



DEPARTMENT OF COMMUNITY DEVELOPMENT
Current Planning Division

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SUMMARY SHEET

Lisa Dahl's Mariposa Restaurant

PZ13-00003 (ZC & DEV): Zone Change and Development Review

Please Note: This is a combined Staff Report for Agenda Items 5B, 5C, and 5D on the Planning and Zoning Commission's April 2, 2013 agenda.. The combined staff report contains notations to direct readers to which agenda item is being discussed.

Action requested: Recommendation of Approval for Zone Change from OP (Office Professional) to C-1 (General Commercial) and Approval of Development Review for construction of a new restaurant

Staff recommendation: Recommendation of Approval of Zone Change and Approval of Development Review with Conditions

Parcel number: 401-46-124A & 401-46-124B

Hearing Body: Planning and Zoning Commission

Meeting date: April 2, 2013

Applicant: Michael Stevenson
PO Box 4142; Sedona, AZ 86340

Project summary: Zone change from OP (Office Professional) to C-1 (General Commercial) and development review for renovation of an existing building to a restaurant

Location: 700 West SR 89A (former Real Estate Central property)

Site Size: ± 2.25 acres

Current zoning: OP (Office Professional)

Proposed zoning: C-1 (General Commercial)

Current land use: Former Real Estate Central building (vacant)

Current SCP designation: Special Planning Area

	<u>Area zoning</u>	<u>Area land uses</u>
North / West:	NF (National Forest)	Coconino National Forest
South / East:	RS-10b (Single-Family Residential)	Rolling Hills Subdivision

Report prepared by: Cari Meyer, Associate Planner

Mariposa Restaurant Summary Page
PZ 13-00003 (Zone Change and Development Review)

The applicant is requesting a zone change from OP (Office Professional) to C-1 (General Commercial) for the 2.25 acres subject property and Development Review for a 4,900 square foot restaurant. The following summarizes key elements of the proposed development.

- Single-story building approximately 4,900 square feet.
- Outside dining area of approximately 2,600 square feet.
- 75 parking spaces
- Access from SR 89A with deceleration lane.
- Public scenic overlook/vista area.

Strengths:

- Meets all Land Development Code requirements.
- Redevelopment of rundown, vacant building and property with high quality development.
- Minimal lot coverage (5%).
- Preservation of scenic views.
- Provision of public scenic overlook/vista area.
- Increased tax revenues with proposed restaurant.
- Addresses Community Plan identified benefits for the area.

Weaknesses:

- None noted

Attachments:

1. Outdoor Lighting Plan
2. Proposed List of Restricted Uses
3. Citizen Participation Report (Attachments to Report Available Upon Request)
4. Comments Received by Staff
5. Articles and Editorials printed by Red Rock News
6. Vicinity map
7. Aerial view
8. Project Documents Submitted by Applicant
 - a. Letter of Intent (dated March 11, 2013)
 - b. Site Plan (8½" x 11", 11" x 17", and 24" x 36")
 - c. Sign Plans (8½" x 11", 11" x 17", and 24" x 36")
 - d. Massing Plan (8½" x 11", 11" x 17", and 24" x 36")
 - e. Landscape Plan (8½" x 11", 11" x 17", and 24" x 36")
 - f. Floor Plan (8½" x 11", 11" x 17", and 24" x 36")
 - g. Elevations/Renderings (8½" x 11", 11" x 17", and 24" x 36")
 - h. Paving, Grading, and Drainage Plan (8½" x 11" and 11" x 17")
 - i. Materials and Architectural Details (8½" x 11" and 11" x 17")



Community Development Department Current Planning Division

STAFF REPORT

To: Planning and Zoning Commission

From: Cari Meyer, Associate Planner

Through: Kevin Snyder, Community Development Director
Audree Juhlin, Assistant Community Development Director

Meeting date: April 2, 2013

Applicant: Michael Stevenson
PO Box 4142; Sedona, AZ 86340

Case number: PZ13-00003 (Zone Change & Development Review); Conceptual Review
Case Numbers: ZC 2012-02 and DEV 2012-02

BACKGROUND

In June 2012, a development review was approved at a Staff level for a renovation and small expansion that would have allowed the building to be used as offices. The applicant then meet with Staff in August 2012 to discuss the potential development of this property with a restaurant, which would require a zone change and development review. The following is a timeline of the zone change and development review process.

- October 29, 2012: Conceptual Zone Change and Development Review application submitted
- November 29, 2012: Preliminary Work Session with Planning and Zoning Commission for Conceptual Review
- January 3, 2013: Public Hearing with Planning and Zoning Commission for Conceptual Review
- January 28, 2013: Final Zone Change and Development Review application submitted
- January 31, 2013: Work Session with Planning and Zoning Commission to discuss the possibility of recommending the City purchase the subject property and to review the proposed Development Agreement to limit the permitted uses on the subject property
- February 28, 2013: Preliminary Work Session with Planning and Zoning Commission for Final Review
- April 2, 2013: Public Hearing with Planning and Zoning Commission for Final Review

SITE CHARACTERISTICS

- The site is approximately 2.25 acres.

