

ORDINANCE NO. 2016-16

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 26.03 ACRES OF REAL PROPERTY LOCATED AT THE NORTHEAST CORNER OF FIR AVENUE AND NORTH SAN FRANCISCO STREET, FROM SINGLE FAMILY RESIDENTIAL (R1) AND PUBLIC FACILITY (PF) TO PUBLIC OPEN SPACE (POS), AND TO APPLY THE RURAL FLOODPLAIN DESIGNATION; 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 26.03 acres of land located at the northeast corner of Fir Avenue and North San Francisco Street, Coconino County, Arizona, a legal description of which is provided in Exhibit "A" attached hereto ("the Property"), in order to preserve open space; and

WHEREAS, in furtherance of the Applicant's intention to preserve open space, the Applicant has applied to the City of Flagstaff to amend the zoning of the Property from Single-family Residential (R1) and Public Facility (PF) to Public Open Space (POS) for approximately 26.03 acres of real property; 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, subject to the Applicant's compliance with certain conditions set forth below; and

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

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

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

ENACTMENTS:

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

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

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

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

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

SECTION 5. The Zoning Map designation for the Property is hereby amended from the Single-family Residential (R1) zone and Public Facility (PF) zone to Public Open Space (POS) zone with application of the Rural Floodplain designation for approximately 26.03 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 the Zoning Map Amendment be further conditioned upon the Applicant's satisfaction of the following conditions proposed by the Planning and Zoning Commission, as augmented by staff:

CONDITIONS:

1. The City of Flagstaff maintains the right to access the subject property to locate, operate, repair, replace, alter, and maintain any and all underground pipelines and utility services infrastructure of all types within the subject property. This shall include but not be limited to water transmission and distribution lines. The City of Flagstaff also maintains the right to remove, alter, or maintain any vegetation, improvements, or obstructions within 15 feet of either side of any pipelines or utility services infrastructure on the subject property.

SECTION 8. That City staff is hereby authorized to take such other and further measures and actions as are necessary and appropriate to carry out the terms, provisions and intents of this Ordinance.

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or

unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

SECTION 10. This ordinance shall become effective thirty (30) days following adoption by the City Council.

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

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit "A"

Legal Description of Property

Exhibit A

The Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, as shown on the property survey recorded March 20, 1987, in Book 5 of Land Surveys, Page 82, records of Coconino County, Arizona;

EXCEPT that part of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, described in Docket 190, Page 752, records of Coconino County, Arizona, described as follows:

BEGINNING at a point on the South line of said Southeast quarter of the Northwest quarter which bears South 89° 56' East, a distance of 398.05 feet from the Southwest corner thereof;

Thence Northwesterly, a distance of 31.42 feet along a curve to the right, having a radius of 25.00 feet and a central angle of 72° 00';

Thence North 17° 56' West, a distance of 91.59 feet;

Thence Northwesterly, a distance of 109.04 feet along a curve to the left having a radius of 816.33 feet and a central angle of 07° 39' 11";

Thence North 00° 16' East, a distance of 536.00 feet;

Thence South 89° 44' East, a distance of 219.86 feet;

Thence Southeasterly, a distance of 469.29 feet along a curve to the right, having a radius of 1009.61 feet and a central angle of 26° 37' 56";

Thence South 00° 08' West, a distance of 263.08 feet;

Thence Southwesterly, a distance of 39.24 feet along a curve to the right, having a radius of 25.00 feet and a central angle of 89° 56';

Thence North 89° 56' West, a distance of 210.44 feet along the South line of said Southeast quarter of the Northwest quarter to the POINT OF BEGINNING;

AND EXCEPT that part of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, described in Docket 231, Page 257, records of Coconino County, Arizona, described as follows:

BEGINNING at a point which bears South 89° 56' East, a distance of 398.05 feet and Northwesterly, a distance of 31.42 feet along a curve to the right, having a radius of 25.00 feet and a central angle of 72° 11' and North 17° 56' West, a distance of 91.59 feet and Northwesterly, a distance of 109.04 feet along a curve to the left, having a radius of 816.33 feet and a central angle of 07° 39' 11" from the Southwest corner of the Southeast quarter of the Northwest quarter, said point being the TRUE POINT OF BEGINNING;

Thence Northwesterly, a distance of 198.71 feet along a curve to the left having a radius of 816.33 feet and a central angle of 13° 56' 49";

Thence North 39° 32' West, a distance of 10.56 feet;

Thence Northwesterly, a distance of 17.39 feet along a curve to the right, having a radius of 25.00 feet and a central angle of 39° 48';

