

2577 East Del Rae Drive

Conditional Use Permit—Narrative

August 26, 2021

Introduction

The Tippett Family Trust (“Applicant”) is submitting a Conditional Use Permit application for the approximate 1.32 net acres of property located at 2577 East Del Rae Drive (Lot 192), also known as Coconino County Assessor Parcel Number 105-19-039A (“Property”). The Property is located within the Pine Canyon master-planned residential and golf community and is zoned R-1 Single-Family Residential (R-1)—Resource Protection Overlay.

The Applicant is proposing to construct a new single-family residence on the Property. The residence is planned to include 5-bedrooms and 7-bathrooms, which under the Zoning Code is considered High Occupancy Housing. In accordance with the Section 10-40.60.175 of the Zoning Code, the Applicant is requesting a Conditional Use Permit to allow for the proposed residence.



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Context

The Property is located near the southwest corner of the Pine Canyon master plan. Adjoining properties include the golf course to the north, Coconino County National Forest to the east, and existing single-family residences to the south and west. The Property is located at the end of a cul-de-sac. The adjoining golf course and existing single-family residences are all zoned R-1, consistent with the zoning on the subject Property.

History of High Occupancy Housing

Following the adoption of the 2011 changes to the Zoning Code to promote mixed-use development, interest among the development community grew. Developers were specifically interested in high-density apartments for Northern Arizona University students. In order to address community backlash related to this new off-campus student housing, the City began evaluating its planning policies and Zoning Code.

In February 2018, the City Council adopted the citywide High Occupancy Housing Specific Plan (“HOH Plan”), a specific plan to the Regional Plan. **The HOH Plan was specifically developed in response to the community’s dialogue about previously proposed high-density, high-intensity, mid-rise developments near historic neighborhoods intended for student-rent.** Such development included in the HOH Plan analysis were The Hub, The Standard, Village at Aspen Place, and Fremont Station, amongst others. The HOH Plan identified various strategies that could be implemented to address the unintended impacts of these high-density, high-intensity, mid-rise buildings on neighborhood character and compatibility.

Then, in October 2019, after the adoption of the HOH Plan, City Staff received direction from the City Council to address smaller developments that may also be considered HOH. The smaller HOH developments that City Staff was directed to consider were single-family residences, duplexes, triplexes, and other multi-family residences that were not addressed in the HOH Plan.

Following this, the City Council directed City Staff to implement the HOH Plan, which included preparing a Zoning Code Text Amendment (“TA”). In general, the TA included various HOH regulatory provisions related to definitions, land uses, property development and use specific standards, and parking standards. Finally, on November 17, 2020, the City Council adopted the TA in the form of the High Occupancy Housing Ordinance (“HOH Ordinance”) (Ord. No. 2020-28; Resolution No. 2020-59). The HOH Ordinance went into effect on March 1, 2021.

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The HOH Ordinance established various new land use categories within Table 10-40.30.030.B of the Zoning Code, including “High Occupancy Housing Development, Single Family.” The Zoning Code defines this as, “A single-family attached or detached dwelling unit with: (i) seven or more bedrooms; or (ii) five or more sanitation facilities.” In accordance with the aforementioned Table, a Conditional Use Permit is required within the R-1 zoning district, in order to construct a single-family residence with seven or more bedrooms or five or more bathrooms. As stated above, the Applicant’s proposed residence includes 7 bathrooms, thus requiring approval of a Conditional Use Permit.

Importantly, the City’s intent in requiring a Conditional Use Permit for a single-family residence is to regulate “mega mansions” in and around the Northern Arizona University campus where the property owner rents to students by the room. In this particular case, requiring the Applicant to obtain a Conditional Use Permit for the proposed residence is an unintended consequence of the HOH Ordinance. If that were, in fact, the intent of the HOH Ordinance, practically every residence within Pine Canyon would have to obtain a Conditional Use Permit—that is not the intent of the HOH Plan and Ordinance. Again, the HOH Plan and Ordinance are intended to regulate high-density apartments and “mega mansions” for student-rent—**not residences like the one proposed by the Applicant.**

Conditional Use Permit Approval Criteria

In accordance with Section 10-20.40.050.E, the Planning & Zoning Commission may approve the Conditional Use Permit upon making the following findings:

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.

