

**Summary Minutes**  
**City of Sedona**  
**Planning & Zoning Commission Work Session**  
**Council Chambers, 102 Roadrunner Drive, Sedona, AZ**  
**Tuesday, June 5, 2018 - 3:30 p.m.**

**1. CALL TO ORDER & ROLL CALL**

Chair Losoff called the work session to order at 3:30 p.m.

**Roll Call:**

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

**Staff Present:** James Crowley, Audree Juhlin, Cari Meyer, Ryan Mortillaro, Robert Pickels Jr., Rob Pollock, Mike Raber and Donna Puckett.

**Councilor(s) Present:** Councilor John Currivan

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

Audree Juhlin announced that Karen Osburn will be replacing her as the Director of Community Development, and she will still be the Assistant City Manager, so you can welcome Karen to her two full-time jobs.

**3. Discussion/possible direction regarding the Land Development Code Update.**

Chair Losoff commented about the Commission's involvement in planning through the years and indicated that the goal for today is to go through the Land Development Code in detail, so we should be free of any issues or questions by the 19<sup>th</sup>. Audree Juhlin explained that since the Commission has only had the document for a week, staff anticipates questions and comments after today, so just call or email Mike with any questions.

**Presentation:** Mike Raber pointed out this is the first time the Commission has seen the consolidated draft, and this was started about 18 months ago working with Clarion Associates. We have had several work sessions with the Commission and started with a detailed list of issues, and then we created an analysis document that laid out the roadmap for the new Land Development Code. Based on the scope and scale of the project, we divided that into four pieces – the Zoning Districts and Uses, the Development and Subdivision Standards, the Administrative Procedures, and now the Consolidated Draft that combines them all together. Mike then introduced Matt Goebel and Tareq Wafaie with Clarion Associates who will present the draft.

**Matt Goebel, Clarion Associates:** Mr. Goebel stated that they plan to highlight just the new stuff; things that are substantially different from what has been discussed before. They want to give a little background, the overall scope and how they got here. The bulk of time will be spent talking about the consolidated draft. They will not go through the highlights of each section but will talk about the things that are new, since you saw the material in the past. Finally, there is time for discussion.

Matt indicated that regarding the project goals and scope of work, the community's process of updating the Land Development Code in most places is a once-in-a-generation opportunity. Every 30, 40 years or longer, there is an opportunity to step back and take the long view. They congratulate the Commission for doing this and following-up so quickly on the plan to implement this project. Matt showed slides on why this is important to Sedona to reemphasize that this has been one of the

guiding lights for them, and the principles embodied in the Sedona Community Plan have been a key lens that they have used to look at all of the sections in the Code.

Matt stated that it has been going on since January of 2017, but it has been a fairly quick project in the context of their work. Sometimes it can take upwards of two years, so the train has moved quickly and that is a testament of the focused work done by staff and the Commission to keep it moving. They have maintained an efficient scope and are on track for an adoption process this summer, so it could be 18 months from start to finish which is on the lower end of the scale for their projects. They have walked through all the different elements of the Code in three modules and put them all together.

Matt explained that the process has involved multiple bites at the apple, especially working with staff. Staff has been great about reviewing initial drafts and working through initial questions. Then, they produced revised versions that were brought to the Commission and taken to the public. Now, they have come to the consolidated adoption draft and completed their initial staff review on it, and staff has been great about providing a cohesive viewpoint from the official agencies.

Matt wanted to highlight that in the consolidated draft, the footnotes are different. They have italicized all the footnotes that are new, so if you haven't noticed, there are new footnotes, and they tried to distinguish them from the earlier drafts by italicizing them. In this presentation, they will highlight some of the bigger changes for you.

Matt showed a slide of the proposed organization of the new Code and noted that this is the first time the 30-plus pages of the new Sign Ordinance has been incorporated into the document. It has been integrated and put into the right places, and the sign definitions have been folded in with the other definitions, but once the footnotes and commentary are removed, they expect to lose 30-40 pages, and they have lost a couple hundred pages over the current size of the Code.

Matt noted that they are still talking with staff about the process for folding in the wireless, but they are going to use the rest of this part of the presentation to go through the modules' concept to frame categories of issues as a helpful way to categorize the conversation. They are not going to walk through article by article; they will go through by modules. Their plan is to go through the presentation once, and then for the Commission's discussion, they will go back through their PowerPoint to see if you have questions.

**Tareq Wafaie, Clarion Associates:** Mr. Wafaie indicated that he will cover the first part -- Zoning Districts and Uses; basically, the fundamentals of this project as to what you can do and where you can do it on your property. Tareq referenced the Land Development Code analysis and indicated that they had pointed out that you have so many Zoning Districts trying to achieve a very similar purpose. You don't need 12 Zoning Districts for a single-family home on a lot. There were lots of areas for consolidation and a need for new Zoning Districts. Some Zoning Districts are no longer going to be needed or applied to new properties in the future, so those will be retained as obsolete districts in an appendix of the Code, such as the Parking District.

