

AGENDA

City of Sedona Planning and Zoning Commission Meeting

4:30 PM

Tuesday, November 5, 2024

NOTICE:

Pursuant to A.R.S. 38-431.02 notice is hereby given to the members of the Planning and Zoning Commission and to the general public that the Planning and Zoning Commission will hold a meeting open to the public on Tuesday, November 5, 2024, at 4:30 pm in the City Hall Council Chambers.

NOTES:

- Meeting room is wheelchair accessible. American Disabilities Act (ADA) accommodations are available upon request. Please phone 928-282-3113 at least 24 hours in advance.
- Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov

GUIDELINES FOR PUBLIC COMMENT

PURPOSE:

- To allow the public to provide input to the Planning and Zoning Commission on a particular subject scheduled on the agenda.
- Please note that this is not a question/answer session.

PROCEDURES:

- It is strongly encouraged that public input on the agenda items be submitted by sending an e-mail to lstewart@SedonaAZ.gov in advance of the 4:30 Call to Order.
- Fill out a "Comment Card" and deliver it to the Recording Secretary.
- When recognized, use the podium/microphone.
- State your Name and City of Residence
- Limit comments to 3 MINUTES.
- Submit written comments to the Recording Secretary.

1. CALL TO ORDER, PLEDGE OF ALLEGIANCE, ROLL CALL
2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS BY COMMISSIONERS & STAFF
3. APPROVAL OF THE FOLLOWING MINUTES:
 - a. October 1, 2024 (R)
 - b. October 1, 2024 (SV)
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. 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 criticism, or scheduling the matter for further consideration and decision at a later date.)*

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

- a. Public hearing/discussion/possible action regarding a request for a Development Review for construction of a 30-unit affordable housing project at 2250 Shelby Drive (Villas on Shelby). The subject property is zoned Industrial (IN), is ±1.03 acres, and is located southeast of the intersection of Shelby Dr. and Stanley Steamer Dr. APN: 408-28-103F.

Case Number: PZ24-00006 (DEV)

Applicant: HS Development Partners (Bonnie Harbage and Matt Shoemaker)

- b. Public Hearing/discussion/possible direction regarding a request for a Time Extension to extend the expiration date for construction of 46 affordable housing units, at 220 Sunset Drive (Sunset Lofts). The property is zoned Commercial (CO) and Medium-High Density Multifamily (RM-2), is ±2.22 acres and is located on Sunset Drive south of W State Route 89A. APN: 408-26-030C.

Case Number: PZ24-00012 (TE)

Applicant: City of Sedona (Jeanne Frieder, Housing Manager)

6. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, November 19, 2024
- b. Tuesday, December 3, 2024

7. EXECUTIVE SESSION

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.

8. ADJOURNMENT

Physical Posting: October 31, 2024 By: DJ

Planning & Zoning Commission Meeting Agenda Packets are available on the City's website at: www.SedonaAZ.gov or in the Community Development Office, 102 Roadrunner Drive approximately one week in advance of the meeting.

Note that members of the City Council and other City Commissions and Committees may attend the Planning and Zoning Commission meeting. While this is not an official City Council meeting, because of the potential that four or more Council members may be present at one time, public notice is therefore given for this meeting and/or event.

Agenda Item 5a:

Public hearing/discussion/possible action regarding a request for a Development Review for construction of a 30-unit affordable housing project at 2250 Shelby Drive (Villas on Shelby). The subject property is zoned Industrial (IN), is ±1.03 acres, and is located southeast of the intersection of Shelby Dr. and Stanley Steamer Dr.

APN: 408-28-103F.

Staff Report

PZ24-00006 (DEV) Villas on Shelby
Summary Sheet



City of Sedona

Community Development Department

102 Roadrunner Drive Sedona, AZ 86336

(928) 282-1154 • www.sedonaaz.gov/cd

Meeting Date: November 5, 2024

Hearing Body: Planning and Zoning Commission

Project Summary: **Construction of a 30-unit apartment development (Villas on Shelby)**

Action Requested: Approval of Development Review application

Staff Recommendation: Approval, with conditions, of Development Review application

Location: 2250 Shelby Drive

Parcel Number: 408-28-103F

Owner: City of Sedona

Applicant: HIS Development Partners/The Villas on Shelby LLC (Bonnie Harbage)
Athena Studio (Rose Rubo)

Site Size: ± 1.17 acres

Community Plan Designation: Community Focus Area (CFA), Sunset Live/Work CFA

Zoning: Light Industrial (IN)

Current Land Use: Vacant

Surrounding Properties:

	<i>Area Zoning</i>	<i>Area Land Uses</i>
North:	PD	Sunset Park, Storage Facility
East:	IN	Storage Facility
South:	IN	Vehicle Repair
West:	IN	Recycling Facility

Report Prepared By: Cari Meyer, Planning Manager

Attachments:	Page
1. Aerial View & Vicinity Map	15
2. Development Agreement between the City of Sedona and Villas on Shelby LLC	18
3. Application Materials ¹	
a. Project Application, Lighting Application, and Citizen Participation Report	
b. Project Drawings	
c. Landscaping Plan	
d. Engineering Reports	
4. Land Development Code Checklist	32
5. Public Comments	38

¹ Due to file size constraints, Application Materials are not included as attachments but are available for review online at: <https://www.sedonaaz.gov/your-government/departments-and-programs/community-development/projects-and-proposals/villas-on-shelby>



PROJECT DESCRIPTION

The applicant is seeking review of a Development Review with the expressed intent of developing a 30-unit apartment project (Villas on Shelby) to be deed restricted as affordable housing.

Development of this site is permitted in accordance with the Land Development Code (LDC) requirements, including [Article 2 \(Zoning Districts\)](#), [Article 3 \(Use Regulations\)](#), and [Article 5 \(Development Standards\)](#).

BACKGROUND AND PROPERTY INFORMATION

Site Characteristics

- The property is located on the north side of Shelby Drive between AAA Mini Storage and the Sedona Recycling Center.
- A City-designated floodway, 100-year floodplain, and 500-year floodplain run through the north and west sides of the property.
- The project site is a single parcel totaling approximately 1.17 acres and is currently vacant.
- The property is not part of the AAA Industrial Park Subdivision.

Property History

The City has processed a handful of fence permits for the property and two separate Tenant Occupancy Permits, both of which were using the property as a storage yard. The City has no record of structures on the property other than a small storage shed. The City purchased the property in 2022 with the expressed intent of developing affordable workforce housing.

Zoning and Community Plan Designations

The property is designated Community Focus Area (CFA) in the Community Plan and zoned Light Industrial (IN).

The property is within the Sunset Live/Work CFA. A plan for this area was adopted on April 9, 2019, and encourages redevelopment for affordable housing and/or economic development, including development incentives related to density, height, setbacks, parking, and landscaping. The adopted CFA, along with links to background information and meeting information, is available online at:

<https://www.sedonaaz.gov/your-government/departments/community-development/community-focus-areas/sunset-cfa>

The purpose of the IN zone is stated as:

... to provide areas appropriate for heavier-intensity commercial uses and low-intensity industrial uses including light manufacturing, warehousing and distribution, auto-oriented uses and commercial services, with limited office, retail, and support services. The IN district also allows limited incidental or accessory uses.

[LDC Section 2.15.A](#)

The IN district allows for development of multi-family residential projects. The IN zone limits densities to the limitations of the Community Plan. However, [LDC Section 2.24.B](#) excludes dwelling units that are deed-

restricted to meet the City's affordable housing criteria from density calculations. As all units in the proposed project are proposed to be restricted for affordability, there is no limit on density for this project.

Development Agreement

While this project is being developed as an affordable housing project in partnership with the City of Sedona, the project is required to meet LDC requirements unless legally modified. Based on the CFA and the provision of affordable housing, the applicant requested the following exceptions from the LDC:

1. Building height of up to 40 feet without requiring the largest unrelieved building plane to be reduced to a maximum of 400 square feet, as required by the Sunset Live/Work CFA Plan
2. Waiver of LDC Section 5.7.F(2)d.1 (Building Length – Multifamily Residential and Lodging Uses) that requires multifamily buildings over 150 feet in length be limited to 16 feet in height for 25% of the building footprint
3. Modification of LDC Section 5.5.D(1), Table 5.2 (Required Off-Street Parking Spaces) to remove the requirement for covered parking spaces.

At their meeting on May 28, 2024, the City Council approved a Development Agreement, approving Requests #1 and #2, but did not approve Request #3. The approved agreement is included as [Attachment 2](#).

PUBLIC INPUT

- The applicant completed a Citizen Participation Plan. A copy of the Citizen Participation Report is included ([Attachment 3.a](#))
- Project documents submitted by the applicant were placed on the [Projects and Proposals](#) page of the Community Development Department website.
- Property owners within 300 feet of the subject properties were notified of the Public Hearing.
- The property was posted with a Notice of Public Hearing and a notice was published in the Red Rock News on October 18, 2024.
- All notices contain contact information or a way to submit comments. As of writing this report, one written comment has been received by Staff, which is included in [Attachment 5](#).

REVIEW AGENCY COMMENTS AND CONCERNS

Development plans are routed to all internal and external review agencies. The comments received were provided to the applicant, and the applicant has submitted revised plans addressing these comments.

Comments were received from the following agencies:

- City of Sedona Community Development
- City of Sedona Public Works

Comments from the Community Development and Public Works Departments were addressed by resubmitted plans or are included as recommended conditions of approval.

DEVELOPMENT PROPOSAL AND EVALUATION

The applicant is applying for a development review for a multi-family residential project with 30 units in one (1) building.

A detailed description of the proposal was submitted by the applicant and is included in [Attachment 3.a](#).

Phasing

- The project is proposed to be developed in single phase.

Land Development Code (LDC)

A comprehensive evaluation for compliance with all applicable sections of the Land Development Code was conducted and is outlined in [Attachment 4](#) (Land Development Code Checklist).

LDC Section 2.15: IN (Light Industrial)

- Height: City Council approved a height exception for this project on May 28, 2024. This project complies with the approved height exception.
- Density: The LDC exempts units that are deed restricted for affordability from density calculations. Therefore, while this project proposes 30 units on 1.17 acres, the density as calculated by the code is 0 units per acre, as all units are deed restricted for affordability.
- The project complies with all other standards established by this section.

LDC Article 3: Use Regulations

- Multifamily developments are permitted in the IN zone.
- No additional use-specific standards apply to this development.

