

Summary Minutes
City of Sedona
Planning & Zoning Commission Work Session
Vultee Conference Room, 102 Roadrunner Drive, Sedona, AZ
Thursday, October 15, 2015 - 3:30 p.m.

1. VERIFICATION OF NOTICE

The Vice Chair confirmed that the meeting had been properly noticed for October 15, 2015.

2. CALL TO ORDER & ROLL CALL

Vice Chair Levin called the work session to order at 3:30 p.m.

Roll Call:

Planning & Zoning Commissioners Present: Vice Chair Kathy Levin and Commissioners Eric Brandt, Avrum Cohen, John Currivan, Larry Klein and Gerhard Mayer. Chair Marty Losoff was excused.

Staff Present: Warren Campbell, Matt Kessler, Adam Langford, Cari Meyer, Donna Puckett and Ron Ramsey

Councilors Present: Jon Thompson and Jessica Williamson

3. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS

Warren Campbell indicated that he had provided the Commissioners with a hard copy of the packet for the October 20th meeting.

4. DISCUSSION REGARDING THE FOLLOWING ITEM ON THE PLANNING & ZONING COMMISSION'S PUBLIC HEARING AGENDA FOR OCTOBER 20, 2015

- a. Discussion regarding a request for Development Review approval to remodel the exterior façade of an existing commercial building at 1420 W State Route 89A (Whole Foods Market). The property is zoned C-2 (General Commercial). A general description of the area affected includes but is not limited to the northwest corner of W State Route 89A and Soldiers Pass Road. The lot is further identified as Assessor's Parcel Number 408-25-044. Applicant: Little Diversified Architectural Consulting (Francis Kwek) Case Number: PZ15-00009 (DEV) Staff: Cari Meyer, Senior Planner

Vice Chair Levin explained that the work session is to address any questions the Commissioners may have regarding the request, and if the Commission is amenable she will open the item to public comment. The consensus was that the Commission was in agreement.

Commission's Questions of Staff/Applicant:

Commissioner Klein asked about the height of 27 ft. on part of the building, which is okay under the Land Development Code according to staff. He has no problem with that and his discussion might be more appropriate when updates to the Land Development Code are discussed, but if you read Section 903.01 and the sections following, and they are relying on that to allow the 27 ft. height, the Land Development Code is very confusing.

Cari Meyer explained that 903.01 is residential and 903.03 is commercial, but it essentially says exactly the same thing. All of the different height requirements can be confusing, but it basically starts with a baseline of 22 ft., and then based on the design of the structure and if it meets certain criteria, they can go up to 27 ft. In this case, a sloped roof gets them an extra 5 ft. credit.

Commissioner Klein explained that he got confused, because when you look at page 2 of the letter dated September 24, 2015 submitted by Whole Foods, it talks about the proposed entry tile at 27 ft. is allowed by Section 903.01, so he was confused, because it says that applies to residential.

Cari indicated for the record that staff received a letter yesterday from the architect of the original building, who had some concerns about the changes, and she would be happy to answer any questions. Commissioner Klein stated that his reaction was that he appreciates what was said, but the tenant has the right to do what they want with their property through leasing. It complies with the Land Development Code, so they shouldn't be prevented from tearing down the old part of the entryway if that is what they want to do.

Commissioner Cohen indicated that he had no questions on the original submission, but after reading the letter, he would like to hear more about that, because the original architect is saying that we are changing what it will look like from the street. He is not raising questions about function, but he is raising questions about the ambience in the city. Vice Chair Levin explained that he is probably speaking from a place of pride, having designed the original structure. He did a good job of explaining why he feels that the façade doesn't necessarily extend the architectural integrity of the building; it reforms it in the making of a marketing brand for Whole Foods, but she doesn't think there is much more that can be said about that.

Cari Meyer added that this may be something that the property owner is here to speak to as well. Generally, the Commission is looking at a new building, but because this project originally went through this process, we felt that since there was a significant change, it was something that was appropriate to bring to the Commission, and staff didn't feel comfortable doing that at a staff level. Staff recognizes that it is a building in a significant location and it went through a significant amount of review in the late '90s; however, the current tenant and current property owner have a right to look at making changes, and staff felt this rose to the level of going through the public process to see if there was any input from the neighbors, etc.

