

**PLANNING AND DEVELOPMENT SERVICES REPORT**  
**CONDITIONAL USE PERMIT**

**PUBLIC HEARING**  
**PZ-18-00182-02**

**DATE:** July 26, 2019  
**MEETING DATE:** August 14, 2019  
**REPORT BY:** Neil Gullickson

**REQUEST:**

A request from NB SAWMILLTIC 1 LLC, for a Conditional Use Permit from the City of Flagstaff to allow a Rooming and Boarding Facility which permits each of the 448 bedrooms (194 garden style apartments) to be leased individually. The site is 6.71 acres in size and is located at 901 South O'Leary Street, within the High Density Residential (HR) Zone.

**STAFF RECOMMENDATION:**

In accordance with the findings as presented in this report, staff recommends the Planning and Zoning Commission approve Conditional Use Permit PZ-18-00182-02 with the following conditions:

1. The development complies with all the IDS site plan approval comments, dated February 25, 2019.
2. The site is developed in substantial conformance to the site plan, elevations, and technical documents approved by the Planning and Zoning Commission.
3. The applicant agrees to provide NAIPTA bus passes through the Bulk Purchase Program with each lease (one per bedroom) for a two-year period.

**PRESENT LAND USE:**

The site is occupied by fourteen (14) residential apartment buildings, one clubhouse building, and parking.

**PROPOSED LAND USE:**

The applicant would like to lease individual bedrooms with common cooking and living space instead of leasing by unit. Other than changes to the landscaping and parking areas, no physical changes to the existing buildings are proposed.

**NEIGHBORHOOD DEVELOPMENT:**

North: Single and multi-family residential uses, HR, High Density Residential Zone;  
West: Cemetery and NAU, PF, Public Facilities Zone;  
East: Undeveloped City Property, FUTS and Lonetree Road, PF, Public Facilities Zone;  
South: Lonetree Road single and multi-family residential uses, MR, Medium Density Residential Zone.

**REQUIRED FINDINGS:**

The Planning Commission may approve the Conditional Use Permit only after making the findings, below, that the characteristics of the conditional use as proposed and as it may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area. The Conditional Use Permit shall be

issued only when the Planning Commission finds that the applicant has considered and adequately addressed the following (Section 10-20.40.050.E of the City of Flagstaff Zoning Code):

1. That the conditional use is consistent with the objectives of the Zoning Code and the purpose of the zone in which the site is located.
2. That granting the conditional use will not be detrimental to the public health, safety, or welfare. The factors to be considered in making this finding shall include, but not be limited to:
  - a) Property damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.
  - b) Hazard to persons or property from possible explosion, contamination, fire, or flood; and,
  - c) Impact on surrounding areas arising from unusual volume or character of traffic.
3. That the characteristics of the conditional use as proposed and as it may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area. The Conditional Use Permit shall be issued only when the Commission finds that the applicant has considered and adequately addressed the following to ensure that the proposed use will be compatible with the surrounding area:
  - a) Access, traffic, and pedestrian, bicycle, and vehicular circulation;
  - b) Adequacy of site and open space provisions, including resource protection standards, where applicable;
  - c) Noise, light, visual, and other pollutants;
  - d) Proposed style and siting of structure(s), and relationship to the surrounding neighborhood;
  - e) Landscaping and screening provisions, including additional landscaping in excess of otherwise applicable minimum requirements;
  - f) Impact on public utilities;
  - g) Signage and outdoor lighting;
  - h) Dedication and development of streets adjoining the property; and
  - i) Impacts on historical, prehistoric, or natural resources.

Conditions of approval will only be imposed if they are necessary to ensure the intent and purpose of this Zoning Code are met; to ensure compatible and complementary development of the property; and to ensure the provision of appropriate off-site improvements will be fulfilled.

## **STAFF REVIEW:**

### INTRODUCTION AND DISCUSSION

The applicant, NB SAWMILLTIC 1 LLC, through their consultant Nick Wood, has applied for a Conditional Use Permit for a Rooming and Boarding Facility, an allowed use in the High-Density Residential Zone. Allowed uses in the residential districts are exhibited in Table 10-40.30.030.B of the Zoning Code. Rooming and Boarding is defined by the Code as:

***Rooming and Boarding Facility:*** *A residence or dwelling, other than a hotel, wherein three or more rooms, with or without individual or group cooking facilities, are rented to individuals under separate rental agreements or leases, either written or oral, whether an owner, agent, or rental agent is in residence. Includes dormitories, single room occupancy, fraternities and sororities.*

The Commons at Sawmill is an existing apartment complex with 194 residential units, including 448 leasable bedrooms. Each of the 14 residential buildings on the site is roughly 10,000 square feet in size,

3-story, and roughly 48-feet tall. A mixture of one-, two- and three-bedroom units are located within the complex. A two story, approximately 5,000 square feet clubhouse/amenities facility is nearing completion and is located at the south end of the site. As noted earlier, no changes to the existing buildings are proposed as part of this Conditional Use Permit application. A Conditional Use Permit is required by the Zoning Code before using the Rooming and Boarding land use which, if approved, will allow the lease of individual bedrooms.

## FINDINGS

As noted above in the Required Findings section of this report, the Commission may approve the CUP only after making the findings (listed above). The following provides information regarding the application either supporting or not supporting the findings:

1. The conditional use is consistent with the objectives of the Zoning Code and the purpose of the zone in which the site is located. *The HR Zone is intended to provide an environment having maximum living amenities on-site while providing affordable housing residential design flexibility, more efficient use of open space, and better separation of pedestrian and vehicular traffic. The existing development was constructed in compliance with the standards of the HR zone and has been found in compliance with the intent of the zone.*
2. The granting of the requested conditional use permit will not be detrimental to the public health, safety, or welfare so long as it is operated in compliance with this permit.
  - a) Property damage or nuisance arising from noise, smoke, odor, dust, vibration, or illumination.
  - b) Hazard to persons or property from possible explosion, contamination, fire, or flood.
  - c) Impact on surrounding areas arising from unusual volume or character of traffic.

