Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, August 15 - 3:30 p.m.

1. CALL TO ORDER & ROLL CALL

Chair Losoff called the meeting to order at 3:32 p.m., led the Pledge of Allegiance and requested roll call.

Roll Call:

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

Staff Present: Warren Campbell, Justin Clifton, Andy Dickey, Audree Juhlin, Cynthia Lovely, Marty Macurak, Cari Meyer, Ryan Mortillaro, Robert Pickels Jr. and Mike Raber

Councilor(s) Present: Mayor Sandy Moriarty, Vice Mayor John Martinez and Councilor Scott Jablow

2. ANNOUNCEMENTS & SUMMARY OF CURRENT EVENTS

There were no announcements.

3. APPROVAL OF THE FOLLOWING MINUTES:
a. July 18, 2017 (R)

Chair Losoff indicated that he would entertain a motion to approve the minutes of July 18, 2017.

MOTION: Vice Chair Levin so moved. Commissioner Cohen seconded the motion. VOTE: Motion carried six (6) for and zero (0) opposed. Commissioner Brandt was excused.

4. PUBLIC FORUM: ***(This is the time for the public to comment on matters not listed on the agenda. The Commission may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. § 38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism, or scheduling the matter for further consideration and decision at a later date.)***

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

5. **DISCUSSION REGARDING THE FOLLOWING ITEM ON THE PLANNING & ZONING COMMISSION'S PUBLIC HEARING AGENDA FOR SEPTEMBER 19, 2017.**

Introduction: Mike Raber explained that state statutes require that Major Community Plan Amendments be considered together once per year, every year. Therefore, every community that has a General Plan is also defining the criteria for a Major Amendment, and in our Sedona Community Plan, the implementation chapter defines that criteria. For 2017, we have four Amendments that are being considered -- Sedona Hard Cider; a text amendment for Multifamily High Density; the Pinon and S.R. 89A multifamily project, and Son Silver West.

Mike Raber stated that in the schedule for the 2017 calendar year, we had the site visit on August 10th and our first work session on the Community Plan Amendments today. On September 14th, we have the second Commission work session and September 19th will be the public hearing with the Commission. Tentatively, there will be a City Council work session On October 11th and a City

Council public hearing on October 25th. Additionally, the Council's approval or adoption of any Plan Amendment requires a two-thirds vote of the Council.

Mike Raber explained that the purpose of today's meeting is an opportunity for the Commission to ask questions and provide feedback to staff and applicants on any additional information needed, and we want to stress that the questions and feedback should not include an evaluation of the project, the project's merits or whether or not the Commission is in support of a project.

a. Discussion regarding a request for approval of a Major Community Plan Amendment to the Future Land Use Map from SFLD (Single Family Low Density) to PA (Planned Area) and Zone Change from RS-18b (Single Family Residential) to PD (Planned Development) to allow for the production of hard cider within the existing buildings. The property is located at 145 Copper Cliffs Lane, west of State Route 179 near the Canyon Drive roundabout. APN: 401-26-004 Applicant: John R. Graham Case Number: PZ17-00007 (Major CPA, ZC)

Presentation: Cari Meyer indicated that this project is for Sedona Hard Cider, and they are requesting a Community Plan Amendment as well as a Zone Change. This is located on Copper Cliffs Lane, and the applicant is John Graham, the property owner. Alan Everett is the authorized agent. The property is approximately 3.63 acres and is used with a single-family house, orchard, and cider production by the owner. There is also a guesthouse on the property. Cari then showed an aerial of the site and pointed out the location of the property and the surrounding area.

Cari Meyer explained that the request is to use the existing buildings for the production of hard cider and this would be considered an expansion of the existing use. This use would go beyond what would be allowed as a home occupation, so they are applying for a Major Community Plan Amendment to re-designate the property from Single Family Low Density to Planned Area and to rezone the property from Single Family Residential to Planned Development, which would allow them to use their existing buildings for the purposes outlined in their application, and no future applications would be needed.

Cari stated that Community Plan considerations are that this is in the Copper Cliffs Community Focus Area, one of the areas designated as a CFA, but no CFA Plan is approved and processed for the area, so we would be using the Community Expectations in that area to evaluate the project. As listed, they are to retain large parcels and the rural character, preserve our agricultural plantings and residential land balance, accept alternative forms of housing and evaluate potential non-residential uses if tied to the preservation of agricultural uses and protection the riparian environment of Oak Creek. There may also be other sections of the Community Plan that would be applicable to this project.

Cari referenced the site plan and indicated that they are not proposing any new buildings or construction, just different uses in the existing buildings. The orchard is in the front portion of the property with the residence, the guesthouse and the building they would be using for production behind it, and the parking needed would be in the existing areas.

Cari indicated that additional application materials were provided as part of the packet, but we are here to hear if there is any additional information the Commission needs in order to be able to act on this project on September 19th. The applicant and representatives are present to answer questions and hear the Commission's feedback.

Commission's Questions and Comments:
Chair Losoff stated that several of the Commissioners went on the site visit last week and some questions addressed at that point.

Commissioner Barcus referenced 'home-based business' and indicated he is trying to understand if there is a fuzzy line between that and this project, which is requiring a Planned Development approval, or if there is a clear line when a home-based business crosses over, because he wonders why this needs an application at all. Cari indicated that will be addressed and explained that home-based businesses are not allowed to have employees, and they would need two employees on the property. The Commissioner then asked if home-based businesses could have family members participating, and Cari stated people living at the residence working there. The Commissioner then confirmed that there is a clear delineation between people who are living at the premises of a home-based business, and it crosses over into a different use category when there are employees.

Commissioner Barcus asked if there are any other factors, and Cari stated that is the biggest one with this request, but we can see if there is anything else. Audree Juhlin added that more clarity can be provided on that in the Staff Report for the September meetings.

Commissioner Mayer stated that his understanding is that across Copper Cliffs Lane, the entire Copper Cliffs area is an orchard. Everybody has fruit trees, etc., and he asked if there is a permit for the property across from the subject property to sell fruits on S.R. 179. Cari stated yes, that is a legal nonconforming use, because they have continued that operation, but they are limited in how big that fruit stand can be and what they can sell. It is something that has operated since before the City incorporated. Commissioner Mayer indicated that there was an apple press there as well as several hundred fruit trees, so it is something that has grown in that area and that area is known for the orchard; it has a history of fruit trees and different vegetables, so it is grandfathered and an historic place, but he would like to expound a little on the history of the area.

Chair Losoff noted that we are looking at a zone change from Residential to Planned Development and asked what the upside and downside is. Audree Juhlin asked if the Chair wanted an evaluation from staff now, and the Chair asked if there is a downside to having a Planned Development there. Audree then added versus another designation, and indicated that Mike Raber can probably address that. Mike Raber stated that might be one of the more versatile zones that could accommodate something other than straight Commercial zoning, which would not be supported under the Community Plan, and that is the reason we don't have a Commercial designation being proposed by the Community Plan too.

The Chair referenced the proposed uses in the Letter of Intent from the applicant and asked if those could be made as a conditional use if this is approved. Mike Raber stated that there are a number of conditions that could be attached as part of the zoning under the Planned Development.

Vice Chair Levin stated that to add to Commissioner Mayer's comments, she would like to see a little more history about the area. It will complement the proposed uses, and that would include the Hart Ditch and any early farming, orchards, etc. That was sort of the beginning of the community's agricultural pioneer fruit industry, so that might enrich our understanding of what values are intended to be maintained in that area. She also wanted to know if that parcel has been combined with any others recently or if that was the original parcel's size. Cari indicated that generally when something has been combined, there is a letter at the end of the parcel number, and there is no letter here, so she would guess that it has been that.

The Vice Chair then asked when the cider-making building was constructed and when the additional fruit trees were added to the property, in anticipation perhaps of this proposed use. Chair Losoff asked how that is relevant to the application, and the Vice Chair stated that the applicant has represented that cider making and apple juice has been a continuous historical use, and she wanted to get a perspective on that. She also wanted to know how many full-time employees there are now. We met Apple Bob, so is it Apple Bob plus two, because there are

two proposed additional employees, so we are looking at three maybe. On page 16, she would also appreciate a clarification as to what it means to be seasonal; explain that in that context.

Chair Losoff noted that this is a work session, but asked it if would be easier to answer some of these comments now, so we get to the final next month? Audree Juhlin indicated that where we have the ability to answer them now, we can, and some of the questions can probably be answered by the applicant, if you want to pull them up to respond to those. Other Commissioners agreed, they should be answered now.

The Chair then asked the applicant to come up.

Alan Everett, Phoenix, AZ: Mr. Everett indicated it is difficult for him to say that after living in Sedona for 25 years. The Chair asked him to answer the question about the number of employees, and Mr. Everett indicated that there is one employee and that is Apple Bob; he will be the primary operator of the orchards for trimming, harvesting, etc. He will bring in an additional employee as he needs it, so it is really Apple Bob and one other person.

Mr. Everett noted that a question was asked about seasonal operations, and it is really because the apples become ripe and are harvested in the late summer and fall, so that is when it is seasonal. Vice Chair Levin stated that the application indicated that you were going to bring other juices from other vendors, so is that still seasonal? Mr. Everett explained that all of the apples in the Verde Valley kind of come ready for harvest around the same time. They will use the apples on the property primarily and the apples from adjoining properties, but there are situations where a severe drought or hailstorm, etc., could decrease the harvest, so some applies may be brought in from other places, but primarily in the Verde Valley.

Mike Raber indicated that the applicant also could possibly answer some questions about the parcel or orchard history, and when that was started. Mr. Everett stated that they don't have a definite date as to when the first apple tree was planted, but it is safe to say at least 40 to 50 years ago. There are some new trees being planted primarily as a tree dies or becomes diseased; it is just replaced, and they are trying some different types of trees there that are cylinder growth rather than spreading out. They are doing that in some orchards in Colorado and other places, and they can actually get more production off of the same area by doing these cylinder growth type trees, but that is just a test right now.