Thence North 00° 16' East, a distance of 454.11 feet;

Thence Northeasterly, a distance of 223.18 feet along a curve to the right, having a radius of 323.16 feet and a central angle of 39° 34' 10";

Thence South 00° 08' 00" West, a distance of 262.96 feet;

Thence Southeasterly, a distance of 39.30 feet along the arc of a 25.00 foot radius curve, concave to the Northeast and having a central angle of 90° 04' 00" to the cusp of a curve, which cusp lies South 89° 56' 00" East, along the North line of Fir Avenue, a distance of 436.09 feet from the TRUE POINT OF BEGINNING;

Thence North 89° 56' 00" West, a distance of 55.03 feet, along said North line of Fir Avenue to its intersection with the center line of Valley Drive, as shown on said plat of Mount Elden Park;

Thence North 89° 56' 00" West, a distance of 54.97 feet along said North line of Fir Avenue to the cusp of a curve that is tangent to said North line of Fir Avenue;

Thence Northeasterly, a distance of 39.24 feet along the arc of a 25.00 foot radius curve, concave to the Northwest and having a central angle of 89° 56' 00";

Thence North 00° 08' 00" East, a distance of 263.08 feet;

Thence Northwesterly, a distance of 693.83 feet along the arc of a 1009.61 foot radius curve, concave to the Southwest and having a central angle of 39° 22' 30";

Thence North 39° 14' 30" West, a distance of 164.60 feet;

Thence Westerly, a distance of 44.04 feet along the arc of a 25.00 foot radius curve, concave to the South and having a central angle of 100° 55' 20";

Thence Southwesterly, a distance of 223.18 feet along the arc of a 323.16 foot radius curve, concave to the Southeast and having a central angle of 39° 34' 10"

Thence South 00° 16' 00" West, a distance of 454.11 feet;

Thence Southeasterly, a distance of 17.37 feet along the arc of a 25.00 foot radius curve, concave to the East and having a central angle of 39° 48' 00";

Thence South 39° 32' 00" East, a distance of 10.56 feet;

Thence Southeasterly, a distance of 307.75 feet along the arc of a 816.33 foot radius curve, concave to the Southwest and having a central angle 21° 36' 00";

Thence South 17° 56' 00" East, a distance of 91.59 feet;

Thence Southeasterly, a distance of 31.42 feet along the arc of a 25.00 foot radius curve, concave to the Northeast and having a central angle of 72° 00' 00", to the cusp of a curve, which cusp lies South 89° 56' 00" East, a distance of 115.65 feet from the true point of beginning and which is tangent to said North line of Fir Avenue;

Thence North 89° 56' 00" West, a distance of 49.70 feet along said North line of Fir Avenue to its intersection with the center line of Marion Drive, as shown on said plat of Mount Elden Park;

Thence North 89° 56' 00" West, along said North line of Fir Avenue, a distance of 65.95 feet to the TRUE POINT OF BEGINNING.

AND EXCEPT that portion of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, lying Southwesterly of Marion Drive, as dedicated in instrument recorded in Docket 246, Page 470, records of Coconino County, Arizona.

Basis of Bearing: North right-of-way line of Fir Avenue as shown on Survey recorded in Book 5 of Land Surveys, Page 82, records of Coconino County, Arizona.

Exhibit "B"

Legal Description of New Zoning

Exhibit A

The Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, as shown on the property survey recorded March 20, 1987, in Book 5 of Land Surveys, Page 82, records of Coconino County, Arizona;

EXCEPT that part of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, described in Docket 190, Page 752, records of Coconino County, Arizona, described as follows:

BEGINNING at a point on the South line of said Southeast quarter of the Northwest quarter which bears South 89° 56' East, a distance of 398.05 feet from the Southwest corner thereof;

Thence Northwesterly, a distance of 31.42 feet along a curve to the right, having a radius of 25.00 feet and a central angle of 72° 00';

Thence North 17° 56' West, a distance of 91.59 feet;

Thence Northwesterly, a distance of 109.04 feet along a curve to the left having a radius of 816.33 feet and a central angle of 07° 39' 11";

Thence North 00° 16' East, a distance of 536.00 feet;

Thence South 89° 44' East, a distance of 219.86 feet;

Thence Southeasterly, a distance of 469.29 feet along a curve to the right, having a radius of 1009.61 feet and a central angle of 26° 37' 56";

Thence South 00° 08' West, a distance of 263.08 feet;

