

## FINAL AGENDA

REGULAR COUNCIL MEETING  
MONDAY  
NOVEMBER 3, 2014

COUNCIL CHAMBERS  
211 WEST ASPEN AVENUE  
4:00 P.M. AND 6:00 P.M.

*This meeting has been scheduled in place of the November 4, 2014, Regular Meeting due to the General Election being held on November 4, 2014.*

### 4:00 P.M. MEETING

*Individual Items on the 4:00 p.m. meeting agenda may be postponed to the 6:00 p.m. meeting.*

#### 1. CALL TO ORDER

##### NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. 38-431.03(A)(3).*

#### 2. ROLL CALL

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR NABOURS  
VICE MAYOR EVANS  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS  
COUNCILMEMBER OVERTON  
COUNCILMEMBER WOODSON

#### 3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

##### MISSION STATEMENT

*The mission of the City of Flagstaff is to protect and enhance the quality of life of its citizens.*

#### 4. APPROVAL OF MINUTES FROM PREVIOUS MEETINGS

None

- A. Consideration and Approval of Minutes: City Council Special Meeting (Executive Session) of October 28, 2014.

##### RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Special Meeting (Executive Session) of October 28, 2014.

**5. PUBLIC PARTICIPATION**

*Public Participation enables the public to address the Council about an item that is not on the agenda (or is listed under Possible Future Agenda Items). Comments relating to items that are on the agenda will be taken at the time that the item is discussed. If you wish to address the Council at tonight's meeting, please complete a comment card and submit it to the recording clerk as soon as possible. Your name will be called when it is your turn to speak. You may address the Council up to three times throughout the meeting, including comments made during Public Participation. Please limit your remarks to three minutes per item to allow everyone an opportunity to speak. At the discretion of the Chair, ten or more persons present at the meeting and wishing to speak may appoint a representative who may have no more than fifteen minutes to speak.*

**6. PROCLAMATIONS AND RECOGNITIONS**

None

**7. APPOINTMENTS**

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that the City Council may vote to go into executive session, which will not be open to the public, for the purpose of discussing or considering employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee, or employee of any public body...., pursuant to A.R.S. §38-431.03(A)(1).*

None

**8. LIQUOR LICENSE PUBLIC HEARINGS**

- A. Consideration and Action on Liquor License Application:** Andrea Lewkowitz, "Smashburger", 1020 S. Milton Rd. Ste #102., Series 12 (restaurant), New License.

**RECOMMENDED ACTION:**

Hold the Public Hearing

The City Council has the option to:

- 1) Forward the application to the State with a recommendation for approval;
- 2) Forward the application to the State with no recommendation; or
- 3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

**9. CONSENT ITEMS**

*All matters under Consent Agenda are considered by the City Council to be routine and will be enacted by one motion approving the recommendations listed on the agenda. Unless otherwise indicated, expenditures approved by Council are budgeted items.*

None



**10. ROUTINE ITEMS**

- A. Consideration and Adoption of Ordinance No. 2014-28:** An ordinance of the Mayor and Council amending Title II, Boards and Commissions, of the Flagstaff City Code by amending various boards and commissions of the City to provide for consistency in the number of members and their terms.

**RECOMMENDED ACTION:**

At the November 3, 2014, Council Meeting

- 1) Read Ordinance No. 2014-28 by title only for the first time
- 2) City Clerk reads Ordinance No. 2014-28 by title only (if approved above)

At the November 18, 2014, Council Meeting

- 3) Read Ordinance No. 2014-28 by title only for the final time
- 4) City Clerk reads Ordinance No. 2014-28 by title only (if approved above)
- 5) Adopt Ordinance No. 2014-28

- B. Presentation of City Manager Awards**

**RECESS**

**6:00 P.M. MEETING**

**RECONVENE****NOTICE OF OPTION TO RECESS INTO EXECUTIVE SESSION**

*Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the City Council and to the general public that, at this regular meeting, the City Council may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3 ).*

**11. ROLL CALL**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

MAYOR NABOURS

VICE MAYOR EVANS

COUNCILMEMBER BAROTZ

COUNCILMEMBER BREWSTER

COUNCILMEMBER ORAVITS

COUNCILMEMBER OVERTON

COUNCILMEMBER WOODSON

**12. PUBLIC PARTICIPATION****13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA**

**14. PUBLIC HEARING ITEMS**

- A. Public Hearing, Consideration and Adoption of Ordinance No. 2014-30:** An ordinance of the City Council of the City of Flagstaff, Arizona, extending and increasing the corporate limits of the City of Flagstaff, Coconino County, State of Arizona, pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing certain land totaling approximately 3.14 acres located at 2701 S. Woody Mountain Road, which land is contiguous to the existing corporate limits of the City of Flagstaff and establishing city zoning for said land as RR, Rural Residential. ***(Annexation of property for Aspen Heights located on Woody Mountain Road)***

**RECOMMENDED ACTION:**

At the November 3, 2014 Council Meeting:

- 1) Continue holding Public Hearing
- 2) Read Ordinance No. 2014-30 by title only for the first time
- 3) City Clerk reads Ordinance No. 2014-30 by title only for the first time (if approved above)

At the November 18, 2014 Council Meeting:

- 4) Read Ordinance No. 2014-30 by title for the final time
- 5) City Clerk reads Ordinance No. 2014-30 by title only for the final time (if approved above)
- 6) Adopt Ordinance No. 2014-30

- B. Public Hearing, Consideration and Adoption of Ordinance No. 2014-31:** An Ordinance amending the Flagstaff Zoning Map designation of approximately 36.94 acres of real property generally located at the intersection of Route 66 and Woody Mountain Road, from Rural Residential ("RR") to Highway Commercial ("HC") for 3.6 acres, and to Medium Density Residential ("MR") for 33.33 acres. ***(Rezoning of property for Aspen Heights located on Woody Mountain Road)***

**RECOMMENDED ACTION:**

At the November 3, 2014 Council Meeting:

- 1) Continue holding Public Hearing
- 2) Read Ordinance No. 2014-31 by title only for the first time
- 3) City Clerk reads Ordinance No. 2014-31 by title for the first time (if approved above)

At the November 18, 2014 Council Meeting:

- 4) Read Ordinance No. 2014-31 by title only for the final time
- 5) City Clerk reads Ordinance No. 2014-31 by title for the final time (if approved above)
- 6) Adopt Ordinance No. 2014-31

**15. REGULAR AGENDA**

- A. Consideration and Approval of Resolution No. 2014-38:** A resolution authorizing the execution of a First Amended and Restated Development Agreement between Pinnacle DevCo, Ltd., and the City of Flagstaff related to the development of approximately 18.6 acres of real property generally located at 800 E Sterling Lane. ***(Pinnacle Pines)***

**RECOMMENDED ACTION:**

- 1) Read Resolution No. 2014-38 by title only.
- 2) City Clerk reads Resolution No. 2014-38 by title only (if approved above).
- 3) Approve Resolution No. 2014-38

- B. **Consideration and Approval of a Final Plat and Map of Dedication** request by Mogollon Engineering & Surveying, Inc., on behalf of Pinnacle 146 LLC, for the subdivision of approximately 0.63 acres into 8 single-family residential townhouse lots located at 800 E Sterling Lane within the Medium Density Residential (MR) zone and the dedication of right-of-way within a portion of Tract 22 of The Estates at Pine Canyon One.

**RECOMMENDED ACTION:**

Staff recommends that the Council approve the final plat and Map of Dedication and authorize the Mayor to sign the final plat, the City/Subdivider Agreement and Map of Dedication when notified by staff that all documents are ready for signature and recordation.

- C. **Consideration of Cancelling the December 23, 2014, Council Meeting**

16. **DISCUSSION ITEMS**

None

17. **POSSIBLE FUTURE AGENDA ITEMS**

*Verbal comments from the public on any item under this section must be given during Public Participation near the beginning of the meeting. Written comments may be submitted to the City Clerk. After discussion and upon agreement of three members of the Council, an item will be moved to a regularly-scheduled Council meeting.*

None

18. **INFORMATIONAL ITEMS AND REPORTS FROM COUNCIL AND STAFF, REQUESTS FOR FUTURE AGENDA ITEMS**

19. **ADJOURNMENT**

**CERTIFICATE OF POSTING OF NOTICE**

The undersigned hereby certifies that a copy of the foregoing notice was duly posted at Flagstaff City Hall on \_\_\_\_\_, at \_\_\_\_\_ a.m./p.m. in accordance with the statement filed by the City Council with the City Clerk.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
Elizabeth A. Burke, MMC, City Clerk

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 10/31/2014  
**Meeting Date:** 11/03/2014



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**TITLE**

**Consideration and Approval of Minutes:** City Council Special Meeting (Executive Session) of October 28, 2014.

**RECOMMENDED ACTION:**

Amend/approve the minutes of the City Council Special Meeting (Executive Session) of October 28, 2014.

**INFORMATION**

Attached are copies of the minutes of the City Council Special Meeting (Executive Session) of October 28, 2014.

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**Attachments:** 10.28.2014.CCSMES.Minutes

## MINUTES

**1. Call to Order**

**2. Roll Call**

*NOTE: One or more Councilmembers may be in attendance telephonically or by other technological means.*

**PRESENT**

**ABSENT**

MAYOR NABOURS  
VICE MAYOR EVANS  
COUNCILMEMBER BAROTZ  
COUNCILMEMBER BREWSTER  
COUNCILMEMBER ORAVITS  
COUNCILMEMBER WOODSON

COUNCILMEMBER OVERTON (excused)

**3. Recess into Executive Session.**

The Flagstaff City Council recessed into Executive Session at 4:02 p.m.

**4. Executive Session:**

- A.** Discussion or consultation for legal advice with the attorney or attorneys of the public body; and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS 38-431.03(A)(3) and (4), respectively.
  - i. Hopi v. City of Flagstaff; City of Flagstaff v. AZ Snowbowl
- B.** Discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to A.R.S. 38-431.03(A)(3).
  - i. Heritage Square

- C. **\*Discussion or consultation for legal advice with the attorney or attorneys of the public body; and discussion or consultation with the attorneys of the public body in order to consider its position and instruct its attorneys regarding the public body's position regarding contracts that are the subject of negotiations, in pending or contemplated litigation or in settlement discussions conducted in order to avoid or resolve litigation, pursuant to ARS 38-431.03(A)(3) and (4), respectively.**
- i. **\*Possible settlement of CV20134-053783: Capital Improvements, LLC. v. City of Flagstaff regarding West/Arrowhead project.**

**5. Adjournment**

The Flagstaff City Council reconvened into Open Session at 5:12 p.m. at which time the Special Meeting of October 28, 2014, adjourned.

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MAYOR

ATTEST:

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CITY CLERK

**CITY OF FLAGSTAFF  
STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Stacy Saltzburg, Deputy City Clerk  
**Date:** 10/29/2014  
**Meeting Date:** 11/03/2014



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**TITLE:**

**Consideration and Action on Liquor License Application:** Andrea Lewkowitz, "Smashburger", 1020 S. Milton Rd. Ste #102., Series 12 (restaurant), New License.

**RECOMMENDED ACTION:**

Hold the Public Hearing

The City Council has the option to:

- 1) Forward the application to the State with a recommendation for approval;
- 2) Forward the application to the State with no recommendation; or
- 3) Forward the application to the State with a recommendation for denial based on the testimony received at the public hearing and/or other factors.

**Policy Decision or Reason for Action:**

Andrea Lewkowitz is the agent for a new Series 12 (restaurant) liquor license for Smashburger.

**Financial Impact:**

There is no budgetary impact to the City of Flagstaff as this is a recommendation to the State.

**Connection to Council Goal:**

Effective governance (Regulatory action)

**Has There Been Previous Council Decision on This:**

Not applicable.

**Options and Alternatives:**

- 1) Table the item if additional information or time is needed.
- 2) Make no recommendation.
- 3) Forward the application to the State with a recommendation for approval.
- 4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

**Background/History:**

An application for a new Series 12 liquor license was received from Andrea Lewkowicz for Smashburger.

A background investigation performed by Sgt. Matt Wright of the Flagstaff Police Department resulted in a recommendation for approval.

A background investigation performed by Tom Boughner, Code Compliance Manager resulted in no active code violations being reported.

Sales tax and licensing information was reviewed by Ranbir Cheema, Tax, Licensing & Revenue Manager, who stated that the business is in compliance with the tax and licensing requirements of the City.

**Key Considerations:**

Because the application is for a new license, consideration may be given to both the location and the applicant's personal qualifications.

A Series 12 license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

The deadline for issuing a recommendation on this application is November 7, 2014.

The applicant is not required to provide the distance between the applicant's business and the nearest church or school for government; and the State does not require a geological map or list of licenses in the vicinity for any license series.

**Expanded Financial Considerations:**

This business will contribute to the tax base of the community.

**Community Involvement:**

The application was properly posted on October 9, 2014.

No written protests have been received to date.

**Expanded Options and Alternatives:**

- 1) Table the item if additional information or time is needed.
- 2) Make no recommendation.
- 3) Forward the application to the State with a recommendation for approval.
- 4) Forward the application to the State with a recommendation for denial, stating the reasons for such recommendation.

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**Attachments:**     [Smashburger - Letter to Applicant](#)  
                              [Hearing Procedures](#)  
                              [Series 12 Description](#)  
                              [Smashburger - PD Memo](#)  
                              [Smashburger - Code Memo](#)  
                              [Smashburger - Tax Memo](#)





OFFICE OF THE CITY CLERK

October 23, 2014

Smashburger  
Attn: Andrea Lewkowitz  
3900 East Mexico Ave., Suite 1200  
Denver, CO 80210

Dear Ms. Lewkowitz:

Your application for a new Series 12 liquor license for Smashburger at 1020 S. Milton Rd., Ste 102., was posted on October 9, 2014. The City Council will consider the application at a public hearing during their regularly scheduled City Council Meeting on **Monday, November 3, 2014 which begins at 4:00 p.m.**

It is important that you or your representative attend this Council Meeting and be prepared to answer any questions that the City Council may have. Failure to be available for questions could result in a recommendation for denial of your application. We suggest that you contact your legal counsel or the Department of Liquor Licenses and Control at 602-542-5141 to determine the criteria for your license. To help you understand how the public hearing process will be conducted, we are enclosing a copy of the City's liquor license application hearing procedures.

The twenty-day posting period for your liquor license application is set to expire on October 29, 2014 and the application may be removed from the premises at that time.

If you have any questions, please feel free to call me at 928-213-2077.

Sincerely,

Stacy Saltzburg  
Deputy City Clerk

Enclosure



# City of Flagstaff

## Liquor License Application Hearing Procedures

1. When the matter is reached at the Council meeting, the presiding officer will open the public hearing on the item.
2. The presiding officer will request that the Applicant come forward to address the Council regarding the application in a presentation not exceeding ten (10) minutes. Council may question the Applicant regarding the testimony or other evidence provided by the Applicant.
3. The presiding officer will then ask whether City staff have information to present to the Council regarding the application. Staff should come forward at this point and present information to the Council in a presentation not exceeding ten (10) minutes. Council may question City staff regarding the testimony or other evidence provided by City staff.
4. Other parties, if any, may then testify, limited to three (3) minutes per person. Council may question these parties regarding the testimony they present to the Council.
5. The Applicant may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of the Applicant.
6. City staff may make a concise closing statement to the Council, limited to five (5) minutes. During this statement, Council may ask additional questions of City Staff.
7. The presiding officer will then close the public hearing.
8. The Council will then, by motion, vote to forward the application to the State with a recommendation of approval, disapproval, or shall vote to forward with no recommendation.

## **R19-1-702. Determining Whether to Grant a License for a Certain Location**

- A. To determine whether public convenience requires and the best interest of the community will be substantially served by issuing or transferring a license at a particular unlicensed location, local governing authorities and the Board may consider the following criteria:
1. Petitions and testimony from individuals who favor or oppose issuance of a license and who reside in, own, or lease property within one mile of the proposed premises;
  2. Number and types of licenses within one mile of the proposed premises;
  3. Evidence that all necessary licenses and permits for which the applicant is eligible at the time of application have been obtained from the state and all other governing bodies;
  4. Residential and commercial population of the community and its likelihood of increasing, decreasing, or remaining static;
  5. Residential and commercial population density within one mile of the proposed premises;
  6. Evidence concerning the nature of the proposed business, its potential market, and its likely customers;
  7. Effect on vehicular traffic within one mile of the proposed premises;
  8. Compatibility of the proposed business with other activity within one mile of the proposed premises;
  9. Effect or impact on the activities of businesses or the residential neighborhood that might be affected by granting a license at the proposed premises;
  10. History for the past five years of liquor violations and reported criminal activity at the proposed premises provided that the applicant received a detailed report of the violations and criminal activity at least 20 days before the hearing by the Board;
  11. Comparison of the hours of operation at the proposed premises to the hours of operation of existing businesses within one mile of the proposed premises; and
  12. Proximity of the proposed premises to licensed childcare facilities as defined by A.R.S. § 36-881.
- B. This Section is authorized by A.R.S. § 4-201(I).

## License Types: Series 12 Restaurant License

Non-transferable

On-sale retail privileges

Note: Terms in **BOLD CAPITALS** are defined in the [glossary](#).

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### PURPOSE:

Allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food.

### ADDITIONAL RIGHTS AND RESPONSIBILITIES:

An applicant for a restaurant license must file a copy of its restaurant menu and Restaurant Operation Plan with the application. The Plan must include listings of all restaurant equipment and service items, the restaurant seating capacity, and other information requested by the department to substantiate that the restaurant will operate in compliance with Title 4.

The licensee must notify the Department, in advance, of any proposed changes in the seating capacity of the restaurant or dimensions of a restaurant facility.

A restaurant licensee must maintain complete restaurant services continually during the hours of selling and serving of spirituous liquor, until at least 10:00 p.m. daily, if any spirituous liquor is to be sold and served up to 2:00 a.m.

On any original applications, new managers and/or the person responsible for the day-to-day operations must attend a basic and management training class.

A licensee acting as a **RETAIL AGENT**, authorized to purchase and accept **DELIVERY** of spirituous liquor by other licensees, must receive a certificate of registration from the Department.

A **PREGNANCY WARNING SIGN** for pregnant women consuming spirituous liquor must be posted within twenty (20) feet of the cash register or behind the bar.

A log must be kept by the licensee of all persons employed at the premises including each employee's name, date and place of birth, address and responsibilities.

Bar, beer and wine bar, and restaurant licensees must pay an annual surcharge of \$20.00. The money collected from these licensees will be used by the Department for an auditor to review compliance by restaurants with the restaurant licensing provisions of ARS 4-205.02.

## **MEMORANDUM**

**Memo # 14-099-01**

**TO: Chief Kevin Treadway**

**FROM: Sgt. Matt Wright**

**DATE: October 15, 2014**

**RE: LIQUOR LICENSE APPLICATION – SERIES 12- FOR “Smashburger”**

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On October 15, 2014, I initiated an investigation into an application for a series 12 (restaurant) liquor license filed by Andrea Lewkowitz (Agent), Scott Crane (Controlling Person), John Moore (Controlling Person), and Kurt Riske (General Manager). Andrea Lewkowitz is the listed Agent on the license for administrative purposes only and will not be active in the day to day operations. Kurt Riske is the general manager for Smashburger and will be assisting with the day to day operations. Smashburger is located at 1020 S. Milton Road Suite 102 in Flagstaff. This is an application for the new series 12 license #12033367.

I conducted a query through local systems and public access on Andrea Lewkowitz, Scott Crane, John Moore, and Kurt Riske and nothing negative was found. I spoke with Kurt Riske on the phone. Kurt said he would help with the operation of the restaurant but the primary manager will be Jordan Boucher who had recently been hired. Kurt said the Smashburger has taken over the lease from the restaurant that was previously in suite #102 called Modern Grove. Kurt said they are completing some renovations and plan to open for business on November 12, 2014. Kurt said they will operate without a liquor license until they are granted one through this application process. Kurt has attended the mandatory liquor law training course and provided proof.

No liquor law violations could be located for Smashburger as it has not opened yet. No liquor violations could be found on any of the applicants.

As a result of this investigation, a recommendation to Council would be for approval.




## Planning and Development Services Memorandum

**October 16, 2014**

**TO:** Stacy Saltzburg, Deputy City Clerk

**THROUGH:** Roger E. Eastman, AICP, Comprehensive Planning and Code Administrator

**FROM:** Tom Boughner, Code Compliance Mgr. 

**RE:** Application for Liquor License #12033367  
1020 South Milton Road, Ste. #102. Flagstaff, Arizona 86001  
Assessor's Parcel Number 103-08-011A  
Andrea Dahlman Lewkowitz on behalf of Smashburger #1444

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This application is a request for a new, Series 12 Restaurant liquor license, by Andrea Lewkowitz on behalf of Smashburger. This restaurant is located within the Highway Commercial district. This district does allow for this use.

There are no active Zoning Code violations associated with the applicant or the property at this time.

This liquor license is recommended for approval.



MILTON ROAD.

RIORDAN RD

1020 S. MILTON  
ROAD STE. #102

103-04-016D

103-04-013D

103-03-015A

103-03-003

17A

103-03-018A

103-04-008A

103-03-017A

103-04-009B

103-04-018C

10



# Memo

To: Stacy Saltzberg, Deputy City Clerk

From: Ranbir Cheema - Tax, Licensing & Revenue Manager

Date: October 10, 2014

Re: Series 12 Liquor License – New License – Smashburger #1444

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Smashburger Acquisition Phoenix LLC located at 1020 S. Milton Road, Suite 102 is properly licensed with the sales tax section of the city. They do not plan to start operating at this location until December 2014. They are currently in compliance with the city sales tax requirements.

/liquor licenses/Smashburger.doc

## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Elizabeth A. Burke, City Clerk  
**Date:** 10/29/2014  
**Meeting Date:** 11/03/2014



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### TITLE:

**Consideration and Adoption of Ordinance No. 2014-28:** An ordinance of the Mayor and Council amending Title II, Boards and Commissions, of the Flagstaff City Code by amending various boards and commissions of the City to provide for consistency in the number of members and their terms.

### RECOMMENDED ACTION:

At the November 3, 2014, Council Meeting

- 1) Read Ordinance No. 2014-28 by title only for the first time
- 2) City Clerk reads Ordinance No. 2014-28 by title only (if approved above)

At the November 18, 2014, Council Meeting

- 3) Read Ordinance No. 2014-28 by title only for the final time
- 4) City Clerk reads Ordinance No. 2014-28 by title only (if approved above)
- 5) Adopt Ordinance No. 2014-28

### Policy Decision or Reason for Action:

Adoption of this ordinance will amend various chapters of Title II, Boards and Commissions, of the Flagstaff City Code as previously directed by City Council to bring consistency in the number of members and terms of each and eliminate inactive committees/commissions.

### Financial Impact:

None

### Connection to Council Goal and/or Regional Plan:

**COUNCIL GOALS:**

8. Review all Commissions
11. Effective governance

### Has There Been Previous Council Decision on This:

Yes. The City Council identified the review of all Boards/Commissions as one of its top ten goals at its retreat last year. Since that time, several work sessions have been held to address changes they would like made to both the Manual (Handbook) and necessary ordinances to amend the City Code to reflect those changes. The first step in this process was adoption of the amended Manual, which took place at the October 21, 2014, Council meeting. Because all of these boards and commissions are outlined in Title II of the Flagstaff City Code, we were able to create one ordinance to amend them all rather than create an ordinance for each individual board/commission.

**Options and Alternatives:**

- 1) Adopt the ordinance;
- 2) Amend the ordinance;
- 3) Not adopt the ordinance

**Community Involvement:**

Inform

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**Attachments:**     Ord. 2014-28

## ORDINANCE NO. 2014-28

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING TITLE II, *BOARDS AND COMMISSIONS*, BY AMENDING CHAPTER 2-01, *PLANNING AND ZONING COMMISSION*; CHAPTER 2-02, *BUILDING AND FIRE CODE BOARD OF APPEALS*; CHAPTER 2-03, *PARKS AND RECREATION COMMISSION*; CHAPTER 2-04, *WATER COMMISSION*; CHAPTER 2-08, *COMMISSION ON DIVERSITY AWARENESS*; CHAPTER 2-10, *BOARD OF ADJUSTMENT*; CHAPTER 2-11, *FLAGSTAFF AIRPORT COMMISSION*; CHAPTER 2-12, *TRANSPORTATION COMMISSION*; CHAPTER 2-13, *TOURISM COMMISSION*; CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION*; CHAPTER 2-17, *SUSTAINABILITY COMMISSION*; CHAPTER 2-18, *COMMISSION ON DISABILITY AWARENESS*; CHAPTER 2-19, *HERITAGE PRESERVATION COMMISSION*; CHAPTER 2-20, *OPEN SPACES COMMISSION*; CHAPTER 2-22, *FLAGSTAFF COMMUNITY LAND TRUST COMMISSION*; AND CHAPTER 2-23, *FLAGSTAFF AREA REGIONAL PLAN CITIZENS' ADVISORY COMMITTEE*, THEREOF

### RECITALS:

WHEREAS, the Flagstaff City Council desires to have consistency among the various boards and commissions of the City with regard to membership numbers and terms; and

WHEREAS, Title II, *Boards and Commissions*, of the Flagstaff City Code contains requirements for the various boards and commissions of the City.

### ENACTMENTS:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA that the Flagstaff City Code is hereby amended as follows:

**SECTION 1.** Chapter 2-01, *Planning and Zoning Commission*, is amended as follows:

#### **2-01-001-0002: MEMBERSHIP**

The Planning and Zoning Commission shall consist of seven (7) members appointed by the Mayor and Council. ~~In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.~~

The term of each citizen member shall be three (3) years or until his successor takes office. Vacancies occurring otherwise than through the expiration of term shall be filled for the unexpired portion of the term.

- A. A chairperson and vice-chairperson shall be elected from and by the voting membership of the Commission to serve one-year terms. A chairperson may serve no more than two consecutive terms as chairperson (exclusive of a term as vice-chairperson). Upon the conclusion of a second, consecutive term as chairperson, such commission member

shall be ineligible to serve as either Chairperson or Vice-Chairperson until a calendar year has expired.

- B. In addition to the causes for removal set out in the Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL**, a member accumulating eight (8) absences from regularly scheduled meetings in any given calendar year will be automatically removed from the Commission and a replacement appointed by the City Council. An unexcused absence is defined as the failure of the member to notify the Planning and Development Services Section of his or her inability to attend a regularly scheduled meeting. (Ord. 2010-35, 11/16/2010)

## **2-01-001-0005 DUTIES AND FUNCTIONS**

The Planning and Zoning Commission created in this Chapter shall be and act as the Zoning Commission of the City, and all duties and powers granted to zoning commissions under State law shall be exercised by the Planning and Zoning Commission. In addition to any authority granted to the Planning and Zoning Commission by State law or other ordinances of the City, the Planning and Zoning Commission shall have the following duties and functions under the provisions of these regulations:

- ~~A. To adopt rules of procedure necessary for the administration of its responsibilities consistent with City Code, Title 10 (Zoning Code) and the Board and Commission Members' Handbook adopted by resolution of the City Council.~~
- B.A. To review and recommend to the City Council adoption of a comprehensive general plan adopted in compliance with the authority provided in A.R.S. § 9-461.05 for the orderly growth and development of the City and for any land outside the City which, in the opinion of the Planning and Zoning Commission, bears a relation to the planning of the City.
- C.B. To hear, review, and make recommendations to the City Council regarding applications for amendments to the General Plan or any other plan in accordance with the provisions of City Code, Title 11, Chapter [11-10](#) (General Plans).
- D.C. To serve as an advisory body to the City Council and furnish the Council through the Planning Director the facts concerning the adoption of any report or recommendation.
- E.D. To make its special knowledge and expertise available upon reasonable written request and authorization of the City Council to any official, department, board, commission or agency of the state or federal governments.
- F.E. To hear, and review amendments to the Zoning Map and to the text of the Zoning Code in accordance with the provisions of Title 10, Zoning Code, Division [10-20.50](#) (Amendments to the Zoning Code Text and the Zoning Map).
- G.F. To confer with and advise other similar City or County commissions.
- H.G. To make investigations, maps, reports, and recommendations to the City Council in regard to the physical development of the City.

- I.H. To hear, review and make recommendations to the City Council regarding preliminary subdivision plats after recommendation from the Planning Director and City Engineer in accordance with City Code Title 11, Chapter [11-20](#), Subdivision and Land Split Regulations.
- J.I. To take such other action as authorized in City Code Title [10](#) (Zoning Code) and City Code Title 11 (~~Subdivision and Land Split Regulations~~ **GENERAL PLAN AND SUBDIVISIONS**) as necessary to implement the provisions of those Titles and the General Plan.
- K.J. To consider, review and approve Conditional Use Permits, pursuant to the provisions of City Code Title 10, Zoning Code, Section 10-20.40.050 (Conditional Use Permits).
- L.K. The Commission shall carry out other such duties as determined by the City Council; and present other recommendations the City Council deems pertinent. (Ord. 859, 10-24-72; Ord. 2010-35, Amended, 11/16/2010)

**SECTION 2.** Chapter 2-02, ***Building and Fire Code Board of Appeals***, is amended as follows:

**2-02-001-0002 MEMBERSHIP OF BOARD:**

- A. The Board of Appeals shall consist of ~~five~~ **SEVEN** individuals, **SERVING THREE-YEAR STAGGERED TERMS**, appointed by the Council who are qualified by experience and training to pass upon matters pertaining to building construction and pertinent matters of the Fire Code, Chapter [5-02](#).
- ~~B. In addition to the five regular members, the City Council shall appoint two alternate members who shall be called by the Board Chairperson or Vice-Chair to hear appeals during the absence or disqualification of a member.~~
  - ~~1. Alternate members shall be appointed to five year terms, or until a successor has been appointed.~~
  - ~~2. An alternate member shall be counted toward a quorum in the absence of a quorum of regular members.~~
  - ~~3. Alternate members acting in the absence of a regular member shall be accorded full discussion, deliberation, and voting rights.~~
- ~~C. The City Council shall appoint two regular members and one alternate to five-year terms; two regular members to four-year terms, and one regular member and one alternate to three-year terms. After the initial appointment all terms thereafter will be for five years.~~
- D.B. The building official and fire marshal shall be ex-officio members of said Board but shall have no vote on any matter before the Board.
- E C. A quorum shall be more than fifty percent (50%) of the voting membership of the Board.

- F.D. Citizen members of the Board may be removed by the Mayor and Council for inefficiency, neglect of duty or malfeasance in office or in accordance with the Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL** adopted by resolution of the City Council. (Ord. 2011-31, 01/03/2012)

**2-02-001-0007 RULES AND PROCEDURES:**

- A. ~~The Board shall adopt hearing procedures not inconsistent with State law, the Flagstaff City Charter, and the City of Flagstaff Board and Commission Members' Handbook.~~
- B. ~~All other rules of procedure shall be established by the members so long as said rules are consistent with State law, the City Charter, the Board and Commission Members' Handbook, and this chapter.~~
- C.

Official business shall be conducted pursuant to the Board of Appeals' adopted hearing procedures and the Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL** adopted by Resolution No. ~~2005-117~~ **2014-37** of the City Council and in accordance with meeting procedures, if any, adopted by the Commission insofar as they are not in conflict with the Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL**. In the event of any such conflict, the provisions of the Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL** shall prevail. (Ord. 2011-31, 01/03/2012)

**SECTION 3.** Chapter 2-03, ***Parks and Recreation Commission***, is amended as follows:

**2-03-001-0001 COMMISSION CREATED; MEMBERS:**

There is hereby created a Parks and Recreation Commission for the City, consisting of seven (7) members appointed by the City Council. ~~In addition, the City council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.~~

(Ord. No. 2007-11, Amended 02/06/2007)

**SECTION 4.** Chapter 2-04, ***Water Commission***, is amended as follows:

**2-04-001-0004 WATER COMMISSION:**

There is hereby established a Water Commission. There shall be ~~9~~ **SEVEN** voting members of said Commission, who shall consist of:

- A. ~~Nine (9)~~ **SEVEN (7)** voting members to be appointed by the Council of the City, who shall serve for three (3) year terms on a staggered basis.
- B. The Chair of the Planning and Zoning Commission, or a member of the Planning and Zoning Commission, to serve as a non-voting member during his or her term of office.
- C. ~~The City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.~~

- D. Membership on the Commission shall terminate if any member has two (2) consecutive unexcused absences. The Chair shall determine, prior to any meeting, if a member's absence is excusable. (Ord. 1926, 12/17/96)

(Ord. No. 1789, Amended, 01/05/93; Ord. No. 1926, Amended, 12/17/96; (Ord. No. 2007-12, Amended 02/06/2007)  
(Ord. No. 2009-08, Amended, 03/03/09)

**2-04-001-0006 MEETINGS:**

The meetings of the Commission shall be held at the time and place adopted for the regular monthly meetings of the Commission.

Meetings shall be conducted in accordance with the Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL** adopted by resolution of the Flagstaff City council, and in compliance with all other local, state, and federal laws.

A quorum shall be one more than half the voting membership of the Commission.

Ord. 1789, 01/05/93; Ord. No. 2007-12, Amended 02/06/2007; Ord. No. 1789, Amended, 01/05/93; Ord. No. 2009-08, Amended, 03/03/09

**SECTION 5.** Chapter 2-08, ***Commission on Diversity Awareness***, is amended as follows:

**2-08-001-0002 CREATION OF COMMISSION:**

There is hereby created the Commission on Diversity Awareness which shall consist of seven regular members ~~and two alternate members~~ who shall be appointed by the City Council. A Chairperson shall be selected by a majority vote of those members at a meeting called for that purpose. In addition to the seven regular ~~and two alternate members~~, ~~the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.~~

(Ord. 2001-07, Amended, 03/06/2001; Ord. 2000-26, Amended, 11/17/2000; Ord. No. 2007-06, Amended 02/05/2007; Ord. No. 2011-06, Amended 05/17/2011)

**2-08-001-0005 MEETINGS; ATTENDANCE:**

A quorum shall be one more than half of the voting membership of the Commission. ~~Alternate members may be counted toward a quorum when there are insufficient regular members to meet the quorum requirement.~~ (Ord. No. 2011-06, Amended 05/17/2011)

The Commission shall meet at such times, dates and locations as determined by the members except that the Chairperson may call a special meeting with not less than 24 hours' notice. ~~All other rules or procedures shall be established by the members so long as said rules are consistent with State law, City Charter and this chapter.~~ (Ord. No. 2007-06, Amended, 02/06/2007)



~~When serving as a substitute in the absence of a regular member, alternate members shall be accorded the full rights of a regular member, including, but not limited to, voting rights. (Ord. No. 2011-06, Amended 05/17/2011)~~

A regular ~~or alternate~~ Commission member who is absent for ~~three~~ **TWO** consecutive **UNEXCUSED** regular meetings may be removed from the Commission by a vote of the City Council upon recommendation of the Commission.

(Ord. 2000-26, Add, 11/17/2000; Ord. No. 2007-06, Amended 02/06/2007; Ord. No. 2011-06, Amended 05/17/2011)

**SECTION 6.** Chapter 2-10, ***Board of Adjustment***, is amended as follows:

**2-10-001-0002 MEMBERSHIP**

The Board of Adjustment shall be composed of ~~five (5)~~ **SEVEN (7)** voting members.

- A. ~~Four (4)~~ **SIX (6)** members shall be appointed by the Mayor and City Council from the citizens of the City of Flagstaff.
- B. One (1) member shall be appointed by the City Council from the membership of the Planning and Zoning Commission.
- C. Terms shall be for three (3) years for members.
- D. The Board shall elect from its voting members a chairperson and a vice chairperson who shall serve for a term of one (1) year. The chairperson shall have the power to administer oaths and take evidence. (Ord. 2010-35, 11/16/2010)

**2-10-001-0003 MEETINGS:**

The meetings of the Board of Adjustment shall be open to the public and held at the time and place adopted for the regular monthly meetings of the Board. Meetings shall be conducted in accordance with the Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL** adopted by resolution of the Flagstaff City Council, and in compliance with all other local, state, and federal laws. The minutes of its proceedings, showing the vote of each member and records of its examinations and other official actions shall be kept by the City Clerk as a public record.

A quorum shall be one more than half the voting membership of the Board of Adjustment. (Ord. 2010-35, 11/16/2010)

**SECTION 7.** Chapter 2-11, ***Flagstaff Airport Commission***, is amended as follows:

**2-11-0001-0002 COMPOSITION; TERMS:**

The composition of the membership of the Commission shall be as follows:

~~A. A Councilmember, designated by the City Council, to serve as a non-voting, ex-officio member. (Res. 1045, 9-20-77)~~

~~B.A.~~ Seven (7) members to be appointed by the City Council who shall serve for three (3) year terms, on a staggered basis. (Ord. 1897, 11/21/95)

~~C.B.~~ Ex-Officio Members: The following persons shall be ex-officio members of the Commission, but shall have no vote:

The Mayor  
The City Manager  
The Airport Manager  
The FAA Tower Operator

~~D.C.~~ A quorum shall be one more than half the voting members.

(Ord. No. 1897, Amended, 11/21/95); (Ord. No. 2007-03, Amended 02/06/2007)

**SECTION 8.** Chapter 2-12, ***Transportation Commission***, is amended as follows:

**2-12-001-0004 MEETINGS:**

The Commission shall meet quarterly and/or at the request of its chairperson for the disposal of such business as may come before it.

Meetings shall be conducted in accordance with the Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL** adopted by resolution of the Flagstaff City Council, and in compliance with all other local, state, and federal laws.

A quorum shall be one more than half the voting membership of the Commission.

(Ord. 1349, Amended, 02/19/1985; Ord. 2010-14, Amended, 06/15/2010; Ord. 2013-06, Amended, 09/17/2013)

**2-12-001-0006 OTHER POWERS:**

A. The Commission shall have the power to appoint subcommittees for the purpose of defining problem areas of traffic and traffic safety; proposing solutions to defined problems; or for any other undertaking which will reasonably lead to safer and more efficient traffic flow in the City.

B. The City Council hereby establishes the following advisory committees to the Transportation Commission to provide advice on special traffic and transportation topics, and delegates to the Commission the power to appoint members to these committees. No member of the Transportation Commission shall be a member of an advisory committee. The City Council retains the power to remove a member of an advisory committee for the reasons specified in the City's Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL**.

1. Bicycle Advisory Committee: Seven (7) citizen members appointed for a three (3) year term. No member may serve more than two (2) three (3) year terms.

2. Pedestrian Advisory Committee: Seven (7) citizen members appointed for a three (3) year term. No member may serve more than two (2) three (3) year terms.
- C. The Transportation Commission shall define the operating procedures of the advisory committees, assuring compliance with the Arizona Open Meeting Law, and the City's Board and Commission Members' ~~Handbook~~ **RULES AND OPERATIONS MANUAL**, including, but not limited to:
1. The advisory committees shall report on their activities to the Transportation Commission at each Commission meeting.
  2. The advisory committees shall investigate, consider, and make recommendations to the Transportation Commission on items assigned to them by the Commission regarding their respective areas of interest.
  3. The advisory committees shall bring to the Transportation Commission items of a planning, design, or regulatory nature that come to their attention regarding the City's pedestrian and bikeway systems.

(Ord. 1349, Amended, 02/19/1985; Ord. 2007-21, Amended, 02/06/2007; Ord. 2010-14, 06/15/2010; Ord. 2013-06, Amended, 09/17/2013)

**SECTION 9.** Chapter 2-13, ***Tourism Commission***, is amended as follows:

**2-13-001-0001 CREATION OF THE COMMISSION:**

There is hereby established a City Tourism Commission. There shall be ~~nine (9)~~ **SEVEN (7)** voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the portion of the Bed, Board and Booze Tax as designated by Ordinance No. 1532.

(Ord. No. 1579, Enacted, 08/02/88; Ord. 2001-27, Amended, 11/20/2001)

**2-13-001-0002 COMPOSITION AND TERM OF OFFICE:**

The composition of the membership shall consist of:

- A. ~~A Councilmember designated by the City Council to serve, as a non-voting ex-officio member, during the Councilmember's term of office. (Ord. 1674, 9-18-90)~~
- B.A. ~~Five (5)~~ **FOUR (4)** members to be appointed by the City Council. Each member shall be from the hospitality industry and serve for three (3) years, on a staggered term basis.
- C.B. ~~Four (4)~~ **THREE (3)** additional members to be appointed by the City Council, to serve for three (3) years, on a staggered term basis. (Ord. 1674, 9-18-90)
- D.C. The City Manager or the Manager's designee shall be an ex-officio member of the Commission. The member shall have no voting privileges.

The City Manager shall be responsible for staff support of the Tourism Commission.

The Council shall fill vacancies for the unexpired term of any of the members of the Commission.

A member's term in office shall commence with the first regular Commission meeting following the appointment and terminate with the regular Commission meeting at which the successor takes office. No voting member of the Commission may be appointed to more than two (2) consecutive full terms. ~~Said requirement shall not apply to the Councilmember representative.~~

(Ord. No. 1579, Enacted, 08/02/88); (Ord. No. 1674, Amended, 09/18/90; Ord. 2001-27, Amended, 11/20/2001); Ord. No. 2006-09, Amended 04/10/2006)

#### **2-13-001-0005 MEETINGS:**

- A. The Commission shall hold at least one regular meeting per month, which shall at all times be open to the public. The time and place of said meeting shall be posted in accordance with the applicable Arizona State Statutes.

A quorum consisting of a minimum of ~~five (5)~~ **FOUR (4)** voting members, shall be required to conduct business.

- B. The Chairperson of the Commission shall meet with the Chairperson of the Economic Development Commission and the Beautification Commission at least once per month. The purpose of the meeting is for coordination of the three commissions only. The intent is not to create another commission. The meeting shall at all times be open to the public. The time and place of said meeting shall be posted in accordance with applicable Arizona State Statutes.

- C. If a member is absent for three (3) meetings within a twelve month period, excused or unexcused, that member may be replaced by the City Council.

