FINAL AGENDA

A M E N D E D

REGULAR COUNCIL MEETING
TUESDAY
MARCH 22, 2016

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

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 BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

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

A. **Consideration and Approval of Minutes**: City Council Work Session of September 29, 2015; City Council Work Session of January 12, 2016; the Regular Council Meeting of February 2, 2016; The Regular Council Meeting of February 16, 2016; the Special Meeting (Executive Session) of February 29, 2016; the Special Meeting (Executive Session) of March 1, 2016; the Regular Council Meeting of March 1, 2016; the Special Meeting (Executive Session) of March 8, 2016; and the Special Meeting (Executive Session) of March 11, 2016.

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. 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

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).

A. Consideration of Appointments: Open Space Commission.

RECOMMENDED ACTION:

Make two appointments to terms expiring April 2019.
Make one appointment to a term expiring April 2018.

B. Consideration of Appointments: Disability Awareness Commission.

RECOMMENDED ACTION:

Make three appointments to terms expiring March 2019.

8. LIQUOR LICENSE PUBLIC HEARINGS

A. Consideration and Action on Liquor License Application: Rochan Goswami, “VP Racing", 4501 N. Hwy. 89, Series 10 (beer and wine store), New License.

RECOMMENDED ACTION:

Hold the Public Hearing; absent any valid concerns received from the public hearing, staff recommends the Council forward a recommendation for approval to the State.

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.

A. **Consideration and Approval of Contract:** Annual Service Agreement for Landscape Maintenance Services with Morning Dew Landscape to provide landscape maintenance and snow removal services at City of Flagstaff facilities.

RECOMMENDED ACTION:

Accept the lowest, most responsive and responsible proposal from Morning Dew Landscape of Flagstaff, in the amount of $114,160.00 to provide landscape maintenance and snow removal services in the bid amount outlined on the attached bid tabulation and approve the Annual Service Agreement with Morning Dew Landscape.

B. **Consideration and Approval of Cooperative Contract:** Contract with General Acrylics of Phoenix, Arizona to replace the Nova Pro-Court XP - Synthetic Court Overlayment System on three (3) tennis courts at McPherson Park in the amount of $113,643.87.

RECOMMENDED ACTION:

Approve the purchase of services for the replacement and installation of the Nova Pro-Court XP - Synthetic Court Overlayment System by General Acrylics of Phoenix, Arizona in the amount of $113,643.87 utilizing a cooperative purchase agreement through Mohave Educational Services Contract # 150-GA13-020.

C. **Consideration and Approval of Contract:** Approve contract with Buffalo Fence for Airport Security Gates to replace three vehicle access gates and the control units at the Flagstaff Airport.

RECOMMENDED ACTION:

Approve the contract with Buffalo Fence with the lowest bid of $77,556.10.

D. **Consideration and Approval of Contract:** Street Maintenance 2016 improvements - Construction Phase 1. ***(MOVED FROM THE ROUTINE AGENDA)****

RECOMMENDED ACTION:

1) Approve the Construction Manager at Risk Contract with C and E Paving and Grading, LLC in an amount not to exceed $ 2,838,240.00 for Guaranteed Maximum Price (GMP) # 1. Authorize staff to perform asphalt surface treatments of Pulliam Drive at Pulliam Airport not to exceed $200,000.00.
2) Authorize Change Order Authority of 10% each for GMP # 1 in the amount of $ 283,824.00, to cover potential costs associated with unanticipated or additional items of work.
3) Authorize the City Manager to execute the necessary documents.

10. ROUTINE ITEMS

A. **Consideration and Approval of Intergovernmental Agreement:** Between the State of Arizona, Department of Public Safety and the City regarding the State Gang Task Force.

RECOMMENDED ACTION:

Approve the Intergovernmental Agreement DPS Contract #2016-023 between the State of Arizona, Department of Public Safety and the City regarding the State Gang Task Force.

B. **Consideration and Possible Adoption of Ordinance No. 2016-10:** An ordinance authorizing the acquisition and dedication of certain real property as a public right-of-way for the construction of permanent ADA ramps associated with the crosswalks on Fourth Street at Third Avenue and at Dortha Ave. ***(Acquisition of property for ADA ramps on Fourth Street Project)***

RECOMMENDED ACTION:

At the March 22, 2016 City Council Meeting
1) Read Ordinance No. 2016-10 by title only for the first time
2) City Clerk reads Ordinance No. 2016-10 by title only for the first time (if approved above)
At the April 5, 2016 City Council Meeting
3) Read Ordinance No. 2016-10 by title only for the final time
4) City Clerk reads Ordinance No. 2016-10 by title only for the final time (if approved above)
5) Adopt Ordinance No. 2016-10 Read Ordinance

C. **Consideration and Approval of Contract:** With Sellers & Sons, Inc. in the amount of $1,914,238.50 for the Brannen Neighborhood Water and Sewer Improvement Project, Phase I.

RECOMMENDED ACTION:

1) Approve the construction contract with Sellers & Sons, Inc. in the amount of $1,914,238.50 (includes a contract allowance in the amount of $89,605.00 and contract time of 200 days);
2) Approve Change Order Authority to the City Manager in the amount of $182,463.00 (10% of the contract amount, less allowance);
3) Authorize the City Manager to execute the necessary documents.

D. **Consideration and Possible Adoption of Resolution No. 2016-14:** A resolution of the City Council of the City of Flagstaff authorizing signatures for checks and payment vouchers ***(Authority to Sign Checks)***

RECOMMENDED ACTION:

1) Read Resolution No. 2016-14 by title only
2) City Clerk reads Resolution No. 2016-14 by title only (if approved above)
3) Adopt Resolution No. 2016-14

E. **Consideration and Adoption of Clean-Up Ordinances:**

Consideration and Adoption of Ordinance No. 2016-11: An ordinance of the City Council of the City of Flagstaff Amending the Flagstaff City Code, Title 1, Administrative, Chapter 15, Municipal Court, Division 1, Section 2, Municipal Judge, Presiding Magistrate, Hearing Officers, to Require all Municipal Judges to be Admitted to the Practice of Law in the State of Arizona; Providing for Repeal of Conflicting Ordinances, Severability, and Establishing an Effective Date ***(Municipal Judge Qualifications)***

Consideration and Adoption of Ordinance No. 2016-12: An ordinance of the City Council of the City of Flagstaff, Amending the Flagstaff City Code, Title 1, Administrative, Chapter 24, Insurance, Division 1, Section 7, Insurance, to Increase the Authority of the City Manager to Settle Claims up to Fifty Thousand Dollars; Providing for Repeal of Conflicting Ordinances, Severability, and Establishing an Effective Date. ***(Bringing City Code Consistent with Charter Regarding City Manager's Authority to Settle Claims)***

RECOMMENDED ACTION:

1) Read Ordinance No. 2016-11 by title only for the final time
2) City Clerk reads Ordinance No. 2016-11 by title only (if approved above)
3) Adopt Ordinance No. 2016-11
4) Read Ordinance No. 2016-12 by title only for the final time
5) City Clerk reads Ordinance No. 2016-12 by title only (if approved above)
6) Adopt Ordinance No. 2016-12

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 BAROTZ
COUNCILMEMBER BREWSTER
COUNCILMEMBER EVANS
COUNCILMEMBER ORAVITS
COUNCILMEMBER OVERTON
COUNCILMEMBER PUTZOVA

12. PUBLIC PARTICIPATION

13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA

14. PUBLIC HEARING ITEMS

A. Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-13 and Ordinance No. 2016-22: Public hearing to consider proposed amendments to Flagstaff Zoning Code, Chapter 10-50 (Supplemental to Zones), Division 10-50.100 (Sign Standards), and other related amendments in Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps); consideration of Resolution No. 2016-13 declaring the proposed amendments as a public record; and adoption of Ordinance No. 2016-22, adopting amendments to Flagstaff Zoning Code Chapter 10-50 (Supplemental to Zones), Division 10-50.100 (Sign Standards), and other related amendments in Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps), by reference. ***(Zoning Code Amendments - Sign Standards)***

RECOMMENDED ACTION:

At the Council Meeting of March 22, 2016

1) Hold public hearing
2) Read Resolution No. 2016-13 by title only
3) City Clerk reads Resolution No. 2016-13 (if approved above)
4) Read Ordinance No. 2016-22 for the first time by title only
5) City Clerk reads Ordinance No. 2016-22 for the first time by title only (if approved above)

At the Council Meeting of April 5, 2016

6) Adopt Resolution No. 2016-13 (declaring a public record)
7) Read Ordinance No. 2016-22 for the final time by title only
8) City Clerk reads Ordinance No. 2016-22 by title for the final time (if approved above)
9) Adopt Ordinance No. 2016-22

B. HUB Student Housing Development

1. Public Hearing, Consideration, and Adoption of Ordinance No. 2016-08: An ordinance of the Flagstaff City Council amending the Flagstaff Zoning Map Downtown Regulating Plan designation of approximately 0.29 acres of land generally located west of the southwest corner of Mikes Pike and Phoenix Avenue from the T4 Neighborhood 1 - Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone and of approximately 1.35 acres located at 17 S Mikes Pike from the T4 Neighborhood 1 - Open (T4N.1-O) transect zone to the T5 Main Street (T5) transect zone, conditional. ***(The Hub Zoning Map Amendment)*** ****ORDER CHANGED TO DISCUSS SECOND READ OF ORDINANCE PRIOR TO DEVELOPMENT AGREEMENT***

RECOMMENDED ACTION:

1) Read Ordinance No. 2016-08 by title only for the final time
2) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)
3) Adopt Ordinance No. 2016-08

2. **Consideration and Possible Adoption of Resolution No. 2016-18:** A resolution authorizing the execution of a Development Agreement between Core Campus Flagstaff LLC and the City of Flagstaff related to the development of approximately 2.39 acres of real property generally located at 17 S Mikes Pike. ***(HUB Development Agreement)***
****ORDER CHANGED TO CONSIDER SECOND READ OF ORDINANCE PRIOR TO DEVELOPMENT AGREEMENT***

RECOMMENDED ACTION:

1) Read Resolution No. 2016-18 by title only
2) City Clerk reads Resolution No. 2016-18 by title only (if approved above)
3) Adopt Resolution No. 2016-18

C. McMillan Mesa

1. **Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-08:** A resolution amending the *Flagstaff Regional Plan 2030* to change the area type designation on Maps 21 and 22 from Area in White area type to Existing Suburban area type for approximately 6.31 acres located at 1800 N. Gemini Drive. ***(McMillan Mesa minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold Public Hearing
2) Read Resolution No.2016-08 by title only
3) City Clerk reads Resolution No. 2016-08 by title only (if approved above)
4) Adopt Resolution No. 2016-08

2. **Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-04:** An Ordinance of the City Council of the City of Flagstaff, Amending the Flagstaff Zoning Map to rezone approximately 26.17 acres of real property located on McMillan Mesa, from Suburban Commercial (SC) to Medium Density Residential (MR) for 7.67 acres, from Research and Development (RD) to Medium Density Residential (MR) for 13.66 acres, and from Residential Single-Family (R1) to Public Open Space (POS) for 4.84 acres, and amending to the McMillan Mesa Village Specific Plan to reallocate 192 units from Development Area B to Development Areas C, D1 and D3. ***(McMillan Mesa Village Zoning Map and Specific Plan Amendments)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold the Public Hearing
2) Read Ordinance No. 2016-14 by title only for the first time
3) City Clerk reads Ordinance No. 2016-14 by title only (if approved above)
At April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-14 by title only for the final time
5) City Clerk read Ordinance No. 2016-14 by title only (if approved above)
6) Adopt Ordinance No. 2016-14

D. Ordinances re Open Space Designations

The following items are all proposed to address annexations, amendments to the flagstaff Regional Plan 2030 designations, and rezoning for City-owned land including Guadalupe Park, Highland Avenue parcels, Buffalo Park West, Observatory Mesa and Picture Canyon for public recreation and open space purposes and will be considered during one Public Hearing, following by individual actions.

1. Observatory Mesa

a. **Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-20**: 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 640.51 acres located in Section 12, Township 21 North, Range 6 East, which land is contiguous to the existing corporate limits of the City of Flagstaff, and establishing city zoning for said land as Public Open Space (POS) for 640.51 acres. ***(Observatory Mesa Annexation)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold Public Hearing
2) Read Ordinance No. 2016-20 by title for the first time
3) City Clerk reads Ordinance No. 2016-20 by title only for the first time (if approved above)
At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-20 by title only for the final time
5) City Clerk reads Ordinance no. 2016-20 by title for the final time (if approved above)
6) Adopt Ordinance No. 2016-20

b. **Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-12:** A resolution amending the Flagstaff Regional Plan 2030 to change the area type designation on Maps 21 and 22 from Area in White area type and State Land to Parks/Open Space area type for approximately 2253.20 acres located on Observatory Mesa. ***(Observatory Mesa Minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold the Public Hearing
2) Read resolution No. 2016-12 by title only
3) City Clerk reads Resolution No. 2016-12 by title only (if approved above)
4) Adopt Resolution No. 2016-12

c. **Public Hearing, Consideration and Possible Adoption of 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. ***(Observatory Mesa Zoning Map Amendment)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold Public Hearing
2) Read Ordinance No. 2016-21 by title for the first time
3) City Clerk reads Ordinance No. 2016-21 by title only for the first time (if approved above)
At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-21 by title only for the final time
5) City Clerk reads Ordinance no. 2016-21 by title for the final time (if approved above)
6) Adopt Ordinance No. 2016-21

2. Picture Canyon

a. Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-18: 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 77.8 acres located in Section 4, Township 21 North, Range 8 East, which land is contiguous to the existing corporate limits of the City of Flagstaff, and establishing no city zoning for said land. ***(Picture Canyon Annexation)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold Public Hearing
2) Read Ordinance No. 2016-18 by title only for the first time
3) City Clerk reads Ordinance No. 2016-18 by title only for the first time (if approved above)
At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-18 by title only for the final time
5 City Clerk reads Ordinance No. 2016-18 by title for the final time (if approved above)
6) Adopt Ordinance No. 2016-18

b. Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-19: An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff Zoning Map to rezone approximately 477.8 acres of real property known as Picture Canyon, from No Zoning (County) and Rural Residential (RR) to Public Open Space (POS), and to apply the Landmarks Overlay (LO), the Resource Protection Overlay (RPO) and the Rural Floodplain Designation to approximately 77.8 acres. ***(Picture Canyon Zoning Map Amendment)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold Public Hearing
2) Read Ordinance No. 2016-19 by title only for the first time
3) City Clerk reads Ordinance No. 2016-19 by title only for the first time (if approved above)
At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-19 by title only for the final time
5) City Clerk reads Ordinance No. 2016-19 by title for the final time (if approved above)
6) Adopt Ordinance No. 2016-19

3. Buffalo Park Extension

a. <u>Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-10:</u> A resolution amending the Flagstaff Regional Plan 2030 to change the area type designation on Maps 21 and 22 from Area in White area type to Park/Open Space area type for approximately 26.03 acres located at the northeast corner of Fir Avenue and North San Francisco Street. ***(Buffalo Park West Minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold the Public Hearing
2) Read Resolution No. 2016-10 by title only
3) City Clerk reads Resolution No. 2016-10 by title only (if approved above)
4) Adopt Resolution No. 2016-10

b. <u>Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-16:</u> 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. ***(Buffalo Park West Zoning Map Amendment)***

RECOMMENDED ACTION:

<u>At the March 22, 2016 Council Meeting:</u>
1) Hold the Public Hearing
2) Read Ordinance No. 2016-16 by title only for the first time
3) City Clerk reads Ordinance No. 2016-16 by title only (if approved above)
<u>At the April 5, 2016 Council Meeting:</u>
4) Read Ordinance No. 2016-16 by title only for the final time
5) City Clerk reads Ordinance No. 2016-16 by title only (if approved above)
6) Adopt Ordinance No. 2016-16

4. Guadalupe Park

a. <u>Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-09:</u> A resolution amending the Flagstaff Regional Plan 2030 to change the area type designations on Maps 21 and 22 from Existing Suburban and Future Urban to Park/Open Space area type for approximately 1.07 acres located at 805 West Clay Avenue. ***(Guadalupe Park Minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold the Public Hearing
2) Read Resolution No. 2016-09 by title only
3) City Clerk reads Resolution No. 2016-09 by title only (if approved above)
4) Adopt Resolution No. 2016-09

b. **Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-15:** An ordinance 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) to Public Facility (PF). ***(Guadalupe Park Zoning Map Amendment)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold the Public Hearing
2) Read Ordinance No. 2016-15 by title only for the first time
3) City Clerk reads Ordinance No. 2016-15 by title only (if approved above)

At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-15 by title only for the final time
5) City Clerk reads Ordinance No. 2016-15 by title only (if approved above)
6) Adopt Ordinance No. 2016-15

5. Highland Avenue Parcels

a. **Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-11:** A resolution amending the Flagstaff Regional Plan 2030 to change the area type designation on Maps 21 and 22 from Future Suburban area type to Park/Open Space area type for approximately 5.31 acres located off Highland Avenue. ***(Highland Avenue Minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold the Public Hearing
2) Read Resolution No. 2016-11 by title only
3) City Clerk reads Resolution No. 2016-11 by title only (if approved above)
4) Adopt Resolution No. 2016-11

b. **Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-17:** An ordinance of the City of Flagstaff amending the Flagstaff Zoning Map to rezone approximately 5.31 acres of real property located off Highland Avenue from Highway Commercial (HC) to Public Facility (PF). ***(Highland Avenue Zoning Map Amendment)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold the Public Hearing
2) Read Ordinance No. 2016-17 by title only for the first time
3) City Clerk reads Ordinance No. 2016-17 by title only (if approved above)

At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-17 by title only for the final time
5) City Clerk reads Ordinance No. 2016-17 by title only (if approved above)
6) Adopt Ordinance No. 2016-17

15. REGULAR AGENDA

A. **Discussion and Possible Action re:** Current Issues Before the Arizona Legislature

B. **Consideration to Remove Item from Table and Postpone**: Settlement Agreement and Release between the Hopi Tribe and the City of Flagstaff. ***(Removal of item from the table and postponing action to a future meeting)***
THE COUNCIL WILL NOT DISCUSS THIS ITEM - THEY WILL MAKE A MOTION TO REMOVE FROM THE TABLE AND POSTPONE TO A DATE SELECTED BY THE CITY MANAGER.

16. DISCUSSION ITEMS

None

17. FUTURE AGENDA ITEM REQUESTS

After discussion and upon agreement by a majority of all 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, FUTURE AGENDA ITEM REQUESTS

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 _____, 2016.

_____
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:	03/17/2016
Meeting Date:	03/22/2016

TITLE

Consideration and Approval of Minutes: City Council Work Session of September 29, 2015; City Council Work Session of January 12, 2016; the Regular Council Meeting of February 2, 2016; The Regular Council Meeting of February 16, 2016; the Special Meeting (Executive Session) of February 29, 2016; the Special Meeting (Executive Session) of March 1, 2016; the Regular Council Meeting of March 1, 2016; the Special Meeting (Executive Session) of March 8, 2016; and the Special Meeting (Executive Session) of March 11, 2016.

RECOMMENDED ACTION:

Amend/approve the minutes of the City Council Work Session of September 29, 2015; City Council Work Session of January 12, 2016; the Regular Council Meeting of February 2, 2016; The Regular Council Meeting of February 16, 2016; the Special Meeting (Executive Session) of February 29, 2016; the Special Meeting (Executive Session) of March 1, 2016; the Regular Council Meeting of March 1, 2016; the Special Meeting (Executive Session) of March 8, 2016; and the Special Meeting (Executive Session) of March 11, 2016.

EXECUTIVE SUMMARY:

Minutes of City Council meetings are a requirement of Arizona Revised Statutes and, additionally, provide a method of informing the public of discussions and actions being taken by the City Council.

INFORMATION:

COUNCIL GOAL

8. Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and development

Attachments:
09.29.2015.CCWS
01.12.2016.CCWS
02.02.2016.CCRM
02.16.2016.CCRM
02.29.2016.CCSMES
03.01.2016.CCSMES
03.01.2016.CCRM
03.08.2016.CCSMES

03.11.2016.CCSMES

CITY COUNCIL WORK SESSION
TUESDAY, SEPTEMBER 29, 2015
COUNCIL CHAMBERS
211 WEST ASPEN
6:00 P.M.

MINUTES

1. Call to Order

Mayor Nabours called the Work Session to order at 6:02 p.m.

2. Pledge of Allegiance

The audience and City Council recited the Pledge of Allegiance.

3. Roll Call

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

4. Preliminary Review of Draft Agenda for the October 6, 2015, City Council Meeting.*

** Public comment on draft agenda items may be taken under "Review of Draft Agenda Items", at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the Review section may submit a speaker card for their items of interest to the recording clerk.*

Councilmember Putzova asked why there would be no public comment received at next week's meeting regarding the rate increase. Mayor Nabours said that for a possible rate increase they have to have a public hearing and take it in steps. The public hearing will open next week, but the first thing they will get is a presentation from the consultant and from staff. That is probably about as much as they can get done that evening. They will then continue the public hearing to the following week (October 13) and will have public comment at that time. Then, if they need to they can continue the public hearing to another time.

Councilmember Putzova requested that they change that and allow public comment. Mayor

Nabours explained that it was more of a time constraint. They want to have plenty of time for the consultant and questions of staff and the consultants, and they do not want to keep the public too late.

Councilmember Evans asked if the consultant would be available for the next meetings in case the public asks questions. Mr. Hill replied that the consultant would be prepared to be at the next three meetings if needed.

In reference to Item 15B (Picture Canyon Management Plan), Councilmember Overton asked if they could get any financial analysis of what some of the elements might cost.

Mayor Nabours said that the review of another chapter of the Zoning Code next week would be removed. They are going to have some special meetings to work on the Zoning Code so they are not always addressing that late in the evening.

A. **Review of 10/06/2015 Item 10-C:** Microwave network design and build to replace current fiber network.

IT Director Ladd Vagen gave a PowerPoint presentation regarding the City's microwave network, which addressed:

MICROWAVE NETWORK - A Brief History of Time
FAST FORWARD TO 2015
FY16 BUDGET PROCESS
IF WE LOSE ONE OF THESE LINKS
WHERE WE WANT TO GO
MICROWAVE NETWORK

5. Public Participation

Public Participation enables the public to address the council about items that are not on the prepared agenda. Public Participation appears on the agenda twice, at the beginning and at the end of the work session. You may speak at one or the other, but not both. Anyone wishing to comment at the meeting is asked to fill out a speaker card and submit it to the recording clerk. When the item comes up on the agenda, your name will be called. 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 to have 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.

The following individuals addressed Council regarding the issues listed:

Andy Fernandez, free speech, recycling, 4th Street overpass
Ward Davis, Flagstaff Water Group, utility rate increases and need to continue conservation efforts
Steve Garno, need for a fully-adaptive playground in Flagstaff
Amy McCackran, fully-adaptive playground needed

6. Presentation on the City's Investments by The PFM Group.

Revenue Director Andy Wakemaker gave a brief report on the City's investments, and began a PowerPoint presentation which addressed:

CITY RATES OF RETURN
FY10 / FY11 / FY15

He said that they had representatives from PFM Group tonight as they are the professionals and know the ins and outs of the market. He then introduced Paulina Woo, Senior Management Consultant, and Laura, Brant, Managing Director, who continued the presentation:

CITY'S INVESTMENT OBJECTIVES
OVERVIEW OF PFM ASSET MANAGEMENT LLC
HOW PFM SUPPORTS THE CITY OF FLAGSTAFF
INVESTMENT PROGRAM ACHIEVEMENTS
OVERVIEW OF CITY'S CURRENT MANAGED PORTFOLIO
DYNAMIC SECTOR DIVERSIFICATION
VALUE OF PROACTIVE MANAGEMENT
ECONOMIC UPDATE
CURRENT INVESTMENT STRATEGY

7. Review of Constitutional Issues and Panhandling within the City of Flagstaff.

Public Safety Legal Advisor Marianne Sullivan began a PowerPoint presentation which addressed:

BACKGROUND
A BRIEF HISTORY OF PANHANDLING PROBLEM IN FLAGSTAFF
FEDERAL DISTRICT COURT'S RULING
AGGRESSIVE SOLICITATION ORDINANCE
ROLE OF POLICE
WHAT FLAGSTAFF POLICE DEPARTMENT (FDP) IS DOING
- Better Bucks

FPD ONGOING EFFORTS
- Woods Watch
- Operation 40
- Repeat Offender (ROPE) Program
- Alcohol Stabilization Support (financial)
- Homeless Shelter Support

DATE COMPARISON
CONCLUSION

Mayor Nabours complimented them on the presentation and the department on doing what they can in a compassionate way and under the Constitutional limitations they face. He said that it is becoming obvious from the presentations that they cannot preclude someone from standing on public property with a sign asking for help. They cannot preclude them from having that sign and cannot preclude someone from giving them money, unless there is a safety issue. He said that he would assume that it would be difficult to have an area of town where no panhandling was signed. Ms. D'Andrea said that if they were going to discuss the

legal issues they would need to go into executive session.

Mayor Nabours said that it has been addressed in the conclusion--this is a tough problem. He appreciated the Better Bucks program and asked if the panhandlers were generally receptive to the information provided by officers. Lt. Lasiewicki said that they do not often take advantage of it at that time, but may later.

Discussion was held on the fact that there are people struggling and have a need for assistance, while there are others that are professional panhandlers. Councilmember Oravits said that he receives calls from people talking about fights between panhandlers they have seen and asked what they should be told. Lt. Lasiewicki said that if people see things like that, they should call 9-1-1.

Councilmember Oravits asked what the City could do to assist private property owners that have to clean up after the panhandlers to keep the corners litter free. Lt. Lasiewicki said that they have limited resources at the Police Department, but they will place priorities to have officers patrol specific areas. When they get a call from a citizen or business, it puts them higher up on the priority list. Councilmember Oravits said that perhaps it was something they need to be looking at going into the budget season.

Councilmember Evans thanked them for the presentation. She said that she knows that getting more information out about the Better Bucks program is an issue with staff, and the Foundation is helping. She would like to get more information out about where they can be purchased.

Councilmember Brewster thanked the presenters as well, stating that she agreed that they need to get more businesses involved to provide more choices.

Councilmember Putzova said that it was a good presentation. She hopted that one day they can start addressing the issue; they seems to talk about how to treat the symptoms. She was not thrilled about the undertones they have been engaging in, with criminalizing poverty. She said that she receives comments from people that they do not like looking at the homeless and she hoped they could move beyond that and talk about addressing homelessness or mental illness.

A break was held from 7:42 p.m. to 7:52 p.m.

Mayor Nabours noted that the item later on the agenda regarding Zoning Code amendments was being removed from the agenda as they will be holding special meetings for that topic.

8. Fourth Street Safety/Pedestrian Improvements.

City Engineer Rick Barrett said that there had been questions raised about this project's progress. They were committed to the project, but they also wanted Council to provide them feedback about the great work that Randy and his team are doing before they go out with the Open House.

Engineering Project Manager Randy Whitaker then gave a PowerPoint presentation to review this project which addressed:

KEY PROJECT ELEMENTS
Signalized Crosswalks

Sidewalk Along East Side of Fourth Street, Seventh to Route 66
Improve Operation of Sixth/Seventh and Lockett/Cedar Intersections

PHASES
Signalized crosswalks - Fall 2015 (JOC)
Bus Pullouts & Sidewalk Along East Side of Fourth Street
Additional right-of-way is required
Improve Operation of Sixth/Seventh & Lockett/Cedar Intersecitons
Scope needs to be defined

FUNDING
Transportation Tax
FY15/16 $ 412,060
Beautification/Streetscape
FY15/16 $1,575,000

CURRENT STATUS
Crosswalk and Pedestrian Signal Drawings Completed
30% Plans completed for general layout of sidewalk and bus pullouts along Fourth

PEDESTRIAN SIGNALS
Initially will place vertical poles with beacons (similar to Gore and University at Butler)
Once right-of-way is acquired may look at overhead signage and possible street light

THIRD AVENUE CROSSWALK
Center median
Permanent ramp and temporary ramp
This is where temporary crosswalk is located

DORTHA AVENUE CROSSWALK

THIRD AVENUE BUS PULLOUTS

JANUARY 23, 2014
APRIL 15, 2014
DISCUSSION
Key Project Elements
Signalized Crosswalks
Sidewalk Along East Side of Fourth Street
Improve operation of Sixth/Seventh Intersection and Lockett-Cedar

Councilmember Evans said that she thought it was important to have open houses and different dates and times to allow for as many people to attend as possible. It was also noted that efforts need to be made to contact as many business owners and property owners as possible.

Discussion was held on the potential changes to parking lots with the sidewalk installations. Mr. Whitaker said that even though the restriping may not be part of the project, they have diagrams to show that through reconfigurations they could actually increase the number of spaces available.

Andy Fernandez, Flagstaff, said that he had concerns with the location of the Dortha crosswalk.

9. Policy Discussion on Proposed Amendments to Zoning Code Chapter 10-30 (General to All).

Removed from the agenda.

10. Review of Draft Agenda Items for the October 6, 2015, City Council Meeting.*

** Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*

None

11. Public Participation

None

12. Informational Items To/From Mayor, Council, and City Manager; future agenda item requests.

Vice Mayor Barotz said that she had attended the Rodel Foundation dinner the other night at Forest Hylands and Dr Will Grundy from Lowell Observatory provide the most fantastic pictures of Pluto.

Councilmember Putzova requested a CCR on adaptive playgrounds. She said that it would be good to understand what is and is not available and what policies they have.

Councilmember Evans requested to expand that prior request. She would also like to know what Parks and Recreation has that is adaptive, not only in parks but all of the facilities.She would also like to find out what the plan and timeline is for Thorpe Park improvements.

Mr. Copley reminded everyone to save the dates for the upcoming budget retreat. He also reminded everyone that Domestic Violence Awareness Month will be recognized at City Hall and purple lights will be installed.

13. Adjournment

The Work Session of the Flagstaff City Council held September 29, 2015, adjourned at 8:31 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

WORK SESSION
TUESDAY, JANUARY 12, 2016
COUNCIL CHAMBERS
211 WEST ASPEN AVENUE
6:00 P.M.

MINUTES

1. Call to Order

Mayor Nabours called the Work Session of the Flagstaff City Council held on January 12, 2016, to order at 6:01 p.m.

2. Pledge of Allegiance

The City Council and audience recited the Pledge of Allegiance.

3. Roll Call

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

PRESENT	ABSENT
MAYOR NABOURS	
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and Deputy City Attorney Sterling Solomon.

4. Preliminary Review of Draft Agenda for the January 19, 2016, City Council Meeting.*

** Public comment on draft agenda items may be taken under "Review of Draft Agenda Items" later in the meeting, at the discretion of the Mayor. Citizens wishing to speak on agenda items not specifically called out by the City Council for discussion under the second Review section may submit a speaker card for their items of interest to the recording clerk.*

Councilmember Overton stated in regards to item 15A on Parking Management that the ordinance specifically addresses the program, a parking management officer, and establishing a special revenue fund; he would suggest some language on what the intent of that special revenue fund is and what the revenues should be used for. Additionally, he requested that the capital costs of the kiosks is included in the pro-forma because it currently shows as a lease but no number. Vice Mayor Barotz added that one of the things the downtown community is concerned about is that the funding will be swept down the road. Any information and suggestions that legal can give about how to protect the funding would be helpful.

Mayor Nabours asked if Mr. Whitaker would cover the difference in cost between a roundabout and a traffic light and how the grant plays into that when presenting on item 10B.

Mayor Nabours also asked if staff could provide some information on item 15B regarding animal keeping in regards to the possibility of putting language in the ordinance that established an expiration date unless renewed by Council.

5. Public Participation

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None

6. Life Safety Recognition.

Mayor Nabours came down to the podium for the presentation of this item.

Mayor Nabours recognized Elizabeth “Libby” Champagne and presented her with a Citizen’s Heroism Award for her life saving actions in providing aid and assistance to Gretchen Wilce.

7. Annual Report from staff and the Flagstaff Arts Council.

Executive Director of the Flagstaff Arts Council John Tannous addressed Council introducing Deputy Director Elizabeth Voegler and some of the Board members in attendance.
Mr. Tannous provided a PowerPoint presentation that covered the following:

ANNUAL REPORT
CITY OF FLAGSTAFF – ARTS & SCIENCES
ARTS COUNCIL/CITY CONTRACT
ART & SCIENCE FUND GRANTS

Ms. Voegler continued the presentation.

FLAGSTAFF365.COM
THE ARTBOX INSTITUTE
FIRST FRIDAY ARTWALK
ARTWALK – INTERACTIVE ONLINE MAP
COCONINO CENTER FOR THE ARTS
VIOLA AWARDS
INCREASE OPPORTUNITIES
YOUTH ACCESS TO THE ARTS

Mr. Tannous continued the presentation

ART & SCIENCE FUND GRANTS

RETURN ON INVESTMENT
ROI: LOCAL TAX REVENUES
ROI: TOURISM REVENUE
RETURN ON INVESTMENT
COMING IN 2016
THANK YOU!

Mayor Nabours asked how much money the Arts Council receives from BBB revenues. Mr. Tannous stated that $300,000 is re-granted out into the community with an additional $73,000 covering the support of the programs and administration. Mayor Nabours asked if they receive any other funding that goes into the grants. Mr. Tannous explained that they do not receive additional funding for grants, however, they do receive funding from a number of other local, regional and national sources that supports their programs.

Councilmember Brewster stated that the Arts Council has been doing a great job and she looks forward to continuing the partnership.

8. Sustainability Commission and Plastic Bag Focus Group's Recommendations Concerning Plastic Bags. ***(At the request of the City Council, the Sustainability Commission and Interim City Manager's Plastic Bag Focus Group will provide an overview of recommendations for plastic bag management in Flagstaff as presented to City Council in 2015.)***

Sustainability Manager Nicole Woodman addressed Council stating that she would be reviewing the recommendations provided by the Sustainability Commission and the Plastic Bag Focus Group. She introduced Kevin Ordean on behalf of the Sustainability Commission and Kathy Flaccus, Moran Henn, and Rob Wilson on behalf of the Plastic Bag Focus group who will be presenting information as well.

Ms. Woodman provided a PowerPoint presentation that covered the following:

MANAGING PLASTIC BAGS IN FLAGSTAFF
BACKGROUND

Mr. Ordean continued the presentation.

SUSTAINABILITY COMMISSION
SUSTAINABILITY COMMISSION'S RECOMMENDATION FOR A PLASTIC BAG BAN

Moran Henn, Kathy Flaccus, and Rob Wilson continued the presentation.

PLASTIC BAG FOCUS GROUP
PLASTIC BAGS FOCUS GROUP PHASE 1
PLASTIC BAGS FOCUS GROUP PHASE 2
PLASTIC BAGS FOCUS GROUP PHASE 3 AND PHASE 4
PLASTIC BAGS FOCUS GROUP ADDITIONAL CONSIDERATIONS

Councilmember Oravits asked where the funding for the recycling program comes from. Ms. Woodman explained that the funding is generated from the Environmental Assessment Fee that is on each water bill. The recommendation of increasing that fee by one dollar would result in approximately $68,000.

Mayor Nabours stated that there had been previous discussion about moving forward with a

voluntary education program; he asked what has been done and the current status of the program. Ms. Woodman explained that the City has had a voluntary recycling program since 2008 and programming has been continued and improved since that time. Stores have strict policies in place regarding bag use. Staff has been able to do some free reusable bag giveaways at the stores that have allowed it. There are also free reusable bag distribution centers at three different locations where thousands of bags have been distributed to people in the community. There is a robust social media campaign and staff continues to do education and outreach throughout the community.

Councilmember Oravits asked how outreach is being done with the stores and if there has been any effort to encourage cashiers to ask about reusable bags. Ms. Woodman stated that staff has tried to work with grocery stores and what they have found is that the stores refer the City back to their corporate offices. There are a lot of policies determined at the corporate level; for example, the average bag load is 2.4 items and there has been little success in attempting to increase that number. It has been difficult to get time with the stores but staff continues the education piece as much and as often as they can.

Councilmember Oravits asked if there has been talk about the bag distribution centers being put in stores. Ms. Woodman stated that there is a limited budget and at this time there is not enough funding to supply distribution centers. She stated that Sustainability and Solid Waste has partnered to initiate a reusable bag bank and work to target areas in the community that could benefit from them.

Councilmember Evans stated that she would like to see the City begin Phase 1 and Phase 2 as soon as possible and she requested information on the actual budget for those phases. Staff has done what they can on a voluntary basis and she feels that it is time to do more than that.

9. Briefing on the Launch of the Flagstaff Community Forum, Online Civic Engagement Platform.

Comprehensive Planning Manager Sara Dechter introduced Nick Barry, Marlena Medford and Rob Hines with Peak Democracy. She provided a PowerPoint presentation that covered the following:

FLAGSTAFF COMMUNITY FORUM
ENGAGEMENT CYCLE
GOALS OF ONLINE CIVIC ENGAGEMENT
TWO PARTICIPATION CHANNELS TO THE RESCUE!
BENEFITS TO FORUM VISITORS
BENEFIT TO POLICY MAKERS AND STAFF
TYPES OF FORUM TOPICS
PEAK DEMOCRACY SUPPORT SERVICES
BENEFITS/WORK TO DO
LET'S TAKE A LOOK

Ms. Dechter provided a tour of the website and a demonstration of how the portal works.

Councilmember Oravits asked how the portal is different than placing something on Facebook for comment. Ms. Dechter explained that the portal allows the City to combine the various different audiences from social media and grow them together. For example, the Regional Plan Facebook page has 250 people who have liked it and the Sustainability page has over 4,000, this program helps to combine that audience and instead of having to post on several different

pages, the portal gives a central area for people to get information, make comments and provide input. Additionally, the portal is better set up to keep people on topic. Councilmember Oravits asked if there is someone who has to moderate the topics. Mr. Barry explained that Peak Democracy moderates all the comments and off topic comments are quite rare; people that are participating are there for the specific topic and to provide input. Councilmember Oravits asked if there is a way to require all participants to register to make sure staff is not fielding hundreds of comments from people who are unassociated with Flagstaff. Ms. Dechter explained that the moderator can flag posts and IP addresses to make sure the topic is not being overrun by the same person. Staff gets notification if there are uncivil or off-topic comments. The feedback of those who are registered allow staff to use the mapping feature to show if they live in or out of the city limits, are on the NAU campus or other various parts of the City. Comments received from a national forum are able to be filtered out should it be identified that they are unassociated with Flagstaff.

Ms. Dechter added that the cost is currently $9,000 for a one year subscription. If the City were to renew for a three or five year contract there would likely be some savings. The portal is currently being funded from leftover monies in the Regional Plan budget but ongoing it may be part of the Communications budget.

10. Discussion of Marriott Property Acquisition / Development Agreement *(SEE ITEM 15-D ON THE JANUARY 19, 2016, DRAFT AGENDA PACKET)*

Planning Director Dan Folke provided a PowerPoint presentation that covered the following:

MARRIOTT RESIDENCE INN
APPROVED SITE PLAN
- 4 story building with 110 units
- 8 foot setback from property line and building face
- 2.5-3 feet that encroach into the public right of way at Aspen/Beaver

ITEMS FOR CONSIDERATION
APPROVED SITE PLAN
EXACTION VS. ACQUISITION
PROPOSED ROW TRANSACTIONS
DEVELOPMENT AGREEMENT TERMS
ADA RAMP RELOCATION TO ASPEN
APPROVED SITE PLAN RECONFIGURED
WHY WIDEN HUMPHREYS STREET?
WHY PURCHASE RIGHT-OF-WAY NOW?
OPTIONS

Vice Mayor Barotz asked what the rationale was for including a property purchase in a development agreement rather than pursuing a purchase contract with adequate protections for buyers and sellers. Mr. Folke explained that staff was advised that a development agreement was a good avenue for this kind of transaction. Vice Mayor Barotz stated that a purchase agreement could be as long as the development agreement with protections and rights and responsibilities of each party. She feels that it is a bad strategy in terms of protecting the City. Mr. Solomon acknowledged that it is a good point and stated that an executive session could be done should the Council wish to discuss it further.

Mayor Nabours asked if the transfer of property would happen in escrow with title insurance. Mr. Folke stated that it would. Right now the development agreement talks about the transfer happening prior to the Certificate of Occupancy being issued so there is no specific date that it would occur on.

Councilmember Putzova asked how the Arizona Department of Transportation (ADOT) was involved with the conversation and agreement. She asked if the City approached ADOT to have them purchase the land. Mr. Folke explained that there is a standard distribution list for site plan reviews and staff solicits comments from all of them. He was not involved in any meetings with ADOT but Community Development Director Mark Landsiedel and City Engineer Rick Barrett have met with them monthly to discuss various projects. Mr. Landsiedel offered that there has been many conversations with ADOT about the potential future widening of Humphreys. FMPO Manager Dave Wessel presented to Council a few months ago about the funding required to do the widening and that it was not currently available. As this development came forward the City talked to ADOT about the daily traffic loads and asked them if they wanted to do right turn lanes into the project or continue to seek funding for a widening project. ADOT expressed that they are interested in the widening project should funding become available and the right of way is acquired.

Councilmember Evans asked about the parking option and what Marriott has agreed to. Mr. Folke stated that the language is not as strong as staff would like in the development agreement; he explained that currently the draft agreement talks about future considerations and the garage. It recognizes that the City and the Developer recognize the need for a parking garage and when the time comes for the garage to be considered the Developer agrees to evaluate the use of the parcel. Staff went back and forth with the developer on the language looking for more of a commitment but there is concern about limitations being put on the parcel. Mayor Nabours asked if the City moved forward with a parking garage and had access to Marriott's surface parking south of Aspen Avenue, a much more effective parking garage could be developed. If Marriott were to get the same number of parking spaces they had with the surface lot they would likely be willing to go along with it and the City would end up with a much more efficient parking garage. Mr. Folke stated that there would definitely need to be some assurances for the same amount of parking spaces but the idea would be to have a multi-level parking structure and the City and Marriott would have to work out the terms of how it is constructed, the funding sources and how any revenue would be allocated. It was something that staff felt was important to include in the development agreement. While it plans for future options the language does not really commit either party and staff felt that it was better than nothing.

Mr. Landsiedel stated that one of the things staff considered was that as of today, Humphreys is ADOT jurisdiction; when the widening project gets funding it may well be one of the roads the City takes over as a route transfer. If so, the City would now have the ability to bring the right of way as a local contribution should it be an ADOT project.

Councilmember Putzova stated that she would like to understand what it means legally to explore the use of the parcel and what the developer is committing to in the agreement. Mr. Solomon stated that he would be more comfortable discussing that question in executive session.

Vice Mayor Barotz stated that she would like to see the comps for how the value of the property was determined. Mr. Folke indicated that he is happy to provide that information to the Council. He stated that what the developer will be purchasing is more than fair market value.

Councilmember Oravits asked where the money for the right of way purchase will come from. Deputy City Manager Barbara Goodrich explained that the answer is two-fold; because of the robust building activity over the last few years' sales tax and building revenues have been boosted and the funding would come from those additional revenues over budget. Because the maximum appropriations are set with the budget the City would borrow appropriation from a transportation project to fund the acquisition in the current year. She indicated that there should

be no impact to the other projects because typically they are not all completed each year and have to be carried forward into the next budget year anyway.

Vice Mayor Barotz asked if staff can provide more information on the proposal to widen Humphreys at the meeting next week. It is an important decision in conjunction with a development agreement and there has been no discussion with the public about the potential widening. She also requested a map that shows what the widening would look like.

Terry Madeksza addressed Council on behalf of the Flagstaff Downtown Business Alliance. She stated that they are in support of the project and are excited to have new hotel rooms in the downtown. They are also excited about the future of the surface parking lot and what it might be long term.

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Coral Evans to convene into Executive Session for legal advice concerning the Marriott property acquisition.

Vote: 7 - 0 - Unanimously

After noticing that proper notice was not on the agenda to recess into executive session the session immediately recessed and returned to regular session.

11. Review of Draft Agenda Items for the January 16, 2016, City Council Meeting.*

** Public comment on draft agenda items will be taken at this time, at the discretion of the Mayor.*

None

12. Public Participation

None

13. Informational Items To/From Mayor, Council, and City Manager; Future Agenda Item Requests.

Councilmember Evans stated that she received an email from an individual about phone numbers and addresses on board and commission applications and those being posted in the Council agendas online to the public. She asked if staff can look at possibly removing phone numbers and addresses from the public packet.

She also reported that she received an email about the timing of various public meetings and how they often conflict with each other. She suggested developing a master schedule of these types of meetings and encouraging developers to try and avoid scheduling public meetings that conflict with other public meetings.

Vice Mayor Barotz thanked the Public Works staff for their efforts during the last snow storm. She understands the berm issue that the public gets frustrated about but feels that the staff is doing the best they can do and she appreciates their efforts.

Councilmember Oravits stated that during the snow he had the opportunity to do an interview with ABC 15 and mentioned the sled debris. He suggested talking with ADOT about putting a witty sign on the overhead signs coming into town asking people to haul out what they bring in.

He also reported that he went down to Phoenix for the opening day of the legislative

session. He received some very positive news about the bill for the Veteran's Home and getting it moved through the session successfully.

Mr. Copley stated that City staff have been working hard to clear all of the city owned sidewalks. Staff will continue to discuss and work through the issue of removing the blockages of sidewalk access as quickly as possible.

He added that he will have his first meeting with some of the larger businesses in town to discuss housing options and identifying solutions for workforce housing.

Lastly, the weather caused the Utility Rate Discussion to be postponed; staff is looking for dates to reschedule and will be contacting Council soon for schedule availability.

Mayor Nabours stated that there is a constant issue of people shoveling their sidewalk during and after a snow storm only to come back out to find it covered again. He asked if there was a way to plow closer to the curb in an effort to reduce the amount of snow that is put back on the sidewalk with subsequent passes. Public Works Director Erik Solberg addressed Council stating that the City has a lot of new snow plow drivers this year. The protocol is to try and set the snow berm the first time and then build upon it. The operators try but it is difficult. Supervisors are working with the newer drivers to help them identify landmarks for the curbs and hopefully this will help in the future and correct some of the problem.

14. Adjournment

The Flagstaff City Council Work Session of January 12, 2016, adjourned at 8:04 p.m.

_____

MAYOR

ATTEST:

_____

CITY CLERK

CITY COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 2, 2016
COUNCIL CHAMBERS
211 WEST ASPEN
4:00 P.M. AND 6:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Nabours called the meeting of December 15, 2015, to order at 4:02 p.m.

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.

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and Deputy City Attorney Sterling Solomon.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance and Mayor Nabours read the City of Flagstaff 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

A. **Consideration and Approval of Minutes**: City Council Special Work Session of October 19, 2015; City Council Work Session of October 27, 2015; and City Council Regular Meeting of December 1, 2015.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve the minutes of the City Council Special Work Session of October 19, 2015; City Council Work Session of October 27, 2015; and City Council Regular Meeting of December 1, 2015.

Vote: 7 - 0 - Unanimously

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. 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.

Mayor Nabours said that since the Dew Downtown item had been moved to the 6:00 p.m. portion of the meeting, he would welcome comments at this time as well if anyone was present regarding that matter.

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

Mayor Nabours said that the Police , Community Development and Sales Departments had reviewed these applications and found no issued. He then opened the Public Hearing on both liquor license applications. There being no put input, the Public Hearing was closed.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to forward both applications to the Arizona Department of Liquor Licenses with recommendations for approval.

Vote: 7 - 0 - Unanimously

A. **Consideration and Action on Liquor License Application:** Roger Burton, “Giant #084", 1010 N. Country Club Dr, Series 10 (beer and wine store), New License.

B. **Consideration and Action on Liquor License Application:** Dara Wong Rodger, "Shift", 107 N. San Francisco St., Suite 2, Series 12 (restaurant), New License.

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. 2015-17**: An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff City Code, by deleting Chapter 6-03, *Animals*, in its entirety and adopting revised Chapter 6-03, *Animal Keeping*; providing for severability, authority for clerical corrections, and establishing an effective date. ***(Animal Keeping Code)***

Sustainability Specialist McKenzie Jones reviewed proposed changes in response to comments made at the last meeting. Under 6-03-001-0001, Purpose, they inserted "common household and others." In addition, under 6-03-001-0002, Definitions, they changed the wording about six months ago and forgot to take out the definition "dehorned."

With regard to 6-03-001-0-003, Slaughter, Ms. Jones said that they added the words "slaughter must be for personal consumption and in compliance with all county, state and federal laws." Under 6-03-001-0004, Beekeeping, it should now read, "beekeeping is allowed in all zones where the use of the property on which the beehives are kept is residential or educational." She noted that last week they removed "marked and nonswarming characteristics."

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Coral Evans to read Ordinance No. 2015-17, as amended, by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, BY DELETING TITLE 6, POLICE REGULATIONS, CHAPTER 6-03, ANIMALS, IN ITS ENTIRETY AND ADOPTING REVISED CHAPTER 6-03, ANIMAL KEEPING; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Coral Evans to adopt Ordinance No. 2015-17.

Vote: 7 - 0 - Unanimously

B. **Consideration and Adoption of Ordinance No. 2016-05** - An ordinance of the City Council of the City of Flagstaff, Arizona, amending Flagstaff City Code Title 9, TRANSPORTATION, Chapter 9-01, TRAFFIC CODE; creating the Office of Parking Manager; modifying the duties of the Traffic Engineer accordingly; modifying and adding traffic violations necessary for permit parking and pay-to-park programs; authorizing the Parking manager to implement the Comprehensive Parking Management Program for the downtown, southside and surrounding areas with the installation of parking meters, signage, and other improvements for permit parking and pay-to-park programs; and establishing a special revenue fund for revenues

generated by implementation of the Comprehensive Parking Management Program. ***(Downtown Comprehensive Parking Management Program)***

Community Design and Redevelopment Manager Karl Eberhard briefly reviewed the proposed documents, noting that last week they had direction to include newspaper and website in the noticing section. Council had also questioned whether they could repay the seed money and stash away the 20%. He did a five-year plan and the answer to those questions is yes.

He said that they had discussions with the stakeholders and one of the things they talked about was staff coming back in a year's time or 15 months, with a review of expenditures/income and allocations, reviewing the overall program.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to read Ordinance No. 2016-05, as amended, by title only for the final time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING CERTAIN TRAFFIC AND PARKING REGULATIONS BY AMENDING THE FLAGSTAFF CITY CODE TITLE 9, TRANSPORTATION, BY AMENDING CHAPTER 9-01, TRAFFIC CODE; SECTION 9-01-001-0001, TRAFFIC LAWS ADOPTED; SECTION 9-01-001-0003, STOPPING, STANDING AND PARKING RESTRICTIONS; SECTION 9-01-001-0007, OFFICE OF TRAFFIC ENGINEER CREATED; 9-01-001-0008, MUNICIPAL PARKING LOTS; BY ADDING SECTION 9-01-001-0014, OFFICE OF THE PARKING MANAGER CREATED; AND BY ADDING SECTION 9-01-001-0015, COMPREHENSIVE PARKING MANAGEMENT PROGRAM SPECIAL REVENUE FUND, AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATES

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Coral Evans to adopt Ordinance No. 2016-05.

Vote: 7 - 0 - Unanimously

Mayor Nabours added that it was Council's direction to bring this ordinance back for a status report and update no later than 15 months.

C. Marriott Project.

i. <u>Consideration and Adoption of Ordinance No. 2016-03:</u> An ordinance of the Flagstaff City Council authorizing the acquisition of certain real property as a public right-of-way for the possible widening of Humphreys Street between Route 66 and Cherry Avenue. ***(Acquisition of right-of-way - Marriott development)***

Planning Director Dan Folke reviewed the three items involved with this project, noting that the first two were second readings of ordinances. The first was to acquire right-of-way and the second was to abandon right-of-way at the corner of Aspen/Beaver, and there was a new exhibit included which identified the square footage at 64 sq. ft. rather than the earlier 82 sq. ft.

He said that the third item is the development agreement and the terms remain the same. He noted that revisions were made to section 4.1.5 to clarify that the City was participating in relocation of improvements to allow for the ramp; the developer was responsible for the

ramp itself.

Shane Shumway, representing the developers, said that he had nothing to add but was available for any questions that anyone may have.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Karla Brewster to read Ordinance No. 2016-03 by title only for the final time.

Councilmember Putzova said that she would be voting no due to the language in the clause talking about the City's interest in purchasing the right-of-way for the widening of Humphreys. She has not been a part of any discussion and she feels it would not be in the best interest of the citizens to jump to the conclusion that it is the best option to deal with traffic issues.

Vice Mayor Barotz added that the FMPO may have had discussions, but it has not been given to her. The only thing she could find on the internet was a 2003 letter to the editor talking about the overuse of left-turn lanes.

Mayor Nabours said that he thought this was a rare opportunity to gain right-of-way for possible future expansion. He appreciated that the Shumways have been cooperative in giving the City this opportunity. He believed the Council would be ill-advised to not take the opportunity.

Vice Mayor Barotz said that she thought it had not been transparent the way it has been framed.

Vote: 5 - 2

NAY: Vice Mayor Celia Barotz
Councilmember Eva Putzova

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-OF-WAY FOR THE POSSIBLE WIDENING OF HUMPHREYS STREET BETWEEN ROUTE 66 AND CHERRY AVENUE

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to adopt Ordinance No. 2016-03.

Vote: 5 - 2

NAY: Vice Mayor Celia Barotz
Councilmember Eva Putzova

ii. **Consideration and Adoption of Ordinance No. 2016-04:** An ordinance of the City Council of the City of Flagstaff, abandoning whatever right, title or interest it has in an approximately 82 square foot portion of public right-of-way generally located at the northwest corner of Aspen Avenue and Beaver Street to FMH Enterprises, LLC. ***(Abandonment of right-of-way - Marriott development)***

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Scott Overton to read Ordinance No. 2016-04 by title only for the final time.

Vote: 5 - 2

NAY: Vice Mayor Celia Barotz
Councilmember Eva Putzova

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ABANDONING WHATEVER RIGHT, TITLE OR INTEREST IT HAS IN AN APPROXIMATELY 82 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY GENERALLY LOCATED AT THE NORTHWEST CORNER OF ASPEN AVENUE AND BEAVER STREET TO FMH ENTERPRISES, LLC

Moved by Councilmember Scott Overton, **seconded by** Councilmember Karla Brewster to adopt Ordinance No. 2016-04.

Vote: 5 - 2

NAY: Vice Mayor Celia Barotz
Councilmember Eva Putzova

iii. Consideration of Development Agreement: With FMH Enterprises, LLC, for the Marriott Project located at the corner of Humphreys and Aspen Avenue. ***(Development Agreement - Marriott development)***

Moved by Councilmember Scott Overton, **seconded by** Councilmember Karla Brewster to approve the Development Agreement with FMH Enterprises, LLC.

Councilmember Overton thanked the applicant, stating that it was a great example of an infill property which had been underutilized and undeveloped.

Councilmember Putzova said that she would reiterate what was said before; she was not opposed to the Development Agreement if it did not have the acquisition of the land built into it. She said that it was her understanding that they could achieve the agreement with current setbacks; instead staff went ahead and negotiated the purchase of the property. They have not discussed anything about such widening.

Councilmember Brewster said that staff had the foresight to see the need for the right-of-way, whether developed now or years from now.

Vote: 5 - 2

NAY: Vice Mayor Celia Barotz
Councilmember Eva Putzova

RECESS

The 4:00 p.m. portion of the February 2, 2016, Regular Council Meeting recessed at 4:31 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Regular Meeting of February 2, 2016, at 6:01 p.m.

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.

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and Deputy City Attorney Sterling Solomon.

12. PUBLIC PARTICIPATION

Vice Mayor Barotz commented to outgoing Public Works Director Erik Solberg that she thanked him from the bottom of her heart for everything he has given to the City. She said that she has admired him; he was the most level-headed guy she has ever met. She wished him happiness and relaxtion in his retirement.

13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA

None

14. PUBLIC HEARING ITEMS

A. Public Hearing, Consideration and Adoption of Resolution No. 2016-02 and Ordinance No. 2016-07: Public hearing to consider proposed amendments to Flagstaff Zoning Code the Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps); consideration of Resolution No. 2016-02 declaring the proposed amendments as a public record; and adoption of Ordinance No. 2016-07, adopting amendments to Flagstaff Zoning Code Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps), by reference. ***(Zoning Code Amendments except Sign Code)***

Zoning Code Administrator Roger Eastman began the presentation, noting that they would not be doing the sign standards today as they need to go back to the Planning and Zoning Commissions due to the Reed case.

He said that staff started collecting amendments right after the 2011 adoption of the new Zoning Code. In 2014, he started pulling them together and last year they started the outreach, which included four or five policy work sessions with the Council.

Vice Mayor Barotz questioned the changes in the definition for dormitories and completely eliminating rooming and boarding. She said that the reason she is reviewing this is that it relates to student or high occupancy housing and these definitions are all part of the larger conversation. If they remove rooming and boarding and dormitory, when a high occupancy project comes before Council there will not be a conditional use permit (CUP) process any more. Mr. Eastman said that was correct. It would either be dormitory or multifamily apartment.

Mr. Eastman said that one of the recommendations of the Student Housing Work Study Group was to discuss high occupancy housing as presented last year, and as discussed with Council by Sara Dechter, that is one of her tasks.

Vice Mayor Barotz asked why they would not have some guidance, then, in the Zoning Code. She asked why they would not include definitions during that review time. Mr. Eastman said that he did not know that it was a bad idea, but it came out through the working group. He said that if there were concerns, they could not amend that part of the Code and leave it as is until they get through those discussions.

Vice Mayor Barotz asked if there was a reason why staff would not want to bring the Council changes to the Code based on what they have learned. Mr. Eastman said that the process is going to be a community process. They have existing definitions and the question is how they enforce the separate leasing arrangements per room. They do not have the ability to go into a building and start asking for lease arrangements.

Mr. Folke said that they currently do not need a CUP to achieve more than 29 units per acre. They have the mixed-units incentive. In order to get more than that, such as Aspen Place at Sawmill, it requires a Mixed Use project; it did not need a CUP to achieve those. He said that they started these amendments some time ago and are trying to get this round done. There are things that are critical to how they apply the Code. He said that rooming and boarding is not critical; if they do not want to change that now they do not need to. However, one concern would be to slow this down to include something on high occupancy housing.

Vice Mayor Barotz said that she was not suggesting that they slow anything down. Her idea was to understand the consequences of removing the definitions. She understands that the CUP comes into play with only rooming and boarding. What they are seeing in the community is that if they do not have the CUP process for higher density, there is less opportunity for the public to express their concerns.

Mr. Folke said that any project over a certain density may require a CUP, but they want to create some standards. The CUP is a permitted use, but those instances where they may to apply certain conditions. All of these things they have talked about is what they are going to go through. What they have proposed does not change when they need a CUP for density. Vice Mayor Barotz said that she was not sure she would support removing rooming and boarding and would like to vote on each separately.

Councilmember Evans agreed, stating that if they were not sure of what they were going to

do with this element, they should just leave it alone. She would not support removing them.

Mr. Eastman said that there are specific findings listed in the Zoning Code that staff uses for evaluating a CUP that becomes the basis of the staff report that goes to the Commission. The Commission has to base their decisions on those findings.

Discussion was held on a potential rent by the room situation in La Plaza Vieja.
Mr. Eastman said that it comes down to how staff would determine if there is a lease arrangement by bed. He said that there is not a way that would stand up in court.

Councilmember Overton said that he liked the clarification of what they were doing. He said that they would ask for a CUP for rooming and boarding, and they may add a condition or two. He said that he did not know that the CUP process is understood as well as it needs to be as it relates to leasing.

Mayor Nabours said that he was hearing that as far as density, whether they have a four bedroom apartment leasing as one unit or four rooms, the density is the same.

Councilmember Putzova said that she has a problem in the argument that the City is unable to track the leasing arrangements. If they do not disclose it in the beginning and a CUP is required, and it is then brought to the attention of the City, it would be a matter of dealing with a violation of the code. She did not support removing rooming and boarding until they had an adequate replacement.

Discussion was held on single room occupancy (SRO). Mr. Eastman explained that SRO's are permitted by right. They are only required a CUP in the suburban commercial zone. They are treating them much like a hotel/motel.

Mr. Solomon said that if the Council wants to propose amendments they can do so. They would vote on the amendments separately and then vote on the overall document.

Council then began review of the documents presented.

DOCUMENT A

Mr. Eastman said that this is talking about completeness of an application and if it is contested by the applicant to the Director. He said that when they use Director, they are talking about the Planning Director. The idea was to define Planning Director as Director and the Community Development Director, which is used a lot less frequently, would not be defined. In this area the Director and his staff would do the review. If there was an appeal it would go to the Community Development Director.

Councilmember Overton suggested they go up one more level so that it was outside of the Community Development division, for a more objective look, perhaps to the Deputy City Manager. Mr. Eastman said that appeals of excactions and dedications would be heard by the City Manager. Councilmember Overton said that he likes knowing there is a different division, but he was not ready to make that amendment this evening.

Councilmember Oravits said that he would like to see that as well, to have a different body or division review, and asked if that could be brought back in the future.

Mr. Landsiedel said that he thought it was appropriate to consider other sources and had no problem with that. The Council needs to keep in mind that the subject matter is extremely technical and that is the reason they have done this in the first place. To get someone up to speed with the technical knowledge could be challenging.

Mayor Nabours, in referring to page 243, is talks about imposing special requirements to ensure future rights-of-way needs. He was wondering if they can say to a property owner they cannot use that 154 feet of property because some day in the future the City may want it. Mr. Solomon said that he would review that section further. Councilmember Overton asked why they would call out one rather than all of the things they could impose. He would prefer to not call anything out.

Mayor Nabours said that in the prior paragraph it talks about necessary public improvements that are required for "this develoipment." But in the following paragraph it does not say anything about "this development," it talks about future needs. He asked that Mr. Solomon look at that before second read.

Councilmember Oravits, in referencing page 248, asked about the site drainage and how it affected it, or if it was just referring them to that document. Mr. Eastman said that was correct, it was referencing the LID (low impact development) manual. Councilmember Oravits said that he still wants to discuss that in a future session. Mr. Eastman said that the philosophy they approached in 2011 was to not duplicate standards. The Zoning Code excludes all of the standards in other documents and refers them to each.

Council agreed that chapters up through 10-30 were good.

DOCUMENT B (Page 310)

Mayor Nabours referenced the LIO (Light Industrial) zoning, noting that it has permitted uses of a school, charter school, public, and with a CUP even a hospital. He said that there is a lot of LIO zoning in the Woodlands Village area, originally contemplated to be light industrial, but it has evolved into a lot of retail, offices, apartments, etc. With that in mind he was wondering why churches and synagogues would not be allowed in an LIO zone, at least with a CUP.

Rabbi Shapiro, Flagstaff, said that about five years ago the Jewish community purchased two acres of land at the top of University across from the movie theater. The goal was to build a synagogue and community center. They now have the opportunity to move forward, but there is a challenge of a rezoning and the tremendous task involved. He said that they were asking that a minor amendment be made at this time to permit a house of worship in that zone.

Vice Mayor Barotz asked the Rabbi if they had investigated the zoning issue when they purchased the property. Rabbi Shapiro said that they did and the City official said they did not see why it would be a problem to go through the rezoning, but that figure is now close to $100,000. He said that he did not want to get sidetracked. The issue is not whether they should have to go through the process, but rather the ability to allow for a house of worship in a LIO zone.

Vice Mayor Barotz asked if the community center would require memberships. Rabbi Shapiro said that it would not; it would be open to the community.

Councilmember Oravits said that he would support this change. Mayor Nabours said that he did not think that Rabbi Shapiro was asking just for himself, but rather the ability for those properties to allow for a house of worship.

Mr. Eastman explained that one of the fundamental principles of the Zoning Code is that it needs to be consistent with the Regional Plan. One of the big projects of the 2011 Zoning Code rewrites was to reach that consistency. As explained in a CCR a few months ago,

there is no consistency with the Regional Plan if they allow meeting facilities because the Regional Plan goal and policy talks about protecting zones. Industrial zones need to be for industrial uses and that is why meeting facilities were not added. They honored what was there already. Arguably schools should not be allowed, but they were already there and they could not take them away.

Mr. Eastman said that they were not saying the cannot put in meeting facilities, but what they should do is put the Regional Plan policy discussion first. He would argue that it is inconsistent with the Regional Plan policy.

Mayor Nabours said that in looking at the current code, the intent of industrial zones is to provide appropriate land uses in the areas that transition from industrial to commercial and residential. If that is the intent, then this seems to be a logical use. Mr. Eastman said that he understood his argument, but there is a different process to get there, involving the Planning and Zoning Commission, rather than making this change tonight.

Mr. Solomon said that this proposed change is not in the proposed amendments and is something that is new being brought to them right now. That coupled with the consistency needed for Regional Plans, tends to make him consider taking this through the process differently.

Councilmember Oravits said that it was his udnerstanding that in commercial zones, such as with a strip mall, churches would require a CUP. He said that people have brought this up to him. They have 500 to 1,000 sq. ft. of space with a congregation of 30 people and have been told they had to move because they did not have a CUP. He would like to look into that further.

Mayor Nabours said that it will be months to take this back through the commission process.

Councilmember Evans asked Mr. Solomon if his legal advice was that they take it up under a separate discussion. Mr. Solomon said that was correct, because it was not consistent with the Regional Plan and did not come through the Planning and Zoning Commission.

Councilmember Evans asked Mr. Eastman if it would be possible to have this discussion with Planning and Zoning Commission, to also amend the Regional Plan, and asked what that timeline would look like. He said that it may mean more of an amendment to the LIO zone. He has already drafted the amendment, which was included in the CCR. The question is if it was the right thing to do based on the Regional Plan. They could do it relatively quickly after the Sign Code amendments, or they have talked about a regular round of annual amendments.

Mayor Nabours said that in his opinion it was a minimal change. Vice Mayor Barotz said that she would highlight that process is important. She puts a lot of weight in the Regional Plan because it was adopted by the voters. They need to go through the proper steps.

Moved by Mayor Jerry Nabours and **seconded by** Councilmember Jeff Oravits to add churches, synagogues and similar meetings places to the uses allowed with CUP in the LIO zone.

Councilmember Putzova said that she specifically recalled discussion about the industrial zones during the Regional Plan process. They were talking about the scarcity of land suitable for employment and the LIO was specifcally tied to employment. She could see where a church was not a place of employment. She felt strongly that if they think that the Regional Plan is a real document, it is a guiding document, going around the Regional Plan process is not really living up to the promise they gave the voters.

Councilmember Brewster asked about the chart on industrial zones, and asked what "miscellaneous requirements" meant. Mr. Eastman said that a table was put into the new Zoning Code as a result of combination of zones for 2011 zones. They have performance zones and conventional zones. The former performance zones had limits allowed in the LIO zone consistent with the Regional Plan. Councilmember Brewster asked if they could consider the church to be miscellaneous.

Councilmember Evans said that she does not disagree with the Rabbi's statement that this area would be amenable, but this is a different issue. She has heard that the process of looking at what they were doing could take only a few months. She said that they should go through the appropriate process. She said that she would not support the motion. Once they have clear legal advice, they should go that way.

Councilmember Evans asked what kind of example they were setting. She said that none of them have a problem with this. The importance is the process. They may get a council in the future that thinks that something else would be a great idea, but it might be something that the community would see as bad.

Councilmember Putzova said that it appears that a very specific case is driving a policy discussion that is to apply to the entire city.

Mr. Solomon recommended that they go into Executive Session to discuss further.

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Eva Putzova to recess into Executive Session.

