

SPECIAL WORK SESSION AGENDA

**COUNCIL SPECIAL WORK SESSION
MONDAY
JULY 15, 2013**

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

- 1. Call to Order**
- 2. 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

- 3. Discussion/direction on the Zoning Map amendment process, Division 10-20.50 of the Flagstaff Zoning Code.**
- 4. 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

3.

CITY OF FLAGSTAFF

To: The Honorable Mayor and Council
From: Roger Eastman, Zoning Code Administrator
Date: 06/24/2013
Meeting Date: 07/15/2013



TITLE:

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

DESIRED OUTCOME:

The purpose of this work session is to conclude the discussion on possible amendments to the Zoning Map amendment process (commonly called a “zone change” or “rezoning”) with the City Council providing direction on the path forward for making revisions to the Zoning Code.

INFORMATION:

On April 8, 2013 the City Council held a special work session with selected members of the public sitting at the table with them to initiate a discussion on the City’s current zone change process as defined in the Zoning Code, Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map). This public meeting enabled the participants to work with staff to identify issues, acknowledge many perspectives on this topic, and establish a starting point for future discussion. It concluded with the agreement that staff would bring back suggestions for a possible path forward at the next meeting.

On May 20, 2013, the City Council held a second special work session following the same format as the April 8th meeting. Staff presented ideas on how to find a solution to the issues identified by the group, including for example:

- An introduction to the principle of a concept zoning plan;
- Clarification and redefinition of submittal requirements for zone change applications;
- A review of process diagrams for the small, medium, and large scale zoning applications;
- Introduction of a fourth category, previously named “master plans,” and which staff proposes to call “multi-phase projects”;
- An explanation of conditional zoning;
- An explanation of a new process idea that gives a developer a choice for the process to be followed for a zone change application based on the nature of the request; and
- A brief discussion of a new idea (called “correctional zoning”).

Staff also presented six options for a path forward. After some discussion a majority of the Council agreed that the appropriate path forward was based “on Option 4 with Option 6, as well as a variant of Option 5”. The latter would provide an opportunity for additional public participation prior to site plan review. A full description of the City Council’s direction follows in the next section (Summary of City Council Direction). It was also agreed that staff would do additional research on the “correctional zoning” idea, and would report back to the Council at a follow-up meeting. A copy of the minutes from the May 20, 2013 meeting is attached.

SUMMARY OF CITY COUNCIL DIRECTION

The May 20th special work session concluded with a majority of the Council agreeing that the appropriate path forward was based “*on Option 4 with Option 6, as well as a variant of Option 5*”, i.e. establish minimum submittal requirements to decouple details associated with site plan review from concept zoning plan; maintain the small, medium, and large scales and add a new “multi-phase project” scale; add a new process to give a developer choice; enable an additional public meeting hosted by the developer after final Council action and before site plan review; and consider a correctional rezoning process. For reference, a copy of the May 20th staff summary is attached as it provides a complete discussion and overview of the key terms mentioned here.

The proposed path forward to amend Division 10-20.50 of the Zoning Code will include the following key steps based on Option 4, a variant of Option 5, and Option 6:

1. Inclusion of a new term – the “concept zoning plan” – based on the City of Boulder Transit Village example previously submitted to the City Council, as well as new reduced submission requirements to decouple details associated with a site plan from a concept zoning plan.
2. The existing categories of small, medium, and large scales will be maintained. However, a new scale previously called Master Plans will be added using the term “Multi-phase Projects”. This additional category would only apply to the very large projects seeking a zone change that are, for example, extremely complex, involve future subdivision of land and multiple land owners, multiple land use types, challenging utility infrastructure issues, and the design and layout of an internal street network that will connect to existing streets.
3. Development of a new two-prong approach to give a developer choice, using what has preliminarily been called either “Direct Ordinance” (a One-Step Process) or “Authorization to Rezone” (a Two-Step Process).

The **Direct Ordinance or One-Step Process** provides an applicant with an expedited approval process if they have determined that there is minimal controversy associated with their request, minimal to no neighborhood opposition is likely, and perhaps most importantly, the end user is known and is committed to the property in question. In other words, there is a high level of predictability of a successful approval of the zone change request. It assumes that an applicant would submit fully developed site plans with all supporting information required for IDS site plan review concurrently with the zone change application. The advantage of this approach is that once the City Council approves the zone change by ordinance, then the applicant may proceed directly to construction plan and building permit review, and no additional IDS site plan review is required.

The **Authorization to Rezone or Two-Step Process** may be selected by an applicant when the end use or user is unknown, the proposed zone change may be controversial, or he/she is unwilling to invest in the preparation of a detailed site plan submittal without the guarantee of approval of the zone change. In this case, a concept zoning plan would be developed and submitted in support of the zone change request, and assuming approval of the zone change by ordinance, then a fully developed site plan application to IDS would be submitted at a later time. This process is essentially the same as that in place today for medium scale projects in which the zone change application and the site plan review are decoupled.

4. Inclusion of new language in the Zoning Code that would clarify the conditions that the City Council may apply to a zone change request, especially with regard to a suggestion that the City Council could choose to add a condition requiring an applicant/developer to hold an additional public meeting so that interested or concerned residents could see how the developer's plans reflect and respond to conditions and changes required by the City Council.