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- There is currently a vacant 3,224 square foot building that was constructed in 1975 and was formerly the Real Estate Central office building.
- The property has paved and unpaved parking areas.
- The site is relatively level and falls off abruptly to the north and west to the adjoining Coconino National Forest.
- The property has access off State Route 89A from driveways at the east and west ends of the site. The applicant installed a deceleration lane at the eastern driveway during the recent ADOT road improvements on State Route 89A.
- The property is sparsely vegetated with a few pinion pine and juniper trees.

DEVELOPMENT PROPOSAL¹

Land Use:

- The applicant is proposing a rezoning of the 2.25 acre subject property from OP (Office Professional) to C-1 (General Commercial) to allow for the development of a 4,900 square foot restaurant. The proposed restaurant will also include approximately 2,600 square feet of outside dining space.
- The existing building is to be remodeled and will include a 1,676 square foot addition for a total of 4,900 square feet.
- Proposed lot coverage is approximately 5% (25% allowed by the OP or C-1 zone).
- Maximum building height is proposed at 22 feet (22 feet allowed without application of alternate standards).
- The project will also include an on-site trail system that will function as a pathway for pedestrians and bicyclists.
- A public viewpoint scenic overlook will be provided on the property.
- The project as proposed would be completed in one phase.
- The two existing parcels would be combined into one parcel.

Height, Color, Massing

- The project proposes a maximum of 22 feet from the highest point at natural grade within the building envelope (22 feet allowed).
- There is a height limit of 22 feet above natural grade at any point within the building envelope, which can be exceeded through alternate standards. The project proposes staying below this limit; no alternate standards are proposed.
- The City's color regulations allow a maximum light reflectance value (LRV) of 38%. The project proposes a maximum LRV of 28%.
- The applicant has provided a building massing plan showing how the building meets the massing requirements of the SLDC. 3 masses are required in elevation and plan view. There are a number of different roof lines on the building, including ridges at 4377', 4381', and 4387', meeting the requirement for 3' offsets in elevation view.

¹ The Commission should refer to the attached Letter of Intent, which provides great detail regarding the development proposal and building design.

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Plan view massing requirements are met by the various projections and cut outs in the building.

Access and Traffic:

- The primary vehicular access is proposed via a driveway off State Route 89A at the easternmost corner of the subject property. The applicant recently constructed a right-hand deceleration lane on SR 89A at this entrance.
- A secondary entrance off SR 89A is located at the southwest corner of the property.
- Pedestrian access is provided from SR 89A through the property.
- It is estimated that the proposed restaurant use will generate approximately 441 trips per day, with a peak of 37 trips per hour during the PM peak hour. The Commission should refer to the submitted Traffic Impact Analysis for an explanation of the expected traffic impact of this project.
- The applicant has provided a traffic comparison, evaluating the anticipated traffic if this site were developed to its fullest potential under current zoning versus if this site were developed as proposed. This shows that the restaurant will generate traffic that is comparable to or less than potential traffic generation under current zoning.

Parking:

- The proposal includes 75 on-site parking spaces.
- The existing paved areas on the site will be removed. All new driveways and parking areas will have permeable surfaces and will include brick pavers and crushed granite. Parking spaces and ADA/pedestrian pathways will be demarcated by a change in pavers.
- The Parking Ordinance (SLDC 912.04) requires one parking space per 100 square feet of gross floor area for inside restaurant space and one parking space per 200 square feet for the outside dining area. The 4,900 square foot restaurant with a 2,600 square foot outside dining space requires 62 parking spaces.
- In the future, the applicant plans to assess the viability of increasing the size of the outside dining area or enclosing part of the outdoor dining area. If this occurs, the excess parking will be available to accommodate the expanded dining area.
- Additionally, the excess parking will allow for any public parking that may occur at the public viewpoint scenic overlook area.

Grading/Drainage:

- The applicant has submitted a grading and drainage report and plan indicating little grading work is planned. The City's Engineering Department has reviewed and provided comments on the submitted plans.
- The applicant will continue to work with the Engineering Department to address grading and drainage issues. No major changes to the site plan or building plans are anticipated due to potential changes to the grading and drainage plans.

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Wastewater Disposal:

- The applicant has proposed to connect to the City's wastewater system and has been working with the Public Works Department to determine the feasibility of connection. In the event that connection is not available, an onsite wastewater system will be required. The applicant has been working with the Coconino County Health Department to design an on-site system capable of servicing the proposed restaurant. This system would be located under the area designated for the public view point/painter's point.
- If a connection to the City's wastewater system is approved, the applicant would be required to pay sewer connection fees based on the seat count of the proposed restaurant.

Design Review Manual Compatibility:

- The project, as proposed, meets or exceeds the requirements of the Design Review Manual.

