

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
Vultee Conference Room, 102 Roadrunner Drive, Sedona, AZ
Tuesday, March 18, 2014 - 5:30 p.m.

1. VERIFICATION OF NOTICE

Chair Losoff verified the meeting had been properly noticed.

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

Chair Losoff called the meeting to order at 5:30 p.m.

Roll Call:

Planning & Zoning Commissioners Present: Chair Marty Losoff, Vice Chair Michael Hadley and Commissioners Eric Brandt, John Currivan, Scott Jablow, Kathy Levin and Norm Taylor

Staff Present: Andy Dickey, Cari Meyer, Charles Mosley, David Peck, Donna Puckett and Ron Ramsey

Council Liaison: Councilor Mike Ward

4. APPROVAL OF THE FOLLOWING MINUTES:

a. February 13, 2014 (Retreat)

MOTION: *Commissioner Jablow moved to accept the minutes for February 13th. Vice Chair Hadley seconded the motion. VOTE: Motion carried seven (7) for and zero (0) opposed.*

b. February 18, 2014 (R)

MOTION: *Vice Chair Hadley moved to approve the minutes for the February 18th regular session. Commissioner Brandt seconded the motion. VOTE: Motion carried seven (7) for and zero (0) opposed.*

c. February 27, 2014 (WS)

MOTION: *Commissioner Jablow moved to accept the minutes for the February 27th meeting. Vice Chair Hadley seconded the motion. VOTE: Motion carried six (6) for, one (1) abstention and zero (0) opposed. Commissioner Brandt abstained, because he wasn't present for the meeting.*

5. 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.

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

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

There were no announcements.

6. INTRODUCTION/DISCUSSION OF THE FOLLOWING REQUEST(S):

- a. PZ13-00013 (DEV, ZC, Development Agreement, Land Exchange):** Discussion regarding a request for Development Review, Land Exchange, Zone Change, and Development Agreement approval to construct 32 new lodging units, associated site improvements, and a new right-of-way at 95 Goodrow Lane (Sedona Rouge). The property is zoned L

(Lodging). A general description of the area affected includes but is not limited to the northeast corner of W State Route 89A and Rodeo Road. The lot is further identified as Assessor's Parcel Number 408-24-071B. Applicant: Sedona Rouge, LLC; Staff: Cari Meyer, Associate Planner (45 minutes; 5:45 pm–6:30 pm)

Cari Meyer explained that staff will continue to work with the applicant to ensure that all items identified as of today are addressed, and the public hearing is tentatively scheduled for April 15th, with the possibility of a work session on the Thursday prior to that date. The Commission will take final action on the Development Review and offer recommendations on the remainder of the project.

Cari explained the various components of the project, including the Development Review, Zone Change, land exchange and Development Agreement, and indicated that elements of the Development Agreement known at that time can be shared with the Commission, although no action on the Development Agreement will be taken by the Commission. Cari then presented an overview of the request as presented in the Staff Report prepared for March 18, 2014.

Cari indicated that the applicant was requested by staff to clarify the use of the event lawn area, and the applicant explained that the primary use would be for guest relaxation and more passive uses. A secondary use would be afternoon weddings and receptions, and they anticipate the events would occur on weekends between April and September, and they are typically booked by hotel guests. The lawn area would have a maximum capacity of 175 people, but over 75 aren't anticipated. Any sound would comply with the sound regulations and events would end by 9:00 p.m. In discussions with the applicant today, Conditions of Approval will be created to cover their representation and any concerns regarding use of the outdoor event lawn area, and any use that would exceed that type of use or level would require a Temporary Use Permit or a Conditional Use Permit.

Cari referenced the Traffic Impact Analysis and Drainage Report provided and discussed comments from the Public Works Department and reviewing agencies that were provided to the Commission and applicant today, as well as comments and questions received from the public participation process.

Per a Commissioner's request, Cari also displayed a map showing the residences on Goodrow, and Chair Losoff invited the applicant to join the Commission. Al Walburg, an owner and the developer of Sedona Rouge, then introduced himself.

Chair Losoff opened the public comment period at this time.

Carol Shea, Sedona: Expressed concern as to whether or not the turn is big enough to get emergency vehicles up there, because it looks like a 90° turn, and she doesn't like playing dodge ball going past all of the parked cars nor the access trying to turn left to go to West Sedona, because there is only one left-hand turn lane and the traffic from Safeway backs up. This is going to be a terrible thing trying to get out. She also hopes the lighting is kept to a minimum, because she has the second house. Also, where are the affordable units, are there still going to be affordable units or did they go down the tubes?

Having no other requests to speak, the Chair closed the public comment period.

Cari Meyer explained that there are two affordable housing units on site in the existing hotel. The Sedona Fire District reviewed the plans and did not have any comments about access; they would have access through any gates, and they can make the turn. They would also have access through the Sedona Rouge parking lot.

Carol Shea, Sedona: Commented from the audience that she hopes there are no gates there.

Cari Meyer then explained that they are proposing a gate that would open from the south for vehicles going north, but cars going south would need to exit to Rodeo. The Fire District has talked with the applicant about the requirements for gates. Also, their Traffic Impact Analysis addressed that intersection and it was determined that it would operate at an acceptable level of service. Additionally, discussions have begun with ADOT regarding whether or not any changes can be made at the intersection of S.R. 89A and Rodeo. It also has been confirmed that no lights would be placed on that road and signs such as, "Not a through street" or "No Outlet", are possible, to keep hotel guests from thinking that is an outlet. The applicant is also willing to place left-turn only signs in that area.

