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November 5, 2025
REVISED

To: Cari Meyer
Planning Manager
Community Development Department
102 Roadrunner Drive, Building 104
Sedona, AZ 86336
Project: 240802

INTRODUCTION:

This Revised Letter of Intent is submitted in support of a request to rezone approximately 9.8 acres located at 50 Tranquil Ave APN 408-24-087 (9.4-Acres, 50 Tranquil Ave) and APN 408-24-089 (0.4-Acres, 80 Rigby Road); and a request for a Conditional Use Permit for: APN 408-24-087 only, (9.4-Acres, 50 Tranquil Ave) from RMH (Single Family and Manufactured Home) to RM-3 (High-Density Multi-Family Residential). The property owners James Spindelman and SooYoung Kim seek to bring the zoning into conformity with Sedona's Community Plan (2024) designation of the site as High-Density Multi-Family (20DU/AC) to create an additional 9.8 acres of High-Density Multi-Family zoning for future development. The request is legislative in nature and does not include a specific site plan or development proposal at this time. By planning for housing within the West Sedona corridor the property owners intend to support the community's goal of ensuring a balanced, livable and sustainable housing supply. This approach reserves scarce urban land for attainable and affordable housing rather than short-term or commercial use. This also positions the site for thoughtful development consistent with Sedona's vision for the future. The intent is to preserve this centrally located parcel for future attainable and affordable housing as the community continues to face significant housing restraints.

The future development will provide a fixed percentage of units to Sedona's essential workforce such as healthcare employees, police, firemen and hospitality workers, as well as groups such as fixed income elderly households displaced by short term rentals. Affordability would be preserved through the approval of this zoning request and would require a minimum of the following affordable and workforce housing percentages:

- 15% of housing units allocated to workforce housing for households earning 80-150% AMI for Yavapai County
- 10% of housing units allocated to affordable housing for moderate income households earning 60-80% AMI for Yavapai County, and
- 5% of units dedicated to low income households earning less than 60% AMI for Yavapai County.

The developer will commit to keeping this percentage of the units affordable for a minimum of 30 years from the time that the 1st Certificate of Occupancy is issued.



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- Our understanding of the Community Plan is that it is very broad based and inclusive, which allows for subjective interpretations. With regards to this application we see that this zone change is clearly consistent with the Community Plan’s aim to address the housing shortage in Sedona. This revised letter of intent is to show that the Planning and Zoning Commission denial was disconnected from the city’s own Community Plan. At the September 16, Planning and Zoning Commission meeting Luke Sefton suggested we table our application to clarify what the Commissioners were requesting. The city’s attorney asked the Commissioners to take action to meet the 180-day requirement of the new law. Our aim is to present the City Council with a clear and whole picture of the process. The following revisions to this letter of intent, highlighted in yellow, are presented by Sefton Engineering on behalf of our clients. The aim is to demonstrate to the city Council that the reasons for the city staff’s recommended denial have been addressed and will be fully incorporated into any future development plans. The city’s staff reasons for denial are recorded in the Tuesday, September 16, 2025 Planning and Zoning Commission Packet.

LETTER OF INTENT: The James Spindelman & Soo Young Kim Zone Change Request for: APN 408-24-087 (9.4-Acres, 50 Tranquil Ave) and APN 408-24-089 (0.4-Acres, 80 Rigby Road); and a request for a Conditional Use Permit for: APN 408-24-087, only (9.4-Acres, 50 Tranquil Ave). If the zone change is approved the property owners would like to continue to live in the existing Detached Single-Family Dwelling. The proposed RM-3 zoning requires a Conditional Use Permit (CUP) for the Detached Single-Family Dwelling. This zone change request includes a CUP application to allow the property owners to continue to live in the existing Detached Single-Family Dwelling. The property owners are uncertain about the duration of their Conditional Use Permit (CUP) , as their relocation depends on both the approval of a zone change and the new landowner's building permit approval. Accordingly, they are requesting that the CUP remain in effect until the new landowner’s building permit approval.

Purpose: The request is to change the current **RMH: Single-Family and Manufactured Home** **TO: RM-3: High-Density Multi-family**. At this time a site plan or development plan is not proposed. The purpose of this zone change is to create an additional 9.8-Acres of High-Density Multi-family zoning for future multi-family development. According to the Housing Needs Assessment & Five-Year Housing Action Plan, dated November 2020, and the 2023 Community Plan, there is a current housing shortage in Sedona. James Spindelman & Soo Young Kim Zone Change Request will eventually help to address the housing need by creating an additional 9.8-Acres of High-Density Multi-family zoning.

- Concerning the matter of proceeding without a site plan or development plan, the City of Sedona has approved two notable Community Focus Areas (CFAs) zone changes without site plans. They are the Schnebly CFA & Oak Creek Heritage District, and the Western Gateway and Soldiers Pass areas. Here is a summary of the general zone change descriptions:
 - **Schnebly CFA & Oak Creek Heritage District**
 - **Zone Change Description:** In 2020, amendments were approved for the Oak Creek (OC) District and the Schnebly CFA plan. These changes, following discussions in 2019, involved the removal of campgrounds as an allowable use within the CFA and OC District. A specific Oak Creek Heritage District zoning designation was created in 2018 for this CFA to ensure future development



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- aligns with its vision.
- **General Purpose:** The changes were intended to preserve the heritage character of the area along Schnebly Hill Road, north of SR 179, and east of Oak Creek. They help guide future development to a mix of uses that preserve the Oak Creek riparian corridor and scenic views.
- **This zone change was done without a development plan. This confirms that a site-specific development plan is not a prerequisite for the City Council to change the zoning of a property.**
- **Western Gateway CFA and Soldiers Pass CFA**
 - **Zone Change Description:** In 2022, the City Council approved amendments to the plans for both the Western Gateway and Soldiers Pass CFAs. The amendments specifically removed or de-emphasized "lodging" references in favor of encouraging "mixed-use development".
 - **General Purpose:** The goal of these changes was to favor residential and mixed-use development over large-scale, resort-style lodging facilities. This was part of a larger effort to grow residential areas and address community concerns about the balance of development within Sedona.
 - **This zone change didn't require a development plan.** The City Council can amend the official zoning map based on legislative criteria, which doesn't involve reviewing a specific building or site layout.
- The property owners have agreed to and accept the CONDITIONS OF APPROVAL that are included in the staff report.
- The future development will provide a fixed percentage of units to Sedona's essential workforce such as healthcare employees, police, firemen and hospitality workers, as well as groups such as fixed income elderly households displaced by short term rentals. Affordability would be preserved through the approval of this zoning request and would require a minimum of the following affordable and workforce housing percentages:
 - 15% of housing units allocated to workforce housing for households earning 80-150% AMI for Yavapai County
 - 10% of housing units allocated to affordable housing for moderate income households earning 60-80% AMI for Yavapai County, and
 - 5% of units dedicated to low income households earning less than 60% AMI for Yavapai County.
- The developer will commit to keeping this percentage of the units affordable for a minimum of 30 years from the time that the 1st Certificate of Occupancy is issued.



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Location: The parcels are situated on the north side of west State Route 89A, approximately 700 feet west of Rodeo Road, within the City of Sedona.

Luke A. Sefton (Sefton Engineering Consultants) Authorized Agent for the Project: Mr. Sefton moved to Sedona in 1987, and for the past 20 years has been the Principal Engineer and President of Sefton Engineering Consultants, Inc., where he continues to be responsible for the day-to-day management of the team of engineers, surveyors, planners, and designers for a multitude of projects in Northern Arizona. Each one of these team members has many years of experience in Sedona and have a vested interest in the future of Sedona, as residents, friends, and neighbors.

Consistence with Sedona Community Plan, Existing Zoning, and Other Applicable Plans: The Sedona Community Plan, dated March 26, 2024, designates this 9.8-Acre area as “Multi-Family High Density (20 DU/AC) and situates it within the future West Sedona Community Focus Area. The proposed zone change to: **RM-3: High-Density Multi-family**, conforms to the Sedona Community Plan designation. Pages 42-43 of the Plan describe this corridor as a mixed-use and multi-family residential area intended to balance housing, commerce, and transportation connectivity. Policy 4.6 calls for “transforming commercial corridors into a mix of residential, commercial and public uses well-connected for walking, biking or transit”. The subject parcel directly abuts existing commercial zoning and is located within walking distance of grocery stores, restaurants, transit stops, and neighborhood services. This is precisely the type of infill site envisioned for compact, connected housing development. Rezoning to RM-3 advances multiple Community Plan Goals:

- **Housing Goal 5.1-5.5:** Expand Sedona’s mix of housing types to meet the needs of a vibrant community; promote development of affordable and market rate housing.
- **Land Use Goal 4.6:** Encourage compact, mixed use, pedestrian oriented development in West Sedona that enhances livability and reduces reliance on automobiles.
- **Community and Environmental Guiding Principles:** Promote efficient use of land within existing urban areas, preserving open space and natural resources elsewhere.

The Sedona Community Plan emphasizes the need for multi-family development to address housing diversity and affordability, and supports the development of various housing types, including multi-family units, to meet the needs of the community. The plan also highlights the importance of creating a balanced mix of housing options to accommodate different income levels and lifestyles.

Currently, the existing zoning for this 9.8-Acres has a Zoning Designation of **RMH: Single-Family and Manufactured Home**. The owners are requesting the zone change to **RM-3: High-Density Multi-family** specifically to make the zoning consistent with the Sedona Community Plan. If this 9.8-Acres is successfully rezoned to **High-Density Multi-family** zoning then this land will be available for future multi-family development which will assist in addressing the current housing shortage in Sedona.

