

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, Sedona City Hall, Sedona, AZ
Tuesday, March 6, 2012 - 5:30 p.m.

(15 minutes 5:30 - 5:45 for agenda items 1- 3)

1. **Verification of Notice, Call to Order, Pledge of Allegiance and Roll Call**
Chairman Losoff called the meeting to order at 5:32 p.m.

Roll Call:

Planning & Zoning Commissioners: Chairman Marty Losoff, Vice Chairman John Griffin and Commissioners Eric Brandt, Michael Hadley, Scott Jablow, Geoffrey Messer and Norm Taylor

Staff: Nick Gioello, John O'Brien, David Peck, Donna Puckett, Ron Ramsey and Jared Raymond

City Council: Mark DiNunzio

3. **Public Forum – for items not listed on the agenda within the jurisdiction of the Planning and Zoning Commission – limit of three minutes per presentation. (Note that the Commission may not discuss or make any decisions on any matter brought forward by a member of the public).**

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

2. **Commission/Staff announcements and summary of current events by Chairman/staff.**

John O'Brien announced that the City Council revoked the Conditional Use Permit for the Sedona Temple last Tuesday night; they were in non-compliance with the Conditions of Approval. The Capital Improvement Plan will go to the City Council on April 9th in a worksession, and then they will take action in early May. Additionally, Walgreens and Natural Grocers came to an agreement for access through Walgreens' property, so Natural Grocers' customers will be able to get out at the traffic light. The Chairman noted that is good news, because we are trying to move forward with the Community Plan and get landowners to do more of that.

Commissioner Hadley asked if Natural Grocers has come in for a Building Permit and John O'Brien indicated yes, they are in Plan Review now. The Chairman then asked about Thai Spices and John O'Brien indicated there is nothing on that.

4. **CONSIDERATION OF THE FOLLOWING REQUEST(S) THROUGH PUBLIC HEARING PROCEDURES: (75 minutes 5:45 - 7:00 pm)**

A. Discussion/possible action regarding a request for Development Review approval for redevelopment of the C-Market property located at 285 Jordan Road. The applicant is proposing a new, 3,230 square foot commercial building with associated parking. Current zoning is C-1 (General Commercial). The property is approximately 0.297 acres and is further identified as Assessor's Parcel Number: 401-16-002. Applicant: Cedric Development. Case Number: DEV2010-1

Chairman Losoff welcomed back the Recording Secretary and reminded the audience to turn off their cell phones.

Presentation, Nick Gioello: Showed a Vicinity Map and Aerial View of the subject property and surrounding area, as well as the old rendering that was submitted last May, followed by a corrected version of that rendering showing the corrected elevation view and some of the modifications that have been made. For example, the eave line matches up with the building to the south; it was just a perspective error on the elevation view. They have also added a

continuous eyebrow across the front of the building and lowered the upper windows, so they don't go to the roof in the front elevation. Nick then pointed out that at the worksession there was a question by Commissioner Brandt about the type of stonework. He then showed a picture of the stonework on the Cornerstone building as an example of the rock that the applicant is proposing to use.

Nick summarized the changes made since the May, 2011 hearing as follows:

- Continuous eyebrow overhang
- Upper windows reduced in height on both the front and north side views
- Color rendering was corrected and the fascia lines match the adjacent building

The Chairman interjected that this is about the fourth reiteration, so there have been other changes. Nick agreed that there have been a lot of changes; these are just since May. Nick then indicated that at last week's worksession, there also was a question about how the Land Development Code was applied to the height of the tower that is at 30 ft. 6 ins., and the Code has an exception for elevator penthouses, mechanical equipment penthouses, towers, stair towers and similar non-habitable structures, and they are allowed to go 8 ft. above the 22 ft. baseline, which takes it to 30 ft. On top of that, there is a 5 ft. pitched roof exemption, which allows the other 6 ins., so it is in compliance with the Land Development Code.

Vice Chairman Griffin asked if there is a size limitation with that and Nick explained there is a percentage limitation of 5%, and he and the Director calculated that and it is under 5% of the total Lot Coverage.

Nick then indicated that there was a question about the north side windows and the applicant had already revised those in the drawings brought to the worksession, plus they are showing that on the display boards. There were also comments about lowering the tower height by some Commissioners, while other Commissioners felt the tower height was okay.

Nick pointed out that there was also a question about the dimension-cut stone and a picture of that has been provided. Additionally, there was a question about board and batten above the upper windows in that front face and the applicant can discuss whether or not they have made that change. Another question was about any previous letters of opposition; he checked the files and found two emails and one letter that expressed concerns about the project and didn't like the appearance of the building. It was an historic perspective and they felt it didn't fit in the Uptown area.

Nick then indicated that again, as in May, based on compliance with ordinance requirements as conditioned, general consistency with and conformity to the Sedona Community Plan, conformance with the requirements of the Development Review Section of the Land Development Code, consistency with the Design Review Manual and the Sedona Main Street and Character Districts Design Manual and compatibility with surrounding land uses and the character of the surrounding area, staff recommends approval of case number DEV2010-1, subject to applicable ordinance requirements and the Conditions of Approval listed at the end of this Staff Report, which actually would be the memo created for the worksession.

Commission's Questions of Staff:

The Chairman complimented Commissioner Brandt for writing a nice memo for the worksession and Commissioner Brandt noted that he guesses we will hear about the board and batten from the applicant, but he doesn't have any other questions.

Commissioner Hadley thanked Nick for checking on the tower height.

