# **AGENDA**



# 3:00 P.M.

# CITY COUNCIL MEETING

WEDNESDAY, JANUARY 25, 2023

#### **NOTES:**

- Public Forum: Comments are generally limited to 3 minutes.
- Consent Items:

Items listed under Consent Items have been distributed to Council Members in advance for study and will be enacted by one motion. Any member of the Council, staff or the public may remove an item from the Consent Items for discussion. For additional information on pulling a Consent Item, please contact the City Clerk's Office staff, preferably in advance of the Call to Order. Items removed from the Consent Items may be acted upon before proceeding to the next agenda item.

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least two (2) business days in
- City Council Meeting Agenda Packets are available on the City's website at:

www.SedonaAZ.gov

THE MEETING CAN BE VIEWED LIVE ON THE CITY'S WEBSITE AT WWW.SEDONAAZ.GOV OR ON CABLE CHANNEL 4.

#### **GUIDELINES FOR PUBLIC COMMENT**

#### **PURPOSE:**

- To allow the public to provide input to the City Council on a particular subject scheduled on the agenda.
- This is not a question/answer
- No disruptive behavior or profane language will be allowed.

#### **PROCEDURES:**

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

- I. CALL TO ORDER/PLEDGE OF ALLEGIANCE/MOMENT OF SILENCE
- 2. ROLL CALL

#### 3. SPECIAL BUSINESS

LINK TO DOCUMENT =

a. AB 2905 Public hearing/discussion/possible action regarding an appeal of the Planning and Zoning Commission's November 15, 2022, denial of a development review application for the Arabella Spa located at 95 Sombart Lane. PZ21-00009 (DEV), APPE22-00003.



b. Discussion regarding ideas for future meeting/agenda items.

#### 4. 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 Council 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).
- Return to open session. Discussion/possible action on executive session items.

#### ADJOURNMENT

Posted: 01/19/2023 By: DJ JoAnne Cook, CMC,

City Clerk

Note: Pursuant to A.R.S. § 38-431.02 notice is hereby given to the members of the City Council and to the general public that the Council will hold the above open meeting. Members of the City Council will attend either in person or by telephone, video, or internet communications. The Council may vote to go into executive session on any agenda item, pursuant to A.R.S. § 38-431.03(A)(3) and (4) for discussion and consultation for legal advice with the City Attorney. Because various other commissions, committees and/or boards may speak at Council meetings, notice is also given that four or more members of these other City commissions, boards, or committees may be in attendance.

A copy of the packet with materials relating to the agenda items is typically available for review by the public in the Clerk's office after 1:00 p.m. the Thursday prior to the Council meeting and on the City's website at www.SedonaAZ.gov. The Council Chambers is accessible to people with disabilities, in compliance with the Federal 504 and ADA laws. Those with needs for special typeface print, may request these at the Clerk's Office. All requests should be made **forty-eight hours** prior to the meeting.

> CITY COUNCIL CHAMBERS 102 ROADRUNNER DRIVE, SEDONA, AZ

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



# CITY COUNCIL AGENDA BILL

AB 2905 January 25, 2023 Special Meeting

Agenda Item: 3a

**Proposed Action & Subject:** Public hearing/discussion/possible action regarding an appeal of the Planning and Zoning Commission's November 15, 2022, denial of a development review application for the Arabella Spa located at 95 Sombart Lane. PZ21-00009 (DEV), APPE22-00003.

Department	Community Development				
Time to Present Total Time for Item	30 minutes 2 hours				
Other Council Meetings	N/A				
Exhibits	<ul> <li>A. Additional Public Comments (Received after P&amp;Z Meeting)</li> <li>B. Link to Application, Letter of Intent, Project Plans, and Appeal Packet</li> <li>C. Link to Planning and Zoning Commission Meeting Agenda, Packet, and Minutes</li> </ul>				

City Attorney Approval		Expenditure Required			
		\$ N/A			
City Manager's Recommendation		Amount Budgeted			
	1	\$ N/A			
		Account No. (Description)			
		Finance  Approval			
SUMMARY STATEM	ENT				

# SUMMARY STATEMENT

This is an appeal of the Planning and Zoning Commission's November 15, 2022, denial of a development review application (DEV) for Arabella Spa located at 95 Sombart Lane, pursuant to LDC Section 8.2 (Summary Table of Review Procedures) and LDC Section 8.8.E (Appeal).