The future developer will be required to preserve the unique natural beauty and character, with key values focused on conservational stewardship, cultural custom, and quality of life. In addition, future development will expand infrastructure, maintain scenic viewsheds, encourage pedestrian oriented design, and follow



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the strategies within the Transportation Master Plan to improve traffic congestion and overall connectivity.

Multi-family development in Sedona can bring several potential benefits to the community:

1. **Increased Housing Diversity:** Multi-family developments can provide a variety of housing options, catering to different income levels and lifestyles. This can help create a more inclusive community.
2. **Affordability:** By increasing the supply of housing, multi-family developments can help reduce housing costs and make it more affordable for residents to live in Sedona.
3. **Efficient Land Use:** Multi-family developments can make better use of available land, and preserve open spaces.
4. **Economic Growth:** New housing developments can attract businesses and services, boosting the local economy and creating job opportunities.

- The property owners have accepted and will abide by the conditions for approval detailed in the staff report (See Exhibit A).
- The future development will provide a fixed percentage of units to Sedona’s essential workforce such as healthcare employees, police, firemen and hospitality workers, as well as groups such as fixed income elderly households displaced by short term rentals. Affordability would be preserved through the approval of this zoning request and would require a minimum of the following affordable and workforce housing percentages:
 - 15% of housing units allocated to workforce housing for households earning 80-150% AMI for Yavapai County
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- The developer will commit to keeping this percentage of the units affordable for a minimum of 30 years from the time that the 1st Certificate of Occupancy is issued.

GO! Sedona Pathways Plan (GO! Plan): Another consideration is the city’s request for a shared use path commitment as a result of the zone change process. The owners are requesting the zone change to **RM-3: High-Density Multi-family**, specifically to make the zoning consistent with the Sedona Community Plan. At the time of the development process the developer will work with the City of Sedona to determine the location of a shared use path.

- **AS PART OF THE CONDITIONS OF APPROVAL**, located on page 20 of 143 in the packet:
 - Commitment for the future development of the property to include a shared use path, subject to the following:
 - Path shall connect Tranquil Avenue to Madole Road
 - Easement for the path shall be a minimum of 15 feet wide
 - Path shall be a minimum of 10 feet wide
 - Path shall include landscaping in accordance with LDC requirements



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- Path shall provide amenities including lighting, signage, and a water bottle filling station, subject to LDC requirements and review and approval by the Community Development Director.
- 100% of the cost of the shared use path and amenities shall be born by the property owners. No financial contributions or Development Impact Fee credits will be provided by the City.

Site Overview: The site is currently divided into two parcels. The larger parcel APN: 408-24-087, gets its primary access from Tranquil Ave., and provides access to an existing single-family dwelling. According to Yavapai County records, it appears that the existing structure was constructed in 1948, and consists of approximately 1,822 square feet. This home is known as the Rigby house, and because of modifications to the front entry way the property can no longer qualify as a Historic Landmark. The second parcel, APN: 408-24-089, has a mobile home on it and an out building.

Existing Structures on the Properties: Currently, the property owners, James Spindelman & Soo Young Kim, live in their approximately 1,822 square foot single family residence, located on APN 408-24-087 (9.4-Acres, 50 Tranquil Ave), and they would like to continue to live in their home after the zone change is approved. In order to make this possible a conditional use permit would have to be approved to allow a detached single-family dwelling in the RM-3 High Density Multi-family zoning district. The property owners are uncertain about the duration of their Conditional Use Permit (CUP), as their relocation depends on both the approval of a zone change and the new landowner's building permit approval. Also, the City would like the opportunity to document the house for historic purposes and to work with the property owners to ensure that anything historically significant will not be lost. The property owners have agreed to this stipulation.

In addition, on parcel 408-24-089 089 (0.4-Acres, 80 Rigby Road) there is a storage building, and a shell of an uninhabitable, dilapidated 1967 Mobile Home. According to Planning staff, in order for that Mobile Home to remain on site after the approval of the zone change a conditional use permit would be required. Instead of applying for a conditional use permit the property owners have agreed to remove the dilapidated 1967 Mobile Home within 6-months after the zone change approval.

Deed Restrictions: Through the zone change process, the property owners are willing to place a deed restriction on their 9.8-Acre parcels, Assessor's Parcel Number: 408-24-087 and 408-24-089, to restrict short term rentals for a minimum of 90-days. This restriction will be in place for 30-years from the day that the new zoning designation takes effect.

- To restrict short-term rentals for a minimum of 90-days. This restriction will be in place for 30-years from the date that the first certificates of occupancy are issued.

LDC Section 2.24.D. Setbacks: A map has been included with this submittal showing which property lines are considered the front/rear/side setbacks for both properties.

LDC Section 5.3. Grading and Drainage:

Portions of the site are within City Designated 100-year and 500-year floodplains. The City reviews flood



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hazard areas when building improvements or development plans are submitted for permits. This ensures that proposed building improvements are safe from flooding and do not adversely impact neighboring properties. Clustering will occur to ensure that the floodplain will not be impacted.

LDC Section 5.4. Access, Connectivity, and Circulation: The property owners are aware that for any future development the city’s Land Development Code, and D.R.E.A.M., has the legal authority to require build 5-foot-wide sidewalk(s) along the frontages of all public and private roads, including Tranquil Avenue, Rigby Road, and Madole Road.

- **AS PART OF THE CONDITIONS OF APPROVAL:**
 - Prior to the development of the property, the property owner shall prepare a traffic impact study. Traffic Impact Study shall be submitted to the City’s Public Works Department for review, comment, and potential approval. Traffic Impact Study shall be approved by the City prior to beginning any development of the property.
 - Traffic Impact Study shall address emergency access needs as a result of the access roads to the site crossing City-designated floodplains and floodways.
 - The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue.

LCD Section 5.8. Exterior Lighting: An inventory of existing exterior lighting is provided with this submittal.

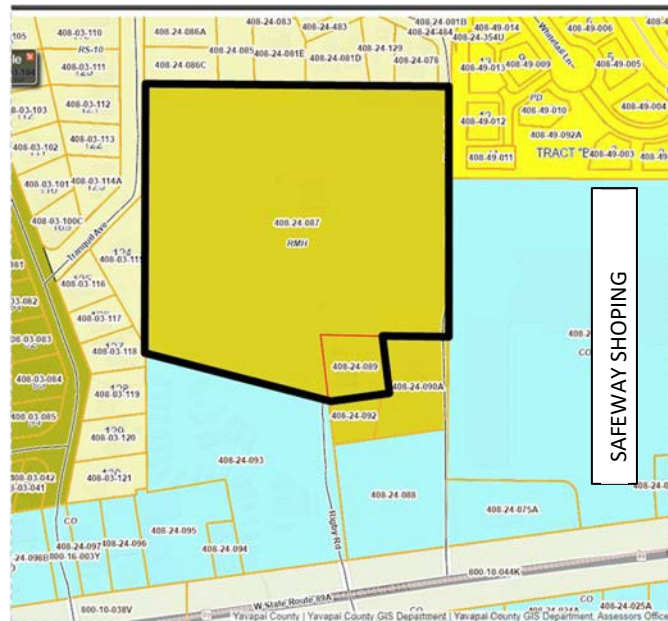
Future Development Concerns: The property owners are aware that for any future development the city’s Land Development Code, and D.R.E.A.M., has the legal authority to require the following development standards:

- All access roads into the site will meet the Fire District standards.
- Water supply requirements for the units as well as for fire suppression systems will be met. Currently, there is an Arizona Water Company 4-inch water main with a fire hydrant adjacent to the site on Tranquil Avenue. Future road improvements will be made, if required, to Rigby Road, Madole Road, and Tranquil Avenue.

Circulation: This 9.8-Acre area has three points of access. There are two points of access from West State Route 89A, Madole Road, and Rigby Road, both are 30-foot-wide roadway easements. The third access is from Tranquil Ave. This is a 50-foot-wide City of Sedona right of way, and provides direct access to the site, see Circulation Plan.

Topographic and Flood Zone

Designation: This is a relatively flat terrain, covered with shrubs and native grass. The parcels are located in Zone X of the FEMA Flood Insurance Rate Map 04025C1435H, effective February 8, 2024. Also, these two parcels are located within the City of Sedona Floodplain Management, 2021/2022 Study. The southwest corners of these parcels are located within a 500-year floodplain per this study, and the southwest corner of Assessor’s Parcel Number: 408-24-087 is within the City of Sedona’s 100-year Flood Zone. Assessor’s Parcel Number: 408-24-089, is not.



- The site is impacted by City-designated floodways and floodplains. Clustering will occur to mitigate any impact to the City-designated floodways and floodplains.
 - As part of the CONDITIONS OF APPROVAL:
 - Prior to the development of the property, a Traffic Impact Study shall address emergency access needs as a result of the access roads to the site crossing City-designated floodplains and floodways.
 - The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue.
 - Commitment to locate development outside of the City designated floodways and floodplains.



