

PLANNING AND DEVELOPMENT SERVICES REPORT
CONDITIONAL USE PERMIT

PUBLIC HEARING
PZ-20-00164-08

DATE: December 29, 2022
MEETING DATE: January 11, 2023
REPORT BY: Genevieve Pearthree, AICP

REQUEST:

A Conditional Use Permit (CUP) request from Flagland LLC to establish an approximately 1,824 square-foot barn and a minimum 30,000 square-foot fenced pasture area to be used as an Equestrian Recreational Facility. The subject properties are located at 7000 North Highway 89 (APNs 301-50-005G and 113-17-011A). The APN 113-17-011A parcel has Highway Commercial (HC) zoning, while the APN 301-50-005G parcel has split HC/Rural Residential (RR) zoning. The Equestrian Recreational Facility is proposed on the 1.09-acre acre portion with RR zoning. Both parcels have a Resource Protection Overlay (RPO). Equestrian Recreational Facility is a permitted use in the RR zone with a Conditional Use Permit.

STAFF RECOMMENDATION:

In accordance with the findings presented in this report, staff recommends approval of PZ-20-00164-08 with the following conditions:

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 13, 2022. Substantive modifications to the approved Site Plan (PZ-20-00164-06) shall require additional review by the IDS team. Anything greater than a minor modification as determined by staff will require a modification to the CUP approved by the Planning and Zoning Commission.
2. The Equestrian Recreational Facility may house no more than one horse per 10,000 square feet of fenced pasture area in compliance with City Code, up to four horses maximum on the 1.09 acre site.

PRESENT LAND USE:

This site is currently vacant. It is heavily treed and has steep slopes toward the eastern property boundary.

PROPOSED LAND USE:

The applicant proposes to construct a 174-bed mental, behavioral health, and substance abuse treatment campus on a larger 12.20-acre development site consisting of two properties (APNs 301-50-005G and 113-17-011A). The Equestrian Recreational Facility is proposed on a 1.09-acre portion of the site zoned RR and located on the northeastern corner of the development site. It will consist of an approximately 1,824 square-foot barn with four stalls, and at least 30,000 square feet of fenced pasture area. The entire development site is intended to be subdivided into four separate parcels. Parcels 1 and 2 will consist of the treatment campus, while parcels 3 and 4 will be set aside for future commercial development.

NEIGHBORHOOD DEVELOPMENT:

See the attached vicinity map.

- North: Commercial development (Mary's Café and Conoco Gas Station), Coconino County Commercial Heavy 10,000 (CH-10,000) Zone
- South: Trails End Retreat single-family residential subdivision, City of Flagstaff Single-Family Residential (R1) zone
- East: National Forest, Coconino County Agricultural Residential 2 ½ Acres (AR-2 ½) Zone
- West: Highway 89; several commercial developments across the street, Coconino County CH-10,000 Zone

1. Project Introduction

A. Background/Introduction

The Flagstaff City Council approved an annexation, rezoning, and development agreement for the parcel at 7000 North Highway 89 (APN 301-50-005G) on May 17, 2022. The annexation expanded the City of Flagstaff corporate boundary to include APN 301-50-005G. Upon annexation, the property was assigned Highway Commercial (HC) zoning with a Resource Protection Overlay (RPO). City Council then approved a rezoning of the northeastern 1.09 acres of the parcel from HC to RR to allow for the development of an equestrian recreational facility. Equestrian recreational facility is an allowed use in the RR zone. Further, City Code Title 6 (Police Regulations), specifically section 6-03-001-0003: *Keeping of Livestock*, allows large livestock only in the RR and Estate Residential (ER) zones. The City Council then approved a Development Agreement to require development of the parcel to substantially conform to the 174-bed treatment campus as depicted in a Concept Plan application that city staff reviewed and deemed to be complete on March 16, 2021.

The City of Flagstaff Inter-Division Staff (IDS) reviewed and approved a Site Plan application for the treatment campus on September 13, 2022. A copy of the Site Plan Approval Letter and Conditions of Approval are attached to this report. Approval conditions will be addressed in future reviews (civil plans and building permits). The treatment campus will consist of 11 1- to 2-story buildings containing living facilities for 174 patients, dining, group activities, administration, and the outpatient program, in addition to the equestrian area. The site is intended to be subdivided into four parcels (parcels 1 and 2 will contain the treatment campus, and parcels 3 and 4 will contain future commercial development). Development on parcels 3 and 4 will be reviewed under future Concept and Site Plan submittals.

