

SPECIAL WORK SESSION AGENDA

**COUNCIL SPECIAL WORK SESSION
MONDAY
APRIL 8, 2013**

**COUNCIL CONFERENCE ROOM/CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M.**

- 1. Call to Order**
- 2. Pledge of Allegiance**
- 3. Roll Call**

NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

- 4. Discussion and direction re invitees to represent various sectors of the community on the following agenda item.**
- 5. Discussion/direction on the Zoning Map amendment process, Division 10-20.50 of the Flagstaff Zoning Code.**
- 6. Adjournment**

CERTIFICATE OF POSTING OF NOTICE

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on _____, at _____ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this _____ day of _____, 2013.

Elizabeth A. Burke, MMC, City Clerk

Memorandum

5.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Roger Eastman, Zoning Code Administrator
Date: 04/02/2013
Meeting Date: 04/08/2013



TITLE:

Discussion/direction on the Zoning Map amendment process, Division 10-20.50 of the Flagstaff Zoning Code.

DESIRED OUTCOME:

At this work session, staff will be seeking from the City Council consensus on whether, and under what terms, amendments to the Zoning Map amendment process currently in effect (Zoning Code Division 10-20.50, Amendments to the Zoning Code Text and the Zoning Map) may be needed.

INFORMATION:

A few weeks ago Jim Cronk, Planning Director, forwarded the draft Staff Summary for this Special City Council Work Session to the Council for your preliminary review. This staff summary in its final form is attached, see Attachment A.

This Special Work Session will be conducted as a round table discussion with previously selected members of the public in attendance with the City Council sitting at the table so that they may actively participate in the discussion on the Zoning Map amendment process without a limitation on the time that they may speak. Other members of the public may attend the meeting, and as this is a public meeting, they will be limited to the usual three-minute time limitation.

Staff has confirmed the following individuals invited by the City Council will participate in this discussion:

Nat White (interested Flagstaff resident and former City councilor)
Marilynn Weisman (Friends of Flagstaff's Future)
Richard Bowen (ECONA)
Julie Pastrick (Flagstaff Chamber of Commerce)
Michael Manson (Property Owner)
Tad Riggs (Northern Arizona Builders Association and Northern Arizona Association of Realtors)
David Carpenter (Chairman, Planning and Zoning Commission)
Kent Hotsenspiler (Mogollon Engineering, a local surveying/engineering firm)
Maury Herman (Flagstaff 40).

At the April 8, 2013 special work session, staff will seek the following from the City Council:

- An understanding from the City Council of what are we trying to get to and what is the issue with the current process for Zoning Map amendments?
- Seek direction from Council on whether, and under what terms, amendments to the current Zoning Map amendment process may be needed, i.e. what are the gaps in the current code and what is desired in terms of possible amendments?

Attachments: [Attachment A](#)

Staff Summary – April 8, 2013 Special Council Work Session – Discussion on the Zoning Map Amendment Process (Division 10-20.50) of the Flagstaff Zoning Code

TITLE

Discussion on the Zoning Map Amendment Process (Division 10-20.50) of the Flagstaff Zoning Code.

RECOMMENDED ACTION

At this work session, staff will be seeking from the City Council consensus on whether, and under what terms, amendments to the Zoning Map amendment process currently in effect (Zoning Code Division 10-20.50, Amendments to the Zoning Code Text and the Zoning Map) may be needed.

INFORMATION

Introduction:

Over the past few months staff and the City Council have discussed various possible policy amendments to the Flagstaff Zoning Code that was adopted on November 1, 2011. In one of these meetings last year Mayor Nabours introduced the idea of revisiting the process for Zoning Map amendments (often more commonly called zone changes). In a meeting on January 15, 2013 the City Council agreed to a special work session to further discuss this topic.