The City Council also directed staff to further review Option 6 regarding the proposal for a “correctional rezoning process” as suggested by Councilor Celia Barotz and Mr. Nat White. As a result of staff’s analysis of this proposal, staff suggests that it should not be included as a new process with supporting amendments in the Zoning Code. An explanation of this suggestion follows.

CORRECTIONAL REZONING; IS A SEPARATE PROCESS NEEDED?

A slightly modified description of the correctional rezoning idea and its genesis is copied from the May 20th staff summary to the City Council and included below. This is the issue that the city manager framed in the May 20th meeting as “is there a micro- or a macro-problem to address and solve?”

“On Friday, May 10th, Councilor Celia Barotz and Mr. Nat White presented a new idea to staff that they suggested might be called “correctional zoning”. This approach is offered given that the current zone change process based on three scales of development has not been sufficiently tested since the Zoning Code’s adoption, and there is no real record to determine if this model works or not. Correctional zoning is a narrower approach to most of the ideas previously presented in this report, and is offered as a way to correct inconsistencies between the Regional Plan and the Zoning Map because of natural incremental growth and development of the City in years past. This idea may be framed within the context of there not being many properties that are inconsistent with the Regional Plan land use map, and thus, at this time it is suggested that rather than seeking a comprehensive rewrite of Division 10-20.50 of the Zoning Code, a more focused approach to only provide for correctional zoning would be more appropriate. Comprehensive changes, if needed, could be considered at a later time.

An issue that has yet to be resolved is that of how to define which parcels in the City would be allowed the correctional zoning approach. A **two part test** is suggested. First, and the easiest to document, is that the requested zoning of the parcel must be consistent with the Regional Plan land use map, e.g. general commercial uses. The second test, and the harder one to define, is the parameters for when this approach should apply. For example, must the property be bordered on a minimum of one or two sides with a parcel(s) that have zoning consistent with that intended for the subject property, e.g. Highway Commercial (HC) zoning? Staff acknowledges that further work is necessary to define how it may be applied within the City, and whether residential parcels should also be included in the scope of correctional zoning. This will be completed if there is City Council support for exploring this idea in more detail.

One issue that also needs to be thought through is how to address impacts to public infrastructure. As noted previously, at a minimum a concept zoning plan is a necessary requirement of a zone change proposal so that an understanding of minimum developer contributions to mitigate off-site impacts as a result of his/her project may be realized. This would presumably still be a requirement of a zone change application.”

Staff has carefully reviewed, discussed, and considered the correctional rezoning concept, and has concluded that the originally stated problem can be easily addressed by the proposed two prong approach articulated in #3 above.

CONCLUSION

The purpose of this work session is to conclude the discussion on possible amendments to the Zoning Map amendment process (commonly called a “zone change” or “rezoning”) the City Council providing direction on the path forward for making revisions to the Zoning Code.

Attachments: [Minutes from May 20, 2013 special work session](#)
 [Staff summary for May 20, 2013 special work session](#)

MINUTES

SPECIAL WORK SESSION
MONDAY, MAY 20, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M.

1. Call to Order.

Mayor Nabours called the Flagstaff Special Work Session of May 20, 2013, to order at 4:02 p.m.

2. Roll Call

Councilmembers present:

MAYOR NABOURS
VICE MAYOR EVANS
COUNCILMEMBER BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER WOODSON

Councilmembers absent:

NONE

Others present: City Manager Kevin Burke; Interim City Attorney Michelle D'Andrea; Community Development Director Mark Landsiedel; Zoning Code Administrator Roger Eastman; Nat White, Flagstaff resident and former City councilor; Marilynn Weismann, Friends of Flagstaff's Future; Richard Bowen, ECONA; Julie Pastrick, Flagstaff Chamber of Commerce; Tad Riggs, Northern Arizona Builders Association and Northern Arizona Association of Realtors; David Carpenter, Chairman of Planning and Zoning Commission; Kent Hotsenspieler, Mogollon Engineering; Maury Herman, Flagstaff 40; Keri Sylvan, Attorney for Michael Manson.

3. Discussion/direction on the Zoning Map amendment (zone change) process, Division 10-20.50 of the Flagstaff Zoning Code.

Mayor Nabours explained that the last meeting concluded with the question of what degree of detail is acceptable to answer the certainty concern, at what time, and with what level of public input.

Zoning Code Administrator Roger Eastman presented a series of options that staff formulated for the group to review. The options could be combined to formulate a more acceptable solution. The options are as follows:

- 1) Do nothing
- 2) Redefine the requirements in the framework of what we do today.
- 3) Addition of new category for highly complex projects
- 4) Provide option of developer choice to go through expedited process or standard process based on level of detail provided.

- 5) Addition of an additional Planning and Zoning commission review after zone change.
- 6) Correctional zoning.

Nat White and Councilmember Barotz presented their idea of correctional zoning. The purpose of correctional zoning is to acknowledge that some properties are zoned wrong based on their location and neighboring parcels and offer a way to rezone quickly. The concept is an idea; staff would need to drill down the details on what the process would actually look like.

Mr. Eastman presented the idea of Concept Planning. With concept planning enough basic information would be necessary to assess impact without full blown design. At this stage the City can add conditions to the zoning to address any concerning impacts of extract possible uses not available. The City Council would have significant discretion at this stage. The burden is on the developer to offer as much detail as possible, the more the developer provides, the easier it is to get through the process but when there are a number of unknowns a concept plan may be all that is needed to move the process along.

