

Action Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, May 18, 2021 - 4:30 p.m.

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

Chair Levin called the meeting to order at 4:30 p.m., led the Pledge of Allegiance and asked for roll call.

Planning & Zoning Commissioner Participants: Chair Kathy Levin, Vice Chair Charlotte Hosseini and Commissioners George Braam, Peter Furman, Kali Gajewski and Lynn Zonakis. There is one vacancy.

Staff Participants: Kurt Christianson, James Crowley, Cari Meyer, Karen Osburn, Robert Pickels Jr., Donna Puckett and Hanako Ueda.

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

Chair Levin announced that two individuals will be interviewed for the vacant Commission position next Wednesday.

Chair Levin requested that speakers remove their mask while speaking if they are comfortable doing so, to facilitate her ability to hear them.

3. APPROVAL OF THE FOLLOWING MINUTES:

a. May 4, 2021 (R)

Chair Levin stated that she would entertain a motion to approve the minutes.

MOTION: *Vice Chair Hosseini moved for approval of the May 4th minutes. Commissioner Furman seconded the motion.*

VOTE: *Motion carried six (6) in favor (Braam, Furman, Gajewski, Hosseini, Levin and Zonakis) and zero (0) opposed. There is one vacancy.*

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

Opened public forum at 4:35 p.m.

Dr. Viviane Winthrop, Sedona, AZ: Dr Winthrop stated that she is representing people who live on Quail Tail Trail. She and the people on Quail Tail Trail are opposed to the Jordan Lofts rezoning. Adding 84 apartments with more than 148 parking spaces would add significant amounts of new traffic to the Uptown area, where it cannot be accommodated. Although we're estimating 148 parking spaces, there may be many more than that assuming one or two bedrooms. It says that the proposed apartments each contain 1,414 square feet; this relates to monthly rentals of at least \$2,100 to \$2,800 per month or at 30% of income for rental, a required annual income would be \$84,000 to \$113,000 which is certainly not a workforce income, so this workforce housing is the red herring for herself and the people she is representing. The change from single-family to multi-family significantly changes the character of the existing historic neighborhoods and separates existing neighborhoods. The

amount of traffic would really impact us locally and the resulting development would impact local wildlife causing pollution of Oak Creek and result in light pollution of much of Uptown.

Larry Cepek, Sedona, AZ: Mr. Cepek stated that he is the President of the Jordan Road Owners Association, and their small association voted unanimously to oppose the Jordan Lofts project. The scale is much larger than anything else in the Uptown residential neighborhoods. It would increase densities, because they are asking for a single-family residential parcel to be rezoned to multi-family three, an increase of maybe 500%. The rents they are going to charge are not workforce affordable and all the zoning along upper Jordan Road on both sides is pretty much multi-family, and he lives in one of the townhomes there. The second part of the project is a residential area zoned residential and essentially it is going to split the neighborhood, which is not a very good planning goal or use. He urges the Commission to vote no when it comes to a vote this summer. No to Jordan Lofts.

Closed public forum and brought back to Commission at 4:40 p.m.

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

a. Discussion/possible action regarding the draft plan for the Uptown Community Focus Area (CFA). Case Number: PZ21-00008 (CFA)

Introduction by Chair Levin

Presentation by Cynthia Lovely, Principal Planner

Questions, recommendations, and comments from the Commission

Opened public hearing at 5:18 p.m. and having no requests to speak, brought back to Commission at 5:19 p.m.

Additional comments from Commission.

MOTION: Commissioner Braam moved to recommend the adoption of PZ21-00008 (CFA), the Uptown Community Focus Area Draft Plan of May 5, 2021 to City Council with the revisions as we discussed this evening. Vice Chair Hosseini seconded the motion.

VOTE: Motion carried six (6) in favor (Braam, Furman, Gajewski, Hosseini, Levin and Zonakis) and zero (0) opposed. There is one vacancy.

b. Discussion/possible action regarding a rehearing of an application for a Conditional Use Permit to construct a 1.5 million gallon, mostly subterranean, water tank with associated booster station structure, ancillary uses, and landscaping. Applicant: Arizona Water Company. Case Number: PZ17-00001 (CUP)

Introduction by Chair Levin

Presentation on the rehearing of the Conditional Use Permit by Kurt Christianson, City Attorney and Cari Meyer, Planning Manager

Presentation by Applicant's representatives John Snickers, Cornville, AZ, Division Manager of Arizona Water Company and John Matta with Water Works Engineering in Scottsdale, AZ as Consultant to the Arizona Water Company.