#### **Background:**

LaDa Sedona, LP (owners of Arabella Hotel) and their representatives requested consideration and approval of a development review application to allow for the construction of a spa facility on vacant property to the east of the Arabella Hotel. The applicant submitted a conceptual application in June 2021 and a conceptual review public hearing was held with the Planning and Zoning Commission on September 7, 2021.

The applicant submitted a comprehensive development review application in May 2022. The application was amended in September 2022 and October 2022 in response to comments from the public, staff, and review agencies.

The applicant's letter of intent states that the proposed project consists of approximately 20,000 square feet of spa facilities in four (4) buildings ranging in size from 773 square feet to 16,777 square feet. A full description of the proposed use, along with a project plans, engineering reports, and previous versions of the submittal can be reviewed at the project page on the City's website at the following link:

https://www.sedonaaz.gov/your-government/departments/community-development/projectsand-proposals/arabella-spa

A public hearing for the DEV application was held by the Planning and Zoning Commission on November 15, 2022. Packet materials provided to the Planning and Zoning Commission and minutes from that meeting are available at the following link:

https://www.sedonaaz.gov/your-government/meetings-documents/-folder-5479

After presentations from Staff and the applicant, questions from the Commission, public input, and further discussion, a motion for approval of the project was made and seconded. A vote on this motion resulted in a 3-3 vote (Commissioners Braam, Wiehl, and Zonakis in favor; Chair Levin, Vice Chair Hosseini, and Commissioner Furman opposed; Commissioner Gajewski excused).

The Planning and Zoning Commission's Operating Rules and Procedures Section 10.4 states: "Any motion for approval which fails to carry shall be considered a denial of the proposal..." As the motion for approval did not carry, the project was denied.

On November 30, 2022, an appeal of the Commission's denial of the DEV was filed by Withey Morris, PLC (Jason Morris), pursuant to LDC <u>Section 8.2 (Summary Table of Review Procedures)</u> and <u>LDC Section 8.8.E (Appeal)</u>. The documents submitted in support of the appeal can be reviewed at the project page on the City's website at the following link:

https://www.sedonaaz.gov/your-government/departments/community-development/projects-and-proposals/arabella-spa

Public comments received prior to the Planning and Zoning Commission's hearing are included in the Commission's packet (link above). Additional public comments that have been received are included as Exhibit A.

#### **Development Review Application**

The property is zoned CO (Commercial). The proposed use is considered "Personal Services, General," as the definition of this use includes spas and massage establishments. <u>LDC Section 3.2.E, Table 3.1 (Table of Allowed Uses)</u>, lists "Personal Services, General" as a permitted use in the CO zone and none of the use specific standards for this use (<u>LDC Section 3.3.C(15)</u>) apply in the CO zone.

Review of Development Review applications is governed by the Land Development Code, specifically <u>LDC Section 8.3 (Common Review Procedures)</u> and <u>LDC Section 8.4.A (Development Review)</u>. Staff's evaluation of the proposal for compliance with LDC requirements and the required findings for a DEV is contained within the staff report provided to the Planning and Zoning Commission. As outlined in these documents, Staff's evaluation

concluded that the recommended approv	proposal met the val of the project.	approval	criteria	requirements	and	findings	and

### Planning and Zoning Commission Denial

At the November 15, 2022 public hearing, the three Commissioners who voted in favor of the project agreed with Staff's evaluation and adopted Staff's evaluation as their findings.

The three Commissioners who voted against approval stated their reasons for denial as a part of their vote. A complete explanation of the "no" vote is included in the Planning and Zoning Commission minutes and is summarized below:

- The level of water usage for the project is too high and projects need to implement sustainable practices and the Climate Action Plan.
- The project does not address Community Plan vision and themes about economic diversity, reduced traffic, environmental stewardship.
- Uncertainty that the parking reductions requested are appropriate.
- ADOT had not finished their review of the traffic impact analysis; Commissioners wanted to see their final review and evaluate appropriate traffic mitigation measures.