There was concern expressed from the group about public participation and when that needs to occur. There has to be an appropriate balance for what the public needs to know and when. There is also concern about potentially lengthening the process with public participation; it has to be done in such a way that the discussion focuses on real concerns and not wished-for concerns.

A break was called from 5:47 p.m. to 5:55 p.m.

The following were the issues and concerns as defined by the group.

- Public Participation as part of zoning categories not just distance, also timing and how it is done.
- Can't go back if lessen restrictions, Prop 207 may not allow to reverse.
- No need for public input if no impact.
- Can require additional public input as a condition of rezoning.
 - After site plan approved by staff
 - Not hearing but informative public meeting
- Concept zoning plan may be too broad and untested.
- More definition to as needed
- Higher quality public participation.

At this time Mayor Nabours opened the floor for public participation.

Paul Moore, architect and Planning and Zoning member, addressed the group suggesting that it makes sense to think about doing work associated with the level to where the project is. Developers need to commit to an idea but not at the level of detail currently required. It is important to give the public a chance to see what is coming at a point that is appropriate.

Georgia Duncan, member of Friends of Flagstaff's Future and former Planning and Zoning Commission member, addressed the group offering that citizen participation is highly important.

David Monihan addressed the group and offered that he is attracted to the concept of correctional rezoning. Public input is necessary but should be done in a way that they understand.

After further discussion the group came to a consensus to direct staff to start looking at Option #4 with it stated that the City Council can require additional public meetings if Council names that as a condition. Additionally, look at Option #6 to see if it is even practical and how they might incorporate it into #4.

- Option 4 with 6 and public participation condition.
 - A factor to consider
 - Legal definition – keep it legal
 - Consistent with regional plan
 - Surrounded (define) by other use
 - Special consideration or problem
 - No use/user defined
 - Determine how correctional zoning could work
 - Master Plan/Highly Complex

The group also asked staff to compare Option 4 with the current process to see how it differs.

6. Adjournment

The Flagstaff City Council Special Work Session of May 20, 2013, adjourned at 6:48 p.m.

MAYOR

ATTEST:

CITY CLERK

Staff Summary – Zoning Map Amendment Process

May 20, 2013 Special Council Work Session

DESIRED OUTCOME

At this work session, staff will be seeking Council consensus on whether, and under what terms, amendments to the Zoning Map amendment process (commonly called a “zone change” or “rezoning”) need to be made with possible revisions to the Zoning Code.

BACKGROUND

On April 8, 2013 the City Council held a special work session with selected members of the public sitting at the table with them to initiate a discussion on the City’s current zone change process as defined in the Zoning Code, Division 10-20.50 (Amendments to the Zoning Code Text and the Zoning Map). This meeting enabled the meeting participants to work with staff to identify issues, acknowledge many perspectives on this topic, and establish a starting point for future discussion. It concluded with the agreement that staff would bring back suggestions for a possible path forward at the next meeting.

APRIL 8TH MEETING CONCLUSIONS

During the April 8th meeting, notes were recorded on flip charts of the comments and issues offered during the meeting. The minutes from this meeting with these notes are attached (Attachment A). A summary of the salient points is provided below:

- The challenge: (1) How to achieve less specificity early in the zone change process yet still ensure sufficient transparency to provide certainty (to a developer and concerned neighbors), protect the public, and provide enough information for decision makers? And, (2) how to balance the up-front costs for capital investment/development with providing adequate information to inform residents and decision makers?
- Flagstaff needs to be more competitive in attracting development – the City’s current zone change application requirements (especially for large projects) are a disincentive, and some properties are inappropriately zoned when compared to the Regional Plan.
- Make a distinction and define the data/submittal needs for “entitlement” through the zone change process from the data/submittal needs for “implementation” through site plan review.
- Support for maintaining the three scales for zone changes – small, medium, and large – as currently defined in the Zoning Code. The submittal requirements for small and medium scale projects are appropriate (some clean-up in medium scale would be helpful), but the requirements for large scale projects should be reassessed.
- Consider the level of discretion available to the City Council when reviewing a zone change application because it is at this time that the City is in the best position to ensure a developer is paying their fair share.
- Consider adding conditions to a rezoning request versus the City’s standard development agreement approach. With appropriate conditions of approval of the zone change the City can narrow the number of allowed uses within a zone and provide flexibility in the site layout.
- Need for trust of the Regional Plan’s goals and policies and the Zoning Code’s standards to produce development that is appropriate in Flagstaff.

- Consider adding an additional review step for a project undergoing a zone change to allow for public review of the site plan either through the Planning and Zoning Commission or a new Council-appointed Development (or Design) Review Board.
- Suggestion – study how many parcels are not zoned in compliance with the existing Regional Plan. A CCR on this issue was provided to the Council on May 10, 2013 – also refer to Attachment E.
- Address the issue of equity and fairness, e.g. the circumstance where adjacent developed and undeveloped parcels on a street have dissimilar zoning designations yet similar Regional Plan designations.