Chair Losoff referenced a letter from Anne Lary that asked about drainage and erosion. David Peck explained that as part of the construction plans, the developer will have a storm water site plan with all of the mitigation and best management practices and things to be done post-construction. The Chair indicated there were comments about the property lines and that the markers are incorrect. Al Walburg indicated that one survey showed that there may have been a difference at Rodeo and the north end of their property, so they are using Todd Graham and if they err, they will err in her favor. They have ALTA survey done by Todd Graham that she would be happy with. The Chair then indicated there was another comment about pedestrian access through the gate. Al Walburg explained that the gate will be only at the narrow point where it funnels out of the parking area, so people will be free to walk around the gate, and Cari added that the sidewalk would be along the new road and down Rodeo. Al then indicated that residents will be urged to take that route, because they worked out the sidewalk down Rodeo with the crossback to get safely across to Safeway. The Chair then indicated Ms. Lary's final comment was about privacy and views, and Cari indicated that the applicant has talked with Ms. Lary and there is some existing landscaping, but the applicant has submitted a plan to increase that landscaping buffer and work with her, and that was added after the current Landscape Plan was submitted.

Commission's Comments, Questions and Concerns:

- Question about some agreement indicating that events will end by 9:00 p.m. Cari repeated the approach of creating Conditions of Approval to regulate the use of that space, and anything beyond that would require a Temporary Use Permit or Conditional Use Permit.
- Question about how people could walk from the development down to S.R.89A and turn left. Cari indicated the sidewalk would go to Rodeo, and then they would down and around, but the applicant doesn't intend to stop people from using their parking lot. Al Walburg referenced the area between the units and the road that is access for guests to walk to their rooms and that would be a walkway, although they aren't going to encourage that as a public pedestrian walkway.
- Request to hear the applicant's response to Sandra Corder's objections to the proposed plan from a traffic flow standpoint, including reducing three existing access points to one. Cari explained that one exit would be the existing easement over to Rodeo, a second would be down Goodrow to S.R. 89A, and a third would be through the parking lot of the NAMTI spa. Al Walburg commented that the third would be illegal and questioned the difference in turning a little further down and turning up Goodrow as opposed to going through a parking lot. The gate is for a safety issue, if people come down and turn left onto S.R. 89A, as opposed to going to Rodeo, and David Peck asked ADOT if the middle lane on Rodeo could turn left.
- Comment that the Commission could see the safety issues today, but the back-up at the light was also noted. Staff and the applicant were asked to encourage ADOT to seriously listen and find out what needs to be done. David Peck referenced the Traffic Impact Analysis and indicated that in 2011, 2012 and 2013, there were 8 accidents at the Rodeo intersection and five accidents at the Goodrow intersection, but considering the volume of traffic on Rodeo, with probably 15 - 20 times more traffic, Rodeo is a safer intersection. Andy Dickey added that the City encourages traffic to use signalized intersections.

- Question about whether or not residents have the right to use the easement through Sedona Rouge now. Cari explained that the access easement was required as part of the Zone Change and Al Walburg added that it will be gone.
- Comment that the only thing going away is going down to S.R. 89A; the access road across will be moved up and improved. David Peck explained that the access easement is fairly new, considering how long Goodrow and those residences have been there.
- Question about the City's involvement in the left-turn lanes at Coffee Pot. Andy Dickey indicated that the City encouraged it and coordinated with ADOT. Charles Mosley explained that ADOT had studied the intersection before doing the S.R. 89A project, so they did what they thought was appropriate. Shortly after that project, the activity wasn't what they wanted and it was suggested that ADOT look at it again, and they changed it to the current configuration. The City has talked with ADOT about the Rodeo intersection, and they have taken some action. One of the things they contend with is the amount of time allotted to any given movement, especially on side streets, because it can start to mess up the main street. They did manage to give a little more time to the Rodeo movement and the complaints have decreased. David Peck added that in the Traffic Report, the level of service in the afternoon peak hour on S.R. 89A through that intersection was a Level of Service D, but the level of service for the left turn from Rodeo was a Level of Service C during that same time, so ADOT probably will not want to make a Level of Service C better while making a Level of Service D worse. The Level of Service reflects how long a car waits to make that movement, and D is a longer wait.
- Question about why Goodrow is being improved to 20 ft. in width while the new road will be 26 ft. in width. David Peck explained that the new right-of-way will be 50 ft. for the 26 ft. wide road, and the existing right-of-way is only 27 ft. for the 20 ft. roadway.
- Question about why lower Goodrow will be narrower than normal requirements. Charles Mosley explained that it has to do with traffic volume and existing right-of-way. The Land Development Code seems to allow for a limited width right-of-way, as long as you have driveway turnaround access on the adjacent properties, and access to properties that are zoned in the manner of the adjacent properties have to have a minimum of 16 ft. access. In short, due to the limited access, the allowance under the Code for reduced access width, and the fact that there is an existing 20 ft. width there, it was his opinion that this road could be allowed to be a narrower road than up above, which will have a heavier traffic load.
- Question about the proposed crosswalk design. Charles Mosley explained that design has become a more standard type of crosswalk on busier streets, and it is used in a number of places across the United States. The reason is to have a person cross a couple of lanes in one direction, and then turn to face the traffic lanes that they will cross next. This area has a median, so people could cross, stop, and then cross again to make it a safer crossing.
- Question about pedestrian accidents in that area. David Peck indicated there was no vehicle versus pedestrian accidents in the last three years.
- Question about whether or not the inner roadway going past the lobby to access Goodrow will be accessible to the public or if it will be one-way out. Al Walburg stated that it should be one-way out, because he doesn't know why they would want anybody to go the other way, and it is basically the width of two parking spaces.
- Question about noise mitigation for the event lawn area. Al Walburg explained that there are requests for people that want to make a lot of music and they will come to Reds Restaurant and walk in with their coolers, but Sedona Rouge doesn't do that kind of business, so they look at each event, plus they have guests that will hear that sound.
- Question about not using amplified music or using it with a Temporary or Conditional Use Permit on a case-by-case basis. The Chair asked if there was consensus that this is something the Commission would want to see and other Commissioners expressed that staff's suggestion regarding the use was adequate and the City will be able to monitor it, plus their guests will complain if the music is too loud.
- Question about sufficient parking to accommodate an outside event. Cari Meyer indicated that it can be limited to guests or a number of people in the Conditions, then if they want to go beyond that, they would get a Temporary Use Permit.