Vegetation/Landscaping:

- The subject property was previously graded and disturbed when the Real Estate Central office building and associated parking was developed in the 1970s. As a result, little native vegetation remains.
- The applicant plans to preserve and retain several existing mature juniper and piñon pine trees on the property that are located directly to the east of the existing building.
- There are no parts of the building that require landscaping based on the unbroken building plane landscape requirements.
- The property has approximately 650 feet of frontage along State Route 89A.
- The submitted landscape plans shows the new landscaping in appropriate locations based on street frontage and parking lot requirements. The location of some of the plantings may be altered, as the applicant is actively working with neighboring property owners to ensure their views are not obscured by landscaping. However, the plant counts will remain as proposed.
- 3 existing Juniper trees and 6 existing Pinon Pine trees will be preserved.
- All proposed plants are listed on the approved plant list.
- An ADOT right-of-way permit will be required for all work, including landscaping in the ADOT right-of-way.

Signage:

- A monument sign is proposed at the main entrance on SR 89A.
- Wall signs are proposed on both the south and west sides of the building.
- The monument sign will be designed using the same materials as the building and the signage will be designed to be integrated into the building design.

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- In response to concerns about entering State Route 89A from the property, the backside of the monument sign will contain a reminder for drivers to drive safely when exiting the site.
- One of the wall signs will be on the western side of the building, oriented towards traffic approaching the restaurant from West Sedona. This sign placement is meant to encourage traffic approaching from the west to use the western driveway, reducing the number of vehicles making a left turn into the eastern driveway and reducing turning conflicts with cars entering the Rolling Hills Subdivision.

Outdoor Lighting:

- The applicant is proposing to use primarily low level and curb lighting. No pole lighting is proposed. No bollard lighting is currently being proposed, though bollards may be utilized if it is determined it is necessary for safety purposes.
- The submitted lighting application shows that the total lumens on site will be 94,185 lumens.
- The applicant and project team have designed custom lighting fixtures to accomplish their goals in lighting the site.
- The applicant and project team have met with a former astronomer from Lowell Observatory to ensure compliance with all dark sky requirements.
- Site lighting will be automated, allowing for dimming lights, turning lights off, and adjusting lighting levels based on the natural light.
- The applicant is planning to apply for certification as a dark sky restaurant.
- All proposed lighting shall meet the requirements of the Land Development Code.

Mechanical Equipment:

- All mechanical equipment will be located at the rear (northwest side) of the building and will be ground mounted and screened by walls that are integrated into the design of the building.
- Mechanical equipment will be painted to match the color of the building.

Citizen Participation Report:

- During the Conceptual Review, the applicant sent out notification letters to property owners within 500 feet of the subject property and to the Homeowner's Associations (HOAs) of the Rolling Hills, Les Springs and Casa Contenta subdivisions. Also during the conceptual stage, the applicant held an open house that was attended by approximately 40 members of the public.
- During this stage of review, the applicant sent out notification letters to the same property owners and HOAs as well as those who attended the first open house but were not on the notification list. The applicant also held another open house on the project site on February 21, 2013.
- There have been multiple websites created to publicize this project, including a page on SEC's website and a separate website specifically for this project, www.ldmariposa.com.

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- The applicant has used Facebook, Twitter, and emails to keep interested parties informed about the project.
- The majority of responses received have been in support of this project. Of those who object, the main concerns have been traffic, lighting, and noise.
- The applicant's Citizen Participation Report discussing the details of the public input received is attached to this staff report. Due to the volume of responses received by the applicant, the items listed as attachments to the Citizen Participation Report are not included. They are available for review at the Community Development Department.

Public Input:

- In addition to the applicant's efforts to reach out to the public, this project has been well publicized throughout the community.
- The Red Rock News has published a number of articles and letters to the editor regarding this project.
- City Staff has received 37 emails regarding this project, 35 of which were in support.
- Objections raised center around the sewer connection, noise, traffic, and lighting.
- Copies of all emails received by Staff and articles and articles and letters published in the Red Rock News are attached to this staff report.

COMMUNITY PLAN AND ZONE CHANGE CONSIDERATIONS

This proposal lies within a Special Planning Area on the Sedona Community Plan's Future Land Use Map. Special Planning Areas (SPA's) are places with specific needs and where specific community benefits can be addressed. It is intended that zone changes within these areas will implement the Community Plan by providing a way to further improve these areas. The subject property lies within the SR 89A SPA. The visual integrity of the highway corridor for this area east of Airport Road and adjacent to the National Forest is the most important consideration of this SPA. It is important "to provide a foreground fitting the open space character of the forest and the views beyond. Significant retention of open space is therefore essential".

The Community Plan also notes the following needs and benefits for land uses in this area:

- o Should be low traffic generators relative to current zoning.
- o Be single-family residential in scale.
- o Enhance pedestrian mobility.
- o Provide minimal building and paving coverage.
- o Provide significant buffering from highway right-of-way.
- o Consolidate properties under unified planning.
- o Provide controlled access to the National Forest.

