

**PLANNING AND DEVELOPMENT SERVICES REPORT**  
**DIRECT TO ORDINANCE ZONING MAP AMENDMENT**

**PUBLIC HEARING**  
**PZ-17-00218-03**

**DATE:** April 09, 2019  
**MEETING DATE:** May 22, 2019  
**REPORT BY:** Alexandra Pucciarelli

**REQUEST:**

Direct to Ordinance Zoning Map Amendment, by Trinsic Acquisition Company LLC, of approximately 16.11 acres located at 3401 South Lake Mary Road from the Estate Residential (ER) and Rural Residential (RR) zones to the Medium Density Residential (MR) zone. The development site is already located within the Resource Protection Overlay (RPO).

**STAFF RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission, in accordance with the findings presented in this report, forward the Direct to Ordinance Zoning Map Amendment request to the City Council with a recommendation for denial.

**PRESENT LAND USE:**

The subject property is approximately 16.11 acres comprised of four parcels bisected by West High Country Trail. The parcels are currently owned by Auza Flagstaff, LLC. The property is a portion of the Auza Family Ranch; however, it is no longer used for ranching activities. The portion of the site north of West High Country Trail currently has a single family house, a large outdoor seating and cooking area with ramadas, storage facilities, and restroom facilities. The portion south of West High Country Trail is crossed by high voltage electrical transmission lines. South of this, the property is vacant.

**PROPOSED LAND USE:**

The developer proposes the construction of a multi-family residential development, concentrated on the portion of the site south of High Country Trail and the electrical transmission lines, consisting primarily of market rate apartments. The proposed development consists of 13 apartment buildings, a clubhouse, fitness center, outdoor amenities, and on-site surface parking. The portion of the site north of High Country Trail is proposed to remain as is described under present land use.

**NEIGHBORHOOD DEVELOPMENT:**

See the attached area context map.

North: Interstate 17  
East: Vacant parcel zoned Highway Commercial (HC); The Lodge Apartments zoned High Density Residential (HR)  
South: Single Family Homes zoned Single Family Residential (R1)  
West: Timber Trails Apartments zoned Medium Density Residential (MR); Single Family Homes zoned Single Family Residential (R1)

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**I. Project Introduction**

**A. Background**

The development site to be rezoned is approximately 16.11 acres comprised of four parcels located just west of the intersection of High Country Trail and Lake Mary Road. The property is a portion of the Auza Family Ranch, historically used for livestock herding between Arizona, Colorado, and California, since before Flagstaff was incorporated. The Auza property has been impacted by the construction of Interstate 17 at the north end of the property, the bisection of the property by West High Country Trail, and an electrical utility easement for the high voltage electrical transmission lines along the south side of West High Country Trail.

The Auzas would like to maintain the existing single-family house constructed in the 1980's and located on the north side of West High Country Trail. This Direct to Ordinance Zoning Map amendment proposes to rezone all 16.11 acres, from Estate Residential (ER) and Rural Residential (RR) to Medium Density Residential (MR) and concentrate the density on the southern portion of the property. The electrical utility easement running along the south side of West

High Country Trail prohibits any structures from being constructed near the street. This pushes the proposed development to the far southern portion of the property, adjacent to the existing single-family residential neighborhood.

**B. Proposed Rezoning and Development Plan**

The developer, Trinsic Acquisition Company LLC, is requesting rezoning approval to permit the development of an apartment complex consisting of 173 units. The seven three-story buildings and six two-story buildings will include 173 units, ranging from one to three-bedroom units. The unit mix includes the following:

<u>UNIT DESCRIPTION</u>	<u>NO. OF UNITS</u>	<u>PERCENTAGE</u>
1 Bed/1 Bath	88	51%
2 Bed/2 Bath	78	45%
3 Bed/2 Bath	7	4%

The minimum density requirement in the MR zone is 6 units per acre and the maximum density allowed is 9 units per acre (within the RPO). Based on the entire project area (16.11 acres) 145 units are allowed. The inclusion of 10% affordable units allows for a 20% density bonus. Because the site plan includes 18 units (10%) that qualify as Category 1 of the city's affordable housing program, an additional 29 units are allowed for a total of 174 units. One unit is the existing Auza residential structure, allowing for 173 new apartments. The concentration of density on the southern portion of the development results in 173 units on the 9 acres south of West High Country Trail, resulting in a perceived experience of 19 units per acre, exacerbated by the bisection of the project by West High Country Trail.

The project will also include a 4,450 square foot leasing office/clubhouse and a 1,600 square foot fitness center. Site access will be provided from two driveways on West High Country Trail. There are approximately 212 surface parking spaces and 84 garage parking spaces, including 11 ADA accessible parking stalls (10 surface parking and 1 garage space.) The project will also be required to provide a minimum of 15 exterior bicycle parking spaces. The site plan indicates 3 bike racks (with 5 spaces each) located on the site.

The MR zone permits a maximum building height of 35 feet, or 40 feet for buildings with roofs with a pitch greater than 6:12. The highest roofline of the proposed buildings will be 40 feet from finished grade with an increased roof pitch.