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Letters of Serviceability: We received Will Serve Letters from the following utility providers:

- APS. In addition to a Will Serve Letter, APS provided the following information: *APS has determined that upgrades to existing APS infrastructure will be required. APS is proposing to extend two additional overhead phases on the existing poles at least to the property line and further if needed. We would also need to install a switching cabinet and can serve single phase or three phase transformers from there (This comment is from APS employee Kellie McCune).*
- ARIZONA WATER COMPANY: In addition to a Will Serve Letter, AZ Water provided the following information: *Both parcels are currently served by AZ Water with a 1 1/4" diameter galvanized steel main. In addition, there is a 4-inch water main line with a fire hydrant right in front of the properties Tranquil Avenue frontage (This comment is from Casey Goff AZ Water's Water Distribution Superintendent).*
- CENTURYLINK
- CITY OF SEDONA WASTEWATER DEPARTMENT
 - Two City of Sedona sewer manholes are located on the site
- SEDONA FIRE DISTRICT
 - On March 4, 2025, Sefton Engineering met with Kirk with Sedona Fire. Kirk said, "As long as the site has two points of access and adequate fire flow he has no objection to a 196-unit apartment complex".
- LUMEN
- UNISOURCE; and
- PATRIOT DISPOSAL



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ARTICLE 7: SUBDIVISION: N/A

ARTICLE 8: ADMINISTRATION AND PROCEDURES

8.3.D Citizen Review Process:

The applicant’s Citizen Participation Plan will be prepared in accordance with LDC Section 8.3.D., to ensure early and effective citizen participation, and to give citizens and property owners adequate opportunities to learn about the application. The target area shall include property owners with a 300-foot radius of the property, and other interested parties who may request to be notified. The plan is to let potentially affected citizens know of the request and provide an opportunity to express their support or concerns, and to complete a report outlining the results of the citizen review process. Also, this report will be based on guidance from City staff, and will include a notification letter mailed out to the neighbors informing them of this zone change request. The mailing will facilitate ongoing communication between the applicant, interested citizens, and property owners.

8.3.E.(5).c. Consistency with Sedona Community Plan and Other Applicable Plans:

The request is to change the current **RMH: Single-Family and Manufactured Home TO: RM-3: High-Density Multi-family**. If the zone change is approved, then the properties zoning will be brought into consistency with the Sedona Community Plan. In addition, this zone change will create an additional 9.8-Acres of High-Density Multifamily zoning for future multi-family development. According to the Housing Needs Assessment & Five-Year Housing Action Plan, dated November 2020, there is a current housing shortage in Sedona. The James Spindelman & Soo Young Kim Zone Change Request will eventually help to address the housing need by creating an additional 9.8-Acres of High-Density Multi-family zoning.

8.3.E.(5).d. Compliance with Sedona’s Land Development Code (LDC) and Other Applicable Plans:

This Letter of Intent, and all the other submitted documentation, confirms that the proposed Zone Change will be in compliance with applicable section (s) of the *Sedona Land Development Code*.

8.3.E.(5).e. Minimize Impact on Surrounding Property Owners: The proposed zone change will seamlessly fit into the area in an orderly and harmonious design promoting public health, safety, and welfare of the surrounding residential area.

8.3.E.(5).f. Consistent with Intergovernmental Agreements: The proposed zone change shall be consistent with any adopted intergovernmental agreements and comply with the terms and conditions of any intergovernmental agreements incorporated by reference into the Sedona Land Development Code.



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8.3.E.(5).g. Minimize Adverse Environmental Impacts: The property has direct access to all public infrastructure which will minimize adverse environmental impacts to watercourses and drainage ways.

- Based on the Sedona Land Development Code (LDC) and the Design Review, Engineering, and Administrative Manual (DREAM), any development will have to comply with the following main points regarding environment and sustainability:
- **Land Development Code (LDC)**
 - **Natural environment preservation:** The code prioritizes fitting development into the natural contours of the land, preserving natural features like rock outcroppings, native vegetation, and mature trees. It mandates minimizing disturbance to sensitive areas such as steep slopes and floodplains.
 - **Open space and wildlife:** Development is to be designed to preserve open space for natural resources, wildlife habitat, and scenic values. The code encourages clustering dwellings to conserve larger, uninterrupted natural areas.
 - **Energy conservation:** It promotes sustainable building designs and construction practices, including using solar or other alternative energy systems. The code explicitly allows for flexibility in building standards to accommodate solar energy systems.
 - **Dark Sky compliance:** As an International Dark Sky City, Sedona's code requires exterior lighting to be shielded and directed downward to reduce light pollution, which benefits wildlife and preserves scenic views.
- **Design Review, Engineering, and Administrative Manual (DREAM)**
 - **Context-sensitive design:** The DREAM manual, which supplements the LDC, includes design guidelines that emphasize principles compatible with Sedona's natural environment. This includes blending structures into the landscape through appropriate colors and materials.
 - **Sustainable building practices:** Beyond aesthetics, the manual provides details to guide developers in practices that encourage sustainable development, such as selecting low-maintenance building materials suitable for the semi-arid climate.
 - **Drainage and grading:** The manual includes specific engineering standards for grading and drainage to minimize environmental impacts. Site design is expected to reduce the amount of disturbed land for impervious surfaces like roads and parking.
- Any proposed development within Sedona must adhere to the Climate Action Plan guidelines, as mandated by the Land Development Code (LDC) and the Design Review, Engineering, and Administrative Manual (DREAM).
 - **Greenhouse Gas Reduction Targets:** The CAP establishes specific goals for reducing community-wide greenhouse gas emissions, such as a 50% reduction by 2030.
 - **Encouraging Sustainable Design:** The code promotes building designs and construction practices that are more sustainable, which includes provisions for integrating solar and other alternative energy systems.
 - **Preparing for Climate Impacts:** The CAP addresses the need for the community to adapt to climate change by building resilience against threats like increased flooding, wildfires, and extreme heat.
 - **Community and Developer Involvement:** Achieving CAP goals requires collaboration from residents, businesses, community leaders, and local government. The Land



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Development Code and DREAM manual facilitate this by providing a framework for incorporating these objectives into development projects.

8.3.E.(5).h. Minimizes Adverse Fiscal Impacts:

8.3.E.(5).i. Compliance with Utility, Service, and Improvement Standards: The property has received confirmation from the utility providers that the easements provided are adequately designed to meet their needs.

8.3.E.(5).j. Provides Adequate Road Systems and Traffic Mitigation: The land has direct access to the surrounding street system and currently has good ingress and egress availability.

8.3.E.(5).k. Provides Adequate Public Services and Facilities: Not applicable at this time.

8.3.E.(5).l. Rational Phasing Plan: NA

8.6.A.2.e. Conditional Rezoning Approval: At this time a site plan and a development proposal is not being presented. The goal of the zone change is to bring the properties zoning into compliance with the City of Sedona's Community Plan. This will ensure compatibility with adjacent land uses, public policy, and adopted plans.

8.8.D. Affordable Housing Alternative Standards Request: If the zone change is approved future developers will have the option to use this section of the Land Development Code in order to encourage and expedite affordable housing recommendations of the Sedona Community Plan and the City's adopted Development Incentives and Guidelines for Affordable Housing (DIGAH). In addition, According to the Housing Needs Assessment & Five-Year Housing Action Plan, dated November 2020, there is a current housing shortage in Sedona. The James Spindelman & Soo Young Kim Zone Change Request will eventually help to address the housing need by creating an additional 9.8-Acres of High-Density Multi-family zoning.

The future development will provide a fixed percentage of units to Sedona's essential workforce such as healthcare employees, police, firemen and hospitality workers, as well as groups such as fixed income elderly households displaced by short term rentals. Affordability would be preserved through the approval of this zoning request and would require a minimum of the following affordable and workforce housing percentages:

- 15% of housing units allocated to workforce housing for households earning 80-150% AMI for Yavapai County
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The developer will commit to keeping this percentage of the units affordable for a minimum of 30 years from the time that the 1st Certificate of Occupancy is issued.



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Conclusion:

This rezoning supports the City's efforts to rebalance its housing stock, sustain the local workforce, and advance a livable, resilient Sedona. By acting now to align zoning with the adopted Community Plan, the City preserves this strategic parcel for future development.

This Letter of Intent, along with all other submitted documentation, confirms that the proposed zone change will comply with the Sedona Community Plan and all applicable sections of the Sedona Land Development Code as follows:

Section 8.3.E(5), Approval Criteria:

- The zone change complies with the City's Community Plan's land use designation.
- The zone change is compliant with the Sedona Land Development Code and other applicable regulations.
- The zone change will be developed in a manner that:
 - Has minimal impacts on surrounding property owners.
 - Minimizes adverse environmental impacts.
 - Minimizes adverse fiscal impacts.
 - Provides an adequate road system.
 - Provides adequate public services and facilities.
- This request has been reviewed through the pre-application meeting process in accordance with Section 8.3.B of the Sedona Land Development Code.
 - The land for this zone change will be harmonious with the surrounding area.
 - The location of this zone change has access to safe ingress and egress for vehicle, bicycle, and pedestrian traffic.
 - The area of this zone change is adjacent to public infrastructure, including adequate water supply, sewage disposal, electric service, storm drainage, and other utilities.
 - All future public infrastructure will be constructed in accordance with the Engineering Standards Manual.
 - This zone change will comply with all ordinances and regulations of the city and the Arizona Revised Statutes.

Thank You!

James Spindelman and Soo Young Kim



Luke Sefton, PE, CFM
Timothy Huskett, PE, CFM
Robert Lane, Public Lands
Cheri Baker, Office Manager
Crockett Saline, PE
David Nicolella, Planner
Leonard Filner, Planner

(EXHIBIT A)

Conditions of Approval: PZ24-00018 (ZC)

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all other supporting documents submitted, as reviewed, modified, and approved by the Planning and Zoning Commission and City Council.
2. The applicant shall enter into a Development Agreement with the City of Sedona that covers, at a minimum, the following items:
 - a. Availability of all future units on the properties for long-term rental for a minimum of 30 years from the date of issuance of Certificate of Occupancy.
 - b. Commitment for the future development of the property to include a shared use path, subject to the following:
 - i. Path shall connect Tranquil Avenue to Madole Road
 - ii. Easement for the path shall be a minimum of 15 feet wide
 - iii. Path shall be a minimum of 10 feet wide
 - iv. Path shall include landscaping in accordance with LDC requirements
 - v. Path shall provide amenities including lighting, signage, and a water bottle filling station, subject to LDC requirements and review and approval by the Community Development Director.
 - vi. 100% of the cost of the shared use path and amenities shall be born by the property owner. The City will not provide financial contributions or Development Impact Fee credits for these improvements.
 - c. Prior to the development of the property, the property owner shall prepare a traffic impact study. Traffic Impact Study shall be submitted to the City's Public Works Department for review, comment, and potential approval. Traffic Impact Study shall be approved by the City prior to beginning any development of the property.
 - i. Traffic Impact Study shall address emergency access needs as a result of the access roads to the site crossing City-designated floodplains and floodways.
 - ii. The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue.
 - iii. The cost of the traffic improvements shall be born by the property owner.
 - d. Commitment to locate development outside of the City designated floodways and floodplains.
3. All existing structures on APN 408-24-089 (80 Rigby Road) shall be demolished within six (6) months of zone change approval. The property owner shall obtain a Demolition Permit from the Community Development Department and pass all required inspections within 6 months of approval.



