



# City of Flagstaff

# Community Development Division

211 W. Aspen Ave  
 Flagstaff, AZ 86001  
 www.flagstaff.az.gov

P: (928) 213-2618

<b>Date Received</b> 9/20/24	<b>Application for Conditional Use</b>		<b>File Number</b> PZ-24-00064
<b>Property Owner(s)</b> Hebets Revocable Trust		<b>Phone</b> 602-466-0959	
<b>Mailing Address</b> 2575 F Camelback Road No 700		<b>City, State, Zip</b> Phoenix, AZ 85016	<b>Email</b> chris@stanfordaz.com
<b>Applicant(s)</b> Jordan Greenman - Greenman Law Firm		<b>Phone</b> 248-225-0428	
<b>Mailing Address</b> 1621 W Willetta St		<b>City, State, Zip</b> Phoenix, AZ 85007	<b>Email</b> jordan@greenmanlawfirm.com
<b>Project Representative</b> Same as Applicant		<b>Phone</b>	
<b>Mailing Address</b>		<b>City, State, Zip</b>	<b>Email</b>

<b>Project Name</b> 5015 East Lake Country Road				
<b>Site Address</b> 5015 East Lake Country Road Flag 86004		<b>Parcel Number(s)</b> 114-11-049D		<b>Subdivision, Tract &amp; Lot Number</b> Continental Lakeside Acres Lot 104
<b>Zoning District</b> RR Rural Residential		<b>Regional Plan Land Use Category</b>		<b>Flood Zone</b> Zone X
<b>Property Information:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Located in an existing City of Flagstaff Historic District? (Name: _____) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Existing structures are over 50 years old at the time of application? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Existing structures are pre-World War II housing? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Subject property is undeveloped land?				
<b>Surrounding Uses</b> (Res, Com, Ind)	<b>North</b> Res	<b>South</b> Res	<b>East</b> Res	<b>West</b> Res
<b>Note:</b> Conditional Use Permits are reviewed by City's Planning and Zoning Commission (P&Z), which meets <b>the second and fourth Wednesday of every month</b> . Applications are due by the close of business no fewer than 30 days prior to the meeting. You must provide a complete application form, along with the required number of plans and information as indicated in the attached checklist. <b>Incomplete submittals will not be scheduled.</b>				
<b>Property Owner Signature</b> James Hebets		<b>Date</b> 9.20.24	<b>Applicant Signature</b> 	
			<b>Date</b> 9.20.24	

<b>For City Use</b>					
<b>Date Filed</b>		<b>File Number:</b>			
<b>Hearing Date</b>		<b>Pub. / Posting Date(s):</b>		<b>Prop. Owner Notif. Date:</b>	
<b>Fee Receipt Number</b>		<b>Amount</b>		<b>Date</b>	
<b>Action by Planning and Zoning Commission:</b>					
<b>Hearing Date:</b>			<b>Type of Request:</b>		
<input type="checkbox"/> Approved			<input type="checkbox"/> CUP		
<input type="checkbox"/> Denied			<input type="checkbox"/> Extension		
<input type="checkbox"/> Continued					
<b>Staff Assignments</b>	<b>Planning</b>	<b>Engineering</b>	<b>Fire</b>	<b>Public Works/Water</b>	<b>Stormwater</b>

## **Conditional Use Permits (CUP)**

Conditional uses are those uses which are presumed to be compatible with other authorized or permitted land uses in a zoning district; but require additional discretionary review, and possibly the imposition of conditions, to ensure that their location, design, and character are appropriate at a particular location. Only those uses which are authorized as conditional uses in Chapters 10-40 (Specific to Zones), may be approved as conditional uses. Further information regarding conditional uses and the CUP process can be found in Section 10-20.40.050 (Conditional Uses) of the Zoning Code.

### **Review**

Requests for CUP are reviewed by the City's Planning and Zoning Commission (P&Z), an advisory commission appointed by the City Council. A public hearing is held in conjunction with the request in conformance with Section 10-20.30.080 of the Zoning Code. Just before the public hearing is opened, Development Services staff presents its report to the P&Z, and the applicant is given an opportunity to make a presentation regarding the request. During the public hearing, any person may give testimony or submit written materials regarding the proposal. At the conclusion of the public hearing, the P&Z may approve the application as presented, approve the application with conditions, or deny the application. The P&Z may also continue the public hearing to a future meeting if additional information is needed before action can be taken. P&Z meetings are open to the public in compliance with the State's Open Meeting Law, and agendas are posted at City Hall no less than 24 hours prior to the meeting. Minutes are kept of all P&Z meetings.