Commissioner Currivan referenced the letter and indicated that he doesn't want to see the Commission substituting personal preferences for the preferences of the owner, as long as he is complying with our codes, including the Design Review Manual and the provisions of Article 9. Then, it doesn't really matter whether he personally likes -- the old or new; he is not sure that should really be the test unless there is something objectively wrong with it or it doesn't fit Sedona's architectural style, because there is language about that in the code, but we shouldn't be substituting our personal preferences for what the property owner and tenant want to do.

The Commissioner then asked about the mural; he had mentioned that to Cari before. It may be more of a question for the next item on the agenda, but in reviewing this, he tried to find something in the code that would authorize substituting a mural for the type of relief you are supposed to have from a huge unrelieved building plane, and he couldn't find it, so he is curious as to whether or not we actually have anything in the code itself. He did find something in the Design Review Manual that talks about the possibility of using different textures and colors to achieve the same result, so maybe that is something they could hang their hat on. He is not opposed to it, but we do have the review of the Land Development Code on the table, and the provisions in Article 9 of the Land Development Code seem to conflict with that language found in the Design Review Manual in Article 10. He understands why you would want to do it -- a mural could be very nice.

Cari Meyer explained that when this was first discussed, staff brought up the issue of the wall. There is another building next to it, so the wall was left as it is, and the applicant suggested a mural. It was intriguing; we don't have a large mural of that size in Sedona. There are some smaller ones, but we still had concerns that if it didn't happen, the wall should still meet code, and that is why there is an alternate elevation in the packet. In looking at the project, this was an opportunity to get something unique that we don't have in another area of the city, and other

buildings all comply, so we don't have that large building plane anywhere else, and staff felt that if the mural was of a sufficient size and had enough visual interest, it would accomplish the purpose of not having just a big blank wall. Commissioner Currivan indicated that sounded fine, he is really just raising more of a technical point that when we review the Land Development Code, we should look at that and ensure that we don't have two sections that are contradicting each other.

Commissioner Currivan then asked about the process to select an artist and the mural itself. In the applicant's letter, it mentioned that this will come back to the Commission, but that didn't sound right. Cari Meyer explained that it was decided that since this project isn't adding any square footage; they are not required to do a public art contribution in the same way that a new building would; however, staff determined that using that same process would be appropriate, where they propose something and staff reviews it, and as stated in the conditions, staff would make sure it is large enough and accomplishes the purpose of breaking up that wall. Staff can bring it back to the Commission for informational purposes, but we didn't feel it was necessarily appropriate, when they are not required to do art, to place more requirements on them than someone who is required, so staff is proposing the same process.

Commissioner Currivan asked if City Council is somehow going to be kept in the loop or will they suddenly see the art. Cari indicated that staff can find a way to inform Council as well.

Commissioner Brandt asked if the remodel on the west end, the new façade, is the Whole Foods typography and Cari Meyer indicated that the applicant could answer that.

Architect, Francis Kwek with Little Architects, Cosa Mesa, California: Indicated that it is not a standard, but the majority of their buildings have that ridge roof, so it is like a cabin-style home architecture that is more welcoming to the customers, so they aren't going into a pueblo-style façade. It is more enticing for them to shop.

Commissioner Brandt noted that the west-end façade is in flux right now and asked if we know which direction we are headed with that. Cari Meyer indicated that she believes that their intention is to do the mural, but we have the back-up elevation, and one of them would have to be done. The Commissioner then indicated that it doesn't seem like just paint would meet the intent, and Cari referenced the last couple of pages of the packet and indicated that is what staff would have to review to ensure they are not just going to paint it one color, but it is actually going to be accomplishing the intent of breaking up that wall.

Commissioner Mayer asked about a theme or some art, kind of related to Whole Foods, or . . . Commissioner Brandt then pointed out that the last page shows examples. Commissioner Mayer added that he had a similar question in regards to if this is a common design. He has seen many Whole Foods, such as in Flagstaff and one off of Scottsdale Road, with the same entry and look.

Vice Chair Levin noted that she wasn't sure that Commissioner Brandt had finished. Commissioner Brandt then asked if it is still to be determined whether or not that is going to fly with the Land Development Code, and Cari indicated that is right. The Commissioner then asked if that is to be determined by the hearing on Tuesday, and Cari explained that Option 1 would be a mural subject to approval through the typical public art process and written in the conditions. We would ensure that it was of a large enough size and a design that would accomplish the breaking up of the wall. If they don't do that, they have the alternate elevation that they would implement. Commissioner Brandt then commented that works.

