

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, April 2, 2019 - 5:30 p.m.

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

Vice Chair Barcus 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: Vice Chair Randy Barcus and Commissioners George Braam, Eric Brandt, Charlotte Hosseini, Kathy Kinsella and Larry Klein. Chair Kathy Levin was excused.

Staff Present: Matt Kessler, Karen Osburn, Ryan Mortillaro, Robert Pickels Jr. and Donna Puckett.

Councilor(s) Present: Mayor Sandy Moriarty and Vice Mayor John Martinez

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

Vice Chair Barcus indicated that staff is going to talk about the status of certain projects that have come before the Commission, but we can't ask questions about those projects, because they weren't noticed on the meeting today. Periodically, we will have staff reports that include that, so he wanted to remind everyone of the protocol.

Karen Osburn announced that the annual volunteer luncheon is next week on Tuesday, April 9th from 12:00 p.m. to 1:00 p.m. at Los Abrigados, so we hope all Commissioners will be able to attend. Lauren Browne was requesting RSVPs by today, so if you have not RSVP'd, please do so or let her know after the meeting. We also are taking the Sunset CFA to Council on April 9th, next Tuesday at their regular meeting for hopefully approval and adoption. Staff has started the Uptown CFA process and is gathering research by meeting with a variety of stakeholders and property owners to gather initial information and data needed to move forward with the Uptown CFA. We also issued the first round of corrections last week for the Marriott Residence Inn project, so that is back with the applicant, and we have one application for a Major Community Plan Amendment for an apartment complex off of Andante, so you will see that later this summer. Additionally, we issued the permit a few weeks ago for the Habitat triplex, and they did their official ground-breaking ceremony yesterday.

3. APPROVAL OF THE FOLLOWING MINUTES:

a. March 5, 2019 (WS)

Vice Chair Barcus requested a motion to approve the minutes of March 5, 2019.

MOTION: Commissioner Klein so moved. Commissioner Kinsella seconded the motion. VOTE: Motion carried, six (6) for and zero (0) opposed. Chair Levin was excused.

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.)

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

5. **CONSIDERATION OF THE FOLLOWING ITEM THROUGH PUBLIC HEARING PROCEDURES:**

- a. **Discussion/possible action regarding a request for a Conditional Use Permit to allow the operation of a child day care program at the Church of the Red Rocks, located at 54 Bowstring Drive. The property is zoned Single Family Residential (RS-18) and is located northwest of the intersection of Bowstring Drive and State Route 179. APN: 401-25-037C Applicant: Shandra Ryan, Case Number: PZ19-00001 (CUP)**

Presentation, Matt Kessler: Matt explained that the request is for a CUP for Sedona Creative Child Care Club which is a proposed daycare program at the Church of the Red Rocks who is also the property owner of the parcel. The applicant is Shandra Ryan who will operate the daycare facility at the Church.

On an aerial map, Matt pointed out the subject property that is approximately 4.5 acres in size and zoned RS-18, which conditionally permits this use, and he described the surrounding area. He also noted that the applicant's Letter of Intent speaks to the pick-up and drop-off area plus the adequate parking near the entrance to the building.

As background, Matt indicated that the Church received a CUP to operate a religious facility in 2006, and their submitted Letter of Intent and supplemental Letters of Intent were very specific on the proposed use. One of the proposed uses in the building was a Sunday School, which included several classrooms, and they specifically stated that should the use of the Sunday School area within the Church be used for a day school at a future date, they acknowledged that an additional Conditional Use Permit would be required, which is why we are here this evening.

Matt stated that the proposed daycare program would use the existing learning center, as it is called on their plans, so no new construction is proposed or required. The proposed program would operate from either 1:00 p.m. or 3:00 p.m. to 6:30 p.m. during the school year, due to the fluctuating early-release schedules of the local schools, so depending on the day, it would be 1:00 p.m. or 3:00 p.m., and the applicant was envisioning that during breaks, including seasonal breaks, they would offer some day-long programs with a 9:00 a.m. to 5:00 p.m. schedule. They also are not proposing any change in the site access or parking; they want to use the existing layout on site.