Vice Chairman Griffin asked about a sample of the roof tile and Nick provided a picture to the Vice Chairman.

Presentation, Dan Surber, Architect, Sedona, AZ: Indicated that the Commission has seen it and we all understand the project, so he is just going to address the three items that were discussed in the last P&Z hearing. Basically, they added the continuous eyebrow, decreased the size of the glass up above, and as far as taking it around the corner, it is consistent with the glass that goes around the north façade also. Regarding the board and batten, they agree they can go to that up there, so the entire upper level is basically board and batten above the eave transition line. Regarding the height, they revisited the height and took elevations of all of the existing surrounding buildings and redid their elevations' sketch to show how it is truly perceived on the site, and their top and deck fascias do line up with the existing adjacent buildings.

Dan Surber then indicated that he would like to take questions from the public. They basically started the project in 2009 and his challenge began day one with Mr. Cedic. The Cedic family has been here for 30 years and they have strong ties to Sedona. They have been in Uptown for the same number of years, so they understand the character there and they have been part of that character for almost 30 years, but a strong aspect of their family are ties to their home country -- religious, architectural and cultural, and that is where they started with the design. Mr. Cedic brought him European cathedrals with arches, domes and brick and that is where they started. Mr. Surber added that he believes they have moved through the process with the overlying concept of making it more pedestrian-friendly and with the parking lot in front that had no curb appeal, so the concept was to bring it up to the front, make a plaza, add the features of benches, umbrellas, seating and bike racks, etc., to continue that pedestrian feel.

Mr. Surber explained that through the process their overriding goals were meeting the ordinances, while also paying attention to the Main Street District and he thinks they have responded to the various recommendations from staff, Planning & Zoning and the Main Street District, and they have evolved to the end product, responding with their design.

Chairman Losoff thanked Mr. Surber and Mr. Cedic for all of their time and energy in trying to appease the Commission and modify the drawings to where they are today, regardless of whether or not the Commission agrees on the issues.

Commission's Questions of the Architect:

Commissioner Brandt indicated that the applicant addressed his questions about the board and batten, the continuation of the windows, and we have a picture of the stone. The Commissioner then asked if the stone is native, coming out of the site or from a quarry. Mr. Surber explained it would be natural red rock from a quarry that is a dimensional-cut stone in various sizes. Commissioner Brandt then asked if the roofing is a concrete tile and Mr. Surber indicated that it is a concrete tile that simulates wood shingle; it has the texture of it.

Commissioner Hadley complimented Mr. Surber and Mr. Cedic on responding to the Commission's concerns. He thought it was an interesting project from the get-go and you have done everything that the Commission asked. We only had three things from the last public hearing -- the continuous eyebrow, which you did; the lowering of the upper windows, which you did and you have brought the scale down to where he is very comfortable with it. You have done a great job and he appreciates it.

Commissioner Messer indicated that he echoed Commissioner Hadley's sentiments and Commissioner Jablow stated the same for him. Commissioner Taylor indicated that he has nothing to say.

Chairman Losoff opened the public comment period at this time and Nick explained the use of the 3-minute timer.

Tom Gilomen, Sedona, AZ: Indicated that he has been a neighbor of the C-Market for 25 years and he has 24,000 or 25,000 sq. ft. of buildings that are over 50 years old, so he appreciates the desire to maintain the character of old Sedona, but by the same token, he

recognizes that we are changing. Our whole way of life is changing and we have to adapt, and George and his architect have done a wonderful job of trying to go from buildings that were built in the '40s to what people are doing today. This building fits very well into the neighborhood. If you look at the building to the left, it really doesn't meet any of the requirements so to speak, in terms of keeping with Main Street's architectural designs and probably neither does the building on the right. He thinks this building works very well; he has talked to a lot of people about it and he has never heard anyone say anything negative about the design, and yet this has been going on for two years, so he urges the Commission to please approve this. None of the property owners or business owners that he has talked to, and he has talked to at least 50 of them, has shown anything but support for the project. He knows it is not a popularity contest, but it shows what the neighbors feel.

G. E. Frey, Sedona, AZ: Indicated that he is representing himself as a homeowner across the creek in Sedona. He also represents Rancho Sedona, which is a RV Park that is also across the creek from Uptown. It is wonderful that this man at this time wants to do this financially; it is a benefit for the community, both for tax revenue and also for people who live in Uptown that want to run up and get something and not have to go all the way to West Sedona, and it is going to be great for his clients. He thinks it is a wonderful design; it has been two years and he probably shouldn't say this, but it has been two years and a lot of damn money, and sometimes we get a little ridiculous about going overboard, because we are Sedona; that is beautiful up there. Let's get this approved, so this guy can get this thing built.

Kathy Howe, Sedona, AZ: Stated that she is a neighbor and she couldn't be happier to see George take the parking out of the front, put it in the back and have such a beautiful design. She hopes the Commission does approve this tonight.

Wilma Wilcox, Sedona, AZ: Indicated that she has lived in Sedona for 30 years and she has had eight businesses in Uptown Sedona. She lives behind the Sedona historical building and they have used George a lot for all of their customers. She approves of the C-Market building project as presented to Planning & Zoning. She disagrees with the need to blend with the historic district; the C-Market sets off of S.R. 89A and it blends very well with existing buildings on each side of his. The building design as presented is pleasing to the eye, and it does not degrade the character and charm of Uptown Sedona. The clock tower, she believes will become a landmark and it reflects a special landscape that Sedona is famous for. While the C-Market isn't required to build the clock tower, it is a beautiful addition to the local community; thus, enhancing our local landscape. The clock tower is an expense, but it has significance for the eye appeal of the building. She supports the need for the C-Market in the community. The store serves the tour buses and those who live here and walk to the store for their supplies. It is also convenient for visitors staying in local hotels within walking distance. Day-time visitors also utilize the store for supplies without leaving Uptown and the new designed store would be able to stock more merchandise, even serving our community better. She strongly urges the Commission to approve this.

