

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

PZ-24-00064

DATE: October 07, 2024
MEETING DATE: October 23, 2024
REPORT BY: Dustin Stiffler

REQUEST:

A Conditional Use Permit request from Jordan Greenman of Greenman Law, on behalf of the Hebets Revocable Trust DTD 03/28/95, to allow a High Occupancy Housing Development, Single-Family in the Single-Family Residential (R1) Zone at 5015 E Lake Country Road in the Continental Lakeside Acres subdivision. The proposal is for an addition/remodel of an existing single-family residence to have 11 bedrooms, and 11 bathrooms on approximately 1.46 acres.

STAFF RECOMMENDATION:

In accordance with the findings presented in this report, Staff recommends approval of PZ-24-00064 with conditions.

1. The development of the site shall substantially conform to the plans as presented with the Conditional Use Permit application.

PRESENT LAND USE:

The subject property is an existing single-family residence in the platted Continental Lakeside Acres subdivision.

PROPOSED LAND USE:

The submitted floor plan meets the minimum threshold of 7 bedrooms and five bathrooms, which is considered a High Occupancy Housing Development, Single-Family. The proposed land use will remain residential as a single-family dwelling that is viewed per the Flagstaff Zoning Code as High Occupancy Housing.

NEIGHBORHOOD DEVELOPMENT:

Property is within the Continental Lakeside Acres community.

North: Single-Family Dwelling, RR Zone

South: Single-Family Dwelling, RR Zone

East: Single-Family Dwelling, RR Zone

West: Single-Family Dwelling, RR Zone

STAFF REVIEW:

I. Project Information

A. Background

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 Single-Family Residential (R1) Zone subject to the approval of a Conditional Use Permit (CUP) by the Planning Commission. Adopted on November 17, 2020, and effective on March 21, 2021, the High Occupancy Housing Development (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.

On April 8, 2024, an application a CUP for an addition to an existing Single-Family Dwelling in the Continental Lakeside Acres subdivision. This approximately 220 acre residential subdivision contains 118 lots and has a density of 1.86 units per acre. The subdivision is located along E Butler Avenue. The lot will be accessible from East Lake Country Road, which can be accessed from North Inland Shores Drive via E Mount Pleasant Drive. The lots that have been developed within Continental Lakeside Acres contain large, estate-style homes. This subdivision is not subject to Resource Protection standards, nor is it located in a Pedestrian Shed of an Activity Center as depicted in the Regional Plan.

B. Required Findings

The Planning Commission may approve the CUP only after making the following five findings:

i. 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 Single-Family Residential (R1) zone applies to areas of the City intended for single-family residential development. The affordable and planned residential development options in this zone are intended to provide design flexibility for residential development and more efficient and effective use of open space, while creating transitional areas into nonresidential or higher density residential zones and protecting areas with sensitive environmental characteristics.”
(FZC 10-40.30.030)

The R1 Zone allows HOHD uses with the granting of a CUP. The primary reason for the Conditional Use Permit is to protect the uses that are allowed by right which may be incompatible with HOHD.

ii. 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.

iii. 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 CUP 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 (FZC 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.

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

Access to the site is provided from East Lake Country Road. 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 HOHD is required to provide one off-street parking space per bedroom, up to a maximum of 8 spaces. This development is proposing 11 bedrooms and 11 bathrooms; on-site parking is provided for at least 8 vehicles which is easily accommodated in the three-car garage, additional two-car garage and ample driveway.

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

This site is not within the Resource Protection Overlay. The proposed remodel/addition will not exceed allowed lot coverage within the RR – Rural Residential Zone.

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

It is not anticipated that the proposed uses for the site will create any noise, visual or other pollutants into the area. The site is well maintained.

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

The architectural style, colors and materials along with the siting of the structure are consistent with the existing home and the existing residences within Continental Lakeside Acres. Architectural Design Standards do not apply to Single-Family Residences.

e. *Landscaping and Screening*

Landscaping provisions do not apply to construction of a new single-family dwelling.
(FZC 10-50.60.020.C)

f. *Impact on Public Utilities*

The site is connected to existing City sewer and water services. No new off-site improvements are required to support this use.

g. *Signage and Outdoor Lighting*

All exterior lighting will be required to comply with the City of Flagstaff's strict outdoor lighting requirements which support and maintain our designation as an International Dark Sky City. Section 10-50.70: Outdoor Lighting Standards of the Zoning Code allows single-family residences to have a combined maximum of up to 5,000 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.

h. *Dedication and Development of Streets*

No dedication or development of public streets is required. All public right of way was dedicated when the subdivision was platted.

i. *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 not located within the Resource Protection Overlay Zone; the proposed work meets the required setbacks as set forth by the current Zoning Code.

iv. 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.

This property is not subject to Division 10-30.30; therefore, this criterion is not applicable.

v. 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 Conditional Use Permit is for an HOHD, Single-Family; as such, this criterion is not applicable.

C. Citizen Participation

The applicant notified nearby property owners within 300 feet of the subject site of this application via mailer in-lieu of holding a virtual or in-person neighborhood meeting. As of the date of this report, Staff has received one call in regard to this application for CUP. Staff received a call from a fellow Lake Country Road resident that was inquiring more about what the sign was for and more details on the exact issue at hand. Staff explained how the City of Flagstaff Zoning Code defines high occupancy housing and how this home will meet that definition. The caller was confused if it was to do with rezoning and Staff confirmed that this has nothing to do with a rezone and is purely to acquire the necessary permit to have either 7 or more bedrooms, or 5 or more bathrooms in a single family home. The caller understood the information Staff provided and confirmed that Staff had answered their questions.

D. 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 Conditional Use Permit No. PZ-24-00011 and as follows:

1. The development of the site shall substantially conform to the plans as presented with the Conditional Use Permit application.

E. 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-24-00011
- Draft Notice of Decision
- Draft Prop 207 Waiver
- Conditional Use Permit Application
 - Narrative
 - Public Participation Report

- Vicinity Map
- Site Plan
- Floor Plans
- Elevations