

Tiffany Antol

From: CD P and Z Commission
Sent: Wednesday, August 18, 2021 10:03 AM
To: Ryan Carpenter; Tiffany Antol
Cc: Betsy Decker
Subject: RE: Public Comment for Miramonte Tract M Conditional Use Permit

Thank you, your comment has been received.

Thanks,
Becky

Becky Cardiff

Development Services Manager
City of Flagstaff
211 W Aspen
Flagstaff, Az 86001
Office-928-213-2618
Working Hours 8-4:30 p.m.

From: Ryan Carpenter <rycarp@gmail.com>
Sent: Sunday, August 15, 2021 12:44 PM
To: CD P and Z Commission <CDPandZCommission@flagstaffaz.gov>; Tiffany Antol <TAntol@flagstaffaz.gov>
Cc: Betsy Decker <betsy_decker@hotmail.com>
Subject: Public Comment for Miramonte Tract M Conditional Use Permit

Dear Flagstaff Planning and Zoning Commission,

I'm writing to share my thoughts about the development plan for Miramonte Tract M in the Presidio in the Pines neighborhood. My wife and I own 2920 West Presidio Drive, which is directly adjacent to this plot of land.

My concerns include the following:

When we purchased our home in late 2017, this site was zoned as a church, or other community enhancement site like a school, daycare, or community building. One of the selling points at the time of the purchase was the development plan for this site. We were not notified of Miramonte's intention to change the designation for this site until after the changes were approved by the city council. This may be the current regulations, but seems unfair to community members that bought their property and home knowing that this land was zoned for a church or community building.

As for the plan of building the three condos, there are many concerns we have with this plan. Although the plan exceeds the city of Flagstaff's parking requirements by one parking spot, it's clear that the city's minimum requirements don't provide adequate parking in many locations throughout

Tiffany Antol

From: CD P and Z Commission
Sent: Monday, August 9, 2021 11:31 AM
To: Tiffany Antol
Subject: FW: Re Philip Dunn letter. Part two of letter

Thanks,
Becky

Becky Cardiff
Development Services Manager
City of Flagstaff
211 W Aspen
Flagstaff, Az 86001
Office-928-213-2618
Working Hours 8-4:30 p.m.

-----Original Message-----

From: Linda Dunn <Indadnn@aol.com>
Sent: Thursday, August 5, 2021 10:35 PM
To: CD P and Z Commission <CDPandZCommission@flagstaffaz.gov>
Subject: Re Philip Dunn letter. Part two of letter

Phil's email and phone number were also omitted. Kim at hoa has both our information as we have been communicating with her regularly. It was clearly left off. His email is p11465@aol.com. 804-513-8262

Everyone else had a complete address on this list. He has great experience and expertise in matters like this so I don't believe it was an accidental omission. Please add it to the info sheet.

Sincerely

Linda Dunn.

2477 W Mission Timber Circle (not 2477 MTC) Flagstaff az 86001

Tiffany Antol

From: CD P and Z Commission
Sent: Monday, August 9, 2021 11:28 AM
To: Tiffany Antol
Subject: FW: Miramonte condo project in presidio

Thanks,
Becky

Becky Cardiff
Development Services Manager
City of Flagstaff
211 W Aspen
Flagstaff, Az 86001
Office-928-213-2618
Working Hours 8-4:30 p.m.

-----Original Message-----

From: Linda Dunn <Indadnn@aol.com>
Sent: Thursday, August 5, 2021 10:11 PM
To: CD P and Z Commission <CDPandZCommission@flagstaffaz.gov>
Subject: Miramonte condo project in presidio

Hello,

I understand that the miramonte representative has resigned from the presidio hoa board since no more lots are left unsold.

Question....I have asked, but have not received an answer to this question ,,,,,

According to the CCR's and bylaws, in order to be a member of the board, one must personally own a lot in your own name and pay property taxes on that property. I would like to know how a Miramonte representative was allowed to ever serve on the board and why isn't every decision that he ever voted on considered null and void?Personally owned lots in ones own name.

We have reached out four times for an answer to this and no one will give the courtesy of an answer. ,,,,,

Why is miramonte not subject to the same rules and regulations of the hoa that the rest of the residents are?