Al Spector, Sedona, AZ: Stated that he is representing properties that they own: L'Auberge, Orchards, Canyon Portal, Sinagua Plaza and Open Range, Canyon Breeze and Taos restaurants, representing about 150,000 sq. ft., and including the tenants, about 40 businesses -- all of which are members of Main Street, so they represent about 40% of all of the Main Street members. They urge the Commission to support and approve this project; they strongly support it. He thinks that because it is in conformance with all Codes, the Commission actually doesn't have a choice but to approve it, but more importantly for Uptown, let him tell the Commission why he thinks the Commission should approve it. The Commission should approve it, because it is infinitely better than what is there now and it is a great addition to Uptown, and he says that notwithstanding the fact that George is going to have some retail space to lease, so he will be in competition with Tom and him. They welcome that competition and think it is a great addition. He has talked to a number of businesses in town, both their tenants and others, and he has not found one person who actually has a business in Sedona who is anything but in strong support of this project. Also, there is another reason to approve it

and that is George. Mr. Spector indicated that he has been in town for 21 years, not as long as George and Tom, but still a long time, and throughout that time, he has had businesses in Uptown. George is an absolutely superb citizen of Uptown; he is active and just a great businessman, and we need more people like George, and putting money in at this time is a real tribute and he thanks George for that confidence in Uptown.

Mr. Spector indicated that as far as the architecture, he really likes it and he would be proud to own that building. One of the things about Uptown that is interesting is that it is an historical district, but he has been coming here since he was a kid and 1951 was the first time. There is really diverse architecture in Uptown and this blends in beautifully and sets a precedent for some of the things that should be done as we redo buildings in the future, so they strongly support it and hope the Commission does too.

Having no additional requests to speak, the Chairman closed the public comment period.

Summary Discussion:

Commissioner Brandt indicated that he approves of the project as presented and with the changes that have occurred since the last meeting.

Commissioner Hadley commented that he doesn't have anything to add; he likes it.

Vice Chairman Griffin stated that Dan Surber has done a great job and the building is well done. He still has concerns about following the Design Guidelines and the Manual that were set-up for Main Street in Uptown, because we set those up for certain reasons to try to maintain it, and even though people think that it is nice to have new buildings and change that character, Sedona's character is what people come for; otherwise, they can go anyplace and see any kind of architecture. That was the concern we had from the start with this project; it had too much of a modern look to it and he knows that Mr. Surber worked extremely hard on this to try to turn a contemporary building into something that fit. The Vice Chairman indicated that he wasn't able to make the worksession, but he would like to hear some opinions on the tower. When the Manual talks about trying to maintain a one-story appearance as a frontage, and then you push the envelope with a 30 ft. tower, to him that brings up some red flags, so he would like some discussion about why that tower has to be 30 ft. tall. We did two years of work on the Manual to look at the different Character Districts, and Mr. Surber has done a lot of work on the building, because he started with a design and it still has a fairly contemporary look, but he would like to see if the clock tower can be lowered, because he really has concerns about voting for a project that has a 30 ft. clock tower. What about the next project; are they allowed to have a tower or something on their project, because it states in the guidelines that there isn't to be any gimmicks and avoid any dramatic visual gimmick, and that clearly is a visual gimmick, so he would like to have that discussion or he won't be supporting the project because of that.

Commissioner Messer indicated that he approves of the project and he would like to address that, because he likes the clock tower. It is a massing issue on a vertical scale; it adds character to it and he has also built a tower about 200 yds from it diagonally that is almost equal in height, around the corner. Also, it has been said in the public that this has taken a couple of years, but correct him if he is wrong in that the applicant also put the project on hold for part of that time, so it wasn't just the Commission dragging this an entire two years. He agrees with Mr. Spector that he finds Uptown to be eclectic in architectural style, and he said that in the beginning. If you go through, you run the whole gamut of styles, all the way up and down the strip. It is a lovely project and you have done a wonderful job.

Commissioner Jablow explained that he has to agree with Vice Chairman Griffin that the height of that tower is a question, and while he would hate to knock it down just for the sake of the tower; there is a 1000% change from the original plans. He loves the building itself, but he has a problem with the tower, only in that location. What is going to happen with the clock 20 or 40 years from now; the owner may change and the clock breaks, are the owners going to be able to repair that clock 40 years down the road? Once that tower is up, it is going to be up to stay.

It is too high; it is always going to be that height, even if you take the clock out, he thinks it is going to be an issue. As far as the Manual, it is very specific and people wrote that Manual and it was approved by the City Council. It was to give a guideline and that point is very specific. It talks about gimmicks and people say what is a gimmick and not a gimmick, and he went to the dictionary, and it says that it is something used to attract attention to something or someone, and that is exactly what that is, so there is no question about it being a gimmick in his eyes. Down the road on S.R. 89A, it would look fabulous, but that Manual is there for a purpose and people spent years putting that Manual together. People voted on that Manual to say what it says, so he thinks we should try to adhere to it as much as possible. If everyone is in agreement that the buildings themselves are good, we should try to come to some agreement to lower the height, remove the clock . . . make some changes with that.