Vote: 4 - 3

NAY: Mayor Jerry Nabours
Councilmember Jeff Oravits
Councilmember Scott Overton

The Flagstaff City Council recessed into Executive Session at 7:23 p.m. and reconvened into Open Session at 7:35 p.m.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to postpone the topic of adding this use to the LIO zone to a future work session with more conversation and staff time.

Vote: 7 - 0 - Unanimously

Mayor Nabours said that he understood that the law originally said there were geographic areas where they could have medical marijuana dispensaries in commercial zones, but that limitation was just for two years and now they can be located anywhere. He said that he understood that the statutes allow for a City to exercise reasonable land use control. He asked if they could look into that further.

Councilmember Putzova asked if it would not be a FAIR item. Mr. Solomon said that in the context of the Zoning Code amendments, the FAIR would be appropriate, or he could take it to Legal and look into it--whatever was the direction of Council. Vice Mayor Barotz said that a CCR would be fine for her. Councilmember Oravits asked if they could also get a CCR on

the churches.

Mr. Coplay clarified that staff would begin work and the process through the Planning and Zoning Commission to bring the question back for a vote in reference to text amendment on whether to provide meeting houses.

Marie Jones, Flagstaff, said that she understood that tonight they were just doing these amendments and she was not addressing those specifically, but it was a good opportunity to bring up and suggest there should be some way to go back and take a second look at transect zones. They have been in effect for four or five years but they are just now seeing cases coming in. She has been in touch with dozens of concerned citizens about how they are being interpreted and they would encourage some type of review mechanism.

DOCUMENT C

No discussion

DOCUMENT D

Vice Mayor Barotz asked that they leave in the rooming and boarding, SRO and dormitories definitions for the time being.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to close the Public Hearing and read Resolution 2016-02 by title only.

Moved by Vice Mayor Celia Barotz and **seconded by** Councilmember Coral Evans to amend the motion by leaving in the definition of rooming and boarding and other implications that would have in other chapters.

Vice Mayor Barotz said that she was disappointed to hear that people are interested in moving forward with these changes when this section of the code speaks to a contentious issue they have. She said that the community has asked them to leave this alone for now and Mr. Eastman said that leaving it alone was fine.

Vice Mayor Barotz said that she want to make sure the community understands that once this ordinance becomes effective, a large development coming through, such as the HUB or the Standard, would not require a public process because that process is being taken away.

Vote: 3-4 FAILED
AYE: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

Vote: 4 - 3

NAY: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "2015/2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, EXCEPT FOR DIVISION 10-50.100 (SIGN STANDARDS)."

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to read Ordinance No. 2016-07 by title only for the first time.

Vote: 4 - 3

NAY: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, THE CITY OF FLAGSTAFF ZONING CODE, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2015/2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, EXCEPT FOR DIVISION 10-50.100 (SIGN STANDARDS)"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

15. REGULAR AGENDA

A. Consideration and Adoption of Resolution No.2016-03: A Resolution of the City of Flagstaff Urging the United States Congress to Pass Carbon Fee and Dividend Legislation.

Sustainability Specialist Tamara Lawless said that in response to an August 4 citizen petition, Council directed staff to bring back a resolution supporting carbon fee and dividend legislation, which she then turned over to Clair Herrick to present a PowerPoint presentation.

OVERVIEW
CITIZENS CLIMATE LOBBY
THE COST OF CARBON
CORRECTING A MARKET FLAW
CARBON FEE & DIVIDEND
BUSINESS SUPPORT FOR CARBON PRICING
JOB GROWTH UNDER CARBON FEE & DIVIDENT
EMISSION REDUCTIONS
ARIZONA SUPPORT FOR CARBON PRICING
IN RESPONSE TO COUNCIL'S QUESTIONS
FEE VS. TAX
ADMINISTRATION OF DIVIDEND
LOCAL ECONOMY?
COST INCREASES
SUMMARY

The following individuals then spoke in support of the resolution:

•Mark Alexander

•Ellen Vaughan
•Suzanne Treit, CCL Coordinator for Arizona
•Don Bayles
•Eric Souders
•Amanda Ormond

Comments received included:

•Very concerned about global change and how to deal with it
•Could wait until some climate catastrophe happens; better way is in front of them
•Implementation of this would use free market principles in order to encourage businesses and individuals to reduce their carbon footprint
•Supports
•Most significant thing that can be done to move others is for US to lead and implement federal legislation on climate change
•Need to take action
•Polluters have for a century gotten subsidies
•Shows the legislators that they are not sitting and waiting for them
•Both Arizona senators acknowledge climate change is human related
•Both senators would like to do something now but they need key stakeholders being supportive of them
•Senators are asking for the cities' support
•The Council is the voice to represent the citizens
•Ripple effect; by third year they are seeing $2.1 million in revenue
•Businesses want tax certainty
•Cities are the innovation engine
•It has been found that carbon footprint and income correlate.

The following individual spoke in opposition to the resolution:

•Gabor Kovacs

Comments received included:

•Shady idea of promoting something like this has been rooted in decade old propaganda he told them about last week
•Need to educate themselves
•Any far left agenda-ponze scheme, pyramid of the evil
•Find the creators of certain agendas, such as global warming, and below that in academia they jump on the bandwagon for political or monetary benefits
•Below that are the foot soldiers, idiots, now called community organizers

Councilmember Brewster said that she believed in global change, but she thought it was up to individuals to do their own thing.

Councilmember Oravits said that he knew they had put a lot of work into the presentation, and he thanked them for changing it as a "tax." He said that he could not support a tax where all of the money is collected and distributed on a equitable basis. He said that the cost of living is high; cost of gas is going to go up again. His gut tells him that this is going to cost a lot of people a lot of money and will hurt those with little money.

Councilmember Putzova thanked them for their excellent presentation, noting that it was rare to see such a complex issue presented in such a clear manner. She said that a lot of them have a good idea of how much modeling went into these numbers. They are not guesses, they are real assumptions behind them based on reality and Flagstaff data. She

thought it was a good proposal and was consistent with the City's Regional Plan.

Councilmember Evans thanked them for coming back and educating the Council. She found it encouraging that their senators have been supporting this. She said that it was fairly important for them to understand that change naturally happens at a grassroots level. She doubted that the current written legislation will be final, but it would at least give them an opportunity to show that it is more than just them.

Mayor Nabours said that this is something outside of the jurisdiction of the City, and he has been consistent in his position of not telling other government entities what to do. He thought this needed to be debated with appropriate testimony at the appropriate level. He did appreciate the presentation and encouraged anyone interested to feel free to write their senators and Congressmembers.

Moved by Councilmember Eva Putzova, **seconded by** Councilmember Coral Evans to read Resolution No. 2016-03 by title only.

Vote: 3 - 4

AYE: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

A break was held between 8:45 p.m. and 8:57 p.m.

B. **Discussion and Possible Action re**: Current Issues Before the Arizona Legislature ***(THIS IS A STANDING ITEM - AS OF PUBLICATION OF THIS AGENDA NO ISSUES HAVE BEEN RAISED)***

Assistant to the City Manager Stephanie Smith introduced the issue, noting that the contract lobbyist, Richard Travis, was on the telephone. She said that there are hundreds of bills being tracked, and thousands have been dropped in Legislature. That is more than she can keep up with which is why they rely so heavily on Mr. Travis's team.

Mr. Travis said that this was the third week of session. Most of the bills to be dealt with have been dropped. The Senate's deadline was Monday; the House's deadline will be next Monday.

He then reviewed the following issues:

Guns - moving again this year in four or five different forms. They are working to develop a coalition of folks that are concerned with them, but they do not know where the Governor is with the second amendment issues. The last session ended before many of the bills made it through and as a consequence, the Governor is not on the record of what he would do with some of these bills.

Preemption bills - From last year's bill that passed taking away local control over bags and energy reporting and recycling. Part of the litigation brought on that bill dealt with charter cities and if the bill that became law covered more than one subject it would be unconstitutional. So, the legislature has come back trying to repeal the bill and others are trying to pass separate bills to get around the same subject issue being litigated. They are renewing their calls to leave those decisions to the cities. Most are reverting back to their votes last year.

Airports - The City of Mesa and Gateway Airport had an issue with a charter school building within the flight path which had an impact on inbound and outbound flights. When the charter legislation was passed it was decided to not require charter schools to go through typical Planning and Zoning regulations and as a result every municipal airport is vulnerable. He said that they were promoting this legislation.

Pension Reform - They understand how important this is and each city is uniquely situated depending on the age of their employees. Senator Lesko is working with the Police and Fire unions and brought a consensus bill to the Senate. It has support of the Governor and President of the Senate. They were hoping to see a companion bill dropped in the House; however, the House wanted their own review. As of today, while the House is dropping their own bill, it looks like it will not be very different. The Governor and unions have agreed they would like to see a Constitutional change to make the bills work. They plan to have those changes go on the special election May ballot with Proposition 123, but the Legislature does not have a lot of time to deliberate to make that special election.

He said that they are following a number of water issues, technical in nature, where they rely on the City's expertise to guide them. Additionally, there is a new bill to create a Department of Forestry. They were not sure if it was cosmetic rf if by creating a new department forest health will get more attention and funding.

Vice Mayor Barotz asked if they were following any of the bills related to business regulations. Mr. Travis said that they have been following HB2517 regarding business professions. He said that many of the bills are also being supported or opposed by the League and they are in communication with them on those efforts so they are coordinated. That is one that has the League's attention.

Councilmember Putzova asked if there have been any water bills. Mr. Travis said that they usually see water quality, water control, goundwater issues. This year they were also seeing some bills dealing with a fee on hookups to prevent the City from using the hookup fees to offset other costs.

Erin Young, Water Resources Manager, said that HB2391 is very recent. She said that it was presented at the City of Phoenix and they were voting on the bill or how to approach the issue. They are all watching this through the Northern Arizona Municipal Water Users Association (NAMWUA).

Vice Mayor Barotz asked if the Council would be advised when NAMWUA considers its action. Ms. Young said that Councilmember Oravits sits on the Board of NAMWUA.

Ms. Smith said that if there was legislation that they were looking for participation on by the Flagstaff Council and it was not consistent with guiding principles or priorities, they would be brought back. She said that at the next intergovern update she could plan to focus on the different coalitions' activities.

Mr. Travis said that there was also a drone bill dropped by Kavanaugh. He said that there were a couple of citiens that have enacted drone restrictions. Phoenix was headed toward consideration, but have stopped in order to give state legislators an ability to do statewide legislation.

He said that there was also donation bin legislation being proposed. He said that there is no City regional required; it is the private right of action to allow owners to self regulate some of the bins on their property.

He said that there are two bills that they are actively lobbying on behalf of the City--the VA Home bill and the Technical Registration Bill. the Technical Registration is up for hearing tomorrow and Mike Scheau and the Mayor were going down to testify. He said that they will have a hearing in House Appropriations on the VA Bill and they believe they will have a companion bill on the Senate side.

Ms. Smith asked Mr. Travis to talk a little about opportunities for the Council to engage in advocacy at the Legislature. Mr. Travis said that those other than their own bills, the challenge is always that they have to react to what others are doing. Depending on the Chairs, they get cooperation or they don't. Part of the pension reform the League contacted a couple of mayors and they will be testifying on that bill. If they have enough lead time and there is an interest, they can cooperate and have members either come down and testify in committee or identify some legislators that could be e-mailed.

Mr. Travis said that as they get further into the session there will probably be some media opportunities with press conferences to be attended, such as with the gun bills. If anyone knows they are coming down, he would be happy to meet them there.

Councilmember Putzova asked Mr. Travis what he could tell them about the Governor's proposed budget and its impact on cities. She asked what position they should be taking and what the conversation is. Mr. Travis said that this year the Legislature did not put out an alternative budget; they supported the Governor's budget. It holds all spending at the same levels as last year with some increases for enrollment at prisons and universities. There are some discretionary monies put into the child protective services that was created to address the case backlog.

For the City's issues, the VA Home was not included in the Governor's budget. Their effort is to try and get as much attention focused and have legislators ask that it be added to the budget. The leadership in the House and Senate is already going around and asking for their priorities in thebudget.

Councilmember Putzova asked if there was any process for councilmembers or the public to learn more about the budget or become part of the public hearing.

Mr. Travis said that in the past the budget was built in the Appropriations Committee and they would have hearings on Friday, in three different subcommittees and slowly built it that way. In the end it would be blended; there would be trading and flexibility. That is not the process being used for about a decade. The reality of this budget is that leadership and the Governor will meet and develop a general agreement on a budget, then take that back to the House and Senate and leadership will meet in small groups with legislators to get their commitment to vote for their proposal. None of that is done in public.

Ms. Smith said that she shared a summary of the Governor's budget and tutorial in his recommended budget earlier last month. She thinks they could provide education to the public so they could be more informed with the process and could include that summary on the Intergov Site to share with the community. She said that the City's #1 priority was to preserve local funding and the Governor's recommended budget protects local funding. There are no additional HURF sweeps and they remain at the same level of state shared revenue.

Councilmember Oravits said that Speaker Gowan's office reached out to the Mayor and himself and there will be a budget town hall this Saturday from 10:00 a.m. to 1:00 p.m. in the Council Chambers.

Councilmember Evans said that the notice provided for that meeting was a little lacking, and

she asked that the City Clerk post it for a possible quorum.

C. Consideration of moving the March 15, 2016, Regular Council meeting to March 22, 2016, due to Spring Break.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to change the March 15, 2016, Council meeting to March 22, 2016, due to Spring Break.

Vote: 7 - 0 - Unanimously

16. DISCUSSION ITEMS

17. FUTURE AGENDA ITEM REQUESTS

After discussion and upon agreement by a majority of all members of the Council, an item will be moved to a regularly-scheduled Council meeting.

A. Future Agenda Item Request (F.A.I.R.): A request by Vice Mayor Barotz and Councilmember Evans to place on a future agenda a discussion on winter snow play traffic congestion.

Vice Mayor Barotz said that she had requested this because there was great interest in the community about the issue of traffic congestion in the northwest corridor and whether it is caused by skiers or snow players. They would like to hold a work session and at a minimum learn about what the County is talking about with a larger snow play area which would divert some people from going through town. She would liie to have more discussion about other options for alleviating the problem, and perhaps invite the Forest Service and others that have a stake.

Councilmember Evans said that there was a document, 95% complete, that dealt with winter snow play in Flagstaff where several groups got together to help create it. Maybe that could be the basis for starting the discussion.

Mayor Nabours said that they have sort had a report like that a few years ago, but it would not hurt to have an update. Councilmember Evans said that while they have had updates in the past, she thought they could look at an update and let the citizens address the issue as well.

Consensus of Council was to bring this item forward.

B. Future Agenda Item Request (F.A.I.R.): A request by Mayor Nabours to place on a future agenda a comprehensive discussion on affordable housing.

Mayor Nabours said that he would like to get an answer on why housing in Flagstaff is so expensive and what can be done to make it less expensive. He said that there was a final report dated December 5, 2005, which did not make any conclusions. Councilmember Brewster said that she was not against what was being asked, but they need to make sure to include what is going on presently where ECoNA has already had a meeting about the issue with major employers.

Mayor Nabours said that he would like to have members of the real estate community, contractors, land developers, anyone that is affected, major employers, etc. and figure out what the issue is.

Vice Mayor Barotz said that if it was just going to be a roundtable discussion in the back, they run into a credibility issue. If they are going to have a discussion, she thinks everyone should be able to participate. Councilmember Evans said that the conversation would be interesting. She would like to have another work session and they have information. She said that with everything she has read about housing, the why is not something that is well understood.

Councilmember Oravits said that whatever they do, he brought up the Light Impact Development (LID) some time back and what he asked about was to deal with costs on the policy basis. If they are going to get into it, he would like to talk about that as well and the resource protection and water meters on multifamily properties.

Vice Mayor Barotz said that she worries about people coming and giving their opinions. If this is about reducing the regulatory burden and lowering the cost and changing the Zoning Code, then they have to have a budget discussion.

Councilmember Overton said that they have been through this so many times. It will come down to regulation versus supply/demand. They have tried a number of things, but it is good to keep it in check and see where they are at. He said that they look to the City to solve the problem, but it is not a solvable problem. It is a supply issue and the City does not control that end of the market. They control the policies that tell the market what to do.

Consensus of Council was to bring the item back to a future meeting.

C. **Future Agenda Item Request (F.A.I.R.):** A request by Councilmember Evans to place on a future agenda a Resolution of Support for Legislation Proposed by Representative Gosar and Senator McCain Regarding Downwinders.

Councilmember Evans said that the Council recently received an e-mail from Sherri Hanna in Prescott regarding two bills being brought forward by Senators Gosar and McCain. It would expand the area for those affected by the downwind of nuclear testing from Nevada and those that were susceptible to cancer. She said that this was near and dear to her heart as her Mother was a survivor and she is a breast cancer survivor.

Consensus was to bring this item forward to consideration. Councilmember Evans noted that time was of the essence.

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

Vice Mayor Barotz asked for a FAIR item to have a work session with a presentation about transect zones, the history and how they work. Councilmember Evans said that she supported that request.

Councilmember Putzova said that awhile ago they asked for a presentation on wages that was presented to Board of Supervisors to be given to the Council, and she asked for the status on that.

Last time she requested a CCR on negotiations between the City and ADOT on route transfers and although it was addressed some at the last meeting, she would still like to receive that information.

She would like to get the meeting minutes or a CCR on the employer housing roundtable that the City is organizing.

She also requested a FAIR item to discuss an implementation plan for climate change.

Mr. Copley explained that staff had sent out the RPI information to Council that came from the presentation made to the County. He was looking currently at whether there was a benefit to giving a presentation. That is out further on the agenda. Councilmember Oravits said that he asked for an item that went through the process to get on an agenda a year ago, and it has still not made it.

Councilmember Evans said that one of the things that would be helpful for the public is knowing how to find the CCR's that Council requests from time to time. Mr. Copley noted that they are currently posted on the City's website.

Mr. Copley reminded everyone that next Tuesday's meeting is canceled and there will be a budget retreat on February 11 and February 16.

Mr. Copley also noted that they currently have 25 items, including FAIR items, on the future agenda item list. He said that from to time he gets questioned on when items are going to be brought forward. He endeavors to get those plugged into the calendar.

At this time Public Works Director Erik Solberg read a statement thanking the Council for their trust and the dedicated City employees. He said that they have had fun working, arguing, joking, etc. He and his wife made Flagstaff home and his family has been here since 1914. He thanked the Mayor, the Vice Mayor, Councilmembers and citizens for allowing him to serve the City of Flagstaff.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held February 2, 2016, adjourned at 9:58 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CERTIFICATION

STATE OF ARIZONA)
) ss.
Coconino County)

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on February 2, 2016. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 22nd day of March, 2016.

_____
CITY CLERK

CITY COUNCIL REGULAR MEETING
TUESDAY, FEBRUARY 16, 2016
COUNCIL CHAMBERS
211 WEST ASPEN
4:00 P.M. AND 6:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Nabours called the Regular Meeting of the Flagstaff City Council held February 16, 2016, to order at 4:01 p.m.

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.

PRESENT:	ABSENT:
MAYOR NABOURS	COUNCILMEMBER PUTZOVA
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS (telephonically)	
COUNCILMEMBER OVERTON	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance and Mayor Nabours read the Mission Statement of the City of Flagstaff

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

A. **Consideration and Approval of Minutes**: City Council Special Meeting (Executive Session) of November 10, 2015; Special Meeting (Executive Session) of December 8, 2015; Special Work Session/Special Meeting (Executive Session) of December 10, 2015; Regular Meeting of December 15, 2015; Special Meeting (Executive Session) of January 19, 2016; and Special Meeting (Executive Session) of February 2, 2016.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Karla Brewster to approve the minutes of the City Council Special Meeting (Executive Session) of November 10, 2015; Special Meeting (Executive Session) of December 8, 2015; Special Work Session/Special Meeting (Executive Session) of December 10, 2015; and Regular Meeting of December 15, 2015; Special Meeting (Executive Session) of January 19, 2016; and Special Meeting (Executive Session) of February 2, 2016.

Vote: 6 - 0 - Unanimously

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. 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.

Deputy City Manager Jerene Watson introduced John Mitchell, the Interim Public Works Director, who was serving while a new Director is selected due to Mr. Solberg's retirement.

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

None

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.

Moved by Councilmember Karla Brewster, **seconded by** Mayor Jerry Nabours to approve Consent Items 9-A and 9-B.

Vote: 6 - 0 - Unanimously

A. Consideration and Approval of Contract: Well Siting Study. ***(Approval of the Agreement will allow Clear Creek Associates to conduct a study to identify the next five (5) well site locations for the City of Flagstaff)***

1) Approve the Agreement with Clear Creek Associates for the amount of $206,000.
2) Authorize the City Manager to execute the necessary documents.

B. Consideration of Award of Consulting Contract: Lockett Road Improvement Project

1) Award the Consultant Services Contract to Peak Engineering, Inc. of Flagstaff, Arizona in an amount not to exceed $171,114.00. The contract period is 545 calendar days; and
2) Authorize Change Order Authority to the City Manager in the amount of $15,000 (10% of contract amount excluding contingencies) for unanticipated or additional items of work; and
3) Authorize the City Manager to execute the necessary documents.

10. ROUTINE ITEMS

A. Consideration and Adoption of Ordinance No. 2016-09: An ordinance to enter into a third Amendment to Development Agreement (DA) with Nestle-Purina Petcare Company to extend the agreement and underlying lease for up to six months ***(Possible extension of development agreement with Nestle-Purina).***

Business Retention and Expansion Manager John Saltonstall addressed the Council, explaining that this was a request for an additional extension to the agreement with Nestle-Purina. He noted that the Council had approved a six-month extension to the current GPLET tax incentive arrangement with them to allow for an opportunity to conduct a study to find a solution to odor issues related to the plant. The study has been completed, but they are needing a little more time to complete a new development agreement that will address the remedies.

Vice Mayor Barotz asked if there was a property tax incentive in place now, or if the taxes were normal. Assistant City Attorney Anja Wendel replied that there is currently a property tax incentive in place, per the original development agreement, which she believed to be around $500,000 less the excise tax.

Community Investment Manager David McIntire added that this particular extension would not have any additional financial impact; they are already off the tax rolls. Mayor Nabours added that this extension would keep everything status quo for the next six months.

Nestle-Purina Petcare Plant Manager Ms. Kerr said that at the end of December they received the initial draft of the study performed by Brown & Caldwell to look at biofilters, ionizations, stack heights, etc. They have a few different options to install that will require a phased approach due to the costs involved.

Mayor Nabours asked Ms. Kerr what it was that everyone smelled. Ms. Kerr replied that it was the particulates. It was no different than baking, but they are baking dog food and the moisture is pulled off as it is being dried.

Vice Mayor Barotz asked if new employees are made aware of the odor issue before they are hired. Ms. Kerr said that if they had not had a tour before, she would invite them to do so. It did not smell internally; the odor complaints are from the external environment.

Councilmember Oravits asked what kind of expenses they were talking about related to the solutions. Ms. Kerr said that the initial phase in 2016 will be upward of $350,000 to run a stack up the side of the building. After that point, anywhere from $3 to $4 million for installation of an Unique Air System. It does not get them to zero, but it will substantially drop the odor problems and take it to a minimal amount.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Karla Brewster to read Ordinance No. 2016-09 by title only for the first time.

Vice Mayor Barotz asked staff to explain what the change in GPLET law is. Under the Expanded Options it refers to a different arrangement than now.

Ms. Wendel said that staff is planning to do a comprehensive presentation in March on the tax incentives. She said that the laws changed in 2010, raising the lease rates. She said that under the older law they had lower rates and the City is governed by the older law because it was approved prior to the 2010 change in the law and an extension to achieve the original purposes is permitted.

Vote: 6 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE CITY OF FLAGSTAFF TO ENTER INTO A THIRD AMENDMENT TO DEVELOPMENT AGREEMENT AMENDING THE DEVELOPMENT AGREEMENT WITH NESTLE PURINA PETCARE COMPANY TO ALLOW TEMPORARY EXTENSION OF AGREEMENT AND UNDERLYING LEASE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECESS

The 4:00 p.m. portion of the Regular Council Meeting of February 16, 2016, recessed at 4:23 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Regular Council Meeting of February 16, 2016, at 6:00 p.m.

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.

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

12. PUBLIC PARTICIPATION

Dawn Tucker, Flagstaff, thanked the Council for appointing a new committee to discuss the high occupancy housing. She said that tonight she was asking Council to place a moratorium on development in the downtown district until the issue has been resolved.

Barry Brenneman, Flagstaff, said that the mission of the City was to protect and enhance the quality of life of its citizens, and asked that the Council make sure that when they act.

Charlie Silver, Flagstaff, thanked the Council for their work and asked that they do everything in their power to encourage early involvement in developments that are consistent with descriptions and words of the 2030 Flagstaff Regional Plan: Place Matters.

Mayor Nabours said that when they get to Item 14-B, the HUB, all they will be doing tonight is hearing from staff and the applicant and that will take some amount of time. They will then continue the public hearing and get public input a week from tonight and will go as long as necessary.

He said at this time he would like to rearrange the order and move 14-A, Zoning Code Amendments, up now and then take 13-A prior to the HUB public hearing.

Vice Mayor Barotz said that she thought there were a lot of people at the meeting that would like to understand the Transect Zone.

Mayor Nabours said that the reason for doing that is he was going to propose that they do the second read of the amendments first, because he would like to have further discussion and consideration of those.

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Eva Putzova to keep the current order of the agenda and not rearrange the order as directed by the Mayor.

Vote: 3 - 4

AYE: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA

A. A Quick Tutorial on Transect Zones and Form-Based Code Standards

Zoning Code Administrator Roger Eastman gave a PowerPoint presentation on Transect Zones and Form-based Codes, Exhibit B attached hereto and made a part hereof, which addressed:

WHAT IS A TRANSECT?
AN OVERVIEW OF THE TRANSECT
TRANSECTS VARY FROM PLACE TO PLACE
AN OVERVIEW OF THE TRANSECT
- T-1
- T-2
- T-3
- T-4
- T-5
- T-6

APPLIED TO:
- Lighting standards
- Parking standards
- Landscape standards
- Building form
- Street standards
- Civic/open space standards

THE FLAGSTAFF TRANSECT
CONVENTIONAL VS. FORM-BASED CODES
WHAT IS A FORM-BASED CODE?
- Foster predictable built results
- Physical form
- Regulations
- Address the relationship between building facades and public realm, form and mass of buildings in relation to one another, and scale and types of streets and blocks

A ONE-BLOCK PARCEL - Under Conventional Zoning
A ONE-BLOCK PARCEL - Under Form-based Code

Vice Mayor Barotz said that she was on the Council when they adopted this. She thought that the application slide is hard to understand for the average person and asked Mr. Eastman to explain the difference between regulatory and advisory.

Mr. Eastman said that a visioning document, such as the La Plaza Vieja Neighborhood Plan, does not have binding standards. A regulatory document has standards and regulations that are binding, like the Zoning Code is regulatory.

FORM-BASED CODE APPLICATION
- Regulatory not advisory
- Drafted to implement a plan
- Achieve a community vision - based on good urbanism

- Building form and mass standards are consciously based on context - place-based rules
- Easily understood code customized for the community
- May be applied using the Transect

THE FLAGSTAFF TRANSECT & FBC
FORM-BASED CODE STUDY AREA
MICRO-SCALE ANALYSIS - JULY 7TH
UNDERSTANDING THE EXISTING ZONING AND WHAT IT ALLOWS
WHAT THE EXISTING ZONING ALLOWS
WHAT THE ZONING CODE ALLOWS
DESIGN CHARRETTE
ILLUSTRATIVE PLAN
ILLUSTRATIVE PLAN - LOCALIZED STUDIES
GUIDING PRINCIPLES
TRANSECT ZONES - WOULD BE OPTIONAL
BASE ZONING ... OR ...
REGULATING PLAN
SAMPLE TRANSECT ZONE: T4N1
BUILDING TYPES
FRONTAGE TYPES
2007 TND STANDARDS?
FBCS IN SUMMARY

- Smart Growth
- New Urbanism in general
- Form-Based Codes

FBC IN SUMMARY

- Regulatory not advisory
- Implement a transect-based Regulatory Plan
- Establish good urbanism that is place-based and a result of a design charrette
- Include ALL of the following elements:
  - Building placement - built-to line-setback
  - Building form - height/coverage
  - Building type
  - Encroachments and frontage types
  - Parking standards
  - Allowed uses
- An important tool to implement the community's vision going back to GMG 2000 and Vision 2020 documents

Vice Mayor Barotz asked if there were actually definitions of small, medium and large. Mr. Eastman said there were not precise definitions. There has to be a little bit of flexibility in application and intent.

Councilmember Overton asked if there was a reason why people have not been selecting these types of developments. Mr. Eastman said that they have wrestled with that question. There are very few under the transect zones, but the most obvious is on the south side of Butler near Eldon. He said that he thinks that sometimes the existing zoning gives more entitlement and it is easier to work under. They have tried their best to provide incentives under Form-Based, most of which revolve around parking, landscaping, increased form, increased height, but it is difficult to apply in a mandatory manner.

A break was held from 7:19 p.m. to 7:33 p.m.

14. <u>PUBLIC HEARING ITEMS</u>

A. Public Hearing, Consideration and Adoption of Resolution No. 2016-02 and Ordinance No. 2016-07: Public hearing to consider proposed amendments to Flagstaff Zoning Code the Preamble to the Zoning Code, Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps); consideration of Resolution No. 2016-02 declaring the proposed amendments as a public record; and adoption of Ordinance No. 2016-07, adopting amendments to Flagstaff Zoning Code Chapter 10-10 (Title, Purpose and Jurisdiction), Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-30 (General to All), Chapter 10-40 (Specific to Zones), Chapter 10-50 (Supplemental to Zones) except for Division 10-50.100 (Sign Standards), Chapter 10-60 (Specific to Thoroughfares), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps), by reference. ***(Zoning Code Amendments except Sign Code)***

Mayor Nabours said that the Council first reviewed the changes to rooming/boarding at the December 15, 2015, meeting and there was no public comment received. When they tried to hold first reading of the ordinance with the suggested changes, there was a lot of input from the public. He did not want to hold up the rest of the amendments for that one item. By making the motion he plans to make, to leave in the existing definition of rooming/boarding, single room occupancy, and dormitory, it may make a lot of the comments to be made by the public moot, but if, not, they will then get into those.

Mr. Eastman clarified that if they supported the suggested motion they would not only need to amend Chapter 10-40, but other areas throughout the Code, so the motion would need to be made broadly enough to cover those areas.

Vice Mayor Barotz asked about the page that dealt with transect zones, and the following page that included the definition of carriage house and courtyard apartment. She asked if that was a change. Mr. Eastman said that the only changes were those documented. Vice Mayor Barotz asked if that meant that courtyard apartments would not be allowed. Mr. Eastman said that on page 40 of the amendments package, there was a note; they have added single-family cottage and stacked triplex.

Vice Mayor Barotz thanked the Mayor for changing his vote. She recognized the efforts of the public and said that she had argued strenuously previously and she believes that the reason for his change of heart was because of them, the public.

Councilmember Evans said that she wanted to apologize to everyone wanting to speak. She said there were three of them that were clear that to take these definitions out of the Code was premature; however there was a majority of Council willing to do so. Now the Mayor is trying to add them back in and she thought that was rude. Several of the members of public came to speak on the issue, and once again they were trying to do something before they can participate.

Councilmember Oravits thanked everyone for their comments and e-mails. He said that what they do is done through two reads of an ordinance. He was not going to apologize for listening to the public. He was changing his vote because the people spoke. The process does work. This went through the Planning and Zoning Commission who approved the recommended changes; it went before the Council previously where the public did not have comments. Now councilmembers are changing their votes because people spoke up; the process does work.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to adopt Resolution No. 2016-02 with the change to leave definitions in 10-80 of rooming and boarding, single room occupancy and dormitory as is and that the use table in 10-40 be amended accordingly.

Councilmember Overton said that he was in the majority last week and believed that this does not work properly for the correct type of input, but he was happy to leave it lie. He was still concerned that they were not addressing the issue of finding the best, appropriate time and place for input. This does not work for that reason. it was not because he was trying to take away a public hearing. If they do not know the leasing arrangement there may or may not be a public hearing. He felt it sent a very conflicting message.

Councilmember Overton asked staff if they felt this issue would be taken up by the high occupancy housing committee. Mr. Eastman said that he believed they would. He said that it has been brought forward that getting into leasing arrangements is difficult, but they will do the work and research other communities, and bring something back.

Councilmember Putzova said that she would like to hear staff's explanation for the recommendation they had made to take the definitions out. Mr. Eastman said that when the planning staff are looking at new projects they look at the plans in front of them. The majority of them are really apartment projects, with a number of units broken into rooms. It gets muddy when they are trying to determine the leasing arrangements. They came to the conclusion that they needed to go back to the real essence of what a dormitory was--a single room occupancy--like an old Motel 6 that gets converted to a facility where contractors come to town and stay a week or month. In their opinions, the rooming and boarding was, therefore, no longer necessary. As a result of the input they have heard, they will go back and look at those decisions in the context of high occupancy housing, which sometimes does involve a lease by the bed.

Councilmember Putzova said that while it may appear that the process is working because they were at second read and changes were being made, she thinks that the process is not working.

Vice Mayor Barotz encouraged them to not venture into a decision making place about the CUP for rooming and boarding until they have much more clarity. She understands the problem with the current procedure in the Code. She was trying to argue that making the change is premature. As staff does the research, she asked that they consider that their focus is on the public having a right to speak.

Vote: 7 - 0 - Unanimously

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to read Ordinance No. 2016-07 by title only for the final time, with the changes expressed.

Councilmember Evans asked if they had any comment cards.

Moved by Councilmember Coral Evans and **seconded by** Councilmember Eva Putzova to overrule the Chair's direction and take public comment on this issue.

Mayor Nabours said that he wanted the public comment, but was suggesting that it be taken at the time the issue is on the table, when they get to the high occupancy housing.

Vote: 6-1
NAY: Mayor Jerry Nabours

The following individuals addressed the Council on the proposed amendments:

•Sallie Kladnick
•Thomas Naifeh
•Adam Shimoni
•Rae Lynn Byars
•Roarie Johnson
•Sat Best
•Charlie Silver

Comments received included:

•Strongly feels that housing plans need public input
•Disagreed with taking CUP out of Planning and Zoning process
•Understands that NAU is planning a new dormitory with 600 beds
•Concerned with staff having the right to prevent rezones from becoming a public hearing
•They need public forum for an opportunity to come and be heard
•CUP requirement is important
•Glad to see the change of heart
•Hope it does not always take a public outpour to do the right thing
•Thank you for opening up the public forum
•Tonight they have successfully met 6 out of the 11 goals of Council. Hoped they would keep those in mind with future decisions
•Keep the community involved
•Public comment is a fundamental right
•Hope they are sincere and it works; if it does not remember them at the election
•Flagstaff is a wonderful city; they want it to be a place where parents can send their kids and know they will be okay

(MOTION TO READ ORDINANCE NO. 2016-07 BY TITLE ONLY FOR THE FINAL TIME, AS AMENDED)

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, THE CITY OF FLAGSTAFF ZONING CODE, BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "2015/2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, EXCEPT FOR DIVISION 10-50.100 (SIGN STANDARDS)"; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to adopt Ordinance No. 2016-07.

B. **Public Hearing, Consideration, and Adoption of Ordinance No. 2016-08:** An ordinance of the Flagstaff City Council amending the Flagstaff Zoning Map Downtown Regulating Plan designation of approximately 0.29 acres of land generally located west of the southwest corner of Mikes Pike and Phoenix Avenue from the T4 Neighborhood 1 - Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone and of approximately 1.35 acres located at 17 S Mikes Pike from the T4 Neighborhood 1 - Open (T4N.1-O) transect zone to the T5 Main Street (T5) transect zone, conditional. ***(The Hub Zoning Map Amendment)***

Mayor Nabours opened the Public Hearing, noting that this evening they would hear from City staff and the developer and then the Public Hearing would be continued to the February 23, 2016, Combined Special Meeting/Work Session to allow for public comment.

Planning Development Manager Brian Kulina gave a PowerPoint presentation, Exhibit C attached hereto and made a part hereof, which addressed:

REQUEST
MAP
REQUIRED FINDINGS
DOWNTOWN REGULATING PLAN
URBAN ACTIVITY CENTER CHARACTERISTICS
GOALS & POLICIES
- Land Use
- Infill and Redevelopment
- Transportation and Parking

SOUTHSIDE 2005 PLAN
UNDERUTILIZED SITES MAP
ZONING – CITY OF FLAGSTAFF ZONING CODE
- Building Height
- Density/Intensity

TABLE 1 – COMPARISON OF DEVELOPMENT STANDARDS (TRANSECT)
TABLE 2 – DEVELOPMENT STANDARDS (TRADITIONAL)
PARKING
TABLE 3 – REQUIRED OFF-STREET PARKING CALCULATIONS (TRANSECT)
TABLE 4 – REQUIRED OFF-STREET PARKING CALCULATIONS (TRADITIONAL)
DESIGN REVIEW
PUBLIC SYSTEMS IMPACT
- Water and Wastewater
- Stormwater

PUBLIC COMMENT
NEIGHBORHOOD MEETING
DISCUSSION

RECOMMENDATION
Subject to six conditions:

1. Development in substantial conformance with site plan as presented.
2. Building height immediately adjacent to Mikes Pike limited to f-stories/52 feet.
3. Development limited to 236 units and 664 beds.
4. Covered porch element, or other similar feature, added to Phoenix Avenue elevation.
5. Lot combination required prior to building permit submittal.
6. Developer providing 100 additional parking space

Vice Mayor Barotz asked what would happen to the CUP’s that were approved if this application was not approved. Mr. Kulina said that they have a conditional approval. If this rezone was not approved, the CUP's would be considered not approved.

Vice Mayor Barotz said that Mr. Kulina mentioned that the parking standards had been calibrated. Given what she has heard, there are great concerns with parking. She asked if staff was saying that the standards were okay. Mr. Kulina replied that from a staff perspective, he trusts that they were calibrated. As a staff person he reviewed it in conformance with the Zoning Code, and for his position it meets those requirements.

Councilmember Evans asked what the current zoning was and what could be built today. Mr. Kulina said that there are different zones. With the T5 Main Street zone, it is intended for an extension of the downtown core. There they want development with larger buildings, mixed use, primarily commercial with high density. The T4N1 Open zone does allow some commercial uses of 3,500 sq. ft. or less unless they get a CUP to exceed that number. This is another transition from T5, getting toward more neighborhood. He said that the T3 is all residential with no commercial. He said that under the T4 Open, they are allowed up to 3.5 stories and some commercial uses. With the rezoning it would go to 4 stories and create a commercial character along Mikes Pike which is a commercial street.

Councilmember Oravits asked what the parking requirements would be if the properties were developed by right. Mr. Kulina said that parking within the T4 zone is somewhat like traditional. If it had a studio or 1 bedroom, it would be 2+ spaces. Until staff sees a formal application with a proposed development he could not say specifically.

Councilmember Oravits asked what could be built now without coming to Council. He asked if the number of beds could be the same. Mr. Kulina said that it could be the same; it could be more. It all depends on how the developer configures the internal circulation. He said that 90% of what is proposed could happen by right.

Mayor Nabours referenced the computer generated views of what the building would look like by right and proposed. He asked if it was correct that they were both consistent with the Regional Plan and no Regional Plan Amendment was needed. Mr. Kulina said that was correct. It is indentified as urban land use area within two urban activity centers.

Councilmember Putzova said that they were talking about 664 beds. She asked what that translates to into people. Mr. Kulina said that they would defer to the management company on that question. They would try to limit it to one occupant per bed.

Mayor Nabours said that whether it is developed by right or as proposed, the occupant load could be the same. Mr. Kulina said that was correct. It would depend on their revised application to come in to develop by rights, but he would anticipate they would be looking at similar numbers.

Current Planning Manager Mark Sawyers noted that the last recommendation, related to the 100 parking spaces, the minutes were approved by the Planning and Zoning Commission and the last portion of the minutes eliminated the discussion about the payment of $20/space. It was not included in the motion and because of the timing sequence of getting the staff summary prepared, they did not have the ability to have a thorough review of that motion.

Vice Mayor Barotz asked staff to explain a little about what assumptions were made for the TIA, in particular the trip generation rates, taken from a study done in 2015 of existing housing developments similar to the proposed development.

Traffic Engineer Jeff Bauman said that staff has done its own draft form for student housing trip generation study. That is what the developer used for their generation rates. Staff has looked at six similar apartment complexes. Vice Mayor Barotz said that she was trying to understand if there is a difference in doing the analysis using data from an apartment complex versus renting by the bedroom. Mr. Bauman said that they do compare those rates.

Councilmember Putzova asked if they factored in the commercial activity in the rates. Mr. Bauman said that what he mentioned was just the residential. They have a pharmacy, restaurant and office space as well, so there are trip generation rates for those as well.

Mr. Bauman said that it includes a traffic signal warrant at San Francisco and Frankin for a new signal, some striping and signal work at San Francisco and Butler, and the pedestrian signal by the High Country Conference Center would be upgraded.

Councilmember Oravits asked, assuming this was built as presented versus another project of comparable size with the same number of people, if the traffic requirements would be the same. Mr. Bauman said that they would be the same if it was the same number of people.

A break was held from 8:39 p.m. to 8:49 p.m.

Lindsay Schube, an attorney with Gammage & Burnham representing the HUB, said that their site is currently being underused as industrial use. It is such an important corner in the City of Flagstaff and all of the property owners wanted to sell; they did not have to relocate anyone.

She said that they started looking at the Flagstaff market in 2012, and in 2013 looked at different property. Their initial due diligence meeting with staff took place in 2014 to see what rights were in place and what proposed zoning they would bring forward. In February 2015 they finalized the assemblage and held a kick off meeting with staff.

John Myefski with Myefski Architects said that on April 7, 2015, they held their first neighborhood outreach. They held 5 key neighborhood meetings and 42 individual meetings. Through that process the project has evolved into something completely different.

He said that at the third meeting they looked at the initial building, which is located on a unique site fronting three streets. They wanted a place inside the building, like a courtyard, with a cap above to cap the lighting. He said that they were not at the maximum amount of space that they could get.

He said that their initial stage was to set the building back and create a retail base along Mikes Pike. The reaction along Milton was still concern about too much mass on Mikes Pike. They met with the Historic Preservation Commission and Phase I and Phase II were approved. This included one home being moved off the project. They spent time making revisions to elevations to give more of a residential setting with brick and stone and balcony elements. They broke the residential windows down to what would be seen in a residential home and included more siding.

He said that they then sat down and sketched out some ideas to break up Mikes Pike to have 8 to 10 different facades but tie into the architecture above. The direct intent was to divide it so that retail could be used for smaller tenants with character for the street and as it would grow over time. The Phoenix Avenue side got more of a residential feel and they tried to bring the mass down, pushing the Milton side back another 12 feet for ADOT right-of-way.

He said that the big change on Mikes Pike was they pushed it back five feet past the property line, dedicating that space needed to achieve the true pedestrian walkway.

She said that they will hear that this is a bad location; they disagree. There are trails and bikeways, and it is close to the campus and close to good restaurants and coffee shops.

Ms. Schube continued, stating that instead of going through the details, they would take the opportunity to talk about what they heard at the neighborhood meetings and at the Planning and Zoning Commission meetings. It is walkable and bikeable and is located across the street from the NAIPTA station. She said that they heard that students drive irresponsibility. Their residents would be close and could bike, take the transit, or walk.

She said that they also heard that they were not well managed. She introduced Scott Stager, Senior Vice President of Core Campus, who was present to tell about their approach taken with new developments.

Mr. Stager came forward and said that it is easy for student housing to have bad reputations, but it does not have to be that way. He said that the first thing they do that is different is they look at the building design. They take the management and implement it into the design. They want it to be as easy as possible to efficiently run the buildings and control the environments. They have fob access controls for the front doors and amenities and they can also set time zones for amenities. They have built large camera systems into all of their properties with 70-100 cameras. He said that it has one single point of entry with an emphasis on control of access. He said that they do have interior courtyard and amenities that would allow it to be secluded from the outside and the parking structure would be internal.

He said that their management will be hands on with a comprehensive, detailed management plan for each building which they go over with staffing, including the policies and procedures. They remain flexible enough to know they cannot detail everything out front; they have to be able to make changes as situations come up.

He said that they look to hire the best they can in the market, looking for a lot of experience with property managers with detailed training for their policies and procedures. They hire a great staff and team under that property manager. Additionally, they hire employees that live at the site and serve as a community liaison to residents as well as to management staff.

He said that as part of the lease they have a detailed emphasis on rules and regulations, from security, guests, pets, etc. and they go over this with every tenant. He said that the biggest aspect is that they hold their tenants responsible for their actions. Most students are college age, but that does not mean they get a pass. They treat them as young adults and hold them to that same standard. If there is a violation of the lease, it will either be a fine or eviction, depending on the infraction. They will also participate in the Crime Free Multihousing Program.

Mr. Stager said that during their past presentation some of the public brought up concerns in Tucson, stating that they were not managing the property effectively, and quoted an article about a mosque in that area. He said that they asked the Chairman of the mosque to support this development. He noted that they have been excellent neighbors and were not a part of the issue that existed in that article. He said that they have formed a great relationship with them and saw what was happening with the other properties so they implemented some additional program to ensure that they did not become part of the problem. They also allowed their cameras to face the other building and help curb those problems.

Mr. Stager said that they also had a letter of support from the Mayor of Columbia, South Carolina. They had a major renovation of a 22-story high rise and it was a main part of the city's revitalization. They were an integral part of turning around that area of town to become lively and bring a population back to an area.

He said that a question had been raised as to number of people to a bed. He said that in Arizona the Fair Housing Laws prohibit them from limiting one person per bedroom; however, their policy is one person per bedroom, unless someone wants to double up and then there is additional rent required. He said that the rooms are 10 x 10; they are not conducive to having two people in a bedroom.

Speaking to his personal experience operating in Arizona, he has personally overseen four properties in Arizona—two in Tempe and two in Tucson. They have not had any double-ups

in any of those developments. Ms. Schube added that the rooms come furnished and there is only one bed provided per room.

Mr. Myefski then continued, stating that they shifted from being more central to having lower masses around the outside, shifting to the Milton side because that is where the T5 zone is located.

He said that the hope is that this will be a place making tool for future developments. They are trying to do things that reinforce those things that are being asked for. It has been said that it is not the best site in Flagstaff, but they believed it was probably one of the best sites for student housing.

Ms. Schube further discussed parking, noting that they do not intend to make their parking the City's problem They think the parking program is going to alleviate the problem and they are supportive of the Permit Parking Program and will continue working on that.

Councilmember Overton asked how the other units were performing in Tucson. Mr. Stager said that they were at 100% leased. Councilmember Overton asked how the parking was performing in Tucson and if it was meeting the needs correctly. Mr. Stager said that the leasing is a strong indication of that as well. If someone wanted to lease, but wanted a car, that would deter them and they would go farther away from campus to a location with more parking.

Mayor Nabours asked if parking came with each unit. Mr. Stager said that a parking space is a separate contract.

Vice Mayor Barotz asked if any of the communities they were comparing Flagstaff to were the same size. It depends on the setting and Flagstaff does have a great transit system, but they do have issues with frequency. She did not know that they were comparing apples to apples.

Mr. Stager said that if a prospective tenant came in and asked about parking they would tell them that they would either need a parking space, or there was limited parking on the street through a parking permit program. Councilmember Oravits said that the main downtown area will be permit-based; there would be no where to park.

Ms. Schube said that it is important to know that one day Core will have a presence. If they cannot lease the beds, if they are wrong and they are 100 parking spots short, then they will solve that problem from a business perspective and continue to work with the community.

Councilmember Oravits asked if that has ever happened elsewhere. Mr. Stager said that it has never happened.

Councilmember Evans said that the way she understood the new parking district program is that each block will determine if there is 51% of the property owners on the block wanting a residential parking permit program. She asked Core if they would be willing to sign on to make sure there is a residential parking permit program established. Ms. Schube replied that they would envision those street commercial parking spaces to be for retail use with time limits, but they would be willing to have a discussion.

Councilmember Putzova said that in reading all of the comments, she questioned how they could say it was great and people like it, when in their minds it is not appropriate for the neighborhood. Mr. Myefski said that his life revolves around those comments. Those that support the project do not come out, but the support he has received at the meetings and what has brought them to this point tells them they are headed in the right direction.

Councilmember Putzova said that context matters. The tenants will be NAU students and 70% are in-state. They come from somewhere, many from the Phoenix metro area, and they bring cars. Mr. Myefski said that they are talking about 664 beds and they already have 231 parking spaces. The projects they have worked on have not seen the demand for more parking.

Mayor Nabours asked Ms. Schube if the client had already purchased the land. She replied that they had. They were in contract with the last piece on Milton, but it has not closed.

Ms. Schube said that in looking at the reasons voiced for opposition, it comes down to density. There has been a sense that they get more density based on a rezone request, but they have the same density by right. Also, the CUP does not allow any more or less density. She said that the “by right” development plan contains the same number of beds and seven more parking spots. It comes down to how they lay out the units. The rezone does not alleviate parking. The 238 parking spots are by right; this project is better the way it is.

Councilmember Oravits said that if he was hearing right, the “by right” development would have equitable parking and occupancy. Mr. Myefski said that was correct. The commercial would disappear and there would be more residential, and it would go to 64 feet on Milton. He said that the proposed development is more expensive as it includes almost $250,000 of glass. To give the City the glass and the residential feel they have to build it reinforced. It gives that look and Core has agreed to that.

Vice Mayor Barotz said that she believed that there have been so many concerns communicated is because of a clash of values. She has read all of the e-mails and the things being talked about are referenced in the Regional Plan. She believed that it was a big clash of values and change.

Councilmember Overton said that he and Vice Mayor Barotz sit on the board for NAIPTA and asked how the developers plan to encourage the use of the transit system by the students. Ms. Schube said that they have met several times with Mr. Meilbeck and Erika and have talked about the frequency issue. They are encouraging NAIPTA to be in Core’s leasing office with info and bus pass sales. Also, when parents come in and guarantee leases, they would encourage them to secure a full bus pass right there.

Councilmember Overton referred back to the slide showing the original plan and the proposed plan. He asked if they ended up building by right if it would look more like the top plan. Mr. Myefski said that they would probably start all over, but it would have less of the masonry materials.

Dawn Cartier said, with regard to the vehicle trip distribution, they took two different approaches. They looked at the data of plans with more pedestrians on the street and one with more cars and addressed both of them. They have offered to do some improvements to the signalized crosswalk and include some bump outs.

Written comments in opposition to the proposal were received from:

•Erika Mark
•Steve Kugler
•David Lang
•Katy Harding
•Claudine Taillor
•Holly Stahl
•Christopher Dunbar

Mayor Nabours said that the Public Hearing would be continued to the February 23, 2016, Combined Special Meeting/Work Session.

15. REGULAR AGENDA

Mayor Nabours noted that in compliance with the Rules of Procedure, agenda items should not be started after 10:00 p.m. without a vote of the Council.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to complete the rest of the agenda.

Vote: 7 - 0 - Unanimously

A. Consideration and Adoption of Resolution No. 2016-06: A resolution of the Flagstaff City Council supporting Congressman Gosar's and Senator McCain's bipartisan bills to ensure justice for Downwinders exposed to government radiation testing.

Moved by Councilmember Coral Evans, **seconded by** Councilmember Jeff Oravits to read Resolution No. 2016-06 by title only.

Mayor Nabours said that he would not vote in support of the resolution, but he would be happy to speak to both of them when he was in Washington D.C.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE CITY COUNCIL OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, SUPPORTING CONGRESSMAN GOSAR'S AND SENATOR MCCAIN'S BIPARTISAN BILLS TO ENSURE JUSTICE FOR DOWNWINDERS EXPOSED TO GOVERNMENT RADIATION TESTING

Moved by Councilmember Coral Evans, **seconded by** Councilmember Eva Putzova to adopt Resolution No. 2016-06.

Vote: 5 - 2

NAY: Mayor Jerry Nabours
Councilmember Scott Overton

B. Discussion and Possible Action re: Current Issues Before the Arizona Legislature (THIS IS A STANDING ITEM - AS OF PUBLICATION OF THIS AGENDA NO ISSUES HAVE BEEN RAISED)

Assistant to the City Manager Stephanie Smith began the discussion noting that there is a pension reform bill being discussed, and Mr. Travis was on the telephone should there be any questions for him. She said that there is a reform tied to the public safety pension system that includes a change to the State Constitution. The pension reform has been discussed, the package of several different bills have been discussed and passed out of committees. As a result of over a year of planning and collaborations, this is the best possible solution for reforming the system. The ballot initiative, 124, includes language which is being finalized through counsel. The question will change permanent benefit increases to an annual cost of living for current members. Next week the pro/con statements are due and her question is whether the Council wanted to submit a statement in support of this legislative fix for the public safety retirement system.

Mayor Nabours said that this has been a legislative agenda item for several years and there was a task force put together to come up with a resolution that was acceptable to the police, fire and cities. Ms. Goodrich was a member of that task force. They met and presented their proposal and the Senate adopted it in full. They eventually got it passed in the House. It is much needed in the City.

Ms. Goodrich said that she would hope that the Council would support the measures as proposed. The City has current liability of approximately $80 million. This legislation will not do away with that, but it keeps it from accelerating and getting worse in years to come. Mayor Nabours added that it is still a good pension plan; it is just that the employer/employee contributions will be more balanced.

Councilmember Overton said that it was a noble cause, but he has some concern with writing a letter. He would steer clear from that, but they could educate the public from their personal positions.

After a brief discussion on the ability of the City to send a letter of support, Mayor Nabours said that he would write a letter as an individual, noting that it did not reflect the opinion of the entire Council.

Ms. Smith then brought up HB2333 for consideration, asking Mike Scheu, the City's Building Official, to give some history of the bill. Mr. Scheu said that he started this process about four years ago, trying to get some relief for the small businesses from the expense of hiring a registered architect or engineer to approve plans for improvements that were not related to structural changes.

He said that they got part of the bill rewritten into what is now 3B, townhomes to be added, and putting on a deck. After that he tried to contact the AIP President and Board of Registration, but could not get a returned phone call. This year he did not bother dealing with them. He talked with Mr. Travis at the Legislative Breakfast and he then testified before the House Commerce Committee. The had a conference call with the Technical Registration people and the AIA President. They went through what was being proposed and concerns were voiced. They have made some changes to the proposed wording and will be meeting with them again tomorrow. He said that he had previously gotten buy-in from the local architects with some parameters, but this year they said they could not support him anymore.

Mayor Nabours said that he was at the Commerce Committee meeting when Mr. Scheu testified and he did a great job. He said that he and Representative Barton both spoke as well about the problems created when there is a tenant space where they want to make minor changes and the approval process of requiring a registrants to approve the plans costs more than the actual improvements.

Vice Mayor Barotz asked who all had seen the proposed wording. Mr. Scheu said that he sent it to the AIA President to be distributed and he believed the engineering association was at the meeting. Mr. Travis said that it has been distributed to representatives for architects, engineers, registrants, lobbyists, etc.

Vice Mayor Barotz said that the language being shown was different than what she printed off of the Internet. Ms. Smith explained that the verbiage being shown are the changes that were developed to address concerns raised at their last meeting.

Councilmember Evans asked what the difference was between a registrant and a licensed contractor. Mr. Scheu said that a licensed contractors builds the improvements; the registrant

is the one that does the design, including engineering and electrical, etc., when needed. The coordinate the plans so that when the plans are submitted it is all sealed, taking the licensing and insurance responsibility, and submit it to the City for code compliance.

Councilmember Evans said that her recollection of how these proposed changes came about was different than what was presented. Her understanding was that this came before Council and someone mentioned that there were churches that might have to make changes to nonload bearing walls, so they needed a small change made. She said that when she got interested in the bill she made a phone call to one architect and she received 25 responses from that one call. She said that it was pretty clear that what was written on the Internet was too broad. She said they were talking about life and safety issues, ADA structural issues, and possible liability to the City. When she first supported this, they were talking about something that was not that technical. She would encourage the Council to sit down and have a conversation with the registrants in Flagstaff that want to get them to a much better bill.

Mr. Scheu said that the initial bill was broad and then they came up with these parameters. With regard to life and safety, they hired him to enforce the code. He does not care who draws the plans. They are going to get life safety review from him and his team.

Councilmember Evans said that in the future if they have a legislative agenda and are writing and shaping legislation at a statewide level, she would suggest that those interested be invited to sit at the table.

Councilmember Putzova said that they are jumping into supporting this bill when there are so many other bills that are affecting the City at a much greater level.

The following individuals addressed the Council voicing concern with the proposed legislation:

•Michael Garrison
•Paul Moore

Comments received included:

•A lot of concerns with the legislation
•They see the potential in so many projects they do where just adding a single wall can create life safety issues that are not obvious without training
•Liability for design and life safety issue lies with the design professional
•Not present to counter, but to question it
•Has heard reports that at the state meetings it was conveyed that the Flagstaff architects were in favor of the bill
•Could not speak for all of the Flagstaff architects, but most of the members of their informal group are not in favor of it
•Many Flagstaff architects are in opposition to the bill
•The initial conversation was in the spirit of cooperation. The more he thinks about it, he does not see a clear answer. Many people do not understand what they do as architects. His opinion is that it is not appropriate to address it at this level. Should be addressed locally

Written comments in opposition to the proposed legislation were also received from:

•Aaron Heise
•Michael Garrison

Mayor Nabours asked Mr. Garrison if the change made to no more than 3,000 sq. ft. or 125 lineal feet would be more acceptable.

Councilmember Oravits said that he has talked to so many customers that run into the issue of having a $500 wall to put in requiring $2,000 to get plans drawn.

Ms. Smith said that there were other legislative items, but she could cover them through e-mail communication.

Vice Mayor Barotz left the meeting at this time (10:54 p.m.)

Moved by Councilmember Eva Putzova, **seconded by** Councilmember Coral Evans to withdraw support for the HB2333 and stop all negotiations in regard to amendments and language.

Mayor Nabours said that would be pulling the rug from under their legislative agenda, and they had asked Mr. Scheu to do this work.

Councilmember Evans said that her understanding of what the two architects just said was they need to work on this at the local level and she wondered why it was not looked at there first. Mr. Scheu said that they tried to do that, but received a nasty letter from the Attorney General's office telling them that it was a state law and could not be changed at a local level.

Vote: 4 - 3

NAY: Mayor Jerry Nabours
Councilmember Jeff Oravits
Councilmember Scott Overton

16. DISCUSSION ITEMS

None

17. FUTURE AGENDA ITEM REQUESTS

After discussion and upon agreement by a majority of all members of the Council, an item will be moved to a regularly-scheduled Council meeting.

A. Future Agenda Item Request (F.A.I.R.): A citizen petition requesting that a resolution regarding Tequila Sunrise be placed on a future agenda for consideration.

Mayor Nabours asked Ms. Watson if there was not a meeting set up next week to address Tequila Sunrise. Ms. Watson said that there was, including the people that spearheaded this petition.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to take no action on this petition since the Council is already moving forward with reviewing the topic with a committee.

Vote: 6 - 0 - Unanimously

B. Future Agenda Item Request (F.A.I.R.): A citizen petition requesting that a comprehensive discussion be scheduled to address transect zones in the City.

Moved by Councilmember Eva Putzova, **seconded by** Councilmember Coral Evans to move this item forward.

Vote: 4 - 2

NAY: Mayor Jerry Nabours
Councilmember Jeff Oravits

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

Mayor Nabours mentioned that the Governor has now signed the Charter amendments from the November 2015 election, so citizen petitions will now require 25 signatures.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held February 16, 2016, adjourned at 11:00 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CERTIFICATION

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on February 16, 2016. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 22nd day of March, 2016.

_____
CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
MONDAY, FEBRUARY 29, 2016
COUNCIL CHAMBERS
211 WEST ASPEN
10:15 A.M.

MINUTES

1. Call to Order

Mayor Nabours called the Special Meeting (Executive Session) of February 29, 2016, to order at 10:15 a.m.

2. Roll Call

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. Recess into Executive Session.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to recess into Executive Session.

4. Executive Session:

A. Discussion, consultation or consideration for international and interstate negotiations or for negotiations by a city or town, or its designated representatives, with members of a tribal council, or its designated representatives, of an Indian reservation located within or adjacent to the city or town, pursuant to ARS 38-431.03(A)(6).

i. Hopi v. City of Flagstaff; City of Flagstaff vs. Arizona Snowbowl

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 10:39 a.m. at which time the Special Meeting held February 29, 2016, adjourned.

_____
Mayor

ATTEST:

_____
City Clerk

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, MARCH 1, 2016
COUNCIL CHAMBERS
211 WEST ASPEN
3:00 P.M. AND BETWEEN THE 4:00 P.M.
AND 6:00 P.M. PORTION OF THE REGULAR MEETING

MINUTES

1. Call to Order

Mayor Nabours called the Special Council Meeting of March 1, 2016 to order at 3:00 p.m.

2. Roll Call

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. Recess into Executive Session.

4. Executive Session:

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to recess into Executive Session.

Vote: 7 - 0 - Unanimously

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 vs. Arizona Snowbowl

The Flagstaff City Council reconvened into Open Session at 4:06 p.m.

The Flagstaff City Council recessed from Open Session back into Executive Session at 5:13 p.m.

B. Discussion or consultation for legal advice with the attorney or attorneys of the public body pursuant to ARS 38-431.03(A)(3).

i. HUB Development

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 6:02 p.m. at which time the Special Meeting adjourned.

_____
Mayor

ATTEST:

_____
City Clerk

CITY COUNCIL REGULAR MEETING
TUESDAY, MARCH 1, 2016
COUNCIL CHAMBERS
211 WEST ASPEN
4:00 P.M. AND 6:00 P.M.

MINUTES

1. CALL TO ORDER

Mayor Nabours called the Regular Meeting of the Flagstaff City Council held March 1, 2016, to order at 4:10 p.m.

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.

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. PLEDGE OF ALLEGIANCE AND MISSION STATEMENT

The audience and City Council recited the Pledge of Allegiance and Mayor Nabours read the Mission Statement of the City of Flagstaff.

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

A. Consideration and Approval of Minutes: City Council Work Session of December 8, 2015; the Regular Council Meeting of January 19, 2016; and the Special Meeting (Executive Session) of February 23, 2016.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to approve the minutes of the City Council Work Session of December 8, 2015; the Regular Council Meeting of January 19, 2016; and the Special Meeting (Executive Session) of February 23, 2016.

Vote: 7 - 0 - Unanimously

5. PUBLIC PARTICIPATION

Public Participation enables the public to address the Council about an item that is not on the agenda. 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.

Linda Webb addressed Council to encourage the Council to develop a comprehensive plan on the development of Flagstaff. Additionally, she called for a moratorium on any construction until a comprehensive plan can be established.

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).

A. Consideration of Appointments: Tourism Commission.

Moved by Councilmember Karla Brewster, **seconded by** Mayor Jerry Nabours to appoint Thomas D'Agostino to a term expiring January 2019.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Coral Evans, **seconded by** Councilmember Jeff Oravits to appoint Dino Dullbson to a term expiring January 2019.

Vote: 7 - 0 - Unanimously

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to appoint Debbie Grogan to a term expiring January 2019.

Vote: 14 - 0 - Unanimously

Moved by Councilmember Jeff Oravits, **seconded by** Mayor Jerry Nabours moved to appoint Lynda Fleisher to a term expiring January 2017.

B. **Consideration of Appointments:** Beautification and Public Art Commission.

Moved by Vice Mayor Celia Barotz, **seconded by** Mayor Jerry Nabours to appoint Robert Chambers to a term expiring June 2018.

Vote: 7 - 0 - Unanimously

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to appoint Jasmine Barber-Winter to a term expiring June 2018.

Vote: 7 - 0 - Unanimously

C. **Consideration of Appointments:** Heritage Preservation Commission.

Moved by Councilmember Coral Evans, **seconded by** Vice Mayor Celia Barotz to appoint Philip Scandura to a term expiring December 2018.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Scott Overton, **seconded by** Councilmember Coral Evans to appoint Charlie Webber to a term expiring December 2018.

Vote: 7 - 0 - Unanimously

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to appoint Jerry McLaughlin to a term expiring December 2018.

Vote: 7 - 0 - Unanimously

D. **Consideration of Appointments:** Board of Adjustment.

Moved by Councilmember Jeff Oravits, **seconded by** Mayor Jerry Nabours to appoint John van Wyke to a term expiring May 2018.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Coral Evans, **seconded by** Councilmember Eva Putzova to appoint Margo Wheeler to a term expiring May 2018.

Vote: 3 - 4

NAY: Mayor Jerry Nabours

Councilmember Karla Brewster
Councilmember Jeff Oravits
Councilmember Scott Overton

Mayor Nabours stated that he feels that the current board member should be reappointed.

Mayor Nabours asked Councilmember Evans if she would like to make another motion for the remaining applicant to which Councilmember Evans responded no thank you.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to appoint Dan Anderson to a term expiring May 2018.

Vice Mayor Barotz stated that she thinks what happened is too bad.

Councilmember Overton stated that he hopes she did not speculate as to what happened and offered that he feels that Mr. Anderson has been a fantastic commissioner and should be reappointed.

Vice Mayor Barotz responded saying that he could have been reappointed with the first appointment rather than appointing a new member and given Ms. Wheeler, who has applied for other commissions, and every time gets voted out because she is a woman.

Councilmember Oravits stated that he feels that she is making broad statements and assumptions and he resents that. Mr. van Wyke is a long standing member of the community, he served in the United States Air Force for many years and will make a great addition to the commission.

Councilmember Putzova stated that she is disappointed in the process as well because she had other first choices as well for the other commission appointments but boards and commissions is an area where the Council can be a little less divisive and allow all of the Council to make appointments and make sure that the community is accurately represented. Each member of Council will get an opportunity to appoint to the various boards and commissions and should be respectful of the recommendations made by their peers.

Councilmember Evans stated she feels it is unfortunate if people vote against something because of something else. This should not be a tit for tat process. Ms. Wheeler is more than qualified for the position, she has applied for several different commissions and has been turned down. In this case, her planning and development background directly suits this commission.

Vote: 5 - 2

NAY: Vice Mayor Celia Barotz
Councilmember Eva Putzova

E. **<u>Consideration of Appointments:</u>** Library Board.

Moved by Councilmember Karla Brewster, **seconded by** Councilmember Jeff Oravits to appoint Patricia Horn to a term expiring November 2016.

Vote: 7 - 0 - Unanimously

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to appoint Margaret "Marney" Babbitt to a term expiring November 2018.

Vote: 7 - 0 - Unanimously

F. **Consideration of Appointments:** Transportation Commission.

Moved by Vice Mayor Celia Barotz, **seconded by** Councilmember Coral Evans to appoint Gary Robbins to a term expiring July 2018.

Vote: 7 - 0 - Unanimously

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Jeff Oravits to appoint Julie Leid to a term expiring July 2019.

Vote: 7 - 0 - Unanimously

G. **Consideration of Appointments:** Northern Arizona Intergovernmental Public Transportation Authority (NAIPTA) Transit Advisory Committee (TAC) Citizen Alternate Appointment.

Moved by Councilmember Jeff Oravits, **seconded by** Mayor Jerry Nabours to appoint Paul Wagner to a term expiring October 2018.

Vote: 7 - 0 - Unanimously

8. LIQUOR LICENSE PUBLIC HEARINGS

None

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.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to approve Consent Items 9A and 9B as presented.