(Ord. No. 1579, Enacted, 08/02/88; Ord. 2001-27, Amended, 11/20/2001)

**SECTION 10.** Chapter 2-14, ***Beautification and Public Art Commission***, is amended as follows:

#### **2-14-001-0001 CREATION OF COMMISSION:**

There is hereby established a City Beautification and Public Art Commission. There shall be ~~nine (9)~~ **SEVEN (7)** voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the portions of the Bed, Board and Booze Tax as designated by City Code, Title 3, Chapter 6, Section 3-06-001-0004.

(Ord. No. 1580, Enacted, 08/02/88; Ord. No. 2006-15, Amended, 05/16/2006; Ord. No. 2007-07, Amended, 02/06/2007))

#### **2-14-001-0002 COMPOSITION AND TERM OF OFFICE:**

The composition of the membership shall consist of:

- ~~A. A Councilmember designated by the City Council to serve, as a non-voting, ex officio Council liaison, during the Councilmember's term of office. (Ord. 1674, 9-18-90); (Ord. 2006-15, 05/16/2006)~~
- B.A.** One (1) member to be from the hospitality industry, appointed by the City Council. Said member shall serve a three (3) year term.
- ~~C.B.~~ **ONE (1)** voting members from the arts community, including, but not limited to artists, craftsmen, gallery owners, arts educator, art historian, art curator, art administrator.
- ~~D.C.~~ One **(1)** voting member who is a design professional, including, but not limited to, architects, landscape architect, urban planner, or graphic designer.
- ~~E.D.~~ ~~Five (5)~~ **FOUR (4)** additional members appointed by the City Council. (Ord. No. 2006-15, (05/16/2006); (Ord. No. 2007-04, Amended 02/06/07)

Each member shall serve three-year terms, on a staggered basis. A member's term in office shall commence with the first regular Commission meeting following the appointment and terminate with the regular Commission meeting at which the successor takes office. No voting member of the Commission may be appointed to more than two (2) full consecutive terms.

(Ord. No. 1580, Enacted, 08/02/88; Ord. No. 1674, Amended, 09/18/90; Ord. No. 2006-15, Amended 05/16/2006); (Ord. No. 2007-04, Amended 02/06/07)

**SECTION 11.** Chapter 2-17, ***Sustainability Commission***, is amended as follows:

**2-17-001-0001 COMMISSION ESTABLISHED; ORGANIZATIONAL STRUCTURE**

**A. ESTABLISHMENT OF THE COMMISSION.**

1. There is hereby created the Sustainability Commission (the "Commission"), which shall replace the Clean and Green Committee.
2. The membership of the Commission shall consist of seven (7) members. Members of the Commission shall be appointed by the City Council and shall represent the diverse interests and views of the community. The Commission shall be a working Commission, in which each member takes an active role in accomplishing the goals and objectives of the Commission. Members shall serve a term of three (3) years with no member appointed for more than two (2) full consecutive terms.
3. The Commission shall be responsible for electing a Chair and a Vice-Chair. The Chair shall act as public spokesperson for the Commission at public functions, shall serve as an ex-officio member of all standing committees, shall appoint the chair of all standing committees upon the advice and consent of the Commission, and shall perform other duties as required. The Vice-Chair shall act in the absence of the Chair.

4. ~~The City Council may appoint a non-voting Councilmember Liaison who shall not count toward a quorum~~

(Ord. 2007-27, Amended 04/17/2007)

**SECTION 12.** Chapter 2-18, ***Commission on Disability Awareness***, is amended as follows:

**2-18-001-0002 MEMBERS AND TERMS:**

The Commission shall consist of ~~nine (9)~~ **SEVEN (7)** members who shall be appointed by the City Council based upon the recommendations of the Committee/Commission. The Commission and the City Council will make every effort to recruit and appoint those individuals most directly involved and concerned with the obligations of the Americans with Disabilities Act. Commission members shall serve staggered, three-year terms.

~~A quorum shall consist of one more than half the membership of the commission.~~

~~In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Disability Awareness Commission who shall not count toward the quorum.~~

In the event a member's term expires, that member shall continue to serve until reappointed or replaced by the City Council. (Ord. 1833, 05/03/94)

(Ord. No. 1780, Enacted, 11/17/92; Ord. No. 1833, Amended, 05/03/94; Ord. No. 2007-31, Amended 07/23/2007)

**2-18-001-0003 ORGANIZATION:**

A Chairperson and other Commission officers shall be selected by a majority vote of those members present at a meeting called for that purpose for a term of one (1) year. The Commission shall meet at such times, dates and locations as determined by the members except that the Chairperson may call a special meeting with not less than twenty-four (24) hours notice. All other rules of procedure shall be established by the members so long as said rules are consistent with State law, the City Charter, the Board and Commission Members' **Handbook RULES AND OPERATIONS MANUAL**, and this Ordinance.

A Commission member who is absent from three consecutive regular meetings may have their remaining term terminated by a vote of the City Council upon recommendation of the Commission.

(Ord. 1780, 11/17/92); (Ord. No. 1780, Enacted, 11/17/92); (Ord. No. 2007-37, Amended 07/24/2007)

**SECTION 13.** Chapter 2-19, ***Heritage Preservation Commission***, is amended as follows:

**2-19-001-0002 MEMBERSHIP:**

- A. The membership of the commission shall consist of seven (7) voting members. ~~In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the commission.~~ Additional members may be appointed in the future, if and when additional Historic Design Review Districts beyond the first district are created, to represent those additional districts and help develop and adopt design guidelines for those districts.
1. At least two (2) members must be professionals in the areas of architecture, history, architectural history, planning, or archaeology.
  2. At least two (2) members shall be owners of locally designated historic properties or properties listed on the National Register of Historic Places.
  3. At least three (3) members shall be from the general community.
  4. Any member may satisfy more than one of the above qualifications and any "professional" category may be filled by a person who is retired from that profession.
- B. Appointed members shall have a demonstrated interest in the history of the community and be committed to represent not only their specific areas of expertise, but also the community at large.

(Ord. No. 2005-08, Amended 04/05/2005; Ord. No. 2007-07, Amended 02/06/2007; Ord. 2010-35, Amended, 11/16/2010)

**SECTION 14.** Chapter 2-20, ***Open Spaces Commission***, is amended as follows:

**2-20-001-0001 CREATION OF THE COMMISSION:**

There is hereby created an advisory body to be called the "Open Spaces Commission" ("Commission") consisting of the following ~~nine~~ **SEVEN** regular members all of whom shall be appointed by the City Council, except for designees from the Planning and Zoning Commission and the Parks and Recreation Commission: four members from the natural and cultural sciences; one member from the Planning and Zoning Commission; one member from the Parks and Recreation Commission; one member who markets real estate or is a representative from real estate development; and ~~two~~ **ONE** public at-large members. All Commission members shall be voting members. ~~In addition, the City Council may designate a Councilmember representative as a non-voting, ex-officio member of the Commission.~~ A chairperson shall be selected by a majority vote of those members at a meeting called for that purpose.

**SECTION 15.** Chapter 2-22, ***Flagstaff Community Land Trust Commission***, is hereby repealed.

**SECTION 16.** Chapter 2-23, *Flagstaff Area Regional Plan Citizens' Advisory Committee*, is hereby repealed.

**SECTION 17.** Repeal of Conflicting Ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference are hereby repealed.

**SECTION 18.** Severability.

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 19.** Effective Date.

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

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this 18th day of November, 2014.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY



## CITY OF FLAGSTAFF STAFF SUMMARY REPORT

**To:** The Honorable Mayor and Council  
**From:** Tiffany Antol, Planning Development Manager  
**Date:** 10/29/2014  
**Meeting Date:** 11/03/2014



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### TITLE:

**Public Hearing, Consideration and Adoption of Ordinance No. 2014-30:** An ordinance of the City Council of the City of Flagstaff, Arizona, extending and increasing the corporate limits of the City of Flagstaff, Coconino County, State of Arizona, pursuant to the provisions of Title 9, Chapter 4, Arizona Revised Statutes, by annexing certain land totaling approximately 3.14 acres located at 2701 S. Woody Mountain Road, which land is contiguous to the existing corporate limits of the City of Flagstaff and establishing city zoning for said land as RR, Rural Residential. ***(Annexation of property for Aspen Heights located on Woody Mountain Road)***

### RECOMMENDED ACTION:

At the November 3, 2014 Council Meeting:

- 1) Continue holding Public Hearing
- 2) Read Ordinance No. 2014-30 by title only for the first time
- 3) City Clerk reads Ordinance No. 2014-30 by title only for the first time (if approved above)

At the November 18, 2014 Council Meeting:

- 4) Read Ordinance No. 2014-30 by title for the final time
- 5) City Clerk reads Ordinance No. 2014-30 by title only for the final time (if approved above)
- 6) Adopt Ordinance No. 2014-30

### Policy Decision or Reason for Action:

The Flagstaff Planning and Zoning Commission conducted a Public Hearing to consider this Annexation request at its regular meeting on September 24, 2014. The Planning and Zoning Commission voted (6-0) to forward the request to the City Council with a recommendation of approval. Annexations are required to be adopted by ordinance.

### Financial Impact:

None

### Connection to Council Goal and/or Regional Plan:

#### COUNCIL GOALS:

Retain, expand, and diversify economic base  
Effective governance

#### REGIONAL PLAN:

The current application was filed prior to the ratification of the Flagstaff Regional Plan 2030 (FRP 2030) and is therefore being reviewed against the policies of the Flagstaff Area Regional Land Use and Transportation Plan (RLUTP).

**LU1.6 - Require Urban Development to Locate within City Boundaries:** In order to ensure that all urban development can be provided with adequate public facilities and services, all urban land uses shall be located within the Urban Growth boundary and within the City's corporate boundary limits. The Regional Plan encourages urban land uses to locate only within incorporated areas in order to obtain City services, utilities, and fire protection. The City shall consider the annexation of land into the city limits when the annexation of such property is consistent with the goals and policies of the Regional Land Use and Transportation Plan.

**Has There Been Previous Council Decision on This:**

None

**Options and Alternatives:**

The City Council may approve the ordinance as proposed, approve the ordinance with conditions, or deny the ordinance.

**Background/History:**

A request by Aspen Heights to annex approximately 3.14 acres at the intersection of East Route 66 and Woody Mountain Road. The area subject to the annexation is a portion of parcel 112-01-019. This parcel is currently vacant and was at one time heavily forested before the Woody Fire in 2006. The parcel is located within the Resource Protection Overlay (RPO) Zone and still maintains forest resources towards the southern portion of the property. The parcel is located within the Urban Service Boundary and this small portion of the overall parcel is within County jurisdiction.

The current application was filed prior to the adoption of the Flagstaff Regional Plan 2030 (FRP 2030) and is therefore being reviewed against the policies of the Flagstaff Area Regional Land Use and Transportation Plan (RLUTP). For comparison purposes only, policies from both plans are identified and discussed. The RLUTP designates this parcel as Mixed-Use. This land use category requires an average density of seven dwelling units per acre. The Mixed-Use category may have an emphasis on either residential or non-residential. The objective of this classification is to mix land uses by providing housing, shopping, and employment. However, this category does not preclude single-use developments. The FRP 2030 designates this parcel as Future Urban within an Urban Activity Center. The density range required for residential mixed-use is eight dwelling units per acre and a minimum floor area ratio of 1.0 or greater.

This annexation is the first of a two-step process. The second being a Concept Zoning Map Amendment request to zone the parcel to the MR, Medium Density Residential Zone (33.33 acres) for a student housing development and the HC, Highway Commercial Zone (3.60 acres) for future commercial development. The Zoning Map Amendment application is being processed concurrently with this application but will not become effective until after the annexation has been completed. A full Zoning Map Amendment policy analysis can be found in that staff report.

**Key Considerations:**

Annexations are adopted by the City Council via ordinance. Ordinance No. 2014-30 annexes 3.14 acres located at 2701 S. Woody Mountain Road into the City of Flagstaff. Prior to the second read of Ordinance No. 2014-30 the City Council will approve an Annexation and Development Agreement for the Aspen Heights project. A copy of the draft development agreement is attached for review.

Community benefits and considerations related to this request are addressed in more detail in the attached Planning and Zoning Commission Staff Report, dated September 12, 2014. The existing City of Flagstaff boundary bisects the current parcel limiting the development of the site. The majority of the existing parcel is located within the City of Flagstaff boundaries and the annexation will result in a correction of the City limits to allow for appropriate development of the subject site. The proposed development will require a proportional- share contribution to a future traffic signal at the intersection of Route 66 and S. Woody Mountain Road per the results of the accepted traffic impact analysis. In addition, approximately 5500 linear feet of sewer line will need to be upgraded in conjunction with the proposed development. The Applicant has indicated their desire to participate in the recapture program. The proposed development plans to off-set recreation impacts associated with the project by providing substantial recreation improvements on site in compliance with the City of Flagstaff Zoning Code.

## Inform/Consult

Public hearings before the Planning and Zoning Commission and the City Council are conducted in conjunction with any request for Zoning Map Amendment. In accordance with Arizona Revised Statute, notice of the public hearing was provided by placing an ad in the Daily Sun, posting a notice on the property, and mailing a notice to all property owners within 300 feet of the subject site. As of this writing, staff has received two email letters, copies of which are attached to this report, wanting to make sure that the planning for the site takes into account the use of Woody Mountain Road by a large number of W.L. Gore employees who commute to the facilities in the area and expressing concern about the increased lighting impacts from higher density development within Lighting Zone I.

### Expanded Options and Alternatives:

- (Recommended Action): The City Council may approve the Annexation as recommended by the Planning and Zoning Commission and staff by reading and adopting Ordinance No. 2014-30.
- The City Council may approve the Annexation with conditions of approval.
- The City Council may deny the Annexation.

**Attachments:** P&Z Commission Staff Report  
Annexation Application  
Annexation Legal Description  
Zoning Map with City limits  
Annexation Public Hearing Notices  
P&Z Commission Draft Minutes  
Ord. 2014-30



**PLANNING AND DEVELOPMENT SERVICES DIVISION**  
**ANNEXATION REPORT**

**PUBLIC HEARING**  
**PANX 14-0001**

**DATE:** **September 12, 2014**  
**MEETING DATE:** **September 24, 2014**  
**REPORT BY:** **Tiffany Antol**

**REQUEST:**

An annexation request of approximately 3.14 acres located at 2701 S. Woody Mountain Road. The property is identified as a portion of Coconino County Assessor's Parcel Number 112-01-019 which is approximately 36.94 acres. This annexation request is the first part of a two-part request. The second part of the request is a Concept Zoning Map Amendment.

**STAFF RECOMMENDATION:**

Staff recommends the Planning and Zoning Commission forward the annexation request to the City Council with a recommendation for approval.

**PRESENT LAND USE:**

The subject site consists of undeveloped land in the General (G) Zone under Coconino County jurisdiction.

**PROPOSED LAND USE:**

If this annexation is approved, the property will be designated with Rural Residential (RR) zoning. The accompanying zoning map amendment will change the zoning on the property from the Rural Residential (RR) Zone to the Medium Density Residential (MR) and Highway Commercial (HC) Zones for the development of a proposed student housing project and undetermined commercial uses.

**NEIGHBORHOOD DEVELOPMENT:**

North: Vacant land owned by the City of Flagstaff in the Rural Residential (RR) Zone; Professional River Outfitters in the General Commercial (CG-10,000) Zone under Coconino County jurisdiction.  
East: Woody Mountain Campground & RV Park in the Rural Residential (RR) Zone and the Planned Community (PC) Zone under Coconino County jurisdiction; Presidio in the Pines in the High Density Residential (HR) Zone.  
South: Vacant Land in the Rural Residential (RR) Zone.  
West: Vacant Land in the Rural Residential (RR) Zone.

**REQUIRED FINDINGS:**

The Commission shall find that the requested annexation complies with Section 9-471 of the Arizona Revised Statutes; the applicable goals and policies set forth in the City's General Plan, "Flagstaff Area Regional Land Use and Transportation Plan"; and Division 10-20.90 of the *Flagstaff Zoning Code*.

**STAFF REVIEW:**

**INTRODUCTION/BACKGROUND:**

A request by Aspen Heights to annex approximately 3.14 acres at the intersection of East Route 66 and Woody Mountain Road. The area subject to the annexation is a portion of parcel 112-01-019. This parcel is currently vacant and was at one time heavily forested before the Woody Fire in 2006. The parcel is located within the Resource Protection Overlay (RPO) Zone and still maintains forest resources towards the southern portion of the property. The

parcel is located within the Urban Service Boundary and this small portion of the overall parcel is within County jurisdiction.

The current application was filed prior to the adoption of the *Flagstaff Regional Plan 2030 (FRP 2030)* and is therefore being reviewed against the policies of the *Flagstaff Area Regional Land Use and Transportation Plan (RLUTP)*. For comparison purposes, policies from both plans are identified and discussed. The *RLUTP* designates this parcel as Mixed-Use. This land use category requires an average density of seven dwelling units per acre. The Mixed-Use category may have an emphasis on either residential or non-residential. The objective of this classification is to mix land uses by providing housing, shopping, and employment. However, this category does not preclude single use developments. The *FRP 2030* designates this parcel as Future Urban within an Urban Activity Center. The density range required for residential mixed-use is eight dwelling units per acre and a minimum floor area ratio of 1.0 or greater.

This annexation is the first of a two-step process. The second being a Concept Zoning Map Amendment request to zone the parcel to the MR, Medium Density Residential Zone (33.33 acres) for a student housing development and the HC, Highway Commercial Zone (3.60 acres) for future commercial development. The Zoning Map Amendment application is being processed concurrently with this application but will not become effective until after the annexation has been completed. A full Zoning Map Amendment policy analysis can be found in that staff report.

#### **ARIZONA STATE STATUTE COMPLIANCE:**

State statutes only allow the City to adopt a zoning classification that permits densities and intensities no greater than those permitted by the County immediately before the annexation. The current county zoning is G, General that requires ten-acre minimum lot size. The closest city zoning district is the RR, Rural Residential District, which provides for one dwelling unit per acre based on the single-family option.

A Zoning Map Amendment application to zone the parcel to MR, Medium Density Residential, and HC Highway Commercial will be necessary to accommodate the proposed development. The Zoning Map Amendment application will be considered subsequent to review of the annexation application.

#### **REGIONAL LAND USE AND TRANSPORTATION PLAN CONFORMANCE:**

##### **Policy/Analysis**

All proposed annexations shall be evaluated as to whether the application is consistent with the policies of the General Plan. The proposed annexation should not be detrimental to the majority of the persons or property in the surrounding area or the community in general. The City's basic position regarding annexation is that the annexation must demonstrate a favorable benefit to the taxpayers of the City.

The General Plan further provides, "The Regional Plan establishes an Urban Growth Boundary that identifies lands that are currently most appropriate for compact, urban development. The lands shall be planned for the full range of urban services and are appropriate for annexation under appropriate conditions. By directing growth to well-defined, contiguous areas, development is more efficiently served; open lands and natural resources can be better protected; public facilities and services can be delivered more effectively; neighborhoods can provide a greater range of options for housing types." The following policies are considered by staff to be the most pertinent to the annexation:

##### **RLUTP Policy**

**LU1.6 - Require Urban Development to Locate within City Boundaries:** In order to ensure that all urban development can be provided with adequate public facilities and services, all urban land uses shall be located within the Urban Growth boundary and within the City's corporate boundary limits. The Regional Plan encourages urban land uses to locate only within incorporated areas in order to obtain City services, utilities, and fire protection. The

City shall consider the annexation of land into the city limits when the annexation of such property is consistent with the goals and policies of the Regional Land Use and Transportation Plan.

### **FRP 2030**

**LU.7.2 - Require unincorporated properties to be annexed prior to the provision of City services, or that a pre-annexation agreement is executed when deemed appropriate.**

### **Summary of Regional Plan & Annexation Compliance**

This parcel is located within the Urban Growth Boundary. The proposed annexation is consistent with the goals and policies of the Regional Land Use and Transportation Plan and furthermore the application complies with all the requirements set forth in the Arizona Revised Statutes related to annexations.

### **PUBLIC FACILITIES AND SERVICE IMPACT ANALYSIS:**

#### **Traffic/Access/Pedestrian/Bicycle Impact:**

The site is bounded on the north by Route 66, on the east by Woody Mountain Road, and on the south by Presidio Drive. Vehicular access to the site is provided from all three roadways. Proposed road and edge improvements include the dedication of additional right-of-way for Woody Mountain Road. Improvements within the right-of-way include: new curb, gutter, FUTS/sidewalk, and parkway along Route 66, Woody Mountain Road, and Presidio Drive. A southbound right turn lane into both entrances on Woody Mountain Road, and a northbound two-way left turn lane at the main entrance on Woody Mountain Road will be required for the proposed student housing project.

A Traffic Impact Analysis was prepared for the developer by CivTech, Inc. to demonstrate the anticipated traffic volumes generated from the proposed development. The City Traffic Engineer reviewed the concept plan and the TIA and subsequently accepted the results subject to the following conditions:

1. Vehicular and pedestrian cross access shall be provided between the residential land use and the commercial land use. The applicant can decide the location of the cross access, but the access does need to be provided with future site planning submittals. No TIA analysis needs to be done.
2. The Signal Warrant Analysis for the intersection of Route 66 and Woody Mountain is not approved, but ADOT's review conditions are attached and the re-submittal of the warrant analysis is not expected to change the proportional share analysis, nor recommend that a signal be installed upon project opening. Under those two qualifying statements, the following Condition of Approval #3 is valid. If either of these two qualifying conditions change, the following condition will need to be re-evaluated.
3. Future ROW needs and proportional share for the intersection of Route 66 and Woody Mountain are required. A planning level signal layout should be provided with construction plans to help determine the ROW dedication requirements. The developer's proportional share contribution for this future signal need is documented in the attached table. The planning level estimate for a future signal in the Flagstaff Region is \$400,000. The calculated proportional share based on the percent of project traffic in the intersection of Woody Mountain Road and Route 66 is 25.7%, or \$102,805. The timing of this proportional share contribution shall be outlined in the Development Agreement.

ADOT has also reviewed the TIA and provided comments similar to the City Traffic Engineer. These comments are attached to this report.

The project site is not currently serviced by transit. This area is identified in the Flagstaff Area Regional Land Use and Transportation Plan for future service. The applicant has discussed the possibility of extending service to the subject site in partnership with the local transit authority but no official agreement is in place to service the property at this time.

Pedestrian and bicycle access to the subject property is limited. There are currently no sidewalks along Route 66 or Woody Mountain Road in the vicinity of this project. Bike lanes are provided along Woody Mountain Road up to Woodlands Village Boulevard beyond which a striped shoulder exists continuing out to the subject property. It will be possible for both pedestrians and bicycles to gain access through the Presidio in the Pines into Boulder Pointe and beyond, but the roadways within Presidio in the Pines have not been fully constructed.

#### **Water System Analysis:**

A Water and Sewer System Analysis was prepared on behalf of the City. The main source of water for this site is a 12-inch diameter Zone A+ waterline located in Woody Mountain Road. This line extends from Route 66 to the Presidio in the Pines subdivision along the eastern boundary of the subject property within existing right-of-way. The existing Zone A+ waterlines are fed by the Railroad (RR) Springs tank and a booster pump located in Railroad Springs Subdivision.

Three connections will need to be made to the existing 12-inch main to provide water for the proposed development on the subject property. A looped water system will be required for the development of this site. The proposed water main extensions that will serve as the backbone infrastructure for the proposed development are made up of 8-inch waterlines. Water line stub outs for future connectivity to adjoining parcels on the west side of the subject property will need to be provided as well.

#### **Sewer System Analysis:**

The Water and Sewer System Analysis identified two connection points to the City sewer system. The nearest sewer lines are located along Woody Mountain road. There are two 8-inch diameter PVC sewer lines located along the southeastern border of the subject property. The Rio De Flag Wastewater Treatment Plant, which is currently operating below maximum capacity, will treat all sewage collected in these lines. Connection to the existing 10-inch diameter sewer line in West Highway 66 is proposed for development of the subject site. The existing 10-inch trunk line does not have sufficient capacity to convey all anticipated sewage flows generated by this site. The proposed development will be required to extend public sewer lines adequate to carry all anticipated contributory flows generated by the future residents of this project, as well as, any potential flows from upstream sources. Approximately 5,500 feet of existing sewer line will need to be upsized to handle the additional flow created by this project.

#### **Stormwater:**

The development of the subject project is proposing on-site mitigation in lieu of a Drainage Impact Analysis. The proposed stormwater management design will not increase the volume of pre-development flows off-site. LID requirements will be met per City standards. The Stormwater Manager has provided preliminary acceptance of the proposed on-site mitigation and LID methods.

#### **Parks and Recreation:**

The City of Flagstaff Parks and Recreation Organizational Master Plan and the Flagstaff Area Regional Land Use and Transportation plan identifies a future community scale park (20+ acres) on or near the subject property. The current Flagstaff Regional Plan 2030 does not identify a park at this location. While zoning regulations do require some type of open space areas, they do not require the dedication of land and facilities for the development of public parks.

The Zoning Code requires residential developments with 50 or more dwelling units to provide a minimum of five percent of the site in civic spaces that are either privately held and open to the public or publicly owned and set aside as a civic space. The proposed student housing development would require approximately a minimum of 1.5 acres as civic space. This space is shown as passive/active green space in the center of the project that provides a trail system with recreational facilities. This system would have to be made available to the public as well as the residents of the



project to meet this requirement. Additionally, the Zoning Code requires that a minimum of 15% of the site be maintained as open space which is roughly 4.5 acres of the proposed student housing project site. Resource preservation such as floodplains, slopes, and forests may be used to satisfy this standard and includes active and passive recreation uses, landscape areas, and community gardens.

In order to off-set the parks and recreation demands of the students living on-site, active and passive recreation amenities have been incorporated into both the civic and open space requirements. Those amenities include a clubhouse, pool/spa recreation area, sports courts and a walking trail with exercise stations, BBQ grills, picnic tables and a pavilion to be determined through site plan review. The developer will also be required to provide a portion of the Flagstaff Urban Trail System along Woody Mountain Road as part of the roadway edge improvements. This will be a significant improvement to the Woody Mountain Road corridor for alternative modes.

### **Schools:**

The proposed development of the subject site is not anticipated to affect the local school district. The primary intended occupants are Northern Arizona University Students. The Arizona State Legislature does not currently enable units of local government to assess school impact mitigation through development processes.

### **Fire Protection:**

According to Fire Department staff, the site is within the desired four-minute response time from Fire Station No. 1, located at 1972 S. Thompson Drive.

### **ZONING REQUIREMENTS FOR PROPOSED ZONING:**

As was noted above, if annexed, the property will need to be brought into the City as a zone similar to the existing County zoning. In this case, the City's RR, Rural Residential Zone, best matches the county G, General Zone. Arizona statute requires that once annexed, the zoning is to remain in place for a period of 30 days. As a result, an ordinance modifying the zoning code must include an effective date 30 plus days after the annexation ordinance becomes effective. The Zoning Map Amendment application and the staff report have been provided in conjunction with this application and will explain the proposed MR, Medium Density Residential Zone and HC, Highway Commercial Zone.

### **OTHER REQUIREMENTS:**

#### **Citizen Participation**

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with requests for annexation. In accordance with State statute, notice of the public hearing was provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 300 feet of the site. The notices were also provided to the County Recorder, County Assessor, County Community Development Department and the Chair of the Board of Supervisors.

The applicant held a neighborhood meeting on Thursday, March 27, 2014 at 5:30 pm. The applicants received two phone calls from their meeting notice requesting information about the project. Seven people attended the meeting and had questions in regards to the case. None of the attendees expressed opposition to the Annexation or Zoning Map Amendment. Staff has not received any other comments in regards to this annexation.

### **RECOMMENDATION:**

Staff recommends that the Commission forward the annexation request to the City Council with a recommendation of approval.

**ATTACHMENTS:**

- Application and narrative from applicant
- Annexation Legal Description and Map
- Public Hearing Legal Advertisements
- Traffic Impact Analysis Acceptance Memo (included in PREZ 14-004 packet)
- Citizen Participation Plan (included in PREZ 14-004 packet)
- Draft Development Agreement (included in PREZ 14-004 packet)
- Concept Plan Packet: (included in PREZ 14-004 packet)
  - Conceptual Site Plan
  - Concept Utility Plan
  - Natural Resource Protection Plan
  - Conceptual Landscape Plan
  - Annexation Map
  - Residential Building Elevations Examples



# City of Flagstaff

## Community Development Division

211 W. Aspen Ave  
Flagstaff, AZ 86001  
www.flagstaff.az.gov

P: (928) 213-2618  
F: (928) 779-7684

ANX

Date Received MAR 11 2014		Application for Annexation		File Number DEV 13-007
Property Owner(s) Aspen Heights	Title	Phone 512-970-1317	Email cvatterott@myaspenheights.com	
Mailing Address 1301 S. Capital of Texas Hwy Suite B-201		City, State, Zip Austin, TX 78746		
Applicant mogollon Engineering	Title	Phone 214-0214	Email mogollon99@aol.com	
Mailing Address 411 W. Santa Fe		City, State, Zip Flagstaff, AZ 86001		
Project Representative Kent Hotsenpiller	Title	Phone	Email	
Mailing Address		City, State, Zip		

Site Address 2701 S. Woody Mountain Rd	Parcel number(s) 112-01-019	Subdivision, Tract & Lot Number n/a	
Existing Zoning District RR	Existing Regional Plan Land Use Category mixed use		
Proposed Zoning District MR & HC	Proposed Regional Plan Land Use Category		
Present Use vacant	Proposed Use student housing		
Summarize Reason for Request (Attach additional sheets if necessary): see attached			
Note: Indicate how the annexation will not be detrimental to the majority of persons or properties in the surrounding area, or to the community in general. If a modification to the Regional Land Use and Transportation Plan or a Zoning Map Amendment is requested, clearly state the reasons for such changes (a separate application is required).			
Property Owner Signature 	Date 3/11/14	Applicant Signature Kent Hotsenpiller	Date 3/10/14
For City Use			
Date Filed:	Fee Receipt Number:	Amount:	Date:
Type of Request:	<input type="checkbox"/> Annexation <input type="checkbox"/> Continued		
Publication and Posting Date(s):		File Number:	
Action by Planning and Zoning Commission:		Action by City Council	
Hearing Date:		Hearing Date:	
<input type="checkbox"/> Approved <input type="checkbox"/> Continued		<input type="checkbox"/> Approved <input type="checkbox"/> Continued	
<input type="checkbox"/> Denied		<input type="checkbox"/> Denied	

Staff Assignments	Planning Jeffery	Engineering Deena	Fire Kent	Stormwater Kyla	Utilities/PW Jim
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Revised 9/28/11

## Application for Annexation

Information Required pursuant to the Application for Annexation, Information Required, Section 2:

### 2. An applicant must state the reason for request and why request should be granted.

#### 2.1 Reason for the Request

This Application for Annexation has been filed by Aspen Heights in connection with its plans to develop a 37-acre parcel at the corner of Woody Mountain Road and Route 66 as a mixed-use development with MR, Medium Density Residential, and HC, Highway Commercial zoning. Of the total acreage, 3.14 acres is located outside the City's limits and comprises the majority of the 3.6-acre commercial portion of the property. The annexation will permit the development of the property under the policies regarding Mixed-Use Development articulated in the Regional Land Use and Transportation Plan for the West Side of Flagstaff in the area near Highway 66 and Woody Mountain Road.<sup>1</sup>

#### 2.2 Why the Request Should be Granted

The request should be granted because it will help further the following RLUTP policies:

**Policy LU1.5—Provide for New City Mixed-Use Neighborhoods.** The Regional Plan designates new development areas within the Urban Growth Boundary for development as mixed-use neighborhoods. The criteria for these areas includes average densities, a mix of mutually supportive and integrated residential and non-residential land uses, and a network of interconnected streets, and pedestrian and bicycle connections. Designated areas include Canyon del Rio and the West Side Area, and may include other future areas identified as Planning Reserve Areas. Additionally, existing older neighborhoods, such as Southside, Sunnyside, and parts of downtown, may be suitable for limited and sensitively designed mixed-use development.

#### **Policy LU1.6—Require Urban Development to Locate within City Boundaries**

In order to ensure that all urban development can be provided with adequate public facilities and services, it is the policy of this Regional Plan that all urban land uses shall be located within the Urban Growth Boundary, within the city's corporate boundary limits. The Regional Plan encourages urban land uses to locate only within incorporated areas in order to obtain City services, utilities, and fire protection. The City shall consider the annexation of land into the city limits when the annexation of such property is consistent with the goals and policies of the Regional Land Use and Transportation Plan.

There are no natural or other demarcations between the portion of the parcel (APN 112-01-019) that lies within the City and that which is part of unincorporated lands in the County. The annexation of the 3.14 acres sought by the applicant for inclusion within the City's boundaries will

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<sup>1</sup> RLUTP, Underlying Principles, 1-18

permit development on the entire parcel to proceed through the processes of a single jurisdiction, providing for greater efficiency and coherence in planning. Inclusion of the majority of the 3.6 acres designated for commercial development will allow the parcel as a whole to meet the Mixed-Use Development goals of the RLUTP for development in this area.

If the annexation is successful, the applicant will proceed with its application for a Zoning Map amendment and approval of its proposed project, which will provide 224 cottage units of student housing with 714 rooms for rent in the Medium Density Residential portion of the parcel and 3.6 acres of retail trade or general services uses on the Highway Commercial portion of the parcel. The proposed development will provide a community benefit by promoting the efficient use of land in an area presently zoned for 1-acre single-family lots, which might provide 36 to 37 dwellings, through approval of a proposed Zoning Map amendment to permit a higher density of uses as authorized by the RLUTP for this area.

The project will improve Woody Mountain Road and provide a new public roadway along the south boundary for connectivity to the west. Additional requirements of the City and the Arizona Department of Transportation with regard to traffic impacts will also be met. Extensive construction will be undertaken to extend water and sewer mains to a considerable distance to the east in two places.

## EXHIBIT A

The following is a description of a parcel of land, being portions of that parcel described in Instrument 3546194, Coconino County Records, situate in section 19, Township 21 North, Range 7 East, G. & S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

Commence at the northwest corner of said parcel, which is a point on the north boundary of the "Presidio West Tract" as described in Instrument 3229602 and is a point on the south Right-of-Way line of U.S. Highway 66; thence South  $85^{\circ}15'51''$  East along said north boundary a distance of 183.66 feet to the Point of Beginning;

Thence continue South  $85^{\circ}15'51''$  East along said north boundary a distance of 599.30 feet to the northeast corner of Instrument 3546194 which is a point on the centerline of Woody Mountain Road;

Thence South  $00^{\circ}18'32''$  East along said centerline a distance of 195.77 feet;

Thence South  $88^{\circ}04'25''$  West a distance of 589.73 feet;

Thence North  $01^{\circ}55'35''$  West a distance of 265.22 feet to the True Point of Beginning;

Said Parcel contains 136,639 sq. ft. or 3.14 acres of land more or less as shown on the attached Exhibit B which by this reference is made a part hereof.



Expire: 2/10/15

Annex

City File Number \_\_\_\_\_

Descriptive Title \_\_\_\_\_

**Mogollon** Engineering and Surveying, Inc.

411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

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# ANNEXATION MAP

A PORTION OF

INSTRUMENT 3546194

COCONINO COUNTY RECORDS LOCATED IN  
SECTION 19, T 21 N, R 7 E, FLAGSTAFF,  
COCONINO COUNTY, ARIZONA

U.S. HIGHWAY 66

N85°15'51"W 782.96'

South R.O.W. Hwy 66  
599.30'

Found 1/2" Rebar  
Bent

NE corner  
Ins. 3546194

WOODY MOUNTAIN  
ROAD

N00°18'32"W  
195.77'

Future  
Right-of-Way

County

City

Annexed Area  
136,639 sq.ft.  
3.14 acres

N88°04'25"E  
589.73'

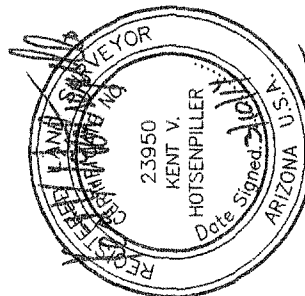
INSTRUMENT 3546194

CORPORATE  
LIMITS

S01°55'35"E  
265.22'

NW corner  
Ins. 3546194

Found 1/2" Rebar w/  
Plastic Cap Illegible  
Melted



Expires on 3/31/15

Survey was performed in March of 2014.  
City Limit boundary as determined by COF  
GIS. Information shown hereon is true and  
correct to the best of my knowledge.

SCALE: 1"=100'

EXHIBIT B  
ANNEXATION  
MAP

**Mogollon**  
ENGINEERING  
& SURVEYING

411 W. Santa Fe Avenue, Flagstaff, Az. 86001  
P.O. Box 1562, Flagstaff, Az. 86002  
Phone: 928-214-0214 • Fax: 928-918-0015

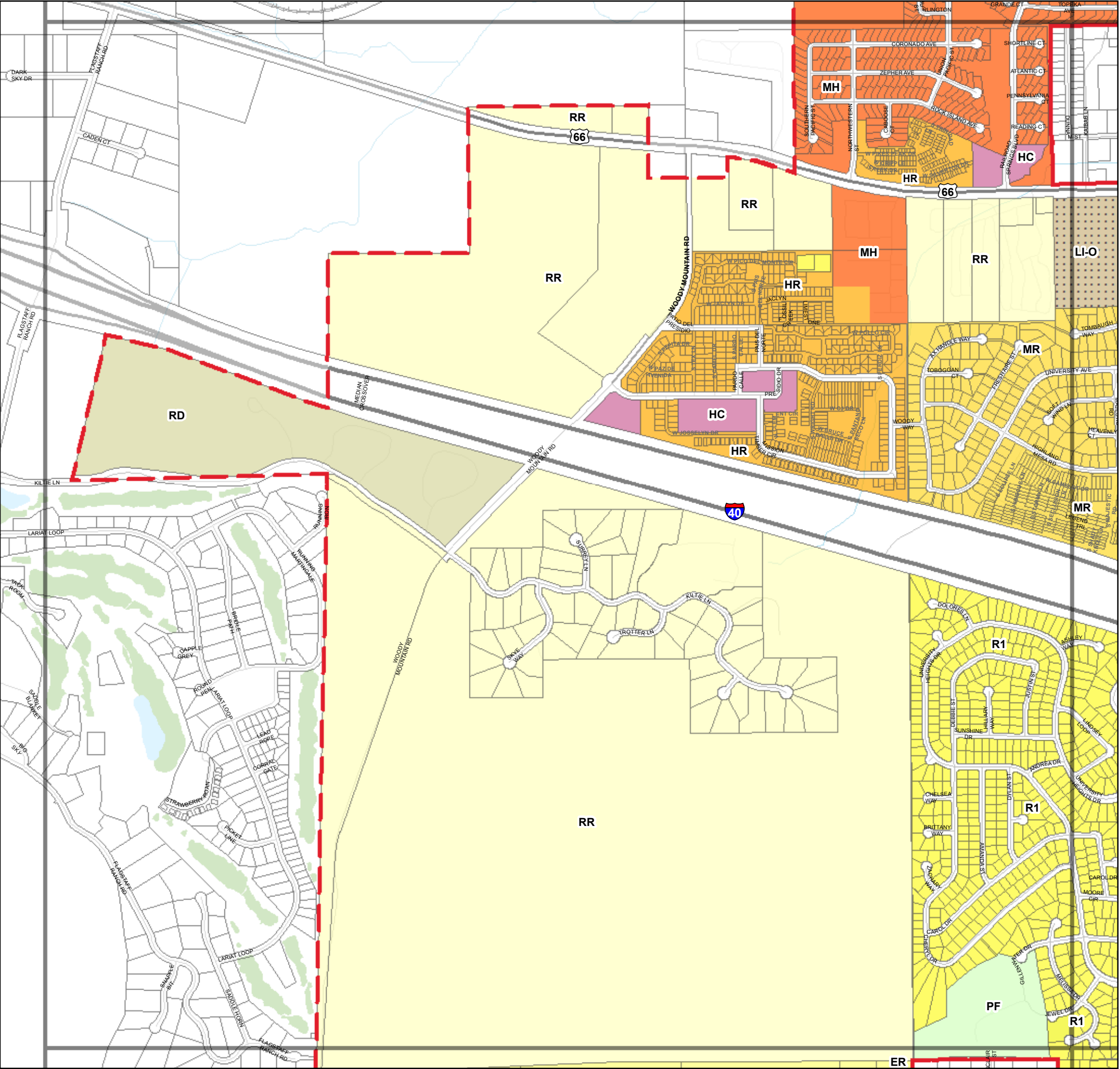
HORIZONTAL SCALE: 1"=100'

VERTICAL SCALE:

DESIGNED/DRAWN BY: kvh

PROJECT NO. 12992

DATE: 3/10/14



**Residential Zones:**

- Rural Residential (RR)
- Estate Residential (ER)
- Single-family Residential (R1)
- Single-family Residential Neighborhood (R1N)
- Medium Density Residential (MR)
- High Density Residential (HR)
- Manufactured Housing (MH)

**Commercial Zones:**

- Central Business (CB)
- Highway Commercial (HC)
- Commercial Service (CS)
- Community Commercial (CC)
- Suburban Commercial (SC)

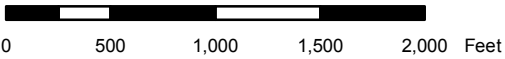
**Industrial Zones:**

- Research and Development (RD)
- Light Industrial (LI)
- Light Industrial Open (LI-O)
- Heavy Industrial (HI)
- Heavy Industrial Open (HI-O)

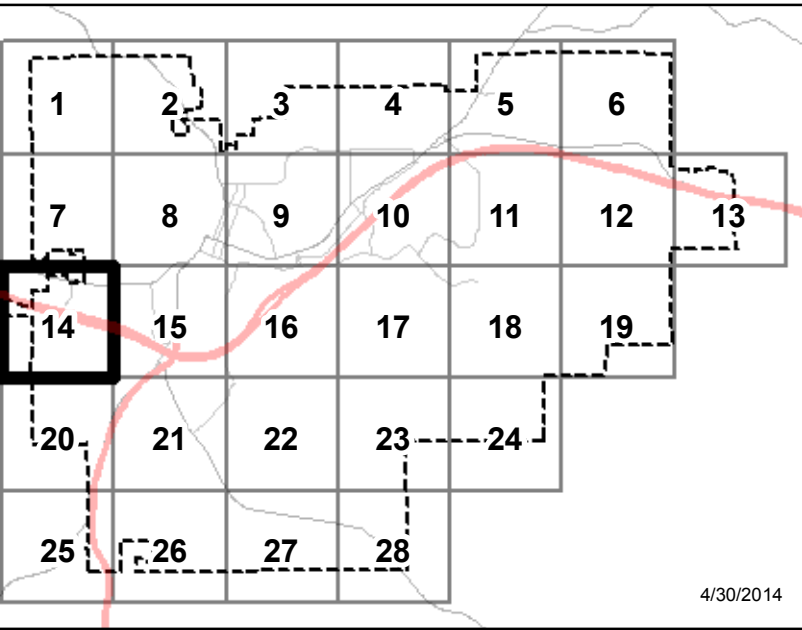
**Resource and Open Space:**

- Public Facility (PF)
- Public Lands Forest (PLF)
- Open Space (OS)

- Airport Overlay Zone
- Downtown Overlay Zone
- Townsite Overlay Zone
- Landmark Overlay Zone
- Regulating Plan Boundary
- City Limits
- Parcels



This map is known as the "City of Flagstaff Official Zoning Map" or the "City of Flagstaff Official Regulating Plan," and is intended to implement the City of Flagstaff Zoning Code per Ordinance 2011-20 adopted on 11/01/2011 and all subsequent amendments. These maps are based on the most accurate graphic information available at the time they were produced. The City of Flagstaff furnishes these maps "as is" and assumes no responsibility for their accuracy. All zoning information should be verified by legal description whenever possible.