### **Schedule**

The Planning and Zoning Commission meets on the second and fourth Wednesday of every month at 4:00 p.m. in the afternoon. An application for a CUP must be made by the close of business at least 30 calendar days prior to a regularly scheduled P&Z meeting. Please be aware that a project must receive formal Site Plan Review approval from the Planning Director before a CUP application can be submitted.

**Attendance by the applicant or a project representative at the Planning and Zoning Commission hearing is mandatory.**

### **Submission Requirements**

All applications for CUP must be accompanied by the following information:

- Application Fee
- 10 copies of proposed development plans
- Location/vicinity map
- Written response to the required findings for a Conditional Use Permit (Section 10-20.40.050 of the Zoning Code)
- List of property owners, parcel numbers, and assessor's maps, for properties within 300 feet

### ***Application Fee***

An application fee payable to the "City of Flagstaff", must be paid at the time an application for a CUP is submitted. The fee helps cover the cost of meeting noticing and advertising requirements.

### ***Signatures***

All applications must be signed and dated by both the applicant and the owner of the property.

### ***Proposed Development Plans***

Proposed development plans that must be submitted in conjunction with a CUP application are the same as those required for formal Site Plan Review (see list below). Refer to the Site Plan Review Application for a complete description of these plans and the information that must be depicted on them.

- Site plan
- Building elevations (one copy in color)
- Building floor plans
- Landscape plan
- Resource survey and protection plan (when applicable)
- Exterior lighting plan
- Preliminary signage plan

All plans submitted with the application must be folded to approximately 8.5 x 11 inches in size.

### ***Location/Vicinity Map***

The location/vicinity map shows adjacent streets and properties, as well as the land uses and zoning for those properties. Any contiguous property owned by the property owner or applicant must also be shown. The location/vicinity map must be drawn to scale and include dimensions. The location/vicinity map can be made a part of the site plan where space permits.

### ***Findings for Granting a CUP***

The CUP may be issued only when the P&Z finds that the applicant has considered and adequately addressed all of the following issues to ensure that the proposed use will be compatible with the surrounding area. Therefore, the CUP application must include a written response indicating how the request meets the findings identified in Section 10-20.40.050 of the Zoning Code. Attach substantiating documentation when necessary.

1. That the conditional use is consistent with the objectives of the Zoning Code and purpose of the zone in which the site is located.
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:
  - 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,
  - c. Impact on surrounding areas arising from unusual volume or character of traffic.
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 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 and traffic; pedestrian, bicycle, and vehicular circulation;
  - b. Adequacy of site and open space provisions, including site capacity and resource protection standards where applicable;
  - c. Noise, light, visual, and other pollutants;
  - d. Proposed style and siting of structure(s), and relationship to the surrounding neighborhood;
  - e. Landscaping and screening provisions;
  - f. Impact on public utilities;
  - g. Signage and outdoor lighting;
  - h. Dedication and development of streets adjoining the property; and
  - i. Impacts on historical, prehistoric, or natural resources.

### ***Neighborhood Meeting***

A neighborhood meeting in accordance with Section 10-20.30.060 of the Zoning Code may be required. The applicant shall work with the Planning Development Manager to determine if a meeting is required.

**Applications will not be accepted or scheduled until all submission requirements are met. Neither the application nor accompanying development plans can be amended or modified once an application has been submitted.**

### **Process to Schedule and Notify Affected Property Owners of a Public Hearing before the Planning and Zoning Commission**

#### ***Step 1: Schedule Planning and Zoning Commission Hearing***

Work with the Planning Development Manager handling the CUP case to schedule a hearing before the P&Z Commission.

#### ***Step 2: Notification to Affected Property Owners***

The applicant for public hearings in the City of Flagstaff shall **post signs and notify affected property owners by mail** as prescribed by Section 10-20.30.080 of the City of Flagstaff Zoning Code to assist in providing adequate notice to interested parties and to meet Arizona State Statutes.