Commissioner Taylor indicated that the project has been in the works for more or less two years and the building has hardly changed. He looked at the old drawings from May and the building looks the same. His problems are the compliance with the Sedona Main Street Character District Manual. First and probably the least important is the parking. He feels that the City, more than the client, should have worked with adjoining property owners to improve that dead-end parking lot situation. Second and more important is that no real attempt was ever made to put a shaded walkway across the front of that building, and that is called for in Section 3.3 on page 3-4 in the Manual, and it is really important in Sedona that we provide as much shade as possible. Lastly, there was no attempt to change the design regarding the use of architectural gimmicks -- the monumentality of the building and the clock tower, and that is a statement in Section 2.3.1 on page 2-5 in the Manual. In view of those foregoing items that he just stated, he really can't support this project.

Commissioner Taylor indicated that regarding the gimmicks side of it, he wants to read what he wrote. He has given this some thought, because he has been criticizing this for two years or since the Commission first saw it. The Commissioner then read that society constructs features that, beyond practicality, symbolize what is important to the occupants of cities and the passerby and that humanize cities. Such features include boulevards, squares, parks for gatherings and stadiums for athletic events, theaters and music halls and monuments to recall our history. There are buildings, such as schools, museums, libraries and those that house government, often given prominence by location and formality, including symmetry and towers, and these symbolize mainly governments. These symbols are needed to remind us who we are; they evoke pride that leads to civility fundamental to city living. Imagine finding the state museum in Prague with that magnificent symmetrical building and central tower spanning the width of a boulevard at its terminus to be a department store or if the tower at Plaza del Campo in Sienna symbolized Safeway instead of a government function, or if a manufacturing business occupied the New York Public Library near Grand Central Station. The proposed C-Market is not true to the foregoing principles. Though well delineated and pleasing to the eye, the building is a mask; it is designed so as to deceive one of its true nature; it's another shop. Symmetry is not supported by the building's location, orientation and view, when standing where the tower may be located and looking down the Jordan Road crosswalk to its nearby surroundings and the distant mountains, and it turns its back on history and negates an important role of architecture.

Chairman Losoff stated that he is pleased to hear the Commissioners referring to the criteria and he guesses for the audience, as well as the Commissioners, Planning & Zoning has the Design Review Manual and the Sedona Main Street Character District Design Manual, plus the Land Development Code and those are the basic three documents that govern the Commission. He noticed a lot of discussion about this particular project, even to the fact that there was an editorial, but we as a Commission have to go by the criteria and guidelines. The Commission can't be swayed by public opinion and he thinks that all of the Commissioners have done a good job of looking at the guidelines and interpreting them as you see fit. Having said that, we also understand some guidelines are just that and some can be interpreted in different ways. Before going further, he wanted to follow-up with Dan Surber on some things

we just heard from the Commissioners. The Chairman then asked if the architect had any comments on the shaded walkway.

Dan Surber, Architect, Sedona, AZ: Explained that this project isn't a typical 89A District project. They have a 15 ft. setback where other buildings are zero lot line, so in order to get their footprint, they have to start 15 ft. back off of Jordan Road and to get a covered walkway, it would push it back 10 ft. more, and then to put the parking in back, gives about 20 ft. of footprint depth, which is not a big footprint to work with. He thinks they achieved that with the cantilevered overhang that pushes out into the setback as much as they can, as per Code, so they met that criteria for a covered walkway the best they could, because this is not a typical 89A District lot line. They have a 15 ft. setback as per Planning & Zoning.

Chairman Losoff asked how far into the path the umbrellas will reach; will they cover any part of the path? Mr. Surber explained they are 5 ft. out in front of the building, and then the entries are at least 2 ft. to 3 ft. recessed, so you are looking at about an 8 ft. overhang in front of the building, which provides some shading for seating. Then, they went to amenities and put benches with umbrellas, etc., to create a "plaza" walkway area.

Commissioner Taylor indicated that in one of the early sessions when the setback came up, he suggested that they appeal that to bring the building forward, because all of the buildings in Uptown are forward, and his recollection is that the response was that it would take too long, but it has been two years. Mr. Surber explained that the process would have been to go for a variance, but they thought the give and take and putting in a plaza and a place for people to gather was worth not going the variance route. Additionally, they are 15 ft. from the property line, 28 ft. from the curb of Jordan Road and 120 ft. from 89A, so he believes they do set back far enough that their height and overhang works well.

Chairman Losoff indicated that there were two more questions; one related to gimmickry and another one related to height, but he also wanted to ask about part of the Conditions, if this is approved, one requires a geotechnical report and there used to be a gas station on this land, so he wanted to know if Dan Surber sees any problem getting that report. Mr. Surber indicated no, the owner has all of the reports and basically, it was done as per ADEQ, which had stringent requirements, and before they start construction and file for a permit, they will have a geo-tech design that analyzes the footings and they will do whatever they have to do. Chairman Losoff stated, so it is a major Condition and you couldn't begin construction without those reports; Mr. Surber indicated that was correct. The Chairman then asked if they had them in hand already and Mr. Surber indicated that he is sure that the owner does.

George Cedec, Cedec Development Company, Sedona, AZ: Indicated that they have a closure letter from ADEQ after they reviewed the report from the Engineering Company that took them two years. ADEQ says the site is clean; there is no remediation. As far as compression or whatever they need to do, they will take care of that as well. They want the building to stand up as much as the Commission does.

