



# City of Flagstaff

# Community Development Division

211 W. Aspen Ave  
 Flagstaff, AZ 86001  
 www.flagstaff.az.gov

P: (928) 213-2618  
 F: (928) 213-2609

Date Received		<b>Application for <i>Direct to Ordinance</i> Zoning Map Amendment</b>		File Number PZ-20-00141-02
Project Name Whispering Winds – Historic Route 66 Sign Restoration				
Site Address 922 E Route 66	Parcel Number(s) 104-05-005	Subdivision & Lot Number Sixteenth NW Quarter NE Section 22 Township 21	Site Acreage .82	
Existing Zoning District HC	Proposed Zoning District Landmark Overlay	Existing Regional Plan Area and Place Type Suburban		
Existing Use Motel/Motel Sign		Proposed Use Motel/Motel Sign		
Property Information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Located in an existing Local/National Historic District? (Name: _____) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Existing structures are over 50 years old at the time of application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Subject property is undeveloped land?			
Type of Zoning Map Amendment ( <u>Small</u> , Medium, Large or Multi-Phase)- Small—				

Property Owner(s) WW.66 LLC	Phone
Mailing Address 6164 E Abineau Canyon Dr.	City, State, Zip Flagstaff AZ 86001
E-mail	
Applicant(s) -WW.66 LLC/Jose R Alvarado	Phone (928) 779-6944
Mailing Address WW.66 LLC, 6164 E Abineau Canyon Dr.	City, State, Zip Flagstaff AZ 86001
E-mail Jose@ACM-JVT.com	
Project Representative(s) Mark Reavis, Heritage Preservation Officer	Phone (928) 213-2633
Mailing Address 211 W Aspen Ave	City, State, Zip Flagstaff AZ 86001
E-mail Mark.Reavis@flagstaffaz.gov	

Property Owner Signature (required) (print & sign) <i>[Signature]</i>	Date 12/22/2020	Applicant Signature (print & sign) <i>[Signature]</i>	Date 12/22/2020
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Date Filed:	File Number(s):				
P & Z Hearing Date:	Publication and Posting Date:				
Council Hearing Date:	Publication and Posting Date:				
Fee Receipt Number:	Amount:	Date:			
Action by Planning and Zoning Commission:		Action by City Council:			
<input type="checkbox"/> Approved		<input type="checkbox"/> Approved			
<input type="checkbox"/> Denied		<input type="checkbox"/> Denied			
<input type="checkbox"/> Continued		<input type="checkbox"/> Continued			
Staff	Planning	Engineering	Fire	PW/Water Services	Stormwater

Assignments					
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## **Application for Direct to Ordinance Concept Zoning Map Amendment**

The information included below is intended to help an applicant complete the necessary forms and provide the required information in support of an application for a Direct to Ordinance Zoning Map Amendment (i.e., rezoning) as established in Zoning Code Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map).

### **Direct to Ordinance with a Site Plan**

The **Direct to Ordinance with a Site Plan** process provides an applicant with a shorter approval process with fewer steps. This process enables an applicant to submit fully developed site plans with all the supporting information required for Site Plan Review and approval concurrently with the Zoning Map Amendment application. Once the Zoning Map Amendment is approved by Council, then the applicant may proceed directly to construction plan and building permit review.

In addition to a complete Site Plan Application, the following items are to be included in the ZMA Application.

### **General Processing Information for all Applications**

1. Application(s) shall be made on the forms provided by the City which shall bear the signature of the owner of the property affected. If the applicant is other than the owner, the applicant shall also sign the application. The application shall include all information and materials specified in the checklist along with the required fee.
2. All applications shall be reviewed by staff to determine the completeness of the application prior to it being scheduled for a public hearing before the Planning and Zoning Commission or City Council. Prior to the first hearing with the Planning and Zoning Commission, the Planning Development Manager will notify the applicant of the required number of copies of the completed application to submit for the public hearing review.
3. The Planning Director may request any additional information that is relevant to assist in the review of the rezoning request (Zoning Code Section 10-20.50.040.C.3). The Planning Director may also waive the requirements for any of the information required in Zoning Code Section 10-20.50.040.C if it is determined that such information is not necessary in order to complete a review of the requested Zoning Map Amendment.
4. The applicant shall schedule and conduct neighborhood meetings in compliance with Zoning Code Section 10.20.30.060.
5. Each request for rezoning shall be advertised in a local newspaper, have notices sent to surrounding property owners, and have the notice posted on the property at least 15 calendar days prior to the first public hearing.
6. A minimum of 30 calendar days is required to process an application for a Planning and Zoning Commission public hearing. The Planning and Zoning Commission meets on the second and fourth Wednesday of each month.
7. The requested rezoning will be scheduled for a public hearing by the City Council a minimum of 21 calendar days or more after action by the Commission.

