Summary Minutes
City of Sedona
Planning & Zoning Commission Meeting
Council Chambers, 102 Roadrunner Drive, Sedona, AZ
Tuesday, September 5, 2017 - 5:30 p.m.

1. **CALL TO ORDER, PLEDGE OF ALLEGIANCE, & ROLL CALL**

Chair Losoff called the meeting to order at 5:30 p.m., led the Pledge of Allegiance and requested roll call.

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

Staff Present: Audree Juhlin, Cari Meyer, Robert Pickels Jr., Rob Pollock, Donna Puckett and Mike Raber

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

Robert Pickels Jr. introduced the new Law Clerk in the City Attorney's Office, Rob Pollock, who will be exposed to a lot of different areas in the City Attorney's responsibilities. Land use, planning and zoning will be one of them, so you will see him around and, towards the end of October, he will be passing the Arizona Bar exam and getting his license. Rob was asked where he went to law school and Rob stated Arizona State.

3. APPROVAL OF THE FOLLOWING MINUTES:
a. August 10, 2017 (SV)

Chair Losoff requested a motion to approve the minutes of the August 10th site visit.

MOTION: Commissioner Barcus so moved. Commissioner Klein seconded the motion. VOTE: Motion carried five (5) for and zero (0) opposed. (Vice Chair Levin and Commissioner Mayer were 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.)

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

5. CONSIDERATION OF THE FOLLOWING ITEMS THROUGH PUBLIC HEARING PROCEDURES.
a. Discussion/possible action regarding a request for the reestablishment of the RM-1 (Medium Density Multifamily Residential) zoning district at 140 Navajo Drive. The property currently has an expired RM-1 zoning designation and was previously zoned RMH-10 (Mobile Home and Single Family Residential). The Commission may recommend that City Council reestablish the RM-1 designation or revert the property to the RMH-10 designation. A general description of the area affected includes but is not necessarily limited to the area at the northeastern terminus of Navajo Drive. The property is approximately 1 acre. APN: 408-24-496C Applicant: Simno Holding, LLC (Chris Tortorello) Case Number: PZ17-00011 (ZC)

Presentation: Cari Meyer indicated that this Zone Change application is being called a zoning reestablishment. She described the location of the property on a Vicinity Map and Aerial Map. Cari then reviewed the previous approvals from 2002 – 2012 indicating that in 2002, it was rezoned from RMH-10 to RM-1, and a Development Review was approved at that time for a multifamily project. The zoning was conditioned on that project being built within two years, and a Time Extension was approved two years later allowing them until April of 2006 to build the project. That project was never built and the property remained vacant, so those approvals expired, but the property didn't go through a zoning reversion. In 2012, there were some changes in staff and the current property owner proposed an eight-unit apartment complex that complied with what was believed to the underlying zoning of RM-1, which was approved by the Commission. The error in zoning was discovered in 2013, when we went through a similar process to what is now being proposed to reestablish the zoning. There is really no zoning for the property with the expired zoning, so the development can't move ahead. We are again in the circumstance where all of the previous approvals have expired.

Cari explained that the Community Plan designation of this property is Multifamily, Medium Density, which the RM-1 complies with, but the property has no current zoning, since the previous approvals have expired. For the current property owner to be able to move forward, a zoning designation is needed, because the review of setbacks, heights, etc., is dependent on the Zoning District. This application currently is only a zoning case, because there are some options the property owner would have that would not require the Commission's review. For example, the RM-1 Zoning District does allow for single-family construction, so if the property received that Multifamily zoning, the property owner could submit an application to build a single-family house, and it would be reviewed according to our single-family home procedures. Alternatively, there are things that would require the Commission's review, such as for the eight-unit complex that was approved four or five years ago, so there are some circumstances under which the Commission would see this again, but currently, we are just looking at the zoning designation.

Cari stated that the original zoning approval in 2002 had a couple of community benefits that were proposed, with the main one being the implementation of the Community Plan, with the Multifamily land use designation and development of multifamily units in an area that was suitable for multifamily development. There are other multifamily developments in the area with the Shadowbrook apartments next door and commercial to the south of the site. A couple of other community benefits mentioned were the installation of a new fire hydrant, which the Sedona Fire District will review, and if that is still necessary, the applicant will be required to meet any of their requirements as the site is developed. There also was a drainage study and drainage easement required as part of the original Development Review, and that has been done. The City completed drainage improvements through the area a few years ago.

