

MINUTES

SPECIAL WORK SESSION
MONDAY, APRIL 8, 2013
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
4:00 P.M.

1. Call to Order.

Mayor Nabours called the Flagstaff Special Work Session of April 8, 2013, to order at 4:03 p.m.

2. Pledge of Allegiance.

The City Council and audience recited the Pledge of Allegiance.

3. 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; Planning Manager Jim Cronk; Zoning Code Administrator Roger Eastman; Nat White, Flagstaff resident and former City councilor; Marilyn 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 Hotsenspiler, Mogollon Engineering; Maury Herman, Flagstaff 40; Keri Sylvan, Attorney for Michael Manson.

4. Discussion and direction re invitees to represent various sectors of the community on the following agenda item.

Mayor Nabours explained that certain groups and people were designated to attend this meeting and provide input. Mr. Michael Manson was designated as a property owner; unfortunately, he is ill and unable to attend. Mr. Manson sent his representative/attorney to attend and represent him on his behalf. It was asked if there were any objections to her sitting at the table in place of Mr. Manson.

Some members of Council expressed some discomfort with this decision and having an attorney at the table.

A majority of Council agreed that Ms. Sylvan should be invited to the table on behalf of Mr. Manson.

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

Mr. Burke explained that the purpose of this meeting is to identify the challenges and issues with the current Zoning Map amendment process and then put those issues and challenges into some sort of problem solving question.

Mr. Eastman provided a history of the Zoning Map amendment process as well as an overview of the current process.

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

Issues/Concerns:

- Preserve process
- Encourage Capital Investment
- Properties not zoned correctly
- Process discourages rezoning
 - Full knowledge of intended use to determine zoning
 - Too costly – then no certainty of approval
 - Floor plans, site plans, resource protection, utilities, etc.
- Chicken and Egg – need zoning to secure tenant, need tenant to secure zoning
- Make development easier
 - Upfront costs
 - Extreme amount of details
 - Uncertainty discourages development
- Neighbors are concerned about:
 - Uncertainty as well, particularly close to the zone or use change
- Certainty for both sides
- Not had enough time to see new code working
- What degree of detail is acceptable to answer certainty concern
- Artificially drive development based on existing zoning
 - Inventory Issue
 - Low inventory, high process drives to other communities
- High risk to invest in rezoning because a political decision
- Rezoning City best opportunity to exact
 - If don't exact then existing citizens pay
- Once give zoning, what is required
- Reuse of existing properties
 - Don't know what use will be in 20-30 years
- When unzoned need to guess what you're going to do
 - Data points collected are premature

- Small, medium, large reversed
- When do is specific information requested
 - Don't throw out requirements but the timing of when they are asked for
- Public input – when and how
- Opportunity cost for City and Investor
- Supply and Demand Costs
- What is consequences to taxpayer if shift timing
- How often has Council denied rezoning, what required costly additions
- When public weigh in
- What degree of detail is acceptable to answer the certainty concern at what time and with what level of public input
- Who is approving body, when

Timing and uncertainty are the underlying issues; citizens are concerned about what is going to happen with the zoning of properties near them and how that is going to impact them. The more concrete the standards and requirements at the beginning of the process are, the more certainty there is but in return less flexibility.

Councilmember Oravits left the meeting at 5:50 PM.

A break was held from 5:55 PM to 6:07 PM.

The following people addressed the City Council and group participants and offered their issues and concerns about the process:

Jim McCarthy, a member of the Planning and Zoning Commission, cautioned the group about issuing the zone changes too early in the process because once zoning is approved there is no leverage for conditions. Mr. McCarthy emphasized the need to keep affected neighborhoods included in the communication.

David Monihan expressed frustration with the current process. Mr. Monihan provided an example of extensive delays in a “no brainer” rezone where Red Lobster and Olive Garden are and urged the group to consider these types of issues when further discussing the process and developing solutions.

Judy Louks, Flagstaff resident, described her struggles through five different attempts to rezone to no avail.

Paul Moore, a member of the Planning and Zoning Commission, explained his approach to dealing with his clients and rezone requests. Mr. Moore expressed that it is important to communicate with the public and allow for input at all stages but that the required components should have a conceptual element to them so they do not have to be “set in stone” at time of submittal.

The group began discussion of possible solutions. It was determined that another meeting will be necessary to allow adequate time for solutions to be discussed.

The following solutions were identified:

Solutions

- Look at use; by-right uses against a specific property
- Provide info but in a general scale

Council requested that staff generate and offer some alternatives to allow a property owner to request a change of zoning with less specificity than is required now but still protecting the public's right to know.

Council requested that the public participation requirements and process be incorporated into the plan, possibly showing it running parallel to the process. It will be important to see where the stages of public participation occur.

Lastly, Council requested information on the consequences to the tax payers if the timing is shifted.

6. Adjournment

The Flagstaff City Council Special Work Session of April 8, 2013, adjourned at 7:19 p.m.

MAYOR

ATTEST:

CITY CLERK