

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, September 4, 2018 - 5:30 p.m.

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

Chair Losoff called the meeting to order at 5:30 p.m., led the Pledge of Allegiance and requested roll call.

Roll Call:

Planning & Zoning Commissioners Present: Chair Marty Losoff, Vice Chair Kathy Levin and Commissioners George Braam, Eric Brandt, Kathy Kinsella, Larry Klein and Gerhard Mayer.

Staff Present: Warren Campbell, Matt Kessler, Cynthia Lovely, Cari Meyer, Karen Osburn, Robert Pickels Jr. and Donna Puckett.

Councilor(s) Present: Mayor Sandy Moriarty, Vice Mayor John Martinez and Councilor Scott Jablow.

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

There were no announcements.

3. PUBLIC FORUM: (This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)

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

4. CONSIDERATION OF THE FOLLOWING ITEM THROUGH PUBLIC HEARING PROCEDURES:

- a. Discussion/possible action regarding a request for a Conditional Use Permit to modify existing rooftop wireless equipment at 254 State Route 89A (Orchards Inn). A general description of the area affected includes but is not necessarily limited to the area east of the intersection of State Route 89A and Jordan Road. The subject property is approximately 1.01 acres and is zoned PD (Planned Development). APN: 401-12-001A. Applicant: T-Mobile West LLC Case number: PZ18-00010 (CUP)**

Presentation: Matt Kessler indicated that this application is for consideration of a Conditional Use Permit to allow modifications to an existing rooftop wireless facility at the Orchards Inn. The application was submitted by Pinnacle Consulting Inc., for T-Mobile, as this is one of their facilities. The Orchards Inn parcel is approximately just over one acre, and it is currently operated as a hotel and is designated as Commercial Lodging in the Community Plan and is zoned Planned Development.

Showing an Aerial Map, Matt identified the subject property and the intersection of Jordan Road and SR 89A. He also noted that this facility is located in the rear of the parcel. Upfront, there is some commercial along with the 89 Agave restaurant on the corner.

Matt stated that as background, the property was originally constructed prior to incorporation in 1974 and the wireless equipment has been in continuous operation since 2008. In 2016, the same applicant applied for modifications to that facility, and the Planning & Zoning Commission approved that use permit on October 12, 2016.

Matt explained that the applicant is now proposing some additional modifications to replace and relocate equipment, which would result in an additional tower. Currently, there are two, and it would also increase the overall height of the facility by 3'8". Staff's review was done under Article 17 of the Land Development Code, and we have a recently adopted Wireless Communication Facilities Ordinance, but since this application was submitted prior to the adoption, our review and analysis was done under the old Article 17, and since the modifications are adding an additional antenna and increasing the height, it is considered as a new attached facility rather than modifications that can be reviewed at a staff level. This application also was submitted to CityScape, our wireless consultant, for review of all applicable federal and state guidelines, as well as Article 17 requirements.

Matt showed the Site Plan with the location of the facility in the rear on the southern of the two Orchard Inn buildings, and the three towers were shown in the center. He also showed the rooftop of the building as it stands today with the existing two towers, and below, it showed the rooftop as proposed with three towers. In before and after elevations of the building, Matt pointed out the towers and the additional height, and then showed three photo simulations, including one of the view from SR 89A and one from the parking lot.

Matt reported that CityScape determined that the application is compliant with all applicable guidelines, Article 17 and all state and federal regulations, and they are recommending approval of this application. The applicant also completed the required Citizen Participation Plan and did not receive any feedback from the property owners within 300 ft., and staff also completed our required public noticing, placed it on our website, noticed the property, and did our own mailing, and we did not receive any feedback as well, so staff believes that this application meets the required findings for a Conditional Use Permit and as reviewed by CityScape, this application is also compliant with all applicable federal and state guidelines. Therefore, staff is recommending approval. Matt then noted that the applicant is available for questions.

Commissions' Questions and Comments:

Commissioner Kinsella asked how much of the anticipated improved coverage area is attributed to the height versus the fact that there would be an additional antenna.

Applicant, Kay Hennessy with Pinnacle Consulting, Inc.: Ms. Hennessy explained that the additional height of the antennas is because they were planning to install a taller antenna. What they call the "radiation center" is not going to change; it will stay at the same Rad, but they needed to provide a new sled mount to handle the weight of the new antennas they are proposing. The Commissioner explained that she is trying to understand the height, because the elevation sheets, A4 and A6, show an existing 6'8" center pipe, and then a new 12'6" center pipe mount, so that is not 3'8". Ms. Hennessy explained that the bottom of the antenna needs to have a certain height, so the signal can shoot over the top of the parapet wall, so the increased height is necessary, because the antennas are longer.

Again, Commissioner Kinsella stated that the application and the memo says it is 3'8", but the elevation sheets show a different number with a difference from 6'8" to 12'6", almost a 6 ft. difference. Cari explained that on sheet A5, it shows that the top of the antennas is at 27'2" and the proposed is 30'10", so that is the increase of 3'8". The Commissioner then stated that staff is not using the centerline pole, and Cari stated that we measure from the top.

