions, shall also be maintained by the Director as required by state law.

Article 14: Conduct of Members

- 14.1 Commission Members shall follow the provisions of the Arizona Open Meeting Law, City Council Rules of Procedure and Policies, the Commission's Handbook, as well as the Commission's Operating Rules and Procedures and any other applicable regulation or provision. the record. The Member may then participate in discussions of the matter, but shall abstain from voting on the matter.
- 14.3: Ex-parte contracts: (a) Whenever any party initiates contact with a Member regarding a filed application, the Member shall refer that party to the staff. (b) Whenever an external contact persists in offering information, the Member shall report the information, identity of the source, and date of the contact to the Commission for inclusion in its formal record. (c) Written information transmitted to a Member shall be forwarded directly to the staff for review and incorporation into its report. (d) Members may seek information from the Director, the Legal Counsel, or staff prior to a meeting, but no Member shall discuss any application with any other party prior to the hearing or express any bias, prejudice, or individual opinion on proper judgment of the application prior to its hearing and determination.
- 14.2 Members shall not appear to speak before the City Council on Commission matters unless explicitly invited by the Council, or directed by a majority vote of Members, to do so.

Article 15: Hearing of Applications

Public hearings shall be guided by the following format:

- a. Staff presentation and recommendation.
- b. Questions to staff by Commission.
- c. Applicant presentation.
- d. Questions to the Applicant by Commission.
- e. Open to comments from the public regarding that agenda item.
- f. Close public participation.
- g. Discussion and additional questions by Commission.
- h. Open for a motion.
- i. Discussion of motion by Commission.
- j. Vote on motion.

Article 16: Instruments of Commission Action

The instruments by which the Commission shall officially report its work include:

- 16.1 Official notice of meetings as provided by these Operating Rules and Procedures and required by Arizona Law.
- 16.2 Agenda of meetings as described in the Commission's Operating Rules and Procedures and required by Arizona Law.
- 16.3 Staff reports prepared by the Director.
- 16.4 Minutes of meetings as described in Arizona Law.
- 16.5 Agenda X items approved.

Article 17: Amendments

The Commission or the Director may recommend to City Council amendments to these Operating Rules and Procedures at any regular or special meeting by affirmative vote of four or more Members. Recommended amendments are subject to final approval by the City Council.

Article 18: Severability

These Operating Rules and Procedures are declared to be severable. If any article or portion thereof is for any reason held to be legally invalid, such holding shall not affect the validity of remaining portions.

Planning and Zoning Commission
Operating Rules and Procedures
Updated DATE XX, 2018

Adopted: P&Z Commission – Sept. 6, 1988 – By CC – R1988-36, 1988
Revised: R1989-32, November 1, 1989
Revised: R1991-05, February 20, 1991

**P&Z Operating Rules & Procedures
For 1/9/18 Council Meeting**

Ref	Issue	Question
	Substantive Issues	
55	Meeting schedules - survey of other cities and towns	In reviewing the meeting schedules of other cities and towns, the Staff looked at other “Arizona <u>Planning Commission</u> schedules.” There is no mention of zoning. Do all these planning commissions also handle zoning, or is zoning handled by a separate body?
55	Effect of combining meetings on preparation time for Commissioners	<p>The proposal is to combine regular meetings and work sessions on the same day. As I understand the current practice, when there is a work session on the Thursday before a regular Tuesday meeting, the two consecutive meetings do not necessarily deal with the same agenda items. I assume that will continue to be true under the proposed plan.</p> <p>If so, what effect will this change have on the ability of Commissioners to prepare for the meetings? Under the current practice, after Commissioners have prepared for and attended a Thursday session, they have four and a half days to prepare for the Tuesday session. Under the new proposal, that will no longer be true. Will the packets for the work session and the regular meeting be provided to the Commissioners far enough in advance so that the total time available for preparation won’t be reduced?</p>
55	Staff time	One of the listed advantages for the proposed change is that it will require less Staff support time. Other than the time required for posting meetings, won’t the amount of preparation time for Staff (research, analysis, writing reports) be about the same?
56	Productivity	We are told: “Staff does not believe this recommendation will have any significant impact on the management of work items and efficiency of the Commission.” How can this be true if the amount of Staff support time will be reduced? Will the number of projects handled per year by the Commission be affected?

Ref	Issue	Question
	Operating Rules and Procedures	
57 1.3	Removal of a Commissioner (for City Attorney)	Does the removal of a Commissioner (e.g., for malfeasance) without notice or opportunity to be heard raise any due process problems? (I recognize that they are not employees.)
58 3.3	Committees	Section 3.3 seems to overlap with Article 8. Is 3.3 intended to be broader than Article 8? Unlike Article 8, 3.3 does not require the committee members to be Commissioners, it sets no limit on the number of committee members, it doesn't deal with Open Meetings Law issues, and it doesn't require dissolution after a specified time period. Is all of this intended?
64 14.1	Conduct of Members: Applicability of Council Rules	<p>This rule requires Members to follow City Council Rules of Procedure and Policies. Not all of the provisions of the Council Rules are applicable to the Commission. Is the new 14.1 intended to be limited to Rule 2 of the Council Rules (conduct of councilors)? Or does it extend to other matters, such as Council Rule 3(N) (conflicts of interest)?</p> <p>If a provision of the Council rules is in conflict with a provision of the Commission rules, which one takes precedence? (See, e.g., Council Rule 2(F) (Public Communications), which is very different from the new 14.3 (Ex-parte contacts).) Should we add a rule similar to Council Rule 1(A)(1) dealing with conflicts of interpretation?</p>
64 14.1	Conduct of Members: Applicability of Commission Handbook	Section 14.1 requires Members to follow the <u>Commission's Handbook</u> . However, there is another handbook – the <u>Commission Handbook</u> -- which applies to all of Sedona's commissions. It deals with some topics not covered by the Commission Rules or the Commission's Handbook, such as contact by a Commissioner with Council. It also contains a "Code of Conduct," which covers matters such as the use of City staff or letterhead, and the use of public office to advance personal opinions. Shouldn't the Commission Handbook be mentioned in 14.1?