Tareq showed a slide and indicated that it represents the new Zoning Districts; it has not changed since the previous Part 1 you saw, but there were a lot of consolidations to get to this point. The one new District; you don't currently have Districts called the Mixed-Use District. Here you have Mixed-Use 1, Mixed-Use 2, Mixed-Use 3, but really M3 is the only new Zoning District, and they will show you how those were consolidated.

Tareq indicated that when they consolidated the Zoning Districts, it was because they had either very similar purpose statements in what you were trying to achieve or similar lot and building standards for the setbacks and building coverage requirements or even the allowed uses within the Districts, so it was an easy decision to consolidate those Districts. They worked with staff to do an analysis of the number of properties in the Zoning Districts before making a call. They have great deference to staff's understanding of what would create potential problems in these consolidations. Most of these are

very straightforward and a lot of them are just changes in names like what you call RS-10A today will be called RS-10. The Zoning Map is a visual representation of the new line-up of Zoning Districts showing the new labels, new names for those Districts. It is not a parcel by parcel application of Land Use Policy; it is simply a visualization of the new line-up of Zoning Districts.

Tareq indicated that what has changed in the new Zoning Districts portion since Part 1, based on discussions with the Commission, the public and staff, was that they revised the lot and building standards. In the M2 Zoning District, the employment-focused Zoning District, they thought one of the purposes of mixed-use development is to achieve a more walkable street frontage and pedestrian-friendly environment, so they established a front setback maximum in the M2 District; however, that was converted from a District where you have a lot of buildings and strip centers now that would not comply with a maximum front building setback, so rather than create a whole suite of nonconforming lots, they decided to step back from that, and it has been removed. They also removed minimum front setback requirements from the M3 District. You don't have any M3 properties; this is a new Zoning District, and somebody would have to apply for a rezoning to that District. The initial draft showed it with a five-foot minimum front setback, but that has now been brought to zero, so no front setback minimum in the new Activity Center District.

Tareq stated that they have gone back and forth with staff in trying to better understand how you regulate height today and how that process can be clarified, because it is very complex given the topography and alternative standards allowed for light reflectance values, chroma and massing. They think they are in much better shape now in clarifying the current process – not really mucking with the way you measure height but making it easier to understand.

Tareq indicated that finally, they have added standards for the Schnebly/Oak Creek Heritage Area. You recently adopted a CFA Plan for that area, so they included standards for that. They are still working with staff to think about the best way to incorporate those into the Land Development Code, whether it be a new Zoning District or be threaded throughout the document in those individual standards for area-specific standards, so you will have to stay tuned for that conversation.

Tareq indicated that moving to the uses portion of the discussion, you had lengthy lists under each Zoning District of what you can do in that District, and they put it all into a new Use Table on page 63 of the draft. It is simplified and decluttered; you can see across the Zoning Districts what is permitted and what requires Conditional Use Permits. They made additional changes in the consolidated draft by revising some of the use-specific standards, while carrying forward a lot of them such as medical marijuana and revising lodging standards to require a Council-level Conditional Use Permit review for expansions of high-density lodging, and then adding some new standards. You also will see bee regulations and revised chicken regulations.

Tareq stated that when they first presented the Use Table, they asked you to think about whether or not a use should be permitted in that District where it is currently prohibited or vice versa. If so, should it be allowed only under certain parameters. They got some feedback that you will see reflected in the consolidated draft. They brought forward the current Vehicle Sales and Leasing standards as well, and there were some minor changes to the accessory and temporary structures and uses based on comments received from staff.

Moving to the Development Standards, the quality standards of development, Tareq indicated that you will see impervious parking area. Development Standards cover a lot of information, and there was a very in-depth presentation in Part 2. It covers drainage, parking, landscaping, how pedestrians integrate with cars or get from site to site and throughout the site, building design, exterior lighting, signage and subdivision. How do you divide a lot and what is the difference between a lot split and a subdivision? There are a lot of new standards associated with those, and one of their biggest jobs was to take the current Article 9 and review it against Article 10, which is the Design Review Manual, for consistencies and inconsistencies, and try to develop a more clear framework for standards versus guidelines -- keeping the guidelines out to be included in a separate document while giving

broader application to some of those standards that currently read “should” and really should have been “shall”.

