

PLANNING & DEVELOPMENT SERVICES REPORT

CONDITIONAL USE PERMIT

PZ-23-00042-03

DATE: October 26, 2024
MEETING DATE: November 13, 2024
REPORT BY: Bethan Heng

REQUEST:

PZ-23-00042-03; A Conditional Use Permit (CUP) request from Shephard-Wesnitzer, Inc. an Ardurra Company, on behalf of Easterly Government Properties, Inc., for a courthouse office use at 1535 W Route 66 (APN 112-27-021A), within the Light Industrial – Open (LI-O) zone. This application proposes to develop a 38,426 square-foot federal courthouse which includes offices, meeting rooms, and courtrooms on a 4.05-acre site.

STAFF RECOMMENDATION:

Staff believes that the proposed CUP request is in substantial conformance with the required findings and recommends the Planning and Zoning Commission approve PZ-23-00042-03, subject to the following 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 site is currently vacant and is zoned Light-Industrial – Open (LI-O) with a Resource Protection Overlay.

PROPOSED LAND USE:

The applicant is proposing a 38,426 square-foot federal courthouse which includes offices, meeting rooms, and courtrooms on a 4.05-acre site. Staff considers the proposed courthouse as an Office Use. Office use requires a CUP in the LI-O zone.

NEIGHBORHOOD DEVELOPMENT:

North: West Village Commercial Areas – Currently Vacant (HC zone)

South: Woodlands Village Unit 2 – Skull Brothers European Taxidermy and Woodlands Village Self Storage (LI-O zone)

East: Woodlands Village Unit 2 (LI-O zone)

West: Woodlands Village Unit 2 – 1683 Self Storage (LI-O zone)

STAFF REVIEW:

I. Project Information

A. Background

On March 17, 2023, City staff met with the applicants of the proposed US Federal Courthouse for a Pre-Application Meeting (PAM), where the proposed use was determined as “Office”. At the time, the subject property was two separate lots, each zoned LI-O. On February 27, 2024, an application for concept plan review was submitted, and upon finding the concept plan review complete, a project submittal for site plan review was submitted to staff on June 11, 2024. A lot combo application was submitted on August 12, 2024, which was approved and recorded in late September 2024. The resulting lot is addressed at 1535 W. Route 66, APN 112-27-021A. Site plan approval was granted by staff on October 7, 2024, which allowed this application to proceed to a CUP request and for a civil plan review. While civil plan review may be submitted concurrently with the CUP request, approval of the civil plan review will be contingent on conditions of approval that emerge from the CUP public hearing.

Section 10-40.30.050.B of the Flagstaff Zoning Code, Industrial Zones – Allowed Uses, identifies offices as an allowed land use in the LI-O zone subject to the approval of a CUP by the Planning Commission. Section 10-80.20.150 of the Flagstaff Zoning Code defines “Offices” by the following definition: “Premises available for the transaction of general business and services including but not limited to professional, management, financial, legal, social, or government offices, but excluding retail, artisan, and manufacturing uses.” “Government Offices” are defined as “Includes governmental office buildings and grounds”.

The subject property is currently vacant. The proposed 38,426 square- foot building addition is for a U.S. Federal Courthouse, which is considered an office use. An office use in the LI-O zone requires a CUP.

This project includes offices, meeting rooms, and courtrooms. The subject property is located to the south of West Village Commercial Areas, a commercial subdivision that is currently vacant except for Maverik Adventure’s First Stop. To the south of the site is the Woodland Village Unit 2 Industrial Plat, which the subject property is part of. South of the subject property are the Skull Brothers European Taxidermy and the Woodlands Village Self Storage. To the west of the subject property is 1683 Self Storage, which is currently under construction, and the property to the east of the subject property is vacant.

The subject property is approximately 4.05 acres. This location is within a quarter mile from bus stops to NAIPTA Mountain Line’s Route 8 along S. Thompson St. The subject property is located within a regional pedestrian shed and activity center as depicted in the Regional Plan. This pedestrian shed and activity center is located at the intersection of S. Woodlands Village Blvd and Route 66. There is a Resource Protection Overlay over this subject property.

