

**ORDINANCE NO. 2016-15**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 1.07 ACRES OF REAL PROPERTY LOCATED AT 805 WEST CLAY AVENUE FROM HIGHWAY COMMERCIAL (HC) ZONE TO PUBLIC FACILITY (PF) ZONE; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, The City of Flagstaff (the "Applicant"), applied for a Zoning Map Amendment to rezone approximately 1.07 acres of land located at 805 West Clay Avenue, Coconino County, Arizona, a legal description of which is provided in Exhibit "A" attached hereto ("the Property"), in order to have the zoning for the property match the property's existing use as a City park; and

WHEREAS, in furtherance of the Applicant's reasons for the rezone, the Applicant has applied to the City of Flagstaff to amend the zoning of the Property from Highway Commercial (HC) zone to Public Facility (PF) zone for approximately 1.07 acres; and

WHEREAS, the Applicant conducted a neighborhood meeting on October 19, 2015, to discuss the proposed Zoning Map Amendment with the surrounding community, as required by Section 10-20.50.040 of the Flagstaff Zoning Code; and

WHEREAS, the Planning and Zoning Commission has formally considered the present Zoning Map Amendment application following proper notice and a public hearing on February 24, 2016, and has recommended approval of the requested zoning application; and

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

WHEREAS, the staff has recommended approval of the Zoning Map Amendment application; and

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

**ENACTMENTS:**

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

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

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

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

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

SECTION 5. The Zoning Map designation for the Property is hereby amended from the Highway Commercial (HC) zone to Public Facility (PF) zone for approximately 1.07 acres, as depicted in Exhibit "B", through the approval of the application and all other documents attached to the staff summary submitted in support of this ordinance.

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

SECTION 7. That City staff is hereby authorized to take such other and further measures and actions as are necessary and appropriate to carry out the terms, provisions and intents of this Ordinance.

SECTION 8. 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 9. This ordinance shall become effective thirty (30) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 19th day of April, 2016.

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED AS TO FORM:

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

Exhibit "A"

Legal Description of Property

Exhibit A

PARCEL NO. 1: (103-02-001A)

A portion of a parcel of land as described in Docket 169, Page 343-344, records of Coconino County, Arizona, situated in the Northeast quarter of the Northwest quarter of Section 21, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, and more particularly described as follows:

FOR REFERENCE commencing at a found ½ inch rebar with aluminum cap marked PE 2007, said point lying on the Westerly right-of-way line of Malpais Lane and being the Northeast corner of McCracken Place as set forth in the plat of McCracken Village, Unit 1 and 2, recorded in Case 3, Map 220, records of Coconino County, Arizona (R1);

Thence South 88° 37' 00" West (Basis of Bearing (R1)), along the Northerly line of said McCracken Place, a distance of 516.67 feet (517.00 feet (R1)), to a found ½ inch rebar with aluminum cap marked PE 2007, said point being the Northeast corner of Tract "B" of R1, and the TRUE POINT OF BEGINNING;

Thence continuing South 88° 37' 00" West, a distance of 229.71 feet (229.36 feet (R1)), to a found ½ inch rebar with red cap marked Martin RLS 18548, said point being an angle point along the Easterly boundary of Tract "A" of R1;

Thence North 01° 34' 20" West, a distance of 193.09 feet to a found ½ inch bolt with square head, said point lying on the Southerly right-of-way line of Clay Avenue (Armory Avenue);

Thence South 88° 17' 25" East along said Southerly right-of-way, a distance of 240.67 feet to a set ½ inch rebar with plastic cap marked RLS 26406;

Thence South 01° 46' 51" West, a distance of 180.58 feet to the TRUE POINT OF BEGINNING.

PARCEL NO. 2: (103-02-001E)

A portion of that parcel of land described as Parcel B in Instrument No. 3023166, records of Coconino County, Arizona, situated in the Northwest quarter of Section 21, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, Coconino County, Arizona, described as follows:

COMMENCING for reference at the Northwest corner of said Parcel B, which is a found 1/2" rebar with cap marked "LS 26406";

thence South 01° 46' 51" West, a distance of 74.26 feet along the West line of said Parcel B (Basis of Bearings to a set 1/2" rebar with plastic cap marked "RLS 18215" and the POINT OF BEGINNING;

thence South 88° 19' 39" East, a distance of 22.67 feet to a found 2-1/2" diameter galvanized steel fence post to which was attached a brass tag marked "RLS 18215";

thence South 33° 16' 21" East, a distance of 5.32 feet to a found 2-1/2" diameter galvanized steel fence post to which was attached a brass tag marked "RLS 18215";

thence South 01° 53' 44" West, a distance of 60.79 feet to a found 2-1/2" diameter galvanized steel fence post to which was attached a brass tag marked "RLS 18215";

thence South 87° 48' 47" East, a distance of 20.07 feet to a found 2-1/2" diameter galvanized steel fence post to which was attached a brass tag marked "RLS 18215";

thence South 02° 59' 40" West, a distance of 23.38 feet to a found 2-1/2" diameter galvanized steel fence post to which was attached a brass tag marked "RLS 18215";

thence South 86° 15' 09" West, a distance of 45.38 feet to a set 1/2" rebar with plastic cap marked "RLS 18215" on said West line of Parcel B, from which the Southwest corner of said Parcel B, which is monumented with a 1-1/2" diameter aluminum cap marked "PE 8218 LS 13010", bears South 01° 46' 51" West, a distance of 13.40 feet;

Exhibit "B"

Legal Description of New Zoning

Exhibit A

PARCEL NO. 1: (103-02-001A)

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