Section 10-40.30.030.B of the Flagstaff Zoning Code, *Residential Zones – Allowed Uses*, identifies “Equestrian Recreational Facility” as an allowed land use in the RR zone subject to the approval of a Conditional Use Permit (CUP) by the Planning Commission. City Code Title 6 (Police Regulations), specifically section 6-03-001-0003: *Keeping of Livestock*, has standards for keeping large livestock, including horses. These standards include general rules and restrictions to protect the safety and welfare of the public and of the animals, in addition to specific design standards for keeping large livestock:

1. Shelters for large livestock must be located:
 - a. No less than seventy-five (75) feet from any dwelling unit.
 - b. No less than ten (10) feet from any property line.
2. At least ten thousand (10,000) square feet of pasture must be made available for each large livestock animal.
3. A site that is 40,000 – 79,999 square feet in the RR or Estate Residential (ER) zone can have no more than four large livestock animals.

The Equestrian Recreational Facility is proposed to include an approximately 1,824 square-foot barn with four stalls, a tack room, storage room, feed room, and a bathroom. Each stall will have an individual, fenced turnout, which is part of a larger 30,000 square-foot minimum pasture area, thereby providing at least 10,000 square feet of pasture area per animal. The barn is located at least 70 ft. from the nearest property line, and at least 170 feet from the closest residential building on the treatment campus. The facility can house no more than three horses, unless the third condition of approval on page 1 of this staff report is met.

Required Findings

Per Zoning Code section 10-20.40.050: *Conditional Use Permits*, the Planning Commission may approve the Conditional Use Permit only after making the findings listed below.

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 Zoning Code states the intent of the RR zone as follows:

- “The Rural Residential (RR) zone applies to areas of the City appropriate for both housing and limited agricultural uses that preserve the area’s rural character. This zone is predominantly large lot single-family development. However, it does allow for cluster and planned residential developments, which provide opportunities for higher densities. The RR zone applies to those non-urban areas of the City that cannot be economically and efficiently provided with City services associated with urban living. As such, it is designed for the utilization and enjoyment of the City’s unique mountain environment with a minimum amount of municipal services and improvements. This zone is also intended to be used to protect against premature development in areas on the fringe of the urban service area.”

The RR Zone allows Equestrian Recreational Facilities with the granting of a Conditional Use Permit. The barn, pasture, and landscape buffers serve as a transition between the larger treatment campus and the Forest Service land to the east, and adjacent development to the north.

The purpose of the Conditional Use Permit is to: “provide a process for reviewing uses and activities that are permitted in an applicable zone, but that require more discretionary review and the possible imposition of conditions to mitigate the effects of the proposed use.”

B. Finding #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:

- Property damage or nuisance arising from noise, smoke, odor, dust, vibration or illumination;
- Hazard to persons or property from possible explosion, contamination, fire or flood; and
- Impact on surrounding areas arising from unusual volume or character of traffic.

As long as 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:

1. Access, traffic, and pedestrian, bicycle, and vehicular circulation;
2. Adequacy of site and open space provisions, including resource protection standards, where applicable;
3. Noise, light, visual, and other pollutants;
4. Proposed style and siting of structure(s), and relationship to the surrounding neighborhood;
5. Landscaping and screening provisions, including additional landscaping in excess of otherwise applicable minimum requirements;
6. Impact on public utilities;
7. Signage and outdoor lighting;
8. Dedication and development of streets adjoining the property; and
9. Impacts on historical, prehistoric, or natural resources.

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

City staff approved a Traffic Statement for the larger treatment campus on September 2, 2021. The Traffic Statement identified the need for two new full-access driveways from North Highway 89. Pedestrian and bicycle access to the subject property is provided by existing sidewalks and bike lanes on North Highway 89, in addition

to a new sidewalk/parkway to be installed by the project adjacent to the site. The approved Site Plan shows pedestrian/bicycle connections from the public sidewalks to a network of paths throughout the development that connect the buildings on the site to one another.

The larger treatment campus is a Custodial Care use (a subset of Institutional Residential), which requires one parking space per six beds plus one space per employee. A total of 79 parking spaces are required for the campus. At least five of these spaces must be ADA-accessible. A total of 83 parking spaces for the campus will be provided; eight of the spaces will be ADA-accessible. The development is also required to provide at least 5% of the required vehicle parking spaces as bicycle parking. Four bicycle spaces are required; the site is providing nine bicycle racks, three of which are covered.

The equestrian facility will be served by the required parking discussed above. The Equestrian Recreational Facility is part of the larger treatment campus, so no additional parking spaces are required.

2. Adequacy of Site/Open Space/Resource Provisions

The site is heavily treed and has steep slopes along the eastern property boundary. There is no open space requirement in the RR zone. However, the HC zone requires the larger treatment campus to set aside at least 15% of the site area as open space. The treatment campus will set aside 99,660 square feet of open space (approximately 19% of the entire 12.20-acre development site), which includes 19,442 square feet of open space on the RR portion of the site.

3. Noise, Light, Visual, and Other Pollutants

It is not anticipated that the proposed use will create any noise, visual, or other pollutants into the area. All exterior lighting will be required to comply with the City of Flagstaff's strict outdoor lighting requirements, which support and maintain the City's designation as an International Dark Sky City.