Commissioner Kinsella then referenced the 2016 modification and asked if their height was modified in that application as well, and Matt stated that he believes it was an increase of about 2 inches. The Commissioner then repeated her question about how much of the increased coverage is attributed to the height versus the additional unit, and Ms. Hennessy explained that the coverage model is based upon the new technology being installed with the system, so it is hard as far as the center of coverage; it is improved by data speeds and the L600 frequency use.

Commissioner Kinsella asked about the color chip that said the color is "Practical Beige", but the Letter of Intent says that it is going to be the same as the last modification, and then the memo says it is the same as the roof color, so she wanted to be sure the color is going to be the same as what we see existing today. Ms. Hennessy stated absolutely; she tried to get the color code from the previous contractor, but he didn't have it, so we will go back to their records and match the paint.

Chair Losoff reminded the Commissioners that pages 4, 5 and 6 of the packet have the criteria to approve the CUP, so we should try to stay with those to come up with a reasonable decision.

Commissioner Klein asked what the maximum height for an antenna on a rooftop is in the old Land Development Code, and Cari Meyer stated that a free-standing tower can be 90 ft, but she doesn't know that we had a height for rooftop antennas.

Vice Chair Levin stated that the city hired CityScape to prepare a report and included in that was mention of the Middle-Class Tax Relief and the Job Creation Act, which she hadn't seen in prior reports. If she reads it correctly, it says that a wireless project can qualify for administrative approval, and she then asked if that would be at the staff level. Cari Meyer stated yes, and that is one of the things our new Code sought to get our code in line with, and the previous modification was reviewed under the same federal code, but because our Code says you have to get a new Conditional Use Permit. We still have to go through that process, but it further limits what we can review for. Vice Chair Levin then asked if this Act doesn't preempt the city's capability to put it through a review process and not have it approved at an administrative or staff level, because that is implied here, and they concluded with a determination that this project complies with the Act and should be approved.

Robert Pickels Jr. stated that it does, and it doesn't. In one sense yes, there is a superseding federal regulation that dictates that this should be approved if certain criteria are met, which CityScape has determined and he agrees with them, those criteria have been met, but we have this requirement in our Land Development Code that because it meets our criteria to come for a Conditional Use Permit, it has to come before the Commission, so the only reason it is before you is because our requirement doesn't allow for administrative approval, which is a conundrum, because it almost has to be approved, since it meets the criteria, so it doesn't give a lot of latitude to the Commission with respect to approval.

Karen Osburn added that there is a certain threshold at which an administrative review is required, where they don't have to go through a Conditional Use Permit, and it is called a Non-Substantial Change. This was deemed, because of the magnitude of the changes, to be a substantial change which does require the Conditional Use Permit process.

Commissioner Mayer stated that since the applicant is in the business, she is aware of all the cell towers in Sedona, and when he looks at this circle of improvement area with the three, one new and two raised 3'8", he wanted to know what she thinks the coverage for Sedona is overall, with all the cell towers. Ms. Hennessy stated that she is not sure she understands the question, and the Commissioner asked if it is good, is it plenty, more improvements, more cell towers, etc. Robert Pickels Jr. added as it relates to this project, and Chair Losoff stated that we are here to talk about a Conditional Use Permit for this project, not cell towers in general. Commissioner Mayer then said, well one CUPD and another one and another one, he just wanted to hear what an insider of the industry is going to tell him about how much more coverage we need.

Robert Pickels explained that the only relevant inquiry is whether this is necessary as determined by this applicant rather than what the larger needs are. The Commissioner then asked the applicant to tell him that, and Ms. Hennessy stated that she did not have that information. The Commissioner then stated that is the only question he had, because when he looks at this it seems to be a lot of coverage here, but anyway . . .

Commissioner Braam referenced the 2016 improvements and indicated that here we are going thru the process again in 2018. He then asked how often this happens, and Ms. Hennessy stated that it depends on the carrier and the technologies. In her particular case with this specific project, this is twice in the last two years and the technology is pretty well caught up now, so she can't predict what kind of work T-Mobile will be providing. Commissioner Braam then asked if there is nothing in the foreseeable future at this location, and Ms. Hennessy stated not until. . . Chair Losoff interrupted to say that Commissioner Braam wasn't here at the time, but we had several months and a year or two of meetings with the consultants, and they basically said that technology is moving so fast there is no guarantee that it is going to stay a year or two; it could change overnight.

Chair Losoff asked if staff had asked if the applicant would conform to the new Land Development Code, and Matt stated that new conditions were added, and Cari explained that the last couple of Conditional Use Permits have had a couple of conditions added, and the applicant has said that she reviewed them, and she sees no problem with them. The Chair then noted that they have voluntarily agreed, and Matt indicated yes.