*This complex has been in existence since 1994; no changes to the site that would lead to nuisance is expected. No additional volume or change in traffic patterns are expected due to the proposed change of use.*

*Attached is a memo from Emergency Services that identifies the frequency of calls to student housing developments/Rooming and Boarding uses. The memo indicates that .22 calls per bed is the average for student housing projects; this number tends to drop as the complex grows older. The data provide by the applicant in their attached Conditional Use Permit Findings indicates that the average at the Commons at Sawmill is .09 calls per bed (when towing related calls are removed, .24 with towing) less than the average number of calls. The applicant has indicated that currently there is no on-site private security at this site nor does the property participate in the Crime Free Housing Program.*

3. The proposed use is reasonably compatible with the types of uses permitted in the surrounding area. The applicant has considered and adequately addressed the following to ensure that the proposed use will be compatible with the surrounding area:

### Access, Traffic, and Pedestrian, Bicycle, and Vehicular Circulation

*Vehicular access to the site is via a single driveway on to South O'Leary Street, which leads to South*

*Lonetree Road and West Franklin Avenue. Pedestrian and bicycle movement also use South O'Leary Street. Two informal trails systems exist: one at the south end of the site which accesses the adjacent FUTS system, and the second crosses the City property (Citizens Cemetery) to the west and on to the NAU campus. The City's Capital Improvements Division is working on the development of a formalized pedestrian connection adjacent to the north property line of this site that will access the NAU Campus.*

*In order to encourage transit use and support the requested reduction in parking. The applicant has agreed to provide an Eco Pass to all residents for a period of two (2) years. At the end of two years, the owner will evaluate the usage, interest, and economic impacts the program has on the site.*

*The Zoning Code requires Rooming and Boarding uses provide one parking space per each bedroom. This site would require 449 spaces; a 10% reduction for access to transit and a 5% reduction for bicycle parking brings the requirement to 383 spaces. Provided on this site are 387 spaces, which meets the requirement.*

#### Adequacy of Site/Open Space/Resource Provisions

*This application does not propose any additional open space. The previous owner-initiated construction of a new leasing office that includes an exercise room and common room for use by the residents. That building is presently being completed by the current property owner; occupancy is anticipated before the start of the school year this fall.*

*This site is located within the Resource Protection Overlay Zone and is subject to the Code requirements applicable to the Zone. This proposal does not involve the removal of any forest resources nor does it modify any qualifying slope areas. There is no floodplain located on this site.*

#### Noise, Light, Visual, and Other Pollutants

*The application does not propose any changes to the exterior of the buildings or current lighting.*

#### Style and Siting of Structure and Relationship to Surrounding Neighborhood

*No changes to the exterior of the building have been proposed; pictures of the buildings have been provided by the applicant and are attached to this report.*

#### Landscaping and Screening

*As part of the CUP application, the site's landscaping, which is currently deficient when compared to current code standards, will be brought up to current standards. Landscaping plans for the site have been attached to this report. The parking lots were not designed with parking lot or terminal islands; new parking lot planting will require the creation of diamond-shaped tree wells throughout the site. These islands will include curbs and new trees. New plantings are being provided around each of the buildings to meet the building perimeter requirement.*

#### Impact on Public Utilities

*No changes to the existing water delivery or waste removal systems are proposed in association with the CUP application.*

#### Signage and Outdoor Lighting

*No new signage or additional outdoor lighting is proposed as part of this request. The Zoning Code*

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*sets a threshold of 25% increase of square footage at the site before current lighting must be brought into conformance with the current Code.*

*Any new signage will be required to apply for a Sign Permit and comply with the current Zoning Code.*

#### Dedication and Development of Streets

*No additional rights-of-way are required at this location. The existing street and pedestrian infrastructure are in place across the frontage of this property.*

#### Impacts on Resources

*There will be no impacts to historical, prehistoric, or natural resources. This site is located within the Resource Protection Overlay, no trees or other resources (slope or floodplain) are proposed to be modified by this application. Based on the scope of work, a Cultural Resource Study was not required.*

After review of the application, staff believes that the findings as applicable to this application have been addressed by the applicant.

#### **PUBLIC CONTACTS:**

On November 14, 2018, the applicant held a neighborhood meeting at the Boys and Girls Club of Flagstaff. No members of the public attended the meeting. As of the date of this report, staff has received no written or phone comments regarding the application. The Neighborhood Meeting Notification letter is attached as part of the applicant's information packet.

#### **RECOMMENDATION:**

The Development Review staff approved the site plan for this project on February 25, 2019 (conditions attached). Staff recommends that the request for the CUP be granted by the Planning and Zoning Commission with the requirements included in Conditional Use Permit No. PZ-18-00182-02. The conditions for this CUP include:

1. The development complies with all the IDS site plan approval comments, dated February 25, 2019.
2. The site is developed in substantial conformance to the site plan, elevations, and technical documents approved by the Planning and Zoning Commission.
3. The applicant agrees to provide NAIPTA bus passes through the Bulk Purchase Program with each lease (one per bedroom) for a two-year period.

#### **ATTACHMENTS**

- Conditional Use Permit No. PZ-18-00182-02 and Proposition 207 waiver
- Conditional Use Permit Application
- Site Location & Zoning Map
- Conditions of Site Plan Approval, dated February 25, 2019
- Project Narrative and Developer Findings
- Applicant's supplemental information titled "Building Elevations"
- Site Plan and supplemental plan sheets