Tareq noted that in the consolidated draft there were more changes based on the feedback. Regarding parking, there were edits to the number of required parking spaces. They got some good feedback from the Commission and heard feedback from staff and other members of the community. They removed the maximum parking standard. Part of that idea was to reduce the amount of impervious coverage throughout the City but setting that standard at 125% above the minimum required didn't seem to be a feasible alternative, so that was removed.

Tareq indicated that for landscaping, they pulled out the wildfire mitigation section after a lot of conversation with the Commission and others, but there were edits made to other parts of the landscaping section that help achieve the same result – less landscaping required immediately adjacent to building types; not forcing people to put so much landscaping in.

Tareq pointed out that they included new gated community standards. It has been an issue that they heard a lot about from staff and others -- not a huge section; it is a couple of paragraphs but if you are going to build a gated community, you want to know about connectivity and how it is accessed in an emergency, so there are some minimal standards to comply with, and as Matt mentioned, the integration of the Sign Ordinance that was recently adopted but hadn't been brought into the Land Development Code.

Tareq stated that regarding Subdivisions and Public Improvements, they are clarifying the difference between what applies to true subdivisions versus lot splits and requiring sidewalks, except in certain conditions, on both sides of the street. They are not always going to be appropriate but clarifying where and when. They also removed some of the limits to lot size and block length in the cluster subdivision tool, because those can be achieved through the density conditions already present. Then, they relocated a lot of the improvement standards from the procedures to the Development Standards. That is Part 1 and Part 2, and Matt will cover the final piece on Administration.

Matt Goebel indicated that the final part of the Code is Administration and Procedures, and there are a number of relatively targeted changes here. They set up the system of Common Review Procedures to give some common structure to all the different types of permits. One of the things they heard was that the Commission often does an early Conceptual Review for some bigger projects, so they added language to say that is always an option. Someone could always come in and, at their option, have that early Conceptual Review with the Commission. In the section on submittal requirements, they added some flexibility in the language that allows the staff to waive certain requirements based on the type of site or project and that is pretty common. You don't want to make somebody provide an expensive package of materials if it is a relatively small project, and the Planning Director often has that discretion to waive those requirements.

Matt stated that for Development Review, they updated the thresholds for major versus minor development, and they clarified that multi-family projects up to four units will be reviewed through a single-family residential review, so you are broadening the scope of single-family residential review to cover small-scale multi-family projects and that is new in this draft.

Matt indicated that in the category of Conditional Use Permits, they had proposed in the prior draft an Administrative Use Permit, which was kind of a Conditional Use Permit - light. They recharacterized that in this draft to be a minor Conditional Use Permit because that is truer to what it is. It is a minor form of Conditional Use Permit that is used for extensions of existing permits. They also added a requirement for lodging uses that require a Conditional Use Permit, so the final decision will be made by the City Council. The Planning & Zoning Commission still has a review and recommendation for those Conditional Use Permits, but this draft says the Council makes the final decision on those especially sensitive types of Conditional Use Permits.

Matt explained that Flexibility and Relief is the section that has variances, appeals and the new minor modification tool, and they clarified it to say that all available incentives available in the Code must be used before seeking to take advantage of that administrative modification tool, based on staff's suggestion. That is a good break, because they have threaded a lot of available incentives and alternatives throughout the Code, and this language says that you have to take advantage of those things before you seek the free use of this new modification tool, so that is a really powerful addition.

Matt stated that a few other types of things they added include giving the Director the authorization to require a pre-application meeting for Temporary Use Permits. Some of the temporary uses and events are substantial with the festivals, etc., and this provides the flexibility to have earlier required contact with the department before getting those permits. They also have updated the language for conditional zoning to mirror state law and make sure they are clarifying exactly when conditional zoning expires if certain development activity doesn't take place within a defined time period.

Matt indicated that on the Historic Preservation Procedures, they pulled in some new language that had been under discussion with staff to implement that ordinance, and they know that the City is looking at adopting a new Historic Preservation Administrative Manual that will have a lot of the operating procedures for HPC, but at the end of all of this, you will have a substantially updated and revised set of Historic Preservation Procedures.

Matt showed a slide of the updated minor versus major development thresholds and indicated that it is the new version that appears in the new draft. Minor Development Review is Director approval, so you can see that between five to 10 multi-family dwelling units is proposed to be Director level and 11 or more dwelling units would come to the Commission as a major Development Review. Anything below five multi-family dwelling units is going to be the single-family residential review, and then on the non-residential, the thresholds are lower than you have now, so between 2,000 and 5,000 sq. ft. of gross floor area goes to the Director and 5,000 sq. ft. or above goes to the Commission. He then referenced the new Table and recalled that one of the directions they received was to streamline the process to make it more efficient in part by giving more authority to your professional planning staff to make more decisions, subject to constrained criteria in the Code. This table, by giving more types of decisions to staff, is getting at that issue directly. This is one of the more important tools that is going to allow the Commission to focus on the planning part of the job and to focus on more big-picture policy issues and projects that have more community impacts, by letting the smaller projects be handled at the staff level.