- Comment that Parcel A doesn't show any landscaping, so would that be a separate project subject to the Commission's review. Cari indicated that the Commission would look at proposed landscaping, and her understanding is that they hope to leave it natural.
- Question as to if that remains the responsibility of the applicant. Cari indicated that would be part of the Development Agreement; they would maintain the landscaping in that area, but it would be city-owned property. Al Walburg noted the exception that they would be adding some shrubs to fill-in the screening for the neighbor.
- Question to clarify if residents could enter from S.R. 89A through the gate, but they can't come back out. Al Walburg stated yes.
- Comment that the architecture is much improved and the Moroccan arch isn't there. Al Walburg introduced Erik Peterson and Adam Valente, Architects, and Al indicated that the 2nd floor balcony is a unique design. Erik Peterson added that the intent was to remove the specific arches and bigger architectural details and limit it to smaller details, with more local and Sedona-specific architectural themes on the original hotel, so those adjustments have been made. Erik Peterson also indicated that the current event lawn is within 40 ft. of the new event lawn, so the use isn't going to change and the sound has never been a problem. Moving it away from the buildings will even help; there is a retaining wall that drops 5 ft. and another retaining wall that drops another 5 ft., so both of those will also help reflect the sound back down, and there is a bigger landscape buffer.
- Comment that the access to Goodrow coming from the front of the hotel would be best as a two-way, so people coming from the new parking lot wouldn't have to go to the street, if they want to go to the front desk. It also allows the residents on Goodrow to go out onto Rodeo and come back into the hotel to drive out where they are used to driving out.
- Comment that there is quite a bit of back-up on Rodeo at the light, so it would be nice to alleviate that.
- Comment that it would be best if the new landscaping were brought closer to the stage, leaving more of the landscape along the new road natural for continuity with the surrounding natural landscape that exists.
- Comment that the project has been evolving in front of the Commissioners' noses; the original parking lot was back where the new road was proposed, so the evolution has shown that it is progressing in a good direction.
- Comment to support the Commission's concern for the City to find a mutual way with ADOT to create another left-turn lane. With traffic queuing at the southwestern exit of Safeway already and the new traffic, there might be a seriously compounded problem.
- Question about valuation on page 1, in paragraph 3 of the Letter of Intent, that indicates both parcels have been appraised and the \$255,000 advantage will be donated by Sedona Rouge to the City. Al Walburg explained that they are trading an unimproved, substandard road for a completely improved street with sidewalk, and an estimated cost of \$182,000. When the appraiser looked at the difference in size and value, it started at \$182,000 and the difference in square footage of what is being traded, so it was \$182,000 plus about another \$70,000, which made it \$255,000, and that would be donated to the City.
- Comment that the new exit is far superior, because they were crossing four lanes to make a left turn, including a left-turn lane, and when turning right, they also cross traffic, so this is an improvement.
- Comment that the landscaping along the new road is the correct way to go.

Summary Discussion:

The Chair expressed appreciation for the poles at the site visit and the applicant's time and effort on the project, and then summarized the Commission's desire to see if anything can be done about the intersection and to mitigate sound and noise. The Chair also expressed interest in reacting to the Development Agreement.

Al Walburg indicated that the land swap really made this a much better project; it falls into place logically and it provided for a bigger lawn area for a tranquil setting, so they are very pleased.

Cari Meyer indicated that the next step would be a public hearing, and staff will continue to work on the various components of the project, including a summary of what is in the Development Agreement. Then, the project will go to the City Council and the Development Agreement won't be finalized until after the Development Review process. Commissioner Currivan then encouraged the applicant to review the letter from Sandra Corder before the public hearing, and the Chair encouraged them to continue talking with the residents above.

Al Walburg indicated that he drafted a Development Agreement and asked Mr. Ramsey for comments, but they decided to wait until they see how the Development Review process goes.

The Chair recessed the meeting at 6:51 p.m. and reconvened the meeting at 6:59 p.m.

7. CONSIDERATION OF THE FOLLOWING REQUEST(S) THROUGH PUBLIC HEARING PROCEDURES:

- a. PZ14-00001 (DEV): Discussion/possible action regarding a request for a Conceptual Development Review for Tlaquepaque North to construct three new commercial buildings and remodel one existing building at 301-321 State Route 179. The property is zoned C-1 (General Commercial). A general description of the area affected includes but is not limited to the area north of State Route 179 between Schnebly Hill Road and Ranger Road. The lot is further identified as Assessor's Parcel Number 401-18-030L, M, & N. Applicant: Tlaquepaque Partners, LLC; Staff: Cari Meyer, Associate Planner (45 minutes; 6:30 pm–7:15 pm)**

Mike Bower and Max Licher with Design Group Architects; Wendy Lippman, Managing Partner for Tlaquepaque, and Max Bacon with Tlaquepaque were introduced as members of the team, and Mike Bower and Max Licher joined the Commission for the discussion.

Cari Meyer explained that the Commission received reviewing agency comments today, because an accelerated process is being applied. The Chair noted that one problem is the Commission didn't have a chance to review them today. Cari then explained that a lot of the comments are regarding what will be required for the next stage of review, and she will briefly review the comments.

