ORDINANCE NO. 2016-17

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 5.31 ACRES OF REAL PROPERTY LOCATED AT THE END OF HIGHLAND AVENUE WEST OF WOODLANDS VILLAGE BOULEVARD, FROM HIGHWAY COMMERCIAL (HC) TO PUBLIC FACILITY (PF); PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, The City of Flagstaff (the "Applicant"), applied for a Zoning Map Amendment to rezone approximately 5.31 acres of land located at the end of Highland Avenue west of Woodlands Village Boulevard, Coconino County, Arizona, a legal description of which is provided in Exhibit "A" attached hereto ("the Property"), in order to construct a park or open space area.

WHEREAS, in furtherance of the Applicant's reasons for the rezone, the Applicant has applied to the City of Flagstaff to amend the zoning of the Property from Highway Commercial (HC) to Public Facility (PF) for approximately 5.31 acres; and

WHEREAS, the Applicant conducted a neighborhood meeting on October 19, 2015, 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 Zoning Map Amendment application following proper notice and a public hearing on February 24, 2016, and has recommended approval of the requested zoning application,; 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; 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, meets the findings required by Section 10-20.50.040(F)(1)(a) of the Flagstaff Zoning Code.

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 Highway Commercial (HC) zone to the Public Facility (PF) zone for approximately 5.31 acres, as depicted in Exhibit "B", 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 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 9. 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 10. 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 19th day of April, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Exhibit “A”

Legal Description of Property

Exhibit A

PARCEL NO. 1: (112-29-021G

An irregular shaped parcel of land located in the Northeast quarter of Section 29, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, being a portion of that parcel of land describes as Tract A, WOODLANDS VILLAGE UNIT THREE, recorded in Case 4, Map 131 (R1) records of Coconino County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of Tract A;

Thence South 60°29'22" East (R) a distance of 310.00 feet along the South line of said Tract A;

Thence North 34°°59'03" East, a distance of 302.66 feet;

Thence North 42°°33'32"East, a distance of 300.03 feet to the North line of said Tract A;

Thence South 88°35'55" West (Basis of Bearings) , a distance of 282.11 feet along the North line of said Tract A to the beginning of a curve to the right with a radius of 628.00 feet and a central angle of 16°28'13";

Thence South 29°17'42" West, a distance of 379.28 feet along the West line of said Tract A to the Point of Beginning.

PARCEL NO. 2: (112-29-021F)

A parcel of land, situated in Section 29, Township 22 North, Range 7 East, of the Gila and Salt River Base and Meridian+, Coconino County, Arizona, being a part of Tract A. WOODLANDS VILLAGE UNIT THREE, as shown on the plat thereof recorded in Case 4, Maps 131-131B, more particularly as follows:

BEGINNING at the West corner of said Tract A;

Thence North 29°17°42" East, along the Westerly line of said Tract A, a distance of 379.28 feet to a point on a non-tangent curve concave Northeasterly and having a radius of 628.00 feet, which bears North 15°04'08" East;

Thence Northeasterly, along said curve, through a central angle of 16°28'13", a distance of 180.52 feet;

Thence North 88°35'55"East, a distance of 314.77 feet;

Thence South 05°54'05"East, a distance of 108.98 feet;

Thence South 39°27'45"West, a distance of 261.42 feet;

Thence South 50°32'15"East, a distance of 33.00 feet;

Thence South 39°27'45"West, a distance of 262.28 feet to a point on the South line of said Woodland Village Unit Three and the North right-of-way line of said Interstate 40;

Thence North 60°29'22"West, a distance of 439.77 feet to the Point of Beginning.

EXCEPTING THEREFROM any portion lying within the following described property:

An irregular shaped parcel of land located in the Northeast quarter of Section 29, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, being a portion of that parcel of land describes as Tract A, WOODLANDS VILLAGE UNIT THREE, recorded in Case 4, Map 131 (R1) records of Coconino County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of Tract A;

Thence South 60°29'22" East (R) a distance of 310.00 feet along the South line of said Tract A;

Thence North 34°°59'03" East, a distance of 302.66 feet;

Thence North 42°°33'32"East, a distance of 300.03 feet to the North line of said Tract A;

Thence South 88°35'55" West (Basis of Bearings) , a distance of 282.11 feet along the North line of said Tract A to the beginning of a curve to the right with a radius of 628.00 feet and a central angle of 16°28'13";

Thence South 29°17'42" West, a distance of 379.28 feet along the West line of said Tract A to the Point of Beginning.

Exhibit “B”

Legal Description of New Zoning

Exhibit A

PARCEL NO. 1: (112-29-021G

An irregular shaped parcel of land located in the Northeast quarter of Section 29, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, being a portion of that parcel of land describes as Tract A, WOODLANDS VILLAGE UNIT THREE, recorded in Case 4, Map 131 (R1) records of Coconino County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of Tract A;

Thence South 60°29'22" East (R) a distance of 310.00 feet along the South line of said Tract A;

Thence North 34°°59'03" East, a distance of 302.66 feet;

Thence North 42°°33'32"East, a distance of 300.03 feet to the North line of said Tract A;

Thence South 88°35'55" West (Basis of Bearings) , a distance of 282.11 feet along the North line of said Tract A to the beginning of a curve to the right with a radius of 628.00 feet and a central angle of 16°28'13";

Thence South 29°17'42" West, a distance of 379.28 feet along the West line of said Tract A to the Point of Beginning.

PARCEL NO. 2: (112-29-021F)

A parcel of land, situated in Section 29, Township 22 North, Range 7 East, of the Gila and Salt River Base and Meridian+, Coconino County, Arizona, being a part of Tract A. WOODLANDS VILLAGE UNIT THREE, as shown on the plat thereof recorded in Case 4, Maps 131-131B, more particularly as follows:

BEGINNING at the West corner of said Tract A;

Thence North 29°17°42" East, along the Westerly line of said Tract A, a distance of 379.28 feet to a point on a non-tangent curve concave Northeasterly and having a radius of 628.00 feet, which bears North 15°04'08" East;

Thence Northeasterly, along said curve, through a central angle of 16°28'13", a distance of 180.52 feet;

Thence North 88°35'55"East, a distance of 314.77 feet;

Thence South 05°54'05"East, a distance of 108.98 feet;

Thence South 39°27'45"West, a distance of 261.42 feet;

Thence South 50°32'15"East, a distance of 33.00 feet;

Thence South 39°27'45"West, a distance of 262.28 feet to a point on the South line of said Woodland Village Unit Three and the North right-of-way line of said Interstate 40;

Thence North 60°29'22"West, a distance of 439.77 feet to the Point of Beginning.

EXCEPTING THEREFROM any portion lying within the following described property:

An irregular shaped parcel of land located in the Northeast quarter of Section 29, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, being a portion of that parcel of land describes as Tract A, WOODLANDS VILLAGE UNIT THREE, recorded in Case 4, Map 131 (R1) records of Coconino County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of Tract A;

Thence South 60°29'22" East (R) a distance of 310.00 feet along the South line of said Tract A;

Thence North 34°°59'03" East, a distance of 302.66 feet;

Thence North 42°°33'32"East, a distance of 300.03 feet to the North line of said Tract A;

Thence South 88°35'55" West (Basis of Bearings) , a distance of 282.11 feet along the North line of said Tract A to the beginning of a curve to the right with a radius of 628.00 feet and a central angle of 16°28'13";

Thence South 29°17'42" West, a distance of 379.28 feet along the West line of said Tract A to the Point of Beginning.