

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

**PUBLIC HEARING**  
**PZ-19-00204-03**

**DATE:** **August 5, 2021**  
**MEETING DATE:** **August 25, 2021**  
**REPORT BY:** **Tiffany Antol, AICP**

**REQUEST:**

A Conditional Use Permit request from Miramonte Presidio LLC to establish a Planned Residential Development (PRD) on Tract M within the Presidio in the Pines master planned development. The PRD consists of 39 multi-family residential units on 2.77 acres located at 2940 S Woody Mountain Road within the Highway Commercial (HC) zone.

**STAFF RECOMMENDATION:**

In accordance with the findings presented in this report, staff recommends approval of PZ-19-00204-03 with conditions.

**PRESENT LAND USE:**

Undeveloped.

**PROPOSED LAND USE:**

A Planned Residential Development (PRD) consisting of 39 multi-family residential units.

**NEIGHBORHOOD DEVELOPMENT:**

North: Presidio in the Pines master planned development, High Density Residential

East: Presidio in the Pines master planned development, High Density Residential

South: Interstate 40

West: Timber Sky master planned development, Residential Single-Family

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**I. Project Introduction**

**A. Background/Introduction**

Section 10-40.30.040.B of the Flagstaff Zoning Code (Page 40.30-15), *Allowed Uses*, identifies Planned Residential Development (PRD) as an allowed land use in the Highway Commercial (HC) zone subject to the approval of a Conditional Use Permit (CUP) by the Planning and Zoning Commission. In addition, Section 10-40.60.280 of the Flagstaff Zoning Code (Page 40.60-52), *Planned Residential Development*, lists additional requirements for the PRD related to building types and open space.

The subject property is currently zoned Highway Commercial (HC). Presidio in the Pines was planned and developed using the Traditional Neighborhood District (TND) standards found within the previous Land Development Code. When the Zoning Code was adopted, the TND standards were carried forward in the form of transect zones. While multi-family residential is not specifically permitted within the HC zone, it is permitted as part of a Planned Residential Development (PRD) with the issuance of a CUP. The Zoning Code established the PRD as a mechanism to allow the development of specific transect zone building types (i.e., townhouse, duplex, courtyard apartments, etc.) in non-transect zones. These specific building types, however, are dependent on transect development standards. As such,

this development proposes the use of T4 Neighborhood 2 (T4N.2) transect zone development standards.

Staff recognizes that the proposed courtyard apartments are a departure from the master plan; however, it must be noted that Presidio was the first project within Flagstaff to utilize and implement new urbanism designs. A traditional component of new urbanism design is the designation of commercial development internal to a project. Throughout the country some of these commercial areas were developed and, based on many factors, it was found that over time most internal commercial developments were not economically successful. The largest contribution factor was the lack of sustained traffic, both vehicular and pedestrian, to support the uses. This created a lot of discussion within the new urbanism community. Subsequently, the Congress of New Urbanism (CNU) concluded that such commercial uses/form should continue to be included in new urbanism designs but should be located on the exterior of the development when abutting major transportation corridors. In response, the CNU made changes to the Smart Code principles to implement this revised strategy.

While this location is located on the periphery of the Presidio in the Pines master planned development along a future arterial corridor, access to the site is only possible from the internal residential street due to the preservation of required resources and possible right-of-way acquisition for a future interchange. Commercial development is best focused with the Urban Activity Center located at the intersection of Woody Mountain Road and W Route 66. Staff believes that by including multi-family residential, this minor change in land use within Presidio continues the principles of mixed-use new urbanism which typically includes mixed land uses, compact urban form, infill, minimum densities, walkable neighborhoods, affordable/mixed income housing, neighborhood conservation, and multi-modal transportation.

On May 18, 2004, the City Council approved Ordinance No. 2004-05 that rezoned approximately 91 acres of property from the Rural Residential (RR) Zone as follows: approximately 77 acres to the High Density Residential (HR) Zone, approximately 1 acre to the Single-Family Residential (R1) Zone (formerly known as Urban Residential (UR) Zone), and approximately 13 acres to the Highway Commercial (HC) Zone (formerly known as Urban Commercial (UC) Zone).

On May 18, 2004, the City Council approved Resolution No. 2004-40 that entered the City into a Development Agreement that included the Presidio in the Pines Development Master Plan. A copy of the recorded agreement, which included the Development Master Plan, is on file and available for inspection with the Community Development Department. Subsequently, the Development Agreement has been amended four times by the City Council. The most recent amendment entitled the "Fourth Supplement to the Development Agreement" was approved December 2, 2020. This amendment changed the required land use of Tract M from Church or other Community Use to allow for additional residential development. This amendment consisted of three main points: 1) Tract M will be developed as for-sale, condominium, multi-family development as set forth in the approved Presidio in the Pines Tract M Site Plan, subject to the requirement for a Conditional Use Permit and other requirements of City Code; 2) Developer agrees to form a homeowners' association (HOA) for the project; the Condominium Declarations will include a provision requiring any lease period to be a minimum of thirty days; and 3) Developer agrees to designate a minimum of 10% of the total units to be sold at or below 100% of the Area Median Income ("AMI").