The applicant's proposal meets a number of the Community Plan needs and benefits and the consolidation of parcels under one site plan that provides minimal overall lot coverage is a significant benefit relative to the overall Community Plan recommendations for this

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area (i.e. to tread lightly on the land). As presented, this project would not block existing views and the applicant is attempting to reduce the visibility of the proposed parking areas.

Section 400.10.A.2 of the Land Development Code (LDC) allows the Planning and Zoning Commission and City Council to condition a rezoning/development approval on a “development in accordance with a specific site plan”. In this case, a condition can be added to the rezoning, if approved by the City Council, which would require the property be developed in accordance with the approved site plan. However, once development according to the approved site plan is completed, the zoning would be vested and the site would function as a traditional C-1 zoning district.

Because of the concern that the proposed C-1 zoning district may allow land uses other than the proposed restaurant that may not be in the best interest of the subject property, properties in the vicinity and the city as a whole, the applicant is proposing to enter into a Development Agreement with the City of Sedona that would limit uses to those that are appropriate for the property. The applicant has proposed a list of land uses in the C-1 zoning district that would be appropriate for the subject property. This list has been agreed upon by City staff and will be presented to the City Council. Staff is supportive of the Development Agreement approach to limit allowable land uses on the subject property.

The proposed list of limited uses has been presented to the Planning and Zoning Commission. The applicant and Staff have taken the Commission’s comments into consideration when drafting the final Development Agreement. The current version of the Development Agreement will be presented to the Commission at the public hearing. However, the Commission will only provide comments and will take no action on the Development Agreement.

REVIEWING AGENCY COMMENTS AND CONCERNS

Community Development - Current Planning Division

- Staff generated a comprehensive list of comments and concerns that were provided to the applicant on February 11, 2013 as a result of staff’s initial review of this project. The applicant has addressed staff’s comments with revised plans and a revised letter of intent.
- Because the new construction is less than 2,500 square feet, compliance with the Art in Private Development Ordinance is not required. However, the applicant has indicated that the owner of the restaurant intends to install art/sculpture on the property.

Community Development - Building Safety Division

- All exterior accessible routes shall conform to the latest amendments of ADA.
- Sprinkler system approval and inspection shall be per the Sedona Fire Marshal.
- Additional comments shall be provided at building permit review and prior to the issuance of any building permits.

City of Sedona Engineering Department

- The applicant will have to comply with ADOT requirement for work within the right-of-way.
- The applicant shall meet all requirements for ADA accessibility and signage when designing the site plan.
- The parking areas and driveway widths shall comply with the requirements of the Land Development Code. City Engineer approval will be required for roadway widths that do not meet City standards.
- A county permit is required for grey water use.

City of Sedona Police Department

- No comments provided.

Sedona Fire District

- Fire hydrants will be required as directed by the Fire Marshal.
- Automatic fire sprinklers will be required for this project.

Coconino County Health Services

- Coconino County has no objection to the proposal for the restaurant.
- They would have to combine the two lots into one in order to avoid any property line setback conflicts and then submit a design for a wastewater treatment system to serve the proposed facility. Approval would be contingent on the design of the wastewater facility to overcome the site limitations.
- Comments regarding an onsite wastewater treatment system would only apply if the applicant is not able to connect to the City's wastewater system.

ADOT

- Based on the location of the project site and the fact that the site has access via 2 driveways, ADOT has no objections to the project.

Arizona Water Company

- No comments provided.

Coconino County Flood Control

- No comments provided.

Unisource Energy Services (Natural Gas)

- No objections to project.

Arizona Public Service

- No comments provided.

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Suddenlink Cable

- No comments provided.

Qwest

- No comments provided.

Arizona Game and Fish

- No comments provided.

Coconino National Forest

- No comments provided.

REVIEW, COMMENTARY AND ANALYSIS

The following are requested from the Planning and Zoning Commission and City Council:

DEVELOPMENT AGREEMENT	Planning and Zoning Commission takes no action; Final approval to be granted by the City Council
DEVELOPMENT REVIEW	Approval from the Planning and Zoning Commission.
ZONE CHANGE	Planning and Zoning Commission provides a recommendation; Final approval to be granted by the City Council

DISCUSSION (DEVELOPMENT AGREEMENT)

Agenda Item 5B

When the applicant began discussing this project with Staff, a major concern was the uses that would be allowed if a C-1 (General Commercial) zoning was granted. When reviewing this proposal during the Conceptual Review stage, Staff had suggested that rezoning to a Special Use (SU) Zone instead of a C-1 Zone may be more appropriate. A SU Zoning designation would have limited the use on the site to a restaurant only. When considering this suggestion, the applicant determined that he did not want to limit himself to only a restaurant, wanting to leave other options available.

As the applicant understands the reasons Staff had suggested an SU Zone, he has proposed a Development Agreement to limit uses on this site to a specific list that has been developed in conjunction with Staff. This list was formulated by starting with the list of permitted uses in the C-1 zone and eliminating uses that the applicant and/or Staff determined would not be appropriate uses for this site. The uses currently allowed under the existing OP zone were also considered, as many of the uses allowed in OP are also allowed in C-1. The result of this collaboration is the list currently contained in the Development Agreement and attached to this Staff Report. It is important to note that the

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final list that Staff and the applicant has agreed upon would remove some of the uses currently permitted in OP.