Questions from the Commission

Opened public hearing at 6:29 p.m.

The following people spoke in opposition to this item: Robert Tusso, Sedona, AZ; Milton Small, Sedona, AZ; Ron Minzer, Sedona, AZ; Kevin Brackin, Sedona, AZ. Guy Lamunyon, Sedona, AZ was not present when called to speak.

Closed public hearing and brought back to Commission at 6:41 p.m.

Summarizing what the Commission reviewed and considered in order to come to its findings, Chair Levin stated that the Commission had been provided extensive information by staff, including the entire record that goes back to 2017. In addition, all of the public comments were provided to us, even up until this afternoon, and have included information from residents and others about this matter, and in preparation for this hearing, we received a Staff Report which referenced all of the historical documents and also provided us with a motion, a staff recommendation and Conditions of Approval. With that information in hand, including the public comment, we're in a position now to take another look through this rehearing at the Conditional Use Permit that has been applied for by Arizona Water Company. We're not doing Development Review, and staff has prepared for us a very detailed motion, which includes all of the findings that are necessary to grant a Conditional Use Permit, and they are detailed in our packet, and we have been provided a revised motion immediately before this meeting.

Commissioner Furman indicated that he wasn't here through the original hearings and he wanted to state that he did read a lot from the hearing, continued hearing, and then watched the video of the Council hearing even though he wasn't here, and he read all the public comments, pages and pages of them, and he appreciates everyone giving their input on this, but it has been fully considered even from this new member of the Commission.

Chair Levin added that the Commission also had a site visit this morning at 9:00 a.m.

Vice Chair Hosseini stated that she also was not on the Commission at the time of the original hearing, but she feels that having the opportunity to review, in as much detail and as much time as she could take and did take, all the information that was presented to them originally in real time, and she had the luxury of looking over it in almost more depth, so if it seems that she hasn't asked a lot of questions, it is because a lot of it has been asked and answered, and she has not heard anything new tonight that changes where she thinks she would go with this.

Commissioner Gajewski indicated that she would echo that as well. She was not on the Commission. She spent a lot of time with the packet. We were fortunate that Cari sent it early – a big chunk, so again, the reason for not a lot of questions is she found a lot of answers to her curiosities in the depths of the paperwork. She thinks that this has been going on a long time and she wishes she was more of an expert in a lot of things, but we are going to do the best we can. Staff has put a lot of work into this, and she does trust the experts on staff, because they know a lot more about a lot more things than she does.

Commissioner Braam stated that he was one of the two Commissioners here with Chair Levin three years ago, and he drives by the site probably three or four times a week and wondered what was going on with it over some of the months. He reviewed the documents again, hundreds of pages of documents. Legal documents break it down by word, and he didn't read or understand necessarily every single word in the legal documents, but did review all of the technical information, so he feels well prepared to make some decisions this evening.

Commissioner Zonakis stated that she had nothing further, and Chair Levin indicated that she would entertain a motion.

MOTION: I, Commissioner Gajewski, move that in case number PZ17-00001 (CUP), in consideration of the applicable goals, objectives and recommendations described in the Sedona Community Plan, the Commission find as follows:

