

PLANNING AND DEVELOPMENT SERVICES REPORT
CONDITIONAL USE PERMIT

PUBLIC HEARING
PZ-23-00033

DATE: **April 6, 2023**
MEETING DATE: **April 26, 2023**
REPORT BY: **Patrick St. Clair**

REQUEST:

A Conditional Use Permit (CUP) request from Robert Colton on behalf of James and Sharon Carter Trust to allow a Single-Family High Occupancy Housing Development. The development will consist of a 5,293 sq. ft. single-family dwelling with 7 bedrooms and 5 sanitation facilities (bathrooms) on 7.11 acres at 40 N Lake Hills Drive in the Estate Residential zone.

STAFF RECOMMENDATION:

In accordance with the findings presented in this report, staff recommends approval of PZ-23-00033 with conditions.

PRESENT LAND USE:

A 3,705 sq. ft. three-bedroom, three-bathroom single-family dwelling and a 1,200 sq. ft. one-bedroom, one-bathroom guest house are located on the parcel.

PROPOSED LAND USE:

The land use will remain residential as a single-family dwelling. A 1,588 sq. ft. addition with four bedrooms and two bathrooms cause the development to be classified as a Single-Family High Occupancy Housing Development (HOHD) per the Zoning Code. No changes are proposed to the existing guest house.

NEIGHBORHOOD DEVELOPMENT:

Parcel is within the Country Club Ridge subdivision.

North: Single-family dwelling, Estate Residential (ER) zone

East: Undeveloped parcel, ER zone

South: Undeveloped parcel, ER zone; Two single-family dwellings on two Coconino County parcels, Agricultural Residential (AR) zone

West: Three single-family dwellings on three Coconino County parcels, AR zone

I. Project Introduction

A. Background/Introduction

Section 10-40.30.030.B of the Flagstaff Zoning Code, Residential Zones – Allowed Uses, identifies High Occupancy Housing Development, Single-Family as an allowed land use in the ER zone subject to the approval of a CUP by the Planning and Zoning Commission. Adopted on November 17, 2020, and effective on March 21, 2021, the HOHD zoning code standards require that a Single-Family Dwelling with seven or more bedrooms, and/or five or more sanitation facilities, obtain a CUP before a Building Permit can be issued.

In September of 2022, City Staff approved a Building Permit Application (BP-22-00841) for a 1,588 square foot addition to an existing three-bedroom and three-bathroom single-family home on the subject parcel. The addition included three bedrooms and a full bathroom. Including the approved addition, the single-family residence will have a total of six-bedrooms and four restrooms. Since the time of the building permit approval, the property owners have determined

PZ-23-00033

April 26, 2023

that they would like to obtain a CUP to revise the approved addition to include another bedroom and bathroom, or on the grand scale of the parcel, create a seven-bedroom and five-bathroom single-family dwelling. The seventh bedroom would be created from the existing storage area off the new entertainment room and the fifth restroom would be created by adding a shower/bath to the “New ½ Bath” located off the hallway serving Bedroom #1 and Bedroom #2. Drawings are attached to this report that clarify the proposed scope and location of the addition and the proposed new bedroom and new bathroom.

Though the proposed additional bedroom and bathroom are contained within and do not affect the size, shape, or exterior appearance of the already approved addition, the inclusion of a seventh bedroom and/or fifth bathroom defines the use as a HOHD, Single-Family and requires the approval of a CUP. Approval of the CUP will allow the addition of another bedroom and restroom within the already approved 1,588 SF addition.

The parcel is located within the Country Club Ridge subdivision consisting of nine-parcels ranging from approximately 2 and one-half acres to approximately 8 acres. The approved addition is located within the building area for the parcel shown on the Subdivision Plat and complies with the setbacks for the ER zone. Section 10-40.60.175 of the Flagstaff Zoning Code contains additional standards for HOHDs. These standards require the development to maintain compliance with the Flagstaff Police Department’s Crime Free Multi-Housing Program unless exempted by the Police Department’s representative. As well, the structure is required to be at least ten-feet or one-third of the structure’s height from other structures on the parcel or on adjacent structures. The greatest of these dimensions is ten feet and the site plan shows the proposal compliant with this standard. The project is required to provide one parking space for each bedroom. Including the three-car garage, and with ample existing driveway area, parking requirements for seven spaces can be addressed without issue.

The applicant has identified that the proposed seven-bedroom, five-bathroom single-family dwelling is to serve family members and facilitate their comfort when they gather at the residence for holiday and other family events.

If the CUP is approved, the applicant will be required to resubmit building permit drawings that show the additional bedroom, the full bathroom, and compliant parking for review and approval.

II. Required Findings

The Planning Commission may approve the CUP 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.