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4. All existing lighting shall be brought into compliance with the requirements of LDC Section 5.8 (Exterior Lighting) within six (6) months of zone change approval. The property owner shall submit an Exterior Lighting application for review and approval by the Community Development Department prior to changing any of the lighting fixtures. Staff shall conduct a night inspection and if deemed necessary, additional shielding will be required.
5. The zoning for the subject property shall be considered vested when the Development Agreement is approved, executed, and recorded. If a Development Agreement is not recorded, and other conditions are not satisfied, the City may initiate proceedings to revoke the zoning, subject to the provisions of Sedona Land Development Code Section 8.6.A(3)g.2 and applicable State statutes.
6. Within thirty days of approval of the zone change, the property owner of record of the subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Zoning Change approval.

SEFTON ENGINEERING'S RESPONSES TO STAFF'S RECOMMENDATIONS FOR DENIAL

The following document is a point-by-point response to the City staff's denial, as stated in the September 16th, 2025 Planning and Zoning Commission Packet, starting on page 9 of 143, addressing each of the comments cited. Sefton Engineering Consultants, on behalf of our clients, aims to demonstrate to the City Council that all of the reasons for denial have been addressed and will be fully incorporated into any future development plans. Below are staff's recommendations and Sefton Engineering Consultant's responses highlighted in yellow:

Based on lack of compliance with ordinance requirements, inconsistency with the Sedona Community Plan, Transportation Master Plan, GO! Sedona Pathways Plan, Climate Action Plan, the Land Development Code, and the requirements for approval, as detailed in the attached Staff Report and accompanying exhibits, Staff recommend denial of the proposed Zone Change:

In April 2024, our clients met with the planning manager to discuss rezoning the properties as Multi-Family High Density (20-DU/AC) in order to bring the properties into alignment with the designation which was established in the 2024 Community Plan. She assured them that this would be possible and she recognized that no development would be proposed at the time of the rezone application, nor would it be required for the zone change. Following her suggestion they hired a land use attorney and Sefton Engineering Consultants. Soon after there were discussions about including a shared use path as part of a future development. Our clients agreed to this and met with the Public Works Department staff. They mutually agreed to the wording which was included in the Letter of Intent. There was discussion that a preliminary traffic study would be required but since no development would be included in this zone change a complete traffic study would be left to a later stage of the process. There were no discussions about the Climate Action Plan, or the Land Development Code throughout the rezone process. It was assumed that those aspects along with the Transportation Master Plan would be part of the City's requirement of the developer. The first mention of these plans from staff was at the beginning of September 2025 when staff drafted their recommendation for denial. During the September 16th Planning and Zoning meeting the planning manager stated that a development plan is not required for a zone change, and yet, many of her comments reference the lack of a development plan. During the meeting the Chairman of the Commissioners apologized to our clients that they were misled to believe a zone change would be possible without a development plan.

DISCUSSION (ZONE CHANGE)

Community Plan Compliance

Zone change applications are evaluated for general consistency with city-wide policies of the Community Plan. Zone changes are not expected to implement every policy but should show consistency with the direction of the Community Plan. The following is Staff's evaluation of how the application does (or does not) address these policies.

Guiding Principles

Guiding Principles were included in the 2024 Community Plan and are intended to set the standard for our community interactions with each other, our surroundings, and with those who are guests of our community.

One of the guiding principles is in regard to housing (Community Plan, page iv). The following outcome statement is intended to reflect the following future condition:

Sedona has diverse housing options that are safe, secure, and affordable.

This zone change would allow the property to be developed at a higher density than is currently allowed. However, the only commitment included in the application is that there will be a prohibition of short-term rental of the units for 30 years from the date the zoning is effective. As no development plan is proposed, the number of years that future units would be under this restriction is unknown. Further, the application makes no commitments for number of units, affordability, diversity of unit type, etc. While this application would increase the amount of land available for multifamily development, the impact that it would have on the overall housing stock in the City is unknown at this time.

- The City of Sedona has approved two notable Community Focus Areas (CFAs) zone changes without site plans:
 - Based on past actions, two notable Community Focus Areas (CFAs) in the City of Sedona that have undergone zone changes or plan amendments are the Schnebly CFA & Oak Creek Heritage District, and the Western Gateway and Soldiers Pass areas. Here is a summary of the general zone change descriptions:
 - **Schnebly CFA & Oak Creek Heritage District**
 - **Zone Change Description:** In 2020, amendments were approved for the Oak Creek (OC) District and the Schnebly CFA plan. These changes, following discussions in 2019, involved the removal of campgrounds as an allowable use within the CFA and OC District. A specific Oak Creek Heritage District zoning designation was created in 2018 for this CFA to ensure future development aligns with its vision.
 - **General Purpose:** The changes were intended to preserve the heritage character of the area along Schnebly Hill Road, north of SR 179, and east of Oak Creek. They help guide future development to a mix of uses that preserve the Oak Creek riparian corridor and scenic views.
 - **This zone change was done without a development plan. This confirms that a site-specific development plan is not a prerequisite for the City Council to change the zoning of a property.**
 - **Western Gateway CFA and Soldiers Pass CFA**
 - **Zone Change Description:** In 2022, the City Council approved amendments to the plans for both the Western Gateway and Soldiers Pass CFAs. The amendments specifically removed or de-emphasized "lodging" references in favor of encouraging "mixed-use development".
 - **General Purpose:** The goal of these changes was to favor residential and mixed-use development over large-scale, resort-style lodging facilities. This was part of a larger effort to grow residential areas and address community concerns about the balance of development within Sedona.
 - **This zone change didn't require a development plan.** The City Council can amend the official zoning map based on legislative criteria, which doesn't involve reviewing a specific building or site layout.
- The future development will provide a fixed percentage of units to Sedona's essential workforce such as healthcare employees, police, firemen and hospitality workers, as well as groups such as fixed income elderly households displaced by short term rentals. Affordability would be preserved through the approval of this zoning request and would require a minimum of the following affordable and workforce housing percentages:
 - 15% of housing units allocated to workforce housing for households earning 80-150% AMI for Yavapai County
 - 10% of housing units allocated to affordable housing for moderate income households earning 60-80% AMI for Yavapai County, and
 - 5% of units dedicated to low income households earning less than 60% AMI for

Yavapai County.

- The developer will commit to keeping this percentage of the units affordable for a minimum of 30 years from the time that the 1st Certificate of Occupancy is issued.
- The property owners have agreed to accept the CONDITIONS OF APPROVAL that are included in the staff report. These conditions, revised the commencement of the deed restrictions to “At the time of Certificate of Occupancy Issuance”, assuming 30-years of restriction. (See Addendum A).

Another guiding principle is related to Circulation (Community Plan, page v). The following outcome statement is intended to reflect the following future condition:

Build a complete and connected circulation network that is safe, convenient, and efficient for all users and all modes of travel.

The properties are accessed by three different roads. Two (Rigby and Madole) are private and access W 89A at uncontrolled intersections while one (Tranquil) is public and connects to W 89A at a signalized intersection (Andante). All three roads cross a City-designated floodway and floodplain. The Letter of Intent states that a traffic impact analysis will not be done until a development is proposed and a future developer will make improvements to Rigby and Madole, if required, with no mention of Tranquil. The revised LOI clarifies that the developer will make any required improvement to Madole, Rigby and Tranquil Avenue.

The GO! Sedona Pathways Plan shows a shared use path through this property. The Letter of Intent states a future developer will work with the City to determine the location of a shared use path, but makes no commitments regarding connection, width, design, or payment of the pathway.

- From the Letter of Intent: **GO! Sedona Pathways Plan (GO! Plan):** Another consideration is the city’s request for a shared use path commitment as a result of the zone change process. The owners are requesting the zone change to **RM-3: High-Density Multi-family**, specifically to make the zoning consistent with the Sedona Community Plan. At the time of the development process the developer will work with the City of Sedona to determine the location of a shared use path.
- **AS PART OF THE CONDITIONS OF APPROVAL**, located on page 20 of 143 in the packet:
 - Commitment for the future development of the property to include a shared use path, subject to the following:
 - Path shall connect Tranquil Avenue to Madole Road.
 - Easement for the path shall be a minimum of 15 feet wide.
 - Path shall be a minimum of 10 feet wide.
 - Path shall include landscaping in accordance with LDC requirements.
 - Path shall provide amenities including lighting, signage, and a water bottle filling station, subject to LDC requirements and review and approval by the Community Development Director.
 - 100% of the cost of the shared use path and amenities shall be borne by the property owner. The City will not provide financial contributions or Development Impact Fee credits for these improvements.