Chairman Losoff then asked about the issue of gimmicks and Mr. Surber asked that the statement in the Code be read. Commissioner Jablow read, "Architectural gimmicks should be avoided. Avoid the use of dramatic visual contrast from neighboring structures as an attention-getter," and that is Section 2.3.1 on page 2-5 in the General Design guidelines, Chapter 2. Dan Surber indicated that as far as that statement, they are basically looking at the surrounding context. They can look at the Swiss building, the Chamber of Commerce, the building that Commissioner Messer referenced, e Felsot Plaza and Arroyo Roble, and they all have towers with hip roofs. Whether you like them or not, they exist in Uptown. He can't say that he put that tower there not to draw somebody's eye to it; it is in line with the pedestrian walkway that comes across the street and it is defining a tenant. There are three distinct tenants there and the two end ones are very well defined, and he wanted to draw attention to the middle tenant, so proportionately, the tower is as high as it needs to be, to be in proportion to the building.

The Chairman then asked the Vice Chairman for his thoughts on this and Vice Chairman Griffin stated that when you see different towers and the way buildings have been built in the past, that is one of the reasons we started the Manual to try to create something to maintain the character we have. There has been a lot of comparison to the Candy Corral and Star Motel, which are not buildings that meet the requirements. We tried to look at the general character of the area and bring that into a Manual, so we wouldn't have buildings like that anymore. To compare it to what is already there is tough. Look at the Sedona Art Center; there is a perfect example of a building that fits in that could have been built a long time ago. Mr. Surber pointed out that the Sedona Arts Center also has a defining tower on it; the mass that goes up above the building, which is part of that architecture, and to say that something is gimmickry or that is what their design is based on, contextually, they aren't trying to match the Candy Corral, but there are proportions and heights established that they tried to match -- not materials and so forth.

Vice Chairman Griffin then pointed out that some of the buildings referenced are one-story buildings that have something that goes up, but when you start at 24 ft. with the adjoining buildings and have to go to 30 ft. above that, everything is being raised up. At the Sedona Arts Center, it has a one-story appearance with a dominant tower and it is the same with the Swiss Chalet; it is one-story. You push the one-story limit to the maximum, and then the tower above that.

Commissioner Messer indicated that he finds the word "gimmick" extremely subjective and he has a hard time as to what is a gimmick and what is not. The guy next to you can think something completely different. His larger point is that the District Design Manual, and if this project is meeting Code, but in conflict with the Design Manual, doesn't the Code supersede the Manual? Staff is telling us that this project meets all Code.

John O'Brien indicated yes, it does meet all Land Development Code. You have to be very careful with looking at the Manual as it relates to the Code, and his take on the Manual is that it is a guideline and a lot of the language in there isn't mandatory. The Code language is mandatory and if they have made a good faith effort to comply with the Manual and they are doing it in a high percentage of items, but there are maybe a couple that are debatable, you need to weigh that. The Commissioner agreed and stated that it why he is bringing up the point and in his opinion that is interpretative; whereas, the Code is not. John O'Brien added that the "gimmick" section definitely concerns staff, because it is extremely subjective. Commissioner Messer stated that is his feeling as well.

Chairman Losoff then suggested addressing the height and Vice Chairman Griffin stated that you set the bar at the equivalent of a two-story building on the sides, so the tower has to go to 30 ft. to make a statement. If there is interpretation, he doesn't know, when you are talking about the building architectural style in Section 3.3.1, it says one-story buildings are preferred. New construction should not visually exceed one-story above grade on 89A. Commissioner Messer pointed out that the word is "preferred", it is not a directive; it is a suggestion and again we are getting into semantics of the wording. He would "prefer" it if we didn't have this discussion, but it is just a suggestion; he takes words in a literal sense. They are meeting 99% of our criteria and our Code. The Vice Chairman then said that you can say you would rather not have this discussion, but the law says that we have to have a meeting. Commissioner Messer explained that he is using that as an example of the word "preferred". The Vice Chairman then stated that the second line says, "New construction of more than one-story should not visually exceed one story above 89A, so how does that work." Commissioner Messer pointed out that Jordan Road is not 89A; however, the Vice Chairman stated that doesn't matter, because it is in this District.

Vice Chairman Griffin asked since it is already so high and the tower is at 30 ft., what are the options for lowering the tower? Dan Surber explained that the comment back was that they are 120 ft. off of 89A; they aren't on 89A and they have a setback. They are surrounded by two-story buildings and they felt that height was necessary for this building. The Vice Chairman

stated that is how you got to the height of the buildings, but then you took those heights and decided to do a tower above those. Chairman Losoff asked if the Vice Chairman is asking if the applicant is willing to come down a little bit and the Vice Chairman asked if that is an option. At this point, trying to redesign this project at a meeting is not an ideal situation, but we have discussed this from day one and the tower comes up at every worksession.

Dan Surber, Architect, Sedona, AZ: Pointed out that there were three directives at their last meeting and it wasn't the tower, it was the height and he can list what they have changed. Maybe they aren't big deals for the Commission, but they have lowered it 1 ft. 4 ins., raised the windows to 18 in. stone wainscot, added mullions to break up the windows, added board and batten on the entire upper level, changed the metal roof to a shake shingle-type concrete roof, added exposed rough sawn beams and beam tails, added lower overhangs that go across the whole building, made the overhang bigger on the upper level, added pavers at the plaza and added benches, bike racks, seating and umbrellas. He thinks they have responded to a lot of comments that they got throughout the process. The one that you don't think they did, unfortunately, they didn't satisfy yours, but that wasn't the only comment throughout the process.