Chair Losoff opened the public comment period and, having no requests to speak, closed the public comment period. The Chair then stated that he would entertain a motion.

MOTION: Commissioner Brandt moved for approval of case number PZ18-00010 (Conditional Use Permit), T-Mobile Wireless Facility at Orchards Inn, based on the 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. Commissioner Klein seconded the motion. VOTE: Motion carried seven (7) for and zero (0) opposed.

Chair Losoff asked when the new tower would be up, and Matt indicated that the applicant is ready and will be in for permits shortly.

b. Continued discussion/possible action regarding inclusion of the Oak Creek Heritage District in the Land Development Code (LDC) Update Draft.

Chair Losoff commented that this is a continuation from a previous meeting when we were talking about creating a Heritage District in the area that we already talked about. This is the area of the Schnebly CFA that we approved as a Commission, and we said that once it was approved, we might want to come back and talk about creating a Heritage District within it. In the last meeting, there were a few questions and some issues. He then asked Commissioner Kinsella and Commissioner Braam if they had a chance to go to the site, and they said yes. Commissioner Braam added that it was a great location.

Presentation: Cynthia Lovely stated that this is a continuation, so she is going to answer questions received from the Commission and suggestions they have heard since then from Clarion, and then she will go through the changes to Attachment 1 since the last meeting.

Cynthia reminded the Commission that the goal is to review a new Zoning District that would be added to the Land Development Code update, and if the Commission forwards a recommendation to the City Council, the next step is that the City Council will review it as part of their Land Development Code update review that starts the end of September, although a schedule has not been set.

Cynthia indicated that the purpose of the Oak Creek Heritage District as the CFA Plan stated, is to "Encourage creative site design that will preserve the area's natural and cultural resources while strengthening the sense of place", and it will provide an alternative to current zoning.

Cynthia stated that a question from the last meeting was process-oriented about what the Commission's review through the different processes is. This chart demonstrates that if you have property in this area and the new zone was in place, you would have three options. In Scenario A, they could develop under the existing zoning and most zoning in this area is Residential RS-10 or RS-18, so the Land Development Code standards for those Districts would apply and they would submit their development proposal under the Land Development Code. In Scenario B, they could ask for a rezoning and request a development proposal at a later date, and if they come in to request a rezoning without the development proposal in front of them, then the CFA Plan would be the guidance to determine whether to allow for the rezoning. When they bring in their development proposal later, it would fall under the Zoning District criteria and standards. Third would be if they were to do both concurrently, so they would come in and request their rezoning and their development proposal, and again, the CFA would apply as well as the Land Development Code standards and criteria. The criteria and standards would be the same; it would just be the difference in the process where one would happen concurrently and the other would happen at two separate times.

Cynthia indicated that another question was regarding why a property would want to rezone, if they may be selling the property or don't intend to develop it themselves, and one reason would be the assurance that the property would develop in the future under the CFA vision, so it would be an assurance to the owners as well as to all of the neighbors if they requested a rezoning, and the second reason is that it opens more of a variety of land use options for the property owners. Again, most of these properties are residential and if they stick with their zoning, they would be developing single-family homes.

Cynthia stated that another question was regarding the CFA Plan versus the Zoning District, and if they would be redundant. The CFA Plan would be applicable not just for future development projects, but also for any CIP projects. One that they are talking about now would be a pedestrian/bicycle path through the area, and that is something the CFA Plan would address that might not be applicable to the private property owner. Then, the Zoning District would provide the standards for development. The Zoning District is not replacing the Plan; they would still both be effective and serve a purpose. Chair Losoff noted that there was a lot of discussion last time and asked the Commissioners if they were okay with that and no objection was expressed.

Cynthia indicated that there also was a question about lodging and if a property owner wanted to do lodging would they have to rezone to a Lodging District. Within the Oak Creek Heritage District, lodging is allowed. It does have limitations and restrictions on how much lodging, so that is specified in the Zoning District standards – one of which is that lodging units shall not exceed twice that of the existing residential zoning density, and the second limitation was for the CFA area, and in total, lodging would not exceed half of the acreage of the CFA. The intent was to try to have a mix of uses; we wouldn't want to see the entire area turn to lodging.

Cynthia stated that another question was about temporary housing versus campgrounds and the definition of each. Maybe the question was raised because under the campground description for the Oak Creek District, we talked about campgrounds featuring sites for temporary mobile structures, but you need to pair that with the Land Development Code's definition where it says outdoor facilities designed for overnight accommodations, etc., for periods not to exceed two weeks; whereas, the temporary housing definition is intended for people that might be building a house and want to live onsite before the house is completed, so there are two different things.

Cynthia indicated that there was a question as to whether there are any existing rights-of-way, easements, etc., for trails in the area, and there are not. There are a couple of social trails in the area that do cross private property, but there are no easements for them. This most likely would be negotiated during a Development Review process as to whether we could get easements or if it could be done through a Capital Improvement Project where an easement is negotiated with a landowner.