Though Staff does believe that a rezoning to an SU zone would have been a cleaner approach, Staff is supportive of this direction as well. By entering into this Development Agreement, the applicant is addressing a major concern of the City while maintaining flexibility regarding possible uses of the site.

The proposed Development Agreement would limit the uses on the site. The building, though designed for a restaurant, would be able to be used for any of the restricted permitted uses. However, the amount of parking required for a restaurant is significantly higher than other possible uses. Therefore, it is Staff's opinion that under a different use, the site would be highly underutilized and the property owner would want to change the layout of the site and add additional buildings. Significant changes to the site plan would require a Development Review and would come back through the Planning and Zoning Commission. If that were to happen, a new Development Review would be evaluated for compliance with the Development Standards of the C-1 zone, the Land Development Code, and the Design Review Manual.

As a part of the project review process, the applicant has presented the proposed restricted list to the Planning and Zoning Commission and taken the comments provided by the Commissioners into consideration when drafting the agreement. However, the Planning and Zoning Commission will not take any action on the Development Agreement.

DISCUSSION (DEVELOPMENT REVIEW)

Agenda Item 5C

In considering an application for Development Review approval, the review process is guided by the following criteria noted in Section 401.06 of the Land Development Code:

- 1. The degree to which all of the applicable provisions of this Code and all other ordinances have been complied with.*
- 2. The degree to which the proposed development of buildings, uses or structures conforms to the design standards as set forth by the Design Review Manual.*
- 3. The degree to which the proposed development integrates the proposed built environment into the natural environment with minimal disturbance to view corridors, existing native vegetation and/or established landscaping, the natural topography of the site, natural drainage ways, known wildlife habitats, rock outcrops, and other natural features.*
- 4. The degree to which the proposed development integrates into, and is compatible with, the built form of surrounding properties and existing developments with regard to building height and character, landscaping, signage, building materials, historical structures or features, and pedestrian and vehicular circulation.*

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5. *That the proposed use is in general conformance with applicable goals, objectives and recommendations described in the Community Plan and adopted specific plans.*
6. *The degree to which proposed vehicular ingress, egress, internal traffic circulation, off-street parking facilities, loading and service areas and solid waste collection are designed to promote public safety and convenience.*
7. *The degree to which pedestrian circulation is facilitated both on and off-site through interconnected passages, pathways and plazas, and is designed to promote public safety and convenience.*
8. *The degree to which the proposed development addresses concerns cited by participating reviewing agencies with jurisdiction in the areas of public health and safety.*

Following substantive review of the application material, Staff concludes that the development plans for the proposed Mariposa Restaurant meet these requirements. The project as proposed will not negatively impact the citizens of Sedona and surrounding properties, and is compatible with adjacent land uses. The project is proposed to be developed in full conformance with the regulations for the underlying zoning district. The proposal is consistent with the goals, objectives and policies of the Sedona Community Plan.

The Planning and Zoning Commission should refer to the Letter of Intent, as the applicant has provided a comprehensive evaluation of the proposed building in relation to the requirements of the Design Review Manual (DRM). Through the Letter of Intent, the applicant has shown how the proposed project complies with the requirements of the DRM or provided an explanation of why certain aspects of the DRM do not apply to this particular project. Staff agrees with the applicant's evaluation of the project in regards to compliance with the DRM.

In addition to complying with the requirements of the DRM, the applicant has complied with all requirements of the Sedona Land Development Code (SLDC), including height, massing, color, setbacks, lot coverage, and parking. There are some elements of the landscaping plan that will need to be altered in order to comply with the SLDC requirements, specifically the mix of plant types and the percentages of native and adaptive plants. However, Staff believes that this is a minor issue and the applicant has indicated that they are willing to work with Staff to ensure the landscaping plan is in compliance with all requirements.

Throughout the Conceptual stage of review and this Final stage of review, Staff has had minimal comments regarding the design of the building. In addition, very little of the time that the Planning and Zoning Commission has spent reviewing this project has focused on the Development Review portion of this building. Staff believes this is a direct result of the design of the building and site exceeding all SLDC and DRM requirements.

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Design Review Manual Compatibility

The DRM requirements applicable to this project are found in Section 2.0 (Site Development) and Section 3.0 (Architectural Character and Building Form).

The Site Development requirements have been met through the design of the building, parking area, and exterior lighting. The building has been designed and placed on the site to ensure that views are preserved from all areas within the site as well as from neighboring properties and the adjoining roadway. The applicant has developed a lighting plan that balances the need to light the site with the City's shielding requirements and the applicant's desire to eventually receive dark sky certification for the restaurant. Service areas, mechanical equipment, and refuse collection areas have been designed in conjunction with the building. Screening walls have been designed to be an integral part of the building and no rooftop equipment is proposed. Staff believes that the applicant and the project team have taken all necessary equipment into consideration when designing this building to ensure that the service areas are designed to the same standard as the rest of the building.

