

PLANNING AND DEVELOPMENT SERVICES REPORT
ZONING MAP AMENDMENT

PUBLIC HEARING
PC REZ 14-0001

DATE: **April 8, 2014**
MEETING DATE: **April 23, 2014**
REPORT BY: **Tiffany Antol**

REQUEST:

Zoning map amendment for approximately 601.61 acres of the Single –family Residential (R1) (Conditional) zone, known as the Pine Canyon development, located at 1201 E. John Wesley Powell Boulevard.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission forward PC REZ 14-001 to the City Council with a recommendation for approval with the conditions as noted in the Recommendation section of this report.

PRESENT LAND USE:

Pine Canyon development consists of condominiums, townhomes, estate twin houses, estate houses, private clubhouse and recreation facilities, private 18-hole golf course with accessory facilities and golf course maintenance and storage facilities.

PROPOSED LAND USE:

No modifications are proposed.

NEIGHBORHOOD DEVELOPMENT:

North: Coconino Community College, PF Zone; Undeveloped, RR Zone
East: Coconino National Forest, PLF Zone
South: Single-family residential, General Zone (County Island); Coconino National Forest, PLF Zone
West: Undeveloped, RR Zone; Pinnacle Pines Unit 1, Conditional MR Zone

REQUIRED FINDINGS:

STAFF REVIEW. An application for a Zoning Map amendment shall be submitted to the Planning Director and shall be reviewed and a recommendation prepared. The Planning Director’s recommendation shall be transmitted to the Planning Commission in the form of a staff report prior to a scheduled public hearing. The recommendation shall set forth whether the Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied; and shall include an evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; and a recommendation on the amendment based on the standards of the zones set forth in Section 10-40.20 “Establishment of Zones” of the Zoning Code (Page 40.20-1).

FINDINGS FOR REVIEWING PROPOSED AMENDMENTS. All proposed amendments shall be evaluated as to whether the application is consistent with and conforms to the goals of the General Plan and any applicable specific plans; and the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City of Flagstaff (the “City”) and will add to the public good as described in the General Plan; and the affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access, public services, and utilities to ensure that the requested zone designation and the proposed or anticipated uses and/or

development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. If the application is not consistent with the General Plan and any other applicable specific plan, the applicable plan must be amended in compliance with the procedures established in Chapter 11-10 of the City Code (Title 11: General Plans and Subdivisions) prior to considering the proposed amendment.

STAFF REVIEW:

Introduction/Background

In June of 2000, the City Council approved a rezoning request (Ordinance 2000-11) and development agreement allowing the development of Pine Canyon, which includes a mixture of condominium, estate twin houses (duplex units), estate homes, clubhouse and recreational facilities, maintenance and storage facilities, and an 18-hole private golf course with accessory facilities, located on approximately 660 acres. The primary entrance to Pine Canyon is located at the intersection of Lone Tree Road and John Wesley Powell Blvd.

One of the conditions of approval of Ordinance 2000-11 states “all private roads within the development remain open to the public and never gated.” The applicant, True Life Companies (TLC), is requesting a modification of this condition in order to allow the installation of gates at the primary entrance that would prohibit public access to Pine Canyon from dusk to dawn. Pine Canyon has constructed a gate house at both the main and secondary entries; however, the secondary entry has been closed off for general entry or exit from the community. The main gate monitors all persons entering and exiting the community since installation. The guards at the main entry do not prohibit the public from entering the property, upon showing proof of insurance and having a valid driver’s license.

The applicant states that the purpose of this modification is to assist in maintaining security for the community. Currently, the community has a guard on duty at the entrance 24 hours a day preventing them from patrolling the streets within the community at night. The original application states that there is little or no public use of the streets after dark and maintaining a guard at the guard house is a misuse of resources. A guard would remain on duty 24 hours a day and closure to the public from dusk to dawn will free the security guard to patrol the streets and answer calls from residents. In response to concerns from residents of Pine Canyon, the applicant amended their application to say that they would not be removing the guard from the guard house and that operations would remain as they are currently, but would install the gates as a supplemental security system.

In October of 2013, the City Council approved an agreement with the applicant that commits the City to erect and maintain a directional sign at the intersection of Lake Mary Road and John Wesley Powell, staff support to amend the rezoning ordinance to modify the gated provision during night time and extends the developers transportation improvement contribution.

Proposed Development Concept Plans

The only new development associated with this request is the installation of two swing gates and telephone entry system at the main guard house entrance of the Pine Canyon development. A gate would also be installed for the secondary access (access already closed) allowing residents with transponders to utilize this access.