The development site to be rezoned does not follow the existing parcel line boundaries. Following rezoning approval, the existing parcels will be reconfigured to match the new MR zoning boundary. This parcel reconfiguration will result in a remainder parcel with split zoning. Prior to developing the remainder parcel the property owner will need to rezone the property to a single zone.

**II. Staff Site Plan Review**

On April 02, 2019, the Inter-Department Staff (IDS) approved an application for Site Plan Review of the proposed development subject to successfully obtaining a Direct to Ordinance Zoning Map Amendment (rezoning). A copy of the application is attached to this report. Should the rezoning be denied, the Site Plan as submitted will no longer be approved.

**A. Zoning – City of Flagstaff Zoning Code**

If this Direct to Ordinance Zoning Map Amendment request is approved, approximately 16.11 acres will be rezoned to the Medium Density Residential (MR) zone. Development of the site will be conditioned to the approved site plan and a final development agreement. Any substantial change to the approved site plan would require a new rezoning request and further review and approvals by the Planning and Zoning Commission and City Council. The Site Plan provided includes the overall site layout, open space and civic space areas, resource protection plan, preliminary landscaping, building floor plans and elevations, and site sections.

**i. Site Planning Standards**

In accordance with Section 10-30.60.030 of the Zoning Code a site analysis was completed in conjunction with the concept plan for this project that examines the topography of the site, solar orientation, existing/native vegetation types, view corridors, climate, subsurface conditions, drainage swales and stream corridor, and the built environment and land use context. Unfortunately, the existing electric utility easement along the south side of High Country Trail does not allow for “building forward” design on the southern portion of the site, a zoning code requirement. The developer proposes to locate the taller buildings towards the center of the site while the lower, two-story buildings are placed closer to the existing single-family homes. The developer has also provided an area of open space in the southwest corner of the site to help buffer the existing homes from the development. As the utility easement does not allow buildings to be constructed within it, the easement is utilized as surface parking and the required civic space/detention basin. The proposed grading of the southern portion of the site results in extensive retaining walls at the south and east property lines, as well as the loss of existing native trees. The portion of the site north of High Country Trails contains the majority of the required tree resources and the existing Auza development.

**ii. Resource Protection**

There is a Resource Protection Overlay zone on the subject site. The Zoning Code requires 50% of the tree resources to be saved. The developer proposes to save 50.44% of the existing tree resources. Due to the amount of grading on the southern portion of the site, the developer is locating the majority of the required tree resources on the northern portion of the site. This area will be privately owned by the Auza family and will not allow any public or resident access. The southern portion of the development is designed to save only 20 existing trees and saves 1 out of 15 trees with a DBH over 25 inches.

**iii. Open Space & Civic Space**

The MR zone requires 15% of the gross lot area to be Common Open Space (Table 10-40-30.030.A). A minimum of 105,269 square feet of open space is required for the proposed residential project. The developer’s provided Open Space Plan Preliminary (Sheet A1.12) identifies 119,965 square feet (2.75 acres) of common open space, which is 17% of the site area. Most of the open space (59,973 square feet) is located within the electrical utility easement. There is also a 25,468 square foot area in the southwest corner of the site. The remainder of common open space (34,524 square feet) is located around the leasing office/clubhouse and the adjacent buildings.

Section 10-30.60.060.B.1.b of the Zoning Code requires developments with 50 or more dwelling units to provide a minimum of 5% of the site as Civic Space. This space must be accessible to the general public. A total of 35,090 square feet of civic space is required for this project. The site plan identifies a total of 35,090 square feet (0.805 acres) of civic space within the residential development. The detention basin in the electrical utility easement is the primary civic space within the residential project. The sides of the basin are at a 3:1 slope (33.3% slope). The utility company requires access along the electrical lines, so there are two drive aisles through the basin with a 10:1 slope (10% slope). Portions of the basin are turf, and the rest is shown as native grass and wildflowers. There is no pedestrian path into the basin, however there is a bench at the bottom. Another portion of the civic space is located along the northeast edge of High Country Trail, along the new FUTS trail. Another bench is located alongside the FUTS. Staff believes that this Civic Space is not an attractive amenity and provides limited benefit to the community.

**iv. Pedestrian and Bicycle Circulation Systems**

The developer will be removing the existing 5-foot-wide sidewalk along the south side of High Country Trail and replacing it with a 10-foot wide FUTS. While the sidewalk was located directly behind the street curb, the FUTS will be located further from the edge of the street. This 5 foot plus buffer between the street, pedestrians and bicycle riders will greatly increase safety and comfort. The length of FUTS along the developer’s frontage does not tie into the existing FUTS trails, but rather ties back into the sidewalk. To the

West the existing FUTS terminates at South Wild West Trail. To the east the existing FUTS runs along South Lake Mary Road, but does not turn onto High Country Trail. The developer has also declined staff's requests to provide sidewalk improvements along their frontage on the north side of High Country Trail.

On the southern portion of the site, the developer has proposed sidewalks connecting many of the buildings and parking areas. Six buildings, the carriage type two-story buildings, do not have any sidewalk connections, but rather the entry is accessed directly from the parking area.

**v. Compatibility and Architectural Design Standards**

Compatibility does not mean "the same as" but rather it refers to how well a new development is sensitive to the character of existing development. The Zoning Code breaks down compatibility into three categories: Patterns of Development, Scale, and Continuity.