Mike Raber indicated the only other thing he noted was when the cider operation started, and Mr. Everett indicated that he is not sure they have a definite date, again, the orchards were planted 40 – 50 years ago and maybe even longer than that, and as time went on, they started making some sweet cider. This property has been in connection with the apple stand that has been historically up on S.R. 179.

Commissioner Cohen asked how the fermentation process is different than the cider that is being done now, and if there is a potential fire problem from the materials used to ferment. Mr. Everett explained that the difference is the fermentation. Sweet cider isn't fermented; it is just pressed and turned into juice. Hard cider goes through a fermentation process, which can take a couple of months, but yeast is added, etc. The Commissioner asked if it generates heat, and Mr. Everett responded no. There are no boilers or cooking, etc., you convert the apples to juice and then the fermentation.

Commissioner Klein stated that the application materials submitted have a picture of a white van that will apparently be used for transport. If you have to bring in apples, will they be brought in by that white van or some other vehicle? Mr. Everett stated that is the primary transportation to take anything in or out. They figured they could bring 50 bushels of apples in that van. They've been using that van for a number of years, and it was also used at one of the wineries in the Verde Valley. The Commissioner then asked if once they make the hard cider, they would be using the white van to transport it off the premises, and Mr. Everett stated yes.

Commissioner Mayer asked if they are planning on having a bottling operation on there, and Mr. Everett stated no. There will be some bottling, but it will be the larger bottles and you can do it by hand, not with an automated bottling and capping.

Chair Losoff indicated this is a request for a Planned Development and a Major Community Plan Amendment, going from Residential to PD for the production of hard cider, and he will call attention to the proposed uses. We want to make sure that it is limited to the suggestions; we saw what a beautiful area it is and we didn't want it taken over by other activities, so hopefully, the Planned Development will have some restrictions in terms of conditional use and other issues.

Chair Losoff thanked the applicant for the site visit.

b. Discussion regarding a request for approval of a Major Community Plan Amendment to the text of the Land Use, Housing, and Growth Chapter (Chapter 3) to create a Multifamily High Density designation allowing for more than 12 dwelling units per acre for development project that provide strategies for achieving housing diversity, affordability, and availability in order to address local housing needs. Applicant: City of Sedona Case Number: PZ17-00008 (Major CPA)

Presentation: Mike Raber indicated that this is a proposed Multifamily High Density proposal, and it is a City-initiated Amendment to the text of the Sedona Community Plan. There are no specific properties proposed to be re-designated as part of this text Amendment. It would allow for the consideration of multifamily densities higher than 12 units per acre, so more specifically, we would add a category for high density that is higher than 12 units per acre to the Multifamily designations in the plan. In the Multifamily description, a high density project like this would need to demonstrate strategies for achieving housing diversity, affordability and availability to address local housing needs.

Mike stated that the Amendment would also add a land use policy that would be in support of a high-density project that would include those strategies. This could be applied in the future through a separate Major Amendment process or applications that are on specific sites, but once again, that is not what is being considered in this Amendment. We are not proposing any properties or map changes as a result of this text Amendment.

Mike noted that some comments were received since the packet went out and those were distributed tonight. Staff is also conducting an open house on this item next Tuesday at 5:00 p.m. in the Schnebly Conference Room, so staff would just ask what other information the Commission needs to take action on this Amendment.

Commission's Questions and Comments:
Chair Losoff asked the Commissioners to take a couple of minutes to read the comments they received.

Note: The Commissioners reviewed the comments from 3:32 p.m. to 3:34 p.m.

Chair Losoff asked Mike Raber to explain the comments about a text amendment versus a zone change or Planned Development request. Mike explained that the text Amendment is in three different parts as listed in the summary of the request. The first would be that we would add a Multifamily High Density category that would be above 12 units per acre in the key that is part of the Future Land Use Map in the Plan, so that would create a designation that somebody could apply for. Currently, we don't have a designation on the Community Plan Map above 12 units per acre.

Mike indicated that we do have it within the CFA Planning Areas, as part of the CFA Plan, if the Plan is specific about densities higher than 12 units per acre, like the Western Gateway, an

applicant could come in with a Minor Amendment to the Community Plan and go through a Zone Change process for that. We are proposing something that could be applied outside of those adopted CFA Plans, but it would still take a Major Amendment request for a specific property by an applicant through the Major Amendment and zoning process. Chair Losoff asked if anyone has come forward with this request, and Mike stated that the Commission has one on the agenda, and that is the following item at Pinon and S.R. 89A.

Mike explained that the second part of this would change the Multifamily section in the Land Use part of the Community Plan, and it would add that high-density multifamily projects may exceed densities of 12 units per acre on a case-by-case basis through consideration of strategies for achieving housing diversity, affordability and availability to address local housing needs. A very important part of the consideration is that the applicant would need to demonstrate how they are going to do that as part of any amendment proposal.

The last part of it would be that we have a policy added to the Land Use section that would support that, so those are the three elements of the text Amendment, but once again, there is no proposal to make any change to any properties with this Amendment.

Chair Losoff then referenced the three comments received and indicated that none of them were in favor of the project, and we have a card for the public comment period, but we will wait until we finish our discussion.

Commissioner Klein asked if we don't approve this, what effect that would have on the project coming up next for the 45 units behind Relics. Mike stated that ultimately if the Council doesn't approve it, they would not be able to go forward with that as proposed, so that project is contingent on this Amendment. The Commissioner indicated that he understands that the City Council has the final say.

Commissioner Klein asked what Mike thought about some of the comments provided, such as if providing for more than 12 units per acre will change the character of Sedona. Mike indicated that he would address that by saying those are the kinds of evaluations that we would do as part of the Staff Report, and at this point in time, we don't have an analysis available regarding things like character, but if that is something you would like for us to address, we could do that in the Staff Report. The Commissioner indicated that he would like that, and then referenced people concerned about traffic and asked if Mike would give the same answer to that. How would this Amendment affect traffic if we allow density greater than 12 units per acre? Mike pointed out that each individual application will have to do a traffic study, and through that, we will be able to assess the kinds of mitigation they would have to bring forward. This text Amendment is not going to outline anything that you could do a traffic analysis on, because we don't have a project as part of that. The project that would come after this would have some analysis on traffic and how that contributes to the area. Chair Losoff added that if we approve this text Amendment, it doesn't automatically approve any project; each one would be taken individually.

Commissioner Klein asked if the effect of noise, etc., on the neighborhood would also be on a case-by-case basis, if we allow densities greater than 12 units per acre. Mike Raber stated yes, if you have a specific project, those kinds of things can be evaluated. Chair Losoff commented that as the Commission saw on the site visit, there wasn't a lot of residential around it, but if it was someplace that is more residential, it could be a problem, so each one needs to be looked at differently, and this particular one would be prefaced by what we decide on this particular Amendment.

Commissioner Cohen referenced sewer capacity and asked how many of these more than 12s we are looking at before we have to increase the sewer capacity. Audree Juhlin indicated it would be something that we would put in the analysis for not only the text Amendment, but also on a case-by-case basis. We do have capacity now, and Engineering/Public Works is

monitoring the capacity, and at a certain point in the future, we will reach that capacity, so that can be addressed more specifically in the Staff Report.

Commissioner Cohen then referenced the Community Plan and asked if this proposal affects anything else in the Community Plan. Mike Raber indicated that would have to be assessed in the Staff Report and asked if the Commissioner means how it is consistent with the other parts of the Plan, and the Commissioner indicated yes. Mike then stated that is exactly what staff will be evaluating.

Vice Chair Levin indicated that the Community Plan Update process began in 2010, and throughout that planning process and public participation, housing affordability and diversity was one of the issues brought up. When the Community Plan was adopted in 2013, it included language about what this community saw for 2020 and beyond, and in the Housing section in the margin on the right, the key issues identified were the need for greater housing diversity and affordability, the need for preservation/ renewal of older neighborhoods, and the need for a range of housing choices for seniors. To anchor this proposed text Amendment, it is important to know how it was anchored in the Community Plan itself. Additionally, housing diversity is called out as one of the six major outcomes for 2020 and beyond. The Vice Chair then explained that she has done that because she has no questions and fully supports this and won't be here on September 19th.

Commissioner Mayer referenced the comments written and indicated that he didn't recognize any of the addresses given, so have the neighbors been contacted? Mike Raber stated that up to this point, on each application, the applicants have been doing outreach and we will be sending out a notification before the hearing. We are doing an open house for the City-initiated item next week, so that represents some of our outreach. There are no neighborhoods on that one. The Commissioner then stated that there are three of us in the room who live in the neighborhood . . . Cari clarified that this is the text Amendment, and Chair Losoff added that we are talking about the text Amendment, not the next item. The Commissioner then stated, anyway, outreach to the neighbors. Mike Raber stated that on this text Amendment, it was an open invitation for the open house next week.

Commissioner Barcus summarized that the intent of the proposed text Amendment is to allow us, on a case-by-case basis, to review an application for areas that do not have an adopted Community Focus Area (CFA); however, Mike explained that even beyond that, some CFAs address or have more than a 12 unit per acre standard, so essentially you are right. The Commissioner then referenced the text and stated that it says in the RM-3 district, we allow 20 dwelling units per acre, but the Community Plan limits that unless a CFA has been adopted that is greater, so what he is raising as an issue is that there is a current cap of 12 where CFAs have not been adopted, and in CFAs that have been adopted or will be adopted, they will be able to limit dwelling units per acre for character, consistency, etc. Mike Raber stated that is correct and could allow more than 12. Commissioner Barcus then asked if we have any CFA with a greater than 12 in RM-3, and Mike explained the RM-3 designation is a zoning district, so that is something that is already on the Zoning Map, and in those locations, somebody can do 20 units per acre. The Plan just doesn't support any more of that as currently written, except for the CFA Plans. We only have a few adopted now, but the Western Gateway does talk about densities above 12 units per acre and supports that, so a future applicant could come in and request a RM-3 zone there without going through a Major Community Plan Amendment.