Cynthia stated that the other concern was putting in a trail along the creek; we've talked about a creek walk and if that would encourage people to go down to the creek. One comment was swimming holes, and that was a discussion we had during the CFA. One of the limitations was that there will be no parking for a creek walk, so people would be walking in from other areas, and the other issue is that it is not easy to get to the creek. There are some areas that might deter people, but other things discussed were fences, signage, the design of the trail, etc.

Chair Losoff commented that the Community Plan identifies the creek as a major objective, so if there is some way to talk to landowners about some access with controls, that would be nice. He is not suggesting that we put it in at this point, but as we move forward, it is a good time to talk to people about it. Cynthia Lovely stated that it would be site specific depending on which property and which location along the creek. Chair Losoff added that we heard it in the Community Plan; it is probably a 50-50 split. Everybody liked creek access, but there are people who don't because of the pollution issue, so it must be sensitive and careful, but this might be a time to consider something.

Commissioner Klein referenced the limitation that said the number of lodging units shall not exceed twice that of the allowed dwelling units per acre under the prior zoning, and he asked how much the allowed dwelling units per acre under the prior zoning is. Cynthia stated that the RS-10, roughly half of the area, is four units per acre and RS-18 is two units per acre, so if you were in a RS-10 zoning, then this would allow for eight lodging units. Commissioner Klein asked if on the other one it would be four units per acre, and Cynthia stated yes. The Commissioner then asked what the total acreage is within the CFA, and Cynthia stated 91. Commissioner Klein then said that according to this, you could have lodging on half of that and Cynthia stated roughly 45 acres, but that doesn't account for the fact that a good portion of the CFA is already developed with houses. The Commissioner then asked for the total number of lodging units that could potentially be built under this, and Cynthia stated that she didn't have that number; you would have to subtract already developed properties and property that is unbuildable.

Chair Losoff noted that when we went through the CFA that was identified, but it was also identified that the numbers are not real, because several of the areas are not buildable, so the number is probably not realistic, but he doesn't remember the number. Chair Losoff asked the Commissioner if he wanted staff to get it for next time, and Commissioner Klein stated yes.

Vice Chair Levin indicated that she thought Cynthia had done that, and Cynthia agreed that staff did a bunch of calculations, and again, they were estimates because of all those other variables that would limit any type of development.

Commissioner Brandt recalled that there was a restriction on the total amount; it was like the first 30% or like once it got to a certain density, then it wasn't an option anymore. Cynthia stated that would be the second point with the limitation on acreage and area, and Commissioner Brandt agreed; it was total acreage, so that is why you figure places that are already developed probably won't redevelop into hotels, but if they do, it is still taking away from other properties that could potentially develop, so it is still somewhat of a balance.

Commissioner Braam indicated that one of this concerns is that if you have a significant portion of the 91 acres that are currently undevelopable, such as floodplains and floodways, and if that is part of the equation, it seems that the density could be a lot higher in the developable areas. It seems that you should exclude the areas where you can't develop, when you come up with the equation for 50% of the area; however, Vice Chair Levin pointed out that the full picture is that the undevelopable portion is open space. Commissioner Braam noted that you can't develop there anyway, and Commissioner Klein stated that you wouldn't want to look at that scenario in isolation. Commissioner Braam then stated that areas that could be developed would have a higher density than just 50%.

Chair Losoff asked what the issue is that you are trying to resolve, and Commissioner Braam stated that potential density. Commissioner Klein stated that his issue is he is curious as to how many lodging units under this language would be allowed in this area. Chair Losoff explained that when the Commission approved the CFA, we had that, so we approved it with that number, so if we need to go back and find it, could we do that now? Cynthia stated that it is not handy; it was background information provided for the CFA Plan discussions, and again, they were estimates, not concrete numbers. The Chair then repeated that when we approved the CFA that number was in there. Cynthia added that when we had that discussion with all those concerns, that is how and why we developed these limitations – one on the acreage and the amount of area as well as the density limitations.

Commissioner Braam asked for clarification as to if tent camping is not allowed in this area, and Cynthia explained that currently under our Land Development Code, we don't allow tent camping in the city. In the new Land Development Code, we will be modifying that to allow tent camping. If we are saying campgrounds are allowed in this area, it could be for RVs and for tents.

Cynthia stated that another question was on the Table of Allowed Uses, because we didn't have a "P" for permitted on the indoor recreation facilities. She then explained that in the CFA vision and purpose, one of the quotes would be "Modestly-scaled buildings sustaining the distinct historic context and character." Indoor recreation facility is intended to mean large facilities like bowling alleys, swimming pools, etc., so the thought was that if there were to be recreational facilities in this area, it would fit under clubs and lodges, so it is not as if we would be excluding this activity from the area. It would probably just fit better under clubs and lodges as opposed to a large indoor recreation facility, which they saw more as a destination that could generate traffic that we want to avoid in this area.