Land Use (page 33-51)

Chapter 4 of the Community Plan is the Land Use Chapter. Policies from this chapter that could relate to this application include the following:

- x Policy 4.4: Support cluster development to direct development away from more environmentally sensitive portions of a site.
 - o *Staff Response: The site is impacted by City-designated floodways and floodplains. The application makes no commitment to clustering development away from these areas.*
 - o The property owners will cluster development away from impacted floodways and floodplains. In addition, the Letter of Intent states the following:
 - **LDC Section 5.3. Grading and Drainage:** Portions of the site are within City Designated 100- year and 500-year floodplains. The City reviews flood hazard areas when building improvements or development plans are submitted for permits. This ensures that proposed building improvements are safe from flooding and do not adversely impact neighboring properties.
 - As part of the CONDITIONS OF APPROVAL:
 - ✚ Prior to the development of the property, a Traffic Impact Study shall address emergency access needs as a result of the access roads to the site crossing City-designated floodplains and floodways.
 - ✚ The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue.
 - ✚ The cost of the traffic improvements shall be borne by the property owner.
 - ✚ Commitment to locate development outside of the City designated floodways and floodplains.
- x Policy 4.5: Allow densities greater than 12 dwelling units per acre through consideration of projects with strategies for achieving housing diversity, affordability, and availability to address housing needs in areas designated for Multifamily High Density, Commercial, and Mixed-use.
- x Policy 4.10: For the term of this Plan, prioritize housing growth within City limits (as of 2023), focusing our efforts on affordability and diversity
 - o *Staff Response to Policies 4.5. & 4.10: While the application would increase the amount of land available for high-density multifamily housing, the only commitment to housing availability is a prohibition on short term rentals for 30 years from the date of zoning approval. With no development plan or other commitments related to diversity or affordability, it is difficult to determine how a project on this property could address housing needs.*
 - o The property owners have agreed to two main points regarding the development:
 - The property owners have accepted and will abide by the conditions for approval detailed in the staff report (See Exhibit A).
 - The future development will provide a fixed percentage of units to Sedona's essential workforce such as healthcare employees, police, firemen and hospitality workers, as well as groups such as fixed income elderly households displaced by short term rentals. Affordability would be preserved through the approval of this zoning request and would require a minimum of the following affordable and workforce housing percentages:
 - 15% of housing units allocated to workforce housing for households earning 80-150% AMI for Yavapai County
 - 10% of housing units allocated to affordable housing for moderate income

- households earning 60-80% AMI for Yavapai County, and
 - 5% of units dedicated to low income households earning less than 60% AMI for Yavapai County.
 - The developer will commit to keeping this percentage of the units affordable for a minimum of 30 years from the time that the 1st Certificate of Occupancy is issued.

Housing (page 53-59)

Chapter 5 of the Community Plan is the Housing Chapter. Policies from this chapter that could relate to this application include the following:

- x Policy 5.1: Expand Sedona’s mix of housing types to meet the needs of a diverse and vibrant community.
 - o *Staff Response: While the application would increase the amount of land available for high-density multifamily housing, the only commitment to housing availability is a prohibition on short term rentals for 30 years from the date of zoning approval. With no development plan or other commitments related to diversity or affordability, it is difficult to determine how a project on this property could address housing needs.*
 - Without comprehensive development plans or formal commitments addressing diversity and affordability the City of Sedona has approved zone changes and plan amendments for several Community Focus Areas (CFAs), including the Schnebly CFA/Oak Creek Heritage District and the Western Gateway/Soldiers Pass areas. A key part of understanding this process is recognizing the distinction between a legislative zone change and the separate, administrative approval of a site-specific development plan.
 - The future development will provide a fixed percentage of units to Sedona’s essential workforce such as healthcare employees, police, firemen and hospitality workers, as well as groups such as fixed income elderly households displaced by short term rentals. Affordability would be preserved through the approval of this zoning request and would require a minimum of the following affordable and workforce housing percentages:
 - 15% of housing units allocated to workforce housing for households earning 80-150% AMI for Yavapai County
 - 10% of housing units allocated to affordable housing for moderate income households earning 60-80% AMI for Yavapai County, and
 - 5% of units dedicated to low income households earning less than 60% AMI for Yavapai County.
 - The developer will commit to keeping this percentage of the units affordable for a minimum of 30 years from the time that the 1st Certificate of Occupancy is issued.

Circulation (page 61-78)

Chapter 6 of the Community Plan is the Circulation Chapter. Policies from this chapter that could relate to this application include the following:

- x Policy 6.1: Develop a multi-modal circulation network that provides for safe alternatives to get around town while improving traffic flow and reducing reliance on the automobile.
- x Policy 6.2: Take a comprehensive, holistic approach to transportation and land use planning to improve resident’s quality of life and the visitor experience.
- x Policy 6.5: Design projects for people, ensuring the experience is safe, comfortable, interesting, and efficient.

- x Policy 6.7: Create a network of pedestrian and bicycle infrastructure improvements and connections linking neighborhoods, activity centers, and popular destinations, and promote walkable, bike-able connections to transit stops.
- x Policy 6.8: Plan future transportation improvements and land use development that supports walkable, mixed-use areas.
 - o *Staff Response to Circulation Policies: The GO! Sedona Pathways Plan shows a shared use path through this property. While the application has acknowledged this and has stated that a future developer will work with the City to determine the best location for a SUP, no commitments regarding connectivity, width, design, or who will pay for the SUP have been included in the proposal.*
 - o A development would likely include a road from Madole to Tranquil which will provide an alternate route to Andante (feeder alternative) through to Sanborn and Thunder Mountain Road which will improve traffic flow on SR89A.
 - o The site's close proximity to SR89A allows for ease of access to the Sedona Transit System which improves traffic flow and reduces reliance on automobile uses. It's close proximity to amenities, eg; the Safeway Center, Post Office, Banking, and Cinemas encourages walkability.
 - o From the Letter of Intent: **GO! Sedona Pathways Plan (GO! Plan):** Another consideration is the city's request for a shared use path commitment as a result of the zone change process. The owners are requesting the zone change to **RM-3: High-Density Multi-family**, specifically to make the zoning consistent with the Sedona Community Plan. At the time of the development process the developer will work with the City of Sedona to determine the location of a shared use path.
 - o **AS PART OF THE CONDITIONS OF APPROVAL:**
 - Commitment for the future development of the property to include a shared use path, subject to the following:
 - ⚡ Path shall connect Tranquil Avenue to Madole Road.
 - ⚡ Easement for the path shall be a minimum of 15 feet wide.
 - ⚡ Path shall be a minimum of 10 feet wide.
 - ⚡ Path shall include landscaping in accordance with LDC requirements.
 - ⚡ Path shall provide amenities including lighting, signage, and a water bottle filling station, subject to LDC requirements and review and approval by the Community Development Director.
 - ⚡ 100% of the cost of the shared use path and amenities shall be borne by the property owner. The City will not provide financial contributions or Development Impact Fee credits for these improvements.

Environment and Sustainability (page 79-94)

Chapter 6 of the Community Plan is the Circulation Chapter. Many of the policies in this chapter speak to site and building design. Without a development plan to review and no commitments within the application regarding future development, consistency with this chapter cannot be evaluated.

- Based on the Sedona Land Development Code (LDC) and the Design Review, Engineering, and Administrative Manual (DREAM), any development will have to comply with the following main points regarding environment and sustainability:
- **Land Development Code (LDC)**
 - o **Natural environment preservation:** The code prioritizes fitting development into the natural contours of the land, preserving natural features like rock outcroppings, native

- vegetation, and mature trees. It mandates minimizing disturbance to sensitive areas such as steep slopes and floodplains.
- **Open space and wildlife:** Development is to be designed to preserve open space for natural resources, wildlife habitat, and scenic values. The code encourages clustering dwellings to conserve larger, uninterrupted natural areas.
- **Energy conservation:** It promotes sustainable building designs and construction practices, including using solar or other alternative energy systems. The code explicitly allows for flexibility in building standards to accommodate solar energy systems.
- **Dark Sky compliance:** As an International Dark Sky City, Sedona's code requires exterior lighting to be shielded and directed downward to reduce light pollution, which benefits wildlife and preserves scenic views.
- **Design Review, Engineering, and Administrative Manual (DREAM)**
 - **Context-sensitive design:** The DREAM manual, which supplements the LDC, includes design guidelines that emphasize principles compatible with Sedona's natural environment. This includes blending structures into the landscape through appropriate colors and materials.
 - **Sustainable building practices:** Beyond aesthetics, the manual provides details to guide developers in practices that encourage sustainable development, such as selecting low-maintenance building materials suitable for the semi-arid climate.
 - **Drainage and grading:** The manual includes specific engineering standards for grading and drainage to minimize environmental impacts. Site design is expected to reduce the amount of disturbed land for impervious surfaces like roads and parking.

Adopted Plans

Staff evaluated the zone change relative to other adopted plans, including the GO! Sedona Pathways Plan, the Transportation Master Plan, and the Climate Action Plan. This evaluation is summarized below

GO! Sedona Pathways Plan (GO! Plan)

The GO! Plan aims to connect community destinations with safe and convenient routes so residents can walk or ride from home to shopping centers and commercial areas. The GO! Plan shows a shared use path through this property, which would provide a pedestrian connection from the Harmony neighborhood (and the Andante Shared Use Path currently under construction) to the Safeway Shopping Center. While the application states that a future developer will work with the City to determine the best location for a SUP, no commitments regarding connectivity, width, design, or who will pay for the SUP have been included in the proposal.

- The Conditions of Approval stipulate that the property owner is solely responsible for funding and constructing a shared-use path (SUP). This path will link Tranquil Avenue and Madole Road, featuring a 15-foot-wide easement and a 10-foot-wide path. All landscaping must meet LDC requirements, and the path will include amenities such as lighting, signage, and a water bottle filling station, which are subject to review and final approval by the Community Development Director. No financial contributions or Development Impact Fee credits will be provided by the City.