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

The development is buffered from the surrounding development by proposed landscaped areas and large open space areas which include existing trees and steep slopes. Most of the distances between the buildings and the nearest property lines far exceed the minimum required 15-foot landscape buffer. The campus is proposed to be a low-intensity development. Seven buildings will be one-story, and four buildings will be two stories. The two-story buildings are proposed to be in the center of the site, away from the two-story single family residential buildings to the south (in the R1 zone), the Forest Service land to the east (PF zone), and Mary's Café (Coconino County CH-10,000 zone) to the north. All four barn stalls will be located on the eastern side of the barn, away from Mary's Café and other development located northwest of the site. The barn is at least 70 feet away from the nearest property line.

5. Landscaping and Screening

The site is proposed to be landscaped in accordance with the requirements of the Zoning Code; see the attached landscaping plan. Additionally, screening is not required for this use or site.

6. Impact on Public Utilities

The City of Flagstaff Water Services Division completed a Water and Sewer System Analysis for the proposed project on October 26, 2021. The proposed development is located within the City of Flagstaff Urban Growth Boundary per the Regional Plan and can be served by City water and sewer utilities. Currently there is no infrastructure in the ground on-site to support this development, so all on-site sewer and water systems will have to be designed and built. No off-site water or sewer improvements will be required. It is the developer's responsibility to design and construct all on-site and connecting water infrastructure per the City of Flagstaff Engineering Standards.

7. Signage and Outdoor Lighting

Outdoor lighting information will be reviewed as part of the building permit application (outdoor lighting is reviewed through a separate but concurrent Outdoor Lighting Permit). Signage will be reviewed as part of a Permanent Sign Permit. Any new signage or lighting will have to comply with the relevant Zoning Code requirements.

8. Dedication and Development of Streets

Both driveways will be served by new right turn lanes. North Highway 89 already includes a continuous left turn lane. The development will dedicate additional right of way to accommodate the right turn lanes as well as edge improvements (5-foot landscaped parkway, 6-foot sidewalk, curb, and gutter). Highway 89 is ADOT (Arizona Department of Transportation) right of way, which means ADOT must provide final review and approval of the construction plans as part of the future Civil Plan review process.

9. Impacts on Historic, Natural, or Pre-Historic Resources

This property has a Resource Protection Overlay (RPO). The Zoning Code requires 50% of the tree resources be saved in the RR zone and 30% of the tree resources be saved in the HC zone. The applicant submitted a draft Natural Resource Protection Plan (NRPP) as part of Site Plan review. The NRPP will be finalized with civil plan review. The Zoning Code does not allow trees in pasture areas to count as being preserved. The applicant proposes to save the trees located in the fenced pasture area, but not count them as being preserved for resource protection calculations. The NRPP proposes to save 46% of the tree points (787 points) across the entire treatment campus, which exceeds the minimum required tree preservation points (649 points, or 32% of all existing tree points on the site).

The Zoning Code also requires preservation of steep slopes. The RR area does not have any slopes steeper than a 17% grade; the rest of the treatment campus has several steep slope areas with a 17-24.99% grade. The Zoning Code requires commercial zones to preserve at least 60% of steep slopes; the NRPP proposes to save 100% of these slopes. There are no slopes greater than 24.99% on the development site.

A Cultural Resource Letter Report was completed for the entire 12.20-acre development site. No archaeological sites or historical buildings were observed, but the report did identify two areas of interest. The report recommends one of these areas be given a 30-meter buffer around the site during construction to avoid disturbing potential subsurface cultural resources.

II. Citizen Participation

The applicant held a virtual neighborhood meeting via the online platform Zoom on November 16, 2022. The applicant posted a sign on the subject property and notified by mail all property owners within 600 feet of the subject property, HOAs within 1,000 feet, and members of the Registry of Interested Persons and Groups, about the neighborhood meeting. There were three attendees in addition to the development team. The applicant updated the design of the barn in response to comments received during the neighborhood meeting. The original layout showed two stalls on the northwest and southeast sides of the building; the updated layout shows all four stalls on the southeast side of the building so that they are farther away from existing development to the northwest of the site. The applicant requested and received approval to waive the second neighborhood meeting.

The applicant notified all required parties of the Planning and Zoning Commission public hearing, including property owners within 600 feet of the site, and posted a sign on-site advertising the public hearing. Staff placed an ad in the Arizona Daily Sun advertising this public hearing as well. To date, staff has not had any contact from the public regarding this case. See attached public participation plan for more information.

III. 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.

1. Draft Conditional Use Permit No. PZ-20-00164-08
2. Draft Notice of Decision
3. Proposition 207 waiver
4. Site Plan Approval Letter
5. Site Plan Conditions of Approval
6. Conditional Use Permit Application
7. CUP Narrative
8. CUP Civil Site Plan
9. CUP Architectural Site Plan
10. Landscape Plans
11. Building Floor Plans and Elevations
12. Public Participation Plan