# City of Flagstaff Zoning Map 14



# NOTICE OF PUBLIC HEARING

**NOTICE IS HEREBY GIVEN** that the Flagstaff Planning and Zoning Commission will hold a public hearing on Wednesday, September 24, 2014 at 4:00 p.m. and the City Council will hold a Public Hearing on Tuesday, October 21, 2014, at 6:00 p.m. to consider the following:

## A. Explanation of Matters to be Considered:

1. A proposed annexation of approximately 3.14 acres of land to the City of Flagstaff as described in Part B below. The annexation is requested in order to incorporate a portion of an existing parcel of land into the City limit.

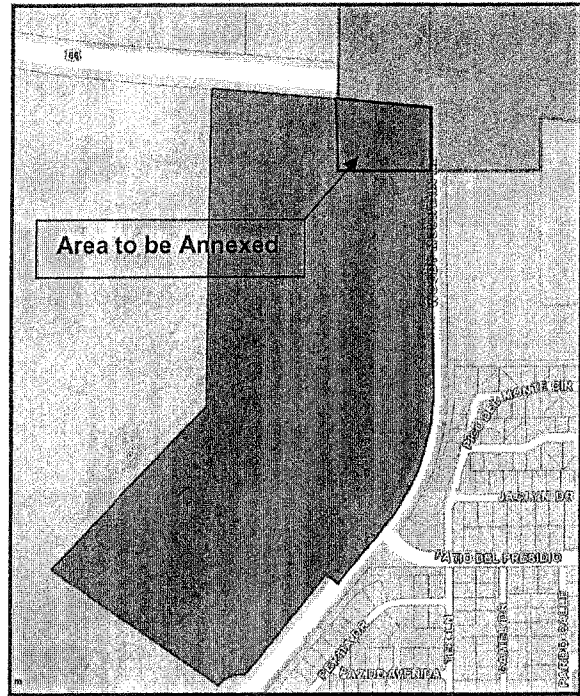
## B. General Description of the Affected Area:

Approximately 3.14 acres located at the northeast corner of Route 66 and Woody Mountain Road, a portion of Coconino County Assessor's Parcel Number 112-01-019, located in the NE 1/4 SE 1/4 Section 19, T21M, R7E, of the G&SRM, City of Flagstaff, Coconino County, Arizona, as shown on the adjacent map.

Interested parties may file comments in writing regarding the proposed annexation and rezoning or may appear and be heard at the hearing date set forth above. Maps and information regarding the proposed annexation and rezoning are available at the City of Flagstaff, Planning and Development Services Division, 211 West Aspen Avenue.

Unless otherwise posted, all Planning and Zoning Commission meetings are held in the Council Conference Room of City Hall, 211 West Aspen Avenue, Flagstaff, Arizona. All City Council meetings are held in the Council Chambers of City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.

## PROPOSED ANNEXATION MAP



**ADDRESS:** 2701 Woody Mountain Road  
**APN:** 112-01-019  
**ACRES:** Approximately 3.14 Acres  
City of Flagstaff, Coconino County



## For further information, please contact:

Tiffany Antol  
Planning Development Manager  
Planning & Development Services Div.  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

928-213-2608  
Email: [tantol@flagstaffaz.gov](mailto:tantol@flagstaffaz.gov)



Mail: September 5, 2014

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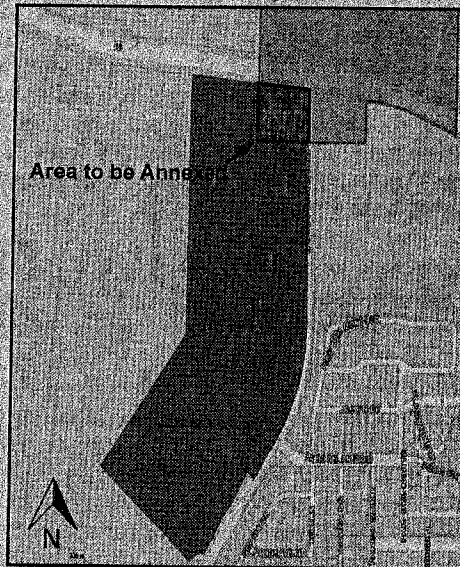
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## **PROPOSED ANNEXATION MAP**



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**APN:** 112-01-019

**ACRES:** Approximately 3.14 Acres

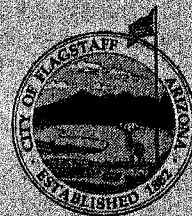
## **FOR FURTHER INFORMATION, PLEASE CONTACT:**

Tiffany Antol  
Planning Development Manager  
Planning & Development Services Div.  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

928-213-2608

Email: [tantol@flagstaffaz.gov](mailto:tantol@flagstaffaz.gov)

Publish: September 7, 2014





# Minutes- Draft

City of Flagstaff

## PLANNING & ZONING COMMISSION

4:00 PM– Wednesday, September 24, 2014

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City Hall, Council Chambers, 211 W. Aspen Avenue



In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Tammy Bishop at (928) 213-2611 (or 774-5281 TDD). Notification at least 48 hours in advance will enable the City to make reasonable arrangements.

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Planning and Zoning Commission and to the general public that, at this meeting, the Planning and Zoning Commission may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

CALL TO ORDER [Chairman Dorsett called the meeting to order at 4:00 p.m.](#)

COMMISSION MEMBERS: Stephen Dorsett, Chairman Paul W. Turner  
Present: Justin Ramsey, Vice Chairman Steve Jackson  
Paul Moore  
Tina Pfeiffer  
Absent: David Carpenter

CITY STAFF: Brian Kulina, Planning Development Manager  
Tiffany Antol, Planning Development Manager  
Mark Sawyers, Staff Liaison  
Becky Cardiff, Recording Secretary

### I. GENERAL BUSINESS

#### A. PUBLIC COMMENT

*(At this time, any member of the public may address the Commission on any subject within their jurisdiction that is not scheduled before the Commission on that day. Due to Open Meeting Laws, the Commission cannot discuss or act on items presented during this portion of the agenda. To address the Commission on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.)*

[None](#)

#### B. APPROVAL OF MINUTES

##### 1) Regular meeting of August 27, 2014.

[Motion to approve the minutes of the regular meeting of August 27, 2014, Moved by Commissioner Turner; seconded by Commissioner Ramsey. Motion carried unanimously.](#)

## II. OTHER BUSINESS

### PINNACLE PINES

Address: 800 E Sterling Lane  
Assessor's Parcel Number: 105-20-117  
Property Owner: Pinnacle 146 LLC  
Applicant: Mogollon Engineering  
Application Number: PPPL 2014-0005  
City Staff: Brian Kulina  
Action Sought: Preliminary Plat Request

A Preliminary Plat request from Mogollon Engineering & Surveying, Inc., on behalf of Pinnacle 146 LLC, for a development of approximately 18.59 acres into 106 single-family subdivision lots located at 800 E. Sterling Lane, within the Medium Density Residential (MR) zone.

Mr. Kulina gave a PowerPoint presentation on the proposed project and answered questions from Commissioners.

Kristen Smith, Flagstaff Fire Dept, was present and answered questions from Commissioners.

Reid Miller, Traffic Engineering, was present and answered questions from Commissioners.

Kent Hotsenpillar, Engineer representing the applicant, answered questions from Commissioners.

Sue Ellen, resident, discussed the potential access to the proposed project and the potential effect it could have on the value of her property.

Doug Hare, owner representative, answered questions from Commissioners

Motion to forward to City Council for approval Preliminary Plat PPPL 2014-0005 with additional mitigation of the impact of Silver Lane to adjoining properties Moved by Chairman Dorsett; seconded by Commissioner Ramsey. Discussion was held. Motion carried 5 to 1 with Commissioner Jackson dissenting.

## III. PUBLIC HEARING

### A. ASPEN HEIGHTS

Address: 2701 S Woody Mountain Road  
Assessor's Parcel Number: 112-01-019  
Property Owner: Landmarc Capital & Investment Co.  
Applicant: Aspen Heights  
Application Number: PANX 14-0001  
City Staff: Tiffany Antol  
Action Sought: Annexation Request

An annexation request of approximately 3.14 acres located at 2701 S. Woody Mountain Road. The property is identified as a portion of Coconino County Assessor's Parcel Number 112-01-019. This annexation request is the first part of a two-part request. The second part of the request is a Zoning Map Amendment.

## B. ASPEN HEIGHTS

Address: 2701 S Woody Mountain Road  
Assessor's Parcel Number: 112-01-019  
Property Owner: Landmarc Capital & Investment Co.  
Applicant: Aspen Heights  
Application Number: PREZ 14-0004  
City Staff: Tiffany Antol  
Action Sought: Zoning Map Amendment

A Zoning Map Amendment request to rezone approximately 33.33 acres from Rural Residential (RR) to Medium Density Residential (MR) and approximately 3.60 acres from Rural Residential (RR) to Highway Commercial (HC).

Ms. Antol gave a PowerPoint presentation on the proposed project Aspen Heights including information on both the Annexation and Zoning Map Amendment and answered questions from Commissioners.

Reid Miller, Traffic Engineer, answered questions from Commissioners

Rick Barrett, City Engineer, answered questions from Commissioners

Ms. Antol answered questions from Commissioners

Kent Hotsenpillar, Engineer representing the applicant, answered questions from Commissioners

Charlie Vatterott, Executive VP of Development, gave a PowerPoint on the proposed project.

William Ramsey, Regional Operations Manager representing the applicant, gave a PowerPoint presentation on the operation of the proposed project.

Dana Kjellgren, legal counsel representing the applicant, answered questions from Commissioners

Erika Mazza, NAIPTA, answered questions about possible transit from the proposed project.

**Motion to open the public hearing Moved by Commissioner Turner; seconded by Commissioner Moore. Motion carried.**

Public Comment was given as follows:

Elizabeth Betroff, resident, requested information on affordable housing

Ms. Antol and Ms. Kjellgren addressed the question about affordable housing

Chris Luginbuhl, astronomer, expressed concerns about lighting that the proposed project could produce.

Lance Diskan, representing the Dark Skies Coalition/resident, also expressed concerns about the lighting that the proposed project would produce.

Ms. Kjellgren addressed concerns that were brought up during public comment

A written comment was submitted as follows:

"Moran Henn, representing Friends of Flagstaff's Future, F3 is not in opposition or in support of this project. We do think however that approving it would be pushing the cart before the horse. The city and county are in the process of developing guidelines for dormitory style off campus student housing. The community is going to weigh in on this issue on October 27 at a meeting led by Mayor Nabours and Supervisor Archuleta. We only ask you give the community time. Given such strong



community engagement in the previous off campus housing issue we feel it would be best to not approve any such developments till after October 27. Thank you"

Motion to close the public hearing Moved by Commissioner Turner; seconded by Commissioner Jackson. Motion carried.

Motion to forward an approval to City Council of Annexation PANX 14-0001 Moved by Commissioner Turner; seconded by Commissioner Jackson. Motion carried unanimously.

Motion to forward for approval to City Council of PREZ 14-0004 with Staff conditions and the condition that Council seriously consider reducing the lumen counts currently allowed in the zone. Moved by Commissioner Moore. Motion failed with no second.

Motion to forward for approval to City Council of PREZ 14-0004 with proposed Staff Conditions Moved by Commissioner Turner; seconded by Commissioner Pfeiffer. Discussion was held.

Motion to amend the motion to include the condition that the applicant will work with the dark skies community to minimize the impact on the Observatory and to come up with conditions for the Development Agreement to achieve those results Moved by Chairman Dorsett; Seconded by Commissioner Pfeiffer. Motion carried and additional condition is added to the original motion.

Motion to forward to City Council for approval of PREZ 14-0004 with proposed Staff Conditions and the condition that the applicant will work with the dark skies community to minimize the impact on the Observatory and to come up with conditions for the Development Agreement to achieve those results. Moved by Chairman Dorsett; Seconded by Commissioner Pfeiffer. Motion carried unanimously.

#### IV. MISCELLANEOUS ITEMS TO/FROM COMMISSION MEMBERS

None.

ADJOURNMENT at 7:15

## **ORDINANCE NO. 2014-30**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, EXTENDING AND INCREASING THE CORPORATE LIMITS OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, STATE OF ARIZONA, PURSUANT TO THE PROVISIONS OF TITLE 9, CHAPTER 4, ARIZONA REVISED STATUTES, BY ANNEXING CERTAIN LAND TOTALING APPROXIMATELY 3.14 ACRES LOCATED AT 2701 S. WOODY MOUNTAIN ROAD, WHICH LAND IS CONTIGUOUS TO THE EXISTING CORPORATE LIMITS OF THE CITY OF FLAGSTAFF, AND ESTABLISHING CITY ZONING FOR SAID LAND AS RR, RURAL RESIDENTIAL**

### **RECITALS:**

WHEREAS, petitioners have a purchase agreement to buy a certain 36.94 acre parcel of land located at 2701 S. Woody Mountain Road, 3.14 acres of which are located within Coconino County, Arizona, as property adjacent to the boundaries of the City of Flagstaff, and described in Exhibits A and B attached to and made a part hereof; and

WHEREAS, a petition in writing ("Petition") accompanied by a map or plot of said Property, having been filed and presented to the Mayor and Council of the City of Flagstaff, Arizona, signed by the owners of one-half or more in value of the real property and more than one-half of the persons owning real and personal property as would be subject to taxation by the City of Flagstaff in the event of annexation of the territory and land hereinafter described as shown by the last assessment of said Property, which said territory is contiguous to the City of Flagstaff and not now embraced within its corporate limits, asking that the Property be annexed to the City of Flagstaff, and that the corporate limits of the City of Flagstaff be extended and increased so as to embrace the same; and

WHEREAS, the Mayor and Council of the City of Flagstaff, Arizona, are desirous of complying with said Petition and extending and increasing the corporate limits of the City of Flagstaff to include said territory, as described in Exhibits A and B; and

WHEREAS, said Petition set forth a true and correct description of all the exterior boundaries of the entire area proposed to be annexed to the City of Flagstaff, and had attached thereto at all times an accurate map of the territory desired to be annexed; and

WHEREAS, no alterations increasing or reducing the territory sought to be annexed have been made after said Petition had been signed by an owner of real and personal property in such territory; and

WHEREAS, the provisions of Section 9-471, Arizona Revised Statutes, and amendments thereto, have been fully observed; and

WHEREAS, proper and sufficient certification and proof of the foregoing facts are now on file in the office of the City Clerk of the City of Flagstaff, Arizona, together with a true and correct copy of the original Petition referred to herein, which is on file in the office of the Coconino County Recorder; and

WHEREAS, the development of the Property will be controlled by the conditions of approval of the annexation application, other relevant provisions of the Zoning Code, and various other City codes regulating the development of the Property; and

WHEREAS, the Council finds that the proposed annexation for the Property has been considered by the Planning and Zoning Commission and that the City staff and the Commission have each recommended that the Council proceed with the annexation at this time; and

WHEREAS, the Council has reviewed the Staff Summary Report, which discusses the proposed annexation, and now finds that the annexation of the Property would be consistent with the objectives and policies of the Flagstaff Area Regional Land Use and Transportation Plan enacted in November, 2001 ("Regional Plan"); that the annexation of the Property would not be detrimental to the majority of the persons or property in the surrounding area or to the community in general; that the proposed annexation would not require any current expenditures in the City's capital improvement program because the Petitioner will enter into a development and annexation agreement concurrent with their requested rezoning of the Property which determines the allocation of infrastructure costs; and the Council specifically further finds that:

The annexation of the Property and the existing and proposed uses thereon will further the objectives of the Regional Plan.

#### **ENACTMENTS:**

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

SECTION 1. That the following described territory be, and the same hereby is, annexed to the City of Flagstaff, and that the present corporate limits be, and the same hereby are, extended and increased to include the following described territory contiguous to the present City of Flagstaff corporate limits:

See attached Exhibits A and B which are incorporated herein by this reference.

SECTION 2. That the territory described in Exhibits A and B is annexed to the City of Flagstaff subject to the following conditions:

1. That a copy of this Ordinance, together with an accurate map of the territory hereby annexed to the City of Flagstaff, certified by the Mayor of said City of Flagstaff, be forthwith filed and recorded in the office of the County Recorder of Coconino County, Arizona.

SECTION 3. That, pursuant to the provisions of Section 9-471(L), Arizona Revised Statutes, upon this Ordinance becoming final under the provisions of Section 9-471(D), Arizona Revised Statutes, the municipal zoning designation for the Property under the Zoning Code shall be RR (Rural Residential).



SECTION 4. The Community Development Department of the City of Flagstaff is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

SECTION 5. That the Flagstaff City Clerk shall provide a copy of the adopted annexation ordinance to the Clerk of the Coconino County Board of Supervisors within sixty days of the annexation becoming final.

SECTION 6. This Ordinance shall become effective thirty days after adoption by the Flagstaff City Council.

PASSED AND ADOPTED by the Mayor and City Council of the City of Flagstaff, Arizona, this 18th day of November, 2014.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

## EXHIBIT A

The following is a description of a parcel of land, being portions of that parcel described in Instrument 3546194, Coconino County Records, situate in section 19, Township 21 North, Range 7 East, G. & S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

Commence at the northwest corner of said parcel, which is a point on the north boundary of the "Presidio West Tract" as described in Instrument 3229602 and is a point on the south Right-of-Way line of U.S. Highway 66; thence South  $85^{\circ}15'51''$  East along said north boundary a distance of 183.66 feet to the Point of Beginning;

Thence continue South  $85^{\circ}15'51''$  East along said north boundary a distance of 599.30 feet to the northeast corner of Instrument 3546194 which is a point on the centerline of Woody Mountain Road;

Thence South  $00^{\circ}18'32''$  East along said centerline a distance of 195.77 feet;

Thence South  $88^{\circ}04'25''$  West a distance of 589.73 feet;

Thence North  $01^{\circ}55'35''$  West a distance of 265.22 feet to the True Point of Beginning;

Said Parcel contains 136,639 sq. ft. or 3.14 acres of land more or less as shown on the attached Exhibit B which by this reference is made a part hereof.



Expire: 2/10/15

Annex

City File Number \_\_\_\_\_

Descriptive Title \_\_\_\_\_

**Mogollon** Engineering and Surveying, Inc.

411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

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# ANNEXATION MAP

A PORTION OF

INSTRUMENT 3546194

COCONINO COUNTY RECORDS LOCATED IN  
SECTION 19, T 21 N, R 7 E, FLAGSTAFF,  
COCONINO COUNTY, ARIZONA

U.S. HIGHWAY 66

N85°15'51"W 782.96'

South R.O.W. Hwy 66  
599.30'

Found 1/2" Rebar  
Bent

NE corner  
Ins. 3546194

WOODY MOUNTAIN  
ROAD

N00°18'32"W  
195.77'

Future  
Right-of-Way

County

City

Annexed Area  
136,639 sq.ft.  
3.14 acres

N88°04'25"E  
589.73'

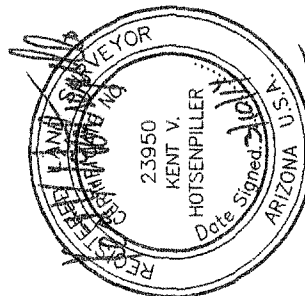
INSTRUMENT 3546194

CORPORATE  
LIMITS

S01°55'35"E  
265.22'

NW corner  
Ins. 3546194

Found 1/2" Rebar w/  
Plastic Cap Illegible  
Melted



Expires on 3/31/15

Survey was performed in March of 2014.  
City Limit boundary as determined by COF  
GIS. Information shown hereon is true and  
correct to the best of my knowledge.

SCALE: 1"=100'

EXHIBIT B  
ANNEXATION  
MAP

**Mogollon**  
ENGINEERING  
& SURVEYING

411 W. Santa Fe Avenue, Flagstaff, Az. 86001  
P.O. Box 1562, Flagstaff, Az. 86002  
Phone: 928-214-0214 • Fax: 928-918-0015

HORIZONTAL SCALE: 1"=100'

VERTICAL SCALE:

DESIGNED/DRAWN BY: kvh

PROJECT NO. 12992

DATE: 3/10/14

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Tiffany Antol, Planning Development Manager  
**Date:** 10/29/2014  
**Meeting Date:** 11/03/2014



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**TITLE:**

**Public Hearing, Consideration and Adoption of Ordinance No. 2014-31:** An Ordinance amending the Flagstaff Zoning Map designation of approximately 36.94 acres of real property generally located at the intersection of Route 66 and Woody Mountain Road, from Rural Residential ("RR") to Highway Commercial ("HC") for 3.6 acres, and to Medium Density Residential ("MR") for 33.33 acres. ***(Rezoning of property for Aspen Heights located on Woody Mountain Road)***

**RECOMMENDED ACTION:**

At the November 3, 2014 Council Meeting:

- 1) Continue holding Public Hearing
- 2) Read Ordinance No. 2014-31 by title only for the first time
- 3) City Clerk reads Ordinance No. 2014-31 by title for the first time (if approved above)

At the November 18, 2014 Council Meeting:

- 4) Read Ordinance No. 2014-31 by title only for the final time
- 5) City Clerk reads Ordinance No. 2014-31 by title for the final time (if approved above)
- 6) Adopt Ordinance No. 2014-31

**Policy Decision or Reason for Action:**

The Flagstaff Planning and Zoning Commission conducted a Public Hearing to consider this zoning map amendment at its regular meeting on September 24, 2014. The Planning and Zoning Commission voted (6-0) to forward the required to the City Council with a recommendation of approval subject to ten (10) conditions of approval. Zoning map amendments are required to be adopted by ordinance.

**Financial Impact:**

None

**Connection to Council Goal and/or Regional Plan:**

**COUNCIL GOALS:**

Retain, expand, and diversify economic base  
Effective governance

**REGIONAL PLAN:**

**Goal LU1 (Land Use and Growth Management)**

"Greater Flagstaff will have a compact land use pattern within a well-defined boundary that shapes growth in a manner that preserves the region's natural environment, livability, and sense of community. Flagstaff will continue to offer the primary types of housing design developments that have defined its land use patterns: the conventional and traditional neighborhood scale which provide a choice of housing

types and supporting non-residential uses within walking distances.” (RLUTP, pg. 2-5)

**Policy LU1.5 – Provide for new Mixed-Use Neighborhoods.**

“The Regional Plan designates new development areas within the Urban Growth Boundary for development as mixed-use neighborhoods. The criteria for these areas includes average densities, a mix of mutually supportive and integrated residential and non-residential land uses, and a network of interconnected streets, and pedestrian and bicycle connections.” (RLUTP, pg. 2-9)

**Policy LU1.6 – Require Urban Development to Locate within City Boundaries.**

“In order to ensure that all urban development can be provided with adequate public facilities and services, it is the policy of this Regional Plan that all urban land uses shall be located within the Urban Growth Boundary, within the city’s corporate boundary limits. The Regional Plan encourages urban land uses to locate only within incorporated areas in order to obtain City services, utilities, and fire protection. The City shall consider the annexation of land into the city limits when the annexation of such property is consistent with the goals and policies of the RLUTP. (RLUTP, pg. 2-10)

**Policy LU1.10 – Place Emphasis on all Transportation Modes.**

“All commercial and residential areas shall include full accommodation for pedestrians, bicycle travel and transit access.” (RLUTP, pg. 2-13)

**Policy LU1.11 – Place Emphasis on and Encourage Traditional Neighborhood Development and Redevelopment Design.**

“The Regional Plan promotes the creation and establishment of neighborhood units with mixed land uses, a variety of dwelling types, activity centers that are walkable, alternate modes of transportation routes, and design that is sensitive to existing surrounding development.” (RLUTP, pg. 2-13)

**Goal C1 (Commercial Development)**

“Shopping and service areas will be convenient to residents as well as visitors to the region in a manner that meets their needs, while remaining compatible with surrounding land uses.” (RLUTP, pg. 2-21)

**Policy C1.3 – Include a Mix of Uses in new Commercial Development and Redevelopment.**

“New development shall include a mix of uses in the city and county, avoiding large, single-use buildings and dominating parking areas.” (RLUTP, pg. 2-22)

**Policy C1.5 – Design and Establish Neighborhood Commercial Centers.**

“Neighborhood commercial centers in the city are designed as pedestrian-oriented gathering places with a mix of retail, office, and service uses, providing the goods and services necessary to meet the needs of the neighborhood while reflecting the identity and character of the surrounding residential neighborhoods.” (RLUTP, pg. 2-23)

**Goal HN1 (Housing and Neighborhoods)**

“The supply of affordable home ownership, rental, and special needs housing units affordable to low- and moderate-income households will be increased.” (RLUTP, pg. 2-30)

**Goal HN2 (Housing and Neighborhoods)**

“New neighborhoods will be built and support will be given to existing neighborhoods that integrate a variety of housing types and densities with amenities, services, and retail to ensure opportunities for a variety of household income levels.” (RLUTP, pg. 2-32)

**Policy HN2.1 – Promote Development of Mixed-Use Neighborhoods.**

“In appropriate areas, both new and existing neighborhoods should have a mix of land uses and different housing types. The arrangement of land uses within neighborhoods shall allow residents to walk and bicycle to parks, schools, work, shopping, places of worship, transit stops, and other nearby neighborhoods. Neighborhoods should include a pedestrian-oriented neighborhood center – school, park, plaza, commercial area or other neighborhood facility – that gives each neighborhood a unique

identity and a place for recreation or public gatherings.”(RLUTP, pg 2-32)

**Policy HN2.2 – Establish Interconnected Neighborhood Street and Sidewalk Patterns.**

“Neighborhood streets and sidewalks and/or walkways in both new and existing areas should form an interconnected network, including automobile, bicycle, and pedestrian routes within a neighborhood and between neighborhoods, in order to connect neighborhoods together and with other parts of the region. Neighborhoods should have frequently connected networks of walkways and bike paths, including connections to the Flagstaff Urban Trail System (FUTS), where practicable and feasible. In particular, direct walkway and bikeway route to schools, parks, and other community facilities should be provided. Equestrian facilities should be accommodated where appropriate.” (RLUTP, pg. 2-33)

**GOAL T3 (Transportation)**

“The region’s development pattern will support a diverse range of transportation choices, including transit, walking and bicycling, as well as driving.” (RLUTP, pg. 3-10)

**Policy OSPR1.3 – Provide Non-Motorized Transportation Corridors to Connect Communities, Neighborhoods, Open Spaces and Recreational Areas.**

“Provide non-motorized transportation corridors between neighborhoods, communities, and between the city and outlying areas and regional and national facilities and sites. Non-motorized access shall be provided from new and redevelopment neighborhoods and should be required from existing neighborhoods to regional open space via easements, trails, an on-street facilities with open space connections between FUTS and USFS trails. Existing neighborhoods are encouraged to improve non-motorized access and connections to regional open space and incorporate open space connections between FUTS and USFS trails.” (RLUTP, pg. 4-3)

**Policy NCR1.9 – Protect Dark Skies**

“Protection of dark skies and conservation of energy shall be undertaken by minimizing the detrimental effects to the region’s quality of life and astronomical observing conditions.” (RLUTP, pg. 6-5)

**Policy CFS1.1 – Determine and Require Adequate Public Facilities and Services.**

“The provision of adequate public facilities and services and the phasing of infrastructure improvements shall be important consideration in the timing and location of development.” (RLUTP, pg. 8-2)

**Policy CFS1.2 – Development shall pay its Fair Share Toward the Cost of Additional Public Service Needs Created by new Development, While Giving Consideration to the Rational Nexus Provisions to Show Direct Benefit.**

“The short- and long-term fiscal effects of land use and new development require the use of various tools, methodologies and programs to determine the cost of development and to ensure development is paying its fair share and that it has a direct relationship to benefits received by the development and burdens imposed on the provider.” (RLUTP, pg. 8-4)

**Has There Been Previous Council Decision on This:**

None

**Options and Alternatives:**

The City Council may approve the ordinance as proposed, approve the ordinance with conditions, or deny the ordinance.

**Background/History:**

The Applicant, Aspen Heights, is requesting a concept zoning-map amendment to rezone approximately 33.33 acres from the Rural Residential (RR) zone to the Medium Density Residential (MR) zone and approximately 3.60 acres from the Rural Residential (RR) zone to the Highway Commercial (HC) zone located at 2701 S. Woody Mountain Road. This amendment would allow the development of a multi-family style, student- housing development, operated as a rooming and boarding facility, consisting of 224 units (714 beds) located within single and duplex cottage structures on 33.33 acres and a commercial development consisting of approximately 20,000 square feet of street-level retail, general services and/or mixed-use development space adjacent to Route 66 on 3.60 acres. The subject property is currently undeveloped land with groupings of ponderosa pine trees left after the 2006 Woody Fire burned the site. The property gently slopes away from Woody Mountain Road with no significant slope resources.

Land uses north of the subject property, across Route 66 include a mix of land under City and County jurisdiction. The McAllister Ranch property is located directly across Route 66 which is currently owned by the City of Flagstaff but primarily under Coconino County jurisdiction, along with the adjacent commercial property that contains the Professional River Outfitters operation. Land uses to the east of the subject property, across Woody Mountain Road, include the Woody Mountain Campground & RV Park both under the City and County jurisdictions on State Land and the Presidio in the Pines subdivision within the City. The land to the south and west of the subject property is undeveloped property referred to as the Westside 197 property that was recently auctioned. At this time, development plans for the Westside 197 are unknown.

Just as a footnote, the math in the Ordinance and caption to the Ordinance regarding the size of the property appears to be off by .01 acres. We've chosen to stay consistent with the property descriptions provided by the surveyor, resulting in that small discrepancy due to rounding.

**Key Considerations:**

An applicant requesting an amendment to the Zoning map may elect to pursue either a "Direct Ordinance with a Site Plan" or "Authorization to Rezone with a Concept Zoning Plan" per Section 10-20.50.040.D (pg. 20.50-5). The Direct Ordinance with a Site Plan process provides an applicant with a shorter approval process with fewer steps. In this approach the applicant submits fully developed site plans with all supporting information required for Site Plan Review concurrently with the Zoning Map amendment application. Once the Zoning Map amendment is approved by the Council, then the applicant can proceed directly to construction plan and building permit review. The Authorization to Rezone with a Concept Zoning Plan process allows the applicant to prepare a concept zoning plan and pursue site plan application after Council approves the Zoning Map Amendment. A Concept Zoning Plan should consist of a plan with proposed use(s), vicinity maps, context map, concept phasing, housing types if applicable and a proposed circulation map. This particular project initiated review of the Concept Plan prior to the adoption of the two-pronged Zoning map Amendment process. The zoning application, however, came in after the adoption of the changes to the Code discussed above and is a Concept Zoning Map Amendment. The applicant has chosen not to submit for Direct to Ordinance in conjunction with this application. However, this application contains more information than would normally be required for a Concept Zoning Map Amendment, thus this application is a hybrid of the old process and the new concept zoning plan application.

The applicant is requesting a Zoning Map Amendment for a multi-family style, student housing development, operated as a Rooming and Boarding Facility, consisting of 224 units (714 beds) located within single and duplex cottage structures known as "Aspen Heights." A commercial development consisting of approximately 20,000 square feet of street-level retail, general services and/or mixed-use development space adjacent to Route 66 is also included in this request. Concept plans of the development, copies of which are attached to this report, show the residential units lining the exterior

boundaries of the property, with internal driveways lined with parking, and recreation facilities centrally located within the development.

### Community Benefits and Considerations:

Community benefits and consideration related to this request are addressed in more detail in the attached Planning and Zoning Commission Staff Report, dated September 12, 2014. The existing City of Flagstaff boundary bisects the current parcel limiting the development of the site. The majority of the existing parcel is located within the City of Flagstaff boundaries and the annexation will result in an expansion of the City limits to allow for appropriate development of the subject site. The proposed development will require a proportional-share contribution to a future traffic signal at the intersection of Route 66 and S. Woody Mountain road per the results of the accepted traffic impact analysis. In addition, approximately 5500 linear feet of sere line will need to be upgraded in conjunction with the proposed development. The Applicant has indicated their desire to participate in the recapture program. The proposed development plans to off-set recreation impacts associated with the project by providing substantial recreation improvement on site in compliance with the City of Flagstaff Zoning Code.

**Community Involvement:**

Inform/Consult

The Applicant held a neighborhood meeting on Thursday, March 27, 2014 at 5:30 pm. The Applicant received two phone calls from their meeting notice requesting information about the project. Seven people attended the meeting and had questions in regards to the case. None of the attendees expressed opposition to the Annexation or the Zoning Map Amendment. Staff has not received any other comments in regards to either the annexation or the Zoning Map Amendment.

Public hearings before the Planning and Zoning Commission and the City Council are conducted in conjunction with any request for Zoning Map Amendment. In accordance with Arizona Revised Statute, notice of the public hearing was provided by placing an ad in the Daily Sun, posting a notice on the property, and mailing a notice to all property owners within 300 feet of the subject site. As of this writing, staff has received two email letters, copies of which are attached to this report, wanting to make sure that the planning for the site takes into account the use of Woody Mountain Road by a large number of W.L. Gore employees who commute to the facilities in the area and expressing concern about the increased lighting impacts from higher density development within Lighting Zone I.

The Planning and Zoning Commission conducted a public hearing on September 24, 2014 at 4 p.m. Three individuals spoke in regards to this case. Two addressed concerns in regards to dark sky related issues and the impacts of outdoor lighting. On individual asked for additional information in regards to the provision of affordable housing.

### Expanded Options and Alternatives:

- (Recommended Action): The City Council may approve the Zoning Map Amendment as recommended by the Planning and Zoning Commission and staff by reading and adopting Ordinance No. 2014-31.
- The City Council may approved the Zoning Map Amendment with conditions of approval.
- The City Council may deny the Zoning Map Amendment.

**Attachments:**

P&Z Commission Staff Report

P&Z Commission Draft Minutes

### Application & Narrative

## Site Analysis

## Zoning Map



RLUTP Land Use Map

FRP 2030 Goals & Policies

TIA acceptance memo

Public Hearing Advertisements

Citizen Participation Plan & Report

Citizen Comment Email Letters

Concept Plans

Ordinance 2014-31

Draft DA

**PLANNING AND DEVELOPMENT SERVICES REPORT**  
**CONCEPT ZONING MAP AMENDMENT**

**PUBLIC HEARING**  
**PREZ 2014-0004**

**DATE:** September 12, 2014  
**MEETING DATE:** September 24, 2014  
**REPORT BY:** Tiffany Antol

**REQUEST:**

A Concept Zoning Map Amendment request from Aspen Heights, to rezone approximately 33.33 acres from Rural Residential (RR) to Medium Density Residential (MR) and approximately 3.60 acres from Rural Residential (RR) to Highway Commercial (HC) located at 2701 S. Woody Mountain Road.

**STAFF RECOMMENDATION:**

Staff recommends that the Planning and Zoning Commission forward the Zoning Map Amendment to the City Council with a recommendation for approval subject to the conditions as noted in the Recommendation section of this report.

**PRESENT LAND USE:**

The subject site consists of undeveloped land in the Rural Residential (RR) Zone.

**PROPOSED LAND USE:**

A multi-family style, student housing development, operated as a Rooming and Boarding Facility consisting of 224 units (714 beds) located within single and duplex cottage structures on 33.33 acres in the Medium Density Residential (MR) Zone. A commercial development consisting of approximately 20,000 square feet of street-level retail, general services and/or mixed-use development space adjacent to Route 66 on 3.60 acres in the Highway Commercial (HC) Zone.

**NEIGHBORHOOD DEVELOPMENT:**

North: Vacant land owned by the City of Flagstaff in the Rural Residential (RR) Zone; Professional River Outfitters in the General Commercial (CG-10,000) Zone under Coconino County jurisdiction.  
East: Woody Mountain Campground & RV Park in the Rural Residential (RR) Zone and the Planned Community (PC) Zone under Coconino County jurisdiction; Presidio in the Pines in the High Density Residential (HR) Zone.  
South: Vacant Land in the Rural Residential (RR) Zone.  
West: Vacant Land in the Rural Residential (RR) Zone.

**REQUIRED FINDINGS:**

**Staff Review**

An application for a Zoning Map Amendment shall be submitted to the Planning Director and shall be reviewed and a recommendation prepared. The Planning Director's recommendation shall be transmitted to the Planning Commission in the form of a staff report prior to a scheduled public hearing. The recommendation shall include: an evaluation of the consistency and conformance of the proposed amendment with the goals of the General Plan and any applicable specific plans; the ground for the recommendation based on the standards and purposes of the zones set forth in Section 10-40.20 (Establishment of Zones) of the Zoning Code (page 40.20-1); and, whether the Zoning Map Amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.

### **Findings for Reviewing Proposed Amendments**

Proposed amendments shall be evaluated based on the following findings: the proposed amendment is consistent with and conforms to the goals of the General Plan and any applicable specific plans; the proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City of Flagstaff (the “City”) and will add to the public good as described in the General Plan; and, the affected site is physically suitable in terms of design, location, shape, size, operating characteristics, and the provision of public and emergency vehicle access, public services, and utilities to ensure that the requested zone designation and the proposed or anticipated uses and/or development will not endanger, jeopardize, or otherwise constitute a hazard to the property or improvements in the vicinity in which the property is located. If the application is not consistent with the General Plan and any other applicable specific plan, the applicable plan must be amended in compliance with the procedures established in Chapter 11-10 of the City Code (Title 11: General Plans and Subdivisions) prior to considering the proposed amendment.

### **STAFF REVIEW:**

#### **Introduction/Background**

The Applicant, Aspen Heights, is requesting a Concept Zoning Map Amendment to rezone approximately 33.33 acres from the Rural Residential (RR) zone to the Medium Density Residential (MR) zone and approximately 3.60 acres from the Rural Residential (RR) zone to the Highway Commercial (HC) zone located at 2701 S. Woody Mountain Road. This amendment would allow the development of a multi-family style, student housing development, operated as a Rooming and Boarding Facility, consisting of 224 units (714 beds) located within single and duplex cottage structures on 33.33 acres and a commercial development consisting of approximately 20,000 square feet of street-level retail, general services and/or mixed-use development space adjacent to Route 66 on 3.60 acres. The subject property is currently undeveloped land with groupings of ponderosa pine trees left after the 2006 Woody Fire burned the site. The property gently slopes away from Woody Mountain Road with no significant slope resources.

Land uses north of the subject property, across Route 66 include a mix of land under City and County jurisdiction. The McAllister Ranch property is located directly across Route 66 which is currently owned by the City of Flagstaff but primarily under Coconino County jurisdiction, along with the adjacent commercial property that contains the Professional River Outfitters operation. Land uses to the east of the subject property, across Woody Mountain Road, include the Woody Mountain Campground & RV Park both under the City and County jurisdictions on State Land and the Presidio in the Pines subdivision within the City. The land to the south and west of the subject property is undeveloped property referred to as the Westside 197 property that was recently auctioned. At this time, development plans for the Westside 197 are unknown.

An applicant requesting an amendment to the Zoning map may elect to pursue either a “Direct Ordinance with a Site Plan” or “Authorization to Rezone with a Concept Zoning Plan” per Section 10-20.50.040.D (pg. 20.50-5). The Direct Ordinance with a Site Plan process provides an applicant with a shorter approval process with fewer steps. In this approach the applicant submits fully developed site plans with all supporting information required for Site Plan Review concurrently with the Zoning Map amendment application. Once the Zoning Map amendment is approved by the Council, then the applicant can proceed directly to construction plan and building permit review. The Authorization to Rezone with a Concept Zoning Plan process allows the applicant to prepare a concept zoning plan and pursue site plan application after Council approves the Zoning Map Amendment. A Concept Zoning Plan should consist of a plan with proposed use(s), vicinity maps, context map, concept phasing, housing types if applicable and a proposed circulation map. This particular project initiated review prior to the adoption of the two-pronged Zoning map Amendment process. This application is a Concept Zoning Map Amendment, and the applicant has chosen not to submit for Direct to Ordinance in conjunction with this application. However, this application contains more information than would normally be required for a Concept Zoning Map

Amendment, thus this application is a hybrid of the old process and the new concept zoning plan application.