Commissioner Kinsella asked for an example of what is allowed under a club or lodge, and Cynthia stated that she didn't have the definition, but it was like social and recreational activities. The Commissioner then said that you could have like a pool table, a pinball machine, and Cynthia stated yes.

Commissioner Mayer stated that this would be possible to have in the 750 borderline in the commercial area. You could have a facility like that, right? Cynthia stated that she believed so, because. . . Commissioner Mayer interrupted to say the 750 for the commercial area, from the Schnebly roundabout into Schnebly Hill, you could create a facility catering to recreational use, right? Cynthia stated that the part she is not clear on is whether clubs and lodges are a commercial activity; they might be considered a community facility. The Commissioner stated that is something he doesn't understand.

Commissioner Mayer then asked, going back to the lodging, if there is a rezoning request for Lodging from Residential, can they have a facility within that venue that offers a gym or a pool, etc., and Cynthia Lovely stated yes, those would be considered accessory. The way it is organized is that lodging would be primary, and you may have a spa, café or gift shop as an accessory use to lodging.

Cynthia indicated that the last question was asking where the 750 ft. area is from the roundabout, which was designated for commercial as a primary use. Other activities could be accessory beyond the 750 ft., but we were limiting commercial activities to within 750 ft. of that roundabout. Again, the main concerns were traffic and not wanting to generate traffic into the CFA area.

Commissioner Braam stated that 750 ft. seems somewhat arbitrary when it falls between a parcel. He then asked if it could be defined more along a parcel line, so it isn't halfway through a parcel and someone wants commercial there, and they can't. Cynthia Lovely indicated that in the background and their thought throughout this entire planning process was that we expect many of these parcels to be recombined and developed not necessarily along parcel lines.

Cynthia also explained that the one it is cutting through the center of is a rather small parcel that would be very challenging to develop. We certainly could have drawn the line a little differently, but that was their thought process. They wouldn't expect that little parcel to be developed separately. Commissioner Mayer asked if somebody within that 750 ft. can have lodging, and Cynthia stated yes. Then the Commissioner asked about a restaurant. and Cynthia Lovely again stated yes.

Cynthia indicated that another question was brought up just prior to the meeting, and she showed the cut and paste of the Purpose section, which is the first page of the Zoning District. The question was if the Zoning District was restricted to the CFA boundaries, and Cynthia indicated no, it would not be. The statement is, "It is intended to ensure that the development in the Schnebly CFA and Oak Creek corridor is consistent, etc.", so the key is that we added 'and Oak Creek corridor', and that was intentional with the thought that there may be areas outside of the CFA that this Zoning District could apply to and be appropriate. An example that often comes up is the Copper Cliffs area that is very similar to this area. There are other areas north of the Schnebly CFA that it could also apply to so this is a possibility in the future, and that is why it was worded that way.

Vice Chair Levin asked if staff had evaluated other non-CFA areas, such as the Orchards or perhaps west of Oak Creek where the Forest Service Pumphouse is or even the Lomacasi area, for an invitation to the owners to secure a Heritage District designation. Cynthia Lovely indicated that is something we probably should discuss once this Zoning District is in place, but those are all examples of things we thought of. The Copper Cliffs is an example of a project you had about a year ago with the cider, and that is a prime example that you could pick up and put it in this CFA and not be able to tell the difference. The environment is very similar, and that activity would have been an example of how they could have rezoned to this District and been able to do what they wanted to do. Lomacasi also has come up as an example. Vice Chair Levin then added that they wouldn't necessarily be as expansive in terms of mixed use, but they could be mixed use, and Cynthia agreed. The Vice Chair asked if that is a work plan item for the department, and Cynthia Lovely stated that we will add it to the work plan. We are trying to get through the Land Development Code update first, but we have been having discussions about CFA implementation and that would fit with those discussions as well.

Chair Losoff asked if there would be some concern to having a Heritage District or new district outside the CFA; are we making things complicated? Cynthia stated that she doesn't know that it needs to be complicated, because the Zoning District lists the standards and criteria, so that should be able to stand alone, if it is a parcel outside of the CFA.

Commissioner Brandt noted that we just talked about the fact that there is a percentage or limit to the acreage that could be lodging, and it is applicable to the boundaries of the Schnebly CFA, so you would have to create another boundary and figure out how the lodging would be applied. Cynthia Lovely stated that is a good point. The Commissioner then added that everything else seems to make sense, but there are a few. . . Cynthia agreed and indicated that one would be an issue, so it would be kind of a Phase II after the Zoning District is established to look into issues like that; there might be a variety of different ways to address it. Commissioner Brandt asked if the large parcel at the end of Brewer is part of Orchards. If you go through the Palisades Subdivision, there is a 10 or 12-acre parcel on the creek that is currently for sale that would be prime, because a portion of it is riparian, but a lot of it is on the hillside, so it is almost exactly the same. There are other people on the other side of the creek that look to that side and would want those hillsides preserved, so it would be nice to be able to apply this zone to other places within the riparian area of Sedona.