Vote: 7 - 0 - Unanimously

A. **Consideration and Approval of Cooperative Contract:** Purchase of two (2) Residential Side Load Refuse Trucks and two (2) Commercial Front Load Refuse Trucks from Rush Truck Center through the Cooperative Purchase Agreement with the City Of Tempe, Contract# T15-097-01.

Approve the purchase of two (2) 2017 Peterbilt 320 Cab and Chassis including Scorpion Side Load Bodies in the amount of $264,268.64 each, and two (2) 2017 Peterbilt 320 Cab and Chassis including McNeilus Front Load Bodies in the amount of $258,996.37 each, for a total purchase amount of $1,046,530.02.

B. **Consideration and Approval of Purchase:** Two (2) Police Interceptor Utility Vehicles

RECOMMENDED ACTION:

Approve the purchase of two (2) 2016 Ford Police Interceptor Utility Vehicles from Peoria Ford (current contract holder) out of a City of Flagstaff Contingency Fund account. These funds were identified as the preferred purchase account by the Budget Committee. The total purchase price for these two (2) vehicles would be $57,988.88 (taxes and fees included).

10. **ROUTINE ITEMS**

A. **Consideration and Adoption of Ordinance No. 2016-09:** An ordinance to enter into a third Amendment to Development Agreement (DA) with Nestle-Purina Petcare Company to extend the agreement and underlying lease for up to six months ***(Possible extension of development agreement with Nestle-Purina).***

Moved by Councilmember Scott Overton, **seconded by** Councilmember Karla Brewster to read Ordinance No. 2016-09 by title only for the final time.

Councilmember Putzova stated that one of the key considerations states that it will create a more appealing workforce option; she asked what the underlying issues with the workplace are, how they would be resolved and how it relates to the workforce. Business Retention and Expansion Manager John Saltonstall offered that the idea of working on the odor mitigation is in terms of trying to improve the perception of manufacturing in the community. There are a number of things that contribute to a viable and developable workforce for future generation. There is a perception that if manufacturing in the community is more clean it would be more appealing to future workforce generations. There is not an odor situation inside the Purina plant but how it is perceived by the community as a whole may influence the choice of future generations to work there.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AUTHORIZING THE CITY OF FLAGSTAFF TO ENTER INTO A THIRD AMENDMENT TO DEVELOPMENT AGREEMENT AMENDING THE DEVELOPMENT AGREEMENT WITH NESTLE PURINA PETCARE COMPANY TO ALLOW TEMPORARY EXTENSION OF AGREEMENT AND UNDERLYING LEASE; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

Moved by Councilmember Karla Brewster, **seconded by** Mayor Jerry Nabours to adopt Ordinance No. 2016-09.

Vote: 7 - 0 - Unanimously

B. **Consideration and Adoption of Resolution No. 2016-07:** A resolution to adopt the *Coconino County Multi-Jurisdictional Hazard Mitigation Plan.*

Fire Chief Mark Gaillard addressed the Council stating that staff has been working with Coconino County for about a year on revising the hazard mitigation plan. In March 2005 the City Council adopted a City of Flagstaff Mitigation Plan. Across the United States mitigation plans have evolved into multi-jurisdictional efforts. This is the second multi-jurisdictional update of the plan with the prior being in September 2011. Some FEMA standards were updated and a few additions were made such as earthquakes and facility hazardous

materials risk. Additionally, there are some improved descriptors put into the plan. Much of the previous information regarding City planning remain.

Moved by Councilmember Karla Brewster, **seconded by** Mayor Jerry Nabours to read Resolution No. 2016-07 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL ADOPTING THE DECEMBER 2015 COCONINO COUNTY MULTI-JURISDICTION HAZARD MITIGATION PLAN AND REPEALING RESOLUTION 2011-05 ADOPTING THE PRIOR PLAN.

Moved by Councilmember Karla Brewster, **seconded by** Mayor Jerry Nabours to adopt Resolution No. 2016-07.

Vote: 7 - 0 - Unanimously

C. Consideration and Adoption of Clean-Up Ordinances:

Consideration and Adoption of Ordinance No. 2016-11: An ordinance of the City Council of the City of Flagstaff Amending the Flagstaff City Code, Title 1, Administrative, Chapter 15, Municipal Court, Division 1, Section 2, Municipal Judge, Presiding Magistrate, Hearing Officers, to Require all Municipal Judges to be Admitted to the Practice of Law in the State of Arizona; Providing for Repeal of Conflicting Ordinances, Severability, and Establishing an Effective Date ***(Municipal Judge Qualifications)***

Consideration and Adoption of Ordinance No. 2016-12: An ordinance of the City Council of the City of Flagstaff, Amending the Flagstaff City Code, Title 1, Administrative, Chapter 24, Insurance, Division 1, Section 7, Insurance, to Increase the Authority of the City Manager to Settle Claims up to Fifty Thousand Dollars; Providing for Repeal of Conflicting Ordinances, Severability, and Establishing an Effective Date. ***(Bringing City Code Consistent with Charter Regarding City Manager's Authority to Settle Claims)***

Consideration and Adoption of Ordinance No. 2016-13: An ordinance of the City Council of the City of Flagstaff, Amending the Flagstaff City Code, Title 11, General Plans and Subdivisions, Chapter 20, Subdivision and Land Split Procedures and Requirements, Division 1, Sections 30 and 40, Pre-Application Conference, and Land Split and Combination Applications, to Provide Opportunity for Additional Lot Splits for Long-Term Parcel Owners; Providing for Repeal of Conflicting Ordinances, Severability, and Establishing an Effective Date. ***(Lot Splits)***

Michelle D'Andrea addressed Council stating that there are three ordinances that have been identified as needing clean up revisions. The first ordinance codifies the City's current practice making it clear that Judges need to have certain qualifications. The second ordinance deals with the City Manager's authority to settle claims under the $50,000 threshold. This update is typically done when the City Charter is amended however it was not done when the authority moved from $25,000 to $50,000.

The last ordinance relates to lot splits. The City regulates lot splits to make sure they conform to City development standards, staff also checks to make sure that lots are split so many times to become a sub-division. Currently the code mentions that an applicant should

include ownership information for the past 15 years but it does not say what providing that information will do or give to the applicant. The proposal is to make it clear that a long term owner can do an additional lot split. The reason for this policy is unknown. The Council can also have language removed that requires an applicant to provide information on how long they have owned the lot. Either way, the ordinance needs to be clear on what the applicant gets, if anything, when they provide the historical information.

Mayor Nabours stated that there are State laws on lot splitting that state a split is not allowed if there is or has been a pattern of splits. For example, a family with 20 acres splits into three lots, then those three lots are split into three lots which technically is not a sub division however, if the original three lots were considered then it would be a sub-division. He believes that providing historical data does nothing for the applicant because there are no exemptions given for long term owners but it does show the history of the lot to determine if other splits had been done in the past.

Ms. D'Andrea stated that the ordinance would allow people who have had their property longer than 15 years to do another split that they are otherwise not entitled to. As it stands now, the ordinance allows a for the creation of three parcels even if below 2.5 acres.

Mayor Nabours stated that he feels that the language is misleading. Ms. D'Andrea stated that the language asks for proof but it does not indicate an allowance for additional splits. Mayor Nabours stated that his inclination is to take the language out and a parcel either qualifies or it does not regardless of how long it has been owned.

Moved by Mayor Nabours **seconded by** Councilmember Jeff Oravits to remove the reference to the 15 year ownership.

Councilmember Evans stated that she believes that there is a reason that the language is in there and if it is to be removed she would like to have some additional time to research and understand the implications.

Moved by Councilmember Coral Evans, **seconded by** Councilmember Eva Putzova to postpone the item to the next available date.

Vote: 7 - 0 - Unanimously

Moved by Councilmember Karla Brewster, **seconded by** Councilmember Scott Overton to read Ordinance No. 2016-11 by title only for the first time.

Councilmember Putzova indicated that the policy was discussed and approved by the Council in September 2014 and the City has been operating under that policy since then. She does not understand why it is necessary to make it an ordinance. Ms. D'Andrea indicated that it is the Council's choice on whether or not it is included in the ordinance. She added that it is more transparent to the community when the code reflects the policy. Councilmember Putzova asked if there are other appointments that follow the same level of transparency when it comes to qualifications. Ms. D'Andrea stated that the City Manager and the City Attorney qualifications are contained in the City Charter.

Councilmember Putzova stated that she will be voting no on the ordinance as she was not a part of the original discussion and has not had a chance to hear the pros and cons associated with the qualifications. Councilmember Evans added that she too would not be voting in favor of the change because she did not agree with the original policy change.

Vote: 5 - 2

NAY: Councilmember Coral Evans
Councilmember Eva Putzova

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 1, ADMINISTRATIVE, CHAPTER 15, MUNICIPAL COURT, DIVISION 1, SECTION 2, MUNICIPAL JUDGE, PRESIDING MAGISTRATE, HEARING OFFICERS, TO REQUIRE ALL MUNICIPAL JUDGES TO BE ADMITTED TO THE PRACTICE OF LAW IN THE STATE OF ARIZONA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Coral Evans to read Ordinance No. 2016-12 by title only for the first time.

Vote: 7 - 0 - Unanimously

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 1, ADMINISTRATIVE, CHAPTER 24, INSURANCE, DIVISION 1, SECTION 7, INSURANCE, TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS UP TO FIFTY THOUSAND DOLLARS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

D. **Consideration and Adoption of Resolution No. 2016-05** A Resolution to abandon 1,103 Sq. Ft. of sewer easement, recorded in Docket 196, Pg. 613 Coconino County. ***(Resolution to abandon an unused sewer easement near Route 66 and Ponderosa Parkway)***

Real Estate Manager Charity Lee stated that in 2016 the portion of the sewer easement was already disconnected, the private property owner has requested that the City abandon it to unencumber the property.

Councilmember Overton asked if staff was sure that the City will not need the easement in the future. Ms. Lee explained that the Utilities Division issued a utility clearance that confirms that the site was reviewed for future need and none was identified; they are in support of the abandonment.

Moved by Councilmember Scott Overton, **seconded by** Mayor Jerry Nabours to read Resolution No. 2016-05 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL TO ABANDON 1,103 SQUARE FEET OF A UTILITY/WASTEWATER (SEWER) EASEMENT WHICH WAS DEDICATED TO THE CITY OF FLAGSTAFF AS RECORDED IN COCONINO COUNTY DOCKET 196, PAGE 613 ON NOVEMBER 29, 1962, WHICH EASEMENT ENCUMBERS THE FOLLOWING DESCRIBED REAL PROPERTIES LOCATED AT 1688 EAST ROUTE 66, FLAGSTAFF, ARIZONA (APN 107-07-001G).

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Scott Overton to adopt Resolution No. 2016-05.

Vote: 7 - 0 - Unanimously

E. **Consideration and Adoption of Resolution No. 2016-04:** A Resolution to abandon a vacant public utility easement. Recorded in Coconino County, Docket 245, Pg. 5, which easement encumbers the real properties described in Exhibit 'A' attached hereto. ***(Resolution to abandon an unused public utility easement)***

Ms. Lee explained that the same situation applies to this request as well and a utility clearance has been issued for the easement.

Moved by Councilmember Scott Overton, **seconded by** Councilmember Jeff Oravits to read Resolution No. 2016-04 by title only.

Vote: 7 - 0 - Unanimously

A RESOLUTION TO ABANDON AN UNUSED PUBLIC UTILITY EASEMENT RECORDED IN COCONINO COUNTY DOCKET 245, PAGE 5, WHICH EASEMENT ENCUMBERS THE REAL PROPERTIES DESCRIBED IN EXHIBIT 'A' ATTACHED HERETO.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Karla Brewster to adopt Resolution No. 2016-04.

Vote: 7 - 0 - Unanimously

RECESS

The 4:00 p.m. portion of the March 1, 2016, Regular Meeting recessed at 5:00 p.m.

6:00 P.M. MEETING

RECONVENE

Mayor Nabours reconvened the Regular Meeting of March 1, 2016, at 6:09 p.m.

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.

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

12. PUBLIC PARTICIPATION

Karin Eberhard addressed Council on behalf of Flagstaff Unified School District. She thanked the Council for their support of STEM and for creating a STEM City. She invited the Council to attend the third annual STEM Celebration being held on Monday, March 7, 2016.

Marilyn Weisman addressed Council with concerns that the student housing developers are not playing by the rules when withdrawing their Conditional Use Permit applications. She urged the Council to make sure that the zoning rules regulations are being adhered to as agreed.

Marie Jones addressed Council in regards to form based code not related to the HUB. She stated that the code is well written but there are elements that need clarification such as the words large and small. She urged the Council to review the code and make the necessary modifications to avoid confusion in the public and with the design industry.

Gabor Kovacs addressed Council and provided quotes regarding climate change and population control.

Andy Fernandez addressed Council with various concerns.

13. CARRY OVER ITEMS FROM THE 4:00 P.M. AGENDA

None

14. PUBLIC HEARING ITEMS

A. Public Hearing, Consideration, and Adoption of Ordinance No. 2016-08: An ordinance of the Flagstaff City Council amending the Flagstaff Zoning Map Downtown Regulating Plan designation of approximately 0.29 acres of land generally located west of the southwest corner of Mikes Pike and Phoenix Avenue from the T4 Neighborhood 1 - Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone and of approximately 1.35 acres located at 17 S Mikes Pike from the T4 Neighborhood 1 - Open

(T4N.1-O) transect zone to the T5 Main Street (T5) transect zone, conditional. ***(The Hub Zoning Map Amendment)***

Mayor Nabours stated that there were a few speaker cards remaining from the last meeting and stated he will begin with those requests.

The following individuals addressed Council in opposition to the zoning map amendment for the HUB:

- Charlie Silver
- Nancy Branham
- Miles Maurer
- Lily Maurer
- Kari Maurer
- Jeff Maurer read the attached letter at the podium

> **Moved by** Councilmember Coral Evans **seconded by** Councilmember Eva Putzova to amend the rules of procedure to extend the three minute speaking limit to allow Mr. Maurer to finish reading the letter.
> **Vote:** 4-3
> NAY: Mayor Nabours
> Councilmember Oravits
> Councilmember Overton

- Chris Gams
- Michael Amundson
- Ruth Ann Border
- Stuart McDaniel
- Sallie Page
- Leslie Pickard
- Sat Best
- Andy Fernandez
- Adam Shimoni
- Karen Enyedy

Comments received included:

- Core Campus says they want to be part of the community but their words have quickly grown threatning.
- The project is so far down the development and planning path by the time the developer gets to the public meetings there is little room left for public input.
- Core's business model is not part of Southside or Flagstaff's vision.
- An online petition was started 6 days that there are over 800 supporters of the Stop the HUB Petition.
- As of 2/19 according to CD there were 144 comments opposed to this project and only 10 in support.
- The HUB is in the wrong location.
- Traffic, parking and safety are the common concerns with the project.
- The shadow the HUB will cast on Phoenix will be huge and ice will be an issue.
- They would like to know if there is a mitigation plan should there be a train derailment.
- The development does not meet all of the required findings needed to approve this rezoning amendment.
- The proposed zoning map amendment is detrimental to the safety of the city, this will not add to the public good.
- It is hard to understand how a developer can assume that they will get zoning

approval.
- The developers rendition of the HUB is not within what the transect zone requires.
- The transect zones are intended to ensure that development is consistent with the existing character of community. The HUB is out of character and out of scale for the area.
- Underlying the principles in the Regional Plan is the premise that future growth and development should be approached knowing that present actions have a direct impact on the future of the community.
- The project does not meet the objectives of transect zoning or the goals of the Regional Plan.
- Disappointed that the Planning and Zoning Commission voted to approve the zoning request and two CUPs.
- Without the amendment the HUB is wrong all together but with it, it becomes more out of place and more out of character than before.
- The findings of the staff report are flawed.
- Approval of this request will set a dangerous precedent for future development.
- I often have to drive around for long periods of time looking for a place to park to go to work, the HUB will make an already difficult parking situation much worse.
- I will be afraid of driving on Mikes Pike because of the increased foot traffic and bicycle traffic along with speeding cars.
- Please do not let the HUB ruin the vibe of a good place.
- Southside is a great community, the apartment building will change this community.
- Deny Core the transect zoning and save historic Southside.
- When did the City start negotiating with Core about the project?
- What did the City tell Core when they showed them the biggest building in Flagstaff going into this neighborhood?
- Does the Council think they have enough good information to make a decision?
- He lives near a large student development in Tucson.
- A primarily residential area has shifted to a primarily rental area.
- Parking is a huge issue in and around the development.
- Business in the area has had little to no uptick from the increase in students over the last four years
- The development is closed off and the residents do not engage with the community.
- The police department spends a lot of time responding to student issues and public safety issues in the area.
- Developments such as the HUB are examples of environmental racism.
- High density is a form of urban decay.
- Neighbors should not be threatening each other, the developer should sit down with the neighborhood to work out a solution.
- It is not too late to start over.
- The City should do all that it can to protect the people who have risked it all to bring their independent businesses to the Southside and make it a one of a kind neighborhood.
- This huge project should go anywhere out of the historic Flagstaff core, but if they want to stay here they should fit into what is already existing.
- What are the effects of the shadow on the railroad?
- Concerned about the increase in pedestrian traffic over the railroad.
- The HUB should be required to have 24 hour security.
- What impacts does this development have on the water supply in Flagstaff
- The HUB should be held to the same standard to have a parking space for each bedroom.
- Land on the south NAU campus is available, go build the HUB there and let NAU deal with providing housing for students and their behavior.

- There are enough judgement calls to find a way to justifiably not make the findings in this case.
- Do not be intimidated by the Prop 207 threats.
- Please spend my tax money and defend my community.
- Students are great and growth is a good thing but Core should work with NAU to build the HUB on campus.
- Encourage the City to hire attorneys to work against Grady Gammage.
- The Board of Regents funds based on student population, City needs to dialogue with Board of Regents about funding more students with less quality.

The following individual addressed Council in favor of the zoning map amendment for the HUB:

- John McCulloch
- Stuart McDaniel

Comments received included:

- Flagstaff has grown a lot but the City has not changed.
- The relationships that people built in Flagstaff were built on the common interests we have. Buildings do not define this community to me.
- The building can work in this location.
- Students are an economic development piece of the Flagstaff puzzle, it is what sets us apart from other northern Arizona cities.
- The Chamber is in support of this project for economic reasons and the lack of available housing.
- Without NAU and its students Flagstaff would be Winslow.
- Students are part of the community and contribute to the community.
- Private property rights matter, they are constitutionally protected.
- The rezoning gives the opportunity for a better project.
- Without the rezoning the project will continue and the City and community will not have a seat at the table.

The following individuals submitted written comment cards in opposition to the zoning map amendment for the HUB:

- Katy Harding
- Susan Alpera
- Nancy Wardell
- Connie Kim
- Julia Schwalenstoker
- Lucas Klein
- Frederica Hall
- Laura Myers
- Susan Hueftle
- Stanley Graves
- Paul Zeller
- Juliana Bartlett
- Ethan Miles
- Anthony Mancini
- Ann Walka
- Richard Klomassa
- Luke Dickinson
- Cathi Borthwick
- Steve Hirst

- Denise Hudson
- Deb Linda
- Maria Jensen
- Andrew Ryder
- Katarina Karjala
- Sky Black
- Lauren Amundson
- Joan Abbott
- Jill Lynn Farrell
- Emily Davalos

A break was held from 7:33 p.m. through 7:45 p.m.

Mayor Nabours stated that the speaker requests have concluded. According to rules of procedure the applicant and City staff will have an opportunity to respond.

Lindsey Shube, attorney with Gammage and Burnham, addressed Council on behalf of Core Campus. Ms. Shube provided a PowerPoint presentation that covered the following:

REGIONAL PLAN 2030
TRANSECT ZONING: DOWNTOWN REGULATING PLAN
REGIONAL PLAN: GROWTH AREAS & LAND USE
REGIONAL PLAN: ACTIVITY CENTERS MAP
REGIONAL PLAN: URBAN AREAS
REGIONAL PLAN 2030: FUTURE GROWTH MAPS
WALKABILITY: FLAGSTAFF URBAN TRAILS AND BIKEWAYS MAP
PUBLIC TRANSIT
WALKABILITY: DISTANCES
EXISTING USE OF THE PROPERTY
REGIONAL PLAN: COMPACT DEVELOPMENT

Ms. Shube asked Council to accommodate what was approved and to make the property better. The developer has worked with the City to improve the project and the design; for example, they have reduced the amount of glass and windows, they changed the design to flat roofs instead of pitched roofs, and they enclosed all of the amenities into the building. Through design review staff asked that the height on Milton be reduced from 64 feet to 52 feet and the developer agreed to that change. The height was also reduced on Mikes Pike and staff requested that the top story be pushed back. These are all things that have been able to be communicated and achieved between the developer and City staff. The zone change gives Flagstaff a better project.

One of the biggest concerns that has been heard is parking. The development adheres to the existing parking regulation and Core Campus is supportive of the parking district. They do not believe that there will be a problem but if there is it will be Core Campus' problem to solve. Core Campus has agreed to make a $500,000 contribution to the City for parking solutions in the Southside neighborhood as well as a $75,000 contribution to a surface parking lot. In exchange, the City will make available 100 parking spots for Core Campus to rent on an annual basis if the spots are needed. Additionally, they have purchased the People's Mortgage to allow for shared parking to access the commercial spaces along Milton.

This is different and this is change but though the rezone process the City gets a seat at the table to help develop how the project looks. She believes that the project as has been

designed agrees and complies with the Regional Plan. There has been a 6-1 approval from the Planning and Zoning Commission and recommendation from City staff who has worked countless hours with all aspects of the development. She encourage Council to approve the rezoning request.

Mayor Nabours asked if Core Campus is agreeable to the first five conditions of approval provided by the Planning and Zoning Commission. Ms. Shube indicated that they are in agreement with those conditions. Mayor Nabors clarified that Core Campus is proposing the monetary contributions and rental spaces in lieu of condition six to which Ms. Shube indicated yes.

Mayor Nabours stated that two weeks ago when Core Campus gave its presentation there was a slide that showed a view of what type of building could build without a change of zoning. The proposed design for the building with the rezone approval is quite different in style and Mayor asked if those changes were required by staff. Ms. Shube explained that it was heard at the public meetings and also required by staff to make changes to the look. There was a laundry list of things that the City wanted changed with the design. Because of the rezone process, it is a give and take in terms of design and conditions and not everyone walks away happy but the parties work together to make changes and concessions to develop a project that can be agreed upon.

Vice Mayor Barotz stated that she would like to see a draft development agreement soon. She felt like the Council should have had it tonight because that is what the staff report says. She stated that she is not prepared to move forward with the process without it.

Vice Mayor Barotz stated that she was appreciative of the Regional Plan policies that were highlighted throughout the presentation. She identified several policies and goals that were identified by the public in conflict of the project and she asked how that is interpreted by the developer in the context of the rezone. There is definitely a difference in opinion in the interpretation and she asked for justification from the developer perspective. Ms. Shube stated that the Regional Plan is a long term planning document and it looks at the community as it is today but also at how it will develop over time. In terms of design, the elements that are being used compliment and are inspired by the surrounding neighborhoods.

Vice Mayor Barotz stated that she does not understand is that if Core Campus believes that the proposal before the Council tonight is a better project then why punish the community with a less visually appealing building should the rezone request be denied. Ms. Shube offered that the biggest reason it is a better building is because of the place making, it is the commercial on Mikes Pike, and it is the three building heights that are uniform and pushing the 5 th story back which is not currently permitted in a T5. This building is a better building through the rezone process because of the rezone would allow for the three uniform building heights, all the amenities contained in the middle of the project, and the underground parking that is shielded for dark skies. Without the rezone the building will be a good building and an attractive building but one that is designed for the client. The rezone has allowed input and modifications to get to a building design that is acceptable for both parties.

Councilmember Putzova stated that the Council has to make certain findings about going from one zone to another. She would like to have more information about the proximity of the development to the railroad, specifically how the project is taking into account the noise level from the railroad and the safety related to the crossing of the railroad. Ms. Shube stated that in terms of safety, something that is brought to the table with the rezone and

redesign is that there is one point of ingress and egress for pedestrians and vehicles. There are key fobs for all the buildings and the development agreed to be part of the multi-family crime free community. The HUB will have a community assistance program which functions similar to residence assistance one finds on campus. If safe decisions are not being made management is contacted to address solutions. Dawn Cartier with Syntac added that the railroad crossings currently exist and are in operation, the City and the railroad have done a great job of encouraging single points of crossing. Additionally, the safety of railroad corssing are mandated and all of the necessary components are currently in existence. There is not a lot of additional implementations that can be put in. The crossings were evaluated in the study with additional pedestrian counts and the crash analysis showed there was no increased concern for pedestrian related crashes. Ms. Shube offered that in terms of noise, it will be contemplated in the building type and construction, the building will mitigate the train noise for the residents.

Councilmember Evans stated that the public has mentioned numerous times the houses currently existing on the property. Ms. Shube explained that there is one property on the site and they will be making accommodates to move the house to another location.

Councilmember Evans asked if it is Core Campus' intention to manage the property forever or if it will be sold and managed to another agency. Ms. Shube explained that there are two arms to the Core Campus company; one side is development and the other is management. They could sell the property but the intention is to maintain the property and move it to the management side of the company once developed.

Councilmember Evans asked why Core Campus would not build something that the community wants if the rezoning is denied. Ms. Shube explained that what makes the presented design better is the land use and that is accomplished through the rezone. As far as the architecture is concerned the presented design is a result of input from City staff, the community, and the developer. If the rezone is denied the building will be an attractive building but at that point the property owner's view and vision of the architecture may not match the view of the community, it is a matter of private property rights. One of the biggest disadvantages of not getting the rezone would be that the parking would be brought above ground.

Councilmember Brewster asked which of the two proposals are cheaper for the developer to build, the rezoned design or the existing zoning design. Ms. Shube stated that the building materials used in the proposal that includes the rezone are far more expensive.

Councilmember Putzova stated that the project should take into consideration all of the public input that was heard and use it in the development of the project without the rezone to make it the best project for the community.

Ms. Putzova asked for Ms. Shube to describe the leasing arrangements that will be implemented with the project. Ms. Shube stated that they are not able to lease by the bedroom so they will lease the units as a whole. There will be four renters per unit. Councilmember Putzova asked if Core Campus has other projects that utilize the lease by unit model. Ms. Shube explained that most Core Campus developments are leased by the bed and they prefer that model but it is not a consideration for the Flagstaff location.

Councilmember Evans asked a representative from La Plaza Vieja if Core Campus presented to the neighborhood. Laura Meyers, on behalf of La Plaza Vieja, stated that the neighborhood did attend the public meeting that was held at Our Lady of Guadalupe but that the neighborhood did not meet with the developer directly. Ms. Shube stated that at the very

beginning of the project Core Campus met with Jesse Dominguez of La Plaza Vieja.

Planning Director Dan Folke provided a PowerPoint presentation that covered the following:

BACKGROUND INFORMATION
ZONING DISTRICTS
PERMITTED USES AND DEVELOPMENT STANDARDS: ESTABLISH PROPERTY RIGHTS
ZONING DISTRICT INTENT STATEMENTS
REQUESTED ZONING DISTRICTS
PROCESSING APPLICATIONS
ZONING MAP AMENDMENT REVIEW
SITE PLAN REVIEW

Planning Development Manager Brian Kulina continued the presentation

CITY OF FLAGSTAFF ZONING MAP
ZONING MAP OF PROPOSED LOCATION
DOWNTOWN REGULATING MAP
RESIDENTIAL COMMERCIAL
T4 NEIGHBORHOOD
T5 MAIN STREET
LOT COVERAGE
FLOOR AREA RATIO (FAR)

Mayor Nabours stated that there has been some discussion about the architectural view of the building he asked for some background on how that evolved and the role staff played in that. Mr. Kulina offered that transect zones do not have specific design standards associated with them. Staff refers to the architectural design standards found elsewhere in the code. Within those standards there are various options available to the applicant and as long as those minimum standards are being met, they are meeting the intent of the code. Staff has more leverage when a zoning map amendment is requested, they have the ability to push harder to get a better design with rezone situations.

Mayor Nabours asked in terms of parking if the difference between the zoning that exists now and the transect zoning is nine parking spaces. Mr. Kulina indicated that he could not speak to the exact number of spaces because a site plan has not been submitted under the current zoning. It would depend on how the project was laid out. He offered that in the T4 zoning parking is based per unit and in the T5 zoning it is based on the square footage.

Mayor Nabours asked Mr. Kulina what his understanding of the parking proposal from Core Campus is. Mr. Kulina stated that $500,000 would be utilized for parking solutions in Southside and $75,000 would be used for the construction of a surface lot for 100 additional spaces. Those 100 spaces would either be leased back to the developer or utilized for city parking. Mayor Nabours asked which lot would be used for the surface lot. Mr. Kulina explained that staff has not done an analysis of the parcels in the area that would fulfill the requirements. That analysis would be brought back to Council when the development agreement was brought forward for consideration.

Councilmember Oravits asked what the duration of the parking lease agreement would be. Ms. Shube stated that Core Campus has proposed a 20 year term at half market rate and an additional 20 year term at 75% market rate should the lot need to be utilized by the HUB.

Councilmember Putzova asked for some background information on the reasoning behind the transect zones in specific areas. Comprehensive Planning and Code Administrator Roger Eastman stated that when the decision was made for the rewrite of the former Land Development Code staff knew the code would be moving into form based coding. At that time staff began a lengthy process of educating the public about what the City was doing and why it was the most appropriate path. Design charrettes were held with the consultants, staff, and the public to identify what parts of the community were special in terms of their open form. That open form would be coded and applied as the form based code. The result of the lengthy discussions with the consultants and the community resulted in the regulating plan boundary that is presented currently. Within that regulating plan boundary was the detailed analysis. The question became how it is applied; the consultants looked at the existing zoning together with logic. The intent was to have the T5 main street along a busy street. They considered T5 along Mikes Pike and it could be applied if it is anticipated that the street would have a higher volume of traffic or commercial, there is some logic to doing that. A lot of thought went into mapping it the way that it is but that is not to say that the community has changed since that was put in place in 2008. Since that time a new Regional Plan was adopted that shows three activity centers in the area which gives support for a consideration of rezoning to adjust the T5 boundary based on the Regional Plan.

Councilmember Putzova stated that the Council has heard different legal opinions on interpretations of the code, she asked how important legislative history is in representing and interpreting the code. Michelle D'Andrea stated that Council gave her direction that they have waived the attorney client privilege and she can give advice publicly this evening. A court and anyone interpreting a legal code will not look at legislative intent unless there is ambiguity in the standards that are articulated in the code. Here the standards are clear; the transect zones set standards for height, setbacks, and density. That is the language that controls, it is the more specific language that is looked at first and then it moves to the more general language and only then if there is ambiguity is the legislative intent considered.

Councilmember Putzova asked if staff can articulate how swapping the zones would add to public good. Mr. Kulina offered that staff believes that there is a benefit to the public in carrying forward the visions of the Regional Plan. By putting T5 on Mikes Pike, it forces the developer to carry forward the vision of the Regional Plan by putting commercial on Mikes Pike and increasing density intensity within the established urban areas. The Regional Plan asks for high intensity in specific urban areas as outlined by the activity center designations. Without the rezoning the developer has the option of doing some commercial along Mikes Pike but they are not required to. Mikes Pike only has two residential uses currently, the rest is commercial; forcing more residential along there goes against the established character of Mikes Pike. In his opinion the current designation along there does a disservice to the Regional Plan by not carrying forward the redevelopment in these urban areas.

Councilmember Putzova stated that she understands the Regional Plan perspective but she would like to understand how the change would add to the public good. Mr. Kulina stated that it adds to the public good by establishing the urban form that the Regional Plan calls for.

Moved by Mayor Nabours **seconded by** Councilmember Karla Brewster to read Ordinance No. 2016-08 by title only for the first time based on the recommendation of the Planning and Zoning Commission and find that the statements contained in sections 2, 3, and 4 of the enactments portion of the proposed ordinance are supported by the information that Council has received through the Public Hearing process. As to the conditions portion of the proposed ordinance I move to delete paragraph 6 regarding parking and replaces that paragraph with the following "this ordinance would be enacted subject to applicants

contribution of $500,000 towards Southside parking solutions at the City's discretion and $75,000 contribution for surface parking solutions and to allow the applicant to rent up to 100 spaces from the City if available for one half the market rate as more detailed in a development agreement to be made between the City and the applicant. Further, the development agreement referenced in section 7 of the enactments portion of the proposed ordinance include that the development agreement will encompass the proposed deal points for PZ-15-00164 dated March 1, 2016 subject to the parking provisions mentioned earlier.

Vice Mayor Barotz stated that she will not support the motion because it is totally irresponsible for her to do so without a development agreement. She would request that she has an opportunity to see the development agreement before being asked to vote. Mayor Nabours offered that the development agreement is typically brought forward before the second read of the ordinance.

Moved by Councilmember Eva Putzova, **seconded by** Vice Mayor Celia Barotz to postpone until there is a development agreement and time to digest the information received during the public hearings.

Councilmember Overton stated that he is not in support of the motion to postpone, action and direction need to be taken this evening. In regards to the motion from the Mayor, he is not supportive of the way the motion was worded he is comfortable weighing in on the zoning request. He understands the need for the development agreement and is comfortable in principle with the development agreement points but would like to see them flushed out in the development agreement prior to the second read.

Vote: 2 - 5

NAY: Mayor Jerry Nabours
Councilmember Karla Brewster
Councilmember Coral Evans
Councilmember Jeff Oravits
Councilmember Scott Overton

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Scott Overton to amend the motion to read Ordinance 2016-08 by title only for the first time subject to an agreement between the City and the Developer.

Councilmember Putzova stated that she will be voting against the motion because she finds the proposed amendment inconsistent with the Regional Plan, specifically policies CC.3.1, NH.1.2, NH.6.1, T.1.8, and T.3.4. She also cannot find a way to assure the public that the proposed amendment will not be detrimental to the public interest, safety, convenience or welfare of the City. She also cannot find how swapping the transect zones will add to the public good. She does not feel that there is enough time to look for all ways this proposal could meet the necessary requirements and believes no reasonable person can articulate them.

Vice Mayor Barotz stated that the question before the Council is to approve or deny the rezoning request and to do this the Council must make certain findings before they approve a rezone request. She cannot find that this proposed amendment is consistent with the Regional Plan even though staff states that it is. The following policies and goals support her position:

Policy CC.2.7

Goal CC.3
Policy CC.3.1
Policy CC.3.2
Policy C.3.3
Goal CC.4
Policy LU.5.6
Policy LU.10.5
Policy LU.18.13
Policy T.1.8
Policy NH.1.1
Policy NH.1.H.2
Policy NH.6.1
Policy N.1.2

At 99 dwelling units per acre with a floor area ratio of 3.54 this project would become the most dense intense building in the city. She cannot find that the proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare and it will not add to the public good as outlined in the Regional Plan

Switching locations of the zones defeats the original intent of the way the zoning map was designed. The transect zoning between Milton and Mikes Pike was designed to make a transition from the T5 urban corridor into the neighborhood on the other side.

She has very serious concerns about parking issues that have been raised.

She feels that she cannot make the necessary findings because the urban infrastructure is not mature enough for the parking incentive offered by the transect zoning. The lack of adequate parking will exacerbate existing problems and create real problems for the residents and businesses in the neighborhood. She does not believe that the rezone is in the public's interest. She is concerned about public safety, the mass and scale of the project and the issues with parking and traffic.

Mayor Nabours stated that staff and the Planning and Zoning Commission spent a great deal of time working through the project and Council has spent many hours discussing the need for infill and redevelopment. This location is a perfect place to do infill and redevelopment. Through the rezone process the City and the public have been able to provide input on the design of the structure. The City will get some good things out of this including a huge contribution to a much needed parking garage. He would rather see this option move forward than to have no input. He also requested a roll-call vote.

Vice Mayor offered her thanks to everyone who has put time and effort into the participation of the process.

Councilmember Brewster stated that the HUB will be built with or without the rezoning and she would prefer it to be built to the standards developed by input from staff and the public.

Councilmember Evans stated that she has been watching the development in hopes that the community and Core Campus could come to an agreement. She has had the opportunity to speak with Core Campus about the parking issues and she was happy when Core offered to put up $500,000 and $75,000 for parking improvements. There are a lot of other issues as well but she believes that it is directly reflective of the direction that the Arizona Board of Regents has taken in terms of funding and the absence of anyone from NAU speaks to the kind of relationship the City has with NAU.

She offered that she was appreciative of the fact that Core Campus was a lot easier to speak with and have a conversation with then the last student housing developer. While they may not agree on everything Core was willing to have a conversation. She applauds everyone's effort and thanked them for being there; having an engaged community is important and having the community engaged going forward is important.

She believes that there are a lot of unresolved issues with this development. The community feels that there are health and safety and have been clear that this is not appropriate development for the neighborhood or location. She is not in support of the rezoning on this project and would make the findings based on policy NH 1.1 and NH.6.1 of the Regional Plan.

Vote: 4 - 3

NAY: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP DOWNTOWN REGULATING PLAN DESIGNATION OF APPROXIMATELY 0.29 ACRES OF LAND GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF MIKES PIKE AND PHOENIX AVENUE FROM THE T4 NEIGHBORHOOD 1 – OPEN (T4N.1-O) AND T5 MAIN STREET (T5) TRANSECT ZONES TO THE T4 NEIGHBORHOOD 2 (T4N.2) TRANSECT ZONE AND APPROXIMATELY 1.35 ACRES LOCATED AT 17 S MIKES PIKE FROM THE T4 NEIGHBORHOOD 1 – OPEN (T4N.1-O) TRANSECT ZONE TO THE T5 MAIN STREET (T5) TRANSECT ZONE WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.

A break was held from 10:10 p.m. - 10:20 p.m.

15. REGULAR AGENDA

A. Discussion and Possible Action re: Current Issues Before the Arizona Legislature

Assistant to the City Manager Stephanie Smith reported that there is a joint meeting coming up on Monday March 7, 2016 where an update will be given on the current issues and she will also be reporting on the recent trip to Washington D.C. at the Work Session of March 8, 2016.

Councilmember Evans asked about HB2566. Ms. Smith stated that the bill is on her list to report on. She added that it is a striker bill that restricts cities from collecting pawn fees. Currently the City collects around $140,000 each year in pawn fees that helps offsets police staffing. Many cities and towns are fighting the bill. Councilmember Evans stated that the bill is troublesome for many reasons and requested that the Police Chief present before Council the importance of the pawn officer. Ms. Smith stated that Chief Treadway will be present to answer any questions at the upcoming meetings.

Councilmember Putzova requested an update on HB2579 during Ms. Smith's future presentations.

16. DISCUSSION ITEMS

None

17. FUTURE AGENDA ITEM REQUESTS

After discussion and upon agreement by a majority of all members of the Council, an item will be moved to a regularly-scheduled Council meeting.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Scott Overton to suspend the Rules of Procedure and hear the last agenda item.

Vote: 4 - 3

NAY: Vice Mayor Celia Barotz
Councilmember Coral Evans
Councilmember Eva Putzova

A. Future Agenda Item Request (F.A.I.R.): A request by Councilmember Putzova to place on a future agenda a discussion on Regional Plan Goals/Policies regarding Climate Change.

Councilmember Putzova withdrew her request for the Future Agenda Item.

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

Councilmember Evans stated that there is a continuing issue with Motel 6 and the posted pricing that gets changed. She requested additional information on this issue. Mr. Copley stated that staff will provide the information in a CCR.

Mr. Copley reported that Park maintenance staff is working to prune the dead and decaying limbs of the trees in Wheeler Park.

19. ADJOURNMENT

The Regular Meeting of the Flagstaff City Council held March 1, 2016, adjourned at 10:28 p.m.

_____
MAYOR

ATTEST:

_____
CITY CLERK

CERTIFICATION

I, ELIZABETH A. BURKE, do hereby certify that I am the City Clerk of the City of Flagstaff, County of Coconino, State of Arizona, and that the above Minutes are a true and correct summary of the Meeting of the Council of the City of Flagstaff held on March 1, 2016. I further certify that the Meeting was duly called and held and that a quorum was present.

DATED this 22nd day of March, 2016.

_____

CITY CLERK

SPECIAL MEETING (EXECUTIVE SESSION)
TUESDAY, MARCH 8, 2016
COUNCIL CHAMBERS
211 WEST ASPEN
4:00 P.M.

MINUTES

1. Call to Order

Mayor Nabours called the Special Meeting (Executive Session) of March 8, 2016, to order at 4:03 p.m.

2. Roll Call

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. Recess into Executive Session.

Moved by Councilmember Jeff Oravits, **seconded by** Councilmember Scott Overton to recess into Executive Session.

Vote: 7 - 0 - Unanimously

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. Potential Settlement of Hopi/Snowbowl Settlement - CV2011-00701

B. Discussion or consideration of employment, assignment, appointment, promotion, demotion, dismissal, salaries, disciplining or resignation of a public officer, appointee or employee of any public body, except that, with the exception of salary discussions, an officer, appointee or employee may demand that the discussion or consideration occur at a public meeting. The public body shall provide the officer, appointee or employee with written notice of the executive session as is appropriate but not less than twenty-four hours for the officer, appointee or employee to determine whether the discussion or consideration should occur at a public meeting; and discussion or consultation for legal advice with the attorney or attorneys of the public body, pursuant to ARS 38-431.03(A)(1) & (3) respectively.

i. City Attorney's Office Civil Personnel, Methods of Succession Planning and Terms of Potential Contract

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 4:56 p.m. at which time the Special Meeting held March 8, 2016, adjourned.

_____
Mayor

ATTEST:

_____
City Clerk

SPECIAL MEETING (EXECUTIVE SESSION)
FRIDAY, MARCH 11, 2016
COUNCIL CHAMBERS
211 WEST ASPEN
9:00 A.M.

MINUTES

1. Call to Order

Mayor Nabours called the Special Meeting of March 11, 2016, to order at 9:02 a.m.

2. Roll Call

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

PRESENT:	ABSENT:
MAYOR NABOURS	NONE
VICE MAYOR BAROTZ	
COUNCILMEMBER BREWSTER	
COUNCILMEMBER EVANS	
COUNCILMEMBER ORAVITS (telephonically)	
COUNCILMEMBER OVERTON	
COUNCILMEMBER PUTZOVA (telephonically)	

Others present: City Manager Josh Copley and City Attorney Michelle D'Andrea.

3. Recess into Executive Session.

Moved by Mayor Jerry Nabours, **seconded by** Councilmember Karla Brewster to recess into Executive Session.

Vote: 7 - 0 - Unanimously

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 vs. Arizona Snowbowl (CV2011 00701)

5. Adjournment

The Flagstaff City Council reconvened into Open Session at 10:38 a.m. at which time the Special Meeting of March 11, 2016, adjourned.

_____
Mayor

ATTEST:

_____
City Clerk

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Stacy Saltzburg, Deputy City Clerk
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Consideration of Appointments: Open Space Commission.

RECOMMENDED ACTION:

Make two appointments to terms expiring April 2019.
Make one appointment to a term expiring April 2018.

Executive Summary:

The Open Space Commission consists of seven regular members all of whom shall be appointed by the City Council, except for designee from the Planning and Zoning Commission. The commission serves as an advisory body on the acquisition, management, use, restoration, enhancement, protection, and conservation of open space land. There is currently one vacant seat available and two current commissioners whose terms end at the end of April. Both commissioners are seeking reappointment at this time; should a new applicant be appointed their term will not start until the current commissioner's term expires at the end of April. It is important to fill vacancies on Boards and Commissions quickly so as to allow the Commission to continue meeting on a regular basis.

There are nine applications on file for consideration by the Council, they are as follows:

Jim Burton (current commissioner)
Bryan Burton (current commissioner)
Thomas DeSimone (new applicant)
Bryce Esch (new applicant)
Stephen Hirst (new applicant)
Jackie Holm (new applicant)
Libby Kalinowski (new applicant)
Andi Rogers (new applicant)
Margo Wheeler (new applicant)

In an effort to reduce exposure to personal information the applicant roster and applications will be submitted to the City Council separately.

COUNCIL APPOINTMENT ASSIGNMENT: Mayor Nabours, Councilmember Putzova and Councilmember Brewster

Financial Impact:

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Connection to Council Goal and/or Regional Plan:

There is no Council goal that specifically addresses appointments to Boards and Commissions; however, boards and commissions do provide input and recommendations based on City Council goals that may pertain to the board or commission work plan.

Has There Been Previous Council Decision on This:

The City Council recently took action to eliminate the specialty designations associated with the Open Space Commission.

Options and Alternatives:

1) Appoint three Commissioners: By appointing members at this time, the Open Space Commission will be at full membership, allowing the group to meet and provide recommendations to the City Council.

2) Table the action to allow for further discussion or expand the list of candidates.

Community Benefits and Considerations:

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

Community Involvement:

INFORM: The vacancies are posted on the City's website and individual recruitment and mention of the opening by Commission members and City staff has occurred, informing others of this vacancy through word of mouth.

Attachments: Open Space Roster
Open Space Authority

City of Flagstaff, AZ

OPEN SPACES COMMISSION MEMBERS

NAME	APPOINTED	TERM EXPIRES	TRAINING COMPLETED
Burton, Bryan	**12/18/2012**	**04/16**	**02/19/2015**
Realtor/United Country Northern Arizona Realty 686 W. Old Territory Trail Flagstaff, AZ 86001 Cell Phone: 928-556-0556 Term: (1st 12/12-04/13; 04/13-04/16)			
Burton, Jim	**07/07/2015**	**04/16**	**09/29/2015**
Assistant Fire Managment Officer/Kaibab National Forest 2466 W. Zepher Ave Flagstaff, AZ 86001 Cell Phone: 480-225-8864 Term: (1st 7/15-04/16)			
Dorsett, Stephen	**12/03/2013**	**12/16**	**10/20/2011**
PLANNING & ZONING REPRESENTATIVE President/Architect/Shapes & Forms Architects 1823 W. Heavenly Court Flagstaff, AZ 86001 Work Phone: 928-213-9626 Term: (1st 6/09-12/10; 2nd 12/10-12/13; 3rd 12/13-12/16)			
Eberly, Carrie	**05/06/2014**	**04/17**	**02/16/2012**
Program Manager/Diablo Trust 1715 N.Beaver Flagstaff, AZ 86001 Home Phone: 208-691-8043 Term: (1st 6/11-4/14; 2nd 4/14-4/17))			

City of Flagstaff, AZ

Gist, Jessica	**05/06/2014**	**04/17**	**02/16/2012**
Habitat/Research Technician/Arizona Game & Fish Department 1878 N. Mesa Dr. Flagstaff, AZ 86001 Cell Phone: 831-521-7916 Term: (1st 6/11-4/14; 2nd 4/14-4/17)			
Miller, Richard, Chairman	**05/05/2015**	**04/18**	**03/12/2013**
Retired 1200 W. Shullenbarger Dr. Flagstaff, AZ 86001 Home Phone: 928-853-6120 Term: (1st 6/12 - 4/15; 2nd 4/15-4/18)			
Z-VACANT,		**04/18**	**No**

Staff Representative: **Betsy Emery**

As Of: **March 09, 2016**

ORDINANCE NO. 2015-22

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF FLAGSTAFF, COCONINO COUNTY, ARIZONA, AMENDING QUALIFICATIONS FOR MEMBERS WHO SERVE ON CERTAIN BOARDS AND COMMISSIONS, AND CONSOLIDATIING AND HARMONIZING COMMISSION DUTIES, BY AMENDING TITLE II, *BOARDS AND COMMISSIONS,* BY AMENDING CHAPTER 2-03, *PARKS AND RECREATION COMMISSION,* CHAPTER 2-13, *TOURISM COMMISSION*; CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION*; CHAPTER 2-19, *HERITAGE PRESERVATION COMMISSION*; CHAPTER 2-20, *OPEN SPACES COMMISSION*; AND AMENDING TITLE III, *BUSINESS REGULATIONS*, BY AMENDING CHAPTER 3-06, *HOSPITALITY INDUSTRY TAX REVENUES*, AND INCLUDING A CLERICAL CORRECTION TO CONFORM WITH THE CURRENT TAX RATE; AND PROVIDING FOR SEVERABILITY, REPEAL OF CONFLICTING ORDINANCES, AND EFFECTIVE DATES

RECITALS:

WHEREAS, the Flagstaff City Council seeks to eliminate requirements for specialty representatives on certain commissions of the City; and

WHEREAS, the Flagstaff City Council also desires to clarify the City Code by consolidating and harmonizing provisions found in Title III, *Business Regulations*, with Title II, *Boards and Commissions*.

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. In General.

Title II, Boards and Commissions, Chapter 2-03, ***Parks and Recreation Commission***, is amended by amending Section 2-03-001-0004 to read as follows (additions are shown as capitalized text, and deletions are shown as stricken):

2-03-001-0004 POWERS AND DUTIES:

A. The duties of the Commission shall be to advise the Council, through periodic written reports to the Council, recommending policy direction on City lands, structures and facilities that are set aside or should be set aside or dedicated to recreational purposes, including but not limited to parks, swimming pools, playgrounds, playing and sports fields and golf courses. The scope of the activities of the Commission shall also include but not be limited to advising and recommending policy direction in activities involving recreational and cultural pursuits of the elderly and the young and to otherwise employ in constructive and wholesome manner and leisure time of the citizens.

B. The City Council may consider the advice and recommendation of the Commission and thereafter give direction through the City Manager to implement the recreational program as they see fit.

C. The Commission shall review and make recommendation on the annual budget of the Parks Section and Recreation Section prior to the submittal thereof to the City Manager.

D. WITH RESPECT TO THE PARKS AND RECREATION PORTION OF THE BED, BOARD AND BOOZE TAX ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*, THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE ANNUAL BUDGETARY ALLOCATION OF THE PARKS AND RECREATION PORTION OF THIS TAX, TO INCLUDE BUT NOT BE LIMITED TO:

1. DEVELOPING PARKS AND RECREATION FACILITIES, AND PROGRAMS AS NEEDED TO BENEFIT THE COMMUNITY AND ITS VISITORS.

2. FUNDING FOR THE FLAGSTAFF URBAN TRAILS SYSTEM DEVELOPMENT AND MAINTENANCE.

3. DEVELOPING, ACQUIRING AND DISTRIBUTING MATERIAL TO PROMOTE PARKS AND RECREATION.

4. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.

E. FOR PURPOSES OF SUBSECTION D, "PARKS AND RECREATION" MEANS THE DEVELOPMENT AND MANAGEMENT OF PUBLIC PARKS, RECREATIONAL FACILITIES, AND PROGRAMS WHICH ARE AVAILABLE TO THE RESIDENTS AND VISITORS INCLUDING FUNDING THE FLAGSTAFF URBAN TRAIL SYSTEM. (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001.)

Title II, *Boards and Commissions,* Chapter 2-13, ***Tourism Commission,*** is amended by amending Sections 2-13-001-0002, 2-13-001-0002 and 2-13-001-0006 to read as follows (additions are shown as capitalized text, and deletions are shown as stricken):

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

There is hereby established a City Tourism Commission. There shall be seven (7) voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the TOURISM portion of the Bed, Board and Booze Tax ALLOCATED under CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES.* ~~as designated by Ordinance No. 1532~~.

"TOURISM" MEANS THE GUIDANCE, MANAGEMENT, MARKETING, ACCOMMODATION, PROMOTION AND ENCOURAGEMENT OF TOURISTS (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

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

The composition of the membership shall consist of:

A. ~~Four (4)~~ SEVEN (7) 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.

~~B. Three (3) additional members to be appointed by the City Council, to serve for three (3) years, on a staggered term basis.~~

B.~~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.

2-13-001-0006 DUTIES:

The duties of the Commission shall be to:

A. Prepare a Five (5) Year Master Plan. The Fire Year Plan shall be used as a guideline for future programs. Said Plan shall be presented to the Council prior to April 1 of each year.

B. Develop and present to City council an Annual Plan outlining the Commission's program recommendations for the upcoming fiscal year. Said plan shall be presented to the Council prior to April 1 of each year.

C. Make recommendations to the City Council concerning the annual budgetary allocation of the tourism portion of the Bed, Board and Booze Tax ~~as outlined in Ordinance No. 1532, Section 4.A.3.b.(1)-(7)~~ TO INCLUDE, BUT NOT BE LIMITED TO:

1. PROVIDING FUNDING TO THE QUALIFIED, ESTABLISHED PUBLIC OR PRIVATE AGENCY TO ADMINISTER, ON A CONTRACT BASIS, TOURISM PROGRAMS AS REQUIRED.

2. DEVELOPING AND IMPLEMENTING A MARKETING PLAN. MAJOR ELEMENTS OF THE MARKETING PLAN WILL INCLUDE, BUT NOT BE LIMITED TO, DEVELOPING A SPECIFIC IMAGE FOR FLAGSTAFF, IDENTIFYING TARGET MARKET SEGMENTS, IMPLEMENTING A PROMOTIONAL PLAN DIRECTED TO TARGET MARKET SEGMENTS.

3. ESTABLISHING VISITOR INFORMATION CENTER(S) TO INCLUDE, BUT NOT BE LIMITED TO, A HIGH PROFILE LOCATION, EASY VISITOR ACCESS, ADEQUATE STAFFING, A TOLL-FREE TELEPHONE NUMBER FOR VISITOR INFORMATION, AND DEVELOP OTHER FACILITIES AS NEEDED TO BENEFIT VISITORS AND THE COMMUNITY.

4. ESTABLISHING AN EDUCATIONAL PROGRAM TO INCLUDE, BUT NOT BE LIMITED TO, SCHOLARSHIPS FOR HOSPITALITY EDUCATION AT NORTHERN ARIZONA UNIVERSITY.

5. PROMOTING ACTIVITIES THAT ENHANCE THE COMMUNITY'S IMAGE AND THE OVERALL QUALITY OF LIFE.

6. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.

D. Perform any additional duties as determined by the City Council related to tourism activities.

Title II, *Boards and Commissions,* Chapter 2-14, ***Beautification and Public Art Commission***, is amended by amending Sections 2-14-001-0001, 2-14-001-0002 and 2-14-001-0006 as follows (additions are shown as capitalized text, and deletions are shown as stricken):

2-14-001-0001 CREATION OF COMMISSION:

There is hereby established a City Beautification and Public Art Commission. There shall be seven (7) voting members of said Commission who shall meet as hereinafter provided to consider and recommend programs for the expenditure of the BEAUTIFICATION AND ARTS AND SCIENCES portions of the Bed, Board and Booze Tax ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES*. ~~as designated by Section 3-06-001-0003~~.

"ARTS AND SCIENCES" MEANS SUPPORT FOR FLAGSTAFF ARTS, SCIENTIFIC AND CULTURAL ACTIVITIES, EVENTS AND ORGANIZATIONS TO PROVIDE DIRECT AND INDIRECT CITIZEN PARTICIPATION AND ENHANCEMENT OF THE OVERALL QUALITY OF LIFE AND COMMUNITY IMAGE INCLUDING SUPPORT OF PUBLIC ART. (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

"BEAUTIFICATION" MEANS ANY MODIFICATION OF THE URBAN PHYSICAL ENVIRONMENT TO INCREASE PLEASURE TO THE SENSES OR PLEASURABLY EXALT THE MIND OR SPIRIT OR STRENGTHEN THE URBAN DESIGN FRAMEWORK OF THE CITY (SAME MEANING AS SET FORTH IN SECTION 3-06-001-0001).

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

The composition of the membership shall consist of~~:~~

~~A. One (1) member to be from the hospitality industry, appointed by the City Council. Said member shall serve a three (3) year term.~~

~~B. One (1) voting member from the arts community, including but not limited to artists, craftsmen, gallery owners, arts educator, art historian, art curator, art administrator.~~

~~C. One (1) voting member who is a design professional, including, but not limited to, architect, landscape architect, urban planner, or graphic designer.~~

~~D. Four (4) additional~~ SEVEN (7) members appointed by the City Council.

Each member shall serve three (3) 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.

2-14-001-0006 DUTIES:

The duties of the Commission shall be to:

A. The Commission shall be responsible for preparing a Five (5) Year Plan. The Five Year Plan shall be used as a guideline for future programs. Said Plan shall be presented to the Council prior to April 1 of each year.

B. Develop and present to City Council an Annual Plan outlining the Commission's program recommendations for the upcoming fiscal year. Said plan shall be presented to the Council prior to April 1 of each year.

C. Make recommendations to the City Council concerning the annual budgetary allocation of the beautification and public art portions of the Bed, Board and Booze Tax and other monies as deemed appropriate by the City Council, ~~as outlined in City Code, Section 3-06-001-0004,~~ to include, but not be limited to:

1. Purchase, installation or modification of landscaping and irrigation systems;

2. Purchase, removal or modification of billboards and nonconforming signs;

3. Beautification of buildings and facilities, streetscapes and gateways;

4. Purchase and installation of public art projects;

5. Purchase or lease of easements or property necessary for beautification projects.

D. Make recommendations to the City Council for public art projects by:

1. Reviewing and defining potential public art projects and writing project descriptions.

2. Determining the artist selection method and writing the call to artists for public art projects.

3. Evaluating public art proposals for recommendation to the City Council.

4. Facilitating display of local art in public facilities.

E. WITH RESPECT TO THE ARTS AND SCIENCE PORTION OF THE BED, BOARD AND BOOZE TAX ALLOCATED UNDER CHAPTER 3-06, *HOSPITALITY INDUSTRY REVENUES,* THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE COUNCIL CONCERNING THE ANNUAL BUDGETARY ALLOCATION OF THE ARTS AND SCIENCE PORTION OF THIS TAX, TO INCLUDE BUT NOT BE LIMITED TO:

1. DEVELOPING AND SUPPORTING THE FLAGSTAFF ARTS, SCIENTIFIC AND CULTURAL ACTIVITIES, EVENTS AND ORGANIZATIONS TO PROVIDE DIRECT AND INDIRECT CITIZEN PARTICIPATION, AND OPPORTUNITIES FOR ENHANCEMENT OF THE OVERALL QUALITY OF LIFE AND COMMUNITY IMAGE.

2. DEVELOPING, ACQUIRING AND DISTRIBUTING MATERIAL TO PROMOTE ARTS AND SCIENCE.

3. DEVELOPING FINANCIAL ASSISTANCE PROGRAMS TO STIMULATE ARTISTIC AND SCIENTIFIC ACTIVITIES IN FLAGSTAFF.

4. RETAINING OF APPROPRIATE STAFF TO IMPLEMENT APPROVED PROGRAMS.

~~E~~F. Perform those additional duties as determined by the City Council, related to THE ~~b~~Beautification and ~~p~~Public ~~a~~Art COMMISSION ~~activities~~.

Title II, *Boards and Commissions,* Chapter 2-19, ***Heritage Preservation Commission,*** is amended by amending Section 2-19-001-0002 as follows (deletions are shown as stricken):

2-19-001-0002 MEMBERSHIP

~~A.~~ The membership of the commission shall consist of seven (7) voting members. 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 (1) 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~~.

Title II, *Boards and Commissions,* Chapter 2-20, ***Open Spaces Commission,*** is amended by amending Section 2-20-001-0001 as follows (additions are shown as capitalized text, and deletions are shown as stricken):

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 seven (7) regular members all of whom shall be appointed by the City Council, except for designee from the Planning and Zoning Commission: ~~four (4) members from the natural and cultural sciences;~~ one (1) member from the Planning and Zoning Commission; ~~one (1) member who markets real estate or is a representative from real estate development;~~ and ~~one (1)~~ SIX (6) public at-large memberS. All Commission members shall be voting members. A Chairperson shall be selected by a majority vote of those members at a meeting called for that purpose.

Title III, *Business Regulations,* Chapter 3-06, ***Hospitality Industry Tax Revenues***, is amended by amending Sections 3-06-001-0001, 3-06-001-0002, and 3-06-001-0003 as follows (additions are shown as capitalized text, deletions are shown as stricken):

3-06-001-0001 DEFINITIONS

"Arts and sciences" means support for Flagstaff arts, scientific and cultural activities, events and organizations to provide direct and indirect citizen participation and enhancement of the overall quality of life and community image including support of public art.

"Beautification" means any modification of the urban physical environment to increase pleasure to the senses or pleasurably exalt the mind or spirit or strengthen the urban design framework of the City.

"Economic development" means the encouragement, promotion and assistance of the expansion of economic activity for the purposes of expanding revenue and providing jobs to the community.

"Hospitality industry" means those establishments engaged in business as bar/lounge, restaurant or hotel/motel/campground.

"Hospitality industry tax revenues" means THE REVENUES COLLECTED FROM THE TWO PERCENT (2%) LOCAL TRANSACTION PRIVILEGE TAX IMPOSED ON THE LODGING, RESTAURANT AND LOUNGE BUSINESSES BY ORDINANCE NO. 1532, AS EXTENDED THROUGH MARCH 31, 2018, BY APPROVAL OF A MAJORITY OF

THE QUALIFIED ELECTORS VOTING IN THE CITY GENERAL ELECTION HELD ON MAY 18, 2010. THIS TAX IS REFERRED TO AS THE "BED, BOARD, AND BOOZE TAX" OR "BBB TAX" AND IS PART OF THE TOTAL TAX RATE IMPOSED ~~a share of the local transaction privilege tax revenues collected and received~~ pursuant to the City tax code, Sections 3-05-004-0444, Hotels, and 3-05-004-0455, Restaurants and bars. ~~which share is equivalent to two (2) divided by three and seven hundred twenty-one thousandths (3.721) or approximately fifty-three and seven hundred forty-nine thousandths percent (53.749%) of all such revenues~~

"Parks and recreation" means the development and management of public parks, recreational facilities, and programs which are available to the residents and visitors including funding the Flagstaff urban trail system.

"Tourism" means the guidance, management, marketing, accommodation, promotion and encouragement of tourists.

"Tourists/visitors" means individuals or groups which visit Flagstaff and surrounding areas for business, recreational, educational, scientific or cultural purposes.

3-06-001-0002 DISTRIBUTION OF HOSPITALITY INDUSTRY TAX REVENUES

There shall be a separate accounting for all hospitality industry tax revenues collected. Said funds shall be distributed and expended consistent with City ordinances, the City Charter and State law. The funds collected shall be allocated as follows:

A. Thirty percent (30%) for tourism in conformance with CHAPTER 2-13, *TOURISM COMMSSION* ~~Section 3-06-001-0003(A).~~

B. Twenty percent (20%) for beautification in conformance with CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION* ~~Section 3-06-001-0003(B)~~.

C. Nine and one-half percent (9.5%) for economic development in conformance with Section 3-06-001-0003(C).

D. Thirty-three percent (33%) for parks and recreation, in conformance with CHAPTER 2-03, *PARKS AND RECREATION COMMISSION* ~~Section 3-06-001-0003(D)~~.

E. Seven and one-half percent (7.5%) for arts and science in conformance with CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION* ~~Section 3-06-001-0003(E)~~.

3-06-001-0003 FINANCIAL CONTROL

A. Tourism. Those funds designated for tourism shall be administered PURSUANT TO CHAPTER 2-13, *TOURISM COMMISSION,* OF THE CITY CODE~~, as follows:~~

~~1. The City Council shall appoint a Tourism Commission composed of nine (9) members, five (5) of whom shall be from the hospitality industry. Recommendations for members will be made by the Flagstaff tourism industry; or~~

~~2. The City Council shall designate an appropriate public or private agency to form a Tourism Committee. Said Committee shall be composed of one City Council person and additional members as required, the majority of whom will be from the hospitality industry. (Ord. No. 2006-14, amended, 05/16/2006)~~

~~3. This public or private agency, or Commission, shall review the expenditure of the portion of this tax to be applied to tourist related activities and projects and:~~

~~a. Develop and transmit to the Council an annual master plan outlining the Commission's or public or private agency's program recommendations for the upcoming year.~~

~~b. Make recommendations to the Council concerning the annual budgetary allocation of the tourism portion of this tax to include, but not be limited to:~~

~~(1) Providing funding to the qualified, established public or private agency to administer, on a contract basis, tourism programs as required.~~

~~(2) Developing and implementing a marketing plan. Major elements of the marketing plan will include, but not be limited to, developing a specific image for Flagstaff, identifying target market segments, implementing a promotional plan directed to target market segments.~~

~~(3) Establishing visitor information center(s) to include, but not be limited to, a high profile location, easy visitor access, adequate staffing, a toll-free telephone number for visitor information, and develop other facilities as needed to benefit visitors and the community.~~

~~(4) Establishing an educational program to include, but not be limited to, scholarships for hospitality education at Northern Arizona University.~~

~~(5) Promoting activities that enhance the community's image and the overall quality of life.~~

~~(6) Retaining of appropriate staff to implement approved programs.~~

~~c. Perform those additional duties determined by the Council as set forth by ordinance.~~

B. Beautification. Those funds designated for beautification and public art shall be administered PURSUANT TO CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION,* OF THE CITY CODE ~~as follows:~~

~~1. The City Council shall appoint a Beautification and Public Art Commission composed of nine (9) members to review the expenditure of the portion of this tax to be applied to beautification activities and projects. Funds for the public art program shall be derived from an allocation of the arts and sciences portion of this tax as set out in Section 3-06-001-0003(E) and from other monies as the City Council may consider appropriate.~~

~~2. The Beautification and Public Art Commission shall:~~

~~a. Make recommendations concerning the allocation of this tax.~~

~~b. Make recommendations to the Council concerning the annual budgetary allocation of the beautification and public art portions of this tax and other monies as deemed appropriate, to include but not be limited to:~~

~~(1) Purchase, installation or modification of landscaping and irrigation systems.~~

~~(2) Purchase, removal or modification of billboards and nonconforming signs.~~

~~(3) Beautification of buildings and facilities, streetscapes and gateways.~~

~~(4) Development and support of the City's public art program.~~

~~(5) Purchase or lease of easements or property necessary for beautification projects.~~

~~3. Perform those additional duties determined by the Council as set forth by ordinance.~~

C. Economic Development. Those funds designated for economic development shall be administered as follows:

The City Council shall:

1. Appoint or act as an Economic Development Commission;

2. Designate an appropriate public or private economic development agency. Said agency shall be composed of at least two City Council persons and additional members as required;

3. This public or private agency shall:

   a. Develop and transmit to the Council an annual master plan outlining the Commission's or public or private agency's program recommendations for the upcoming year. Said plan shall be presented to the Council prior to April 1st of each year.

b. Make recommendations to the Council concerning the annual budgetary allocation of the economic development portion of this tax, to include but not be limited to:

(1) Developing, acquiring and distributing advertising material to promote economic development.

(2) Providing financial assistance programs to stimulate relocation and retention of industrial prospects to Flagstaff.

(3) Retaining of appropriate staff to implement approved programs.

(4) Perform those additional duties determined by the Council as set forth by ordinance.