And, why are they allowed to break off from the hoa and form their own hoa so not to have to follow the rules regarding having all construction match the current homes in the neighborhood, not a three story monstrosity that will cater towards students with cars.

Tiffany Antol

From: CD P and Z Commission
Sent: Monday, August 9, 2021 11:30 AM
To: Tiffany Antol
Subject: FW: Attachment to hoa information packet

Thanks,
Becky

Becky Cardiff

Development Services Manager
City of Flagstaff
211 W Aspen
Flagstaff, Az 86001
Office-928-213-2618
Working Hours 8-4:30 p.m.

From: Linda Dunn <Indadnn@aol.com>
Sent: Thursday, August 5, 2021 10:28 PM
To: CD P and Z Commission <CDPandZCommission@flagstaffaz.gov>
Subject: Attachment to hoa information packet

My husband, Phil Dunn, has been quite involved in submitting information and questions to Kim on the board. He has spent many hours sharing input and experience regarding unwanted projects. He served for many years in the Troon North Board of Directors in Scottsdale. He was actively involved in stopping a motel like structure from being built on a small piece of property off the Troon north golf course. They won this case in az Supreme Court. It was halted. So, it is fair to say he is experienced in the behind the door tactics that are used to push these unwanted projects through to the point where it is almost too late to stop it.

There have been many residents who have heard Phil's questions and concerns voiced on zoom meetings but have not had a way to contact him because no one knows anyone's name.

Re: number 3 on the meeting attendees list below, I believe it is absolutely intentional that his contact info is incomplete. No one else's address is listed as 2477 MTC, who knows what that is? It is 2477 West Mission Timber Circle.

Tiffany Antol

From: CD P and Z Commission
Sent: Tuesday, August 10, 2021 10:17 AM
To: Tiffany Antol
Subject: FW: Planning and Zoning Commission - PRESIDIO Tract M

Thanks,
Becky

Becky Cardiff
Development Services Manager
City of Flagstaff
211 W Aspen
Flagstaff, Az 86001
Office-928-213-2618
Working Hours 8-4:30 p.m.

-----Original Message-----

From: mail <hamptons107@aol.com>
Sent: Saturday, August 7, 2021 10:49 AM
To: CD P and Z Commission <CDPandZCommission@flagstaffaz.gov>
Subject: Planning and Zoning Commission - PRESIDIO Tract M

This is an email to voice our adamant disapproval of the proposed 3 STORY building / 39 unit apartment complex / sale condos in the Presidio neighborhood.

The developer can say all the "right things" but this needs to remain a family friendly neighborhood without added condo traffic and rirraff.

Not to mention, the amenities and municipalities within this area are already stretched way too thin to add more dwellings.

Thank you.

J. Kirk Hampton

2741 West Jaclyn Drive (Presidio)

Tiffany Antol

From: CD P and Z Commission
Sent: Wednesday, August 11, 2021 9:05 AM
To: Tiffany Antol
Subject: FW: Public comment for Project PZ-19-00204-02

Thanks,
Becky

Becky Cardiff

Development Services Manager
City of Flagstaff
211 W Aspen
Flagstaff, Az 86001
Office-928-213-2618
Working Hours 8-4:30 p.m.

From: Crystal Graziano <Crystal.Graziano@nau.edu>
Sent: Tuesday, August 10, 2021 8:08 PM
To: CD P and Z Commission <CDPandZCommission@flagstaffaz.gov>
Subject: Public comment for Project PZ-19-00204-02

The following is my public comment for Project PZ-19-00204-02, the Miramonte conditional use permit. Meeting on August 25th 4-6pm:

While I'm not opposed to new housing development in general, I feel this particular location in the Presidio neighborhood could be used better. Specifically, I'd like to see new development that is compatible with the city's climate action plan. For example, if the zoning stayed as originally planned or changed to mixed use, like a small grocery mart under residential units, opportunities arise that could make the neighborhood more walkable, a goal of the climate action plan. Additionally, there is already a lack of public transportation in the area, another thing that clashes with the action plan which has a goal of fewer car trips. If the condo complex is pretty much set in stone as currently planned, can Miramonte speak to how they will strive to complement the Flagstaff climate action plan?

