

ORDINANCE NO. 2016-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 1610.69 ACRES OF REAL PROPERTY LOCATED ON OBSERVATORY MESA, FROM RURAL RESIDENTIAL (“RR”) TO PUBLIC OPEN SPACE (“POS”), AND APPROXIMATELY 2.0 ACRES FROM RURAL RESIDENTIAL (“RR”) TO PUBLIC FACILITY (“PF”), AND TO APPLY THE RESOURCE PROTECTION OVERLAY (“RPO”) TO APPROXIMATELY 640.51 ACRES; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, The City of Flagstaff (the “Applicant”), applied for a Zoning Map Amendment for approximately 2253.20 acres of land located on Observatory Mesa, Coconino County, Arizona, a legal description of which is provided in Exhibit “A” attached hereto (“the Property”), in order to preserve an open space area.

WHEREAS, in furtherance of the Applicant’s reasons for the rezone, the Applicant has applied to the City of Flagstaff to amend the zoning of the Property from Rural Residential (RR) zone to Public Open Space (POS) zone for 1610.69 acres, Rural Residential (RR) zone to Public Facility (PF) zone for 2.0 acres, and to apply the Resource Protection Overlay (RPO) zone to 640.51 acres; and

WHEREAS, the Applicant conducted a neighborhood meeting on October 22, 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.

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 Rural Residential (RR) zone to the Public Open Space (POS) zone for approximately 1610.69 acres, from Rural Residential (RR) zone to the Public Facility (PF) zone for approximately 2.0 acres and the Resource Protection Overlay (RPO) zone is applied to approximately 640.51 acres, as depicted in Exhibit "A", 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 shall recognize existing easements and rights-of-ways granted by the Arizona State Land Department. All easements and rights-of-ways shall remain in full force and effect.

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"
LEGAL DESCRIPTION
53-117051-01

Government Lots 2 through 7; southwest quarter of the northeast quarter; southeast quarter of the northwest quarter; east half of the southwest quarter; west half of the southeast quarter of Section 6, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona,

Containing 455.30 acres, more or less;

The West half, and the West half of the East half of Section 8, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona,

Containing 476.33 acres, more or less;

All of Section 12, Township 21 North, Range 6 East, Gila and Salt River Meridian, Coconino County, Arizona,

Containing 640.51 acres, more or less;

Government Lots 1 through 4; the Northeast quarter; the East half of the West half; and that portion of the Southeast quarter lying Northwesterly of the southerly line of the BNSF (formerly the Atchison, Topeka and Santa Fe) Railway right-of-way situated in Section 18, Township 21 North, Range 7 West, Gila and Salt River Meridian, Coconino County, Arizona,

Except that parcel described in Instrument No. 3052197, RCC,

Containing 630.57 acres, more or less;

Government Lot 5, and the northeast quarter of the northwest quarter of the northwest quarter of Section 19, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona,

Containing 29.51 acres, more or less;

That portion of the North half of the North half of the Northeast quarter of Section 19, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona, lying north of the south line of the Burlington Northern and Santa Fe Railway,

Containing 18.98 acres, more or less.

Total acres containing 2,251.20 acres, more or less.

Exhibit "B"

Legal Description of New Zoning

EXHIBIT "A"
LEGAL DESCRIPTION
53-117051-01

Government Lots 2 through 7; southwest quarter of the northeast quarter; southeast quarter of the northwest quarter; east half of the southwest quarter; west half of the southeast quarter of Section 6, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona,

Containing 455.30 acres, more or less;

The West half, and the West half of the East half of Section 8, Township 21 North, Range 7 East, Gila and Salt River Meridian, Coconino County, Arizona,

Containing 476.33 acres, more or less;

All of Section 12, Township 21 North, Range 6 East, Gila and Salt River Meridian, Coconino County, Arizona,

Containing 640.51 acres, more or less;

Government Lots 1 through 4; the Northeast quarter; the East half of the West half; and that portion of the Southeast quarter lying Northwesterly of the southerly line of the BNSF (formerly the Atchison, Topeka and Santa Fe) Railway right-of-way situated in Section 18, Township 21 North, Range 7 West, Gila and Salt River Meridian, Coconino County, Arizona,

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Containing 18.98 acres, more or less.

Total acres containing 2,251.20 acres, more or less.