D. Parks and Recreation. Those funds designated for parks and recreation shall be administered PURSUANT TO CHAPTER 2-03, *PARKS AND RECREATION COMMISSION,* OF THE CITY CODE. ~~as follows:~~

~~The City Council shall:~~

~~1. Appoint a Parks and Recreation Commission which shall:~~

~~a. Review the expenditure of the portion of this tax to be applied to parks and recreation related activities and projects.~~

~~b. Develop and transmit to the Council an annual operating plan outlining the Commission's program recommendations for the upcoming year.~~

~~c. Make recommendations to the Council concerning the annual budgetary allocation of the parks and recreation portion of this tax, to include but not be limited to:~~

~~(1) Developing parks and recreation facilities, and programs as needed to benefit the community and its visitors.~~

~~(2) Funding for the Flagstaff urban trails system development and maintenance.~~

~~(3) Developing, acquiring and distributing material to promote parks and recreation.~~

~~(4) Retaining of appropriate staff to implement approved programs.~~

~~d. Perform those additional duties determined by the Council as set forth by ordinance.~~

E. Arts and Science. Those funds designated for arts and science, INCLUDING AN ANNUAL AMOUNT ALLOCATED BY THE CITY COUNCIL FOR THE SUPPORT AND DEVELOPMENT OF THE CITY'S PUBLIC ART PROGRAM, shall be administered PURSUANT TO CHAPTER 2-14, *BEAUTIFICATION AND PUBLIC ART COMMISSION,* OF THE CITY CODE. ~~as follows:~~

~~The City Council shall:~~

~~1. Allocate an annual amount for the support and development of the City's public art program to be administered by the Beautification Commission as provided in subsection (B) of this section.~~

~~2. Designate an appropriate public or private arts and science agency or board.~~

~~3. This public or private agency or board shall:~~

~~a. Review the expenditure of the portion of this tax to be applied to arts and science related activities and projects;~~

~~b. Develop and transmit to the Council an annual plan outlining program recommendations for the upcoming year in conjunction with the City's annual budgetary process;~~

~~c. Make recommendations to the Council concerning the annual budgetary allocation of the arts and science portion of this tax, to include but not be limited to:~~

~~(1) Developing and supporting the Flagstaff arts, scientific and cultural activities, events and organizations to provide direct and indirect citizen participation, and opportunities for enhancement of the overall quality of life and community image.~~

~~(2) Developing, acquiring and distributing material to promote arts and science.~~

~~(3) Developing financial assistance programs to stimulate artistic and scientific activities in Flagstaff.~~

~~(4) Retaining of appropriate staff to implement approved programs; and~~

~~d. Perform those additional duties determined by the Council as set forth by ordinance.~~

SECTION 2. 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 3. 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 4. Effective Dates.

This ordinance shall become effective thirty (30) days following adoption by the City Council. The tax rate correction set forth in SECTION 5, City Code Section 3-06-001-0001 is a clerical correction effective as of January 1, 2014.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of January, 2016.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Stacy Saltzburg, Deputy City Clerk
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Consideration of Appointments: Disability Awareness Commission.

RECOMMENDED ACTION:

Make three appointments to terms expiring March 2019.

Executive Summary:

The Disability Awareness Commission consists of seven citizens serving three year terms. The commission's goals are to expand educational opportunities; improve access to housing, buildings, and transportation; have greater participation in recreational, social, and cultural activities; encourage greater opportunity for employment; and expand and strengthen rehabilitative programs and facilities. There are currently three seats available. It is important to fill vacancies on Boards and Commissions quickly so as to allow the Commission to continue meeting on a regular basis.

There are five applications on file for consideration by the Council, they are as follows:

Monica Attridge (new applicant)
Melinda DeBoer-Ayrey (new applicant)
Tarang Jain (new applicant)
Michael Sanderfer (new applicant)
Kaitlyn Verfuerth (current commissioner)

In an effort to reduce exposure to personal information the applicant roster and applications will be submitted to the City Council separately.

COUNCIL APPOINTMENT ASSIGNMENT: Mayor Nabours, Councilmember Overton and Councilmember Oravits.

Financial Impact:

These are voluntary positions and there is no budgetary impact to the City of Flagstaff.

Connection to Council Goal and/or Regional Plan:

There is no Council goal that specifically addresses appointments to Boards and Commissions; however, boards and commissions do provide input and recommendations based on City Council goals that may pertain to the board or commission work plan.

Has There Been Previous Council Decision on This:

None.

Options and Alternatives:

1) Appoint three Commissioners: by appointing members at this time, the Disability Awareness Commission will be at full membership, allowing the group to continue meeting to provide recommendations to the City Council.

2) Table the action to allow for further discussion or expand the list of candidates.

Community Benefits and Considerations:

The City's boards, commissions, and committees were created to foster public participation and input and to encourage Flagstaff citizens to take an active role in city government.

Community Involvement:

INFORM: Board members and City staff have informed the community of these vacancies through word of mouth in addition to the posting on the City's website.

Attachments: DAC Roster
DAC Authority

City of Flagstaff, AZ

DISABILITY AWARENESS COMMISSION MEMBERS

NAME	APPOINTED	TERM EXPIRES	TRAINING COMPLETED
Gale, Debra	**05/06/2014**	**03/17**	**03/12/2013**
Coordinator/ResCare 1401 North 4th St. # 248 Flagstaff, AZ 86004 Cell Phone: 928-853-4730 Term: (1st 3/11 - 3/14; 2nd 3/14-3/17)			
Leland, Christina	**07/15/2014**	**03/17**	**10/27/2014**
Handicap Facilitator 2532 N. Fourth St. #154 Flagstaff, AZ 86004 Cell Phone: 928-707-3114 Term: (1st 7/14-3/17)			
Martinez, James, Vice-Chairman	**05/06/2014**	**03/17**	**02/20/2016**
Customer Service Rep/DES/DDD 4801 E. Snowshoe Way Flagstaff, AZ 86004 Work Phone: 928-773-4957 Term: (1st 5/13 - 3/14; 2nd 3/14-3/17)			
Randall, Russell	**05/06/2014**	**03/17**	**03/12/2013**
Transition Facilitator/Flagstaff Unified School District 1199 W. Coy Dr. Flagstaff, AZ 86001 Cell Phone: 928-607-8410 Term: (1st 12/12 - 3/14; 2nd 3/14-3/17)			
Verfuerth, Kaitlyn, Chairman	**05/07/2013**	**03/16**	**10/27/2014**
Owner/BTO Yogurt 1145 N. Flowing Springs Trail Flagstaff, AZ 86004 Cell Phone: 619-985-2793 Term: (1st 5/13-3/16)			

Z-VACANT,	**03/16**	**No**
Z-VACANT,	**03/16**	**No**

Staff Representative: **Denise Thompson**

As Of: **March 09, 2016**

CHAPTER 2-18
COMMISSION ON DISABILITY AWARENESS

SECTIONS:

2-18-001-0001 COMMISSION ESTABLISHED, DUTIES
2-18-001-0002 MEMBERS AND TERMS:
2-18-001-0003 ORGANIZATION:

2-18-001-0001 COMMISSION ESTABLISHED, DUTIES

There is hereby established the Commission on Disability Awareness. It shall be the Commission's duty to advise the City Council on all issues affecting the City of Flagstaff in relation to individuals with disabilities and shall include, but not be limited to:

A. Review of City compliance with the Americans with Disabilities Acts and the Arizonans with Disabilities Acts.

B. Review of City programs, activities, services and procedures to ensure all citizens are afforded equitable access to same.

C. Develop and transmit recommendations to the City Council to assist the City Council in developing policies to respond to the concerns and needs of those with disabilities.

D. Provide a public forum for identifying and discussing issues of interest relating to individuals who are disabled, physically or mentally, and to act as an information and referral group to assist individuals, organizations, and employers in efforts to aid members of the community toward greater independence and community interactions.

E. Increase community awareness of the real contributions made by citizens of the community who are disabled and to provide recognition for employers, employees, students, teachers, parents, and professionals who further the goals of disability awareness and inclusion. (Ord. 1780, 11/17/92)

(Ord. No. 1780, Enacted, 11/17/92)

2-18-001-0002 MEMBERS AND TERMS:

The Commission shall consist of 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 (3) year terms.

In the event a member's term expires, that member shall continue to serve until reappointed or replaced by the City Council. (Ord. No. 1780, Enacted, 11/17/92; Ord. No. 1833, Amended, 05/03/94; Ord. No. 2007-31,

Amended 07/23/2007; Ord. 2014-28, Amended, 11/18/2014)

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' Rules and Operations Manual, and the ordinance codified in this section.

A Commission member who is absent from three (3) consecutive regular meetings may have their remaining term terminated by a vote of the City Council upon recommendation of the Commission. (Ord. No. 1780, Enacted, 11/17/92; Ord. No. 2007-37, Amended 07/24/2007; Ord. 2014-28, Amended, 11/18/2014)

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Steve Zimmerman, Parks Manager
Co-Submitter:	Eileen Brown
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Consideration and Approval of Contract: Annual Service Agreement for Landscape Maintenance Services with Morning Dew Landscape to provide landscape maintenance and snow removal services at City of Flagstaff facilities.

RECOMMENDED ACTION:

Accept the lowest, most responsive and responsible proposal from Morning Dew Landscape of Flagstaff, in the amount of $114,160.00 to provide landscape maintenance and snow removal services in the bid amount outlined on the attached bid tabulation and approve the Annual Service Agreement with Morning Dew Landscape.

Executive Summary:

The approval of this Agreement will allow for Landscape Maintenance and Snow Removal services at the following facilities: USGS Buildings 3, 4, 5, and 6, NACET Building, Accelerator, Visitor Center and City maintained medians throughout Flagstaff (North Hwy 89, Butler Ave., East Flagstaff Traffic Interchange, Lonetree Ave., Woodland Village Blvd., Beulah Blvd.).

Financial Impact:

Landscaping services is managed by the Parks Section, with funding provided from various Divisions within the City. The actual costs rendered at the USGS Campus are recaptured through the lease with USGS. This contract includes one (1) additional building location and six (6) additional medians throughout Flagstaff from the previous contract (2010-2015). Landscape maintenance services will be provided annually for an amount not to exceed $65,619.50. Snow Removal services will be provided annually for an amount not to exceed $44,016.00. Median Landscape maintenance services will be provided annually for an amount not to exceed $4,524.50.

The FY2016 budgets for the USGS Buildings, Incubator and Accelerator, and Visitor Center are $55,824, $26,309 and $16,419, respectively, for a total FY2016 budget for these services of $98,552. In the event that the increase is not approved in the FY2017 Council approved Budget the increase will need to be addressed through a reduction in other operational line items.

Connection to Council Goal and/or Regional Plan:

Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics

Has There Been Previous Council Decision on This:

No. This is the first time to be presented before Council for a decision.

Options and Alternatives:

1) Award contract as recommended
2) Not award the agreement and not provide Landscape Maintenance and Snow Removal Services at these facilities

Background/History:

Purchasing in conjunction with the Parks Section put together a comprehensive Request for Proposals (RFP) for Landscape Maintenance Services. The RFP allowed for the evaluation of the following: Organizational structure, experience/qualifications of key personnel, compliance with scope of work/specifications, equipment/manpower, references, certifications and fee/price schedule. A three person committee was created to review and evaluate the proposals. This committee was composed of two City staff; one from the Parks Section and one from the Facilities Maintenance Section. The other committee member was from the Coconino County Parks and Recreation department. This RFP allows for a firm fixed price in the initial term of two-years, with the option to extend for three additional one-year terms by mutual agreement between both parties.

Purchasing posted this RFP to the Bid's posting page of the City of Flagstaff's website, where over six-hundred subscribers' had an opportunity to review and bid on this item. A total of three (3) proposals were received, reviewed and evaluated and the summary matrix of those evaluations is attached. Morning Dew Landscape of Flagstaff was found to be the most responsive, responsible proposer.

Services to be performed under this Agreement include a scheduled frequency, all inclusive of labor, materials, tools, equipment and all items as needed to provide the services as required for servicing USGS Campus, NACET, Accelerator, Visitor's Center, and landscape medians. Additionally, the vendor is responsible for clearing snow and ice from sidewalks, parking lots, and additional areas as outlined in the RFP.

Key Considerations:

The City is responsible for providing landscaping and snow removal services to the USGS Campus and all other City locations.

The previous contract for these services was held by Morning Dew Landscape They never asked for a price increase during the contract period and completed the contract with excellence.

Community Benefits and Considerations:

Landscape services keep our facilities looking well-kept, providing citizens and visitors with a visually pleasing place to visit.

Community Involvement:

Inform

Attachments: Morning Dew Contract
Summary Scoring Tabulation

CONTRACT FOR PURCHASE OF MATERIALS/SERVICES
Contract No. 2016-09

This Contract is entered into this _____ day of _____, 20___ by and between the City of Flagstaff, a political subdivision of the State or Arizona ("City"), and Morning Dew Landscaping, Inc. ("Contractor").

WHEREAS, the City of Flagstaff desires to receive, and Contractor is able to provide materials and/or services;

NOW THEREFORE, in consideration for the mutual promises contained herein, the parties agree as follows:

1. Scope of Work: Contractor shall provide the materials and/or services generally described as follows:

   Landscape Maintenance Services

   and as more specifically described in the scope of work attached hereto as *Exhibit A.*

2. Compensation: In consideration for the Contractor's satisfactory performance, City shall pay Contractor the compensation described in *Exhibit A.* Any price adjustment must be approved in writing and approved by the parties. The City Manager or his designee (the Purchasing Director) may approve an adjustment if the Contract price is less than $50,000; otherwise City Council approval is required.

3. Standard Terms and Conditions: The City of Flagstaff Standard Terms and Conditions, are hereby incorporated in this Contractor by reference and shall apply to performance of this Contract, except to the extent modified in Exhibit A.

4. Insurance: Contractor shall meet insurance requirements of the City.

5. Contract Term: The Contract term is for a period of two (2) years, commencing on_____, 2016 and continuing through _____, 2018.

6. Renewal: This Contract may be renewed or extended for up to three (3) additional one (1) year terms by mutual written consent of the parties. The City Manager or his designee (the Purchasing Director) shall have authority to approve renewal on behalf of the City.

7. Notice. Any formal notice required under this Contract shall be in writing and sent by certified mail and email as follows:

To the City:

Eileen Brown, Senior Procurement Specialist
City of Flagstaff
211 W. Aspen
Flagstaff, Arizona 86001
embrown@flagstaffaz.gov

To Contractor:

Morning Dew Landscaping, Inc.
14 S. Leroux St.
Flagstaff, AZ 86001

With a copy to: With a copy to:

8. Authority. Each party warrants that it has authority to enter into this Contract and perform its obligations hereunder, and that it has taken all actions necessary to enter into this Contract.

CONTRACTOR

_____

Print name:_____

Title:_____

CITY OF FLAGSTAFF

_____

Print name:_____

Title:_____

Attest:

_____
City Clerk

Approved as to form:

_____
City Attorney's Office

Notice to Proceed issued:_____, 20___

EXHIBIT A
SCOPE OF WORK

SCOPE OF WORK/SPECIFICATIONS

The Scope of Work/Specifications outlined below will be applicable to and an explicit part of any contract awarded as a result of this Solicitation.

LANDSCAPE MAINTENANCE SPECIFICATIONS

1. The Proposer shall have a minimum five (5) years' experience providing Landscaping Services of native plants, trees, scrubs, etc. indigenous to Northern Arizona.

2. The Proposer and all sub-proposers shall be certified by the State of Arizona Office of Pest Management as a qualifying party and Certified with any National Accreditation recognized by the State of Arizona current or future and shall remain so through the term of this contract. Failure to comply with this specification will result in disqualification of your RFP submittal and is grounds for immediate termination of any contract awarded as a result of this Solicitation.

3. Proposer shall provide regular, weekly landscaping maintenance services as outlined herein.

4. Proposer shall examine the landscape on a weekly basis (winter schedule bi-weekly) to identify any problems or potential problems with the landscape.

5. Proposer shall provide at Proposer's own risk all labor, materials, tools, equipment, insurance, transportation, hauling, dumping, and all other items needed to provide the services outlined in this Scope of Work/Specifications.

6. Proposer shall make minor replacements and repairs to the landscape facilities as part of the required maintenance work. A minor item would be something that takes less than thirty (30) minutes to repair by skilled workmen, using minimal replacement parts. The following is a non-exhaustive list of items that are considered to be minor replacement or repairs: damaged and clogged sprinkler nozzles, adjustment of sprinkler patterns or arcs, adjustment of sprinkler positions (raise, lower or straighten sprinkler head), replacement of clogged, broken, or missing drip emitters, and replacement or repositioning of drip distribution tubing. Proposer at Proposer's expense shall correct these repair items. Major items needing replacement or repair must be reported to the City's representative within one week of occurrence. Proposer shall be available to perform additional work related to the landscape maintenance as may be authorized in writing by the City. Such work shall be non-minor items relating to landscape care, which are not a part of the normal maintenance work as outlined in this specification.

7. Proposer shall take all reasonable precautions required to protect landscape areas from equipment and snow removal damage.

CARE OF PLANTED AREAS

1. Trees shall be maintained in a healthy, vigorous growing condition, free from disease and large concentrations of pests.

2. Once a year, prune all trees to encourage a high-branching structure. Trees are to be pruned to remove dead, diseased, broken, dangerous, or crossing branches, and as required below. Pruning of this type is a minor, non-reimbursable cost to be included as part of the regular maintenance.

3. Prune trees only in appropriate months as determined by an arborist. Prune in accordance with the International Society of Arboriculture Standards for proper pruning.

4. Discard all tree trimmings off-site in a legal manner (i.e., no illegal dumping). The City Landfill has a greenery area for disposal of trimmings.

5. Any tree found to be dead or missing shall be replaced with plant material of identical species; replacement shall be paid for as additional work and shall conform to the American Nursery Association Standards. Before replacement, Proposer shall submit a quote for replacement, as outlined in the Schedule and Frequency section of these specifications, within two (2) weeks of the discovery of the loss.

6. The City's authorized representative shall approve the size and appearance of replacement trees prior to planting. Replacement trees must be double staked with 2-inch diameter stakes unless otherwise approved by the City's authorized representative. Six slow-release fertilizer tablets must be placed the in backfill material evenly spaced around, but not touching, the root ball.

7. Remove tree stakes from trees one (1) year after planting, if the trees are able to support themselves. Tree ties should be adjusted as needed throughout the year. Remove stakes from site and dispose of them in a legal manner. Recycle used stakes if possible.

8. The cutting blades on pruning shears, clippers, blades, saws, etc. shall be sterilized after pruning each tree to minimize the possibility of spreading disease. When pruning trees known or suspected to be diseased, cutting blades shall be sterilized after each cut. Sterilize blades by dipping them in a solution of 1 part bleach and 9 parts water or heavily spray them with a disinfectant spray, such as Lysol. After dipping or spraying, wait 20 seconds before using again.

9. A vertical clearance of 114 inches is required above all parking spaces. A vertical clearance of 80 inches is required above all walkways. Trim trees to remove all limbs within these areas and any overhanging limbs or branches over driveways and roadways. Obtain City approval prior to pruning.

SHRUBS AND VINES

1. Shrubs and vines shall be kept in a healthy, vigorous condition, free from disease and large concentrations of pests.

2. Shrubs shall be pruned weekly only as needed to remove branches that are dead, broken, extending beyond the face of curbs or sidewalks, or are climbing building walls (unless they are intended to climb the wall, such as climbing vines). Formal hedges and topiary shall be regularly pruned to maintain a uniform height and width. Except as noted previously, allow the shrubs to grow un-pruned to their natural sizes.

3. Shrubs uniformly planted in rows, where it is clear the intent was to create a hedge, shall be pruned so as to encourage a hedge. Shrubs in hedges shall be encouraged through pruning to form a dense, continuous hedge branching fully to the ground. All other shrubs shall be pruned only as required for safety, visibility, and plant health, and allowed to develop into the natural shapes expected of the plant variety.

4. Any shrub found to be dead or missing shall be replaced with plant material of identical species; replacement shall be paid for as additional work. Before replacement, Proposer shall submit a quote for replacement, as outlined in the Schedule and Frequency section of these specifications, within two (2) weeks of the discovery of the loss.

5. Replacement shrubs shall be at least five gallon container or 18 inches in height when planted, unless otherwise approved by the City's authorized representative. Two slow-release fertilizer tablets must be placed the in backfill material evenly spaced around, but not touching, the root ball.

6. The cutting blades on pruning shears, clippers, blades, saws, etc. shall be sterilized between every three shrubs to minimize the possibility of spreading disease. When pruning shrubs known or suspected to be diseased, the cutting blades shall be sterilized after each cut. Sterilize blades by dipping them in a solution of 1 part bleach and 9 parts water or heavily spray them with a disinfectant spray, such as Lysol. After dipping or spraying, wait 20 seconds before using again.

7. Discard all trimmings off-site in a legal manner. The City Landfill has a greenery area for disposal of trimmings.

GROUNDCOVER

1. Groundcover shall be maintained in a healthy, vigorous growing condition.

2. Any groundcover found to be dead or missing shall be replaced with plant material of identical species at the landscape maintenance Proposer's expense, unless the loss was due to excluded damage. If the loss resulted from excluded damage, replacement shall be paid for as additional work. Before replacement, Proposer shall submit a quote for replacement, as outlined in the Schedule and Frequency section of these specifications, within two (2) weeks of the discovery of the loss. Replacement groundcover shall be planted at 8 inches spacing from flats to encourage quick coverage. Prior to planting replacement groundcover, the soil shall be tilled to a depth of 6 inches to prepare it for the new plants.

3. Trim groundcover back from sidewalks, curbs, and paved areas on a weekly basis. Do not create vertical edges when pruning groundcover. Cut the edges at an angle ~~/--\~~for a more natural appearance and healthier plants.

4. If regular foot traffic through a planter is preventing the groundcover from reaching full coverage of the soil, contact the City's authorized representative to discuss options for redirecting the foot traffic. Consider installing pavers, stepping-stones, a concrete walk, a gravel path, and/or barriers to redirect pedestrians. Provide costs for these options to the City's authorized representative.

FERTILIZER

1. Granular fertilizer shall be applied at the manufacturer's recommendation label rate for turf and plant type. A soil sample shall be performed before applying fertilizer to determine appropriate fertilizer mix for the upcoming season. Water immediately after applying to move the fertilizer into the soil and wash the fertilizer off any plant surfaces.

2. Itemized receipts for fertilizer and other required soil amendments purchased and used by Proposer shall be submitted to show City's authorized representative as proof of application. The cost of all fertilizer work and materials shall be included in the proposal price for landscape maintenance.

WEED CONTROL

1. Weeds in planted areas, sidewalks, turf, curbs, cobble & decorative rock areas, cinder areas, gutters, natural areas, and pavement shall be removed. Dispose of weeds off-site in a legal manner.

2. Remove any weeds in natural areas larger than 12 inches high or wide or if they become a fire danger. All noxious weeds shall be removed immediately.

3. Weeding services shall be provided on a weekly basis to ensure that weeds do not become established. The primary/preferred method for weed control shall be by mechanical or manual methods. Herbicides may only be applied when authorized in advance by the City's authorized representative and their application must meet Arizona State Office of Pest Management (OPM) rules and regulations. The City reserves the right to inspect equipment used in weed control and to authorize the use of herbicides by Proposer. Proposer is to use environmentally friendly products when applicable.

MULCH AND/ROCK LAYER

1. Soil mulch and/or rock layer shall be cared for as needed to create and maintain an even and uniform appearance over the visible soil surface of each planter area.

2. Proposer shall add additional mulch and/or decorative rock regularly to maintain a layer no less than 2 inches deep at all times in shrub planters. Decomposition of organic mulch is considered normal wear and tear and Proposer shall replace decomposed mulch as part of the required maintenance work. Mulch and/or decorative rock are not required in areas where plant foliage completely covers the soil surface, such that the soil is not visible through the foliage. Note: only 2 inches of mulch is required; however, maintaining a deeper layer of mulch and/or decorative rock greatly reduces the labor and chemicals needed to control weeds, reduces water use, and helps the plants stay healthy.

3. Replacement of large amounts of mulch and/or decorative rock (over one cubic yard) which has been stolen, vandalized, or washed away by a single storm shall be paid as additional work. Before replacement, Proposer shall submit a quote for replacement, as outlined in the Schedule and Frequency section of these specifications, within two (2) weeks of the discovery of the loss.

4. Any mulch or decorative rock found outside planter areas shall be returned to the planter on a weekly basis.

5. Mulch and/or decorative rock shall be uniform in color and appearance and free of leaves, sticks, and trash. Mulch may be chipped or shredded wood, bark, or decorative rock. When

replacing existing mulch, use a mulch product that is similar in appearance to that already at the site.

6. In areas of the site where wood-based mulch frequently washes away, submit a quote for replacement of the organic mulch with decorative rock having a similar color.

7. Replacement rock shall be the same size and color as existing decorative rock on site.

LAWNS

1. Lawns shall be kept in a healthy, vigorous condition, free of disease and pests. Weeding services shall be provided on a weekly basis to ensure that weeds do not become established. Whenever possible, weed control shall be by mechanical or manual methods.

2. Prior to mowing, Proposer shall ensure that the area to be mowed is cleaned and free from all debris (paper, stone, bottles, tree limbs, etc.) All debris shall be disposed of off-site by Proposer in a legal manner.

3. The turf shall be mowed with mowing equipment that has proper deflection devices, adjustable cutting heights, and sharp cutting edges to provide a high quality cut at 2 to 2 ½ inch height. Mowing equipment shall be operated at an optimum speed that produces a smooth surface appearance without scalping. Mowing that produces varying heights of turf will be considered unsatisfactory. Mowing patterns shall be alternated to avoid creating ruts and compaction.

4. Lawn height shall not exceed 3 1/2 inches at any time.

5. Edging at sidewalks, curbs, and other paved areas located on and surrounding the designated mowing areas shall be done directly following or in conjunction with the mowing operation.

6. Mow, edge, and trim lawns weekly or as required to maintain an even, well-groomed appearance.

7. Remove lawn clippings and dispose of them off-site in a legal manner. The City landfill has a greenery area for disposal of lawn clippings. Proposer is encouraged to use mulching mowers, which cut clippings into small pieces that sift down into the lawn when not required to pickup.

8. Weeds shall be controlled in lawn areas as noted above under the weed-control section.

9. Any lawn found to be dead or severely yellowed shall be replaced with sod of identical species at the landscape maintenance Proposer's expense, unless the loss was due to excluded damage. If the loss resulted from excluded damage, replacement shall be paid for as additional work. Before replacement, Proposer shall submit a quote for replacement, as outlined in the Schedule and Frequency section of these specifications, within two (2) weeks of the discovery of the loss. Replacement sod shall be similar in all respects to the existing grass. Do not seed dead lawn areas. Sod must be used for replacement, unless directed, in writing, by the City's authorized representative.

10. Thatching: Proposer shall be required at the sole direction and authorization of the City to thatch all lawn areas covered under this Solicitation one time per year in the spring. Any thatching performed shall be done in a manner specifically designed for such operation.

Proposer shall be responsible for raking, vacuuming, removal, and proper disposal of all thatch clipping.

WATER APPLICATION AND SCHEDULING

1. Hand-water as needed to supplement natural rainfall and maintain plantings in a healthy, stress-free condition. It is Proposer's responsibility to make sure that plants receive adequate water regardless of weather conditions.

2. It is the responsibility of Proposer to conserve water and assure that all watering rules and regulations are followed. Proposer shall coordinate with the City's authorized representative to establish a mowing and water schedule that coincides with the City's irrigation water ordinances. Proposer shall pay any penalties, fines, or citations for watering ordinance violations.

3. Irrigation shall be made by the use of the permanent irrigation systems. Hand water as needed to supplement the permanent system. Failure of the irrigation system to provide full and proper coverage shall not relieve the landscape maintenance Proposer of the responsibility to provide adequate irrigation. It is Proposer's responsibility to make sure that the irrigation system is maintained and operates properly.

4. Proposer is responsible for the complete operation and maintenance of the irrigation systems. Proposer shall examine the irrigation system for damage or malfunction on a weekly basis. Proposer shall be responsible for all damages to grass/plants from the lack of watering from a malfunctioning system that should have been caught during routine inspections.

5. Proposer shall adjust watering times on a weekly basis to ensure adequate irrigation. Do not over-water plantings. Use multiple-start times and short-run times to prevent run-off if controller is capable. Drip systems should be left on for sufficient time to allow for saturation of the root zone. Shorter runs with drip irrigation do not provide sufficient water penetration for healthy root development. Avoid multiple-start times with drip systems if possible. Do not allow run-off from any irrigation.

6. When breakdowns or malfunctions exist, Proposer shall hand-water, if necessary, to maintain all plant material in a healthy condition. If the irrigation repairs are major, Proposer shall report damage or malfunction to the City's authorized representative in writing. Do not wait for approval to begin hand-watering if it is required to save the plantings.

IRRIGATION SYSTEM SCHEDULED MAINTENANCE

1. Each valve zone shall be monitored on a weekly basis during the irrigation season for signs of damage.

2. The landscape maintenance Proposer shall maintain the irrigation system, including cleaning of filter screens, yearly or more often as needed, and flushing pipes.

3. The landscape maintenance Proposer shall flush drip irrigation systems to remove sediment on a periodic basis, or when flushing is necessary. Drip systems shall be flushed at least once a

year. When flushing, the ends of the drip lines should be opened and run for at least 10 minutes at full flow to flush. It may be necessary to install flush outlets in order to flush the drip system.

4. Run-off of water from irrigation systems into or onto streets, sidewalks, stairs, or gutters is not permitted. Proposer shall immediately shut down the irrigation system and make adjustments, repairs, or replacements as soon as possible to correct the source of the run-off.

IRRIGATION SYSTEM REPAIR

1. The landscape maintenance Proposer shall replace or repair, at the landscape maintenance Proposer's expense, any damaged irrigation components, unless due to excluded damage. Repair shall be made within one (1) week of the day the damage occurred. If the damage was due to excluded damage, the irrigation repairs shall be paid for as additional work. Before replacement, Proposer shall submit a quote for replacement, as outlined in Schedule and Frequency section of these specifications, within one (1) week of the discovery of the damage. Regardless of the cause of damage, Proposer shall take immediate action to prevent further damage by shutting off the damaged part of the irrigation system and commencing with hand-watering as needed. Proposer shall make repairs as soon as possible after receiving written authorization to proceed. The following items are considered to be repairs: damaged heads, valves, wiring, broken irrigation lines, or missing drip emitters.

2. Any replacement of irrigation system components shall be made with materials of the same manufacturer and model as the original equipment. Substitutions of materials other than original equipment shall be approved only when the original equipment has been discontinued and is no longer available for purchase at any location. The substituted equipment shall be completely compatible with the original and shall be approved in advance by the City's authorized representative.

3. All repairs to the system shall be identical to the original installation, unless approved otherwise in advance by the City's authorized representative. If a change to the installation may result in lower future maintenance costs, less frequent breakage, or an increase in public safety, Proposer shall request authorization to make the change from the City's authorized representative.

4. For safety, never install sprinklers on risers above the ground level, even if the risers are flexible. Always use spring-operated, pop-up type sprinkler heads. Sprinkler heads are available with pop-up heights up to 12 inches above ground level. If the existing sprinklers are mounted on aboveground risers, the replacements shall be pop-up type sprinklers.

5. If any existing sprinklers at the sites identified in this Solicitation are installed on risers above the ground level, submit a quote for additional work to the City's authorized representative covering the cost of removal and replacement of these sprinklers with new, spring-loaded, pop-up type sprinklers. Submit the quote within two (2) weeks of being awarded a contract as a result of this Solicitation.

6. Proposer shall check the entire irrigation system weekly for items such as dry spots and missing or malfunctioning irrigation components. Check for leaking valves, water running across sidewalks, water standing in puddles, or any other condition that hampers the correct operation of the system or may be a safety concern. Proposer shall carefully observe plant materials for signs of wilting or any other condition that indicates a lack of water. Plants that die due to

irrigation failure shall be considered to have died due to Proposer's negligence and shall be replaced at Proposer's expense.

7. Plastic sprinkler nozzles with bad patterns shall be replaced with new nozzles of the same gallon age and arc as part of the regular maintenance of the sprinkler system. Do not attempt to clean plastic nozzles by sticking knife blades or wire into the openings. The plastic may be scratched and the pattern ruined. Brass nozzles may be carefully cleaned if needed.

CLEAN UP AND LITTER REMOVAL

1. Sweep or blow-off all walks, curbs, and gutters weekly.

2. Do not sweep or blow trash, leaves, clippings, or landscape debris into planters or onto adjacent property. Collect all debris swept or blown from landscape areas and remove from the site.

3. Do not use blowers around parked vehicles to avoid scratching vehicle paint with blowing sand and debris. Blowers may not be used where prohibited by law. All litter shall be removed from sidewalks, gutters, and all planted areas on a weekly basis. In no case shall trash, litter, or leaves be blown or swept onto the property of others. All trash, litter, leaves, etc. shall be collected, hauled away, and disposed of in a legal manner.

4. In addition to removing all litter from sidewalks, gutters, and planted areas, Proposer shall remove and dispose of any large miscellaneous debris or trash in the parking lot. For the purpose of any contract awarded as a result of this Solicitation, "large" shall mean items the size of a small beverage cap or cigarette butt. The intent of this requirement is that Proposer's workers should take sufficient pride in the appearance of the site and pick up any significant litter they come across at the site. Sweeping of the parking lots is included in the landscape maintenance. All litter shall be removed from planter areas, parking lots, and sidewalks regardless of the size of the litter.

SNOW REMOVAL

1. The Proposer shall have a minimum five (5) years' experience providing snow removal services.

2. Proposer is responsible for clearing snow and ice from sidewalks, parking lots, door entrances, emergency door exits, patios, plaza, snow against windows and all concrete and asphalt pavement areas at the sites identified in this Solicitation.

3. Parking lots shall be plowed when there is over 3" of snowfall.

4. Sidewalks shall be shoveled when there is ½" or more snowfall and de-iced as needed to provide safe walking conditions.

5. Proposer and City will work together to establish a schedule and guidelines to meet the requirements of snow removal depending on the nature of the snowstorm. Proposer shall keep owner informed and updated on work progress/so additional equipment is not needed.. Examples: Snow shall be removed off sidewalks and parking lots by the beginning of business hours (7am) during the weekdays and throughout the day until the business is closed (6pm). Weekend snow shall be removed when the snowfall has completed and depending on the amount of snowfall. After 6pm, the snow removal may begin in the early morning hours before

business opens. Work may be continuous or intermittent depending upon the nature of the storm.

6. Be very careful of curbs and landscaping when shoveling or plowing snow.

7. Proposer may encounter some difficulties with parked cars or equipment.

8. Proposer shall take all precautions when applying ice melt or any chemical deicers to treated areas. Proposer shall follow the recommendations of the manufacturer and all applicable governmental and industry regulations when applying ice melt or any chemical deicers.

9. Proposer shall comply with all City Sidewalk Snow Ordinances.

HERBICIDES AND/OR PESTICIDE - USGS, NACET, FLAGSTAFF VISITOR'S CENTER, ACCELERATOR BBB SITE

1. Proposer shall not apply any herbicides and/or pesticides without the prior approval of the City's authorized representative. Proposer shall supply the Safety Data Sheets (S.D.S.) in accordance with Federal requirements before any product can be applied on the premises.

2. All herbicides and pesticides shall be used in accordance with label directions and the manufacturer's recommended handling methods. All herbicides and pesticides shall be handled in accordance with all applicable regulations. Registered herbicides and pesticides shall be used only on the advice of a qualified and licensed (if required) pest control advisor. Nothing in this specification shall be construed to be the advice of, or to substitute for the advice of, a pest control advisor.

3. Pesticides shall not be applied within one (1) hour of the start of operating hours for businesses at the site. In the event that it is not possible to complete the application by one (1) hour prior to business hours (e.g., 24 hour operations), applications shall be made at times when customer presence is minimal. Pesticides shall be used as a last resort.

4. Proposer shall take precautions to keep persons away from pesticide and herbicide-treated areas until the applied material is fully dry and the treated area is safe for entry. Proposer shall follow the recommendations of the pesticide manufacturer and all applicable governmental and industry regulations.

HERBICIDES, PESTICIDES FOR SITES REFERENCED BELOW

A. Woodlands Median	20,534 Square Feet
B. Beulah Median	15,915 Square Feet
C. North Hwy 89 Medians	67,905 Square Feet
D. East Flagstaff Traffic Interchange Medians	39,803 Square Feet
E. Lone Tree Median	17,750 Square Feet
F. Butler Medians	20,762 Square Feet

a. Areas, as identified above, will receive a total of two (2) pre-emergent herbicide applications at the end of the correlating month (March, October).

b. Areas, as identified in above, will receive a total of seven (7) post emergent applications at the beginning of the month (April thru October).

SCOPE OF WORK/SPECIFICATIONS

LANDSCAPE MAINTENANCE AND SNOW REMOVAL AREAS BY LOCATION

Scope: The City is soliciting bids to secure the services of a qualified Proposer to provide landscape maintenance and snow removal services for the following areas located at the United Geological Survey (USGS) facility site, Northern Arizona Center for Entrepreneurship and Technology (NACET), the Flagstaff Visitor's Center, and the Accelerator BBB site

USGS Building 3 Areas

A. Parking Lot -	69,714 Square Feet
B. Sidewalks -	1,615 Square Feet
C. Planters/Natural Areas -	30,692 Square Feet
D. East Atrium Planter # 1 -	648 Square Feet
E. East Atrium Sidewalks # 1 -	974 Square Feet
F. West Atrium Planter # 2 -	782 Square Feet
G. West Atrium Sidewalks # 2 -	895 Square Feet

USGS Building 4 Areas

A. Parking Lot -	40,732 Square Feet
B. Sidewalks -	3,520 Square Feet
C. Planters/Natural Areas	42,020 Square Feet
D. Turf Area -	13,240 Square Feet

USGS Building 5 Areas

A. Parking Lot -	41,331 Square Feet
B. Natural Areas -	9,080 Square Feet

USGS Building 6 Areas

A. Parking Lot -	46,323 Square Feet
B. Sidewalks -	7,710 Square Feet
C. Planters -	6,575 Square Feet
D. Natural Areas -	61,487 Square Feet
E. Turf Areas -	13,240 Square Feet

NACET Building Areas

A. Parking Lot -	29,800 Square Feet
B. Sidewalks -	3,700 Square Feet
C. Natural Areas/Landscape Areas -	34,808 Square Feet

Visitors Center Site

A. Parking Lot -	30,880 Square Feet
B. Sidewalks -	10,450 Square Feet
C. Landscape Area -	13,820 Square Feet

Accelerator BBB

A. Parking Lot - 35,950 Square Feet
B. Sidewalks - 10,450 Square Feet
C. Natural Areas - 66,000 Square Feet
D. Mulch/Hardscape Areas - 44,900 Square Feet

Areas listed below will receive Herbicide applications only.

A. Woodlands Median 20,534 Square Feet
B. Beulah Median 15,915 Square Feet
C. North Hwy 89 Medians 67,905 Square Feet
D. East Flagstaff Traffic Interchange Medians 39,803 Square Feet
E. Lone Tree Median 17,750 Square Feet
F. Butler Medians 20,762 Square Feet

- Areas will receive a total of two (2) pre-emergent herbicide applications at the end of the correlating month (March, October).
- Areas will received a total of seven (7) post emergent applications at the beginning of the month (April thru October)

SCHEDULE:

REGULAR LANDSCAPE MAINTENANCE

Weekly: April 1st to October 31st.

Bi-Weekly: November 1st to March 31st.

1. Mow and edge lawns during the growing season. All turf shall be mowed no less than once a week. (26 - 30 mowing's per season).
2. Prune back any shrubs/groundcover hanging over curbs or sidewalks.
3. Remove litter and leaves from plants, planters, and parking lots.
4. Remove any broken or fallen branches from trees. Remove sucker growth from tree trunks.
5. Remove any weeds from planters. In natural areas, landscape, hydro seeded areas, remove weeds larger than 12 inches high or wide. Note: All grasses and flowers shall be left to avoid soil erosions, unless instructed for removal. All noxious weeds shall be removed.
6. Replace bark mulch that has been knocked or washed out of planters. Smooth mulch layer if it has been disturbed.
7. Replace decorative rock that has been knocked or washed out of planters. Smooth decorative rock surface if it has been disturbed.
8. Check plants for signs of stress or disease. Replace any plants that meet conditions for replacement. Proposer shall request authorization in writing prior to replacing any dead or missing plants and trees.

   Sweep or blow clean all walkways, curbs, and gutters.
9. Treat plants, trees, and turf for any signs of disease or pest infestation.
10. Complete any items required on the Monthly Checklist (referenced on following page).
11. Hand-water any plants that are dry and stressed.
12. Check the irrigation system and make all repairs as needed.
13. Irrigation timers shall be set and irrigation controllers adjusted for current water requirements of plants, trees, and turf.

<u>NOTE</u>: REPLACEMENT OF PLANTS, TREES, SOD, MULCH/DECORATIVE ROCK, AND GROUNDCOVER SHALL INCLUDE A COST OF TIME AND LABOR INCLUSIVE OF HOURLY RATES. APPROVAL OF BILLABLE WORK IS TO BE OBTAINED BEFORE WORK BEGINS.

SCOPE OF WORK/SPECIFICATIONS

TENTATIVE MONTHLY MAINTENANCE CHECKLIST

Proposer shall complete all the applicable items listed for the current month prior to the end of the month, dependent on weather conditions.

January: Dependent on weather conditions

February: Dependent on weather conditions

March: Dependent on weather conditions

April:

1. Charge irrigation system for upcoming season depending on day and night time temperatures. Make sure backflow preventer is tested by the City prior to operation. Keep backflow preventer insulated to prevent freezing and damage due to cold nighttime temperatures. Flush out irrigation systems as needed and check for proper operation of each valve zone.

2. Remove and clean wye filter screens.

3. Clean or replace plugged sprinkler nozzles. Replace plugged drip emitters.

4. Replace irrigation controller program back-up batteries.

5. Start irrigation watering as needed depending on weather conditions.

May:

1. Apply fertilizer to all landscape plants, shrubs, trees, and turf areas. The May fertilization of shrubs/groundcover areas may be deleted when the plants reach maturity or completely fill the planters without space between them.

2. Submit receipts to City's authorized representative as proof of fertilizer purchase.

3. Clean all tree and shrub wells to hold water. Inspect all drip lines within well areas and when necessary bury to at least two (2) inches in-depth.

4. Prune spring & winter-flowering shrubs as needed to maintain proper shape.

June:

1. Add new mulch to planters where the mulch depth has been reduced to less than 2 inches. Mulch shall not be required where shrubs or groundcover completely hide the soil surface from view.

2. Plant annual color for spring/summer bloom.

July:

1. Apply fertilizer to all turf areas.

August:

1. No additional items.

September:

1. The September fertilization shall consist of a winter root fertilizer to promote healthy strong roots to the turf areas for the upcoming winter.

October:

1. Prepare irrigation system for winter depending on day and nighttime temperatures. Make sure backflow preventer is well insulated or drained prior to first freeze. Blow out pipes using compressed air in areas where freezing could result in breakage.

2. All native grasses and flowering plants (excluding shrubs) shall be mowed to a four (4) to six (6) inch height, eliminating all dead flowering stalks and seed heads while leaving the main plant intact.

November:

1. Prune any tree branches that interfere with public safety. Prune all parking lot and street trees yearly to encourage strong upward growth.

2. Prune summer and fall-blooming shrubs as needed to maintain proper shape.

3. Mow all natural areas to three to four inches in height after all grasses and flowers have seeded.

December:

Dependent on weather conditions

OFFER (FORM)

FEE AND PRICE SCHEDULE

LANDSCAPE MAINTENANCE SERVICE

BUILDINGS	SUMER MONTHS (APRIL – OCT) MONTHLY RATE	WINTER MONTHS (NOV – MAR) MONTHLY RATE TOTAL	ANNUAL FEE
USGS Bldg 3	$ 905.00	$ 310.00	$ 7,885.00
USGS Bldg 4	$ 1,397.00	$ 440.00	$ 11,979.00
USGS Bldg 5	$ 287.00	$ 126.00	$ 2,639.00
USGS Bldg 6	$ 1,471.50	$ 352.00	$ 12,060.50
NACET Bldg	$ 1,043.00	$ 208.00	$ 8,341.00
Flagstaff Visitor Center	$ 1,622.00	$ 240.00	$ 12,554.00
Accelerator BBB Site	$ 1,263.00	$ 264.00	$ 10,161.00

A cost reduction is to be shown in brackets, ( ).

OTHER FEES (Manual Service)

BUILDINGS	HOURLY RATE	*EST. TIME	TOTAL FEE
USGS Bldg 3	$ 38.00	2.0	$ 76
USGS Bldg 4	$ 38	2.0	$ 76
USGS Bldg 5	$ 38	.5	$ 19
USGS Bldg 6	$ 38	6	$ 228.00
NACET Bldg	$ 38	4	$ 152
Flagstaff Visitor Center	$ 38.00	3	$ 114
Accelerator BBB Site	$ 38.00	10	$ 380

Provide the cost for each designated building to manually remove weeds, no use of herbicides shall be permitted. A cost reduction is to be shown in brackets, ( ).

FEE AND PRICE SCHEDULE

SNOW REMOVAL SERVICE - SHOVELING

(Total cost will be based on twenty-one (21)-storms per season)

BUILDINGS	HOURLY RATE	*EST. TIME	TOTAL FEE
USGS Bldg 3	$ 44.00	1.0	$ 924.00
USGS Bldg 4	$ 44.00	3.0	$ 2,772.00
USGS Bldg 5	$ 44.00	1.5	$ 1,386.00
USGS Bldg 6	$ 44.00	4.0	$ 3,696.00
NACET Bldg	$ 44.00	2.75	$ 2,541.00
Flagstaff Visitor Center	$ 44.00	3.0	$ 2,772.00
Accelerator BBB Site	$ 44.00	6.0	$ 5,544.00

*Based on three (3")-inches of snow

A cost reduction is to be shown in brackets, ( )

SNOW REMOVAL SERVICE - PLOWING

(Total cost will be based on twenty-one (21)-storms per season)

BUILDINGS	HOURLY RATE	*EST. TIME	TOTAL FEE
USGS Bldg 3	$ 108.00	1.25	$ 2,835.00
USGS Bldg 4	$ 108.00	2.00	$ 4,536.00
USGS Bldg 5	$ 108.00	1.5	$3,402
USGS Bldg 6	$ 108.00	2.0	$ 4,536
NACET Bldg	$ 108.00	1.25	$ 2,835.00
Flagstaff Visitor Center	$ 108.00	1.25	$ 2,835.00
Accelerator BBB Site	$ 108.00	1.5	$ 3,402.00

*Based on three (3")-inches of snow

A cost reduction is to be shown in brackets, ( ).

CITY OF FLAGSTAFF PURCHASING DIVISION
211 WEST ASPEN AVE.
FLAGSTAFF, ARIZONA 86001

Solicitation No. 2016-09

Eileen Brown, Senior Procurement Specialist
PH: (928) 213-2278 FX: (928) 213-2209

FEE AND PRICE SCHEDULE

SPECIAL REQUESTS

(BASED ON PER 1,000 PER SQUARE FEET)

TYPE OF SERVICE	HOURLY RATE	EST. TIME	TOTAL FEE
Snow Removal - Sidewalks and Hardscape Areas	$ 44.00	.75 Hr	$ 33.00
Snow Removal – Parking Lots	$ 108.00	3 Minutes	$ 5.40
Landscape Maintenance - Planters	$ 38.00	1 Hr	$ 38.00
Nature Areas	$ 38.00	.5 Hr	$ 19.00
Mowing	$ 40.00	.25	$ 10
Litter Control	$ 38.00	.2	$ 7.60
Irrigation Maintenance	$ 42.00	n/a	$ 42/Hr
Weed Control – Manual Method	$ 38.00	1-3Hrs	$ 38.00-114.00
Weed Control – Herbicides	$ 44.00	.25 Hr	$ 11
Fertilizer	$ 92.00	3 Min	$ 4.60

HERBICIDE ONLY APPLICATIONS

AREA	Pre-Emergent (2)App Rate	Post Emergent App Rate	TOTAL ANNUAL FEE
Woodlands Median	$ 110.00	$ 54.00	$ 598.00
Beulah Median	$ 75.00	$ 22.50	$ 307.50
North Hwy 89 Medians	$ 280.00	$ 192.00	$ 1904.00
East Flagstaff Traffic Interchange Medians	$ 170.00	$ 91.00	$ 977.00
Lone Tree Median	$ 85.00	$ 24.00	$ 338.00
Butler Medians	$ 95.00	$ 30.00	$ 400.00

TO THE CITY OF FLAGSTAFF:

The undersigned Vendor hereby offers and agrees to furnish materials and/or services in compliance with the Solicitation, including the Addenda, and as described in this offer made to the City.

_____ _____President_____
Signature of Person Authorized to Sign Offer Title

____Chris Lloyd, _____ _____2/23/2016_____
Printed Name Date

CITY OF FLAGSTAFF
PURCHASING DIVISION
LANDSCAPE MAINTENANCE SERVICES
RFP 2016-09
SCORING TABULATION

Evaluation Criterion #1-- (100 Points) Experience and Qualifications of Company and Key Personnel			
	Morning Dew Landscaping	*The Groundskeeper*	*WCD Enterprises*
Evaluator #1	100	80	**0**
Evaluator #2	100	80	**60**
Evaluator #3	80	60	**40**
Subtotal:	280	220	**100**
Criteria Ranking:	1	2	**3**

Evaluation Criterion #2-- (50 Points) Compliance with Scope of Work/Specifications			
	Morning Dew Landscaping	*The Groundskeeper*	*WCD Enterprises*
Evaluator #1	50	40	**30**
Evaluator #2	50	30	**30**
Evaluator #3	50	0	**0**
Subtotal:	150	70	**60**
Criteria Ranking:	1	2	**3**

Evaluation Criterion #3-- (100 Points) Equipment and Manpower			
	Morning Dew Landscaping	*The Groundskeeper*	*WCD Enterprises*
Evaluator #1	100	60	**40**
Evaluator #2	100	60	**40**
Evaluator #3	80	60	**100**
Subtotal:	280	180	**180**
Criteria Ranking:	1	2	**2**

Evaluation Criterion #4-- (100 Points) Proposer's References			
	Morning Dew Landscaping	*The Groundskeeper*	*WCD Enterprises*
Evaluator #1	80	80	**40**
Evaluator #2	100	100	**60**
Evaluator #3	60	80	**40**
Subtotal:	240	260	**140**
Criteria Ranking:	2	1	**3**

Evaluation Criterion #5-- (75 Points) Certifications			
	Morning Dew Landscaping	*The Groundskeeper*	*WCD Enterprises*
Evaluator #1	75	60	**0**
Evaluator #2	60	45	**0**
Evaluator #3	60	45	**30**
Subtotal:	195	150	**30**
Criteria Ranking:	1	2	**3**

Evaluation Criterion #6-- (125 Points) Fee and Price Schedule			
	Morning Dew Landscaping	*The Groundskeeper*	*WCD Enterprises*
Evaluator #1	100	100	**75**
Evaluator #2	75	75	**75**
Evaluator #3	75	125	**100**
Subtotal:	250	300	**250**
Criteria Ranking:	2	1	**2**
TOTAL:	1395	1180	**760**
Criteria Ranking:	1	2	**3**

Consultant	Name	Total
Moss	Adams	#REF!
The Azimuth	Group	#REF!
Plante	Moran	#REF!
Pacific	Technologies, inc.	1395
Management	Partners	760
EGOV	Consulting	#REF!
Matrix	Consulting	#REF!
MSS	Technologies	#REF!
Reliable	Resources	#REF!
MTG	Mgnt Consultants	#REF!
Data Site	Consortium	#REF!
Vantage Tech	Consulting Grp	#REF!

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Adam Miele, Senior Project Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Consideration and Approval of Contract: Street Maintenance 2016 improvements - Construction Phase 1. ***(MOVED FROM THE ROUTINE AGENDA)****

RECOMMENDED ACTION:

1) Approve the Construction Manager at Risk Contract with C and E Paving and Grading, LLC in an amount not to exceed $ 2,838,240.00 for Guaranteed Maximum Price (GMP) # 1. Authorize staff to perform asphalt surface treatments of Pulliam Drive at Pulliam Airport not to exceed $200,000.00.
2) Authorize Change Order Authority of 10% each for GMP # 1 in the amount of $ 283,824.00, to cover potential costs associated with unanticipated or additional items of work.
3) Authorize the City Manager to execute the necessary documents.

Executive Summary:

In awarding the Construction Manager at Risk contract, Council will demonstrate a commitment to maintaining City infrastructure through the annual budgeting process as well as improving infrastructure through the first project utilizing funding approved by the voters for the Road Repair and Street Safety Initiative.

Financial Impact:

Funding for GMP # 1 is to be provided by the 2014 voter approved sales tax increase in account 046-06-163-3321-6. Funding for the Pulliam Dr. improvements is to be provided by the 2014 voter approved sales tax increase in account 046-05-116-3330-6.

Connection to Council Goal and/or Regional Plan:

3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics.

Has There Been Previous Council Decision on This:

Yes. Council previously approved the design phase services contract (Plateau Engineering, Inc.) on January 19, 2016.

Options and Alternatives:

1) Approve the CM @ Risk Construction Phase Services Agreement and authorize staff perform asphalt surface treatments on Pulliam Dr. as presented.
2) Reject the Agreement and direct staff to pursue traditional design-bid-build project delivery. This would negatively delay progress on the project by three months.

Background/History:

The City has established an annual program to maintain existing street pavements. This year, the program provides three major services: non-structural upgrades by overlay, ADA compliance and chip sealing.

The overlay streets are selected after evaluation of the street condition using pavement management software owned by the City. One half of the City street pavements are evaluated and ranked each year. Each street pavement is assigned an overall condition index (OCI) based on the type and severity of the distress observed. A pavement that has no distress is given an OCI of 100. Each pavement distress such as cracking or roughness reduces the street's OCI. The street pavements are ranked by OCI and the pavements exhibiting the most severe distress are programmed for resurfacing with asphaltic concrete overlays as budget allows.

In recent years, the Arizona State Legislature has authorized the use of Alternative Project Delivery Methods (APDM) in lieu of the traditional Design-Bid-Build method of project delivery. These alternative methods allow a contracting agency the opportunity to select a construction team utilizing a Qualifications Based Selection process to procure construction services from a firm deemed most qualified to perform the work. The enabling legislation also allows for provision of multiple Guaranteed Maximum Prices under a single procurement.

On August 31, 2014, a Request for Statements of Qualifications for Construction Manager at Risk services was published in the Arizona Daily Sun and posted on the City's Purchasing web site. On September 23, 2014, the City of Flagstaff received five Statements of Qualifications from firms wishing to provide CM at Risk services for the project. A selection committee of five members independently reviewed and evaluated those statements in accordance with guidelines established by the enabling legislation. Based on numerical evaluation of the statements received, the firm of C and E Paving and Grading, LLC received the highest ranking and was deemed the most qualified among those submitting proposals to provide the desired design phase services.

On November 18, 2014, Council approved award of the Design Phase Services Contract for the 2015, 2016 and 2017 programs to C and E Paving and Grading, LLC. in the amount of $ 112,821.00. Design phase services including program and budget evaluation, project scheduling, design document reviews, constructability reviews, detailed cost estimating, and preparation of final construction documents have now been completed. Based upon the Design Phase Services, C and E Paving and Grading, LLC has provided a Guaranteed Maximum Price (GMP) to complete construction of the annual improvement project. The GMP will include costs for construction, a CM @ Risk contingency, construction fee, costs for General Conditions including bonds and insurance, and sales taxes.

Key Considerations:

The goal of the Street Maintenance Program is to use the available funds in the most efficient manner to lengthen the service life of the City street pavements and avoid costly pavement reconstruction. The ADA improvements provide improved access for disabled citizens and visitors along existing streets and provide compliance with Federal requirements. Chip seal work provides a cost effective pavement preservation treatment to maintain newer pavements in a good condition.

Expanded Financial Considerations:

Funding for the overlay portion of the Street Maintenance Program is to be provided by the 2014 voter approved sales tax increase. The contract includes an owner's contingency of $ 50,000.00 and $ 50,000.00 to cover the potential cost of unanticipated or additional work which may be required during construction.

FLAGSTAFF STREET MAINTENANCE PROGRAM 2016 FUNDING SUMMARY

ACCOUNT NUMBER	DESCRIPTION	BUDGET
046-06-163-3321-6	Pavement Overlay (GMP #1)	$ 3,109,953
046-05-116-3330-6	Pulliam Dr. Overlay	$ 200,000

Community Benefits and Considerations:

The Street Maintenance Program provides surface treatments as required to preserve and maintain pavement condition on the 664 lane miles of asphalt City streets. The ADA improvements provide improved access for disabled citizens and visitors along existing streets and provide compliance with Federal requirements.

The previous council approved Street Maintenance programs in the 2015 and 2016 ($3 million of the $6 million budgeted from the 2014 voter approved sales tax increase) fiscal year projects were a great success. These projects were completed with $6.3 million dollars utilizing 2014 voter approved sales tax funds (34 streets or 30 lane miles of overlay and 1 streets or 1.2 miles of repaving). In addition to the sales tax funds, $2.8 million dollars in HURF funds (123 streets or 94.7 lane miles in chip sealing).

Use of the Construction Manager at Risk method of project delivery will eliminate the need for an advertisement/bid/award process and will cut approximately two months off the project development schedule. In addition, value engineering, constructability reviews and design input conducted as part of this service agreement have the potential to realize significant construction cost savings over the traditional design-bid-build delivery method.

Community Involvement:

Inform - The Public Works Division will prepare weekly news releases that are distributed to the local media outlets describing the location of the street construction and any traffic restrictions planned for the week. The contractor distributes written notices to all the adjacent businesses and residents in advance of the construction.

Expanded Options and Alternatives:

1. Approve the CM @ Risk Construction Phase Services Agreement as presented.
2. Reject approval of the Agreement and direct staff to pursue traditional design-bid-build project delivery. This would effectively delay progress on the project by three months.

Attachments: CMAR Contract
Phase 1 COF GMP 2016
Clarifications and Assumptions
Overlay Street List
Overlay Key Map

City of Flagstaff, Arizona

Street Maintenance Program 2015, 2016, 2017

CONSTRUCTION MANAGER AT RISK

CONSTRUCTION SERVICES

PROJECT NO. 01-16001

Agreement No. 2015-08

GMP Agreement Number: One

MAYOR
GERALD W. NABOURS

CITY COUNCIL

KARLA BREWSTER
SCOTT OVERTON
CORAL EVANS
CELIA BAROTZ
JEFF ORAVITS
EVA PUTZOVA

CITY MANAGEMENT

City Manager
Josh Copley

Utilities Director
Brad Hill

Community Development Director
Mark G. Landsiedel

Public Works Director
Andy Bertelsen

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CITY OF FLAGSTAFF, ARIZONA

Street Maintenance Program 2015, 2016, 2017

CONSTRUCTION MANAGER AT RISK

CONSTRUCTION SERVICES AGREEMENT

PROJECT No. 01-16001; Agreement No. 2015-08

This Construction Services Agreement ("Agreement"), is made and entered into by and between the City of Flagstaff, an Arizona municipal corporation ("City"), and C and E Paving and Grading, LLC. ("Construction Manager at Risk" or CM@Risk") on this ___ day of _____, 20__.

RECITALS

A. The City is authorized and empowered by provisions of the City Charter to execute agreements for construction services.

B. The City intends to construct the Street Maintenance Program 2015, 2016, and 2017 projects as more fully described in Exhibit "A" attached ("Project").

C. To undertake the construction administration of the Project the City has entered into a separate agreement with Plateau Engineering, Inc. ("Design Professional.")

D. CM@Risk has represented to the City that it has the ability to provide construction services for the Project, and based on this representation, the City hereby engages CM@Risk to provide these services and construct the Project.

E. Agreement # 2015-08 has been executed previously between the City and CM@Risk to perform design phase services for the Project. Those services may continue during the duration of this Agreement.

***NOW THEREFORE*,** for and in consideration of the mutual covenants and considerations hereinafter contained, it is agreed by and between the City and CM@Risk as follows:

Article 1 - Definitions

"Agreement" - This written document signed by the City and CM@Risk covering the construction phase of the Project, and including other documents itemized and referenced in, or attached to, and made part of this Agreement.

"Change Directive" - A written order prepared and signed by the City, directing a change in the Work prior to agreement on an adjustment in the Contract Price and the Contract Time.

"Change Order" - A type of Contract amendment issued after execution of the Contract Documents or future GMP Amendments signed by the City and CM@Risk, agreeing to changes to a GMP, for substantial unanticipated alterations in the character of Work. The Change Order shall state the following: the addition, deletion or revision in the scope of Work; the amount of the adjustment to the Contract Price; and the extent of the adjustment to the Contract Times or other modifications to Agreement terms.

"The City ("Owner" or "OWNER") - The City of Flagstaff, a municipal corporation, with whom CM@Risk has entered into this Agreement and for whom the services are to be provided pursuant to said Contact. Regulatory activities handled by the City of Flagstaff Community Development, Fire and Planning Departments or any other City Department are not subject to the responsibilities of the City under this Agreement.

"City's Representative" - The person designated in Subsection 8.3.1.2.

"City's Senior Representative" - The person designated in Subsection 8.3.1.1.

"CM@Risk" - The firm selected by the City to provide construction services as detailed in this Agreement.

"CM@Risk's Contingency" - A fund to cover cost growth during the Project used at the discretion of CM@Risk usually for costs that result from Project circumstances. The amount of CM@Risk's Contingency shall be negotiated as a separate line item in each GMP package. Use and management of CM@Risk's Contingency is described in Subsection 5.3.1.

"CM@Risk's Representative" - The person designated in Subsection 8.3.2.2.

"CM@Risk's Senior Representative" - The person designated in Subsection 8.3.2.1.

"Construction Documents" - Certain plans, specifications and drawings prepared by the Design Professional after correcting for permit review requirements or dated plans and specifications specifically identified as the "Construction Documents" herein or in an Exhibit or Addendum which is attached hereto.

"Construction Fee" - CM@Risk's administrative costs, home office overhead, and profit as applicable to this Project whether at CM@Risk's principal or branch offices.

"Contract Documents" - The following items and documents in descending order of precedence executed by the City and CM@Risk: (i) all written modifications, amendments and Change Orders; (ii) this Agreement, including all exhibits and attachments; (iii) Construction Documents; (iv) GMP Plans and Specifications.

"Contract Price" - The amount or amounts set forth in Article 5.

"Contract Time" - The days, as set forth in Article 4, the period of time, including authorized adjustments, allotted in the Contract Documents for Substantial Completion of the Work, subject to Winter Shutdown.

"Cost of the Work" - The direct costs necessarily incurred by CM@Risk in the proper performance of the Work. The Cost of the Work shall include direct labor costs, subcontract costs, costs of materials and equipment incorporated in the completed construction, costs of other materials and equipment, temporary facilities, permit and license fees, materials testing, and related items. The Cost of the Work shall not include CM@Risk's Construction Fee, General Conditions Costs, and taxes.

"Critical Path Method" - A scheduling technique used to predict project duration by analyzing which sequence of activities has the least amount of scheduling flexibility thus identifying the path (sequence) of activities which represent the longest total time required to complete the Project. Delay in completion of the identified activities shall cause a delay in achieving Substantial Completion.

"Day(s)" - Calendar days unless otherwise specifically noted in the Contract Documents.

"Design Phase Contract" - The agreement between the City and CM@Risk for Services provided by CM@Risk during the design phase which may include the following: design recommendations, Project scheduling, constructability reviews, alternate systems evaluation, cost estimate, Minority Business Enterprise/Woman's Business Enterprise/Small Business Enterprise **("MBE/WBE/SBE")** utilization, subcontractor bid phase services, GMP preparation and other services set forth in this Agreement or reasonably inferable therefrom.

"Design Professional" - A qualified, licensed design professional who furnishes, design, construction documents, and/or construction administration services required for the Project.

"Differing Site Conditions" - Concealed or latent physical conditions or subsurface conditions at the Site that, (i) materially differ from the conditions indicated in the Contract Documents or (ii) are of an unusual nature, differing materially from the conditions ordinarily encountered and generally recognized as inherent in the Work.

"Final Completion" - 100% completion of all construction Work noted in or reasonably inferred from the Contract Documents, including but not limited to all Punch Lists work, all record and close-out documents specified in Owner's Project specifications and Owner training/start up activities.

"Float" - The number of Days by which an activity can be delayed without lengthening the Critical Path and extending the Substantial Completion date.

"General Conditions Costs" - Includes, but is not limited to the following types of costs for CM@Risk during the construction phase: (i) payroll costs for Project manager or CM@Risk for work conducted at the Site, (ii) payroll costs for the superintendent and full-time general foremen, (iii) payroll costs for other management personnel resident and working at the Site, (iv) workers not included as direct labor costs engaged in support (e.g. loading/unloading, clean-up, etc.), (v) costs of offices and temporary facilities setup solely for this Project including office materials, office supplies, office equipment and minor expenses, (vi) cost of utilities, fuel, sanitary facilities and telephone services at the Site, (vii) costs of liability and other applicable insurance premiums not included in labor burdens for direct labor costs, (viii) costs of bond premiums, (ix) costs of consultants not in the direct employ of CM@Risk or Subcontractors.

"Guaranteed Maximum Price" or "GMP" - The sum of the maximum Cost of the Work; the Construction Fee; General Conditions Costs, taxes, and CM@Risk's Contingency.

"GMP Plans and Specifications" - The plans and specifications upon which the Guaranteed Maximum Price proposal is based.

"Legal Requirements" - All applicable federal, state and local laws, codes, ordinances, rules, regulations, orders and decrees of any government or quasi-government entity having jurisdiction over the Project or Site, the practices involved in the Project or Site, or any Work.

"Notice to Proceed" or "NTP" - The directive issued by the City, authorizing CM@Risk to start Work.

"Opening Physical Conditions" – The current physical conditions present on the Site as jointly documented by an inspection of the Site by City and CM@R at the Pre-construction Conference.

"Owner's Contingency" - A fund to cover cost growth during the project used at the discretion of the Owner usually for costs that result from Owner directed changes or unforeseen Site conditions. The amount of the Owner's contingency shall be set solely by the Owner and shall be in addition to the Project costs included in CM@Risk's GMP packages. Use and management of the Owner's contingency is described in Section 5.3.2.

"Performance Period" - The period of time allotted in the Contract Documents to complete the Work comprised within a GMP. The Performance Period shall be stated with each GMP and shown on the Project Master Schedule.

"Payment Request" - The City form used by CM@Risk to request progress payments for Work in accordance with Article 7.

"Pre-construction Conference" – A Conference held between City and CM@Risk prior to the commencement of any Work, as scheduled by the City's Representative or designee.
"Product Data" - Illustrations, standard schedules, performance charts, instructions, brochures, diagrams and other information furnished by CM@Risk to illustrate materials or equipment for some portion of the Work.

"Project" - The work to be completed in the execution of this Agreement as amended and as described in the Recitals above and in Exhibit "A" attached.

"Project Record Documents" - The documents created pursuant to Section 2.10.

"Samples" - Physical examples, which illustrate materials, equipment or workmanship and establish standards by which the Work shall be evaluated.

"Schedule of Values" - A statement furnished by CM@Risk to the City's Representative for approval, reflecting the portions of the GMP allotted for the various parts of the work and used as the basis for evaluating CM@Risk's applications for progress payments.

"Shop Drawings" - Drawings, diagrams, schedules and other data specially prepared for the Work by CM@Risk or a Subcontractor, manufacturer, supplier or distributor to illustrate some portion of the Work.

"Site" - Land or premises on which the Project is located.

"Specifications" - The part(s) of the Contract Documents for the construction phase consisting of written technical descriptions of materials, equipment, construction systems, standards and workmanship as applied to the Work and certain administrative details applicable thereto.

"Subcontractor" - An individual or firm having a direct Agreement with CM@Risk or any other individual or firm having an Agreement with the aforesaid Contractors at any tier, who undertakes to perform a part of the construction phase Work for which CM@Risk is responsible.

"Submittals" - Documents and/or things that may be produced or presented by one party for consideration review or such other actions as may be required by this Agreement by another party, entity or person. Examples of Submittals include, but are not limited to, preliminary or evolving drafts, product data samples, etc.