I. 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.

The subject property is currently zoned LI-O, with offices permitted with a CUP. The proposed courthouse project is considered office use because government office falls within this use category. The courthouse includes two courtrooms, office rooms, meeting rooms, training rooms, and other multi-use workstations. The project’s use is also considered a government office since this is intended to be a government building for federal operations.

“The Light Industrial (LI) zone applies to areas of the City appropriate for clean and quiet industries in proximity to commercial development, including manufacturing, warehousing, and related uses with limited and screened exterior storage. The LI zone establishes a transitional area between commercial and heavy industrial areas, while at the same time it is applied to areas of the City as a freestanding industrial zone. This zone also includes a sub-zone Light Industrial Open (LI-O) where additional uses are permitted. The intent of the LI-O zone is to enable the development of certain commercial uses and to provide appropriate land uses in the areas that transition from industrial to commercial and residential.” (Flagstaff Zoning Code 10-40.30.050)

The primary reason for the CUP is to protect the uses that are allowed by right which may be incompatible with the use needing a CUP. The LI-O zone allows offices with the granting of a CUP. By obtaining the CUP, this request for the proposed courthouse would be meeting this finding.

B. Finding #2

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

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

The requested CUP for the proposed office use will not be introducing potential hazards to the public health, safety, or welfare. The required activity of the courthouse is intended to occur within the building, with no outdoor activity. Vehicular transport of persons will occur within the secured fences area to the west of the site as necessary. A Drainage Impact Analysis (DIA) was not required for this application. A Traffic Impact Analysis (TIA) was required by Arizona Department of Transportation (ADOT) as part of site plan review, which is explored further in subsection 1 of Finding #3.

If the proposed project is developed in accordance with City codes, standards, and requirements as discussed, 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 (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 site is provided with two access points from W. Route 66. Since this project is accessed from W. Route 66, which is an ADOT-owned right-of-way, a Traffic Impact Analysis (TIA) was requested from the applicant. ADOT approved the TIA in review of the project at the site plan review phase. At this review phase, ADOT has not given clear directions on improvements along W. Route 66; however, they will be a participating reviewer of this project at civil plan review. A recommended improvement in the approved TIA was for the section of Route 66 directly in front of the site to have two through lanes in each direction adjacent to the site. W. Route 66 may be widened to implement a 5-lane cross section of 12-foot travel lanes, with 4.5-foot bike lanes/shoulders.

There is currently no pedestrian access along W. Route 66, although the proposed development includes a 6-foot sidewalk along the frontage of the property. On site, there is bike parking provided, as well as pedestrian

connectivity between the parking lot and the building entrance. The subject property is also within a quarter mile from bus stops that service NAIPTA Mountain Line's Route 8 along S. Thompson St.

The proposed office use is meeting parking requirements. Parking requirements for offices as found in Table 10-50.80.040.A require one parking space per 300 gross square feet. The building square footage for this project is 38,426 square feet, which requires 128 parking spaces based on the parking requirements. This project is employing the reduction of 10% less of required parking quantities, which is allowed as per Section 10-50.80.060, due to its proximity to NAIPTA's Mountain Line's Route 8 bus stop, resulting in 115 required parking spaces. This project is meeting this requirement with 125 parking spaces. Forty-one of these parking spaces are provided as indoor secured parking spaces and 26 are provided as outdoor secured parking spaces to meet the security needs of the courthouse. The remaining 58 parking spaces are provided as public parking.

2. Adequacy of Site/Open Space/Resource Provisions

The subject property falls within the Resource Protection Overlay Zone, which requires a Natural Resource Protection Plan to be reviewed by staff as per Section 10-50.90.080. Since this property is zoned LI-O, which is an Industrial zone, a minimum of 20% of forest resource points are required to be retained on site. This project is meeting this requirement with a preservation rate of 32.5% of forest tree resources. The applicant is proposing tree wells around the forest tree resources kept along the frontage of the property. No steep slope resources or floodplains are identified on the site, so this requirement is not applicable to the property.