### **Findings for Granting a Zoning Map Amendment**

An amendment to the Zoning Map may be approved only if all the following findings are made, as applicable to the type of amendment proposed:

- 1) The proposed amendment is consistent with and conforms to the goals of the General Plan and any applicable specific plans;
- 2) The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, and will add to the public good as described in the General Plan; and
- 3) The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle (e.g., fire and medical) access and public services and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, storm drainage, wastewater collection, treatment, and disposal) 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.

The submittals required for applications for Zoning Map Amendments vary based on the size of the development and whether an amendment to the General Plan is required, as set forth below:

1. **Small-Scale Zoning Map Amendments.** These are applications for Zoning Map Amendments for which no infrastructure analyses are required by the *City of Flagstaff Engineering Standards* and are determined by the Planning Director to be consistent with the General Plan and to be compatible with surrounding development. These applications typically include developments on small lots or parcels (a duplex, for example).
2. **Medium-Scale Zoning Map Amendments.** These are applications for Zoning Map Amendments for developments that fall below the thresholds for large-scale Zoning Map Amendments and that meet the following thresholds:
  - a. Require a minor amendment to the General Plan; and/or
  - b. Require infrastructure analyses in accordance with the *City of Flagstaff Engineering Standards* as part of the concurrent Site Plan Application.

Applications may include a draft development agreement that defines applicant/City obligations, if needed.

3. **Large-Scale Zoning Map Amendments.** These are applications for Zoning Map Amendments that meet the following thresholds:
  - a. Residential developments over 100 units; all commercial developments over 50,000 square feet or 15 acres; all industrial and research and development uses over 150,000 square feet or 20 acres; or
  - b. Require a major amendment to the General Plan, and/or
  - c. Require infrastructure analyses in accordance with the *City of Flagstaff Engineering Standards* as part of the concurrent Site Plan Application.

Applications usually include a draft development agreement that defines applicant/City obligations, and there may be additional requirements for citizen outreach depending on the size of the proposed development.

4. **Multi-Phase Scale Zoning Map Amendments.** These are applications for Zoning Map amendments for very large projects that meet the following thresholds:
  - a. Are complex in terms of their associated development issues; involve the future subdivision of land and the potential for multiple land developers; include multiple land use types; include multiple zone designations; involve complex utility infrastructure issues; and will require the design and layout of an internal street network to connect to existing streets; or
  - b. Require a major amendment to the General Plan, and/or
  - c. Require infrastructure analyses in accordance with the *City of Flagstaff Engineering Standards* as part of the concurrent Site Plan Application.

Applications usually include a draft development agreement that defines applicant/City obligations, and there may be additional requirements for citizen outreach depending on the size of the proposed development. The concurrent Site Plan Application shall include a phasing map indicating the sequence of zoning, development, and public utility and infrastructure improvements

#### **Public Record**

All information submitted in conjunction with this application will become part of the public record and may be provided to members of the public. You must notify the City prior to submitting this application if you believe the information you are submitting may be proprietary or confidential.