Commissioner Barcus asked if they would be limited to 20, and Mike indicated if it was an RM-3 zone, but we have not drawn that line in the sand. The Commissioner stated that he is trying to figure out the sequence if somebody comes in and wants to rezone part of this existing CFA to RM-3 and do 20 . . . 20 is the cap. Mike Raber explained that would be the cap, but we do have a Planned Development district that an applicant could apply for and, theoretically, increase that density above 20. We wouldn't know that until we received an application with a specific proposal for that. In the case of the Western Gateway, there might be areas where that

density above 20 units per acre might be appropriate, but they would have to come in with a Planned Development district that would allow that flexibility – the RM-3 would not.

Commissioner Barcus stated that he volunteered to be a Commissioner because he wants the property owners and developers to have clear understanding of what they can do, so they can come in and make proposals to add affordable housing and meet the other things that Vice Chair Levin discussed, and it seems like this is an attempt to provide that clarity that currently isn't clear to him, or it is rather significantly limited given the other community goals for affordable housing. Chair Losoff asked what the Commissioner's question for the next meeting is, and Commissioner Barcus stated that he thought the answer was going to be the cap is 20, unless there isn't a CFA and it is 12 in RM-3. Mike Raber explained that in RM-3 the cap is 20; that is an existing zoning district in place. The Plan is more flexible than that and would allow for consideration of higher densities on a case-by-case basis, but it would take a different zoning district to do that. In other words, the applicant would have to apply for something other than an RM-3 if they want more than 20 units per acre.

Commissioner Barcus asked, if they are currently limited to 12 and want to do 20, why they don't just ask for a zone change to RM-3. Mike Raber stated that is what the next application is doing, but the Community Plan is not putting a limit at 20 units per acre. It keeps that open with the idea that there may be cases where there should be more flexibility than 20 units. Commissioner Barcus stated that is clearer, but he needs to think about it.

Chair Losoff indicated that this is an attempt to make it more simple, but perhaps we are reading more into it than there needs to be. For as long as he can remember, 12 has been the magic number, and over these years in the planning materials, they talk about higher densities in areas where it is appropriate. He thinks that what Mike is hearing from the Commission is some confusion. The issue is not so much whether it is right or wrong, but education. We are going to have to educate the public as well as the Commission. If you read a few of these comments, they think we are going to have density all over the place, but that isn't the case or the intention of what this text Amendment is out to do. Mike Raber explained that essentially this is pretty restrictive, because as written, it would require an applicant to go back through the Major Amendment process for a specific location. The Chair stated that in the few comments received, it is just the opposite, they think we are going to open it up to all buildings, thousands of people, so we have to be very careful in how we state that.

Chair Losoff opened the public comment period at this time.

Linda Martinez, Sedona, AZ: Ms. Martinez indicated that she wanted to reiterate what you probably already know. The need for housing in Sedona has now reached a tipping point, and that has come about since they have had the short-term rentals. It has been very significant; it has its pros and cons. She is not here to speak either way on that; it has also allowed many people to stay in Sedona, but she is part of a grassroots group in Sedona made up of our Council and some city staff members, business owners, lodging owners, education, and they have young families represented, so there are about 20 in this group, and they have met about five times. They are looking at some of the issues surrounding the issue of meeting the challenges of housing in our town. If they thought it was bad when the Housing Commission was in existence; it is far worse now. They hear stories or realities; for example, Mike Raney, the owner of Over the Edge has lost seven employees that would love to live in Sedona and very simply, but they can't make it work. They know their income and can't get a room to rent, because they have gone to short-term rentals, and out of those, four have tried living in their van for a couple of months, until they said they have to go. They are willing to make trade-offs. They are not looking for a lot or for mansions; they are looking for a simple quality of life in Sedona.

Ms. Martinez estimated that in about 20 years, and staff may know, they haven't seen any new multifamily projects in Sedona. She is not speaking about this project that is proposed behind

Relics; she is only asking the Commission to approve a process that would allow you to consider this, because without at least this new context, new framework, new paradigm, then so many developers cannot make it work – period, the end, they are done. Therefore, they cannot meet, as Commissioner Levin stated, the goals of the Community Plan.

Ms. Martinez noted that there was a comment about some general concerns about noise and traffic, and those are very legitimate concerns. They heard them over three years, when the Accessory Dwelling Unit Ordinance came through, and that there would be a significant increase in noise, traffic, drugs, crime, etc., and none of that came to fruition in that time.

Having no additional requests to speak, Chair Losoff closed the public comment period and returned the discussion to the Commission.

Chair Losoff stated that the speaker the Commission just heard from pretty much summarized it well in that we are not looking to approve high density any place, but the text Amendment gives us a process to do so, if the Commission and City Council feel that the proposed project meets our goals and expectations. All we are doing is approving a process - nothing more, nothing less, when it comes back to the Commission in final form.

Mike Raber asked if the Commission had any suggestions on how to make all of what we just discussed clearer, and the Chair stated that when you have your public meetings, you have to educate on what it is all about. When people hear high density, they immediately think the worst, and that is not always the case. It is the same with affordable housing; it is not negative all the time, so put out the word that it is a good thing and the future of some things that are happening.

Commissioner Mayer suggested some PR from the City explaining, like you said, education of the public. Immediately, affordable housing or multifamily housing is negative, negative, negative amongst the people – mostly from newcomers. There is definitely a need to get the message out that we need those things in order to support the City, the economy, etc.

Commissioner Cohen indicated that Ms. Martinez raised the notion of short-term rentals, so how do we avoid building tons of these that are short-term rentals, which work against what we are talking about for affordable housing. Mike Raber stated that would be one of the strategies we probably would look at in any individual application, as to how we are assured in a long-term way that this would be rental housing. Chair Losoff added that just as we had for the Planned Development in the cider project, at the site visit, we discussed the need to ensure they weren't going to put in short-term rentals or any kind of rentals in their facility.

Commissioner Cohen asked Robert Pickels Jr. if we are able to do that under the state law in terms of short-term rentals. Robert Pickels Jr. indicated that as stated, we would look at all of these opportunities on a project-by-project basis presuming that a text Amendment and process is available.

c. **Discussion regarding a request for approval of a Major Community Plan Amendment to the Future Land Use Map from C (Commercial) to MFHD (Multi-Family High Density), Conceptual Zone Change from C-2 (General Commercial) to RM-3 (High Density Multifamily Residential), and Conceptual Development Review to allow for the development of a 45 unit apartment complex. The property is located at 3285 W State Route 89A, at the southeastern corner of the intersection of W State Route 89A and Pinon Drive. APN: 408-11-086A Applicant: Keith Holben, MK Company, Inc. Case Number: PZ17-00009 (Major CPA, Conceptual ZC, Conceptual DEV)**

Presentation: Cari Meyer stated that while the text Amendment in the last one is not proposing to change any properties, we have an application on the Pinion - 89A multifamily project that would be proposing to apply that designation to a property, so this project would be

contingent on the text Amendment being approved. Chair Losoff asked if the applicant understands that, and Cari stated yes, and that is why we are moving forward with the Major Plan Amendment, but only a conceptual Zone Change and Development Review, because of the additional need for the text Amendment and the Community Plan Amendment to be approved. The full zoning and development review application would have been a lot of additional work without any guarantee that the process would be available.

Cari indicated that the location is 3285 W. S.R. 89A, the property behind Relics, and it is about 2.25 acres and currently vacant. Cari then pointed out the L-shaped parcel and showed an aerial view of the site that is currently zoned C-2, General Commercial. It is designated as Commercial in the Community Plan, plus it is within the Lodging Area limits as defined, so this is one of the properties where the Community Plan would allow consideration for a rezoning to Lodging as well.

Cari explained that the Community Plan Amendment is to rezone to the Multifamily High Density category if the text Amendment is approved and also to remove the property from the Lodging Area limits. Along with that, it would be rezoned from C-2 to RM-3, which is up to 20 units per acre, and on 2.25 acres that would equate to 45 units, and that is what they have proposed. Again, this application is the Major Plan Amendment and conceptual Zone Change and Development Review, so if the text Amendment and this Amendment are approved, the applicant would come back with a Zone Change and Development Review application, so we don't have the full Zone Change application, but if the Amendment is approved, that designation would be there and it would be specific about what types of development, so we could consider that in the future.

Chair Losoff referenced the previous discussion about 20 versus 12 versus high density and asked Cari how this affects all of that, so the public understands. Cari explained that the applicant can speak to why he is applying for the RM-3 rather than a PD, but with the development standards, he feels that the 45 units allowed with up to 20 units per acre under RM-3 is sufficient for what he is planning, and the RM-3 district is there, but without the Community Plan designation that supports it, we don't have support in the Plan to rezone a property to that designation. Chair Losoff then stated that we are not adding anything that is not already there, and Cari agreed, adding that approval of that text Amendment would allow a zoning such as this one to occur and without that text Amendment, the Community Plan wouldn't support this application.

Cari indicated that with the Multifamily High Density category, we would be looking at what strategies they would propose to achieve the Community Plan considerations of housing diversity, affordability and availability to address local housing needs, and we would also look at the Community Expectations of the Dry Creek Community Focus Area, because this property is within that CFA, but does not have an approved CFA Plan, so we would use those expectations and any other applicable sections of the Community Plan, such as the discussions on housing.

Cari referenced the site plan in the packet and indicated that based on staff's comments, the applicant submitted a new site plan yesterday that proposes moving the building up towards the road, where before they had some parking, and they moved the pool from the corner to more in the center to preserve more trees, but again, it is all conceptual and the elevations proposed is a conceptual Development Review as well. Cari then noted that the applicant is present and willing to answer questions, and Chair Losoff invited the applicant to join staff at the table in case the Commission has questions.

Commission's Questions and Comments:
Commissioner Barcus indicated that he had no questions, and Commissioner Mayer commented that he lives in that neighborhood, like Commissioner Klein and the City Manager as well, so they will be impacted by that development; not so much by the development, but by the traffic entering and leaving the development. It is a very narrow and awkward ingress into

that neighborhood, so he was wondering how many neighbors live in that neighborhood. Vice Chair Levin noted that the Staff Report said there were 80 households, and Cari indicated that staff can check on that number.