"Substantial Completion" - The established date when the Work or designated portion thereof is sufficiently complete, in accordance with the Contract Documents so that the Owner may occupy the Work, or designated portion thereof, for the use for which it is intended. This may include, but is not limited to: (i) Approval by the City or State Fire Marshall and/or other state or local authorities having jurisdiction over the Work or a portion thereof (Certificate of Occupancy); (ii) all systems in place, functional, and displayed to, and accepted by, the City or it's representative; (iii) City operation and maintenance training complete; (iv) HVAC test and balance completed with reports provided to the Design Professional for review; (v) Operational and Maintenance manuals and final Project Record Documents delivered to the City or Design Professional for review.

"Supplier" - A manufacturer, fabricator, supplier, distributor, material man or vendor having a direct agreement with CM@Risk or any Subcontractor to furnish materials or equipment to be incorporated in the construction phase Work by CM@Risk or any Subcontractor.

"Winter Shutdown" – The period of time typically including December through March during which no Work will be performed by any person or entity (including but not limited to the CM@Risk) on the Project and CM@Risk shall shutdown, properly insulate and shelter the Project in a safe and workmanlike manner pursuant to local, state and federal laws. Although December through March is typically the time frame, the City reserves the right to initiate and terminate a Winter Shutdown at the City's sole discretion in the event of adverse weather conditions. A Winter Shutdown may be declared by the City despite delays, *for any reason,* on the Project.

"Work" - The entire completed construction or the various separately identifiable parts thereof, required to be furnished during the construction phase. Work includes and is the result of performing or furnishing labor and furnishing and incorporating materials, resources and equipment into the construction, and performing or furnishing services and documents as required by the Contract Documents for the construction phase.

Article 2 - CM@Risk's Services and Responsibilities

2.0 CM@Risk shall furnish any and all labor, materials, equipment, transportation, utilities, services and facilities required to perform all Work for the construction of the Project, and to completely and totally construct the same and install the material therein for the City. All Work shall be performed in a good and workmanlike and substantial manner and within the care and skill of a qualified CM@Risk in Flagstaff, Arizona. The Work shall be to the satisfaction of the City and strictly pursuant to and in conformity with the Project's Contract Documents. It is not required that the services be performed in the sequence in which they are described.

2.1 General Services

2.1.1. CM@Risk's Representative shall be reasonably available to the City and shall have the necessary expertise and experience required to supervise the Work. CM@Risk's Representative shall communicate regularly with the City but not less than once a week and shall be vested with the authority to act on behalf of CM@Risk. CM@Risk's Representative may be replaced only with the written consent of the City.

2.2 Government Approvals and Permits

2.2.1 Unless otherwise provided, CM@Risk shall obtain all applicable and/or necessary permits, approvals and licenses required for the prosecution of the Work from any government or quasi-government entity having jurisdiction over the Project. CM@Risk is specifically reminded of the need to obtain the applicable and/or necessary environmental permits or file the applicable and/or necessary environmental notices.

2.2.2 Copies of the permits and notices listed in Subsection 2.2.1 above must be provided to the City's Representative prior to starting the permitted activity. In the case of Fire Department permits, a copy of the application for permit shall also be provided to the City's Representative. This provision does not constitute an assumption by the City of an obligation of any kind for violation of said permit or notice requirements.

2.2.3 City shall be responsible for City of Flagstaff review and permit(s) fees for building and demolition permits. City shall also pay review fees for grading and drainage, water, sewer, and landscaping. City shall also pay for utility design fees for permanent services.

2.2.4 CM@Risk shall be responsible for all other permits and review fees not specifically listed in

Subsection 2.2.3 above.

2.2.5 CM@Risk is responsible for the cost of water meter(s), water and sewer taps, fire lines and taps, and all water bills on the project meters until Substantial Completion of the Project. Arrangements for construction water are CM@Risk‘s responsibility.

2.3 Pre-construction Conference

2.3.1 Prior to the commencement of any Work, the City’s Representative or designee shall schedule and conduct a Preconstruction Conference. At the Pre-construction Conference, City and CM@R shall document the Opening Physical Conditions of the Site as jointly documented by an inspection of the Site by City and CM@R at the Pre-Construction.

2.3.2 The purpose of this conference is to establish a working relationship between CM@Risk, utility firms, and various City agencies. The agenda shall include critical elements of the work schedule, submittal schedule, cost breakdown of major lump sum items, Payment Requests and processing, coordination with the involved utility firms, the level of Project Record Documents required and emergency telephone numbers for all representatives involved in the course of construction.

2.3.3 The Notice to Proceed date shall be concurred with by the parties or set by the City at the Preconstruction Conference. After the meeting and upon receipt of a signed Agreement and delivery of the required bonds and insurance in a City approved format, a Notice to Proceed letter shall be issued confirming the construction start date, Performance Period and if applicable, the Substantial Completion date. If a Substantial Completion date is established the conditions of the Substantial Completion shall be listed and/or as set forth in Article 1 herein. Failure by CM@Risk to provide the properly executed bond and insurance forms in a timely manner may delay the construction start date; however, it shall not alter the proposed Substantial Completion date nor be a basis for any time extension request or other claims.

2.3.4 CM@Risk shall provide a Schedule of Values based on the categories used in the buy out of the Work but not greater than the approved GMP and identifying CM@Risk’s Contingency. The Schedule of Values shall subdivide the Work into all items comprising the Work. The Schedule of Values shall contain sufficient detail to identify each individual element of the Work and shall relate to the approved GMP Schedule. The Schedule of Values shall be subject to approval by the City’s representative.

2.3.5 Minimum attendance by CM@Risk shall be CM@Risk’s Representative, who is authorized to execute and sign documents on behalf of the firm, the job superintendent, and CM@Risk's safety officer.

2.4 Control of the Work

2.4.1 Unless otherwise provided in the Contract Documents to be the responsibility of the City or a separate Contractor, CM@Risk shall provide through itself or Subcontractors the necessary supervision, labor, inspection, testing, start-up, material, equipment, machinery, temporary utilities and other temporary facilities to permit CM@Risk to complete the Work consistent with the Contract Documents.

2.4.2 CM@Risk shall perform all construction activities efficiently and with the requisite expertise, skill and competence to satisfy the requirements of the Contract Documents. CM@Risk shall at all times exercise complete and exclusive control over the means, methods, sequences and techniques of construction.

2.4.3 CM@Risk’s Representative or CM@Risk’s Superintendent shall be present at the Site at all times that construction activities are taking place.

2.4.3.1 All elements of the Work shall be under the direct supervision of a foreman or his designated representative on the Site who shall have the authority to take actions required to properly carry out that particular element of the work.

2.4.3.2 In the event of noncompliance with this Section, the City may require CM@Risk to stop or suspend the Work in whole or in part.

2.4.4 Where the Contract Documents require that a particular product be installed and/or applied by an applicator approved by the manufacturer, it is CM@Risk's responsibility to ensure the Subcontractor employed for such work is approved by the manufacturer.

2.4.5 Before ordering materials or doing work, CM@Risk and each Subcontractor shall verify measurements at the Site and shall be responsible for the correctness of such measurements. No extra charge or compensation shall be allowed because of differences between actual dimensions and the dimensions indicated on the drawings; differences which may be found shall be submitted to the City for resolution before proceeding with the Work.

2.4.6 CM@Risk shall take field measurements and verify field conditions and shall carefully compare such field measurements and conditions and other information known to CM@Risk with the Contract Documents before commencing activities. Errors, inconsistencies or omissions discovered shall be reported to the City at once.

2.4.7 CM@Risk shall establish and maintain all building and construction grades, lines, levels, and bench marks, and shall be responsible for accuracy and protection of same. This Work shall be performed or supervised by a civil engineer or surveyor licensed as such in the State of Arizona.

2.4.8 Any person employed by CM@Risk or any Subcontractor who, in the opinion of the City, does not perform his or her work in a proper, skillful, and safe manner or is intemperate or disorderly shall, at the written request of the City, be removed from the Work by CM@Risk or Subcontractor employing such person, and shall not be employed again in any portion of Work without the written approval of the City. CM@Risk or Subcontractor shall hold the City harmless from damages or claims which may occur in the enforcement of this Section.

2.4.9 CM@Risk assumes responsibility to the City for the proper performance of the work of Subcontractors and any acts and omissions in connection with such performance. Nothing in the Contract Documents is intended or deemed to create any legal or contractual relationship between the City and any Subcontractor or Sub-Subcontractor, including but not limited to any third-party beneficiary rights.

2.4.10 CM@Risk shall coordinate the activities of all Subcontractors. If the City performs other work on the Project or at the Site with separate contractors under the City's control, CM@Risk agrees to reasonably cooperate and coordinate its activities with those of such separate contractors so that the Project can be completed in an orderly and coordinated manner without unreasonable disruption.

2.5 Control of the Work Site

2.5.1 Throughout all phases of construction, including suspension of Work, CM@Risk shall keep the Site reasonably free from debris, trash and construction wastes to permit CM@Risk to perform its construction services efficiently, safely and without interfering with the use of adjacent land areas. Upon Substantial Completion of the Work, or a portion of the Work, CM@Risk shall remove all debris, trash, construction wastes, materials, equipment, machinery and tools arising from the Work or applicable portions thereof to permit the City to occupy the Project or a portion of the Project for its intended use.

2.5.2 CM@Risk shall take whatever steps, procedures or means to prevent any dust nuisance due

to construction operations. The dust control measures shall be maintained at all times to the satisfaction of the City and in accordance with the requirements of the Arizona Department of Environmental Quality rules and regulations.

2.5.3 CM@Risk shall maintain ADA, ADAAG and ANSI accessibility requirements during construction activities in an occupied building or facility. ADA, ADAAG and ANSI accessibility requirements shall include, but not be limited to, parking, building access, entrances, exits, restrooms, areas of refuge, and emergency exit paths of travel. CM@Risk shall be responsible for the coordination of all work to minimize disruption to building occupants and facilities.

2.5.4 Only materials and equipment which are to be used directly in the Work shall be brought to and stored on the Site by CM@Risk. When equipment is no longer required for the Work, it shall be removed promptly from the Site. Protection of construction materials and equipment stored at the Site from weather, theft, damage and all other adversity is solely the responsibility of CM@Risk.

2.6 Shop Drawings, Product Data and Samples

2.6.1 Shop Drawings, Product Data, Samples and similar Submittals are not Contract Documents. The purpose of their submittal is to demonstrate, for those portions of the Work for which Submittals are required, the way CM@Risk proposes to conform to the information given and the design concept expressed in the Contract Documents.

2.6.2 CM@Risk shall review, approve, verify, and submit to the City five copies of each Shop Drawing, Product Data, Sample, and similar Submittals required by the Contract Documents in accordance with the approved GMP schedule as shown in Exhibit “B” as to cause no delay in the Work or in the activities of the City or of separate contractors. Submittals made by CM@Risk, which are not required by the Contract Documents, may be returned without action.

2.6.3 CM@Risk shall perform no portion of the Work requiring submittal and review of Shop Drawings, Product Data, Samples, or similar Submittals until the respective submittal has been approved by the City or City’s designee. Such Work shall be in accordance with approved Submittals.

2.6.4 By approving, verifying and submitting Shop Drawings, Product Data, Samples and similar Submittals, CM@Risk represents that CM@Risk has determined and verified materials, field measurements and field construction criteria related thereto, or shall do so, and has checked and coordinated the information contained within such Submittals with the requirements of the Work and of the Contract Documents.

2.6.5 CM@Risk shall not be relieved of responsibility for deviations from requirements of the Contract Documents by the City 's approval of Shop Drawings, Product Data, Samples or similar Submittals unless CM@Risk has specifically informed the City in writing of such deviation at the time of submittal and the City has given written approval to the specific deviation. CM@Risk shall not be relieved of responsibility for errors or omissions in Shop Drawings, Product Data, Samples, or similar Submittals by the City’s approval thereof.

2.6.6 CM@Risk shall direct specific attention, in writing or on resubmitted Shop Drawings, Product Data, Samples, or similar Submittals, to revisions other than those requested by the City on previous Submittals.

2.6.7 Informational Submittals upon which the City is not expected to take responsive action may be so identified in the Contract Documents.

2.6.8 When professional certification of performance criteria of materials, systems or equipment is required by the Contract Documents, the City shall be entitled to rely upon the accuracy and

completeness of such calculations and certifications.

2.7 Quality Control, Testing and Inspection

2.7.1 All materials used in the Work shall be new and unused, unless otherwise noted, and shall meet all quality requirements of the Contract Documents.

2.7.2 All construction materials to be used on the Work or incorporated into the Work, equipment, plant, tools, appliances or methods to be used in the Work may be subject to the inspection and approval or rejection by the City. Any material rejected by the City shall be removed immediately and replaced in an acceptable manner.

2.7.3 The procedures and methods used to sample and test material shall be determined by the City. Unless otherwise specified, samples and tests shall be made in accordance with the most recently adopted edition of the City of Flagstaff Engineering Division Design and Construction Standards and Specifications.

2.7.4 The City shall select a City or Independent Testing Laboratory and shall pay for initial City Acceptance Testing.

2.7.4.1 When the first and/or subsequent tests indicate noncompliance with the Contract Documents, the cost associated with that noncompliance and the cost of all tests, except the first test, shall be paid for by CM@Risk. CM@Risk's Contingency cannot be utilized for the cost of re-testing.

2.7.4.2 When the first and/or subsequent tests indicate noncompliance with the Contract Documents, all retesting shall be performed by the same testing agency.

2.7.5 CM@Risk shall cooperate with the selected testing laboratory and all others responsible for testing and inspecting the work and shall provide them access to the Work at all times.

2.7.6 At the option of the City, materials may be approved at the source of supply before delivery is started.

2.7.7 Code compliance testing and inspections required by codes or ordinances, or by a plan approval authority, and which are made by a legally constituted authority, shall be the responsibility of and shall be paid by CM@Risk, unless otherwise provided in the Contract Documents.

2.7.8 CM@Risk's convenience and quality control testing and inspections shall be the sole responsibility of CM@Risk and paid by CM@Risk.

2.8 Trade Names and Substitutions

2.8.1 Unless indicated that no substitutions are permitted, CM@Risk may request a substitution or alternative to Contract Document references to equipment, materials or patented processes by manufacturer, trade name, make or catalog number, subject to the following:

2.8.2 The substitution shall be submitted by CM@Risk in writing to the City.

2.8.3 CM@Risk shall certify that the substitution shall perform the functions and achieve the results called for by the general design, be similar and of equal substance, and be suited to the same use as that specified.

2.8.4 The submittal shall state any required changes in the Contract Documents to adapt the design to the proposed substitution.

2.8.5 The submittal shall contain an itemized estimate of all costs and credits that will result directly and indirectly from the acceptance of such substitution, including cost of design, license fees, royalties, and testing. Also, the submittal shall include any adjustment in the Contract Time created by the substitution.

2.8.6 CM@Risk if requested by the City shall submit Samples or any additional information that may be necessary to evaluate the acceptability of the substitution.

2.8.7 The City shall make the final decision and shall notify CM@Risk in writing as to whether the substitution has been accepted or rejected.

2.8.8 If the City does not respond in a timely manner, CM@Risk shall continue to perform the Work in accordance with the Contract Documents and the substitution shall be considered rejected.

2.9 Project Record Documents

2.9.1 During the construction period, CM@Risk shall maintain at the Site a set of blueline or blackline prints of the Construction Document drawings and shop drawings for Project Record Document purposes.

2.9.1.1 CM@Risk shall mark these drawings to indicate the actual installation where the installation varies appreciably from the original Construction Documents. CM@Risk shall give particular attention to information on concealed elements, which would be difficult to identify or measure and record later. Items required to be marked include but are not limited to:

- Dimensional changes to the drawings.
- Revisions to details shown on drawings
- Depths of foundations below first floor
- Locations and depths of underground utilities
- Revisions to routing of piping and conduits.
- Revisions to electrical circuitry.
- Actual equipment locations.
- Duct size and routing.
- Locations of concealed internal utilities.
- Changes made by Change Order, Change Order Directive, Field Order, Record of Field Change, ASI's and RFI's.
- Addenda and other details not on original Agreement Drawings.

2.9.1.2 CM@Risk shall mark completely and accurately Project Record Drawing prints of Construction Documents or Shop Drawings, whichever is the most capable of indicating the actual physical condition. Where Shop Drawings are marked, show cross-reference on the Construction Documents location.

2.9.1.3 CM@Risk shall mark Project Record Drawings sets with red erasable colored pencil.

2.9.1.4 CM@Risk shall note RFI Numbers, ASI Numbers and Change Order numbers, etc., as required to identify the source of the change to the Construction Documents.

2.9.1.5 CM@Risk shall, as a condition of Substantial Completion, submit Project Record Drawing prints and Shop Drawings to the City or its representative for review and comment.

2.9.2 Upon receipt of the reviewed Project Record Drawings from the City, CM@Risk shall correct any deficiencies and/or omissions to the drawings and prepare the following for submission to the City within 14 Days:

2.9.2.1 CM@Risk shall provide a complete set of electronic Project Record Drawings prepared in AutoCAD format compatible with City of Flagstaff CADD technology. The Design Professional shall provide files of the original Construction Documents to CM@Risk for the use of preparing these final Project Record Drawings or CM@Risk may contract with the Design Professional to revise and update the electronic drawing files. Each drawing shall be clearly marked with "As-Built Document."

2.9.2.2 CM@Risk shall provide a complete set of reproducible mylars from the final AutoCAD drawings.

2.9.2.3 CM@Risk shall provide the original copy of the Project Record Drawings (redline mark-ups).

2.10 Project Safety

2.10.1 CM@Risk recognizes the importance of performing the Work in a safe manner so as to prevent damage, injury or loss to (i) all individuals at the Site, whether working or visiting, (ii) the Work, including materials and equipment incorporated into the Work or stored on-Site or off-Site, and (iii) all other property at the Site or adjacent thereto.

2.10.2 CM@Risk assumes responsibility for implementing and monitoring all safety precautions and programs related to the performance of the Work.

2.10.3 CM@Risk shall, prior to commencing construction, designate a Safety Representative with the necessary qualifications and experience to supervise the implementation and monitoring of all safety precautions and programs related to the Work. Unless otherwise required by the Contract Documents, CM@Risk's Safety Representative shall be an individual stationed at the Site who may have other responsibilities on the Project in addition to safety.

2.10.4 The Safety Representative shall make routine daily inspections of the Site and shall hold weekly safety meetings with CM@Risk's personnel, Subcontractors and others as applicable.

2.10.5 CM@Risk and Subcontractors shall comply with all Legal Requirements relating to safety, as well as any City-specific safety requirements set forth in the Contract Documents, provided that such City-specific requirements do not violate any applicable Legal Requirement.

2.10.6 CM@Risk shall immediately report in writing any safety-related injury, loss, damage or accident arising from the Work to City's Representative and, to the extent mandated by Legal Requirements, to all government or quasi-government authorities having jurisdiction over safety-related matters involving the Project or the Work.

2.10.7 CM@Risk's responsibility for safety under this Section is not intended in any way to relieve Subcontractors and Sub-Subcontractors of their own contractual and legal obligations and responsibility for (i) complying with all Legal Requirements, including those related to health and safety matters, and (ii) taking all necessary measures to implement and monitor all safety precautions and programs to guard against injury, losses, damages or accidents resulting from their performance of the Work.

2.11 Warranty

2.11.1 CM@Risk warrants to City that the construction, including all materials and equipment furnished as part of the construction, shall be new unless otherwise specified in the Contract Documents, of good quality, in conformance with the Contract Documents and free of defects in materials and workmanship.

2.11.2 CM@Risk's warranty obligation shall be for one (1) year, except for such greater period as

may be required by the technical specifications.

2.11.3 Nothing in this warranty is intended to limit any manufacturer's warranty which provides The City with greater warranty rights than set forth in this Section or the Contract Documents. CM@Risk shall provide City with all manufacturers' warranties upon Substantial Completion.

2.11.4 Nothing in this warranty is intended to limit any other remedy at law that may be available to the City.

2.12 Correction of Defective Work

2.12.1 CM@Risk agrees to correct any Work that is found to not be in conformance with the Contract Documents, including that part of the Work subject to Section 2.12 above, within a period of one (1) year from the date of Substantial Completion of the Work or any portion of the Work, or within such longer period to the extent required by the Contract Documents, or as may be available to the City by law. A progress payment, or partial or entire use or occupancy of the Project by the City, shall not constitute acceptance of Work not in accordance with the Contract Documents.

2.12.2 During the performance of the Work, CM@Risk shall take meaningful steps to commence correction of such nonconforming Work as notified by the City or as discovered by CM@Risk. This includes the correction, removal or replacement of the nonconforming Work and any damage caused to other parts of the Work affected by the nonconforming Work. If CM@Risk fails to commence the necessary steps during the performance of the Work, City, in addition to any other remedies provided under the Contract Documents, may provide CM@Risk with written notice that City shall commence correction of such nonconforming Work with its own forces.

2.12.3 CM@Risk shall, take meaningful steps to commence correction of nonconforming Work subject to Section 2.12 and/or Section 2.13.1 above, within seven (7) days of receipt of written notice from City. This includes the correction, removal or replacement of the nonconforming Work and any damage caused to other parts of the Work affected by the nonconforming Work. If CM@Risk fails to commence the necessary steps within such seven-day period, City, in addition to any other remedies provided under the Contract Documents, may provide CM@Risk with written notice that City shall commence correction of such nonconforming Work with its own forces. 2.12.4 If City does perform such corrective Work, CM@Risk shall be responsible for all reasonable costs incurred by City in performing such correction.

2.12.4 For nonconforming Work that creates an emergency requiring an immediate response, CM@Risk shall respond and initiate corrections within twenty-four hours.

2.12.5 The one year period referenced in Subsection 2.13.1 above applies only to CM@Risk's obligation to correct nonconforming Work relative to the warranty set forth in that section and is not intended to constitute a period of limitations for any other rights or remedies the City may have regarding CM@Risk's other obligations under the Contract Documents or as may be allowed by law.

Article 3 - The City's Services and Responsibilities

3.1 Duty to Cooperate.

3.1.1 City shall, throughout the performance of the Work, cooperate with CM@Risk and perform its responsibilities, obligations and services in a timely manner to facilitate CM@Risk's timely and

efficient performance of the Work and so as not to delay or interfere with CM@Risk's performance of its obligations under the Contract Documents.

3.1.2 City shall furnish at CM@Risk's request, at no cost to CM@Risk, a CADD file of the Construction Documents in AutoCAD format compatible with the City of Flagstaff CADD technology.

3.2 The City's Representative

3.2.1 City's Representative shall be responsible for providing City (as defined in Article I) supplied information and approvals in a timely manner to permit CM@Risk to fulfill its obligations under the Contract Documents.

3.2.2 City's Representative shall also provide CM@Risk with prompt notice if City's Representative observes any failure on the part of CM@Risk to fulfill its contractual obligations, including any default or defect in the project or non-conformance with the drawings and specifications.

3.2.3 The City may utilize field inspectors to assist the City's Representative during construction in observing performance of CM@Risk. The inspector is for the purpose of assisting the City's Representative and should not be confused with an inspector with a City regulatory department.

3.2.3.1 The field inspector shall be authorized to inspect all Work and materials furnished. Such inspection may extend to all or part of the Work and to the preparation, fabrication or manufacture of the materials to be used.

3.2.3.2 The field inspector shall not be authorized to issue instructions contrary to the Construction Documents or to act as foreman for CM@Risk.

3.2.3.3 The field inspector shall have the authority to reject work or materials until any questions at issue can be decided by the City's Representative.

3.2.3.4 The furnishing of such services for the City shall not make the City responsible for or give the City control over construction means, methods, techniques, sequences or procedures or for safety precautions or programs or responsibility for CM@Risk's failure to perform the work in accordance with Contract Documents.

3.3 Design Professional Services

3.3.1 The City may contract separately with one or more Design Professionals to provide construction administration of the Project. The Design Professional's Agreement as well as other firms hired by the City shall be available for review by CM@Risk. CM@Risk shall not have any right however, to limit or restrict any contract provisions and/or modifications that are mutually acceptable to the City and Design Professional.

3.3.2 The City may contract with the Design Professional to provide some or all of the following services during the performance of the Work.

3.3.2.1 Provide oversight of the Work. The City and CM@Risk shall endeavor to communicate through the Design Professional. Communications by and with the Design Professional's consultants shall be through the Design Professional.

3.3.2.2 Conduct Site visits at intervals appropriate to the stage of construction to become generally familiar with the progress and quality of the completed Work and to determine in general if the Work is being performed in accordance with the Contract Documents. The Design

Professional shall keep the City informed of progress of the Work and any noted defects and deficiencies of the Work, and shall endeavor to guard the City against defects and deficiencies in the Work. The Design Professional may have authority to reject construction, which does not conform to the Construction Documents and to require additional inspection or testing of the construction in accordance with Section 2.7.

3.3.2.3 Review and recommend approval of Payment Requests.

3.3.2.4 Review and approve or take other appropriate action upon CM@Risk's Submittals such as Shop Drawings, Product Data and Samples in accordance with Section 2.6.

3.3.2.5 Interpret and decide matters concerning performance under and requirements of the Contract Documents on written request of either the City or CM@Risk. The Design Professional's response to such requests shall be made with reasonable promptness and within any time limits agreed upon.

3.3.2.6 Prepare Change Orders, and may authorize minor changes in the Work as provided in Section 6.6.1.

3.3.2.7 Conduct inspections to determine Substantial Completion and Final Acceptance.

3.3.2.8 Receive and forward to the City for the City's review and records written warranties and related documents required by the Contract Documents and assembled by CM@Risk.

3.4 City's Separate Contractors.

City is responsible for all work performed on the Project or at the Site by separate contractors under City's control. City shall contractually require its separate contractors to cooperate with, and coordinate their activities so as not to interfere with CM@Risk in order to enable CM@Risk to timely complete the Work consistent with the Contract Documents.

3.5 Permit Review and Inspections

3.5.1 If requested by CM@Risk, the City's Representative shall provide assistance and guidance in obtaining necessary reviews, permits and inspections, however, the responsibility for obtaining the necessary reviews, permits and inspections remains with CM@Risk.

3.5.2 Regulating agencies of the City, such as Community Development, Fire, Planning, Building Inspection, Environmental Services, and Engineering Departments, enforce Legal Requirements. These enforcement activities are not subject to the responsibilities of the City under this Agreement.

Article 4 - Contract Time

4.0 Contract Time.

4.0.1 Contract Time shall start with the Notice to Proceed ("NTP") with construction services and shall end with Substantial Completion.

4.0.2 Where there is more than one GMP, each GMP shall establish a separate NTP date and a Performance Period. The Performance Periods for individual GMPs may be sequential or concurrent as established in the individual Notices to Proceed. The Performance Period for the GMP under this Agreement shall be 210 days starting with the NTP.

4.0.3 CM@Risk agrees that it shall commence timely performance of the Work and shall achieve substantial completion within the Performance Periods and Contract Time.

4.0.4 All of the times set forth in this Article 4 shall be subject to adjustment in accordance with Article 6.

4.0.5 Time is of the essence, for times and time matters set forth in Article 4 and the rest of this Agreement.

Pursuant to Section 9.3 below, if, in the sole discretion of the Capital Improvments Department of the City of Flagstaff, the Project is not at Substantial Completion prior to the advent of adverce weather conditions, a Winter Shutdown shall occur during which no Work will be performed by any person or entity (including but not limited to the CM@Risk) on the Project and CM@Risk shall shutdown, properly insulate and shelter the Project in a safe and workmanlike manner pursuant to local, state and federal laws. Although December through March is typically the time frame, the City reserves the right to initiate and terminate a Winter Shutdown at the City's sole discretion in the event of adverse weather conditions. A Winter Shutdown may be declared by the City despite delays, *for any reason,* on the Project.

4.1 Substantial Completion

4.1.1 Substantial Completion shall be for the entire Project unless a partial Substantial Completion is identified in the approved GMP schedule and stated in the Notice to Proceed letter or as may be mutually agreed by the parties in writing. Substantial Completion shall be in accordance with its definition in Article 1 and with the criteria set forth in the Notice to Proceed.

4.1.2 Prior to notifying the City in accordance to Section 4.1.3 below, CM@Risk shall inspect the Work and prepare and submit to the City a comprehensive list of items to be completed or corrected. CM@Risk shall proceed promptly to complete and correct items on the list. Failure to include an item on such list does not alter the responsibility of CM@Risk to complete all Work in accorda*nce with the Co*ntract Documents**.**

4.1.3 CM@Risk shall notify City when it believes the Work, or to the extent permitted in the Contract Documents, a portion of the Work, is substantially complete.

4.1.4 Within five (5) days of City's receipt of CM@Risk's notice, the City and CM@Risk shall jointly inspect such Work to verify that it is substantially complete in accordance with the requirements of the Contract Documents.

4.1.5 If such Work is substantially complete, City shall prepare and issue a Certificate of Substantial Completion that shall set forth (i) the date of Substantial Completion of the Work or portion thereof, (ii) the remaining items of Work that have to be completed within thirty (30) calendar days before Final Acceptance, (iii) provisions (to the extent not already provided in the Contract Documents) establishing City's and CM@Risk's responsibility for the Project's security, maintenance, utilities and insurance pending Final Acceptance and (iv) an acknowledgment that warranties commence to run on the date of Substantial Completion, except as may otherwise be noted in the Certificate of Substantial Completion.

4.1.6 City, at its option, may use a portion of the Work which has been determined to be substantially complete, provided, however, that (i) a Certificate of Substantial Completion has been issued for the portion of Work addressing the items set forth in Section 4.1.5 above, (ii) CM@Risk and City have obtained the consent of their sureties and insurers, and to the extent applicable, the appropriate government authorities having jurisdiction over the Project, and (iii) City and CM@Risk agree that City's use or occupancy shall not interfere with CM@Risk's completion of the remaining Work.

4.2 Final Completion.

Upon receipt of written notice that the Work or identified portions of the Work is ready for final inspection and acceptance, City and CM@Risk shall jointly inspect to verify that the remaining items of Work have been completed as set forth in Section 4.1.5. The City shall issue a Final Completion Letter and payment pursuant to Section 7.5.

4.3 Liquidated Damages

4.3.1 CM@Risk understands that if Substantial Completion is not attained within the Contract Time as adjusted, the City shall suffer damages, which are difficult to determine and accurately specify. CM@Risk agrees that if Substantial Completion is not attained within the Contract Time as adjusted, CM@Risk shall pay the City $ 1,420.00 (to be determined on an agreement by agreement basis) per day as liquidated damages for each Day that Substantial Completion extends beyond the date determined by the Contract Time as adjusted and further agrees that such amount is reasonable under the circumstances.

4.3.2 CM@Risk understands that if Final Completion is not attained within the Contract Time as adjusted, the City shall suffer damages, which are difficult to determine and accurately specify. CM@Risk agrees that if Final Completion is not attained within the Contract Time as adjusted, CM@Risk shall pay the City $ 1,420.00 (to be determined on an agreement by agreement basis) per day as liquidated damages for each Day that Final Completion extends beyond the date determined by the Contract Time as adjusted and further agrees that such amount is reasonable under the circumstances.

4.4 Project Master Schedule

4.4.1 The Project Master Schedule approved as part of a GMP shall be updated and maintained throughout the Work by CM@Risk.

4.4.2 The Project Master Schedule shall be revised by CM@Risk as required by conditions and progress of the Work, but such revisions shall not relieve CM@Risk of its obligations to complete the Work within the Contract Time, as such dates may be adjusted in accordance with the Contract Documents.

4.4.3 Updated Project Master Schedules shall be submitted monthly by CM@Risk to the City as part of the Payment Request.

4.4.3.1 CM@Risk shall provide City with a monthly status report with each Project Master Schedule detailing the progress of the Work, including: (i) if the Work is proceeding according to schedule, (ii) any discrepancies, conflicts, or ambiguities found to exist in the Contract Documents that require resolution, and (iii) other items that require resolution so as not to jeopardize ability to complete the Work as presented in the GMP and within the Contract Time.

4.4.3.2 With each schedule submittal CM@Risk shall include a transmittal letter including the following:

- Description of problem tasks (referenced to field instructions, requests for information ("RFI's"), as appropriate.
- Current and anticipated delays including:
  - Cause of the delay
  - Corrective action and schedule adjustments to correct the delay
  - Known or potential impact of the delay on other activities, milestones, and/or the date of Substantial Completion

- Changes in construction sequence
- Pending items and status thereof including but not limited to:
  - Time Extension requests
  - Other items
- Substantial Completion date status:
  - If ahead of schedule, the number of calendar days ahead
  - If behind schedule, the number of calendar days behind
- Other project or scheduling concerns

4.4.4 City's review of and response to the Project Master Schedule is only for general conformance with the scheduling requirements of the Contract Documents. The review shall not relieve CM@Risk from compliance with the requirements of the Contract Documents or be construed as relieving CM@Risk of its complete and exclusive control over the means, methods, sequences and techniques for executing the Work.

4.4.5 The Project Master Schedule shall include a Critical Path Method ("CPM") diagram schedule that shall show the sequence of activities, the interdependence of each activity and indicate the Critical Path.

4.4.5.1 The CPM diagram schedule shall be in Days and indicate duration, earliest and latest start and finish dates for all activities, and total Float times for all activities except critical activities. The CPM diagram shall be presented in a time scaled graphical format for the Project as a whole.

4.4.5.2 The CPM diagram schedule shall indicate all relationships between activities.

4.4.5.3 The activities making up the schedule shall be in sufficient detail to assure that adequate planning has been done for proper execution of the Work and such that it provides an appropriate basis for monitoring and evaluating the progress of the Work.

4.4.5.4 The CPM diagram schedule shall be based upon activities, which would coincide with the Schedule of Values.

4.4.5.5 The CPM diagram schedule shall show all Submittals associated with each work activity and the review time for each submittal.

4.4.5.6 The schedule shall show milestones, including milestones for Owner-furnished information, and shall include activities for Owner-furnished equipment and furniture when those activities are interrelated with CM@Risk activities.

4.4.5.7 The schedule shall include a critical path activity that reflects anticipated weather delay during the performance of the Agreement. The duration shall reflect the average climatic range and usual industrial conditions prevailing in the locality of the Site. Weather data shall be based on the information set forth on the City of Flagstaff's Table of "Monthly Anticipated Adverse Weather Calendar Days" and the explanatory paragraphs attached thereto.

4.4.6 The Project Master Schedule shall consider the City's and the tenants' occupancy requirements showing portions of the Project having occupancy priority, and Contract Time.

4.4.7 Float time shall be as prescribed below:

4.4.7.1 The total Float within the overall schedule, is not for the exclusive use of either the City or CM@Risk, but is jointly owned by both and is a resource available to and shared by both parties as needed to meet Agreement milestones and the Project completion date.

4.4.7.2 CM@Risk shall not sequester shared Float through such strategies as extending activity duration estimates to consume available Float, using preferential logic, or using extensive crew/resource sequencing, etc. Since Float time within the schedule is jointly owned, no time extensions shall be granted nor delay damages paid until a delay occurs which extends the Work beyond the Substantial Completion date and then only if any such extensions or damages are shown to be justified under the Contract Documents.

4.4.7.3 Since Float time within the schedule is jointly owned, it is acknowledged that City-caused delays on the Project may be offset by City-caused time savings (i.e., critical path Submittals returned in less time than allowed by the Agreement, approval of substitution requests and credit changes which result in savings of time to CM@Risk, etc.). In such an event, CM@Risk shall not be entitled to receive a time extension or delay damages until all City-caused time savings are exceeded, and the Substantial Completion date is also exceeded.

Article 5- Contract Price

5.0 CM@Risk agrees at his own cost and expense, to completely construct and install all Work and materials as called for by this Agreement, free and clear of all claims, liens and charges whatsoever, in the manner and under the conditions specified in the Contract Documents, within the time or times stated in the approved GMP.

5.1 Contract Price

5.1.1 The Contract Price shall be as approved in the Guaranteed Maximum Price Proposal # 1 attached as Exhibit "B" in an amount of $ 3,374,179.29 with an additional $ 50,000.00 allowed for Owner's Contingency, and Guaranteed Maximum Price Proposal # 2 in an amount of $2,729,486.39 with an additional $ 50,000.00 allowed for Owner's Contingency,

5.1.2 The Cost of the Work is actual costs and is a not-to-exceed reimbursable amount.

5.1.3 The General Conditions Costs and the Construction Fee are firm fixed lump sums delineated in the GMP.

5.1.4 Taxes are deemed to include all sales, use consumer and other taxes, which are legally enacted when negotiations of the GMP were concluded, whether or not yet effective, or merely scheduled to go into effect. Taxes are actual costs and are a not-to-exceed reimbursable amount.

5.2 Guaranteed Maximum Price

5.2.1 The Guaranteed Maximum Price is composed of the maximum Cost of the Work; the Construction Fee; General Conditions Costs; taxes; and, CM@Risk's contingency all of which are not-to-exceed cost reimbursable or lump sum amounts defined in Articles 5.1 and 5.3. CM@Risk is at risk to cover any additional Project costs. If the Cost of Work amount, set forth in the GMP, is in excess of the actual Cost of Work and/or CM@Risk's Contingency, said amount by which the Cost of Work set forth in the GMP is in excess of the actual Cost of Work and/or CM@Risk's Contingency, shall revert to the City.

5.2.2 The GMP is subject to adjustments made in accordance with Article 6 and by GMP amendments to this Agreement.

5.2.3 GMP amendments are cumulative except for CM@Risk's Contingency. The amount of CM@Risk's Contingency for each GMP shall be negotiated separately.

5.2.4 If the GMP requires an adjustment due to changes in the scope of the Work the cost of such changes is determined subject to Article 6. The markups that may be allowed on such changes shall be no greater than the markups delineated in the approved GMP.

5.3 Contingencies

5.3.1 CM@Risk's Contingency is an amount CM@Risk may use at its sole discretion for, an increase in the Cost of Work, and may use for increases in General Conditions Costs with written approval of the City. CM@Risk's Contingency is assumed to be a direct Project cost and all applicable markups shall be applied at the time of GMP submission.

5.3.1.1 When CM@Risk utilizes CM@Risk's Contingency funds, CM@Risk shall make the appropriate changes to the Schedule of Values with the next regular progress payment request. CM@Risk shall deduct the amount of CM@Risk's Contingency funds used from CM@Risk's Contingency line item and add the same amount to the line item on the Schedule of Values where the funds were used. If CM@Risk's contingency funds are used for a new line item that was not given with the original Schedule of Values, these shall be so indicated.

5.3.2 Owner's Contingency are funds to be used at the sole discretion of the Owner to cover any increases in Project costs that result from Owner directed changes or unforeseen Site conditions. Owner's Contingency shall be added to the GMP amount provided by CM@Risk, the sum of which shall be the full Contract Price for construction. At the time that Owner's Contingency is used the appropriate markups shall be applied.

5.4 Open Book.

CM@Risk shall submit to the City upon request all payrolls, reports, estimates, records and any other data concerning the Work performed or to be performed or concerning materials supplied or to be supplied, as well as Subcontractor or Consultant payment applications or invoices and such Subcontractor's or Consultant progress payment checks. The requirements of this Section shall be included in all Agreements between CM@Risk and its Subcontractors and Consultants. The City may exercise its rights under this Section as often as reasonably necessary in the City's sole judgment to assure the City has a complete and accurate understanding of all Project costs.

Article 6 - Changes to the Contract Price and Time

6.0 Delays to the Work

6.0.1 If CM@Risk is delayed in the performance of the Work that shall cause a change in the date of Substantial Completion due to acts, omissions, conditions, events, or circumstances beyond its control and due to no fault of its own, or, those for whom CM@Risk is responsible, the Contract Times for performance shall be reasonably extended by Change Order. However, the City and the CM@R must agree on the determination of whether acts, omissions, conditions, events, or circumstances are actually beyond the CM@Rs control and/or whether they are due to no fault of the CM@R, or those for whom CM@Risk is responsible; if the City and the CM@R do not agree, then an independent third party, selected by both parties, shall make the determination of whether acts, omissions, conditions, events, or circumstances are actually beyond the CM@Rs control and/or whether they are due to no fault of the CM@R, or those for whom CM@Risk is responsible.

6.0.2 CM@Risk shall request an increase in the Contract Time by written notice including an estimate of probable effect of delay on progress of the Work within three (3) days of the occurrence of the delay. In the case of a continuing delay only one request is necessary.

6.0.3 By way of example, events that shall entitle CM@Risk to an extension of the Contract Time include acts or omissions of City or anyone under City's control (including separate Contractors), changes in the Work, Differing Site Conditions, Hazardous Conditions, delays by regulating agencies, wars, floods, labor disputes, unusual delay in transportation, epidemics

abroad, earthquakes, adverse weather conditions not reasonably anticipated, and other acts of God.

6.0.4 If adverse weather conditions are the basis for a request for additional Contract Time, such requests shall be documented by data substantiating that weather conditions were abnormal for the period of time and could not have been reasonably anticipated, and that weather conditions had an adverse effect on the scheduled Substantial Completion. All terms, conditions and definitions necessary for the application of this paragraph shall be as set forth on the City of Flagstaff's Table of "Monthly Anticipated Adverse Weather Calendar Days" and the explanatory paragraphs attached thereto.

6.0.5 It is understood, however, that permitting CM@Risk to proceed to complete any Work, or any part of the Work, after the date to which the time of completion may have been extended, shall in no way act as a waiver on the part of the City of any of its legal rights herein.

6.0.6 In addition to CM@Risk's right to a time extension for those events set forth in this Section, CM@Risk shall also be entitled to an appropriate adjustment of the Contract Price provided, however, that the Contract Price shall not be adjusted for those events set forth in this Section that are beyond the control of both CM@Risk and City, including the events of war, floods, labor disputes, earthquakes, epidemics, adverse weather conditions not reasonably anticipated, and other acts of God and shall not be adjusted absent a showing of actual damage.

6.1 Differing Site Conditions

6.1.1 If CM@Risk encounters a Differing Site Condition, CM@Risk shall be entitled to an adjustment in the Contract Price and/or Contract Times to the extent CM@Risk's cost and/or time of performance are actually adversely impacted by the Differing Site Condition.

6.1.2 Upon encountering a Differing Site Condition, CM@Risk shall provide prompt written notice to City of such condition, which notice shall not be later than seven (7) days after such condition has been encountered. CM@Risk shall, to the extent reasonably possible, provide such notice before the Differing Site Condition has been substantially disturbed or altered.

6.2 Errors, Discrepancies and Omissions

6.2.1 If CM@Risk observes errors, discrepancies or omissions in the Contract Documents, CM@Risk shall promptly notify the Design Professional and request clarification.

6.2.2 If CM@Risk proceeds with the Work affected by such errors, discrepancies or omissions, without receiving such clarifications, CM@Risk does so at its own risk. Adjustments involving such circumstances made by CM@Risk prior to clarification by the Design Professional shall be at CM@Risk's risk.

6.3 The City Requested Change in Work

6.3.1 The City reserves the right to make, at any time during the progress of the Work, such alterations as may be found necessary or in the City's best interest.

6.3.2 Such alterations and changes shall not invalidate this Agreement nor release the surety and CM@Risk agrees to perform the Work as altered, the same as if it has been a part of the original Contract Documents.

6.3.3 The City shall request a proposal for a change in Work from CM@Risk, and an adjustment in the Contract Price and/or Contract Times shall be made based on a mutual agreed upon cost and time.

6.4 **Legal Requirements**. The Contract Price and/or Contract Times shall be adjusted to compensate CM@Risk for the effects of any changes in the Legal Requirements enacted after the date of their Agreement or the date of the GMP, affecting the performance of the Work

6.5 Change Directives and Change Orders

6.5.1 City and CM@Risk shall negotiate in good faith and as expeditiously as possible the appropriate adjustments for a Change Directive if any adjustments are appropriate. Upon reaching an agreement, the parties shall prepare and execute an appropriate Change Order reflecting the terms of the adjustment.

6.5.2 All changes in Work authorized by Change Directives and/or Change Orders shall be performed under the conditions of the Contract Documents.

6.6 Minor Changes in the Work

6.6.1 The City has authority to order minor changes in Work that do not materially and adversely affect the Work, including the design, quality, performance and workmanship required by the Contract Documents. Such changes shall be affected by written order and shall be binding on the City and CM@Risk. CM@Risk shall carry out such written orders promptly.

6.6.2 CM@Risk may make minor changes in Work, provided, however that CM@Risk shall promptly inform City, in writing, of any such changes and record such changes, if appropriate, on the Project Record Documents maintained by CM@Risk.

6.6.3 Minor changes in Work shall not involve an adjustment in the Contract Price and/or Contract Times.

6.7 Contract Price Adjustments

6.7.1 The increase or decrease in Contract Price resulting from a change in the Work shall be determined by one or more of the following methods:

6.7.1.1 Unit prices set forth in this Agreement or as subsequently agreed to between the parties;

6.7.1.2 A mutually accepted, lump sum, properly itemized and supported by sufficient substantiating data to permit evaluation by City; and

6.7.1.3 Costs, fees and any other markups.

6.7.2 The markups that shall be allowed on such changes shall be no greater than the markups delineated in the approved GMP as shown on Exhibit “B”.

6.7.3 If an increase or decrease cannot be agreed to as set forth in Sections 6.7.1.1 through 6.7.1.3 above and City issues a Change Directive, the cost of the change of the Work shall be determined by the reasonable expense and savings in the performance of the Work resulting from the change, including a reasonable overhead and profit, as may be set forth in their Agreement. CM@Risk shall maintain a documented, itemized accounting evidencing the expenses and savings associated with such changes.

6.7.4 If unit prices are set forth in the Contract Documents or are subsequently agreed to by the parties, but application of such unit prices shall cause substantial inequity to City or CM@Risk because of differences in the character or quantity of such unit items as originally contemplated, such unit prices shall be equitably adjusted.

6.7.5 If City and CM@Risk disagree upon whether CM@Risk is entitled to be paid for any services required by City, or if there are any other disagreements over the scope of Work or proposed changes to the Work, City and CM@Risk shall resolve the disagreement pursuant to Article 8 hereof.

6.7.5.1 As part of the negotiation process, CM@Risk shall furnish City with a good faith estimate of the costs to perform the disputed services in accordance with City's interpretations.

6.7.5.2 If the parties are unable to agree and City expects CM@Risk to perform the services in accordance with City's interpretations, CM@Risk shall proceed to perform the disputed services, conditioned upon City issuing a written order to CM@Risk (i) directing CM@Risk to proceed and (ii) specifying City's interpretation of the services that are to be performed.

6.7.6 **Emergencies**.

In any emergency affecting the safety of persons and/or property, CM@Risk shall act, at its discretion, to prevent threatened damage, injury or loss. Any change in the Contract Price and/or Contract Time resulting from emergency work under this Section shall be determined as provided in this Article.

Article 7- Procedure for Payment

7.0 For and in consideration of the faithful performance of the Work herein embraced as set forth in the Contract Documents, which are a part hereof and in accordance with the directions of the City and to the City's satisfaction, the City agrees to pay CM@Risk the actual Cost of the Work and any applicable General Conditions Costs including, insurance and bonding, taxes and CM@Risk's Construction Fee, but no more than the GMP as adjusted by any change orders. Payment for the specific Work under this Agreement shall be made in accordance with payment provisions detailed below.

7.1 **GMP Payment Request**

7.1.1 At the pre-construction conference prescribed in Section 2.4, CM@Risk shall submit for City's review and approval a Schedule of Values. The Schedule of Values shall serve as the basis for monthly progress payments made to CM@Risk throughout the Work.

7.1.2 At least five (5) working days prior to the date established for a Payment Request, CM@Risk shall submit an updated Project Master Schedule and meet with the City's Representative to review the progress of the Work as it shall be reflected on the Payment Request.

7.1.3 The Payment Request shall constitute CM@Risk's representation that the Work has been performed consistent with the Contract Documents, has progressed to the point indicated in the Payment Request, and that title to all Work shall pass to City free and clear of all claims, liens, encumbrances, and security interests upon the incorporation of the Work into the Project.

7.1.4 The Payment Request may request payment for stored equipment and materials if construction progress is in reasonable conformance with the approved schedule.

7.1.4.1 For equipment and materials suitably stored at the Site, the equipment and materials shall be protected by suitable insurance and City shall receive the equipment and materials free and

clear of all liens and encumbrances.

7.1.4.2 For materials and equipment stored off the Site, the City must approve the storage. The material and equipment must be stored within Coconino County or other Sites as may be approved and be accessible for City's inspection. CM@Risk must establish City title to such materials and equipment or otherwise protect the City's interest and shall include applicable insurance, bonding, storage and transportation to the Site.

7.1.4.3 All bonds and insurance required for stored materials shall name the City as the loss payee to the extent of its interest in the stored materials.

7.1.5 CM@Risk shall submit to City on a monthly basis either on the first of the month for payment on the 15th or on the 19th of the month for payment on the 30th or 31st. If the payment date is on a Saturday, payment shall be on Friday. If the payment date is on a Sunday, payment shall be on Monday.

7.2 Payment of GMP

7.2.1 City shall make payment in accordance with A.R.S. §34-607. Payment shall be made no later than fourteen (14) days after the Payment Request is certified and approved, but in each case less the total of payments previously made, and less amounts properly retained under Section 7.3 below.

7.2.2 City shall pay CM@Risk all amounts properly due. If City determines that CM@Risk is not entitled to all or part of a Payment Request, it shall notify CM@Risk in writing within (7) days after the date Payment Request is received by the City. The notice shall indicate the specific amounts City intends to withhold, the reasons and contractual basis for the withholding, and the specific measures CM@Risk shall take to rectify City's concerns. CM@Risk and City shall attempt to resolve City's concerns. If the parties cannot resolve such concerns, CM@Risk may pursue its rights under the Contract Documents, including those under Article 8 hereof.

7.3 Retention of GMP

7.3.1 City shall retain ten percent (10%) of each Payment Request amount provided. When fifty percent (50%) of the Work has been completed by CM@Risk, upon request of CM@Risk, City may reduce the amount retained to five percent (5%) from CM@Risk's subsequent Payment Requests if CM@Risk's performance of Work has been satisfactory.

7.3.2 In lieu of retention, CM@Risk may provide as a substitute, an assignment of time certificates of deposit (CDs) from a bank licensed by the State of Arizona, securities of or guaranteed by the United States of America, securities of counties, municipalities and school districts within the State of Arizona or shares of savings and loan institutions authorized to transact business in Arizona.

7.3.2.1 CDs assigned to the City must be maintained at the City's single servicing bank, in the form of time deposit receipt accounts.

7.3.2.2 Securities deposited in lieu of retention must be deposited into a separate account with a bank within the State of Arizona.

7.3.2.3 CDs and Securities shall be assigned exclusively for the benefit of the City of Flagstaff pursuant to the City's form of Escrow Agreement. Escrow Agreement forms may be obtained from the Purchasing Department by contacting Patrick Brown, Senior Procurement Specialist.

7.4 Substantial Completion.

Upon Substantial Completion of the entire Work or, if applicable, any portion of the Work, City

shall release to CM@Risk all retained amounts relating, as applicable, to the entire Work or completed portion of the Work, less an amount up to two and one-half (2.5) times the reasonable value of all remaining or incomplete items of Work as noted in the Certificate of Substantial Completion.

7.5 Final Payment

7.5.1 After receipt of a final Payment Request, City shall make final payment within sixty (60) days after receipt by the City, provided that CM@Risk has completed all of the Work in conformance with the Contract Documents and a Final Completion Letter has been issued by the City.

7.5.2 At the time of submission of its final Payment Request, CM@Risk shall provide the following information:

7.5.2.1 An affidavit affirming that there are no claims, obligations or liens outstanding or unsatisfied for labor, services, material, equipment, taxes or other items performed, furnished or incurred for or in connection with the Work which shall in any way affect City's interests;

7.5.2.2 A general release executed by CM@Risk waiving, upon receipt of final payment by CM@Risk, all claims, except those claims previously made in writing to City and remaining unsettled at the time of final payment; and

7.5.2.3 Consent of CM@Risk's surety, if any, to final payment.

7.6 Payments To Subcontractors or Suppliers

7.6.1 CM@Risk shall pay its Subcontractors or suppliers within seven (7) calendar days of receipt of each progress payment from the City. CM@Risk shall pay for the amount of Work performed or materials supplied by each Subcontractor or supplier as accepted and approved by the City with each progress payment. In addition, any reduction of retention by the City to CM@Risk shall result in a corresponding reduction to Subcontractors or suppliers who have performed satisfactory work. CM@Risk shall pay Subcontractors or suppliers the reduced retention within fourteen (14) calendar days of the payment of the reduction of the retention to CM@Risk. No agreement between CM@Risk and its Subcontractors and suppliers may materially alter the rights of any Subcontractor or supplier to receive prompt payment and retention reduction as provided herein.

7.6.2 If CM@Risk fails to make payments in accordance with these provisions, the City may take any one or more of the following actions and CM@Risk agrees that the City may take such actions:

7.6.2.1 Hold CM@Risk in default under this Agreement;

7.6.2.2 Withhold future payments including retention until proper payment has been made to Subcontractors or suppliers in accordance with these provisions;

7.6.2.3 Reject all future offers to perform work for the City from CM@Risk for a period not to exceed one (1) year from Substantial Completion date of this Project; or

7.6.2.4 Terminate this Agreement.

7.6.3 If CM@Risk's payment to a Subcontractor or supplier is in dispute, it shall act in compliance with A.R.S. § 32-1129.02(D) and related statutes as amended, and shall further hold the City harmless from any ensuing damages, claims or costs.

7.6.4 Should the City fail or delay in exercising or enforcing any right, power, privilege, or remedy

under this Section, such failure or delay shall not be deemed a waiver, release, or modification of the requirements of this Section or of any of the terms or provisions thereof.

7.6.5 CM@Risk shall include these prompt payment provisions in every subcontract, including procurement of materials and leases of equipment for this Agreement.

7.7 Record Keeping and Finance Controls

7.7.1 Records of CM@Risk's direct personnel payroll, reimbursable expenses pertaining to this Project and records of accounts between the City and CM@Risk shall be kept on a generally recognized accounting basis and shall be available for three (3) years after Final Completion of the Project.

7.7.2 The City, its authorized representative, and/or the appropriate federal agency, reserve the right to audit CM@Risk's records to verify the accuracy and appropriateness of all pricing data, including data used to negotiate Contract Documents and any Change Orders.

7.7.3 The City reserves the right to decrease Contract Price and/or payments made on this Agreement if, upon audit of CM@Risk's records, the audit discloses CM@Risk has provided false, misleading, or inaccurate cost and pricing data.

7.7.4 CM@Risk shall include a similar provision in all of its agreements with Subconsultants and Subcontractors providing services under the Contract Documents to ensure the City, its authorized representative, and/or the appropriate federal agency, has access to the Subconsultants' and Subcontractors' records to verify the accuracy of cost and pricing data.

7.7.5 The City reserves the right to decrease Contract Price and/or payments made on this Agreement if the above provision is not included in Subconsultant's and Subcontractor's Agreements, and one or more Subconsultants and/or Subcontractors do not allow the City to audit their records to verify the accuracy and appropriateness of pricing data.

Article 8- Claims and Disputes

8.0 Requests for Agreement Adjustments and Relief.

8.0.1 If either CM@Risk or City believes that it is entitled to relief against the other for any event arising out of or related to Work, such party shall provide written notice to the other party of the basis for its claim for relief.

8.0.2 Such notice shall, if possible, be made prior to incurring any cost or expense and in accordance with any specific notice requirements contained in applicable sections of the Agreement.

8.0.3 In the absence of any specific notice requirement, written notice shall be given within a reasonable time, not to exceed fourteen (14) days, after the occurrence giving rise to the claim for relief or after the claiming party reasonably should have recognized the event or condition giving rise to the request, whichever is later.

8.0.4 Such notice shall include sufficient information to advise the other party of the circumstances giving rise to the claim for relief, the specific contractual adjustment or relief requested and the basis of such request.

8.1 Dispute Avoidance and Resolution

8.1.1 The parties are fully committed to working with each other throughout the Project and agree to communicate regularly with each other at all times so as to avoid or minimize disputes or

disagreements. If disputes or disagreements do arise, CM@Risk and City each commit to resolving such disputes or disagreements in an amicable, professional and expeditious manner so as to avoid unnecessary losses, delays and disruptions to the Work.

8.1.2 CM@Risk and City shall first attempt to resolve disputes or disagreements at the field level through discussions between CM@Risk's Representative and City's Representative.

8.1.3 If a dispute or disagreement cannot be resolved through CM@Risk's Representative and City's Representative, CM@Risk's Senior Representative and City's Senior Representative, upon the request of either party, shall meet as soon as conveniently possible, but in no case later than thirty (30) days after such a request is made, to attempt to resolve such dispute or disagreement. Prior to any meetings between the Senior Representatives, the parties shall exchange relevant information that shall assist the parties in resolving their dispute or disagreement.

8.1.4 Except as otherwise agreed by the parties, any litigation brought by either party against the other to enforce the provisions of this Agreement shall be filed in the Coconino County Superior Court and Arizona law shall apply and control. 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 shall be entitled to its costs including reasonable attorneys' fees and court costs from the non-prevailing party.

8.2 Duty to Continue Performance.

Unless provided to the contrary in the Contract Documents, CM@Risk shall continue to perform the Work and City shall continue to satisfy its payment obligations to CM@Risk, pending the final resolution of any dispute or disagreement between CM@Risk and City.

8.3 Representatives of the Parties

8.3.1 The City's Representatives

8.3.1.1 City designates the individual listed below or his designee as its Senior Representative ("City's Senior Representative"), which individual has the authority and responsibility for avoiding and resolving disputes under Section 8.1.3:

Andy Bertelsen, Division Head
211 West Aspen Avenue
Flagstaff, AZ 86001
(928) 213-2105

8.3.1.2 City designates the individual listed below as its City's Representative, which individual has the authority and responsibility set forth in Section 8.1.2:

Adam Miele, Senior Project Manager
211 West Aspen Avenue
Flagstaff, AZ 86001
(928) 213-2108

8.3.2 CM@Risk's Representatives

8.3.2.1 CM@Risk designates the individual listed below as its Senior Representative ("CM@Risk's Senior Representative"), which individual has the authority and responsibility for avoiding and resolving disputes under Section 8.1.3:

Harvey Heckethorn, Owner
P. O. Box 551
Flagstaff, Arizona 86002
(928)-774-4133.

8.3.2.2 CM@Risk designates the individual listed below as its CM@Risk's Representative, which individual has the authority and responsibility set forth in Section 8.1.2:

Earl Heckethorn, President
P. O. Box 551
Flagtstaff, Arizona 86002
(928)-774-4133

Article 9 – Suspension and Termination

9.0 City's Right to Stop Work

9.0.1 City may, at its discretion and without cause, order CM@Risk in writing to stop and suspend the Work. Such suspension shall not exceed one hundred and eighty (180) consecutive days.

9.0.2 CM@Risk may seek an adjustment of the Contract Price and/or Contract Time if its cost or time to perform the Work has been adversely impacted by any suspension or stoppage of Work by City.

9.1 Termination for Convenience

9.1.1 Upon receipt of written notice from the City to CM@Risk, City may, at its discretion and without cause, elect to terminate this Agreement. In such event, City shall pay CM@Risk only the direct value of its completed Work and materials supplied as of the date of termination. CM@Risk shall be entitled to profit and overhead on completed Work only, but shall not be entitled to anticipated profit or anticipated overhead.

9.1.2 If the City suspends the Work for one hundred eighty-one (181) consecutive days or more, such suspension shall be deemed a termination for convenience.

9.1.3 Upon such notice of termination for convenience, CM@Risk shall proceed with the following obligations:

9.1.3.1 Stop Work as specified in the notice.

9.1.3.2 Place no further subcontracts or orders.

9.1.3.3 Terminate all subcontracts to the extent they relate to the Work terminated. CM@Risk shall ensure that all subcontracts contain this same termination for convenience provision set forth in Section 9.1 et seq.

9.1.3.4 At the City's sole discretion and if requested in writing by the City, assign to the City all rights, title and interest of CM@Risk under the subcontracts subject to termination.

9.1.3.5 Take any action that may be necessary for the protection and preservation of the property related to this Agreement that is in the possession of CM@Risk and in which the City has or may acquire an interest.

9.1.4 CM@Risk shall submit complete termination inventory schedules no later than one hundred twenty (120) days from the date of the notice of termination.

9.1.5 The City shall pay CM@Risk the following:

9.1.5.1 The direct value of its completed Work and materials supplied as of the date of termination.

9.1.5.2 The reasonable and direct, actual costs and expenses attributable to such termination. Reasonable costs and expenses shall not include, among other things, anticipated profit, anticipated overhead, or costs arising from CM@Risk's failure to perform as required under this Agreement.

9.1.5.3 CM@Risk shall be entitled to profit and overhead on completed Work only, but shall not be entitled to anticipated profit or anticipated overhead. If it is determined that CM@Risk would have sustained a loss on the entire Work had they been completed, CM@Risk shall not be allowed profit and the City shall reduce the settlement to reflect the indicated rate of loss.

9.1.6 CM@Risk shall maintain all records and documents for three (3) years after final settlement. These records shall be maintained and subject to auditing as prescribed in Section 7.7.

9.2 The City's Right to Perform and Terminate for Cause

9.2.1 If the City provides CM@Risk with a written order to provide adequate maintenance of traffic, adequate cleanup, adequate dust control or to correct deficiencies or damage resulting from abnormal weather conditions, and CM@Risk fails to comply in a time frame specified, the City may have work accomplished by other sources at CM@Risk's sole expense.

9.2.2 If CM@Risk persistently fails to (i) provide a sufficient number of skilled workers, (ii) supply the materials required by the Contract Documents, (iii) comply with applicable Legal Requirements, (iv) timely pay, without cause, Subconsultants and/or Subcontractors, (v) prosecute the Work with promptness and diligence to ensure that the Work is completed by the Contract Time, as such times may be adjusted, or (vi) perform material obligations under the Contract Documents, then City, in addition to any other rights and remedies provided in the Contract Documents or by law, shall have the rights set forth in Subsections 9.2.3 and 9.2.4 below.

9.2.3 Upon the occurrence of an event set forth in Subsection 9.2.2 above, City may provide written notice to CM@Risk that it intends to terminate this Agreement unless the problem cited is cured, or commenced to be cured, within seven (7) days of CM@Risk's receipt of such notice.

9.2.3.1 If CM@Risk fails to cure, or reasonably commence to cure, such problem, then City may give a second written notice to CM@Risk of its intent to terminate within an additional seven (7) day period.

9.2.3.2 If CM@Risk, within such second seven (7) day period, fails to cure, or reasonably commence to cure, such problem, then City may declare this Agreement terminated for default by providing written notice to CM@Risk of such declaration.

9.2.4 Upon declaring this Agreement terminated pursuant to Subsection 9.2.3.2 above, City may enter upon the premises and take possession, for the purpose of completing the Work, of all materials, equipment, scaffolds, tools, appliances and other items thereon, which have been purchased or provided for the performance of the Work, all of which CM@Risk hereby transfers, assigns and conveys to City for such purpose, and to employ any person or persons to complete the Work and provide all of the required labor, services, materials, equipment and other items.

9.2.5 In the event of such termination, CM@Risk shall not be entitled to receive any further payments under the Contract Documents until the Work shall be finally completed in accordance with the Contract Documents. At such time, CM@Risk shall only be entitled to be paid for Work performed and accepted by the City prior to its default.

9.2.6 If City's cost and expense of completing the Work exceeds the unpaid balance of the Contract Price, then CM@Risk shall be obligated to pay the difference to City. Such costs and expenses shall include not only the cost of completing the Work, but also losses, damages, costs and expense, including attorneys' fees and expenses, incurred by City in connection with the reprocurement and defense of claims arising from CM@Risk's default.

9.2.7 If City improperly terminates the Agreement for cause, the termination for cause shall be converted to a termination for convenience in accordance with the provisions of Section 9.1.

9.3 Maintenance During Winter Shutdown of Work; Snow Removal

9.3.1 The Capital Improvement Department of the City of Flagstaff retains the right to declare a Winter Shutdown when, in the opinion of the City, it would be unreasonable to continue Work due to adverse weather conditions. The Winter Shutdown determination is at the sole discretion of the City. If Work has been suspended due to winter weather, the CM@Risk shall be responsible for maintenance and protection of the improvements and of partially completed portions of the Work until final acceptance of the project. Winter Shutdown shall be by field order, change order or original contract. If repairs and/or maintenance are needed during the Winter Shutdown, the CM@Risk is required to perform the repairs and/or maintenance within twenty-four (24) hours of notification from the City. If the needed repairs and/or maintenance are not addressed within the timeframe, the City will accomplish the repairs and/or maintenance and deduct the cost from monies due or become due to the CM@Risk.

9.3.2 The City shall provide snow removal operations on active traffic lanes only. All other snow removal and maintenance operations shall be the responsibility of the Contractor. All cost associated with snow removal and proper disposal shall be considered incidental to the work including repair of temporary surface improvements due to normal wear and snow removal operations.

9.3.3 Upon termination of the Winter Shutdown by the City, the CM@Risk shall have the right to complete the Work and the Project.

9.3.4 The CM@Risk shall be solely responsible for any and all costs incurred either as a direct or indirect result of a Winter Shutdown, and shall hold the City harmless from the same.

Article 10 - Insurance and Bonds

10.0 Insurance Requirements

10.0.1 CM@Risk and Subcontractors shall procure and maintain until all of their obligations have been discharged, including any warranty periods under this Agreement are satisfied, insurance against claims for injury to persons or damage to property which may arise from or in connection with the performance of the Work hereunder by CM@Risk, its agents, representatives, employees or Subcontractors.

10.0.2 The insurance requirements herein are minimum requirements for this Agreement and in no way limit the indemnity covenants contained in this Agreement.

10.0.3 The City in no way warrants that the minimum limits contained herein are sufficient to protect CM@Risk from liabilities that might arise out of the performance of the work under this Agreement by CM@Risk, its agents, representatives, employees, or subcontractors. CM@Risk is free to purchase such additional insurance as may be determined necessary.

10.1 **Minimum Scope and Limits of Insurance**. CM@Risk shall provide coverage with limits of liability not less than those stated below:

10.1.1 Commercial General Liability – Occurrence Form
Policy shall include bodily injury, property damage, broad form contractual liability and XCU coverage.

• General Aggregate/for this Project	$2,000,000/$1,000,000
• Products – Completed Operations Aggregate	$1,000,000
• Personal and Advertising Injury	$1,000,000
• Each Occurrence	$1,000,000

The policy shall be endorsed to include the following additional insured language: **"The City of Flagstaff shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of CM@Risk".**

10.1.2 Automobile Liability **-** Bodily injury and property damage for any owned, hired, and non-owned vehicles used in the performance of this Agreement.
Combined Single Limit ("CSL") $1,000,000

The policy shall be endorsed to include the following additional insured language: **"The City of Flagstaff shall be named as an additional insured with respect to liability arising out of the activities performed by, or on behalf of CM@Risk, including automobiles owned, leased, hired or borrowed by CM@Risk".**

10.1.3 Worker's Compensation and Employers' Liability

Workers' Compensation	Statutory
Employers' Liability	
Each Accident	$100,000
Disease - Each Employee	$100,000
Disease – Policy Limit	$500,000

10.1.4 **Builders' Risk Insurance or Installation Floater** $_____
In an amount equal to the initial Contract Amount plus additional coverage equal to Contract Amount for all subsequent change orders.