Cari indicated that this request was routed to all reviewing agencies, and there were no concerns and staff has received no public comments. The applicant did the outreach and talked with the property manager of the Shadowbrook Apartments, and there were no significant concerns expressed by anybody.

Cari explained that the options would be to approve again the Multifamily zoning, which is being requested by the applicant. It complies with the Community Plan designation, and we would move forward with the Development Review procedures either administratively or through the Commission, depending on the extent of the development proposed. There is also the option to revert to the RMH-10 zoning, but that would not be in compliance with the Community Plan designation and it is a Single-Family zone that would be administratively reviewed, or the property could be left in the same situation it is in now.

Cari stated that staff is recommending that the RM-1 zoning be reestablished on this property with the only condition being that the property owner signs a Prop 207 waiver, which is a standard condition for all applications, and this would be a recommendation to the City Council.

Commission's Questions and Comments:
Chair Losoff asked if a property is rezoned and the zoning expires, it doesn't automatically revert back to the initial zoning, and Cari indicated no, it takes an action by the City Council to revert it and that was never done.

Commissioner Klein referenced the property owner's Letter of Intent and indicated that it says that the owner wants to subdivide it into three lots. He then asked if the Zone Change is approved back to RM-1, does that just go through staff and not come to P&Z. Cari indicated that is correct, by state law, a property owner can split up to three lots. Commissioner Klein then asked if they can put either a single-family home or duplex on each of the three lots without it coming before the Commission, and Cari stated that is correct. The Commissioner then asked if it would have to come before the Commission if they wanted to do more than that, and Cari explained that the Development Review guidelines allow staff to administratively review single-family and duplex construction, but anything greater than that requires a Development Review approval.

Commissioner Klein referenced the papers that staff prepared and indicated that it stated that if we reestablish the RM-1 zoning, there could be development of single-family or multifamily uses, along with some other uses through a Conditional Use Permit. The Commissioner then asked what other uses that would be, and Cari stated that it would be things like daycare, churches, schools, etc. They are pretty much the same between multifamily and single-family, but for something other than residential development, there is a small list of things that they could apply for a Conditional Use Permit to do.

Chair Losoff asked if the applicant wanted to say anything, and the applicant indicated that Cari had covered it.

The Chair opened the public comment period at 5:41 p.m. and, having no requests to speak, closed the public comment period.

Chair Losoff noted that this is the third time around for this project and asked if they have had to pay fees each time, and Cari indicated yes.

Motion: Commissioner Klein moved to recommend to the Sedona City Council approval of the proposed zoning reestablishment as set forth in case number PZ17-00011, reestablishing RM-1 zoning, based on compliance with Land Development Code requirements, conformance with the requirements for approval of a Zone Change and consistency and conformance with the Community Plan, and subject to all applicable ordinance requirements and the recommended Conditions of Approval. Commissioner Cohen seconded the motion. Vote: Motion carried five (5) for and zero (0) opposed. (Vice Chair Levin and Commissioner Mayer were excused.)

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

Presentation: Mike Raber noted that the last meeting on the update of the Code was on July 18th with the Clarion Associates, to provide an overview and introduce the public draft of the Zoning Districts and Use Regulations. We received several comments from the Commission in that meeting, and the purpose of this meeting is to follow-up with another opportunity for comment on those draft articles of the Code. Those draft articles are now called Part 1 of the Code update and are available on the Land Development Code website. We also previously distributed the draft to the Commission prior to the last meeting, and that is in two sections -- the Zoning Districts and the Use Regulations.

Mike indicated that Part 2 is coming soon with the Development Standards, and the Commission is scheduled to have a work session on that on November 16th. Mike then asked if the Commission had any additional comments on the uses and Zoning Districts discussed in the last meeting.