		<p><b>I.10 Notice of Public Hearings</b>— 1 copy (Public Hearing notice format is attached to this application)          Neighborhood notifications must conform to all requirements of Zoning Code Section 10-20.30.080 and include:</p> <ul style="list-style-type: none"> <li>• A list of all property owners and addresses (the Planning Director may expand this notification area) of the subject property, as well as potentially affected citizens identified in the Citizen Participation Plan.</li> <li>• Affidavits of notice mailing and sign posting (see attached).</li> </ul>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>I.11 Neighborhood Meeting Record of Proceedings</b> – 1 copy          The applicant shall create a written summary of the meetings which shall be submitted prior to the application being deemed complete and include:</p> <ul style="list-style-type: none"> <li>• Certification that the meeting was noticed and conducted in compliance with Zoning Code Section 10-20.30.060.</li> <li>• Details of techniques used to involve the public, including:             <ul style="list-style-type: none"> <li>◦ Dates and locations of neighborhood meetings;</li> <li>◦ Copies of letters, notices, newsletters, and other correspondence, including dates and numbers of mailings or deliveries;</li> <li>◦ A copy of the mailing list and a summary of where residents, property owners, and potentially affected citizens receiving notices, newsletters, or other written materials were located;</li> <li>◦ The number and names of people that participated in the process based on the sign-in sheet for the meeting; and</li> <li>◦ A dated photograph of the sign installed in compliance with Zoning Code Section 10-20.30.060.D.6.</li> </ul> </li> <li>• A summary of concerns, issues, and problems expressed during the neighborhood meeting, including:             <ul style="list-style-type: none"> <li>◦ The substance of the concerns, issues, and problems; and</li> <li>◦ The applicant's response to the comments received at the public meeting.</li> </ul> </li> <li>• The applicant shall also send a copy of the written summary to all the people who recorded their names on the sign-in sheet for the meeting within two weeks of the meeting.</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>I.12 Development Agreement Application and Fee</b>          Submit a draft Development Agreement to include any deal points being sought by the applicant, including any conditions, requirements, and/or stipulations.</p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>I.13 Owner Certification Acknowledging Receipt of Notice of Right to Appeal Exactions and Dedications</b></p>
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<p><b>I.14 Project Narrative</b> – 1 copy          The narrative should include the following:</p> <ul style="list-style-type: none"> <li>• Project title and date.</li> <li>• The reason for the request.</li> <li>• An analysis of how the proposed amendment is consistent with and conforms to the goals of the General Plan and any applicable specific plan(s). This analysis shall include any relevant goals and policies that DO NOT support the application.</li> <li>• A summary of how the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare, and will add to the public good.</li> <li>• A description of how the subject property is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access, public services, and utilities (e.g., fire protection, police protection, potable water, schools, solid waste collection and disposal, stormwater drainage, and wastewater collection, treatment, and disposal) to ensure that the requested amendment and the proposed uses will not endanger, jeopardize, or otherwise constitute a hazard to the subject property or improvements within the vicinity of the subject property.</li> <li>• A description of how essential public services (i.e., water, wastewater, stormwater, solid waste) will be provided.</li> <li>• An analysis of how the proposed amendment will benefit the community.</li> <li>• Any additional information the applicant would like to submit in support of the requested amendment.</li> </ul>
<input type="checkbox"/>	<input type="checkbox"/>	<p><b>I.15 Other Requirements</b>          Please provide the following:</p> <hr/> <hr/> <hr/> <hr/> <hr/>
<b>PART II – PLANNING DEVELOPMENT MANAGER</b>		
<p>No application shall be accepted without a Planning Development Manager signature below.</p>		

### II.1 Planning Development Manager Contact Information

If you have any questions regarding this application checklist, please contact your Planning Development Manager (PDM). If you did not receive a completed copy of this checklist as part of your Concept Plan review, please contact the PDM assigned to your Concept Plan application.

PDM Name (print): \_\_\_\_\_ Phone: \_\_\_\_\_

PDM E-mail: \_\_\_\_\_ Date: \_\_\_\_\_

PDM Signature: \_\_\_\_\_

## Neighborhood Meeting Requirements

Neighborhood meetings in accordance with Section 10-20.30.060 of the Zoning Code shall be required for all Direct to Ordinance Zoning Map Amendment applications. The applicant's neighborhood meetings shall be scheduled only after the Planning Development Manager has reviewed and accepted the required Neighborhood Meeting Plan submitted in conjunction with the Zoning Map Amendment application and prior to Planning and Zoning Commission consideration.

The **Neighborhood Meeting Plan** shall include the following information:

- Property owners, citizens, jurisdictions, and public agencies within 300 feet of the development or that may be affected by the application. The Planning Director may expand the required notification area;
- Proposed notification methods (e.g., mail, e-mail, newspaper, posting of the subject property) for persons and organizations identified above;
- Form, structure, and agenda of the meeting (e.g., town meeting, workshop, charrette, or other appropriate public outreach technique);
- Opportunities for those potentially affected parties to discuss and provide input on the applicant's proposal;
- Location, date, and time of the neighborhood meetings; and
- Methods to keep the Planning Director informed of the status and results of the neighborhood meeting.