Cynthia Lovely indicated that she is now going to go through the revised proposal, which is Attachment 1, and the footer says "revised". The previous Staff Report had an Attachment 1, and since that meeting, we have made some changes with footnotes explaining those changes, so she is just going to walk through the major ones and not those just edited for clarity.

Cynthia stated that some changes were at the recommendation of Clarion, because they felt that when we talked about flexibility in standards, and the Minor Modifications or Variance process would address that need, so we removed some language in this Zoning District that they felt was unnecessary, because it could be addressed under the other procedure. Since we started talking about that and implementing other CFAs, we're looking at modifying another section of the Code, which is called Minor Modifications, and there is a table in there, so we are looking at adding some flexibility in the CFAs. That is something that we just started discussing, so that is staff's explanation and the consultant's rationale for removing some of the flexibility information, because there was a little section called Applicability where flexibility and standards were mentioned, and that was removed.

Cynthia indicated that the second piece would be on the first page where there is a table, and we made a couple of different changes at the suggestion of the consultant, one of which was to remove the width, which they felt on that size lot was not necessary to mention. The building height changed to be consistent with the other Zoning Districts which don't specify that. They basically say see the section on building height. We also adjusted the building coverage and the total coverage. One of the reasons for doing that was that we wanted to be less restrictive to have more incentive to go with this District, and yet it still lines up with more of the rural feel. For example, RS-70 is the rural residential area that would be the same coverage this District has.

Commissioner Klein stated that we are removing the building height of 25 ft., and it says see Section 2.24D. He then asked what that section says about building height, and Cynthia explained that we are not removing that 25 ft. restriction. It is just saying that for measuring building height, you really need to read the Building Height section, because we have different variations on height and how it is measured. It is just a formatting issue.

Cynthia stated that we also added under Density we had the line about residential, and we mentioned for multifamily and lodging densities to go to those sections to read those, and then we also added a total density with the idea that there might be a mix of uses, so for example, if you had lodging in residential, you may have lodging and some multifamily workforce housing, so the thought was in that situation, we set the limit at nine units per acre. For example, if you did eight units of lodging and one workforce housing, it would allow for that.

Cynthia stated that we made a couple of changes to the Table of Allowed Uses. This is where we have the "P" for Permitted, "A" for Accessory and "C" for Conditional, so we changed some of the accessories to permitted. We also added microbrewery, distillery and winery. There was discussion in the planning process about a winery or vineyards-type of use, and that is where that came up. Then on the mobile food vending, which is essentially food trucks, that is being discussed for other districts to turn that from an accessory to a conditional use. It is more of a process issue.

Cynthia then indicated that under Multifamily, we have a comment that it was a little too open-ended. It didn't address density, so we added a density limit similar to the lodging limit, which is shall not exceed twice that of their current existing residential zoning. Again, allowing for more of an incentive to go with the new District but putting a cap on it.

Cynthia stated that Landscaping is more of a change because the previous wording was a little confusing, so we split it. We still have the 75% for native plant species for landscaping, but we separated out orchard trees with the thought that by encouraging or at least allowing orchard trees as part of that CFA character, they could be used in place of the native plant landscaping requirements, so it wouldn't discourage from having orchard trees, because we wouldn't want to double their landscaping requirements.

Vice Chair Levin asked if there is an irrigation ditch allocated to various property owners in that area, and Cynthia Lovely stated not in this area; the Owenby Ditch is on the other side of the Creek. There are remnants of an old ditch, but we don't have all the details on the history of that, but it is not functioning. The Vice Chair then stated that ostensibly property owners that front Oak Creek could pump from the Creek. Cynthia added if they have water rights; there is one property that does have water rights to do that. The Vice Chair then stated that otherwise orchard trees will be not sustained by Oak Creek; they are high water users. Commissioner Kinsella agreed and asked if that should be specified that the substitution could be made if the water rights support it. Cynthia indicated that you could say that, but in reality, most likely they wouldn't do an orchard unless they have water rights. The property where you see the trees out there now has water rights, so it might be self-limiting.

Vice Chair Levin agreed that we don't have to over talk it and Chair Losoff added that we don't need to legislate something like that. If a person is going to put in an orchard, they either have water rights or they don't, and if they want to get it, they have to apply. It seems that it would be overkill if we start putting things like that in here. It's voluntary; we aren't saying you have to put in orchard trees.

Cynthia Lovely indicated that one of the other changes had to do with the open space. There was a statement about having a continuous corridor of undeveloped open space along Schnebly Hill Road. We removed that, because we already have a front setback of 40 ft. and that is sufficient in most cases. If you look at a map and start near the roundabout and drive up, it would vary. You have some smaller parcels next to Oak Creek where 40 ft would be excessive, but then you get to where you have some larger parcels farther from the creek where you may want more than 40 ft. of open space, but since it varies so much, we felt that statement, not having a defined continuous corridor, was probably not necessary given the front setback. Again, going back to the flexibility, if you have some parcels where the 40 ft. is excessive given the floodway that might be a situation where it is less on some parcels and more on others.