10.1.4.1 The City of Flagstaff, CM@Risk, Subcontractors, Design Professional and Design Professional's consultant and any others with an insurable interest in the Work shall be **Named Insured** on the policy**.**

10.1.4.2 Coverage shall be written on an all risk, replacement cost basis and **shall include coverage for soft costs, flood and earth movement**.

10.1.4.3 Coverage shall be maintained until whichever of the following shall first occur: (i) final payment has been made; or, (ii) until no person or entity, other than the City of Flagstaff, has an insurable interest in the property required to be covered.

10.1.4.4 Coverage shall be endorsed such that the insurance shall not be canceled or lapse because of any partial use or occupancy by the City.

10.1.4.5 CM@Risk shall provide coverage from the time any covered property becomes the responsibility of CM@Risk, and continue without interruption during construction, renovation, or installation, including any time during which the covered property is being transported to the construction installation Site, or awaiting installation, whether on or off Site.

10.1.4.6 Coverage shall contain a **waiver of subrogation** against the City of Flagstaff.

10.1.4.7 CM@Risk is responsible for the payment of all policy deductibles.

10.2 Additional Insurance Requirements.

The policies shall include, or be endorsed to include, the following provisions:

10.2.1 The City, its officers, officials, agents, employees and volunteers shall be additional insured to the full limits of liability purchased by CM@Risk even if those limits of liability are in excess of those required by this Agreement.

10.2.2 CM@Risk's insurance coverage shall be primary insurance and non-contributory with respect to all other available sources.

10.2.3 Coverage provided by CM@Risk shall not be limited to the liability assumed under the indemnification provisions of this Agreement.

10.2.4 The policies shall contain a Waiver of Subrogation_against the City, its officers, officials, agents, and employees for losses arising from work performed by the CM@Risk for the City.

10.3 Notice of Cancellation.

Each insurance policy required by the insurance provisions of this Agreement shall provide the required coverage and shall not be suspended, voided, canceled, reduced in coverage or endorsed to lower limits except after thirty (30) days prior written notice has been given to the City. Such notice shall be sent directly to the City Purchasing Department, attention Patrick Brown, Senior Procurement Specialist, and shall be sent by certified mail, return receipt requested.

10.4 Acceptability of Insurers.

Insurance is to be placed with insurers who are duly licensed companies in the State of Arizona with an “A.M. Best” rating of A-7, or as approved by the City and licensed in the State of Arizona with policies and forms satisfactory to the City. The City in no way warrants that the above-required minimum insurer rating is sufficient to protect CM@Risk from potential insurer insolvency.

10.5 Verification Of Coverage

10.5.1 CM@Risk shall furnish the City with Certificates of Insurance (ACORD form or equivalent approved by the City) as required by this Agreement. The Certificates for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf.

10.5.2 All Certificates of Insurance and endorsements are to be received and approved by the City before work commences. Each insurance policy required by this Agreement shall be in effect at or prior to commencement of Work under this Agreement and remain in effect for the duration of the Project. Failure to maintain the insurance policies as required by this Agreement or to provide evidence of renewal is a material breach of contract.

10.5.3 All Certificates of Insurance required by this Agreement shall be sent directly to City’s Purchasing Department, attention Patrick Brown, Senior Procurement Specialist. The City project/contract number and project description shall be noted on the Certificate of Insurance. The City reserves the right to require complete, certified copies of all insurance policies required by this Agreement at any time.

10.5.4 **If the Certificate of Insurance reflecting policy coverage and cancellation notice does not conform to the City's requirements, the CM@Risk must:**

- **Submit a current Certificate of Insurance (dated within fifteen (15) days of the payment request submittal) with each payment request form. The payment request shall be rejected if the Certificate of Insurance is not submitted with the payment request.**

10.6 Subcontractors.

CM@Risk's Certificate(s) of Insurance shall include all Subcontractors as additional insureds under its policies. All coverages for Subcontractors shall be subject to the minimum requirements identified above.

10.7 Approval.

Any modification or variation from the insurance requirements in this Agreement shall be made by the City Attorney's Office, whose decision shall be final. Such action shall not require a formal contract amendment, but may be made by administrative action.

10.8 Bonds and Other Performance Security.

10.8.1 Prior to execution of this Agreement, CM@Risk shall provide a performance bond and a labor and materials bond, each in an amount equal to the full amount of the GMP.

10.8.2 Each such bond shall be executed by a surety company, or companies, holding a Certificate of Authority to transact surety business in the State of Arizona, issued by the Director of the Arizona Department of Insurance. A copy of the Certificate of Authority shall accompany the bonds. The Certificate shall have been issued or updated within two (2) years prior to the execution of this Agreement.

10.8.3 The bonds shall be made payable and acceptable to the City of Flagstaff.

10.8.4 The bonds shall be written or countersigned by an authorized representative of the surety who is either a resident of the State of Arizona or whose principal office is maintained in Arizona, as by law required, and the bonds shall have attached thereto a certified copy of Power of Attorney of the signing official.

10.8.4.1 If one Power of Attorney is submitted, it shall be for twice the total GMP amount.

10.8.4.2 If two Powers of Attorney are submitted, each shall be for the total GMP amount. Personal or individual bonds are not acceptable.

10.8.5 Upon the request of any person or entity appearing to be a potential beneficiary of bonds covering payment of obligations arising under the Contract Documents, CM@Risk shall promptly furnish a copy of the bonds or shall permit a copy to be made.

10.8.6 All bonds submitted for this project shall be provided by a company which has been rated AM Best rating of "A-,7, or better for the prior four quarters" by the A.M. Best Company.

Article 11 - Indemnification

11.1 CM@Risk's Liability and Indemnification.

11.1.1 To the fullest extent permitted by law, CM@Risk shall defend, indemnify and hold harmless the City, its agents, representatives, officers, directors, officials and employees from and against all claims, damages, losses and expenses (including but not limited to attorney fees, court costs, and the cost

of appellate proceedings), relating to, arising out of, or alleged to have resulted from the negligent, reckless, or intentional acts, errors, mistakes, omissions, work or services of CM@Risk, its employees, agents, or any tier of subcontractors in the performance of this Agreement. CM@Risk's duty to defend, hold harmless and indemnify the City, its agents, representatives, officers, directors, officials and employees shall arise in connection with the claim, damage, loss or expense that is attributable to bodily injury, sickness, disease, death, or injury to, impairment, or destruction of property including loss of use resulting therefrom, caused by any acts, errors, mistakes, omissions, work or services in the performance of this Agreement including any employee of CM@Risk or any tier of subcontractor or any other person for whose acts, errors, mistakes, omissions, work or services CM@Risk may be legally liable.

The amount and type of insurance coverage requirements set forth herein shall in no way be construed as limiting the scope of the indemnity in this paragraph.

Article 12 – General Provisions

12.1 Contract Documents

12.1.1 Contract Documents are as defined in Article 1. This Agreement, Plans, Standard Specifications and Details, Special Provisions, Addenda (if any) dated "None" and used as the basis for the Guaranteed Maximum Price Proposal and Guaranteed Maximum Price Proposal, as accepted by the Mayor and Council per Council Minutes 3rd day of March, 2015, Performance Bond, Payment Bond, Certificates of Insurance, Construction Documents and Change Orders (if any) are by this reference made a part of this Agreement to the same extent as if set forth herein in full.

12.1.2 The Contract Documents are intended to permit the parties to complete the Work and all obligations required by the Contract Documents within the Contract Times for the Contract Price. The Contract Documents are intended to be complementary and interpreted in harmony so as to avoid conflict, with words and phrases interpreted in a manner consistent with construction and design industry standards.

12.1.3 In the event of any inconsistency, conflict, or ambiguity between or among the Contract Documents, the Contract Documents shall take precedence in the order in which they are listed in the definition of Contract Documents in Article 1.

12.1.3.1 On the drawings, given dimensions shall take precedence over scaled measurements, and large-scale drawings over small-scale drawings.

12.1.3.2 Specifications take precedence over Plans.

12.1.3.3 In the event of any inconsistency, conflict, or ambiguity between the Contract Documents and the Design Phase Agreement, the Contract Documents take precedence over the Design Phase Agreement

12.1.4 The headings used in this Agreement, or any other Contract Documents, are for ease of reference only and shall not in any way be construed to limit or alter the meaning of any provision.

12.1.5 The Contract Documents form the entire agreement between City and CM@Risk and by incorporation herein are as fully binding on the parties as if repeated herein. No oral representations or other agreements have been made by the parties except as specifically stated in the Contract Documents.

12.2 Amendments.

The Contract Documents may not be changed, altered, or amended in any way except in

writing signed by a duly authorized representative of each party.

12.3 Time is of the Essence.

City and CM@Risk mutually agree that time is of the essence with respect to the dates and times set forth in the Contract Documents.

12.4 Mutual Obligations.

City and CM@Risk commit at all times to cooperate fully with each other, and proceed on the basis of trust and good faith, to permit each party to realize the benefits afforded under the Contract Documents.

12.5 Cooperation and Further Documentation.

CM@Risk agrees to provide the City such other duly executed documents as shall be reasonably requested by the City to implement the intent of the Contract Documents.

12.6 Assignment.

Neither CM@Risk nor City shall, without the written consent of the other assign, transfer or sublet any portion of this Agreement or part of the Work or the obligations required by the Contract Documents.

12.7 Successorship.

CM@Risk and City intend that the provisions of the Contract Documents are binding upon the parties, their employees, agents, heirs, successors and assigns.

12.8 Third Party Beneficiary.

Nothing under the Contract Documents shall be construed to give any rights or benefits in the Contract Documents to anyone other than the City and CM@Risk, and all duties and responsibilities undertaken pursuant to the Contract Documents shall be for the sole and exclusive benefit of City and CM@Risk and not for the benefit of any other party.

12.9 Governing Law.

This Agreement and all Contract Documents shall be deemed to be made under, and shall be construed, in accordance with and governed by the laws of the State of Arizona without regard to the conflicts or choice of law provisions thereof. Any action to enforce any provision of this Agreement or to obtain any remedy with respect hereto shall be brought in the Superior Court, Coconino County, Arizona, and for this purpose, each party hereby expressly and irrevocably consents to the jurisdiction and venue of such Court.

12.10 Severability.

If any provision of the Contract Documents or the application thereof to any person or circumstance shall be invalid, illegal or unenforceable to any extent, the remainder of the Contract Documents and the application thereof shall not be affected and shall be enforceable to the fullest extent permitted by law.

12.11 Compliance with All Laws.

CMAR will comply with all applicable Federal, State, County and City laws, regulations and policies. CMAR understands and acknowledges the applicability of the Americans with Disabilities Act, the Immigration Reform and Control Act of 1986 and the Drug Free Workplace

Act of 1989. CMAR agrees to comply with these laws in performing the Contract Documents and to permit the City to verify such compliance.

12.12 Legal Requirements.

CM@Risk shall perform all Work in accordance with all Legal Requirements and shall provide all notices applicable to the Work as required by the Legal Requirements.

12.13 Construction Documents.

It is not CM@Risk's responsibility to ascertain that the Construction Documents are in accordance with applicable laws, statutes, ordinances, building codes, rules and regulations. However, if CM@Risk recognizes that portions of the Construction Documents are at variance therewith, CM@Risk shall promptly notify the Design Professional and City in writing, describing the apparent variance or deficiency.

12.14 Independent Contractor.

CM@Risk is and shall be an independent contractor. Any provisions in the Contract Documents that may appear to give the City the right to direct CM@Risk as to the details of accomplishing the Work or to exercise a measure of control over the Work means that CM@Risk shall follow the wishes of the City as to the results of the Work only. These results shall comply with all applicable laws and ordinances.

12.15 The City's Right of Cancellation.

All parties hereto acknowledge that this Agreement is subject to cancellation by the City pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

12.16 Survival.

All warranties, representations and indemnifications by CM@Risk shall survive the completion or termination of this Agreement.

12.17 Covenant against Contingent Fees.

CM@Risk warrants that no person has been employed or retained to solicit or secure this Agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, and that no member of the City Council, or any employee of City has any interest, financially, or otherwise, in the firm. For breach or violation of this warrant, the City shall have the right to annul this Agreement without liability, or at its discretion to deduct from the Contract Price or consideration, the full amount of such commission, percentage, brokerage, or contingent fee.

12.18 No Waiver.

The failure of either party to enforce any of the provisions of the Contract Documents or to require performance of the other party of any of the provisions hereof shall not be construed to be a waiver of such provisions, nor shall it affect the validity of the Contract Documents or any part thereof, or the right of either party to thereafter enforce each and every provision.

12.19 Notice.

12.19.1 Unless otherwise provided, any notice, request, instruction or other document to be given under this Agreement by any party to any other party shall be in writing and shall be delivered in person or by courier or facsimile transmission or mailed by certified mail, postage prepaid, return receipt requested and shall be deemed given upon (a) confirmation of receipt of a

facsimile transmission, (b) confirmed delivery by hand or standard overnight mail or (c) upon the expiration of three (3) business days after the day mailed by certified mail, as follows:

to CM@Risk:

Harvey Heckethorn, Owner
P. O. Box 551
Flagtstaff, Arizona 86002
(928)-774-4133

to City:

City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001
Attn: Patrick Brown, Senior Procurement Specialist
Phone: (928) 213-2277
Fax: (928) 213-2209

With a copy to:

City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001
Attn: Adam Miele, Senior Project Manager
Phone: (928) 213-2108
Fax: (928) 213- 2109

Design Professional:

Plateau Engineering, Jim Hall, P. E., President
323 N. San Francisco St., Suite 201
Flagstaff, Arizona 86001
928-556-0311

or to such other place and with such other copies as either Party may designate as to itself by written notice to the other Party. Rejection, any refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice as of the date of such rejection, refusal or inability to deliver.

12.19.2 Notices Related to Payment, Securities-in-lieu, Bonds. Any notice, request, instruction or other document to be given under this Agreement by any party to any other party related to payment, securities-in-lieu, bonds or other instrument securing the performance of this Agreement, including but not limited to, bid bonds, performance bonds, payment bonds or letters of credit, shall be in writing and shall be delivered in person or by courier or facsimile transmission or mailed by certified mail, postage prepaid, return receipt requested and shall be deemed given upon (a) confirmation of receipt of a facsimile transmission, (b) confirmed delivery by hand or standard overnight mail or (c) upon the expiration of three (3) business days after the day mailed by certified mail, as follows:

to Contractor:

Harvey Heckethorn, Owner
P. O. Box 551
Flagtstaff, Arizona 86002
(928)-774-4133

to City:

City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001
Attn: Patrick Brown, Senior Procurement Specialist
Phone: (928) 213-2277
Fax: (928) 213-2209

With copies to:

City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001
Attn: Adam Miele, City Representative (Project Manager)
Phone: (928) 213-2108
Fax: (928) 213-2109

or to such other place and with such other copies as either Party may designate as to itself by written notice to the other Party. Rejection, any refusal to accept or the inability to deliver because of changed address of which no notice was given shall be deemed to be receipt of the notice as of the date of such rejection, refusal or inability to deliver.

12.20 Confidentiality of Plans and Specifications

12.20.1 Any plans or specifications regarding this Project shall be for official use only. CM@Risk shall not share them with others except as required to fulfill the obligations of this Agreement with the City.

12.20.2 All Record Documents, Shop Drawings and other plans or drawings prepared or submitted by CM@Risk shall include the following language: "These plans are for official use only and may not be shared with others except as required to fulfill the obligations of the Street Maintenance Program 2011 Project Agreement with the City of Flagstaff."

12.21 CM@Risk and Subcontractor Employee Security Inquiries.

The parties acknowledge that security measures required in this Section are necessary in order to preserve and protect the public health, safety and welfare. In addition to the specific measures set forth below, CM@Risk shall take such other measures, as it deems reasonable and necessary to further preserve and protect the public health, safety and welfare.

12.21.1 Security Inquiries. CM@Risk acknowledges that all of the employees that it provides pursuant to this Agreement shall be subject to background and security checks and screening ("Security Inquiries"). CM@Risk shall perform all such security inquiries and shall make the results available to City for all employees considered for performing work (including supervision and oversight) under this Agreement. City may make further security inquiries. Whether or not further security inquires are made by City, City may, at its sole, absolute and unfettered discretion, accept or reject any or all of the employees proposed by CM@Risk for performing work under this Agreement. Employees rejected by City for performing services under this Agreement may still be engaged by CM@Risk for other work not involving the City. An employee rejected for work under this Agreement shall not be proposed to perform work under other City Agreements or engagements without City's prior approval.

12.21.2 Criteria for Evaluating Security Inquiries. Once formally adopted by City, criteria for excluding an individual from performing work under this Agreement shall be communicated by City to CM@Risk and used by CM@Risk as a factor in making its decision. Prior to such adoption, CM@Risk shall use its best judgment in making its decision using, among other criteria, applicable law, administrative regulations of federal, state and local agencies concerned with work performed under this Agreement, specific local concerns that deal with the specific work and work location(s) of the Project, and standards used by City in evaluating its own personnel.

12.21.3 Additional City Rights Regarding Security Inquiries. In addition to the foregoing, City reserves the right to: (1) have an employee/prospective employee of CM@Risk be required to provide fingerprints and execute such other documentation as may be necessary to obtain criminal justice information pursuant to A.R.S. § 41-1750(G)(4); (2) act on newly acquired information whether or not such information should have been previously discovered; (3) unilaterally change its standards and criteria relative to the acceptability of CM@Risk 's employees and/or prospective employees; and, (4) object, at any time and for any reason, to an employee of CM@Risk performing work (including supervision and oversight) under this Agreement.

12.21.4 Background and Security-Contracts and Subcontracts. CM@Risk shall include the security inquiry terms of this Section for employee background and security checks and screening in all contracts and subcontracts for work performed under this Agreement, including supervision and oversight.

12.21.5 Materiality of Security Inquiry Provisions. The security inquiry provisions of this Agreement, as set forth above, are material to City 's entry into this Agreement and any breach thereof by CM@Risk may, at City's sole and unfettered discretion, be considered to be a breach of contract of sufficient magnitude to terminate this Agreement. Such termination shall subject CM@Risk to liability for its breach of this Agreement.

12.22 Hazardous Materials

12.22.1 Unless included in the Work, if CM@Risk encounters material on the Site which it reasonably believes to contain asbestos, polychlorinated biphenyl (PCB), or other hazardous substances or materials regulated by applicable law, it shall immediately stop work and report the condition to the City.

12.22.2 If the material is found to contain asbestos, PCB or other hazardous substances or materials regulated by applicable law, CM@Risk shall not resume work in the affected area until the material has been abated or rendered harmless. CM@Risk and the City may agree, in writing, to continue work in non-affected areas on the Site.

12.22.3 An extension of Contract Time may be granted in accordance with Article 6.

12.22.4 CM@Risk shall comply with all applicable laws/ordinances and regulations and take all appropriate health and safety precautions upon discovery.

12.23 Computer Systems.

CM@Risk shall warrant fault-free performance in the processing of date and date-related data including, but not limited to calculating, comparing, and sequencing by all equipment and software products, individually and in combination, from the commencement of the Work. Fault-free performance shall include the manipulation of data when dates are in the 20th or 21st centuries and shall be transparent to the user. Failure to comply with "Year 2000" requirements shall be considered a breach of this Agreement.

12.24 Traffic Control.

CM@Risk shall comply with all provisions of the latest version of the Manual on Uniform Traffic

Control Devices and any other traffic control provisions as may be provided in the technical specifications.

THE CITY OF FLAGSTAFF, ARIZONA

Street Maintenance Program 2015, 2016, 2017

Project No. 01-16001; GMP Number One; Agreement No. 2015-08

IN WITNESS WHEREOF, two (2) identical counterparts of this Agreement each of which shall for all purposes be deemed an original thereof, have been duly executed by the parties herein above named, on the date and year first above written.

CM@Risk agrees that this Agreement, as awarded, is for the stated Work and understands that payment for the total Work shall be made on the basis of the indicated amount(s), per the terms and conditions of this Agreement.

Guaranteed Maximum Price One

Two Million Eight Hundred Thirty Eight Thousand Two Hundred Forty Dollars and Zero Cents

$ 2,838,240.00

THE CITY OF FLAGSTAFF, ARIZONA

By:_____
Josh Copley, City Manager

C and E Paving & Grading, LLC.

By:_____

Title:_____

(Corporate Seal)

ATTEST:

_____
City Clerk

_____
ATTEST: (Signature and Title)

APPROVED AS TO FORM:

_____
City Attorney

GMP SUMMARY 2016

STREET MAINTENANCE PROGRAM

GMP SUMMARY

PROJECT NAME:	City of Flagstaff Street Maintenance Program 2016
PROJECT NUMBER:	01-16001
LAST UPDATED:	3/7/2016
OWNER(S):	City of Flagstaff
BILLNG ADDRESS:	211 West Aspen Avenue
JOB SITE ADDRESS:	various locations - **Streets**
OWNER PHONE:	(928) 779-7685

C and E
PAVING & GRADING L.L.C.

GMP SUMMARY					
A	COST OF THE WORK (LABOR, MATERIALS, EQUIPMENT)				$2,177,852.44
B	CM@RISK'S CONTINGENCY				$50,000.00
	INDIRECT COSTS			RATE	$2,227,852.44
C	CONSTRUCTION FEE			4.8%	$133,834.24
D	GENERAL CONDITIONS			9.8%	$273,247.52
	D1	PAYMENT AND PERFORMANCE BOND	$17,510.00	0.628%	
	D2	INSURANCE	$34,574.00	1.24%	
E	SALES TAX		(8.951)	.054983	$153,305.80
			F. TOTAL GMP		$2,788,240.00
			G. OWNER'S CONTINGENCY		$50,000.00
			H. CONTRACT AMOUNT		$2,838,240.00

CITY OF FLAGSTAFF
GENERAL CONDITIONS ESTIMATE

PROJECT NAME:	City of Flagstaff Street Maintenance Program - 2016
PROJECT NUMBER:	01-16001
LAST UPDATED:	3/7/2016
OWNER(S):	City of Flagstaff
BILLNG ADDRESS:	211 West Aspen Avenue
JOB SITE ADDRESS:	various locations **2016 Streets**
OWNER PHONE:	(928) 779-7685

C and E
PAVING & GRADING L.L.C.

PHASE #		CATEGORY DESCRIPTION	NOTES / SCOPE	BUDGET
General Requirements				
1		VEHICLE / FUEL ALLOWANCE		$36,363.00
1		PROJECT MANAGER		$49,007.00
1		SUPERINTENDENT		$39,809.00
1		OFFICE PERSONNEL		$6,775.52
1		OFFICE SUPPLIES AND EQUIPMENT		$1,970.00
1		SITE MECHANIC & SERVICE TRUCK		$23,026.00
1		TEMP SANITARY FACILITIES		$1,117.00
1		ADDITIONAL PUBLIC NOTICES AND DELIVERY/ LIME / CONCRETE PLASTIC		$2,963.00
		SURVEY		$0.00
1		MOBILIZATION		$25,280.00
1		WARRANTY RESERVE	1.25% OF PROJECT	$34,853.00
1		GL INSURANCE	1.24% OF PROJECT	$34,574.00
1		PERFORMANCE BOND	.0062827% OF PROJECT	$17,510.00
TOTAL				$273,247.52

COST SCHEDULE OF VALUES

2016 City Street Maintenance Program

Schedule of Values

C and E Paving & Grading L.L.C.

BID NO.	DESCRIPTION	APPROX. QUANTITY	UNIT	Unit Cost	Cost
1	ADJUST MANHOLE FRAME & COVER (CITY DTL. 9-03-060)	92.0	EA	$575.00	$52,900.00
2	AIRPORT CRACK FILL	6.2	T	$3,350.00	$20,770.00
3	OWNER CONTINGENCY	1.0	LS	$0.00	$0.00
4	CRACK SEALING	26.0	T	$3,350.00	$87,100.00
5	HOT MIX ASPHALT - (LARGE THERMAL CRACK FILLER)	100.0	T	$242.25	$24,225.00
6	LOWER MANHOLE FRAME & COVER, SEWER CLEANOUT, BLOWOFFS AND SURVEY HANDHOLES	75.0	EA	$382.00	$28,650.00
7	MODIFIED ASPHALTIC CONCRETE	6207.5	T	$110.00	$682,825.00
8	PAVEMENT MILLING	37160.5	SY	$2.89	$107,393.85
9	REMOVE AND REPLACE CONCRETE APRON & VALLEY GUTTER	13592.7	SF	$19.40	$263,698.38
10	REMOVE AND REPLACE CONCRETE DRIVEWAY (INCLUDING. 6"ABC)	4147.4	SF	$19.40	$80,459.56
11	REMOVE AND REPLACE CURB AND GUTTER (ROLL- IN CLUDING 3" ABC)	98.0	LF	$34.10	$3,341.80
12	REMOVE AND REPLACE CURB AND GUTTER (VERTICAL- INCLUDING. 3"ABC)	393.5	LF	$34.60	$13,615.10
13	REMOVE AND REPLACE CURB IN APRON	2093.8	LF	$35.00	$73,283.00
14	REMOVE AND REPLACE PAVEMENT (4" AC [C-3/4"]) PATCH	842.6	SY	$75.80	$63,869.08
15	MANHOLE RECONSTRUCT	1.0	EA	$11,826.00	$11,826.00
16	REMOVE AND REPLACE SIDEWALK (INCLUDING 3"ABC)	21103.1	SF	$10.50	$221,582.55
17	REMOVE AND REPLACE SURVEY MONUMENTS	69.0	EA	$160.00	$11,040.00
18	REMOVE RAMP & INSTALL DETECTABLE WARNING (ADA Ramp MAG 235-3) INCLUDING 3" ABC	66.0	EA	$1,906.00	$125,796.00
19	REMOVE, REPLACE & ADJUST WATER VALVE BOX AND COVER	102.0	EA	$731.00	$74,562.00
20	STREET REBUILDING & PATCHING CONTINGENCY	300.0	SY	$58.00	$17,400.00
21	STRIPING AND MARKING	1.0	LS	$11,409.12	$11,409.12
22	TACK COAT (SS-1H)	18.4	T	$890.00	$16,376.00
23	TRAFFIC CONTROL	1.0	LS	$142,401.00	$142,401.00
24	LOWER WATER VALVE BOX	78.0	EA	$366.00	$28,548.00
25	ADJUST SEWER CLEANOUT, BLOWOFFS AND SURVEY HANDHOLES (CITY DTL. 9-03-062)	3.0	EA	$507.00	$1,521.00
26	REMOVE RAMP & RETROFIT DETECTABLE WARNING (ADA Ramp MAG 235) INCLUDING 3" ABC	4.0	EA	$1,440.00	$5,760.00
27	CMAR CONTINGENCY	1.0	LS		$0.00
28	CONSTRUCTION SURVEY	1.0	L.S	$7,500.00	$7,500.00
				Total=	**$2,177,852.44**

BID NO.	BID ITEM	DESCRIPTION	FORECAST QUANTITIES	UNIT	UNIT COST	UNIT COST FORECAST	TOTAL COST FORECAST
1	ADJUST MANHOLE FRAME & COVER (CITY DTL. 9-03-060)	SUBCONTRACTOR	92.0	EA.	$535.00	$49,220.00	
		MATERIALS				$0.00	
		EQUIPMENT				$0.00	
		LABOR			$40.00	$3,680.00	
			92.0	EA.	$575.00	Total:	$52,900.00
2	AIRPORT CRACK FILL	SUBCONTRACTOR	6.2	Ton	$3,300.00	$20,460.00	
		MATERIALS				$0.00	
		EQUIPMENT			$6.00	$37.20	
		LABOR			$44.00	$272.80	
			6.2	Ton	$3,350.00	Total:	$20,770.00
3	OWNER CONTINGENCY	SUBCONTRACTOR	1.0	LS		$0.00	
		MATERIALS				$0.00	
		EQUIPMENT				$0.00	
		LABOR				$0.00	
			1.0	LS	$0.00	Total:	$0.00
4	CRACK SEALING	SUBCONTRACTOR	26.0	Ton	$3,300.00	$85,800.00	
		MATERIALS				$0.00	
		EQUIPMENT			$6.00	$156.00	
		LABOR			$44.00	$1,144.00	
			26.0	Ton	$3,350.00	Total:	$87,100.00
5	HOT MIX ASPHALT-(LARGE THERMAL CRACK FILLER)	SUBCONTRACTOR					
		MATERIALS	100.0	Ton	$72.00	$7,200.00	
		EQUIPMENT			$101.00	$10,100.00	
		LABOR			$69.25	$6,925.00	
			100.0	Ton	$242.25	Total:	$24,225.00

BID NO.	BID ITEM	DESCRIPTION	FORECAST QUANTITIES	UNIT	UNIT COST	UNIT COST FORECAST	TOTAL COST FORECAST
6	LOWER MANHOLE FRAME & COVER, SEWER CLEANOUT, BLOWOFFS AND SURVEY HANDHOLES	SUBCONTRACTOR	75.0	EA.	$350.00	$26,250.00	
		MATERIALS				$0.00	
		EQUIPMENT				$0.00	
		LABOR			$32.00	$2,400.00	
			75.0	EA.	$382.00	Total:	$28,650.00
7	MODIFIED ASPHALTIC CONCRETE	SUBCONTRACTOR					
		MATERIALS	6,207.50	Ton	$97.50	$605,231.25	
		EQUIPMENT			$10.14	$62,944.05	
		LABOR			$2.36	$14,649.70	
			6,207.50	Ton	$110.00	Total:	$682,825.00
8	PAVEMENT MILLING	SUBCONTRACTOR	37,160.50	S.Y.	$2.79	$103,677.80	
		MATERIALS			$0.01	$226.00	
		EQUIPMENT			$0.08	$3,118.00	
		LABOR			$0.01	$372.05	
			37,160.50	S.Y.	$2.89	Total:	$107,393.85
9	REMOVE AND REPLACE CONCRETE APRON & VALLEY GUTTER	SUBCONTRACTOR	13,592.70	S.F.	$7.75	$105,343.43	
		MATERIALS			$0.20	$2,718.54	
		EQUIPMENT			$3.36	$45,671.47	
		LABOR			$8.09	$109,964.94	
			13,592.70	S.F.	$19.40	Total:	$263,698.38
10	REMOVE AND REPLACE CONCRETE DRIVEWAY (INCLUDING. 6"ABC)	SUBCONTRACTOR	4,147.40	S.F.	$7.75	$32,142.35	
		MATERIALS			$0.20	$829.48	
		EQUIPMENT			$3.36	$13,935.26	
		LABOR			$8.09	$33,552.47	
			4,147.40	S.F.	$19.40	Total:	$80,459.56

BID NO.	BID ITEM	DESCRIPTION	FORECAST QUANTITIES	UNIT	UNIT COST	UNIT COST FORECAST	TOTAL COST FORECAST
11	REMOVE AND REPLACE CURB AND GUTTER (ROLL-IN CLUDING 3" ABC)	SUBCONTRACTOR	98.0	L.F.	$16.00	$1,568.00	
		MATERIALS			$0.40	$39.20	
		EQUIPMENT			$8.00	$784.00	
		LABOR			$9.70	$950.60	
			98.0	L.F.	$34.10	Total:	$3,341.80
12	REMOVE AND REPLACE CURB AND GUTTER (VERTICAL- INCLUDING. 3"ABC)	SUBCONTRACTOR	393.5	L.F.	$16.50	$6,492.75	
		MATERIALS			$0.35	$137.73	
		EQUIPMENT			$7.75	$3,049.63	
		LABOR			$10.00	$3,935.00	
			393.5	L.F.	$34.60	Total:	$13,615.10
13	REMOVE AND REPLACE CURB IN APRON	SUBCONTRACTOR	2,093.80	L.F.	$17.00	$35,594.60	
		MATERIALS			$0.00	$0.00	
		EQUIPMENT			$8.29	$17,357.60	
		LABOR			$9.71	$20,330.80	
			2,093.80	L.F.	$35.00	Total:	$73,283.00
14	REMOVE AND REPLACE PAVEMENT (4" AC [C-3/4"]) PATCH	SUBCONTRACTOR	842.6	S.Y.		$0.00	
		MATERIALS			$24.76	$20,862.78	
		EQUIPMENT			$30.67	$25,842.54	
		LABOR			$20.37	$17,163.76	
			842.6	S.Y.	$75.80	Total:	$63,869.08
15	MANHOLE RECONSTRUCT	SUBCONTRACTOR	1.0	EA.	$10,350.00	$10,350.00	
		MATERIALS			$296.00	$296.00	
		EQUIPMENT			$660.00	$660.00	
		LABOR			$520.00	$520.00	
			1.0	EA.	$11,826.00	Total:	$11,826.00

BID NO.	BID ITEM	DESCRIPTION	FORECAST QUANTITIES	UNIT	UNIT COST	UNIT COST FORECAST	TOTAL COST FORECAST
16	REMOVE AND REPLACE SIDEWALK (INCLUDING 3"ABC)	SUBCONTRACTOR	21,103.10	S.F.	$3.95	$83,357.25	
		MATERIALS			$0.11	$2,321.34	
		EQUIPMENT			$2.07	$43,683.42	
		LABOR			$4.37	$92,220.55	
			21,103.10	S.F.	$10.50	Total:	$221,582.55
17	REMOVE AND REPLACE SURVEY MONUMENTS	SUBCONTRACTOR	69.0	EA.	150.00	$10,350.00	
		MATERIALS			$0.00	$0.00	
		EQUIPMENT			$0.00	$0.00	
		LABOR			$10.00	$690.00	
			69.0	EA.	$160.00	Total:	$11,040.00
18	REMOVE RAMP & INSTALL DETECTABLE WARNING (ADA Ramp MAG 235-3) INCLUDING 3" ABC	SUBCONTRACTOR	66.0	EA.	975.00	$64,350.00	
		MATERIALS			$19.30	$1,273.80	
		EQUIPMENT			$336.70	$22,222.20	
		LABOR			$575.00	$37,950.00	
			66.0	EA.	$1,906.00	Total:	$125,796.00
19	REMOVE, REPLACE & ADJUST WATER VALVE BOX AND COVER	SUBCONTRACTOR	102.0	EA.	545.00	$55,590.00	
		MATERIALS			$158.00	$16,116.00	
		EQUIPMENT			$10.40	$1,060.80	
		LABOR			$17.60	$1,795.20	
			102.0	EA.	$731.00	Total:	$74,562.00
20	STREET REBUILDING & PATCHING CONTINGENCY	SUBCONTRACTOR	300.0	S.Y.		$0.00	
		MATERIALS			$26.00	$7,800.00	
		EQUIPMENT			$21.25	$6,375.00	
		LABOR			$10.75	$3,225.00	
			300.0	S.Y.	$58.00	Total:	$17,400.00

BID NO.	BID ITEM	DESCRIPTION	FORECAST QUANTITIES	UNIT	UNIT COST	UNIT COST FORECAST	TOTAL COST FORECAST
21	STRIPING AND MARKING	SUBCONTRACTOR	1.0	LS	$11,409.12	$11,409.12	
		MATERIALS			$0.00	$0.00	
		EQUIPMENT			$0.00	$0.00	
		LABOR			$0.00	$0.00	
			1.0	LS	$11,409.12	Total:	$11,409.12
22	TACK COAT (SS-1H)	SUBCONTRACTOR	18.4	Ton	$695.55	$12,798.12	
		MATERIALS			$194.45	$3,577.88	
		EQUIPMENT			$0.00	$0.00	
		LABOR			$0.00	$0.00	
			18.4	Ton	$890.00	Total:	$16,376.00
23	TRAFFIC CONTROL	SUBCONTRACTOR	1.0	LS	$142,401.00	$142,401.00	
		MATERIALS			$0.00	$0.00	
		EQUIPMENT			$0.00	$0.00	
		LABOR			$0.00	$0.00	
			1.0	LS	$142,401.00	Total:	$142,401.00
24	LOWER WATER VALVE BOX	SUBCONTRACTOR	78.0	EA.	$350.00	$27,300.00	
		MATERIALS			$0.00	$0.00	
		EQUIPMENT			$0.00	$0.00	
		LABOR			$16.00	$1,248.00	
			78.0	EA.	$366.00	Total:	$28,548.00
25	ADJUST SEWER CLEANOUT, BLOWOFFS AND SURVEY HANDHOLES (CITY DTL. 9-03-062)	SUBCONTRACTOR	3.0	EA.	$485.00	$1,455.00	
		MATERIALS			$0.00	$0.00	
		EQUIPMENT			$0.00	$0.00	
		LABOR			$22.00	$66.00	
			3.0	EA.	$507.00	Total:	$1,521.00

BID NO.	BID ITEM	DESCRIPTION	FORECAST QUANTITIES	UNIT	UNIT COST	UNIT COST FORECAST	TOTAL COST FORECAST
26	REMOVE RAMP & RETROFIT DETECTABLE WARNING (ADA Ramp MAG 235) INCLUDING 3" ABC	SUBCONTRACTOR	4.0	EA.	$960.00	$3,840.00	
		MATERIALS			$14.50	$58.00	
		EQUIPMENT			$150.00	$600.00	
		LABOR			$315.50	$1,262.00	
			4.0	EA.	$1,440.00	Total:	$5,760.00
27	CMAR CONTINGENCY	SUBCONTRACTOR	1.0	LS	$0.00	$0.00	
		MATERIALS			$0.00	$0.00	
		EQUIPMENT			$0.00	$0.00	
		LABOR			$0.00	$0.00	
			1.0	LS	$0.00	Total:	$0.00
28	CONSTRUCTION SURVEY	SUBCONTRACTOR	1.0	LS	$7,500.00	$7,500.00	
		MATERIALS			$0.00	$0.00	
		EQUIPMENT			$0.00	$0.00	
		LABOR			$0.00	$0.00	
			1.0	LS	$7,500.00	Total:	$7,500.00

Total: $2,177,852.44

LIST OF PLANS AND SPECIFICATIONS

Flagstaff Street Maintenance Program - 2016
Plateau Engineering (928) 556-0311

Project No: 01-16001

Drawing No.	Drawing Title	Release Date
1 of 4	Cover Sheet	
2 of 4	Notes and Details	
3 of 4	Key Maps for Overlay	
4 of 4	Improvement Schedule and Quantities	

Maricopa Association of Governments Uniform Standard Specifications and Details for Public Works Construction General Provisions

City of Flagstaff Amendments to Maricopa Association of Governments General Provisions

Plateau Engineering Special Provisions

C and E
PAVING & GRADING
L.L.C.

LIST

OF

CLARIFICATIONS

AND

ASSUMPTIONS

Project No: 01-16001

Account No: _____

Clarifications and Assumptions

City of Flagstaff Street Maintenance Program – 2016

1. It is assumed that City of Flagstaff team members will assist the contractor in identifying and marking the stop and start areas for pavement milling and chip seal.
2. If cross-street approaches are to be overlaid, the Engineer shall outline the location and extent of work on cross-streets prior to beginning the work.
3. We realize that no potable water will be utilized on this project. We will need to obtain a permit (no fee) at the Wildcat Hill Waste Water Treatment Plant and will be responsible for complying with all permit requirements.
4. The January 2016 ADOT Index was used to construct the GMP Asphalt prices for this project. Adjustments may have to be made during construction with variances in the Index.
5. It is assumed that during the term of this contract; 2015 MAG and C.O.F. Specifications will govern.
6. The City of Flagstaff will furnish all necessary quality control testing for this project.
7. The Manhole # 10-420 re-construction on Deer Crossing Road does not Include installing a new base. The existing base will be re-used. The price for re-construction does not include any conflicts with other utilities. No additional public notification will be done during re-construction.

PROJECT

MASTER

SCHEDULE

C AND E PAVING & GRADING L.L.C.

UPDATED: 03/07/2016

City of Flagstaff
2016 City Street Maintenance Program
Project No: 01-16001

TENTATIVE SCHEDULE

APRIL

March	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W
	14	15	16	17	18	21	22	23	24	25	28	29	30	31	1	4	5	6	7	8	11	12	13	14	15	18	19	20	21	22	25	26	27	28	29							
Traffic Control																																										
Concrete Structures (1,100 C.Y.)																																										
Re-construct Manhole																																										
Large thermal Cracks																																										
Street re-build Patch																																										
Crack Seal																																										
Crack Seal Airport																																										
Lower manholes (75 ea.) & Valves (78 ea.)																																										
Milling																																										
MAC Overlay																																										
Striping																																										

	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F	M	T	W	TH	F																		
	2	3	4	5	6	9	10	11	12	13	16	17	18	19	20	23	24	25	26	27																						
Traffic Control																																										
Concrete Structures (Sidewalk)																																										
Adjust Manholes (92 ea.) Valves (102 ea.)																																										
RIR Survey Monuments (69 ea.)																																										

Project No: 01-16001

Account No: _____

Clarifications and Assumptions

City of Flagstaff Street Maintenance Program – 2016

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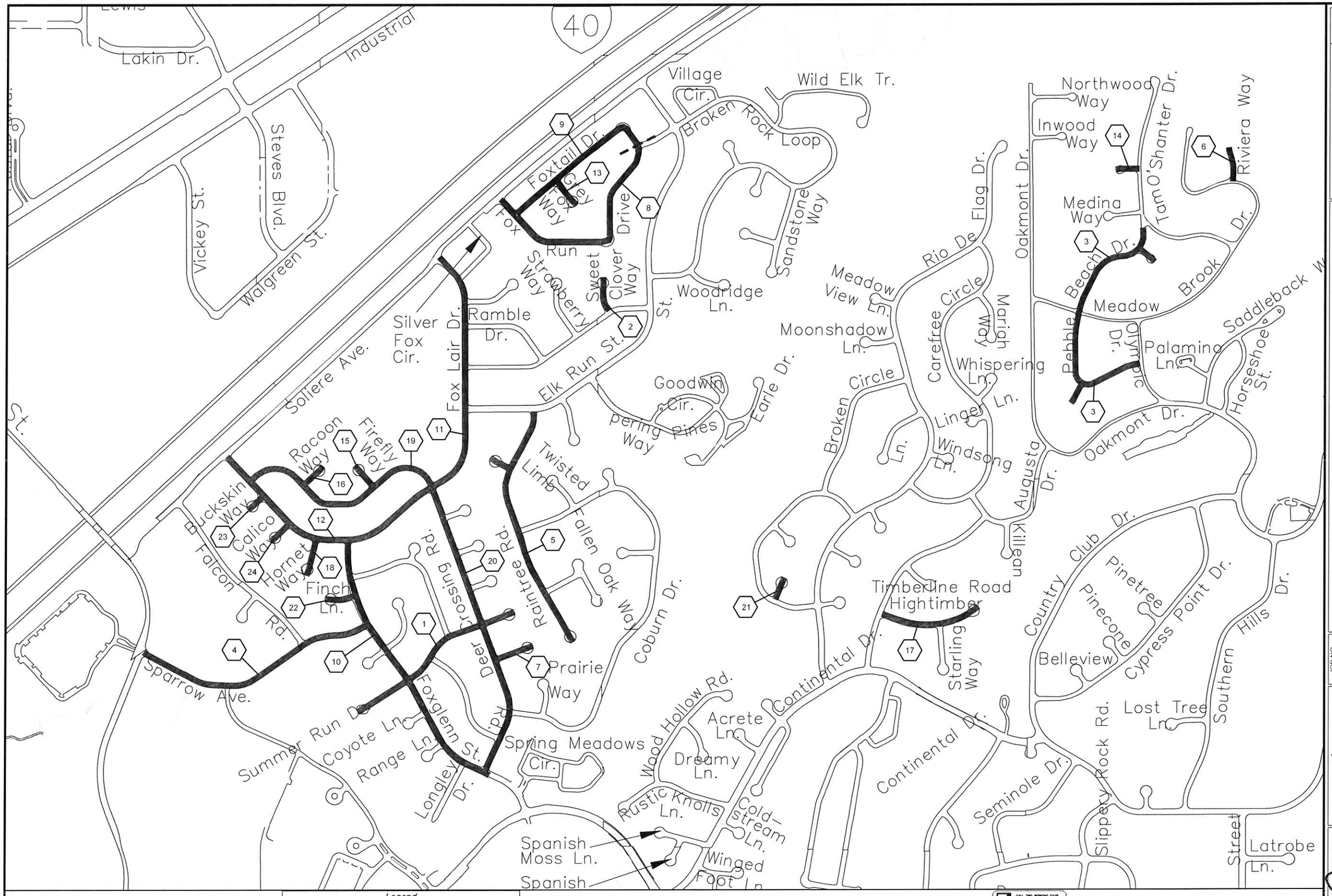
7. The Manhole # 10-420 re-construction on Deer Crossing Road does not Include installing a new base. The existing base will be re-used. The price for re-construction does not include any conflicts with other utilities. No additional public notification will be done during re-construction.
8. GMP was built using engineers estimated quantities for striping. No revisions to striping was discussed. Any future revisions will be negotiated.

2016 COF Street Maintenance- Prelim OVERLAY Street List			
No.	**Street**	**Start**	**Stop**
1	Summer Run Dr.	End	End
2	Sweet Clover Way	BottleBrush	End
3	Pebble Beach Dr.	Tamoshanter Dr.	Olympic Dr.
4	Sparrow Ave.	Foxglenn St.	4th St.
5	Raintree Rd.	Elk Run St.	End
6	Riviera Way	Meadowbrook Dr.	End
7	Roadrunner Ln.	Deer Crossing Ln.	End
8	Fox Run Dr.	Broken Rock Lp.	Soliere Ave.
9	Fox Tail Dr.	Broken Rock Lp.	Fox Run Dr.
10	Foxglenn St.	Deer Crossing Rd.	Foxlair Dr.
11	Fox Lair Dr.	Deer Crossing Rd.	Soliere Ave.
12	Fox Lair Dr.	Soliere Ave.	Deer Crossing Dr.
13	Grey Fox Way	Fox Tail Dr.	South End
14	E. TamO'shanter Dr.	N. TamO'shanter Dr	End
15	Firefly Way	Deer Crossing Rd.	End
16	Raccoon Way	Deer Crossing Rd.	End
17	Hightimber Ln.	Timberline Rd.	End
18	Hornet Way	Fox Lair Dr.	End
19	Deer Crossing Rd.	Fox Lair Dr.	Fox Lair Dr.
20	Deer Crossing Rd.	Fox Lair Dr.	Foxglenn St.
21	Drifter Way	Burning Tree Loop	End
22	Finch Rd.	Foxglenn St.	End
23	Buckskin Way	Fox Lair Dr.	End
24	Calico Way	Fox Lair Dr.	End



Legend

Map ID # (see sheet C04 for list of streets) #

Overlay Streets

WARNING!! EXACT DEPTH AND LOCATION OF EXISTING UNDERGROUND UTILITIES IS UNKNOWN. CONTRACTOR TO FIELD VERIFY PRIOR TO CONSTRUCTION.

CALL TWO WORKING DAYS BEFORE YOU DIG
263-1100
1-800-STAKE-IT
(OUTSIDE MARICOPA COUNTY)

Folder No. _____ Project No. _____

REVISIONS	DATE

Key Map

2016 City of Flagstaff Street Maintenance- Overlay

Flagstaff, Arizona

JOB NO.	
1254	
DESIGN	SR
DATE	3/2016
DRAWN	SR
DATE	3/2016
CHECKED	SR
DATE	3/2016

PLATEAU ENGINEERING
323 N. SAN FRANCISCO ST., SUITE 201
FLAGSTAFF, ARIZONA 86001
(928) 556-0311 FAX (928) 213-0614

REGISTERED PROFESSIONAL ENGINEER (CIVIL) CERTIFICATE NO. 36685 STATE OF ARIZONA, U.S.A. Expires: 06/30/2017

SHEET NO. 03 OF 04

DRAWING NO. C03

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Lance Roberts, Police Lieutenant
Co-Submitter:	Dan Musselman
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Consideration and Approval of Intergovernmental Agreement: Between the State of Arizona, Department of Public Safety and the City regarding the State Gang Task Force.

RECOMMENDED ACTION:

Approve the Intergovernmental Agreement DPS Contract #2016-023 between the State of Arizona, Department of Public Safety and the City regarding the State Gang Task Force.

Executive Summary:

Approval of the Intergovernmental Agreement ("IGA") between the State of Arizona, Department of Public Safety ("DPS") and the City regarding the State Gang Task Force will permit the Flagstaff Police Department to participate in the Task Force. The previous IGA was not renewed because of the uncertainty about the State's budget and expired on June 30, 2014. The duration of the IGA shall be the fiscal year, July 1st through June 30th, beginning July 1, 2015, and shall renew annually on July 1st for a period of time not to exceed five (5) years.

Under the terms of the proposed IGA, the Flagstaff Police Department would assign one (1) P.O.S.T. certified law enforcement officer to the DPS State Gang Task Force, on a full time basis. The officer assigned to the State Gang Task Force is permitted to work outside of their regular jurisdictional boundaries. DPS will, in turn, agree to reimburse the Flagstaff Police Department seventy-five percent (75%) of the payroll expense of the officer, related to their assignment, and up to eight (8) hours of overtime each month.

Financial Impact:

The Flagstaff Police Department will receive a seventy-five percent (75%) savings on the officer's position that has already been budgeted for. The total cost for the officer is approximately $81,600 ($61,200 DPS share / $20,400 City Share).

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

4) Develop and implement guiding principles that address public safety service levels through appropriate staff levels

8) Improve effectiveness of notification, communication, and engagement with residents, neighborhoods and businesses and about City services, programs, policies, projects and developments

Has There Been Previous Council Decision on This:

Council has approved prior IGA's with the State of Arizona, Department of Public Safety, for Flagstaff Police Department Officers to participate in the State Gang Task Force.

Options and Alternatives:

The Council can elect not to have the Police Department participate in the State Gang Task Force and rely exclusively on Police Department and other community based efforts.

Background/History:

The Flagstaff Police Department would like to participate in the State Gang Task Force whose mission is to identify, interdict and prevent gang-related activity in the City of Flagstaff and Coconino County. In addition to proactive uniformed investigations, the unit participates in anti-gang education, as well as community oriented policing projects. The Police Department has had as many as two officers assigned to the task force in previous years.

Key Considerations:

Over the past few years, the Flagstaff community has continued to experience gang activity along with associated incidents of graffiti vandalism. The State Gang Task Force position will be a benefit to local neighborhoods by targeting gang related crime including drug and weapons related crimes which are typically associated with gangs.

Community Benefits and Considerations:

The State Gang Task Force has demonstrated in the past that it is a valuable resource capable of addressing the problems associated with gang violence, weapons, and drugs, by providing a more coordinated effort in enforcement, developing intelligence, and providing anti-gang education. The State Gang Task Force should continue to have a significant impact on making this community safer, thus providing an improved quality of life for all Flagstaff citizens. A Flagstaff Police Department Lieutenant meets regularly with the local State Gang Task Force Command Staff to ensure effective communication and coordinated efforts between the two agencies.

Community Involvement:

Collaborate

Attachments: GIITEM-DPS IGA 2016-023

2016-023
DPS CONTRACT NO.

A. G. CONTRACT NO. P001-2016-000589

2016-023
DPS CONTRACT NO: ~~2015-~~

INTERGOVERNMENTAL AGREEMENT
REGARDING
GANG & IMMIGRATION INTELLIGENCE TEAM ENFORCEMENT MISSION (GIITEM) STATE GANG TASK FORCE

This Intergovernmental Agreement ('IGA') is entered into between the State of Arizona through its Department of Public Safety ("DPS") and the City of Flagstaff, acting on behalf of its Police Department ("Agency").

The purpose of this Agreement shall be to enhance law enforcement services concerning the criminal activities of street gangs, through the cooperative efforts of the parties to this IGA.

DPS is authorized and empowered to enter into this IGA pursuant to A.R.S. §41-1713 B.3. Both parties are authorized and empowered to enter into this IGA pursuant to A.R.S. §11-952. The Agency is authorized and empowered pursuant to Article I, Section 3 of the Charter of the City of Flagstaff.

Now, in consideration of the mutual promises set forth herein, the parties to this Agreement hereby agree to the following terms and conditions:

I. PARTICIPATION

The Agency agrees to assign one (1) AZ P.O.S.T. certified sworn law enforcement officer ("Officer"), to DPS and its Gang & Immigration Intelligence Team Enforcement Mission "GIITEM", on a full-time basis for such assignments within the purposes of this IGA, as directed by DPS. The Agency agrees the Officer shall be in compliance with DPS residency requirements.

During this period of assignment, the Agency and DPS agree to allow the Officer to maintain all benefits, rights, and privileges available to the Officer as if they were assigned on a full-time basis to the Agency. The Officer must abide by all of the applicable rules and regulations of the Agency and are subject to its disciplinary process.

The Agency agrees to enter into a Memorandum of Understanding (MOU) with the DPS relative to the connection and operation of the Arizona GangNet system.

II. REIMBURSEMENT

DPS agrees to reimburse the Agency on a monthly basis (based upon DPS weekly time sheets completed by the Officer) for seventy-five (75%) percent of payroll expenses of the Officer related to this assignment, including salary, shift pay, benefits (which accrue during the term of the IGA) and employee-related expenses to include employer's workman's compensation and social security at established rates, vacation and sick leave taken while working GIITEM. DPS will reimburse all overtime compensation (based upon DPS rules, not to exceed eight (8) hours per month). There must be a minimum of 40 hours GIITEM related work in order for DPS to reimburse for overtime in any given week.

Overtime compensation will be for GIITEM related activities only. The limitation of overtime to eight (8) hours per month may be exceeded without contacting the Agency if DPS determines that additional funding is available. Monthly vacation or sick leave which accrues, but not used by the Officer, will not be reimbursed. The Agency will pay twenty-five (25%) percent of payroll related expenses. All personnel costs, including shift pay, will be based on a standard forty (40) hour work

week, with the understanding the forty (40) hour work week may be altered to address the needs of DPS as it relates to an on-going investigation or special assignment request dictated by the needs of a requesting city, county, or entity.

Prior to the Officer reporting to GIITEM, the Agency agrees to furnish DPS with the following information: Officers' annual, bi-weekly and hourly rates of base pay and fringe benefits, as well as, the overtime rate based upon the assumption outlined above. DPS is not obligated to reimburse the Agency for salary raises or modifications to base salaries, unless the Agency submits such modification to DPS at least 60 days prior to the effective date of such modification.

All approved travel expenses will be reimbursed directly to the Officer by DPS under employee travel reimbursement guidelines established by the Arizona Department of Administration. The amount reimbursed for the aforementioned expenditures shall be for actual costs incurred during the effective dates of this IGA.

DPS agrees to assign a department vehicle to the Agency's Officer. The Officer is responsible for maintaining the assigned vehicle in accordance with DPS policy and will utilize the DPS assigned vehicle for GIITEM purposes only. The Officer must meet the ADOA Driver's Training Requirements.

III. IMMIGRATION

All parties agree to comply with A.R.S. §§23-214 and 41-4401.

IV. NONDISCRIMINATION

All parties agree to comply with the non-discrimination provisions of the Governor's Executive Order 2009-09.

V. INDEMNIFICATION

Each party (as "Indemnitor") agrees to indemnify, defend, and hold harmless the other party (as "Indemnitee") from and against any and all claims, losses, liability, costs, or expenses (including reasonable attorney's fees) (hereinafter collectively referred to as "claims") arising out of bodily injury of any person (including death) or property damage, but only to the extent that such claims which result in vicarious/derivative liability to the Indemnitee, are caused by the act, omission, negligence, misconduct, or other fault of the Indemnitor, its officers, agents, employees, or volunteers.

VI. DRUG FREE WORKPLACE

Any Officer assigned to GIITEM will be subject to random and/or for cause, drug and alcohol testing in accordance with his/her Agency's guidelines. If the Agency does not have a drug free program, the Officer will be required to submit to testing pursuant to the DPS Drug Free Workplace Program. Each assigned Officer shall be subject to the responsibilities of and shall retain all rights as provided for in the DPS Drug Free Workplace Program Manual, DPS Form Number DPS 932-02056. DPS shall not charge any fee or cost to the Agency for any assigned Officer who undergoes testing. The Officer may be removed from GIITEM for failure to comply with the program or for failure to pass DPS drug screening requirements.

VII. RECORDKEEPING

All records regarding the IGA, including Officers' time accounting logs, must be retained for five (5) years in compliance with A.R.S. §35-214, entitled Inspection and Audit of Contract Provisions.

VIII. FEES

In no event shall either party charge the other for any administrative fees for any work performed pursuant to the IGA.

IX. JURISDICTION

The Agency agrees to permit its Officers to work outside of its regular jurisdictional boundaries.

X. ARBITRATION

In the event of a dispute under this IGA, the parties agree to use arbitration to the extent required under A.R.S. §§ 12-1518 and 12-133.

XI. WORKER'S COMPENSATION BENEFITS

Pursuant to A.R.S. §23-1022 D., for the purposes of Worker's Compensation coverage, the Agency Officers covered by the IGA shall be deemed to be an employee of both agencies. The Agency, as the primary employer, shall be solely liable for payment of Worker's Compensation Benefits and the processing of any potential claims occurring during the Officers' assignment to GIITEM.

XII. LIMITATIONS

This agreement in no way restricts either party from participating in similar activities with other public or private agencies, organizations, and individuals. Nothing in this agreement shall be construed as limiting or expanding the statutory responsibilities of the parties.

XIII. EFFECTIVE DATE/DURATION

The duration of this IGA shall be the fiscal year, July 1st through June 30th, beginning July 1, 2015, and shall renew annually on July 1st for a period of time not to exceed five (5) years. Annual renewal shall be contingent upon legislative allocated budget approval for the applicable fiscal year. If funds are not allocated to support this agreement, DPS will provide written notice to the Agency notifying them of termination of funding and cancellation of the IGA.

All prior agreements between DPS and the Agency regarding GIITEM gang enforcement participation are cancelled as of the effective date of this IGA.

XIV. AVAILABILITY OF FUNDS

Every payment obligation of DPS under this agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of the agreement, the agreement may be terminated by DPS at the end of the period for which funds are available. No liability shall accrue to DPS in the event this provision is exercised, and DPS shall not be obligated or liable for any future payments or for any damages as a result of termination under this paragraph.

XV. CANCELLATION

All parties are hereby put on notice that this IGA is subject to cancellation by the Governor for conflicts of interest pursuant to A.R.S. §38-511.

XVI. TERMINATION

Either party may terminate the IGA for convenience or cause upon thirty (30) days written notice to the other party. Upon termination, DPS shall pay all outstanding amounts up through the time upon which the termination becomes effective. All property shall be returned to the owning party upon termination.

Any notice required to be given under the IGA will be provided by mail to:

GIITEM Commander
Arizona Department of Public Safety
P. O. Box 6638, Mail Drop 3700
Phoenix, Arizona 85005-6638

Chief of Police
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

XVII. VALIDITY

This document contains the entire agreement between the parties and may not be modified, amended, altered or extended except through a written amendment signed by both parties. If any portion of this agreement is held to be invalid, the remaining provisions shall not be affected.

The parties hereto have caused this IGA to be executed by the proper officers and officials.

STATE OF ARIZONA

BY: _____
Frank L. Milstead, Colonel
Director

DATE: 2-11-16.

APPROVED AS TO FORM:

Jennifer A Gornaretz 02/08/16
Assistant Attorney General

CITY OF FLAGSTAFF

BY: _____
Jerry Nabours, Mayor

DATE: _____

ATTEST:

_____

DATE: _____

APPROVED AS TO FORM:

_____
Michelle D'Andrea, City Attorney

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Randy Whitaker, Project Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Consideration and Possible Adoption of Ordinance No. 2016-10: An ordinance authorizing the acquisition and dedication of certain real property as a public right-of-way for the construction of permanent ADA ramps associated with the crosswalks on Fourth Street at Third Avenue and at Dortha Ave. ***(Acquisition of property for ADA ramps on Fourth Street Project)***

RECOMMENDED ACTION:

At the March 22, 2016 City Council Meeting
1) Read Ordinance No. 2016-10 by title only for the first time
2) City Clerk reads Ordinance No. 2016-10 by title only for the first time (if approved above)
At the April 5, 2016 City Council Meeting
3) Read Ordinance No. 2016-10 by title only for the final time
4) City Clerk reads Ordinance No. 2016-10 by title only for the final time (if approved above)
5) Adopt Ordinance No. 2016-10 Read Ordinance

Executive Summary:

This property acquisition will allow for the construction of two (2) pedestrian ramps on the east side of Fourth Street at Third Avenue and at Dortha Ave to replace the temporary ramps that are currently in place . The title reports and appraisals have been ordered and staff is in contact with the property owners.

Financial Impact:

There is approximately 570 combined square-feet of fee title property and a temporary construction easement that will need to be acquired from two (2) separate parcels.

There is $412,060 in the FY15/16 Transportation Tax Program budget (account 040-05-112-3313-6) that has been used for the construction of the crosswalks and temporary pedestrian ramps. As of January 2016 approximately $250,000 has been encumbered and expended. This account will also be used for the property acquisition.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

3) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics.

Has There Been Previous Council Decision on This:

This item was discussed at the September 29, 2015 Council work session.

Options and Alternatives:

Approval of the ordinance will allow for the installation of permanent pedestrian ramps.

Rejection of the ordinance will not allow the City to acquire the necessary property rights needed to construct the permanent pedestrian ramps.

Background/History:

The project has been in development since 2009 with a study led by the consultant, Otak Incorporated.

On April 15, 2014 the results were presented to City Council and direction was given to provide two (2) pedestrian crosswalks. Staff was also directed by council to talk with property owners regarding a sidewalk on the east side of Fourth Street and develop a study for the Sixth/Seventh Avenue traffic coordination.

In the summer of 2014 temporary crosswalks were placed on Fourth Street at Third Avenue and at Dortha Ave. Pre-crosswalk installation and post-crosswalk pedestrian counts were taken along Fourth Street. The decision was made to place permanent crosswalks at the temporary locations.

At a September 29, 2015 Council Work Session it was discussed that property acquisition would be required for the permanent ramps on the east side of Fourth Street. Staff was directed to proceed with the acquisition of the property required for ADA compliant ramps.

Key Considerations:

The crosswalks have been constructed and temporary ramps placed at both locations. The clouded areas on the attached ramp drawing will be the location of the permanent ramps. At Third Avenue the City will move a driveway south approximately 20-feet which will require the temporary construction easement.

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

Allows for installation of permanent ramps for the crosswalks on Fourth Street to replace the temporary ramps.

Community Involvement:

Inform: A Fourth Street open house was held on November 19, 2015 at 11:00 and 6:00 at the Aquaplex. There were no objections to crosswalks and pedestrian ramps on Fourth Street by the visitors to the open house.

Attachments: Ord. 2016-10
Exhibit A Ordinance
Ramp Drawing

ORDINANCE NO. 2016-10

AN ORDINANCE OF THE FLAGSTAFF CITY COUNCIL AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY AS A PUBLIC RIGHT-OF-WAY FOR CONSTRUCTION OF PEDESTRIAN RAMPS ON FOURTH STREET AT THIRD AVENUE AND AT DORTHA AVENUE AND DESIGNATING THE REAL PROPERTY AS PUBLIC RIGHT-OF-WAY

RECITALS:

WHEREAS, the Flagstaff City Council considered the Fourth Street enhancement project on September 29, 2015; and

WHEREAS, the City has identified the real property identified in Exhibit "A" as an appropriate component of the City's surface transportation system, and, more specifically, the real property is required for construction of pedestrian ramps located on Fourth Street at Third Avenue and at Dortha Avenue; and

WHEREAS, the City of Flagstaff ("City") has an interest in planning, developing, and maintaining an adequate infrastructure system, including a surface transportation system to meet the needs of the community; and

WHEREAS, Article VII, Section 5 of the Flagstaff City Charter requires the City to acquire real property by ordinance.

ENACTMENTS:

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

SECTION 1: That the City requires the property specifically described in Exhibit "A" for public right-of-way located on Fourth Street at Third Avenue and at Dortha Avenue;

SECTION 2 That City staff is hereby authorized to acquire the property described in Exhibit "A" for use as right-of-way. Staff may exercise the City's right to condemn property for public use to acquire this property.

SECTION 3: That the City Manager, the City Attorney, the City Clerk, the Finance Director, the Assistant to the City Manager for Real Estate, or their delegees or agents, are hereby authorized and directed to take all steps and execute all documents necessary to carry out the purpose and intent of this Ordinance.

SECTION 4: That if any section, subsection, sentence, clause, phrase or portion of this Ordinance or any part of the City 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 5: That 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 5th day of April, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

PROPERTY BOUNDARY DESCRIPTION

A portion of that parcel described as Parcel No. 107-14-005B on Page 6 of 12 in Instrument No.3652734, Records of Coconino County, Arizona, situated in the northwest quarter of Section 13, Township 21 North, Range 7 East, Gila and Salt River Meridian, City of Flagstaff, Coconino County, Arizona, described as follows:

COMMENCING for reference at the southwest corner of said parcel on the east line of 4th Street;

Thence North 00°31'08" West, 222.69 feet along the west line of said parcel and the east line of 4th Street to the POINT OF BEGINNING;

Thence continuing North 00°31'08" West, 30.00 feet along the west line of said parcel and the east line of 4th Street;

Thence North 89°28'52" East, 10.00 feet;

Thence South 00°31'08" East, 30.00 feet;

Thence South 89°28'52" West, 10.00 feet to the POINT OF BEGINNING.

CONTAINING 300 square feet (0.01 acres), more or less.

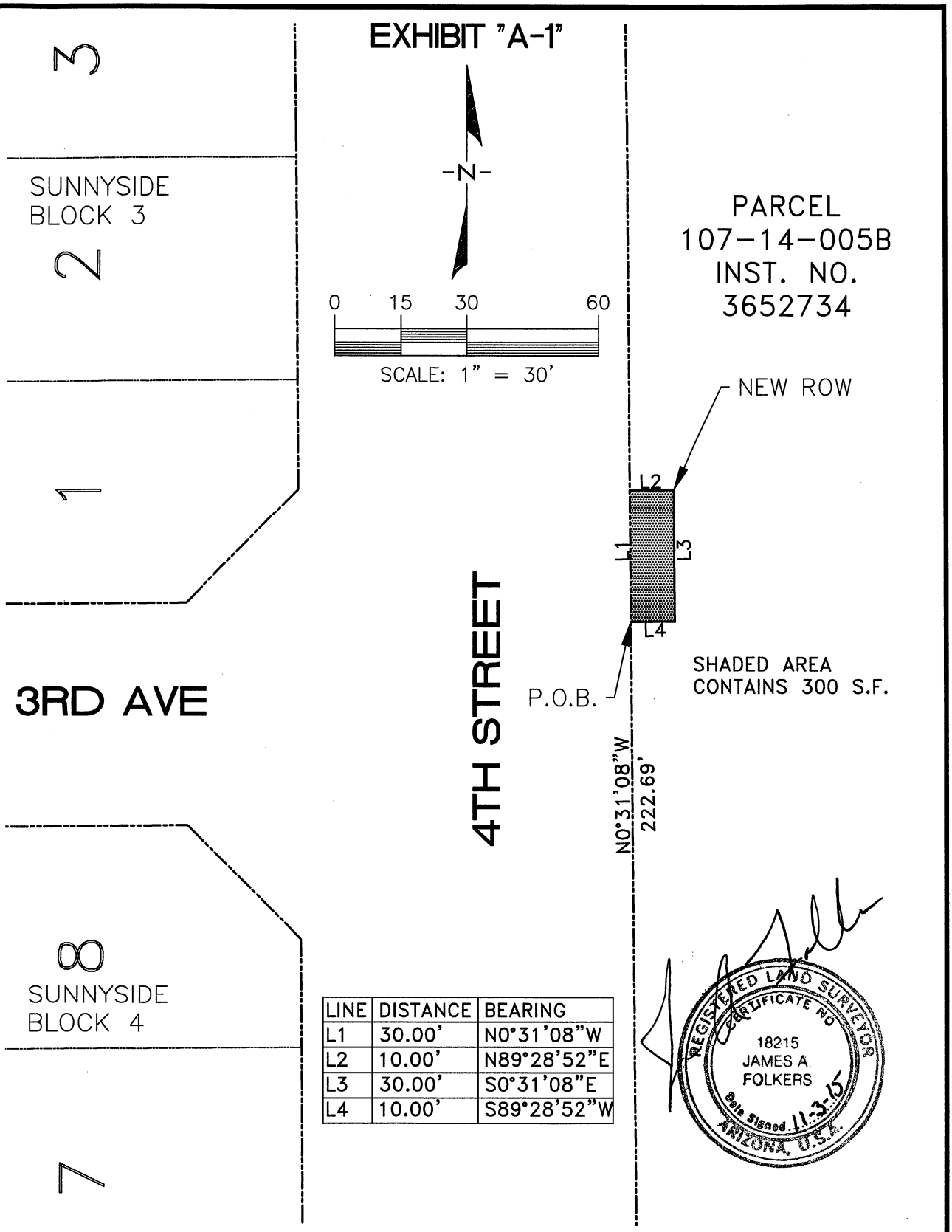
SUBJECT to easements and other encumbrances of record.