#### **Appeal**

The appeal letter and associated documents submitted by the appellant (project page link above) provide a response to the reasons given for the "no" vote and provide additional background information that the appellant believes addresses these concerns.

# **Appeal Procedures**

The procedure on appeal of a Planning and Zoning Commission decision is governed by City Council Rules of Procedure, Rule 3.Q.4. For this appeal hearing, the procedure will be as follows:

- 1. Community Development Staff will present the Arabella Spa application, staff findings, and summarize the Planning and Zoning Commission decision. (10 minutes)
- 2. Appealing party, represented by Withey Morris, PLC, will present their position. (10 minutes)
- 3. Public comment. (3 minutes each)
- 4. Rebuttal by either party. (5 minutes each)
- 5. Council will discuss and deliberate, may ask questions, and will reach a decision on appeal.

# 

Staff's evaluation of the project concluded that the project is consistent with the Community Plan, as outlined in the Staff Report for the project. One of the reasons the Commission gave for denying the project was inconsistency with the Community Plan's vision and themes related to economic diversity, reduced traffic, and environmental stewardship.

# <u>Climate Action Plan/Sustainability Consistent:</u> ⊠Yes - ☐No - ☐Not Applicable

The City's Sustainability Staff reviewed the original submittal and provided comments regarding energy conservation, emissions reduction, electric vehicle support, transit, affordable housing, water conservation, native plants, recycling, and composting, and building standards. Their comments did not require any changes to the plans but asked for more information and provided suggestions on how the plans could address sustainability goals. Included in the reasons for denial were water usage, lack of incorporation of sustainable practices, and lack of implementation of the Climate Action Plan.

# **Board/Commission Recommendation: ⊠Applicable - ■Not Applicable**

On November 15, 2022, the Planning and Zoning Commission held a public hearing for the proposed project. At that hearing, the Commission heard presentations from staff and the applicant, asked questions of staff and the applicant, heard public testimony, discussed the application further.

A motion for approval of the project was made and seconded. A vote on this motion resulted in a 3-3 vote (Commissioners Braam, Wiehl, and Zonakis in favor; Chair Levin, Vice Chair Hosseini, and Commissioner Furman opposed; Commissioner Gajewski excused).

The Planning and Zoning Commission's Operating Rules and Procedures, Section 10.4, states: "Any motion for approval which fails to carry shall be considered a denial of the proposal..." As the motion for approval did not carry, the project was denied.

The materials provided to the commission and minutes of the meeting are included at the links above.

#### Alternative(s):

The City Council can choose to affirm, reverse, or amend the Planning and Zoning Commission's denial of the DEV application. (LDC Section 8.8.E(3)d)

#### MOTION

Please note that the following motions are offered as samples only and that the Council may make other motions as appropriate.

# Affirmation of DEV denial/Denial of Appeal

I move to: deny case number APPE22-00003 (appeal), thereby affirming Planning and Zoning Commission's denial of case number PZ21-00009 (DEV), Arabella Spa, at 95 Sombart Lane, based on the following findings (specify findings)

# Reversal of DEV Denial/Approval of Appeal

I move to: approve case number APPE22-00003 (appeal), thereby reversing Planning and Zoning Commission's denial of case number PZ21-00009 (DEV), Arabella Spa, at 95 Sombart Lane, based on compliance with all ordinance requirements of LDC Section 8.3 and 8.4 and satisfaction of the Development Review findings and applicable Land Development Code requirements as outlined in the Planning and Zoning Commission staff report, which staff report is hereby adopted as the findings of the City Council, and the recommended conditions of approval.