The applicant is also responsible for establishing a list of the names and addresses of persons who require notification of a public hearing as established in sections 10-20.30.60.(A).3, 10-20.30.60.(B), and 10-20.30.60.(C) of the Zoning Code. These persons include:

- Each real property owner (if different from the applicant) as shown on the last assessment of the property, of any land within the areas subject to the application for which the public hearing is required.
- Each real property owner (if different from the applicant) as shown on the last assessment of the property of any land which is located within 300 feet of the property subject to the application for which the public hearing is required. The Director may expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the development extends beyond the required notification boundary.
- The situs or actual address of all tenants and residents living on the subject property.
- All local government agencies which have reviewed and commented on the proposed development or Zoning Map amendment or which about the subject property.

The applicant is required to mail a notice of required public hearing via first class mail to each of the persons on the list referenced above no later than 15 days prior to the public hearing date.

The applicant must also erect and maintain a sign on the subject property no later than 15 days prior to the public hearing, and to update the hearing information on the sign until final disposition of the case. It shall also be the responsibility of the applicant to remove the sign within seven (7) days after the final disposition of the case.

### ***Step 3: Documentation of Notification to Affected Parties***

The applicant must submit a notarized copy of the mailing list, *Affidavit of Notifications to Affected Property Owners*, and *Affidavit of Sign Posting* to the Director prior to the fifteenth day before the public hearing date.

**The *Public Hearing Notice Sign Specification* and *Mailing Notification Instructions* documents provide detailed instructions on posting and notifications requirements.**

### **Expiration**

**A CUP expires one year from the date of P&Z approval unless a grading or building permit is obtained or the use is established. The P&Z may grant a one-time extension of 180 days following a formal request for such an extension by the applicant. The extension must be approved before the CUP expiration date.**

### **Appeals**

Any person aggrieved by a decision of the P&Z to approve or deny a CUP (including the applicant) may file an appeal with the City Council. An appeal must be submitted in writing to the Planning Director or Community Development Director within 10 days of the P&Z's decision. The City Council will conduct a public hearing and at the conclusion of the hearing shall affirm, reverse, or modify the decision.

### **Public Record**

All information submitted in conjunction with this application will become part of the public record and may be provided to members of the public. You must notify the City prior to submitting this application if you believe the information you are submitting may be proprietary or confidential.

### **For Further Information**

For further information regarding the application and submission requirements for a CUP, please contact:

Planning and Development Services Section  
City of Flagstaff  
211 W Aspen Avenue  
Flagstaff AZ 86001  
928-213-2618  
[cdfrontcounter@flagstaffaz.gov](mailto:cdfrontcounter@flagstaffaz.gov)

## Mailing Notification Instructions

Every mailed notice of a public hearing shall include:

- The date, time, location and purpose of the hearing;
- The name of the body conducting the hearing, and a telephone number to receive additional information;
- The location and times at which the complete application and development file may be viewed by the public;
- The address or location of the subject property;
- A general description of the proposed development or action and the property included in the application;
- A statement that any interested person or authorized agent may appear and be heard;
- A statement describing how and when to submit written comments;
- The existing zone classification; and
- The words “Zoning,” “Annexation,” or “Conditional Use Permit” as applicable.

Notices of required public hearings shall be sent by first class mail to the following persons:

- Each real property owner (if different from the applicant) as shown on the last assessment of the property, of any land within the areas subject to the application for which the public hearing is required.
- Each real property owner (if different from the applicant) as shown on the last assessment of the property of any land which is located within 300 feet of the property subject to the application for which the public hearing is required. The Director may expand the notification area based on the location and context of the subject property if it is determined that the potential impact of the development extends beyond the required notification boundary.
- The situs or actual address of all tenants and residents living on the subject property.
- All local government agencies which have reviewed and commented on the proposed development or Zoning Map amendment or which abut the subject property.

Additional noticing requirements:

In proceedings involving one or more of the following proposed changes or related series of changes in the standards governing land uses, notice shall be provided as described in subsections (2) and (3) below:

- A 10 percent or more increase or decrease in the number of square feet or units that may be developed.
- A 10 percent or more increase or reduction in the allowable height of buildings.
- An increase or reduction in the allowable number of stories of buildings.
- A 10 percent or more increase or decrease in setback or open space requirements.
- An increase or reduction in permitted uses.

2. Notice shall be sent to all persons or groups whose names are on the registry of persons and groups described in subsection (B) of this section who are interested in receiving such notice.