Vice Chairman Griffin noted that he had said that Mr. Surber had done a great job; you started with a design that really had some major issues. It was a very contemporary design and you have done a lot to try to comply. Mr. Surber added that the concept behind the design goes way above what could have been put on that lot and that was to put the parking in the back, so he thinks you have to consider that also. They are working hard to make it a good project and they are getting caught up in the height.

Chairman Losoff indicated that at the worksession, there was some discussion among the Commissioners and some thought it was okay, while others didn't, so it is subject to the Commissioners' own personal feelings.

John O'Brien referenced the Development Review application and indicated that he wanted to read the first two points in the Development Review section of the Code that relate to what you are discussing. First it says, "In considering any application for Development Review approval, the Development Review process shall be guided by the following considerations:

- a. Does the application comply with all of the applicable provisions of this Code (the Land Development Code) and all other ordinances? John O'Brien then stated that is yes.
- b. Has the applicant made a substantial good faith attempt to comply with the design standards set forth in Article 10 of the Design Review Manual, and then also by implication, the Main Street Manual? John O'Brien indicated that staff would say yes for the vast majority of them. The gimmick thing is very debatable and subjective, and that could be challenged. The key words are ". . . has the applicant made a substantial good faith attempt to comply with the guidelines?"

Chairman Losoff indicated that he appreciates the discussion and we have heard two years batted around, but part of that was because the Commission has taken the guidelines and Code very seriously and we continued it on a few occasions, because we didn't feel that the project met the Code. The first plans were really far afield, and the succeeding ones didn't come up to compliance until today, so it has taken two years and part of it was personal, but the Commission can't take these things lightly. The guidelines and Code were developed for some reason and we can't just dismiss them out of hand. If we don't like them, it is our charge as well as the City Council's to change them, and we haven't done anything yet, so we are governed by the book. Also, the two years was not normal; we don't want developers to think it takes that long to complete a project. We want to get it done as soon as possible, because we want to see the buildings go in as soon as possible, as long as they meet the criteria.

Commissioner Jablow stated that clocks break, so what plans are there in the future if that clock breaks and the manufacturer is out of business in 20 or 30 years? Mr. Surber indicated that it can be a wrought iron logo or a decorative piece that goes in there. The clock will work

as long as George Cedric is involved; if somebody later wants to take it down and put crisscross metal in there, it is still architecturally going to be solvable and doable. He doesn't want to see a dead clock and neither does George. The Chairman asked if the Commissioner wanted a Condition and Commissioner Jablow stated that as long as George is around it will be perfect; it is just that we build buildings and make plans for the future and who knows what will happen 50 years from now. John O'Brien explained that a Condition would need to be backed up by a requirement, an ordinance, unless the applicant is willing to voluntarily allow the Commission to add a Condition that says that the clock tower needs to be functional. Commissioner Jablow stated no, as long as George is the owner, he is very confident that it will be maintained; it is beyond his life, so he doesn't think any condition is needed.

Commissioner Brandt indicated that the Vice Chairman asked for a discussion on towers, and it is important for him to say why this tower in this location is acceptable. If it was across the street, he probably wouldn't be able to approve it; it would be in a view corridor. It is in the center of Sedona. If you go to Google Maps for Sedona, the pin is at this intersection; it is where the universe says the center of Sedona is, so for that reason, it is not a gimmick. It is finding the center of it all and there is almost like a plaza the way Jordan Road peels off. Commissioner Taylor has a good point where most public or important buildings or schools have towers, but in this instance, it can be considered a special building because of its location and he doesn't think the Eiffel Tower has anything to do with any of those things, so there are exceptions. There are also the owner's ideals of a town coming from Europe, and how those towns appear with towers that are marking places, the center of plazas, and that is how you find the center of town, so it works for him that way. He certainly would consider it differently on different properties, but it seems to work on this lot.

Commissioner Brandt then indicated he was also interested in where the Chairman stands on the project. Chairman Losoff indicated that he had some mixed feelings on the project; he was concerned with the height. The clock itself doesn't bother him, but the manual says one story and this certainly looks like a two-story building. He is governed by the fact that the Land Development Code has been met, and in just about all cases, there has been a good faith effort made, and given those criteria, he would be supporting of it. He went through it several times trying to find reasons not to support it, because of a couple of those factors, but every time he looks at the criteria, the Code and the Design Manuals, he couldn't find a specific reference. The word "gimmick" has been used a lot, but what you think is a gimmick is something he thinks is a standard thing, and he thinks the Manual used a poor choice of words; the word "gimmick" is very subjective. The height is still an issue, but it meets the Code so he can't find any definitive excuse to turn it down on that basis.