REPORT SUMMARY: OVERVIEW OF MAJOR CONCEPTS AND IDEAS PRESENTED IN THIS REPORT

Staff recognizes that the discussion and related issues germane to the City's Zoning Map amendment process is complex. Staff has, therefore, organized this report to provide a logical and as succinct as possible description of the issues at hand, as well as to present the City Council with a number of options to guide the Council's decision on a path forward. This report, therefore, includes the following major sections:

- Background information with a review of the April 8, 2013 special council work session.
- Ideas on how to find a solution. Included in this discussion is a narrative that addresses;
 - Clarification of the purpose and intent of a concept plan with an introduction of a new term, **concept zoning plan**, specific to zone change requests.
 - Clarification and redefinition of the submittal requirements relevant for a zone change application (decoupling the detailed site plan requirements from the information necessary to process a zone change request).
 - An overview of flow charts that document the review process for small, medium, and large zone change applications. A new fourth category for "master plans" is also introduced. This overview also answers the questions what aspect of the process is completed when, and by whom based on the existing requirements of Arizona law and the Zoning Code.
 - An explanation of conditional zoning in which the City Council may agree to minimize the number of allowable uses and set conditions to address impacts.
 - An explanation of a new process idea that gives a developer a choice between either an expedited zone change review or to follow a more conventional approach based on the nature of the zone change request.
 - An introduction to a new idea (possibly called "correctional zoning") to streamline the current zone change process for parcels conforming to the Regional Plan an consistent with adjacent land uses.
- Summary of six options for a path forward.
- Conclusion – a restatement of the special work session's purpose and desired outcome.

FINDING A SOLUTION

Clarification of the intent of a concept plan

Professional designers (e.g. architects, planners, or engineers) use a concept plan in the earliest stage of their work on a proposed project to develop ideas and establish how the project may be designed to satisfy the needs of their client or a reviewing agency.

A concept plan is also used to generate staff's initial comments on a proposed project, and the Zoning Code already includes a concept plan review application process (Section 10-20.30.050,

Concept Plan Review). This is used by IDS (Inter-Divisional Staff) for the concept review of a site plan application, such as for the preliminary review of a new commercial project or new apartment complex. *This concept application is different to the intent of a concept plan suggested by staff as the basis of a zone change application.* The term that will be used in the latter context is “**concept zoning plan**”, and as will be clarified in the narrative below, the submittal requirements for each of these concept plans are uniquely defined.

A developer’s concept zoning plan is, therefore, intended to provide all interested parties with the information and data that is necessary to assess the merits of a request for a zone change. A concept zoning plan is used to review the impact of proposed land uses on adjacent properties, neighborhoods, and existing and planned infrastructure. It is intended to be a general outline of a proposed site or project which shows access, primary circulation, areas to be used for buildings, parking, open space, etc., and areas which should be preserved or protected. The concept zoning plan will also help decision makers identify concerns and problems with a development proposal, and as necessary, to determine the need for additional information.

It is important to understand that the level of information provided on a concept zoning plan must be adequate to enable decision makers to make an appropriate “entitlement” decision, (i.e. should the zone change be approved, and should it be subject to conditions of approval)? This information would typically identify any potential problems associated with the application and broad solutions to mitigate the issue would be also be suggested; however, it would not necessarily identify detailed mitigation solutions as this would occur at the next stage of the project’s review, i.e. Site Plan Review through the City’s IDS process. For example, it may be determined that a water line needs to be upsized to accommodate the water needs of a project subject to zone change approval. This is the problem statement, the general solution to which might be that the water line needs to be upsized to perhaps a 12-inch line. During the later detailed site plan review step of the process the details of this solution will be determined, i.e. how to upsized the water line and other associated construction details.

Included in Attachment B are two samples of concept plans, including a recommendation on how the Marriott hotel zone change request in Flagstaff (October 2006) could have been presented as a concept zoning plan, and a proposal for the Boulder Transit Village in the City of Boulder, CO that makes an excellent template for a concept zoning plan if that is the direction the City Council would like to follow.