Patterns of Development include streetscapes, site relationships, signage, and landscape features. Due to the location of the high voltage electrical transmission lines and their easement the buildings are not constructed along the street. Likewise, the street frontage lacks the typically required landscaping since trees are not permitted in the easement.

Scale refers to similar or harmonious proportions, overall height and width, the visual intensity of the development, and the building massing. The development reads as more intense due to the concentration of density. There are three parcels to the northeast which are also zoned MR. The eastern development is two-stories, the center development is one and two-stories, and the development farthest to the west is three-stories. The existing apartment complex to the east (adjacent to the proposed development) is three-stories, but is zoned High Density Residential. The proposed development contains buildings visible from the street that are three-stories high and over 100-feet long.

Continuity encompasses patterns of development and scale, but also site development, building forms, texture, materials, details, and colors.

**vi. Landscaping**

Landscaping plans are not required in conjunction with a Direct to Ordinance Zoning Map Amendment. The developer provided a conceptual landscaping plan, showing all landscape areas and tree locations. The conceptual plan generally meets the requirements of parking lot landscaping, street buffer landscaping, building foundation, and peripheral buffer landscaping found within Section 10-50.60 of the Zoning Code. Unfortunately, the electrical utility easement does not allow any trees to be planted within it. The required number of trees will be located elsewhere on the site. A final landscape plan will be reviewed at the time of civil plan submittal.

**vii. Outdoor Lighting**

The subject property is located within Lighting Zone II and is allowed a total of 50,000 lumens per acre. Outdoor lighting plans are not required in conjunction with a Direct to Ordinance Zoning Map Amendment. The developer provided a conceptual outdoor lighting plan. A final lighting plan will be reviewed for compliance at the time of building permit submittal.

**viii. Parking**

Based on the requirements for market rate units, 324 spaces are required. Since the development is located within a quarter mile of a bus stop, the developer has taken a 10% reduction in the number of required spaces resulting in 292 required parking spaces. The proposed development includes 212 surface parking spaces and 84 garage parking spaces, including 11 ADA accessible parking stalls (10 surface parking and 1 garage space) for a total of 296 spaces.

**ix. Historic/Cultural Resources**

A Cultural Resource Letter Report was completed for the subject property. The report identifies all existing construction on the north side of High Country Trail as modern construction and not historic resources. At least two archeological sites previously identified on the subject properties have been removed. Although the “homestead” may be significant to the Auza family, the property holds limited value to the community since the historically significant sites have been destroyed.

**B. Public Systems Impact Analysis**

**i. Traffic/Right-of-Way Impact**

The scope of a Traffic Impact Analysis is generally determined by the estimated peak hour trips generated by a development, per the Engineering Standards. The estimated peak hour trips for this development is 80 vehicles/hour in the a.m. and 96 vehicles/hour in the p.m. According to the Standards, a level one analysis was appropriate, requiring the consulting engineer to analyze the intersection of Lake Mary Road and High-Country Trail, as well as the two site access driveways.

In the spring of 2018, CivTech, the engineering consultant for the developer, conducted turning movement counts at Lake Mary Rd. and High Country Trail., from 7:00 a.m. to 9:00 a.m. and from 4:00 p.m. to 6:00 p.m. The data was entered into an engineering software program, Synchro 10, to analyze the Level of Service (LOS) under existing conditions (LOS is a measure of the average delay a driver will experience at an intersection, graded on a scale from A – F). Then, the estimated turning movements generated by the development were added to the program to analyze the post development conditions at full build out. The software output revealed that the intersection is currently operating at an overall LOS of A in the a.m. peak hour and a LOS of B in the p.m. peak hour. With the trips from the development added, the a.m. peak hour will continue to operate at a LOS of A and the p.m. peak hour will operate at a LOS of B. The Engineering Standards allow for an intersection to function at or above a LOS of D. When the LOS drops below D, improvements are required to mitigate the conditions back to an acceptable LOS.

Both access driveways were also analyzed with respect to site distance and turn-lane requirements. The easternmost driveway was originally proposed adjacent to the eastern property line, however, staff required that it be moved to the current location, where it meets standards for site distance. The southernmost driveway also meets standards for site distance.

The cross-section of High Country Trail includes a continuous left-turn lane at each of the two driveways. The volume of peak hour right- turns into each of the driveways was below the threshold for requiring right- turn deceleration lanes.

**Transportation Improvements**

No off-site traffic improvements will be required.

The existing frontage conditions along High Country Trail include five-foot wide sidewalks at back of curb along both the north and south sides of the street. Current Engineering standards call for a five-foot parkway and a five-foot sidewalk. The developer has refused staff’s request for new parkway and sidewalk along the north side of High Country Trail. The existing northern sidewalk will remain in its current condition. The proposed site plan calls for existing sidewalk along the south side of the street to be removed. In its place the developer will construct a new ten-foot wide concrete FUTS trail. The proposed FUTS trail will not connect to the existing FUTS sections west of Wild West Trail or along Lake Mary Road, but will tie back into the existing sidewalks to the west and east of the property.