Cari then provided an overview of the request for parcels L, M and N as provided in the Staff Report prepared for March 18, 2014, which excludes the parcel for the Center of the New Age. She also indicated that the area was originally subdivided in 1953 and known as the Harts Village subdivision. The buildings on parcels L and M would be removed and the building on parcel N would be remodeled, then three new buildings would be built and the parcels would be consolidated into one parcel.

Cari pointed out that the site plan has been designed around the existing trees, and they are able to save all of the trees except one, and they aren't anticipating the need for Alternate Standards; however, there are a number of key issues, including parking, exceptions requested, pedestrian traffic, and the floodway and floodplain issues.

Cari explained that the applicant has requested the following exceptions: 1) A request for twelve of the required parking spaces to be in the existing Tlaquepaque employee parking lot through shared parking. 2) A request to use colors to match the existing Tlaquepaque Village, and 3) A request to allow parapet roofs to screen rooftop equipment from S.R. 179.

Cari then indicated that another issue is the pedestrian traffic projected increase of three times the level of the existing pedestrian traffic, and their recommendation is to encourage the use of the existing crosswalk with improvements, rather than trying to discourage jaywalking with barriers, etc.; however, any changes within the right-of-way will require ADOT approval. Chair Losoff then asked that the issue of vehicular traffic be added to the list of issues.

Cari explained that another issue is the construction within the floodway and floodplain; those requirements are administered by FEMA and Coconino County Flood Control, but we need to ensure that all proper approvals are obtained.

Chair Losoff opened the public comment period at this time.

Frank Damato, Sedona: Indicated that he retired from Los Angeles Water & Power, moved to Sedona three years ago, and donated time for psychic readings at the Center for the New Age, but no longer works there after a disagreement with the management, and he is running for the City Council in the spring. He understands that the Center for the New Age is not part of this project, but the applicant would like to obtain it, and there is a foreign owner involved, so his question is if any effort has been made to contact the owner and would this land be used later. What is the foreseeable percentage outcome that this land for the Center for the New Age might be used in the near future for additional parking? He knows it is in the flood path zone, so would it be used for additional shops? Right now it is a big ugly purple eyesore and that isn't going to sit well with the developers. There are a lot of personal friends that he knows there, even though he has had disagreements with the management, and they would lose their livelihood. Although he donated his time, he didn't even need the money; he just wanted something to do with his time, but they depend on that for their livelihood, so he is wondering about all of these issues. There are a lot of trailers that set right in back of that, between the new renovated building, and that will be an eyesore too, and that needs to be a concern with the noise level and everything else. As a psychic, he personally sees the Center for the New Age going down pretty soon -- to him it is obvious, but he just wanted to address that issue plus there is a crosswalk issue too. As an employee that used to work there, he knows that people cross that crosswalk and try to park in both parking lots, and that will create a problem also.

Anita McFarlane, Sedona: Indicated that she has a few concerns. In the paper it said that there may be a grocery store and deli there, and if it is bigger than Circle K, she would like to see one there. Since she lives on the east side of town, it would save her time from having to go to Basha's or Safeway all the time. The other thing is those of us who live on the east side of town must travel that road past Tlaquepaque, and if you have noticed the last few days, there have been times when, from the roundabout at the bridge back to the Morgan Road roundabout, traffic has been backed up and it is very slow. Usually once we get past the bridge, it opens up and there isn't much pedestrian traffic there now, but if Tlaquepaque develops that, they have fine tenants and people will want to go over there a lot, so how do we keep them from jaywalking? That's the big problem there, just as they do in Uptown. They won't walk 15 ft. to the signal; they'll cross anyhow, so that is her major concern. She is not normally out this time of day, but she did notice that there was a big back-up from in front of Tlaquepaque going in the other direction, so the traffic is one of the big concerns that we need to think about. It sounds like a really good project otherwise, but that is the big thing.

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

The Chair explained the change in the process to reduce the overall time required, and the decision to use this project as a test case, so if the Commission has some issues with the change, we will discuss it at another meeting.

In response to the public's comments, Cari Meyer indicated that the Center for the New Age is on a separate property and under separate ownership, so unless the property owners create a unified development plan or one owner acquires the other property, the City has to consider it as a standalone project. The Chair then stated that the Commission would like to hear of any impacts on the other property, and Mike Bower indicated they asked a lot of questions about all surrounding properties for their site analysis, and Tlaquepaque has made several contacts with the adjoining property owner over the years and has not received any indication that they are interested in selling, which leaves them with not a lot they can do about that property. They did analyze, if someday it was acquired, how their site plan could adapt to that, and it is not a

lucrative property for a lot of square footage, but it is a critical property for creating an image and entrance to town. The Chair then indicated that there is no immediate impact; it is more for future development if owners have an ability to get together.

Mike Bower indicated that the area is a CFA in the new Community Plan and includes Tlaquepaque, creek frontage, Garland's, etc. The Chair then asked what is going into the one building. Max Licher explained that conceptually the remodeled building could be a gourmet deli market, but it's conceptual. Cari added that their parking calculations were based on one building being a restaurant, because that requires more parking. The Chair then expressed appreciation to the Tlaquepaque owners for allowing the site visit; it was very helpful.