Commissioner Mayer stated that there is substantial traffic; he has three cars and Commissioner Klein is very busy as well, so there is a lot of people there, not just older people living there, so that is one of the things he would like to have addressed with a neighbors' questionnaire. Also, there was a previous multi-use commercial and residential development with underground parking, but how many units were there? Cari indicated that staff can find out. The Commissioner commented that he thinks it was also across the street, and he then asked the applicant if he owns the property across the street.

Applicant Keith Holden with MK Company in Scottsdale, Arizona: Mr. Holden stated no, they do not own it.

The Commissioner restated that he thinks that was included in the previous development and asked staff to separate what was going on there versus the part that is subject to rezoning, and Cari indicated that staff should be able to do that if the Commissioner is interested in what was approved on this parcel.

Commissioner Mayer asked about the number of bedrooms, and Vice Chair Levin noted that it is in the Staff Report. Chair Losoff stated 45, but Commissioner Mayer asked how big they are. Mr. Holden responded that there are 45 proposed units and approximately about half of the units are proposed as one-bedroom units with effectively two plans – one is a smaller plan of about 600 sq. ft., and the other is about a 750 sq. ft. plan, but they are subject to change, so the rationale behind the square footage is by designing some smaller units, they can make them more affordable in the community. The balance of the units is two-bedroom units with one bath or two bedrooms with two baths.

Commissioner Mayer asked if there is an onsite manager, and Mr. Holden explained that in the design of the community there are provisions for an office and an onsite manger that might be a resident for the community. The Commissioner then asked if there are any renderings and Mr. Holden stated yes, that is in the materials they submitted to staff, and he would be happy to answer the questions about traffic and working with the neighbors. The Commissioner stated that he read the traffic study, but that will not address his concern about it being so close to the highway and backing up from the people coming out. It is a very hard one; when the sun goes down you are blinded. He is reluctant, with sunglasses on, to get out of there; that is his major concern. He is for having something like that and not on that site; it is an awful site to start up with and everything else has failed so far.

Mr. Holden indicated that the question on traffic and ingress/egress is a valid one, but they will be looking at being able to reduce a curb cut off of S.R. 89A, so that is a consideration of how they are showing access off of the property to avoid congestion in that short section between Pinon Drive and Relics, because along that section between Pinon Drive, as you go easterly, there are three curb cuts there now, and with this application they can most likely reduce at least one of those curb cuts to reduce the number of entry and exit points along S.R. 89A into the project. As far as the other questions about traffic generation, one of the key questions they believe needs to be asked and that they will be prepared to address in the public hearings is the traffic generations versus the existing C-2 zoning to RM-3 in this proposal. They believe it will be easy to demonstrate that the traffic generation to this site is less than the existing zoning, and they will be prepared to bring that information and supplement their application to be able to further articulate those traffic questions.

Vice Chair Levin stated that most of her questions are for clarification. First is for the applicant to explain his understanding of 'workforce housing' beyond high density multifamily living, and Mr. Holden stated that part of the design of the proposal and unit size was to design it for

people who work and live here, so if these units were designed perhaps for somebody else, maybe not a resident, they might be bigger units. They are really focusing on the affordability with the size of the units. Some other key considerations that staff has asked them to address, and they submitted in revised materials, is that they are comfortable in deed restricting the project such that units cannot be individually divided or made into condos and sold off, and that is one element of workforce housing that is very important, in what is being proposed for the use of the housing and what assurances are put into place. There are kind of four main elements on that and the other main element is that there would be no short-term rentals permitted, so 90 days or greater and once a tenant is there, they are not going to be allowed to circumvent that by subleasing. Finally, they are proposing language that it would need to be consistent with HUD for Housing Act and other local regulations, but they are proposing that to answer the needs and that question on workforce housing, if local residents are employed here or has an offer of employment, they would be given some priority for housing units to be able to live here.

Mr. Holden explained that there is a balancing act with that, because there is certainly a need beyond those that have jobs that are local to the community to have this opportunity for housing, so they have to balance that. Vice Chair Levin stated that she assumes that is legal, and Mr. Holden indicated that is his point, they believe it is, but they have to construct the language so they are not violating any local, federal or state housing regulations.

Vice Chair Levin referenced page 16, number 13, and asked how the housing choices for senior residents is compatible with providing workforce housing. It says this application is supportive of having a wide range of housing choices, which are not readily available for senior residents in the community. Mr. Holden explained that he has received comments and feedback from local retired citizens living here that say their housing choices are very limited, and they would like other options and what they are in isn't sufficient or doesn't meet their needs, so that is specifically what that point addresses. Vice Chair Levin asked if their approach is for both workforce and seniors, and Mr. Holden stated absolutely. There is no reason those two uses are not compatible.

The Vice Chair then referenced number 14 and asked for an explanation of how the proposed plan for a two-story walk-up is considered an emerging trend for non-traditional housing developments, such as co-housing, etc., that is cited as a community benefit. Mr. Holden asked what page that is on and the Vice Chair stated on our page seven and his page 16, as number 14 in the list of community benefits. She just doesn't see the emerging trends in a two-story garden apartment. Mr. Holden indicated that was referring to what they are seeing in other communities – the two-story garden walk-up, which provides a very livable environment that specifically addresses the smaller units where people have that option in their lifestyle. Cari Meyer then pointed out that the language that says "Consider new and emerging trends" is from our Community Plan; however, the Vice Chair stated that she wanted him to explain the compatibility with that benefit.

Vice Chair Levin then asked, if he is also leaning toward senior residents and calls it a walk-up, there are no elevators, and Mr. Holden said no, but there is the ground floor for half of the units. The Vice Chair then referenced benefit number 16 regarding land use circulation and regional issues, and indicated that in the future, it might be important to tie-in existing public transit and stops if they are located nearby, to satisfy that community benefit. On page 17, she needs an explanation on how this great idea for rental apartments will create workforce and family housing, and not end-up as all senior housing. It seems that you have a blended projected occupancy in mind, which is good. We need rental housing and affordability, but she is not clear how the units have been designed, with very small footprints, and how they could ever accommodate workforce housing that includes families.

Mr. Holden indicated that they commissioned a study to help them evaluate and understand the needs of the local community, and it took into account incomes, ages, demographics and other

factors, which helped them identify who the residents would be for this project, and they were really reflective of the people they have identified – local people that work here and some people that don't work and are retired, but also compatible. Then, the report guided them to some different unit sizes that ranged from one-ones to two bedrooms, two baths, so their units for someone who is more budget-constrained or has a smaller household would have the opportunity to live in about a 600 sq. ft. one bedroom, one bath, and the floorplan functions incredibly well. If they are a small family, they would have the opportunity for a two bedroom, two bath unit, so they don't have to design one size unit for one particular demographic. They have identified that they can design units to fit the larger demographics that need to be served in the community.

Vice Chair Levin stated that the survey didn't really tell you that we needed more affordable family housing, other than a one-bedroom that might have two kids. Mr. Holden responded that the report concentrated on the multifamily survey in Sedona and the Village of Oak Creek. It did not concentrate on single-family or other types of housing; it focused on the rental multifamily unit, and that report identified nearly 100% occupancy and units that had not been kept up to date in some cases or maybe had not been constructed for many years, and then it further looked at the demographics and said who the renter is and who would be the likely people to occupy the units.

Vice Chair Leven then referenced page 23 under the Affordable Housing discussion and indicated that it states that the context of affordable housing, using the existing City of Sedona's Ordinance, is not economically achievable for the scope of this project or even a limited scope, unless greatly subsidized by public funding. Rather, the project itself is designed for the local community and residents and will serve such because of its design, unit mix and product type. She then asked Mr. Holden to explain that statement. Mr. Holden stated that the City of Sedona's policy provides for a desired calculation of effectively a subsidy from the developer for a percentage of the units being proposed, so their comment relative to that is really twofold. One is they analyzed that existing policy and applied it to the dynamics of building a new project, and it is not economically feasible, so for them to apply that policy to this project, it couldn't be built. It wouldn't even be financeable; it wouldn't be economically viable, but they did, in working with staff's comments, look at what other tools they had available to work towards the affordable housing, and what they are willing to offer that would help achieve the mutual goal they have. They have identified that need as well as the overall community's need of providing rental housing, and part of that is back to the smaller units. If it is a larger unit, you have to charge more; if they have the option for some smaller units, then they might be able to bring in somebody that may not otherwise be able to afford the unit, by giving them a slightly smaller unit.

The Vice Chair then stated that developers are asked without any regulatory authority from the City to contribute to a Housing Fund based on a percentage of commercial cost of construction or to make a monetary gift, so are those still in place? Audree Juhlin stated that we do have the Housing Policy . . ., Chair Losoff interrupted to say that we are getting a little bit out of the subject. We are talking about a Zone Change and Plan Amendment, so he is not sure we want to get into all of this affordable housing right now, as a concept it is certainly there. Vice Chair Levin interjected that the applicant had raised it, and she is just trying to understand how they see that, and if she is going down the right road, does that mean that you don't need to set aside a couple of units that might be more affordable than your market rates and/or make a contribution? Audree Juhlin referenced the Housing Policy, and indicated that it is correct that we do have a volunteer policy, so when we look at Zone Change applications, we look at community benefits that may result from the Zone Change. One of those is affordable or workforce housing units. Usually, as the applicant has alluded to, when we wrote the Housing Policy, it was with the understanding that it was going to be in conjunction with either another lodging or commercial use, and those other uses are what in essence subsidized those affordable units. . . Vice Chair Levin interjected, created the need for the housing. Audree Juhlin continued to state that the applicant is saying that in this case, he is coming forward with

a product in and of itself that some are perceiving to need in the community, and by the design and size is affordable, so perhaps they don't need to have the designation standard provided in the Housing Policy, because of the nature of the units. The Vice Chair indicated that is what she read into it, and that is why she had the question.