Commission's Questions and Comments:
Commissioner Brandt indicated that it seems timely to address the last hearing item on RM-1, and the fact that they could just subdivide or building a single-family house. With the need for more affordable housing, perhaps that shouldn't be by right and maybe that is something for the Code as food for thought**.** Mike asked if the Commissioner is saying if you are in a Multifamily district or just in RM-1, and Commissioner Brandt indicated that he didn't know if there would need to be a distinction. He is just using the last hearing item as an example that they could take something that is part of the Community Plan to be multifamily and zoned Multifamily, and by right build a single-family house on that property or subdivide it for single-family houses. Mike then confirmed that the Commissioner is suggesting that RM-1 shouldn't allow single-family.

Commissioner Barcus stated that he has been riding his bike a lot this summer through the neighborhoods, and he referenced Article 3, page 33 in 3.4, Accessory Uses and Structure in the Module 1: Public draft, July, 2017 document, and then read subsection D.3.b, Mobile Homes, Trailers and Recreational Vehicles as follows: "All boats, trailers, motorhomes, travel trailers, recreational vehicles and buses shall be kept in reasonable repair and operable and neatly arranged in a parked condition . . .". He doesn't have any burn over that, but ". . . and shall be screened from adjacent properties and streets pursuant to Section . . ." The Commissioner indicated that part causes him some burn, because he sees a lot of recreational vehicles, trailers and boats parked in driveways, in front of garages and beside garages, and some residential lots don't have fences. There may be some landscaping, but it seems like we are getting a little onerous.

Chair Losoff asked if the Commission is okay with the Land Development Code; it is just enforcement, and Commissioner Barcus stated no. He doesn't think requiring screening from adjacent properties and streets is a sensible use regulation, because it is has nothing to do with enforcement; it has to do with practicality. We want people to put up fences and screens, so we can't see their boat in their driveway? He doesn't want to go there, so everything else is subsection 3 is fine, but the ". . . shall be screened from adjacent properties and streets pursuant to . . ." should be struck.

Mike Raber asked if the Commissioner is talking specifically about vehicles, and Commissioner Barcus stated yes – boats, trailers, motorhomes, travel trailers, recreational vehicles and buses. Audree Juhlin asked if the Commissioner would like for it to say that the boats, trailers, motorhomes, etc., shall be kept in reasonable repair and operable, and neatly arranged . . ., and then delete the rest of that sentence. Commissioner Barcus stated yes, and Audree Juhlin stated that would be something for the rest of the Commission . . . Chair Losoff interjected that he would take the opposite having had a neighbor who had a big ugly RV parked in the driveway next to the Chair's house, and he didn't enjoy looking at it; he invoked additional screening with bushes and shrubs, trees, etc., so his opinion would be the opposite. You go down a neighborhood and you don't like to see these. Of course, he came from Chicago where they had alleys, a lot of cement and cars on the street, so here, he likes to see nature and not all of these ugly vehicles parked, so he would endorse this language.

Mike Raber stated that if staff doesn't have a clear read from the Commission, all of these are things that staff can bring back for discussion when we get into the final consolidated draft, so we will keep track of all of these comments.

Commissioner Barcus suggested that screening these licensed by the State of Arizona vehicles on people's property from adjacent properties would be reasonable. If you park it in your driveway, you could put a screen down the property line, but you don't need a screen to prevent it from being seen from the street, especially because of the width and setbacks we have. It just seems like we are down in the weeds in places where we don't need to go. He understands that it perhaps makes more sense for adjacent properties, but screening from the street when someone wants to park their boat in their driveway; he doesn't know why we are going there.

Chair Losoff stated that he doesn't see that as an issue. He didn't assume that from the street; he was mostly thinking side-to-side adjacent to houses. You can't screen it from the street; you couldn't get in and out. Commissioner Barcus repeated the written language and suggested striking "and streets".

Commissioner Brandt indicated that he would keep it in there. It works well; it means that it is not keeping you from doing it. If you want to do it, it should be in a yard that you can't see from the street. It shouldn't just be parked in your driveway. Commissioner Barcus stated that he respectfully disagrees. Audree Juhlin added that currently the Code basically says that these types of vehicles cannot be parked in the front setback – they can only be on the side or rear setbacks, so that is another piece.

Commissioner Barcus indicated that it is good public policy not to have them being parked in the setback or in the right-of-way. Commissioner Cohen asked if HOAs have the same responsibility to the Land Development Code should we deal with this. Robert Pickels explained that HOAs can contract amongst themselves to impose greater restrictions than what the City Code requires, but no lesser ones. Commissioner Cohen then commented that whatever we establish would be it, and Audree Juhlin added that this is another area that we continually receive a lot of code enforcement complaints about regarding these types of vehicles and their placement.