Redefinition of submittal requirements – concept zoning plan

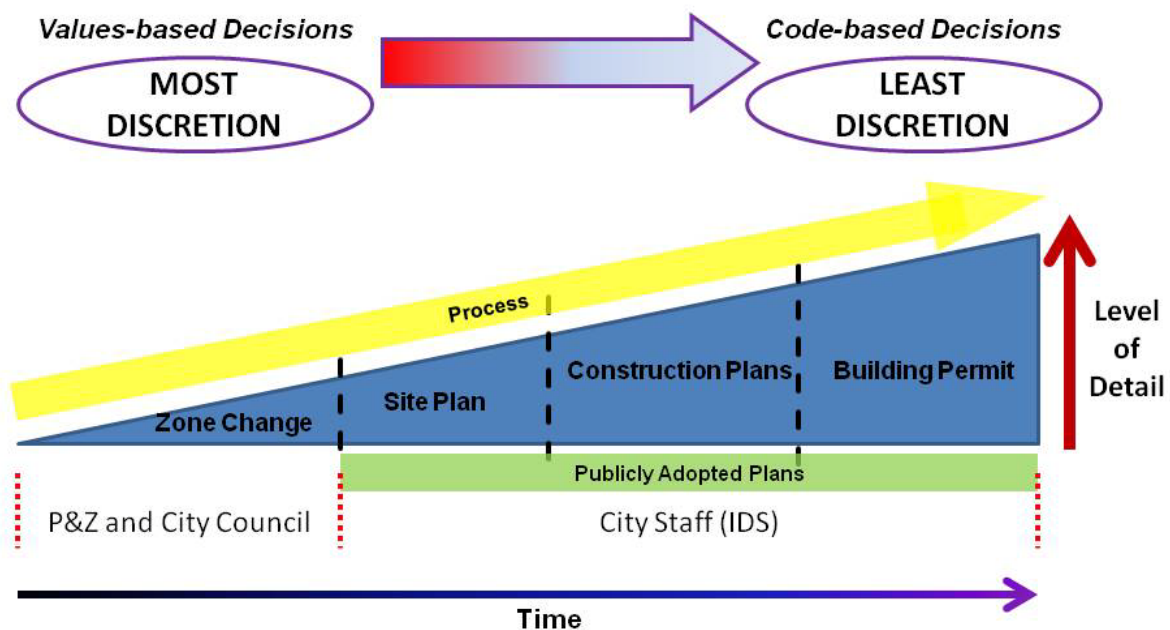
As noted previously, an important consideration of the zone change discussion by the City Council concerns the question of how much information is necessary as part of an application for a zone change in order for the Planning and Zoning Commission and City Council to make the best possible decision 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. This does not include review or approval of construction or building permit plans. 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 noted previously, it is intended that the concept zoning plan and its supporting documents (e.g. a narrative of the proposed project) will be used to determine the **scope of problems** to be addressed by a developer resulting from the request for a zone change and development on the

subject property. Specific solutions to these problems would be identified in the more detailed site plan review step in the overall process based on the City's applicable codes such as the Zoning Code, Engineering Standards, and other City documents. The illustration below clarifies this idea and illustrates a number of key concepts including:

- (1) The increasing level of detail required for an application ranging from a zone change request through site plan (or subdivision plat) to engineering review and building permit review;
- (2) How on one hand a zone change is essentially a values-based decision while permit review is primarily a code-based review; and
- (3) There is the greatest amount of discretion available to the City at the zone change level (specifically to the City Council) and the least amount of discretion available to City staff during permit review.



Staff has analyzed the concept plan requirements currently in use for processing zone change applications, and suggests that some of these requirements are inappropriate for a concept zoning plan as they require a higher level of detail than would typically be required. If the City Council agrees, staff further suggests that these details should be removed from the requirements for a concept zoning plan and only included as part of the submittal requirements for IDS-based concept site plan reviews. The existing submittal requirements for a Concept Plan included in the application packet for “Duplex, Multi-family Residential, Commercial, Office, Industrial, and Institutional Projects” available to applicants at the Community Development Division front counter are provided in Attachment C.

This attachment also includes a short statement from staff describing which of these requirements may not be appropriate for a concept zoning plan. These are listed on Page 3 of Attachment C.

Attachment C also includes ideas for identifying the minimum information that staff suggests could be required for a concept zoning plan to be used with a zone change application. Note

that all detailed requirements established in the Zoning Code, Engineering Standards, and other City documents will be submitted at the next level of review of the proposed project, i.e. site plan review through IDS. It is also important to acknowledge that conditions can be placed on the concept plan either as recommended by staff and the Planning and Zoning Commission or as approved by the City Council to resolve deficiencies and to provide solutions to issues and problems previously identified. A more comprehensive discussion of conditions associated with a zone change approval is provided in the narrative below.

The concept zoning plan does not need to be based on survey data. The City's GIS topographic and other data, as well as the City's aerial photographs are appropriate for use as the base layer for the concept zoning plan. Refer to the Boulder Transit Village concept plan in Attachment B.

The table below provides an overview of the proposed submittal requirements needed for a concept zoning plan review associated with a zone change request, and those associated with a full site plan review in which all details pertinent to the proposed project must be submitted.

Table Comparing Entitlement Requirements to Implementation Requirements

	Requirements	
	"Entitlement" – Concept Zoning Plan (Zone Change)	"Implementation" – Details Required (Site Plan Review)
General Submittal Requirements		
Identification of the requested use	Yes - generally	Yes – specifically
Property information, owner, etc.	Yes	Yes
Context Analysis	Yes (but not for a small scale project)	No
Development Agreement or conditions of approval	Yes	No development agreement but conditions may be appropriate
Concept Plan Submittal Requirements		
Infrastructure Analyses (TIA, utilities, stormwater)	Yes – broad general data to identify problems/issues	Yes – more refined and specific to identify solutions
Concept Plan	Yes	No – detailed site and other plans
Concept Architectural Rendering	Not required (optional by applicant)	No – detailed plans and elevations
Additional Site Plan details, such as:	No	Yes - detailed site plans, building plans, and elevations
Building Footprint	No – general representation	Yes – specific detail
More refined lot coverage, height, FAR, etc.	No – general computation only	Yes – detailed and accurate
Resource Calculations	Optional – preliminary calculations only	Yes – detailed and accurate
Representative Architectural Elevations (i.e. detailed drawings)	No	Yes – detailed plans and elevations

The Zoning Code includes a provision in which the Planning Director may 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). 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). 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.