Per the Flagstaff Zoning Code: “The Estate Residential (ER) zone applies to areas of the City appropriate for estate type housing on large lots and limited agricultural uses. This zone is primarily designed for the utilization and enjoyment of the City’s unique mountain environment. The ER zone is intended to encourage landscaping and buffers that preserve and enhance the rural appearance.”

The ER zone allows HOHD uses with the granting of a CUP. The primary reason for the CUP is to protect the uses that are allowed by-right which may be incompatible with HOHD.

B. Finding #2

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

April 26, 2023

If the proposed Single-Family HOHD is developed in accordance with City codes, standards, and requirements, the use 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 property is provided by a cul-de-sac on N Lake Hills Drive. The proposed use will have minimal impact on traffic circulation. A Traffic Impact Analysis is not required of a single private residence which would only see traffic from the home's occupants. Single-Family HOHDs are required to provide one off-street parking space per bedroom. This development proposes seven bedrooms and onsite parking is provided for by the three-car garage and ample on-site driveway area for the remaining spaces. The on-site guest house has its own garage and driveway spur that is not affected by the proposed addition.

2. Adequacy of Site/Open Space/Resource Provisions

The proposed lot coverage is approximately 2%; the maximum lot coverage allowed is 17%. The site is located within the Resource Protection Overlay Zone. No floodplains or steep slopes are affected by the proposal. The proposed addition fits within the development envelope of the Country Club Ridge subdivision plat. The proposal complies with the resource protection standards.

3. Noise, Light, Visual, and Other Pollutants

It is not anticipated that the proposal will create any noise, visual or other pollutants into the area.

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

The proposed addition will blend in with the existing home and terrain. Seeking a seamless addition, the project respects the existing neighborhood and its single-family dwelling character.

5. Landscaping and Screening

No additional Landscaping is required for this use.

6. Impact on Public Utilities

The proposed addition will tie into the existing utility connections. No off-site improvements are required of the development.

7. Signage and Outdoor Lighting

No signage is proposed. All exterior lighting will be required to comply with the City of Flagstaff's strict outdoor lighting requirements which supports and maintains our designation as an International Dark Sky City. At the time of submittal, section 10-50.70: Outdoor Lighting Standards of the Zoning Code allowed single family residences to have up to 10,000 lumens of outdoor lighting (if using non-LED bulbs) or 6,993 lumens of outdoor lighting if all lighting is using LED bulbs. All outdoor lighting fixtures must be fully or partially shielded; no unshielded fixtures are allowed. Single family residential building permits do not require a separate Outdoor Lighting Permit.

8. Dedication and Development of Streets

The parcel is in an existing subdivision with developed streets. No dedication of right of way or development of streets is required by this proposal.

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. The site is located within the Resource Protection Overlay Zone; the proposed addition fits within the development envelope of the Country Club Ridge subdivision plat, which meets the resource protection standards.

D. Finding #4

For the properties subject to Division 10-30.30, Heritage Preservation, the City's Historic Preservation Officer or the Heritage Preservation Commission has made a determination that the proposed HOHD or MHOHD has no adverse effect or has appropriately mitigated its effects on the historic cultural resource.

The property is not subject to Division 10-30.30; therefore, this standard is not applicable.

E. Finding #5

Adequate transit service is available to the Development Site containing four dwelling units or more. Adequate transit service from a Development Site to a permanent transit stop is:

- a. Less than or equal to 1,320 feet; or
- b. A distance greater than 1,320 feet when the Planning and Zoning Commission finds that the route to the permanent transit stop has adequate nighttime lighting and does not have a significant grade change, and the distance does not impede reasonable access to transit.

The distance between the permanent transit stop to the Development Site shall be measured following a continuously improved sidewalk and/or public paved trail.

This proposed CUP is for a HOHD, Single-Family; as such, this standard is not applicable.

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 notified property owners within 300 feet of the subject site via mail in lieu of holding a virtual or in-person neighborhood meeting. The applicant also mailed a notice of public hearing to owners within 300 feet of the property and posted a sign on the property to advertise the public hearing. As of the date of this report, neither staff

PZ-23-00033

April 26, 2023

nor the applicant have received any comments from the public. The legal ad for the public hearing and the Public Participation Report are included as attachments to this staff report.

IV. Recommendation:

In accordance with the findings presented in this report, Staff recommends that the request for the CUP be granted by the Planning and Zoning Commission with the requirements included in CUP No. PZ-23-00033 and as follows:

1. The development of the site shall substantially conform to the plans as presented with the Conditional Use Permit application.
2. The property owner shall maintain compliance with the Flagstaff Police Department's Crime Free Multi-Housing Program, unless exempted by the Police Department's representative.

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 CUP No. PZ-23-00033
- Draft Notice of Decision
- Draft Proposition 207 waiver
- CUP Application
- CUP Narrative
- Vicinity Map
- CUP Drawings
- Legal Ad
- Public Participation Report