LDC Section 5.3: Grading and Drainage

- A preliminary grading and drainage plan and hydrology report have been submitted and reviewed by the Public Works Department.
 - The report demonstrates that the development meets the City's requirements.
 - The building is out of the floodplain, but the parking areas are within the floodplain.
 - A Final Grading and Drainage report and plan will be required to be submitted with building permit applications. The Public Works Department has required that the Final Drainage Report includes more information on bank stabilization and sufficient capacity in detention basins. In addition, Public Works Staff is recommending permeable pavers in some of the parking spaces.
- A City-designated 100-year and 500-year floodplain go along the northern and western property lines (existing wash). These have been taken into account in the design of the site.

LDC Section 5.4: Access, Connectivity, and Circulation

- A Traffic Impact Statement (TIS) has been submitted by the applicant and reviewed by the Public Works Department.
 - 15 total peak hour trips during both the AM and PM peak hours are anticipated.
 - No traffic improvements are recommended by the TIS
- Vehicular access to the site is from Shelby Drive.
- The City recently completed road improvements, including a sidewalk along Shelby Drive. No other road improvements are required or recommended.

LDC Section 5.5: Off-Street Parking and Loading

- The proposal includes 24 one-bedroom units and 6 three-bedroom units, for a total parking requirement of 41 spaces. 41 parking spaces are provided.
- The proposal includes a total of 30 units, for a covered requirement of 15 spaces. 16 are provided.
- 8 bicycle parking spaces are provided (4 are required).

[LDC Section 5.6: Landscaping, Buffering, and Screening](#)

- A landscaping plan that has been provided as part of the project documents. The plans meet the minimum code requirements for amount of landscaping (total area as well as tree/shrub counts), native plants, and plant variety.
- Rooftop equipment will be screened with screen walls; no ground mounted equipment is proposed.
- The plans show that fences and walls meet LDC requirements. A final review for compliance will be done during building permit review.

[LDC Section 5.7: Site and Building Design](#)

- The submitted plans meet all LDC requirements for site and building design, with the following exception:
 - LDC Section 5.7.F(2)c.5 (Building Transparency): For the south wall of the building, the ground floor is required to be 30% windows/doors; the upper two floors are required to be 15% windows/doors. The calculations provided do not appear to take into account the entire height of each floor and a calculation for the second floor has not been provided. Once correct calculations are provided, the upper two floors will likely meet the code requirements while the first floor will be closer. If the first floor falls under 30%, the sizes of the windows/doors would need to be slightly increased. As this is a minor item that may not require a change to the plans, it is included as a recommended condition of approval.

[LDC Section 5.8: Outdoor Lighting](#)

- A total lighting output of 81,900 lumens is permitted; a total of 79,347 lumens are proposed.
- All fixtures are fully shielded and meet lighting color requirements.
- The lighting cut sheets provided do not clearly indicate the height of the parking lot poles. The code permits a maximum height of 12 feet; this is included as a recommended condition of approval.

[LDC Section 5.9: Public Art](#)

- As the project includes provisions to address local housing needs, public art is not required.

[LDC Section Article 6: Signs](#)

- A monument sign is proposed on the Shelby Drive frontage; the sign complies with LDC requirements and uses the same design elements as the building.

Wastewater Disposal

- The property will connect to the City's wastewater system.

REVIEW GUIDELINES

The following is requested from the Planning and Zoning Commission at this time:

- **DEVELOPMENT REVIEW:** Review of Proposal – Final Action

All development applications are reviewed under [LDC Article 8 \(Administration and Procedures\)](#).

[LDC Section 8.3](#) contains procedures and rules applicable to all development applications while the following sections contain procedures and rules that apply to specific development applications. [LDC Section 8.3.E\(5\)](#) contains the approval criteria applicable to all development, subdivision, and rezoning applications. These criteria are as follows:

B. Generally

Unless otherwise specified in this Code, City review and decision-making bodies shall review all development, subdivision and rezoning applications submitted pursuant to this article for compliance with the general review criteria stated below.

Staff Evaluation: *Staff and Reviewing Agencies has evaluated the submitted application materials. As conditioned, the proposal complies with all applicable review criteria. The proposal is in compliance with this criterion.*

C. Prior Approvals

The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.

Staff Evaluation: *The project complies with the Shelby Live/Work CFA Plan, particularly regarding its recommendation for development of workforce housing and allowance for development incentives to encourage workforce housing development. The project also complies with the development agreement approved by City Council which allows for increased heights on the building. The proposal is in compliance with this criterion.*

D. Consistency with Sedona Community Plan and Other Applicable Plans

Except for proposed subdivisions, the proposed development shall be consistent with and conform to the Sedona Community Plan, Community Focus Area plans, and any other applicable plans. The decision-making authority:

1. Shall weigh competing plan goals, policies, and strategies; and
2. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Sedona Community Plan or other applicable plans.

Staff Evaluation: *Staff evaluated the proposal for compliance with the Community Plan and it was found to be consistent:*

- *The property is designated CFA in the Community Plan. The adopted CFA Plan (Shelby Live/Work) supports the development of workforce housing projects.*
- *The Community Plan supports densities of greater than 12 units per acre when strategies for achieving housing diversity, affordability, and availability to address local housing needs are included. This project restricts all units for affordability and long-term rentals.*
- *Providing diverse housing options that are safe, secure, and affordable is one of the goals of the Community Plan. This project will add 30 long-term affordable rentals, adding diversity to the rental housing stock.*
- *The proposal does not contradict any of the policies within the Community Plan.*

The proposal is in compliance with this criterion.

E. Compliance with This Code and Other Applicable Regulations

The proposed development shall be consistent with the purpose statements of this Code and comply with all applicable standards in this Code and all other applicable regulations, requirements and plans, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

Staff Evaluation: As outlined in the LDC Checklist, the proposal is compliant with all applicable standards of the LDC, including the allowed uses for the IN zoning district, IN district standards, and site and building design standards, as amended by the Development Agreement, with the following exceptions, which are included as recommended conditions of approval to be addressed during the building permit stage of the project:

- LDC Section 5.7.F(2)c.5 (Building Transparency): The plans submitted for building permits will be reviewed to ensure the south elevation has the minimum amount of windows/doors required.
- LDC Section 5.8.G (Parking Area Lighting): The plans submitted for building permits will be reviewed to ensure that parking lot lights do not exceed 12 feet in height.

As conditioned, the proposal is in compliance with this criterion.

F. Minimizes Impacts on Adjoining Property Owners

The proposed development shall not cause significant adverse impacts on surrounding properties. The applicant shall make a good-faith effort to address concerns of the adjoining property owners in the immediate neighborhood as defined in the Citizen Participation Plan for the specific development project, if such a plan is required.

Staff Evaluation: The applicant completed their required Citizen Participation Plan, which is included as [Attachment 3.a](#). Staff completed the required noticing and received one comment, included as [Attachment 5](#). This comment appears to object to the project based on the affordability requirements, which cannot be changed or addressed with amended plans. The proposal is in compliance with this criterion.

G. Consistent with Intergovernmental Agreements

The proposed development shall be consistent with any adopted intergovernmental agreements, and comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this Code.

Staff Evaluation: There are no adopted intergovernmental agreements in place that are affected by the proposed development. This criterion does not apply to this request.

H. Minimizes Adverse Environmental Impacts

The proposed development shall be designed to minimize negative environmental impacts, and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.

Staff Evaluation: No negative environmental impacts are anticipated because of the development. This is an infill site surrounded by existing development, is not a significant wildlife habitat and has little native vegetation. The area of the site within the floodplain is largely within the existing wash, which will be preserved. The site is served by existing streets and utilities. The drainage for the site has been designed in accordance with the City's requirements.

I. Minimizes Adverse Fiscal Impacts

The proposed development shall not result in significant adverse fiscal impacts on the City.

Staff Evaluation: No adverse fiscal impacts on the City are anticipated. The proposal is in compliance with this criterion.

J. Compliance with Utility, Service, and Improvement Standards

As applicable, the proposed development shall comply with federal, state, county, service district, City and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

Staff Evaluation: The application materials were provided to review agencies for an opportunity to review. As conditioned, the proposal complies with all applicable regulatory authority standards included within this criterion.

K. Provides Adequate Road Systems

Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed uses shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services. The proposed development shall also provide appropriate traffic improvements based on traffic impacts.

Staff Evaluation: No new roads are required to serve the site. The Sedona Fire District and Police Department have reviewed the plans and have raised no concerns from an emergency access perspective. The City's Public Works Department has reviewed the anticipated traffic generation and has not identified any concerns. The proposal is in compliance with this criterion.

L. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity must exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, potable water, sewer, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

Staff Evaluation: All applicable review agencies have reviewed the plans and have not stated any concerns from a serviceability standpoint. The proposal is in compliance with this criterion.

M. Rational Phasing Plan

If the application involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date, and shall not depend upon subsequent phases for those improvements.

Staff Evaluation: The project is proposed to be developed in a single phase. The proposal is in compliance with this criterion.

It is Staff's opinion that this request for development review approval meets the required findings listed above. As outlined in the Land Development Code checklist, this is a permitted use in the IN zone and, as conditioned, this project meets all applicable criteria for development of the property, as amended by City Council through the Development Agreement. The LDC does not contain additional approval criteria for development review applications beyond the standard criteria.



Staff Recommendation

Based on compliance with all ordinance requirements and satisfaction of the Development Review findings of the Land Development Code, staff recommends approval of case number PZ24-00006 (DEV), Villas on Shelby, subject to all applicable ordinance requirements and the attached conditions of approval.

Sample Motions for Commission Use

(Please note that the below motions are offered as samples only and that the Commission may make other motions as appropriate.)

Recommended Motion for Approval

I move for approval of case number PZ24-00006 (DEV), Villas on Shelby, 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 staff report, which staff report is hereby adopted as the findings of the Planning and Zoning Commission, and the attached conditions of approval.

Alternative Motion for Denial

I move for denial of case number PZ24-00006 (DEV), Sunset Lofts, based on the following findings (*specify findings*).

(Please note that the above motions are offered as samples only and that the Commission may make other motions as appropriate.)