Ref	Issue	Question
64 14.1	Conflict of interest	Was the deletion of the existing 14.1 (Conflict of Interest) intentional? It seems to leave the Commission with no guidance as to whether a Commissioner who has a conflict of interest must leave the dais. However, note that if Council Rule 3(N)(1) applies to the Commission (see my comment above on the new 14.1), it would require a Commissioner to leave the dais.
64 Prior 14.2	Conflict of office	Was the deletion of the existing 14.2 (Conflict of Office) intentional? It's not clear, because some of the language remains but makes no sense as shown in the redlined draft.
64 Prior 14.5	Representation by Members	Was the deletion of the existing 14.5 (Representation by Members) intentional? It's not clear, because the number of the section (14.5) seems to still be there, and the representation issue doesn't appear to be covered elsewhere.
65 Art 17	Amendments	In the first line of Article 17, the addition of "or the Director" doesn't make sense to me. It's clear that the Commission can recommend an amendment at a meeting by majority vote, but how can the Director recommend an amendment at a meeting by majority vote? If the purpose of adding the Director here is to deal with situations where the Director recommends an amendment but the Commission disagrees, some rewording would be helpful.
	Clerical Issues	
57 1.2	Removal of a Commissioner	Under 1.2, a member may be removed at any time by the City Council for either of two reasons. 1.2.1, which deals with failure to attend, is fine as written. However, 1.2.2 doesn't work properly because it is a complete sentence. I would remove the initial language of 1.2.2 so that it reads "Inefficiency, neglect of duty, or malfeasance." I would also add "or" at the end of 1.2.1.
60 9.7	Executive sessions	The statutory reference should be to ARS § 38-431. <u>03</u> .

Ref	Issue	Question
61 9.12	Continuances, cancellations, tabling	<p>The voting requirements for continuances, etc. in 9.8 through 9.12 seem inconsistent.</p> <p>9.8: The Commission may continue any item on its agenda. There is no mention of how this is decided. Presumably it is by majority vote of the members present. The same applies to a situation where an applicant is not present.</p> <p>9.9: If a meeting exceeds four hours, a vote is required for a continuance. Presumably this is a majority vote of the members present.</p> <p>9.10: This refers to approval by the Commission. Presumably the approval is by a majority vote of the members present.</p> <p>9.11: This deals with cancellation of a meeting. There is no mention of who decides to cancel. Is it the Director, the Chair, or the Commission?</p> <p>9.12: This deals with tabling an agenda item for certain reasons. Unlike the previous sections, it specifies a majority vote of the members present.</p> <p>Should we add a provision to Article 10, saying that unless otherwise specified, all decisions of the Commission are made by a majority vote of the members present? Or does the last sentence of 10.4 suffice? I'm not sure it does, because that sentence deals only with official actions, and I don't know whether continuances are official actions.</p>
61 9.12	Numbering	Change the number of this section from "9:12" to "9.12" (change the colon to a period).
64 14.2	Conduct of Members	The numbering of the sections in Article 14 appears to be out of order in the redlined draft.
64 14.3	Ex-parte contracts	In the heading, change "contracts" to "contacts."

Ref	Issue	Question
65 Art 16	Instruments	<p>In item 5, I don't think we want to say that an Agenda item itself is an "instrument" by which the Commission reports its work. Also, the new language covers approvals, but doesn't cover denials. I would recommend saying "Resolutions or other official actions approving or denying an Agenda item."</p> <p>Also, the numbering of item 5 appears to say "65" in the redlined draft.</p>

Warren Campbell - Fwd: Notes for 01-09-18 (R) Packet

From: Karen Osburn
To: Campbell, Warren
Date: 1/8/2018 8:43 AM
Subject: Fwd: Notes for 01-09-18 (R) Packet

>>> Justin Clifton <jclifton@sedonaaz.gov> 1/8/2018 5:58 AM >>>
FYI

Sent from my iPhone

Begin forwarded message:

From: "Jon Thompson" <JThompson@sedonaaz.gov>
Date: January 7, 2018 at 10:07:48 PM MST
To: "Justin Clifton" <JClifton@sedonaaz.gov>
Subject: Notes for 01-09-18 (R) Packet

Annotation Summary for: 01-09-18 (R) Packet

Page 59, Highlight (Yellow):

Content: "who shall act as its Legal Counsel and attend all its meetings as necessary."

Comment: JC: Who determines whether the attorney's attendance is necessary or not? Doesn't that need to be stated? How about wording to the effect that the City Attorney or designee will attend or be available to attend at the request of the Commission?

Page 62, Highlight (Yellow):

Content: "The Chair and the Director shall determine if the item is appropriate for Commission discussion."

Comment: JC: And if they disagree?

Page 64, Highlight (Yellow):

Content: "on Commission matters"

Comment: JC: Could/should this be more specific, to avoid restricting, as much as possible, a Commissioner's rights as a citizen? For example, "deliberations or rulings considered by or scheduled to be considered by the Commission"? I'm looking for wording that more closely mirrors the

restrictions that Councilors are under for avoiding open meeting law violations.

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Marked up using iAnnotate PDF on my iPad

JT

Jon Thompson, Councilor
City of Sedona
928-821-5142

NOTE: Unless specifically stated to the contrary, any opinions expressed above are mine alone and do not necessarily represent the views of the Sedona City Council or any other organization.
