

CITY COUNCIL REPORT  
PUBLIC

DATE: January 26, 2018

TO: Mayor and City Council Members  
Patrick McCabe

FROM: Daniel Folke, Planning Director

CC: Josh Copley, City Manager; Barbara Goodrich, Deputy City  
Manager; Mark Landsiedel, Community Development Director

SUBJECT: Response to Patrick McCabe Questions

Staff was asked to provide a written response to Patrick McCabe's questions about the review process from an email correspondence to City Council of January 16, 2018. The email is attached to this report.

*Question: Will Council members have a chance to approve or deny Hope Construction's plans for 608 South Fontaine? Did Council members have a chance to approve or deny Hope's plan for 605 or 629 S. Fontaine?*

The 600 block of South Fontaine Street is zoned High Density Residential (HR) and T4N.1. Triplexes (3 dwelling units) are a permitted use in both the HR and T4N.1 districts. Triplexes are required to go through a concept and site plan review followed by building permits. These are administrative reviews completed by staff. Permitted uses are allowed by right as long as the development complies with adopted development standards. The term "by right" is used to describe permitted uses established by the property's zoning that go through an administrative staff review for compliance with adopted standards. While "by right" or entitled projects are not reviewed by City Council, the uses and standards have been adopted by City Council and they have the authority to revise them.

The Site Plan process ensures projects are in compliance with the zoning code, engineering standards, traffic, stormwater regulations, public works, utilities and the Fire Department standards. Building permits ensure structures comply with the building codes. The construction of triplexes at 608, 605 and 629 S. Fontaine Street do not require City Council approval, the owner is utilizing their property right established by zoning.

*Question: A 12-unit condominium subdivision on Dale and N. Leroux had to come before council. Why wouldn't a massive 12-unit building on Fontaine have to come before the Council?*

Similar to the triplexes on Fontaine Street, the 12-unit courtyard apartment under construction on the corner of Dale Avenue and Leroux Street is a permitted use. The project had the same

review of administrative concept and site plan followed by building permits as the Fountaine projects. One difference between the two projects is the owner of the courtyard apartment decided to create a condominium, allowing the units to be purchased, while the grounds and parking area remain under common ownership by the condominium association. Condominiums require a condominium subdivision plat. The preliminary condominium plat was presented to the Planning & Zoning Commission, followed by approval of the preliminary and final plat by City Council. While creating a condominium is considered utilizing a property right, it requires a subdivision to create legal descriptions to allow for the sale of the unit. Subdivision plats, including condominiums, require approval by the City Council. The triplexes on Fountaine Street are not condominiums, therefore do not require a subdivision plat.

*Question: Why are there different Goals and Policies provided in staff summaries under the "Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan"?*

Staff prepares a staff summary for all agenda items presented to City Council. The form includes a section to identify the items "connection to Council goals, Regional Plan goals and policies and the Team Flagstaff Strategic Plan." While applications for a zoning map amendment require a finding by City Council that the request is consistent with the Flagstaff Regional Plan (Title 10-20.50.040(F)(1)(a)), subdivision applications do not require a finding of consistency with the Regional Plan. The Regional Plan was considered when the zoning was put in place. Subdivision plats must comply with the standards of the zone such as minimum lot size and density (Title 10), and contain the information required by the subdivision code (Title 11) and the engineering standards for street and utility design (Title 13). If the subdivision plat complies with the zoning, subdivision and engineering standards it is approved. There is no finding required that considers compatibility or the Flagstaff Regional Plan for subdivisions. Zoning is intended to establish development standards (lot size, setbacks, height) and uses that when developed are compatible. In other words, property rights are established by the adopted zoning and development standards, not by an evaluation as to whether a proposal is appropriate or not. When an applicant is seeking additional development rights through a zoning map amendment application, City Council may consider consistency with the Flagstaff Regional Plan and if the request is compatible with surrounding uses.

## Daniel Folke

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**From:** Patrick McCabe <drella15@hotmail.com>  
**Sent:** Tuesday, January 16, 2018 9:51 AM  
**To:** Coral Evans; Jamie Whelan; Celia Barotz; Jim McCarthy; Eva Putzova; Charlie Odegaard; Scott Overton; Josh Copley; Barbara Goodrich; Shane Dille; Tiffany Antol; Daniel Folke; Elaine Averitt; Brian Kulina; Sara Dechter; Rick Barrett; Reggie Eccleston; Jeffrey Bauman  
**Cc:** Sterling Solomon; Felipe Zubia; Carlton Johnson; Deborah Ann Harris; Marie Jones; Charlie Silver; Leslie Connell; Maury Herman; Dawn Tucker; Liz Archuleta; Art Babbott; Terri Dunn; Randy Wilson; Corina Vanek; rita.cheng@nau.edu  
**Subject:** Fountaine Street: City Council Question

Dear friends:

The City Council meeting agenda for 1/2/18 included an item regarding a 12-unit residential condominium subdivision. Council members had a chance to approve or deny 12 condominiums at 19 West Dale, near North Leroux.

***Will Council members have a chance to approve or deny Hope Construction's plans for 608 South Fountaine?*** A 12-unit condominium subdivision on Dale and N. Leroux had to come before the Council. Why wouldn't a massive 12-unit building on Fountaine have to come before the Council?

Hope's massive building at 605 S. Fountaine (kitty-corner & across the street from 608) has been available for lease for about a month. It's a stacked triplex with tandem parking and units for 12 renters. Hope has already broken ground for its project at 629 S. Fountaine. Is it going to be a stacked triplex with tandem parking and units for 12 renters?  $12 + 12 = 24$ . If Hope is allowed to put a third stacked triplex at 608, that would bring the total to 36 new units on Fountaine's 600 block.

Please recall that Fountaine is one of Flagstaff's narrowest streets, only 22 feet wide. That's less than half the width of O'Leary, one block east, at just over 49 feet wide. South Leroux, where a prior Council allowed Hope to build a stacked triplex, is just under 48 feet wide.

Did Council members have a chance to approve or deny Hope's plans for 605 or 629 S. Fountaine? *Will Council members have a chance to approve or deny Hope Construction's plans for 608 S. Fountaine?*

The 1/2/18 agenda item was under ROUTINE ITEMS (7-E): Consideration and Approval of Final Plat Request from Miramonte Arizona, LLC for Final Plat approval for Miramonte @ Dale Avenue Condominiums, a 12-unit residential condominium subdivision on a .31-acre site in the T4N.1 transect zone.

There was an Information link from Ms. Elaine Averitt, Planning Development Manager. Included was a section under the heading: **Connection to Council Goal, Regional Plan and/or Team Flagstaff Strategic Plan.**

*Missing from this section* were some Connections that I've noticed on on past City documents. I've highlighted some phrases:

Policy CC.3.1. **Encourage neighborhood design to be respectful of traditional development patterns** and enhance the overall community image.

Policy NH.1.2. **Respect traditions**, identifiable styles, **proportions**...

Policy NH.6.1. Promote quality redevelopment and infill projects that are contextual with surrounding neighborhoods. **When planning for redevelopment, the needs of existing residents should be addressed as early as possible in the development process.**

With all respect as always, I don't think any of the above has been done regarding Hope Construc- tion's devastation of Fontaine's 600 block.

Sincerely,

Patrick McCabe

614 S. Fontaine St.