If the Concept Zoning Map Amendment request is approved, the next steps in the process will be the filing of an application for Site Plan and Conditional Use Permit review followed by Civil Improvement Plan and Building permit submittals. A Development Agreement between the City and Aspen Heights has been drafted, a copy of which is attached to this report, to address required infrastructure improvements and project management. This agreement must be approved by the City Council via a resolution prior to the second reading of the Zoning Map Amendment ordinance.

The current application was filed prior to the adoption of the *Flagstaff Regional Plan 2030 (FRP 2030)* and is therefore being reviewed against the policies of the *Flagstaff Area Regional Land Use and Transportation Plan (RLUTP)*. For comparison purposes, policies from both plans are identified and discussed in this report; however, only the analysis of those goals and policies of the *RLUTP* were used to determine staff's recommendation.

### **Proposed Development Concept Plans**

The applicant is requesting a Zoning Map Amendment for a multi-family style, student housing development, operated as a Rooming and Boarding Facility, consisting of 224 units (714 beds) located within single and duplex cottage structures known as "Aspen Heights." A commercial development consisting of approximately 20,000 square feet of street-level retail, general services and/or mixed-use development space adjacent to Route 66 is also included in this request. Concept plans of the development, copies of which are attached to this report, show the residential units lining the exterior boundaries of the property, with internal driveways lined with parking, and recreation facilities centrally located within the development.

### **General Plan – Flagstaff Area Regional Land Use and Transportation Plan (RLUTP)**

The proposed Zoning Map Amendment application was submitted prior to the ratification of the *Flagstaff Regional Plan 2030 (FRP 2030)*. As such, the request must be reviewed for conformance to the goals and policies of the *RLUTP*. The *RLUTP* identifies the subject property as having a land use designation of Mixed-Use. This land use category requires an average density of seven dwelling units per acre. The Mixed-Use category may have an emphasis on either residential or non-residential. The objective of this classification is to mix the two uses to provide districts of housing, shopping, and employment. However, this category does not preclude single use developments. The zoning contemplated by this Zoning Map Amendment request is in conformance with the existing land use designation in the *RLUTP*.

### ***Applicable General Plan Goals and Policies***

Staff has identified the following Goals and Policies for more detailed analysis:

#### **Goal LU1 (Land Use and Growth Management)**

"Greater Flagstaff will have a compact land use pattern within a well-defined boundary that shapes growth in a manner that preserves the region's natural environment, livability, and sense of community. Flagstaff will continue to offer the primary types of housing design developments that have defined its land use patterns: the conventional and traditional neighborhood scale which provide a choice of housing types and supporting non-residential uses within walking distances." (RLUTP, pg. 2-5)

#### **Policy LU1.5 – Provide for new Mixed-Use Neighborhoods.**

"The Regional Plan designates new development areas within the Urban Growth Boundary for development as mixed-use neighborhoods. The criteria for these areas includes average densities, a mix of mutually supportive and integrated residential and non-residential land uses, and a network of interconnected streets, and pedestrian and bicycle

connections.” (RLUTP, pg. 2-9)

**Policy LU1.6 – Require Urban Development to Locate within City Boundaries.**

“In order to ensure that all urban development can be provided with adequate public facilities and services, it is the policy of this Regional Plan that all urban land uses shall be located within the Urban Growth Boundary, within the city’s corporate boundary limits. The Regional Plan encourages urban land uses to locate only within incorporated areas in order to obtain City services, utilities, and fire protection. The City shall consider the annexation of land into the city limits when the annexation of such property is consistent with the goals and policies of the RLUTP. (RLUTP, pg. 2-10)

**Policy LU1.10 – Place Emphasis on all Transportation Modes.**

“All commercial and residential areas shall include full accommodation for pedestrians, bicycle travel and transit access.” (RLUTP, pg. 2-13)

**Policy LU1.11 – Place Emphasis on and Encourage Traditional Neighborhood Development and Redevelopment Design.** (pg 2-13)

“The Regional Plan promotes the creation and establishment of neighborhood units with mixed land uses, a variety of dwelling types, activity centers that are walkable, alternate modes of transportation routes, and design that is sensitive to existing surrounding development.” (RLUTP, pg. 2-13)

**Goal C1 (Commercial Development)**

“Shopping and service areas will be convenient to residents as well as visitors to the region in a manner that meets their needs, while remaining compatible with surrounding land uses.” (RLUTP, pg. 2-21)

**Policy C1.3 – Include a Mix of Uses in new Commercial Development and Redevelopment.**

“New development shall include a mix of uses in the city and county, avoiding large, single-use buildings and dominating parking areas.” (RLUTP, pg. 2-22)

**Policy C1.5 – Design and Establish Neighborhood Commercial Centers.**

“Neighborhood commercial centers in the city are designed as pedestrian-oriented gathering places with a mix of retail, office, and service uses, providing the goods and services necessary to meet the needs of the neighborhood while reflecting the identity and character of the surrounding residential neighborhoods.” (RLUTP, pg. 2-23)

**Goal HN1 (Housing and Neighborhoods)**

“The supply of affordable home ownership, rental, and special needs housing units affordable to low- and moderate-income households will be increased.” (RLUTP, pg. 2-30)

**Goal HN2 (Housing and Neighborhoods)**

“New neighborhoods will be built and support will be given to existing neighborhoods that integrate a variety of housing types and densities with amenities, services, and retail to ensure opportunities for a variety of household income levels.” (RLUTP, pg. 2-32)

**Policy HN2.1 – Promote Development of Mixed-Use Neighborhoods.**

“In appropriate areas, both new and existing neighborhoods should have a mix of land uses and different housing types. The arrangement of land uses within neighborhoods shall allow residents to walk and bicycle to parks, schools, work, shopping, places of worship, transit stops, and other nearby neighborhoods. Neighborhoods should include a pedestrian-oriented neighborhood center – school, park, plaza, commercial area or other neighborhood facility – that gives each neighborhood a unique identity and a place for recreation or public gatherings.” (RLUTP, pg 2-32)

**Policy HN2.2 – Establish Interconnected Neighborhood Street and Sidewalk Patterns.**

“Neighborhood streets and sidewalks and/or walkways in both new and existing areas should form an interconnected network, including automobile, bicycle, and pedestrian routes within a neighborhood and between neighborhoods, in order to connect neighborhoods together and with other parts of the region. Neighborhoods should have frequently connected networks of walkways and bike paths, including connections to the Flagstaff Urban Trail System (FUTS), where practicable and feasible. In particular, direct walkway and bikeway route to schools, parks, and other community facilities should be provided. Equestrian facilities should be accommodated where appropriate.” (RLUTP, pg. 2-33)

**GOAL T3 (Transportation)**

“The region’s development pattern will support a diverse range of transportation choices, including transit, walking and bicycling, as well as driving.” (RLUTP, pg. 3-10)

**Policy OSPR1.3 – Provide Non-Motorized Transportation Corridors to Connect Communities, Neighborhoods, Open Spaces and Recreational Areas.**

“Provide non-motorized transportation corridors between neighborhoods, communities, and between the city and outlying areas and regional and national facilities and sites. Non-motorized access shall be provided from new and redevelopment neighborhoods and should be required from existing neighborhoods to regional open space via easements, trails, an on-street facilities with open space connections between FUTS and USFS trails. Existing neighborhoods are encouraged to improve non-motorized access and connections to regional open space and incorporate open space connections between FUTS and USFS trails.” (RLUTP, pg. 4-3)

**Policy NCR1.9 – Protect Dark Skies**

“Protection of dark skies and conservation of energy shall be undertaken by minimizing the detrimental effects to the region’s quality of life and astronomical observing conditions.” (RLUTP, pg. 6-5)

**Policy CFS1.1 – Determine and Require Adequate Public Facilities and Services.**

“The provision of adequate public facilities and services and the phasing of infrastructure improvements shall be important consideration in the timing and location of development.” (RLUTP, pg. 8-2)

**Policy CFS1.2 – Development shall pay its Fair Share Toward the Cost of Additional Public Service Needs Created by new Development, While Giving Consideration to the Rational Nexus Provisions to Show Direct Benefit.**

“The short- and long-term fiscal effects of land use and new development require the use of various tools, methodologies and programs to determine the cost of development and to ensure development is paying its fair share and that it has a direct relationship to benefits received by the development and burdens imposed on the provider.” (RLUTP, pg. 8-4)

***Goal/Policy Analysis***

The subject property is located within the City’s defined Urban Growth Boundary and the proposed development includes a mix of housing and commercial uses designed to support the existing neighborhood. The Mixed-Use designation requires an average of seven dwelling units per acre. The proposed multi-family student housing project will meet this requirement after the dedication of right-of-way for Woody Mountain Road, at a total of 7.24 dwelling units per acre. The project has been designed to include civic space which will serve as a neighborhood center for residents as well as provide for recreation activities.

This request is being reviewed concurrently with an annexation to ensure this level of urban development occurs within the City boundaries. The concept plan submitted with this request does not provide the level of connectivity necessary to

integrate fully the new student housing with the proposed on-site future commercial development to the north or potential future development of the Westside 197 property to the west. Connectivity for motorized vehicles, bicycles and pedestrians between the proposed student housing development and the surrounding future uses should be a condition of this approval to be provided at site plan review.

The applicant is proposing a mixed-use development by including a portion of land for future commercial development suitable for supporting existing and future neighborhoods. The proposed development is not utilizing the incentives that have been developed to support the provision of affordable housing. No affordable housing will be provided with the development of this site. The proposed development has had the required impact analysis completed in order to determine required improvements. The existing water infrastructure at this time is sufficient for the proposed development but the Applicant will be responsible for approximately 5500 feet of sewer line upgrade in order to serve this site. The Applicant is also providing a proportional share contribution toward a future signal at the intersection of Route 66 and Woody Mountain Road. Attached to this report is a draft development agreement that outlines both on and off-site improvements required for this development.

### **Flagstaff Regional Plan 2030 (FRP 2030)**

The *FRP 2030* designates this parcel as Future Urban within an Urban Activity Center. The density range required for residential mixed-use is eight dwelling units per acre and a minimum floor area ratio of 1.0 or greater. Furthermore, Route 66 is identified as a Gateway Corridor and as a Great Street up to Woody Mountain Road. The Comprehensive Planning Manager has provided the following interpretation for the place type characteristics and how they are to be applied to development projects; “The table describing the characteristics of urban, suburban and rural place types shows numerous characteristics including densities and intensity ranges but does not state at what scale these should be applied to a parcel-level development project. These tables are intended to be interpreted at a scale that is at a minimum in a neighborhood or activity center. Every item is NOT a standard or guideline unto itself. The tables are meant to be taken as a whole, and used along with an analysis of how the project would or would not move the community toward the goals and policies throughout the document. For projects that are generally compatible with the characteristics in the table but do not fall within the range of density or intensity, the planner will consider the site-specific preservation of natural resources and compatibility of the proposal with the existing and future neighborhood context through an analysis of goals and policies. Specific plans may further refine how density and intensity is considered within an activity or a neighborhood.”

A list of Goals and Policies in relation to this request is attached to this report. One particular policy within the *FRP 2030* specifically addresses student housing and is analyzed below:

### **Policy NH.1.7 Develop appropriate programs and tools to ensure the appropriate placement, design, and operation of new student housing developments consistent with neighborhood character and scale. (FRP 2030, pg. XIII-9)**

Although no programs have yet to be developed to encourage student housing to locate in an undetermined preferred area in the City this policy is clear that “design” and “operation” be compatible with existing neighborhoods. The proposed project includes the provision of student housing through a cottage style design. The buildings are comprised of single and duplex units that relate well in terms of scale and intensity to the existing single-family residential neighborhoods in the area. The operation and management of a student housing project is key to the success of integrating this use with other residential and commercial uses in the vicinity. The Applicant has not presented a management/operation plan but has met with local law enforcement to discuss the potential for keeping the students and surrounding neighborhoods safe. The Development Agreement to be considered by Council will address this issue.

### **Zoning – City of Flagstaff Zoning Code**

The City of Flagstaff Zoning Code, which was adopted in November 2011, (the “Zoning Code”) identifies the subject property as being located in the Rural Residential (RR) zone and allows for one dwelling per acre. In order to accomplish the proposed student housing development, a portion of the property is proposed to be rezoned to the Medium Density Residential (MR) zone. In order to comply with the Mixed-Use land use designation, the Applicant is proposing to rezone a smaller portion of the property to the Highway Commercial (HC) zone, which will be developed separately from the student housing project. The student housing development will be operated as a Rooming and Boarding Facility, subject to the issuance of a Conditional Use Permit by the Planning & Zoning Commission (Section 10-40.30.030.B of the Zoning Code, Page 40.30-6); however, this development option is limited to a maximum density of 9 dwelling units/acre and a maximum building height of 35 feet for the MR zone portion of the property and a gross FAR of 3.0 and a maximum building height of 60 feet for the HC zone portion of the property. A comparison of the current and proposed zoning development standards can be found under the “Building Form and Density Standards” subsection of this report.

### ***Building Form and Density Standards***

Table 1 below compares development standards for the existing RR zone and the proposed MR and HC zones. The subject property is located with the Resource Protection Overlay (RPO) zone.

<b>Table 1 – Comparison of Development Standards</b>			
<b>Standard</b>	<b>Existing Zone (RR)</b>	<b>Proposed Zone (MR)</b>	<b>Proposed Zone (HC)</b>
Acres	36.93	33.33	3.60
Maximum Building Height (feet)	35	35	60
Maximum Coverage	20%	50%	3.0 FAR
Building Placement Requirements (Min Setbacks):			
Front (feet)	75	10 (second floor and below) 15 (above second floor)	0
Side (feet)	10 (interior) 25 (exterior)	5 (interior) 5 (exterior)	15 (adjacent to residential) 0 (all other uses) 10 (exterior)
Rear (feet)	10	15	15 (adjacent to residential) 0 (all other uses)
Minimum Open Space (%)		15	
Density Requirements:			
Minimum (du/ac)	0	6	
Maximum, Inside RPO (du/ac)	1	9	
Maximum, Outside RPO (du/ac)	1	14	

### ***Open Space and Civic Space***

Development within the proposed Medium Density Residential (MR) zone is required to maintain a minimum of 15 percent of the lot area as open space. In accordance with Section 10-40.30.030.C of the Zoning Code (Page 40.30-9), the areas set aside for resource preservation (i.e. floodplains, slopes, and forests), active and passive recreation uses, landscape areas, and community gardens may be used to satisfy the open space standard. Using these parameters, the 30.9-acre student housing



site is required to maintain at least 4.63 acres of open space. Additionally, in accordance with Section 10-30.60.060.B.1.b of the Zoning Code (Page 30.60-11), residential developments with 50 or more dwelling units shall provide a minimum of five (5%) percent of the site in civic spaces that are either privately held and open to the public or publicly owned and set aside as a civic space. Using these parameters, the 30.9 acres student housing site is required to maintain at least 1.54 acres of civic space. The concept plan identifies 3.96 acres of the site as civic space, which is deficient for meeting both the open space and civic space requirements. There is, however, ample room on site to meet the minimum requirements. The majority of the provided open and civic space is clustered around the clubhouse and in the middle of the site, which provides an outdoor amenity with exercise equipment and barbeques. To address the current deficiency in open space and civic space, a condition of approval has been added to ensure that these are adequately addressed during site plan review.

### ***Parking***

Table 10-50.80.040.A of the Zoning Code (Page 50.80-6) establishes the minimum number of parking spaces required for development. Parking for the Rooming and Boarding Facility is calculated at a rate of one space per bedroom plus one space for the owner/manager. The proposed student housing development consists of 714 beds. The Applicant is proposing a total of 750 parking spaces for this residential use, which includes five percent (5%) in additional parking spaces provided. The requirement for the commercial development will be dependent on the individual use. A final parking analysis will be done with the review of a more detailed site plan submittal that will ensure that all parking spaces and drive aisles meet the minimum dimension standards.

### **Design Review**

#### ***Site Planning Standards***

In accordance with Section 10-30.60.030 of the Zoning Code (Page 30.60-2), the Applicant conducted a site analysis, a copy of which is attached to this report, that considers the topography of the site, solar orientation, existing/native vegetation types and relative quality, view corridors, climate, subsurface conditions, drainage swales and stream corridor, and the built environment and land use context. Implementation of the findings of the site analysis will be ensured during the review of a more detailed site plan submittal.

#### ***Pedestrian and Bicycle Circulation Systems***

On-site pedestrian circulation is provided through an extensive network of walkways. These walkways are designed as on-site connections between several internal functions, including building entrances, parking areas, and open space amenities. In addition, they provide off-site connections to the public sidewalks and Flagstaff Urban Trail System (FUTS) trail, which will be developed in conjunction with this project. Connectivity between the proposed student housing and the adjacent properties is important for making a cohesive neighborhood that will give the students full access to future development in the area. While there is no dedicated on-site bicycle circulation system, bicycles can utilize the on-site pedestrian system to gain access to building entrances, open space amenities, and the adjoining public sidewalks and FUTS trail. In accordance with Section 10-30.60.040.A.3 of the Zoning Code (Page 30.60-7) and Section 10-50.80.050 of the Zoning Code (Page 50.80-11), 38 bicycle parking spaces, are required to be provided on-site.

#### ***Parking Lots, Driveways, and Service Areas***

Seven hundred fifty (750) surface parking spaces are provided on-site. The majority of these spaces are screened from the public way by the placement of the buildings. The remaining perimeter spaces are setback from the property line and will be screened with landscaping in accordance with Section 10-30.60.050.A.4 of the Zoning Code (Page 30.60-9). Design standards require new development to minimize the number of curb cuts (i.e. driveways) onto a public street. Three new curb cuts are proposed for the student housing project, two of which are located in alignment with existing driveways/roadways or median breaks. Staff will ensure that trash enclosures and loading areas meet City standards for screening, operation, and location during the review of a more detailed site plan submittal.

### ***Compatibility and Architectural Design Standards***

“Scale” refers to similar or harmonious proportions, overall height and width, the visual intensity of the development, and the building massing. The proposed development consists of structures similar in scale to single-family residential housing, which is consistent with much of the surrounding development. Preliminary elevations, copies of which are attached to this report, were provided for the residential units as part of this application, but detailed information has not been supplied for the future commercial development. Architectural design standards will be reviewed at the time of site plan approval and staff will confirm that all elevations are consistent with current requirements.

### **Landscaping**

A preliminary landscape plan, a copy of which is attached to this report, was prepared and submitted with this application. The plan has been accepted as meeting the general intent of the parking lot landscaping, public right-of-way landscaping, open space landscaping, and landscape screening standards found within Section 10-50.60 of the Zoning Code (Page 50.60-1). A final landscape plan will be reviewed at the time of a more detailed site plan submittal.

### **Outdoor Lighting**

The subject property is located entirely within Lighting Zone 1, which means that it is in close proximity to the US Naval Observatory. Lighting Zone 1 has the highest level standards in regards to outdoor lighting and allows for a total of 25,000 lumens per acre for multi-family residential and commercial development. Outdoor lighting is divided into three classes. Class 1 lighting includes fixtures where color rendition is required and includes areas of outdoor spaces, building entrances, outdoor seating and recreational areas; Class 2 lighting includes general illumination for safety and security and Class 3 lighting includes all decorative or architectural illumination. All outdoor Class 1 and Class 3 lighting, and outdoor Class 2 lighting located more than 50 feet from any building shall be turned off by 9:00 p.m. in Lighting Zone 1. Staff will work with the applicant and the dark sky community at Site Plan review to ensure that the outdoor lighting for this project is sensitive to both the development and the dark sky community to the maximum extent feasible.

**PUBLIC SYSTEMS IMPACT ANALYSIS:** See Annexation Report PANX-14-001 for complete Public Impact Analysis discussion.

### **OTHER REQUIREMENTS:**

#### **Natural and Cultural Resources**

The subject property is located within the Resource Protection Overlay (RPO) zone as defined by Section 10-50.90.020.A of the Zoning Code (Page 50.90-2). There are no defined floodplain or slope resources on-site. The Natural Resource Protection Plan (NRPP) prepared by the Applicant, a copy of which is attached to this report, identifies 2916 total forest tree points on-site. In accordance with Table 10-50.90.060.A of the Zoning Code (Page 50.90-7), forest resources within a residential development must be protected at a 50 percent threshold. In accordance with Section 10-30.60.060.B.1.c.(1) of the Zoning Code (Page 30.60-11), forest resource protection thresholds can be reduced by five percent (5%) when civic spaces are provided. The NRPP proposes to save 1498 forest tree points, which is 51.37 percent of the total on-site forest tree points. The NRPP is in conformance with the Zoning Code resource protection standards. As is required for undeveloped land, a letter report was prepared at the request of the Historic Preservation Officer. The report did not find conditions that warranted further analysis of the site. A Phase 1 Cultural Resource Study was not required for this location.

#### **Citizen Participation**

Public hearings before the Planning and Zoning Commission and the City Council are conducted in conjunction with any request for Zoning Map Amendment. In accordance with Arizona Revised Statute, notice of the public hearing was provided by placing an ad in the Daily Sun, posting a notice on the property, and mailing a notice to all property owners within 300 feet of the subject site. As of this writing, staff has received two email letters, copies of which are attached to this report, wanting to make sure that the planning for the site takes into account the use of Woody Mountain Road by a large number of W.L. Gore employees who commute to the facilities in the area and expressing concern about the increased lighting impacts from higher density development within Lighting Zone I.

The Applicant held a neighborhood meeting on Thursday, March 27, 2014 at 5:30 pm. The Applicant received two phone calls from their meeting notice requesting information about the project. Seven people attended the meeting and had questions in regards to the case. None of the attendees expressed opposition to the Annexation or the Zoning Map Amendment. Staff has not received any other comments in regards to either the annexation or the Zoning Map Amendment.

### **DISCUSSION:**

In accordance with Section 10-40.30.040.A.5 of the Zoning Code (Page 40.30-4), the Medium Density Residential (MR) zone; applies in areas appropriate for moderate density residential; and, allows a variety of housing types, including affordable and planned residential development that allow for higher densities. In accordance with Section 10-40.30.040.A.3 of the Zoning Code (Page 40.30-13), the Highway Commercial (HC) zone applies to areas of the City appropriate for a full range of automobile-oriented uses; encourages the development of commercial uses in addition to residential uses to provide diversity in housing choices; and is designated primarily at the commercial corridors of the City. The proposed residential and commercial zoning at this location is compatible with the *RLUTP* designation of Mixed-Use. The proposed student housing project conforms to the standards of the proposed MR zone and the conceptual commercial development within the HC zone will be limited to uses that function well within a mixed-use neighborhood including services, retail, and office. There is currently a lack of commercial development within the subject area with a growing residential population and an existing employment population.

Staff agrees that the proposed Zoning Map Amendment is consistent with the *RLUTP* and the intent of the Zoning Code, but is concerned about the timing of this request and the lack of existing multi-modal transportation infrastructure within this area. The site is not yet served by transit and is not part of a cohesive bicycle and pedestrian network. Adequate on-site parking is provided for the residents but the issue becomes the parking constraints affiliated with Northern Arizona University. The Applicant has been in communication with Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) to discuss the potential for transit or shuttle service for this project but no formal agreements are currently in place.

### **RECOMMENDATION:**

Staff believes that the proposed Zoning Map amendment is in substantial conformance with the Flagstaff Area Regional Land Use and Transportation Plan and recommends the Planning & Zoning Commission forward the request to the City Council with a recommendation approving an amendment to the Zoning Map for 33.33 acres from the Rural Residential (RR) zone to the Medium Density (MR) zone and for 3.60 acres from the Rural Residential (RR) zone to the Highway Commercial (HC) zone, subject to the following conditions:

1. The subject property shall be developed in substantial conformance to the uses including the density and intensity and general layout approved by the Inter-Division Staff (IDS) on August 25, 2014 and as presented to the Planning

and Zoning Commission with this amendment request except as modified herein.

2. Development of the MR zone shall be limited to the number of units (224) and beds (714) identified in the Zone Change Plan and used for the preparation of all impact analysis.
3. Development of the HC zone shall include 20,000 square feet of general service/retail/office or mixed use development.
4. Per the acceptance of the traffic impact analysis, both vehicular and non-vehicular access shall be provided between the proposed student housing project and the proposed commercial development as well as pedestrian/bicycle connections to the future development of the vacant land to the west.
5. The Developer shall enter into a Development Agreement with the City to, address at a minimum the proportional share contribution of the signalized intersection of Route 66 and Woody Mountain Road, off-site sewer improvement requirements, on-site water/sewer modifications, roadway/edge improvements and a management operation plan.
6. At the time of site plan submittal, the developer shall provide a minimum of fifteen percent (15%) of the lot area as open space and a minimum of five percent (5%) of the lot area as civic space.
7. Outdoor lighting shall be extinguished at the close of business except for security lighting further that 50 feet from the entrance to any building.
8. If the residential development is operated as a rooming and boarding facility, a Conditional Use Permit shall be reviewed and approved by the Planning and Zoning Commission.
9. Site Plan review and approval by staff for the residential and commercial developments is required to assure that all conditions, requirements and terms that are included in the Zoning Map Amendment Ordinance and Development Agreement are accomplished.

## **ATTACHMENTS**

- Zoning Map Amendment Application & Narrative
- Current City of Flagstaff Zoning Map
- Site Analysis
- Flagstaff Regional Plan 2030 Goals & Policies
- Traffic Impact Analysis Acceptance Memo
- Public Hearing Legal Advertisements
- Citizen Participation Plan
- Citizen Comment Email Letters
- Draft Development Agreement
- Concept Plan Packet:
  - Conceptual Site Plan
  - Concept Utility Plan
  - Natural Resource Protection Plan
  - Conceptual Landscape Plan
  - Annexation Map

- Residential Building Elevations Examples



# Minutes- Draft

City of Flagstaff

## PLANNING & ZONING COMMISSION

4:00 PM– Wednesday, September 24, 2014

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City Hall, Council Chambers, 211 W. Aspen Avenue



In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact Tammy Bishop at (928) 213-2611 (or 774-5281 TDD). Notification at least 48 hours in advance will enable the City to make reasonable arrangements.

Pursuant to A.R.S. §38-431.02, notice is hereby given to the members of the Planning and Zoning Commission and to the general public that, at this meeting, the Planning and Zoning Commission may vote to go into executive session, which will not be open to the public, for legal advice and discussion with the City's attorneys for legal advice on any item listed on the following agenda, pursuant to A.R.S. §38-431.03(A)(3).

CALL TO ORDER [Chairman Dorsett called the meeting to order at 4:00 p.m.](#)

COMMISSION MEMBERS: Stephen Dorsett, Chairman Paul W. Turner  
Present: Justin Ramsey, Vice Chairman Steve Jackson  
Paul Moore  
Tina Pfeiffer  
Absent: David Carpenter

CITY STAFF: Brian Kulina, Planning Development Manager  
Tiffany Antol, Planning Development Manager  
Mark Sawyers, Staff Liaison  
Becky Cardiff, Recording Secretary

### I. GENERAL BUSINESS

#### A. PUBLIC COMMENT

*(At this time, any member of the public may address the Commission on any subject within their jurisdiction that is not scheduled before the Commission on that day. Due to Open Meeting Laws, the Commission cannot discuss or act on items presented during this portion of the agenda. To address the Commission on an item that is on the agenda, please wait for the Chair to call for Public Comment at the time the item is heard.)*

[None](#)

#### B. APPROVAL OF MINUTES

##### 1) Regular meeting of August 27, 2014.

[Motion to approve the minutes of the regular meeting of August 27, 2014, Moved by Commissioner Turner; seconded by Commissioner Ramsey. Motion carried unanimously.](#)

## II. OTHER BUSINESS

### PINNACLE PINES

Address: 800 E Sterling Lane  
Assessor's Parcel Number: 105-20-117  
Property Owner: Pinnacle 146 LLC  
Applicant: Mogollon Engineering  
Application Number: PPPL 2014-0005  
City Staff: Brian Kulina  
Action Sought: Preliminary Plat Request

A Preliminary Plat request from Mogollon Engineering & Surveying, Inc., on behalf of Pinnacle 146 LLC, for a development of approximately 18.59 acres into 106 single-family subdivision lots located at 800 E. Sterling Lane, within the Medium Density Residential (MR) zone.

Mr. Kulina gave a PowerPoint presentation on the proposed project and answered questions from Commissioners.

Kristen Smith, Flagstaff Fire Dept, was present and answered questions from Commissioners.

Reid Miller, Traffic Engineering, was present and answered questions from Commissioners.

Kent Hotsenpillar, Engineer representing the applicant, answered questions from Commissioners.

Sue Ellen, resident, discussed the potential access to the proposed project and the potential effect it could have on the value of her property.

Doug Hare, owner representative, answered questions from Commissioners

Motion to forward to City Council for approval Preliminary Plat PPPL 2014-0005 with additional mitigation of the impact of Silver Lane to adjoining properties Moved by Chairman Dorsett; seconded by Commissioner Ramsey. Discussion was held. Motion carried 5 to 1 with Commissioner Jackson dissenting.

## III. PUBLIC HEARING

### A. ASPEN HEIGHTS

Address: 2701 S Woody Mountain Road  
Assessor's Parcel Number: 112-01-019  
Property Owner: Landmarc Capital & Investment Co.  
Applicant: Aspen Heights  
Application Number: PANX 14-0001  
City Staff: Tiffany Antol  
Action Sought: Annexation Request

An annexation request of approximately 3.14 acres located at 2701 S. Woody Mountain Road. The property is identified as a portion of Coconino County Assessor's Parcel Number 112-01-019. This annexation request is the first part of a two-part request. The second part of the request is a Zoning Map Amendment.

## B. ASPEN HEIGHTS

Address: 2701 S Woody Mountain Road  
Assessor's Parcel Number: 112-01-019  
Property Owner: Landmarc Capital & Investment Co.  
Applicant: Aspen Heights  
Application Number: PREZ 14-0004  
City Staff: Tiffany Antol  
Action Sought: Zoning Map Amendment

A Zoning Map Amendment request to rezone approximately 33.33 acres from Rural Residential (RR) to Medium Density Residential (MR) and approximately 3.60 acres from Rural Residential (RR) to Highway Commercial (HC).

Ms. Antol gave a PowerPoint presentation on the proposed project Aspen Heights including information on both the Annexation and Zoning Map Amendment and answered questions from Commissioners.

Reid Miller, Traffic Engineer, answered questions from Commissioners

Rick Barrett, City Engineer, answered questions from Commissioners

Ms. Antol answered questions from Commissioners

Kent Hotsenpillar, Engineer representing the applicant, answered questions from Commissioners

Charlie Vatterott, Executive VP of Development, gave a PowerPoint on the proposed project.

William Ramsey, Regional Operations Manager representing the applicant, gave a PowerPoint presentation on the operation of the proposed project.

Dana Kjellgren, legal counsel representing the applicant, answered questions from Commissioners

Erika Mazza, NAIPTA, answered questions about possible transit from the proposed project.

**Motion to open the public hearing Moved by Commissioner Turner; seconded by Commissioner Moore. Motion carried.**

Public Comment was given as follows:

Elizabeth Betroff, resident, requested information on affordable housing

Ms. Antol and Ms. Kjellgren addressed the question about affordable housing

Chris Luginbuhl, astronomer, expressed concerns about lighting that the proposed project could produce.

Lance Diskan, representing the Dark Skies Coalition/resident, also expressed concerns about the lighting that the proposed project would produce.

Ms. Kjellgren addressed concerns that were brought up during public comment

A written comment was submitted as follows:

"Moran Henn, representing Friends of Flagstaff's Future, F3 is not in opposition or in support of this project. We do think however that approving it would be pushing the cart before the horse. The city and county are in the process of developing guidelines for dormitory style off campus student housing. The community is going to weigh in on this issue on October 27 at a meeting led by Mayor Nabours and Supervisor Archuleta. We only ask you give the community time. Given such strong



community engagement in the previous off campus housing issue we feel it would be best to not approve any such developments till after October 27. Thank you"

Motion to close the public hearing Moved by Commissioner Turner; seconded by Commissioner Jackson. Motion carried.

Motion to forward an approval to City Council of Annexation PANX 14-0001 Moved by Commissioner Turner; seconded by Commissioner Jackson. Motion carried unanimously.

Motion to forward for approval to City Council of PREZ 14-0004 with Staff conditions and the condition that Council seriously consider reducing the lumen counts currently allowed in the zone. Moved by Commissioner Moore. Motion failed with no second.

Motion to forward for approval to City Council of PREZ 14-0004 with proposed Staff Conditions Moved by Commissioner Turner; seconded by Commissioner Pfeiffer. Discussion was held.

Motion to amend the motion to include the condition that the applicant will work with the dark skies community to minimize the impact on the Observatory and to come up with conditions for the Development Agreement to achieve those results Moved by Chairman Dorsett; Seconded by Commissioner Pfeiffer. Motion carried and additional condition is added to the original motion.

Motion to forward to City Council for approval of PREZ 14-0004 with proposed Staff Conditions and the condition that the applicant will work with the dark skies community to minimize the impact on the Observatory and to come up with conditions for the Development Agreement to achieve those results. Moved by Chairman Dorsett; Seconded by Commissioner Pfeiffer. Motion carried unanimously.

#### IV. MISCELLANEOUS ITEMS TO/FROM COMMISSION MEMBERS

None.

ADJOURNMENT at 7:15



# City of Flagstaff

## Community Development Division

211 W. Aspen Ave

P: (928) 213-2618

Flagstaff, AZ 86001

F: (928) 779-7684

www.flagstaff.az.gov

PREZ/PGM

Date Received

MAR 11 2014

### Application for Zoning Map Amendment and/or Regional Plan Amendment

File Number

DEV 13-007

Property Owner(s) <i>Aspen Heights</i>	Title	Phone <i>512-970-1317</i>	Email <i>cvatterott@myaspenheights.com</i>
Mailing Address <i>1301 S. Capital of Texas Hwy Suite B-201</i>			City, State, Zip <i>Austin TX 78746</i>
Applicant(s) <i>Mogelon Engineering</i>	Title	Phone <i>214-0214</i>	Email <i>mogelon99@aol.com</i>
Mailing Address <i>411 W. Santa Fe</i>			City, State, Zip <i>Flagstaff AZ 86001</i>
Project Representative) <i>Kent Holcupiller</i>	Title	Phone	Email
Mailing Address			City, State, Zip
Requested Review	<input checked="" type="checkbox"/> Zoning Map Amendment	<input type="checkbox"/> Regional Plan Amendment	<input type="checkbox"/> Continued

Site Address <i>2701 S. Woody Mountain Rd</i>	Parcel Number(s) <i>112-01-019</i>	Subdivision, Tract & Lot Number <i>n/a</i>
Existing Zoning District <i>RR</i>	Proposed Zoning District: <i>MR &amp; HC</i>	Existing Regional Plan Land Use Category <i>mixed use</i>
Existing Use <i>Vacant</i>	Proposed Use <i>commercial &amp; student housing</i>	
Property Information:	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Located in an existing Local/National Historic District? (Name: _____) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Existing structures are over 50 years old at the time of application? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Subject property is undeveloped land?	

Requested Urban Growth Boundary Change (If Applicable)	State Reason for Request <i>To achieve Mixed Use minimum density</i>
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Note:  
Indicate how the change of zone will not be detrimental to the majority of persons or properties in the surrounding area, or to the community in general. If modification to the Regional Plan is requested, clearly state reason(s) for modification. (Attach separate sheets as necessary). Incomplete submittals will not be scheduled.

Property Owner Signature (required) <i>[Signature]</i>	Date: <i>3/11/14</i>	Applicant Signature <i>Kent Holcupiller</i>	Date: <i>3/10/14</i>
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#### For City Use

Date Filed:	File Number(s): <i>PSPR 140005</i>	Type of Zoning Map Amendment:
P & Z Hearing Date:	Publication and Posting Date:	<input type="checkbox"/> Small-scale
Council Hearing Date:	Publication and Posting Date:	<input type="checkbox"/> Medium-scale
Fee Receipt Number:	Amount:	<input type="checkbox"/> Large-scale

Action by Planning and Zoning Commission:	Action by City Council:
<input type="checkbox"/> Approved	<input type="checkbox"/> Approved
<input type="checkbox"/> Denied	<input type="checkbox"/> Denied
<input type="checkbox"/> Continued	<input type="checkbox"/> Continued

Staff Assignments	Planning <i>Tiffany</i>	Engineering <i>Rene</i>	Fire <i>Kent</i>	Public Works/Utilities <i>Jim</i>	Stormwater <i>Kyle</i>
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Revised 11/9/11

3/11/13

87

## Application for Zoning Map Amendment

Information provided as required pursuant to Flagstaff City Code 10-20.50.040(C)(3)(a) and (F)(a)(ii), and Application for Zoning Map Amendment, Information Required, Section 3:

**3. An applicant must state the reason for request and provide a summary of community benefits to be gained if it is approved. Analysis of the General Plan must be included with an explanation of how the requested amendment is supported by the General Plan.**

### **3.1 Community Benefits.**

Flagstaff is a small city surrounded by federally- and state-owned land in which one of the State's three universities is located. It presently has a student population of approximately 19,000 undergraduates and 1,500 graduate students. Approximately 7,400 undergraduate students live on campus in 21 residence halls.<sup>1</sup> The Arizona Board of Regents (ABOR) has set a goal of 25,000 undergraduate student by the year 2020.<sup>2</sup> Enrollments are, thus, projected to increase by 900 – 1,000 students each year for the next five or six years. The non-student population is approximately 66,000, according to the 2010 census, and the number of housing units is 25,648.<sup>3</sup> Historically, the demand for rental housing by students has kept the cost of rental housing in Flagstaff at some of the highest levels in the state because of inadequate stock to meet the demand. This has resulted in a high percentage of the non-student population who must rent because they cannot afford to purchase housing, paying significantly more than one-third of their income for rent. This issue, coupled with wages that are lower than state averages, also has the effect of effectively pushing numbers of the workforce in Flagstaff out of the community to cities in the Valley of the Sun or elsewhere where housing costs are lower and wages and salaries are higher. Employers, and the community as a whole, suffer when skilled, experienced workers make the decision to leave because the cost of remaining is simply too high.

Providing housing units that will help to meet the demand from students at Northern Arizona University will begin to free up standard rental housing for non-student residents. This should bring greater competitiveness to rental leasing and cause rental prices to decline or, at least, not increase at the same rates as in the past because there will be more choices for non-student and student renters. It will also begin to take pressure off neighborhoods traditionally affected by issues like over-parking that arise from the rental of houses in older neighborhoods to a number of students, each with a car. This will improve the quality of life in neighborhoods that have essentially served as dormitory extensions to the University.

The proposed development will also provide a community benefit by promoting the efficient use of land in an area presently zoned for 1-acre single-family lots, which might provide 36 to 37 dwellings, through approval of a Zoning Map amendment to permit a medium density mixed-use neighborhood of 224 dwellings with 714 beds and a 3.6-acre area planned for commercial uses.

<sup>1</sup> <http://nau.edu/CIE/International-Admissions/FAQs/#students>

<sup>2</sup> <http://jackcentral.com/news/2013/02/nau-enrollment-set-to-increase-indefinitely/>

<sup>3</sup> <http://www.flagstaff.az.gov/index.aspx?NID=1095>

### 3.2 General Plan.

The Property, 2701 W. Woody Mountain Road, is presently zoned RR, Rural Residential, and the Regional Plan designation is Mixed-Use Development. The applicant seeks a rezoning to MR, Medium Density Residential, and HC, Highway Commercial, for a mixed-use development. The use of Medium Density Residential zoning in this mixed-use development helps to further Policy LU1.5 of the Regional Plan:

**Policy LU1.5—Provide for New City Mixed-Use Neighborhoods.** The Regional Plan designates new development areas within the Urban Growth Boundary for development as mixed-use neighborhoods. The criteria for these areas includes average densities, a mix of mutually supportive and integrated residential and non-residential land uses, and a network of interconnected streets, and pedestrian and bicycle connections. Designated areas include Canyon del Rio and the West Side Area, and may include other future areas identified as Planning Reserve Areas. Additionally, existing older neighborhoods, such as Southside, Sunnyside, and parts of downtown, may be suitable for limited and sensitively designed mixed-use development.

The Zoning Map amendment to Medium Density Residential and Highway Commercial zoning would bring this parcel into the present Regional Plan classification of Mixed-Use Development for the parcel. The proposed project will provide 224 cottage units of student rental housing with 714 rooms for rent. This increase in the supply of rental housing for students will help alleviate the shortage of affordable rental housing in Flagstaff through an increase in the supply of units for students, freeing up rental housing for non-student households. The addition of the commercial portion of the project with general services or retail trade uses will provide a mix of mutually supportive and integrated residential and non-residential land uses. A network of private ways, pedestrian and bicycle connections, as well as access to the Flagstaff Urban Trail System, will reduce reliance on automobiles within the neighborhood and promote pedestrian-oriented activities.

### Conclusion

The zoning map amendment, by making possible the proposed project on the Property, would meet the following goals of the present General Plan to:

- Promote the efficient use of land by changing an area presently zoned for 1-acre single-family lots, which might provide 36 to 37 dwellings to a mixed-use neighborhood of 224 dwellings with 714 beds and areas planned for compatible commercial uses such as retail trade or general services;
- Place development close to the Flagstaff Urban Trail System, providing access for pedestrians and bicyclists and encouraging the use of modes of transportation other than automobiles;
- Apply design guidelines that take into consideration the natural and built environment of Flagstaff; and

- Provide a people-oriented neighborhood that will have fitness and social amenities to encourage the residents to walk from their cottages to the social gathering places and commercial uses in the neighborhood.