Thank you,
Crystal G

Tiffany Antol

From: Charity Lee <clee@miramontehomes.com>
Sent: Thursday, August 5, 2021 3:02 PM
To: Tiffany Antol
Subject: FW: Tract M in Presidio

FYI

Charity Lee
Northern AZ. Land Acquisition & Development Manager Miramonte Homes
102 S. Mikes Pike
Flagstaff, AZ 86001
Cell: (928) 600-3594

No offer to sell or lease may be made or to purchase or lease may be accepted prior to issuance of an Arizona Public Report. A Public Report is available at the State Real Estate Department website
<https://gcc02.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.azre.go%2F&data=04%7C01%7CTAntol%40flagstaffaz.gov%7C27fdb184256f44a1582608d9585cb098%7C5da727b9fb8848b4aa072a40088a046d%7C0%7C0%7C637637977390262746%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Iik1haWwiLCJXVCi6Mn0%3D%7C1000&sdata=gMrIDMh7c6bg4kpS5cMk9aLBKlsJ6Egh%2FOLkNeKtvb0%3D&reserved=0.>
Miramonte Arizona, LLC ROC# 241199. Copyright © 2020 Miramonte Homes. All rights reserved.

-----Original Message-----

From: Phoebe Wood <phoebewood27@gmail.com>
Sent: Thursday, August 5, 2021 2:12 PM
To: Charity Lee <clee@miramontehomes.com>
Subject: Tract M in Presidio

Charity,

I am writing, again, in strong opposition of Tract M in Presidio.

I think it is a terrible idea to put a 3 story apartment complex off of Woody Mountain Rd, and here's why:

1. It will lower home values of Timber Sky and Presidio.
2. It will increase traffic in an already busy area. Gore, our neighborhoods, and Woody mountain dirt road visitors create more traffic than Woody Mountain can handle several times a day already. Serious wrecks happen frequently on Route 66 from the Chevron west because of how busy it is and people waiting at stop signs trying to merge on to Route 66 without a stop light.
3. People move to the edge of town for a reason. It's to enjoy nature and get away from heavy traffic and busyness of downtown and NAU. NAU has put up tall apartments all over. My opinion is keep that stuff by the university. You will drive more college kids into our area which will drive out more affluent tax paying adults, and that will contribute to a less valuable property over time. College kids who have Mommy and Daddy pay the rent for them don't take care of

Tiffany Antol

From: Robert Davis <radavis15@mac.com>
Sent: Wednesday, August 11, 2021 10:39 AM
To: CD P and Z Commission; Tiffany Antol
Cc: Michaelk.vogler@gmail.com; Kyle Winfree; Kim
Subject: Comments - Amendment #4 to the Presidio in the Pines Development Agreement and the Miramonte Homes Request for a Conditional Use Permit on Tract M

(This communication was sent to Tiffany Antol on 7/6/2021. No response, other than an out of office notice, has been received.)

Members of the Planning and Zoning Commission,

The Planning and Zoning Commission **must deny** the Miramonte Homes' request for a Conditional Use Permit on Tract M of the Presidio in the Pines Development Agreement due to the fact that Amendment #4 to the Development Agreement was executed in violation of Arizona State Statutes. Title 9 Section 9-462.04 of the Arizona Statutes requires the notification of the surrounding community and that a Public Hearing be held prior to the action that was taken to amend the Development Agreement based on significant changes in use within a zone.

While the zoning classification of Tract M was not changed the intended land uses of Tract M was changed significantly necessitating a Public Hearing and the proper notification of the surrounding community according to Title 9 of the Arizona Statutes. Amendment #4 resulted in "more than a 10% increase in the number of units that may be developed" and "an increase in the permitted uses" in the zone by adding residential as a permitted use.

In addition, the original Development Agreement required Tract M to be developed as a church use. The Development Agreement specified that if Tract M was not developed as a church use it "**shall be limited to neighborhood indoor uses**". Deleting this section of the Development Agreement is a significant change to the allowable uses of the zoning for Tract M, thus requiring notification and a Public Hearing according to Title 9 of the Arizona Statutes.