General Plan – Flagstaff Area Regional Land Use and Transportation Plan

The proposed Zoning Map amendment relates directly to policies of the Flagstaff Regional Land Use and Transportation Plan. The review of this request is unique in that when the original case was approved it was reviewed under the *Growth*

Management Guide 2000 but with the knowledge of proposed policies in the not-yet adopted *Flagstaff Area Regional Land Use and Transportation Plan*. The policies presented below are from the latter and currently adopted plan with the knowledge that these policies change again with the new publicly unadopted *Flagstaff Regional Plan 2030*. The following RLUTP policies are relevant to this application:

Policy HN2.4 – Restrict Development of Gated Communities

“To keep all parts of the community accessible by all citizens, discourage gated communities unless connectivity and public access are provided and development is in conformance with other appropriate policies contained in the *Regional Plan*.” (Regional Plan, Page 2-34)

Strategy HN2.4(a) – Adopt Zoning and Subdivision Limits on Gated Communities

Policy T1.2 – Create an Efficient Transportation System

“The City and County shall work to ensure connectivity and continuity in local roads and streets between adjacent neighborhoods, and between neighborhoods and nearby commercial areas and schools in order to minimize auto dependency, minimize unnecessary driving, especially for short trips, and achieve a better distribution of traffic across the roadway network, avoiding unnecessary congestion on collector and arterial routes.” (Regional Plan, Page 3-4)

Policy T1.4 – Reduce Negative Traffic Impacts in Residential Neighborhoods

“Traffic calming shall be incorporated in neighborhoods to mitigate negative impacts, and streets serving residential areas shall be designed in a manner that does not encourage through traffic in neighborhoods.” (Regional Plan, Page 3-6)

Policy OSPRI.3 – Provide Non-Motorized Transportation Corridors to Connect Communities, Neighborhoods, Open Spaces and Recreational Areas.

“Provide non-motorized transportation corridors between neighborhoods, communities, and between the city and outlying areas and region and national facilities and sites. Non-motorized access shall be provided from new and redeveloped neighborhoods and should be required from existing neighborhoods to regional open space via easements, trails, and on-street facilities with open space connections between FUTS and USFS trails. Existing neighborhoods are encouraged to improve non-motorized access and connections to regional open space and incorporate open space connections between FUTS and USFS trails.” (Regional Plan, Page 4-3)

The most significant policy related to this request is Policy HN2.4 which calls for the restricted development of gated communities. The reason for this policy is that gated communities can lead to both physical and social segregation within a city. Pine Canyon is an enclave style development with private roads, recreation facilities, clubhouse and golf course. The associated strategy for this policy was to develop zoning and subdivision limits on gated communities. Both codes have recently been updated and neither address limitations on gated communities. It is possible to assume that one of the limitations would be the hours in which a community is gated, as in this proposal, which requests gating the community from dusk to dawn.

The other policies deal with community connectivity, reducing traffic impacts in neighborhoods and developing non-motorized corridors for community connectivity. The private roads within the Pine Canyon development do not provide access to any adjacent neighborhood or public facility. Under this request the roads would remain open during daylight hours under the current operational standards. The existing FUTS trail through Pine Canyon does provide community connectivity and is not proposed to be closed or restricted at any time.

PUBLIC SYSTEMS IMPACT ANALYSIS:

Traffic and Access

This request affects the public access to the roadways within the Pine Canyon community from dusk to dawn. Public access would be permitted during daylight hours only. The most significant concern with restricting access is the potential impacts to emergency responders including fire, police and utilities. A Knox Box is to be installed for Fire Department access and the applicant will provide a gate code to other emergency responders. Additionally, the applicant will provide emergency phone numbers for the security personnel on duty.

OTHER REQUIREMENTS:

Citizen Participation

The applicants held a neighborhood meeting on March 20, 2014 that was advertised to all residents/property owners within Pine Canyon, all property owners within 300 feet of Pine Canyon and interested community members. Seventeen people attended the meeting apart from the applicant's representatives. There were a number of questions about the proposal. None of those in attendance were in favor of the gate in lieu of a guard 24/7. The applicants received emails from 13 individuals mostly asking for more information. Pine Canyon representatives prepared a letter describing the request in full which was sent to many who had inquired about the request.

Staff has received 6 phone calls and 4 emails, most of which were requesting more specific information about the request. One caller and two emails were in opposition to the installation of gates. The other two emails are in opposition to the gates with the removal of the guards; they do not address the two in combination. One caller was opposed to the installation of the gates regardless of the guards on duty.

DISCUSSION:

The primary purpose of the original condition of approval was to maintain public access to the community of Pine Canyon. The revision to the condition that allows restricting public access from dusk to dawn still accomplishes the fundamental component of public access during daylight hours only. The policy in the Regional Plan that calls for restricting gated communities contemplated that guidelines and restrictions would be developed through either the Zoning or Subdivision codes, which have not been developed. The new Regional Plan does not address the issue of gated communities.

Pine Canyon is dependent on the City of Flagstaff for many of the same resources that all neighborhoods within the City of Flagstaff are dependent upon, including water and sewer services, and further dependent on the City for over 80+ million gallons of reclaimed water a year for the golf course. While it maintains its own security personnel it is still dependent upon the City of Flagstaff resources for emergency purposes, including police and fire. The proposal to leave public access during daylight hours to the Pine Canyon community is a fair compromise for the residents and property owners of Pine Canyon and the City of Flagstaff.

RECOMMENDATION:

Staff believes that the proposed Zoning Map amendment has been justified and would recommend in favor of amending Ordinance 2000-11 condition #8 to read: All streets within Pine Canyon shall remain open to the public, without the use of a gate, from dawn to dusk. Any means to restrict access to the streets of Pine Canyon may only be utilized from dusk to dawn and never restrict emergency access.

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ATTACHMENTS

- Zoning Map Amendment Application
- Ordinance 2000-11
- Public Hearing Legal Advertisements
- Citizen Participation Plan Report
- Emails received
- Agreement between the City of Flagstaff and TLC PC Infrastructure, LLC