Matt showed a site plan from a previous building permit, which is why there were additional notations, and he asked the Commission to please disregard the new construction and other notes. This is simply to show you the location of the existing learning center, within the building, highlighted in yellow. He also showed the floorplan that showed a little more detail and the layout of the existing facility they would like to use for the daycare. The applicant completed their Citizen Participation Outreach and Plan, which includes notifying neighbors within 300 ft., and the result of that Plan is provided in the packet. They did not receive any comments or feedback from neighbors, and staff completed the required notification as well, so we noticed the property and did the notice in the Red Rock News, and we also received no feedback.

Matt indicated that as outlined in the Staff Report with those findings that probably look a little different, because this is the first application brought forward under the new Code, staff believes that the application meets these findings for approval of a Conditional Use Permit, and we are not recommending an expiration on the Conditional Use Permit approval. If there were any issues, we could begin the process of working with the applicant and, if necessary, go through the process to revoke the CUP, but staff does not believe that would be an issue. Therefore, based on compliance, we are recommending approval.

Commission's Questions:

Commissioner Hosseini referenced the beginning of the project description and indicated there are some hours of operation that says 3:00 p.m. to 9:30 p.m., and later in the revised Letter of Intent, it says the same hours you had in the presentation. She then asked if that is a timing issue from when they were put together; it is not until 9:30 p.m. Matt indicated that is correct,

and the applicant can clarify, but we would be going off of the dates you saw in the presentation that were from the revised Letter of Intent, which is what the CUP would be held to or the 9:00 a.m. to 5:00 p.m.

Commissioner Hosseini then indicated that one of the Conditions of Approval was within 30 days of approval of the Conditional Use Permit, the tenant shall apply for a Tenant Occupancy Permit and pursue issuance of a Certificate of Occupancy, then it goes on to say that you shall obtain the necessary permits and licenses from the state, so is it kind of a chicken and egg or which comes first, if the state requires some of these things to be done before issuing a license, and we require the license first, she is wondering if 30 days is adequate. Matt explained that in speaking with the applicant, the state is going to require a Certificate of Occupancy before they will process the required permit for the daycare, so his understanding is that they would apply for the Tenant Occupancy Permit first in order to get the required Certificate of Occupancy to proceed with the state licensing. Commissioner Hosseini commented that in other words, they are pursuing it, so it could go beyond 30 days. Matt stated that is correct, it just means to apply for that permit within 30 days. The Commissioner then asked if the CUP for the Church is open-ended, and Matt indicated yes.

Commissioner Kinsella asked to see the slide of the location within the building, and then asked if it is where there is currently a kitchen facility and room used for meetings and what the current use of that particular space is.

Applicant, Shandra Ryan: Ms. Ryan explained that it currently is used as a Sunday School room, and it is the far left-hand area of the building, looking from the parking lot. She then referenced the sanctuary and meeting hall in the front indicating that is where most meetings occur. There also are some classrooms for adults, but they won't be using those spaces, or the kitchen at this time. We have that meeting hall charted as a large group activity area, but it is a different construction right now and not being utilized during the week at all.

Commissioner Kinsella referenced the pick-up times in the evening or afternoon and asked if they would be staggered or sort of a rush hour. Ms. Ryan indicated that she thinks they would be staggered. A lot of parents are done at 4:30 p.m. and there by 4:45 p.m., and others get off at 6:00 p.m. and are there by 6:15 p.m., so she thinks they will have several different times that children will be picked up, so it won't be like a rush hour. The Commissioner then asked how many children they think they will have, and Ms. Ryan stated that the most they can have is 19, but for now, they are going to operate with two teachers, so 14 would be the maximum, and they are going to start with 10 or 12. The Commissioner commented that there wouldn't be more than 14 cars coming to pick-up those children.

Commissioner Brandt referenced the 9:00 a.m. to 5:00 p.m. operating hours, but pointed out that there is a timeframe that ends at 9:30 p.m. Shandra Ryan explained that was a mistake, and that is why they did a revised; at no point were they considering 9:30 p.m. The Commissioner then asked if any outdoor uses were proposed, and Ms. Ryan explained that they were proposing to do walking field trips. There is a big empty parking lot area where they will do outdoor ballgames, and then there are places in the area they can walk to on the sidewalk, and they would do that kind of thing; otherwise, it will be that big indoor banquet hall that they would use for physical activity. Commissioner Brandt asked to have those areas pointed out on the map, and Matt identified the main hall. Ms. Ryan identified the overflow parking area along the highway and explained that there is a nice walking area that goes all the way around the building as well.