REGISTERED LAND SURVEYOR
CERTIFICATE NO
18215
JAMES A.
FOLKERS
Date Signed 3-1-16
ARIZONA, U.S.A.

EXPIRES 12-31-2017

Prepared by:
James A. Folkers, RLS
Woodson Engineering & Surveying, Inc.
124 N. Elden Street
Flagstaff, Arizona 86001
Project No. 115801

EXHIBIT "A-1"



LINE	DISTANCE	BEARING
L1	30.00'	N0°31'08"W
L2	10.00'	N89°28'52"E
L3	30.00'	S0°31'08"E
L4	10.00'	S89°28'52"W

DRAWN BY: RRW	WOODSON ENGINEERING AND SURVEYING, INC. 124 N. ELDEN ST. FLAGSTAFF, AZ 86001 PHONE:(928)774-4636 FAX:(928)774-4646	4TH STREET CROSSWALKS PARCEL 107-14-005B
DATE: 10/30/15		
FN: ROW Legals		
PROJECT NO.: 115801		

PROPERTY BOUNDARY DESCRIPTION

A portion of that parcel described in Exhibit "1" in Instrument No. 3392299, Records of Coconino County, Arizona, situated in the northwest quarter of Section 12, Township 21 North, Range 7 East, Gila and Salt River Meridian, City of Flagstaff, Coconino County, Arizona, described as follows:

BEGINNING at the northwest corner of said parcel, on the easterly line of 4th Street;

Thence North 89°38'20" East, 9.00 feet along the north line of said parcel and the easterly line of 4th Street;

Thence South 00°56'15" East, 29.91 feet;

Thence South 89°03'45" West, 9.00 feet to a point on the west line of said parcel and said east line of 4th Street;

Thence North 00°56'15" West, 30.00 feet along the west line of said parcel and said east line of 4th Street to the POINT OF BEGINNING.

CONTAINING 270 square feet (0.01 acres), more or less.

SUBJECT to easements and other encumbrances of record.

Prepared by:
James A. Folkers, RLS
Woodson Engineering & Surveying, Inc.
124 N. Elden Street
Flagstaff, Arizona 86001
Project No. 115801

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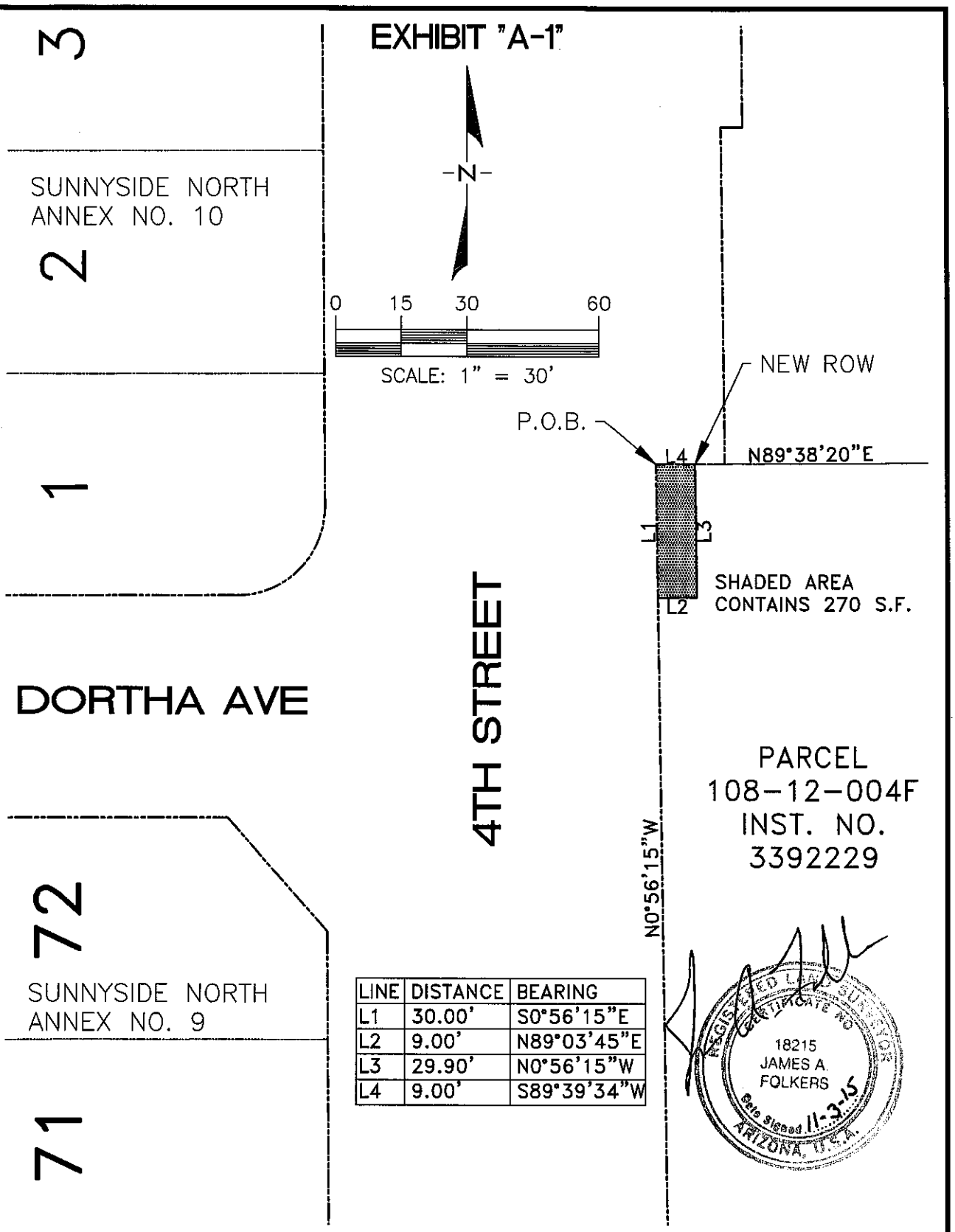

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EASEMENT BOUNDARY DESCRIPTION

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Thence South 00°31'08" East, 40.00 feet;

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CONTAINING 800 square feet (0.02 acres), more or less.

SUBJECT to easements and other encumbrances of record.

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ARIZONA, U.S.A.

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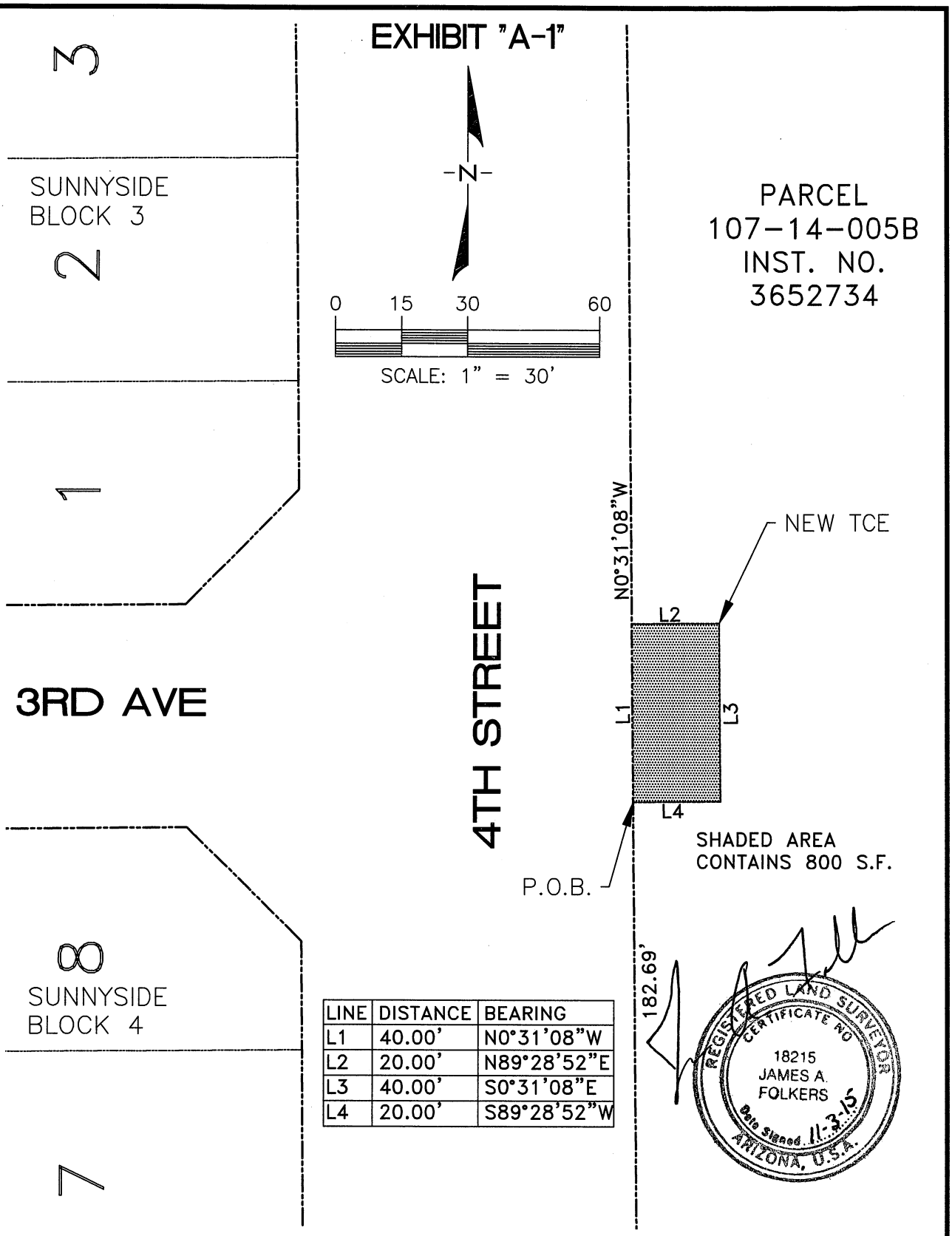

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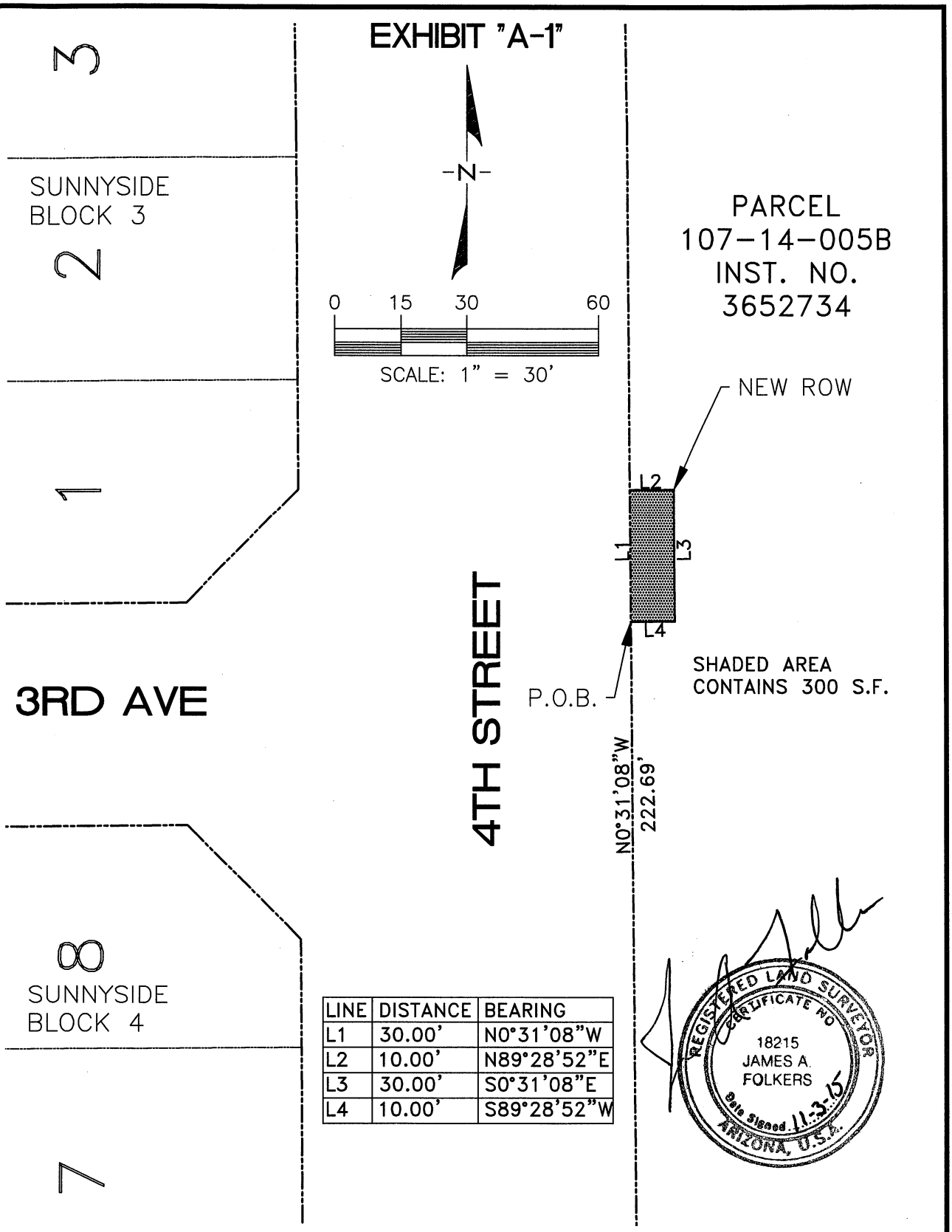

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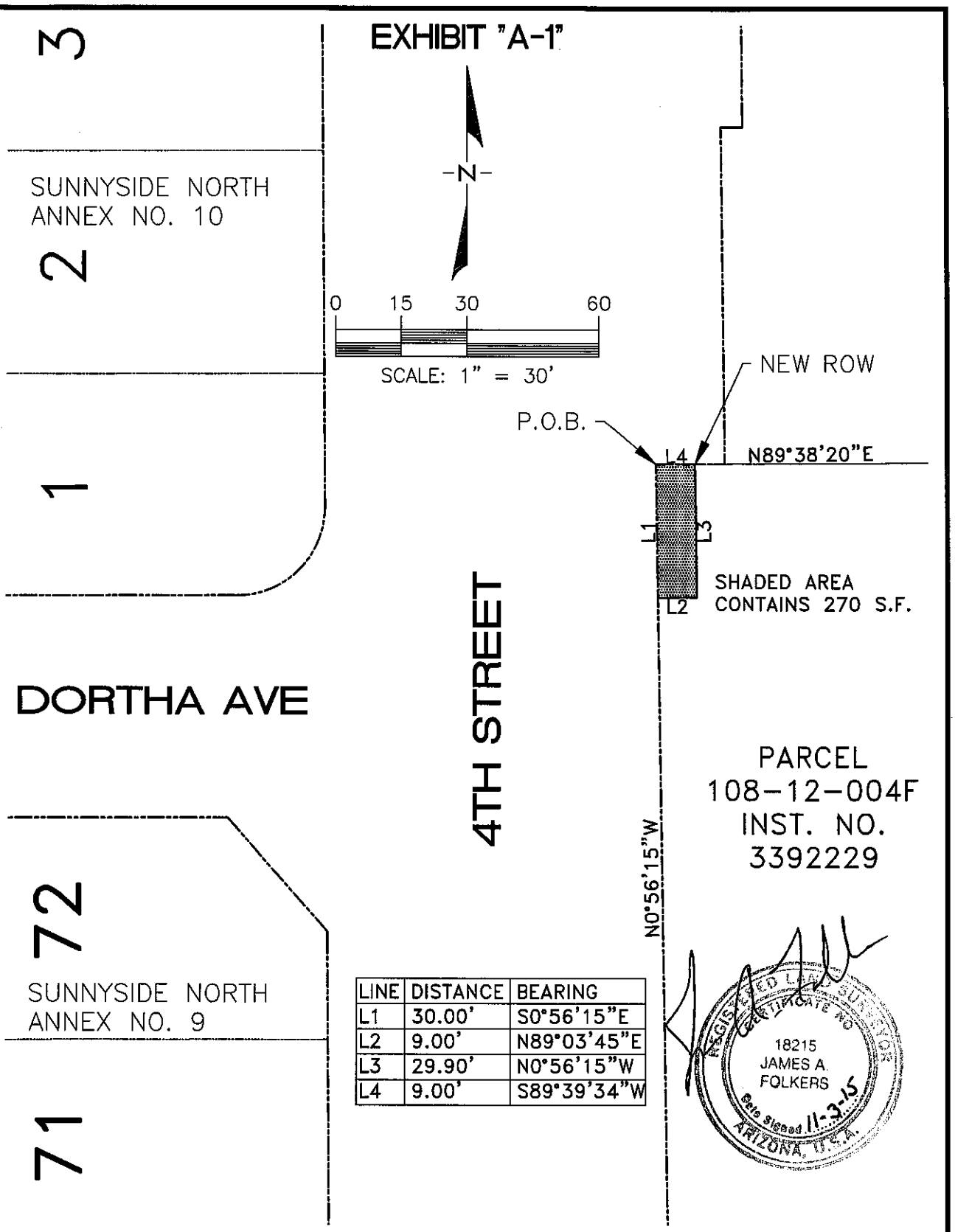

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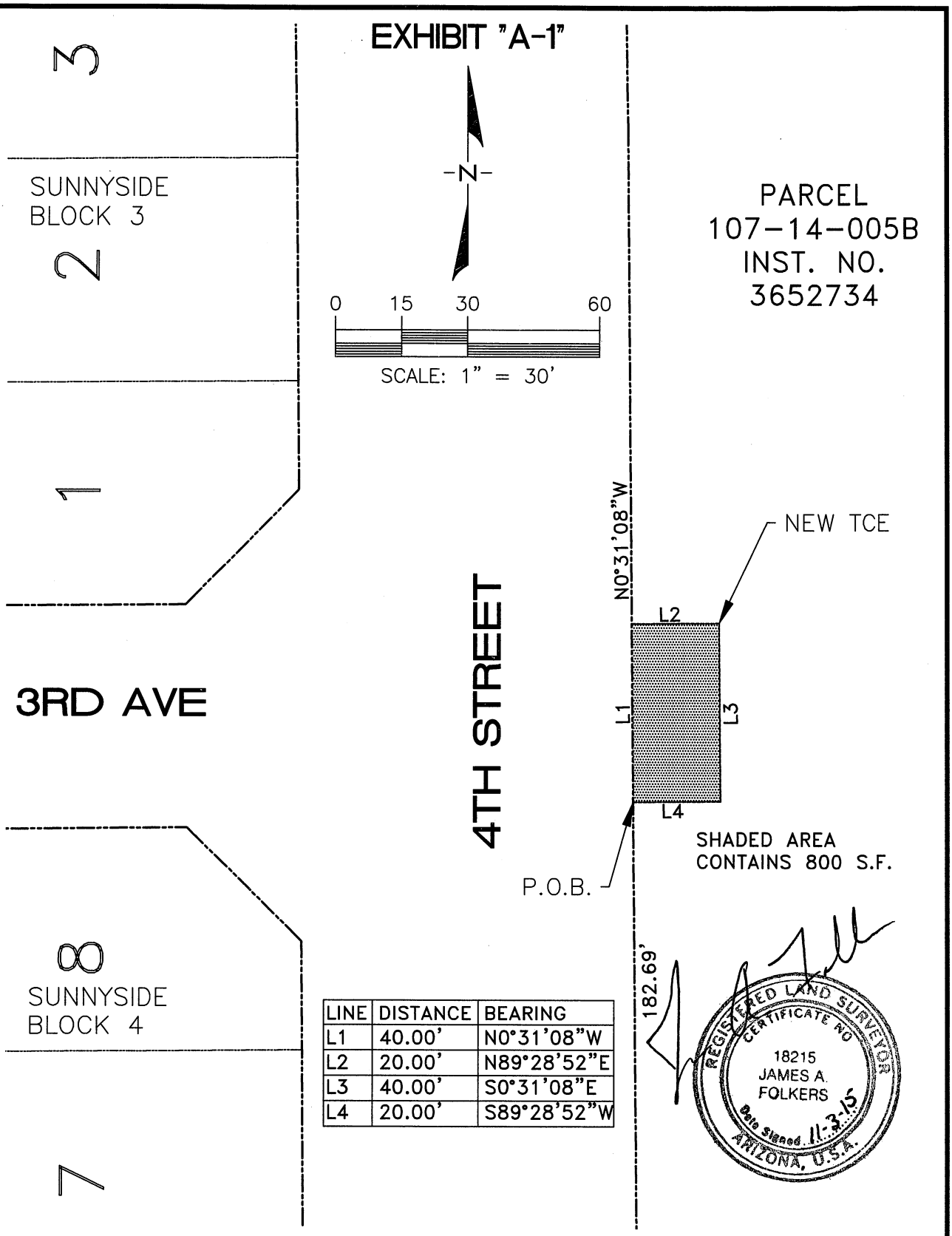

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DATE: 10/30/15		
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DANDY CURB SACK™
SPECIFICATIONS

NOTE: THE DANDY CURB SACK™ WILL BE MANUFACTURED IN THE U.S.A. FROM A WOVEN NONOPLAMENT FABRIC THAT MEETS OR EXCEEDS THE FOLLOWING SPECIFICATIONS:

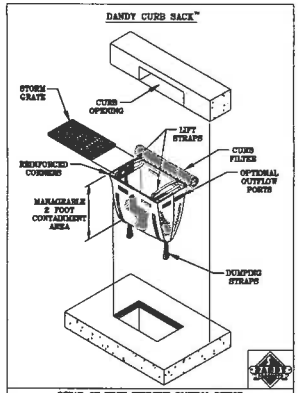
REGULAR FLOW DANDY CURB SACK™ (BLACK)

Mechanical Properties	Test Method	Units	MARV
Grab Tensile Strength	ASTM D 4632	lbf (N)	1.75 (400) x 1.40 (310)
Grab Tensile Elongation	ASTM D 4632	%	15 x 15
Puncture Strength	ASTM D 4833	lbf (N)	140 (620)
Mullen Burst Strength	ASTM D 3786	kPa (psi)	300 (43)
Trapezoid Tear Strength	ASTM D 4533	lbf (N)	0.57 (1150) x 0.73 (1160)
UV Resistance	ASTM D 4355	%	90
Apparent Opening Size	ASTM D 4751	Mm (US Std Sieve)	0.210 (70)
Flow Rate	ASTM D 4491	l/min/m² (gpm/min/ft²)	3800 (100)
Permeability	ASTM D 4491	cm/s	0.50

10-FLOW DANDY CURB SACK™ (SAFETY ORANGE)

Mechanical Properties	Test Method	Units	MARV
Grab Tensile Strength	ASTM D 4632	lbf (N)	1.80 (340) x 0.80 (320)
Grab Tensile Elongation	ASTM D 4632	%	15 x 15
Puncture Strength	ASTM D 4833	lbf (N)	0.90 (40)
Mullen Burst Strength	ASTM D 3786	kPa (psi)	400* (58)
Trapezoid Tear Strength	ASTM D 4533	lbf (N)	0.61 (115) x 0.53 (75)
UV Resistance	ASTM D 4355	%	90
Apparent Opening Size	ASTM D 4751	Mm (US Std Sieve)	0.59 (30)
Flow Rate	ASTM D 4491	l/min/m² (gpm/min/ft²)	400* (10)
Permeability	ASTM D 4491	cm/s	0.1

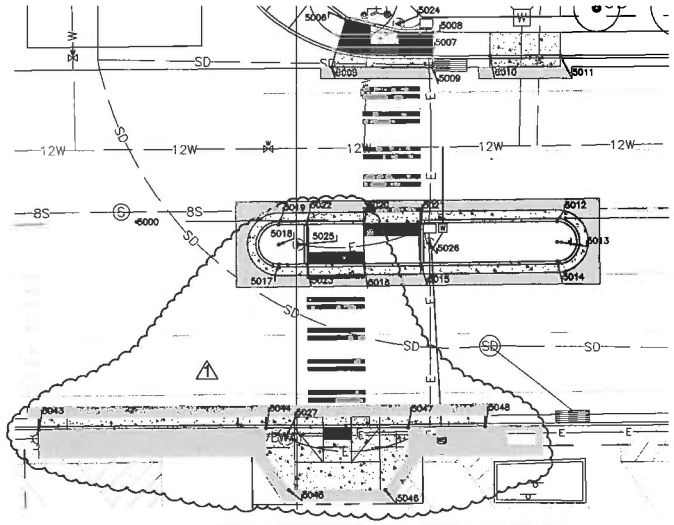
*Note: All Dandy Sacks™ can be ordered with our optional oil absorbent pillows.



DETAIL OF INLET SEDIMENT CONTROL DEVICE WITH CURB FILTER

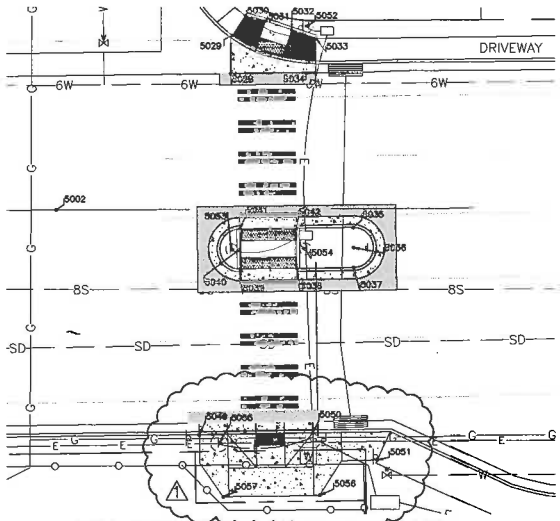
PROJECT:		DR. BY:
CITY/STATE:	DATE:	DR. NO:

SEDIMENT CONTROL DETAIL



4TH STREET & 3RD AVENUE

SCALE: 1" = 10'



4TH STREET & DORTHA AVENUE

POINT TABLE

POINT NO.	NORTHING	EASTING	DESCRIPTION
5000	11563.18	19992.05	BCHH 3RD
5001	12670.57	19982.12	BCHH SEC COR
5002	14673.30	19969.76	BCHH DORTHA
5005	11597.54	19964.86	GUTTER LIP
5006	11599.89	19956.51	RAMP
5007	11609.29	19958.78	RAMP
5008	11615.29	19958.76	RAMP
5009	11615.29	19964.88	GUTTER LIP
5010	11625.38	19962.84	BACK OF CURB
5011	11637.76	19962.75	BACK OF CURB
5012	11637.15	19991.91	BACK OF CURB
5013	11637.18	19995.41	RADIUS POINT
5014	11637.20	19998.91	BACK OF CURB
5015	11613.20	19999.31	BACK OF CURB
5016	11603.20	19999.38	BACK OF CURB
5017	11588.20	19999.48	BACK OF CURB
5018	11588.18	19995.98	RADIUS POINT
5019	11588.15	19992.48	BACK OF CURB
5020	11603.15	19992.38	BACK OF CURB
5021	11613.15	19992.24	BACK OF CURB
5022	11593.12	19992.45	BACK OF CURB
5023	11593.16	19999.45	BACK OF CURB
5024	11609.30	19957.28	A POLE
5025	11591.68	19995.95	A POLE
5026	11614.68	19995.74	A POLE
5027	11589.38	20029.91	A POLE
5028	14704.06	19945.75	GUTTER LIP
5029	14704.37	19939.03	BACK OF CURB
5030	14706.60	19935.57	RAMP
5031	14710.20	19936.53	RAMP
5032	14714.76	19938.02	RAMP
5033	14719.08	19939.52	RAMP
5034	14719.04	19945.54	GUTTER LIP
5035	14725.61	19972.74	BACK OF CURB
5036	14725.64	19976.24	RAIUS POINT
5037	14725.64	19979.74	BACK OF CURB
5038	14715.68	19979.94	BACK OF CURB
5039	14705.68	19980.04	BACK OF CURB
5040	14705.65	19976.54	RADIUS POINT
5041	14705.61	19973.04	BACK OF CURB
5042	14715.61	19972.94	BACK OF CURB
5043	11545.85	20028.79	BACK OF CURB
5044	11585.85	20028.42	BACK OF CURB
5045	11589.87	20039.40	BACK OF WALK
5046	11606.87	20039.32	BACK OF WALK
5047	11610.85	20028.30	BACK OF CURB
5048	11624.42	20028.08	BACK OF CURB
5049	14698.48	20009.26	BACK OF CURB
5050	14718.48	20008.87	BACK OF CURB
5051	14729.81	20013.64	BACK OF WALK
5052	14717.61	19937.40	A POLE
5053	14704.14	19976.55	A POLE
5054	14717.15	19976.43	A POLE
5055	14702.01	20010.69	A POLE
5056	14719.66	20019.84	BACK OF WALK
5057	14702.66	20020.18	BACK OF WALK

115801

WOODSON ENGINEERING AND SURVEYING, INC.
124 N. ELDEN ST. • FLAGSTAFF, AZ 86001 • PHONE: (928) 774-4636 FAX: (928) 774-4646

09/02/2015

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WOODSON
ENGINEERING AND SURVEYING, INC.
124 N. ELDEN ST.
FLAGSTAFF, AZ 86001
PHONE: (928) 774-4636 FAX: (928) 774-4646

CONTROL

CONTROL POINTS
3RD AVE & DORTHA

HOR. SCALE: NA
VERT. SCALE: NA
DATE: 5/20/15
PROJECT NO.: 115801
AGENCY NO.: CDF
SHEET NO.: 6 OF 6

DESIGNED BY: RRW
DRAWN BY: RRW
CHECKED BY: RRS

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Christine Cameron, Project Manager III

Date: 03/16/2016

Meeting Date: 03/22/2016

TITLE:

Consideration and Approval of Contract: With Sellers & Sons, Inc. in the amount of $1,914,238.50 for the Brannen Neighborhood Water and Sewer Improvement Project, Phase I.

RECOMMENDED ACTION:

1) Approve the construction contract with Sellers & Sons, Inc. in the amount of $1,914,238.50 (includes a contract allowance in the amount of $89,605.00 and contract time of 200 days);
2) Approve Change Order Authority to the City Manager in the amount of $182,463.00 (10% of the contract amount, less allowance);
3) Authorize the City Manager to execute the necessary documents.

Executive Summary:

Award of this contract to Sellers & Sons, Inc. will allow for construction of the Brannen Neighborhood Water and Sewer Improvement Project, Phase I. The apparent low bidder was deemed non-responsive and non-responsible and the award is recommended to the second low bidder. The scope of this project will replace deteriorated water, sewer, and surface infrastructure that dates back to 1909 in the downtown Flagstaff neighborhood. This project is scheduled in the Capital Five-Year plan, is funded by Utilities funds, and is within available budget authority. The contractor is required to dedicate a staff member to coordinate with the public to provide project updates and address project concerns.

Financial Impact:

This project is covered by FY 16 budget appropriation of $382,000 and anticipated FY17 budget appropriation of $2,400,000 in Utilities' Annual Waterline replacement account (202-08-370-3157-0-4463).

Connection to Council Goal and/or Regional Plan:

3. Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics.

- Maintain existing infrastructure by investing in ongoing maintenance and operations to get closer to target condition.

Has There Been Previous Council Decision on This:

There has been no previous Council decision on this item.

Options and Alternatives:

1. Approve the award as recommended. Approval will allow the project to be constructed in the summer/fall of 2016.
2. Reject approval of the award. This action would delay the project. If rejection occurs, possible options include:

- Re-advertise the project and solicit new bids.
- Suspend or cancel the project.

Background/History:

The Brannen Neighborhood Water and Sewer Improvement Project is located in downtown Flagstaff and the project area includes work on Phoenix Avenue, Cottage Avenue, Brannen Avenue, Agassiz Street, O'Leary Street, and Elden Street. The project scope includes replacement of water main and services, replacement of sewer main and services, street asphalt reconstruction, and limited curb/gutter and sidewalk replacement.

Staff solicited for construction bids on January 28 and February 4, 2016. Ten bids were received by the opening date of February 9, and Sellers & Sons, Inc. were determined to be the lowest responsive and responsible bidder. One bidder was rejected due to non-responsiveness and non-responsibility. A tabulation of bids is summarized below in Expanded Financial Considerations.

Phase II of the project is currently under design and is planned for construction in summer 2017.

Key Considerations:

The existing utilities in the Brannen Neighborhood area are aging and are in need of replacement. The water main was constructed in 1906 and the sewer main was constructed in 1919. City Utilities Division has approved funding for improvements in order to reduce maintenance cost and improve service to the community. This project area also includes degraded roadway and portions of sidewalk, which will be replaced.

Expanded Financial Considerations:

Below is a summary of the bids received:

Engineer's Estimate	$2,114,870
Capital Improvements, LLC ***(non-responsive/non-responsible)***	$1,789,000
Sellers & Sons, Inc.	$1,914,238
Standard Construction	$1,922,064
KCS	$1,941,806
McDonald Brothers	$1,959,134
RTR Paving and Resurfacing	$1,968,105
Eagle Mountain Construction	$1,988,962
Kinkaid Civil Construction	$2,040,671
LP's Excavating	$2,155,282
Fann Construction	$2,223,690

Capital Improvements, LLC's bid was determined to be non-responsive due to submitting an incomplete bid package, and non-responsible due to past performance on a previous City project. Capital Improvements, LLC has been advised of the City's determination that it was a non-responsive and non-responsible. Staff recommends award to the second low bidder Sellers & Sons, Inc.

This project is covered by FY16 budget appropriation of $382,000 and anticipated FY 17 appropriation of

$2,400,000 in Utilities account 202-08-370-3157-0.

Community Benefits and Considerations:

The Community benefits of this project include updated utility mains and services, and improved road and pedestrian facilities.

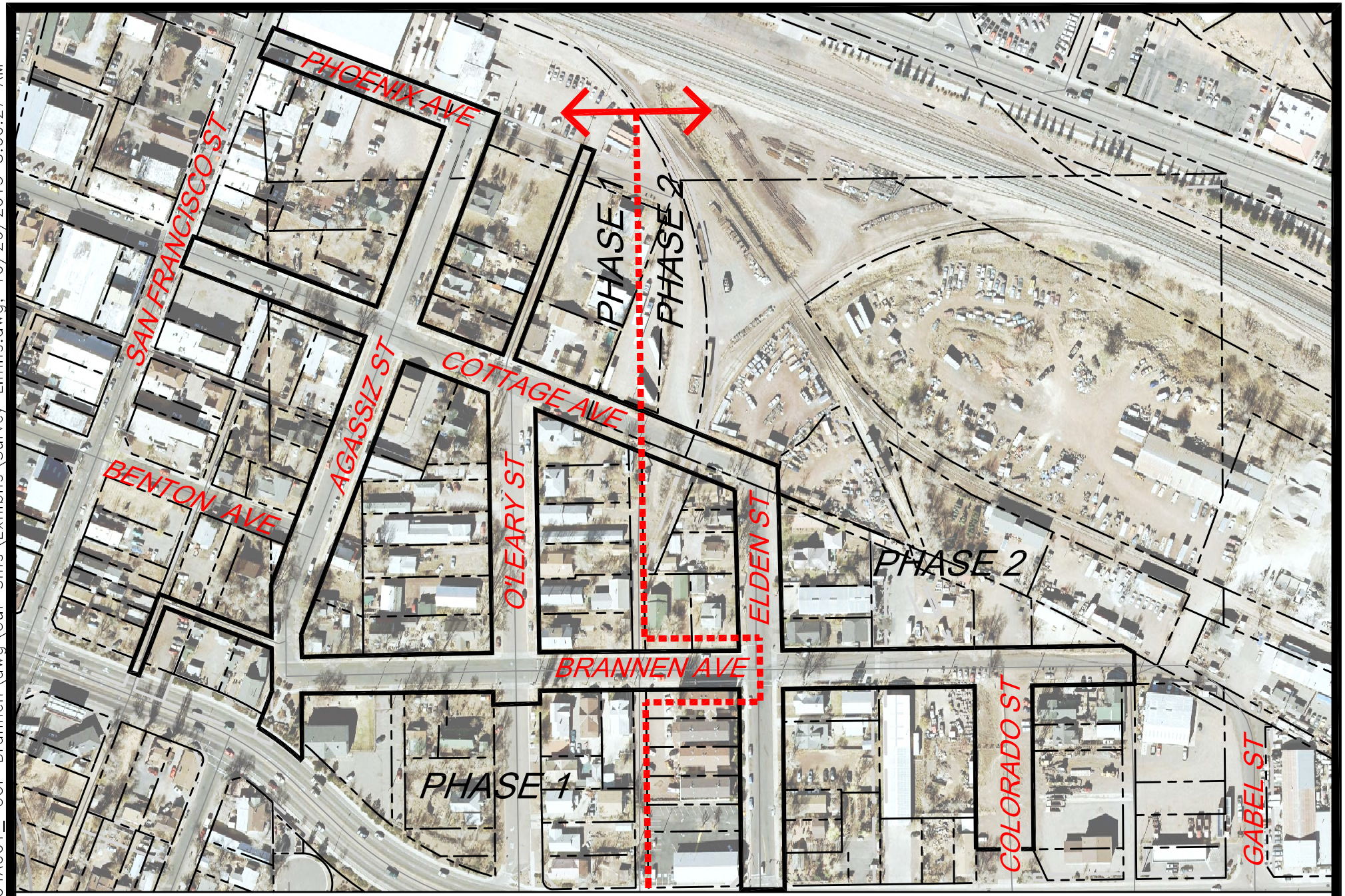
Community Involvement:

Inform and Involve: In October 2015, city staff sent out an informational mailer describing the project and inviting the community to a Public Open House to learn about the project and provide feedback. Staff held the open house on November 16, 2015 in City Hall. City Capital staff has also been doing one-on-one contact throughout the community and will continue to coordinate the construction work and schedule throughout the duration of the project. The Contractor is required per the contract to have a dedicated staff member on site to work with the public and address any project concerns.

Expanded Options and Alternatives:

1) Approve the award as recommended. Approval will allow the project to be constructed in the summer/fall of 2016.
2) Reject approval of the award. This option would delay the construction start and likely cause the work to span to two construction seasons. This option would also increase project costs and delay needed improvements for the community.
3) Re-advertise the project and solicit new bids
4) Suspend or cancel the project.

Attachments: Brannen Site Exhibit
Construction Contract



The WLB Group INC. WLB

SCALE: 1"=200'

BRANNEN SUBDIVISION
PROJECT/ PHASE LIMITS
10/26/15

N:\314004A001_ COF Brannen\dwg\Cut-Shts\Exhibits\Survey Limits.dwg, 10/26/2015 8:00:27 AM

CONSTRUCTION CONTRACT

City of Flagstaff, Arizona
and
Sellers & Sons, Inc.

This Construction Contract ("Contract") is made and entered into this _____ day of _____ 2016, by and between the City of Flagstaff, an Arizona municipal corporation with offices at 211 West Aspen Avenue, Flagstaff, Arizona ("Owner") and Sellers & Sons, Inc., an Arizona corporation ("Contractor") with offices at 7301 S. Rainbow Road, Buckeye, AZ 85326. Contractor and the Owner may be referred to each individually as a "Party" and collectively as the "Parties."

RECITALS

A. Owner desires to obtain construction service; and

B. Contractor has available and offers to provide personnel and materials necessary to accomplish the work and complete the Project as described in the Scope of Work within the required time in accordance with the calendar days included in this Contract.

NOW, THEREFORE, the Owner and Contractor agree as follows:

1. Scope of Work. The Contractor shall furnish any and all labor, materials, equipment, transportation, utilities, services and facilities required to perform all work for the construction of **Brannen Addition Water and Sewer Improvements Project** (the "Project"). Contractor shall construct the Project for the Owner in a good, workmanlike and substantial manner and to the satisfaction of the Owner through its engineers and under the direction and supervision of the City Engineer, or his properly authorized agents including but not limited to project managers and project engineers. Contractor's work shall be strictly pursuant to and in conformity with the Contract.

1.1 A Pre-Construction Conference will be held with the successful Contractor after the Notice of Award is issued. The date and time of the Conference will be agreed upon between the Contractor and the Engineer. The meeting will be held at City Hall, 211 West Aspen Avenue, Flagstaff, AZ 86001. The purpose of the meeting is to outline specific construction items and procedures that the City of Flagstaff (the "Owner") feels require special attention on the part of the Contractor. The Contractor may also present any variations in procedures to improve the workability of the Project, reduce the cost, or reduce inconvenience to the public. The Contractor shall submit a written proposal at this conference outlining intended plans for pavement replacement, maintaining continuous access to residences and businesses along the construction site, and traffic control.

2. Contract; Ownership of Work. Contractor shall furnish and deliver all of the materials and perform all of the work in accordance with this Contract; Construction Plans; Special Provisions; the City of Flagstaff Engineering Design and Construction Standards and

Specifications; the latest version of the Maricopa Association of Governments ("MAG") Specifications for Public Works Construction and City revisions to the MAG Specifications for Public Works Construction ("Exhibit A"); and any Arizona Department of Transportation (A.D.O.T.) Standards that may be referenced on the Plans or in the specifications, incorporated in this Contract by reference, plans and associated documents. All provisions of the Invitation for Construction Bids, Performance Bond, Payment Bond, Certificates of Insurance, Addenda, Change Orders and Field Orders, if any, are hereby incorporated into this Contract. All materials, work, specifications and plans shall be the property of the Owner.

The following exhibits are incorporated by reference and are expressly made a part of this Contract:

2.1.1 Revisions of MAG Standard Specifications for Public Works Construction ("Flagstaff Addendum to MAG") Exhibit A

2.1.2 Special Provisions Exhibit B

3. Payments. In consideration of the faithful performance of the work described in this Contract, the Owner shall pay an amount not to exceed **$1,914,238.50** to the Contractor for work and materials provided in accordance with the bid schedule, which amount includes all federal, state, and local taxes, as applicable. This amount shall be payable through monthly progress payments, subject to the following conditions:

3.1 Contractor shall promptly submit to the Owner all proper invoices necessary for the determination of the prices of labor and materials;

3.2 Progress payments shall be made in the amount of ninety percent (90%) of the value of labor and materials incorporated in the work, based on the sum of the Contract prices of labor and material, and of materials stored at the worksite, on the basis of substantiating paid invoices, as estimated by the Owner, less the aggregate of all previous payments, until the work performed under this Contract is fifty percent (50%) complete. When and after such work is fifty (50%) complete, the ten percent (10%) of value previously retained may be reduced to five percent (5%) of value completed if Contractor is making satisfactory progress as determined by the Owner, and providing that there is no specific cause or claim requiring a greater amount to be retained. If at any time the Owner determines that satisfactory progress is not being made, the ten percent (10%) retention shall be reinstated for all subsequent progress payments made under this Contract;

3.3 The City Engineer shall have the right to finally determine the amount due to Contractor;

3.4 Monthly progress payments shall be made by the Owner, on or before fourteen (14) calendar days after the receipt by the Owner of an approved estimate of the work completed;

3.5 Contractor agrees that title to materials incorporated in the work, and stored at the site, shall vest with the Owner upon receipt of the corresponding progress payment;

3.6 The remainder of the Contract price, after deducting all such monthly payments and any retention, shall be paid within sixty (60) days after final acceptance of completed work by the Owner. The release of retention or alternate surety shall be made following the Owner's receipt and acceptance of: Contractor's Affidavit Regarding Settlement of Claims, Affidavit of Payment, Consent of Surety for Final Payment, and Unconditional Full and Final lien waivers from all subcontractors and suppliers who have filed an Arizona Preliminary 20 Day Lien Notice in accordance with A.R.S. §§ 33-992.01 and 33-992.02.

4. Time of Completion. Contractor agrees to complete all work as described in this Contract within **Two Hundred (200) calendar days** from the date of the Owner's Notice to Proceed free of all liens, claims and demands of any kind for materials, equipment, supplies, services, labor, taxes and damages to property or persons, in the manner and under the conditions specified within the time or times specified in this Contract.

5. Performance of Work. All work covered by this Contract shall be done in accordance with the latest and best accepted practices of the trades involved. The Contractor shall use only skilled craftsmen experienced in their respective trades to prepare the materials and to perform the work.

6. Acceptance of Work; Non Waiver. No failure of the Owner during the progress of the work to discover or reject materials or work not in accordance with this Contract shall be deemed an acceptance of, or a waiver of, defects in work or materials. No payment shall be construed to be an acceptance of work or materials which are not strictly in accordance with the Contract.

7. Delay of Work. Any delay in the performance of this Contract due to strikes, lockouts, fires, or other unavoidable casualties beyond the control of the Contractor and not caused by any wrongful act or negligence of the Contractor shall entitle the Contractor to an extension of time equal to the delay so caused. The Contractor shall notify the Owner in writing specifying such cause within twenty-four (24) hours after its occurrence. In the event such delay is caused by strikes, lockouts, or inability to obtain workmen for any other cause, the Owner shall have the right but shall not be obligated to complete the work on the same basis as is provided for in Section 13 below (Contract Violations).

8. Failure to Complete Project in Timely Manner. If Contractor fails or refuses to execute this Contract within the time specified in Section 4 above, or such additional time as may be allowed, the proceeds of Contractor's performance guaranty shall become subject to deposit into the Treasury of the municipality as monies available to compensate the Owner for damages as provided by A.R.S. § 34-201 for the delay in the performance of work under this Contract, and the necessity of accepting a higher or less desirable bid from such failure or refusal to perform this Contract as required. If Contractor has submitted a certified check or cashier's check as a performance guaranty, the check shall be returned after the completion of this Contract.

9. Labor Demonstration. It is understood that the work covered by this Contract is for the Owner's business purposes and that any unfavorable publicity or demonstrations in connection with

the work will have a negative effect upon the Owner. If Contractor's actions in performance of the Contract result in any public demonstration on behalf of the laborers or organized labor in the vicinity of the Owner's premises, whether such demonstration is in the form of picketing, posting of placards or signs, violence, threats of violence or in any other form, which in the Owner's judgment, might convey to the public the impression that the Owner or the Contractor or any subcontractor is unfair to laborers or to organized labor, the Owner shall have the right to terminate this Contract immediately, unless the Contractor shall have caused such demonstration to be discontinued within two (2) days after request of the Owner to do so. In the event any such demonstration is attended by violence, the Owner may fix lesser time within which a discontinuance shall be accomplished. In the event of Contract termination, the Contractor agrees to remove from the Premises within twenty-four (24) hours of termination, all machinery, tools, and equipment belonging to it or to its subcontractors. All obligations or liabilities of the Owner to the Contractor shall be discharged by such termination, except the obligation to pay to the Contractor a portion of the Contract price representing the value based upon the Contract prices of labor and materials incorporated in the work as established by the Owner, less the aggregate of all previous payments, but subject to all of the conditions pertaining to payments generally.

10. Material Storage. During the progress of the work, the Contractor shall arrange for office facilities and for the orderly storage of materials and equipment. Contractor shall erect any temporary structures required for the work at his or her own expense. The Contractor shall at all times keep the premises reasonably free from debris and in a condition which will not increase fire hazards. Upon completion of the work, the Contractor shall remove all temporary buildings and facilities and all equipment, surplus materials and supplies belonging to the Contractor. Contractor shall leave the Premises in good order, clean, and ready to use by the Owner. The establishment of any temporary construction yard, material storage area or staging area to be located within City of Flagstaff limits and outside the public right-of-way or Project limits generally requires a Temporary Use Permit. (See Exhibit A, Section 107.2.1.)

11. Maintenance During Winter Suspension of Work. A "Winter Shutdown" is the period of time typically including December through March during which no Work will be performed by any person or entity (including but not limited to the Contractor) on the Project and Contractor shall shutdown, properly insulate and shelter the Project in a safe and workmanlike manner pursuant to local, state and federal laws. Although December through March is typically the time frame, the City reserves the right to initiate and terminate a Winter Shutdown at the City's sole discretion in the event of adverse weather conditions. A Winter Shutdown may be declared by the City despite delays, *for any reason,* on the Project. City retains the right to declare a Winter Shutdown. If work has been suspended due to winter weather, the Contractor shall be responsible for maintenance and protection of the improvements and of partially completed portions of the work until final acceptance of the project. Winter Shutdown shall be by field order, change order or original contract. If repairs and/or maintenance are needed during the Winter Shutdown, the Contractor is required to perform the repairs and/or maintenance within twenty-four (24) hours of notification from the City. If the needed repairs and/or maintenance are not addressed within the timeframe, the City will accomplish the work and deduct the cost from monies due or become due to the Contractor.

The City shall provide snow removal operations on active traffic lanes only during the Winter Shutdown. All other snow removal and maintenance operations shall be the responsibility of the Contractor during the Winter Shutdown. All cost associated with snow removal and proper disposal shall be considered incidental to the work including repair of temporary surface improvements due to normal wear and snow removal operations during the Winter Shutdown.

12. Assignment. Contractor shall not assign this Contract, in whole or in part, without the prior written consent of the Owner. No right or interest in this Agreement shall be assigned, in whole or in part, by Contractor without prior written permission of the City and no delegation of any duty of Contractor shall be made without prior written permission of the City. The City shall not unreasonably withhold consent to such assignment. Contractor agrees that any assignment agreement between Contractor and the Assignee shall include and subject to the assignee to all obligations, terms and conditions of this Agreement and that Contractor shall also remain liable under all obligations, terms and conditions of this Agreement.

13. Notices. Many notices or demands required to be given, pursuant to the terms of this Contract, may be given to the other Party in writing, delivered in person, sent by facsimile transmission, emailed, deposited in the United States mail, postage prepaid, or deposited with any commercial air courier or express service at the addresses set forth below, or to such other address as the Parties may substitute by written notice, given in the manner prescribed in this paragraph. However, notices of termination, notices of default and any notice regarding warranties shall be sent via registered or certified mail, return receipt requested at the address set forth below ***and*** to legal counsel for the party to whom the notice is being given.

If to Owner:	**If to Contractor:**
Patrick Brown, C.P.M.	John Sellers
Senior Procurement Specialist	President
211 West Aspen Avenue	7301 S. Rainbow Road
Flagstaff, AZ 86001	Buckeye, AZ 85326

14. Contract Violations. In the event of any of the provisions of this Contract are violated by the Contractor or by any of Contractor's subcontractors, the Owner may serve written notice upon the Contractor and the Surety of its intention to terminate such Contract (the "Notice to Terminate"). The Contract shall terminate within five (5) days of the date Contractor receives the Notice to Terminate, unless the violation ceases and Contractor makes arrangements for correction satisfactory to the Owner. In the event of any such termination, the Owner shall immediately serve notice of the termination upon the Surety by registered mail, return receipt requested. The Surety shall have the right to take over and perform the Contract. If the Surety does not commence performance within ten (10) days from the date of receipt of the Owner's notice of termination, the Owner may complete the work at the expense of the Contractor, and the Contractor and his or her Surety shall be liable to the Owner for any excess cost incurred by the Owner to complete the work. If the Owner completes the work, the Owner may take possession of and utilize such materials, appliances and plants as may be on the worksite site and necessary for completion of the work.

15. Termination for Convenience. The Owner may terminate this contract at any time for any reason by giving at least **thirty (30) days** written notice to the Contractor. If termination occurs under this Section 15, the Contractor shall be paid fair market value for work completed by Contractor as of the date of termination. The parties agree that fair market value shall be determined based on the Contractor's original bid price, less any work not yet completed by the Contractor as of the date the written notice of termination is given to the Contractor.

16. Contractor's Liability and Indemnification. To the fullest extent permitted by law, Provider shall indemnify, save and hold harmless the City of Flagstaff and its officers, officials, agents, and employees (hereinafter referred to as "Indemnitee") from and against liabilities, damages, losses and costs, including reasonable attorney fees, but only to the extent caused by the negligence, recklessness or intentional wrongful conduct of the contractor, subcontractor or design professional or other persons employed or used by the contractor, subcontractor or design professional in the performance of the contract. The amount and type of insurance coverage requirements set forth in the Contract (Section 103.6 of Exhibit A) will in no way be construed as limiting the scope of the indemnity in this paragraph.

17. Non Appropriation. In the event that no funds or insufficient funds are appropriated and budgeted in any fiscal period of the Owner to meet the Owner's obligations under this Contract, the Owner will notify Contractor in writing of such occurrence, and this Contract will terminate on the earlier of the last day of the fiscal period for which sufficient appropriation was made or whenever the funds appropriated for payment under this Contract are exhausted. No payments shall be made or due to the other party under this Contract beyond these amounts appropriated and budgeted by the Owner to fund the Owner's obligations under this Contract.

18. Amendment of Contract. This Agreement may not be modified or altered except in writing and signed by duly authorized representatives of the parties.

19. Subcontracts. Contractor shall not enter into any subcontract, or issue any purchase order for the completed work, or any substantial part of the work, unless in each instance, prior written approval shall have been given by the Owner. Contractor shall be fully responsible to the Owner for acts and omissions of Contractor's subcontractors and all persons either directly or indirectly employed by them.

20. Cancellation for Conflict of Interest. This Contract is subject to the cancellation provisions of A.R.S. § 38-511.

21. Compliance with All Laws. Contractor shall comply with all applicable laws, statutes, ordinances, regulations and governmental requirements in the performance of this Contract.

22. Employment of Aliens. Contractor shall comply with A.R.S. § 34-301, which provides that a person who is not a citizen or ward of the United States shall not be employed upon or in connection with any state, county or municipal public works project.

23. Compliance with Federal Immigration Laws and Regulations. Contractor warrants that it complies with all Federal Immigration laws and regulations that relate to its employees and complies with A.R.S. 23-214.A. Contractor acknowledges that pursuant to A.R.S. 41-4401 a breach of this warranty is a material breach of this contract subject to penalties up to and including termination of this contract, and that the City retains the legal right to inspect the papers of any employee who works on the contract to ensure compliance with this warranty.

24. Contractor's Warranty. Contractor warrants that it complies with all Federal Immigration laws and regulations that relate to its employees and complies with A.R.S. § 23-214.A, Verification of Employment Eligibility. Contractor shall not employ aliens in accordance with A.R.S. § 34-301, Employment of Aliens on Public Works Prohibited. Contractor acknowledges that pursuant to A.R.S. § 41-4401, Government Procurement; E-Verify Requirement; Definitions, a breach of this warranty is a material breach of this contract subject to penalties up to and including termination of this Contract, and that the Owner retains the legal right to inspect the papers of any employee who works on the Contract to ensure compliance with this warranty.

25. Jurisdiction and Venue. This Agreement shall be administered and interpreted under the laws of the State of Arizona. The Contractor hereby submits itself to the original jurisdiction of those courts located within Coconino County, Arizona.

26. Attorney's Fees. If suit or action is initiated in connection with any controversy arising out of this Agreement, the prevailing party shall be entitled to recover in addition to costs such sum as the court may adjudge reasonable as attorney fees, or in event of appeal as allowed by the appellate court.

27. Time is of the Essence. Contractor acknowledges that the completion of the Contract by the dates specified final completion is critical to the Owner, time being of the essence of this Contract.

28. No Third Party Beneficiaries. The parties acknowledge and agree that the terms, provisions, conditions, and obligations of this Contract are for the sole benefit of, and may be enforceable solely by, the Parties to this Contract, and none of the terms, provisions, conditions, and obligations of this Contract are for the benefit of, or may be enforced by, any person or entity not a party to this Contract.

29. Headings. The article and section headings contained herein are for convenience in reference and are not intended to define or limit the scope of any provision of this Contract.

30. Severability. If any part of this Contract is determined by a court to be in conflict with any statute or constitution or to be unlawful for any reason, the parties intend that the remaining provisions of this Contract shall remain in full force and effect unless the stricken provision leaves the remaining Contract unenforceable.

IN WITNESS WHEREOF, the Owner and Contractor, by their duly authorized representatives, have executed this Contract as of the date written above.

(Please sign in blue ink. Submit original signatures – photocopies not accepted)

Owner, City of Flagstaff

Josh Copley, City Manager

Attest:

City Clerk

Approved as to form:

City Attorney

Sellers & Sons, Inc.

Signature

Printed Name

Title

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Brandi Suda, Finance Director
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Consideration and Possible Adoption of Resolution No. 2016-14: A resolution of the City Council of the City of Flagstaff authorizing signatures for checks and payment vouchers ***(Authority to Sign Checks)***

RECOMMENDED ACTION:

1) Read Resolution No. 2016-14 by title only
2) City Clerk reads Resolution No. 2016-14 by title only (if approved above)
3) Adopt Resolution No. 2016-14

Executive Summary:

When the City experiences a change in staff related to current authorized signers for checks and payment vouchers, the City's bank requires a resolution to update the authorized signers.

The changes include deleting Jerene Watson and adding Shane Dille as an authorized signer as a Deputy City Manager for the City general and payroll accounts. The second change is deleting Michael Gouhin and adding Sarah Darr as a signer for the Flagstaff Housing Authority.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

None

Has There Been Previous Council Decision on This:

The last change to the authorize signers was Resolution 2015-33 at the September 15, 2015 meeting.

Options and Alternatives:

- Adopt Resolution 2016-14 as submitted.
- Amend the Resolution with consideration of internal controls,
    - o Change, expand or limit the authorized signatories.
    - o Raise or lower the dollar threshold for two signatures.

Background/History:

Recently we experienced a change to two positions that are authorized to sign checks and payment vouchers on behalf of the City. This resolution give appropriate authority for our commercial banks to process revised signatory cards. The first change is for hiring Shane Dille as Deputy City Manager due to the retirement of Jerene Watson. The second change is the retirement of Michael Gouhin from the Housing Authority.

The Mayor, Vice-Mayor, City Manager, Deputy City Managers, and the Management Services Director are authorized signatories for the City of Flagstaff. Any one member of these designated positions is authorized to sign checks up to $100,000 and any check over $100,000 requires two signatures.

For the Court, the Presiding Magistrate has the authority to sign and appoint additional signers. Historically this has included the Magistrates, the Court Administrator, and the Deputy Court Administrators. Any one member of these designated positions is authorized to sign checks up to $10,000 and any check over $10,000 requires two signatures. The Court's authority is to issue bond refund checks.

For the Flagstaff Housing Authority, the Executive Director, Maintenance Director, Director of Section 8, and Finance Director are authorized signatories for the Flagstaff Housing Authority bank accounts. All checks require two signatures.

Key Considerations:

Authority for signing checks must be in place with those in the organization that have the depth of understanding needed to understand the payment being processed, however they are far enough removed from the accounts payable/purchasing process to maintain adequate internal control.

Community Benefits and Considerations:

The community is best served through the application of internal controls that dictate the separation of duties to minimize the possibility of any fund misappropriation.

Community Involvement:

Inform

Attachments: Res. 2016-14

RESOLUTION NO. 2016-14

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF AUTHORIZING SIGNATURES FOR CHECKS AND PAYMENT VOUCHERS, AND REPEALING PRIOR RESOLUTION

RECITALS:

WHEREAS, the Wells Fargo Bank (Flagstaff Branch) has been designated the depository for the City of Flagstaff; and

WHEREAS, the bank requires a corporate resolution naming those persons authorized by the municipal corporation to sign checks drawn upon the account as may be used by the City of Flagstaff.

ENACTMENTS:

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

SECTION 1. That Gerald W. Nabours, Celia Barotz, Shane Dille, Josh Copley, Barbara Goodrich, and Rick Tadder each be hereby authorized to sign checks drawn upon the general and payroll accounts of the above named bank for amounts up to $100,000.00 and that any combination of two of the authorized signatures be required for checks in excess of $100,000.00.

SECTION 2. That Thomas Chotena, Michael Araujo, Donald Jacobson, Jessica Cortes, and Cathy Harrison each be hereby authorized to sign checks drawn upon the Court account of the above mentioned bank for amounts up to $10,000.00 and that any combination of two of the authorized signatures be required for checks in excess of $10,000.00.

SECTION 3. That Sarah Darr, Jose J. Dominguez, Ellen Ishii, and Deborah S. Beals each be hereby authorized to sign checks drawn upon the Flagstaff Housing Authority account of the above mentioned bank and that any combination of two of the authorized signatures be required for all checks issued.

SECTION 4. That the City Clerk of the City of Flagstaff is hereby authorized to certify the signatures of the above named individuals.

SECTION 5. That Resolution No. 2015-33 providing for authorized signatures is hereby repealed.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 22nd day of March, 2016.

_____

MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Michelle D'Andrea, City Attorney
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Consideration and Adoption of Clean-Up Ordinances:

Consideration and Adoption of Ordinance No. 2016-11: An ordinance of the City Council of the City of Flagstaff Amending the Flagstaff City Code, Title 1, Administrative, Chapter 15, Municipal Court, Division 1, Section 2, Municipal Judge, Presiding Magistrate, Hearing Officers, to Require all Municipal Judges to be Admitted to the Practice of Law in the State of Arizona; Providing for Repeal of Conflicting Ordinances, Severability, and Establishing an Effective Date ***(Municipal Judge Qualifications)***

Consideration and Adoption of Ordinance No. 2016-12: An ordinance of the City Council of the City of Flagstaff, Amending the Flagstaff City Code, Title 1, Administrative, Chapter 24, Insurance, Division 1, Section 7, Insurance, to Increase the Authority of the City Manager to Settle Claims up to Fifty Thousand Dollars; Providing for Repeal of Conflicting Ordinances, Severability, and Establishing an Effective Date. ***(Bringing City Code Consistent with Charter Regarding City Manager's Authority to Settle Claims)***

RECOMMENDED ACTION:

1) Read Ordinance No. 2016-11 by title only for the final time
2) City Clerk reads Ordinance No. 2016-11 by title only (if approved above)
3) Adopt Ordinance No. 2016-11
4) Read Ordinance No. 2016-12 by title only for the final time
5) City Clerk reads Ordinance No. 2016-12 by title only (if approved above)
6) Adopt Ordinance No. 2016-12

Executive Summary:

The City Attorney brings these two clean-up ordinances to the Council for consideration. The first ordinance codifies the Council's policy regarding qualifications of city magistrates to require admission to the Arizona bar. The second ordinance increases the City Manager's settlement authority, consistent with his authority to enter into contracts, to fifty thousand dollars.

Financial Impact:

None.

Connection to Council Goal and/or Regional Plan:

None.

Has There Been Previous Council Decision on This:

Yes. The City Council advised staff to require admission to the state bar of Arizona as a qualification for magistrates on September 9, 2014. First reading of these ordinances took place at the March 1, 2016, Council meeting.

Options and Alternatives:

Ordinance 2016-11: Magistrate Qualifications

1) The Council may adopt the ordinance indicating the qualifications for magistrates; or
2) The Council may not adopt the ordinance and continue with the policy requiring admission to the Arizona bar for qualification as a magistrate; or
3) The Council may decide not to require admission to the state bar as a qualification for magistrates; or
4) The Council may require admission to the state bar for only certain magistrates.

Ordinance 2016-12: Settlement Authority

1) The Council may increase the City Manager's settlement authority to $50,000.00, consistent with his authority to contract; or
2) The Council may leave the City Manager's settlement authority at $25,000.00; or
3) The Council may determine a different amount for the City Manager's settlement authority.

Community Involvement:

Inform

Attachments: Ord. 2016-11
Ord. 2016-12

ORDINANCE NO. 2016-11

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 1, *ADMINISTRATIVE,* CHAPTER 15, *MUNICIPAL COURT*, DIVISION 1, SECTION 2, *MUNICIPAL JUDGE, PRESIDING MAGISTRATE, HEARING OFFICERS*, TO REQUIRE ALL MUNICIPAL JUDGES TO BE ADMITTED TO THE PRACTICE OF LAW IN THE STATE OF ARIZONA; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Charter requires the Flagstaff City Council to appoint police judges, also known as municipal judges, and the police judges hold office at the pleasure of the Council: and

WHEREAS, the Flagstaff City Council determined that it is appropriate to require all municipal judges, including but not limited to the presiding judge, on-call judges, and part-time judges to be attorneys admitted to the practice of law in the State of Arizona.

ENACTMENTS:

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

SECTION 1. In General.

The Flagstaff City Code, Title 1, *Administration,* Chapter 15, *Municipal Court*, Division 1, Section 2, *Municipal Judge, Presiding Magistrate, Hearing Officers,* is hereby amended as set forth below (deletions shown as stricken, and additions shown as capitalized text):

1-15-001-0002 MUNICIPAL JUDGE, PRESIDING MAGISTRATE, HEARING OFFICERS

A. Municipal Judge: All Municipal Judges shall serve a term of two (2) years. The two (2) year term shall commence August 1, and terminate July 31. During such term, a Municipal Judge may be removed only for cause. All Municipal Judges shall be appointed by the Council. ALL MUNICIPAL JUDGES, INCLUDING BUT NOT LIMITED TO THOSE DESCRIBED IN SECTION (C) BELOW, MUST BE ADMITTED TO THE PRACTICE OF LAW IN THE STATE OF ARIZONA.

B. Presiding Magistrate: Appointed by the Council, presides over a court calendar as well as having administrative authority to hire, supervise, discipline, and terminate its non-appointed court employees. (Supreme Court Administrative Orders 83-11, 90-3, and Rule I, Uniform Rules of Practice of the Superior Court, and the principle of judicial independence under the doctrine of separation of powers as defined in the State Constitution, Article III). The Presiding Magistrate shall follow all Personnel Policies adopted and amended by the City Council. Further, the Presiding Magistrate shall utilize the Personnel Board created by Ordinance No. 971 and appointed by the

City Council. The findings and recommendations of the Personnel Board shall be forwarded to the Presiding Magistrate for action. The Presiding Magistrate shall accept in whole or in part, or reject, said findings and recommendations.

C. Additional Municipal Judges: In conformance with Paragraph A of this Section, the City Council may appoint one (1) or more additional Judge(s).

1. On-Call: This position will be paid on an hourly basis for each hour worked at a rate determined by the City Council at the time of appointment. This position will not have a set schedule and will work only at such times as required by the Presiding Magistrate when other Municipal Judges are not available.

2. Part-Time: This position will be paid on an hourly basis for each hour worked at a rate and for a specific number of hours per week as determined by the City Council at the time of appointment. The Presiding Magistrate will schedule actual times and days of work. Additional Judges working twenty (20) hours per week or more, as authorized by the City Council, will also be eligible for full health, life and dental insurance benefits.

D. Civil Traffic Hearing Officers: The Council may appoint Hearing Officers to preside over civil traffic violation cases as provided in Arizona Revised Statutes, section 28-1055, as amended. Hearing Officers shall serve under the supervision of the Presiding Municipal Judge, for a term of two (2) years. The two (2) year term shall commence August 1, and terminate July 31. During such term, a Hearing Officer may be removed only for cause. (Ord. 1860, 02/07/95)

SECTION 2. 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 3. 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 4. Effective Date.