Commissioner Brandt noted that in a front setback, you can still put fences or yard walls, etc., but no other structures he can think of, and that would kind of go against the notion of trying to keep a more rural opening, like contiguous across properties, if you allow it to be divided. Cynthia indicated that the fences in a front setback has a 3 ft. height limit, so it should be okay as to not block the view, which was one of the ideas of the continuous corridor. The Commissioner indicated it is the difference between calling it open space versus someone's front yard. If it is open space, it remains relatively natural; if it is a front yard, you can mow it and plant all kinds of decorative things, and he thinks maybe it wants to stay open space.

Cynthia explained that there is some other language about open space in here and maybe where it would come up is if you were going to do the clustered development. In a situation like that, you would work with the property owner to designate areas of open space versus where you are going to cluster the development. In that situation, you would negotiate, but you are right in that if it were to develop under residential most likely they will not go into this Zoning District, and the thought was if they are going to rezone into this District, they most likely will be doing something different and more creative than single-family homes.

Commissioner Kinsella stated that she concurs with Commissioner Brandt's point and is concerned that we are taking a lot for granted as to what someone may or may not do based on today's standards. We want to preserve a view corridor that does not have any street wall obstruction and that needs to be specified, since it would be allowed under the front setback. There needs to be some clarity on that if that is what we want to do. If we want to preserve open space view corridor that needs to be specified. If that is not what we want to do, then this wording is probably fine, and she would like to see it preserved.

Chair Losoff asked how specific we want to be. We say hillsides shall be preserved as open space to retain scenic views and minimize erosion; it is a pretty good standard. Cynthia Lovely stated that we can consider it, but when we have had these discussions in the past, it always comes down to a balance of incentives versus being too restrictive. Where is that balance? The Chair added that in the Design Review Manual, we talk about view corridors and have height restrictions, plus other restrictions, so if a person or development comes in, they have to meet those criteria which would preserve the viewshed; however, Commissioner Kinsella stated this is the creation of a new District, so if you are creating it with a certain goal in mind, but you don't put in the parameter to meet that goal, then why do this?

Chair Losoff stated that just like when we went through the Land Development Code, we found all kinds of duplications in the Land Development Code, and what we would be doing here is creating more duplication for things we already have in place. We want to keep it simple, and it is going to be somewhat complicated enough to have a Heritage District on top of a CFA. Now, the Heritage District is going to have additional stuff from what we already have; it could make life for developers as well as ourselves difficult. Cynthia explained that was part of our rationale. We don't want to make this too difficult, and the other situation is on the other side of the property is the Oak Creek floodplain and floodway, so we have the potential to have two conflicting restrictions – one is we don't want them to build in the floodway and the other is we want this continuous corridor of open space, and there are a few parcels that would be pitched into a narrow strip of property to develop if you ask for both of those things. Again, it is that balance of incentives and restrictions that we are looking at.

Chair Losoff stated that to cover Commissioner Kinsella's comments, we could include that in all cases it must conform to the Design Review Manual or something to that effect, but it is a given rather than to add another statement that just duplicates what is already. . . Commissioner Kinsella interrupted to say that she is not asking for duplication; she is asking for clarification. If the goal is to preserve an open view corridor, but the wording being used would allow the construction of a fence or wall within that view corridor, then we haven't created something that requires an open view corridor.

Commissioner Mayer stated that you cannot restrict somebody from building a fence in order to keep the dogs inside of that property or something like that. He doesn't understand that you are not going to allow someone to build a fence around their property. Chair Losoff asked what the height of a fence is, and Commissioner Mayer stated six feet; however, Cynthia Lovely stated that it varies; the front setback is different. Chair Losoff added that if a fence is going up, the criteria we have in place protects the view, so it doesn't get 10 ft. high; there is a certain limitation, so there are things in place, but if we want to pursue this, we can. Cynthia then pointed out that we always have the CFA Plan in place, so if we are working with a property owner and that whole flexibility thing and looking at clustering the development, that statement about the continuous corridor of open space along Schnebly Hill Road is still in the CFA Plan and that won't get lost. It is just that the CFA Plan is not a regulatory requirement, but that concept is still there. Commissioner Kinsella then stated that addresses her concern.

Cynthia indicated that the last section in Attachment 1 was Historic Resources and some changes were to remove some duplication that wasn't necessary, and for the most part, the consultant felt that some of the language removed was difficult to interpret and possibly difficult to enforce, and there were some statements that might have conflicted with each other and/or with our Design/Sense of Place section in the CFA Plan. An example would be the first point about new construction designed to reflect current period and not attempt to mirror or replicate historic features. The photo is an example of a project that people are often referencing, wanting that particular design style that you could say replicates historic features and materials, so we felt there were a couple of issues with that statement. The second one about integrating contemporary interpretations of traditional designs again was difficult to enforce and maybe not the best language to have in a regulatory document, and those were the two changes in that section.