As proposed by Staff

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the letter of intent, site plan, building plans and elevations, landscape plan, and all other supporting documents, as reviewed, modified, and approved by the Planning & Zoning Commission. Proposed changes determined to be substantial by the Community Development Director shall require reconsideration by the Planning & Zoning Commission at a public meeting.
2. The project shall be constructed in a single phase.
3. The exterior colors and materials shall be in compliance with the submitted color and materials board. Alternate colors proposed by the applicant may be approved by the Director if the colors are darker than the approved colors and meet all other Land Development Code requirements.
4. Due to the requirements in the CFA for increased height, the building has the following restrictions:
 - a. The primary color for all buildings shall have a maximum LRV (light reflectance value) of 20% and a maximum chroma of 2.
5. The plans submitted for building permits shall comply with all applicable Land Development Code requirements.
6. All vents, down spouts, gutters, posts, etc. shall be painted to match the exterior wall or roof color or be in compliance with the color provisions of the Land Development Code.
7. All landscaping shall be maintained to ensure visibility triangle requirements are met at the driveway entrances and intersection.
8. All exterior mechanical equipment shall be screened to the satisfaction of the Community Development Director.
9. The applicant shall obtain Right-of-Way Permits from the City of Sedona and/or the Arizona Department of Transportation for any work in the Right-of-Way.
10. Hours of work, for grading operations, shall be limited to 7 a.m. to 6 p.m., Monday through Friday and 9 a.m. to 5 p.m. on Saturday. No grading work shall occur on Sunday.
11. Prior to the issuance of grading and building permits, staff shall verify that all plans submitted for buildings permits are in substantial accordance with the plans as submitted, reviewed, and approved by the Planning and Zoning Commission and meet the following conditions, and the applicant shall provide written documentation of such compliance to staff:
 - a. All plans shall comply with all applicable sections of the Land Development Code and the Development Review application as reviewed and approved by the Planning and Zoning Commission, subject to the following modifications:
 - i. Plans submitted for building permits shall show compliance with Transparency requirements of LDC Section 5.7.F(2)c.5.
 - b. The Site Plan shall meet the grading and drainage requirements of the Sedona Land Development Code and the Design Review, Engineering, and Administrative Manual.




- c. Provide Final Grading and Drainage Plans. Plans shall show each retention basin's capacity.
- d. Provide Final Drainage Report.
 - i. Include the State Standards analyses for bank stabilization and setbacks.
 - ii. Work with staff to demonstrate sufficient capacity in detention basins.
 - iii. Recommend making some of the lowest parking spaces permeable (gravel or PaveDrain).
- e. Show the existing sewer line and manhole at the north property line. Ensure the proposed shotcrete will not interfere with this.
- f. Accessible sidewalks and parking areas will need to meet the current US Dept. of Justice ADA requirements.
- g. Accessible parking/signage shall meet the requirements of the City LDC and DREAM documents.
- h. For projects involving grading of more than 5,000 cubic yards, a haul plan, a dust control plan, a topsoil reutilization plan, a stormwater pollution prevention plan, and a traffic control plan shall be required. Each must be acceptable to and approved by the City Engineer. (Manual 3.1.H.6.i).
- i. For Projects involving grading of more than 5,000 cubic yards, an assurance bond is required per Manual Section 3.1.G.1.
- j. Applicant shall provide a Storm Water Pollution Prevention Plan. SWPPP measures shall be in place prior to the start of construction (DREAM 3.1). Storm water quality measures shall also comply with City of Sedona Code requirements (City Code Chapter 13.5)
- k. The plans shall delineate oil separators for all paved surfaces prior to its release into the City's storm sewer system. Manufacturer or engineer's specifications and a maintenance schedule shall be provided.
- l. Construction details shall be provided for sewer construction/connection. Existing sewer laterals that are not utilized by the development shall be abandoned.
- m. Provide utility construction details on plans.
- n. A copy of the ADEQ Approval to Construct Water Facilities and Wastewater Facilities shall be provided prior to construction.
- o. Walls, fences, and retaining walls shall meet the requirements of LDC Section 5.6.E.
- p. The applicant shall submit landscaping plans that comply with all applicable City codes and the approved landscaping plans.
- q. The applicant shall submit outdoor lighting plans that comply with all applicable City codes and the approved lighting plan. Parking lot lighting poles shall not exceed 12 feet in height.
- r. All requirements of the Sedona Fire District shall be satisfied.
- s. All concrete within the City ROW shall be colored "Sedona Red" (Davis 160 color).
- t. Signs shall require a separate permit and shall be reviewed for compliance with all applicable LDC requirements.
- u. Property lies in a floodplain. An elevation Certificate from an Arizona Registered Land Surveyor is required.

12. Prior to the issuance of a Certificate of Occupancy, staff shall verify that all construction is in substantial accordance with the plans as submitted, reviewed, and approved by the Planning and Zoning Commission, and meets the following conditions:
 - a. All on-site improvements shall substantially conform to the plans on which grading and building permits were issued.
 - b. Installation of all proposed landscaping shall be complete and in accordance with the approved landscape plan.
 - c. All outside lighting shall have been installed in accordance with the approved plans. All lighting sources shall be fully shielded so that the direct illumination is confined to the subject property boundaries and so no light is directed above the horizontal plane. Staff shall conduct a night inspection and if deemed necessary, additional shielding will be required.
 - d. All new utility lines shall be provided through underground installation.
 - e. All mechanical equipment and trash receptacles shall be completely screened from surrounding areas by use of a wall, fence, landscaping or shall be enclosed within a building. All electrical panels shall be located so as not to be visible from public rights-of-way.
 - f. All requirements of the Sedona Fire District shall be satisfied.
 - g. The applicant shall provide copies of all required testing to the Engineering Department.
 - h. As-built plans shall be provided to the City in digital and hard copy formats acceptable to the City Engineer.
 - i. An elevation Certificate from an Arizona Registered Land Surveyor is required for each building.
 - j. All areas of cut and fill shall be landscaped or dressed in such a manner as to reduce the potential for erosion.
 - k. The applicant shall provide a letter, sealed by the engineer of record, verifying that the work, as done, is in substantial accordance with the approved plans.
 - l. All construction shall comply with the Storm Water Regulations in Chapter 14 of the City of Sedona City Code. Storm water quantities and velocities shall not be greater than the historic values at the downstream property line.
13. Within thirty days of approval of the Development Review, the property owner of record of the subject properties shall sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Development Review.



Aerial View

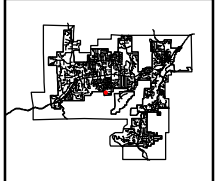
Parcel
408-28-103F
Villas on Shelby

-  Parcel 408-28-103F
-  Parcel Boundary
-  Street Centerline



0 15 30 Feet

City Index









GIS, City of Sedona
05/22/2024
g:/pubweb/projects/villasonshelby/
mxds/408-28-103f_aerial.mxd



This map is designed to provide information about Sedona, and has been prepared for general planning and informational purposes only. It is not necessarily accurate to engineering or surveying standards. Every effort has been made to make this map as complete and as accurate as possible; however, no warranty of fitness is implied. The information is provided on an "as-is" basis. The City of Sedona shall have neither liability nor responsibility to any person or entity with respect to any loss or damages in connection with or arising from the information contained on this map.

Vicinity Map

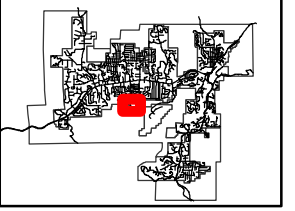
Parcel
408-28-103F
Villas on Shelby

-  Parcel 408-28-103F
-  Zoning Boundary
-  Building Footprint
-  Parcel Boundary
-  Trail
-  Street Centerline



0 60 120 Feet

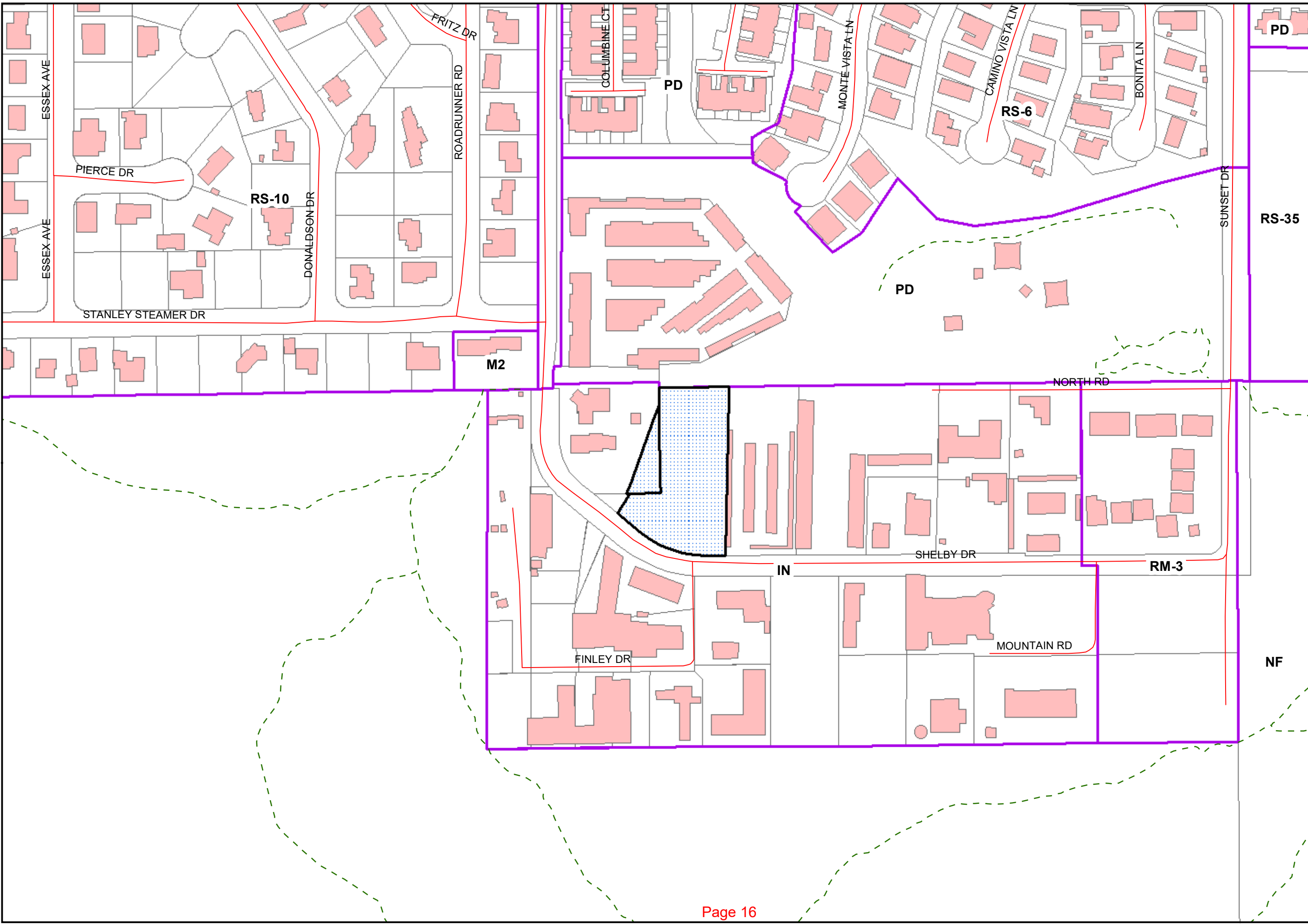
City Index



GIS, City of Sedona
05/22/2024
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RESOLUTION NO. 2024-11

A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF SEDONA, ARIZONA, APPROVING THE DEVELOPMENT AGREEMENT WITH THE VILLAS ON SHELBY, LLC TO CONSTRUCT AFFORDABLE APARTMENTS AT 2250 SHELBY DRIVE.

