

Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
City Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, November 3, 2015 - 5:30 p.m.

1. VERIFICATION OF NOTICE

Chair Losoff confirmed that the meeting had been properly noticed.

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

The Chair called the meeting to order at 5:30 p.m. and led the Pledge of Allegiance.

Roll Call:

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

Staff Present: Audree Juhlin, Matt Kessler, Adam Langford, Cari Meyer, Donna Puckett and Ron Ramsey

Councilor(s) Present: Councilors Scott Jablow and Jessica Williamson

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

Audree Juhlin welcomed Randy Barcus, our newest Planning & Zoning Commissioner, and asked Commissioner Barcus to introduce himself. Commissioner Barcus indicated that he has lived in Sedona for 1½ years after moving here from Spokane, Washington where he served on a number of county and state boards and commissions. He is an economics professor and he retired three years ago as the Chief Economist of the electric & gas utility that was headquartered in Spokane, after a 40-year career as a professional Economist. The other members of the Commission then briefly introduced themselves to Commissioner Barcus.

Chair Losoff announced that he had been reappointed for another three-year term, along with Commissioner Mayer.

4. 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.

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

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

- a. Discussion/possible action regarding a request for Development Review approval to construct a new commercial building at 1425 W State Route 89A (Thai Spices). The property is zoned C-2 (General Commercial) and is approximately 0.78 acres in size. A general description of the area affected includes but is not limited to the south side of W State Route 89A between Willow Way and Saddlerock Circle. The lot is further identified as Assessor's Parcel Numbers 408-26-018B & C. Applicant: Thai Spices Natural Inc. (Pearl Pardee) Case Number: PZ15-00010 (DEV)

Cari Meyer summarized that the Commission had a work session on Thursday, and this is a Development Review application for the Thai Spices building. Cari identified the surrounding area on a Vicinity Map and the location of the site in its current condition on an Aerial Map. She explained that there is an existing building on the rear portion of the site, and the front part of the site is vacant, which is where this building would be built.

Cari explained that this was originally approved by the Commission on September 6, 2011 with a two-year approval to expire on September 6, 2013, and Building Permits were issued about a month ahead of the deadline. Building inspections are required every 180 days to keep an active Building Permit, and the applicant met those with some pre-construction inspections until May of 2015, when the permit expired.

Cari indicated that as outlined in the Staff Report, when the applicant was contacted regarding this, they expressed the desire to continue with the development of this site, so they have now applied for a re-approval of the Development Review. The Development Review is for a commercial building just under 2,200 sq. ft. with parking, landscaping and other onsite improvements. It is the same project that was approved in 2011, and since that time, there have been no changes to the Land Development Code or Design Review Manual that would change any of their requirements.

Cari identified the location of the existing building on the proposed site plan and indicated that they did submit a landscape plan. She also showed the elevations that had been approved and the perspective view.

To answer some of the questions that came up at the work session last Thursday, Cari showed an image of the color materials board and indicated that the colors meet the code requirements. They did not use any alternate standards, so they weren't required to reduce the Light Reflectance Value of the color. The roof is a metal roof with a patina green color and they have natural rock accents on the building as well. There was a question about the shininess and reflectiveness of the roof, and generally, this type of roof doesn't have that reflective nature, and there is also a code requirement that metallic surfaces have to be treated to reduce reflection, so if for some reason, this roof was reflective, we could have them treat it in a way that would reduce that.

Cari indicated that as far as the potential lot split mentioned, there is a landscape island on the site plan and, from the conceptual lot split staff looked at, Cari pointed out the approximate location of the proposed lot split with easements through the drive aisle for access and utilities to the rear lot, and that is an administrative process that the applicant can apply for. Cari identified the parking for the restaurant and the parking for the rear parcel, and noted that there would be no requirement for shared parking – just the access easement through the front portion of the lot.

Cari noted that there was also a question about the deceleration lane, and it was originally a requirement, but ADOT is no longer requiring it, and as the applicant said on Thursday, they are actually not even allowing the applicant to do that. The condition referencing that in the Development Review was, "All requirements of ADOT concerning ingress and egress to the site shall be met", so there was never a Development Review requirement specifically for the deceleration lane. It was just that the applicant had to meet all ADOT requirements, so there wouldn't be anything that needs to be changed as far as a condition, because the deceleration would have been required if ADOT required it.

Cari reported that public outreach was completed for the original project, and it was done again this time around. The applicant had an open house and their report is included in the packet. They received two responses in support and no negative comments, and staff completed the public noticing and received one response in support, and one response from a resident questioning the impact of this project on his property. We talked with him on the phone and he had been actually thinking that this project was at the Biddle's site, so once we explained the actual location, he was no longer concerned. Therefore, staff is recommending approval of this project and the applicant is present to answer questions.