3. Notice shall be provided to real property owners in compliance with at least one of the following notification procedures:

- Notice shall be sent by first class mail to each real property owner, as shown on the last assessment, whose real property would be directly governed by the changes.
- Notice shall be included with water bills or other City mass mailings.
- Notice shall be published in a newspaper of general circulation published or circulated in the City in the form of a “display ad” covering not less than one-eighth of a full page.

**Affidavit of Notifications to Affected Property Owners**

**Case Number:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Applicant Name:** \_\_\_\_\_

**Location:** \_\_\_\_\_

In order to assist in providing adequate notice to interested parties and to meet Arizona State Statute, the **applicant** for public hearings in the City of Flagstaff shall notify affected property owners as prescribed by Section 10-20.30.080 of the City of Flagstaff Zoning Code. **It shall be the responsibility of the applicant to establish a list of the names and addresses of persons who require notification of a public hearing as established in sections 10-20.30.60.(A).3, 10-20.30.60.(B), and 10-20.30.60.(C) of the Zoning Code, and mail a notice of required public hearing via first class mail to each of the persons on the list referenced above no later than 15 days prior to the public hearing date. It shall also be the responsibility of the applicant to submit a notarized copy of the mailing list to the Director prior to the fifteenth day before the public hearing date.**

I confirm that the public hearing notifications were mailed as detailed in Section 10-20.30.080 of the City of Flagstaff Zoning Code at least fifteen (15) days prior to the public hearing.

Applicant's/Representative's Signature: \_\_\_\_\_

SUBSCRIBED AND SWORN before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by:

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_

### **Public Hearing Notice Sign Specification**

- The sign shall be a minimum of 3 feet x 3 feet in size.
- The sign shall be constructed of laminated coroplast, laminated plywood, or other suitable construction material.
- The sign shall have a white background with black lettering. The least expensive process is laminated direct printing.
- The minimum lettering size shall be 1.2 inch for lowercase and 1 inch for upper case.
- The words “Public Hearing” shall be a minimum of 2 inches in size (Sign lettering should be formatted to match the example below).
- The content of the sign shall match the example below and include specific case details.
- The sign shall be securely fastened to wooden or metal stakes.
- The applicant is responsible for maintaining the integrity and accuracy of the sign.
- The height of the sign shall be at least 4 feet from finished grade to top of sign and shall not be obstructed from view.

<p style="text-align: center;"><b>City of Flagstaff</b></p> <p style="text-align: center;"><b>PUBLIC HEARING</b></p> <p style="text-align: center;"><b>Planning and Zoning Commission: (Date and Time)</b></p> <p style="text-align: center;"><b>LOCATION OF HEARING(S):</b></p> <p style="text-align: center;"><b>REQUEST:</b></p> <p style="text-align: center;"><b>PROPOSAL:</b></p> <p style="text-align: center;"><b>GENERAL LOCATION:</b></p> <p style="text-align: center;"><b>SIZE OF SITE:</b></p> <p style="text-align: center;"><b>CASE#</b></p> <p style="text-align: center;"><b>APPLICANT/CONTACT:</b></p> <p style="text-align: center;"><b>PHONE #:</b></p> <p style="text-align: center;"><b>Planning &amp; Development Services Department: 928-213-2600</b></p> <p style="text-align: center;">Posting Date:</p>
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**Affidavit of Sign Posting**

**Case Number:** \_\_\_\_\_

**Project Name:** \_\_\_\_\_

**Applicant Name:** \_\_\_\_\_

**Location:** \_\_\_\_\_

In order to assist in providing adequate notice to interested parties and to meet Arizona State Statute, the **applicant** for public hearings in the City of Flagstaff shall post signs as prescribed by Section 10-20.30.080 of the City of Flagstaff Zoning Code. **It shall be the responsibility of the applicant to erect and to maintain the sign on the subject property 15 days prior to the hearing and to update the hearing information on the sign until final disposition of the case. It shall also be the responsibility of the applicant to remove the sign within seven (7) days after the final disposition of the case.**

I confirm that the site has been posted as detailed in Section 10-20.30.080 of the Zoning Code as well as the Public Hearing Notice Sign Specifications included in this application for the case above and the site was posted at least fifteen (15) days prior to the public hearing.

See attached date stamped photo exhibit of posted signs.

Applicant's/Representative's Signature: \_\_\_\_\_

SUBSCRIBED AND SWORN before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ by:

\_\_\_\_\_  
Notary Public

My Commission Expires:  
\_\_\_\_\_