Matt noted that everything is online, and Mike continues to be the gatekeeper for all comments. Regarding the next steps, the plan is that you will consider this at a public hearing on the 19<sup>th</sup> and they will be back for that hearing. Then ideally, following a favorable recommendation, they will move quickly into cleaning up the draft and moving into an adoption draft with all of the edits proposed as part of your recommendation.

As a final note, Matt stated that administrative and technical standards are one of the reasons they have been able to reduce the size of the document. They pulled out a lot of the details like engineering standards and plat submittal requirements, etc., and those are being collected to be adopted as part of a separate administrative manual. They are helping staff put those together, and the ultimate goal is that when the Code becomes effective, those administrative manuals will become effective as well so that is a parallel process underway that will have to be completed by the time the Code becomes effective.

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

**Staff's Questions of the Commission:**

Mike Raber suggested starting with the different parts of the Code and asked if the Commission had questions or comments about the Zoning Districts and Uses. Staff does have some minor changes

that will come to you on the 19<sup>th</sup> and some that are a little more major, so maybe we can go through those and get closure on each one. Chair Losoff indicated that the more closure we can get the better; he would hope we don't hold that until the 19<sup>th</sup>. Several Commissioners have questions and comments, so let's see what they have and then come back to you.

Audree Juhlin explained that Mike had a number of items to run through, so the Chair agreed to go through those first. Mike then indicated that he would be starting with Articles 2 and 3, and the first item is on page 17, Obsolete Districts, where staff is looking at streamlining that section and not having to reference as much as to what is in there now. When it comes back, staff will have a separate sheet that will have any additional changes to this draft on the 19<sup>th</sup>, so this will be one of the areas staff will try to streamline. Chair Losoff noted that is page 17 of the hard draft, and Mike clarified that it is Section 2.1.C(3). The Chair then suggested referencing the hard copy for consistency. Mike stated that staff will be adding RS-5A to the Obsolete Districts; it was left out, and staff will look at a way to streamline that section which is tied to the Appendix. We probably don't need to list all those different standards in that Appendix.

Mike then referenced page 40 regarding the Schnebly/Oak Creek Heritage Area and indicated that staff will look at a different way to break out that Zoning District, perhaps as a standalone District instead of being part of the PD. Vice Chair Levin asked if other CFAs will be similarly treated, or will there be a single location where all the adopted CFA standards, etc., might live? Mike stated that the M3 district might be the one that would be more applicable for places like Uptown and some of the core areas in West Sedona, but this is a unique CFA, and there will be a couple of others that are out of the main focus area of Uptown or West Sedona and have other specific issues, so no, some of the CFAs will be dealt with by the regular proposed zones.

Commissioner Kinsella asked how people will know there is a CFA that applies, other than by staff telling them, if there is no reference or list in the Land Development Code itself? Mike asked if she is referencing someone that comes in with a development proposal, and the Commissioner restated her question. The Chair noted that the Community Plan has specific CFA sections in it, but the Commissioner asked if a list or reference should be in the Code. Matt explained that ultimately that depends on the mechanism used to adopt these standards. For example, we now have the Schnebly/Oak Creek Heritage Area standards in the PD section, but that may change, and maybe it makes more sense to create a new standalone District for those standards, and then the goal would be that people could voluntarily rezone to that District, and they would be getting a lot of things. They could do more uses on the site, do things that are compatible with that Plan, but they wouldn't be required to do it. Then, their notice would be that that is their zoning. When they research their zoning, they would be in that District. If they didn't want to develop in that standalone District, they could keep their existing zoning, which he thinks is RS-10. The notice that is provided will ultimately depend on the mechanism used to adopt those standards, and that is what they are still discussing.

Chair Losoff indicated that he would be a little concerned if we have a Land Development Code and the CFAs, then a separate set of X; it could be confusing. The Land Development Code should be the bible. Mike stated that it would be in the Land Development Code, and Audree clarified that when we brought the Schnebly Hill CFA forward, it was presented as we would be creating a Heritage Zoning District with the update of the Land Development Code, but as we got into the Land Development Code, one goal was to reduce the number of Districts, so did we want to create a new District when we are trying to reduce the number? So, we tried to put the guidelines and standards for that CFA in the PD section, but after discussing it further, we have come full circle in thinking that the best way to implement that CFA, because it is very unique and limited in what can happen, is to go ahead with the original plan and create its own historic district, but we are still trying to figure out how we are going to do that for that one district. It will be a District, if we go this route that will show up in that table and the list of available Zoning Districts. Mike added that the pieces are in the draft, but it is how it gets clarified in a Zoning District that we will be trying to clarify.