Vice Chair Levin stated that she is not sure she understands what traditional design means, and Cynthia stated that is exactly why we're removing this. The Vice Chair then understood it is the whole page.

Cynthia explained that was the end of the revisions in the document and summarized that we are doing this to implement the CFA Plan. We feel that we need alternatives to the current zoning, and this is the way to do that by providing them with a different Zoning District.

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

Summary Discussion:

Vice Chair Levin referenced David Tracy's dozen or more comments, suggestions and questions in Attachment 2 of the packet and asked if staff had an opportunity to evaluate them individually and if staff wanted to comment on them and intends to act on them or if these will go forward to the City Council as a list of new issues and concerns. Cynthia Lovely indicated that these comments and questions were considered in the revisions, and it was felt that for some of them, it was not necessary to make any changes to the document, and there were a few that staff felt would be lessening some of the requirements especially regarding the floodplain, and we chose not to make those changes. The Vice Chair indicated that she noticed that Mr. Tracy is in the audience but did not want to bring any of these issues forward to the Commission.

Chair Losoff noted that we get public comments on a lot of projects, and they are just addressed; they don't necessarily go directly to the City Council, and staff addressed them. Vice Chair Levin agreed, but stated that he is a primary property owner in the area and that is why she was curious as to how this was going to be treated, what their expectations were. and if staff had discussed each of these with them or not. Cynthia stated that staff has not done that yet. We didn't feel that these warranted any changes to the text; it does not mean that they couldn't also be comments forwarded to the City Council to consider. Some of them are either covered by other regulations or they are already allowed in the District.

Commissioner Klein asked if someone currently wants to build lodging in this area, they have to get a zone change, and Cynthia Lovely stated to the Oak Creek District, yes; however, Chair Losoff clarified that the Commissioner was asking about currently. Cynthia clarified that currently if they want to do lodging, they would have a difficult time of it. The Commissioner then asked if the Commission approves this, could someone apply for this zone change, and then once that is approved, they would automatically be able to build lodging as long as they comply with the density and design requirements. Cynthia explained that they would need to comply with the requirements, but she doesn't know that she would say automatically, because it would still go through the Development Review process. The Commissioner agreed but indicated that would be strictly for complying with the density requirements and design requirements, and Cynthia agreed.

Commissioner Brandt referenced a letter and indicated that he would like to address the building height, and where he thinks it might make sense in the canopy of the tall trees, this District does go beyond up onto the hillsides, so for that reason, he doesn't think the extra height should be considered. Cynthia Lovely noted that staff did not address that one, because it was never discussed during the CFA planning process and it was not included in the CFA Plan, so staff didn't feel it was appropriate to introduce that at this time.

Commissioner Brandt then stated that this is a fantastic, fascinating process going from the 2020 Community Plan to setting up the potential for having a CFA and two years later creating a CFA, and then two years later actually doing the enabling legislation to create the District to further the goals of the 2020 Plan. Vice Chair Levin expressed agreement.

Commissioner Kinsella stated that she very much likes this Plan; she is in favor of this Plan. It is great with the goals, but still she is concerned that since it is specifically trying to protect a visual that exists and keep that visual, the front setback versus the open corridor space is not completely in agreement with that goal by allowing something in there. She is supporting the Plan, but she wanted to put that on the record that she does have a concern about that actually defeating one of the prime purposes.

MOTION: Commissioner Kinsella moved to recommend to the Sedona City Council inclusion of the Oak Creek Heritage District in the LDC Update Draft. Commissioner Brandt seconded the motion.

Chair Losoff commented that we have Commissioner Kinsella's concern on record and Commissioner Klein had a concern or question on record about the number of units.

VOTE: Motion carried seven (7) for and zero (0) opposed.

Chair Losoff thanked Cynthia and other staff members for a lot of hard work and indicated that regarding Vice Chair Levin's comments, we do have the audience's suggestions on record here, and staff will take them into account and determine if they will go forward or not.

5. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, September 18, 2018; 3:30 pm (Work Session)
- b. Tuesday, September 18, 2018; 5:30 pm (Public Hearing)
- c. Tuesday, October 2, 2018; 3:30 pm (Work Session)
- d. Tuesday, October 2, 2018; 5:30 pm (Public Hearing)

Karen Osburn indicated that we do not have anything scheduled for the work session or public hearing on September 18th, so we are cancelling both meetings. Chair Losoff indicated that is good because at least three Commissioners are not available.

Commissioner Braam indicated he would not be available on October 2nd, and Karen stated that currently we don't have anything scheduled for the 2nd, but we will know within the next week as to whether there will be anything for the work session or public hearing, and we will send out a notice to you as soon as we know for sure.

6. 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.

7. ADJOURNMENT

Chair Losoff called for adjournment at 6:49 p.m. without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on September 4, 2018.

Donna A. S. Puckett, *Administrative Assistant*

Date