The Vice Chair referenced page 28 and the detail about the units themselves embedded in the site data regarding parking, and stated that we don't have to get into the weeds tonight, but she would like more clarification at a later date. It indicates four types in one and two bedrooms and talked about their square footage, so she just thinks that has to come through later. She then asked if the sale of this property is contingent on the approvals from the City, and Mr. Holden stated yes. Then, the Vice Chair asked if there are any ADA-accessible units contemplated. Mr. Holden stated yes, the ground floor will have to meet all ADA requirements as well as the retention area that they are now showing that as the resident park, so that will have to meet ADA requirements as well. Vice Chair Levin then stated that it is a great day when an apartment building is suggested to be built in this community.

Commissioner Cohen indicated that he had no questions and Commissioner Klein asked, if the text Amendment is approved by the City Council and the project is approved, would the applicant be agreeable to the Commission making as conditions that you wouldn't turn them into condos and sell them off; minimum rentals would be 90 days, and no subletting. Mr. Holden stated that is correct.

Commissioner Klein stated that since he lives in the area, like Commissioner Mayer, he thinks it is a great idea of a project, but his concern is that turning from Canyon Drive onto S.R. 89A sometimes can be challenging, and according to the traffic statistics, it says there will be 299 trips a day from this complex and all of those people will be turning left and right from Pinon onto S.R. 89A, so has any study been done to determine if that will cause any back-up from the intersection of S.R. 89A and Pinon. The numbers are here, but he doesn't know how that translates into if there are going to be back-ups, especially at peak hours. Mr. Holden indicated that he doesn't believe that analysis has been done, but they can ask the Traffic Engineer to do that analysis.

Commissioner Klein then indicated that one of his concerns is when you are going down Pinon towards S.R. 89A, right after you pass the last house on the right, Pinon makes a sharp curve to the right and turns back to the left, and that is a pretty short distance. After you make that turn to the left, as he understands the diagram, that is where the ingress/egress would be to the apartment complex, so his concern is if you are going to create a back-up at certain times and people coming down Pinon go to make that quick right, then left turn, and are they confronted with stopped traffic, which they don't expect. Mr. Holden indicated that is a good question.

Commissioner Klein then indicated that when people exit the apartment complex, they are going to be making a right turn onto Pinon, and asked if there will be a stop sign going there for them. Mr. Holden stated yes, that would have to be appropriately signed for a stop there.

Chair Losoff referenced the site visit and indicated that, conceptually, we are okay with the project from the overall point-of-view of multifamily housing. On this particular Major Community Plan Amendment, he doesn't know that there are any issues on that either. The major issue he saw is traffic, and again, the Commission thought that entrance coming off of S.R. 89A was almost too close off of S.R. 89A. We are not traffic experts, but we would like to see more details from whoever, and there was some concern with the flow of traffic in and around the complex from a Fire Department point-of-view and a common sense point-of-view, and what we can do to close the visibility of cars off of S.R. 89A, so we don't see anything but bumpers or hoods off of S.R. 89A. There was also a discussion in the traffic study about sidewalks, pedestrian crossings, so were you prepared to deal with those and connect the sidewalks to the S.R. 89A sidewalk? Mr. Holden stated yes, there was a staff comment that ask them to evaluate a bicycle/pedestrian path along Pinon for connectivity to S.R. 89A, and in the revised

plan, they are indicating that location conceptually. The Chair indicated that is good, because a pedestrian walkway is important in that area.

Cari Meyer reminded the Commission that this is a conceptual Zone Change and Development Review, and the full Traffic Impact Analysis will be done with the next stage of the Zone Change, so it is things that we can consider as they form the parameters of the final Traffic Impact Analysis, but that won't be part of the conceptual Zone Change you will see on September 19th. Chair Losoff stated that you have heard the Commission's comments on that and we will probably get more information, perhaps with definitions spelled out more thoroughly on affordable housing. Again, overall there is a consensus that the project is worthwhile conceptually; we just have to ensure it conforms with the issues we have discussed.

The Chair then asked if Mike Raber had any issues with the Plan Amendment, and Mike stated that we will be addressing what staff sees in the Staff Report.

Vice Chair Levin asked if it would be possible to have a 10-minute recess, so the Chair recessed the meeting at 5:05 p.m. and reconvened the meeting at 5:15 p.m.

d. Discussion regarding a request for approval of a Major Community Plan Amendment to the Future Land Use Map from SFLD (Single Family Low Density) to PA (Planned Area) and Zone Change from RS-18b (Single Family Residential) to P (Parking) to allow for the development of a parking lot to serve the adjacent conditionally allowed commercial use. The property is located at 1535 State Route 179, on the western side of State Route 179 south of Arrow Drive. APN: 401-31-011 Applicant: Francis J. Slavin, Esq. and Heather N. Dukes, Esq., Francis J. Slavin, PC Case Number: PZ17-00010 (Major CPA, ZC)

Presentation: Audree Juhlin stated that this item is for a Community Plan Major Amendment. The address is on S.R. 179; it is 1535 S.R. 179 and it is owned by the Robsons. They have an authorized agent representing them, Heather Dukes, who is with us tonight and is available to answer any questions and provide information. The property is just slightly under one-half acre, and it is currently vacant.

Audree showed a map of the vicinity in a broader context to the Morgan roundabout, and in the next map that was a little closer up, she identified the subject vacant property and the gallery site immediately to the north. We are not doing anything related to the gallery site with these applications, only the vacant lot.

Audree Juhlin indicated that regarding a summary of what is being requested, she wanted to clarify something, as we have some new development on this application. Basically, what the Robsons, as the property owners, want to do is create a parking lot in association with their existing art gallery. They need a Community Plan designation to do that, because the Future Land Use designates this as Single-Family Low Density, so they are requesting a new designation of Planned Area. Initially, the application submitted also included a Zone Change request, but as she sent out in the email to the Commission last night, we received on August 10th she believes, a notice updating the status of the zoning application, because we were missing a number of components from that, so the applicants have decided to not run these two applications concurrently. We are going to be hearing just the Community Plan Amendment at this time, and then at a future date when they have all of the information for the zoning, we will receive that application and move that forward at that time.

Audree pointed out that, when considering this application for this parking proposal, the Commission will want to look at the CFA. The property is located in the Morgan Road Community Focus Area, and it talks about two components that you will want to look at. It is really looking at opportunities for non-residential uses along S.R. 179 if key public or neighborhood amenities are provided, and the Community Plan says, such as good pedestrian access to neighborhoods, open space retention, or enhancement next to the highway. The

other item for consideration is considering new non-residential development only if compatible with the character of the neighborhood. Those are the two main components you will be looking at when evaluating the proposed request for the Community Plan Amendment, but there may be other applicable sections of the Community Plan that are identified as something we should discuss or consider, and that will be brought forward in our Staff Report.

Audree Juhlin indicated that the next point is we do have a conceptual site plan that was submitted as part of the original packet, including for the zoning. She understands from the applicants that this site plan is proposed to be changed slightly, and they can address that with the zoning application. We don't necessarily need to get into that now, unless you have questions of the applicant. They are here to respond to that, but as you can see, this is the existing site that has the Conditional Use Permit allowing for the art gallery, and this is the proposed parking area. We have been working with the applicant to address a few issues. One is along this southern boundary, the boundary to Lot 39 where there is a vehicular access easement. We have discussed removing the parking and landscaping there and honoring the vehicular easement. She then pointed out the property line and explained that the vehicular access easement runs 10 ft. onto Lot 40, the Robson's property, and 10 ft. onto Lot 39, the adjacent property owner's property. Her understanding is that they will be submitting a new conceptual site plan that shows that this easement will be retained by moving everything in 10 ft. Again, the applicant is here to talk about that. Other than that, there really isn't any more for staff to present at this time, and we are asking what else the Commission needs to review and consider this application.

Commission's Questions and Comments:
Chair Losoff stated that he thinks there are a lot of questions.

Commissioner Cohen stated that he only has three questions. In the Staff Report dated June 29, 2017 from Public Works, there are six comments and item 5 is a concern, and he needs it explained. The Engineering Report says that technical information appears to be misrepresented by professional registrant and corporate endorsement, please clarify. Furthermore, technical data appears to be in violation of Board of Technical Registration requirements, as it is missing the appropriate registrant information, so that silence is kind of confusing coming from our Public Works department. He would like that explained please. Audree Juhlin stated that she thinks the applicant would be the best to respond to those comments. The Commissioner then asked if he should just list his three questions, and Audree stated sure.

Commissioner Cohen then indicated that question number two is during our site visit, there is a roadway from 365 Bowstring onto Tract 40, so can someone show us where the permit is for its construction. Audree asked, of the driveway, and the Commissioner indicated yes. Audree asked, to ensure what the Commissioner is saying, if the Commissioner is talking about a connection coming somewhere in here from the resident property, and Commissioner Cohen stated yes, we saw it during the site visit, and Heather was kind enough to point it out to us.

The Commissioner then stated that his third question is page 1 from the applicant mentions that the parking lot on Tract 41 is not adequate to accommodate customer and employee parking and overflows to Tract 40 and Arrow Drive. After reading comments, he understands from neighbors' comments that it is common for cars to be parked on Tract 40 where an employee has been directing cars to it. Again, it is in the comments. Audree Juhlin indicated that she didn't understand the third question, and the Commissioner reread that page one from the applicant mentions that the parking lot on Tract 41 is not adequate to accommodate customer and employee parking and overflows to Tract 40 and Arrow Drive, and after reading comments from neighbors, it is common for cars to be parked on Tract 40 where an employee has been seen directing cars to it, and that is by the neighbors, so . . . Audree asked, so the question is . . . Commissioner Cohen asked if we are using Tract 40 without permits and Audree said, oh, currently are we using Tract 40. Commissioner Cohen stated yes, that is what the neighbors

seemed to have raised a question on. Chair Losoff then asked Heather Dukes if she or staff could answer some of the comments.