Commissioner Mayer repeated that is it a typical entry design for Whole Foods, and to be honest, the letter from Stephen Thompson regarding that front, he never liked that monstrous archway, and it took years for him to get used to that. It is not an historic building and the owners are entitled to do whatever design is appropriate for them and if it serves a purpose of

inviting people into it. He does have a question regarding the east wall and if that is part of it or not. Mr. Kwek indicated that is the coffee shop, but Cari added that there are no changes to that; however, Mr. Kwek pointed out that the Commissioner was pointing to the west wall where the mural is proposed. Commissioner Mayer then clarified that he would like to see something on the wall facing Chase Bank. Cari Meyer pointed out the Whole Foods building, and indicated that we are not talking about the building the Commissioner is referencing at all. The Commissioner then indicated that he had no objection to the colors, and Cari noted that the colors would match what is there.

Commissioner Mayer then stated that he would like to see the windows enlarged a little more to have a little more breaking-up of the wall. They are small windows, so more glass to break it up. Mr. Kwek explained that they kept all of the existing windows; however, the Commissioner referenced the windows next to the entry and asked if they could be enlarged a little. Mr. Kwek indicated that they determined to add some more windows, but the problem was if you are outside, you would see the back side of the equipment. Commissioner Mayer indicated that he understood with the displays, aisles and everything else.

Commissioner Cohen referenced the letter and discussion about putting up a façade like every other façade, which is a standard Whole Foods architecture, and the Commission just finished with another building where we requested and they made something that was more Sedona-oriented, to add to the look of the building and the city. Vice Chair Levin asked if the Commissioner was referencing CVS and the Commissioner indicated yes. He doesn't object to their design, but if it is standard with everything else, and the old architect has explained why what is there is there; he doesn't particularly like that front, so his only concern is do we want to approve something after the precedent we set for CVS and approve this for Whole Foods without some more thought.

Vice Chair Levin noted that there is a significant difference. One was new construction and the other is an existing commercial structure, so she doesn't know if those are really comparable or if we have the same latitude to work with an architect that is doing some minor remodeling to an existing structure versus ground up. Commissioner Cohen stated that the only difference is that it is on the street; it is back from the street, but it is a big building in terms of the view, because once people drive past Cook's Hill . . . Vice Chair Levin asked if the Commissioner had some specific suggestions, and the Commissioner indicated no; he (Mr. Kwek) is the architect.

Commissioner Klein noted that the big difference between this and CVS is that CVS was asking for a zone change, so we had a lot more control over what we could require in return for that zone change. Here, this isn't a major project, so as long as they are complying with the Land Development Code and Design Review Manual, do we really have any right to say that we would like something better. Vice Chair Levin indicated that what Commissioner Klein said touches on the same point-of-view that Commissioner Currivan expressed about whether we have a personal point-of-view vis-à-vis knowing that it meets the requirements of the Land Development Code and Design Review Manual.

Commissioner Mayer asked if they could put some Sedona touch to it, like the teal arches at McDonald's; it wouldn't hurt to have a little something unique for Sedona. Vice Chair Levin asked if the Commissioner had a specific suggestion, and the Commissioner indicated no, he is not an architect; he is a designer, so he could look into it, but it is really up to them. He is just making a suggestion to give it a Sedona touch.

Commissioner Cohen asked if the Commission could ask for a response, and Mr. Kwek indicated that they basically surveyed the area before designing this one, and the majority of the structures are either the pueblo-style or the ridge roof, and the majority have the ridge roof, which blends with the residential above the hill, so it simulates the residential feeling.

Commissioner Currivan asked if the objection is to the architecture or to the signage. Is the problem that the Whole Foods sign looks like every other Whole Foods sign or is it the building looks like every other Whole Foods building? Commissioner Cohen stated yes to both, but he doesn't know how far the Commission's authority goes in this. Vice Chair Levin explained that they have only come forward with a façade change, and that is what the Commission is being asked to comment on, not a redesign of the building.

Commissioner Brandt stated that the signage would be that as long as it meets the Land Development Code and it is not obnoxious or glary like we discussed on Mariposa with the sun issues there, and it is not yellow like McDonald's, which is why those are teal, so if it meets the size, just because it is a chain store doesn't mean they can't have the same signage – that is too subjective. As far as the overall look, it does flow with the rest of the structure – the stone columns; in fact, the stone columns are more prominent at the entrance. When he first looked at this, it reminded him of the Bright Angel Lodge at the Grand Canyon, so it is a regional design theme that emulates the building from the 1930s, and he thinks it is somewhat Sedona with the exposed beams that are timberwork, although he doesn't think we want to get too judgmental here in the work session, but in general, we can talk philosophically about how things meet the guidelines and codes.