Purpose of the April 8th Special Work Session:

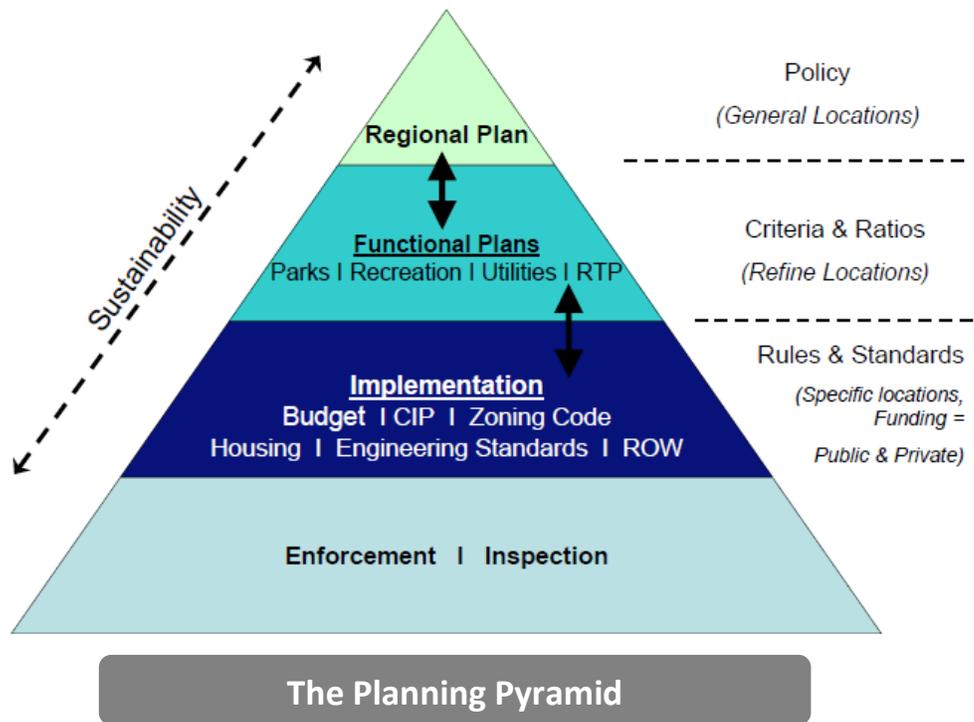
The purpose of the April 8, 2013 special work session is to;

- Provide a forum for discussion on the need for possible changes to the Zoning Code regarding Zoning Map amendments. ***What are we trying to get to – what is the issue?***
- Understand the process approved in Division 10-20.50 of the Zoning Code (A review of past approaches to Zoning Map amendments including the process established in the former Land Development Code (LDC) and staff's 2011 proposal for amendments to this process is included in Attachment A, Summary of Past Approaches and Ideas for Zoning Map Amendments).
- Seek direction from Council on whether, and under what terms, amendments to the current Zoning Map amendment process may be needed, i.e. what are the gaps in the current code and what is desired in terms of possible amendments?
- Have public discussion.

Staff is not presenting a recommendation to the City Council.

Introducing the planning pyramid

The relationship between the Regional Plan (General Plan) and the Zoning Code is clearly defined in The Planning Pyramid illustration below; the Regional Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through clearly articulated goals, policies, and objectives and a generalized "vision" map. The Zoning Code on the other hand, implements the goals, policies, and objectives of the Regional Plan by providing standards, regulations and tools for land development. Any requested amendments to the land use designations on the detailed Zoning Map must, therefore, be consistent with the goals, policies, and objectives of the Regional Plan text and the land use map.



Background to the Zoning Map Amendment Process:

Arizona statutes require that cities and towns establish a procedure for the amendment of that city’s or town’s zoning code text or zoning map. The statute requires consistency between the General Plan (Regional Plan) and adopted zoning codes, and establishes specific requirements for public notification, a citizen review process, public hearings, and protest procedures. These statutory requirements have been carried forward from the former LDC into Chapter 10-20 (Administration, Procedures and Enforcement) with only minor amendments and a new organization and structure to make it easier to read, follow, and apply. In addition, ease of use of the Zoning Code was a primary goal and recommendation of the Process and Procedures Focus Group who also supported the idea of a more streamlined Zoning Map amendment process.