**ii. Water and Wastewater Impact**

A Water and Sewer Impact Analysis (WSIA) was completed by the City on June 1, 2018. The proposed development is located within the City of Flagstaff urban growth boundary and can be served by City water and sewer utilities. Currently there is no infrastructure in the ground on-site to support this development, so all on-site sewer and water systems will have to be designed and built. No off-site water or sewer improvements will be required. It is the developer's responsibility to design and construct all on-site and connecting water infrastructure per the City of Flagstaff Engineering Standards.

#### **Water**

All public water infrastructure exists in the High Country Trail right-of-way adjacent to this property. There is a 12-inch water main along the property frontage. All appropriate looping and second source requirements can be met. The property lies within the Zone "B" water pressure system limits, and meets the minimum pressure requirements stated in the City of Flagstaff Engineering Standards. The developer will be required to provide a looped water system by extending an 8-inch diameter waterline from the existing 12-inch diameter main located in High Country Trail.

#### **Wastewater**

To provide sewer services to the project, the developer proposes to connect to an existing 8-inch stub out connected to a manhole which flows through the adjacent properties to the east before heading northeast to the Rio-de-Flag Wastewater Treatment Plant. The developer will provide new on-site sewer service consisting of an 8-inch line that flows east through the property to the manhole on the adjacent property. This will require the developer to get the necessary utility access. The capacity of the existing collection system downstream of this project is adequate to convey the existing and proposed flow rates and maintain the City's requirements.

### **iii. Stormwater Analysis**

The project's overarching drainage concept is to provide peak flow stormwater discharge mitigation (detention), partial stormwater runoff volume mitigation (LID ROCV) and improvement to the water quality of site discharges (LID) and offsite stormwater improvements.

As part of the rezoning request a Drainage Impact Analysis (DIA) was performed. The drainage impact analysis extended from the project site downstream to the Sinclair Wash. The impact analysis studied the existing High Country Trail Street section, catch basins and storm drains for capacity. Results of the impact analysis show the street does not have capacity to meet the current stormwater standards. As such, offsite improvements consisting of storm drain extension within High Country Trail have been proposed. The proposed storm drain extension will also provide a pipe outlet for the proposed on-site mitigation measures. Development of the site will meet the peak flow mitigation, LID volume mitigation and water quality requirements using surface water storage systems classified as extended detention basins (EDB), which consist of a detention and a retention storage capacity as well as filtration components.

The project will provide the attenuation required to reduce the post development peak runoff to the pre-development rates for the 10-year and 100-year storms. The Water Quality Improvements consisting of sediment capture components will be incorporated with the use of Low Impact Development (LID) Integrated Management Practices (IMPs) including sediment traps at inlets to the surface storage systems, and filtration systems located within the EBDs.

The increase in volume of stormwater runoff discharged from the site will be partially mitigated by the retention volume provided within aforementioned EDB's. The additional impacts to the downstream drainage conditions will be handled by the proposed stormwater system extension within High Country Trail.

**III. Direct to Ordinance Zoning Map Amendment**

An application for a Direct to Ordinance Zoning Map Amendment shall be submitted to the Planning Director and shall be reviewed and a recommendation prepared. The Planning Director's recommendation shall be transmitted to the Planning and Zoning Commission in the form of a staff report prior to a scheduled public hearing. The recommendation shall include: an evaluation of the consistency and conformance of the proposed amendment with the goals and policies of the General Plan and any applicable specific plans; the grounds for the recommendation based on the standards and purposes of the zones set forth in Section 10-40.20 (Establishment of Zones) of the Zoning Code; and, whether the amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.

Direct to Ordinance Zoning Map Amendments shall be evaluated based on the following findings:

**A. Finding #1:**

The proposed amendment must be found to be consistent with and in conformance with the goals and policies of the General Plan and any applicable specific plans. If the application is not consistent with the General Plan, and any other applicable specific plan, the applicable plan must be amended in compliance with the procedures established in Chapter 11-10 of the City Code (Title 11: General Plans and Subdivisions) prior to considering the proposed amendment.

**i. General Plan/Flagstaff Regional Plan (FRP 2030) Process and Analysis Summary**

When staff performs a Regional Plan (the "Plan") analysis, staff reviews all maps, text, and goals and policies to determine which are the most relevant in relation to the proposed application. The Plan's Future Growth Illustration on Maps 21 and 22 (same map; one is regional scale and one city scale) and the text of the Plan provide supplemental information for the interpretation of goals and policies. In the case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail. The Future Growth Illustration has two types of land use designations: "Area Types" describe the place-making context of Urban, Suburban, Rural, or Employment, and "Place Types" such as activity centers, corridors, and neighborhoods which provide the framework for the density, intensities, and mix of uses within the area types.

Staff has identified that the subject property is designated as Existing Suburban and is not located within an activity center on the Plan's Future Growth Illustration. Suburban areas are intended to have medium to low densities of people, residences, jobs, and activities; the streets and sidewalks vary in pattern; the area is drivable to access homes and jobs, yet walkable by special pedestrian facilities such as FUTS trails; some services and goods are available to the residents; the area may have access to public transportation. The City's desired Suburban Neighborhood Characteristics include a density of 2-13 units per acre, low-rise apartments (generally accepted as three-story maximum), and open spaces used for passive recreation.