Architectural Character and Building Form requirements address building style, proportions, heights, massing, and color. The building has been designed to incorporate natural elements and using colors that blend into the natural environment. The proposal uses a mix of materials that are compatible with each other and the variation in materials will reduce the visual mass of the building. The building has a number of different masses in both plan and elevation view that accomplish the objectives of the DRM. Based on the design of the building and the proposed colors, the applicant would be able to apply for the use of alternate standards. This is not a part of the application and the applicant is proposing to stay beneath the 22 foot height limitation.

It should also be noted that the applicant began to reach out to the neighbors prior to submittal of his application to the City. Those conversations with the neighbors had a significant contribution to the final design, layout, and materials proposed. The applicant has changed his landscaping plan to ensure no existing views are blocked and has agreed to not use light poles in the parking lots at the request of neighbors.

The Outdoor Lighting proposed for this site exceeds the requirements of the SLDC. Based on the size of the site, City Code would allow up to 225,000 lumens (100,000 lumens per acre). However, the applicant has carefully designed the lighting plan for the specific needs of the site and has submitted a proposal to have a net lumen count of 94,185, 41.86% of the total allowed. The project team has designed custom lighting fixtures to achieve the desired effect and the applicant has consulted with a number of different people, including an astronomer and the International Dark Sky Association (IDA), to ensure compliance with dark sky requirements. The applicant has also indicated a desire to apply for certification as a dark sky restaurant from the IDA. If successful, this would be the first restaurant certified as a dark sky restaurant, which could create additional tourism for the City.

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Landscaping

The following are the code requirements for landscaping based on the proposal:

- SLDC 909 (Trees): **10 trees** with a minimum diameter of 2 inches at breast height (DBH) are required.
- SLDC 910.05.L (Street Frontage Requirements): 650 feet of street frontage, a minimum 10 foot wide landscape area along the street frontage, with at least 5 feet on the subject property, 1 tree and 3 shrubs/200 square feet of street frontage area; a 3 foot high berm or wall is required between parking areas and roadways
 - **33 trees** and **98 shrubs** are required
 - The area directly in front of the building does not have 5 feet of landscaping on the subject property due to the location of the existing building and the width required for a drive aisle.
 - The requirement for a berm or wall is met by the existing topography of the site.
- SLDC 910.05.M (Vehicular Use Areas): A 4-foot wide landscape area is required between parking areas and property lines with 2 15-gallon trees and 5 shrubs for every 4 parking spaces; A landscape peninsula is required for every 7 spaces with 1 canopy tree and 3 shrubs for every 7 linear parking spaces.
 - Only a small portion of the parking area is directly adjacent to a property line (north property line, adjacent to Coconino National Forest). A total of **4 trees** and **10 shrubs** are required.
 - There are 8 landscape peninsulas shown on the plans. A total of **8 trees** and **24 shrubs** are required.
- The project requires a total of 55 new trees and 132 new shrubs. (See bolded subtotals above.) The landscaping plan includes 68 new trees and 280 new shrubs.

100% of the trees are evergreen, 34% of the evergreen trees are native. City Code requires that 50% of the trees be evergreen and 50% of the evergreen trees be native. However, based on the tree requirements for the project, if the applicant were doing the minimum amount of landscaping, 55 trees would be required, 28 of those trees would be required to be evergreen, and 14 would be required to be native. As proposed, 68 trees are provided, all 68 are evergreen, and 23 are native.

In addition to the tree requirements, the SLDC requires that 25% of all shrubs be evergreen, native species. Of the shrubs shown on the plans, only 6.4% of are evergreen, native species. Staff has discussed this discrepancy with the applicant's design team. They have indicated that they are willing to continue to work with Staff to ensure that the mix of plants on the landscaping plan meet SLDC requirements. Staff has included Condition 7 to ensure that the landscaping requirements are met prior to permit issuance.

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

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PZ13-00003 (DEV), Mariposa Restaurant, subject to all applicable ordinance requirements, and the attached conditions of approval.

Sample Motions for Commission Use

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

Recommended Motion for Approval

I move to approve the proposed development review for the Mariposa Development as set forth in case number PZ13-00003 (DEV) based on compliance with all ordinance requirements and satisfaction of the Development Review findings and applicable Land Development Code requirements and the conditions as outlined in the staff report.