The notion of a more streamlined Zoning Map amendment process was discussed at length during the update of the Zoning Code by interested citizens, staff, the City’s consultants, planning commissioners and the City Council (Refer to Appendix A). The reason for this is that over preceding years staff and the City Council received numerous complaints from the development community citing the amount of detail required for a zone change as being not only expensive at the front end of a project, but also that it frequently results in discussions on project details that are not necessarily associated with the zone change request itself, as they are really more detailed site planning related issues. Some community members have further suggested that the City has lost development opportunities because of the City’s former and current Zoning Map amendment procedures. Other community members have also expressed a desire for an enhanced public participation process for large projects as they felt they were not fully informed and included in final outcomes (e.g. Villagio Montana project).

An important aspect of these past discussions concerns the question of how much information is necessary as part of an application for a Zoning Map amendment in order for the Planning and Zoning Commission and City Council to make the best possible decision on the application,

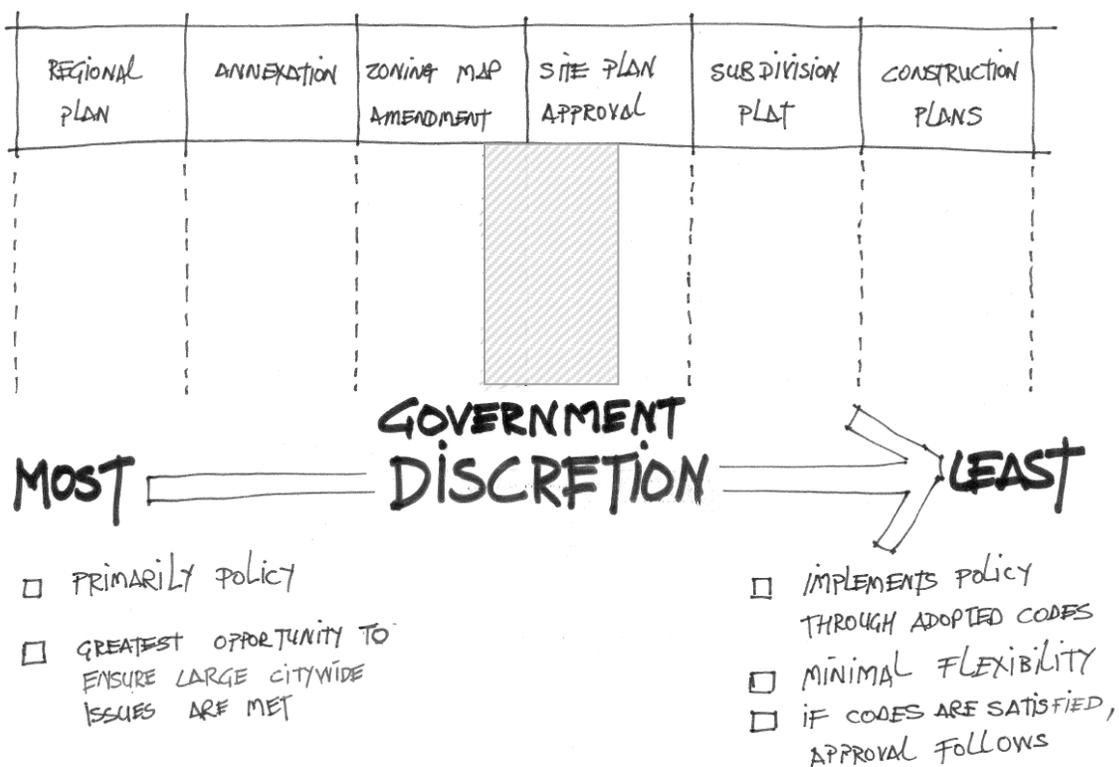
thereby granting the applicant the entitlement he/she is requesting, and for Flagstaff residents who may be interested in the application to be informed so they may participate in the process.