Staff has identified the following Goals and Policies as most relevant to the current application proposal. This portion of the analysis is subjective in nature because some policies are given a higher weight in the analysis than others. In this case, the most significant issue raised by the proposed project is the concentration of density on the southern portion of the property adjacent to the single family residential neighborhood. A secondary, but also important, issue raised by the proposed project is the Plan's goal of working with existing land forms when developing a project design, which staff believes is not compatible with the proposed mass grading of the southern portion of the property, resulting in the loss of most existing resources on the site.

The Plan discusses the use of clustered development under Scenic Resources and Natural Setting Goals and Policies, specifically Policy CC.1.6, as well as Land Use Policies LU.5.4 and LU.13.11. The goals of this type of development are:

- the preservation of open space, view sheds, and scenic vistas, and
- the minimization of infrastructure costs.

The proposed project does not cluster development within the parameters identified in the Plan to preserve open space, view sheds, and scenic vistas and minimize infrastructure costs. Rather, the project clusters development to concentrate the density at the southern portion of the site and preserve the land to the north for the benefit of a single private property owner. The concentration of density results in a development that will have the impact of 19 units per acre on the adjacent neighborhoods.

Additionally, by concentrating the density of the entire development site on the southern portion of the site, the developer must rely on heavy grading, altering the existing ground contours with deep cuts and fills, resulting in the loss of existing native trees and extensive areas of disturbance and necessary re-vegetation. This does not align with the Plan's goals and policies set forth in E&C 9.2 and CC.1.1 of encouraging development to work with the existing land forms by stepping down sloped sites and preserving as much natural topography as possible.

It is the non-conformance with these specific, highly relevant policies that lead staff to find the proposal to be inconsistent with and not in conformance to the goals and policies of the General Plan and therefore the Future Growth Illustration's area designation of Suburban Neighborhood. This proposal also results in the site plan being out of conformance with many other goals and policies in the Regional Plan.

ii. **Applicable General Plan Goals and Policies**

As part of its review, staff identified relevant Regional Plan Goals and Policies that could be applied to support or not support the proposed Zoning Map Amendment. These goals and policies are located in an attachment to this report and within the developer's narrative. The following is a discussion of how the project generally meets or conflicts with goals and policies in each chapter.

a. **Environmental Planning & Conservation (Air Quality, Climate Change and Adaptation, Dark Skies, Ecosystem Health, Environmentally Sensitive Lands, Natural Quiet, Soils, and Wildlife)**

The Regional Plan encourages development to work with the existing land forms. Developments should step down sloped sites and preserve as much natural topography as possible. Policy E&C.9.2 states that construction projects employ strategies to minimize disturbed area, soil compaction, soil erosion and destruction of vegetation. Policy CC.1.1 identifies the goal of preserving the natural character of the region through planning and design to maintain views of significant landmarks, sloping landforms, rock outcroppings, water courses, floodplains, and meadows, and conserve stands of ponderosa pine. The proposed site plan utilizes heavy mass grading, with retaining walls located along the east and south property lines. The maximum proposed retaining wall is shown to be over 11 feet high. At points on the site, the grading plans indicate +/- 15 feet of cut. In the attached narrative, the developer states that it is challenging to design a project that is at or under the permitted maximum building height and points out that buildings which step down with the slope are better suited to meet the city's building height requirements. The developer states they did not step the buildings because of concerns with being able to meet ADA requirements for building access. Instead, they chose to design the buildings with a single grade floor plate resulting in the additional need for site grading. Staff believes this is a self-imposed hardship stemming from the concentration of density.

One of the results of the extensive site grading, is the loss of several existing ponderosa pine trees on the southern portion of the site. As discussed above, the Plan's goals and policies include conserving existing stands of ponderosa pine. To assist in this conservation, Regional Plan Map 7, titled: Significant Natural Resources; identifies the development site as having "Big Trees", defined as those trees being greater than 20 inches in diameter at breast height (DBH). The Resource Protection Plan identifies 52 existing trees with a DBH of greater than 25 inches on the entire site. Of these 52 existing trees, the developer proposes to save 37, 36 of which are located on the property north of High Country Trail. There is one tree with a DBH over

25 inches proposed to be saved on the southern portion of the site and only 20 trees total to be saved. It is staff's opinion that if the development did not rely so heavily on mass grading, additional trees on the southern portion of the site could be saved.

Another result of the mass grading of the site is a large area of disturbance and the reliance on re-vegetation. The development proposes to use native and naturalized landscaping materials as required by the Zoning Code. There is also a turf area proposed which is allowed as an oasis, and may use a non-native, higher water use plants such as the proposed Kentucky Blue grass mix.

**b. Water Resources (Water Sources, Water Demand, Stormwater and Watershed Management, and Water Quality)**

As shown on Map 21, and referenced in Policy WR.4.3. "Development requiring public utility services will be located within the Urban Growth Boundary," the Property is located within the Urban Growth Boundary. There is existing water infrastructure in High Country Trail and existing sewer adjacent to the site that can support the proposed project. There are no off-site improvements required for sewer or water service. The proposed development complies with the findings of the Drainage Impact Analysis discussed in the Public Systems Impact Analysis section of this report.