Transportation Master Plan (TMP)

Strategies in the TMP that this application could address, but does not, include the following:

- x Strategy 6: Neighborhood Vehicle Connections: Set of new neighborhood vehicular connections meant to accommodate local residents and keep short trips off SR 89A. Several possible street connections are identified. (Lack of street connectivity in West Sedona)
- x Strategy 11: Bicycle and Pedestrian Improvements: Bicycle boulevard parallel both north and south of SR 89A using existing streets and some new connecting pathways (Lack of comfortable and safe bicycle and pedestrian choices throughout Sedona)

- **AS PART OF THE CONDITIONS OF APPROVAL:**
 - Prior to the development of the property, the property owner shall prepare a traffic impact study. Traffic Impact Study shall be submitted to the City’s Public Works Department for review, comment, and potential approval. Traffic Impact Study shall be approved by the City prior to beginning any development of the property.
 - Traffic Impact Study shall address emergency access needs as a result of the access roads to the site crossing City-designated floodplains and floodways.
 - The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue.
 - The cost of the traffic improvements shall be borne by the property owner.

Climate Action Plan (CAP)

Many of the recommendations in the CAP apply to new development, which is not applicable to this application. While the application could include commitments as to how future development could meet the recommendations in the CAP, it does not.

- Any proposed development within Sedona must adhere to the Climate Action Plan guidelines, as mandated by the Land Development Code (LDC) and the Design Review, Engineering, and Administrative Manual (DREAM).
 - **Greenhouse Gas Reduction Targets:** The CAP establishes specific goals for reducing community-wide greenhouse gas emissions, such as a 50% reduction by 2030.
 - **Encouraging Sustainable Design:** The code promotes building designs and construction practices that are more sustainable, which includes provisions for integrating solar and other alternative energy systems.
 - **Preparing for Climate Impacts:** The CAP addresses the need for the community to adapt to climate change by building resilience against threats like increased flooding, wildfires, and extreme heat.
 - **Community and Developer Involvement:** Achieving CAP goals requires collaboration from residents, businesses, community leaders, and local government. The Land Development Code and DREAM manual facilitate this by providing a framework for incorporating these objectives into development projects.

Conclusion (Zone Change Evaluation)

The decision of whether to approve a particular zone change is a legislative policy action left to the judgment and discretion of the Planning and Zoning Commission and City Council. A variety of factors are considered when making these decisions, including how the proposal relates to the community’s vision and overall consistency with the Sedona Community Plan and other applicable plans. The Planning and Zoning Commission is being asked to evaluate the proposal and forward a recommendation to the City Council.

While no project is expected to meet all of the recommendations and visions of the Community Plan and other adopted plans, zone change applications are expected to move the City closer to realizing this vision and projects should not detract from any of the visions. While the project as proposed is consistent with some of these recommendations, it falls short in other areas. The evaluation above outlines the project’s consistency/non-consistency in detail. To summarize:

- x Housing is one of the primary goals of the City and this application would increase land available for multifamily development. No development plan has been proposed or reviewed, and the applicant has only committed to a restriction on short term rentals for 30 years from the date of zoning approval. With no development plan or other commitments related to diversity or

affordability, it is difficult to determine how a project on this property could address housing needs.

- The property owners have agreed to and accept the Conditions of Approval. (See Addendum A).
 - The cost of the traffic improvements shall be borne by the property owner.
 - The future development will provide a fixed percentage of units to Sedona's essential workforce such as healthcare employees, police, firemen and hospitality workers, as well as groups such as fixed income elderly households displaced by short term rentals. Affordability would be preserved through the approval of this zoning request and would require a minimum of the following affordable and workforce housing percentages:
 - 15% of housing units allocated to workforce housing for households earning 80-150% AMI for Yavapai County
 - 10% of housing units allocated to affordable housing for moderate income households earning 60-80% AMI for Yavapai County, and
 - 5% of units dedicated to low income households earning less than 60% AMI for Yavapai County.
 - The developer will commit to keeping this percentage of the units affordable for a minimum of 30 years from the time that the 1st Certificate of Occupancy is issued.
- x The GO! Sedona Pathways Plan shows a shared use path through this property. While the application acknowledges this and states that a future developer will work with the City to determine the best location for a SUP, no commitments regarding connectivity, width, design, or who will pay for the SUP have been included in the proposal.
- **AS PART OF THE CONDITIONS OF APPROVAL:**
 - Commitment for the future development of the property to include a shared use path, subject to the following:
 - Path shall connect Tranquil Avenue to Madole Road.
 - Easement for the path shall be a minimum of 15 feet wide.
 - Path shall be a minimum of 10 feet wide.
 - Path shall include landscaping in accordance with LDC requirements.
 - Path shall provide amenities including lighting, signage, and a water bottle filling station, subject to LDC requirements and review and approval by the Community Development Director.
 - 100% of the cost of the shared use path and amenities shall be borne by the property owner. The City will not provide financial contributions or Development Impact Fee credits for these improvements.
- x The properties are accessed by 3 different roads. Two (Rigby and Madole) are private and access W 89A at uncontrolled intersections while one (Tranquil) is public and connects to W 89A at a signalized intersection. All three roads cross the same City-designated floodplain and floodway. The Letter of Intent states that a traffic impact analysis will not be done until a development plan is proposed and states that a future developer will make improvements to Rigby and Madole, if required, with no mention of Tranquil. In addition, the LOI does not include a commitment that the cost of the improvements will be borne by the developer.
- The Letter of Intent states the following:
 - **LDC Section 5.4. Access, Connectivity, and Circulation:** The property owners are aware that for any future development the city's Land Development Code, and D.R.E.A.M., has the legal authority to require build 5-foot-wide sidewalk(s) along

the frontages of all public and private roads, including Tranquil Avenue, Rigby Road, and Madole Road.

- **Future Development Concerns:** The property owners are aware that for any future development the city's Land Development Code, and D.R.E.A.M., has the legal authority to require the following development standards:
 - All access roads into the site will meet the Fire District standards.
 - Water supply requirements for the units as well as for fire suppression systems will be met.
 - Currently, there is an Arizona Water Company 4-inch water main with a fire hydrant adjacent to the site on Tranquil Avenue.
 - Future road improvements will be made, if required, to Rigby Road and/or Madole Road intersections at West State Route 89A.
- The property owners have agreed to the following:
 - As part of the CONDITIONS OF APPROVAL: Prior to the development of the property, the property owner shall prepare a traffic impact study. Traffic Impact Study shall be submitted to the City's Public Works Department for review, comment, and potential approval. Traffic Impact Study shall be approved by the City prior to beginning any development of the property.
 - Traffic Impact Study shall address emergency access needs as a result of the access roads to the site crossing City-designated floodplains and floodways.
 - The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue.
 - The cost of the traffic improvements shall be borne by the property owner.

DISCUSSION (CONDITIONAL USE PERMIT)

A secondary application is included for a Conditional Use Permit (CUP) to allow for continued occupancy of the existing single-family house if the zone change is approved. The proposed RM-3 designation requires a CUP for a single-family detached house; no additional use specific standards apply to this use. No changes to the site are proposed in conjunction with the CUP request. The applicant has requested that the CUP remain in effect until building permits for development of the property are issued.

- The applicant is requesting that the CUP remain in effect until the new landowner's building permit is approved.

APPROVAL CRITERIA APPLICABLE TO ALL APPLICATIONS (ZC & CUP)

All development applications are reviewed under [LDC Article 8 \(Administration and Procedures\)](#). [LDC Section 8.3](#) contains procedures and rules applicable to all development applications while the following sections contain procedures and rules that apply to specific development applications. [LDC Section 8.3.E\(5\)](#) contains the approval criteria applicable to all development, subdivision, and rezoning applications.

A. Generally

Unless otherwise specified in this Code, City review and decision-making bodies shall review all development, subdivision and rezoning applications submitted pursuant to this article for compliance with the general review criteria stated below.

Staff Evaluation: The project has been reviewed for compliance with all applicable criteria. Therefore, staff believe this criterion is met.

B. Prior Approvals

The proposed development shall be consistent with the terms and conditions of any prior land use approval, plan, or plat approval that is in effect and not proposed to be changed. This includes an approved phasing plan for development and installation of public improvements and amenities.

***Staff Evaluation:** There are no previous approvals that the current proposal would need to be consistent with. The application is in compliance with this criterion.*

C. Consistency with Sedona Community Plan and Other Applicable Plans

Except for proposed subdivisions, the proposed development shall be consistent with and conform to the Sedona Community Plan, Community Focus Area plans, and any other applicable plans. The decision-making authority:

1. Shall weigh competing plan goals, policies, and strategies;
and
2. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Sedona Community Plan or other applicable plans.

***Staff Evaluation:** As outlined in the evaluation of the zone change, this proposal is not consistent with, and does not conform to the Sedona Community Plan, the GO! Sedona Pathways Plan, the Transportation Master Plan, and the Climate Action Plan, as the application as currently submitted does not provide enough detail to allow staff to fully evaluate the proposal. While there may be areas where more detail can be provided, the applicant has requested that the application move forward to the Planning and Zoning Commission as-is.*

- At the September 16, Planning and Zoning Commission meeting Luke Sefton suggested we table the application to clarify what the Commissioners were requesting. The city's attorney asked the Commissioners to take action to meet the 180-day requirement of the new law, and they recommended denial. Furthermore, the Planning and Zoning Commissioners and the Planning Staff were not consistent with the approval criteria under LDC Section 8.3.E(5). The public benefit of the property as designated by the Community Plan, as specified in the LDC RM-3 Multi-family high density (20DU/AC), and as described in this document, outweighs the recommendation for denial of Planning and Zoning Commissioners and the Planning Staff. Since the first meeting to discuss the zone change in April, 2024 the Planning Manager stated that a zone change is possible without a development plan. During the September 16th, Planning Zoning Meeting, she stated again "development plans are not required for a zone change".