## Flagstaff Student Housing - Site Analysis

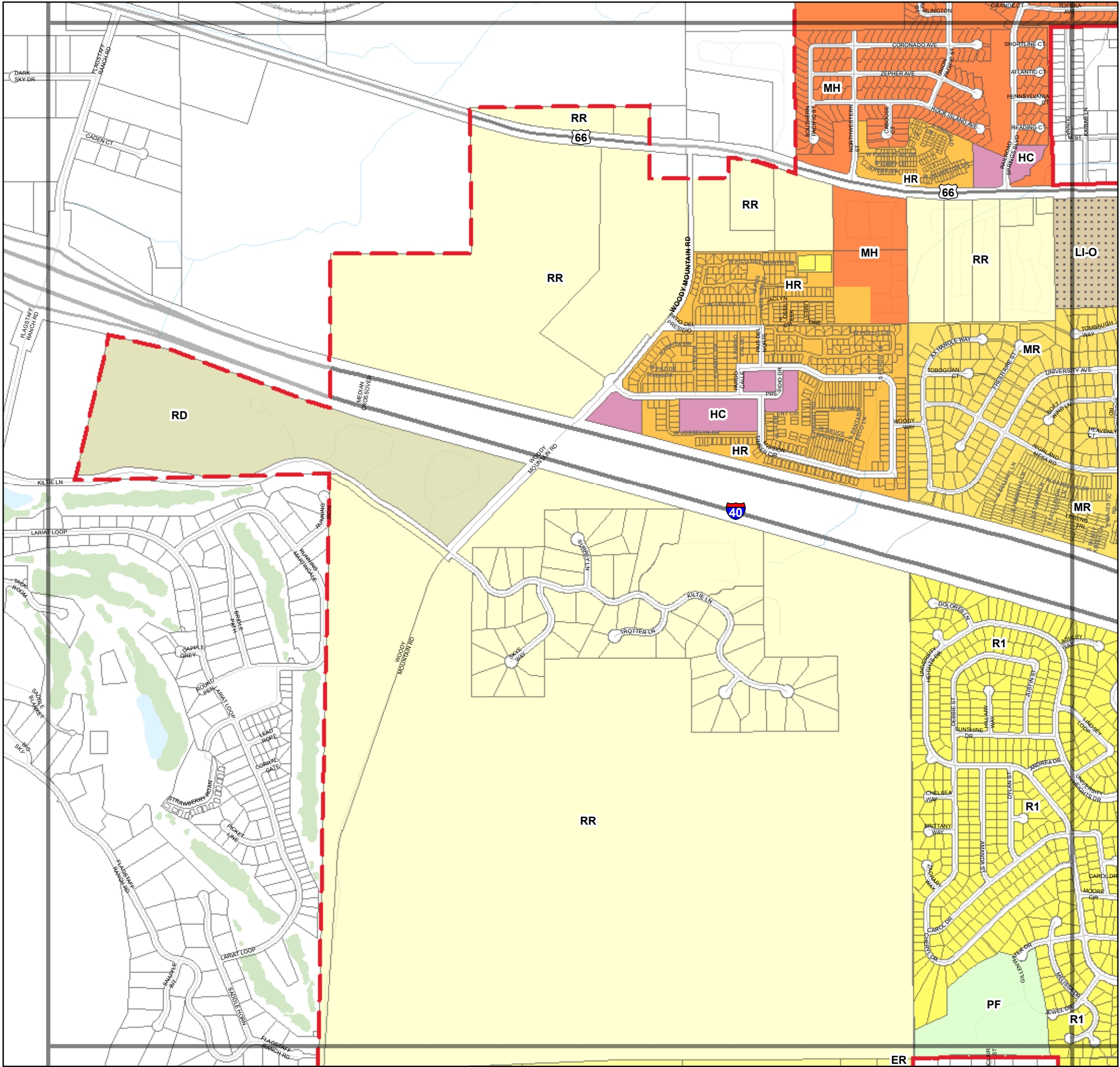
This 37 acres parcel is adjacent to the Westside 197 property. Westside 197 was a contemplated subdivision that never materialized. The property was then purchased by the Presidio in the Pines developer who lost the property to receivership. The Woody Fire in 2006 burned most of the parcel which has remained vacant since. The parcel is sloped to the east and southeast and has no significant natural features on it. There are several volcanic vents in the area but are not within the parcel boundaries.

An extensive site analysis has been performed by Lee and Associates, Aspen Heights and Mogollon Engineering. Existing terrain and topography, existing vegetation, scenic views, natural watercourses, and the relationship to existing development were considered. However the application of the Zoning Code, Engineering Standards, and stormwater requirements must be met. These regulations dictate building orientation and location, access points, stormwater mitigation, LID, parking aisle and space configuration and grades, utility easements, utility locations, resource protection standards, trash enclosures, open space, bufferyards, lighting, site amenities, design review guidelines, landscaping, and more. All of the above regulations and site characteristics have been analyzed in whole and the results of the extensive site analysis are the Concept Plan and supporting information submitted.

### Aspen Heights Flagstaff Unit Info

Total Living Square Footage = Total Under Roof less balconies

- Building Square Footage (Figures below for duplexes represent buildings, not units)
  - 2 bedroom duplex – Keystone: Total Living: 2,684, Total Under Roof: 2,980
  - 2 bedroom duplex – Aspen: Total Living: 2,640, Total Under Roof: 2,936
  - 3 bedroom duplex - Frisco/Telluride: Total Living: 3,354, Total Under Roof: 3,654
  - 4 bedroom cottage – Boulder: Total Living: 1,729, Total Under Roof: 1,905
  - 4 bedroom cottage - Breckenridge/Vail: Total Living: 1,748, Total Under Roof: 1,928
  - 5 bedroom cottage - A-Basin: Total Living: 2,042, Total Under Roof: 2,263
  - 5 bedroom cottage – Durango: 1,992, Total Under Roof: 2,304
- Total Project Square Footage (Excluding Clubhouse)
  - Total Living: 333,300, Total Under Roof: 374,190
  - Clubhouse: 10,000
- Maximum Height (Ridge Height)
  - 2 bedroom duplex – Keystone: 30'-0"
  - 2 bedroom duplex – Aspen: 31'-5"
  - 3 bedroom duplex—Frisco/Telluride: 31'-3"
  - 4 bedroom cottage—Boulder: 29'-10"
  - 4 bedroom cottage—Breckenridge/Vail: 28'-7"
  - 5 bedroom cottage—A-Basin: 29'-8"
  - 5 bedroom cottage—Durango: 27'-6"
- Number of units (excluding clubhouse) – 214
- Number of floors - 2 (all floor plans)



**Residential Zones:**

- Rural Residential (RR)
- Estate Residential (ER)
- Single-family Residential (R1)
- Single-family Residential Neighborhood (R1N)
- Medium Density Residential (MR)
- High Density Residential (HR)
- Manufactured Housing (MH)

**Commercial Zones:**

- Central Business (CB)
- Highway Commercial (HC)
- Commercial Service (CS)
- Community Commercial (CC)
- Suburban Commercial (SC)

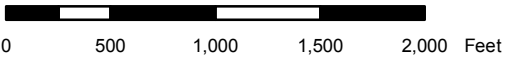
**Industrial Zones:**

- Research and Development (RD)
- Light Industrial (LI)
- Light Industrial Open (LI-O)
- Heavy Industrial (HI)
- Heavy Industrial Open (HI-O)

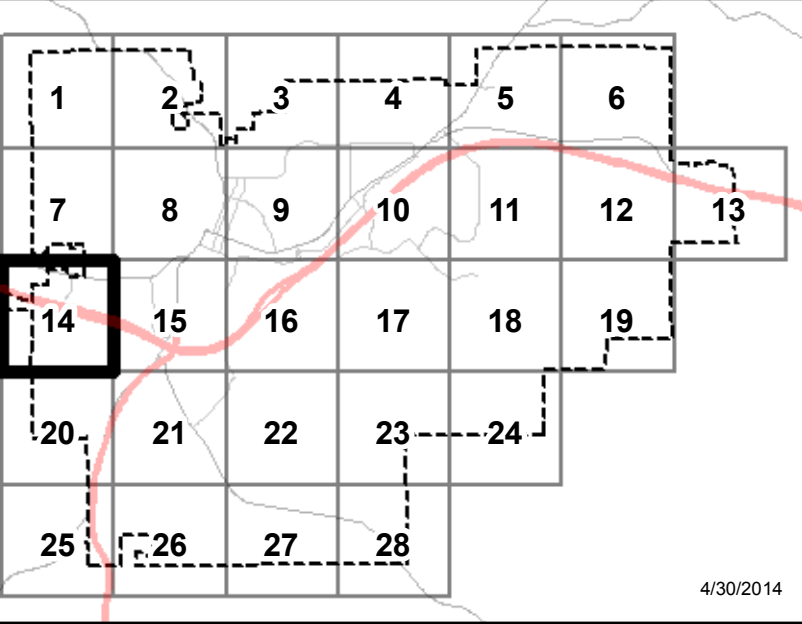
**Resource and Open Space:**

- Public Facility (PF)
- Public Lands Forest (PLF)
- Open Space (OS)

- Airport Overlay Zone
- Downtown Overlay Zone
- Townsite Overlay Zone
- Landmark Overlay Zone
- Regulating Plan Boundary
- City Limits
- Parcels



This map is known as the "City of Flagstaff Official Zoning Map" or the "City of Flagstaff Official Regulating Plan," and is intended to implement the City of Flagstaff Zoning Code per Ordinance 2011-20 adopted on 11/01/2011 and all subsequent amendments. These maps are based on the most accurate graphic information available at the time they were produced. The City of Flagstaff furnishes these maps "as is" and assumes no responsibility for their accuracy. All zoning information should be verified by legal description whenever possible.



# City of Flagstaff Zoning Map 14







## **Flagstaff Regional Plan 2030**

Goal E&C.5. Preserve dark skies as an unspoiled natural resource, basis for an important economic sector, and core element of community character.

Policy E&C.5.1. Evaluate the impacts of the retention of dark skies regarding lighting infrastructure and regulatory changes, land use decisions or changes, and proposed transportation developments within the region.

Policy E&C.5.2. Encourage and incentivize voluntary reduction of “exempt” lighting that degrades night sky visibility, and work to prevent light trespass whenever possible in both public and private areas.

Policy E&C.5.3. Continue to enforce dark sky ordinances.

Policy E&C.5.4. Encourage uses within Lighting Zone 1 of the lighting codes of the City and County that do not require outdoor lighting, and discourage those which require all-night lighting.

Route 66 is identified as a Gateway Corridor and as a Great Street up to Woody Mountain Road

Goal CC.1. Reflect and respect the region’s natural setting and dramatic views in the built environment.

Policy CC.1.4. Identify, protect, and enhance gateways, gateway corridors, and gateway communities.

The Future Growth Illustration identifies the subject parcel as Urban Future inside of an Urban Activity Center within the Urban Growth Boundary.

Goal LU.2. Develop Flagstaff’s Greenfields in accordance with the Regional plan and within the growth boundary.

Policy LU.2.1. Design new neighborhoods that embody the characteristics of Flagstaff’s favorite neighborhoods – that is, with a mix of uses, a variety of housing types and densities, public spaces, and greater connectivity with multimodal transportation options.

Policy LU.2.2. Design new development to coordinate with existing and future development, in an effort to preserve viewsheds, strengthen connectivity, and establish compatible and mutually supportive land uses.

Goal LU.3. Continue to enhance the region’s unique sense of place within the urban, suburban, and rural context.

Policy LU.3.1. Within the urban, suburban, and rural context, use neighborhoods, activity centers, corridors, public spaces, and connectivity as the structural framework for development.

Goal LU.5. Encourage compact development principles to achieve efficiencies and open space preservation.

Policy LU.5.2. Promote infill development over peripheral expansion to conserve environmental resources, spur economic invests, and reduce the cost of providing infrastructure and services.

Policy LU.5.3. Promote compact development appropriate to and within the context of each area type: urban, suburban, and rural.

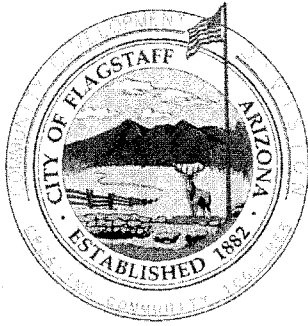
Policy LU.5.5. Plan for and promote compact commercial development as activity centers with mixed uses, allowing for efficient multi-modal transit options and infrastructure.

Policy LU..5. Encourage the distribution of density within neighborhoods in relationship to associated activity centers and corridors, infrastructure, transportation, and natural constraints such as slopes and drainages.

Goal LU.6. Provide for a mix of land uses.

Policy LU.6.1. Consider a variety of housing types and employment options when planning new development and redevelopment projects.


Policy LU.6.2. Consider commercial core areas, corridors, activity centers, employment centers, research and development parks, special planning areas, and industrial uses as appropriate place types and area types for employment opportunities.



## MEMORANDUM

Transportation  
Engineering  
Program

**To:** Tiffany Antol, Development Planning Manager

**From:** Jeff Bauman, Traffic Engineer 

**Date:** August 22, 2014

**RE:** **Acceptance with Conditions**  
**Traffic Impact Analysis sealed 07/23/2014 and Traffic Signal Warrant**  
**Analysis dated August 2014**

---

The Transportation Engineering Program has reviewed the submitted Traffic Impact Analysis (TIA) and Traffic Signal Warrant Analysis. ADOT has submitted comments/conditions under separate cover, dated 08/21/2014 and attached to this memo. This memo documents City Transportation Engineering's review and **Conditions of Approval** for the TIA and the Traffic Signal Warrant Analysis for Aspen Heights Student Residences:

1. Vehicular and Pedestrian cross access **shall** be provided between the residential land use and the commercial land use. The Applicant can decide the location of the cross access, but the access does need to be provided with future site planning submittals. No TIA analysis needs to be redone.
2. The Signal Warrant Analysis for the intersection of Route 66 and Woody Mountain is not approved, but ADOT's review conditions are attached and the re-submittal of the warrant analysis is not expected to change the proportional share analysis attached, nor recommend that a signal be installed upon project opening. Under those two qualifying statements, the following Condition of Approval #3 is valid. If either of these two qualifying conditions change, the following condition will need to be re-evaluated.
3. Future ROW needs and proportional share for the intersection of Route 66 and Woody Mountain are required. A planning level signal layout should be provided with construction plans to help determine the ROW dedication requirements. The developer's proportional share contribution for this future signal need is documented in the attached table. The planning level estimate for a future traffic signal in the Flagstaff Region is \$400,000. The calculated proportional share based on percent project traffic in the intersection of Woody Mountain Road and Route 66 is 25.7%, or \$102,805. The timing of this proportional share contribution shall be outlined in the Development Agreement.

If you have any questions, or would like to schedule a time to discuss these comments further please contact me.

# Aspen Heights - Route 66 & Woody Mountain Proportional Share

	Current	2015 Background w/o Project	2015 w/ Project	Source	Total Project Trips	Total Project Trips ÷ 2015 w/ Project	Proportional Share Cost
AM	622	664	851	Counts in TIA	187	21.97%	\$ 87,896.59
PM	617	660	931	Counts in TIA	271	29.11%	\$ 116,433.94
Average	620	662	891	Averages	229	25.70%	\$ 102,805.84

## NOTE:

- The average cost of installing a new signal is approximately \$400,000. This amount cost was assumed in the calculations.



Northern Region Traffic Office

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## MEMORANDUM

TO: Warren Sutphen, Flagstaff Permits Office Supervisor

FROM: Cready Smith, Northern Region Traffic Transportation Engineering Specialist

DATE: Thursday, August 21, 2014

CC: Walter K Link, Northern Region Traffic Engineer

RE: Woody Mtn. and B40 signal analysis.

---

Northern Traffic Region office recommends that a resubmittal of the warrant analysis be submitted for review.

CivTech is to be commended for putting forth such a detailed signal warrant analysis -- it is tricky and art mixed with science to analyze the need for a traffic signal in the future when numerous variables are at play. The Woody Mountain/Route 66 intersection is a "T" intersection and the location and type of proposed development will create predominate traffic movements in the form of left-in and right-out. These turning movements can often be completed safely and efficiently even when threshold warrant values are met. The proposed Aspen Heights development is a student housing project at an intermediate distance from campus: the trip generation rates are not supported by matching ITE generation rates verified through numerous studies. A reasonable attempt has been made to estimate these -- however, substantial uncertainty remains both with the rates and distribution throughout the day. The commercial component of the development is also an estimate at this point in time as to the character. Given the type of turning movements combined with the opposing EB Route 66 traffic volumes it is unlikely the regional traffic office will recommend signalization after any revision to the analysis is completed. This decision is likely to hold even if warrant thresholds are met in any revised submittal; however, a final decision will be made at that time.

It is recommended the final study be utilized by the City of Flagstaff to determine a proportionate share of future intersection improvements in whatever form they may take.

1. Table 7 (page 15) note number 2, states the minor street approach volume represents all left-turning vehicles plus  $\frac{1}{2}$  of the right turning vehicles -- it does not appear the reduction has occurred to the minor street right-turning vehicles. As discussed earlier, ADOT PGP 611 sets forth specific requirements regarding the percentage of right-turn

traffic that should be "counted" towards meeting the minor leg volume. Paraphrased from PGP 611, the ability of traffic to make right-turns on red may reduce the benefit realized from a traffic signal if one is installed. Therefore, the effect of right-turn vehicles from minor street approaches should be considered when volume warrants are applied. In order to adjust the right-turn volume, only vehicles that exhibit a stopped-delay in excess of 5 seconds should be considered in the minor street warrant volume. As the NB approach to Woody Mtn. is approximately 97% right-turning vehicles in the peak hours, this is an important consideration. It is common in the early stages of reviewing an intersection to utilize a 50% reduction to the right-turning volume from the minor street. Work completed by this office in the Flagstaff area on intersections with reasonably similar mainline volumes to the estimated build-out condition would indicate the percentage of right-turning traffic that exceeds 5 seconds of stopped-delay is 30-35% in the peak hours – falling considerably outside of the mainline peak hours.

2. Table 7 appears to utilize incorrect eight, fourth, and peak hour volumes in the warrant comparison. Please check.
3. Table 7. The analysis has chosen to utilize 2 lanes for the major street approach and 2 lanes for the minor street approach. The Warrant 2, Four-Hour vehicular volume (70% factor) minor street threshold of 80 does not seem correct – it would appear the minor street warrant is 106 obtained through formula.
4. Table 7. Please check – it appears from a revised Table 5 – the peak hour would be 764 and 237 rather than 751 and 237. The Warrant 3, Peak Hour volume (70% Factor) minor street threshold would be 228.
5. Conclusion first paragraph needs to be updated fully from previous report.
6. Hourly shopping center volumes have rounding errors.

# NOTICE OF PUBLIC HEARINGS

**NOTICE IS HEREBY GIVEN** that the Flagstaff Planning and Zoning Commission will hold a public hearing on Wednesday, September 24, 2014 at 4:00 p.m. and the City Council will hold a Public Hearing on Tuesday, October 21, 2014, at 6:00 p.m. to consider the following:

## **A. Explanation of Matters to be Considered:**

1. A proposed amendment to the official City of Flagstaff zoning map to rezone property from RR, Rural Residential to MR, Medium Density Residential Zone (33.33 acres) and HC, Highway Commercial Zone (3.60 acres), for the area described in Part B below.

## **B. General Description of the Affected Area:**

Approximately 36.93 acres located at the northeast corner of Route 66 and Woody Mountain Road, Coconino County Assessor's Parcel Number 112-01-019, located in the NE 1/4 SE 1/4 Section 19, T21M, R7E, of the G&SRM, City of Flagstaff, Coconino County, Arizona, as shown on the adjacent map.

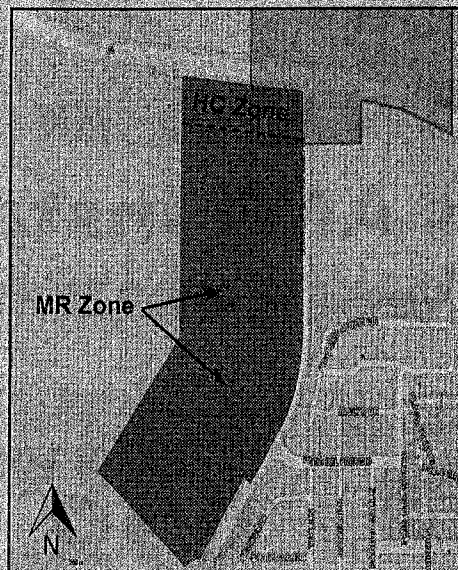
The Council hearing for these items may be continued if the Planning and Zoning Commission has not given a recommendation.

Interested parties may file comments in writing regarding the proposed annexation and rezoning or may appear and be heard at the hearing date set forth above. Maps and information regarding the proposed annexation and rezoning are available at the City of Flagstaff, Planning and Development Services Division, 211 West Aspen Avenue.

Unless otherwise posted, all City Council meetings are held in the Council Chambers of City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.

## **PROPOSED ZONING MAP AMENDMENT**

From RR, Rural Residential Zone to MR Medium Density Residential Zone and HC Highway Commercial Zone



**ADDRESS:** 2701 Woody Mountain Road

**APN:** 112-01-019

**ACRES:** Approximately 36.93 Acres

## **FOR FURTHER INFORMATION, PLEASE CONTACT:**

Tiffany Antol  
Planning Development Manager  
Planning & Development Services Div.  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

928-213-2608

Email: [tantol@flagstaffaz.gov](mailto:tantol@flagstaffaz.gov)

Publish: September 7, 2014



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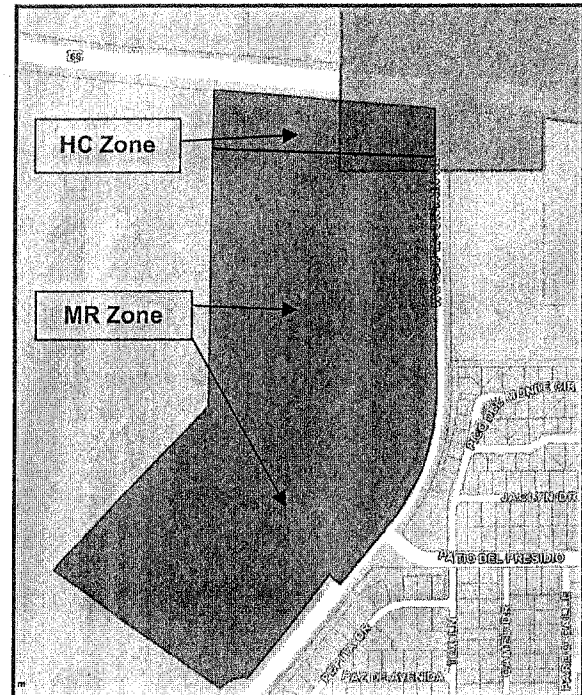
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**ADDRESS:** 2701 Woody Mountain Road  
**APN:** 112-01-019  
**ACRES:** Approximately 36.93 acres  
City of Flagstaff, Coconino County



## For further information, please contact:

Tiffany Antol  
Planning Development Manager  
Planning & Development Services Div.  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

928-213-2608  
Email: tantol@flagstaffaz.gov



Mail: September 5, 2014



CITIZENS PARTICIPATION PLAN REPORT  
for  
REZONING AND ANNEXATION

A REQUEST FROM ASPEN HEIGHTS FOR A 33.33 ACRE 224 UNIT COTTAGE STUDENT  
HOUSING COMPLEX AND 3.60 ACRES OF HIGHWAY COMMERCIAL REZONING AND  
3.14 ACRE ANNEXATION, LOCATED ON ASSESSOR PARCEL 112-01-019, 2701 S.  
WOODY MOUNTAIN ROAD

Aspen Heights has submitted to City of Flagstaff a request to rezone 37 acres to MR, Medium Density Residential and HC, Highway Commercial zones. The parcel is currently zoned RR, Rural Residential, 5 acre minimum lot size. The parcel has a Regional Land Use and Transportation Plan, (RLUTP), designation of Mixed Use. The parcel would be rezoned to MR, 33.33 acres,, Medium Density Residential zone and 3.60 acres of HC. 3.14 acres currently in the County will be annexed in to the City.

PHONE CALL LOG

3/20/14 Barry McEldoney, 226-1646 called asking about project. He lives in Equestrian Center. Explained the project, he was just curious, no concerns were voiced.

3/20/14 Anthony Williams called, saw sign. Where is project, what etc. explained along WMR and 66, mainly curious, no concerns. He lives in Equestrian Center.

MEETING REPORT

Charlie Vatterott of Aspen Heights and Kent Hotsenpiller presented the project. Seven attendees were present at the Citizen's Participation Meeting on Thursday, March 27, 2014, 5:30 pm, at Mogollon Engineering and Surveying office, 411 W. Santa Fe Ave., Flagstaff, AZ, 86001. A description of the project was presented with Site Plans, architectural drawings and Aspen Heights information. We explained the type and number of units and the focus of Aspen Heights and student housing. The rezoning, annexation and site planning process was outlined so attendees will know when Public Hearing is scheduled for Planning and Zoning commission and City Council. A question and answer session followed.

J.P. Pakula had questions for Aspen Heights and closing date as he has some financial interest in the property if they do not.

Jarez Bohin was from the Lumberjack newspaper and was there to report.

Brian Wilson is the president of the Equestrian Estates Property Owners Association and was there for information. He raised a question about student parties in the forest around their subdivision. It was explained that is an enforcement issue, Aspen Heights has no control once the students leave the premise.

Christian Luginbuhl had many questions about site lighting and whether residential would generate more light than commercial development. Discussions followed on the dark skies ordinance.

No attendees expressed opposition to the rezoning and annexation requests. After discussion the meeting ended at 6:50

CITIZENS PARTICIPATION PLAN  
for  
REZONING AND ANNEXATION

A REQUEST FROM ASPEN HEIGHTS FOR A 33.33 ACRE 224 UNIT COTTAGE STUDENT  
HOUSING COMPLEX AND 3.60 ACRES OF HIGHWAY COMMERCIAL REZONING AND  
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The meeting will be held on Thursday, March 27, 2014, 5:30 pm, at Mogollon Engineering and Surveying office, 411 W. Santa Fe Ave., Flagstaff, AZ, 86001. A description of the project will be presented. The process will be outlined so attendees will know when Public Hearing is scheduled for Planning and Zoning commission and City council. A question and answer session will follow. This will allow any neighborhood concerns to be identified and addressed prior to submission to the Planning and Zoning Commission. Concerns raised will be reported to the Community Development Department in a Citizen's Participation Plan report to be submitted with the Rezoning and Annexation applications.

Questions about this meeting should be directed to Kent Hotsenpiller, Mogollon Engineering and Surveying, 411 W. Santa Fe, Flagstaff. 928-214-0214 phone and email mogollon99@aol.com.

## Tiffany Antol

---

**From:** Christian Luginbuhl [starlightcbl@msn.com]  
**Sent:** Thursday, September 04, 2014 5:33 PM  
**To:** Tiffany Antol  
**Cc:** Chris Luginbuhl work; Paul Shankland; hch@nofs.navy.mil; Fred Vrba  
**Subject:** Aspen Crossing lighting discussion

Hello Tiffany.

I have reviewed the potential lighting impacts from the property APN 112-01-019, located at the SW corner of West Rte 66 and Woody Mtn Rd, as we discussed last week, and come to the conclusions described below. I am pleased to discuss the topic with you after you have reviewed this material, and discuss the way forward.

As a preamble, you will note that following the current Lighting Zone 1 light pollution management approach (that used when establishing the Lighting Zone 1 standards in 1989), i.e. that properties zoned (in 1989) for commercial/industrial/multi-family residential uses would use the full code allowance of 25,000 lm/ac, while other properties zoned for residential uses in Lighting Zone 1 (including RR and G) would be so developed, or if rezoned would use no more lighting than if developed under current zoning, leads to a very low lighting amount. Though this "approach" is not described in detail in any Flagstaff or Coconino County planning documents, this is the approach underlying the determination of the code standards in Flagstaff and Coconino County lighting codes in 1989, as discussed at length in 1988 and 1989 with the developers of the former Yellow Freight property (now Waste Management), county and city planners, and county and city planning commissions/council/Board of Supervisors. It has continued to underlie all US Naval Observatory interactions regarding rezoning requests in Lighting Zone 1 since 1989, and been stated at many occasions during the development of both the Regional Plan 2001 and 2030 versions. The current and former Regional Plan statements regarding assessing dark sky impacts of rezoning are getting at the same issue, or the words have no meaning.

The standards were set such that, at build-out in Lighting Zone 1, the U.S. Naval Observatory would expect a 30% increase in sky brightness. This is equivalent to a nearly 70% loss of telescope efficiency for observations of the faintest sources in the visible part of the light spectrum affected by outdoor lighting. We feel this is more than compromise enough. And the zoning in place as of 1989 included in excess of 160 ac of commercial/industrial property.

### ANALYSIS

Subject property:

Total acreage: 36.94 acres  
Flagstaff/RR zoning: 33.8 acres  
Coconino County/G zoning: 3.14 acres

Expected lighting under current zoning:

-----  
Flagstaff/RR zoning: 33 single-family residences at 604 lm per house = 19,932 lm

Coconino County/G zoning: one single-family residence at 604 lm per house = 604 lm

Total lumen output: 20,536 lm

Note: The current Lighting Code allows 10,000 lm/house (10 klm/house), so total of 330 klm, but this was never expected to be the amount needed or used, but rather a high cap to avoid interference/regulation of the majority of residential development yet provide recourse for exceptional overuse. Also, it is recognized that houses, unlike multi-family or commercial or industrial developments, have more lighting installed than is typically used all night. A survey of about 100 homes in the Flagstaff area shows an average use of 604 lm per house (that is, an estimate of the actual average amount of light left on all night at homes).

Allowed / expected lighting under proposed rezoning:

-----  
 $36.94 \times 25,000 \text{ lm per acre} = 923,500 \text{ lm}$

=====

As you can see, this represents a dramatic increase in impacts -  $923,500/20,536$  or almost 45x increase. This development alone, let alone the potential rezoning of substantial other areas nearby (approximately 200 ac), will dramatically degrade the US Naval Observatory dark sky conditions. It is critical that this be recognized, and specific policy be established to address the original balance and purpose of the lighting codes and local planning documents. I do not think it is over-dramatic to state that the future of the Naval Observatory dark sky conditions hinges on decisions made for this project.

US Naval Observatory Flagstaff Station suggestion concerning rezoning conditions:

Based on this analysis, to maintain effective management of the US Naval Observatory's dark sky resource, we request that a condition of rezoning be applied to limit the lighting use on the property after rezoning to that expected under the current zoning, or a total of 20,536 lm.

We note that per Section 10-50.70.050.C.2 of the Flagstaff Zoning Code, lighting installed under canopy or roof overhangs and 5 feet or more from the nearest canopy or roof edge count toward this cap at 10%-25% of the lamp rated output, so the actual lighting installed on the site could be 4-10x larger than 20,536 if the architectural details can accommodate canopies or overhangs of this size.

Best regards,

Chris

Christian B Luginbuhl  
US Naval Observatory Flagstaff Station

PS - I am sending this from my private email account as I am out of town through Friday.

To Whom it may concern:

I am writing in regards to the rezoning of the section of land along Woody Mountain Road and Route 66. I am in favor of the rezoning. I just want to make sure that the planning takes into account the use of Woody Mountain Road by the large number of WL Gore employees who commute to the cluster of buildings along Kiltie Lane. The left hand turn off of Route 66 on to Woody Mountain Road can be tricky, especially for those of us who commute by bike. Please take our use of the road into consideration as the plans for the development are made. It has been a fairly quiet and safe road to bicycle along and it needs to remain safe for riders.

Sincerely,  
Mark Spinti



LEE  
AND ASSOCIATES

1007 W. WILSON DRIVE  
SUITE 100  
FLAGSTAFF, ARIZONA 86001  
(928) 774-4477  
www.leeandassociates.com

Revision Block	
No.	Description

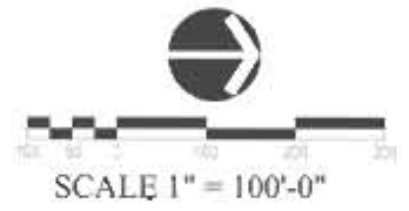
DATE: 6-11-2013	PROJ. NO: 1256	FILE NAME: 1256 BASE 1

FLAGSTAFF STUDENT  
FLAGSTAFF, ARIZONA  
CONCEPTUAL SITE PLAN



CALCULATIONS

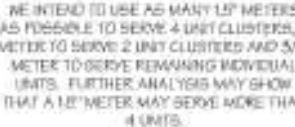
TOTAL UNITS	294 UNITS
TOTAL BEDS	214 BEDS
GROSS SITE AREA	4.523 ACRES
DENSITY	6.50 U/A
NET SITE AREA	1.512 ACRES
EXCLUDED AREA (STORMWATER POND)	3.011 ACRES
DENSITY	19.46 U/A
DENSITY (BEDS)	13.71 BEDS/A
PARKING REQUIRED	750 SPACES
PARKING PROVIDED	750 SPACES





Country	1950	1960	1970	1980	1990	2000	2010	2020	2030	2040	2050
Japan	7	8	10	12	14	16	18	20	22	24	26
Germany	10	11	12	13	14	15	16	17	18	19	20
France	11	12	13	14	15	16	17	18	19	20	21
Italy	12	13	14	15	16	17	18	19	20	21	22
Spain	13	14	15	16	17	18	19	20	21	22	23
Sweden	14	15	16	17	18	19	20	21	22	23	24
United Kingdom	15	16	17	18	19	20	21	22	23	24	25
United States	16	17	18	19	20	21	22	23	24	25	26
Canada	17	18	19	20	21	22	23	24	25	26	27
South Korea	18	19	20	21	22	23	24	25	26	27	28
China	19	20	21	22	23	24	25	26	27	28	29
India	20	21	22	23	24	25	26	27	28	29	30
Brazil	21	22	23	24	25	26	27	28	29	30	31
South Africa	22	23	24	25	26	27	28	29	30	31	32
Indonesia	23	24	25	26	27	28	29	30	31	32	33
Nigeria	24	25	26	27	28	29	30	31	32	33	34
Kenya	25	26	27	28	29	30	31	32	33	34	35
Uganda	26	27	28	29	30	31	32	33	34	35	36
Malawi	27	28	29	30	31	32	33	34	35	36	37
Zambia	28	29	30	31	32	33	34	35	36	37	38
Zimbabwe	29	30	31	32	33	34	35	36	37	38	39
Botswana	30	31	32	33	34	35	36	37	38	39	40
South Africa	31	32	33	34	35	36	37	38	39	40	41
Lesotho	32	33	34	35	36	37	38	39	40	41	42
Swaziland	33	34	35	36	37	38	39	40	41	42	43
Malawi	34	35	36	37	38	39	40	41	42	43	44
Zambia	35	36	37	38	39	40	41	42	43	44	45
Zimbabwe	36	37	38	39	40	41	42	43	44	45	46
Botswana	37	38	39	40	41	42	43	44	45	46	47
South Africa	38	39	40	41	42	43	44	45	46	47	48
Lesotho	39	40	41	42	43	44	45	46	47	48	49
Swaziland	40	41	42	43	44	45	46	47	48	49	50
Malawi	41	42	43	44	45	46	47	48	49	50	51
Zambia	42	43	44	45	46	47	48	49	50	51	52
Zimbabwe	43	44	45	46	47	48	49	50	51	52	53
Botswana	44	45	46	47	48	49	50	51	52	53	54
South Africa	45	46	47	48	49	50	51	52	53	54	55
Lesotho	46	47	48	49	50						

3-007





**Mogollon**  
ENGINEERING & SURVEYING

4114 Doran Rd. Denver, Colorado, 80239  
P.O. Box 1902, Englewood, CO 80155  
Phone: (303) 751-2511 • Fax: (303) 751-2511

3/11/14

MESS 12492

**ASPEN HEIGHTS  
STUDENT HOUSING  
CONCEPT UTILITY PLAN**



**Mogollon**  
ENGINEERING & SURVEYING



3/11/14

MESS 12492

DATE: 3/11/14	PROJECT: AS UNIV.	REVISION:
DESIGNED BY: TME	PL. CONSULT: JGA	
DRAWN BY: TME	CERT. SCALE: N/A	
CHECKED BY: RVM	ASB. SCALE: 1"=20'	



**Mogollon**  
ENGINEERING & SURVEYING



3/11/14

MESS 12492



CONCEPT PLAN  
RESOURCE PROTECTION PLAN  
FOR  
FOR ASPEN HEIGHTS  
STUDENT HOUSING

LOCATED IN SECTION 19,  
TOWNSHIP 21 NORTH, RANGE 7 EAST, G&S.R.M.  
FLAGSTAFF, COCONINO COUNTY, ARIZONA

PROJECT INFORMATION

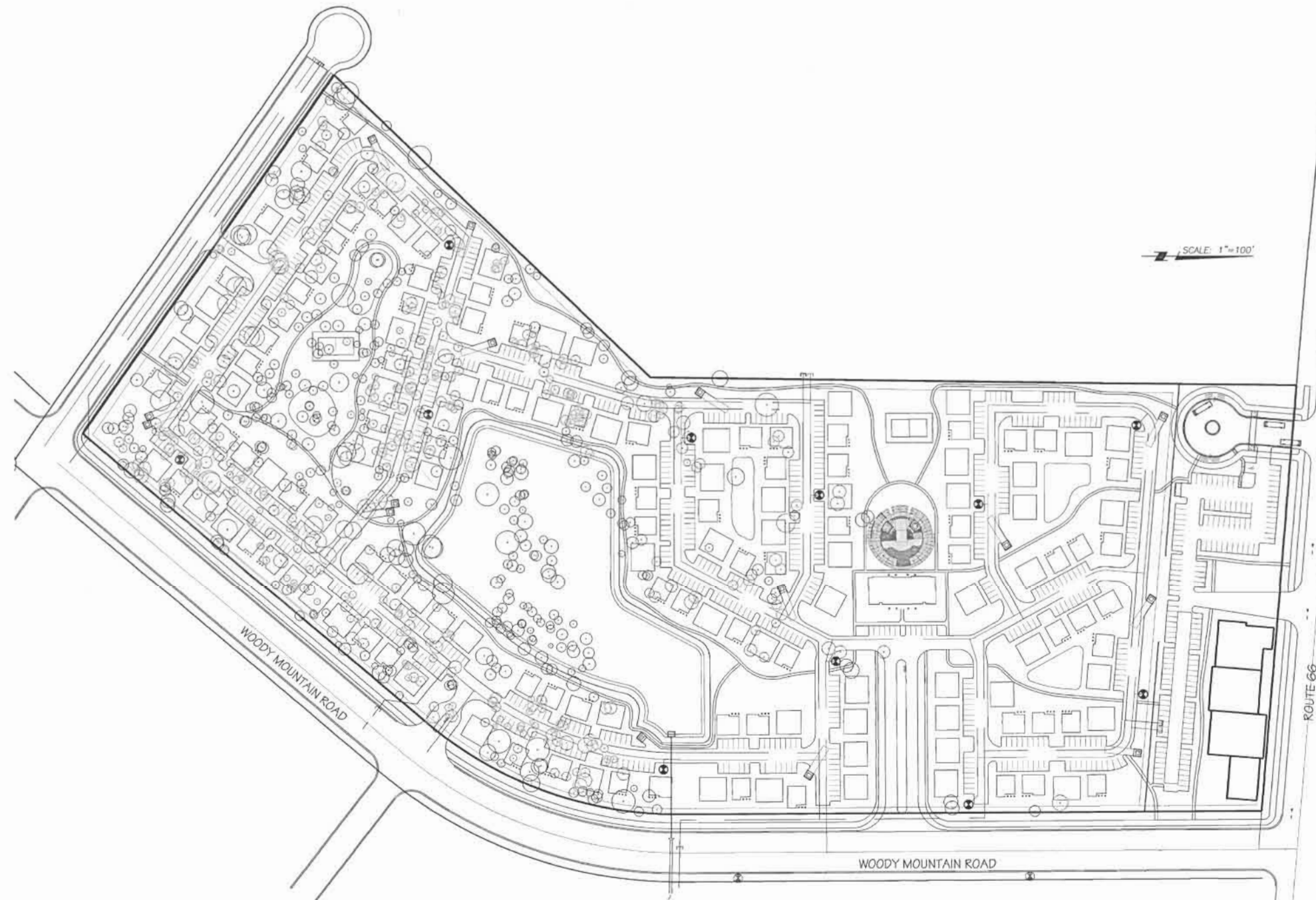
PROJECT NAME: ASPEN HEIGHTS  
STUDENT HOUSING  
PROJECT LOCATION: 2701 S. WOODY MOUNTAIN RD  
FLAGSTAFF, AZ 86001  
LATITUDE: 35° 11' 11" N  
LONGITUDE: 111° 41' 28" W  
AFN NUMBER: 112-01-019  
R.L.U.T.P. DESIGNATION: MIXED USE  
CURRENT ZONING DISTRICT: RR  
PROPOSED ZONING DISTRICT: MK & HC  
CURRENT USE: VACANT  
PROPOSED USE: STUDENT HOUSING  
OWNER/DEVELOPER: ASPEN HEIGHTS  
1301 S. CAPITAL OF TEXAS HWY, SUITE B-201  
AUSTIN, TX 78746



Tree Survey was performed in March  
of 2014. Information shown hereon is  
true and correct to the best of my  
knowledge.

SHEET NO. 1 OF 1

COF PROJECT # N/A



RESOURCE PROTECTION

EXISTING TREES

1-POINT = 82 = 82 points  
2-POINT = 396 = 792 points  
4-POINT = 126 = 744 points  
8-POINT = 90 = 720 points  
20-POINT = 23 = 550 points  
2216 points existing  
152% = 1458 points  
5% reduction for Civic Space  
46% resource protection factor = 1312 points

SAVED TREES

1-POINT = 28 = 28 points  
2-POINT = 193 = 386 points  
4-POINT = 89 = 340 points  
8-POINT = 48 = 384 points  
20-POINT = 19 = 360 points  
1498 points existing  
51.37% RESOURCE PROTECTION FACTOR

NO SLUPE OR RURAL FLOODPLAIN RESOURCES EXISTING  
ON-SITE

TREE SAVED (typ.)

TREE REMOVED (typ.)