### Neighborhood Meeting Notification

The applicant shall comply with the following requirements:

- Create a notice that sets forth the purpose and substance of the proposed application and the time, date, and place of the neighborhood meetings;
- Submit a copy of the notice to the Planning Director;
- Notify by first class mail all property owners of record within 300 feet of the subject property. The Planning Director may expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the development extends beyond the required notification boundary;
- Notify by first class mail to the situs or actual address of all tenants and residents living on the subject property;
- Notify by first class mail all homeowners associations and neighborhood associations that govern land within 1,000 feet of the subject property as well as all persons or groups whose names are on the registry of persons and groups who are interested in receiving such notice. If it is determined that the potential impact of the development extends beyond the required notification boundary, the Planning Director may expand the notification area; and
- Install a minimum of one sign that is at least four feet by four feet in an area on the property in a location or locations clearly visible from a public right-of-way to adjacent residents setting forth the purpose, time, date, and place of the neighborhood meeting, with an attached information tube containing copies of the meeting notice. This sign shall be installed a minimum of 10 days prior to the neighborhood meeting.

### Neighborhood Meeting Record of Proceedings

The applicant shall create a written summary of the meetings, which shall be submitted prior to the scheduling of a public hearing on the application. At a minimum, the report shall include the following information:

- Certification, on a form established by the Planning Director, that the meeting was noticed and conducted in compliance with the requirements of this section.
- Details of techniques the applicant used to involve the public, including:
  - Dates and location(s) of neighborhood meetings;
  - Copies of letters, notices, newsletters, and other correspondence, including dates and number of mailings or deliveries;

- A copy of the mailing list and a summary of where residents, property owners, and potentially affected citizens receiving notices, newsletters, or other written materials were located;
- The number and names of people that participated in the process based on the sign-in sheet for the meeting; and
- A dated photograph of the sign installed.
- A summary of concerns, issues, and problems expressed during the neighborhood meeting, including:
  - The substance of the concerns, issues, and problems; and
  - The applicant's response to the comments received at the public meeting. The applicant's responses shall be included on the site plan, illustrative plan, other planning documents(s), and/or in an associated report. If public comments are not included in any of these documents, an explanation of why they were not included must be provided.
- The applicant shall also send a copy of the written summary to all the people who recorded their names on the sign-in sheet for the meeting.

### Neighborhood Meeting Certification

I, Mark Reavis\_\_\_\_, the authorized representative of WW. 66 LLC\_\_\_\_, do hereby attest that the neighborhood meeting for Project No. PZ- 20\_-00141-02\_ was noticed and conducted in compliance with Section 10-20.30.060 of the City of Flagstaff Zoning Code and included the following:

A Citizen Participation Plan, prepared in accordance with Section 10-20.30.030.C of the City of Flagstaff Zoning Code, was submitted to the City of Flagstaff on \_\_9 / \_\_22 / \_\_2020\_\_ and accepted by the City of Flagstaff on \_\_9 / \_\_22 / \_\_2020\_\_.

A list of property owners within \_\_300\_\_ feet of the subject property boundaries was prepared and submitted to the City of Flagstaff as part of the Citizen Participation Plan.

Notices of the neighborhood meeting were sent via first class mail on \_\_9 / \_\_29 / \_\_2020\_\_ to all property owners within \_\_300\_\_ feet of the subject property boundaries, to all tenants residing on the subject property, to all Homeowners Associations (HOAs) within 1,000 feet of the subject property, and all persons or groups whose names are listed on the Registry of Persons and Groups.

A total of \_\_1\_\_ neighborhood meeting notification sign(s) were installed on \_\_9 / \_\_29 / \_\_2020\_\_ at the following location(s):

- Placed and anchored to the motel sign to be restored @ 922 E Route 66
- \_\_\_\_\_
- \_\_\_\_\_

A written summary of the meetings, known as a Citizen Participation Report, was submitted to the City of Flagstaff on \_\_10 / \_\_21 / \_\_2020\_\_.

Copies of the Citizen Participation Report were sent via first class mail on \_\_10 / \_\_28 / \_\_2020\_\_ to all persons who recorded their names on the neighborhood meeting sign-in sheet. **Participation was with the Heritage Preservation Commission Meeting, No Public Comment was received, minutes included.**

Authorized Representative of the Applicant:

Mark Reavis, Heritage Preservation Officer

Signature:

 12/22/2020

## Notice of Public Hearing Requirements

**Process to Schedule and Notify Affected Property Owners of a Public Hearing before the Planning and Zoning Commission and City Council:**

### ***Step 1: Schedule Planning and Zoning Commission and City Council Hearings***

Work with the Planning Development Manager handling the Zoning Map Amendment case to schedule a hearing before the Planning and Zoning Commission and before the City Council.