WHEREAS, the City of Sedona wishes to encourage development and maintenance of affordable housing in the City; and

WHEREAS, the Sedona City Council by Resolution No. 2012-21 dated October 23, 2012, designated a Housing Development Area that includes the 2250 Shelby Drive; and

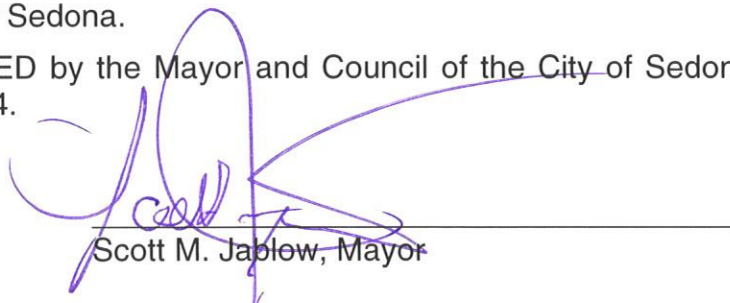
WHEREAS, the City of Sedona desires to construct 30 affordable apartments on 2250 Shelby Drive pursuant to the Land Lease Agreement with The Villas on Shelby LLC.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF SEDONA as follows:

Section 1. That it is deemed in the best interest of the City of Sedona and its citizens that the City enter into the Development Agreement with The Villas on Shelby, LLC.

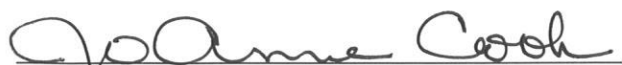
Section 2. That the Mayor is authorized and directed to execute and deliver said agreement on behalf of the City of Sedona.

ADOPTED AND APPROVED by the Mayor and Council of the City of Sedona, Arizona, this 28th day of May, 2024.



Scott M. Jablow, Mayor

ATTEST:



JoAnne Cook, CMC, City Clerk

APPROVED AS TO FORM:



Kurt W. Christianson, City Attorney

WHEN RECORDED RETURN TO:
Office of the City Clerk
City of Sedona, Arizona
102 Roadrunner Drive
Sedona, AZ 86336

**DEVELOPMENT AGREEMENT BETWEEN THE CITY OF SEDONA
AND VILLAS ON SHELBY, LLC**

THIS DEVELOPMENT AGREEMENT ("Agreement") made and entered into this 28th day of May, 2024 ("Effective Date"), by and between the City of Sedona, an Arizona municipal corporation ("City") and The Villas on Shelby, LLC, an Ohio limited liability company and its successor or assigns ("Developer"). City and Developer are sometimes referred to herein collectively as the "Parties," or individually as a "Party."

RECITALS

The following recitals are incorporated by reference into and constitute an integral part of this Agreement.

- A. WHEREAS**, City is the owner of property generally described as 2250 Shelby Drive located in Sedona, AZ, as more fully described in Exhibit "A" attached hereto and incorporated herein by this reference ("Property") to the City of Sedona.
- B. WHEREAS**, City and Developer have entered into the related Land Lease Agreement, Promissory Note, Leasehold Deed of Trust, and Land Use Restriction Agreement to develop the 30 units of affordable workforce housing on the Property.
- C. WHEREAS**, Developer intends to develop the Property by constructing certain residential improvements consisting of 30 affordable workforce multi-family apartment dwelling units ("Project"). As a condition of, and concurrent with, development of the Project, and subject to and in accordance with the other provisions and requirements of this Agreement, Developer intends and has the ability to finance, construct and complete the Project and Public Improvements (as defined below), and to otherwise accomplish all of the Obligations of Developer.
- D. WHEREAS**, this Agreement is entered into under the authority of A.R.S. §9-441 et. seq. which declares municipal assistance in providing for the acquisition, construction or rehabilitation of housing a valid public purpose and authorizes municipalities to use its monies to aid the planning, undertaking and carrying out of housing development projects.
- E. WHEREAS**, this Agreement is entered into by authority of A.R.S. §9-500.05, the City

finding that the consideration and commitments herein from and to the Developer and the City are justified based on other consideration provided hereby, including without limitation the benefits to the community resulting from this Agreement.

- F. WHEREAS,** The Parties acknowledge that the Project qualifies as an economic development activity; that the Project will assist in the creation and retention of jobs and will otherwise improve and enhance the economic welfare of the residents of the City by increasing access to affordable housing, stimulating further economic development in the City, generally enhancing the economic welfare of the city's citizens and by constructing public infrastructure improvements; that the City's participation in this Agreement will in fact serve legitimate economic development purposes as authorized by A.R.S. §9-500.11; and that the City's participation authorized by this Agreement is not grossly disproportionate to the benefits the City will receive during the Agreement and that in the absence of the City's participation the affordable housing Project would not be constructed.
- G. WHEREAS,** City is entering into this Agreement to implement and to facilitate development of the Property consistent with the policies of the City. This Agreement is consistent with the Development Incentives and Guidelines for Affordable Housing ("DIGAH"), and the City's Community Plan in effect on the date of this Agreement. The Project, as shown in the Site Plan, meets DIGAH requirements and is eligible for a density bonus.
- H. WHEREAS,** Developer agrees to restrict 100% of the Project units for affordable housing for 75 years commencing on the date the Project receives a certificate of occupancy as detailed below.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the promises and mutual obligations contained herein, City and Developer agree to proceed under the following terms and conditions:

1. OBLIGATIONS OF DEVELOPER

- 1.1 Property Development. The Developer shall construct or cause to be constructed the Project, a multi-family residential community with no less than 30 units in general conformance to the Site Plan attached hereto as Exhibit "B" and incorporated herein by this reference, subject to conditions, review and approval of City Community Development staff and the Planning and Zoning Commission. The Developer shall be responsible for the planning, permitting, financing, management and development of the Project and Property in accordance with local, state and federal requirements. The Developer shall be responsible for arranging and securing construction and permanent financing for the Project. The Developer shall require the contractor to obtain a performance and payment bond in the full amount of the improvements in addition to general liability and course of construction insurance of reasonable limits to protect the interests of the Property. Developer warrants that it has adequate financing or financial

resources to complete the Project and comply with all of its obligations as contained herein.

- 1.2 Condominium Conversion; Short-Term Rental Use Prohibition. The Property shall not be used for short-term rentals (rental terms of less than 30 days) or conversion to a condominium or otherwise divide the Property during the term of the Land Use Restriction Agreement signed in connection with this Agreement.
- 1.3 Developer Representations. Developer represents and warrants that:
 - 1.3.1 Developer has the full right, power and authority to enter into and perform this Agreement and each of the obligations and undertakings of Developer under this Agreement, and the execution, delivery and performance of this Agreement by Developer has been duly authorized and agreed to in compliance with the Developer's organizational documents.
 - 1.3.2 As of the date of this Agreement, Developer knows of no litigation, proceeding or investigation pending or threatened against or affecting Developer contesting the validity or enforceability of this Agreement or Developer's performance under this Agreement.
 - 1.3.3 The execution, delivery and performance of this Agreement by Developer is not prohibited by, and does not conflict with, Developer's organizational documents or any other agreements, instruments, judgments or decrees to which Developer is a party or to which Developer is otherwise subject.
 - 1.3.4 Developer has not paid or given, and will not pay or give, any third person any money or other consideration for obtaining this Agreement, other than normal costs of conducting business and costs of professional services such as architects, consultants, engineers and attorneys and any licensed real estate broker retained by the Developer. Developer has been assisted by counsel of its own choosing in connection with the preparation and execution of this Agreement.
- 1.4 Development Standards. The development of the Property and construction of the Project will be governed by the Sedona City Code, Sedona Land Development Code ("LDC:), ordinances, regulations, rules, guidelines, engineering standards, Building Code, Fire Code and policies controlling permitted uses of the Property. Design review standards, the density and intensity of uses, parking spaces requirements, and the maximum and minimum height and size of the buildings in existence as of the Effective Date of this Agreement will apply, except as modified by this Agreement. Developer will comply with all applicable Federal, State, County and City laws, regulations and policies.
- 1.5 Materials Management. Developer agrees to incorporate infrastructure to support recycling activities on-site, including the provision of recycling collection locations near those dedicated for trash.

2. OBLIGATIONS OF CITY

2.1 LDC, DIGAH, and CFA Allowances.

2.1.1 Pursuant to LDC Section 8. 8 and the DIGAH, to maximize the number of affordable housing units and for consistent design and layout of the site, the City agrees to permit a building height of up to 40 feet without requiring the largest unrelieved building plane to be reduced to a maximum of 400 square feet, as required by the Sunset Live/Work Community Focus Area Plan.

2.1.2. Pursuant to LDC Section 8. 8 and the DIGAH, to maximize the number of affordable housing units, the City agrees to modify LDC Section 5.7.F(2)d.1. (Building Length — Multifamily Residential and Lodging Uses) to allow the entirety of the building, exceeding 150 feet, to be subject to the maximum height allowed by the Land Development Code, CFA, and this Agreement, and not require 25% of the building to be limited to 16 feet in height.

3. TERM; DEFAULT

3.1 Term. Notwithstanding anything in this Agreement to the contrary, the term of this Agreement (“**Term**”) shall begin on the Effective Date and shall terminate seventy-five (75) years from the issuance of the certificate of occupancy for the Project unless this Agreement is terminated sooner pursuant to any earlier termination provision of this Agreement.

3.2 Survival of Certain Provisions. Notwithstanding the termination of this Agreement as set forth in Section 3.1, the indemnity and hold harmless obligations as found in Section 4.9 shall survive the expiration of this Agreement for a period of one year.