Mogollon  
ENGINEERING &  
SURVEYING

411 N. Santa Fe Avenue, Flagstaff, AZ 86001  
P.O. Box 1852, Flagstaff, AZ 86002  
Phone: 928-214-1024 • Fax: 928-493-0055

Mogollon  
ENGINEERING &  
SURVEYING

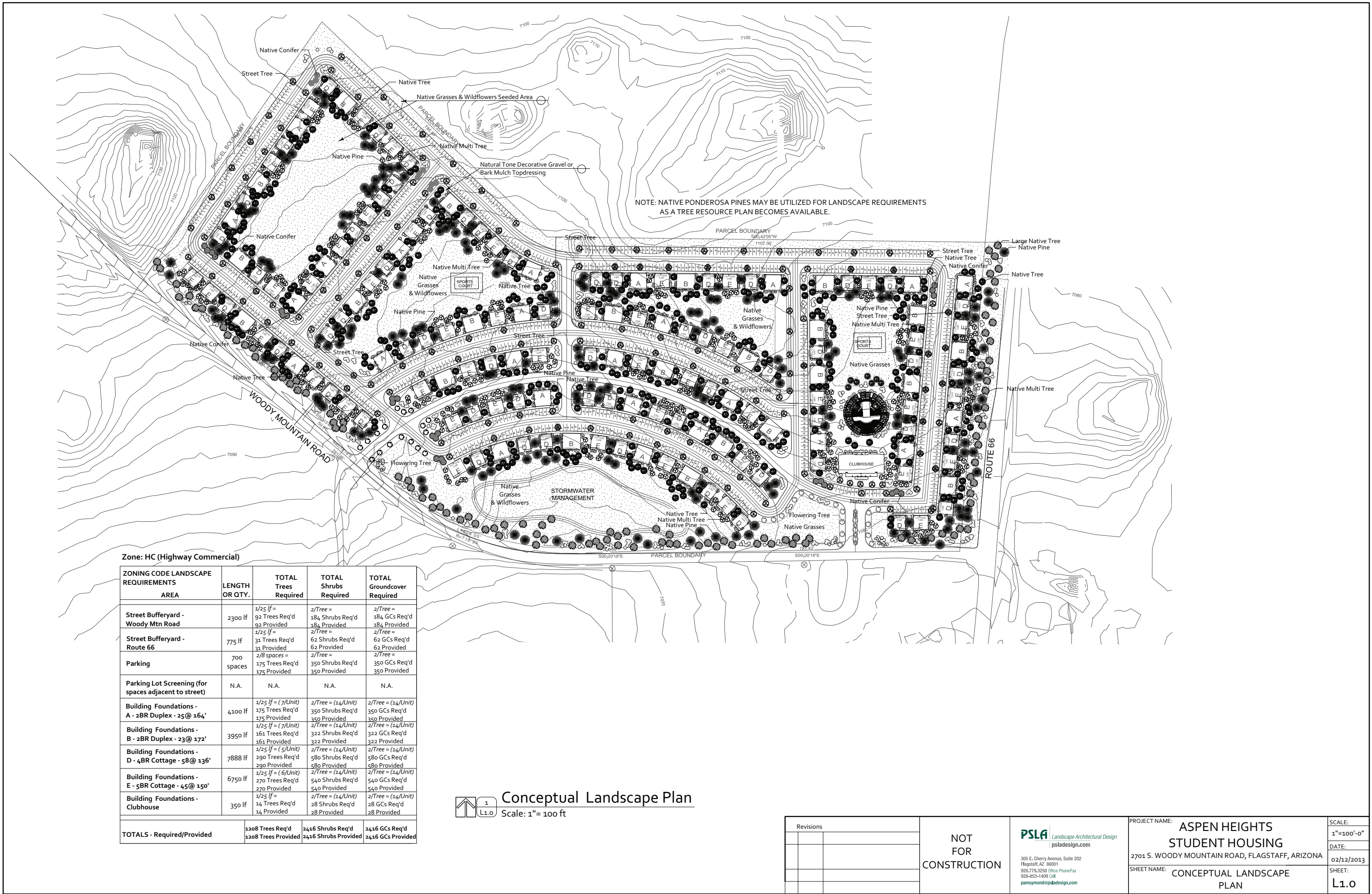
Mogollon  
ENGINEERING &  
SURVEYING

DATE: 3/10/14  
DESIGNED BY: PROJECT NO. 12442  
DRAWN BY: PN: Tree-res.Dwg.  
CHECKED BY: VERT. SCALE: N/A  
HOR. SCALE: 1"=100'

ASPEN HEIGHTS  
STUDENT HOUSING  
RESOURCE PROTECTION PLAN

3/10/14  
MES#12992





## ORDINANCE NO. 2014-31

**AN ORDINANCE AMENDING THE FLAGSTAFF ZONING MAP DESIGNATION OF APPROXIMATELY 36.94 ACRES OF REAL PROPERTY GENERALLY LOCATED AT THE INTERSECTION OF ROUTE 66 AND WOODY MOUNTAIN ROAD, FROM RURAL RESIDENTIAL ("RR") TO HIGHWAY COMMERCIAL ("HC") FOR 3.6 ACRES, AND TO MEDIUM DENSITY RESIDENTIAL ("MR") FOR 33.33 ACRES.**

### RECITALS:

WHEREAS, the Applicant, York Breckenridge GP, LLC for Aspen Heights Mixed-Use Development has applied for a Zoning Map amendment of approximately 36.94 acres of real property located within the City of Flagstaff, a legal description of which is designated as **Exhibits "A" and "B,"** attached hereto and incorporated by this reference, from "RR" Rural Residential to "HC," Highway Commercial, for 3.6 acres and "MR," Medium-Density Residential, for 33.33 acres, for purposes of developing a mixed-use student-housing project with cottage-style living and commercial development; 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 Planning and Zoning Commission has formally considered the proposed Zoning Map amendment application, following proper notice and hearings, on September 24, 2014, and with the result that the Planning and Zoning Commission has recommended approval of the requested Zoning Map amendment application, subject to the following conditions:

1. The subject property shall be developed in substantial conformance to the Concept Plan submitted by the Applicant, consistent with the uses including the density and intensity and general layout approved by the Inter-Division Staff (IDS) on August 25, 2014 and as presented to the Planning and Zoning Commission with this amendment request except as modified herein.
2. Development of the MR zone shall be limited to the number of units (224) and beds (714) identified in the Zone Change Plan and used for the preparation of all impact analysis.
3. Development of the HC zone shall include 20,000 square feet of general service/retail/office or mixed-use development.
4. Per the acceptance of the Traffic Impact Analysis prepared for this project, both vehicular and non-vehicular access shall be provided between the proposed student-housing project and the proposed commercial development as well as pedestrian/bicycle connections to the future development of the vacant land to the west.
5. The Applicant shall enter into a Development Agreement with the City to, address at a

minimum the proportional-share contribution of the signalized intersection of Route 66 and Woody Mountain Road, off-site sewer improvement requirements, on-site water/sewer modifications, roadway/edge improvements and a management-operation plan.

6. At the time of site plan submittal, the Applicant shall provide a minimum of fifteen percent (15%) of the lot area as open space and a minimum of five percent (5%) of the lot area as civic space.
7. Outdoor lighting shall be extinguished at the close of business except for security lighting no further than 50 feet from the entrance to any building.
8. If the residential development is operated as a rooming and boarding facility, a conditional-use permit shall be reviewed and approved by the Planning and Zoning Commission.
9. Site plan review and approval by staff for the residential and commercial developments is required to assure that all conditions, requirements and terms that are included in the Zoning Map Amendment Ordinance and Development Agreement are accomplished.
10. The Applicant will work with the dark skies community to minimize the impact on the observatories and to come up with conditions for the Development Agreement to achieve those results.

WHEREAS, the City Council has read and considered the staff reports prepared by Current Planning Division staff and has considered the narrative prepared by the Applicant, and any and all statements made by the Applicant and its representatives or agents at City Council meetings; and

WHEREAS, staff recommends approval of the Zoning Map amendment application, subject to the conditions proposed above, and the Council has considered the conditions and has found them to be appropriate for the site; and

WHEREAS, the Council finds that the proposed Zoning Map amendment with the above conditions will not be detrimental to the uses of adjoining parcels or to other uses within the vicinity;

**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 zoning map designation for 33.33 acres of the subject property is amended to "MR" Multi-Family Residential" and the zoning map designation for 3.6 acres of the subject property is amended to "HC" Highway Commercial.

SECTION 3. 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 . This Ordinance shall be effective thirty (30) days after the effective date of Ordinance No. 2014-30.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

## EXHIBIT A

The following is a description of a parcel of land, being portions of that parcel described in Instrument 3546194, Coconino County Records, situate in section 19, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

Commence at the northwest corner of said parcel, which is a point on the north boundary of the "Presidio West Tract" as described in Instrument 3229602 and is a point on the south Right-of-Way line of U.S. Highway 66; The Point of Beginning;

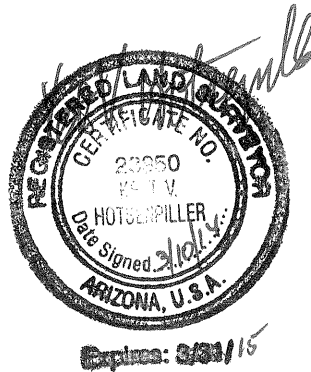
Thence South  $85^{\circ}15'51''$  East along said north boundary a distance of 782.96 feet to the northeast corner of Instrument 3546194 which is a point on the centerline of Woody Mountain Road;

Thence South  $00^{\circ}18'32''$  East along said centerline a distance of 200.55 feet;

Thence North  $85^{\circ}16'49''$  West a distance of 786.49 feet to a point on the west line of said parcel;

Thence North  $00^{\circ}42'05''$  East along said west line a distance of 200.49 feet to the True Point of Beginning;

Said Parcel contains 156,857 sq. ft. or 3.60 acres of land more or less as shown on the attached Exhibit B which by this reference is made a part hereof.



HC zone

City File Number \_\_\_\_\_

Descriptive Title \_\_\_\_\_

**Mogollon** Engineering and Surveying, Inc.

411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214



SCALE: 1"=100'

Found 1/2" Rebar w/  
Plastic Cap illegible  
Melted

NW

corner

Ins. 3546194

200.49'

S00°42'05"W

U.S. HIGHWAY 66

N85°15'51"W

782.96'

South R.O.W. Hwy 66

HC

156,857 sq.ft.  
3.60 acres

N85°16'49"W

786.49'

INSTRUMENT 3546194

NE

corner

Ins. 3546194

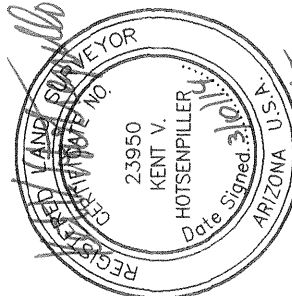
Found 1/2" Rebar  
Bent

N00°18'32"W  
200.55'

Future

Right-of-Way

WOODY MOUNTAIN  
ROAD



Survey was performed in March of 2014.  
Information shown hereon is true and  
correct to the best of my knowledge.

Expires on 3/31/15

HORIZONTAL SCALE: 1"=100'

VERTICAL SCALE:

DESIGNED/DRAWN BY: kvh

PROJECT NO. 12992

DATE: 3/10/14

HC REZONING MAP

A PORTION OF

INSTRUMENT 3546194

COCONINO COUNTY RECORDS LOCATED IN  
SECTION 19, T 21 N, R 7 E, FLAGSTAFF,  
COCONINO COUNTY, ARIZONA

**Mogollon**  
ENGINEERING &  
SURVEYING

411 W. Santa Fe Avenue, Flagstaff, Az. 86001  
P.O. Box 1952, Flagstaff, Az. 86002  
Phone: 928-214-0214 • Fax: 928-913-0015

EXHIBIT B  
HC REZONING  
MAP

## EXHIBIT A

The following is a description of a parcel of land, being portions of that parcel described in Instrument 3546194, Coconino County Records, situate in section 19, Township 21 North, Range 7 East, G.& S.R.M., Flagstaff, Coconino County, Arizona being more particularly described as follows:

Commence at the northwest corner of said parcel, which is a point on the north boundary of the "Presidio West Tract" as described in Instrument 3229602 and is a point on the south Right-of-Way line of U.S. Highway 66; thence South  $00^{\circ}43'13''$  West along the west boundary of Ins. 3546194 a distance of 200.49 feet to the Point of Beginning;

Thence continue South  $00^{\circ}43'13''$  West along said west boundary a distance of 906.95 feet;

Thence South  $43^{\circ}44'41''$  West along said west boundary a distance of 785.39 feet to the southwesterly corner of Ins. 3546194;

Thence South  $54^{\circ}53'44''$  East along the south line of Ins. 3546194 a distance of 708.86 feet to a point on the existing Right-of-Way line of Woody Mountain Road and which is the beginning of a non-tangent curve to the right, having a radius of 93.00 feet, and to which a radial line bears North  $55^{\circ}10'12''$  West;

Thence northerly along said curve a distance of 103.66 feet through a central angle of  $63^{\circ}51'49''$  to a point which is the beginning of a non-tangent curve to the left, having a radius of 5,679.58 feet, and to which a radial line bears South  $49^{\circ}08'23''$  East;

Thence northeasterly along said curve a distance of 108.49 feet through a central angle of  $01^{\circ}05'40''$ ;

Thence North  $39^{\circ}45'57''$  East a distance of 350.56 feet;

Thence South  $50^{\circ}14'03''$  East a distance of 50.00 feet to a point which is on the centerline of Woody Mountain Road;

Thence North  $40^{\circ}18'44''$  East along said centerline a distance of 261.50 feet to a point which is the beginning of a curve to the left having a radius of 716.18 feet;

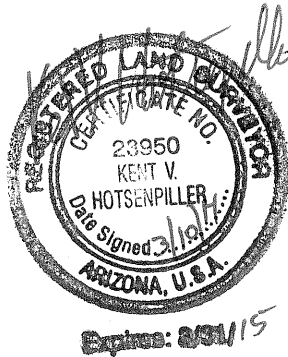
Thence northeasterly and northerly along said centerline along said curve a distance of 507.99 feet through a central angle of  $40^{\circ}38'26''$ ;

Thence North  $00^{\circ}18'32''$  West along said centerline a distance of 791.72 feet;

Thence North  $85^{\circ}16'49''$  West a distance of 786.49 feet to the True Point of Beginning;



Said Parcel contains 1,451,992 sq. ft. or 33.33 acres of land more or less as shown on the attached Exhibit B which by this reference is made a part hereof.



MR zone

City File Number \_\_\_\_\_

Descriptive Title \_\_\_\_\_

**Mogollon** Engineering and Surveying, Inc.

411 W. Santa Fe Ave. Flagstaff, AZ 86001- P.O.-Box 1952 Flagstaff, AZ 86002-mogollon99@aol.com- 928-214-0214

# MR RZONING MAP

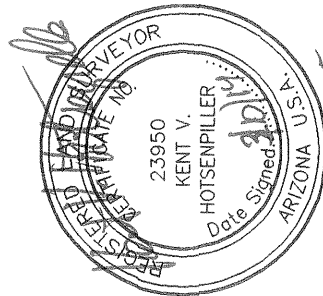
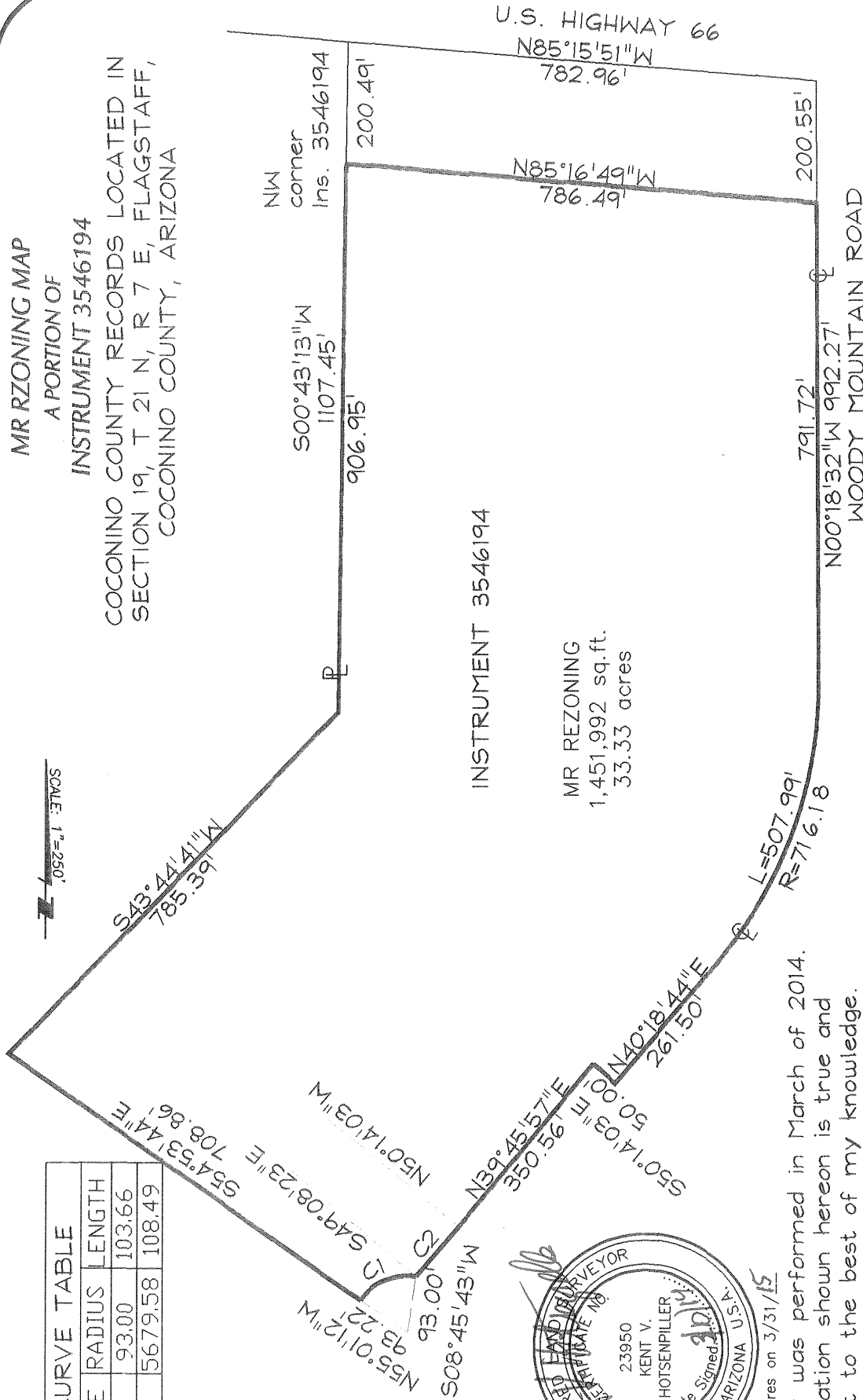
A PORTION OF

INSTRUMENT 3546194

COCONINO COUNTY RECORDS LOCATED IN  
SECTION 19, T 21 N, R 7 E, FLAGSTAFF,  
COCONINO COUNTY, ARIZONA

SCALE: 1"=250'

CURVE TABLE		
CURVE	RADIUS	LENGTH
C1	93.00	103.66
C2	5679.58	108.49



Expires on 3/31/15  
Survey was performed in March of 2014.  
Information shown hereon is true and  
correct to the best of my knowledge.

HORIZONTAL SCALE: 1"=250'  
VERTICAL SCALE:  
DESIGNED/DRAWN BY: kvh  
PROJECT NO. 12992  
DATE: 3/10/14

**Mogollon**  
ENGINEERING & SURVEYING

411 W. Santa Fe Avenue, Flagstaff, Az. 86001  
P.O. Box 1952, Flagstaff, Az. 86002  
Phone: 928-214-0214 • Fax: 928-913-0015

EXHIBIT B  
MR RZONING  
MAP

When recorded, mail to:

City Clerk  
City of Flagstaff  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

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**ASPEN HEIGHTS MIXED-USE DEVELOPMENT**

**ANNEXATION AND**

**DEVELOPMENT AGREEMENT**

**BY**

**AND BETWEEN**

**CITY OF FLAGSTAFF**

**AND**

**YORK BRECKENRIDGE GP, LLC**

---

## ANNEXATION AND DEVELOPMENT AGREEMENT

THIS ANNEXATION AND DEVELOPMENT AGREEMENT (“Agreement”) is made as of this 4th day of November, 2014, between the City of Flagstaff, a municipal corporation organized and existing under the laws of the State of Arizona (“City”) and York Breckenridge GP, LLC, a Texas limited liability company authorized to do business in the State of Arizona (“Developer”). City and Developer may be referred to in this Agreement as “Party” in the singular, and collectively as the “Parties.”

### RECITALS

A. The Developer has entered into a purchase and sale agreement to acquire approximately 36.94 acres of real property situated within Coconino County, Arizona, currently located partially within the incorporated boundaries of the City of Flagstaff, and partially outside the incorporated boundaries of the City, as depicted and legally described in **Exhibit A**, (“Property”), attached to and incorporated into this Agreement.

B. The zoning of the approximately 33.26 acre portion of the Property within the City’s boundaries is RR, Rural Residential Zone; and, for the approximately 3.14 acre portion outside the City’s boundaries, the zoning is General (G) Zone (“Annexation Parcel”). Upon annexation, the Annexation Parcel will be designated RR, Rural Residential Zone, the zoning classification most compatible with the current County zoning for this parcel.

C. The Developer desires to rezone an approximately 33.33 acre portion of the Property within the City’s boundaries to MR, Medium Density Residential Zone, and an approximately .53 acre portion of the Property within the City’s boundaries to HC, Highway Commercial Zone. The Developer also desires to rezone the Annexation Parcel from RR, Rural Residential, to HC, Highway Commercial Zone, as further set forth in this Agreement.

D. The City and the Developer are entering into this Agreement pursuant to the provisions of Arizona Revised Statutes (“A.R.S”) § 9-471 (pertaining to annexation) and A.R.S. § 9-500.05 (pertaining to development agreements) in order to facilitate the annexation, proper municipal zoning designation, and development of the Property by providing for, among other things: (1) conditions, terms, restrictions, and requirements for annexation of the Annexation Parcel into the City; (2) the type of land uses and the location, density and intensity of such uses; and (3) other matters related to development of the Property as depicted in the Aspen Heights Concept Plan.

E. The City has an interest in ensuring that the development of the Property complies with City standards for development and engineering improvements, and believes that annexation of the Annexation Parcel and development of the Property pursuant to this Agreement will result in planning, safety and other benefits to the City and its residents.

F. The Developer acknowledges that annexation of the Annexation Parcel pursuant to this Agreement will be beneficial and advantageous to the Developer by providing assurances

to the Developer that it will have the ability to develop the Property within the City pursuant to this Agreement under the zoning described in Recital C, above, and in accordance with the Aspen Heights Concept Plan.

G. The Developer has previously submitted to the City an Annexation Application for the Annexation Parcel (“Annexation”), and the City has filed a blank annexation petition (“Annexation Petition”) with the Coconino County Recorder for the Annexation Parcel. The City has held public hearings and meetings in connection with the Annexation pursuant to A.R.S. § 9-471(A); the City has received the completed Annexation Petition bearing the signatures of those property owners desiring annexation of their properties; and the City has conducted a first reading of Ordinance No. 2014-30 (“Annexation Ordinance”).

H. Developer has also previously submitted to the City an application for a rezoning of the Property to the zoning designations set forth in Recital C, above (“Zoning Amendment”), and, concurrent with the Annexation Ordinance, the City is processing that application as an ordinance amending the City of Flagstaff’s Zoning Map, Ordinance No. 2014-31 (“Zoning Ordinance”). The City has held a public hearing and received public comment on the Developer’s rezoning application, and has conducted a first reading of the Zoning Ordinance.

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants contained in this Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

## **AGREEMENT**

1. Incorporation of Documents and Recitals. All documents and exhibits referred to in this Agreement and the Recitals stated above are hereby incorporated by reference into this Agreement.
2. General Plan Conformance. The Parties expressly acknowledge and agree that the annexation and development contemplated pursuant to this Agreement is consistent with those portions of the 2001 Flagstaff Area Regional Land Use and Transportation Plan (“Regional Plan”) in effect on the date Developer’s application was filed, and that there are no features of the development as described in the Concept Plan defined in Section 6 herein, including, without limitation, the intensity of development and range of land uses proposed herein, that cannot be accommodated within the scope of the Regional Plan.
3. Effective Date and Term.
  - 3.1 This Agreement shall not become effective, and neither party shall have any obligation under this Agreement, unless each of the following occurs:
    - 3.1.1 This Agreement is executed by both parties;
    - 3.1.2 The City adopts the Annexation Ordinance following a second reading;

- 3.1.3 The City adopts the Zoning Ordinance following a second reading;
- 3.1.4 This Agreement is recorded in accordance with Section 15.9, as required by A.R.S. § 9-500.05(D);
- 3.1.5 The Annexation Ordinance has become final following expiration of the thirty-day time period in which it may be challenged pursuant to A.R.S. § 9-471(C) or referred to the qualified electors of the City, or if such statutory challenge is properly made or such a referendum is certified for the ballot, then after resolution of such challenge in favor of the City or after the election upholding the Annexation Ordinance;
- 3.1.6 The Zoning Ordinance has become final following expiration of the time period in which it may be challenged or referred to the qualified electors of the City, or if such statutory challenge is properly made or such a referendum is certified for the ballot, then after resolution of such challenge in favor of the City or after the election upholding the Zoning Ordinance.
- 3.2 In the event the finality of the Annexation Ordinance under A.R.S. § 9-471(D) or the Zoning Ordinance is delayed by judicial challenge, a referendum, or an injunction following their respective second readings and approvals by the City Council, the Developer, at its option, may terminate this Agreement at any time during the ensuing sixty (60) days by serving written notice upon the City in accordance with this Agreement. Should the Developer elect to terminate this Agreement as provided herein, this Agreement shall be of no further force or effect, and neither party shall have any further obligations under this Agreement. In such event, the City agrees that it shall take all appropriate action necessary to rescind and repeal the Annexation Ordinance and the Zoning Ordinance. However, nothing in this Section 3.2 is intended to limit the absolute discretion of the City in reviewing, adopting, or declining to adopt the Annexation Ordinance and the Zoning Ordinance.
- 3.3 Any delay relative to the Effective Date of this Agreement by judicial challenge, referendum, or injunction filed by parties acting independently of and not under the control of the City shall not be deemed a default by the City.
- 3.4 This Agreement shall automatically terminate on the tenth (10<sup>th</sup>) anniversary of the Effective Date, unless this Agreement is rescinded or terminated earlier as provided for in this Agreement.
- 4. Annexation. The City's Planning and Zoning Commission and Council have previously held public meetings on the Annexation under A.R.S. § 9-471(A), and the City Council has received from the Developer and filed with the Coconino County Recorder the completed Annexation Petition duly executed by all necessary owners of the Annexation Parcel and has approved first readings of the Annexation Ordinance and the Zoning Ordinance. The City, concurrently with its approval of this Agreement, has duly considered and approved the second readings of the Annexation Ordinance and the Zoning Ordinance, pursuant to A.R.S. § 9-471(D). The City acknowledges and agrees that the Developer has executed and delivered this

Agreement and the Annexation Petition to the City contingent on the City's adoption of the Annexation Ordinance and the Zoning Ordinance. Nothing in this Section 4 is intended to limit the absolute discretion of the City in reviewing, adopting, or declining to adopt the Annexation Ordinance and the Zoning Ordinance.

5. Zoning Upon Annexation. The current Coconino County zoning for the Annexation Parcel is General (G) Zone. The City has previously held public meetings on the Zoning Amendment and has fully complied with all those requirements of the Arizona Revised Statutes and the Flagstaff Zoning Code necessary to adopt municipal zoning for the Annexation Parcel, upon annexation, as provided in the Annexation Ordinance and the Zoning Ordinance. The Parties acknowledge that A.R.S. § 9-471(L) requires that the City initially adopt zoning classifications which permit densities and land uses no greater than the previously existing county zoning for such lands, and the City has determined that the zoning designation under the Zoning Code most comparable to the General (G) Zone designation is RR, Rural Residential. After the Annexation Ordinance has become final under A.R.S. § 9-471(D), the Annexation Parcel shall be designated RR, Rural Residential and then to HC, Highway Commercial Zone, as further set forth in this Agreement.

6. Concept Plan. The Parties hereby acknowledge that the City accepted the Concept Plan for the Project on August 26, 2014, attached hereto as **Exhibit B** and incorporated herein by this reference (the "Concept Plan"). The Concept Plan sets forth the basic land uses, intensity and density of such uses, relative height, bulk and size of buildings and structures proposed by Developer and approved by the City for development within the Property. Notwithstanding anything contained in the foregoing, however, the City acknowledges that, while the Developer intends to develop the Project in general conformance with the Concept Plan, in order to make the Project economically viable and otherwise feasible, as the Project progresses through formal site plan review, Developer may request modifications to the Concept Plan and shall incorporate modifications as set forth in this Agreement. The City shall process all submittals made by Developer in conformance with Section 13.1, below, and nothing contained in this Agreement shall preclude the City from the exercise of its normal review process and requirements in connection with its approval of such submittals.

7. Development Standards. Development of the Property shall be governed by the City's codes, ordinances, regulations, rules, guidelines and policies controlling permitted uses of the Property, design review guidelines, the density and intensity of uses, the maximum height and size of the buildings within the Property, as well as the standards for off-site and on-site public improvements in existence as of the Effective Date of this Agreement; provided, however, that Developer obtain grading permits for the Project within two (2) years following the Effective Date of this Agreement. If Developer fails to obtain any grading permits within this two (2) year period, then development of the Project shall be subject to the City's codes, ordinances, regulations, rules, guidelines and policies in effect at the time Developer applies for such construction permits. Further, if Developer fails to obtain a grading construction permit within this two (2) year period, the City, at its sole judgment and discretion, may require the Developer to submit a new Traffic Impact Analysis and a new Sewer Impact Analysis for the Project and to amend Sections 10.2 and 10.6 this Agreement to reflect new requirements arising from those analyses for public and other related improvements. Notwithstanding the above, the

Parties expressly acknowledge and agree that the City reserves the right to adopt future ordinances assessing or imposing development fees under the authority of A.R.S. § 9-463.05, which shall be applicable to development of the Property. Developer agrees and understands that upon the Effective Date of this Agreement all building permits and other fees normally applicable to construction within the City shall apply to the Project.

8. Guiding Principles. The Parties acknowledge that development activities for the Property may extend over several years and that many of the requirements and procedures provided for in this Agreement contemplate that use of the Property in the future may be subject to procedures, requirements, regulations and ordinances not presently in effect, as well as actions and decisions by City staff and officials which cannot be provided for with particularity at the time the Agreement was executed. With respect to such, the parties agree that they will act in good faith and with reasonableness in implementing, operating under, and exercising the rights, powers, privileges and benefits conferred or reserved by this Agreement or by law. However, denying a permit for the Developer's failure to meet the City's criteria for such permit shall not be deemed a breach by the City of this Agreement.

9. Project Description. The Project as contemplated by this Agreement, and as illustrated in the Concept Plan, shall consist of: (i) two hundred twenty-four (224) cottage units with seven hundred fourteen (714) rooms on approximately 33.33 acres of the Property ("Residential Development"); and (ii) a commercial retail complex consisting of approximately twenty thousand (20,000) square feet of commercial/retail, general service and/or mixed-use development, as well as site improvements, including access, parking, circulation and landscaping, on 3.67 acres of the Property ("Commercial Development"). The Residential Development and Commercial Development collectively constitute the "Project." Pursuant to the relevant provisions of the Flagstaff Zoning Code, the Residential Development qualifies as a "Rooming and Boarding Facility" use. Pursuant to Division 10-40.30.030, Residential Zones, of the Flagstaff City Code, the Developer acknowledges that a conditional use permit is necessary, and must be obtained, for the establishment of a "Rooming and Boarding Facility" use within the proposed MR, Medium Density Residential Zone.

10. Construction of Public and Other Related Improvements. Prior to the issuance of a grading permit for the Project, Developer shall provide security, in a form satisfactory to the City as set forth in the City's Zoning Code, that public and other related improvements will be constructed in accordance with approved plans. Developer shall, at its sole expense, construct or cause to be constructed all public and other related improvements as required by the City's codes, ordinances and this Agreement, and in accordance with approved specifications, as well as those public and related improvements required by the Arizona Department of Transportation ("ADOT") as a condition of approval. Following the construction of the described public improvements, dedication of same to the City, and acceptance by the City of the improvements, unless otherwise provided, the City shall assume, at its expense, the maintenance and repairs of all public improvements in accordance with City policies. Specifically, the scope and nature of the on-site and off-site improvements to be constructed in connection with the Project are as follows:

10.1. On-Site Water and Sewer Modifications. Developer agrees to provide a looped water and



sewer system for the Project consisting of eight (8) inch diameter water and sewer lines. Developer agrees to provide waterline “stub-outs” for future connectivity to those parcels adjoining the Property to the west. All required improvements must be completed and accepted by the City prior to the issuance of any certificates of occupancy for the Project. All on-site water and sewer infrastructure shall be designed and built in accordance with the City of Flagstaff Engineering Standards and Arizona Department of Environmental Quality requirements.

## 10.2 Off-Site Sewer Modifications and Reimbursement.

10.2.1 Developer is responsible for all off-site sewer improvements as outlined in the accepted Water and Sewer Impact Analysis, dated December 20, 2013 (“WSIA”). Developer agrees to “oversize” approximately five thousand five hundred (5,500) feet of existing sewer line, from manhole 2A-446 to manhole 2A-203, from ten (10) inch diameter to eighteen (18), twenty-one (21) and twenty-four (24) inch diameter pipe, as set forth in the WSIA.

10.2.2 The Parties acknowledge that, pursuant to Section 10.2.1, above, the Developer is required to install off-site improvements to the City’s sewer collector system in a size and/or capacity greater than that which is required to serve only the residents of the Project. Pursuant to the City’s Engineering Standards, the Developer agrees to “oversize” these off-site improvements in order to accommodate not only the needs of the Project, but also the projected required capacity for those properties within the Project’s drainage basin at “full build-out.” Pursuant to Flagstaff City Code Chapter 7-08, Extension and Reimbursement Agreements for the Construction of Water and Sewer Lines, the Developer may enter into a reimbursement agreement with the City for such oversizing from other benefited properties.

10.3 Presidio Drive South Extension. Developer shall construct an extension of the Presidio Drive South roadway from the intersection of Presidio Drive South and South Woody Mountain Road (“Presidio Drive South Extension”). The Presidio Drive South Extension shall be constructed in accordance with City design, engineering and construction standards and shall terminate in a cul-de-sac, as generally depicted on the Concept Plan.

10.4 Roadway Lighting. Roadway lighting on the Presidio Drive South Extension and that portion of South Woody Mountain Road abutting the Property shall be designed, constructed and placed in accordance with City street light standards. Roadway lighting on that portion of Route 66 abutting the Property shall be designed, constructed and placed in accordance with ADOT standards.

10.5 Flagstaff Urban Trail System. As a condition of developing the Property, and to facilitate the expansion of the Flagstaff Urban Trail System (“FUTS”), the Developer agrees to construct, at no cost to the City, a meandering ten (10) foot wide FUTS trail along that portion of the Property abutting Woody Mountain Road (“FUTS Trail”). The eastern edge of the FUTS trail shall be, at all points, at a five (5) feet offset from the back curb

line located along the western edge of Woody Mountain Road. The Parties acknowledge that the FUTS trail may encroach onto adjacent private property. Prior to the issuance of any certificates of occupancy for the Project, Developer shall, at no cost to the City, dedicate a non-motorized pedestrian easement for the FUTS Trail, including those portions, if any, on adjacent private property, to the City.

- 10.6 West Route 66 and Woody Mountain Road Intersection. In addition to those obligations set forth in Section 10, above, Developer agrees to contribute one hundred two thousand eight hundred five (\$102,805.00) dollars towards a future signalized intersection at West Route 66 and Woody Mountain Road (“Woody Mountain Road Intersection”). Such sum constitutes the Developer’s pro-rata “fair share” contribution towards mitigating the Project’s traffic impact on the Woody Mountain Intersection, in accordance with the City’s Transportation Engineering Memorandum dated August 22, 2014 (“Contribution”). In addition, Developer agrees to dedicate, at no cost to the City, right-of-way across the Property necessary for the Woody Mountain Road Intersection (“Dedication”). Following the Contribution and Dedication, Developer shall have no further obligation or liability with respect to the Woody Mountain Road Intersection. The Contribution shall be paid in full to the City prior to the issuance of public improvement permits for the Project.
- 10.7 Dedication of Public Rights-of-Way and Easements. Public rights-of-way for all streets and utility and drainage easements with respect to the Project must be identified on the construction plans and dedicated prior to issuance of any grading permits. Dimensions for these easements must be in accordance with City and, where applicable, ADOT requirements.
11. Management.
- 11.1 Management Agent. Developer agrees that an experienced property management staff shall at all times manage the Residential Development during the term of this Agreement (“Management Agent”). Developer, or an affiliated entity, shall serve as the Management Agent for the Residential Development upon recordation of this Agreement. The Management Agent shall cause the Residential Development to at all times be operated in a manner that will provide secure, safe and sanitary living conditions for its tenants, as required by this Agreement, and any applicable laws, ordinances, regulations or other requirements imposed by law. Further, the Management Agent shall ensure that the tenants of the Residential Development use the Property in a manner that conforms to the character of the surrounding neighborhoods. The Management Agent shall live on-site or, in the alternative, the Management Agent shall provide for an on-site staff member on a twenty-four hour, seven days a week (24/7) basis.
- 11.2 Crime Free Multi-Housing. In order to achieve the objectives of Section 11.1, above, the Developer, or the Management Agent, shall draft operating rules, policies and regulations for the Residential Development (“Operating Rules”),

and include covenants in tenant leases that require the lawful and proper use of the Residential Development and the Property (“Lease Covenants”), substantially in the form attached hereto as **Exhibit C**, at all times. The Management Agent shall be responsible for enforcing such Operating Rules and Lease Covenants. The Management Agent and any relevant employees of such Agent, shall, during the term of this Agreement, attend, complete, and remain current on any training required by the Flagstaff Police Department in connection with their Crime Free Multi-Housing Program. Management practices, tenant qualifications, Crime Prevention Through Environmental Design Standards (“CPTED”), and background checks shall conform, as closely as possible, to the principles set forth in the City of Flagstaff Police Department’s “Crime Free Multi-Family Housing Program.” Developer agrees that it will ensure that its Management Agent, or relevant employees of such Agent, receives training through the Flagstaff Police Department in the Crime Free Multi-Housing Program.

- 11.3 On-Site Security. In order to ensure the lawful use of the Residential Development during those times of increased resident activity, from 6:00 p.m. every Thursday through to 6:00 a.m. the following Sunday, Developer agrees to provide a sufficient number of security guards to maintain order and to ensure compliance with all applicable state and City laws. For purposes of this Section, “security guard” shall mean licensed and duly bonded security personnel registered pursuant to Arizona Revised Statutes Section 32-2601, *et seq.* In addition, the Management Agent shall consult with the Flagstaff Police Department on a monthly basis for recommendations regarding security personnel levels, as well as any additional security measures that may be required for the protection and well-being of residents and the surrounding neighborhood.

12. Public Transportation System Service. Developer is in negotiations with the Northern Arizona Intergovernmental Public Transportation Authority (“NAIPTA”) regarding the extension of service to the Project in order to facilitate and incentivize the use of public transportation by residents of the project, and other presently underserved areas identified by NAIPTA, to access the campus at Northern Arizona University (“NAU”), based upon a financial commitment from the Developer yet to be determined and structured. Because this issue requires action of a public body with regard to service levels, cost, and other matters, and negotiations with the Developer, both NAIPTA and the Developer anticipate that discussions and negotiations will continue over time, with the goal of providing service by the start of classes at NAU in August 2016. Developer agrees that it will continue to negotiate with NAIPTA in good faith in order to bring to the Project effective public transportation to NAU for student residents of the Project.

13. Exterior Lighting Plan. Developer shall provide exterior lighting for the Residential Development in conformity with the Exterior Lighting Plan, attached as **Exhibit D**. The Parties acknowledge that the Developer has voluntarily limited the Total Outdoor Light Output for the Residential Development to a lumen level that does not exceed that currently permitted for Single-family Residential development in Lighting Zone One.

14. Development Process.

14.1 Diligence in Responding to Approval Requests. City hereby acknowledges and agrees that development of the Property may occur over a span of a number of years and may require City's ongoing participation in the review and approval of modifications and amendments to any construction plans, site plans, infrastructure plans, drainage plans, design plans, building plans, grading permits, building permits, and other plans, permit applications and inspections which are a part of City's current building and development requirements (hereinafter collectively called "Approval Requests"). City hereby agrees that, in connection with all such Approval Requests relating to the planning or development of the Property, or any portion thereof, and the construction of improvements on the Property, it shall cooperate with Developer in good faith to process, but not necessarily approve, all such Approval Requests.

15. Default; Remedies.

15.1 Events Constituting Default. A Party hereunder shall be deemed to be in default under this Agreement if such Party materially breaches any obligation required to be performed by the respective Party hereunder within any time period required for such performance and such breach or default continues for a period of thirty (30) days after written notice thereof from the Party not in default hereunder. Notwithstanding the foregoing, if the Party allegedly in default has commenced a cure of the default within the time period stated above, is diligently prosecuting such cure, and such cure reasonably requires more than thirty (30) days to complete, then the period for curing such default shall be extended to permit the completion of the cure. For purposes of determining default and termination, those Developer obligations set forth in Section 10 of this Agreement are severable, and each individual Developer obligation shall terminate upon the successive completion of the individual Developer Obligation.

15.2 Developer's Remedies. In the event that City is in default under this Agreement and fails to cure any such default within the time period required therefore as set forth in Section 14.1 of this Agreement, then, in that event, in addition to all other legal and equitable remedies which Developer may have, Developer may terminate this Agreement by written notice delivered to City effective upon the date specified on such notice.