While housing is a goal of the City, there is not enough detail in the current proposal to determine how this zone change would address the City's housing needs for availability, affordability, and diversity.

- The future development will provide a fixed percentage of units to Sedona's essential workforce such as healthcare employees, police, firemen and hospitality workers, as well as groups such as fixed income elderly households displaced by short term rentals. Affordability would be preserved through the

approval of this zoning request and would require a minimum of the following affordable and workforce housing percentages:

- 15% of housing units allocated to workforce housing for households earning 80-150% AMI for Yavapai County
 - 10% of housing units allocated to affordable housing for moderate income households earning 60-80% AMI for Yavapai County, and
 - 5% of units dedicated to low income households earning less than 60% AMI for Yavapai County.
- The developer will commit to keeping this percentage of the units affordable for a minimum of 30 years from the time that the 1st Certificate of Occupancy is issued.

The Transportation Master Plan and GO! Sedona Pathways Plan both show this property being used for key connections in the overall transportation and pathways network of the City. While the applicant has stated that a future developer will work with the City regarding these items, no firm commitments regarding design and financing of improvements are included in this proposal.

- As part of the CONDITIONS OF APPROVAL: Prior to the development of the property, the property owner shall prepare a traffic impact study. Traffic Impact Study shall be submitted to the City's Public Works Department for review, comment, and potential approval. Traffic Impact Study shall be approved by the City prior to beginning any development of the property.
- Traffic Impact Study shall address emergency access needs as a result of the access roads to the site crossing City-designated floodplains and floodways.
- The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue.
- The cost of the traffic improvements shall be borne by the property owner.

Due to the lack of detail and specificity in the current application, staff does not believe this criterion is met for the zone change application. If the Commission finds that the zone change application is consistent, the CUP application for continued use of the existing single family residence would also be consistent with adopted plans.

- The revised LOI and this document is to demonstrate to the city Council that the reasons for the city staff recommended denial have been addressed and will be fully incorporated into any future development plans.

D. Compliance with This Code and Other Applicable Regulations

The proposed development shall be consistent with the purpose statements of this Code and comply with all applicable standards in this Code and all other applicable regulations, requirements and plans, unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.

Staff Evaluation: *The properties meet the minimum requirements for the RM-3 zone. The existing lighting is non-conforming and would have to be brought into compliance if the zone change were approved. The other code requirements would be reviewed as a part of a future development review.*

The CUP has been submitted as a requirement for continued use of the existing single-family residence under the proposed RM-3 zoning. If the zone change is approved, the CUP is needed for the property to be in compliance with the LDC.

Staff believes that this criterion is met if conditions are in place to require the replacement of non-conforming lighting.

- The agreed conditions of approval require replacement of non-conforming lighting within 6-months of zone change approval.

E. Minimize Impacts on Surrounding Property

Owners

The proposed development shall not cause significant adverse impacts on surrounding properties. The applicant shall make a good-faith effort to address concerns of the surrounding property owners in the immediate neighborhood as defined in the Citizen Participation Plan for the specific development project, if such a plan is required.

Staff Evaluation: *The applicant completed a Citizen Participation Plan and submitted a Citizen Participation Report (CPR) ([Attachment 2](#)).*

The application has been posted on the City's website since submittal and Staff completed all required public noticing, including a published notice in the Red Rock News, mailings to property owners within 300 feet of the subject parcels, and posted signs on the property.

Written comments were received by Staff brought up the following:

- x Concern regarding traffic impacts and capacity of existing roads
- x Whether allowing 5 times current density is appropriate
- x Impacts of high-density residential adjacent to single-family residential
- x Support for low-cost and affordable housing projects

Staff Response: The applicant received many of the same comments during the public outreach. While the CPR includes responses, many of those responses do not match what has been submitted in the application/Letter of Intent, so it is unclear what is being committed to as part of the formal application.

The CPR states that they "have difficulty accepting the opposition to the zone change by owners who are out of the area and not themselves full-time residents... we find it difficult in principle to seek the approval of short term and long-term rental owners who own properties nearby." Due to this statement, staff has concerns whether the applicant made a good-faith effort to address concerns of the surrounding property owners, as required by this criterion.

- This statement is taken out of context. It goes on to request what the city's policy is to address owners who are out of the area.
- The owners called all of the attendees of the neighbors meeting (some could not be reached) to understand their concerns. Many of their concerns and fears were addressed in these calls. One of the neighbors did change his mind and spoke in support of the zone change at the September 16th meeting.

Due to the lack of changes to the application as a result of the Citizen Participation Process, inconsistencies between the responses in the CPR and what is presented in the LOI, and statements in the CPR, Staff does not believe this criterion has been met.

- Most of the concerns brought up in the neighborhood meeting have already been addressed by the City of Sedona in the process of designating the property as suitable for high density multifamily in the 2024 Community Plan.
- To address the current housing shortage the City of Sedona designated the

property as high density multifamily. Three open citizen participation meetings were held seeking input for this designation over several years.

F. Consistent with Intergovernmental Agreements

The proposed development shall be consistent with any adopted intergovernmental agreements, and comply with the terms and conditions of any intergovernmental agreements incorporated by reference into this Code.

Staff Evaluation: There are no intergovernmental agreements that impact this project. This criterion does not apply to this request.

G. Minimizes Adverse Environmental Impacts

The proposed development shall be designed to minimize negative environmental impacts and shall not cause significant adverse impacts on the natural environment. Examples of the natural environment include water, air, noise, stormwater management, wildlife habitat, soils, and native vegetation.

Staff Evaluation: A large portion of the site is in its natural state. This criterion is primarily reviewed when a development application is submitted, but the zone change application could limit development in sensitive areas (such as the floodway/floodplain). No such conditions are included. Therefore, staff does not believe this criterion is met for the zone change.

- Based on the Sedona Land Development Code (LDC) and the Design Review, Engineering, and Administrative Manual (DREAM), any development will have to comply with the following main points regarding environment and sustainability:
- **Land Development Code (LDC)**
 - **Natural environment preservation:** The code prioritizes fitting development into the natural contours of the land, preserving natural features like rock outcroppings, native vegetation, and mature trees. It mandates minimizing disturbance to sensitive areas such as steep slopes and floodplains.
- Clustering will occur to ensure that the floodplain will not be impacted.

As the CUP would authorize the continued use of the property as a single-family residence, no adverse environmental impacts are anticipated with the CUP application and the criterion would be considered met.

H. Minimize Adverse Fiscal Impacts

The proposed development shall not result in significant adverse fiscal impacts on the City.

Staff Evaluation: The applicant has paid all applicable fees associated with this application and will pay all fees associated with permits required for the proposed work. Some of the issues (roadway improvements, shared use path) are left to the discretion of a future developer without a clear indication of who will pay for the improvements. Unless this is specifically addressed, there may be adverse fiscal impacts to the City when it comes to funding the improvements. Due to the lack of clarity and specificity, staff does not believe this criterion is met for the zone change application.

- **AS PART OF THE CONDITIONS OF APPROVAL:**
 - 100% of the cost of the shared use path and amenities shall be born by the property owners. No financial contributions or Development Impact Fee credits will be provided by the City.
 - The cost of the traffic improvements shall be born by the property owner.

- In 2016, Public Works stated that they have plans to ameliorate flooding problems along the southern part of the property which also included the trailer park, the bank property, and the one-acre in between. Now the city is demanding the future developers take on this responsibility.

As the CUP would authorize the continued use of the property as a single-family residence, no adverse fiscal impacts are anticipated with the CUP application, and the criterion would be considered met.

I. Compliance with Utility, Service, and Improvement Standards

As applicable, the proposed development shall comply with federal, state, county, service district, City and other regulatory authority standards, and design/construction specifications for roads, access, drainage, water, sewer, schools, emergency/fire protection, and similar standards.

Staff Evaluation: All applicable agencies have reviewed the proposal. The Sedona Fire District has raised concerns about emergency access to the site, as all 3 access roads cross the same floodway/floodplain. The LOI states that a future developer will make improvement to Madole Road, in accord with the result of the traffic study and requirements of the Fire Marshal. It is not clear if improvements to Rigby or Tranquil are included in this commitment.

Due to the lack of clarity and specificity, staff does not believe this criterion is met for the zone change application.

- The LOI has been revised to include Madole, Rigby, and Tranquil Avenue
- AS PART OF THE CONDITIONS OF APPROVAL:
 - The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue
- The Letter of Intent States:
 - SEDONA FIRE DISTRICT
 - On March 4, 2025, Sefton Engineering met with Kirk with Sedona Fire. Kirk said, "As long as the site has two points of access and adequate fire flow he has no objection to a 196-unit apartment complex".
 - All access roads into the site will meet the Fire District standards.

As the CUP would authorize the continued use of the property as a single-family residence, no changes to the utility, service, and improvements standards for the property are anticipated with the CUP application and the criterion would be considered met.

J. Provides Adequate Road Systems

Adequate road capacity must exist to serve the uses permitted under the proposed development, and the proposed uses shall be designed to ensure safe ingress and egress onto the site and safe road conditions around the site, including adequate access onto the site for fire, public safety, and EMS services. The proposed development shall also provide appropriate traffic improvements based on traffic impacts.

Staff Evaluation: The proposal would use existing road systems. Two of the three roads accessing the property are private and substandard. While increasing the permissible density from 4 units per acre to 20 units per acre for a ±9.5 acre parcel will likely require roadway and access improvements, the applicant has not provided an evaluation of existing roads or

estimated what improvements may be needed, stating that will be the responsibility of a future developer. Improvements to private roads would likely require the approval and/or participation of other property owners, who, as of writing this report, have not indicated their support of the project.