Commissioner Cohen asked if the sign meets the size and everything, and Cari indicated yes.

Warren Campbell asked if that Sedona touch could be achieved by the roof material, maybe clay tile instead of asphalt. Commissioner Mayer stated no, we already have a load of rustic roof stuff, and Cari Meyer explained that in this situation, there is an existing metal roof that they are continuing.

Vice Chair Levin opened the public comment period at this time.

John D. Miller, sole member of Old MarketPlace Investment Company, LLC, that is the owner of Whole Foods Market's building, land and the adjacent property including John Soderberg's sculpture, and the property is his office: Mr. Miller indicated that he became aware of the letter today about noon, and he called Stephen Thompson his architect and said that he wanted his money back, and secondly, asked what he was doing. Stephen received the same letter the previous day, and the letter was written by an associate of his that mans his California office, an ex-associate. It was written without his knowledge or consent, and he has written an email to Cari and copied Audree, and it basically asked for his name to be struck from the record and from this letter and any reference to this letter. Mr. Miller has hearsay; he heard and he said that his ex-associate is grumpy these days, so in that light, he would like to clear up the misrepresentation of fact that Dan Jensvold was an architect in this project. It was Stephen Thompson and Steven, in Mr. Miller's opinion, does excellent architecture and over the last 20 years, this talent has evolved and he is probably going to be his architect on the east building, as it is going to be outshined by what Whole Foods is achieving, spending millions of dollars, in the west building.

Mr. Miller indicated that he also has a comment on the art. There is a bronze of "Merlin and his Chair" on the property. The property was built prior to the requirement that developers put art in public places, but being here for 29 years, he has seen some beautiful things done in commercial developments, and he thinks that the development community wants beautiful things. He bought that sculpture and put it in the roundabout on the property without permission. They just got a crane and moved Merlin from the bankruptcy trustees' warehouse and dropped him in the roundabout. It is beautiful and creates an emotional reaction with the customers, and it adds to the beauty of the property. He had thought about moving Merlin to in front of Whole Foods' entrance as more people would see it as they enter Whole Foods; however, he has been told by Whole Foods and others that if you move the sculpture, it may create some sadness, because it is kind of an icon for a public gathering place there at the Old MarketPlace. It has been a wonderful public gathering place at times, and very terrible at other

times. They are striving to make it a wonderful gathering place, and he thinks Whole Foods will go miles and miles toward that goal. They are a \$13 billion company with over 300 stores, and they've got experience in this particular creating, shopping and gathering experience from New York to L.A., and he is really happy that they are part of his project.

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

5. Discussion regarding the future update of the Sedona Land Development Code. (15 minutes; 5:05 pm – 5:20 pm)

Cari Meyer explained that this is a standing item on every agenda, so if anything had come up during your discussion or that you saw that we should look at in the updates to the Land Development Code, this is the opportunity to let staff know, such as the unrelieved building planes.

Vice Chair Levin noted that this item gives the Commission an opportunity if something occurs in this session or between meetings that you think needs to go into staff's consideration for revisions to the Land Development Code. We have this standing item and can either reflect on something we just heard, as in this case, or something you have been ruminating about before this meeting.

Commissioner Currivan referenced the item that he had, and if Cari agrees, he will just send her an email explaining what he thinks is in conflict. Cari Meyer noted that the general idea was to look at how we look at unrelieved building planes, and the Commissioner added that the general idea is that in Article 9, it basically says that you have ways of curing building heights, and one of them is with an unrelieved building plane approach, but there isn't any approach that is given to curing unrelieved building planes; it is just to cure building heights. In the Design Review Manual, there is a sentence that says in addition to all of that other stuff, you can achieve the same result by varying textures and colors on the wall, so it is a pretty broad statement, and it probably could be used to justify the mural, so he didn't bring it up to oppose this in any way, but just to point out that it looks like Article 9 and Article 10 are not playing nicely together, and it would be good to get them reconciled.

Commissioner Klein indicated that it was brought up, because of the letter submitted by Whole Foods, but in reading 903.01, he would probably understand it if he were an architect, but he has a hard time understanding the difference between A.1.a. and A.1.b. Then, it may be confusing under number 4 where you can have 5 ft. above 22 ft. for A.1.a, but not A.1.b. He just thought that was confusing. Cari confirmed that had been noted.