3.3 Events Constituting Default. A party shall be in default under this Agreement if it fails to perform, in material respect, any covenants made by it or obligations assumed by it under this Agreement, which failure adversely affects the other party's interest under this Agreement, including failure to begin construction by December 31, 2024 or failure to complete construction of the Project by June 30, 2026, and in such an event, each party shall be entitled to all available legal and equitable remedies, including, but not limited to, termination of leasehold tenancy, foreclosure upon the Leasehold Deed of Trust, the right of specific performance, including all costs of enforcement of this Agreement.

3.4 This Agreement is conditioned upon compliance with the Land Lease and Loan Agreement, Promissory Note, Leasehold Deed of Trust and Land Use Restriction Agreement signed in connection with this Agreement. Developer's failure to execute or comply, in material respect, with the terms of any those connected agreements will result in termination of this Agreement, subject to expiration of respective cure periods as provided in said connected agreements

4. MISCELLANEOUS PROVISIONS

4.1 Entire Agreement; Assignment. This Agreement constitutes the entire agreement and understanding of the parties hereto and supersedes all offers, negotiations, and other agreements of any kind. This Agreement may be amended only in writing and signed by both parties. This Agreement and all the covenants, terms and provisions contained herein shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. Neither this Agreement nor any of the rights, interests or obligations under this Agreement may be assigned or delegated by any party, without the prior written consent of the other party. Such consent may not be unreasonably withheld or delayed. This Agreement is not intended to confer any rights or benefits to any individual or entity other than to the City and to Developer, nor shall anything contained herein create any partnership, joint venture or similar arrangement between the Developer and the City.

4.2 Arizona Law; Venue. This Agreement is and shall constitute a contract under and is to be construed in accordance with the laws of the State of Arizona. Any action brought to interpret, enforce or construe any provision of this Agreement must be commenced and maintained in the Superior Court of the State of Arizona in and for the County of Yavapai. The Parties irrevocably consent to jurisdiction and venue in such courts for such purposes and agree not to seek transfer or removal of any action commenced in accordance with the terms of this Section.

4.3 Counterparts. This Agreement may be executed in one or more counterparts, each of which shall have the force and effect of an original, and all of which shall constitute but one document.

4.4 Notices. All notices required to be given under this Agreement shall be deemed given upon the earlier of actual receipt or two (2) days after being mailed by registered or certified mail, return receipt requested, addressed as follows:

If to City: City Manager
 105 Roadrunner Drive
 Sedona, AZ 86336

With a copy to: City Attorney
 108 Roadrunner Drive
 Sedona, Arizona 86336

If to Developer: Villas on Shelby, LLC
 c/o HS Development Partners, LLC
 30 S. Oak Street
 London, Ohio 43140

4.5 Authority. This Agreement is not intended to supersede the authority granted by law to

any regulatory board or agency of the City. Therefore, nothing in this Agreement shall be construed or implied to require the City's Planning, Zoning or other regulatory boards or agencies (however designated) to approve the plans for any aspect of the Project or other action required under this Agreement.

- 4.6 Time of Essence. Time is of the essence and a material provision of this Agreement.
- 4.7 Tax Consequences. City makes no representation concerning the tax consequences or liability resulting from this Agreement. The parties have each had an opportunity to consult with legal counsel concerning the terms and effects of this Agreement and either party's failure to do so is at its own choosing.
- 4.8 Conflicts of Interest. This Agreement is subject to the provisions of A.R.S. §38-511, relating to conflicts of interest.
- 4.9 Indemnification. Developer, during the term of this Agreement, agrees to indemnify, hold, protect and save harmless the City and any and all of its officers, agents, and employees from and against any and all actions, audits, proceedings, claims and demands, loss liens, costs expense and liability of any kind and nature whatsoever, for injury to or death of persons, or damage to property, imposed upon or sustained by Sedona, its officers, agents, or employees in and arising from or attributable to or caused directly or indirectly by the gross negligence, wrongful acts, material omissions or from operations conducted by Developer, its officers, agents or employees or by any person or persons acting on behalf of Developer.
- 4.10 Insurance. Developer, at Developer's own expense, shall purchase and maintain Commercial General Liability insurance with a limit of not less than \$1,000,000 for each occurrence with a \$2,000,000 general aggregate limit, Automobile Liability insurance with an individual single limit for bodily injury and property damage of no less than \$1,000,000, each occurrence, and Workers' Compensation insurance to cover obligations imposed by applicable federal and state statutes. Additionally, Developer shall maintain property insurance coverage sufficient to cover the full replacement cost value of the Project and all improvements on the Property. All insurance required herein shall be maintained in full force and effect during the term of this agreement. The Developer's insurance shall be primary insurance as respects to City and any insurance maintained by City shall not contribute to it. The insurance policies required by this Agreement, except workers' compensation, shall name City as additional insureds. Insurance policies required by this Agreement, except workers' compensation, shall contain a waiver of transfer of rights of recovery (subrogation) against Sedona for any claims arising out of Developer's performance of this Agreement.
- 4.11 Exhibits. The Parties agree that all references to this Agreement include all Exhibits designated in and attached to this Agreement, such Exhibits being incorporated into and made an integral part of this Agreement for all purposes.
- 4.12 No Agency Created. Nothing contained in this Agreement creates any partnership, joint venture or agency relationship between the City and Developer. No term or provision of

this Agreement is intended to be for the benefit of any person, firm, organization or corporation not a party hereto, and no other person, firm, organization or corporation may have any right or cause of action hereunder.

- 4.13 Recordation. Within ten (10) days after this Agreement has been executed by the Parties, Developer will cause this Agreement to be recorded in the Official Records of Yavapai County.
- 4.14 No Personal Liability. No former or current City Council member, official, representative, agent, attorney or employee of City will be personally liable to the Developer, or to any successor in interest, in the event of any Default or breach by City or for any amount which may become due to any of the other Parties or their successors, or with respect to any obligation of City under the terms of this Agreement.
- 4.15 WAIVER OF JURY TRIAL. THE CITY AND DEVELOPER HEREBY KNOWINGLY, IRREVOCABLY, VOLUNTARILY AND INTENTIONALLY WAIVE ANY RIGHTS EACH MAY HAVE TO A TRIAL BY JURY IN RESPECT OF ANY ACTION, PROCEEDING, COUNTERCLAIM OR DEFENSE BASED ON THIS AGREEMENT, OR ARISING OUT OF, UNDER OR IN ANY WAY CONNECTED TO THIS AGREEMENT, OR ANY COURSE OF CONDUCT, COURSE OF DEALING, STATEMENTS (WHETHER ORAL OR WRITTEN) OR ACTIONS OF ANY PARTY HERETO RELATING TO THIS AGREEMENT.
- 4.16 Force Majeure. In no event shall the Parties be responsible or liable for any failure or delay in the performance of its obligations under this Agreement arising out of or caused by a Force Majeure. "Force Majeure" means and shall be limited to: an event which is beyond the reasonable complete control of a Party and which causes a delay or failure to perform obligations hereunder, including without limitation acts of God, earthquake, fire, explosion, war, civil insurrection, acts of the public enemy, acts of civil or military authority, sabotage, terrorism, floods, lightning, hurricanes, tornadoes, severe snow storms, major equipment failure, utility disruption, or pandemics.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY OF SEDONA
an Arizona municipal corporation

By: 

Scott M. Jablow, Mayor

ATTEST:

Date: 6/4/24

Development Agreement between
City of Sedona and Villas on Shelby, LLC
Page 8

By: 
JoAnne Cook, City Clerk

Date: 6-4-2024

APPROVED AS TO FORM:

By: 
Kurt W. Christianson, City Attorney

Date: 6-4-24

DEVELOPER:

Villas on Shelby, LLC, an Ohio limited liability company

By: HSDP The Villas on Shelby, LLC, an Ohio limited liability company, Manager

By: HSDP Holdings, LLC, an Ohio limited liability company, Manager

By: 
Bonnie J. Demmy, Manager

Date: 6-4-2024

STATE OF ARIZONA)
)
County of YAVAPAI)

Development Agreement between
City of Sedona and Villas on Shelby, LLC
Page 9

This Development Agreement was acknowledged before me this 5th day of June, 2024
by Bonnie J. Demmy, Manager of HSDP Holdings, LLC, Manager of HSDP The Villas on
Shelby, LLC, Manager of The Villas on Shelby, LLC.

JoAnne Cook
Notary Public

My commission expires: 02/06/2027

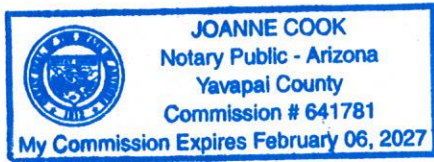


Exhibit "A"