Response: *As stated in the Zoning Code, “The R-1 zoning district applies to areas of the City intended for single-family residential development.” The proposed single-family residence is consistent with the objectives of the Zoning Code and the purpose of the R-1 zoning district in every respect.*

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 include:
 - 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

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- c. Impact on surrounding areas arising from unusual volume or character of traffic.

Response: *The immediately adjoining residences and others in Pine Canyon have: (a) not caused property damage or contributed to noise, smoke, odor, dust, vibration, or illumination; (b) proven not to be hazardous to persons or property from possible explosion, contamination, fire or flood; and (c) not caused an impact on surrounding areas from an unusual volume or character of traffic.*

The proposed residence and use are identical to the immediately adjoining residences and others in Pine Canyon. Accordingly, the proposed residence will also not be detrimental to the public health, safety, or welfare.

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 Planning & Zoning 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;

Response: *The proposed Site Plan provides for a 16-foot wide trail easement connecting pedestrians and bicyclists from Del Rae Drive to the golf course and beyond to the Coconino County National Forest. The proposed residence requires no changes to the existing access and vehicular circulation currently serving the other residences in Pine Canyon. Additionally, the development of one residence will not cause any measurable contribution in traffic.*

- b. Adequacy of site and open space provisions, including resource protection standards, where applicable;

Response: *The proposed residence complies with all applicable Resource Protection Overlay standards, including providing excess undisturbed area on the Property.*

- c. Noise, light, visual, and other pollutants;

Response: *Identical to the other residences in Pine Canyon, the proposed residence will not emit noise, light, visual, or other pollutants.*

- d. Proposed style and siting of structure, and relationship to the surrounding neighborhood;

Response: *The architectural style, colors, and materials, along with the siting of the structure, are consistent with the adjoining existing residences and others within Pine Canyon.*

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- e. Landscaping and screening provisions, including additional landscaping in excess of otherwise applicable minimum requirements;

Response: *The proposed residence complies with all applicable landscaping and screening requirements.*

- f. Impact on public utilities;

Response: *The proposed residence has no impact on public utilities.*

- g. Signage and outdoor lighting;

Response: *The proposed residence complies with all applicable lighting requirements. No signage is proposed.*

- h. Dedication and development of streets adjoining the property; and

Response: *The proposed residence does not require dedication and/or development of the street, Del Rae Drive, adjoining the Property.*

- i. Impacts on historical, prehistoric, or natural resources.

Response: *The proposed residence complies with all applicable natural resources standards, and has no historical or prehistoric impacts.*

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The additional approval criteria in Section 10-40.60.175.E of the Zoning Code are not applicable.

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In accordance with Section 10-30.60.050 of the Zoning Code, the following basic design elements shall be considered when assessing compatibility of a new development project which is subject to approval of a Conditional Use Permit:

1. *Patterns of Development.* Patterns of development include characteristics such as the streetscape, site relationships, signage, and landscape features.

Response: *The streetscape of the Property will include the nature and character of the existing streetscape along Del Rae Drive and other streets within Pine Canyon. The proposed residence has been sited, setback, and separated from adjoining residences similar to that along Del Rae Drive and other residences within Pine Canyon.*

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2. *Scale.* Scale refers to similar or harmonious proportions, especially overall height and width, but also includes the visual intensity of the development, the building massing, and the shapes and sizes of the various design elements.

Response: *The height and width, proportions, and building massing are consistent and compatible with adjoining residences along Del Rae Drive and other residences within Pine Canyon. The scale and architecture has been designed so that the proposed residence does not dominate the existing residences along Del Rae Drive.*

3. *Continuity.* Continuity encompasses patters of development and scale, but also characteristics such as site development, building forms, textures, materials, details, and colors.

Response: *The proposed architecture includes building forms, textures, materials, details, and colors are compatible with the character of the immediately joining residences, Del Rae Drive, and other residence within Pine Canyon.*

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