### ***Step 2: Notification to Affected Property Owners***

The applicant for a Direct to Ordinance Zoning Map Amendment in the City of Flagstaff shall post signs and notify affected property owners by mail as prescribed by Section 10-20.30.080 of the City of Flagstaff Zoning Code to assist in providing adequate notice to interested parties and to meet Arizona State Statute requirements. The applicant is also responsible for establishing a list of the names and addresses of persons who require notification of a public hearing as established in Sections 10-20.30.060.A, 10-20.30.060.B, and 10-20.30.060.C of the Zoning Code. The applicant is required to mail a notice of required public hearing via first class mail to each of the persons on the list referenced above no later than 15 days prior to the public hearing date. Every mailed notice of a public hearing shall include:

- The date, time, location, and purpose of the hearing;
- The name of the body conducting the hearing, and a telephone number for the applicant to receive additional information;
- The location and times at which the complete application and development file may be viewed by the public;
- The address or location of the subject property;
- A general description of the proposed development or action and the property included in the application;
- A statement that any interested person or authorized agent may appear and be heard;
- A statement describing how and when to submit written comments;
- The existing zone classification; and
- The words "Zoning Map Amendment," as applicable.

The applicant must also erect and maintain a sign on the subject property no later than 15 days prior to the public hearing, and to update the hearing information on the sign until final disposition of the case. It shall also be the responsibility of the applicant to remove the sign within seven (7) days after the final disposition of the case.

### ***Step 3: Documentation of Notification to Affected Parties***

The applicant must submit a notarized copy of the mailing list, *Affidavit of Notifications to Affected Property Owners*, and *Affidavit of Sign Posting* to the Planning Director prior to the fifteenth day before the public hearing date.

**The Public Hearing Notice Sign Specification** on the subsequent pages of this application provide detailed instructions on posting and notification requirements.

## Affidavit of Notifications to Affected Property Owners

Case Number: 20-00141-02

Project Name: Whispering Winds – Historic Sign Restoration

Applicant Name: WW.66 LLC / Jose R Alvarado, Director of Sales, Ascend Capital Management

Representative: Mark Reavis, Heritage Preservation Officer

Location: 922 E. Route 66, Flagstaff

In order to assist in providing adequate notice to interested parties and to meet Arizona State Statute requirements, the applicant for public hearings in the City of Flagstaff shall notify affected property owners as prescribed by Section 10-20.30.080 of the City of Flagstaff Zoning Code. **It shall be the responsibility of the applicant to establish a list of the names and addresses of persons who require notification of a public hearing as established in Sections 10-20.30.060.A, 10-20.30.060.B, and 10-20.30.060.C of the Zoning Code, and mail a notice of required public hearing via first class mail to each of the persons on the list referenced above no later than 15 days prior to the public hearing date. It shall also be the responsibility of the applicant to submit a notarized copy of the mailing list to the Planning Director prior to the fifteenth day before the public hearing date.**

I confirm that the public hearing notifications were mailed as detailed in Section 10-20.30.080 of the City of Flagstaff Zoning Code at least fifteen (15) days prior to the public hearing.

Applicant's/Representative's Signature: Mark Reavis, HPO

 12/22/2020

## Public Hearing Notice Sign Specification

- The sign shall be a minimum of four (4) feet by four (4) feet in size.
- The sign shall be constructed of laminated coroplast, laminated plywood, or other suitable construction material.
- The sign shall have a white background with black lettering. The least expensive process is laminated direct printing.
- The minimum lettering size shall be one (1) inch.
- The words "Public Hearing" shall be a minimum of two (2) inches in height. Sign lettering should be formatted to match the example below.
- The content of the sign shall match the example below and include specific case details.
- The sign shall be securely fastened to wooden or metal stakes.
- The applicant is responsible for maintaining the integrity and accuracy of the sign.
- The height of the sign shall be at least four (4) feet from finished grade to top of sign and shall not be obstructed from view.

<p style="text-align: center;"><b>City of Flagstaff</b></p> <p style="text-align: center;"><b>PUBLIC HEARING</b></p> <p style="text-align: center;"><b>Planning and Zoning Commission: (Date and Time)</b></p> <p style="text-align: center;"><b>LOCATION OF HEARING(S):</b></p> <p style="text-align: center;"><b>REQUEST:</b></p> <p style="text-align: center;"><b>PROPOSAL:</b></p> <p style="text-align: center;"><b>GENERAL LOCATION:</b></p> <p style="text-align: center;"><b>SIZE OF SITE:</b></p> <p style="text-align: center;"><b>CASE #</b></p> <p style="text-align: center;"><b>APPLICANT/CONTACT:</b></p> <p style="text-align: center;"><b>PHONE #:</b></p> <p style="text-align: center;"><b>Planning &amp; Development Services Division: 928-213-2600</b></p> <p style="text-align: center;">Posting Date:</p>
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## Affidavit of Sign Posting