**c. Efficient Use of Energy Goals and Policies**

The Regional Plan Policy E.1.4 promotes cost-effective, energy-efficient technologies and design in all new buildings for residential construction. The project proposes to include several design features that help increase energy efficiency as listed in the developer's narrative. The majority of these features are required by code and are standard construction practice. Policy E.2.4 encourages small-scale renewable energy production and use on the local level on appropriate residential parcels. The inclusion of solar panels was determined by the developer to be difficult if not impossible. The developer cites the City's building height limits and tree protection requirements as reasons solar is not viable on this site. Staff disagrees with this conclusion and believes solar panels could be added without exceeding building height limits, especially on the lower two-story buildings on the southern portion of the site.

**d. Community Character (Scenic Resources and Natural Setting, Heritage Preservation, Community Design, and Arts, Sciences and Education)**

The Regional Plan supports the use of clustering or concentrating densities and intensities on a development site in order to preserve environmentally sensitive lands and open space areas or buffers between disparate uses as identified in policies CC.1.6, LU.5.4 and LU.13.11. As the proposed development will be rezoning over 16 acres of land, but taking the development rights of 7 of those acres and concentrating the density on 9 acres of land, these specific goals and policies must weigh heavily in the assessment of the development. The clustering or the concentration of density is used to preserve conserved areas for the benefit of the residents and community. In this case, the majority of the area to be preserved will be for the benefit of the Auza family and does not provide a buffer for adjacent residential properties. The neighborhoods adjacent to the proposed project will feel the impact of a significantly more intense development (19 units per acre) without the benefit of conveniently located resources accessible to them. In staff's opinion, the preservation of private land across the street for the benefit of a single private property owner does not justify the impact of clustering density on the southern portion of the development site nor does it preserve a notable significant environmental feature.

Policy CC.1.1 aims to preserve the natural character of the region and includes the preservation of stands of ponderosa pines. The Natural Resource Protection Plan indicates that 50.44% of the tree resources will be retained. The code requires 50% of the tree resources to be saved. The majority of the tree resources are located on the portion of the property north of High Country Trail.

Goal CC.3 aims to preserve, restore, enhance, and reflect the design traditions of Flagstaff. Specifically policies CC.3.1 and CC.3.2 discuss the desired design of buildings and their relationship to their context. The developer states that the architectural design was developed to be site specific and complement traditional design characteristics associated with Flagstaff. They feel the design is appropriate for the region and climate, and consistent with surrounding developments. Staff has concerns with some of the design elements, specifically the roof well design. The design creates a center well for mechanical equipment with sloped roofs around the perimeter. The developer must take care to design this area for increased snow loads, roof drainage, and access for maintenance. Additionally, some of the proposed buildings have exterior stairs that extend past the roof line, creating an unsheltered entry to the building.

Policy CC.4.1 states streetscapes are to be context sensitive and transportation systems are to reflect the desired land use while balancing the needs of all modes for traffic safety and construction and maintenance costs. The existing sidewalk along the south side of High Country Trail will be replaced with a FUTS trail. Unlike the existing sidewalks, the FUTS trail is set back from the edge of the street, creating greater safety for pedestrians. However, the trail does not currently tie into the existing FUTS. The developer turned down staff's request to replace the existing sidewalk along the north side of the street for the inclusion of parkways.

The site design is constrained by an existing 80-foot-wide electric utility easement along the south side of High Country Trail. The easement restricts buildings from being located close to the street as required by the Zoning Code. The developer has worked to provide clear pedestrian paths between the buildings and the FUTS trail. The carriage type buildings (building types 4 and 5) lack any pedestrian connection.

**e. Growth Areas & Land Use (Reinvestment, Greenfield, Urban Area, Suburban Area, Rural Area, Employment Area, Special Planning Area, and Activity Centers)**

The proposed development is on a vacant infill parcel. The development of the infill parcel includes the required civic space, open space and pedestrian amenities, including the portion of FUTS along the street frontage.

The developer has repeatedly met with residents and property owners. The Citizen Participation Report, required as part of the rezoning application and prepared by the developer, outlines the specific details of these efforts. Policy LU.1.11 calls for collaboration between a developer, residents, and property owners in existing neighborhoods where redevelopment and reinvestment is proposed so that they are included, engaged, and informed. Staff would have liked to see the developer provide a higher quality civic space for the community, and work with the HOA for Ponderosa Trails to provide a complete connection to the FUTS trail.

Policy LU.1.3 promotes reinvestment at the neighborhood scale to include infill of vacant parcels, redevelopment of underutilized properties, aesthetic improvements to public spaces, remodeling of existing buildings and streetscapes, maintaining selected appropriate open spaces, and programs for the benefit and improvement of the local residents. Staff is generally supportive of suburban infill projects that propose multi-family development adjacent to public transit routes and a complete FUTS trail system. Staff would prefer to see additional pedestrian connections and natural buffers adjacent to existing single-family homes but understands the specific constraints of this development and the desire of the current landowners to retain the private use of the property north of High Country Trail. Policy LU.13.9 promotes the use of open space and FUTS trails to provide walking and biking links. While the proposed FUTS contributes to this policy, it does not connect to a FUTS at either end.