Commission's Comments, Questions and Concerns:

- Comment that as far as all of the suggested variations from the Code, there is no problem with any of them, because we're extending a known -- Tlaquepaque, which is one of the better developments in town.
- Comment that the site walk was very helpful; they should study combining that exit at the north end with the exit above at Creekside. The objective is to reduce curb cuts.
- Comment that on the south end at the crosswalk, people will go in through the road, and that isn't great when the traffic comes behind them. It is one-way in at that point, and the main entrance to the project in the center is quite a distance away, so perhaps if the arch came out and turned at an angle, it might work.
- Concern expressed about walking in the road and having a small flight of steps down to the road and continuing into the project. It seems that people won't walk up those steps and around the front of the building.
- Comment that, as stated in another meeting, the Character District for Uptown should be redone; it doesn't seem applicable for this project in any way. This project relates to the Tlaquepaque development and the hotel behind it, which are two of the better developments in town, and if that is extended, it will enhance the City. It's a great project.
- Comment that regarding the crosswalk, if Tlaquepaque doesn't develop there, in time other things will happen, and anything that happens will cause people to want to cross the road more than they do now, and we have to somehow provide for people crossing that road. There is no other place to cross, except over by the roundabout across the bridge or underneath, so people are going to cross that road and if the crosswalk is the best way, just put a light in and go with the project.
- Comment that the Owenby Ditch traverses the property in the northwest corner and it would be a nice opportunity to sign that with a historic description.
- Request for more discussion on how this project relates to the potential uses shown in the Heart of Sedona and new Community Plan.
- Question about the existing rate of compliance in the existing employee parking lot and the number of employees that work at Tlaquepaque in the main area with 119 parking spaces.
- Request for an explanation of Pender Engineering's floodway cross sections.

Wendy Lippman indicated that it is required in the lease that they will park in the employee parking lot, and they have to complete a form and come to the office to get a map and an employee parking pass for their rear view mirror, so parking can be enforced. They also have the license plates and make of their cars. They patrol the lots and sticker the cars, and after several violations, they boot the car and there is a fee. They treat it very seriously and if people across the street park in their lot, they first get a letter. She would have to check the number of employees, because there are so many. Wendy was asked if it exceeds the number of parking spaces and Wendy stated no, because they added two parking areas.

Max Licher explained the Pender cross sections pointing out the 100-year flood elevation like a contour line. The regulations are that the floor levels need to be one foot above the 100-year flood elevation, so all of the new buildings will be one foot above or more. The existing building is only a few inches above that, although there is a flood wall there and to their knowledge,

there has never been flooding in that building. Max Bacon explained that after that submittal, he asked Tom Pender to overlay their new buildings on that map, and he added a foot to those elevations, so they know where the finished floors are supposed to be. Max also pointed out the delineation for the actual floodway and indicated that about 3/4 of the existing building is in the floodway and only a few inches above, so they have to jump through some hoops to remodel it, like constructing floodwater dams in the door openings, etc.

Commission's Comments, Questions and Concerns (continued):

- Request for the applicant to determine how the tripling of the pedestrian crossings will affect the vehicle movements north and south. Max indicated that would have to come from a Traffic Impact Analysis. There is no science to figure that out, so it was John Wesnitzer's educated guess of the numbers.
- Comment that the applicant is going to get a strong consensus from the Commission that there has to be some significant studies on that, scientifically or empirically, to avoid another Uptown area scenario. Max indicated that another point to consider is how much extra penalty they are paying, because they are Tlaquepaque developing across the street versus some other developer of a similar size. Everyone has talked about these Community Focus Areas being pedestrian walking districts, and over the years, they have been involved in all sorts of larger-scale community solutions, like even parking structures over on part of Tlaquepaque's property, and saying that the future of walkable pedestrian districts is that you are going to have lots of pedestrians consolidated there.
- Comment that this isn't a penalty; with every project, traffic is a big issue and coming off of three years for the Community Plan, a major issue was traffic in Uptown with pedestrians stopping traffic, so maybe timing is an issue, but it can't be ignored.
- Comment that the Commission isn't here to argue the point, our concern is how to solve it; we all know it is a problem. Today, when a person crossed, traffic stopped with at least 10 cars backed up. We're not here to debate that; the issue is how to solve it. Mike Bower agreed that they don't want to ignore it; it is a total problem for the whole City, and they stayed there after the Commission left and didn't observe one car turning into Tlaquepaque nor much traffic being generated by Tlaquepaque. They also watched pedestrians walk across and go completely off to somebody else's project, so it is a total problem, and the real issue for them is they are good citizens and participate in all of the planning efforts, but is the issue theirs to solve, or a timing issue theirs to delay until there is a total solution, or are they supposed to create a solution before they are allowed to go forth? That is something the City needs to wrestle with in relation to their legally-zoned property asking for a Building Permit and Development Review. It is not that they are ignoring; it is just that they can't solve it alone. If you think about an underpass, that has been an idea for decades and it is not a failure of ideas or a failure of citizen advocacy, it is a failure of government, governance and leadership. Now, there are traffic jams that we didn't have decades ago, but we anticipated them. This is an interesting issue and they are certainly not ignoring it, but the real question is how it relates to a specific development proposal that is legally zoned and moving through the process now. Max added that there isn't going to be any way of getting more scientific about how many pedestrians this will create, but you can get more scientific if you assume so many pedestrians, what might that do to traffic and what would be the affect of having a signalized crosswalk. Those are things that could come out of a Traffic Impact Analysis.
- Comment that that is all the Commission is asking for. It is a frustration for the Commission and it doesn't directly relate to your application per se, but this is about the third or fourth project that we have had where we hear the same comment that we can't penalize the applicant, and at some point in time we have to talk with the City and get how far we can go with some of this, because we're seeing various projects impacting other issues and we have approved a couple of projects, which will impact other projects, so the Commission has to be careful in how far we take it, until we can work something out with the Council, so our hands are tied behind our backs and our legal counsel will give us a heads up that we better be careful about what we say today, but that is an issue you will hear from all of us.