The Final Plat of Presidio in the Pines, which included Tract M, was approved by the City Council and was recorded on May 19, 2005. Development was anticipated to include 470 residential units, construction of the entire on-site private and public roadway system, construction of the required improvements to Woody Mountain Road, construction of the entire on-site public water and sewer systems, construction of the required off-site public water and sewer improvements, and construction of the entire stormwater detention system.

Residential development is permitted within the Highway Commercial (HC) zoning district either as a mixed-use project or as a Planned Residential Development with the issuance of a Conditional Use Permit (CUP) by the Planning

& Zoning Commission. The Planned Residential Development option allows the property owner to propose a wide range of residential development in accordance with the Zoning Code. The property owner, based on current market conditions and existing surrounding uses, is proposing the development of 39 multi-family residential units in three, 3-story courtyard apartment buildings. The applicant intends to submit a condominium plat for the 39-units if the Conditional Use Permit is approved.

**II. Required Findings**

The Planning Commission may approve the Conditional Use Permit only after making the following three findings:

**A. Finding #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 Highway Commercial (HC) zone applies to areas of the City appropriate for a full range of automobile-oriented services. The development of commercial uses in addition to residential uses is encouraged in the HC zone to provide diversity in housing choices; provided, that residential uses are located above or behind commercial buildings so that they are buffered from adjoining highway corridors. The provisions of this zone are also intended to provide for convenient, controlled access and parking, without increasing traffic burdens upon the adjacent streets and highways. This zone is designated primarily at the commercial corridors of the City, with the intention of making the City more attractive as a tourist destination while providing needed commercial activity.”

The proposed Planned Residential Development land use is a permitted use in the Highway Commercial (HC) zone with the issuance of a Conditional Use Permit. The residential uses are not part of a mixed-use development (which would be permitted without a CUP) and are not located above or behind a commercial building on this site. The buildings are buffered from the adjacent highway and arterial road corridor through the integration of the site into the Presidio in the Pines development creating a buffer for the proposed residential development. Because access to the arterial corridor is limited for this site, the viability of the site being developed for commercial uses is limited.

**B. Finding #2**

*That granting the conditional use will not be detrimental to the public health, safety, or welfare.*

If the proposed project is developed in accordance with City codes, standards, and requirements, the project should not be detrimental to the public health, safety, or welfare.

**C. Finding #3**

*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 to ensure that the proposed use will be compatible with the surrounding area (Flagstaff Zoning Code Section 10-20.40.050.E.3):*

- *Access, traffic, and pedestrian, bicycle, and vehicular circulation;*
- *Adequacy of site and open space provisions, including resource protection standards, where applicable;*
- *Noise, light, visual, and other pollutants;*
- *Proposed style and siting of structure(s), and relationship to the surrounding neighborhood;*
- *Landscaping and screening provisions, including additional landscaping in excess of otherwise applicable*

*minimum requirements;*

- *Impact on public utilities;*
- *Signage and outdoor lighting;*
- *Dedication and development of streets adjoining the property; and*
- *Impacts on historical, prehistoric, or natural resources.*

**1. Access and Traffic; Pedestrian, Bicycle, and Vehicular Circulation**

Access to the site is provided from Presidio Drive South. No traffic impact analysis was required for this development as the density falls within the range of the original development approvals for Presidio in the Pines which already mitigated its anticipated traffic impacts. Pedestrian walkways are provided from the sidewalk along Presidio Drive South to each of three proposed buildings as well as to the other features on site including parking and trash facilities.

The project is required to provide 73 off-street parking spaces; 74 spaces are provided on the site plan. The project must also provide four ADA accessible spaces and two EV-ready spaces as part of the 74 total spaces. The project is providing 12 bicycle parking spaces, which at 16% of the required off-street parking spaces is greater than the 5% required by the Zoning Code. The bike racks are distributed evenly across the three buildings (four racks per building).

**2. Adequacy of Site/Open Space/Resource Provisions**

The development has a proposed density of 14.09 units per acre, which exceeds the minimum ten dwelling units per acre required by the Zoning Code and falls under the maximum allowed density of 29 units per acre. As previously mentioned, this development is proposed to use the T4N.2 development standards through the Planned Residential Development option. Section 10-40.40.080.A of the Zoning Code (Page 40.40-25) indicates that the primary intent is to create new walkable urban neighborhoods that are in character with established neighborhoods through the integration of small footprint, medium density building types that are likely smaller than those found in other zones.

Section 10-50.110.150 of the Zoning Code (Page 50.110-20) establishes specific development standards for Courtyard Apartments within a transect zone. These standards include setbacks that are reduced from the traditional zoning districts. This development proposal meets the criteria of the Courtyard Apartment standards.

In accordance with Section 10-50.90.020.A of the Zoning Code (Page 50.90-2), the subject property is located within the established Resource Protection Overlay (RPO) zone. When Presidio in the Pines was initially entitled and platted, a Tree Resource Plan was submitted to and approved by the City. Specific resources were not identified for this site and a specific resource protection plan for this site was provided in conjunction with the site plan for this application. The development is required to preserve 30% of the resource trees; the approved resource protection plan shows the applicant will preserve 35.11% of the tree resources on site.