Commissioner Hadley stated that in response to other Commissioners, Commissioner Taylor is concerned about the parking not being up to what is normally required, but it is fair to say that if the building had been moved to the back of the lot with the parking in the front, you could have gotten more parking, because the driveway and the turn-around space in the back would have been eliminated, but him the good tradeoff is that the parking is behind and hidden from view, and that is specifically what is cited in the Design Review Manual and the Character District, and the Land Development Code gives the Director the authority to approve parking that is not totally up to Code, which the Director did in this case and he is supportive of that. About the shade structure across the front, perhaps a variance could have been requested, but that would bring the building further out and a shade structure even beyond that, and he agrees with Commissioner Brandt that this has the feeling of a plaza, and part of that feeling is that the building is set back so far from Jordan Road and 89A, so it creates a space that he is very comfortable with. In terms of the shade, he thinks Mr. Surber has done the best he can and he followed our request to do a continuous overhang, and that with the trees and umbrellas creates a sense of shade and a nice pedestrian space, so he is very happy with that. He was concerned at first, when he first saw the rendering, he thought it was a two-story building, but Mr. Surber took our comments to heart and lowered the upper windows and made them smaller in scale, and that achieved the goal of making it appear to be a one-story building, so he thinks that is okay now too. He sees the only sticking point with some of his fellow

Commissioners as the height of the tower and he agrees with Commissioner Brandt. He thinks it is okay; it is in a good place and will be a real enhancement to Uptown. It is a good project.

Vice Chairman Griffin stated that this is a good spot, so does that mean that this will be the only tower that we will approve; if someone else wants to put in a tower, we won't allow that. Commissioner Hadley pointed out that you can't say that until you see it. Commissioner Brandt added or if it is in a view corridor and takes away the view, then no that is not supportable. The Vice Chairman then stated that regarding compliance with the design guidelines, that can either be done at first in the initial design or you can start with the building, and then to comply afterwards. In this case, because of some of the issues and the list of things that Mr. Surber has done since presenting the project, he has certainly tried to comply, but in his opinion, it was after the fact, because so much of the design was already determined. As Commissioner Taylor stated, it hasn't really changed the basic look of the building. There have been some façade changes and 1½ ft. is not much to lower a building, plus a few windows, so as far as meeting the Code, the design guidelines are guidelines, but they are very useful and it would be hard to deny a project based on those, and he thinks that is what the attorney is saying. We've always used the design guidelines to persuade the applicant to do things a certain way; we certainly aren't restricting this developer from developing his property. The footprint is the allowable size and there are so many things with the site positioning that Mr. Surber did with the parking in the back . . . there are so many good things about this project and the way it has been put together, he doesn't want to seem totally negative about it. There are just certain basic things that create Uptown and you can say you aren't part of 89A, but now we are saying it is the center of 89A, so there is some conflict there. You have a huge opening there and it is an intersection where this building will be very visible, and since that is where the arrow on the map hits, we know it is somewhat the center, so the issue is that you set a precedent when you say that things should be one story, and then you allow something that is two stories, so to him, this will open up any type of a project down the road, which is discerning to him. He just doesn't see why the tower has to be 30 ft. tall; it obviously has to be an element that is above the other two elements, but 30 ft. is really high, since you see the whole thing from the ground up, and that will be his concern in voting for the project.

Commissioner Messer indicated that he didn't want to just echo that he agrees with Commissioner Brandt on the appropriateness of the tower, but also talking about the one story, he is looking and the candy place next door, which is two stories, and if it dropped down to one story, it would dwarf the building and it would be incongruent at that point. This adds a little flow with the roofline. Their fascia line and fascia line of the building next door line up and he approves the project.

Commissioner Jablow asked if the two main buildings were dropped previously 1 ft. to 1½ ft. and John O'Brien indicated yes. The Commissioner then asked if the tower was also dropped in relation to them. Mr. Surber explained that everything dropped 1 ft. 4 in. Commissioner Jablow then asked if there is a chance of coming down 3 ft. on the tower and Mr. Surber stated that he didn't think so, but it would be up to his client; design-wise, it is the height it should be. The Commissioner then suggested splitting the difference in half.

George Cedec, Cedec Development Company, Sedona, AZ: Stated that they are very sensitive to the Main Street Design Manual and they felt confident when, a year ago, the people whose names are on the Main Street Design Committee for the Manual voted an approval of this design, and that was the version a year ago, so it shows that reasonable people can disagree on the meaning of words, but when they have the people who wrote it saying that they are meeting the guidelines, they have felt they are within the guidelines and that is why they have stuck to their guns on it. They have felt they are in compliance not only with the Code, but also with all of the design guidelines. Also in May, the Commission ended the meeting with three criteria and they have met those. There were a few more they got at the worksession and they have met those, so they feel they have been very reasonable and compliant with the Commission's requests, so the simple answer is no.

Commissioner Taylor commented that after a while when we repeatedly say something and there is no response and we don't see anything different, we stop saying it. We talked about the tower and the symmetry of the building from day one and after a while we know that the client is not going to change that building. You extended the eyebrow and did all of these little things, but basically, you didn't change the building and yours isn't the only project where he has seen this happen. Additionally to Commissioner Hadley's comment, he never suggested that the parking should be in front; his suggestion to the City was that they work with the newspaper people to perhaps ramp up behind the building, so the parking for this project could be accommodated on that next street over, and then they wouldn't have any parking on their property. Also, he was hoping that it could be worked out so that mess over the left-hand wall where there is a lovely little building stuck in the midst of junk could be fixed up over the long run. Commissioner Hadley commented that he understood and none of the Commissioners wanted the parking out front.

Commissioner Taylor then stated that to respond to Commissioner Brandt, he suggested at one meeting that if the building was asymmetrical and the tower was brought out and turned to look toward what could be a square. . . He doesn't agree that if Google says it is the center that it is the center, but it could be the center; it is at the top of the hill. He doesn't know what happened during the Uptown planning process, but he thinks there was to be a traffic circle there, but it got eliminated. If that had come to be or something a little different, it could have been the kind of space that we are talking about and the building would have worked with that space and with the entrance to Jordan Road better, if it had been asymmetrical. If the tower had been somewhat removed from the building proper and not made a central grand entrance to a symmetrical building, but pulled out and tipped, it could have been a stunning building and a stunning solution to that area, and he would have to forgive the tower on a grocery store or whatever the store is going to be. Additionally to Commissioner Messer, he asked if we should just throw out the Design Manual, because it seems to serve no purpose.