Commission's Questions of Staff:

Commissioner Klein indicated that his only question was about the requested land division and that was just answered. Commissioner Cohen and Vice Chair Levin also indicated that their questions had been answered.

Commissioner Barcus referenced the site plan on pages 31 and 32, where it shows the deceleration lane that is no longer part of the project and indicates that the existing sidewalk would be removed and a proposed sidewalk would be built to accommodate the deceleration lane, he then asked if the existing sidewalk would stay and if it would generate any additional landscaping requirements for the site, since there would be less concrete on the lot. Cari explained that the original landscaping plan shows sufficient landscaping along the street frontage, and there would be no changes to the sidewalk; it still would be setback with a little landscape area between the sidewalk and the street. With the changes in the ADOT right-of-way, it doesn't affect the landscape requirements, so they would still be meeting them. The Commissioner indicated that it would be an opportunity for more landscaping to go between the patio area in the front of the restaurant and the existing sidewalk, so he wondered if that needs to be addressed. Cari stated that staff can look at that, but it will have to go with an ADOT permit to see what they would allow, but we can see if there is an extra area for landscaping and whether or not additional landscaping could be added there. Commissioner Barcus then asked if a new site plan would be generated without the deceleration lane, and Cari indicated for the Building Permit, yes.

Mr. Paul Davis explained that in his conversations, ADOT didn't want landscaping in their right-of-way. It was not something they would choose to have; they were persuaded to have as much as he is putting in there, but it was like pulling teeth with them. He had a nice plan for a sweeping sidewalk, and they said they only allow a "T" access sidewalk for the ADA, which came out of the last four pages of conditions that had to be met before he could get the permit, and that included doing a suitable ADA access that comes in straight across the ADOT right-of-way and turns into a ramp with handrails, a landing, another ramp with handrails, and another landing, so he would have a legal ADA access to the front door and that was also part of the plan that was submitted for the building.

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

Summary Discussion:

Chair Losoff indicated that this is not a new project and nothing has changed, except with ADOT, which the Commission has no authority over. The land split is a different twist, but that has been explained, so hearing no other questions or comments, he asked for a decision.

Note: Commissioner Cohen presented a motion from the project's original approval in error, and then made the following motion for current approval.

MOTION: Commissioner Cohen moved to approve the proposed Development Review for the Thai Spices as set forth in case number PZ15-00010 (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. Vice Chair Levin seconded the motion. VOTE: Motion carried six (6) for and zero (0) opposed. Commissioner Mayer was excused.

- b. **Discussion/possible action regarding a request for a Conditional Use Permit Renewal to operate a Farmer's Market at 2201 W State Route 89A (Wells Fargo Bank). The property is zoned C-1 (General Commercial) and is approximately 1.836 acres in size. A general description of the area affected includes but is not necessarily limited to the area southeast of the intersection of W State Route 89A and Shelby Drive. The lot is further identified as Assessor's Parcel Number 408-24-026K. Applicant: Cornucopia Community Advocates (Katrin Themnitz) Case Number: PZ15-00011 (CUP)**

Cari Meyer indicated that this is a farmer's market that occurs from November through May on Sunday mornings in the Wells Fargo parking lot, and the application started doing farmer's markets at this location in late 2012 under a Temporary Use Permits and received a Conditional Use Permit in January of 2013 with a three-year approval. There were two main concerns at that time -- one was the availability of a restroom for market vendors and visitors, and there was the potential for the use of a restroom at Java Love Café which is in the shopping center to the east; however, there were some questions as to whether the owners' association there would allow that to continue, and there was the possibility of restrooms at the current Pisa Lisa restaurant, but that restaurant was not open at the time of that public hearing. Since then, the applicant has a good relationship with Pisa Lisa, and they have been able to use the restrooms without any issues and that is anticipated to continue. The other issue at that time was the number of approved Conditional Use Permits we had for farmer's markets citywide. There were three other active CUPs plus this one -- one at the airport, one at Relics Restaurant, one at Tlaquepaque and this one. With the three-year approval, it kind of coincided with the expiration of the others, so the CUP at the airport and Relics expired and were not renewed by those property owners, and the applicant holds the CUPs for Tlaquepaque and Wells Fargo, but they don't operate at the same time. This one operates in the winter while the Tlaquepaque operates in the summer, so there isn't the same conflict that existed three years ago.

Cari stated that in the last three years, this market has operated without incident and there have been no concerns from Police or Code Enforcement regarding this market, so staff is recommending approval of the renewal for another five years.