The proposed development will provide the community with additional medium density market rate units (described by the developer as luxury) and 18 affordable housing units limited to individuals who make no more than 80% of the Area Median Income (AMI) of Flagstaff.

**f. Transportation (Mobility and Access, Safe and Efficient Multimodal Transportation, Environmental Considerations, Quality Design, Pedestrian Infrastructure, Bicycle Infrastructure, Transit, Automobile, Passenger Rail and Rail Freight, Air Travel, and Public Support for Transportation)**

The proposed development will place residents within walking distance of two bus routes and a FUTS trail. Although the FUTS is not complete and the sidewalk on the north side of High Country Trail is not improved to current engineering standards, these pedestrian connections do help promote the use of public transportation and bicycling as stated in Policy T.1.6 "Provide and promote strategies that increase alternate modes of travel and demand for vehicle travel to reduce peak period traffic."

**g. Neighborhoods, Housing, and Urban Conservation**

Goal NH.3 of the Regional Plan speaks to the desire to make available a variety of housing types at different price points, to provide housing opportunity for all economic sectors. The units proposed for affordable housing will permanently serve residents earning 80% of the area median income or less. For a single individual, that annual income limit is currently \$39,200. Flagstaff Housing staff identified one-bedroom units for the proposed development to help fill a need in the community. The development will have 9 one bedroom units, 8 two bedroom units, and 1 three bedroom unit designated as affordable units.

The Regional Plan also aims to have compatible infill projects, specifically in Goal NH.6. The developer states that they choose the Medium Density Residential (MR) zoning district instead of the High Density Residential (HR) zone in an effort to blend new and existing buildings. Staff agrees that the allowable building height of 35 feet is appropriate given the existing multi-family structures and allowable heights to the south. However, if the developer had chosen to rezone the property to the HR zone, this rezoning case would have required a major Regional Plan amendment to proceed.

**B. Finding #2**

To meet the finding the proposed amendment must be determined not to be detrimental to the public interest, health, safety, convenience, or welfare of the City of Flagstaff (the "City"); and will add to the public good as described in the General Plan.

Staff does not believe that the proposed project will be detrimental to the public health, safety, or welfare. However, staff believes that the proposed amendment will be detrimental to the public interest and will not add to the public good.

The developer has identified the following Community Benefits and Public Good:

- i. The developer will provide the FUTS trail across the frontage of the southern portion of the property.
- ii. The developer will provide the required civic and open space along the south side of High Country Trail.
- iii. The developer will provide 18 units (10% of the allowed number of units) to individuals making 80% of the AMI.
- iv. The proposed project will participate in the Crime Free Multi-Housing Program
- v. The developer will place a Resource Protection Easement on the acreage north of High Country Trail.

In trying to establish Community Benefit and Public Good, the proposed development relies heavily on meeting the minimum requirements of the zoning code. The elements identified as being in the public interest are marginal and result in more benefit to the developer than to the community as a whole.

There will be no frontage improvements on the northern site of High Country Trail. The existing sidewalk on the north side of the street remains at back of curb, rather than providing the 5-foot-wide parkway as a pedestrian buffer from vehicle traffic.

The open and civic space is located primarily under the existing electrical transmission lines. Staff requested that the

developer consult with APS to ensure that the proposed development and the civic space would not be adversely impacted by the high voltage electric transmission lines located on site. To date, staff has not received any additional information from APS. The majority of the proposed space will also be located within a detention basin that has steep slopes impeding the access to this space. The primary amenities for this space include benches. Staff does not believe the open space and civic space, as designed, provide a community benefit or add to the public good.

The provision of the 18 units of affordable housing is a community benefit, but staff notes that in return the developer will receive a 20% density bonus enabling them to construct 29 additional market rate units on a site that is already burdened with additional density adjacent to residential areas.

The proposed Resource Protection Easement is not an added benefit of this proposal but rather a requirement in order to meet the Resource Protection Overlay requirements of the Zoning Code.

These issues, in conjunction with the other concerns identified above, lead staff to conclude that this application does not add to the public good and is detrimental to the public interest. While the provision of affordable housing is in the public interest and adds to the public good, it is not outweighed by the other negative impacts to the community identified in this report.

**C. Finding #3**

To meet the finding the affected site must be determined to be physically suitable in terms of design, location, shape, size, operating characteristics; and the provision of public and emergency vehicle access, public services, and utilities to ensure that the requested zone designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

Staff believes that the proposed application meets this finding. The Inter-Division Staff reviewed the application and concluded that the site was suitable for the proposed development. The IDS team based its conclusion on the review of all applicable codes and requirements as well as impact analysis for the site. Any potential impacts were mitigated by the developer and no off-site improvements are required to serve this development.

**IV. DEVELOPMENT AGREEMENT**

A draft development agreement, attached to this report, has been prepared and continues to be negotiated throughout the review of this project. The primary purpose of this agreement is to set out roles and responsibilities in regard to the following (not limited to):

- Construction and maintenance of the FUTS
- Administration of the Affordable Housing units
- Construction of off-site stormwater infrastructure
- Conservation easement for the portion of property north of High Country Trail

Staff is requiring an easement over the portion of the property located north of High Country Trail to ensure that the required tree resources located on the property are not removed and to limit further development to a single residence, as any additional development rights/density have been utilized on the southern portion of the development area.