15.3 City's Remedies. In the event that Developer is in default under this Agreement, and Developer thereafter fails to cure any such default within the time period described in Section 14.1 of this Agreement then, in that event, in addition to all other legal and equitable remedies which City may have, City may terminate this Agreement by written notice delivered to Developer effective upon the date specified on such notice.

- 15.4 Development Rights in the Event of Termination. Upon the termination of this Agreement as provided herein, Developer shall have no further rights to develop the Property pursuant to this Agreement but shall have all other rights available to Developer under any other agreement or applicable law, including but not limited to the right to develop the Property consistent with the Zoning so long as the project is developed consistently or less intensively than the accepted Concept Plan.

16. General Provisions.

- 16.1 Notices. All notices and communications shall be in writing and delivered personally or as of the third business day after mailing by United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed as follows:

To City:

City Manager  
City of Flagstaff  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

To Developer:

Aspen Heights  
Attn: David Mills  
1301 S. Capital of Texas Highway, Suite  
B201  
Austin, TX 78746

With copy to:

Richard Stasica, General Counsel

- 16.2 Waiver. No delay in exercising any right or remedy shall constitute a waiver thereof, and no waiver by the parties of the breach of any provision of this Agreement shall be construed as a waiver of any preceding or succeeding breach of the same or of any other provision of this Agreement.
- 16.3 Headings. The descriptive headings of the paragraphs of this Agreement are inserted for convenience only, and shall not control or affect the meaning or construction of any of the provisions of the Agreement.
- 16.4 Authority. The undersigned represent to each other that they have full power and authority to enter into this Agreement, and that all necessary actions have been taken to give full force and effect to this Agreement. The Developer represents and warrants that it is duly formed and validly existing under the laws of the State of Arizona and that it is duly qualified to do business in the State of Arizona and is in good standing under applicable state laws. The Developer and the City warrant to each other that the individuals executing this Agreement on behalf of their respective parties are authorized and empowered to bind the party on whose behalf each individual is signing. The Developer represents to the City that by entering into this Agreement, the Developer has bound the Property and all persons and entities having any legal or equitable interest therein to the terms of

the Agreement.

- 16.5 Entire Agreement. This Agreement, including the following exhibits which are incorporated in this Agreement by reference, constitutes the entire agreement between the parties and supersedes any prior written or oral understandings or agreements between the parties. This provision applies only to the entirety of this Agreement; additional and separate zoning stipulations and agreements with the City may apply to the Property, and this provision has no effect on them.

**Exhibit A:** Property Description  
**Exhibit B:** Concept Plan  
**Exhibit C:** Lease Covenants  
**Exhibit D:** Exterior Lighting Plan

- 16.6 Amendment. This Agreement may be amended, in whole or in part and with respect to all or any portion of the Property, only with the mutual written consent of the parties to this Agreement or by their successors in interest or assigns.
- 16.7 Severability. If any other provision of the Agreement is declared void or unenforceable, such provision shall be severed from this Agreement, which shall otherwise remain in full force and effect.
- 16.8 Governing Law. The laws of the State of Arizona shall govern the interpretation and enforcement of this Agreement. This Agreement has been made and entered into in Coconino County, Arizona.
- 16.9 Recordation of Agreement and Subsequent Amendment; Cancellation. The City will record this Agreement, and any amendment or cancellation of it, in the official records of the Coconino County Recorder no later than ten (10) days after the City and the Developer execute the Agreement, amendment, or cancellation, as required by A.R.S. § 9-500.05.
- 16.10 No Partnership; Third-Party. It is not intended by this Agreement to, and nothing contained in this Agreement shall, create any partnership, joint venture or other arrangement between Developer and the City. No term or provision of this Agreement is intended to, or shall, be for the benefit of any person, firm, organization or corporation not a party hereto, and no such other person, firm, organization or corporation shall have any right or cause of action hereunder.
- 16.11 Conflict of Interest. Pursuant to Arizona law, rules and regulations, no member, official or employee of the City shall have an personal interest, direct or indirect, in this Agreement, nor shall any such member, official or employee participate in any decision relating to this Agreement which affects his or her personal interest or the interest of any corporation, partnership or association in which he or she is, directly or indirectly, interested. This Agreement is subject to the cancellation

provisions of A.R.S. § 38-511.

- 16.12 Compliance with All Laws. Developer will comply with all applicable Federal, State, and County laws, as well as with all applicable City ordinances, regulations and policies.
- 16.13 Successors and Assigns. Upon prior written notice to City, Developer may assign its interest in this Agreement, in whole or in part, to any entity that controls, is controlled by or is under common control with Developer (including but not limited to a limited liability company of which the original Developer is a member), who undertakes to proceed with development of the Project. Provided that the assignee has provided City with the name, address and designated representative of the assignee, and has assumed the rights, liabilities and obligations of Developer under this Agreement pursuant to a written instrument (a true and correct copy of which shall be provided to City), then the assignor shall be released from any obligations or liabilities arising under this Agreement from and after the date of assignment. Neither Developer nor any permitted assignee of Developer may otherwise assign its interest in this Agreement, in whole or in part, without the prior written consent of the City, which consent may be reasonably withheld by City. This Agreement shall be personal to Developer and its permitted successors and assigns, and shall not run with the land.

**17. WAIVER OF CLAIM FOR DIMINUTION IN VALUE.**

Developer hereby waives and fully releases any and all financial loss, injury, claims and causes of action that the Developer may have, now or in the future, for any “diminution in value” and for any “just compensation” under the Private Property Rights Protection Act, codified in A.R.S §§ 12-1131 through 12-1138, (the “Act”) in connection with the application of the City’s existing land use laws and including Ordinance Number 2011-01 regarding the Property. This waiver constitutes a complete release of any and all claims and causes of action that may arise or may be asserted under the Act with regard to the subject Property. Developer agrees to indemnify, hold harmless and defend City, its officers, employees and agents, from any and all claims, causes of actions, demands, losses and expenses, including attorney’s fees and litigation costs, that may be asserted by or may result from any of the present or future owners of any interest in the Property seeking potential compensation, damages, attorney’s fees or costs under the Act that they may have, as a result of the application of the City’s existing land use laws, including Ordinance Number 2014-31, upon the Property

IN WITNESS WHEREOF, the City has caused this Agreement to be executed in its name and on its behalf by its Mayor and its seal to be affixed and attested by its City Clerk, and the Developer has signed the same on or as of the day and year first above written.

CITY OF FLAGSTAFF,  
an Arizona municipal corporation

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Gerald W. Nabours, Mayor

Attest:

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City Clerk

Approved as to Form:

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City Attorney



DEVELOPER  
York Breckenridge GP, LLC

By \_\_\_\_\_

Title \_\_\_\_\_

STATE OF \_\_\_\_\_)  
County of \_\_\_\_\_) ss  
\_\_\_\_\_)

On this \_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public, personally appeared \_\_\_\_\_, known to be and satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same on behalf of York Breckenridge GP, LLC, for the purposes therein contained.

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Notary Public

My Commission Expires:\_\_\_\_\_

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Brian Kulina, Planning Development Manager  
**Date:** 10/29/2014  
**Meeting Date:** 11/03/2014



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**TITLE:**

**Consideration and Approval of Resolution No. 2014-38:** A resolution authorizing the execution of a First Amended and Restated Development Agreement between Pinnacle DevCo, Ltd., and the City of Flagstaff related to the development of approximately 18.6 acres of real property generally located at 800 E Sterling Lane. (*Pinnacle Pines*)

**RECOMMENDED ACTION:**

- 1) Read Resolution No. 2014-38 by title only.
- 2) City Clerk reads Resolution No. 2014-38 by title only (if approved above).
- 3) Approve Resolution No. 2014-38

**Policy Decision or Reason for Action:**

State law allows cities to enter into development agreements by resolution. The proposed First Amended and Restated Development Agreement governs the terms and conditions of the use and development of the subject property.

**Subsidiary Decisions Points:**

This is the first of two related items. Should this agreement be approved by the City Council, the associated final plat will be considered for approval.

**Financial Impact:**

There are no financial liabilities associated with the approval of this agreement. However, over the course of the agreements life, approximately \$106,000.00 will be contributed by the Developer to the City of Flagstaff to further affordable housing efforts within the city.

**Connection to Council Goal and/or Regional Plan:**

Repair Replace maintain infrastructure (streets & utilities)  
Retain, expand, and diversify economic base  
Effective governance

**Has There Been Previous Council Decision on This:**

No previous City Council discussion has occurred as it related to this agreement. Previous City Council discussion has occurred as it relates to the overall development of the project as outlined in the background section.

**Options and Alternatives:**

The City Council may approve, deny, or modify the agreement as necessary to ensure that the development meets the objectives of the Flagstaff Regional Plan 2030, the Zoning Code, and the city's development goals and policies.

**Background/History:**

In August of 1998, the City Council approved Ordinance No. 1976 that conditionally rezoned the site from Rural Residential (RR) to Medium Residential (MR) for the development of an affordable residential townhouse project consisting of 548 units called Zuni Heights. Concurrently, the Growth Management Guide 2000 land use designation for the site was amended from Medium Density Residential to High Density Residential in order to support the increase in density. Subsequent to the approval of Growth Management Guide amendment and rezoning, platting was not pursued and the site was never developed.

On March 7, 2005, the City Council approved Resolution No. 2005-15 approving a Development Agreement between the City and developer, Resolution No. 2005-16 that amended the Flagstaff Area Regional Land Use and Transportation Plan land use designation for the site from High Density Residential to Medium Density Residential in order to support a reduced density, Ordinance No. 2005-05 that modified the conditions of Ordinance No. 1976 for the development of a single-family residential townhouse project consisting of 206 units called Pinnacle Pines, and a tentative plat for Unit 1 of the subdivision.

On October 21, 2014, the City Council approved the Pinnacle Pines Unit 2 Preliminary Plat for the subdivision of approximately 18.6 acres into 106 single-family residential townhouse lots generally located at 800 E Sterling Lane.

**Key Considerations:****Expanded Financial Considerations:**

None

**Community Benefits and Considerations:**

The community will receive the following benefits:

- A contribution from the Developer in the amount of \$106,000.00 to be used solely for the benefit of affordable housing.
- The ability to use existing Lone Tree Interchange Funds, which were collected as part of the original development agreement, for the funding of current or future transportation infrastructure improvements associated with the Project's impact on the regional transportation system.
- For a period of 10-years, a contribution by the Developer in the amount of \$141.26 per lot to be used for the funding of current or future transportation infrastructure improvements associated with the Project's impact on the regional transportation system.
- A public water main connection from the project to the public main located in John Wesley Powell Boulevard.

**Community Involvement:**

Inform

**Expanded Options and Alternatives:**

The City Council may approve, deny, or modify the agreement as necessary to ensure that the development meets the objectives of the Flagstaff Regional Plan 2030, the Zoning Code, and the city's development goals and policies.

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**Attachments:**     Resolution 2014-38  
                             Pinnacle Pines DA

## **RESOLUTION NO. 2014-38**

### **A RESOLUTION AUTHORIZING THE EXECUTION OF A FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN PINNACLE DEVCO, LTD., AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 18.6 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 800 E STERLING LANE.**

#### **RECITALS:**

WHEREAS, Arizona Revised Statutes § 9-500.05 authorizes the City to enter into development agreements in order to facilitate the orderly and effective development of properties; and

WHEREAS, Empire Residential Construction, L.P. (the "Original Developer") was the owner of approximately 40 acres of undeveloped real property located near the intersection of Lone Tree and Zuni Roads, within the City of Flagstaff, Coconino County, Arizona (the "Original Property"); and

WHEREAS, the City of Flagstaff and the Original Developer entered into a development agreement, recorded on August 3, 2005 as Instrument Number 3335903 in the Coconino County Recorder's Office (the "Original Agreement"), pursuant to the provisions of Arizona Revised Statutes § 9-500.05 (pertaining to development agreements), in order to facilitate the proper and orderly development of the Original Property by providing for, among other things, conditions, terms, restrictions, and requirements for the permitted uses for the Original Property, the density and intensity of such uses, and other matters related to development of the Original Property; and

WHEREAS, the Original Developer, pursuant to the Original Agreement, proposed to construct 206 single-family residential townhouse units on the Original Property (the "Original Project"), which were to be constructed in two units, of which only 102 single-family residential townhouse units (all of Unit 1) were constructed; and

WHEREAS, Pinnacle DevCo, Ltd., an Arizona business corporation (the "Developer"), as the successor in interest to the Original Developer, is the owner of approximately 18.6 acres of the Original Property generally located at 800 E Sterling Lane (the "Property"), which comprises all of the land initially proposed for development as Unit 2 of the Original Project; and

WHEREAS, the Developer intends to construct 106 single-family residential townhouse units on the Property in three phases, as more particularly described and depicted on the Preliminary Plat adopted by the City Council on October 21, 2014; and

WHEREAS, the Developer and the City wish to enter into a development agreement, in the form attached to the staff summary submitted in support of this Resolution (the "Development Agreement"), to provide for the terms and conditions under which the Property will be developed and to set forth in detail certain obligations of Developer and the City; and

WHEREAS, developing the Property under the terms and conditions of the proposed Development Agreement would be consistent with the Flagstaff Regional Plan 2030 and the

Developer and the City acknowledge that the Development Agreement would operate to the benefit of both parties;

**ENACTMENTS:**

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

SECTION 1. That the City of Flagstaff is hereby authorized to enter into the Development Agreement in the form attached to the staff summary submitted in support of this Resolution.

SECTION 2. That the Mayor of the City of Flagstaff is hereby directed to execute the Development Agreement on behalf of the City.

PASSED AND ADOPTED by the City Council and approved by the Mayor of the City of Flagstaff this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

**When recorded, return to:**

City Clerk, City of Flagstaff  
211 West Aspen Avenue  
Flagstaff, Arizona 86001

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**PINNACLE PINES**

**FIRST AMENDED AND RESTATED  
DEVELOPMENT AGREEMENT**

**FLAGSTAFF, ARIZONA**

**BY AND BETWEEN**

**CITY OF FLAGSTAFF**

**AND**

**PINNACLE DEVCO, LTD.**

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## FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT

THIS FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT (“**Agreement**”) is made as of this \_\_\_\_ day of \_\_\_\_\_, 2014, between the City of Flagstaff, a municipal corporation organized and existing under the laws of the State of Arizona (“**City**”) and Pinnacle DevCo, Ltd., an Arizona business corporation (“**Developer**”).

### RECITALS

A. On June 20, 2005, Empire Residential Construction, L.P., an Arizona limited liability partnership (“**Original Developer**”) was the owner of approximately forty (40) acres of undeveloped real property located near the intersection of Lone Tree and Zuni Roads, within the City of Flagstaff, Coconino County, Arizona (“**Original Property**”).

B. On June 20, 2005, the City and the Original Developer entered into a development agreement, recorded on August 3, 2005 as Instrument Number 3335903 in the Coconino County Recorder’s Office (the “**Original Agreement**”), pursuant to the provisions of Arizona Revised Statutes § 9-500.05 (pertaining to development agreements), in order to facilitate the proper and orderly development of the Original Property by providing for, among other things, conditions, terms, restrictions, and requirements for the permitted uses for the Original Property, the density and intensity of such uses, and other matters related to development of the Original Property.

C. Pursuant to the Original Agreement, the Original Developer proposed to construct 206 units on the Original Property (“**Original Project**”), to be constructed in two units, of which only 102 dwelling units, all of Unit 1, were constructed.

D. The Developer, as successor in interest to Original Developer, is the owner of approximately 18.6 acres of the Original Property (the “**Property**”), a legal description and map of which are designated as **Exhibit A**, attached to and made a part hereof. The Property comprises all of the land initially proposed for development as Unit 2 of the Original Project.

E. The Developer intends to construct one hundred and six (106) townhome dwelling units on the Property (the “**Project**”), as more particularly described and depicted herein and in the Preliminary Plat, adopted by the Flagstaff City Council on October 21, 2014, and designated **Exhibit B**, attached to and made a part hereof (“**Preliminary Plat**”) and in the Concept Building Elevations designated **Exhibit C**, attached to and made a part hereof (“**Concept Building Elevations**”).

F. The Developer intends to develop the Project in three phases, as set forth in the Preliminary Plat. The initial phase, Phase 1 of Unit 2, consists of eight (8) townhomes located on the west side of Sonoma Street between Bailey and Sterling Lanes. This Phase includes those



lots numbered 103 through 110 on the Preliminary Plat (“**Phase 1**”). Phase 2 of Unit 2 consists of forty-nine (49) townhome lots generally located west of and adjacent to the current Pinnacle Pines subdivision. This Phase includes those lots numbered 111 through 159 (“**Phase 2**”). Phase 3 of Unit 2 consists of forty-nine (49) townhome lots generally located south of and adjacent to Phase 2. This Phase includes those lots numbered 160 through 208 on the Preliminary Plat (“**Phase 3**”).

G. The current zoning of the Property is MR, Medium Density Residential District. Pursuant to Ordinance 2005-05, passed and adopted on March 7, 2005, and recorded on April 19, 2005 as Instrument Number 3317558 in the Coconino County Recorder’s Office, the City Council confirmed the Medium Density Residential zoning and imposed general conditions on the Original Property and the Original Project.

H. The parties wish to enter into this Agreement to supersede and replace the Original Agreement, which will terminate upon the Effective Date of this Agreement, as defined below.

I. The City believes that development of the Property pursuant to this Agreement and the Preliminary Plat will result in aesthetic, planning, and economic benefits to the City and its residents.

J. The Developer acknowledges that development of the Property pursuant to this Agreement will be beneficial and advantageous to the Developer.

K. The City and the Developer intend that any development of the Property pursuant to this Agreement will be consistent with the Flagstaff Regional Plan 2030: Place Matters (“**Regional Plan**”).

## **AGREEMENT**

NOW, THEREFORE, in consideration of the foregoing and the mutual promises and covenants contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

### **1. DEVELOPMENT STANDARDS**

Development of the Property shall be governed by the City’s codes, ordinances, regulations, rules, guidelines and policies controlling permitted uses of the Property, design review guidelines, the density and intensity of uses, the maximum height and size of the buildings within the Property, the Engineering, Design and Construction Standards and Specifications, 2004 Edition, or as approved in the final plat, as well as the standards for off site and on-site public improvements in existence as of the effective date of this Agreement and as the same may be amended or implemented from time to time during the term of this Agreement. The parties expressly acknowledge and agree that the City reserves the right to adopt future ordinances assessing or imposing development fees under the authority of A.R.S. § 9-463.05, which shall be applicable to development of the Property. Developer agrees and understands that

upon the effective date of this Agreement, all building permits and other fees normally applicable to construction within the City shall apply to the Project.

## **2. CHANGES TO REZONING**

For the term of this Agreement, the City shall not initiate any changes or modifications to the zoning districts that may be approved for the Property pursuant to this Agreement, except at the request of the Developer of that portion of the Property for which such zoning change is sought.

## **3. GUIDING PRINCIPLES**

The parties acknowledge that development activities for the Property may extend over several years and that many of the requirements and procedures provided for in this Agreement contemplate that use of the Property in the future may be subject to procedures, requirements, regulations and ordinances not presently in effect, as well as actions and decisions by City staff and officials which cannot be provided for with particularity at the time the Agreement was executed. The parties agree that they will act in good faith and with reasonableness in implementing, operating under, and exercising the rights, powers, privileges and benefits conferred or reserved by this Agreement or by law. However, denying a permit for the Developer's failure to meet the City's criteria for such permit shall not be deemed a breach by the City of this Agreement.

## **4. PROJECT DESCRIPTION, SITE LAYOUT, AND DESIGN CONSIDERATIONS**

4.1 Residential Development. The Project contemplated by this Agreement comprises one hundred and six (106) townhome dwelling units, which number includes three (3) dwelling units, located on lots 134, 135, and 136, resulting from the Developer's voluntary contribution to the City's Affordable Housing Program, as set forth in Section 4.2, below. The Property development and design standards, including building elevations, for the planned dwelling units shall conform to the Preliminary Plat and Concept Building Elevations.

4.2 Affordable Housing. The Developer acknowledges the City of Flagstaff's affordable housing set-aside policy but is not seeking any of the affordable housing incentives set forth in the 2011 City of Flagstaff Zoning Code. The Developer further acknowledges the many goals, policies and strategies listed in the Regional Plan related to the lack of affordable housing units within Flagstaff. With the development of the Project, the Developer intends to provide market rate housing for residential purposes. The Developer, acknowledging that the Project will not directly impact affordable housing shortages within Flagstaff, and to further the efforts of the City in addressing the lack of affordable housing units within the community, agrees to pay the City the sum of one hundred six thousand dollars (\$106,000.00) to be used solely for the benefit of affordable housing (the "**Affordable Housing Funds**"). The Affordable Housing Funds shall be made in payments to the City in the amount of one thousand dollars (\$1000.00) for each lot owned by the Developer within the Project, with each payment being made on a lot-by-lot basis as a condition precedent to issuance of a building permit for such lot. Nothing contained in this

Agreement shall prevent the Owner from making a lump sum payment for all or a portion of the Affordable Housing Funds.

4.3 Phasing of Project. Developer has acquired the right-of-way or easement necessary for a second vehicular access in a configuration and location acceptable to the City, and may commence construction on Phase 1, simultaneously with the construction of the roadway across the Southerly Access described in Section 5.1, below, provided that: (1) the eight residential units that comprise all of Phase 1 contain fire sprinklers similar to those installed in the residences constructed in the Original Project; and (2) the eight residential units that comprise all of Phase 1 are not occupied until the roadway across the Southerly Access is complete. In the event the Southerly Access is constructed and accepted by the City prior to the City issuing a final certificate of occupancy for each of the eight residential units that comprise Phase 1, the provisions of this section shall not apply.

4.4 Open Space Dedication. Concurrent with recordation of each plat for the Project, the Developer shall dedicate approximately nine (9) acres of permanent open space in the general locations as depicted on the Preliminary Plat.

4.5 Pedestrian Trails. The Developer shall provide for and construct private pedestrian trails as generally identified on the Preliminary Plat.

4.5.1 Developer has constructed the pedestrian trail along the west side of the Northerly Access drive.

4.5.2 An enhanced crossing must be provided wherever pedestrian trails cross private streets at mid-block and not at an intersection. An enhanced crossing may consist of textured or colored concrete, landscaped curb swellings on both sides of the street, a landscaped median in the center of the street, or a combination of these features. Enhanced crossings may also be provided for crosswalks at intersections in compliance with the City's Design Review Guidelines.

4.5.3 All pedestrian trails within the Project must be privately owned and maintained but shall be open to the public and subject only to such restrictions or conditions applicable both to the public and residents of the Project as necessary to address issues of health and safety.

4.6 Detention Basins. Detention basins and drainage facilities throughout the Project shall be designed as site amenities. Wherever possible, detention basins shall be connected to and made part of the Project's open space system and improved with trails and gathering areas.

4.7 Regional Park Fee. The parties acknowledge that on the Effective Date of the Original Agreement, the Original Project would have affected the City's proposed Lake Mary Regional Park, as shown in the 2001 Flagstaff Area Regional Land Use and Transportation Plan, which was to have been constructed to the south and west of the Original Property. Pursuant to the Original Agreement, the City collected the sum of two hundred eighty-five dollars (\$285.00) per dwelling unit, to be used for the construction of and improvements to the Regional Park (the

“**Regional Park Fee**”), and payable for 102 dwelling units at the time of building permit issuance for the 52nd dwelling unit. The Regional Park Fee was designated as the Developer’s fair share contribution towards construction of the Regional Park. The parties agree that, as the Regional Park is not, as of the Effective Date of this Agreement, included in either the Regional Plan or the Parks and Recreation Organizational Master Plan, those Regional Park Fee currently held by the City for a Regional Park pursuant to the Original Agreement, together with any accrued interest, shall be reimbursed to the Developer within ninety (90) days upon written request for such reimbursement. No further Regional Park Fee shall be collected by the City in association with the Project.

## **5. STREET IMPROVEMENTS**

### **5.1 Southerly Access.**

5.1.1 Prior to or concurrently with platting and construction of Phase 1, see Section 4.3, above, the Developer shall plan and construct a new section of roadway in accordance with City standards from the south east corner of the Property through the private property to the east of the Property (the "Southerly Access"). The Southerly Access must be built to City standards for and dedicated to the City as a public street. The Southerly Access shall terminate in a cul-de-sac constructed to City standards.

5.1.2 In order to mitigate the impact of the Southerly Access on neighboring property owners, the Developer shall, concurrent with the construction of the Southerly Access, create a bufferyard and install sight obscuring fencing and/or landscaping between the private access roadway and Lots 21 and 22. To the maximum extent feasible, the Developer agrees to retain existing vegetation and trees within this bufferyard.

### **5.2 Lone Tree Interchange.**

5.2.1 Existing Lone Tree Interchange Funds. The Parties acknowledge that traffic generated by the Original Project would have affected the proposed interchange at Lone Tree Road and Interstate 40 (“Lone Tree Interchange”), as shown in the 2001 Flagstaff Area Regional Land Use and Transportation Plan. As the actual construction date for the Lone Tree Interchange is, as yet, unknown, the parties agree that all of the existing Lone Tree Interchange Funds collected pursuant to the Original Development Agreement shall be used solely for the funding of current or future transportation infrastructure improvements associated with the Project’s impact on the regional transportation system.

5.2.2 Future Transportation Funds Obligation. The Developer further agrees, for a period of ten years from the Effective Date of this Agreement, to pay the City one hundred forty one dollars and twenty six cents (\$141.26) for each lot owned by the Developer as of the Effective Date (as defined herein), with each payment being made on a lot-by-lot basis as a condition precedent to issuance of a building permit for such lot (collectively, “Future Transportation Funds”). The parties agree that these funds will be

used solely for the funding of current or future transportation infrastructure improvements associated with the Project's impact on the regional transportation system.

5.2.3 Obligations Fully Satisfied. The City acknowledges and agrees that the payment of the Existing Lone Tree Interchange Funds and the Future Transportation Funds satisfies, in full, any obligation relating to current or future transportation infrastructure improvements arising from the Project's impact on the regional transportation system.

5.3 Entry Features. The Developer may install stamped or colored concrete or brick pavers in the private streets and sidewalks to create a distinctive entry feature into the Project. The Developer may install a freestanding entry monument sign ("Entry Sign") for the Project at the intersection of the Southerly Access, described in Section 5.1, above, and the private road leading into the Project, such placement must be consistent with the Flagstaff Zoning Code. The Entry Sign shall be placed on property belonging to the Pinnacle Pines Homeowners Association and shall conform to all of the provisions of the Flagstaff Zoning Code, including those related to freestanding signs, location, size, material and illumination. Prior to construction, the Development shall receive a Sign Permit from the City to ensure compliance to the Zoning Code and the provisions of this Agreement.

5.4 Interior Streets. The City acknowledges the Developer's desire, evidenced in the Preliminary Plat, to construct private streets within the interior of the Project. All such private streets within the Project shall be constructed to engineering and technical design standards that are substantially similar to those that were applied to Unit 1 of the Original Development. Such streets shall be privately owned and maintained by the Project's homeowners' association, and shall be open to the public without restriction or condition. Gates, guardhouses, or other devices or structures that impede public access may not be used on any private or public street within the Project.

## **6. UTILITIES AND PUBLIC WORKS**

6.1 Water Line to South. The Developer shall provide for and construct a minimum eight-inch public water main from the Project to the existing ten-inch public water main in John Wesley Powell Boulevard prior to or concurrent with construction of the public improvements necessary for the Project's first residential unit in Phase 1.

6.2 Trash Collection. The Developer acknowledges that the City's Public Works Department will not collect trash from the front of residential units located on dead-end streets. The Developer shall, therefore, provide for and construct alternate facilities for trash collection on dead-end streets, which may include a common trash dumpster and enclosure for residential units on dead-end streets in a location and configuration acceptable to the City, or a common pad and enclosure where residents can place individual trash containers in a location and configuration acceptable to the City.

## **7. CONSTRUCTION OF PUBLIC AND OTHER RELATED IMPROVEMENTS: DEDICATION OF PUBLIC RIGHTS-OF-WAY AND EASEMENTS**

Prior to Final Plat approval for any component of the Project, the Developer shall provide surety in a form satisfactory to the City as set forth in Flagstaff Zoning Code Chapter 10-20.100, Assurances of Performance for Construction, that all public and other related improvements will be constructed in accordance with approved plans. The Developer shall at its expense construct or cause to be constructed all public improvements as required by the City's codes, ordinances and regulations and in accordance with approved specifications. Following construction of the described public improvements and dedication of the same to the City at no cost to the City, the City shall assume, at the City's expense, the maintenance and repairs of all public improvements in accordance with City policies.

## **8. VARIANCE FROM LOW IMPACT DEVELOPMENT REQUIREMENTS**

The Original Project was designed and constructed in accordance with a single master drainage plan, with a storm water detention basin for Unit One, and a portion of Unit Two, located entirely in Unit One. This detention basin was sized and built to provide storm water collection and retention for both Unit One and a portion of Unit Two of the Original Project ("Original Basin"). As the Property, comprising all of the land intended for Unit 2 of the Original Project, is part of a pre-approved comprehensive drainage plan, the Parties acknowledge and agree that the City's Stormwater Management Section has granted a variance exempting that portion of the Project that drains into the Original Basin from the City's Low Impact Development (LID) requirements. However, the Developer agrees to provide LID to the maximum extent practicable within Unit Two.

## **9. NOTICES**

Unless otherwise specifically provided herein, all notices, demands or other communications given hereunder shall be in writing and shall be deemed to have been duly delivered upon personal delivery or as of the third business day after mailing by United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed as follows:

To City:

City Manager  
211 West Aspen Avenue  
Flagstaff, AZ 86001

Copy to:

City Attorney  
211 W. Aspen Avenue  
Flagstaff, AZ 86001

To Developer:

Brian Rhoton  
Pinnacle DevCo, Ltd.  
1750 Railroad Springs Blvd., Suite 10  
Flagstaff, AZ 86001

Notice of address may be changed by either party by giving notice to the other party in writing of change of address. Such notice shall be deemed to have been effectively given three (3) days

after mailing by the party changing the address.

## **10. GENERAL PROVISIONS**

10.1 Amendment. This Agreement may be amended at any time by written amendment executed by both parties, which amendment shall be recorded in the official records of Coconino County, Arizona within ten (10) days following the execution thereof by the City.

10.2 Assignment. Developer's rights and obligations hereunder may only be assigned to a person or entity that has acquired the Property or a portion thereof and only by a written instrument, recorded in the Official Records of Coconino County, Arizona, expressly assigning such rights and obligations. The City agrees that the ongoing ownership, operation and maintenance obligations provided by this Agreement may be assigned to a homeowner's association to be established by the Developer. t The Developer may assign less than all of its rights and obligations under this Agreement to those entities that acquire any portion of the Property. The Developer may assign all or part of its rights and duties under this Agreement to any financial institution from which the Developer has borrowed funds for use in constructing the infrastructure improvements or otherwise developing the Property; provided, however, that any such financial institution desiring to exercise any rights of the Developer under this Agreement in the event of foreclosure shall become a party to this Agreement and be bound by the terms and conditions hereof. Before assigning the Developer's rights and obligations pursuant to this Section, the Developer must obtain written consent from the City's Community Development Director, which shall not be unreasonably withheld.

10.3 Authorization. The parties to this Agreement represent and warrant that the persons executing this Agreement on their behalves have full authority to bind the respective parties.

10.4 Cancellation. This Agreement is subject to the cancellation provisions of Arizona Revised Statutes § 38-511.

10.5 Captions. The captions used herein are for convenience only, are not a part of this Agreement and do not in any way limit or amplify the terms and provisions hereof.

10.6 Consistent With Regional Plan. All development on the Property shall be consistent with the Regional Plan as required by Arizona Revised Statutes § 9-500.05B.

10.7 Construction of Agreement. This Agreement has been arrived at by negotiation and shall not be construed against either party to it.

10.8 Counterparts. This Agreement may be executed in multiple counterparts, each of which shall constitute an original, but all of which together shall constitute but one and the same instrument. The signature pages from one or more counterparts may be removed from such counterparts and such signature pages all attached to a single instrument so that the signatures of all parties may be physically attached to a single document.

10.9 Effective Date of Agreement. This Agreement shall be effective upon the execution of the parties, recordation in accordance with Section 10.19, and upon expiration of thirty (30) days following the approval hereof by the City; provided, however, that in the event the approval is delayed in its effect by judicial challenge, or by referendum or injunction, the effective date of this Agreement shall be delayed until resolution or termination or such judicial challenge, referendum or injunction. In the event of judicial challenge, referendum or injunction resulting in delay in the effect of this Agreement which extends for a period of more than one hundred eighty (180) days following its approval by the City Council, this Agreement shall be terminable by the Developer upon written notice to the City in accordance with this Agreement at any time within an additional sixty (60) days. Upon termination, this Agreement shall be of no further force or effect, and neither party shall have any further obligation hereunder. Any delay relative to the effective date of this Agreement by judicial challenge, referendum or injunction filed by parties acting independently of and not under the control of the City shall not be deemed a default hereunder by the City.

10.10 Entire Agreement. This Agreement constitutes the entire agreement between the parties hereto pertaining to the subject matter hereof, and all prior and contemporaneous agreements, representations, negotiations and understandings of the parties hereto, oral or written, are hereby superseded and merged herein. The foregoing sentence shall in no way affect the validity of any instruments executed by the parties in the form of the exhibits attached to this Agreement.

10.11 Exhibits. All exhibits attached to this Agreement are incorporated herein by this reference.

10.12 Further Acts. Each of the parties hereto shall execute and deliver such documents and perform such acts as are reasonably necessary, from time to time, to carry out the matters contemplated by this Agreement.

10.13 Governing Law. This Agreement shall be governed by and construed under the laws of the State of Arizona and shall be deemed made and entered into in Coconino County.

10.14 Litigation and Attorneys Fees. Except as otherwise agreed by the parties, any litigation brought by either party against the other to enforce the provisions of this Agreement must be filed in the Coconino County Superior Court. In the event any action at law or in equity is instituted between the parties in connection with this Agreement, the prevailing party in the action will be entitled to its costs including reasonable attorneys' fees and court costs from the non-prevailing party.

10.15 Modification. No modification of this Agreement shall be deemed effective unless in writing and signed by the parties hereto.

10.16 Names and Plans. Developer shall be the sole owner of all names, titles, plans, drawings, specifications, ideas, programs, designs and work product of every nature at any time developed, formulated or prepared by, or at the instance of, the Developer in connection with the Property. Subject to public records disclosure requirements, all attachments, exhibits, renderings,



views, and materials attached thereto, and all materials prepared by the Developer and presented to the City in conjunction with entitlement permits and approvals are the property of the Developer. This reservation does not extend to the documents necessary or in connection with any conveyance of portions of the Property to the City. In that instance, such rights shall be assigned to the City upon dedication and acceptance of the public infrastructure and improvements.

10.17 Negation of Partnership. The parties specifically acknowledge that the Project will be developed as private property, that neither party is acting as the agent of the other in any respect hereunder, and that each party is an independent contracting entity with respect to the terms, covenants and conditions contained in this Agreement. None of the terms or provisions of this Agreement shall be deemed to create a partnership between or among the parties nor shall it cause them to be considered joint venturers or members of any joint enterprise.

10.18 No Third Party Beneficiaries. The City and Developer acknowledge and agree that the terms, provisions and conditions hereof are for the sole benefit of, and may be enforceable solely by, the City and Developer; and none of such terms, provisions, conditions, and obligations are for the benefit of or may be enforced by any third party.

10.19 Recordation of Agreement. In accordance with Arizona Revised Statutes § 9-500.05D, this Agreement shall be recorded in its entirety in the official records of the Coconino County Recorder, State of Arizona no later than ten (10) days from the date of its execution by the City.

10.20 Rights Run With the Land. Upon recordation of this Agreement in accordance with Section 10.19 of this Agreement, all rights and obligations shall constitute covenants that run with the land and are binding on all successors-in-interest of the parties.

10.21 Severability. In the event that any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement shall become illegal, null or void or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void or against public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in force and effect, to the extent that the intent of the parties to develop a community in accordance with the Preliminary Plat is still viable.

10.22 Successors and Assigns. All of the covenants and conditions set forth herein shall inure to the benefit of and shall be binding upon the authorized successors in interest of each of the parties.

10.23 Term. The term of this Agreement shall commence on the effective date of this Agreement as defined in Section 10.9 and shall automatically terminate on the twentieth (20<sup>th</sup>) anniversary of the Effective Date of the Original Agreement, August 3, 2025, unless previously terminated pursuant to the terms of this Agreement. Notwithstanding the termination date set forth above, any obligation of the Developer, its successors and assigns, unfulfilled at the termination date shall survive termination of this Agreement.

10.24 Time of the Essence. For purposes of enforcing the provisions of this Agreement, time is of the essence.

10.25 Waiver. No waiver by either party of a breach of any of the terms, covenants, conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition herein contained.

IN WITNESS WHEREOF, the City has caused this Agreement to be duly executed in its name and on its behalf by its Mayor and its seal to be hereunder duly affixed and attested by its City Clerk, and the Developer has signed the same on or as of the day and year first above written.

**City of Flagstaff,  
an Arizona municipal corporation**

**Pinnacle DevCo, Ltd., an Arizona  
business corporation**

\_\_\_\_\_  
, Mayor

\_\_\_\_\_  
By:

\_\_\_\_\_  
Title:

Attest:

\_\_\_\_\_  
City Clerk

Approved as to form:

\_\_\_\_\_  
City Attorney

STATE OF ARIZONA       )  
  ) ss.  
County of Coconino       )

ACKNOWLEDGMENT. On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public, personally appeared, Mayor of the City Flagstaff, known to be or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same on behalf of the City of Flagstaff, for the purposes therein contained.

---

Notary Public

My Commission Expires:

---

STATE OF ARIZONA       )  
  ) ss.  
County of Coconino       )

ACKNOWLEDGMENT. On this \_\_\_\_\_ day of \_\_\_\_\_, 2014, before me, a Notary Public, personally appeared \_\_\_\_\_, known to be or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same on behalf of Pinnacle DevCo, Ltd., an Arizona business corporation, for the purposes therein contained.

---

Notary Public

My Commission Expires:

---

## **LIST OF EXHIBITS**

Exhibit A	Legal Description
Exhibit B	Preliminary Plan
Exhibit C	Concept Building Elevations

**CITY OF FLAGSTAFF**  
**STAFF SUMMARY REPORT**

**To:** The Honorable Mayor and Council  
**From:** Brian Kulina, Planning Development Manager  
**Date:** 10/29/2014  
**Meeting Date:** 11/03/2014



---

**TITLE:**

**Consideration and Approval of a Final Plat and Map of Dedication** request by Mogollon Engineering & Surveying, Inc., on behalf of Pinnacle 146 LLC, for the subdivision of approximately 0.63 acres into 8 single-family residential townhouse lots located at 800 E Sterling Lane within the Medium Density Residential (MR) zone and the dedication of right-of-way within a portion of Tract 22 of The Estates at Pine Canyon One.

**RECOMMENDED ACTION:**

Staff recommends that the Council approve the final plat and Map of Dedication and authorize the Mayor to sign the final plat, the City/Subdivider Agreement and Map of Dedication when notified by staff that all documents are ready for signature and recordation.

**Policy Decision or Reason for Action:**

This application is being processed in accordance with the established final plat standards found within Section 11-20.70.030.F of the Subdivision Code, which states that upon receipt of a final recommendation from the Community Development Director and City Engineer, the City Council shall review the final plat for final approval. Such approval indicates that the final plat meets the requirements of the Zoning Code, the Subdivision Code, and the Engineering Design Standards, and is in substantial conformance with an approved preliminary plat.

**Subsidiary Decision Points:**

This is the second to two related items. Should the associated Development Agreement be approved by the City Council, this final plat will be considered for approval.

**Financial Impact:**

No financial liabilities are anticipated by the approval of this final plat.

**Connection to Council Goal:**

Repair Replace maintain infrastructure (streets & utilities)  
Retain, expand, and diversify economic base  
Effective governance

**Has There Been Previous Council Decision on This:**

The City Council approved the Pinnacle Pines Unit 2 Preliminary Plat on October 21, 2014.

**Options and Alternatives:**

1. Approve the final plat and map of dedication as recommended by staff.
2. Approve the final plat and map of dedication subject to conditions.
3. Deny the final plat and map of dedication based on non-compliance with the approved preliminary plat, the Zoning Code, the Subdivision Code, or the Engineering Standards

**Background/History:**

Pinnacle 146, LLC, the property owner of record of approximately 18.59 acres located at 800 E Sterling Lane within the Pinnacle Pines townhouse subdivision, is requesting final plat approval to subdivide approximately 0.63 acres into 8 single-family residential townhouse lots within the Medium Density Residential (MR) zone.

In August of 1998, the City Council approved Ordinance No. 1976 that conditionally rezoned the site from Rural Residential (RR) to Medium Residential (MR) for the development of an affordable residential townhouse project consisting of 548 units called Zuni Heights. Concurrently, the Growth Management Guide 2000 land use designation for the site was amended from Medium Density Residential to High Density Residential in order to support the increase in density. Subsequent to the approval of Growth Management Guide amendment and rezoning, platting was not pursued and the site was never developed.

On March 7, 2005, the City Council approved Resolution No. 2005-15 approving a Development Agreement between the City and developer, Resolution No. 2005-16 that amended the Flagstaff Area Regional Land Use and Transportation Plan land use designation for the site from High Density Residential to Medium Density Residential in order to support a reduced density, Ordinance No. 2005-05 that modified the conditions of Ordinance No. 1976 for the development of a single-family residential townhouse project consisting of 206 units called Pinnacle Pines, and a tentative plat for Unit 1 of the subdivision.

On October 21, 2014, the City Council approved the Pinnacle Pines Unit 2 Preliminary Plat for the subdivision of approximately 18.59 acres into 106 single-family residential townhouse lots.

**Community Involvement:**

Inform

The subject property's existing zoning allows for the proposed subdivision. No public hearing or public outreach is required as part of the City Council's review of the final plat.