Chair Losoff asked Cari to explain why a Conditional Use Permit is needed for this, for the benefit of our new Commissioner. Cari explained that the code defines different uses for each zone, and there are a number of uses that are allowed outright as permitted uses. There also is another group of uses that are conditionally allowed, where under the right conditions, they could be appropriate for a zone. So, they are uses that have the potential to generate more traffic, noise, greater impacts, etc., than a typical retail-type use. Any outdoor use, such as this market that is categorized as an outdoor fundraising activity for an established non-profit in the code, requires either a Temporary Use Permit or a Conditional Use Permit under the current code requirements. There are a number of other uses in each zone that the city just determined were uses that the city wanted a little more control over, when the Land Development Code was being developed. Chair Losoff added that the key word is "conditional"; it is based on certain conditions and that is how we go about approving or disapproving CUPs, and the CUPs might be something the Commission looks at in detail for possible revision, when we look at modifications to the Land Development Code.

Applicant, Katrin Themnitz, Founder and Director of Sedona's Community Farmer's Market, Sedona, AZ: Ms. Themnitz indicated that she is present to answer any questions.

Commissioners' Questions:

Commissioner Cohen indicated this is a non-profit, so if there is revenue over expenses where does the excess revenue go. Ms. Themlitz stated that they don't have excess, and if there is excess, they have donated funding to Meals on Wheels and to the Sedona Community Food Bank. She also works on a lot of boards around the county, and they are going to issue Food Security and create more equitable access to fresh local foods.

Vice Chair Levin expressed appreciation for Ms. Themlitz hard work over the years to keep a viable farmer's market going in our community, and working with local farmers in providing us with healthy food. She wondered if Mr. Themlitz had looked at Posse Grounds as a site, and if that seemed promising. Ms. Themlitz indicated that they did look at that, and that was actually the first proposed site, but at the time, the impact of the access on the neighborhood was not favorable, and they were ultimately looking for a location directly on the highway, since they only have a four hour window and people come from far away and put in a big effort to show for the four hours, so she feels it is her responsibility to give them as much exposure as possible. They now have a good following, but at that time when starting a new event without drive by traffic was considered to be difficult.

The Vice Chair then indicated that the city purchased the historic property on Brewer Road and asked if that would be a likely location for a permanent location in both seasons. Ms. Themlitz stated yes, that was under consideration and she was approached with that proposal; however, since the city doesn't own the roads, they would have the same issue as at the airport, because they would have to rely on off-highway signage and for a four-hour event that is too risky. Vice Chair Levin asked if even with the following now, drive by is important, and Ms. Themlitz indicated yes, and as with any business, once you get settled, it is best to stay put, because a lot of your traffic depends on creating a pattern and it has changed a number of times, so to move it again would take a lot of energy. If that location were directly on the highway, she would seriously consider it.

Vice Chair Levin stated that it is truly admirable that there have been no violations or complaints, and she has no other questions.

Commissioner Barcus referenced page 4 of the first part of the handout in condition number 5 of the Conditions of Approval, it says, "Sale of non-produce items shall be limited to 10% of the vendors, and vendors selling non-produce items shall be from the Verde Valley". The Commissioner then asked Cari to elaborate on why that is a Condition of Approval. Cari explained that was included in the other Conditional Use Permit, so staff carried that forward to this one to make it similar. It was approved as a farmer's market, so we didn't want it to become a craft fair; we wanted it to truly be a farmer's market. Chair Losoff added that also was a concern of the local retailers; they didn't want to be in competition selling the same wares, and they were very good in accommodating that.

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

The Chair asked if the applicant wanted to say anything and Ms. Themlitz thanked the city for its support for the last seven years. The event has grown into something that is well liked in the community. It is popular, and this year they are proud to announce that they are doubling their local produce offerings, so whatever they are doing is working by creating certain standards that the growers can reach and certain goals, and now the customers and the demand are there; it's been a really great thing, so thank you for that.

Ms. Themlitz also stated that she is part of a network; the farmer's markets in Sedona have piloted a "Pioneer Day" food safety program for growers in Northern Arizona and about 60 growers have participated in that. It is a program based on the United States Department of Agriculture's standards, and in this county, the growers are not allowed to directly sell to restaurants, which has led to kind of an under the table movement rather than a farm to table movement, so one of the efforts of the farmer's market has been to create a program that makes that viable, and they have been working with the Health Department, and they are using the classes that she arranged for good handling practices and good agricultural practices as a basis for creating a program through the Health Department that will allow that to happen, and she thinks that will happen within the next year, so they are proud to be a part of that.

Additionally, Ms. Themlitz indicated that this is the first time that there is a substantial USDA grant won by a local farm that is in the network, and that will serve to expand the farm's infrastructure and it will be the first registered food hub in Northern Arizona, and that is part of the effort that was led by the farmer's market.

Chair Losoff asked demographically how many locals versus visitors go to the farmer's market, and Ms. Themlitz indicated that it depends on the location. Wells Fargo is visited more by locals, possibly 80%, but she and vendors get regular calls from visitors that arrange their visits around times that the market is open. Some of the artisan producers that produce items to be taken on planes are popular, and people that visit ask where they can find local eggs, because they take things back to their timeshares and it has been nice to support that. The Chair noted that it is a nice thing for the City. We talk about community-gathering places and this is a nice advantage to that.