In the context of land development, the entitlement process is the legal method of obtaining approvals for the right to develop property for a desired use, by for example, approval of a zone change. Typically different information and precision of information is needed for a zone change **entitlement** process compared to that needed for **implementation** i.e. detailed site plan review as illustrated in the table below.

Table Comparing Entitlement Requirements to Implementation Requirements for a Medium-Scale Project under the existing Zoning Code

	Requirements	
	Entitlement (Zone Change)	Implementation (Site Plan Rev.)
General Submittal Requirements		
Identification of the requested use	Yes	Yes
Property information, owner, etc.	Yes	Yes
Context Analysis	Yes (not small scale project)	No
Development Agreement	Yes	N/A
Concept Plan Submittal Requirements		
Infrastructure Analyses (TIA, utilities, stormwater)	Yes	Yes –more refined
Concept Plan	Yes	No – detailed site and other plans
Concept Architectural Rendering	Yes	No – detailed plans and elevations
Additional Site Plan details, such as:	No	Yes detailed plans and elevations
Building Footprint	No	Yes
More refined lot coverage, height, FAR, etc.	No	Yes
Resource Calculations	Yes (preliminary)	Yes (more refined)
Representative Architectural Elevations (i.e. detailed drawings)	No	Yes – detailed plans and elevations

One more important consideration in understanding the process for Zoning Map amendments is illustrated below as what staff has called “The Discretion Continuum”. This illustration shows how the amount of **discretion** the City has when deciding on a project’s approval varies from the Regional Plan scale where the City Council has the most discretion (this is also true of an annexation or Zoning Map amendment request) to a building permit where the City staff has the least or no discretion when determining whether to approve or deny an application that meets specific code requirements. The approval of subdivision plats and construction plans (i.e. grading plans and building plans) allows for less discretion in the approval process as the determination is based upon whether the application meets City Code standards and requirements or not. Therefore, it is staff’s understanding that the discussion by the City Council may be focused on the process and requirements within the shaded area on the illustration below.



The Discretion Continuum

Adopted Zoning Map Amendment Process in the 2011 Zoning Code:

At a work session on February 8, 2011 while working through the final draft of the new Zoning Code, the City Council discussed recommendations from staff and the Planning and Zoning Commission on Zoning Map amendments. The City Council supported the Commission's and staff's proposal for a more streamlined concept plan submittal for zone change applications (see Attachment A.), but staff was directed to suggest text amendments that would require the submittal of more detailed information for large projects over a certain a threshold. Ideas for what this threshold should be were discussed. The Council finally agreed to and approved three scales that would determine minimum submittal requirements for Zoning Map amendment requests:

Small-scale Zoning Map amendments – e.g. to allow a duplex or similar small scale of development (corner store) where the requested zone designation is consistent with the City's Regional Plan and no infrastructure analysis is required. The least amount of information is required for these small developments.

Medium-scale Zoning Map amendments – these are applications that require either a minor amendment to the Regional Plan and/or for which infrastructure analyses are required. Recent examples of such projects include Elevation (formerly Mall and Market Place Apartments) and 510 San Francisco. For a project that meets the criteria for a medium-scale Zoning Map amendment, the basic information required in the revised submittal requirements for a concept plan and other supporting information would be required. Applications of this scale are the most common, and it is estimated that 75% of requests for Zoning Map amendments fall into this category.

Large-scale Zoning Map amendments – these are applications for which a major amendment to the Regional Plan is required or they apply to residential developments over 100 units; commercial developments over 50,000 sq. ft. or 15 acres; or, industrial and research and development uses over 150,000 sq. ft. or 20 acres, and for which infrastructure analyses are required. Recent examples include Juniper Point and the Flagstaff Market Place and Auto Park at the Flagstaff Mall. For zone change requests of this scale, more information than that otherwise required for a medium-scale project would be required in order to more comprehensively understand the project and its relationship to surrounding uses.