No open space is required as part of this development.

The Flagstaff Zoning Code requires that "Nonresidential developments larger than 20,000 square feet in gross floor area shall provide a minimum of five percent of the development site area as an outdoor pedestrian amenity space that serves as an enhancement to the entrance(s) to a building" as per Section 10-30.60.090.B.1. Since this project is located on a property that is a non-transect zone (LI-O) and the proposed building square footage is 38,426 square feet and over the 20,000 square feet threshold, a minimum of five percent of civic space is required for this site. Based on the 4.05-acre size of the subject property, a five percent minimum of civic space on the site is 8,843 square feet of civic space. This project is meeting this requirement by providing 9,629 square feet of civic space, which is located to the front of the building entrance.

3. Noise, Light, Visual and Other Pollutants

It is not anticipated that the proposed uses for the site will create any noise, light, visual, or other pollutants into the area. The site is well maintained. The applicant will submit an application for outdoor signage for City review.

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

Applications for CUP requests are expected to conform to Architectural Design features as found in Section 10-50.20. The proposed building addition meets architectural design standards. The building addition applies building-forward design, as well as site planning design standards with new parking placed to the rear of the buildings. The building addition also incorporates materials that provide an indigenous appearance, such as split-face CMU blocks and ashlar stone veneer, which satisfies the requirement for primary materials.

The proposed Federal Courthouse is required to meet federal-mandated architectural design standards. For this reason, the north-facing façade, which is visible from public right-of-way, is not required to meet the requirements of building massing by articulating the building façade in planes less than 75 feet in length. Additionally, more than 25% of the south-facing façade of the building employs stucco as an exterior material, although this façade is not facing public right-of-way.

5. Landscaping and Screening

The Flagstaff Zoning Code requires developments or uses requiring a CUP to apply Landscaping Standards as per Section 10-50.60 applied to the maximum extent feasible. The Landscaping Plan as approved at site plan review is attached to this item and satisfies landscaping requirements as per Section 10-50.60.

6. Impact on Public Utilities

The site is connected to existing City sewer and water services. No new off-site improvements are required. The subject property has a 12-foot public utility easement and drainage easement located to the east of the site. No new structures or landscaping will be placed in this area. A Water and Sewer Impact Analysis (WSIA) was not required for this project.

7. 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. All outdoor lighting fixtures must be fully or partially shielded; no unshielded fixtures are allowed. An outdoor lighting permit will be reviewed with the building permit.

8. Dedication and Development of Streets

Since this project is adjacent to W Route 66, which is an ADOT-owned right-of-way, ADOT requested a TIA, which was approved on October 7, 2024. The site may be expected to contribute half-street improvements along W. Route 66, which will result in a five-lane cross section, although no further dedication or development of public streets is required.

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. This site is located within the Resource Protection Overlay Zone, as mentioned in subsection 2 of Finding #3.

II. Citizen Participation

The applicant notified nearby property owners within 300 feet of the subject site of this application via mailer and held an in-person neighborhood meeting on Thursday, August 15, 2024, at 6:00 p.m. The meeting was held at the Doubletree Hilton at 1175 W. Route 66. The Neighborhood Meeting Report from this meeting is attached to this item.

Since there were no substantial concerns that were raised during the first neighborhood meeting, the applicant submitted a written request to have the second neighborhood meeting waived as per Section 10-20.30.060.G, which the Planning Director approved. The approved waiver for the second neighborhood meeting is also attached to this item.

As of the date of this report, staff has received no comments from the public.

III. 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-23-00042-03 and as follows:

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

IV. 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-23-00042-03
- Draft Notice of Decision
- Draft Prop 207 Waiver
- Neighborhood Meeting Report
- Neighborhood Meeting Mailing List
- Waiver of Second Neighborhood Meeting
- Traffic Impact Analysis
- Site Plan Approval Letter (PZ-23-00042-02)
- Conditional Use Permit Application
 - Narrative
 - Vicinity Map
 - Site Plan
 - Floor Plans – First, Second, and Third Floor
 - Elevations
 - Landscaping Plan