MOTION: Commissioner Klein moved to approve the proposed Conditional Use Permit for Farmer's Market - Wells Fargo as set forth in case number PZ15-00011 (CUP) based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the Staff Report. Vice Chair Levin seconded the motion.

Chair Losoff confirmed with staff that this is for five years, and Cari indicated yes, it is in the Conditions of Approval.

VOTE: Motion carried six (6) for and zero (0) opposed. Commissioner Mayer was excused.

- c. **Discussion/possible action regarding a request for a Conditional Use Permit Renewal to operate a Farmer's Market at 336 State Route 179 (Tlaquepaque). The property is zoned C-1 (General Commercial) and is approximately 4.097 acres in size. A general description of the area affected includes but is not necessarily limited to the area west of the State Route 179 and Schnebly Road Roundabout. The lot is further identified as Assessor's Parcel Number 401-19-027H. Applicant: Cornucopia Community Advocates (Katrin Themlitz) Case Number: PZ15-00012 (CUP)**

Cari Meyer indicated that this is the summer farmer's market at Tlaquepaque. It was originally approved in November of 2012, but it didn't get going that year, and a Time Extension was approved the next year. It operates from May to the end of September on Friday mornings. We have not had any complaints and there have been no concerns noted by the Police Department or Code Enforcement, and in doing the citizen outreach, there has been no feedback, so staff is recommending a five-year extension on this one as well.

Commission's Questions:

The Commission had no questions.

The Chair opened the public comment period and, having no requests to speak, closed the public comment period.

The Chair asked if there were any comments from the applicant, and Katrin Themnitz stated ditto and she wanted to explain that they do get different clientele there, and this is the first year they successfully had a lot more locals. It took three years, but that pattern has now been clearly established. They also are bringing people there earlier now; the last two years, it was hard for people to get there by 8:00 am; it usually didn't get busy until the last 1½ hours, but they were able to shift that pattern, so it is a site that is successful and they would love to be able to continue with that.

The Chair commented that it is a great location by the creek and hearing no other comments by the Commissioners, the Chair asked for a motion.

MOTION: Vice Chair Levin moved to approve the proposed Conditional Use Permit for Farmer's Market - Tlaquepaque as set forth in case number PZ15-00012 (CUP) based on compliance with all ordinance requirements and satisfaction of the Conditional Use Permit findings and applicable Land Development Code requirements and the conditions as outlined in the Staff Report. Commissioner Brandt seconded the motion. VOTE: Motion carried six (6) for and zero (0) opposed. Commissioner Mayer was excused.

6. Discussion regarding the future update of the Sedona Land Development Code.

Cari indicated there was nothing to discuss unless the Commission had some thoughts after the projects reviewed tonight. Chair Losoff noted that there have been questions periodically about the CUPs. We go through a lot of red tape and sometimes we ask if that is necessary, but as we go through the Land Development Code revisions, when CUPs come up, we will see if we can do something differently.

Audree Juhlin explained that staff is currently looking at that from the perspective of having the more major CUPs come to the Commission and the less intense permits be addressed at an administrative level or have extensions addressed at an administrative level. Chair Losoff added that not every shoe fits all, so there has to be some flexibility.

Vice Chair Levin asked if this would have been a good example of one that could have been extended administratively, and Audree Juhlin indicated yes; the idea would be that we would give the Commission an update to report that we don't see any issues and will be approving it administratively, unless the Commission has any reasons as to why you need to see it.

7. FUTURE MEETING DATES AND AGENDA ITEMS

- a. Thursday, November 12, 2015; 3:30 pm (Work Session) – canceled**
- b. Tuesday, November 17, 2015; 5:30 pm (Public Hearing)**
- c. Thursday, November 26, 2015; 3:30 pm (Work Session) – canceled**
- d. Tuesday, December 1, 2015; 5:30 pm (Public Hearing)**

Cari Meyer indicated that the November 12th meeting is canceled, because the City Council work session was moved to that date with Veteran's Day being on the 11th. On November 17th, there will be a public hearing on the Brewer Road Master Plan, and they are also going to bring as a work session item, some changes that the owners of the Super 8 hotel would like to make to the façade of their building. Those materials are online, and staff will provide a packet. Staff has provided some comments, but felt it was appropriate to have comments from the Commission as well. November 26th is canceled for Thanksgiving and we currently do not have anything on the agenda for December 1st, but we are not cancelling it yet.

8. 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.

9. ADJOURNMENT

Chair Losoff called for adjournment at 6:10 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 November 3, 2015.

Donna A. S. Puckett, *Administrative Assistant*

Date