Heather Dukes, Attorney with the Law Offices of Francis Slavin in Phoenix, Arizona: Ms. Dukes stated that she is here today on behalf of the Robsons and Son Silver West, and they are in the audience with her today. She received the Commissioner's three questions and will address the first one regarding the technical registration comment from Public Works. The conceptual site plan -- the underlying topographic and conceptual site plan where the buildings are located, the parking area on Tract 41 and 42, was performed by Shephard Wesnitzer. Later, they had a Landscape Architect by the name of Richard Hubbell prepare the Tract 40 parking and landscaping improvement, so his seal is also on that document. She thinks that is the concern that they have an underlying plan prepared by Shephard Wesnitzer that has been modified by Richard Hubbell. They have hired a new architect and engineering firm by the name of Coe & Van Loo, so the conceptual site plan has been prepared now by Coe & Van Loo and it will be submitted for your review prior to the next work study session, so they cleared up that comment by hiring a new firm.

Ms. Dukes stated that regarding the roadway from 365 Bowstring to Tract 40, there is a section of pavement; it has been there for a very long time. The Robsons have used it sometimes when they bring their vehicles from 365 Bowstring across Tract 40 to their sites on 41 and 42. She is not aware of any building permit for that section of pavement, but what they can represent is that as part of this Community Plan and rezoning application process, whatever improvements shown on the site plan that are approved by the Planning & Zoning Commission and then the City Council, that will all be taken care of. If that needs to be removed, you know the section of pavement, because they need to put in landscaping improvements there, all of that will be taken care of with site plan approvals and permit approvals.

Ms. Dukes stated that the third question dealt with the existing parking lot on Tract 41. Their statements in their Letter of Intent address the fact that the 17 to 18 parking space parking lot on Tract 41 is not adequate, and it is not. If you go back to the CUP records from 1992, when the Robsons requested the parking lot plan to be approved for Tract 41, the Planning & Zoning Commission at that time recognized that the parking proposed for Tract 41 was not adequate. It was severely under-parked still, but they recognized that it was an improvement of the existing condition, because what you were having was cars parked on the east side of S.R. 179, people walking across the highway, and trucks backing out onto the highway to leave the site, so to have a designated parking area on Tract 41 was an improvement of the existing condition, albeit, it was still under-parked. What they are doing on Tract 41 is they are making this application to correct the under-parking that they have. There has been a history of cars that have parked on Tract 40. You will see photos in the record; they acknowledge that cars have parked on Tract 40 during very busy times. Their busiest times are during the spring and the fall. The Robsons have hired a parking lot attendant and that parking lot attendant has been there during busy peak time periods to try to direct traffic. His duty is to make sure that cars are not parking on Tract 40. If there have been instances where that has occurred, again, they apologize, but it is a situation that they are trying to remedy with this application.

Commissioner Cohen stated the 17 parking spaces on 41 aren't adequate as you pointed out, but the report that you submitted on behalf of Son Silver stated that the expansion grew, and didn't Son Silver understand that the expansion would do something poor to the parking situation, and are all of the expansions adequately permitted? Ms. Dukes asked if the Commissioner is referring to expansions on Tract 41; the outdoor retail space expansion on Tract 41. There was no verbal response. Ms. Dukes explained that the 1992 application was filed and at that time there was a dispute between the City and the Robsons as to whether or not the outdoor retail space on Tract 41 was existing and what amount was existing, so the 1992 CUP was reached to allow the Robsons to have 5,000 sq. ft. of retail space, and she is getting a little bit into the weeds, because again, their application just deals with Tract 40. The 1992 CUP approved, in their interpretation, 5,000 sq. ft. of retail space on just Tract 41; it didn't

address Tract 42, and she is looking at Audree, because this is an ongoing discussion between us, and they have been very appreciative of Audree and Robert Pickels, because they have been very good at working with them to address some of these allegations of expansion, and they are trying to work that out.

Ms. Dukes indicated that with all that said, since this site has been used since 1960 -- it was used as an art gallery by La Galleria. The Robsons purchased Tract 42 in 1981; they purchased Tract 41 in 1987. The City of Sedona was then incorporated in 1988; parking has always been an issue in this location, regardless of whether or not there have been these alleged expansions. It has always been an issue, and so this Tract 40 opportunity will allow them to accommodate parking for both their employees and also the overflow customer parking, to help the neighborhood out. They understand the parking is going in 61 Arrow, and it is to help their business and the traffic flow along S.R. 179. They feel it is a win-win situation to get this parking situation under control.

Ms. Dukes then stated to answer the question about the expansions, typically when a business comes in for a Community Plan Amendment and a rezoning, you are taking a new site plan and you have a proposed retail building with a certain amount of square feet. That square footage drives your parking requirements, and then you say you are meeting these parking requirements by giving x amount of proposed parking spaces. In this situation you have a legal nonconforming use that has been here for several years, so the retail square footage is already there. It is in the buildings; it is in the outdoor retail areas. Second off, you have this location along S.R. 179 that is one of the two main access ways into Sedona where tourist traffic is very heavy, and third, you have just tourist in general. Tourists come to Sedona, because they want to shop here, they want to stay here; they are here to experience the unique beauty and all of the businesses that are here.

Chair Losoff stated that the Commission is going to have a lot of questions, so maybe the answers could be more . . . Ms. Dukes interjected succinct, and the Chair stated yes. Ms. Dukes added that overall what she is trying to convey is that the tourism drives this parking. People come to Sedona; this is along the route to Sedona. If their square footage was 12,000 sq. ft., 8,000 sq. ft., 5,000 sq. ft., they would still have a parking issue.

Commissioner Cohen stated that he yields the floor; however, Vice Chair Levin stated that she didn't think the Commissioner had that authority. Chair Losoff indicated that he was curious and asked what is going on. Ms. Dukes stated that with this application, they are trying to accommodate the parking. They were issued a Notice of Violation regarding parking on Tract 40, so they are trying to come forward and get the appropriate approvals, so they may park on Tract 40.

Commissioner Barcus referenced the 40 proposed parking spaces and asked how many they expect would be occupied by employees during normal business hours. Ms. Dukes stated that you can correct her if she is wrong, but typically during peak time periods, again spring and fall, they have six to eight employees, so they would expect a maximum of perhaps five parking spaces to be used for employee parking at one time based on the shifts of the employees.

Commissioner Barcus asked if by tripling the existing parking, it is your expectation that this will solve the peak-load parking problem that this business faces. Ms. Dukes stated yes, it will definitely mitigate, if not alleviate, all of the parking that is occurring along Arrow Drive – the neighborhood to the north. Vice Chair Levin asked, mitigate or alleviate, and Ms. Dukes responded mitigate if not alleviate. She can't project if there is a super busy day on Labor Day, if it would alleviate all, but she is hoping it would.

Chair Losoff asked if they would be open to a Condition of Approval that employees are not allowed to park on Arrow if this is approved, and Audree Juhlin stated that it is not a zoning application, so we are not having Conditions of Approval. This is a Community Plan

Amendment, so the consideration for this is the Future Land Use designation. The Chair stated that it is hard not to do both – very difficult.

Commissioner Klein stated that he is curious and asked why they initially applied for the Community Plan Amendment and the zoning change, and now you just want to have the Community Plan Amendment decided. Ms. Dukes stated that they would still like to have the Plan Amendment and rezoning decided at the same time, but based on the requirements for the public hearings and public outreach, if they submit the rezoning application this week, which is what they plan to do, they have missed their opportunity to catch up with the public hearing in September, with this Community Plan Amendment.

Commissioner Klein asked staff if the Commission was to approve this request to change the Community Plan to a Planned Area, what exactly does that mean then in terms of their zoning request. Could they apply for something different than Parking if they have a Planned Area amendment to the Community Plan? Audree Juhlin stated that basically with this Future Land Use designation, you are providing the ability for any property owner, regardless of who the property owner is, to come in and request any use that fits within the Community Plan – parking would be one of those things and there may be other uses too that could come forward in a Zone Change application that would fit that Plan designation.

Ms. Dukes stated that one of the things they have done in the past is if the property owner and the City would be willing, there is an opportunity to enter into perhaps a Development Agreement where if this Community Plan Amendment is approved, the property owner would be willing to record a document against the property limiting it to the use of parking.

Commissioner Klein stated that there has been a lot of stuff in the paper about this business and whether it is in compliance with certain requirements of the City, and he doesn't know the current status of that, but is that a separate issue from what the Commission has before it, or are those intertwined in any way. Robert Pickels Jr. stated that they are two mutually exclusive processes and two mutually exclusive issues, and one should not be considered in conjunction with the other.

Chair Losoff and Vice Chair Levin asked if the Commission can talk about that. The Chair stated that in the past we have had applications come in where the applicant maybe is delinquent on taxes or a bill, etc., and in one case it was approved by the Commission and went to Council, and at that point, Council found out they were in arrears and it was negated. There are other issues like that, so how can we not consider both? Here we have an applicant who basically you guys have been in court with and we are trying to decide part of their application, when we are not sure if they are in compliance with anything else, so Commissioners have been concerned about that.

Robert Pickels Jr. stated that he understands the concern and the only way that he can advise you is that the Major Plan Amendment process does not preclude applicants who may be in violation of or in some kind of a challenge to a violation of the Code, so there is no preclusion in our process that would disqualify an applicant. That being said, there are some more subjective criteria that the Commission and the Council will look at, and we can talk about those, and he can certainly author a formal opinion in that regard prior to any consideration by the Commission if that would help, but it is still within a very clearly defined limitation of what those subjective elements might be. So again, getting back to kind of the mutually exclusive nature of this issue versus the ongoing issues with the compliance and the legal issues, they are not considered as part of the Plan Amendment process.

Chair Losoff commented so an applicant has a right to apply for whatever even though there may be some legal or other issues involved, which may put them in contradictory situations to other laws. Robert Pickels Jr. stated yes and explained that there are other entitlements that are granted by the City that are restrictive in nature and a business license would be the most

prominent example that he can think of that if there are noncompliance issues with the City Code or the Land Development Code that would preclude an applicant from being given that kind of an entitlement, so there are those – the Major Plan Amendment process is not one of those.