Commissioner Messer stated no, it is a great guideline, but when you get to where you are compliant with the Land Development Code and it is meeting all requirements and staff is telling us that, and in tandem with the fact that they have met and tried to rectify a majority of the things the Commission has come up with, in his opinion that is a one-two and makes it a definite yes. Commissioner Taylor the stated that they haven't done anything about the big things. He doesn't feel so strongly about the two-story; if it was asymmetrical, it could probably be two stories on the left and perhaps one story on the right; you just can't push the roof down of course and he agrees that you can't lower the tower. If it is going to be this building, then the tower has to stay that high to be in proportion to the building. If the clock stops running, just put a sign up there to say that it doesn't work anymore.

Commissioner Taylor continued to say that he is really concerned about the Design Manual, because this is our guide to architecture, and in Uptown, it is all of our house, our greater home, and it has all of the rooms and corridors, etc., and that is what the Manual is trying to be about. He agrees that the Manual could use a lot of work, but we are dealing with a very hard situation, so he has to give them credit for doing as well as they did with the Manual, even though it is a long way from what he would hope one would be. The architecture of Uptown is so diverse that it really is very difficult to pull it together. The building could have been much better, and he apologizes if he is wrong, but if the client wasn't hung up on a symmetrical building of this sort, and if you could have been looser and the building could have taken a more fluid form and worked with the vehicle thoroughfare, which is kind of a central space and plaza, then the building would have had some significance and been a great addition to Sedona.

Chairman Losoff stated that our manuals are our manuals and he would not want to see us set precedent outside of the manuals, and that is why he said that he would be supporting the project, but we are pushing the envelope a little bit by not adhering to something in the Manual, and we may want to put a discussion about the manuals on a future agenda to discuss. About two years ago, we tried to put some meat in the overall Design Review Manual by changing

some of the language, i.e., instead of "preferred", we said "must" and made some things more mandatory. We didn't do anything with the Main Street Manual; it was done in good faith and people felt there was a need to establish some criteria for the look of Main Street, and he isn't saying that this project doesn't comply, but because the wording is so ambiguous in some cases and judgmental, it doesn't give the Commission enough ammunition to approve or disapprove something, so let's put that discussion on a future agenda to see if we want to reconvene that committee and make any changes.

The Chairman indicated he is glad to see the Commission is being governed by the issues at hand and not by any editorial or popularity contest. Although we do want feedback from the public, we still have to deal with what we think is important and written in our Code. The Chairman then stated that he would entertain a motion.

MOTION: Commissioner Hadley moved for approval of case number DEV2010-1, based on compliance with Land Development Code requirements and Development Review criteria, and consistency and conformance with the Community Plan, Design Review Manual and the Sedona Main Street and Character Districts Design Manual, subject to all applicable ordinance requirements and the conditions as outlined in the Staff Report. Commissioner Jablow seconded the motion. VOTE: Motion carried five (5) for and two (2) opposed. (Vice Chairman Griffin and Commissioner Taylor opposed.)

5. Discussion/possible action regarding future meeting dates and agenda items: (15 minutes 7:00 – 7:15 pm)
- | | |
|--------------------------|---------------------------|
| Thursday, March 29, 2012 | – 3:30 p.m. – Worksession |
| Tuesday, April 3, 2012 | – 5:30 p.m. – Regular |
| Thursday, April 12, 2012 | – 3:30 p.m. – Worksession |
| Tuesday, April 17, 2012 | – 5:30 p.m. - Regular |

John O'Brien indicated that there is one meeting for March 20th that is not listed and Chairman Losoff noted that there isn't much to report as far as the activity of the Citizens Steering Committee. Commissioner Hadley announced that he wouldn't be available on the 20th and Chairman Losoff stated that he didn't see a need to have a meeting just for that update, so we won't meet on the 20th.

John O'Brien explained that there is nothing scheduled for the 29th or April 3rd and nothing has been filed. We will have an item in May for current planning, but nothing in April. The Chairman asked what is coming up in May and Nick Gioello indicated it is a Conditional Use Permit for a new jeep tour at Sacajawea Plaza with staging in the back for Red Rock Jeeps and A Day in the West. Chairman Losoff then stated that March 29th and all of April is canceled; however, John O'Brien added unless there is something Community Plan-related or if the Commission wants to talk about the Main Street Manual. The Chairman indicated that April 3rd would be canceled and April 12th, but leave the 17th on for a Community Plan update, and we will have time to determine if we want to keep it.

John O'Brien summarized that everything is canceled until April 17th, and then we can figure that out. John then asked Nick Gioello if an introductory worksession would be needed for the jeeps and Nick stated that he didn't think it would be necessary. John O'Brien then noted that on the 17th, we will have the Community Plan and possibly the Main Street Manual discussion.

6. Adjournment (7:15 pm)

Chairman Losoff called for adjournment at 7:00 p.m., without objection.

I certify that the above is a true and correct summary of the meeting of the Planning & Zoning Commission held on March 6, 2012.

Donna A. S. Puckett, Recording Secretary

Date