Alternative Motion for Denial

I move to deny case number PZ13-00003 (DEV). (Please specify findings)

DISCUSSION (ZONE CHANGE)

Agenda Item 5D

Arizona Revised Statutes 9-462.01E specially allows the City to conditional rezoning on development of the initial use: “The legislative body may approve a change of zone conditioned upon a schedule for development of the specific use or uses for which rezoning is requested.” In addition, Section 400.10 of the Sedona Land Development Code (SLDC) indicates that “in order to mitigate the negative impact of the applicant’s proposed use on the citizens of Sedona and surrounding properties and to assure compatibility with adjacent land uses, the Commission may recommend and the Council may approve a rezoning conditioned upon one or more of the following:

1. *Development in accordance with a specific schedule for the development of specific improvements or uses for which zoning is requested.*
2. *Development in accordance with a specific site plan or a site plan to be subsequently approved under this Code.*
3. *Modifications in the otherwise applicable floor area ratio, lot coverage, building height, or density.*
4. *Public dedication of rights-of-way for streets, alleys, public ways, drainage, public utilities and the installation of improvements that are reasonably required by or directly related to the effect of the rezoning.*
5. *Other conditions reasonably calculated to mitigate the impact of the proposed development.”*

In evaluating an application for a zone change, Staff reviews the City’s Community Plan policies that are applicable to the subject property. In this case, this property is located in

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the SR89A Special Planning Area. The Community Plan recognizes this area as a high visual impact area and states that the visual integrity of the area is the most important consideration.

The following are community benefits that the Community Plan recognizes for this area, followed by Staff's finding in italics:

1. Should be low traffic generators relative to current zoning.
 - *Though a restaurant is an inherently higher traffic generator than the office uses allowed by current zoning, there are a number of contributing factors that make the proposed restaurant a lower traffic generator than most of the uses allowed by the current zoning. The applicant has provided an analysis of the traffic generating potential of the proposal in relation to the uses currently allowed. This analysis shows that the proposed restaurant will generate less traffic than would be generated if the site were built to its maximum potential under current zoning. In regards to other uses permitted under the C-1 zoning (with restrictions), a restaurant is the highest traffic generator. If the property were to be used for any other use, the property owner would most likely need to redesign the site and parking layouts, which would require a Development Review application to come through the Planning and Zoning Commission, at which time the Commission could consider the traffic generated by the new proposal.*
2. Be single-family residential in scale.
 - *As proposed, the site has low coverage, the building is under the 22' height restriction, no alternate standards are proposed, and the unused areas of the site will be landscaped. In addition, the applicant and property owner have worked extensively with neighboring property owners and homeowners associations to ensure that the proposed design is compatible with and acceptable to the surrounding residential neighborhoods.*
3. Enhance pedestrian mobility.
 - *The site plan proposes pedestrian pathways throughout the site. In addition, the site plan shows multiple viewpoints that will be available for pedestrians and other members of the public to use and to enjoy the views. The applicant has stated that, even in its current undeveloped state, the site is a popular place for people to stop, take pictures, paint, and enjoy the views. This proposal aims to have that use of the site continue, but in a more organized way.*
4. Provide minimal building and paving coverage.
 - *The building coverage is approximately 5%. The total building and paving coverage is around 40%. However, the applicant is proposing to use pavers for the parking lots, roadways, and courtyards, which will allow infiltration of rainwater onsite. All unused areas of the site will be landscaped in accordance with the submitted landscape plan and the requirements of the Land Development Code.*

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5. Provide significant buffering from highway right-of-way.
 - *All new building areas will be further away from the highway right-of-way than the current building. The site has been designed to maintain the views from the highway, the property, and the surrounding properties. The building layout has been carefully designed so that no views from other properties or the highway are obstructed, in addition to taking advantage of the views from all areas of the subject property. In addition, the existing topography of the site and the proposed landscaping will provide further buffering from the highway.*
6. Consolidate properties under unified planning.
 - *The project site is currently 2 separate parcels. The applicant is proposing to combine the two parcels prior to development of the site.*
7. Provide controlled access to the National Forest.
 - *As this property is surrounded by the National Forest, the applicant has explored the possibility of providing a connection to the National Forest trails from this site. However, the final decision on this would come from the National Forest Service, not the property owner. The NFS has stated that a connection at this site is not in their current plans. However, they are willing to explore the option after the site is constructed and the proposed scenic outlooks are in place. At this point, the applicant is proposing construction of scenic outlooks at potential trailheads, limiting access to National Forest property from the site, and continuing discussions with the NFS regarding an official connection in the future.*

In Staff's opinion, the zone change request will not negatively impact the citizens of Sedona and surrounding properties, and is compatible with adjacent land uses. As noted above the proposal is consistent with the goals, objectives and policies of the Sedona Community Plan. The applicant plans to construct the project in one phase and in accordance with the site plan, elevations and other supporting plans accompanying this application.

Staff Recommendation

Based on compliance with ordinance requirements as conditioned, general consistency with the Land Development Code and the requirements for approval of a zone change, consistency with and conformity to the Sedona Community Plan and the compatibility with surrounding land uses and character of the surrounding area, Staff recommends approval of the proposed rezoning as set forth in case number PZ13-00003 (ZC), Mariposa Development, from OP (Office Professional) to C-1 (Commercial) subject to applicable ordinance requirements and the conditions of approval listed at the end of this staff report and the terms of the Mariposa Development Agreement.