- 1. That, pursuant to Sedona Land Development Code Section 402.06(A) and Sedona Land Development Code Section 605.01, the proposed location of the conditional use as requested by the applicant, Arizona Water Company, is in accordance with the objectives of the Sedona Land Development Code and the Single-Family Residential (RS-18b) zoning district in which the site is located and supports the overall purpose for promoting and preserving residential development within the community; that the public utility and public service use requested by the applicant is specifically allowed subject to a conditional use permit pursuant to Section 605.02(B)(6) of the Sedona Land Development Code, which allows "Public utility and public service... water tanks, pumping plants and similar installations 650 square feet or greater;" and, that after consideration of the potentially negative operational characteristics and impacts, the applicant's proposed use is appropriate subject to conditions of approval set forth in the "Conditions of Approval PZ17-00001 (CUP) Arizona Water Tank Facility" and the "Conditional Use Permit," which conditions will mitigate or remove such potentially negative characteristics and impacts.**
- 2. That, pursuant to Sedona Land Development Code Section 402.06(B), and based on the evidence presented in the staff report and through testimony at the public hearings during which the subject application was considered by the Commission, the use requested by the applicant is unlikely to result in property damage or nuisance resulting from noise, smoke, odor, dust, vibration or illumination; that the use requested by the applicant is unlikely to result in hazards to persons and property from possible explosion, contamination, fire or flood; and, that any impact on the surrounding area resulting from unusual volume or character of traffic can be effectively mitigated. Facts that support these findings are set forth the applicant's East Sedona Water Storage Tank, Booster Pump Station and Related Appurtenances Conceptual Design Report (the "Applicant Report") in Attachment A of the report and include the following: the tank will be located below finished grade and the site will be restored to preserve the native vegetation and line of sight its preconstruction condition except for the superstructure which will be developed to blend with the surrounding, residential aspect of the area; the project will not cause additional flooding as shown by the reports from John Matta and from Brian Bucholtz of Lyon Engineering; sound from applicant's mechanical equipment will not exceed 50 decibels at the property boundary; traffic to the site during construction will be directly from State Route 179 and after construction will be limited because the site will be remotely operated. Accordingly, and subject to the conditions of approval, the granting of the conditional use permit will not be materially detrimental to the public health, safety or welfare and in fact will increase the public health, safety, and welfare by providing additional water storage and pumping for the public drinking water supply and for fighting fires.**
- 3. That, pursuant to Sedona Land Development Code Section 402.06(C), and based on the evidence presented in the Applicant Report, in the staff report, and through testimony at the public hearings during which the subject application was considered by the Commission, the applicant has designed the proposed water tank with sufficient consideration of the surrounding residential properties so that the proposed use of a 1.5 million gallon, mostly subterranean water tank, subject to the conditions of approval, is compatible with the uses permitted in the surrounding area.**
- 4. That, pursuant to Sedona Land Development Code Section 402.06(D) and Sedona Land Development Code Section 605.02(B)(6), the proposed use for a water tank, subject to the conditions of approval set forth in the "Conditional Use Permit" and**

the "Conditions of Approval PZ17-00001 (CUP, DEV) Arizona Water Tank Facility," complies with the provisions of the Sedona Land Development Code regulating the Single-Family Residential (RS-18b) zoning district and other ordinances that may be applicable thereto.

5. *That, pursuant to Sedona Land Development Code Section 402.06(E), the subject property is currently vacant land and, accordingly, there is no expansion or change of a nonconforming use associated with this conditional use permit application.*
6. *That approval of case number PZ17-00001 (CUP) is subject to the conditions for approval as outlined in the October 16, 2018 staff report and the condition limiting the site to a maximum of one (1) 55-gallon drum of sodium hypochlorite at any one time.*

In accordance with these findings, that case number PZ17-00001 (CUP) be approved subject to the conditions as outlined in the staff report and the condition limiting the site to a maximum of one (1) 55-gallon drum of sodium hypochlorite at any one time.

Vice Chair Hosseini seconded the motion.

ROLL CALL VOTE: Motion carried six (6) in favor (Furman - aye, Gajewski – aye, Braam - aye, Zonakis-aye, Hosseini – aye, and Levin – aye) and zero (0) opposed. There is one vacancy.

6. FUTURE MEETING DATES AND AGENDA ITEMS

- a. **Tuesday, June 1, 2021**
- b. **Tuesday, June 15, 2021**

Cari stated that on June 1st we have scheduled work sessions for the proposed Community Plan Amendments, and we have the Jordan Lofts project and the Uptown parking garage. We are planning a site visit to the Jordan Lofts property at 9:00 a.m. on the day of the meeting if there are no objections to that time. For June 15th, we plan to do a Conceptual Zone Change and Development Review for the Archer Hotel project, which is one of the ones in Uptown within the area of the Uptown CFA. They have submitted essentially at risk knowing that if the CFA doesn't go forward their project doesn't go forward either, but they have requested that we move forward with a Conceptual Review, and we can schedule another site visit for that if the Commission is interested, but we can talk about that at the June 1st meeting.

Chair Levin asked to add a discussion of the meeting times and Cari indicated that could be added to the June 1st meeting, and she forgot to mention that the Ranger Station Park will also be on the 1st or the 15th. The Chair then added that regarding the meeting times, it might be helpful if we had a little history about when times changed in the past and since that would involve changing the bylaws that would have to be on the agenda as well.

Commissioner Braam asked when the City Council would address the Uptown CFA, and Commissioner Furman noted that the Staff Report indicated a work session on June 23rd.

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

Chair Levin adjourned the meeting at 6:58 p.m. without objection.

I certify that the above is a true and correct summary of the actions of the Planning & Zoning Commission in the meeting held on May 18, 2021.

Donna A. S. Puckett, *Administrative Assistant*

Date