PROPERTY

EXHIBIT "A"
LEGAL DESCRIPTION

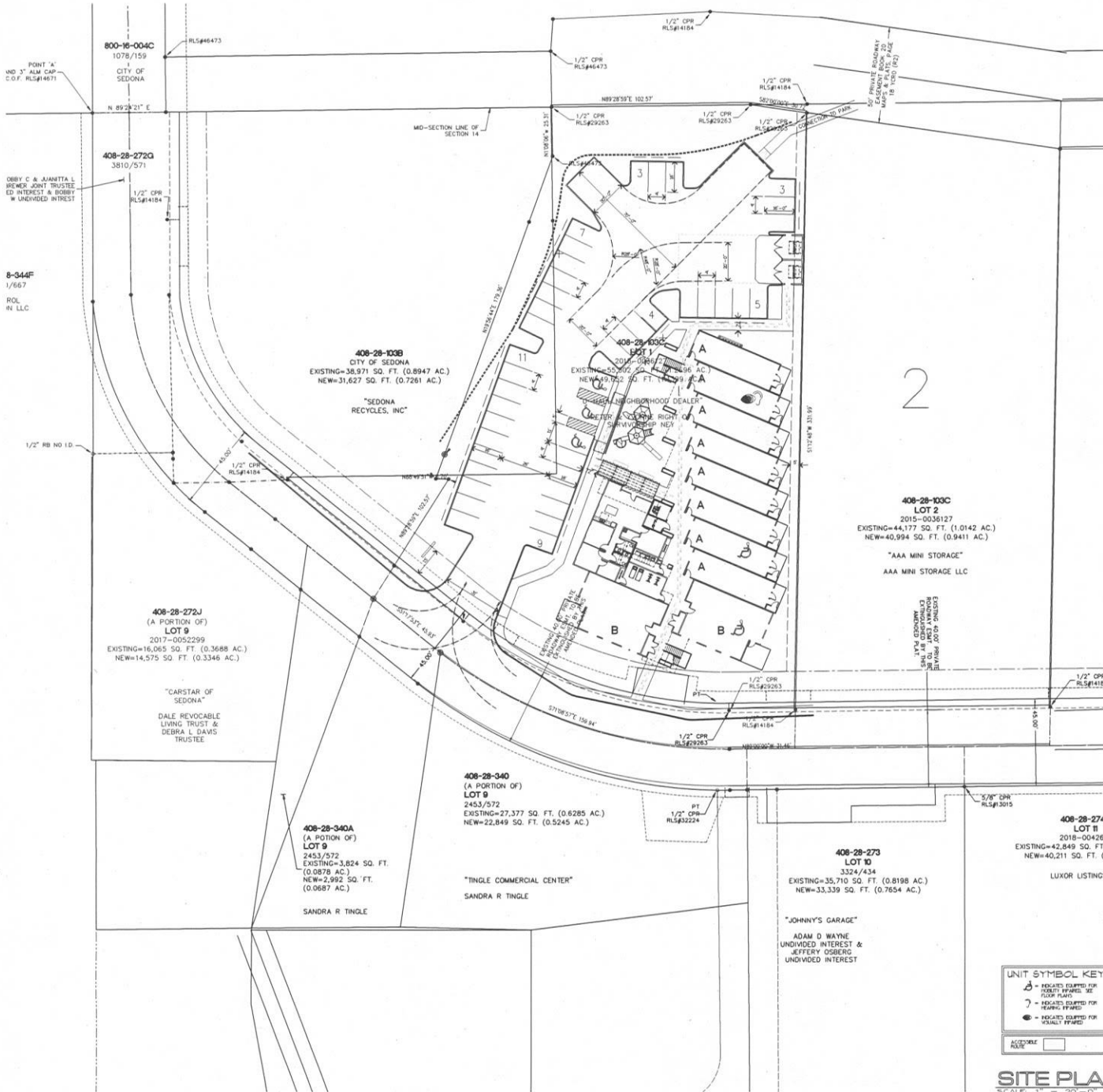
The Southwest quarter of the Southwest quarter of the Southwest quarter of the Southwest quarter of Section 12, Township 17 North, Range 5 East of the Gila and Salt River Base and Meridian, Yavapai County, Arizona.

EXCEPTING therefrom any portion of said property lying within Sunset Drive as set forth in Dedication of Sunset Drive plat recorded in Book 12 of Maps, Page 34.

AND EXCEPTING all uranium, thorium or any other materials which is or may be determined to be peculiarly essential to the production of fissionable materials whether or not of commercial value, as reserved in Patent from the United States of America.

Exhibit "B"

SITE PLAN



Address
South End of Shelby Drive
Approx 2250 Shelby Drive
Sedona Arizona 86336

APN 808-70-000

Site Area
Gross 55740 SF
Net 51027 SF

Soiling Setbacks
Required 15 ft
Provided 15 ft

Signs
Required 0
Provided 0

San Front
Unit (1-Bed) 24 SF Each
Unit (2-Bed) 6 SF Each
Total 30

Security
Required 0
Provided 0

Parking
Required 24
Provided 42

Recycle Parking
Required 1.00 SF parking stalls
Provided 42

Recycle Parking
Required 1.00 SF parking stalls
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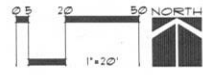
Recycle Parking
Required 1.00 SF parking stalls
Provided 42

Recycle Parking
Required 1.00 SF parking stalls
Provided 42

UNIT SYMBOL KEY:

	UNITS EQUIPPED FOR WHEELCHAIR ACCESS
	UNITS EQUIPPED FOR PET-FRIENDLY
	UNITS EQUIPPED FOR STORAGE
	UNITS EQUIPPED FOR LAUNDRY

SITE PLAN
SCALE 1" = 20'-0"



ATHENA STUDIO, LLC
2801 E Camelback 200
Phoenix, AZ 85016
602-274-5000

PRELIMINARY DRAINING
NOT FOR CONSTRUCTION

Villas on Shelby
2250 Shelby Drive
Sedona, AZ 86336
HS Development Partners

Issue Date:
MARCH 2024

Revisions:

PROJECT NUMBER
2315-1
DRAWN BY
PS
REVIEWED BY
PS
START DATE
FEB 7, 2024
DATE PLOTTED
03/15/24
JOB FILE NAME
2315-1-SITE

SITE PLAN
S.1
Copyright © 2024 Athena Studio, LLC

Agenda Item 5a, Attachment 3

Due to file size constraints, Project Application Materials are not included in the packet but are available at the following link:

<https://www.sedonaaz.gov/your-government/departments-and-programs/community-development/projects-and-proposals/villas-on-shelby>

Documents at the above link include:

- a. Project Application, Lighting Application, and Citizen Participation Report
- b. Project Drawings
- c. Landscaping Plan
- d. Engineering Reports (Grading and Drainage Report & Plan, Geotechnical Report, Water Design Report, Traffic Impact Statement, Sewer Design Report)

Land Development Code Checklist
 PZ24-00006 (DEV) Villas on Shelby



City Of Sedona
Community Development Department
 102 Roadrunner Drive Sedona, AZ 86336
 (928) 282-1154 • www.sedonaz.gov/cd

The Sedona Land Development Code sets the minimum criteria for review and approval of all new construction and renovation proposals by the City’s Community Development Department and Planning & Zoning Commission. Applicants of proposed development projects must demonstrate compliance with these development standards.

Public Hearing Date: November 5, 2024

Reviewer: Cari Meyer, Planning Manager

Color Coding	Full Compliance	Partial Compliance	Non-Compliance	Not Applicable
--------------	-----------------	--------------------	----------------	----------------

LDC Article 2: Zoning Districts	
2.15: IN: Light Industrial	
2.15.B: IN Lot and Building Standards	<p><i>Evaluation:</i> The property is zoned IN (Light Industrial) and meets all setbacks and lot coverage. City Council approved a height increase for this building based on the provision of affordable housing. The heights comply with the allowances granted by Council.</p> <p>Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p>
2.15.C: Other Standards	<p><i>Evaluation:</i> The project, as conditioned, complies with all applicable sections of the LDC. There are no use specific standards applicable to this use.</p> <p>Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p>
2.24: Measurements and Exceptions	
2.24.B: Density	<p><i>Evaluation:</i> All units are proposed to be deed-restricted for affordability, so there is no limit on density.</p> <p>Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p>
2.24.C: Lot and Space Requirements	<p><i>Evaluation:</i> The lot meets minimum dimension requirements. All buildings meet the same setback and height requirements.</p> <p>Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p>
2.24.D: Setbacks	<p><i>Evaluation:</i> IN setbacks are 15 feet from the front and no setbacks for the rear or sides if they’re not bordering a street, open space, or National Forest parcel. The project meets these setbacks.</p> <p>Compliance: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p>
2.24.E: Building Height	<p><i>Evaluation:</i> The property is within the Sunset Live/Work CFA, which, for affordable housing projects, permits heights of up to 45 feet if a paint color with an LRV of 20% or less/chroma of 2 or less is used and the largest unrelieved building plane does not exceed 400 square feet. On May 28, 2024, City Council approved a development agreement for the project, which permits heights of up to 40 feet and does not require the largest unrelieved building plane to be reduced. Heights for this project are in compliance with that development agreement.</p> <p>(1) Measurement:</p> <p><i>Horizontal Plane:</i> The horizontal plane requirements do not apply to projects in the IN district.</p>

Parallel Plane: The highest point above natural grade is 40 feet (along the south side of the building where the parapet is at 4346.5' above a natural grade of 4306.5'). This height is permitted under the project's Development Agreement, approved by City Council on May 28, 2024.

(2) Maximum Overall Building or Structure Height: The height from the lowest natural grade to the highest point on the building is 40 feet.

(3) Exceptions to Height Requirements: Mechanical equipment screening is permitted an increase of 8 feet in height if it does not exceed 5% of the total roof area and is setback a minimum of 6' from the edge of the roof. The screening around the rooftop mechanical equipment exceeds the height of the parapet by 3.5', is more than 6 feet from all roof edges, and covers 4.84% of the roof area, complying with the requirements for this exception.

(4) Alternate Standards: With the exception approved by Council, Alternate Standards do not apply directly. However, the CFA plan allows heights of up to 45 feet if a paint color with an LRV of 20% or less/chroma of 2 or less is used and the largest unrelieved building plane does not exceed 400 square feet. When Council approved the height increase, they did so without requiring the largest unrelieved building plane to be reduced to 400 square feet. The paint color requirements were not waived and do apply to this project.

Compliance: Yes Partial No Not Applicable

LDC Article 3: Use Regulations

3.2.E: Table of Allowed Uses

Evaluation: Multi-family is a permitted use in the IN zoning district.

Compliance: Yes Partial No Not Applicable

3.3: Use Specific Standards

Evaluation: There are no applicable use specific standards for this project.

Compliance: Yes Partial No Not Applicable

LDC Article 5: Development Standards

5.3: Grading and Drainage

5.3.D: General Standards

Evaluation: The site is relatively flat, sloping down from northeast to southwest. A portion of the lot along the northern and western property lines is in the floodway and the areas adjacent to the floodway is in the 500 year floodplain. The finished floors of the buildings are at approximately the level of the existing grade. Significant grading is not needed for this project. The site has been previously disturbed and is not in its natural state. All work is contained within the property boundaries.

A grading and drainage plan and report have been submitted and reviewed by the Public Works Department. The report demonstrates that the development meets the City's requirements.

A Final Grading and Drainage report and plan will be required to be submitted with building permit applications. The City will require that the development meets the City's requirements.

Compliance: Yes Partial No Not Applicable

5.4: Access, Connectivity, and Circulation

5.4.D: Street Connectivity

Evaluation: The project will be accessed off Shelby Drive, an existing public street. No new streets are needed for the development.

A large wash exists to the west and north of the project site, precluding cross access for vehicles. A pedestrian access to Sunset Park to the north of the project site has been provided. The site has been designed so that cross access to the properties to the east is possible in the future, if needed for future development.

There is an existing shared use path along Shelby Drive frontage and the project includes a pedestrian connection to Sunset park on the north side of the project.