Commissioner Brandt asked if those are complaints from neighbors or complaints from the people who own the vehicles, and Audree stated from the neighbors wanting them better screened. Mike Raber stated that staff will note that with the consulting team; however, Audree then asked if there was a yes or no consensus.

Commissioner Klein stated that he doesn't own any of these things, but if he had a boat, the only place he could park it would be in his driveway; he wouldn't have any place on the side or in the backyard to park it, and he doesn't know how many houses do. Chair Losoff pointed out that this doesn't say you can't; it just says that if you do, it should be shielded; however, Commissioner Klein asked, if something is on your driveway, how are you going to shield it. You are not going to plant a tree on your driveway.

Commissioner Brandt stated then you can't park it on your driveway; you would have to put it in storage. Audree Juhlin indicated that is the case with the existing Code. Chair Losoff said that is a keep Sedona beautiful sort of thing, and Commissioner Cohen indicated that he thinks we ought to shield. Audree Juhlin stated that staff will continue forward, based on consensus of leaving this language in. Mike Raber then suggested clarifying what is allowed to be parked in the driveway; there might be some confusion over that, and Audree Juhlin agreed and pointed out that there is a second sentence that says "Operable motor vehicles may be parked . . .", and that is really talking about trucks and cars, not RVs or buses, etc., so we will make sure that is very clear.

Commissioner Cohen asked if the Police see boats, etc., parked in driveways as an attractive nuisance, and Audree Juhlin and Robert Pickels Jr. indicated that they couldn't answer that question.

Commissioner Barcus then suggested that other Commissioners peddle their bicycles through the neighborhoods and see how many boats, etc., they see and if they are nuisances or not. He is not talking about the right-of-way or the setbacks; this is recreational vehicle central all over. Chair Losoff stated beauty is in the eye of the beholder. He and his wife seriously thought about moving, when they kept looking out at that RV in the driveway next to them. Not only was it parked there, but they kept it running for the air conditioning and you could hear it, so to him, it was a nuisance, so he would like it the way it is.

Chair Losoff indicated that he has been impressed with what the consultants are doing, and asked about the timetable for the ultimate conclusion. Mike Raber stated that we are certainly into the middle of next year, which is close to the original prediction. The Chair suggested that sometimes

with the time in-between, the Commission forgets what they agreed to or discussed, so an executive summary or refresher before each session would be good. He wouldn't go through all of the details or specifics, but just a refresher.

Audree Juhlin added that she told a citizen that she would relay a message for her, and she really wants chickens in the Land Development Code, so she advised the citizen that she would reiterate that point, and it already is being included in the allowable uses.

Mike Raber indicated that the question for staff is the specifics about what is in the Code versus what might be in the City Code that governs animals – urban agriculture, so we are still working on that. Commissioner Barcus asked if it would specifically identify chickens or if it would be broadened to poultry for duck eggs. Audree Juhlin indicated that can be considered, and Mike Raber added, no roosters though.

Chair Losoff opened the public comment period at 6:02 p.m. and, having no requests to speak, closed the public comment period.

7. FUTURE MEETING DATES AND AGENDA ITEMS

a. Thursday, September 14, 2017; 3:30 pm (Work Session)
b. Tuesday, September 19, 2017; 5:30 pm (Public Hearing)
c. Thursday, September 28, 2017; 3:30 pm (Work Session)
d. Tuesday, October 3, 2017; 5:30 pm (Public Hearing)

Audree Juhlin stated that September 14th is a work session for the four Community Plan Amendments, and September 19th is the public hearing for those Community Plan Amendments. On September 28th, there are two items -- a conceptual hearing and a work session item for the Soldier Pass - Saddlerock property and the Marriott property by the high school. October 3rd is the continuation of the Wireless Communications Plan, and hopefully, we will have some final direction and recommendations at that meeting.

8. EXECUTIVE SESSION

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

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

No Executive Session was held.

9. ADJOURNMENT

Chair Losoff called for adjournment at 6:03 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 September 5, 2017.

_____ _____

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