The removal of the church use or other neighborhood indoor use of Tract M, removes a significant benefit from the residents of Presidio of the Pines. They were given no opportunity for community input or a public hearing. When finally having an opportunity for input at two neighborhood meetings, after the fact, there was nearly unanimous opposition to the Miramonte Project and the actions by the City Council to execute Amendment #4.

The Miramonte Project is incompatible with the surrounding community and the other areas of Presidio in the Pines. Given the location of Tract M and the 39 units to the southern entrance to Presidio in the Pines (at the round-about), there is also a public safety issue due to the increase in traffic at that corner.

In addition,

The Planning and Zoning Commission should:

- **Deny** the Miramonte Homes request for a Conditional Use Permit (CUP) due to it being based on the illegal action of amending the Development Agreement in violation of Title 9 of the Arizona Statutes; and
- Incompatibility with the surrounding community.

Presidio in the Pines

Homeowners Association

323 S River Run Road, Suite 1, Flagstaff, AZ 86001

Phone: (928) 773-0690

Managed by ♦ Sterling Real Estate Management

08/11/2021

To: City of Flagstaff Community Development
Tiffany Antol, Planning Development Manager

From: The Presidio in the Pines Board of Directors

RE: Tract M, Presidio in the Pines, Proposed Condominium Development

Date: August 11, 2021

The Presidio in the Pines Board of Directors appreciates the opportunity to provide comments on the proposed Conditional Use Permit required to construct 39 condominium units on Tract M of the Presidio in the Pines subdivision, located at 2950 S. Woody Mountain Road.

The property, Tract M, is located at the southeast corner of the overall development at the intersection of Woody Mountain Road and West Presidio Drive. Tract M was established/platted in conjunction with the subdivision of the area and is identified on the Final Plat of Presidio in the Pines, a planned community development. At the time the subdivision was platted, Tract M was identified for future development by the Developer and would not be owned or maintained by the Homeowners Association. However, Tract M, is still considered part of the overall Presidio in the Pines Master planned community and is bound by the Declaration of Covenants, Conditions and Restrictions for the Presidio in the Pines.

As such, the Board of Directors presents the following comments for consideration by the City of Flagstaff:

1. Master Association/Sub Association relationship required.

The proposed condominiums and corresponding homeowners association that will manage and maintain the property and buildings will be a sub-association of the Presidio in the Pines Master Association.

This Master HOA/Sub Association relationship must be identified within the condominium Declaration/CC&Rs and clearly conveyed to all subsequent purchasers that they will be bound by two (2) sets of documents, Association assessments, and rules and regulations.



August 17, 2021

Via Email (TAntol@flagstaffaz.gov)

Tiffany Antol, Planning Development Manager
City of Flagstaff Planning & Development Services
211 W. Aspen Ave
Flagstaff, AZ 86001

RE: **Tract M, Presidio in the Pines
Project PZ-19-00204-02**

Dear Tiffany:

We have reviewed the August 11, 2021 memorandum submitted by the Presidio in the Pines Homeowners Association. The memo states without explanation that Tract M "is still considered part of the overall Presidio in the Pines Master planned community and is bound by the Declaration of Covenants, Conditions and Restrictions for the Presidio in the Pines." The memo goes on to state expectations of a "Master Association/Sub Association relationship" as well as an assertion of a right of "Architectural Review." Due to some factual inaccuracies in the memo, and to address other items raised in the memo, we provide the following information on behalf of the applicant, Miramonte Homes. To aid in your review of this letter, we attached both the Plat and the CC&Rs.

The Plat dedicates, among other things, all tracts identified within the Plat as part of the subdivision. This includes Tract M. However, while Tract M is part of the overall Presidio in the Pines development, it is not subject to the authority of the Presidio in the Pines Homeowners' Association, Inc. (herein, the "HOA"). This is true for several reasons, all based on the Plat and the CC&Rs.

First, the Plat itself separates Tract M from the HOA: "Tracts A, B & M are for future development and will not be owned or maintained by the Homeowners' Association." (Final Plat at 1, paragraph 9).