Thence Southwesterly, a distance of 39.24 feet along a curve to the right, having a radius of 25.00 feet and a central angle of 89° 56';

Thence North 89° 56' West, a distance of 210.44 feet along the South line of said Southeast quarter of the Northwest quarter to the POINT OF BEGINNING;

AND EXCEPT that part of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, described in Docket 231, Page 257, records of Coconino County, Arizona, described as follows:

BEGINNING at a point which bears South 89° 56' East, a distance of 398.05 feet and Northwesterly, a distance of 31.42 feet along a curve to the right, having a radius of 25.00 feet and a central angle of 72° 11' and North 17° 56' West, a distance of 91.59 feet and Northwesterly, a distance of 109.04 feet along a curve to the left, having a radius of 816.33 feet and a central angle of 07° 39' 11" from the Southwest corner of the Southeast quarter of the Northwest quarter, said point being the TRUE POINT OF BEGINNING;

Thence Northwesterly, a distance of 198.71 feet along a curve to the left having a radius of 816.33 feet and a central angle of 13° 56' 49";

Thence North 39° 32' West, a distance of 10.56 feet;

Thence Northwesterly, a distance of 17.39 feet along a curve to the right, having a radius of 25.00 feet and a central angle of 39° 48';

Thence North 00° 16' East, a distance of 454.11 feet;

Thence Northeasterly, a distance of 223.18 feet along a curve to the right, having a radius of 323.16 feet and a central angle of 39° 34' 10";

Thence South 00° 08' 00" West, a distance of 262.96 feet;

Thence Southeasterly, a distance of 39.30 feet along the arc of a 25.00 foot radius curve, concave to the Northeast and having a central angle of 90° 04' 00" to the cusp of a curve, which cusp lies South 89° 56' 00" East, along the North line of Fir Avenue, a distance of 436.09 feet from the TRUE POINT OF BEGINNING;

Thence North 89° 56' 00" West, a distance of 55.03 feet, along said North line of Fir Avenue to its intersection with the center line of Valley Drive, as shown on said plat of Mount Elden Park;

Thence North 89° 56' 00" West, a distance of 54.97 feet along said North line of Fir Avenue to the cusp of a curve that is tangent to said North line of Fir Avenue;

Thence Northeasterly, a distance of 39.24 feet along the arc of a 25.00 foot radius curve, concave to the Northwest and having a central angle of 89° 56' 00";

Thence North 00° 08' 00" East, a distance of 263.08 feet;

Thence Northwesterly, a distance of 693.83 feet along the arc of a 1009.61 foot radius curve, concave to the Southwest and having a central angle of 39° 22' 30";

Thence North 39° 14' 30" West, a distance of 164.60 feet;

Thence Westerly, a distance of 44.04 feet along the arc of a 25.00 foot radius curve, concave to the South and having a central angle of 100° 55' 20";

Thence Southwesterly, a distance of 223.18 feet along the arc of a 323.16 foot radius curve, concave to the Southeast and having a central angle of 39° 34' 10"

Thence South 00° 16' 00" West, a distance of 454.11 feet;

Thence Southeasterly, a distance of 17.37 feet along the arc of a 25.00 foot radius curve, concave to the East and having a central angle of 39° 48' 00";

Thence South 39° 32' 00" East, a distance of 10.56 feet;

Thence Southeasterly, a distance of 307.75 feet along the arc of a 816.33 foot radius curve, concave to the Southwest and having a central angle 21° 36' 00";

Thence South 17° 56' 00" East, a distance of 91.59 feet;

Thence Southeasterly, a distance of 31.42 feet along the arc of a 25.00 foot radius curve, concave to the Northeast and having a central angle of 72° 00' 00", to the cusp of a curve, which cusp lies South 89° 56' 00" East, a distance of 115.65 feet from the true point of beginning and which is tangent to said North line of Fir Avenue;

Thence North 89° 56' 00" West, a distance of 49.70 feet along said North line of Fir Avenue to its intersection with the center line of Marion Drive, as shown on said plat of Mount Elden Park;

Thence North 89° 56' 00" West, along said North line of Fir Avenue, a distance of 65.95 feet to the TRUE POINT OF BEGINNING.

AND EXCEPT that portion of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, lying Southwesterly of Marion Drive, as dedicated in instrument recorded in Docket 246, Page 470, records of Coconino County, Arizona.

Basis of Bearing: North right-of-way line of Fir Avenue as shown on Survey recorded in Book 5 of Land Surveys, Page 82, records of Coconino County, Arizona.