**V. CITIZEN PARTICIPATION**

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with requests for Direct to Ordinance Zoning Map Amendments. In accordance with State Statute, notice of the public hearing was provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 1,000 feet (exceeding the minimum of 300 feet) of the site excluding rights-of-way.

The developer held two neighborhood meetings in regards to this case on October 18, 2018 and March 4, 2019. The first meeting was held at the Flagstaff Aquaplex, located at 1702 North Fourth Street in Flagstaff. The second meeting was held at Ashurst Hall, located at 624 Knoles Drive on the NAU campus in Flagstaff. Per the sign-in sheets, thirty-eight (38) individuals attended the first meeting and sixteen (16) individuals attended the second meeting. A Citizen Participation Report, attached, was prepared in response to the questions, comments and concerns presented. The meetings included an open house period, followed by presentations from the developer and a question and answer session. Comments on the project included the following topics: traffic impacts, tree resources, site grading adjacent to properties along the south property line, and the proposed density of the development.

Three emails and one letter from the public has been received as of the writing of the report. The three emails are from neighbors opposed to the development. The letter is from the president of the Ponderosa Trails HOA informing staff that a poll of the property owners was conducted and resulted in 87% of respondents opposing the rezoning, 9% in favor, and 3% did not have an opinion either way. Copies of the correspondence are attached.

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**RECOMMENDATION:**

Staff cannot recommend approval of this project as it does not meet the required findings. Although the project meets the minimum standards set forth in the Zoning Code, the project has limited benefit for the community as a whole. Rather than using natural open space to buffer the higher density development from the neighboring R1 zone, the project concentrates density adjacent to the existing single family homes. The project does not work with the existing topography of the site, but rather heavily grades the site. As a result, a majority of the trees located on the southern portion of the development are proposed to be removed. The project must rely on the property north of High Country Trail to achieve the required tree resource protection. Typically projects which concentrate density in one area do so to provide additional quality open space for use by the community. The undeveloped portion of the development will remain as private property for the sole use of the Auza family.

The proposed development is not supported by the Regional Plan; in fact, it constitutes an attempt to subvert the Regional Plan. The developer originally approached the City to rezone only the 9 acres south of West High Country Trail to High Density Residential (HR) in order to build the proposed development. When informed that this would require a major Regional Plan amendment because intense density is not supported in the proposed location, the developer devised an alternate plan to include underdeveloped land across the road as part of the rezoning request in order to artificially inflate the allowed density for the project, without regard to the purposes for which clustered density is permitted in the Regional Plan and without any intent to actually incorporate the underdeveloped land into the project. In fact, the developer repeatedly changed the amount of underdeveloped land it planned to include in the proposed project to ensure it was including the minimum amount of land needed to obtain its desired density on the 9 acres and insisted that the underdeveloped land remain inaccessible by the project and protected from the public for the benefit of a single private property owner.

In staff's opinion, the developer has attempted to manipulate the Zoning Code and subvert the Regional Plan in order to maximize intensity without regard to the public interest or public good. This approach is further exemplified in the developer's decision to clear cut and mass grade the site and to locate open and civic space in an undesirable location under high voltage transmission lines and/or in steeply sloped detention basins, in order to maximize density to the fullest. For these reasons and the others identified in this report, staff does not recommend approval of this project.

If the Planning and Zoning Commission disagrees with Staff and believes that the proposed zoning map amendment does meet the required findings and the Commission decides to forward a recommendation of approval to City Council, then staff recommends the Planning & Zoning Commission forward the request to the City Council with a recommendation approving PZ-17-00089-03, subject to the following seven conditions which will be included into the zoning map amendment ordinance:

1. The subject property must be developed in accordance with the approved site plan and the conditions of approval dated February 20, 2019 and revised March 15, 2019. Modifications (other than minor modifications) to the approved site plan

will require an amendment to this Direct to Ordinance Zoning Map Amendment request.

2. The parcels must be combined to match the zoning lines.
3. The State archeological database must be updated to reflect the removal of archeological resources on the subject property.
4. A detailed construction/grading plan must be provided for the retaining walls located on the southern boundary of the property adjacent to the Single Family Dwellings.
5. All other requirements of the Zoning Code and other City codes, ordinances and regulations, shall be met by the proposed development.
6. All terms, conditions, and restrictions detailed within the "Aura Development Agreement" must be fully satisfied.
7. In the event the property is rezoned and the Developer fails to obtain final Civil Plan approval within two (2) years of the effective date of the rezoning ordinance, then the City may schedule a public hearing before the City Council for the purpose of causing the zoning on the Property to revert to the former classifications of Rural Residential (RR) and Estate Residential (ER) in accordance with A.R.S. § 9-462.01.

**Attachments:**

- Application
- Area Context Map
- Legal Notice
- Parcels' Legal Descriptions
- Traffic Impact Analysis
- Water Sewer Impact Analysis
- Project Narrative
- List of Relevant Regional Plan Goals and Policies
- Citizen Participation Report
- Emails/letter from the Public
- Affordability Plan
- Approved Site Plans