The Chair then asked if the Commission approves the Major Plan Amendment, it doesn't guarantee anything for the applicant in terms of parking or negating any of their other issues. Robert Pickels Jr. explained that if the Major Plan Amendment is granted, it will create an overarching entitlement on this property. The Land Use designation and the Map will change, but there is still going to be a rezoning process that has to be accomplished before any different use can occur.

Commissioner Cohen stated that he would like to follow-up on that; however, the Chair pointed out that the Commission hasn't heard from Vice Chair Levin yet. Commissioner Cohen continued to say that this is important, because he completely disagrees with our Counsel totally. Robert Pickels Jr. stated that he doesn't want to interrupt, but in anticipation of what you might be saying, this is not the time to argue a legal issue. Commissioner Cohen stated that he is not arguing a legal issue; he is disagreeing with your point of where we are going. If the expansion – it goes back to one of his questions he asked before – if the expansion on the property was done without proper permits and without adequate planning for parking, then it raises the question about the legitimacy of this parking request under those circumstances. Vice Chair Levin stated, exactly. Robert Pickels Jr. explained that the Commission is free to interpret the way you want to interpret. All he can do is give you his best advice.

Vice Chair Levin stated that she has a follow-up question for Counsel, the applicant's representative attorney is present today, and she has referred to "alleged expansions", so does that open the door for helping the Commission understand what the status of those alleged expansions are, if she has brought them into the discussion today. Robert Pickels Jr. indicated that to the extent that the Commission feels that there is information that is necessary and relevant to what your decision is ultimately going to be following the public hearing, yes, in that regard. But again, he would caution that you still have to consider these items as being exclusive of one another. If there are connections that you feel have to be acknowledged in order to make your decision, then by all means, but he would be very careful about the level of details.

Vice Chair Levin indicated that she will have some questions that touch on those areas, and she is concerned that they will be struck down for the reasons you have mentioned. She feels frustrated, because of the situation of alleged expansions, vis-à-vis an element that is being requested by the applicant that would enhance the issues that are still unresolved. Robert Pickels stated that he understands, but he doesn't really have a reply to that.

Vice Chair Levin then asked if based on what Counsel has already told us, is it inappropriate for her to ask for a summary of the status of those code enforcement violations, and Robert Pickels Jr. stated yes, it would be inappropriate. The Vice Chair then asked if the 1992 CUP regarding outdoor sales display area accurately described by the applicant. Audree Juhlin stated that staff has not done a full evaluation and analysis of the information provided. We are still gathering information and once we have that information, we will provide that in our formal Staff Report. The Vice Chair then indicated that it is pretty important, because it establishes what the uses were that would demand the parking and it is parking that we are here today to discuss.

The Vice Chair then stated that between '89 and 2001 on page 23, the applicant said several building permits were approved and issued for new structures, fences, building removal and alterations, and she then asked if that can be validated. Audree Juhlin again stated that staff can do that in the Staff Report.

Vice Chair Levin indicated that she needed some education on page 27, paragraph one, and asked if you can explain if deed restrictions are currently effective and whether they are applicable to the current request for a CUP or Community Plan Amendment and rezoning. Audree Juhlin indicated that she can address the question regarding the CC&Rs and deed restrictions related to the subdivision. The City does not enforce CC&Rs or subdivision deed restrictions; it is not something that we would consider in our evaluation of the application. The Vice Chair clarified that her question was if they are effective now, and Audree Juhlin stated that is not something we are doing an analysis on, so she can't answer that question.

The Vice Chair stated that she forgot to disclose that she lives on Sheath Drive, which is adjacent to Son Silver West and one street over from Arrow Drive, and northwest of Son Silver Drive. She then asked if the 19 existing parking spaces equate to the approved uses for outdoor display and sales, and Audree Juhlin stated that staff can do an analysis and provide that to you in the Staff Report. The Vice Chair added that would be for both existing and approved, and Audree Juhlin stated, right.

Vice Chair Levin then asked how the 40 plus the 19 existing equate to the approved uses or actual uses. Audree Juhlin restated that staff will do that analysis for the Commission; staff doesn't have that information at this time. The Vice Chair then referenced the easement between 39 and 40, and indicated that she wondered if that existing and proposed roadway or proposed continued use of that drive connection between that lot and the house at 365 Bowstring is legal. Audree Juhlin indicated that would be a good question for our City Engineer to address, and she believes he is present.

Andy Dickey stated that the connection to the lot that you referred to is a violation of our code, so it is not legal. Vice Chair Levin stated okay, that is about it, thank you. Andy indicated that if she needed a further explanation, just let him know.

Vice Chair Levin referenced page 36 and indicated that the applicant represents that the parking on Arrow is both employee and visitors to the business itself, and they refer to it as overflow parking, so she wants to know how overflow parking from a business on S.R. 179 along Arrow Drive is legal. Andy Dickey indicated that if the Vice Chair is talking about overflow parking, it is a public street, so as long as the parking is safe and allows for flow of traffic according to our codes, it would be legal. You can't account for required parking within our public rights-of-way, but if someone chooses to park within the public right-of-way, they could do that. The Vice Chair asked if that would be like if we have a public meeting here and cars are parked up Roadrunner Drive, and Andy stated yes. The Vice Chair then indicated that it is the same principle; it is all public parking and it may be overflow and employee or both, but it is legal unless in impedes traffic. Andy stated that is correct. Vice Chair Levin stated that to the applicant's credit, there are no longer deliveries taking place at that location, but the parking continues.

Vice Chair Levin stated that she feels that the applicant is trying to legitimize parking to address an alleged expansion. It is sort of a back-ended request to take care of their successful business when its very expansion, that lends itself to the need for more parking and the success of their business, has not been established, so she is very uneasy about this request. She knows the Commission is supposed to see it in a silo without any other contextual information about alleged expansions and code violations, but of course they inform us and of course they need to be addressed.

Commissioner Mayer stated that he is interested in what the impact on the traffic is on S.R. 179, having those additional parking spots on there, if there is just one inlet and one outlet. It is just the same thing; it is just the one drive-in. Andy Dickey stated that the impact would be related to the driveway interaction itself with traffic entering and exiting at that point, and the load that would be added to the street itself would be pretty minimal. The Commissioner then

commented that it will impact the parking lot more than S.R. 179, because if they cannot get out, it backs up.

Chair Losoff stated that right now the Major Community Plan Amendment would go to a Planned Area, so what would that allow the applicant to do in a Planned Area that they can't do now. Mike Raber stated that the Planned Area would have to be evaluated based on what the Community Plan says for this CFA. The expectations would be one of the things looked at, but the possibilities for different zoning scenarios would exist; parking might be one of those. Chair Losoff noted that right now it is residential and Mike indicated that is correct.

Ms. Dukes stated that the Robsons are dedicated to submitting this rezoning application for parking this week, so that is the intended use of this parcel. It is her belief that if a Planned Area designation is approved for this parcel and for some reason the zoning application is not approved, the Robsons cannot do anything with this parcel until another rezoning application comes before the Commission and the Council approves it, so you would have a second bite of the apple if there is a different use proposed in the future.

Chair Losoff stated that the Commission received comments from some people in the community, but he doesn't know if the Commissioners had a chance to read them, but before doing that, there is a card, so he will open it up to the public.

Chair Losoff opened the public comment period at this time.

Scott Schrader, Sedona, AZ: Mr. Schrader indicated that he lives at the corner of Arrow and Bowstring, and he is not a high-priced attorney. In fact, he got roped into representing about two dozen neighbors, so he is paying for it by missing dinner. His contingent and all of the neighbors, and he thinks it is reflective in all of the comments, is that the business is obviously thriving. They clearly would like to increase the customer base, based on additional 40 spaces. Because he is not an attorney, he guesses that he can bring up the idea or at least the concept that there is a judgment at the Coconino Superior Court. He spoke with the judge's assistant yesterday, and she told him that the judge will be signing that judgment this week. He had been out of town on a family emergency, and that judgment basically reduces the retail selling space to the CUP of 1992 – roughly two-thirds, so their contention in the neighborhood is if you take away two-thirds of the retail space, there is plenty of parking. Now, he is not sure if they are supposed to talk about that, but he is going throw that out there anyway, because that is where the neighborhood is. Their concern is that this is a judgment that is required. Obviously, it will be appealed; obviously, Son Silver West believes they will prevail in the appeal. Should they not prevail, they are going to be forced to reduce their selling footprint by quite a large amount, so consequently, the neighbors are fairly united in the belief that the parking will become quite available once many of those retail selling structures are removed that is under the requirement. With that, he doesn't want to tie up any more of the Commission's time and he thanks you.

Having no additional requests to speak, the Chair closed the public comment period and returned the meeting to the Commission.

Commissioner Klein indicated that the gentleman stated that this judgment either requires them to reduce the retail space by one-third or two-thirds, so if they had 6,000 sq. ft. of retail, this judgment says they have to reduce it to 2,000? (Inaudible statement from the audience.) The Commissioner then indicated that his question that maybe the City Attorney should answer is if that judgment is going to be in place, you don't know what is going to happen with an appeal, so is it premature for the Commission to be deciding this issue until we know the ultimate outcome of that litigation, because if they are required to reduce their commercial space by two-thirds, then that raises the issue of do they need this parking? One question he has is if it is premature, given that judgment, for us to even be dealing with this?

Robert Pickels Jr. stated that he doesn't know that he can answer that question; that is a very subjective determination not knowing what the effect ultimately will be. What he would suggest though is, and this may be a legitimate question to pose to the applicant, hypothetically, if the display area was scaled back would there still be a need for the parking. That would be a legitimate question for the Commissioner to ask if you so desire.