#### **Amendment of DEV**

I move to: approve case number APPE22-00003 (appeal), thereby reversing Planning and Zoning Commission's denial of case number PZ21-00009 (DEV), Arabella Spa, at 95 Sombart Lane, based on compliance with all ordinance requirements of LDC Section 8.3 and 8.4 and satisfaction of the Development Review findings and applicable Land Development Code requirements as outlined in the Planning and Zoning Commission staff report, which staff report is hereby adopted as the findings of the City Council, and the recommended conditions of approval, and the following additional conditions (specify amendments):

Cari Meyer
Planning Manager
City of Sedona
Community Development Department
102 Roadrunner Drive, #106
Sedona, AZ 86336

Re: Support for Arabella Spa (PZ21-00009)

Ms. Meyer,

I am writing in support of the development review application for the proposed Arabella Spa at 95 Sombart Lane in Sedona, Arizona. I have been aware of this project for some time now, and while working at different hotel properties within Sedona, have been excited for its Grand Opening. The spa's in Sedona are very limited and have limited availability. Part of the experience that we sell to our guests is "wellness". In addition to hiking, biking, and the beautiful outdoor activities that our town offers, spa is essential. While we recommend our guests to book ahead of time, most want to make a schedule after they arrive. In the case of a spa, waiting until they get here is too late. With the limited amount of Spas within the community, a last minute booking is almost impossible. When traveling to a city, the expectation is that you can walk in and book a massage or a facial for that same day. This is not the case in Sedona, but it is the expectation of our travelers. Ms. Meyer, the lack of spa options in this town is detrimental to the guest experience. In addition, I am not sure when the last time you booked a treatment was, but for us as residents, to add this into our own personal ritual let alone schedule, is almost impossible.

While I understand that we in the hospitality community are navigating a very delicate situation between residents and tourists, I do not believe this to be of negative impact. Our guests and residents alike deserve to have these options for their own mind, body, and spirit. In addition, their concept is much different than any other spa in Sedona.

As far as I know, Arabella has gone through the correct protocols and procedures to be allowed to make this happen. They have been open to feedback from the City of Sedona and have revised their plans to fit what you have asked. And from what I understand, The Sedona Community Development Department recommends this project to be approved. I would like to also personally recommend this project be approved. Not only for our guests, but for our community as well. I would beg you and the City of Sedona to reconsider.

Sincerely, Danielle Sonn General Manager Hampton Inn Sedona

# Subject: the Spa being built at Arabella Hotel

al comellomedia.com <al@comellomedia.com>

Tue 1/3/2023 4:07 PM

To: Cari Meyer < CMeyer@sedonaaz.gov>
Cc: al comellomedia.com < al@comellomedia.com>

Cari

I attended the P and Z meeting on the Arabella Spa project and could not really understand what the objections were, but since it was not approved it will go to the city council on the 25<sup>th</sup> for their review and hopefully, from my point of view, be approved.

For reference, Arabella is actually the location of King's Ransom one of the oldest hotels in the Sedona area. Its history goes back to the days of movie-making with the film studio that used to be on the property. I don't know the owners, just know the people who manage it. I'm quite aware that the owners invested substantially in upgrading the property and are going out of their way to make it a very modern facility that we are all proud of.

From everything I understand about the project being proposed on the commercial land they own adjacent to the hotel, it looks and sounds like a great addition to the lifestyle of Sedona residents as well as a real benefit to any guest staying in Arabella or other lodgings. Health and wellness are core to the attraction of Sedona as a place to live and visit.

I can see no reason to not approve the project and I view it as a good example of the benefit of a conscientious business that worked with the city to improve its design and features and hired skilled designers who are sensitive to the history and needs of the property and our environment.

I think they have the right to make these improvements and it really is a positive addition to the city. Please let my opinion be added to the others who support the city council changing the P & Z decision and letting this well-designed and vetted project proceed.

Thank You.