Second, the CC&Rs themselves exclude Tract M from anything having to do with the HOA.

- Tract M is not mentioned in the CC&Rs. This is not a meaningless omission because the CC&Rs define the realm of HOA responsibility, as follows: "Association's Responsibilities. The Association is responsible for the proper and efficient management of the Association, the Common Areas, specified front yards and lots, (refer to Section 8.3), and any detention or retention basins shown on the recorded Plat." (CC&Rs § 9.1).
- Only Owners of Lots can be Members of the HOA, and only Members have a right to vote. (CC&Rs § 3.2).
 - Tract M is not a Lot. Lots are defined in Sections 1.18 through 1.25 (Lot Types A through H). These are each a variation of a residential lot, and they are called out, individually by number

Tiffany Antol, AICP
August 17, 2021
Page 3

improvements on Lots are required to go through the ARC. (CC&Rs § 7.5.1). In addition, neither Tract M nor its owner(s) are part of the Association to begin with, as explained above.

Please let me know if we can address any further questions or concerns about this matter.

Sincerely,

ASPEY, WATKINS & DIESEL PLLC

A handwritten signature in blue ink, appearing to be 'Whitney Cunningham', written over a light blue horizontal line.

Whitney Cunningham
WC/gb

C: Christina Rubalcava (CRubalcava@flagstaffaz.gov)

Presidio in the Pines Homeowners' Association, Inc.
c/o Sterling Real Estate Management
323 S. River Run Rd., Suite 1
Flagstaff, AZ 86001

Tiffany Antol

From: Ryan Carpenter <rycarp@gmail.com>
Sent: Sunday, August 15, 2021 12:44 PM
To: CD P and Z Commission; Tiffany Antol
Cc: Betsy Decker
Subject: Public Comment for Miramonte Tract M Conditional Use Permit

Dear Flagstaff Planning and Zoning Commission,

I'm writing to share my thoughts about the development plan for Miramonte Tract M in the Presidio in the Pines neighborhood. My wife and I own 2920 West Presidio Drive, which is directly adjacent to this plot of land.

My concerns include the following:

When we purchased our home in late 2017, this site was zoned as a church, or other community enhancement site like a school, daycare, or community building. One of the selling points at the time of the purchase was the development plan for this site. We were not notified of Miramonte's intention to change the designation for this site until after the changes were approved by the city council. This may be the current regulations, but seems unfair to community members that bought their property and home knowing that this land was zoned for a church or community building.

As for the plan of building the three condos, there are many concerns we have with this plan. Although the plan exceeds the city of Flagstaff's parking requirements by one parking spot, it's clear that the city's minimum requirements don't provide adequate parking in many locations throughout town. Many condo/apartment complexes in town have parking issues that spill out onto the city streets. For example, the on street parking on S. Riordan Ranch Road is nearly always full, and used as overflow parking for the housing complex located there. This is just one example, and is a common issue in Flagstaff. Since we are two houses down from the entrance to the complex, we are concerned that we will have cars parking in front of our home regularly. Although it's illegal to park on the street overnight during the winter months, this is not regularly enforced. In addition to this, since the proposed complex will have its own HOA, there will be no oversight by the Presidio in the Pines HOA regarding these potential parking issues.

The proposed condo complex is not compatible with the remainder of the neighborhood. This neighborhood is made up of exclusively single-family homes, and duplexes. We would be supportive of either single-family homes or duplexes being built on this site, but find it incompatible to have a condo complex in this neighborhood.

The layout and design of the Presidio in the Pines neighborhood is small lots with homes very close to one another. This can cause issues with noise, and neighbors being disruptive. To build an additional 39 units in essence in the back yards of some residents will undoubtedly have negative impacts regarding noise. Yes, there is a small conservation easement that will help with some of the homes on Josselyn Road, but some of the homes on West Presidio Drive will be directly adjacent to this complex and be subjected to additional noise from the residences and traffic.

I understand the need for housing, and specifically affordable housing in Flagstaff. This unit is only adding 3-4 affordable housing units. The rest will be sold at or above market value. I would be much