Commissioner Brandt asked if it would be easy to put it in the zoning map as an overlay district, a focus area for these areas that you could see and get additional information; otherwise, you wouldn't know if you went through it expecting that is the zoning and all that planning is like, thanks for telling me, we've already been running the numbers, so if there is some way to alert folks that those exist that would be great.

Matt Goebel stated that if you were going the overlay route that is exactly what they would recommend. You would have the overlay; it would be a hatch mark on the map and you would have a clear defined boundary and people would get a notice on their zoning. The concern with an overlay district is just if the City wants to go that far in establishing those restrictions as part of this process. Really the goal with the map has been to just create this conversion map and not establish this additional level of restrictions on property rights. You have the Arizona legal framework that you have to think about, and the question becomes, at this point with this project, how much weight does the City give that CFA Plan? One option would be to establish an overlay district, but there are good questions about if the City wants to go that far. As an alternative tool, it is this new district that you can voluntarily seek to apply.

Chair Losoff stated that when developers come in, they aren't coming in blind. Audree Juhlin explained that before doing any planning, builders come in and meet with staff to determine the zoning, what the Community Plan is, if there are any special planning applications they need to be aware of, and once they have a full understanding of what they can and can't do, they go back and design and move it forward. Chair Losoff agreed and indicated he imagines there are exceptions, but most of the time they are coming in to get information from staff. Audree agreed and added that there are other mechanisms; we can provide that information in a layer on the GIS map that is available to the public. It is not a regulatory document, but it alerts people that it is in a CFA area. Mike added that the Commissioner's main concern is to have something to flag that so if somebody wants to do an alternative, they know where it is and maybe that can be put on the map.

Commissioner Mayer asked if a manual could be created for a person to look at, so they know which way they are going to go, like a checklist. Audree stated that we do have a checklist that we provide to applicants. The Commissioner then asked if it will be updated to the new Land Development Code, and Audree stated that everything has to be updated to reflect the new Land Development Code.

Mike referenced page 48 and the Mixed-Use and Commercial Table 2.3, and explained that in those Districts, we wanted to reduce the impervious coverage. The goal is to allow some incentive to increase the overall coverage by using pervious coverage to replace some of what is listed as impervious. Commissioner Brandt asked if that is for affordable housing and Mike indicated no, but in the Mixed-Use and Commercial Districts, these coverages might be pretty high, and we could reduce those and provide an incentive for more coverage, if they use pervious material.

Commissioner Barcus asked for a physical example, and Mike referenced the M3 District, a district that is not currently applied on our Zoning Map and indicated that the impervious coverage maximum for building coverage is 75%, so if that is reduced and more pervious coverage is used, it could bring the percentage back up to that, but not have it all impervious at 75%. The Commissioner then asked if another example would be a rooftop garden, and Mike pointed out that you already have the building coverage, so it might have to be something on the ground. We have had some comments that maybe those percentages might be a little high in those Districts, and this might be an opportunity to provide incentive for more pervious coverage.

Commissioner Brandt asked if there is a way to do a study on recent projects where this could be applied, and Cari Meyer stated that we haven't done anything specific with current projects, but we can look at that. Of the projects we have seen, very few have gotten up to our current building coverage because of parking, drive aisles, landscaping, etc., so we can look at some projects we have had – the Marriott project was the only one that got close to our current standard, which is 28% lot coverage for a two-story building, but their impervious surfaces took up the majority of the rest of

the site. Commissioner Brandt stated that the goal is to have less runoff with more absorption onsite, so it comes down to it is easy to do pervious paving, so the folks that said it might be too much just didn't want to put in more expensive paving; however, Mike, said no; the impervious percentages might be too high, especially for stuff in the future. Chair Losoff asked if it is one person and Mike indicated that Susan Culp, who has experience with sustainability and some expertise in that commented it might be something to look at.

Chair Losoff then asked the consultants what they have seen, and Tareq stated that it is open for discussion; they proposed some numbers and the biggest change to the current Code was thinking about all of the impervious coverage on the site rather than limiting it to just lot and building coverage. They have taken it to the next step forward, but that doesn't mean that there is not room for improvement. The testing idea is a really good one to look at some recent examples and see where it went too far one way or the other, then the standards can be adjusted accordingly. Matt Goebel added that the incentive-based approach is a great idea and could be a good tool to establish a minimum threshold, but to let somebody have more intensity on the site if they do it in an environmentally-friendly way. It is just farther than they had originally said they were going to go.

Commissioner Kinsella asked when defining impervious versus pervious would pavers that allow filtration through count as pervious or impervious, and Mike stated that would be pervious. Commissioner Kinsella then noted that when we say pervious, it could be an applied surface.