Al Comello Al@ComelloMedia.com 928.862.0210

# Support for Arabella Spa - PZ21

Jared Folsom < jared@folsommanagement.com>

Tue 1/3/2023 4:09 PM

To: Cari Meyer < CMeyer@sedonaaz.gov>

Cari Meyer Planning Manager City of Sedona Community Development Department 102 Roadrunner Drive, #106 Sedona, AZ 86336

Re: Support for Arabella Spa (PZ21-00009)

Ms. Meyer,

I am writing in support of the development review application for the proposed Arabella Spa at 95 Sombart Lane in Sedona, Arizona. I've had the opportunity to speak with the development team and review the proposed plans. The applicant has gone to extraordinary lengths to design a visually stunning project that is respectful of the surrounding environment, compatible with the adjacent land uses, and significantly lower in intensity than the commercial and multi- family development previously approved for this site. The Arabella Spa is an attractive, well-designed project that will provide a tranquil, quiet, and relaxing experience for its guests. Nordic hydrotherapy is a unique, restorative experience that is not currently offered anywhere in Arizona, and the Arabella Spa will be an incredible health and wellness asset to the community. The water usage of the therapy pools is commensurate with, and in many cases lower than, a range of broadly accepted commercial uses.

This proposal is the kind of smart, low-impact, contextually sensitive development the City of Sedona needs, and I am in full support of the Arabella Spa Development Review application.

Sincerely,

--

Jared Folsom
Owner / Operator
Folsom Management
928-202-2804
jared@folsommanagement.com
www.folsommanagement.com



Cari Meyer Planning Manager City of Sedona Community Development Department 102 Roadrunner Drive, #106 Sedona, AZ 86336

Re: Support for Arabella Spa (PZ21-00009)

Ms. Meyer,

I am writing in support of the development review application for the proposed Arabella Spa at 95 Sombart Lane in Sedona, Arizona. I've had the opportunity to speak with the development team and review the proposed plans. The applicant has gone to extraordinary lengths to design a visually stunning project that is respectful of the surrounding environment, compatible with the adjacent land uses, and significantly lower in intensity than the commercial and multi-family development previously approved for this site.

The Arabella Spa is an attractive, well-designed project that will provide a tranquil, quiet, and relaxing experience for its guests. Nordic hydrotherapy is a unique, restorative experience that is not currently offered anywhere in Arizona, and the Arabella Spa will be an incredible health and wellness asset to the community. The water usage of the therapy pools is commensurate with, and in many cases lower than, a range of broadly accepted commercial uses.

This proposal is the kind of smart, low-impact, contextually sensitive development the City of Sedona needs, and I am in full support of the Arabella Spa Development Review application.

Sincerely,

Michelle Conway President/CEO

Sedona Chamber of Commerce & Tourism Bureau

Ms. Cari Meyer Planning Manager City of Sedona Community Development Department 102 Roadrunner Drive, #106 Sedona, AZ 86336

January 10, 2023

Re: Support for Arabella Spa (PZ21-00009)

Dear Ms. Meyer,

I am writing to support the development review application for the proposed Arabella Spa at 95 Sombart Lane in Sedona, Arizona. I've had the opportunity to speak with the development team and review the proposed plans. The applicant has gone to extraordinary lengths to design a visually stunning project that is respectful of the surrounding environment, compatible with the adjacent land uses, and significantly lower in intensity than the commercial and multi-family development previously approved for this site.

The Arabella Spa is an attractive, well-designed project that will provide a tranquil, quiet, and relaxing experience for its guests. Nordic hydrotherapy is a unique, restorative experience that is not currently offered anywhere in Arizona, and the Arabella Spa will be an incredible health and wellness asset to the community. The water usage of the therapy pools is commensurate with, and in many cases lower than, a range of broadly accepted commercial uses.

This proposal is the kind of smart, low-impact, contextually sensitive development the City of Sedona needs, and I am in full support of the Arabella Spa Development Review application.

Sincerely,

Mia A. Mackman PO Box 20215 Sedona, AZ 86341

MixM.

(928) 284-8503



KIM GRACE SABOW

President & CEO

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1240 E. MISSOURI AVENUE PHOENIX, AZ 85014 602.604.0729 www.azlta.com Cari Meyer
Planning Manager
City of Sedona
Community Development Department
102 Roadrunner Drive, #106
Sedona, AZ 86336

Re: Support for Arabella Spa (PZ21-00009)

Ms. Meyer,

As the President and CEO of the Arizona Lodging and Tourism Association, I am writing in support of the development review application for the proposed Arabella Spa at 95 Sombart Lane in Sedona, Arizona. I've had the opportunity to speak with the development team and review the proposed plans. The applicant has gone to extraordinary lengths to design a visually stunning project that is respectful of the surrounding environment, compatible with the adjacent land uses, and significantly lower in intensity than the commercial and multi-family development previously approved for this site.