Concluding Thoughts on Concept Zoning Plans:

- If the City Council supports the concept zoning plan idea, then staff suggests that minor amendments to the Zoning Code will be necessary to include, for example, new definitions. A discussion of general submittal requirements for a concept zoning plan could also be included in the Zoning Code as part of these upcoming amendments. The detailed list of requirements would remain on the application forms.
- It is important that the concept zoning plan for a parcel should reflect the applicant's desired intent as related to the maximum development capacity of the parcel in accordance with the requested zoning designation. This information is then used to assess any impacts caused by this development. Provided the applicant submits a development application for site plan review that does not exceed this maximum development capacity, then the details of the project are worked out at the site plan review stage with IDS. This inherently allows the applicant some flexibility in the site layout, provided the impacts to surrounding infrastructure or neighboring properties are not increased or significantly changed. There is however, an element of risk to an applicant with this approach because it is conceivable that the total amount of development illustrated on the concept zoning plan may not be realized when detailed studies for site plan review are completed, such as when more precise resource calculations are completed based on the final site layout.

As an example, if an applicant received zone change approval based on a concept plan that showed a single 100,000 sq. ft. commercial building, yet when the plans were submitted for site plan review two smaller buildings with a total floor area of 100,000 sq. ft. were shown, this proposal could appropriately receive site plan review by IDS. Note the Zoning Code allows a project that has received zone change approval an increase of 10% in lot coverage, FAR, or an increase or decrease in the number of dwelling units, etc. without having to go back to the Planning and Zoning Commission or City Council for an amendment to the zone change request. However, if a project is proposed on the site on which the zone change was granted is larger by >10% than that allowed for in the original zone change approval, then reconsideration by the Planning and Zoning Commission and City Council will be necessary.

- By utilizing a concept zoning plan for a zone change, no detail or submittal requirement in the overall approval process will be lost or omitted. Details of the development application will be addressed in the Site Plan review step of the process through IDS. This approach delays any solutions to identified issues to the site plan review stage of the project, and all Zoning Code requirements and conditions of rezoning must still be satisfied.

Flow charts documenting the zone change review process

One of the requested outcomes of the April 8th special work session was a request for staff to develop flow charts of the zone change process from the inception of a project (i.e. pre-application meeting) to its conclusion (i.e. issuance of a Certificate of Occupancy or “CofO”). These flow charts are presented in Attachment D. A description of these flow charts, and some new ideas from staff, is presented below.

1. The flow charts (see Page 1 of Attachment D) are organized horizontally from small, through medium, to large, i.e. with increasing complexity from left to right. Note that the criteria for determining the scale of a zone change application have not been changed from the standards now adopted into the Flagstaff Zoning Code.
2. A new scale has been added to provide for the very large projects that the City is recently experiencing (Master Plans), such as Juniper Point, Little America, and Canyon Del Rio (see Page 2 of Attachment D). Please see #6 below for a comprehensive discussion of the proposed Master Plan scale of development.
3. The vertical axis of the flow charts answers the questions - “What?”, “When?”, and “Who?”. In other words, what aspect of the process is completed when, and by whom based on the existing requirements of Arizona law and the Zoning Code.
4. The light green (or grey-toned if printed in black and white) boxes in the flow charts represent the many opportunities for public engagement and participation in the zone change process. ARS § 9-463 et.seq. provides the minimum requirements for public participation by requiring a municipality to adopt by ordinance a citizen review process that applies to all rezoning and specific plan applications that require a public hearing. This process has been adopted in the Flagstaff Zoning Code, Section 10-20.30.060. The statutes establish, for example, that an applicant must prepare a citizen participation plan describing how surrounding property owners and other interested residents will be informed of the zone change application. Once this plan has been approved by City staff, it is implemented by the applicant, and a report documenting the outcome, success, and comments/issues received must be submitted to the City and included in the staff summary reports to the Planning and Zoning Commission and City Council. With the adoption of the Flagstaff Zoning Code in November 2011 the City Council also adopted additional citizen participation requirements that apply to large projects only – Section 10-20.30.070 (Additional Requirements for Citizen Outreach).
5. Staff has suggested a proposed refinement to the public notification requirements to be followed by an applicant that is scaled to the size of the zone change project. Thus, a small scale application would apply the minimum 300 feet notification radius from the project boundary established in the statute and Zoning Code, while a 600 feet radius could be applied to medium scale projects, a 1/4 mile to large scale projects, and a ½ mile to the new Master Plan scale of projects. The Planning Director may also increase the radius of these requirements if needed.
6. On Page 2 of Attachment D staff has suggested the introduction of a new category of development specific to very large and complex projects – the **Master Plan** scale of development, i.e. Little America. While there appears to be consensus that it is appropriate to maintain the three existing scales of development for zone changes as currently defined in the Zoning Code, the large scale really does not provide a sufficient tool for the review of a large master planned project of the complexity and scale of, for example, Little America (520 acres) or Juniper Point (320 acres). Projects of this scale are frequently extremely complex, involve future subdivision or land division and,

therefore, potentially multiple property owners, multiple land use types (commercial, single- and multi-family residential, parks and open space, etc.), utility infrastructure issues, and may require the design of an internal road layout that connects to existing roads with for example, arterial and collector streets.