**3. Noise, Light, Visual, and Other Pollutants**

In accordance with Section 10-50.70.040.B of the Zoning Code (Page 50.70-4), this development is located within Lighting Zone 2. In accordance with Table 10-50.70.050.A of the Zoning Code (Page 50.70-6), the maximum total lumens within Zone 2 is 50,000 lumens per acre. Lighting compliance will be ensured during the building permit review process. A preliminary lighting plan has been provided and is attached to this report.

It is not anticipated that the proposed development will generate noise, light, visual, or other pollutants.

**4. Style and Siting of Structure(s) and Relationship to Surrounding Neighborhood**

The approved Site Plan (PZ-19-00204-01) for Tract M proposes 39 residential units distributed across three 5,000 square foot, 3-story buildings. The project will be developed as a Planned Residential Development, which requires the applicant to apply Transect Zone, Building Type, and Private Frontage Type standards. The project will use T4N.2 Transect Zone, Courtyard Apartment Building Type, and Forecourt Private Frontage Type standards.

The 39 units result in a density of 14.09 units per acre, which is within the permitted range of 10-22 units per acre for properties in the HC Zone with the Resource Protection Overlay. There are 13 units per building, which range from approximately 500 to 1,300 square feet:

- Studio: 1 unit per building / 3 units total
- 1 BR: 4 units per building / 12 units total
- 2 BR: 6 units per building / 18 units total
- 3 BR: 2 units per building / 6 units total

The three proposed buildings are located on the northwestern half of the property with the parking areas located internal to the site. The Site Plan also identifies land shown in the Regional Plan for future ADOT right of way to allow on/off ramps at I-40 and Woody Mountain Road. No housing or parking is proposed to be in that area. The site is located at the southernmost entrance to the Presidio in the Pines master planned development. The site obtains access through the Presidio development off Presidio Drive South. The surrounding neighborhood consists of attached and detached single-family residential units that are no more than 2-stories in height.

**5. Landscaping and Screening**

The site is proposed to be landscaped in accordance with the requirements of the Zoning Code. Fencing already exists at the back of the adjacent single-family residential units. Additional landscaping was requested at one of the neighborhood meetings. The applicant followed up with a revised landscape plan at the second neighborhood meeting. This additional landscaping should be included as a condition of approval as it was not considered during the site plan review process.

**6. Impact on Public Utilities**

The proposed development has no additional impacts to City utilities that were not previously accounted for in the master planning and development of Presidio in the Pines.

**7. Signage and Outdoor Lighting**

No signage is proposed for this use. Outdoor lighting will be reviewed through a separate permit in conjunction with the building permit application should this Conditional Use Permit be approved.

**8. Dedication and Development of Streets**

No dedication or development of public streets is required.

**9. Impacts on Resources**

This site is not currently listed on any state or federal historic registry, nor does the site have any other

historical significance. As previously mentioned, the site is located with the Resource Protection Overlay zone.

Conditions of approval will only be imposed if they are necessary to ensure the intent and purpose of the 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.

**III. Citizen Participation**

The applicant held the required neighborhood meetings to discuss the proposed Conditional Use Permit application on May 10, 2021, and June 7, 2021, using the Zoom platform. The applicant posted a sign on the property regarding the meeting and sent letters to all neighboring property owners within the Presidio in the Pines development, in addition to the City Registry of Interested Persons. There were 25 attendees at the first meeting and 40 attendees at the second meeting. A summary of the meetings and comments received is attached to this report. Staff has received 14 written comments in opposition to this case and a petition with 60 signatures opposing the application, all of which are attached to this report. Concerns presented to staff focused on lack of parking, traffic congestion, the buildings not fitting the neighborhood because of the height, introduction of college students, community was promised a church or community facility and the proposed project does not serve the community, short term rentals and drainage issues.

**IV. Recommendation:**

The Inter-Division Staff (IDS) team approved the site plan for this project on September 25, 2021 (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-19-00204-03 and as follows:

1. The development of the site shall substantially conform to the plans as presented with the Conditional Use Permit application and with the Site Plan as approved by the Inter-Division Staff on September 25, 2020. Modifications to the approved site plan shall require additional review by the IDS team.
2. Additional landscaping along the eastern boundary of the property shall be installed as was presented in the required neighborhood meeting.
3. All parking shall be assigned to the individual condominium units. All parking on adjacent private streets shall be subject to the Homeowners Association parking requirements and violations.

**V. Attachments:**

The draft documents have been prepared in accordance with the staff recommendation and do not indicate the Commission's final decision. These documents will be updated after the public hearing on this case to reflect the Commission's decision.

- Draft Conditional Use Permit No. PZ-19-00204-03
- Draft Notice of Decision
- Proposition 207 waiver
- Site Plan Conditions of Approval
- Public Comments
- Conditional Use Permit Application
  - Narrative
  - Public Participation Plan
  - Public Participation Report
  - Site Plan
  - Landscape Plan
  - Building Elevation
  - Floor Plans

**PZ-19-00204-03**  
**August 5, 2021**

- Preliminary Lighting Plan