Commissioner Brandt noted that roof gardens would be pervious, because they would absorb moisture and not let it run off. Tareq noted that based on including a new incentive-based approach that may be an area where you would offer an incentive.

Mike referenced the highlight about the Affordable Housing Incentive on pages 56 and 59 and stated that in those two areas that is not something that will move forward at this time. Vice Chair Levin confirmed that is going to be deleted and Commissioner Barcus asked how that will be deleted. Mike stated that it was just a reserved spot, so you won't see that.

Commissioner Brandt asked if that meant we would not be discussing that and Mike clarified just in those two places. The Commissioner then indicated that another reference was on page 13 under lot coverage for affordable housing incentives, and Mike stated that was in the commentary, and Vice Chair Levin pointed out that all the commentary goes away. Commissioner Brandt then asked if the Commission will be discussing the incentives for affordable housing, and Mike stated not in those two areas. We have hopefully addressed that in other places; we are trying to open that up to everything from how we review multi-family, provide exclusions from things like public art for affordable projects and provide other districts like Mixed-Use that can result in getting more multi-family and varied housing. There are a lot of different things that we are doing with the Code, but we weren't going to move forward with that in these two areas.

Mike Raber then referenced Article 3 on pages 72 and 74 regarding Urban Agriculture and indicated that the sections were based on discussions in the last meeting, and you encouraged staff to look at a minor CUP, but the way we have defined the minor Conditional Use Permit, this would not fit that well, because we don't allow for notifications, so we created a notification requirement in these standards to address the concern.

Vice Chair Levin indicated it was good to see it with all the new standards, but she wondered where you got the information for the standards on coops and range, and Tareq stated it was a combination of both. They received a lot of feedback from members of the public who have chickens and want chickens tomorrow, and this also is a hot topic across the country, so they had a lot of information to compare to see what might work here. The bee regulations were a little different; they had done a lot of research on new standards and put that in a memo a few months ago, then they decided to integrate some of those. Vice Chair Levin noted that a couple of individuals were knowledgeable



about that at the last meeting that staff brought in to educate us. Chair Losoff referenced page 75, number four and asked if that relates to horses. Mike Raber stated yes, that is a commercial stable.

Commissioner Kinsella indicated that there is nothing to require that chickens have access to earth, and that is something we discussed when we talked about the quality of life. Audree explained that staff would need Commission consensus if you are wanting to direct us to have that standard, then staff will add it. Vice Chair Levin pointed out that range standards are in there, but Matt highlighted that is if a run is used. Chair Losoff asked if that isn't just understood, but Commissioner Kinsella stated no, you can't take that for granted when you are talking about the quality of life for the chickens. The Chair then stated that the suggestion is to put that in as a standard and asked if anybody disagreed with that. No Commissioner expressed disagreement, and Audree stated that staff has direction to include access to earth.

Commissioner Barcus indicated that as he understands the Land Development Code, this is for new development or redevelopment of existing premises, so the chickens and bees' recommendations herein would only apply to new development or redevelopment of properties. He then asked if that is the correct understanding of what this element means, so there is no retroactive component requiring existing properties to conform to the Land Development Code. Cari pointed out that currently chickens aren't allowed, so there would be no grandfathered chickens. The Commissioner then asked if a property owner wants a CUP for chickens or bees is that the essence of redevelopment?

Chair Losoff stated that it is not allowed now, so there is no retroactivity and going forward these would be the criteria. Commissioner Barcus agreed but repeated his understanding of the Land Development Code, and Commissioner Mayer added that this Code applies to new development, not existing development. Robert Pickels Jr. explained that you need to keep in mind whether or not a particular element is more restrictive or less restrictive, and if it creates something that didn't exist before, so what you are talking about Commissioner Barcus is if we would apply this standard to existing properties even though it is less restrictive in the sense that it allows something that doesn't currently exist in the Code, which it would, so you can't get hung up on the fact that certain restrictions are going to apply prospectively only, whereas, less restrictive elements may be generally applied to all properties. The Commissioner stated that so far this is the only element in the Land Development Code that applies to existing premises, and it is a regulation that allows chickens and bees. The question is how do people get permits to have chickens and bees on existing premises, because the Land Development Code only applies to new or redeveloped premises. Mike Raber explained that every existing parcel, if they do anything additional, is a new development, so even if somebody is doing an accessory use or an addition, they have to comply with the Code's standards, so all properties are covered by the Code, it is just for the existing situation as it is now, they don't necessarily have to follow the Code, but for anything additional, they do even on existing properties.

