

ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 26.17 ACRES OF REAL PROPERTY LOCATED ON MCMILLAN MESA, FROM SUBURBAN COMMERCIAL (“SC”) TO MEDIUM DENSITY RESIDENTIAL (“MR”) FOR 7.67 ACRES, FROM RESEARCH AND DEVELOPMENT (“RD”) TO MEDIUM DENSITY RESIDENTIAL (“MR”) FOR 13.66 ACRES, AND FROM RESIDENTIAL SINGLE-FAMILY (“R1”) TO PUBLIC OPEN SPACE (“POS”) FOR 4.84 ACRES, AND AMENDING THE MCMILLAN MESA VILLAGE SPECIFIC PLAN TO REALLOCATE 192 DWELLING UNITS FROM DEVELOPMENT AREA B TO DEVELOPMENT AREAS C, D1 AND D3; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, MMV Devco LLC (the “Applicant”), applied for a Concept Zoning Map Amendment and McMillan Mesa Village Specific Plan Amendment for approximately 26.17 acres of land located on McMillan Mesa, Coconino County, Arizona, a legal description of which is provided in Exhibits “A, B, C and I-C” attached hereto (“the Property”), in order to construct residential development in lieu of commercial and research and development uses; and

WHEREAS, the Applicant proposes to develop the Property pursuant to the terms and conditions of this Ordinance and the existing Development Agreement between Applicant and the City (“Agreement”); and

WHEREAS, in furtherance of the Applicant’s development plans, the Applicant has applied to the City of Flagstaff to amend the zoning of the Property from the Suburban Commercial (SC) zone to the Medium Density Residential (MR) zone for approximately 7.67 acres, from Research and Development (RD) zone to Medium Density Residential (MR) zone for approximately 13.66 acres, and from Residential Single-family (R1) zone to Public Open Space for approximately 4.84 acres, and to amend the McMillan Mesa Village Specific Plan to reallocate 192 dwelling units from Development Area B to Development Areas C, D1, and D3; and

WHEREAS, the Applicant conducted neighborhood meetings on March 24, 2015, and January 13, 2016, to discuss the proposed Zoning Map Amendment with the surrounding community, as required by Section 10-20.50.040 of the Flagstaff Zoning Code; and

WHEREAS, the Planning and Zoning Commission has formally considered the present Concept Zoning Map Amendment and McMillan Mesa Village Specific Plan Amendment applications following proper notice and public hearings on January 27, 2016, and February 10, 2016, and has recommended approval of the requested zoning and specific plan amendment applications, 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 Concept Zoning Map Amendment and McMillan Mesa Village Specific Plan Amendment applications, 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 Concept Zoning Map Amendment and McMillan Mesa Specific Plan 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 designation for the Property is hereby amended from the Suburban Commercial (SC) zone to the Medium Density Residential (MR) zone for approximately 7.67 acres as depicted in Exhibit "A", from the Research and Development (RD) zone to the Medium Density Residential (MR) zone for approximately 13.66 acres as depicted in Exhibits "B" and "C", and from Residential Single-family (R1) zone to Public Open Space (POS) zone as depicted in Exhibit "I-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 McMillan Mesa Village Specific plan shall be amended to reallocate approximately 192 dwelling units from Development Area B to Development Areas C, D1, and D3, and to amend the development options for Development Areas B, C, D1 and D3, as depicted in Exhibit "D" (revised pages of McMillan Mesa Village Specific Plan). The remainder of the McMillan Mesa Village Specific Plan, as approved by Ordinance No. 1779, shall remain in full force and effect.

SECTION 7. 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 8. That the Concept Zoning Map Amendment and McMillan Mesa Village Specific Plan Amendment be conditioned on compliance with that Agreement between the City of Flagstaff and the Applicant, approved by the City Council and recorded under instrument number 3432671 on April 4, 2007.

SECTION 9. That the Zoning Map Amendment and McMillan Mesa Village Specific Plan 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. The subject property shall be developed in substantial conformance to the conceptual plans as submitted to the maximum extent feasible. Development Areas C and D1 shall consist of single-story cottage units and Development Area D3 shall consist of single-family homes.
2. Development Area B of the McMillan Mesa Village Specific Plan shall conform to the density allowances of the High Density Residential (HR) Zone and Development Areas C, D1, and D3 of the McMillan Mesa Village Specific Plan shall conform to the density allowances of the Medium Density Residential (MR) zone as listed below and included within the amended specific plan:
 - Development Area B – 246 dwelling units
 - Development Area C – 69.03 dwelling units
 - Development Area D1 – 66.15 dwelling units
 - Development Area D3 – 56.7 dwelling units
3. The Applicant shall provide twenty-five (25) copies of the revised McMillan Mesa Specific Plan with staff's attached amended pages upon recordation of the Ordinance amending this plan.
4. Architectural design standards shall be applied to all elevations that front/face public right-of-ways, designated open space areas, and Flagstaff Urban Trail System (FUTS) trails.
5. A weed abatement plan shall be developed and implemented for the maintenance of open areas within the development areas subject to this request including the detention basins.
6. A landscape plan shall be prepared and implemented for the medians on N. Pine Cliff Drive and N. Gemini Drive in conjunction with the site plan applications for Development Areas C, D1 or D3.
7. All fencing abutting right-of-ways, designated open space areas, and Flagstaff Urban Trail System (FUTS) trails shall be developed in concert with one overall consistent design.
8. Development Area D3 shall maintain a direct access with the adjacent FUTS trail as shown on the concept plan.

SECTION 10. 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 11. 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 12. 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 5th day of April, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit "A"

Legal Description of Property

Exhibit "B"

Legal Description of New Zoning