	<p>Police and Fire have reviewed the plans and have not expressed any concerns with the site layout. No waivers are being requested and no gates are proposed. Fire will have to review and approved the final development plans before construction begins.</p> <p><i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i></p>
5.4.E: Driveways and Access	
	<p><i>Evaluation:</i> The access point is at the south end of the site on Shelby Drive. Vehicles will be able to enter and exit in forward drive and a fire truck turnaround is provided at the north end of the site. The site is landlocked by existing development and a wash to the west. A secondary access is not feasible and, based on the size of the project, is not necessary.</p> <p>Police and Fire have reviewed the plans and have not expressed any concerns. Fire will have to review and approved the final development plans before construction begins.</p> <p>Driveways and drive aisles will meet materials requirements and culverts will be provided where necessary.</p> <p>No driveway is proposed on a state highway.</p> <p><i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i></p>
5.4.F: Visibility Triangles	
	<p><i>Evaluation:</i> No buildings or other site elements are in visibility triangles. Landscaping in visibility triangles will be maintained to meet sight distance requirements.</p> <p><i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i></p>
5.4.G: Cross-Access between Adjacent Uses	
	<p><i>Evaluation:</i> This section only applies to nonresidential development.</p> <p><i>Compliance:</i> <input type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input checked="" type="checkbox"/> <i>Not Applicable</i></p>
5.4.H: Pedestrian and Bicycle Circulation	
	<p><i>Evaluation:</i> There is a shared use path on Shelby and the plans include a connection to Sunset Park to the north.</p> <p>Bicycles have been considered in the design and bicycle parking is on the north side of the building and can also be accommodated in individual units.</p> <p><i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i></p>
5.5: Off-Street Parking and Loading	
5.5.D: Minimum Off-Street Parking Spaces Required	
	<p><i>Evaluation:</i> The plans propose 24 one-bedroom units (1.25 parking spaces per unit) and 6 three-bedroom units (1.75 parking spaces per unit), for a total parking requirement of 41 spaces. 41 spaces are provided.</p> <p>The LDC requires 0.5 covered parking spaces per unit (15 required). 16 covered spaces are provided.</p> <p><i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i></p>
5.5.E: Parking Alternatives, Credits, and Adjustments	
	<p><i>Evaluation:</i> No parking alternatives, credits, or adjustments are requested.</p> <p><i>Compliance:</i> <input type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input checked="" type="checkbox"/> <i>Not Applicable</i></p>
5.5.F: Off-Street Parking Layout and Design	
	<p><i>Evaluation:</i> Parking spaces will be required to be used for parking cars. No parking is in a fire lane. Parking areas are not located between the building and the street frontage. Parking is on the same parcel as the apartment building.</p> <p>The parking area and parking spaces have been designed in compliance with City requirements, including dimensional requirements, surfacing, landscaping, and lighting. Pedestrians have a separated entrance to the site that does not require use of the drive aisle</p> <p><i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i></p>

5.5.G: Loading and Stacking Areas	
	<i>Evaluation:</i> No loading or stacking areas are required. .
	<i>Compliance:</i> <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable
5.6: Landscaping, Buffering, and Screening	
5.6.C: Landscaping and Buffering	
	<i>Evaluation:</i> (1) General Landscape Standards: Based on the size of the landscape area, 27 trees are required and 37 are provided. 81 shrubs are required and 138 are provided. 17 different tree and shrub species are proposed. No species comprises more than 50% of the required landscape materials. 53% of the plants proposed are native (minimum 50%). The remaining plants are on the City's adaptive plant list. (2) Landscaping is provided along all front and exterior side yards. All areas within the setbacks not being paved for driveways are landscaped. The project does not include any parking areas that need to be screened or provide landscaping. Landscaped areas are located appropriately throughout the site and where required for screening and buffering purposes. (3) The property is not adjacent to a single-family zoning district. (4) Landscape areas will be required to be maintained after installation. (5) As the site has been disturbed in the past, there are no significant trees to remain.
	<i>Compliance:</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
5.6.D: Screening	
	<i>Evaluation:</i> (1) Roof mounted equipment is screened with screen walls. (2) Ground mounted equipment is not proposed. (3) Screened refuse areas are provided on the north side of the site. (4) No outdoor storage areas are proposed.
	<i>Compliance:</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
5.6.E: Fences and Walls	
	<i>Evaluation:</i> A 5'2" property line black wrought iron fence is proposed. Fences along the property line may go up to 6'0".
	<i>Compliance:</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
5.7: Site and Building Design	
5.7.D: Site Design	
	<i>Evaluation:</i> The site is fairly flat and has been disturbed in the past (not in its natural condition). There is a floodway to the north and west of the project site and a 500-year floodplain adjacent to the floodway. The building has been located to the south east of the site, away from the floodway, and the parking area is located closest to the floodway/within the 500 year floodplain. There is a shared use path along Shelby Drive, the site provides a connection to Sunset Park to the north, and the site has been designed to allow for connection to the properties to the east if desired in the future. The adjacent properties to the east, west, and south are zoned for light industrial uses. To the north is Sunset Park and a self-storage facility. All utilities will be underground.
	<i>Compliance:</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable
5.7.E: Building Placement and Orientation	
	<i>Evaluation:</i> The project is proposed as a single building. This section does not apply.
	<i>Compliance:</i> <input type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input checked="" type="checkbox"/> Not Applicable

5.7.F: Building Design	
	<p><i>Evaluation:</i></p> <p>(2) Building Form</p> <ol style="list-style-type: none"> Building Massing: The main building, the offsets on the east side of the building, offsets along the front property line, the lower office portion of the building, and the roof overhangs create a minimum of 3 masses in both elevation view and plan view. All masses are visible from the street. Building Proportions and Scale: There are no specific “taller” building elements in the buildings and there are no adjacent residential buildings. Building Articulation: Building incorporates projections and recessions along all elevations. There are no topographical changes on the lot that need to be reflected in the building design. The south elevation is required to have 30% windows/doors on the first floor and 15% on the 2nd and 3rd floors. Calculations are only provided for the 1st and 3rd floors and the calculations do not appear to take the entire wall into consideration for the wall area. These calculations will need to be updated and a calculation for the 2nd floor provided. This is included a recommended condition of approval. No roofline exceeds 50 feet in length without a projection, recession, or change in roof height. Building exceeds 150 feet in length without a one-story element. However, this requirement was waived by City Council in the Development Agreement. <p>(3) The area around the project site is an older area of Sedona without a predominant architectural theme. The building is not being designed as signage and all buildings within the development use the same design.</p> <p>(4) No mirrored or reflective surfaces are proposed. No exterior finishes on the prohibited list are proposed.</p> <p>(5) The maximum light reflectance value proposed will be limited to 20%, in compliance with color requirements for the increased height allowed by the CFA and approved by Council.</p>
<p><i>Compliance:</i> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p>	
<p><i>Recommended Condition of Approval: Plans submitted for building permits shall show compliance with Transparency requirements of LDC Section 5.7.F(2)c.5.</i></p>	

5.8: Exterior Lighting

5.8.E: General Lighting Standards	
	<p><i>Evaluation:</i></p> <ol style="list-style-type: none"> All Class 1 & 3 lighting is proposed at a maximum of 3000K (Maximum 4000K permitted). Class 2 lighting is proposed at 2700K (Maximum 2700K permitted). No prohibited lighting types are proposed. All proposed light fixtures are fully shielded. A total of 79,347 lumens are proposed. The site is 1.17 acres, allowing for a maximum of 81,900 lumens. No motion sensor lighting is proposed. As a housing project, no lighting time limitations apply.
<p><i>Compliance:</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p>	
5.8.F: Supplemental Class 3 Lighting Standards	
	<p><i>Evaluation:</i> Class 3 lighting is proposed to be fully shielded, no additional requirements apply.</p>
<p><i>Compliance:</i> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> Partial <input type="checkbox"/> No <input type="checkbox"/> Not Applicable</p>	
5.8.G: Parking Area Lighting	
	<p><i>Evaluation:</i> Parking lot lighting is proposed, and the lighting application does not specify the height of the fixtures. A maximum of 12 feet is permitted, which can be included as a recommended condition of approval.</p>

		<i>Compliance:</i> <input type="checkbox"/> <i>Yes</i> <input checked="" type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i>
		<i>Recommended Condition of Approval: Parking lot lighting poles shall not exceed 12 feet in height.</i>
	5.8.H: Pedestrian Walkway Lighting	
		<i>Evaluation:</i> Lighting for pedestrian walkways is included in the lighting plan and is compliant.
		<i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i>
	5.8.I: Exterior Building Lighting	
		<i>Evaluation:</i> Fully shielded fixtures wall mounted fixtures are proposed. No excessive lighting is proposed.
		<i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i>
	5.8.J: Sign Illumination	
		<i>Evaluation:</i> Sign lighting is proposed and is fully shielded if properly adjusted.
		<i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i>
	5.8.K: Supplemental Lighting Standards for Specific Uses	
		<i>Evaluation:</i> None of these standards apply to this project.
		<i>Compliance:</i> <input type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input checked="" type="checkbox"/> <i>Not Applicable</i>
	5.9: Public Art	
	5.9.B: Applicability	
		<i>Evaluation:</i> Public art is not required for affordable housing projects.
		<i>Compliance:</i> <input type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input checked="" type="checkbox"/> <i>Not Applicable</i>
	5.9.C: Public Art Requirement	
		<i>Evaluation:</i> Public art is not required for affordable housing projects.
		<i>Compliance:</i> <input type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input checked="" type="checkbox"/> <i>Not Applicable</i>
	Article 6: Signs	
	6.9: Permanent Signs (Commercial Districts)	
		<i>Evaluation:</i> The proposed sign complies with LDC requirements and uses the same design elements as the building.
		<i>Compliance:</i> <input checked="" type="checkbox"/> <i>Yes</i> <input type="checkbox"/> <i>Partial</i> <input type="checkbox"/> <i>No</i> <input type="checkbox"/> <i>Not Applicable</i>

Comment on Development Proposal

donotreply@sedonaaz.gov <donotreply@sedonaaz.gov>

Tue 7/16/2024 3:47 PM

To: Cari Meyer <CMeyer@sedonaaz.gov>; Megan Yates <MYates@sedonaaz.gov>; Laura Stewart <LStewart@sedonaaz.gov>

A new entry to a form/survey has been submitted.

Form Name: Comments on Development Proposals
Date & Time: 07/16/2024 3:47 p.m.
Response #: 634
Submitter ID: 6928
IP address: 24.156.93.45
Time to complete: 1 min. , 12 sec.