Mike referenced page 79 under Lodging Expansion and indicated that we wanted to clarify in 3.3.C(17) a.2 that you can't convert meeting space or long-term housing or other things that were part of a rezoning approval for benefits into lodging units. Then on page 83, number 28 in Vehicle Sales and Leasing, the three feet should be four feet. Cari explained that under a., staff gets a lot of inquiries from the public about ". . . the screening shall be provided at a minimum height of three feet. . .", which is the current requirement, but people comment they don't think that is tall enough to screen some of the vehicles, and you currently are only allowed to go up to three feet in Commercial Districts in the front yard, and she believes that we have some provisions that allow above three feet, but the question is if we should make this requirement four feet, because in the fence section of the Code we allow taller fences.

Commissioner Brandt asked if that is the provision where you can go up to three feet solid, and then 18 inches of a trellis-type, and Cari indicated no and explained that this is because of a lot of questions about screening properties and parking lots in different areas. We changed the fence section of the Code to allow a taller fence in the front yard, but should we mirror that in Vehicle Sales and Leasing.

Commissioner Kinsella asked what the maximum would be, and Cari again stated four feet. The Commissioner then asked if there is not a minimum and a maximum; it is just four feet, and Mike Raber stated that is right. The Chair then asked if the Commissioners were okay with four feet, and the consensus of the Commission was to go to four feet.

**Summary Discussion:**

Commissioner Barcus indicated that the staff and consultants have done a great job, and he is really pleased with the produce. We have been reviewing this piece for 18 months, and except for a couple of things discussed today, we have converged on the solution. The only question he has is, since this was last written in 1994, what is the expected cycle time on the next revision and/or how does the Commission make amendments? For example, if we come up with a CFA with special characteristics like the Schnebly CFA, how do we construct that within the CFA process?

Matt Goebel stated that you should treat the Code as a living document and should plan to regularly revisit the Code's performance on an annual basis. There are some metrics they can suggest, such as how many minor modifications, variances or staff interpretations are you approving? If you have a regularly-scheduled work session and discuss those things with staff, it will tell you where the Code is working and where it can be improved. That is one of their strongest recommendations moving forward. If you program that type of thing in, when you get into a full-scale revision in 10 to 15 years, it won't be as challenging for you. On the CFA question, the goal is that you have a more robust toolbox, so as those CFAs are developed, the planners can look at the new Code and these new Districts and ask if we can work to develop these tools with the goal of using the new Districts in place and not developing one-offs in the future. You should not anticipate that every CFA requires a new Zoning District; hopefully, you can minimize the creation of new Districts, but if necessary keep them as small as possible, because you have citywide standards that cover many of those things.

Chair Losoff asked if the Commission comes up with something that needs to be revised, would it come to the Commission and go through Council? Mike Raber explained that there is a mechanism for Code Text Amendments, and we would bring it to the Commission for a recommendation to Council. The Chair stated that he liked it being a living document. Robert Pickels Jr. added that he went through a full revision at the County, and they had a hard time anticipating. They thought they had a great document, but until you apply it and have projects come through, you don't know how it is going to work. It absolutely is an organic document and you have to make those technical adjustments. One of the questions they got frequently was why they adopted it that way, but sometimes you don't know until you have that experience, so it is not uncommon for it to come back.

Commissioner Barcus indicated that another element came up at the open house. There are a lot of projects in the queue, and one of the questions asked was how a developer in the queue responds once this is adopted, and he will let Mike Raber repeat what was stated at the open house. Mike Raber read Section 1.5D, and the Commissioner interjected that basically the applicant gets the choice of one or the other and can make a determination and selection. Mike emphasized that they can't pick and choose. Chair Losoff agreed and stated it is in Pending Applications on page 4.

Commissioner Mayer referenced the Stable, Commercial on page 75 and asked for an explanation of "a minimum of one acre is required for the maintenance of an animal" – horse or cattle, can it be anything? Mike stated that you have to have one acre in order to have an animal. The Commissioner stated that in an urban area to have a cow, sheep; he doesn't understand that. We have chickens and bees, now we are going to have cattle and horses too. Mike explained that we currently allow that, and Vice Chair Levin pointed out that on Dry Creek Road those are acre-plus lots and there are lots of horses out there. Tareg referenced the Urban Agriculture under which bees and chickens are defined and pointed out that is permitted in every Zoning District in the City. The commercial stables are only allowed in those two very large-lot residential districts. Mike added that it is the same as General Agriculture. The Commissioner then stated that the commercial stable is somebody who leases or rents out horses or has a horse business. What about private horses? Mike explained that they are also allowed under General Agriculture. The Commissioner commented that there are no

restrictions about flies, smell, etc., and Tareq pointed out that they have to comply with the nuisance regulations and the county animal regulations, and Mike added that the setback from the property line is a minimum of 50 ft. for General Agriculture, so that helps with that issue.