The Arabella Spa is an attractive, well-designed project that will provide a tranquil, quiet, and relaxing experience for its guests. Nordic hydrotherapy is a unique, restorative experience that is not currently offered anywhere in Arizona, and the Arabella Spa will be an incredible health and wellness asset to the community. The water usage of the therapy pools is commensurate with, and in many cases lower than, a range of broadly accepted commercial uses.

This proposal is the kind of smart, low-impact, contextually sensitive development the City of Sedona needs, and the Arizona Lodging and Tourism Association is in full support of the Arabella Spa Development Review application.

Sincerely,

Kim Grace Sabow President & CEO

Kim Stace Solsow

# Arabella Spa Development

# Debra Shinn <debra@shinnconsultingservices.com>

Wed 1/11/2023 4:07 PM

To: Cari Meyer < CMeyer@sedonaaz.gov>

Good afternoon,

This letter is to serve as my support for the development of a Thermal Spa as an amenity of Arabella Hotel and frankly, the community. Sedona is known for its healing modalities and this new procedure is on a cutting edge. Sedona should be in the forefront of introducing new methods in spa procedures. Arabella is reinventing itself and we, as business community members should be supporting their efforts.

Thank you Debra Shinn



Debra A. Shinn
Principal
debra@shinnconsultingservices.com
310.871.1900
shinnhospitalityconsulting.com



January 11, 2023

Cari Meyer Planning Manager City of Sedona Community Development Department 102 Roadrunner Drive, #106 Sedona, AZ 86336

Re: Support for Arabella Spa (PZ21-00009)

Ms. Meyer,

I am honored to write a letter of support for our treasured film festival partner, sponsor and community supporter: Arabella Hotel Sedona. They have been a generous supporter of our festival, donating rooms to house our VIP visiting filmmakers and guests, as well as extending discounts to our festival attendees for several years. On behalf of myself and my organization, I hope you will grant them approval of their application.

I am writing in support of the development review application for the proposed Arabella Spa at 95 Sombart Lane in Sedona, Arizona. I've had the opportunity to speak with the development team and review the proposed plans. The applicant has gone to extraordinary lengths to design a visually stunning project that is respectful of the surrounding environment, compatible with the adjacent land uses, and significantly lower in intensity than the commercial and multi-family development previously approved for this site.

The Arabella Spa is an attractive, well-designed project that will provide a tranquil, quiet, and relaxing experience for its guests. Nordic hydrotherapy is a unique, restorative experience that is not currently offered anywhere in Arizona, and the Arabella Spa will be an incredible health and wellness asset to the community. The water usage of the therapy pools is commensurate with, and in many cases lower than, a range of broadly accepted commercial uses.

This proposal is the kind of smart, low-impact, contextually sensitive development the City of Sedona needs, and I am in full support of the Arabella Spa Development Review application.

Thank you, in advance, for your consideration!

Sincerely,

**Patrick Schweiss** 

Executive Director, Sedona International Film Festival

Due to file size constraints, the following items are provided at the following links and not attached to this packet.

Application, Letter of Intent, Project Plans, and Appeal Packet: <a href="https://www.sedonaaz.gov/your-government/departments/community-development/projects-and-proposals/arabella-spa">https://www.sedonaaz.gov/your-government/departments/community-development/projects-and-proposals/arabella-spa</a>

Due to file size constraints, the following items are provided at the following links and not attached to this packet.

Planning and Zoning Commission Meeting Agenda, Packet, and Minutes: <a href="https://www.sedonaaz.gov/your-government/meetings-documents/-folder-5479">https://www.sedonaaz.gov/your-government/meetings-documents/-folder-5479</a>