- Question about the relationship to the Heart of Sedona plan. Mike Bower indicated that in both the Heart of Sedona plan and that aspect of the Community Plan that talks about CFAs, they both strove to increase pedestrian movement, minimize vehicular movement and increase the quality experience, and this project relates to both positively. The Heart of Sedona showed this site as a Market Green for larger gatherings and various markets, etc., with buildings along the highway and no parking; all people would walk from a parking structure. This project is less impact than the Heart of Sedona plan and it is a positive visual impact, but in terms of pedestrians crossing, it is far less impact. It is just the tip of the iceberg as we look at the pedestrian-oriented developments, and they need to be linked with shuttles, etc.
- Comment that the new Plan doesn't designate a specific area for the Heart of Sedona; it talks about hearts, but not where. Max added that in the Heart of Sedona, the Center for the New Age was gone and the buildings were along the street, and it had public green space on the creek with the potential for a market place. Max then pointed out the nicest green space on the site plan that is smaller than envisioned in the Heart of Sedona, but if the other property were acquired that green probably would continue, because it isn't appropriate for building or parking, and the proposed market is a more stable thing than a farmer's market, in thinking about a public compatible use on a green area. We had to provide parking, because the client is choosing to move forward as opposed to waiting for some consensus, but at some point, if there is a parking structure, some of this parking could potentially go away for more green space and pedestrian plaza.
- Comment that as far as the design, having smaller individual buildings makes sense and the broken-up parking lot works well. The trees add a great flavor to be nestled into the landscape, and it is great that you are keeping the old house and restoring it. If there is any way that you can make it more like it was historically, that would be cool.
- Comment that another Commissioner had said it would be good to combine the access with the neighbor's, and that is a great idea, except it would take away some of their parking on the other side of the wall. The three parcels each have their own driveway and it is reducing those to two. There should be more crosswalks, not less. If it wasn't tied to Tlaquepaque, we would be encouraging pedestrian connectivity; how that interacts with cars is another story for another discussion.
- Comment encouraging the use of river stone to go along with the old house.
- Comment that as far as the height and parking, it seems to make sense for the allowances. The color made sense for the previous addition to Tlaquepaque, but being across the street, it should follow suit for future developments, but there are things that help the original Tlaquepaque with the staining of the stucco from the trees that causes the lighter colors to darken, and that might be a way to look at using lighter colors if that fauxing is done. Max indicated that they intend to do that.
- Comment that the crosswalk issue has been discussed and everybody knows the Commission's concerns, but one thought would be a zip line across there from the tower. Mike Bower indicated that Gary Johnson suggested that this morning.
- Comment that given what was heard about the employee parking enforcement, the reduction in parking would be okay. It is a tradeoff, but the effort to save the trees is commendable, and you probably could get more parking if you didn't save the trees, but the preference is to save the trees.
- Comment that the height exception would be okay, and initially there was no problem with the LRV exception, but a good point was raised and the difference from an LRV of 40% to 45% down to 38% isn't that great when they are separated. Other than that, it is thoughtfully done.
- Comment that having gone to Tlaquepaque on a high event day, there was no parking in the parking lot. He wants to see this project go through; it is fantastic and it will be a boom to the community. Tlaquepaque is one of the best venues to go to in the City, but something needs to be done. A reduction in parking isn't going to help one way or the other; you aren't going to have parking for the big events.

- Comment that the Pedestrian Study was great and covered everything, but on page 2, a paragraph says, "Overall on the two days monitored, the percentage of pedestrians using the crosswalk was very high and the pedestrians crossing other than in the crosswalk were quite low." That says that everybody is using the crosswalk, but in the crossing mitigation, you are going to try to make everybody use the crosswalk, but you already know there is a traffic issue and you are going to increase the numbers by 300%, even 100% is a lot of people. In the Community Plan, it is supposed to be a "walkability" Community Plan, but does that mean you have to cross a street in droves to make it a walkable community? If everything was on one side, it wouldn't be an issue, but crossing S.R. 179. It isn't the applicant's fault, you tried to make a fantastic place better, but it is what it is. The holidays and events cause traffic along S.R. 179; do we want to continue that and make it worse without any sure way of solving the problem? A traffic light won't solve the problem, it will make it worse, and he would question if an engineering firm is going to want to commit to a better way, and then what happens if it doesn't work? During the Community Plan process over the 3½ years, everybody complained about traffic in Uptown. On the internet, visitors talk about the time that they had to sit in traffic in Uptown and the City can't do anything about that realistically. It isn't that bad on S.R. 179, but by doing your project, it might make it worse and then what are you going to do? Before anything is continued, a more thorough finding should be brought back to the Commission.
- Comment that an overpass would be offensive, but in concept it would be great. Max Licher indicated that people tend to not use them; they will jaywalk before going up stairs.
- Comment that a tunnel is really the only way; not that you can afford to do it. It would cost millions of dollars let alone what it would do to S.R. 179 during the construction. Mike Bower clarified not a tunnel, just using the bridge and doing the creekwalk.
- Comment that people won't walk around that, but if money isn't an object and it is feasible to do a pedestrian underpass, it might be the only way.
- Comment that this is what the Commission is requesting; we aren't here to say we can or can't do it, but it is a request speaking from a majority of the Commission. Not necessarily an underpass, but something to solve the problem of pedestrian traffic impacting vehicle traffic. There may be other alternatives.
- Question about what can be done and how can we do it. If it takes five parties in the process, and maybe we can't do it tomorrow, but we could do it 5 years out. Let's look down the road as we do with long-range planning, so it is not just we can't do anything about it today, we are going to do this project, let somebody else worry about it -- he is not sure we can do that. Legally, we may have no choice, but he doesn't know if he will accept that. Mike Bower asked if that is what the Commissioner thinks they are saying, and the Commissioner responded no, generically, we've had that problem with other projects, with the Council, and we talk about we can't do something or we're told we have to put blinders on, because it doesn't relate to your project. We have another project on the books, and we've talked about making some modifications and we're told we can't do it. It came up with your project with the road, there will be increased traffic from other projects, but on the corner, but we can't talk about that with them or anybody else, because it is not legal, so there is a frustration. Somehow we have to think bigger. For example, what if we sat down with the Creekside owner, the Center for New Age and Tlaquepaque and talk these things out. Maybe there is no solution, but maybe there are some ideas. Before we say no or not right now, maybe there is an opportunity on some projects, without penalizing the applicant to a large extent. This is a significant area; a major entrance into Sedona.
- Comment that this is a huge project and very important.
- Comment that there is a need to be objective, but . . .
- Comment that this new process with the roundtable discussion is working better, because we can give and take. You realize the sincerity of wanting to see this go forward, but we can't possibly block traffic for the rest of the community, so we surely can come to some agreement somewhere along the line.