Commissioner Mayer stated that it is a great piece of work; it is very thorough. He then asked how many pages were in the previous Code, and Matt stated it was 500-plus, and the Commissioner commented that it would be nice to cut it down even more.

Commissioner Brandt stated that he agreed with how this has come together; it makes a lot of sense and is a really good document, and part of it is because of the work that went into the Land Development Code from the 90's and how good that was, and all of the best pieces are being brought in and expanded. Most of his questions have already been touched on, but he does have a couple.

Commissioner Brandt asked when we expect this to be adopted, and Mike stated that if we stay on track, we would have a work session with the Council on July 25<sup>th</sup>, and then take it forward into the early fall. The Commissioner then asked why the Uptown Entertainment District was called the Entertainment District, and Chair Losoff recalled that there was a liquor license adoption; however, Commissioner Brandt noted it is relating to a future CFA, and Mike indicated that it is possible that it could have a different name. We aren't pursuing that until we adopt a plan for the Uptown area.

Audree Juhlin explained that two things are pending before researching that further. One is we are going to do more analysis on the parking situation, and then we will have the CFA for the Uptown, which will incorporate three CFAs. Once we have a better idea of what that CFA looks like and the results of the parking study, we are going to create an overlay district that may be different for parking and other standards in that area, but we are not ready to provide those standards or do that analysis yet, so that will be a future amendment to the Land Development Code. Commissioner Brandt commented that the term "Entertainment" just kind of throws a curve. Audree noted that it is a state statute that required it at this point in time, because the only thing that is applicable is the liquor designation for the one-mile requirement.

Commissioner Brandt asked if live/work units are usually restricted to have the work part restricted to the live part, and Matt Goebel indicated that is pretty common. The Commissioner noted there has been a lot of talk about restricting residential development to be able to be rented out short-term, and at some point, it is going to reach saturation, and if we are still clamping that down we will not get chances for employee housing. It is great that there are people looking at doing apartments, but we need to get all kinds of housing because any kind of housing is good. We don't have a car problem; we have a people problem – he doesn't think they are connected.

Chair Losoff echoed what Commissioner Barcus said, well done overall. Staff and the consultants did a marvelous job with a lot of input from the public and the Commission. He then referenced the new height measuring and asked for a brief explanation; we are still going with 22 ft. Tareq stated that is correct and basically, they have gotten closer to how you currently regulate height. The one big change they wanted to make is that you repeat a lot of information. You start with how you regulate height for single-family residential, then how you do it for multi-family, then how you do it for non-residential and commercial, so they tried to get that into a simpler form, and their first draft went too far. Working with staff, they have tried to get closer to the way you regulate height. There are multiple planes that you have to comply with -- one follows the natural grade, and another is the horizontal grade at the topmost point of the structure. The idea being that there is a lot of topography in Sedona and unique parcels, so regulating height is an important part of protecting that landscape. You offer a lot of alternatives knowing that not everybody will be able to comply to the same degree when it comes to height on a parcel. They still have a little work to do on that to clarify at what point you are eligible for an alternative to those height standards, but yes, they didn't change the building maximums generally.

Chair Losoff stated that he couldn't find the definition of "family", and Matt Goebel stated it is on page 346; it had been left out of the prior modules, but it is new to the consolidated draft, so the existing definition was carried forward. The Chair then asked about the source of the definition, and Matt stated that there are some federal constraints on what you can call a family, but communities also develop their own definitions, and this is Sedona's definition. Mike Raber explained that quite a bit of time was spent on this during the group home discussion several years ago, and it was vetted heavily with legal counsel.

Commissioner Kinsella asked about a domestic partnership situation; unmarried persons living together are not covered. Tareg pointed out that part c. doesn't use that terminology, but it says no more than a total of four unrelated adults with or without minor children, domiciled on a single residential lot, so you can accommodate that living situation. Commissioner Kinsella stated that domestic partnership has become a recognized terminology for unmarried persons, so she asked if that shouldn't be specifically included; it is a civil rights issue. Chair Losoff asked if the consultants had seen that in other places, and Matt stated they have seen that before and did not have any policy discussions on it.

Chair Losoff then asked if there were any questions or problems with including that and no objections were expressed; therefore, Audree Juhlin stated that would be one of the additions.

**5. EXECUTIVE SESSION**

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

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

*No Executive Session was held.*

**6. ADJOURNMENT**

The Commission discussed adjourning at this point, and Chair Losoff called for adjournment at 5:02 p.m. and noted that the Commission would convene for their regular meeting at 5:30 p.m.

I certify that the above is a true and correct summary of the work session of the Planning & Zoning Commission held on June 5, 2018.

---

Donna A. S. Puckett, *Administrative Assistant*

---

Date