The 2011 Zoning Code, therefore, included minimized submittal requirements for small- and medium-scale Zoning Map amendments, while still requiring more detailed information to be submitted with the later Site Plan Review stage of a project's approval. However, the City Council agreed that for large-scale Zoning Map amendment requests, more information should be required with the application so that the magnitude, scale, and true character of the proposed Zoning Map amendment could be ascertained. A summary of submittal requirements for each scale of Zoning Map amendment application provided in the table below.

Summary Table of Submittal Requirements Check Lists

	Former LDC	Zoning Code, Division 10-20.50		
	All projects	Scale of Zoning Map Amendment		
		Small-scale	Medium-scale	Large-scale
General Submittal Requirements				
Identification of the requested use	Yes	Yes	Yes	Yes
Property information, owner, etc.	Yes	Yes	Yes	Yes
Context Analysis	No	No	Yes	Yes
Development Agreement	Yes	No	Probably	Yes
Concept Plan Submittal Requirements				
Infrastructure Analyses (TIA, utilities, stormwater)	Yes	No	Yes	Yes
Concept Plan	N/A	No	Yes	Yes
Concept Architectural Rendering	N/A	No	Yes	Yes
Additional Site Plan details, such as:	Yes	No	No	Yes
Building Footprint	Yes	No	No	Yes
More refined lot coverage, height, FAR, etc.	Yes	No	No	Yes
Resource Calculations	Yes	No	Maybe	Yes
Representative Architectural Elevations (i.e. detailed drawings)	Yes	No	No	Yes

Issues and Considerations:

- All applications for Zoning Map amendments regardless of their size and scale must be reviewed may only be approved if they are consistent with the Flagstaff Regional Plan and its goals and objectives and the land use map.
- Small- and medium-scale applications reflect the concept of the original staff proposal with submittal requirements minimized (Only a concept site plan submittal is needed for medium scale projects; no concept plan is needed for small scale projects).
- Note that by decoupling the level of detail required for a Zoning Map amendment application to the Site Plan Review process, no information/submittal requirements are waived and there is nothing lost in terms of transparency in process. After the Zoning Map amendment change is approved, the requirements for Site Plan approval apply as they would to a project that did not have to seek the zone change. Example – new Wal-Mart on Huntington Drive where various offsite improvements and a well-designed project resulted because of the resiliency of the site plan approval process, the rules and standards for which as applied by staff were adopted by the City Council.
- Minor Modifications to Development Standards (Section 10-20.40.090) is an innovative section of the Zoning Code that allows for flexibility in a development proposal after approval of a Zoning Map amendment application. Thus, increases in FAR, number of units, intensity, etc. up to a maximum of 10% of that approved in the original zone change application may be approved by the Planning Director. This is important as it allows some flexibility when small changes to a site layout are required as more detailed development proposals are created.
- The City Council also adopted enhanced public participation procedures (Section 10-20.30.070 (Additional Requirements for Citizen Outreach)) that would apply to a Zoning

Map or Regional Plan amendment for new residential developments over 300 units or new commercial developments over 20 acres or 100,000 sq. ft.

- The Zoning Code provides an opportunity for the Planning Director to request more information from an applicant depending on the character and scale of the application and surrounding contextual conditions to assist the Planning and Zoning Commission and City Council as well as interested residents in their review of the application (Section 10-20.50.040.C.3 on Page 20-50-4). Also, the Planning Director may waive the requirements for any of the information otherwise required if it is determined that the information is not necessary in order to complete a review of the application (Section 10-20.50.040.C.4) on Page 20.50-5.
- The City Council may also attach conditions of approval to a Zoning Map amendment request that are required to be implemented at the detailed site plan or future subdivision stage of the process.
- It is also important to note that an applicant may provide more information than the City would typically require for a Zoning Map amendment application if they choose to do so.