Commissioner Braam asked the number of parking spaces they have now, and Ms. Ryan stated 117 was the last figure she heard. The Commissioner then commented that during normal services, there is probably somewhat of a rush hour leaving the site, and Ms. Ryan agreed. The Commissioner explained that his concerns were traffic-related as to how much impact this would have, but it seems like it would be less than 20 children at the facility that would be somewhat

staggered, so it shouldn't be a problem. Ms. Ryan stated that they are hoping not to disrupt the neighborhood or other church staff that is there during the day.

Vice Chair Barcus indicated that it sounds like there will be other activities at the church during . . . Ms. Ryan stated sometimes, especially during that break, vacation care; however, the Vice Chair clarified that he meant other activities at the Church that are currently going on, so there will be other occupants of the building, and Ms. Ryan agreed. The Vice Chair stated that he wanted to make sure everyone understood that there are existing uses that occur during the daytime during the week, not just on Sunday, but this specific classroom is not used, except on Sundays. Ms. Ryan agreed and explained that there is a lot of activity that goes on during the day with cars coming and going throughout the day at the Church.

Commissioner Hosseini referenced the colored brochure that says you meet children either at the public bus stop or they could be dropped off at the Church. The Commissioner then asked if there is a public bus stop, and Ms. Ryan stated yes, there is one that goes up Bowstring, and it meets at the corner of Bowstring and Arrow. The Commissioner then noted it is away from the highway, and Ms. Ryan agreed that is it up the back, neighborhood street.

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

MOTION: Commissioner Kinsella moved to approve case number PZ19-00001(CUP) for Sedona Creative Child Care Club, in accordance with the findings of compliance with all the ordinance requirements and satisfaction of the CUP findings and applicable Land Development Code requirements and the conditions as outlined in the Staff Report. Commissioner Klein seconded the motion.

Commissioner Hosseini stated that it is a wonderful addition.

Commissioner Kinsella noted that the CUP is open-ended, and to be consistent, she likes for first-time CUPs to be issued with a timeframe. It is nothing about any particular application, but she likes the idea of a timeframe driving commentary, evaluation and public comment back to the Commission. Without an end date on that CUP, it is left to residents or visitors to proactively reach out as opposed to being notified that there is an opportunity to raise comment. It is not an issue particular to this application, just something she believes across the board.

Commissioner Klein stated this is a good idea. Providing daycare at a church is a really good idea, and he is not concerned about having an open-ended CUP for this type of arrangement, so he is in favor of it.

Commissioner Brandt asked if the church has an open-ended CUP, and Matt stated that is correct. The Commissioner then commented that kind of goes with the flow there, but he agrees with Commissioner Kinsella that it should always be discussed in Staff Reports as to why any CUP does not have a timeframe attached. He had a concern with the outdoor use, but the parking area has a good connection to the facility and it is obvious, because it is used all the time for coming and going, even by children, and they are distant from the neighboring residential properties, so he doesn't think there is any conflict there, and he agrees, it is a great addition for the community.

VOTE: Motion carried six (6) for and zero (0) opposed. Chair Levin was excused.

6. **FUTURE MEETING DATES AND AGENDA ITEMS**
 - a. **Tuesday, April 16, 2019; 3:30 pm (Work Session)**
 - b. **Tuesday, April 16, 2019; 5:30 pm (Public Hearing)**
 - c. **Tuesday, May 7, 2019; 3:30 pm (Work Session)**
 - d. **Tuesday, May 7, 2019; 5:30 pm (Public Hearing)**

Karen Osburn stated that she currently is not aware of scheduled agenda items for the next two work sessions and regular meetings, but staff will continue to keep you apprised via email, if those will be canceled or if we have scheduled items. Commissioner Kinsella asked if Commissioners know of dates they will be unavailable, should they give that to staff as soon as possible, and Karen stated please do. Some of you have already been doing that, so thank you.

Vice Chair Barcus added that Karen Osburn should be the point of contact for all scheduled absences.

7. EXECUTIVE SESSION

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

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

No Executive Session was held.

8. ADJOURNMENT

Vice Chair Barcus called for adjournment at 5:54 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 April 2, 2019.

Donna A. S. Puckett, *Administrative Assistant*

Date