Case Number: 20-00141-02 \_\_\_\_\_

Project Name: Whispering Winds – Historic Sign Restoration \_\_\_\_\_

Applicant Name: WW.66 LLC / Jose R Alvarado \_\_\_\_\_

Representative: Mark Reavis, Heritage Preservation Officer

Location: 922 E Route 66 Flagstaff AZ \_\_\_\_\_

In order to assist in providing adequate notice to interested parties and to meet Arizona State Statute requirements, the applicant for public hearings in the City of Flagstaff shall post signs as prescribed by Section 10-20.30.080 of the City of Flagstaff Zoning Code. **It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property 15 days prior to the hearing and to update the hearing information on the sign until final disposition of the case. It shall also be the responsibility of the applicant to remove the sign within seven (7) days after the final disposition of the case.**

I confirm that the site has been posted as detailed in Section 10-20.30.080 of the Zoning Code as well as the Public Hearing Notice Sign Specifications included in this application for the case above, and that the site was posted at least fifteen (15) days prior to the public hearing.

See attached date stamped photo exhibit of posted signs.

Applicant's/Representative's Signature: Mark Reavis, HPO

 12/22/2020

## Appeals of Dedication, Exactions, or Zoning Regulations

### Right to Appeal

An applicant may appeal the following actions to an administrative hearing officer:

1. A dedication or exaction required as a discretionary administrative, but not legislative, condition of granting approval for the use, improvement, or development of real property.
2. The adoption of amendment of a zoning regulation that creates a taking of property in violation of A.R.S § 9-500.13.

### Appeal Procedures

An applicant who intends to exercise the right to contest the requirement of a dedication or exaction shall file a written request for appeal to the Planning Director, who will transmit the request for appeal to the designated hearing officer.

- The appeal shall be filed within 30 days after notice is given of the final determination of the development or exaction requirement.
- The request for appeal may be in the form of a letter or other written communication but shall give reasonable notice that the applicant requests an appeal of a dedication or exaction requirement and of the particular dedication or exaction being appealed.
- After receipt of an appeal, the hearing officer shall schedule a time for the appeal to be heard not later than 30 days after receipt, unless the applicant consents to an extension of time. The applicant shall be given at least 10 days' notice of the time when the appeal will be heard unless the applicant agrees to a shorter time period.
- In all proceedings, the City has the burden of establishing an essential nexus between the dedication or exaction and a legitimate government interest, and that the proposed dedication or exaction is roughly proportional to the impact of the proposed use, improvement, or development. If more than a single parcel is involved, this requirement applies to the entire property.
- The hearing officer shall hear such testimony and consider such evidence as is relevant to the determination of such issues. The hearing officer shall not be bound by technical rules of evidence or procedures in conducting the hearing.
- The hearing officer shall decide the appeal within five (5) working days after the appeal is heard. If the City does not meet its burden, the hearing officer shall either:
  - Modify or delete the requirement of the dedication or exaction appealed; or
  - In the case of a zoning regulation appealed, the hearing officer shall transmit a recommendation to the Council. The Council may accept, modify, or deny the recommendation of the hearing officer.
- If the hearing officer modifies or affirms the requirement of the dedication or exaction, an applicant aggrieved by the decision of the hearing officer may appeal the decision to the Superior Court at any time within 30 days after the hearing officer has rendered a decision by following the procedures set forth in the Arizona Revised Statutes.

Please be aware that City Staff cannot give applicants legal advice. Applicants may wish, but are not required, to hire an attorney to represent them in an appeal.

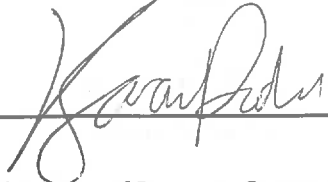
## **Owner Certification Acknowledging Receipt of Notice of Right to Appeal Exactions and Dedications**

**I hereby certify that I am the owner of property located at:**  
**922 E Route 66, Flagstaff AZ 86001**

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**(address of development approval or City required improvements and dedications)**

and hereby certify that I have received a notice that explains my right to appeal all exactions and/or dedications required by the City of Flagstaff as part of my property development on the parcel listed in the above address.

  
\_\_\_\_\_

**Signature of Property Owner** (*print & sign*)

12/21/2020

**Date**