Vice Chair Levin noted that this agenda item comes back on Tuesday, and Cari explained that it will be on every agenda. We wanted to always have that item on there in case something comes up when you are out in the community, and you see something that we may need to look at. You don't have to always talk about something, but it will be on the agenda so you can. Vice Chair Levin recalled that staff is working on the ADU Ordinance, revisions to the Sign Code and the HPC Article 15. Warren added that the two that are underway are the Sign Code and the ADUs. ADUs should come to the Commission in November or December, and the Sign Code will be in the new year.

Commissioner Cohen stated that he would like a more systematic approach to how we are going to update the Land Development Code. If Council has told us that they would like us do a process on updating the Sedona Land Development Code, then we need to have a more systematic approach to how we do this. What sections are we going to look at and what questions do we want to look at when we do that? How does it fit in with the Community Plan, etc.? He does better with concrete. Vice Chair Levin stated that except for the three they are working on right now, she thinks it will be whole cloth; she believes that staff, through a consultant, will be looking at the majority of the code. Warren Campbell added that he anticipates a very structured approach; this is just to capture those thoughts in the heat of the moment when you have them, but we will be marching through it in a much more structured manner at the appropriate time, but you forget those little things, so we are keeping a running list.

Vice Chair Levin stated that however they bring it forward, if it is the whole document, you can count on it taking a very long time to go through, because you will have existing and proposed side by side, and then they will give you the justification for those revisions, and not only will the Commission review it, but then it may undergo some revisions as a result of that, and it goes on to the Council in the same way.

Commissioner Currivan asked if staff had the couple of pages of comments that he sent in June, and Cari indicated that she believes Audree has those.

6. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Tuesday, October 20, 2015; 5:30 pm (Public Hearing)**
- b. Thursday, October 29, 2015; 3:30 pm (Work Session)**
- c. Tuesday, November 3, 2015; 5:30 pm (Public Hearing)**
- d. Thursday, November 12, 2015; 3:30 pm (Work Session)**

Cari indicated that on the 20th, there is the public hearing for the Whole Foods project and a work session that is a continuation of Commission's last meeting on the Western Gateway CFA, and Mike has provided some additional documents. Vice Chair Levin asked that the Commissioners all be prepared, because staff and Council are worried about the progress we're making; that is not to say that it hasn't been all good, but they are eager to move this on to Council for review. It looks like in response to the Commission's suggestions at the last meeting, staff has once again put a lot more background together for the Commission, so let's do our homework, and maybe go through the public comments again and staff's analysis, so we are prepared to try to coalesce our thinking, even if we have a majority or a minority opinion going forward, let's get that and make it our goal on Tuesday if we can.

Cari then stated that on the 29th, we have a work session for re-approving the Thai Spices building that was approved three or so years ago, and all of the approvals expired, so they would like to continue with that project, so they are asking for approval of the same thing that was previously approved, but we will go through the project; several of the Commissioners were not on the Commission at that time. You will also have the first presentation in a work session on the Brewer Road Master Plan conceptual draft.

Cari indicated that on November 3rd, we have scheduled the public hearing for the Thai Spices project, and there are two different Conditional Use Permits for farmers markets. There is one for winter at the Wells Fargo Bank and one for summer at Tlaquepaque, so those are coming up for renewal, and it is her understanding that the Commission did not request a work session for those.

Commissioner Cohen asked when the Tlaquepaque project across the road would be finished, how that project would affect having a farmers market, and how a farmers market would affect the traffic?; Donna Puckett explained that we are not really agendized to discuss that project, and Vice Chair Levin explained that the Commission can talk about agenda items, but not the substance. Commissioner Cohen then indicated that is the question he will have when that comes up.

Cari then indicated that for the November 12th meeting, we currently don't have anything on the agenda, but we could put something on there; however, Wednesday is a holiday and we will be back on Thursday and off on Friday, so she doesn't know if Commissioners will be gone over Veterans' Day weekend; the 11th is Veterans' Day, but the only thing for the agenda might be another work session for one of the CFA plans.

Vice Chair Levin asked if any Commissioners would be absent for these upcoming meetings, and Commissioner Cohen indicated that he would not be available on the 20th.

7. 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.

8. ADJOURNMENT

Vice Chair Levin called for adjournment at 4:16 p.m., without objection.

I certify that the above is a true and correct summary of the work session of the Planning & Zoning Commission held on October 15, 2015.

Donna A. S. Puckett, *Administrative Assistant*

Date