---

**Attachments:**    [Final Plat Application](#)  
                          [City/Subdivider Agreement](#)  
                          [Links Rd Dedication Map](#)  
                          [Phase 1 Final Plat](#)



# City of Flagstaff

## Community Development Division

211 W. Aspen Ave

P: (928) 213-2618

Flagstaff, AZ 86001

F: (928) 213-2609

www.flagstaff.az.gov

SUBD

Date Received

SEP 23 2014

### Application for Subdivision Review

File Number

DEV13-044

Property Owner(s)

Pinnacle 146 LLC

Phone

Mailing Address

1750 Railroad Springs

City, State, Zip

Flagstaff AZ 86001

Email

Applicant(s)

Mogollon Engineering

Phone

214-0214

Mailing Address

411 W. Santa Fe

City, State, Zip

Flagstaff AZ 86001

Email

mogollon99@aol.com

Project Representative

Phone

Mailing Address

City, State, Zip

Email

Requested

☐ Development Master Plan

☐ Conceptual Plat

☐ Preliminary Plat P&Z and Council

Review:

☐ Modified Subdivision

☐ Preliminary Plat

☒ Final Plat- Council

Project Name:

Pinnacle Pines Unit 2 - Phase 1

Site Address

800 E. Sterling

Parcel Number

105-20-117

Proposed Use

townhomes

Existing Use

vacant

Subdivision, Tract & Lot Number

Pinnacle Pines 1 Tract 15

Zoning District

ME

Regional Plan Category

Suburban

Flood Zone

X

Size of Site (Sq. ft. or Acres)

0.63 ac

Property Information:

☐ Yes ☒ No Located in an existing Local/National Historic District? (Name: \_\_\_\_\_)

☐ Yes ☒ No Existing structures are over 50 years old at the time of application?

☒ Yes ☐ No Subject property is undeveloped land?

Surrounding Uses

North

South

East

West

(Res, Com, Ind)

Res

USFS

Res

Vacant

Proposed Use:

Number of Lots

8

Number of Units

8

Number of acres per use

Building Square Feet

Townhomes

Please complete a "Subdivision Review Application" and provide an initialed "Application and Information Checklist" form along with the required number of plans and information as appropriate for a Development Master Plan, Conceptual, Preliminary or Final Plat. **Incomplete submittals will not be scheduled.**

Property Owner Signature: (required)

*[Signature]* for Brian Patten

Date:

9/23/14

Applicant Signature:

*[Signature]*

Date:

9/23/14

### For City Use

Date Filed:

9/23/14

Case Number (s) PSR 20140016

PFPL 20140008

P & Z Hearing Date:

N/A

Publication and Posting Date:

N/A

Council Hearing Date:

10/21/14

Publication and Posting Date:

N/A

Fee Receipt Number:

Lin

Amount:

1245

Date: 9-24-14

PSR recorded on 2014/10/11

Action by Planning and Zoning Commission:

☐ Approved

☐ Denied

☐ Continued

Action By City Council:

☐ Approved

☐ Denied

☐ Continued

Staff Assignments

Planning

Engineering

Fire

Public Works/Utilities

Stormwater

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

*[Signature]*

CITY/SUBDIVIDER AGREEMENT  
CITY OF FLAGSTAFF, ARIZONA

This Agreement is entered into by and between the CITY OF FLAGSTAFF, a municipal corporation duly created and existing under the laws of the State of Arizona, hereinafter referred to as CITY; and Pinnacle 146, LLC Subdivider, hereinafter referred to as SUBDIVIDER.

W I T N E S S E T H

WHEREAS, Pinnacle 146, LLC (Subdivider) desires to subdivide property within the City of Flagstaff, Arizona known as Pinnacle Pines Unit 2 - Phase One; and

WHEREAS, CITY is agreeable to accepting said subdivision as proposed; providing that the subdivider constructs the subdivision in accordance with City standards and as set forth in the approved tentative plat, and while fulfilling the obligations set forth below, which the subdivider hereby assumes; and

WHEREAS, building permit(s) is (are) required and will be issued following execution of this agreement;

NOW, THEREFORE, in consideration of the subdivision and the mutual covenants of the parties hereinafter expressed, the parties hereto agree as follows:

1. SUBDIVIDER agrees to construct all improvements in conformance with the CITY'S Subdivision Regulations and the "General Construction, Standards and Specifications" of the CITY, and to employ a responsible supervisor.
2. SUBDIVIDER further agrees to dedicate all streets and rights-of-way to the CITY for public use and to offer all public improvements to the CITY for acceptance into the CITY system.
3. The CITY agrees to accept the Subdivision as platted and to accept ownership of public improvements upon their completion and approval by the CITY.
4. In the event that the CITY should be required to institute any action for the enforcement of this agreement, SUBDIVIDER, shall be required to pay a reasonable attorney's fee in addition to all other costs assessed in any such action.



IN WITNESS WHEREOF, the parties herto have caused this agreement to be executed on their own behalf and by the duly authorized officials and officers on the day and year herein written.

(Signed):

[Signature] / MEMBER.  
Subdivider/Title

[Signature] / Member  
Subdivider/Title

STATE OF ARIZONA     )  
                                      ) ss  
County of Coconino    )

SUBSCRIBED AND SWORN to before me this 23<sup>rd</sup> day of September, 2014 by Jeremy Todd Abbott + Brian Gibbons Choton as members on behalf of Pinnacle 146, LLC, an Arizona Limited Liability Company.  
IN WITNESS WHEREOF, I have hereunto set my hand and official seal.



STACEY SHADDY  
Notary Public - State of Arizona  
COCONINO COUNTY  
My Commission Expires  
August 3, 2018

My Commission Expires: 8/3/2018

[Signature]  
Notary Public

Dated this 23 day of \_\_\_\_\_,  
19\_\_\_\_ in Flagstaff, Coconino County, Arizona.

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

# RIGHT-OF-WAY DEDICATION MAP

## A PORTION OF TRACT 22

OF

## THE ESTATES AT PINE CANYON ONE

CASE 8 MAP 92, COCONINO  
COUNTY RECORDS LOCATED  
IN THE NW1/4 SECTION 34, T  
21 N, R 7 E, FLAGSTAFF,  
COCONINO COUNTY, ARIZONA

### DEDICATION:

STATE OF ARIZONA }  
COUNTY OF COCONINO }SS.

KNOW ALL MEN BY THESE PRESENTS: TLC PC LAND INVESTORS LLC., HEREBY PUBLISHES THIS MAP AS AND FOR THE MAP OF A ROADWAY DEDICATION ACROSS A PORTION OF TRACT "22" OF THE ESTATES AT PINE CANYON UNIT 1, CASE 8, MAP 92, RECORDS OF COCONINO COUNTY, LOCATED IN THE NW1/4 OF SECTION 34, TOWNSHIP 21 NORTH, RANGE 7 EAST, G. & S.R.M., FLAGSTAFF, COCONINO COUNTY, ARIZONA, AS SHOWN HEREON, AND HEREBY DECLARES THAT SAID MAP SETS FORTH THE LOCATIONS AND GIVES THE DIMENSIONS AND MEASUREMENTS OF THE RIGHT-OF-WAY CONSTITUTING SAME AND THAT THE STREET SHALL BE KNOWN BY THE NAME GIVEN TO EACH RESPECTIVELY ON SAID MAP AND HEREBY DEDICATES THE EASEMENTS AND RIGHT-OF-WAY AS SHOWN ON SAID MAP TO THE PUBLIC FOR THE PURPOSES SHOWN.

IN WITNESS WHEREOF: TLC PC LAND INVESTORS, L.L.C., HAS CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF ITS REPRESENTATIVE, THEREUNTO AUTHORIZED.

DONE AT \_\_\_\_\_, ARIZONA, THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_,

BY: \_\_\_\_\_  
AIDAN BARRY (MANAGING MEMBER)

### ACKNOWLEDGMENT:

STATE OF ARIZONA }  
COUNTY OF COCONINO }SS.

ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED, AIDAN BARRY, MANAGING MEMBER OF TLC PC LAND INVESTORS, L.L.C., WHO ACKNOWLEDGED BY SELF TO REPRESENT TLC PC LAND INVESTORS, L.L.C., AND THAT HE/SHE AS SUCH, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF: I HEREUNTO SET FORTH MY HAND AND OFFICIAL SEAL.

\_\_\_\_\_  
NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

CITY OF FLAGSTAFF:  
IT IS HEREBY CERTIFIED THAT THIS MAP HAS BEEN OFFICIALLY APPROVED FOR RECORD BY THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA ON THE

\_\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_  
MAYOR

ATTEST: \_\_\_\_\_  
CITY CLERK

IT IS HEREBY CERTIFIED THAT THIS MAP HAS BEEN OFFICIALLY APPROVED FOR RECORD BY THE I.D.S. BOARD OF FLAGSTAFF, ARIZONA ON THE

\_\_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

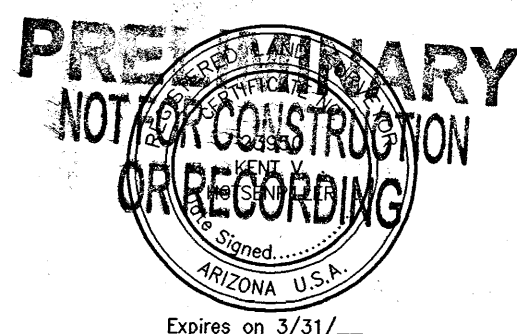
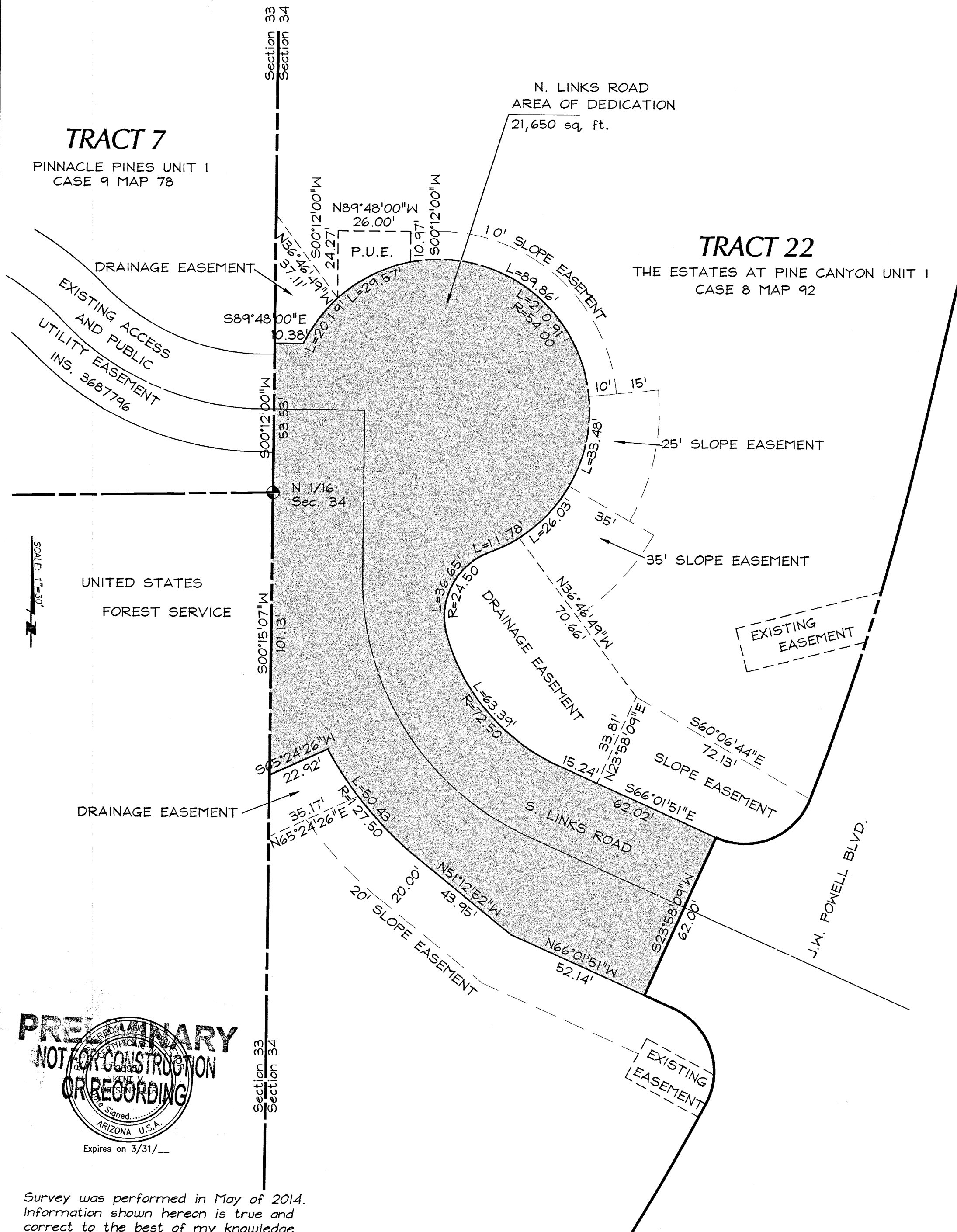
BY: \_\_\_\_\_  
COMMUNITY DEVELOPMENT DIRECTOR

BY: \_\_\_\_\_  
CITY ENGINEER

**TRACT 7**  
PINNACLE PINES UNIT 1  
CASE 9 MAP 78

**TRACT 22**

THE ESTATES AT PINE CANYON UNIT 1  
CASE 8 MAP 92



Survey was performed in May of 2014.  
Information shown hereon is true and  
correct to the best of my knowledge.

Mogollon  
ENGINEERING  
& SURVEYING

10/16/14  
MES#13031

S. LINKS ROAD  
RIGHT OF WAY  
DEDICATION MAP

**Mogollon**  
ENGINEERING  
& SURVEYING

411 N. Santa Fe Ave., Flagstaff, Az. 86001  
P.O. Box 1952, Flagstaff, Az. 86002  
Phone: 928-214-0214 • Fax: 928-413-0015

Mogollon  
ENGINEERING  
& SURVEYING

Mogollon  
ENGINEERING  
& SURVEYING

DATE: 10/16/14  
PROJECT NO. 13031  
DESIGNED BY: FN RON-DED.dwg  
DRAWN BY: VERT SCALE  
CHECKED BY: HOR SCALE: 1"=30'

SHEET NO. 1 OF 1

COF DRB #

# PINNACLE PINES - UNIT 2

## PHASE ONE - FINAL PLAT

A SUBDIVISION OF TRACT 15, CASE 9, PAGE 78, C.C.R.O.  
A 8 LOT TOWNHOUSE SUBDIVISION ON 18.5868± ACRES  
LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 33  
TOWNSHIP 21 NORTH, RANGE 7 EAST, G. & S.R.M.  
FLAGSTAFF, ARIZONA

### DEDICATION:

STATE OF ARIZONA }  
COUNTY OF COCONINO }SS.

KNOW ALL MEN BY THESE PRESENTS: THAT PINNACLE 146, LLC., HEREBY PUBLISHES THIS PLAT AS AND FOR THE PLAT OF PINNACLE PINES UNIT 2 - PHASE 1, A SUBDIVISION OF A PORTION OF TRACT "15" OF PINNACLE PINES UNIT 1, CASE 9, PAGE 78, COCONINO COUNTY RECORDERS OFFICE. LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 33, TOWNSHIP 21 NORTH, RANGE 7 EAST, G. & S.R.M., FLAGSTAFF, COCONINO COUNTY, ARIZONA, AS SHOWN PLATTED HEREON, AND HEREBY DECLARES THAT SAID PLAT SETS FORTH THE LOCATIONS AND GIVES THE DIMENSIONS AND MEASUREMENTS OF THE LOTS AND STREETS CONSTITUTING SAME AND THAT EACH LOT AND STREET SHALL BE KNOWN BY THE NUMBER OR NAME GIVEN TO EACH RESPECTIVELY ON SAID PLAT AND HEREBY DEDICATES THE TRACTS AND EASEMENT AS SHOWN ON SAID PLAT FOR THE PURPOSES SHOWN.

TRACT "15A" IS HEREBY BEING RETAINED BY THE OWNER DEVELOPER FOR FUTURE DEVELOPMENT.

IN WITNESS WHEREOF: PINNACLE 146, LLC., HAS CAUSED ITS NAME TO BE SIGNED AND THE SAME TO BE ATTESTED BY THE SIGNATURE OF ITS REPRESENTATIVE, THEREUNTO AUTHORIZED.

DONE AT \_\_\_\_\_ ARIZONA, THIS \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

BY: \_\_\_\_\_  
BRIAN RHOTON (MANAGING MEMBER)

### ACKNOWLEDGMENT:

STATE OF ARIZONA }  
COUNTY OF COCONINO }SS.

ON THIS THE \_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_, BEFORE ME, THE UNDERSIGNED PERSONALLY APPEARED, BRIAN RHOTON, MANAGING MEMBER OF PINNACLE 146, LLC, WHO ACKNOWLEDGED BY SELF TO REPRESENT PINNACLE 146, LLC., AND THAT HE/SHE AS SUCH, BEING AUTHORIZED SO TO DO, EXECUTED THE FOREGOING INSTRUMENT FOR THE PURPOSE THEREIN CONTAINED.

IN WITNESS WHEREOF: I HEREUNTO SET FORTH MY HAND AND OFFICIAL SEAL.

### NOTARY PUBLIC

MY COMMISSION EXPIRES: \_\_\_\_\_

### OCCUPANCY:

NO CERTIFICATE OF OCCUPANCY FOR ANY RESIDENCE MAY BE ISSUED NOR MAY ANY RESIDENCE ERECTED IN THIS TRACT BE OCCUPIED UNTIL THE REQUIRED WATER, SEWER, AND ALL OTHER ESSENTIAL UTILITIES ARE INSTALLED AND AN ALL-WEATHER ACCESS ROADWAY TO THE RESIDENCE IS CONSTRUCTED AND APPROVED OR ACCEPTED BY THE CITY ENGINEER.

### NOTES:

EXCEPT FOR CONSTRUCTION AND IMPROVEMENTS BY GOVERNMENTAL ENTITIES AND CERTIFIED PUBLIC UTILITIES, CONSTRUCTION AND IMPROVEMENTS WITHIN UTILITY EASEMENTS SHALL BE LIMITED TO ONLY THE FOLLOWING:  
A. REMOVABLE WOOD, WIRE, OR SECTION-TYPE FENCING  
B. CONSTRUCTION, STRUCTURES, OR BUILDINGS EXPRESSLY APPROVED IN WRITING BY ALL PUBLIC UTILITIES WHICH USE OR SHALL USE THE UTILITY EASEMENT.

ALL BUILDING CONSTRUCTION, INCLUDING ACCESSORY BUILDINGS, SHALL BE LIMITED TO A SPECIFIC DEVELOPMENT ENVELOPE FOR EACH LOT AS SHOWN HEREON AND THIS BUILDABLE AREA IS LIMITED TO SETBACKS SHOWN.

CONSTRUCTION OF LANDSCAPING WITHIN CLEAR VIEW ZONES IS RESTRICTED PER THE CITY OF FLAGSTAFF ENGINEERING DESIGN & CONSTRUCTION STANDARDS & SPECIFICATIONS FOR NEW INFRASTRUCTURE (2012 EDITION) - SECTION 13-10-006-0002, INTERSECTION SIGHT TRIANGLES, CLEAR VIEW ZONES.

DRIVEWAY SLOPES SHALL BE IN ACCORDANCE WITH CITY OF FLAGSTAFF ORDINANCE NO. 2007-13. NO FENCING, RE-GRADING, DISTURBANCE OF NATURAL GROUND, PLACEMENT OF FILL OR ANY OTHER OBSTRUCTIONS ARE PERMITTED WITHIN THE DRAINAGE EASEMENTS.

FIRE APPARATUS ACCESS ROADS SHALL BE PROVIDED ON SITE WHEN ANY PORTION OF THE FACILITY OR BUILDING IS BEYOND 150 FEET FROM APPROVED FIRE APPARATUS ACCESS ROADWAYS AS MEASURED BY AN APPROVED ROUTE AROUND THE EXTERIOR OF THE BUILDING OR FACILITY. ALTERNATIVE FIRE PROTECTION MEASURES MAY BE SUBSTITUTED FOR MEETING THIS REQUIREMENT WHEN APPROVED BY THE FIRE DEPARTMENT. CONFER WITH THE FLAGSTAFF FIRE DEPARTMENT FIRE PREVENTION OFFICER TO DETERMINE THE SPECIFIC MEANS OF COMPLIANCE.

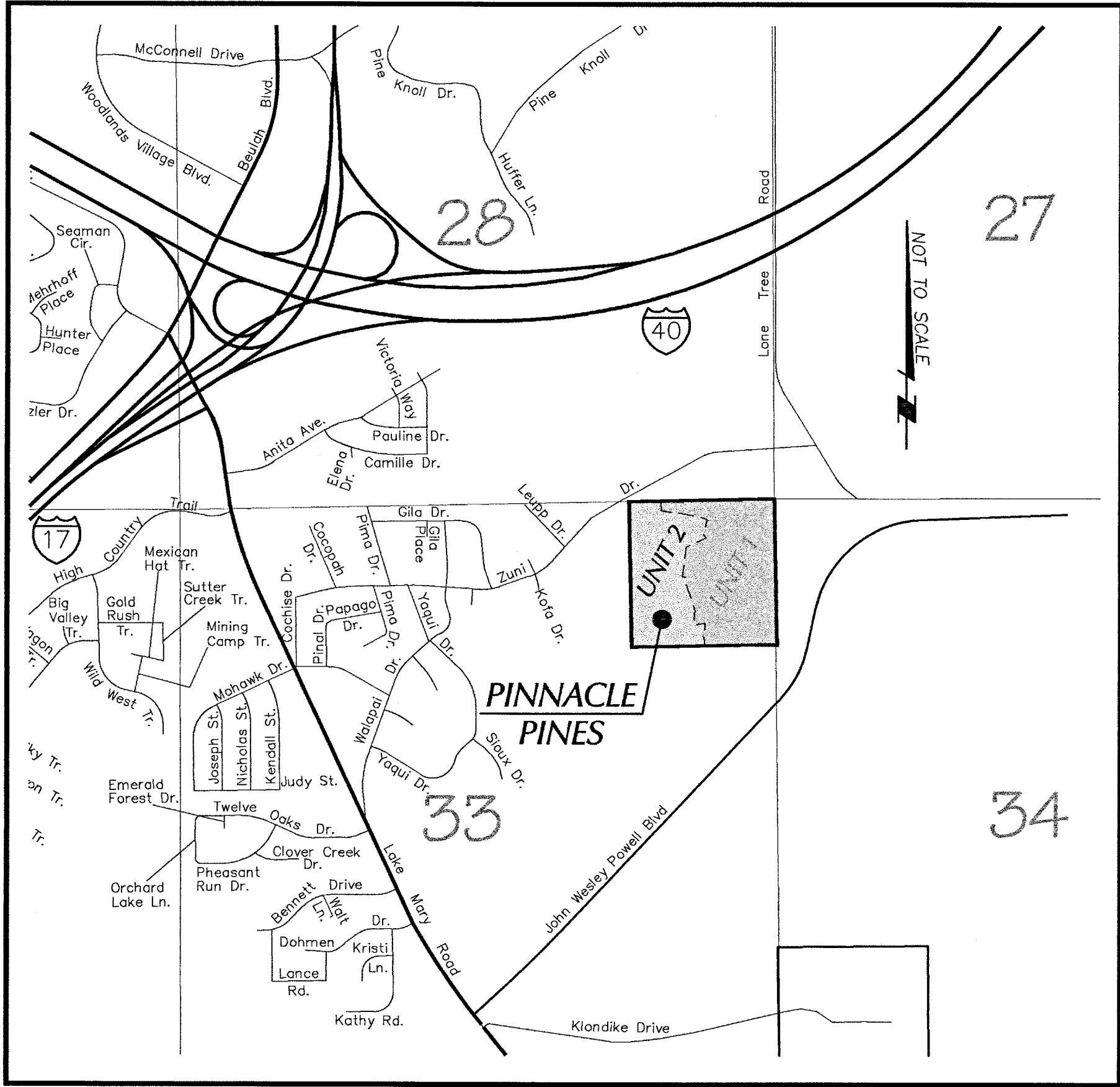
THE PROPERTY OWNERS ASSOCIATION SHALL BE SOLELY RESPONSIBLE FOR THE OPERATION, MAINTENANCE, AND LIABILITY FOR PRIVATE DETENTION FACILITIES AND PRIVATE DRAINAGEWAYS.

THE CITY OF FLAGSTAFF SHALL HAVE THE RIGHT TO PERIODICALLY INSPECT SAID DETENTION FACILITIES TO VERIFY THAT REGULAR MAINTENANCE ACTIVITIES ARE BEING PERFORMED ADEQUATELY.

ACCESSORY BUILDINGS AND STRUCTURES SHALL EITHER BE CONSTRUCTED WITHIN THE INDIVIDUAL BUILDING ENVELOPES AS SHOWN OR THE INDIVIDUAL OWNER MUST DEMONSTRATE THROUGH A BUILDING PERMIT APPLICATION THAT NO FOREST RESOURCES OR SLOPE RESOURCES GREATER THAN 17% WILL BE REMOVED OR ENCROACHED UPON. ADDITIONALLY, THE BUILDING/STRUCTURE SHALL COMPLY WITH ALL CITY OF FLAGSTAFF REQUIREMENTS REGARDING THE LOCATION, SIZE AND CONSTRUCTION FOR SUCH BUILDING/STRUCTURE.

### ADEQUATE WATER SUPPLY

THE CITY OF FLAGSTAFF PROVIDES WATER (UTILITY) SERVICE PURSUANT TO STATE LAW AND IS CURRENTLY OPERATING UNDER A DESIGNATION OF ADEQUATE WATER SUPPLY GRANTED BY THE ARIZONA DEPARTMENT OF WATER RESOURCES, APPLICATION No. 41-900002.0002. THIS ADEQUATE WATER SUPPLY NOTE HAS BEEN ADDED TO THIS FINAL PLAT AS A REQUIREMENT OF THE CITY OF FLAGSTAFF. MOGOLLON ENGINEERING and SURVEYING, INC. DOES NOT GUARANTEE, WARRANTEE OR CERTIFY ANY INFORMATION IN THIS APPLICATION No. 41-900002.0002.



### VICINITY MAP

N.T.S.

### INDEX TO SHEETS

- |   |                              |
|---|------------------------------|
| 1 | COVER SHEET                  |
| 2 | OVERALL SUBDIVISION BOUNDARY |
| 3 | INDIVIDUAL LOT BOUNDARIES    |

### CITY OF FLAGSTAFF:

IT IS HEREBY CERTIFIED THAT THIS PLAT HAS BEEN OFFICIALLY APPROVED FOR RECORD BY THE COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA ON THE

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_ MAYOR

ATTEST: \_\_\_\_\_ CITY CLERK

IT IS HEREBY CERTIFIED THAT THIS PLAT HAS BEEN OFFICIALLY APPROVED FOR RECORD BY THE CITY ENGINEER AND THE COMMUNITY DEVELOPMENT DIRECTOR, CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA ON THIS

\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_

BY: \_\_\_\_\_ CITY ENGINEER

BY: \_\_\_\_\_ COMMUNITY DEVELOPMENT DIRECTOR

### UTILITY COMPANY ACKNOWLEDGMENT

UNISOURCE ENEREGY SERVICES \_\_\_\_\_ DATE \_\_\_\_\_

CENTURYLINK \_\_\_\_\_ DATE \_\_\_\_\_

ARIZONA PUBLIC SERVICE \_\_\_\_\_ DATE \_\_\_\_\_

SUDDENLINK \_\_\_\_\_ DATE \_\_\_\_\_

### BASIS OF BEARING & BENCHMARK

BASIS OF BEARINGS IS THE EAST LINE OF SECTION 33 - SOUTH 00° 12'00" WEST PER THE 1965 B.L.M. NOTES.

SUBDIVISION BENCHMARK IS THE NORTHEAST CORNER OF SECTION 33, ELEVATION = 6927.21'.

### TRACT INFORMATION

TRACT "15A" IS BEING RETAINED BY THE OWNER/DEVELOPER FOR FUTURE DEVELOPMENT.

### FEMA FLOOD ZONE

THIS PROJECT IS LOCATED IN FEMA ZONE "X" (NO SHADING)

### CIVIL ENGINEER OF SUBDIVISION

THE PREPARATION OF ENGINEERING DRAWINGS FOR THIS SUBDIVISION HAS BEEN PERFORMED BY MOGOLLON ENGINEERING & SURVEYING, INC., 411 W. SANTA FE AVE., FLAGSTAFF, AZ. 86001 MR. ROBERT C. IMPELLITTER (CERTIFICATE NO. 22196)

### PROJECT INFORMATION

PROJECT NAME: PINNACLE PINES UNIT 2 - PHASE 1  
PROJECT LOCATION: 800 E. STERLING LN.  
FLAGSTAFF, AZ. 86001  
LATITUDE: N 35° 09' 48.5"  
LONGITUDE: W 111° 39' 01.4"  
ASSESSORS PARCEL NUMBER: 105-20-117  
TOTAL ACREAGE: 18.5868±  
TOTAL LOT ACREAGE: 0.6323±  
NUMBER OF LOTS: 8  
GROSS DENSITY: 12.7 UNITS / ACRE  
ZONING: MR  
R.L.U.T.P. DESIGNATION: MEDIUM DENSITY RESIDENTIAL  
OWNER/DEVELOPER: PINNACLE 146 LLC  
1750 RAILROAD SPRINGS SUITE 100  
FLAGSTAFF, AZ 86001  
BRIAN RHOTON  
928-699-1169



I HEREBY CERTIFY THAT THIS PLAT, AND THE SURVEY ON WHICH IT IS BASED, WAS PERFORMED BY ME AND THAT IT IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SHEET NO. 1 OF 3

COF DRB # 04-03098

Mogollon ENGINEERING & SURVEYING  
10/16/14  
MES# 13031  
PINNACLE PINES - UNIT 2  
PHASE 1  
FINAL PLAT

Mogollon ENGINEERING & SURVEYING  
411 W Santa Fe Avenue, Flagstaff, Az. 86001  
P.O. Box 1952, Flagstaff, Az. 86002  
Phone: 928-214-0214 • Fax: 928-913-0015

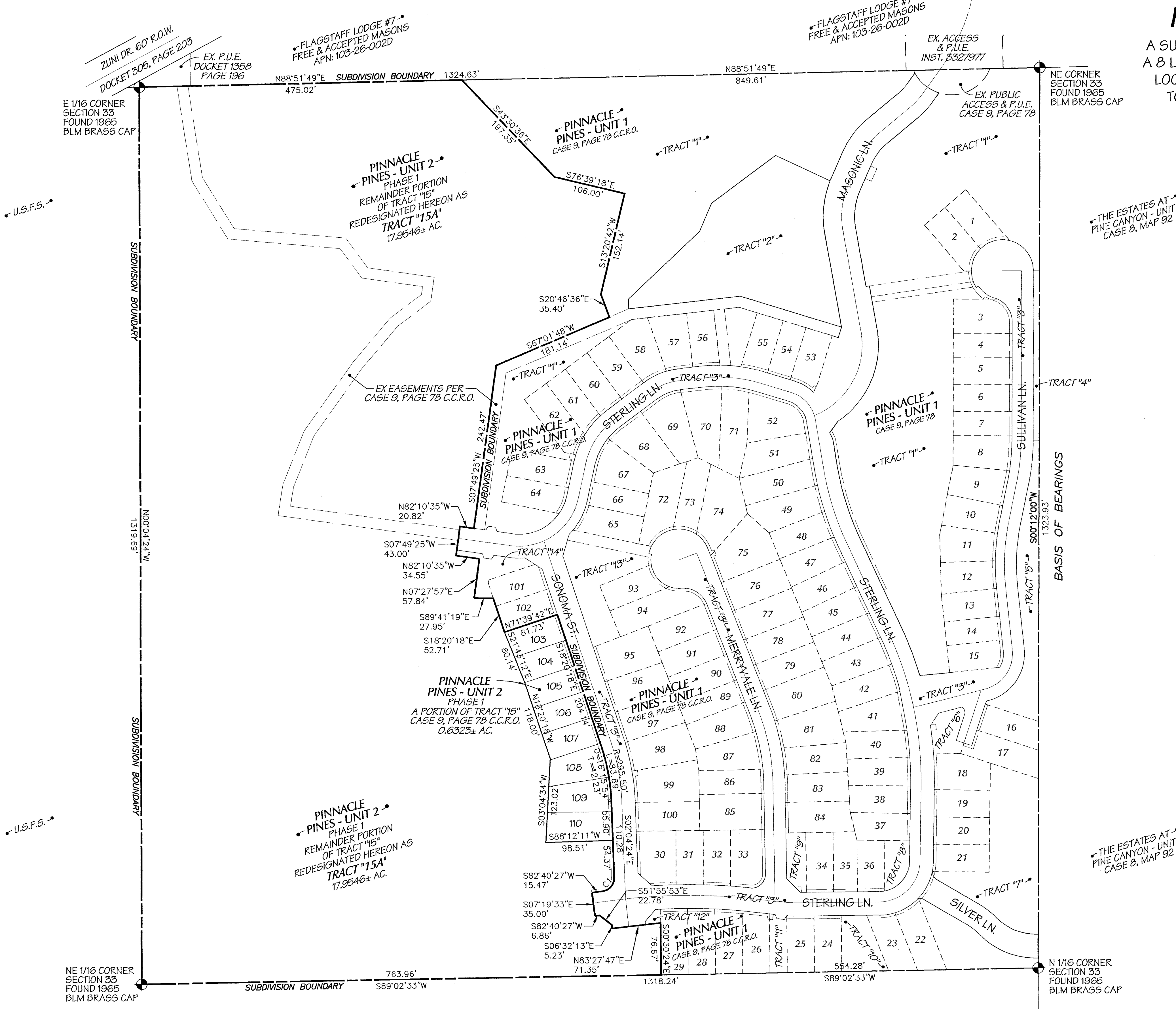
Mogollon ENGINEERING & SURVEYING  
PROJECT NO. 13031  
DATE: 10/16/14  
DESIGNED BY: FN SHEET/DWG  
DRAWN BY: VERT SCALE: N/A  
CHECKED BY: KWH  
HOR SCALE: N/A  
REV/ISSUES: 10/16/14 COF comments



# PINNACLE PINES - UNIT 2

## PHASE ONE - FINAL PLAT

A SUBDIVISION OF TRACT 15, CASE 9, PAGE 78, C.C.R.O.  
A 8 LOT TOWNHOUSE SUBDIVISION ON 18.5868± ACRES  
LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 33  
TOWNSHIP 21 NORTH, RANGE 7 EAST, G. & S.R.M.  
FLAGSTAFF, ARIZONA



CURVE DATA				
#	RADIUS	LENGTH	DELTA	TANGENT
C1	20.00'	29.58'	84°44'51"	18.25'

ABBREVIATIONS	
B.S.L.	BUILDING SETBACK LINE
G.S.L.	GARAGE SETBACK LINE
C.C.R.O.	COCONINO COUNTY RECORDERS OFFICE
TYP	TYPICAL
S.F.	SQUARE FOOT
AC	ACRE
EX	EXISTING
P.U.E.	PUBLIC UTILITY EASEMENT
APN	ASSESSORS PARCEL NUMBER
BLM	BUREAU OF LAND MANAGEMENT

PRELIMINARY  
NOT FOR CONSTRUCTION  
OR RECORDING

**Mogollon**  
ENGINEERING & SURVEYING  
411 W Santa Fe Avenue, Flagstaff, Az. 86001  
P.O. Box 182, Flagstaff, Az. 86002  
Phone: 928-214-0214 • Fax: 928-915-0015

**Mogollon**  
ENGINEERING & SURVEYING  
PINNACLE PINES - UNIT 2  
PHASE 1 - FINAL PLAT  
OVERALL SUBDIVISION BOUNDARY  
10/16/14  
MES#13031

**Mogollon**  
ENGINEERING & SURVEYING  
PROJECT NO. 13031  
DESIGNED BY: JN SHEETZ/DWG  
DRAWN BY: JN SHEETZ/DWG  
CHECKED BY: JN SHEETZ/DWG  
DATE: 10/16/14  
REVISIONS:  
EXP. 3/31/15  
VERT. SCALE: 1"=80'  
HOR. SCALE: 1"=80'

# PINNACLE PINES - UNIT 2

## PHASE ONE - FINAL PLAT

A SUBDIVISION OF TRACT 15, CASE 9, PAGE 78, C.C.R.O.  
A 8 LOT TOWNHOUSE SUBDIVISION ON 18.5868± ACRES  
LOCATED IN THE NE1/4 OF THE NE1/4 OF SECTION 33  
TOWNSHIP 21 NORTH, RANGE 7 EAST, G. & S.R.M.  
FLAGSTAFF, ARIZONA

**SETBACKS:**  
15' REAR SETBACK  
10' FRONT SETBACK (BUILDING)  
20' FRONT SETBACK (GARAGE)  
5' SIDE SETBACK

**SETBACKS ENCROACHMENTS:**  
5' ALLOWABLE PORCH ENCROACHMENT  
(BOTH FRONT AND REAR)

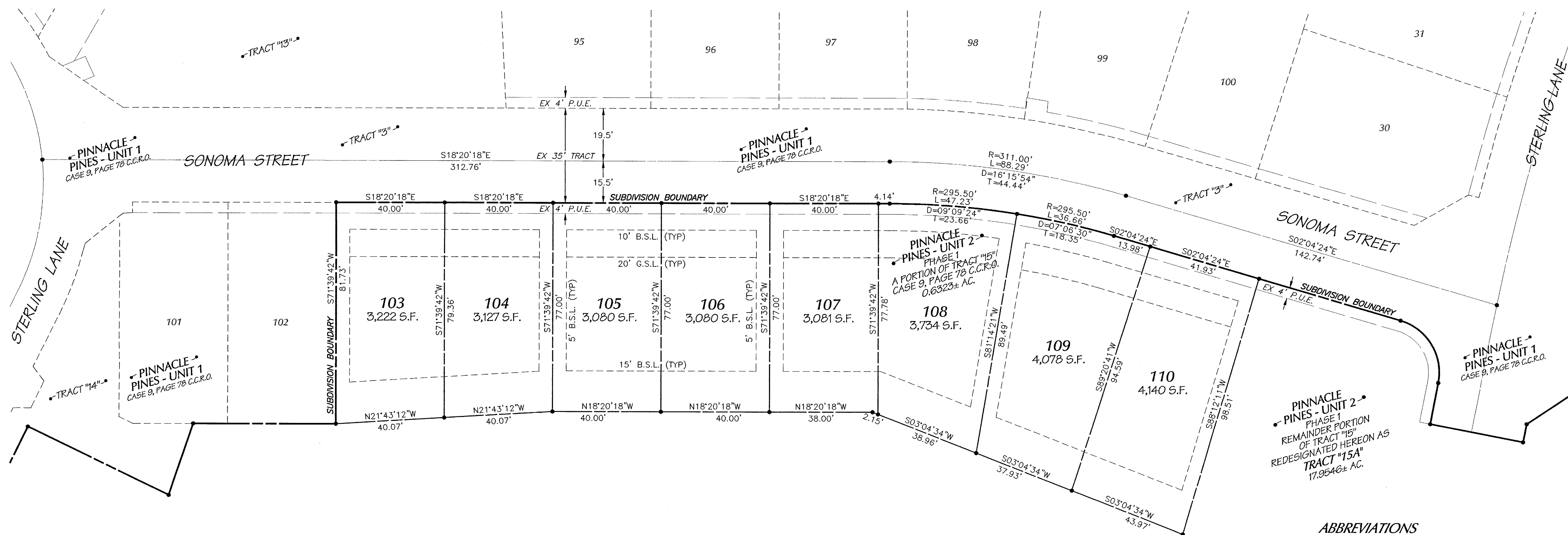
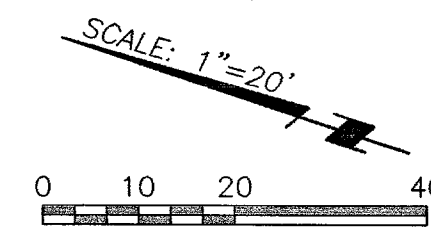
**BUILDING COVERAGE:**  
MAX. BUILDING COVERAGE = 0.67

### LOT DIMENSIONS

LOT WIDTHS/DEPTHS VARY (SEE THIS SHEET). THE 40' LOT  
WIDTH DIMENSION SHOWN ABOVE IS A MINIMUM LOT WIDTH  
MEASURED AT THE FRONT AND REAR SETBACK LINES.

### TYPICAL LOT DIMENSIONS

N.T.S.



PINNACLE PINES - UNIT 2 -  
PHASE 1  
REMAINDER PORTION  
OF TRACT "15"  
REDESIGNATED HEREON AS  
TRACT "15A"  
17.9546± AC.

### ABBREVIATIONS

B.S.L.	BUILDING SETBACK LINE
G.S.L.	GARAGE SETBACK LINE
C.C.R.O.	COCONINO COUNTY RECORDERS OFFICE
TYP.	TYPICAL
S.F.	SQUARE FOOT
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APN.	ASSESSORS PARCEL NUMBER
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Mogollon  
ENGINEERING & SURVEYING

10/16/14  
MES# 13031  
PINNACLE PINES - UNIT 2  
PHASE 1 - FINAL PLAT  
INDIVIDUAL LOT BOUNDARIES

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P.O. Box 1952, Flagstaff, Az. 86002  
Phone: 928-214-0214 • Fax: 928-913-0015

PRELIMINARY  
NOT FOR CONSTRUCTION  
OR RECORDING  
EXPIRES: 3/31/

Mogollon  
ENGINEERING & SURVEYING

DATE: 10/16/14  
DESIGNED BY:  
DRAWN BY:  
CHECKED BY: KVV/RDB  
PROJECT NO: 13031  
REVISIONS: 10/16/14 COF comments  
SHEET 3 OF 3  
VERT SCALE: N/A  
HOR SCALE: 1"=20'