- Concern about the north exit and someone wanting to continue across S.R. 179 instead of making a right turn; some will go across to Ranger Road. There should be something to keep people from going across.
- Request that David Peck talk to ADOT to consider a barrier or something.
- Question about how many residents were notified by letters. Cari Meyer indicated that there were 72 mailing labels and there was some repetition.
- Question about if it would extend to more if it went to 750 ft. It is just a concern that maybe the community participation may be skewed. Wendy Lippman then identified the parcels that Tlaquepaque owns. The Commissioner explained that the point was to ensure there was a good spectrum of people being contacted. Cari noted that the newspaper reporter is present and Wendy indicated that it was on the front page of the newspaper last week.
- Question about the applicant receiving a letter from Mr. Lee; his issue was the same as we are discussing regarding the traffic issue.
- Comment that although he is not a color person, he loves the way Tlaquepaque looks now and doing the distressed look will look great.
- Question about the shared parking rules of a 300 ft. limit and it not working if it is separated by an arterial roadway and if we able to get around that. Cari indicated that if that was the only thing they were requesting, staff would say no. There are different criteria in the Code that allow for a reduction in parking. The other two for the ITE Standards and pedestrian-oriented and transit-oriented developments would allow for a reduction. Max added that there are two issues lumped together. The mixed-use reduction has to do with retail and restaurants being together, which they have on the same side of the street and that reduces the number required on that side of the street. Then, they are asking for remote employee parking and that is the question. Cari explained that isn't spelled out as being allowed in the Code, but a reduction based on the pedestrian-oriented development is allowed, and that is why we are looking at pedestrian traffic and why they provided the Pedestrian Analysis, because their parking reductions are based partially on the pedestrian orientation of the development.
- Comment that we have vehicle and pedestrian traffic and the focus has seemed to be how to stop the vehicle traffic for the pedestrians, but in a period of heavy pedestrian traffic, you have the opposite problem of how do you stop the pedestrian traffic. If you have heavy pedestrian traffic, you need a means to stop the pedestrians, and that is why we possibly shouldn't eliminate the possibility of a traffic light like we have in the middle of Uptown. The report says that a more realistic approach is to encourage the use of the crosswalk rather than jaywalking, but encouraging things has its limits, and then there is a suggestion of a flashing beacon to let the drivers know there is a pedestrian in the crosswalk, which is great when you have an occasional pedestrian. Cari explained that the Traffic Impact Analysis isn't required for the Conceptual Review and the Pedestrian Analysis is a preliminary analysis, but a full Traffic Impact Analysis will be provided at the next round of review with specific recommendations.
- Comment that the preliminary report is very useful for the Commission to make comments.
- Comment that on page 6 of the Staff Report, it says that the cost of maintenance of whatever we do with the crosswalk, etc., has to be borne by the City and the applicant has agreed to make the City whole. Cari explained that ADOT will only allow improvements if the City agrees to maintain them, but then the property owner would take that responsibility from the City.
- Question about whether or not Tlaquepaque North would be owned by the same legal entity as the existing Tlaquepaque. Max indicated yes. The Commissioner indicated that is good; the concern is what happens if they were separate and there is a bankruptcy of the north piece and the responsibility for that cost was only on the north piece, but if one entity owns all of it, then there would be less of a bankruptcy risk.
- Comment that either the Development Agreement or a Condition of Approval would cover that. Max explained that if the best global solution for the district surfaces on the table, but it is a significantly more involved solution, then their clients aren't prepared to say that they are footing the whole bill, because it is really a community solution. What would help them

move forward into the next step is having some sense from the City that if the solution gets big enough that it is beyond their impact and it is the result of a pedestrian walkable district and future property developments, it would be a collective solution in terms of contribution and cost. If it is just improving the existing crosswalk by adding some architectural features, lighting, better signage, better landscaping to direct people, etc., that is within the realm of what they have been talking about, but if we end up thinking about underpasses, etc., they also might want to expand the thinking about who is really participating.

- Comment that we have no right to hold their project up on this. The City is negligent; they put out plans that talk about the character and what kind of City this is going to be for years, and they have done nothing. Nothing has really progressed concretely in the way of handling cars for all the years he has lived here, and the traffic has increased many fold in the past 20 years, so it is up to the City. We have to refer this to the City and the City has to take some action. In the meantime, they should be allowed to go ahead with this, because it doesn't matter whether they are connected to Tlaquepaque; there could be other owners that want to build 9,200 sq. ft., with an arrangement to use Tlaquepaque's parking, and we would have to let them go ahead with that project. We can't delay that project.
- Comment that legally we have several constraints, but if the picture goes more global, it might become a global issue for the Commission, the City and future developers. We have to see how we can tie all of these things together. Right now we have to deal with each project in a vacuum and if we want to have a viable City in 30 years, we have to bite the bullet and start thinking globally. The answers aren't known today, and he doesn't know if we can hold up this project or any project at this stage without some broader based criteria.
- Comment that the Commissioner sees this drifting one way and he disagrees with what he hears. If you bought a ticket to go into Tlaquepaque and they wanted to extend across the street, so people with those tickets would go across the street, it would be a different issue.
- Comment that it wouldn't be, that wouldn't be seen any differently. Right now, the thing that keeps coming back loud and clear is traffic in Uptown. Now we have an opportunity for a really nice project, but how are we going to control that issue? There is a significant opportunity to see how we are going to deal with it.
- Comment stating no, that is not in the realm of Planning & Zoning. Cari indicated that the applicant has heard what the Traffic Impact Analysis needs to address.