Staff, therefore, suggests that this fourth zone change category should require a slightly different concept zoning plan that may be called an “**Enhanced Concept Zoning Plan**”. As described in more detail in Attachment C, the Enhanced Concept Zoning Plan would include in addition to the usual requirements of a concept zoning plan, such elements as a conceptual representation of vehicular circulation within the project, a block diagram to help generally visualize bulk and mass, more refined impact analyses, and a phasing plan. Staff suggests that if there is City Council support for this idea, as part of the proposed amendments to the Zoning Code, the new Master Plan scale should be added to Division 10-20.50. The additional citizen participation requirements that apply to large projects only as established Section 10-20.30.070 (Additional Requirements for Citizen Outreach) would also apply.

7. Page 3 of Attachment D introduces an optional idea to give an applicant a choice with regard to how a medium or large scale project could be processed. The approach presented in this idea is modeled after the process used in a number of Arizona municipalities and modified to fit Flagstaff’s processes. When it has been determined that the proposed zone change request is supported by the Regional Plan land use map, a developer/applicant can choose to follow either an expedited “Direct Ordinance” process or the more typical “Authorization to Rezone” process which is the same as that represented on Page 1 of Attachment D for medium or large scale projects.

An applicant could choose the expedited “**Direct Ordinance**” process if they have determined that there is minimal controversy associated with their request, minimal to no neighborhood opposition is likely, and perhaps most importantly, the end user is known and is committed to the property in question. In other words, there is a high level of predictability of a successful approval of the zone change request.

Under this process, the applicant may submit fully developed site plans with all supporting information (including for example, traffic and utility infrastructure analyses, landscape plans, grading plans, architectural elevations, etc. – all the information required for IDS site plan review) concurrently with the zone change request. The advantage of this approach is that once a Planning and Zoning Commission recommendation has been forwarded to the City Council and the Council adopts the ordinance approving the zone change together with a complete development agreement, then the applicant may proceed directly to construction plan and building permit review and no additional IDS site plan review is required.

The disadvantage of this approach however, is that if the City Council requires substantial changes as a result of public comment on the proposal (for example, the site plan needs to be modified to relocate a loading dock), then the applicant will have to submit for IDS site plan approval to ensure that the City Council’s conditions and all pertinent City Code standards are satisfied.

An applicant can also choose to follow the “**Authorization to Rezone**” process when the end use or user is unknown, the proposed zone change may be controversial, or he/she is unwilling to invest in the preparation of a detailed site plan submittal without the guarantee of approval of the zone change. In this case, a concept zoning plan

would be developed and submitted in support of the zone change request, and assuming adoption of the ordinance approving the zone change, then a complete fully developed site plan application to IDS would be submitted at a later time. This process is no different than that represented on Page 1 of Attachment D for medium or large scale projects.

Conditional zoning and development agreements

Under the City's current process for reviewing zone changes in which significant detail is typically provided in support of the application, very few conditions of approval of the zone change have been needed. This is because the reports and plans submitted have been updated, and as necessary corrected, during the review process so that issues and problems that may have been identified have already had solutions offered to correct them and these are reflected on the plans and in supporting reports.

However, if a concept zoning plan only is submitted with the zone change application then it may be necessary to include conditions of approval of the zone change which could for example, require of the applicant submittal of a detailed traffic impact analysis (TIA) that shows how the level of service deficiency noted at a particular intersection in the concept TIA will be resolved. This could be by modifying the timing of a turning movement, adding a second turn lane, or perhaps increasing the length of the turn lane. Essentially, these conditions of approval would be included to require conformance with applicable City codes, regulations, and standards. Also, conditions of approval could provide for reductions in building height below the standard for the zone, or eliminate allowed uses within a zone appropriate to the project (e.g. based on the location of the project relative to surrounding uses and neighbors concerns, such uses as a cemetery or auto dealership could be excluded from the site). This approach is fairly typical of most communities in the state and in the US, and would not be unique to Flagstaff.

Some sample conditions of approval gathered from other Arizona municipalities are listed below. These may be rephrased to satisfy Flagstaff's needs, but they are relevant as suitable examples.

- Any relocation, modification, etc. of existing facilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
- [Insert number of years] are allowed from the date of initial authorization to implement and effectuate all Zoning Code requirements and conditions of rezoning. The rezoning will be effectuated when a site inspection certifies all rezoning conditions and applicable code requirements have been met.
- A landscaping plan shall be submitted for review and approval by IDS, and shall include the following provisions, e.g. the parking area at the south end of the subject property shall be planted at a ratio of one tree for every three parking spaces.
- The property owner/applicant shall adhere to the concept zoning plan and conditions of approval associated with this case and approved on [insert date].

It is important to ensure that with the zone change application sufficient information is provided so that off-site impacts can be addressed through conditions of approval or a development agreement because this is the step in the overall approval process where the City has the greatest discretion and the greatest ability to ensure the applicant pays their "fair share" and protects City taxpayers. A tool frequently used by the City for medium and large scale projects where offsite improvements are required is a development agreement. This is essentially a contract between a developer and the City that establishes the agreed upon contributions of both the applicant and the City to resolve specific issues associated with a proposed development. For example, the developer may agree to contribute to upsizing a water line based on the proportional impact of a proposed project on that water line, while the City may

contribute the remainder of the upsizing costs because the water line may already be undersized for its service area. In essence then, a development agreement would establish broad concepts for providing offsite improvements, e.g. a requirement for a more detailed impact analysis or limitation on the project to offset neighborhood concerns. Conditions of approval on the other hand would be more specific, e.g. identification of a particular intersection where a solution to a traffic level of service issue may have been identified.