Survey Details

Page 1

We want to hear what you think. Please share your thoughts below. If you have questions about the project, please enter your contact information so that we can respond. Please note that all information submitted (including name, addresses, and email) will become part of the public record and will be available for public inspection.

1. Project Name:

Shelby Road Apts.

2.

What are your comments, concerns, ideas, and suggestions about this project?

A future 'project' in Sedona. Sad,

3. Your contact information (If you do not feel comfortable sharing or do not want this information to become a public record, a partial answer or "not applicable" is acceptable.)

Name: Frank Thomas
Address (or Street Name): 2170 East Mule Deer Road
City of Residence Sedona
E-mail: rascherft@outlook.com

4.

Would you like to receive notices about this project, such as public meeting dates?

(o) No

Thank you,
City of Sedona

This is an automated message generated by Granicus. Please do not reply directly to this email.

Agenda Item 5b:

Public Hearing/discussion/possible direction regarding a request for a Time Extension to extend the expiration date for construction of 46 affordable housing units, at 220 Sunset Drive (Sunset Lofts). The property is zoned Commercial (CO) and Medium-High Density Multifamily (RM-2), is ±2.22 acres and is located on Sunset Drive south of W State Route 89A.
APN: 408-26-030C.



Public Hearing Date:	November 5, 2024
Hearing Body:	Planning and Zoning Commission
Action Requested:	Time Extension of Previously Approved Development Review Approval
Staff Recommendation:	Approval of Time Extension
Applicant:	City of Sedona
Project Summary:	A request for a Time Extension to a previously approved Development Review application. No other changes are proposed.
Report Prepared by:	Cari Meyer, Planning Manager
Attachments:	
	1. Letter Requesting Time Extension
	2. Public Comments

This agenda item provides for a public hearing and discussion/possible action regarding a request for a Time Extension to a previously approved Development Review Application.

BACKGROUND

The following is a timeline of the project to this point:

- July 13, 2021 (City Council Meeting): Approval of Original Development Agreement with Sunset Lofts, LLC for development of a 46-unit affordable housing project at 220 Sunset Drive.
- November 2021: Development Review application submitted to Community Development Staff and 1st review completed.
- March 8, 2022 (City Council Meeting): 1st Amendment to Development Agreement with Sunset Lofts approved, waiving and modifying certain requirements of the Land Development Code (LDC).
- September 6, 2022: Original Development Review application approved by Planning and Zoning Commission.
 - The 15-day appeal period expired, and the approval became effective on September 21, 2022.
 - Standard conditions of approval require issuance of permits and beginning of construction within 2 years (September 21, 2024).
- March 29, 2023: Building Permits for the project were submitted, including changes to the roofline that required an amendment to be approved by Planning and Zoning Commission.
- July 18, 2023: Planning and Zoning Commission approved the roofline modification.
- August 8, 2023 (City Council Meeting): 2nd Amendment to Development Agreement. This amendment required that construction on the project begin by April 1, 2024. If construction did not begin, the property and the construction plans would become the property of the City.
- December 20, 2023: Building Permits for the project were issued.

- Building permits require an inspection to be completed every 6 months to remain valid. A time extension for an additional 6 months was approved in June 2024, giving the project until December 2024 to complete the first inspection.
- April/May 2024: The project did not start construction and ownership of the property and construction plans was transferred to the City of Sedona.

As the City now owns the project, City staff has been working to begin development of the proposal, which requires issuance of an RFP (Request for Proposals) to secure a contractor. This RFP is anticipated to be issued by the end of October 2024. Due to these time frames, it is unlikely that the construction will begin before the building permit expires in December 2024. Without a time extension for the Development Review application, a new permit would not be able to be issued and the Development Review process would need to start over in order for the project to proceed.

Additional information, including links to approved plans can be found at the following link:

<https://www.sedonaaz.gov/your-government/departments/community-development/projects-and-proposals/sunset-lofts>

PUBLIC INPUT

Staff completed the public noticing for this project and has received one written comment, included here as [Attachment 2](#). This comment has concerns about the drainage plan for the property.

Drainage was a significant issue of discussion during the original review and approval process. The Preliminary Drainage Plan submitted with the original development review application as well as the Final Drainage Plan submitted with the building permit have both been reviewed and approved by the City’s Public Works Department. No changes to the approved drainage plan are proposed as part of the time extension request.

DISCUSSION AND ANALYSIS

The LDC allows the body that originally approved the application to grant a maximum of two time extensions. The first time extension may be for a maximum of two (2) years and shall meet the following criteria (LDC Section 8.3.H(3)d (Evidence Required to Support Extension Requests):

1. In spite of the good faith efforts of the applicant, circumstances beyond their control have prevented the timely pursuit of the development and completion of the necessary requirements within the originally authorized time period; or
2. The applicant has completed substantial property improvements, incurred substantial nonrecoverable monetary expenditures or commitments, or has completed supporting development improvements, or retained the services for preparation of supporting data in reliance upon the approval of the request.

Staff Evaluation (Criteria 1 and 2): The project delays are primarily related to the increase of labor and construction costs and increases in interest rates. In addition, when the original developer was unable to initiate construction, the City took the project over and is now in the process of pursuing an RFP to find a developer to complete the project. As the City has only owned the property/project since April, it was not possible to complete this process within the originally authorized time period.

3. In either instance, the applicant is, in good faith, continuing to diligently pursue implementation of the development to the degree authorized by the City and the applicant shall be current on all City

fees, including wastewater billing charges, and has no code violations or environmental, health and safety issues existing on the property.

Staff Evaluation (Criteria 3): The City is committed to continuing to pursue this project and add the additional 46 units of affordable housing to the housing stock in Sedona. No code enforcement violations exist on the property.

Approval Criteria

In Staff's opinion, the time extension request meets the approval criteria in LDC Section 8.3.H(3)d. No other changes or modifications to the approved plans are proposed. The original application was found to be in compliance with the approval criteria for all development projects and no changes to the project are proposed that would alter that finding. There have been no LDC changes in the past 2 years that would create a nonconforming situation if the project were to be developed as approved.

Recommendation and Motion

PZ24-00012 (TE)
Sunset Lofts Time Extension



Community Development Department
102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • www.sedonaaz.gov/cd

Staff Recommendation:

Staff recommends approval of case number PZ24-00012 (TE), Sunset Lofts Time Extension, consistent with the approval criteria in Section 8.3.H(3)d. of the LDC.

Recommended Motion for Approval:

I move approve case number PZ24-00012 (TE), Sunset Lofts Time Extension, consistent with the approval criteria in LDC Section 8.3.H(3)d, and subject to the conditions of approval listed at the end of this staff report.

Conditions of Approval

PZ24-00012 (TE)
Sunset Lofts Time Extension



City of Sedona
Community Development Department
102 Roadrunner Drive Sedona, AZ 86336
(928) 282-1154 • www.sedonaaz.gov/cd

As Recommended by Staff

1. The Development Review approval for PZ21-00018 (DEV), Sunset Lofts, shall expire on September 21, 2026, unless a building permit has been issued and construction of the project has commenced and is being diligently pursued toward completion or an additional request for extension has been filed in compliance with LDC Section 8.3.H(3).
2. All other conditions of PZ21-00018 (DEV), Sunset Lofts, shall remain in effect.

September 19, 2024

To Whom it May Concern:

The City of Sedona's Housing Department is requesting a Development Review extension for Sunset Lofts, a 46-unit affordable housing development. The project was originally submitted for review in 2021 and approved by the Planning and Zoning Commission on September 6, 2022. An amendment to modify the roof lines was approved on July 18, 2023. A building permit for the project was issued on December 20, 2023, and was given an extension in June 2024, giving the building permit an expiration date of December 20, 2024.

The project has been delayed for several reasons, primarily related to the increase of labor and construction costs and increases in interest rates, and, due to the terms of an amended development agreement, the City took ownership of the land and architectural designs when the project did not break ground by April 2024.

As the City now owns the project, City staff has been working to begin development of the proposal, which requires issuance of an RFP (Request for Proposals) to secure a contractor. This RFP is anticipated to be issued in October 2024. Due to these time frames, it is unlikely that the construction will begin before the building permit expires in December 2024.

Without an extension to the Development Review approval, if the building permit expires in December, the permit would not be able to be extended again and the project would have to restart the Development Review/public hearing process, further delaying the beginning of construction. No changes to the approved plans are proposed and no change to the Land Development Code have occurred since the project approval that would impact the project.

Please let me know if you have further questions,

Jeanne Frieder, Interim Housing Manager

City of Sedona

Re: Comments Sunset Lofts PZ21-00018(DEV) PZ24-00012(TE)

From MARIE I. HOLMES <mholmes333@aol.com>

Date Thu 10/24/2024 11:01 AM

To Laura Stewart <LStewart@sedonaaz.gov>

Cc Michele GFCA <michele@geomattix.com>; Shane Ray <SRay@hoamco.com>

Dear Laura,

Thank you for your reply. I am sending my comments directly to you for inclusion in file for PZ21-00018 (DEV) PZ24-00012(TE), for the 11/05/24 public hearing:

Dear City of Sedona Council,

I respectfully request that the council NOT approve the request for a time extension to extend the expiration date for construction of 46 affordable housing units.

My reason is: The Sedona Lofts development is on 2.22 acres of floodplain property and due to climate change (with increased intensity of weather conditions), there is a need for additional review of the building application requirements for Sedona Lofts, specifically regarding rainfall drainage.

Per an Arizona Republic report published July 22, 2024, "Arizona has had a wetter monsoon season than meteorologist expected".

We have all experienced climate change this year with the increase in frequency and intensity of storm conditions (hurricanes, and rainfall).

I am a property owner on adjacent property to Sedona Lofts and the safety of my property would be completely reliant on the proper capacity and functioning of Sedona Lofts underground drainage basins (rainfall will no longer be naturally absorbed into the ground).

The underground drainage basins designed to catch rainfall for Sedona Lofts property were designed for water quality measures of four or five years ago. The measures should be updated based on increasing intensity of weather conditions, to determine if the underground drainage basins are adequate.

Also, there should be scheduled inspections of the underground drainage basins to provide some assurance that they are working properly. Erosion and debris can clog them. Currently, scheduled inspections are not a requirement.

I am respectfully asking that the City of Sedona take precautionary measures by considering the need for the contingency of additional documentation, specifically regarding rainfall management, before any construction of Sedona Lofts is allowed.

Thank you for your time and consideration of this very important issue. "It is better to be safe than sorry".

Respectfully submitted,

Marie Holmes

Sedona homeowner since 1992