CONCLUSION

At the April 8, 2013 special work session, staff will seek the following from the City Council:

- An understanding from the City Council of what we trying to get to and what is the issue with the current process for Zoning Map amendments?
- Seek direction from Council on whether, and under what terms, amendments to the current Zoning Map amendment process may be needed, i.e. what are the gaps in the current code and what is desired in terms of possible amendments?

ATTACHMENTS

- A. Summary of Past Approaches and Ideas for Zoning Map Amendments

ATTACHMENT A: Summary of Past Approaches and Ideas for Zoning Map Amendments

Zone change process under the LDC:

Under the former LDC, applications for a Zoning Map amendment required the preparation of a detailed site plan as well as supporting information such as preliminary landscape plans, grading plans, detailed site layout, building floor plans, and building elevations, etc.

Over the years staff and the Council has received numerous complaints from the development community citing the amount of detail required for a zone change as being not only expensive at the front end of a project, but also that it frequently results in discussions on project details that are not necessarily associated with the zone change request itself, and that are really more site planning related issues.

Zone change process proposal from staff in February 2011:

While developing the new Zoning Code the Process and Procedures Focus Group and the business community asked for a more streamlined approach for evaluating Zoning Map amendment requests that reduced the amount of information that needed to be submitted with the request yet maintained the level of detail required for the follow-up site plan review step of the process. Using this recommendation staff and the consultant proposed new language in Subsection 10-20.50.040.C (Application Requirements) that allows for the submittal of less detail with a request for a Zoning Map amendment. Thus, instead of the practice of reviewing detailed site plans, preliminary landscape plans, and sometimes building elevations and architectural renderings with a proposal for a Zoning Map amendment, staff suggested that the information provided for the application needs only to support an analysis of the proposed use relative to the Regional Plan and the potential impacts (traffic, stormwater, utilities, etc.) of that proposed use, *i.e. information specifically supporting the **entitlement** request*. Thus, a concept plan with supporting data detailing the overall FAR (Floor Area Ratio) of the project, height, lot coverage, number of parking spaces, etc. is all that would have been required. The details of the site layout, connections to utilities, building design, etc. are very important and would be resolved at the site plan review stage of the project's review and approval. They were, therefore, decoupled from the Zoning Map amendment application and would have been considered in detail later in the process through IDS consistent with the Zoning Code provisions for Site Plan Review (Section 10-20.40.140 (Site Plan Review and Approval)). Note that typically a development agreement is negotiated at the same time as the Zoning Map amendment application is being processed.

Recommendation from Planning and Zoning Commission, October 2011:

After some discussion, the Planning and Zoning Commission recommended approval of the draft staff proposal for Division 10-20.50 and the requirement for submittal of a concept site plan and other supporting documentation to analyze the proposed new land use and zoning designation relative to the Regional Plan and impacts resulting from the proposed use. However the Commission added an additional step, *i.e.* they recommended that projects that have received Zoning Map amendment approval by the Council that meet the thresholds for a major amendment (new developments with a gross floor area of 20,000 sq. ft. or more or 50 or more dwelling units), would have to seek Site Plan Review and approval by the Planning and Zoning Commission. This was a new proposal, and it would allow residents an opportunity to attend the Commission's public meeting and provide their comments, and it allows the Commission to review the project to ensure that all conditions of approval have been satisfied.

Adopted zone change process in 2011 Zoning Code:

At the February 8, 2011 work session the Council discussed the Planning and Zoning Commission's recommendation for Division 10-20.50 as well as staff's additional recommendation on how amendments to the Zoning Map should be processed and reviewed.

The Council agreed that they did not support the Planning Commission's recommendation of an additional site plan review before the Commission. The Council supported staff's proposal for a more streamlined concept plan submittal for zone change applications, but the Council directed staff to suggest text amendments that would require the submittal of more detailed information for large projects over a certain a threshold. Ideas for what this threshold should be were discussed. Eventually the Council agreed to and approved three scales for Zoning Map amendment requests including Small-scale Zoning Map amendments, Medium-scale Zoning Map amendments, and Large-scale Zoning Map amendments which are described in more detail on Page 5.