Sample Motions for Commission Use

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

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Recommended Motion for Approval

I move to recommend to the Sedona City Council approval of the proposed rezoning as set forth in case number PZ13-00003 (ZC) from OP (Office Professional) to C-1 (Commercial) based on compliance with Land Development Code requirements, conformance with the requirements for approval of a zone change and consistency and conformance with the Community Plan, and subject to all applicable ordinance requirements and the conditions as outlined in the staff report and the Mariposa Development Agreement.

Alternative Motion for Denial

I move to recommend denial of case number PZ13-00003 (ZC) based on the following findings (Please specify findings).

CONDITIONS OF APPROVAL

Mariposa Restaurant, PZ13-00003 (ZC and DEV)

PZ13-00003 (ZC)

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all other supporting documents submitted, as reviewed, modified, and approved by the Planning and Zoning Commission and City Council.
2. Within thirty days of approval of the zone change, the property owner of record of the subject property voluntarily agrees to 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 Zoning Change approval.

PZ13-00003 (DEV)

1. The Development Review approval for the Mariposa Restaurant project shall be valid for a period of three (3) years and shall expire on April 2, 2016, unless a valid building permit has been issued, the building is under construction, and the project is being diligently pursued towards completion.
2. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, landscape plan, grading and drainage plans, revised letter of intent, and all other supporting documents, as reviewed, modified, and approved by the Planning and Zoning Commission. Proposed changes determined to be substantial by the Director of Community Development shall require reconsideration by the Planning and Zoning Commission at a public meeting.
3. 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.
4. Storm water quantities and velocities shall not be greater than the historic values at the downstream property line.
5. The exterior wall colors and all roofing materials shall be in compliance with the color provisions of the Land Development Code and match submitted color sheet. 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.
6. All exterior mechanical equipment shall be screened and painted to the satisfaction of the Director of Community Development.
7. The applicant shall work with City Staff and present a landscaping plan that complies with all City codes, including required percentages of native trees and shrubs.
8. If a connection to the City's Wastewater System is available at the time of building permit issuance, the property owner shall connect to the Wastewater System and pay all applicable fees. If no connection is available, the property owner shall build an onsite wastewater system, subject to approval of the Coconino County Health

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Department. If an onsite system is required, the property will not be required to connect to the City's Wastewater System should a connection become available in the future.

9. Prior to applying for building permits, the property owner shall submit the proper paperwork to the City of Sedona and Coconino County to combine the two parcels.
10. The applicant shall obtain a sign permit from the City of Sedona prior to installation of signs. Sign plans shall comply with the plans approved as a part of this application.
11. Prior to the issuance of grading and building permits, the applicant shall satisfy the following conditions and provide written documentation of such compliance to staff:
 - a. A Final Grading and Drainage plan, in compliance with the Final Drainage Report, reviewed and approved by the Engineering Department.
 - b. Construction shall comply with Storm Water Regulations in Title 13 of the City of Sedona City Code.
 - c. The applicant shall provide a Dust Control Plan for review and approval. The plan shall include, at a minimum:
 - i. A watering schedule for dust mitigation (or other methods, i.e. palliatives).
 - ii. A road-cleaning schedule, including a schedule for gutter and catch basin cleaning.
 - iii. All trucks hauling material into or out of the site shall be covered.
 - iv. A track out plan.
 - d. A right-of-way permit from ADOT shall be required for any work proposed within the Highway 89A right-of-way, including the driveways and any landscaping.
 - e. The applicant shall provide a Neighbor Contact and Response Plan. The plan shall define site signage, which shall include a hotline number.
 - f. The applicant shall provide a Haul Plan for review and approval. No dumping of excavated material is allowed within city limits without prior authorization from the City of Sedona Engineering Department.
 - g. 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.
 - h. Drainage improvements impacting the adjacent parcels shall be coordinated with the owners of those parcels.
 - i. Provide utility construction details on plans.

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- j. Construction of ADA compliant pedestrian facilities shall meet ADA grade tolerances.
 - k. If a sewer connection is available, sewer construction shall comply with Chapter 13 of the City of Sedona City Code.
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. If a connection to the City's Wastewater System is available, all buildings shall be connected to the City of Sedona wastewater collection system and all applicable capacity and connection fees shall have been paid. If no connection is available, the property owner shall provide an onsite system, subject to review and approval from Coconino County Health Department. The onsite system shall be fully operational prior to issuance of a Certificate of Occupancy.
 - c. Installation of all proposed landscaping shall be complete and in accordance with the approved landscape plan.
 - d. 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.
 - e. All new utility lines shall be provided through underground installation.
 - f. 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 right-of-ways.
 - g. All requirements of the Sedona Fire District shall be satisfied.
 - h. The applicant shall provide copies of all required testing to the Engineering Department.
 - i. As-builts shall be provided to the City in digital and hard copy formats acceptable to the City Engineer.
 - j. All areas of cut and fill shall be landscaped or dressed in such a manner as to reduce the potential for erosion.

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- 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. If available, Sewer construction shall comply with Chapter 13 of the City of Sedona City Code.
 - m. 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 owners 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.