Commissioner Klein indicated that he hasn't had a chance to look at all of the public comments, but one from Walter Shrode talks about, and he doesn't know if this is accurate, but it says that Son Silver West was advised in no uncertain terms, when they were granted the 1992 Conditional Use Permit, that additional expansion would not be allowed and that utilization of Tract 40 for commercial parking would not be allowed. No commercial parking on Tract 40 was reiterated by letter from the Director of Community Development on May 2, 2008 and October 6, 2011. The Commissioner then asked if that is accurate, and if it is, does that in anyway affect their request for a Major Community Plan Amendment if they are in violation of this CUP or if we grant their request, does that take out the issue that they may be in violation of the CUP?

Robert Pickels Jr. indicated that in answer to the first question, yes that is an accurate description of what limitations were, and the answer to the second part of the question is the same as it was when he answered it earlier, that you need to consider the two issues exclusive of one another.

Chair Losoff stated that at this point without getting into the same answer each time it has been raised, the question keeps coming back. He guesses at this point, the Commission is addressing one issue and one issue only from the legal perspective. Robert Pickels Jr. explained that he can only advise the Commission as to the legal standards. The Chair stated that he understands. We are talking about a Major Community Plan Amendment to change this from Single Family Low Density to Planned Area period, right? Audree Juhlin stated that is correct. The Chair then commented that there is no Zone Change asked for at this point, and Audree Juhlin confirmed not at this point. The Chair again stated that we are just talking about a change in the Community Plan and that is all we are asking for today. Anything they do after this has to come back to the Commission, and anything the Commission decides certainly can be conditioned upon their meeting general standards, whether it is specific to the project they are requesting or in general to other issues that they are in nonconformance with. We certainly have the responsibility to act on that. We can condition approvals based on their status of compliance or what that judgment is. He then asked if that is correct, and Robert Pickels Jr. indicated that we are talking about apples and oranges at this point, but yes, there are many more things that can be done through a Development Agreement, as Ms. Dukes mentioned, than what we are talking about now with the Plan Amendment.

The Chair again stated that all we are talking about is a Plan Amendment. Commissioner Klein then asked if the applicant can answer the question of if this judgment is upheld and you are required to reduce your retail space by two-thirds, then do you need additional parking or will the current parking be sufficient. Ms. Dukes stated that they will need additional parking.

Commissioner Klein asked why she says that, and Ms. Dukes indicated that is based on the parking study that their consultant has performed. The Commissioner asked if that is in the material, and Ms. Dukes said that will be with the rezoning, yes. Commissioner Klein then asked if the Commission would not see that until after the Commission rules on . . . if that is going to be in the rezoning application, will we see that before we rule on this request for a Major Community Plan Amendment? Ms. Dukes stated that they can make a supplemental submittal for this. They already have to submit a new site plan as part of the Community Plan Amendment showing the landscaped area and the parking spaces out of that 10 ft., so they can submit that as part of this revised or updated submittal, she should say.

Audree Juhlin explained that they can supplementally submit that information to you, but it will not be a formal application in which you are looking at that zoning component. It is just for your information only. It is not a zoning application.

Vice Chair Levin referenced the letter from Eric Shrode dated June 5th and asked if she missed this. Was it given to the Commission before? Commissioner Cohen stated that she got it last night and the Chair stated that the Commission got it today. Audree Juhlin indicated that was the email she sent out last night with the two additional public comments we received and the reminder that the meeting started at 3:30 p.m.

Commissioner Cohen asked Robert Pickels Jr. if this application then get dealt with overruling what Commissioner Klein just read. Commissioner Klein read this item that said two of our Community Development Directors worked with the CUP and said that the expansion would not allow for parking, so what we are talking about overrules what we had from the City before. Robert Pickels Jr. indicated that he is not sure he understands the question, and Commissioner Cohen indicated he will read it again.

Commissioner Cohen stated that he would read it again, because Commissioner Klein just read it. He then read, "They were advised in no uncertain terms when they were granted the 1992 Conditional Use Permit that additional expansion would not be allowed and that the utilization of Tract 40 for commercial parking would not be allowed." Their attorney has already addressed that issue, so the subject is open. Now it says, "No commercial parking on Tract 40 was reiterated by letter from the Director of Community Development on May 2nd, 2008 and again on October 6th, 2011. Son Silver illegally expanded its business resulting in the need for more parking in violation of the 1992 CUP." You already said that was accurate. If that is accurate, then what we are talking about now can't be discussed in terms of what was done by the Director of Community Planning and to issues. He is really having trouble understanding where your legal interpretation comes from, is where he is at. He is not even attacking the issue; he is just trying to understand what your legal interpretation deals with in terms of what we've heard from two Directors of Community Planning and the previous Conditional Use Permit

Robert Pickels Jr. stated that the facts are what they are. The terms on the Conditional Use Permit, the limitations on the Conditional Use Permit speak for themselves. The action that is being presented or will be acted on following the public hearing in no way is reflective of what the expressed conditions are in the Conditional Use Permit. This is a different process. If one has an impact on the other, he can't control what impact is on one versus the other. All he can do is identify what the specific parameters are on the process for each.

Commissioner Cohen stated that his responsibility is to take everything we do seriously on behalf of the community and on behalf of the people who are petitioning for some issues, and then we are supposed to make a studied and careful and thoughtful recommendation to the City Council, but he is not following exactly what you are trying to tell us that we can't tie this issue that Commissioner Klein addressed our attention to and your legal opinion, because he thinks that really affects the discussion.

Robert Pickels Jr. stated to let him see if he can . . . Chair Losoff interrupted to try to clarify and get you off of the hook maybe. He guesses what the Commission is being told is this is a separate consideration; nothing to do with what was going on in the past – technically or legally. Now from the Commission's point-of-view, when it comes time to make a final decision, we don't have to approve it based on whatever else we're thinking of, or we approve it with conditions, so the issue on the table is the one Plan Amendment period, which we are being told is not in any way connected to what else is going on behind the scenes. Commissioner Cohen stated that this isn't behind the scenes. Chair Losoff added that the Plan Amendment is just that; it has nothing to do with whatever. If we feel that the other issue is affected, then when it comes time to make a decision in September, each one of us takes it into consideration.

Ms. Dukes indicated that in response to Commissioner Cohen's question about whether the applicant and the prior Directors limited the Robsons' ability to use Tract 40, when the 1992 CUP was approved, the Robsons did not own Tract 40; they did not purchase Tract 40 until

2000. The letters that are referenced in the neighborhood's comments from 2008 and 2009 was Director O'Brien letting the Robsons know you cannot park on this parcel. In order to park on Tract 40, you have to process a Community Plan Amendment and a rezoning, so that is what they are doing here. It didn't preclude them from filing those applications; he was just letting them know this is the proper process you have to follow.

Commissioner Cohen thanked Ms. Dukes and stated that clarified the issue for him – you didn't (referring to Robert Pickels Jr.) Robert Pickels Jr. then stated that he guesses he needs to be fired, but Commissioner Cohen stated no, no, we don't have to.

Commissioner Barcus indicated that he needed guidance from the staff on the subsequent meetings that we're going to have on all four of these issues. His understanding is that we will have another work session next month and there will be an opportunity, because a couple of comments were closed today, but he wants to ensure that the public understands that at the next meeting there will be an opportunity for public comment, which is a work session. Chair Losoff pointed out that there was public comment today. Commissioner Barcus agreed that there was public comment today and it was closed, so we will have another work session and it will be an opportunity for public comment at that time, and then we're going to have a hearing to make a decision, and we will have public comment at that time, so the public understands that they have at least two more opportunities to provide comments to the Commission on all four Plan Amendments. Audree Juhlin stated that is correct.

Chair Losoff stated that they heard the Commission's issues and concerns, and for our next meeting, this particular project is complicated and although it is a separate issue, we can't ignore what else is going on, so somehow we have to come to grips on it; that is what conditional approvals are for.

6. FUTURE MEETING DATES AND AGENDA ITEMS

a. Thursday, August 31, 2017; 3:30 pm (Work Session)
b. Tuesday, September 5, 2017; 5:30 pm (Public Hearing)
c. Thursday, September 14, 2017; 3:30 pm (Work Session)
d. Tuesday, September 19, 2017; 5:30 pm (Public Hearing)

Audree Juhlin stated that the work session on August 31st is canceled. The public hearing on September 5th at 5:30 p.m. will be to look at reinstating some zoning on a property and also a continuation of our Land Development Code discussions. September 14th is the next work session on the Community Plan Amendments and associated zoning applications we talked about tonight. That meeting will start at 3:30 p.m., and the public hearing for those items will be on September 19th at 3:30 p.m., although the agenda items above show it as 5:30 p.m.

Chair Losoff asked why the time is being changed; it makes it very confusing for people. We were set at 5:30 p.m., so can we stay with 5:30 p.m.? Audree Juhlin indicated that she would need to check and see if our public notices went out with the 3:30 p.m. time. The Chair noted that staff had to make calls to everybody today; however, Audree clarified that there were only two people who were confused. The Chair stated that he is a strong advocate of staying with the same time for whatever it is worth. Commissioner Cohen stated that September 19th is the day before the Jewish high holiday of Rosh Hashanah, so he will not be here on the 19th. Audree Juhlin noted that she has the absences as Vice Chair Levin and Commissioner Cohen for the 19th. Audree then confirmed that it is at 3:30 p.m. and was publicly noticed for that time.

Chair Losoff then asked who is going to be present on the 19th and Audree confirmed that a quorum would be present; however, she asked that if any of the four Commissioners who will be present can't make the meeting, please let staff know as soon as possible, because we will not have a quorum.

Commissioner Mayer stated that he might be late on September 5th.

Audree indicated that on October 3rd, we are going to have a continuation of the Communication Wireless Master Plan and Land Development Code discussion. The Chair asked if that is a work session or a decision, and Cari stated that it is the continuation of the Commission's public hearing. Audree noted it is at 5:30 p.m., and Robert Pickels Jr. added that it is for possible action.

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

Chair Losoff called for adjournment at 6:15 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 August 15, 2017.

_____ _____

Donna A. S. Puckett, *Administrative Assistant* Date