Max Bacon asked what if they relooked at this whole project and just redesigned it and put all the parking needed on Tlaquepaque North and not talk about employees, etc., so they wouldn't be asking for anything. They would meet all of the parking requirements on that site, all the height requirements, etc., but would the Commission then be talking about people crossing at an existing crosswalk?

Commission's Comments, Questions and Concerns (continued):

- Comment in answer to the question above was yes, according to the Pedestrian Study 40% would go from south to north and 10% from north to south.

Max Bacon then indicated that they have a pedestrian district with sidewalks there, but you don't want to have any crosswalks, is that what he is hearing?

Commission's Comments, Questions and Concerns (continued):

- Comment in answer to the above question was no.
- Comment that it doesn't make any difference whether it is Tlaquepaque or XYZ. You have an initial traffic impact study that concentrated on pedestrian traffic and it didn't talk about the impact on vehicle traffic. It talks about a 300% increase in pedestrian traffic, so what will that do to the vehicle traffic? For the next round of discussions, the Commission is asking for a study of what impact that increase in pedestrian traffic will have on vehicle traffic on both sides of the road. We're talking about a major thoroughfare, and you see issues in Uptown, and jaywalking will add to the problem. We're not saying we can't do this project or shouldn't do this project, but we're saying it is an issue and what we are

suggesting is how we come up with a solution to the problem. What are some of the options? We can't just say there aren't any or there is no problem. The study says a 300% increase in pedestrian traffic. Wendy Lippman explained that she and the engineer tried to figure out how to come up with how many pedestrians would cross the street, because there is no scientific way. They took restaurant counts and then they agreed on a number, so to sit here and say 300%, those numbers were taken from the restaurant counts on Thanksgiving. They do need to do more thorough work and investigation, and she feels that this meeting that was so positive today is starting to get very adversarial and they should be allowed to do more research, more work. They have heard you almost to a pulp here about your concern, and at this point, why don't you just let them go back and do their work. Maybe the numbers are right, maybe they are wrong, but we aren't going to resolve it tonight, so she would ask to table it at this point if that is possible.

Summary Discussion:

Chair Losoff stated that he is sorry that it is getting adversarial; we didn't mean it to be, but he thinks you are getting very defensive. What we are asking for at the next meeting are a couple of things: 1) A study to show the impact of pedestrian traffic versus vehicle traffic, 2) We also talked about the exceptions you are asking for and we didn't have any consensus. He didn't think there was any problem with the exceptions, but the color. There was some difference of opinion and no strong feeling one way or the other that the color should or shouldn't be an exception. He doesn't think anybody objected to the parking exceptions or to the height exceptions, so the main issue we talked about, and we talked about the curb cut moving up to Creekside and there was no consensus on that; we had a difference of opinion on that and it was just a suggestion. Other ideas were thrown out, traffic light, underpass, overpass. We aren't here to decide any of it; we're just saying this is a significant issue and we want to address it, and we keep going around it; we can't seem to get off of it.

Max Licher indicated that he would like to summarize what he is hearing about the issue, and that is that the 14 employee parking that they are requesting is an extremely small percentage of the proposed increase in pedestrian traffic. It is almost negligible, which makes the issue a global community issue, not Tlaquepaque's issue. It is the issue of the pedestrian district in that once you have development, you are going to have more pedestrians. They are fine moving forward and exploring options, but they would like for it to be a community, City participatory thing in terms of the ultimate solution.

David Peck referenced comments about the traffic back-ups and recalled that when ADOT decided to improve S.R. 179, the initial concept was a four-lane highway, and that would have gone a long way to help the traffic issue, but there was a public outcry and they had the charrettes, the public voted, and they voted on the roundabouts and two lanes, so now there are traffic issues, because there is not four lanes; however, some Commissioners then expressed disagreement with that point-of-view.

Cari again stated that they are required to do a Traffic Impact Analysis, which will explore these options. They are also required to do a complete Grading & Drainage Plan and complete architectural plans with elevations, Landscape Plan, etc., which will provide a lot of the answers you are requesting. Chair Losoff then asked if the applicant is aware that we had no problems with the exceptions and Max indicated yes.

8. FUTURE MEETING DATES AND AGENDA ITEMS (10 minutes; 7:15 pm–7:25pm)

- a. **Thursday, March 27, 2014** **3:30 pm (Work Session)**
- b. **Tuesday, April 1, 2014** **5:30 pm (Public Hearing)**
- c. **Thursday, April 10, 2014** **3:30 pm (Work Session)**
- d. **Tuesday, April 15, 2014** **5:30 pm (Public Hearing)**

March 27th will be for an introductory work session for a possible Zone Change application for the property behind the Over the Edge bike shop. The April 1st meeting may be canceled. On April 10th, the CIP will be reviewed, and April 15th is the tentative date for Sedona Rouge.

9. EXECUTIVE SESSION

If an Executive Session is necessary, it will be held in the Vultee Conference Room at 106 Roadrunner Drive. Upon a public majority vote of the members constituting a quorum, the Planning and Zoning Commission may hold an Executive Session that is not open to the public for the following purposes:

- a. To consult with legal counsel for advice on matters listed on this agenda per A.R.S. § 38-431.03(A)(3).
- b. Return to open session. Discussion/possible action on executive session items.

No Executive Session was held.

10. ADJOURNMENT

Chair Losoff called for adjournment at 8:45 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 18, 2014.

Donna A. S. Puckett, *Administrative Assistant*

Date