Correctional rezoning: A fresh idea

On Friday, May 10th, Councilor Celia Barotz and Mr. Nat White presented a new idea to staff that they suggested might be called “correctional zoning”. This approach is offered given that the current zone change process based on three scales of development has not been sufficiently tested since the Zoning Code’s adoption, and there is no real record to determine if this model works or not. They do, however, support a redefinition of concept zoning plan as an appropriate revision. Correctional zoning is a narrower approach to most of the ideas previously presented in this report, and is offered as a way to correct inconsistencies between the Regional Plan and the Zoning Map because of natural incremental growth and development of the City in years past. This idea may be framed within the context of there are not being many properties that are inconsistent with the Regional Plan land use map, and thus, at this time it is suggested that rather than seeking a comprehensive rewrite of Division 10-20.50 of the Zoning Code, a more focused approach to only provide for correctional zoning would be more appropriate. Comprehensive changes, if needed, could be considered at a later time. Please refer to Map 3 provided to the City Council with the May 10, 2013 CCR (see also Attachment F) that shows all lands in the City designated as general commercial or industrial on the Regional Plan land use map (shown in diagonal hatch) compared to those parcels with a zoning classification that is inconsistent with the Regional Plan land use map (purple color).

An issue that has yet to be resolved is that of how to define which parcels in the City would be allowed the correctional zoning approach. A **two part test** is suggested. First, and the easiest to document, is that the requested zoning of the parcel must be consistent with the Regional Plan land use map, e.g. general commercial uses. The second test, and the harder one to define, is the parameters for when this approach should apply. For example, must the property be bordered on a minimum of one or two sides with a parcel(s) that have zoning consistent with that intended for the subject property, e.g. Highway Commercial (HC) zoning? Staff acknowledges that further work is necessary to define how it may be applied within the City, and whether residential parcels should also be included in the scope of correctional zoning. This will be completed if there is City Council support for exploring this idea in more detail.

One issue that also needs to be thought through is how to address impacts to public infrastructure. As noted previously, at a minimum a concept zoning plan is a necessary requirement of a zone change proposal so that an understanding of minimum developer contributions to mitigate off-site impacts as a result of his/her project may be realized. This would presumably still be a requirement of a zone change application.

OPTIONS

Staff has identified a number of options for the City Council’s consideration if there is consensus to move forward with amendments to the Zoning Code thereby revising the current zone change process.

1. OPTION 1: Maintain the status quo

Maintain the status quo with no changes to Division 10-20.50 of the Zoning Code, i.e. maintain the current “detailed” concept plan requirements as well as the small, medium, and large scales as currently defined.

2. **OPTION 2: Redefine concept zoning plan requirements**
[This is a refinement of Option 1] Redefine the concept zoning plan requirements as proposed in Appendix C to establish minimal submission requirements to decouple details associated with site plan from concept plan and maintain the small, medium, and large scales as currently defined.
3. **OPTION 3: Redefine the concept zoning plan requirements and add Master Plans**
[This is a refinement of Option 2] Redefine the concept zoning plan requirements as proposed in Appendix C to establish minimal submission requirements to decouple details associated with site plan from concept plan; maintain the small, medium, and large scales as currently defined; and, add a new Master Plan scale.
4. **OPTION 4: Option 3 plus include a new process to give a developer choice**
[This is a refinement of Option 3] Redefine the concept zoning plan requirements as proposed in Appendix C to establish minimal submission requirements to decouple details associated with site plan from concept plan; maintain the small, medium, and large scales as currently defined; add a new Master Plan scale; and, include a new process to give a developer choice – either Direct Ordinance or Authorization to Rezone.
5. **OPTION 5: Consider adding site plan review by the P&Z Commission/DRB**
Develop a process for the Planning and Zoning Commission's or a citizen Development Review Board's review of the final site plan after City Council's approval and prior to the IDS review of the site plan. This additional step may be included into any of the Options suggested above, i.e. Options 1 through 4.
6. **OPTION 6: Consider a correctional rezoning process**
Develop a process for a "correctional rezoning" as described in the preceding narrative. This additional process may be included into any of the Options suggested above, i.e. Options 1 through 4, or it may be implemented as a stand-alone solution without additional comprehensive amendments to the Zoning Code except for the implementation of the concept zoning plan submission requirements as suggested in Option 2.

CONCLUSION

The purpose of the May 20th special City Council work session with invited Flagstaff residents is to find consensus on whether, and under what terms, amendments to the Zoning Map amendment process (more commonly called a zone change or rezoning) need to be made with possible revisions to the Zoning Code. This staff summary has provided important background information for the discussion, includes various suggestions for possible amendments to the Zoning Code (specifically Division 10-20.50, Amendments to the Zoning Code Text and the Zoning Map), and provides six options on a path forward for the City Council's consideration.

ATTACHMENTS

- A. Minutes from April 8, 2013 special City Council work session
- B. Sample concept plans (modified Marriott hotel concept submittal and Boulder Transit Village concept application)
- C. Existing and proposed concept plan submittal requirements
- D. Proposed process flow charts
- E. Map illustrating parcels not consistent with the commercial/industrial designation on the Regional Plan land use map.