Due to the lack of clarity and specificity, staff does not believe this criterion is met for the zone change application.

- **AS PART OF THE CONDITIONS OF APPROVAL:**
 - Prior to the development of the property, the property owner shall prepare a traffic impact study. Traffic Impact Study shall be submitted to the City's Public Works Department for review, comment, and potential approval. Traffic Impact Study shall be approved by the City prior to beginning any development of the property.
 - Traffic Impact Study shall address emergency access needs as a result of the access roads to the site crossing City-designated floodplains and floodways
 - The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue.
 - The cost of the traffic improvements shall be borne by the property owner.
- The developer will negotiate with the neighboring property owners to determine what portion if any they will be responsible for the roadway improvements.

As the CUP would authorize the continued use of the property as a single-family residence, no impacts to the road systems are anticipated with the CUP application and the criterion would be considered met.

K. Provides Adequate Public Services and Facilities

Adequate public service and facility capacity must exist to accommodate uses permitted under the proposed development at the time the needs or demands arise, while maintaining adequate levels of service to existing development. Public services and facilities include, but are not limited to, roads, potable water, sewer, schools, public safety, fire protection, libraries, and vehicle/pedestrian connections and access within the site and to adjacent properties.

Staff Evaluation: *While increasing the permissible density from 4 units per acre to 20 units per acre for a ±9.5 acre parcel will likely impact public services, the applicant has not provided an evaluation of what those impacts will be or estimated what improvements may be needed, stating that will be the responsibility of a future developer.*

Due to the lack of clarity and specificity, staff does not believe this criterion is met for the zone change application.

The following was included in the Letters of Intent:

- **Letters of Serviceability:** We received Will Serve Letters from the following utility providers:
 - APS. In addition to a Will Serve Letter, APS provided the following information: *APS has determined that upgrades to existing APS infrastructure will be required. APS is proposing to extend two additional overhead phases on the existing poles at least to the property line and further if needed. We would also need to install a switching cabinet and can serve single phase or three phase transformers from there (This comment is from APS employee Kellie McCune).*

- ARIZONA WATER COMPANY: In addition to a Will Serve Letter, AZ Water provided the following information: **Both parcels are currently served by AZ Water with a 1 1/4" diameter galvanized steel main. In addition, there is a 4-inch water main line with a fire hydrant right in front of the properties Tranquil Avenue frontage (This comment is from Casey Goff AZ Water's Water Distribution Superintendent).**
- CITY OF SEDONA WASTEWATER DEPARTMENT
 - Two City of Sedona sewer manholes are located on the site.
- SEDONA FIRE DISTRICT
 - On March 4, 2025, Sefton Engineering met with Kirk with Sedona Fire. Kirk said, "As long as the site has two points of access and adequate fire flow he has no objection to a 196-unit apartment complex".
- In addition, the City of Sedona has approved two notable Community Focus Areas (CFAs) zone changes without site plans. They are the Schnebly CFA & Oak Creek Heritage District, and the Western Gateway and Soldiers Pass areas.

As the CUP would authorize the continued use of the property as a single-family residence, no impacts to public services and facilities are anticipated with the CUP application and the criterion would be considered met.

L. Rational Phasing Plan

If the application involves phases, each phase of the proposed development shall contain all of the required streets, utilities, landscaping, open space, and other improvements that are required to comply with the project's cumulative development to date and shall not depend upon subsequent phases for those improvements.

Staff Evaluation: *The application does not propose new development, and a phasing plan is not required. Therefore, staff believes this criterion is met.*

Land Development Code Findings: Conditional Use

Permit

[LDC Section 8.4.B](#) contains the procedures and rules for conditional use permit applications. This section does not have any additional approval criteria.

The single-family house is a permitted use in the current RMH zone, but a conditionally permitted use in the proposed RM-3 zone. As the CUP is only needed based on the zone change request, whether the CUP meets the findings outlined in the LDC is dependent on whether the zone change request does.

Staff Recommendation: Rezoning (Zoning Map Amendment)

Staff is recommending denial of the proposed Zone Change based on the following:

1. As outlined in the staff report and staff evaluation, the proposal is not in compliance with applicable goals and policies of the Community Plan.
2. As outlined in the staff report and staff evaluation, the proposal is not in compliance with applicable goals and policies of other adopted plans, including the Transportation Master Plan, the GO! Sedona Pathways Plan, and the Climate Action Plan.
3. The proposal does not comply with applicable review criteria as outlined in the Staff Report.

LDC Section 8.3.C(6) and ARS Section 9-462.11

This application is considered a residential rezoning. LDC Section 8.3.C(6) and ARS Section 9-462.11 set the required timeframes for processing residential rezonings. These sections require the City to approve or deny a residential rezoning application within 180 days of submittal of a complete application. A complete application was submitted for this project on June 25, 2025, so the application must be either approved or denied by December 22, 2025.

While in the past, City Staff had the ability to work with applicants to address inconsistencies in their application and get more specificity when needed, we no longer have this ability. Further, the applicant has requested that the application be moved forward as currently submitted.

- This law went into effect January 1st, 2025, we were never told of this 180-day requirement. Do to pressure from the city to meet this 180-day deadline we requested to move forward with the application at the end of August. Our revised application was submitted on June 25th, 2025 and there were no requests from the city for clarification, specificity, comments, or revisions of inconsistencies. There was ample time for this review but staff did not respond until the recommendation for denial was issued on September 10th. Furthermore, at the end of August we submitted revised conditions of approval in order to clarify our intent. This submission was not accepted stating that it was a new document.

Planning and Zoning Commission Options

The Planning and Zoning Commission may recommend denial of the application, as recommended by Staff.

A continuance to allow the applicant to address the outstanding issues is not an option, given the state-mandated timeframes outlined above.

If the Commission disagrees with Staff's findings and recommends approval of this application, Staff has included recommended conditions of approval that may address some of the outstanding issues outlined above. The Commission may modify these as they deem appropriate during the public hearing. These conditions are being proposed by Staff to address the deficiencies in the project noted above, do not reflect the applicant's current proposal, and, as of writing this staff report, have not been agreed to by the applicant. The applicant will have an opportunity to review the proposed conditions of approval prior to the meeting.

In addition to the recommended conditions below, the Commission may consider whether additional conditions regarding housing commitments, building or site design, citizen participation, or historic preservation may be appropriate to address additional areas where the project was found to not be in compliance with approval criteria.

Staff Recommendation: Conditional Use Permit

As Staff is recommending denial of the proposed Zone Change, Staff is also recommending denial of the proposed Conditional Use Permit, as it is not needed if the zoning does not change.

If the Commission finds that the Zone Change meets the required findings and recommends that City Council approve the zone change, approval of the accompanying Conditional Use Permit would be appropriate.

(EXHIBIT A)

Conditions of Approval: PZ24-00018 (ZC)

1. Development of the subject property shall be in substantial conformance with the applicant's representations of the project, including the site plan, letter of intent, and all other supporting documents submitted, as reviewed, modified, and approved by the Planning and Zoning Commission and City Council.
2. The applicant shall enter into a Development Agreement with the City of Sedona that covers, at a minimum, the following items:
 - a. Availability of all future units on the properties for long-term rental for a minimum of 30 years from the date of issuance of Certificate of Occupancy.
 - b. Commitment for the future development of the property to include a shared use path, subject to the following:
 - i. Path shall connect Tranquil Avenue to Madole Road
 - ii. Easement for the path shall be a minimum of 15 feet wide
 - iii. Path shall be a minimum of 10 feet wide
 - iv. Path shall include landscaping in accordance with LDC requirements
 - v. Path shall provide amenities including lighting, signage, and a water bottle filling station, subject to LDC requirements and review and approval by the Community Development Director.
 - vi. 100% of the cost of the shared use path and amenities shall be born by the property owner. The City will not provide financial contributions or Development Impact Fee credits for these improvements.
 - c. Prior to the development of the property, the property owner shall prepare a traffic impact study. Traffic Impact Study shall be submitted to the City's Public Works Department for review, comment, and potential approval. Traffic Impact Study shall be approved by the City prior to beginning any development of the property.
 - i. Traffic Impact Study shall address emergency access needs as a result of the access roads to the site crossing City-designated floodplains and floodways.
 - ii. The property owner shall make all improvements recommended and/or required by the Traffic Impact Study and the Sedona Fire Marshal to Madole Road, Rigby Road, and Tranquil Avenue.
 - iii. The cost of the traffic improvements shall be born by the property owner.
 - d. Commitment to locate development outside of the City designated floodways and floodplains.
3. All existing structures on APN 408-24-089 (80 Rigby Road) shall be demolished within six (6) months of zone change approval. The property owner shall obtain a Demolition Permit from the Community Development Department and pass all required inspections within 6 months of approval.
4. All existing lighting shall be brought into compliance with the requirements of LDC Section 5.8 (Exterior Lighting) within six (6) months of zone change approval. The property owner shall submit an Exterior Lighting application for review and approval by the Community Development Department prior to changing any of the lighting fixtures. Staff shall conduct a night inspection and if deemed necessary, additional shielding will be required.

5. The zoning for the subject property shall be considered vested when the Development Agreement is approved, executed, and recorded. If a Development Agreement is not recorded, and other conditions are not satisfied, the City may initiate proceedings to revoke the zoning, subject to the provisions of Sedona Land Development Code Section 8.6.A(3)g.2 and applicable State statutes.
6. Within thirty days of approval of the zone change, the property owner of record of the subject property voluntarily agrees to sign and record a waiver acknowledging their waiver of any right to claim just compensation for diminution in value under A.R.S. §12-1134 related to the granting of this Zoning Change approval.