

**ORDINANCE NO. 2016-08**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP DOWNTOWN REGULATING PLAN DESIGNATION OF APPROXIMATELY 0.29 ACRES OF LAND GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF MIKES PIKE AND PHOENIX AVENUE FROM THE T4 NEIGHBORHOOD 1 – OPEN (T4N.1-O) AND T5 MAIN STREET (T5) TRANSECT ZONES TO THE T4 NEIGHBORHOOD 2 (T4N.2) TRANSECT ZONE AND APPROXIMATELY 1.35 ACRES LOCATED AT 17 S MIKES PIKE FROM THE T4 NEIGHBORHOOD 1 – OPEN (T4N.1-O) TRANSECT ZONE TO THE T5 MAIN STREET (T5) TRANSECT ZONE WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, Core Campus Flagstaff LLC (the “Applicant”), applied for a Zoning Map Amendment of approximately 1.64 acres of land generally located south and west of the southwest corner of Mikes Pike and Phoenix Avenue in the City of Flagstaff, Coconino County, Arizona, a legal description of which is provided in Exhibit “A” attached hereto (“the Property”), in order to, when combined with other parcels and entitlements, construct a mixed-use multi-family style student-housing development. The proposed development consists of 236 dwelling units, containing 664 beds, located above and behind 14,096 square feet of commercial uses; and

WHEREAS, the Applicant proposes to develop the Property pursuant to the terms and conditions of this Ordinance and a Development Agreement between Applicant and the City (“Agreement”), which will be presented to the City Council through a proposed resolution at the second reading of this Ordinance; and

WHEREAS, in furtherance of the Applicant’s development plans, the Applicant has applied to the City of Flagstaff to amend the transect zoning of the Property from the T4 Neighborhood 1 – Open (T4N.1-O) and T5 Main Street (T5) zones to the T4 Neighborhood 2 (T4N.2) zone for approximately 0.29 acres and from the T4 Neighborhood 1 – Open (T4N.1-O) zone to the T5 Main Street (T5) zone for approximately 1.35 acres; and

WHEREAS, the Planning and Zoning Commission has formally considered the present Zoning Map Amendment application following proper notice and hearings on January 13, 2015 and February 3, 2015, and has recommended Approval of the requested zoning application, subject to the Applicant’s compliance with certain conditions set forth below; and

WHEREAS, the Council finds that the Applicant has complied with all application requirements set forth in Chapter 10-20 of the Flagstaff Zoning Code; and

WHEREAS, the staff has recommended approval of the Zoning Map Amendment application, subject to the conditions proposed by the Planning and Zoning Commission, as augmented by staff, as set forth below, and the Council has considered each of the conditions and has found each condition to be appropriate for the Property and necessary for the proposed development; and

WHEREAS, the Council has read and considered the staff reports prepared by the Planning Division and all attachments to those reports, the Applicant's application, the narrative provided by the Applicant, and all statements made by the Applicant during the presentation to Council, and the Council finds that the proposed Zoning Map Amendment, subject to the conditions set forth below, meets the findings required by Section 10-20.50.040(F)(1)(a) of the Flagstaff Zoning Code.

**ENACTMENTS:**

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:**

SECTION 1. The foregoing recitals are incorporated as if fully set forth herein.

SECTION 2. The amendment requested in the application is consistent with and conforms to the goals of the General Plan.

SECTION 3. The amendment requested in the application will not be detrimental to the public interest, health, safety, convenience or welfare of the City and will add to the public good as described in the General Plan.

SECTION 4. The affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access and public services and utilities to ensure that the amendment requested in the application will not endanger, jeopardize or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located.

SECTION 5. The Zoning Map Downtown Regulating Plan designation for the Property is hereby amended from the T4 Neighborhood 1 – Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone for approximately 0.29 acres, as depicted in Exhibit “B”, and from the T4 Neighborhood 1 – Open (T4N.1-O) transect zone to the T5 Main Street (T5) transect zone for approximately 1.35 acres, as depicted in Exhibit “C”, through the approval of the application and all other documents attached to the staff summary submitted in support of this ordinance.

SECTION 6. The City is specifically relying on all assertions made by the Applicant, or the applicant's representatives, whether authorized or not, made at the public hearing on the zone change application unless the assertions were withdrawn on the record. Those assertions are hereby incorporated into this ordinance.

SECTION 7 That the Zoning Map Amendment be conditioned on compliance with that Agreement between the City of Flagstaff and the Applicant, approved by the City Council in Resolution No. \_\_\_\_\_ on \_\_\_\_\_.

SECTION 8. That the Zoning Map Amendment be further conditioned upon the Applicant's satisfaction of the following conditions proposed by the Planning and Zoning Commission, as augmented by staff:

CONDITIONS:

1. Unless modified to comply with these conditions, the site shall be developed in substantial conformance to the Site Plan as approved by the Inter-Division Staff (IDS) on December 11, 2015, and as presented to the Planning and Zoning Commission with this Zoning Map Amendment request.
2. The proposed structure located along Mikes Pike shall be limited to 4-stories/52-feet in height adjacent to the street frontage. A fifth story, if desired, shall have all residential units setback at least 40-feet from the property line. Elevators and stairwells may encroach into the 40-foot setback as necessary.
3. Development shall be limited to two hundred thirty-six (236) units and six hundred sixty-four (664) beds. Any increase to either the number of units or beds must be approved by the City Council through the review of a Zoning Map Amendment application.
4. At the time of building permit submittal, the easternmost and westernmost residential entrances along Phoenix Avenue shall be modified to incorporate a covered porch element, or other similar feature, at the first floor entry to emphasize the pedestrian scale and residential character.
5. Prior to building permit submittal, the Developer shall combine Coconino County Assessor parcel numbers 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C.
6. The Developer shall provide one hundred (100) additional parking spaces either on-site, off-site in a structure, or off-site in a joint public/private structure with the City. Off-site parking shall be located within 600-feet of the Property. In-lieu of providing the parking spaces, the Developer may elect to pay a fee of twenty thousand dollars (\$20,000.00) per space to the City for use in construction of an off-site public parking structure.

SECTION 9. That City staff is hereby authorized to take such other and further measures and actions as are necessary and appropriate to carry out the terms, provisions and intents of this Ordinance.

SECTION 10. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 11. This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Exhibit "A"

Legal Description of Property

Exhibit "B"

Legal Description of New T4N.2 Zoning

Exhibit "C"

Legal Description of New T5 Zoning