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 22nd day of March, 2016.

_____

MAYOR

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM:

_____

CITY ATTORNEY

ORDINANCE NO. 2016-12

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 1, *ADMINISTRATIVE,* CHAPTER 24, *INSURANCE*, DIVISION 1, SECTION 7, *INSURANCE,* TO INCREASE THE AUTHORITY OF THE CITY MANAGER TO SETTLE CLAIMS UP TO FIFTY THOUSAND DOLLARS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Charter allows the city manager to contract on behalf of the city for amounts of fifty-thousand dollars or less; and

WHEREAS, in the past, the city manager's authority to settle claims, which is set by ordinance, has been increased when his or her authority to enter into contracts has increased.

ENACTMENTS:

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

SECTION 1. In General.

The Flagstaff City Code, Title 1, *Administration,* Chapter 24, *Insurance*, Division 1, Section 24, *Insurance,* is hereby amended as set forth below (deletions shown as stricken, and additions shown as capitalized text):

1-24-001-0007 SETTLEMENT OF CLAIMS

The City Manager or designee, shall have the authority to settle and authorize payment of claims against the City up to the amount of ~~twenty-five thousand dollars ($25,000.00)~~ FIFTY THOUSAND DOLLARS ($50,000.00). Any claim in excess of this amount shall require approval of the City Council. The Council shall be notified of all claim settlements.

SECTION 2. 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 3. 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 4. Effective Date.

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 22nd day of March, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Roger Eastman, Zoning Code Administrator

Date: 03/16/2016

Meeting Date: 03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-13 and Ordinance No. 2016-22: Public hearing to consider proposed amendments to Flagstaff Zoning Code, Chapter 10-50 (Supplemental to Zones), Division 10-50.100 (Sign Standards), and other related amendments in Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps); consideration of Resolution No. 2016-13 declaring the proposed amendments as a public record; and adoption of Ordinance No. 2016-22, adopting amendments to Flagstaff Zoning Code Chapter 10-50 (Supplemental to Zones), Division 10-50.100 (Sign Standards), and other related amendments in Chapter 10-20 (Administration, Procedures and Enforcement), Chapter 10-80 (Definitions) and Chapter 10-90 (Maps), by reference. ***(Zoning Code Amendments - Sign Standards)***

RECOMMENDED ACTION:

At the Council Meeting of March 22, 2016

1) Hold public hearing
2) Read Resolution No. 2016-13 by title only
3) City Clerk reads Resolution No. 2016-13 (if approved above)
4) Read Ordinance No. 2016-22 for the first time by title only
5) City Clerk reads Ordinance No. 2016-22 for the first time by title only (if approved above)

At the Council Meeting of April 5, 2016

6) Adopt Resolution No. 2016-13 (declaring a public record)
7) Read Ordinance No. 2016-22 for the final time by title only
8) City Clerk reads Ordinance No. 2016-22 by title for the final time (if approved above)
9) Adopt Ordinance No. 2016-22

Executive Summary:

Amendments to Flagstaff Zoning Code Division 10-50.100 (Sign Standards) are needed in response to the US Supreme Court's decision last year in the *Reed v. Town of Gilbert* sign case. At a work session with the Council on December 8, 2015 the reason for these amendments was discussed and an overview of them was presented by staff. Council provided direction to staff on these amendments which has been included in the amendments, which were reviewed and recommended for approval by the Planning and Zoning Commission on February 24, 2016, attached to Resolution 2016-13.

Financial Impact:

Council's possible adoption of the proposed amendments to the City's sign standards will not have a financial or budgetary impact on the Comprehensive Planning and Code Administration Program's budget.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

7) Address key issues and processes related to the implementation of the Regional Plan.

REGIONAL PLAN:

The Flagstaff Regional Plan 2030 supports the amendments to Division 10-50.100 (Sign Standards) with the following goals and policies:

Goal CC.1. Reflect and respect the region's natural setting and dramatic views in the built environment. The proposed amendments support this goal by ensuring the aesthetic beauty of the City's natural and built environment is protected (Purpose statement B.5).

Policy ED.7.1. Support planning, design, and development that positively, creatively, and flexibly contribute to the community image."

Has There Been Previous Council Decision on This:

The Council held an executive session and work session on December 8, 2015 to discuss the proposed amendments to Division 10-50.100 (Sign Standards).

Options and Alternatives:

Please refer to the Expanded Options and Alternatives below.

Background/History:

In June this year the US Supreme Court rendered its decision in the *Reed v. Town of Gilbert* sign code case which clarified when government regulation of speech is content based. Content-based laws are presumptively unconstitutional. The Supreme Court's decision in the *Reed* case has wide-ranging implications for sign ordinances in cities across the nation.

1. The key takeaway from the *Reed case is that c*ities cannot categorize signs based on the topic or message being conveyed and then impose restrictions within each content-based category. For example, the current sign code provides different standards for different types of temporary signs such as real estate signs, new development construction signs, political signs, and commercial advertising signs. Subjecting each category of signs to different restrictions is no longer permissible under *Reed*.

2. As a result of the *Reed* decision, every sign code needs to be carefully scrutinized to ensure that it does not contain content-based regulations. Planning staff has worked closely with the City's Attorney's office to understand the implications of the *Reed* decision on the City's sign code and over the past few months has developed many ideas for amendments to the sign regulations. Staff also participated in a professional development workshop hosted by the Arizona Planning Association in August 2015 on the implications of the *Reed* case, and was a panelist at professional conferences in October and November (Quad States Conference in Kansas City in October and the Arizona Planning Association annual conference in November), and most recently the New Jersey Planning Association conference in January 2016, in which the principles behind the City's draft amendments were presented to the attendees. Staff took advantage of being at these conferences to talk with planners and attorneys familiar with the Reed case to solicit their input and ideas on the City's ideas. The response was very supportive and favorable.

   A summary of this important case is provided in the first attachment, "An Overview of *Reed v. Town of Gilbert*, US Supreme Court No. 135 S.CT. 2218, 2015," Attachment A.

Key Considerations:

The proposed amendments to Division 10-50.100 (Sign Standards) are intended to ensure consistency with the US Supreme Court's decision, and to streamline, simplify, and improve the standards to provide flexibility and maintain a positive community image, while supporting the needs of business owners.

The amendment document attached to Resolution 2016-13 (2016 *Amendments to City Code Title 10, Zoning Code, Division 10-50.100 (Sign Standards) and Other Related Divisions*) is a "Clean" version of the amendments to the sign standards and other related sections with all changes accepted to assist in the Council's review (Attachment C.). This version has been reorganized into a more logical structure, cross references and formatting are completed, and it is a "final" draft. Note though that not all of the final illustrations have been inserted into the document as they are still being prepared. A "Track Changes" version of the draft amendments that shows new text in underline and text to be deleted in ~~strikeout~~ is attached as Attachment D. Also attached is the existing Division 10-50.100 (Sign Standards) from the adopted Zoning Code (Attachment E.). Finally Ordinance 2016-22 is attached (Attachment F.).

The majority of the amendments included within this Division, especially in the Portable Signs Section (formerly Temporary Signs), are proposed in response to the US Supreme Court's decision in the *Reed v. Town of Gilbert* sign code case to ensure that the City's sign provisions are content neutral. The Planning and Zoning Commission as part of their review of the entire Zoning Code in June 2015 recommended approval of a few minor amendments within the Permanent Sign Section of the Code (Section 10-50.100.060), and these, together with additional amendments, especially in the Portable Signs Section (10-50.100.090) are included in the attached amendments documents. The narrative below provides an overview of the more substantive amendments organized by Section and Subsection.

10-50.100.010 Purpose

- B. Includes minor amendments to remove redundant language and improve readability.
- C. Table 10-50.100.010.A (Sign Types) has been deleted as it provided information of little value to readers and users of the Code.

10-50.100.020 Applicability

- A.4 The provision allowing for speech in a traditional public forum has been moved from Section 10-50.100.040.A (Location Restrictions) to this Section where it is more appropriately placed.
- B. Interpretations. Includes additional language to provide that non-commercial speech may be substituted for commercial speech on a sign without the need for a permit.
- C. Exemptions.
  - The following Subsections have been deleted or removed from this Subsection:
    - Display Board for Daily Specials
    - Political Signs
    - Neighborhood or District Signs (now included within Section 10-50.100.100.A (Flagstaff Central District)
    - Non-Structural Modifications and Maintenance (moved to the Section 10-50.100.030 (Sign Permit Requirements)
    - Real Estate Signs
    - Signs Required by Law (now included within governmental signs)
    - Vehicle Signs (Moved to Table 10-50.100.060.P (Standards for Other Sign Types))
    - Yard and Garage Sale Signs
  - The following Subsections have been updated to clarify standards and improve readability:
    - Flags
    - Governmental Signs (includes property address signs)
    - Internal Signs and Signs with City Recreation Facilities.

10-50.100.030 Sign Permit Requirements

- A. The requirement for Temporary Sign Permits for all temporary signs has been modified to only

require a permit for Temporary Wall Banner Signs. The draft amendments contemplate that all other temporary signs (i.e. Portable Signs) will not be subject to a permitting requirement.
- C. The standards for Non-Structural Modifications and Maintenance have been moved from Subsection C. (Exemptions) to this Section where they more appropriately should be placed.

10-50.100.040 General Restrictions for All Signs

- A. Prohibited Signs. Includes minor amendments to remove redundant language and improve readability.

The provision allowing for speech in a traditional public forum has been moved to Section 10-50.100.020.A (Applicability).
The standards for signs on vehicles have been moved to Table 10-50.100.060.P (Standards for Other Sign Types), except that the standard prohibiting a vehicle from being used as an advertising sign remains in this Subsection.

- B. Display Restrictions. Includes minor amendments to remove redundant language and improve readability.

10-50.100.050 General Requirements for All Signs

- No significant amendments are proposed in this Section except to include an additional photograph to better illustrate how to calculate sign area.

10-50.100.060 Permanent Signs

- C.4.b.(2) Building Mounted Signs. Includes minor amendments and an illustration to clarify and better explain the standards for sign placement.
- C.4.b.(5) Driveway Signs (formerly Directional Signs). Includes minor amendments to remove the requirement that these signs may only be approved as part of a Comprehensive Sign Program.
- C.4.b.(7) Freestanding Signs. Includes a new standard to allow for a freestanding sign to be mounted on two or more posts. A new standard specific to the post signs typically used to advertise a property or building for sale, rent or lease is also included.
- C.4.b.(14) Window Signs. Includes an amendment to accommodate open signs. Also, the combined area of permanent and temporary window signs has been increased from 25 to 40 percent of the window area.
- C.4.b.(15) Vehicle Signs (formerly Other Sign Types). This Subsection now only applies to vehicle signs. The standards for fuel pump topper signs have been deleted as these are portable signs not permanent signs; the standards for open signs have been removed (inserted into Window Signs – see above); the standards for vehicle signs have been moved from the Exemptions Subsection into this table; and, the standards for vending machines have been deleted as they were hard to apply and enforce.

10-50.100.070 Comprehensive Sign Programs

- C. Review. Includes a minor amendment to also allow this Section to also apply to building mounted signs.

10-50.100.080 Sign Design Performance Standards

- B. Cumulative Adjustments. Includes a minor amendment to correct an error to ensure consistency with other applicable standards.

10-50.100.090 Portable Signs

- In order to ensure that the City's temporary sign regulations are consistent with the US Supreme Court's decision in the Reed v Town of Gilbert sign case, numerous and significant amendments

are proposed in this Section to ensure that the City's sign provisions are content neutral.

- The Council directed staff to draft revisions to the Temporary Sign Section to allow temporary signs to be displayed for an indefinite period of time without the need for a permit, subject to various standards that, for example, limited the total area of the signs, their placement on private property, etc. This means that the signs are hardly "temporary", and staff has suggested instead that they be called "portable signs".

Key decision points – Portable Signs:

- No portable signs will be permitted in public right-of-way (both City and ADOT).
- No permit will be required for portable signs, except temporary wall banner signs.
- It was agreed that all portable signs may be displayed for an unlimited period of time and will not be required to be removed at the close of business as originally proposed by staff. An exception is that temporary wall banner signs may only be displayed for 30 days. For this reason as these signs could be in place for extended periods of time and, therefore, are not really "temporary", they have been called "portable signs".
- An area limitation will be established to determine the maximum area of portable signs permitted in residential zones (16 sq. ft.) and non-residential zones (originally proposed as 32 sq. ft. and reduced to 24 sq. ft.). Staff has proposed that the area of temporary wall banners (max. 24 sq. ft.) should not be included in this area limitation

- Temporary window signs will also not be included in the area allowance for portable signs.
- The Flagstaff Sign Free Zone as authorized under ARS § 16.1019 is included in the proposed amendments.
- A. <u>Purpose</u>. A minor amendment is proposed to eliminate redundant language.
- B. <u>General to All</u>.
    - Clarifies that a temporary sign permit is only required for a temporary wall banner sign. It has been renamed as a Temporary Wall Banner Sign Permit.
    - The redundant provisions stating that portable signs may not be illuminated (this standard may be found in Table 10-50.100.090.A) and the sign standard for events on City property approved under a Special Event Permit have been eliminated (See Section 10-50.100.090.B.3).
    - The provision allowing for speech in a traditional public forum has been moved to Section 10-50.100.020.A.4 (Applicability) where it is more appropriately placed.
    - The provision that allows the removal of portable signs in public right-of-way and in clear view zones by City code enforcement staff when a hazard to pedestrian or vehicle traffic is present has been moved to Section 10-50.100.120 (Enforcement).
    - A new standard is proposed that establishes no limitations on the length of time that portable signs may be displayed except for temporary wall banners.
- C. <u>Standards for Portable Signs</u>. This Subsection has been significantly shortened and most of the former standards have been eliminated because they were content-based. This includes for example, the standards for various signs (e.g. temporary construction signs, signs for temporary uses, new occupancy or use signs, grand opening signs, directional signs, promotional signs, going-out-of-business signs, etc.). Furthermore, the standards for different sign types (e.g. A-frame or upright signs, feather or vertical banners, and wall banners) have been consolidated into one table (Table 10-50.100.090.B) to eliminate redundancy and to simplify the Code. This Section has also been reorganized as summarized below:
    - 1. <u>Time, Place and Manner Restrictions for Portable Signs.</u>
      A new Table 10-50.100.090.A provides all the standards applicable to the placement of portable signs. It is divided into three sections: Applicable to All Zones (e.g. includes standards on what elements are prohibited on a portable sign and design and construction standards); Commercial, Industrial and Other Non-Residential Zones; and All Residential Zones (each of these subsections includes standards on period of use, hours of use, allowable sign area and number of signs). A content neutral standard is assured because the sign message is not regulated. However, the total area of portable signs in commercial etc. zones is limited to 24 sq. ft. per business while the total area of portable signs in residential

zones is limited to 16 sq. ft. per lot or parcel. This maximum sign area limitation allows for multiple portable signs to be displayed with a variety of messages (may be political, business advertising, or ideological) provided they do not exceed the area limitation. Consistent with Council's direction provided in the October 8th work session, the area of temporary window signs and temporary wall banners is not included in the total sign area for portable signs.

- 2. Standards for Specific Portable Sign types.
  Table 10-50.100.090.B consolidates the area, height, width, and number of signs, etc. standards for various portable sign types, including A-frame or upright signs, feather or vertical banner signs, wall banner signs, and two new sign types, flags displaying a commercial message and yard signs. End Note #1 allows for various other types of portable signs such as fuel pump topper signs or balloon bobbers. Balloon bobbers are preformed into the shape of a balloon but are not inflated with pressurized air and are typically attached to a short pole or stick.
- 3. Civic and Non-Profit Events Signs on City Approved Sign Support Structures.
  The standards in this Subsection are unchanged except that a purpose statement has been added that clarifies that signs advertising a community event may be placed on these sign structures rather than the current standard which requires them to be located on the sign structures.

- 4. Sign Walkers.
  The existing standards have been updated and clarified to make them easier to apply.

In the alternative, the following options may be considered by the Council (Note that after discussing these options the Planning and Zoning Commission agreed to recommend approval of the approach to sign regulation presented in the attached amendments):

- ***OPTION 1:*** *Require a permit for all temporary signs and limit the display time that temporary signs may be displayed (may be anywhere from 60 days to 5 months). Under this option there would be no need for the proposed "portable sign" amendments as the length of time that they would be displayed will be limited. Enforcement and permitting of this option will be challenging and may be burdensome on staff. All temporary signs (except wall banners) could be required to be removed at the close of business (current code standard) or permitted to remain in place overnight (staff's preferred approach). Note that as all temporary signs would require a permit, this would include political, ideological, real estate, commercial advertising signs, etc.*

- ***OPTION 2:*** *Do not require a permit for all temporary signs and limit the display time that temporary signs may be displayed (may be anywhere from 60 days to 5 months), Under this option there would also be no need for the proposed "portable sign" amendments. However, it would rely on an honor system with business owners and others placing signs on their property, similar to the approach used for civic/non-profit event banner signs on the City's sign structures to inform the City when a temporary sign would be displayed and removed within the time frame determined by the Council. Enforcement and management of this option will be challenging and may be burdensome on staff. All temporary signs (except wall banners) could be required to be removed at the close of business (current code standard) or permitted to remain in place overnight (staff's preferred approach).*

10-50.100.100 Sign Districts of Special Designation

- A. Flagstaff Central District. The standards for Neighborhood or District Signs have been moved into the freestanding sign section.
- B. Downtown Historic District. The standards for stanchion signs in former Table 10-50.100.090.E (Standards for Temporary Stanchion Signs) have been deleted consistent with the principle of prohibiting all temporary (portable) signs in the public right-of-way. Also, the former prohibition on A-frame and Upright Signs in this Downtown District has been removed, and only feather vertical banners are now proposed to be prohibited in this District.
- E. Flagstaff Sign Free Zone. This is a new Subsection included into the Zoning Code pursuant to

A.R.S. §16-1019 which enables a municipality to establish a zone based on City rights-of-way in which no portable signs are permitted.

10-50.100.110 Nonconforming Signs

- No amendments proposed.

10-50.100.120 Enforcement

- The provisions allowing for the removal of portable signs in public right-of-way and in clear view zones by City code enforcement staff when a hazard to pedestrian or vehicle traffic is present has been moved from the Portable Signs Section.

10-50.100.130 Appeals

- No amendments proposed.

10-50.100.140 Severability

- No amendments proposed.

Needed Amendments to Other Related Chapters of the Zoning Code

Chapter 10-20 Administration, Procedures, and Enforcement:
Division 10-20.40 Permits and Approvals
Section 10-20.40.130 Sign Permits – Temporary Wall Banner Sign Permits

- B. Sign Permit Requirement. Includes minor amendments to state that a sign permit is only required for a temporary wall banner.

Chapter 10-80 Definitions:
Division 10-80.20 Definition of Specialized Terms, Phrases, and Building Functions

- Includes minor amendments to the following definitions:
  - Sign – includes signs for ideological and political purposes
  - Sign, Balloon Bobber – includes a new definition for this sign type
  - Sign, Portable – includes a new definition for this sign type
  - Sign, Post – includes a new definition for this sign type
  - Sign, Temporary– clarifies and simplifies the definition
  - Sign, Temporary A-frame – clarifies and simplifies the definition
  - Sign, Temporary Upright – clarifies and simplifies the definition
  - Sign, Temporary Feather or Vertical Banner – clarifies and simplifies the definition
  - Sign, Temporary Wall Banner – clarifies and simplifies the definition
  - Sign, Temporary Yard – includes a new definition for this sign type.

- The following definitions are proposed to be deleted:
  - Sign, Menu Display Board
  - Sign, Real Estate
  - Sign, Real Estate Directional
  - Sign, Stanchion
  - Sign Temporary
  - Sign, Temporary Directional
  - Sign, Temporary Event
  - Sign, Temporary New Development/Construction

Section 10-20.50.100.F of the Zoning Code establishes findings for the approval of text amendments. It is staff's recommendation that the Council may find that the proposed amendments to Division 10-50.100 (Sign Standards) and other related Divisions meets the following findings:

Findings for Text Amendments:

1. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan and any applicable specific plan;
2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and
3. The proposed amendment is internally consistent with other applicable provisions of this Zoning Code.

Expanded Financial Considerations:

None.

Community Benefits and Considerations:

Flagstaff residents and business owners, users of the City's sign standards, and City staff will benefit from the adoption of these proposed amendments as they will fix known deficiencies and redundancies in the standards, simplify the permitting processes for temporary (portable) signs, clarify and simplify standards and procedures, and importantly, provide consistency with the US Supreme Court's decision in the *Reed v. Town of Gilbert* sign case by ensuring that the sign standards do no contain content-based regulations.

Community Involvement:

INFORM, CONSULT, and **INVOLVE**

Once a preliminary draft of the proposed amendments to the Sign Standards was completed, staff has engaged with members of such local organizations as Friends of Flagstaff's Future, Northern Arizona Builders Association, Northern Arizona Association of Realtors, and the Flagstaff Chamber of Commerce Economic Development Committee to solicit their comments and reaction to the amendments. Also, a number of articles were published in the Flagstaff Business News and Cityscape, and staff has participated in frequent interviews on KAFF Radio.

Consistent with state law and the requirements of the Zoning Code the Planning and Zoning Commission held a work session on the proposed sign code amendments on February 10, 2016. No residents were in attendance and no comments were provided to the Commission. The Council also held a work session on December 8, 2015 on the proposed amendments at which time general policy direction was provided to staff. No residents spoke to the Council at that work session.

In advance of all Council and Planning and Zoning Commission work sessions as well as the Commission's February 24th public hearing, staff has sent out an email to local stakeholder organizations such as Friends of Flagstaff's Future, Northern Arizona Builders Association, Northern Arizona Association of Realtors, and the Flagstaff Chamber of Commerce Economic Development Committee. These groups were requested to forward the email to their members. Interviews with KAFF radio have also been scheduled regularly, and posts to the City's Facebook accounts have been posted. Further, in compliance with state law and the Zoning Code's noticing requirements, a ¼ page display advertisement (larger than the minimum required 1/8 page ad) was printed in the Arizona Daily Sun in advance of all public meetings and public hearings of the Planning and Zoning Commission and the City Council.

About six members of the public attended the Planning Commission's February 24th public hearing, but none chose to speak to the Commission. At this meeting the Commission unanimously recommended that the Council approve the amendments to Division 10-50.100 (Sign Standards) attached to Resolution

2016-13.

Expanded Options and Alternatives:

1. Adopt Resolution 2016-13 declaring that document entitled "*2016 Amendments to City Code Title 10, Zoning Code, Division 10-50.100 (Sign Standards) and Other Related Amendments"* to be a public record.
2. Do not adopt Resolution 2016-13 and, therefore, do not declare that document entitled "*2016 Amendments to City Code Title 10, Zoning Code, Division 10-50.100 (Sign Standards) and Other Related Amendments"* to be a public record.
3. Adopt Ordinance 2016-22 to amend the Zoning Code's sign standards (Division 10-50.100 (Signs Standards)) and other related chapters of the Zoning Code.
4. Modify and adopt Ordinance 2016-22 to amend the Zoning Code's sign standards (Division 10-50.100 (Signs Standards)) and other related chapters of the Zoning Code.
5. Do not adopt Ordinance 2016-22 and, therefore, do not amend the Zoning Code's sign standards (Division 10-50.100 (Signs Standards)) and other related chapters of the Zoning Code.

Attachments: Overview - Reed v. Town of Gilbert
Res. 2016-13
2016 Sign Standards Amendments
Sign Standards Amendments Redline Version
Current Sign Standards
Ord. 2016-22

An Overview of *Reed v. Town of Gilbert*, US Supreme Court No. 135 S.CT. 2218, 2015

The US Supreme Court, in a landmark decision rendered in June 2015, fundamentally changed the way cities and towns should approach sign regulation.

Mr. Reed is the pastor of a small church, the Good News Community Church, whose Sunday services are held at various temporary locations within the Town of Gilbert, Arizona. As they do not have a fixed location, on Saturday mornings Pastor Reed posted signs bearing the name of the church and the time (typically 9:00 am) and location of the next day's service. The signs were removed shortly after the church service.

Typical Sign used by the Church: "Temporary Directional Sign Relating to a Qualifying Event"
Source: http://www.nytimes.com/2015/06/19/us/justices-side-with-arizona-church-in-dispute-over-sign-limits.html

The Town of Gilbert's sign code prohibited the display of outdoor signs without a permit, except that 23 categories of signs were exempted. These included ideological signs, political signs and "temporary directional signs to direct the public to a church or other qualifying event". In addition, each of these sign types had specific area limitations and time and placement restrictions as summarized below:

Sign Type	Example Message	Area (Max.)	Where?	How long?
Ideological Signs	"Save the Whales"	20 sq.ft.	Anywhere	No limit
Political Signs	"Vote for Bob"	Res. 16 sq.ft. Com. 32 sq.ft.	Private property; not town ROW	60 days before primary election 15 days after general
Temp. Directional Sign Relating to a Qualifying Event	"Church Meeting at 9:00 am"	6 sq.ft	Public or private land; max. 4 on a property at one time	12 hours before 1 hour after

The church was cited by the Town of Gilbert for placing temporary directional signs in violation of the Town's sign code standards. Specifically, the church was cited for exceeding the time limits for displaying its temporary directional signs and for failing to include an event date on the signs. Unable to reach an accommodation with the Town, the church filed suit claiming that the sign code abridged their freedom of speech. After losing his case in front of the Arizona District Court, and the Ninth Circuit Court of Appeals, Pastor Reed sought review by the U.S. Supreme Court. The case was argued in front of the Supreme Court on January 12, 2015, and decided on June 18, 2015.

The Supreme Court's decision in this case has far reaching implications for the day-to-day regulation of signs. The key takeaways from the *Reed* decision may be summarized as follows:

- The *Reed* case clarified when a government regulation of speech is content based.
- Content-based sign regulations are presumptively unconstitutional.
- Time, place, and manner regulations are acceptable provided they are content neutral, narrowly tailored, and serve a legitimate government interest.

- All signs are affected by the outcome of the *Reed* decision, i.e. temporary signs and permanent signs.
- It appears that commercial signs may still be regulated differently than noncommercial signs (e.g., a municipality can likely still prohibit off-premise commercial signs).
- A municipality cannot exempt certain categories of signs to avoid review. Exempting a category of signs, such as political signs or real estate, is the same as allowing them without regulation. Assuming other categories of signs containing noncommercial speech are regulated, those regulations will be deemed content based and presumptively unconstitutional.
- Careful scrutiny of a sign code is essential to ensure content neutrality.

Three Practical Considerations to Improve a Sign Code

1. Every city and town should carefully review their sign regulations to ensure the Code is content neutral.

2. Remove all references to the content of a sign. For example, regulations for different sign types, such as "real estate signs," "garage sale signs," "political signs," or "grand opening signs," are content based and need to be removed from the sign code. A better approach is to simply call them "temporary signs" and regulate the number, size, and location of the signs in a content-neutral manner.

3. The sign code should include a severability clause and a substitution clause. The severability clause states that if a specific provision of the Code is found to be unconstitutional, it is the intent of the legislative body that the rest of the Code remains valid. A substitution clause allows noncommercial speech to be substituted wherever commercial speech is allowed, which is intended to avoid arguments that the Code favors commercial speech over noncommercial speech.

RESOLUTION NO. 2016-13

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "*2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, DIVISION 10-50.100, SIGN STANDARDS, AND OTHER RELATED DIVISIONS"*

RECITALS:

WHEREAS, the City Council wishes to incorporate by reference amendments to the Flagstaff City Code, Title 10, The City of Flagstaff Zoning Code, Chapter 10-50, *Supplemental to Zones*, Division 10-50.100, *Sign Standards*, Chapter 10-20, *Administration, Procedures, and Enforcement*, Division 10-20.40, *Permits and Approvals*, and Chapter 10-80, *Definitions*, Division 10-80.20, *Definitions of Specialized Terms, Phrases, and Building Functions*, by first declaring said amendments to be a public record; and

WHEREAS, three copies of *"2016 Amendments to City Code Title 10, Zoning Code, Division 10-50.100, Sign Standards, and Other Related Divisions"* have been deposited in the office of the City Clerk and are available for public use and inspection.

ENACTMENTS:

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

The "*2016 Amendments to City Code Title 10, Zoning Code, Division 10-50.100, Sign Standards, and Other Related Divisions,"* attached hereto, three complete copies of which are on file in the office of the City Clerk, is hereby declared to be a public record.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this _____ day of _____ _____, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Division 10-50.100: Sign Standards

Sections:

10-50.100.010 Purpose
10-50.100.020 Applicability
10-50.100.030 Sign Permit Requirements
10-50.100.040 General Restrictions for All
10-50.100.050 General Requirements for All Signs
10-50.100.060 Permanent Signs
10-50.100.070 Comprehensive Sign Programs
10-50.100.080 Sign Design Performance Standards
10-50.100.090 Portable Signs
10-50.100.100 Sign Districts of Special Designation
10-50.100.110 Nonconforming Signs
10-50.100.120 Enforcement
10-50.100.130 Appeals
10-50.100.140 Severability

(Entire Division amended by Ord. 2014-27, adopted November 18, 2014)
NOTE – This draft includes all sign amendments recommended for approval by P&Z in June 2015, additional staff amendments, and responses to the December 8th Council work session with specific reference to Section 10-50.100.090 (Portable Signs – formerly called Temporary Signs) including the following key decision points:

- No portable signs will be permitted in public right-of-way (both City and ADOT).
- No permit will be required for portable signs, except temporary wall banner signs.
- It was agreed that all portable signs may be displayed for an unlimited period of time and will not be required to be removed at the close of business as originally proposed by staff. An exception is that temporary wall banner signs may only be displayed for 30 days. For this reason as these signs could be in place for extended periods of time and, therefore, are not really "temporary", they have been called "portable signs".
- An area limitation will be established to determine the maximum area of portable signs permitted in residential zones (16 sq. ft.) and non-residential zones (originally proposed as 32 sq. ft. and reduced to 24 sq. ft.). Staff has proposed that the area of temporary wall banners (max. 24 sq. ft.) should not be included in this area limitation.
- Temporary window signs will also not be included in the area allowance for portable signs.
- The Flagstaff Sign Free Zone as authorized under ARS § 16.1019 is included in the proposed amendments.

The following options may be considered by the Council:

- **OPTION 1:** Require a permit for all temporary signs and limit the display time that temporary signs may be displayed (may be anywhere from 60 days to 5 months). Under this option there would be no need for the proposed "portable sign" amendments as the length of time that they would be displayed will be limited. Enforcement and permitting of this option will be challenging and may be burdensome on staff. All temporary signs (except wall banners) could be required to be removed at the close of business (current code standard) or permitted to remain in place overnight (staff's preferred approach). Note that as all temporary signs would require a permit, this would include political, ideological, real estate, commercial advertising signs, etc.
- **OPTION 2:** Do not require a permit for all temporary signs and limit the display time that temporary signs may be displayed (may be anywhere from 60 days to 5 months), Under this option there would also

be no need for the proposed "portable sign" amendments. However, it would rely on an honor system with business owners and others placing signs on their property, similar to the approach used for civic/non-profit event banner signs on the City's sign structures to inform the City when a temporary sign would be displayed and removed within the time frame determined by the Council. Enforcement and management of this option will be challenging and may be burdensome on staff. All temporary signs (except wall banners) could be required to be removed at the close of business (current code standard) or permitted to remain in place overnight (staff's preferred approach).

This document is a clean version (i.e. all of the amendments made in Track Changes have been accepted) of the amendments proposed to Division 10-50.100 (Sign Standards) of the Flagstaff Zoning Code. The Track Changes version of these amendments is available as a separate document. It includes detailed explanations for each of the amendments which may be easily identified as they are written in *italic* font.

The majority of the amendments included within this Division, especially in the Portable Signs Section, are proposed in response to the US Supreme Court's decision in the *Reed v. Town of Gilbert* sign code case to ensure that the City's sign provisions are content neutral. Additional amendments in the permanent signs section of this Division are also included based on suggestions by staff that was recommended for approval by the Planning and Zoning Commission in June 2015. The narrative below provides an overview of the more substantive amendments organized by Section and Subsection.

10-50.100.010 Purpose

- *B. Includes minor amendments to remove redundant language and improve readability.*
- *C. Table 10-50.100.010.A (Sign Types) has been deleted as it provided information of little value to readers of the Code.*

10-50.100.020 Applicability

- *A.4 The provision allowing for a traditional public forum has been moved from Section 10-50.100.040.A (Location Restrictions) to this Section where it is more appropriately placed.*
- *B. Interpretations. Includes additional language to provide that non-commercial speech may be substituted for commercial speech on a sign without the need for a permit.*
- *C. Exemptions*
  - *The following Subsections have been deleted or removed from this Subsection:*
    - *Display Board for Daily Specials*
    - *Political Signs*
    - *Neighborhood or District Signs (now included within Section 10-50.100.100.A (Flagstaff Central District)*
    - *Non-Structural Modifications and Maintenance (moved to the Section 10-50.100.030 (Sign Permit Requirements)*
    - *Real Estate Signs*
    - *Signs Required by Law (now included within governmental signs)*
    - *Vehicle Signs (Moved to Table 10-50.100.060.P (Standards for Other Sign Types))*
    - *Yard and Garage Sale Signs*
  - *The following Subsections have been updated to clarify standards and improve readability:*
    - *Flags*
    - *Governmental Signs (includes property address signs)*
    - *Internal Signs and Signs with City Recreation Facilities.*

10-50.100.030 Sign Permit Requirements

- *A. The requirement for Temporary Sign Permits for all temporary signs has been modified to only require a permit for Temporary Wall Banner Signs.*
- *C. The standards for Non-Structural Modifications and Maintenance have been moved from Subsection C. (Exemptions) to this Section where they more appropriately should be placed.*

10-50.100.040 General Restrictions for All Signs

- *A. Prohibited Signs. Includes minor amendments to remove redundant language and improve readability.*
  The provision allowing for a traditional public forum has been moved to Section 10-50.100.020.A (Applicability).
  The standards for signs on vehicles have been moved to Table 10-50.100.060.P (Standards for Other Sign Types), except that the standard prohibiting a vehicle from being used as an advertising sign remains in this Subsection.
- *B. Display Restrictions. Includes minor amendments to remove redundant language and improve readability.*

10-50.100.050 General Requirements for All Signs

- *No significant amendments are proposed in this Section except to include an additional photograph to better illustrate how to calculate sign area.*

10-50.100.060 Permanent Signs

- *C.4.b.(2) Building Mounted Signs. Includes minor amendments and an illustration to clarify and better explain the standards for sign placement.*
- *C.4.b.(5) Driveway Signs (formerly Directional Signs). Includes minor amendments to remove the requirement that these signs may only be approved as part of a Comprehensive Sign Program.*
- *C.4.b.(7) Freestanding Signs. Includes a new standard to allow for a freestanding sign to be mounted on two or more posts. A new standard specific to the post signs typically used to advertise a property or building for sale, rent or lease is also included.*
- *C.4.b.(14) Window Signs. Includes an amendment to accommodate open signs. Also, the combined area of permanent and temporary window signs has been increased from 25 to 40 percent of the window area.*
- *C.4.b.(15) Vehicle Signs (Formerly Other Sign Types). This Subsection now only applies to vehicle signs. The standards for fuel pump topper signs have been deleted as these are portable signs not permanent signs; the standards for open signs have been removed (inserted into Window Signs – see above); the standards for vehicle signs have been moved from the Exemptions Subsection into this table; and, the standards for vending machines have been deleted as they were hard to apply and enforce.*

10-50.100.070 Comprehensive Sign Programs

- *C. Review. Includes a minor amendment to also allow this Section to also apply to building mounted signs.*

10-50.100.080 Sign Design Performance Standards

- *B. Cumulative Adjustments. Includes a minor amendment to correct an error to ensure consistency with other applicable standards.*

10-50.100.090 Portable Signs

- *In order to ensure that the City's temporary sign regulations are consistent with the US Supreme Court's decision in the* Reed v Town of Gilbert *sign case, numerous and significant amendments are proposed in this Section to ensure that the City's sign provisions are content neutral.*
- *The Council directed staff to draft revisions to the Temporary Sign Section to allow temporary signs to be displayed for an indefinite period of time without the need for a permit, subject to various standards that, for example, limited the total area of the signs, their placement on private property, etc. This means that the signs are hardly "temporary", and staff has suggested instead that they be called "portable signs".*
- *A. Purpose. A minor amendment is proposed to eliminate redundant language.*
- *B. General to All.*
  - *Clarifies that a temporary sign permit is only required for a temporary wall banner sign. It has been renamed as a Temporary Wall Banner Sign Permit.*
  - *The redundant provisions stating that portable signs may not be illuminated (this standard may be found in Table 10-50.100.090.A) and the sign standard for events on City property approved under a Special Event Permit have been eliminated (See Section 10-50.100.090.B.3).*
  - *The provision allowing for a traditional public forum has been moved to Section 10-50.100.020.A.4 (Applicability) where it is more appropriately placed.*
  - *The provision that allows the removal of portable signs in public right-of-way and in clear view zones by City code enforcement staff when a hazard to pedestrian or vehicle traffic is present has been moved to Section 10-50.100.120 (Enforcement).*
  - *A new standard is proposed that establishes no limitations on the length of time that portable signs may be displayed except for temporary wall banners..*
- *C. Standards for Portable Signs. This Subsection has been significantly shortened and most of the former standards have been eliminated because they were content-based. This includes for example, the standards for various signs (e.g. temporary construction signs, signs for temporary uses, new occupancy or use signs, grand opening signs, directional signs, promotional signs, going-out-of-business signs, etc.). Furthermore, the standards for different sign types (e.g. A-frame or upright signs, feather or vertical banners, and wall banners) have been consolidated into one table (Table 10-50.100.090.B) to eliminate redundancy and to simplify the Code. This Section has also been reorganized as summarized below:*
  - *1. Time, Place and Manner Restrictions for Portable Signs.*
    A new Table 10-50.100.090.A provides all the standards applicable to the placement of portable signs. It is divided into three sections: Applicable to All Zones (e.g. includes standards on what elements are prohibited on a portable sign and design and construction standards); Commercial, Industrial and Other Non-Residential Zones; and All Residential Zones (each of these subsections includes standards on period of use, hours of use, allowable sign area and number of signs). A content neutral standard is assured because the sign message is not regulated. However, the total area of portable signs in commercial etc. zones is limited to 24 sq. ft. per business while the total area of portable signs in residential zones is limited to 16 sq. ft. per lot or parcel. This maximum sign area limitation allows for an unlimited number of portable signs with a variety of messages (may be political, business advertising, or ideological) provided they do not exceed the area limitation. Consistent with Council's direction provided in the October 8th work session, the area of temporary window signs and temporary wall banners is not included in the total sign area for portable signs.

- *2. Standards for Specific Portable Sign types.*
  Table 10-50.100.090.B consolidates the area, height, width, and number of signs, etc. standards for various portable sign types, including A-frame or upright signs, feather or vertical banner signs, wall banner signs, and two new sign types, flags displaying a commercial message and yard signs. End Note #1 allows for various other types of portable signs such as fuel pump topper signs or balloon bobbers.
- *3. Civic and Non-Profit Events Signs on City Approved Sign Support Structures.*
  The standards in this Subsection are unchanged except that a purpose statement has been added that clarifies that signs advertising a community event may be placed on these sign structures rather than the current standard which requires them to be located on the sign structures.
- *4. Sign Walkers.*
  The existing standards have been updated and clarified to make them easier to apply.

10-50.100.100 Sign Districts of Special Designation

- *A. Flagstaff Central District. The standards for Neighborhood or District Signs have been moved into the freestanding sign section.*
- *B. Downtown Historic District. The standards for stanchion signs in former Table 10-50.100.090.E (Standards for Temporary Stanchion Signs) have been deleted consistent with the principle of prohibiting all temporary (portable) signs in the public right-of-way. Also, the former prohibition on A-frame and Upright Signs in this Downtown District has been removed, and only feather vertical banners are now proposed to be prohibited in this District.*
- *E. Flagstaff Sign Free Zone. This is a new Subsection included into the Zoning Code pursuant to A.R.S. §16-1019 which enables a municipality to establish a zone based on city rights-of-way in which no portable signs are permitted.*

10-50.100.110 Enforcement

- *The provisions allowing for the removal of portable signs in public right-of-way and in clear view zones by City code enforcement staff when a hazard to pedestrian or vehicle traffic is present has been moved from the Portable Signs Section.*

Needed Amendments to Other Zoning Code Chapters:

Chapter 10-20 Administration, Procedures, and Enforcement:

Division 10-20.40 Permits and Approvals

Section 10-20.40.130 Sign Permits – Temporary Wall Banner Sign Permits

- *B. Sign Permit Requirement. Includes minor amendments to state that a sign permit is only required for a temporary wall banner.*

Chapter 10-80 Definitions:

Division 10-80.20 Definition of Specialized Terms, Phrases, and Building Functions

- *Includes minor amendments to the following definitions:*
  - *Sign – includes signs for ideological and political purposes)*
  - *Sign, Balloon Bobber – includes a new definition for this sign type*
  - *Sign, Temporary– clarifies and simplifies the definition*
  - *Sign, Temporary A-frame – clarifies and simplifies the definition*
  - *Sign, Post – includes a new definition for this sign type*
  - *Sign, Temporary Yard – includes a new definition for this sign type.*

10-50.100.010 Purpose

A. The Council finds that the natural surroundings, climate, history, and people of the City provide the Flagstaff community with its unique charm and beauty. This Division has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community, and in compliance with the General Plan.

B. The purpose of this Division is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements, including the following specific purposes:

1. To promote and accomplish the goals, policies, and objectives of the General Plan;

2. To balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;

3. To improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;

4. To protect the aesthetic beauty of the City's natural and built environment for the citizens of and visitors to the City, and to protect prominent view sheds within the community;

5. To prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained;

6. To protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape; and

7. To provide consistent sign design standards that enables the fair and consistent enforcement of these sign regulations.

10-50.100.020 Applicability

A. **Applicability**

1. This Division applies to all signs within the City, regardless of their nature or location, unless specifically exempted.

2. Three levels of review standards are established in this Division, some or all of which may be applied to the sign depending on where it is located within the City:

a. All signs within the City of Flagstaff shall be reviewed based on the standards established in this Division;

b. Signs in the Flagstaff Central District are reviewed based on the standards established in Section 10-50.100.100.A (Flagstaff Central District) as well as the standards and requirements otherwise established in this Division; and

c. Signs in the Downtown Historic District, which have the highest standards of review in keeping with the historic character and urban scale of this district, are reviewed based on the standards in Section 10-50.100.100.B (Downtown Historic District), the Flagstaff Central District and the standards and requirements otherwise established in this Division.

3. **Applicable to Transect Zones**
Signs proposed in the transect zones shall comply with the standards established in the following Sections:

a. Transect Zone T6: Section 10-50.100.100.A (Flagstaff Central District) and Section 10-50.100.100.B (Downtown Historic District).

b. Transect Zone T5 and T5-O: Section 10-50.100.100.A (Flagstaff Central District) and Section 10-50.100.100.B (Downtown Historic District), where applicable.

c. Transect Zone T4N.1 and T4N.1-O: Section 10-50.100.100.A (Flagstaff Central District).

d. Transect Zone T3N.1: Section 10-50.100.100.A (Flagstaff Central District).

4. Nothing in this Division shall be construed to prohibit a person from holding a sign while located on City property so long as the person holding the sign is located on public property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails.

B. **Interpretations**
This Division is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this Division that permits speech by reason of the type of sign, identity of the sign user, or otherwise, shall also be interpreted to allow non-commercial speech on the sign. No part of this Division shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different non-commercial message, without the need for any approval or permit, provided that the size of the sign is not altered. To the extent any provision of this

Division is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.

C. **Exemptions**
The provisions of this Division do not apply to the following signs :

1. **Building Identification Signs**
Building identification signs not exceeding one square feet in area for residential buildings and two square feet in area for nonresidential buildings.

2. **Business Name and Address on an Entry Door**
Name of a business, address information, and/or contact information displayed on an entry door, not exceeding two square feet in area. Sign must not include any commercial advertising.

3. **Community Bulletin Board Signs**
Signs posted on a community bulletin board shall not exceed a dimension of 11 x 17 inches. No more than one community bulletin board per property and per block with a maximum size of 32 square feet is allowed. A community bulletin board may be erected in public right-of-way, in a public space or on private property.

4. **Flags**
Any flag not containing a commercial message, official flags of national, state, or local government, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction may be displayed as provided under the law that adopts or regulates its use. No more than three flags shall be displayed per lot or parcel except on federal holidays. Flags shall be mounted on a single flagpole, or three separate flagpoles installed either on the building or adjacent to a building or use.

5. **Governmental Signs**
Any sign, posting, notice or similar signs placed, installed or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including, but not limited to, the following:

(1) Emergency and warning signs necessary for public safety or civil defense;

(2) Traffic signs erected and maintained by an authorized public agency;

(3) Signs required to be displayed by law;

(4) Signs directing the public to points of interest; and

(5) Signs showing the location of public facilities

6. **Heritage Signs in Landmark Zones**
   Heritage signs are governed by the ordinance designating the Landmark Overlay and its related guidelines (Refer to Division 10-30.30 (Heritage Preservation)).

7. **Historic and Architectural Features**
   Historical plaques erected and maintained by non-profit organizations, building cornerstones, and date-constructed stones not exceeding four square feet in area.

8. **Internal Signs and Signs within City Recreation Facilities**
   Includes;

   a. Signs or displays located entirely inside of a building and not visible from the building's exterior;

   b. Signs intended to be readable from within a parking area but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way;

   c. Signs placed on the walkway directly in front of a store provided such sign does not interfere with pedestrian travel or encroach upon a required accessible path; and

   d. Temporary signs located within City Recreation Facilities.

9. **Seasonal Decorations**
   Temporary, non-commercial decorations or displays that are incidental to and commonly associated with national, local, or religious celebration, provided that such decorations and displays are only displayed during the appropriate time of year, are maintained in an attractive condition, and do not constitute a fire hazard.

10. **Street Light Banner Sign**
    Street light banner signs as permitted by the City on light poles in certain areas within the City.

11. **Vending Machine and Similar Facilities**
    Signs that consitute an integral part of a vending machine or similar facilities located outside of a business.

10-50.100.030 Sign Permit Requirements

A. The procedures for submittal, review and approval of Permanent Signs are provided in Section 10-20.40.120 (Sign Permit - Permanent Signs) and Temporary Wall Banner Sign Permits are provided in Section 10-20.40.130 (Sign Permit - Temporary Wall Banner Sign Permits), including any required fees. Signs associated with and/or advertising a special event on City

property shall be approved as part of the Special Event Permit from the City. All signs not approved in the Special Event Permit are prohibited.

B. No Sign Permit is required for a sign on property used exclusively for a single-family residence or duplex that complies with this Division and is limited to one sign per street frontage.

C. **Nonstructural Modifications and Maintenance**

No Sign Permit is required for the following non-structural modifications to and maintenance of existing signs:

1. Changes to the face or copy of changeable copy signs;

2. Changes to the face or copy of an existing single-tenant or multi-tenant freestanding or building mounted non-illuminated sign from one business to another with no structural or lighting modifications to the sign; and

3. The normal repair and maintenance of conforming or legal non-conforming signs, except as identified in Section 10-50.100.050.E.

10-50.100.040 General Restrictions for All Signs

A. **Prohibited Signs**
Except where specifically authorized in this Division, the following signs are prohibited :

1. No sign shall be placed within, on, or projecting over City right-of-way;

2. No sign shall be attached to or placed on public property, except for government signs and those approved as part of a Special Event Permit;

3. No sign shall obstruct the view of any authorized traffic sign, signal, or other traffic control device;

4. No sign shall be constructed or placed in such a way as to be confused with any authorized traffic signal or device;

5. No sign shall be constructed or placed in such as manner as to prevent or interfere with free ingress to or egress from any door, window, or any exit way required by the Building Code or Fire Department regulations currently in effect;

6. No commercial, advertising, or business sign shall be located off the premises of the business to which it refers;

7. Any sign mounted, attached, or painted on a trailer, boat, or motor vehicle parked to provide advertising visible from the public right-of-way

or parked on public property to clearly provide advertising close to the public right-of-way. This provision excludes vehicles and equipment engaged in active construction projects, and the on-premise storage of equipment and vehicles offered to the general public for rent or lease.

8. No sign shall be painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;

9. No sign shall be tacked, painted, burned, cut, pasted or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that is visible from a public way;

10. No sign shall cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or other architectural feature;

11. Billboards; and

12. Bandit signs.

B. **Display Restrictions**

1. **Purpose**
The purpose of this Subsection is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the City.

2. **Applicability**
Signs with the following display features are prohibited:

a. Lighting devices with intermittent, flashing, rotating, blinking or strobe light illumination, animation, motion picture, or laser or motion picture projection, or any lighting effect creating the illusion of motion, as well as laser or hologram lights;

b. An exposed light source, except for neon incorporated into the design of the sign;

c. Sound, odor or smoke;

d. Inflatable balloons, spinners, strings of flags and pennants, fixed aerial displays, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means either attached to a sign or to vehicles, structures, poles, trees and other vegetation, or similar support structures;

e. Rotating or moving sign body or any other portion of the sign whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction;

f. Electronic displays;

g. Any changeable copy LED signs, except fixed illumination display signs used to indicate that a business is "open", display prices, or to confirm an order placed in a drive through lane;

h. Stuffed or inflated animals; and

i. Strings of lights arranged in the shape of a product, arrow or any commercial message.

10-50.100.050 General Requirements for All Signs

[No amendments are proposed in this Section other than to include an additional graphic (see below) on Page 50.100-15 to better explain how sign area is calculated when a symbol is included within a sign.]

10-50.100.060 Permanent Signs

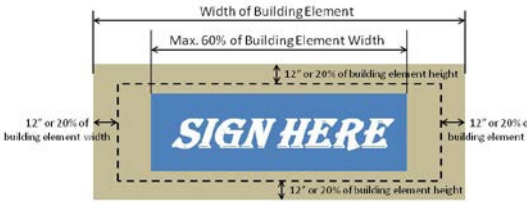
C. **Signs for All Non-residential Uses in All Zones**

4. **Standards for Specific Sign Types**

b. The following sign types are permitted, subject to the criteria listed under each sign type.

(2) **Building Mounted Signs**
The standards provided in Table C (Standards for Building Mounted Signs) shall apply to all building mounted sign in all zones where allowed by Table 10-50.100.060.A (Standards for Permanent Signs by Use).

Table 10-50.100.060.C: Standards for Building Mounted Signs	
	Standard
Sign Placement	The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, subject to the following standards: (1) At least 1 sign shall be associated with the building entry zone[1] (may be wall mounted, projecting, awning, etc.); (2) No sign shall face an adjoining residential zone; (3) Signs shall be placed at least 12 inches or 20% of the width of the building element on which they are mounted, whichever is less, from the sides of the building element; (4) The width of the sign shall be no greater than 60% of the width of the building element on which it is displayed; (5) Signs shall be placed at least 12 inches or 20% of the height of the building element on which they are mounted, whichever is less, from the top and bottom edge of the building element. If vertically placed on a mansard roof, structural supports shall be minimized, and secondary supports (angle irons, guy wires, braces) shall be enclosed/ hidden from view.
Special Provisions	
Additional Increases in Sign Area	Additional sign area may be sought under Section 10-50.100.080 (Sign Design Performance Standards)



(5) **Driveway Sign**

(a) Driveway signs are exempted from the total allowable sign area permitted for each use.

(b) The standards provided in Table F (Standards for Driveway Signs) shall apply.

Table 10-50.100.060F: Standards for Driveway Signs		
	Standard	**Other Requirements**
Sign Area	3 sq. ft. per face.	May be double-sided.
Mounting Height – Building Mounted Sign	Max. 8 feet from grade.	Flat against a wall of the building.
Mounting Height –	Max. 3 feet from grade.	

Table 10-50.100.060F: Standards for Driveway Signs		
Freestanding Sign		
Number of Signs	Max. 1 at each driveway or drive through lane.	
Illumination	Internal illumination only.	May also be non-illuminated.
Permitting	Sign Permit is required.	

(7) **Freestanding Signs**

Table 10-50.100.060.H: Standards for Freestanding Signs	
Standard	
Sign Height	See this Section and Table A (Standards for Permanent Signs by Use). Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign's allowed height, or 12 inches whichever is greater.

Special Provisions	Standard
Sign Width	The sign base must be a min. of 60% of the width of the sign cabinet or face. A freestanding sign may be mounted on 2 or more posts with a min. diameter/dimension of 8" if the sign complies with the standards of Section 10-50.100.080 (Sign Design Performance Standards).

Insert a new row between "Additional Increases in Sign Area" and "Landscaping".

Post Sign	Max. 1 post sign per frontage. Sign Permit is required unless the post sign advertises property or a portion of the property for sale, rent or lease, in which case no Sign Permit is required and the sign area will be included in the allowable area for portable signs. See Table 10-50.100.090.A.

(14) **Window Sign**
The standards provided in Table O (Standards for Permanent Window Signs) shall apply.

Table 10-50.100.060.O: Standards for Permanent Window Signs		
	Standard	**Other Requirements**
Sign Area	Combined area of temporary and permanent window signs combined shall not exceed 40% of the area of the window on or within which they are displayed.	Signs constructed of perforated vinyl or painted on the window shall be included as part of the 40% area calculation. Permanent window signs are included in the total allowable sign area for building mounted signs.
Sign Placement	No higher than 1st story windows.	Inside mounting required.
Illumination	Neon illumination only.	Fixed copy or display only – no flashing, blinking, or moving text or images are permitted.
Permitting	Sign Permit is required.	
Open Signs	Max. 2 sq. ft. Max. 1 per business.	Excluded from the total allowable building mounted or window sign area. No Sign Permit required.

(15) **Vehicle Signs**
The standards provided in Table P (Standards for Vehicle Signs) shall apply.

Table 10-50.100.060.P: Standards for Vehicle Signs		
	Standard	**Other Requirements**
Vehicle Signs		
Vehicle Sign	May be: (1) Permanently painted or wrapped on the surface of a vehicle; (2) Adhesive vinyl film affixed to a window; or (3) Magnetically attached to a vehicle.	May only indicate the name of the business and owner.
Vehicle Use	The vehicle shall be regularly and consistently used in the normal daily conduct of the business, e.g. used for delivering or transporting goods or providing services related to the business. Vehicle shall be operable and properly licensed. When not in use the vehicle shall be parked in a lawful manner on the business property so as not to be visible from the public right-of-way, or if this is not possible, as far from the public right-of-way as possible.	

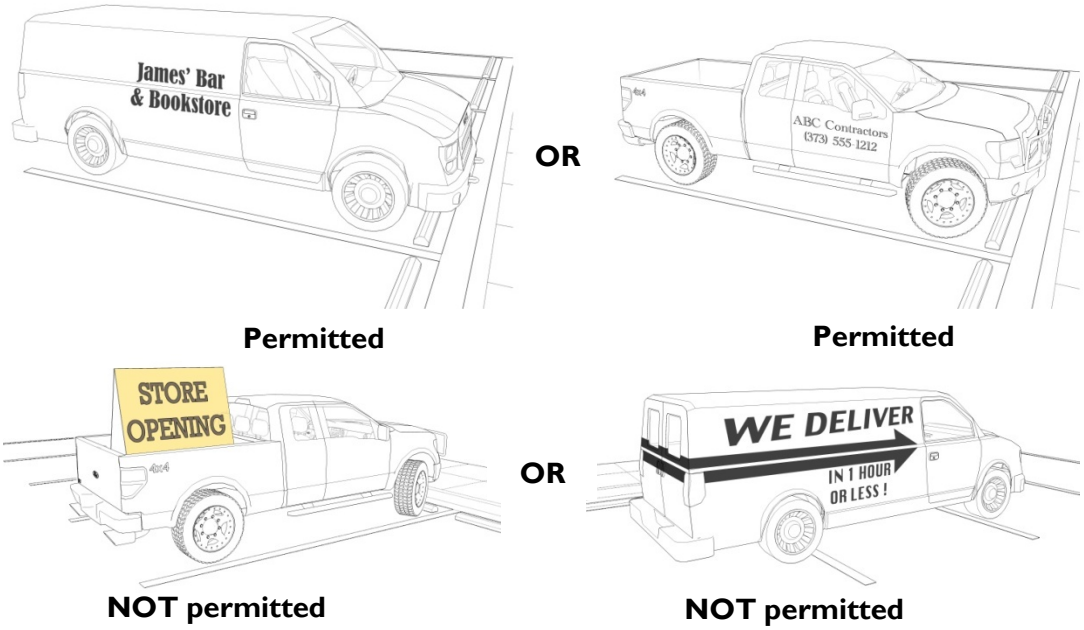


Figure O. Signs on Vehicles Used for Business Purposes

10-50.100.070 Comprehensive Sign Programs

- Page 50.100-43

C. **Review**

3. The Planning Commission shall review all Comprehensive Sign Programs that request an increase in allowable sign height and area beyond the limits established in Section 10-50.100.080 (Sign Design Performance Standards) for freestanding and building mounted signs for multi-tenant buildings or shopping centers.

10-50.100.080 Sign Design Performance Standards

B. **Cumulative Adjustments**

Table 10-50.100.080.B: Cumulative Adjustments

# of Features Used	Freestanding Signs		Building Mounted Sign	
	Area	Height	Area	Height
2	30%	20-30%[1]	20%	10%
3	45%	35-40%[1]	30%	15%
4	60%	50%	40%	20%
Standard #5 w/ Standards 1-4	Not to exceed 75% of original max. permitted sign area	N/A	N/A	N/A
Cumulative Maximum Sign Area Increase Allowed	50%	50%	50%	20%

End Notes

[1] This percentage varies depending on which design features listed in Table A are utilized.

10-50.100.090 Portable Signs

A. **Purpose**
The Council finds that the proliferation of portable signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public's health, safety, and welfare. The purpose of these regulations is to ensure that portable signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by portable signs.

B. **General to All**

Portable signs are allowed only in compliance with the provisions of this Section;

1. A Permit is only required for temporary wall banner signs. See Section 10-20.40.130 (Temporary Wall Banner Sign Permits).

2. There is no limitation on the length of time that a portable sign may be displayed, except for temporary wall banner signs (See Table 10-50.100.090.B (Standards for Portable Signs).

3. Portable signs must not be placed on or affixed to any City property, including City rights-of-way, except as specifically authorized in connection with a special event permitted under City Code Chapter 8-12 (Special Events).

4. Portable signs shall not be placed in the clear view zone at street intersections or driveways (Refer to Section 10-50.100.050.F (Sign Placement at Intersection)).

C. **Standards for Portable Signs**
Portable signs placed on the exterior of a structure or on private property are allowed in all Zones in compliance with the following standards:

1. **Time, Place and Manner Restrictions for Portable Signs**
Portable signs shall comply with the standards provided in Table A (Standards for All Portable Signs).

Table 10-50.100.090.A: Standards for All Portable Signs	
	Standard
Applicable to All Zones	
Placement	Shall not create a hazard for pedestrian or vehicular traffic.
Height and width	Refer to Table 10-50.100.90.B for height and width standards for portable signs.
Prohibited elements	Any form of illumination, including flashing, blinking, or rotating lights. Animation. Reflective materials. Attachments, including, but not limited to, balloons, ribbons, loudspeakers, etc.
Design and construction	Professionally crafted. Of sufficient weight and durability to withstand wind gusts, storms, etc.
Commercial, Industrial and Other Non-Residential Zones	
Period of use	No limitation, except for wall banners. Refer to Table 10-50.100.090.B.
Area of all portable signs at any one time	Max. 24 sq. ft. per business; excludes the area of temporary window signs and wall banner signs. Exception: In the Flagstaff Central District, max. 12 sq. ft. per business; excludes the area of temporary window signs and wall banner signs. Refer to Section 10-50.100.100.A.
Number of Signs	Unlimited except that the total sign area of all portable signs not exceed 24 sq. ft. per business. Exception: Multi-tenant shopping centers or offices – Max. 2 portable signs per 150 linear feet of property frontage not to exceed 24 sq. ft. combined.
Permitting	No Sign Permit required, except for temporary wall banner signs.
All Residential Zones	
Period of use	No limitation.
Area of all portable signs at any one time	Max. 16 sq. ft. per lot or parcel.
Number of Signs	Unlimited except that the total sign area of all portable signs shall not exceed 16 sq. ft.
Permitting	No Sign Permit required.

2. **Types of Portable Signs**
   Portable signs shall comply with the standards provided in Table B (Standards for Specific Portable Sign Types).

Table 10-50.100.090.B: Standards for Specific Portable Sign Types				
	Standard			**Other Requirements**
Portable Sign Type[1]	**Height** (Max.)	**Width** (Max.)	**Area** (Max.)	
A-Frame or Upright Sign	4' from grade	3'	12 sq. ft.	Only permitted in non-residential zones.
Feather or Vertical Banner	8' from grade	2'	12 sq. ft.	Secure attachment to mounting pole required. Only permitted in non-residential zones.
Yard Sign	3'	2'	4 sq. ft.	Installed securely in the ground.
Number of Signs	See Table 10-50.100.090.A.			
Portable Sign Type[1]	**Height** (Max.)	**Width** (Max.)	**Area** (Max.)	
Flags displaying a commercial message	End Note[2]	--	24 sq. ft.	Secure attachment to flag pole required. Permitted in all zones.
Wall Banner	--	--	24 sq. ft.	May only be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the temporary wall banner sign would be hung. Mounting height – max. 25 feet to the top of the temporary wall banner sign. Only permitted in non-residential zones. May only be displayed for 30 days per calendar year and shall not be used as permanent signs. Not included in the total sign area for all portable signs. Temporary Wall Banner Sign Permit required.
Window Sign	--	--	Refer to End Note[3]	Placed no higher than 1st story windows. Inside mounting required. Not included in the total sign area for all portable signs.
Number of Signs	See Table 10-50.100.090.A.			

End Notes

[1] Other portable sign types may be allowed (e.g. fuel pump topper signs wraps around waste receptacles, or balloon bobbers) provided the max area limitation for all portable signs is not exceeded.

[2] Flag pole height is limited by the allowable building height of the zone in which it is located. Refer to the Building Form Standards in Chapter 10-40 (Specific to Zones).

[3] The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) shall not exceed 40% of the area of the window on or within which they are displayed.

3. **Civic and Non-Profit Event Signs on City Approved Sign Support Structures**

   a. **Purpose**
   The City has installed banner sign support structures at certain locations within the community where temporary banners used to advertise civic and non-profit organizations and events for which a Special Event Permit has been approved may be placed. The purpose of these banner sign support structures, therefore, is to provide a convenient, highly visible and safe location for the display of these temporary banners to minimize their proliferation within the community which causes visual blight.

   b. Signs advertising events organized and implemented by civic and non-profit organizations, or events for which a Special Event Permit has been approved by the Recreation Services Section, may be installed on City approved sign support structures in compliance with the standards provided in Table C (Standards for Temporary Off-Premise Signs on City Approved Sign Support Structures).

Table 10-50.100.090.C: Standards for Temporary Off-Premise Signs on City-Approved Sign Support Structures

Number of Events	No more than 3 events per organization per year may be advertised on City-approved sign support structures.
Period of Use	Max. 7 days before an event.
Sign Placement	Only at approved locations (See b. below).
Sign Size and Area	Max. 3' by 8'; Max. 24 sq. ft.
Banner Details	Grommets shall be placed at each of the corners of the banner for secure attachment to the support structure. Banners shall not have brand identification, such as "Sponsored by XYZ Corporation", or a product brand across the face of the banner as a background. Logos for sponsors of the event or the banner shall be limited to max. 20% of the area of the banner.
Number of Signs	1 sign for each event per support structure, to a max. of 3 sign support structures.
Removal	Within 1 day after the event.
Illumination	Not permitted.
Permitting	No Sign Permit required – a reservation is needed for placement of a banner on a support structure. See Section 10-50.100.090.C.3.b.

b. An application may be submitted to the Director for the placement of up to three banners on City-approved sign support structures (illustrated in Figure A) for the purpose of promoting a forthcoming civic or non-profit event, a City Recreation Services event, or an event for which a Special Event Permit has been approved by the Recreation Services Section. Placement on these structures is reserved on a first come, first serve basis up to three-months in advance of the event. The locations of the City's approved sign support structures are available on a map on file with the Planning Section.

Figure A. Civic or Non-Profit Event Sign Structure

4. **Sign Walkers**
This Subsection provides time, place and manner restrictions pertaining to sign walkers, i.e. a person who holds a sign to convey a commercial message, subject to the following standards:

a. Sign walkers shall only be allowed in commercial and industrial zones, and Transect Zones T5 and T6;

b. Sign walkers shall only be located on the premises of the business they are advertising with the property owner's or property manager's written approval or only on a public sidewalk, walkway or pedestrian thoroughfare immediately adjacent to the business premises;

c. Sign walkers shall not be located within a minimum of 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists, and are not permitted in any of the following locations:

(1) In parking aisles or stalls;

(2) In driving lanes; or

(3) On fences, walls, boulders, planters, other signs, vehicles, utility facilities or any other structure; or

d. Sign walkers may not interfere with traffic or block pedestrians or bicyclists;

e. Sign walkers are only permitted to advertise during the hours of operation of the business they are advertising;

f. Sign walker signs shall not exceed eight square feet in area; shall not exceed eight feet in height when held; and shall be professionally crafted;

g. Sign walker signs that include any of the following are prohibited:

(1) Any form of illumination, including flashing, blinking or rotating lights;

(2) Animation on the sign itself; or

(3) Spinning, waving, throwing the sign in the air or any other such erratic movement intended to attract attention.

h. No Sign Permit is required for a sign walker.

10-50.100.100 Sign Districts of Special Designation

A. **Flagstaff Central District**

5. **Standards**

b. **Freestanding Signs**
Two styles of freestanding signs are permitted within the Flagstaff Central District: either a low profile freestanding sign, or a freestanding suspended sign, either of which may also be used as a Neighborhood or District Sign. The standards provided in Table D (Standards for Freestanding Signs in Flagstaff Central District) shall apply.

Table 10-50.100.100.D: Standards for Freestanding Signs in Flagstaff Central District

	Standard		Other Requirements
	Area[1]	Height	
Low Profile Freestanding Sign – Single Tenant Use	24 sq. ft.	6 feet	Shall be mounted on 2 poles placed at the outermost sides of the sign face, or on a low profile sign base.
Low Profile Freestanding Sign – Multiple Tenant Use	32 sq. ft.	8 feet	Shall be mounted on 2 poles placed at the outermost sides of the sign face, or on a low profile sign base.
Freestanding Suspended Sign	18 sq. ft.	10 feet to	Sign structure shall consist of a vertical pole

	top of sign pole	and horizontal decorative sign support, and shall be constructed of wood or metal.
Number of Signs	1 sign permitted per business.	
Illumination	See Section 10-50.100.050.C.	Externally illuminated with down-directed and shielded fixtures only. Neighborhood or District Sign shall not be illuminated.
Permitting	Sign Permit is required.	

End Note:
[1] The area of a Neighborhood or District Sign shall not be counted against the permitted sign area applicable to the use(s) existing on the property where the Neighborhood or District Sign will be erected.

B. **Downtown Historic District**

5. **Portable Signs**
Portable signs proposed within the Downtown Historic District shall comply with the standards established in Section 10-50.100.090 (Portable Signs), except as provided below:

a. No feather vertical banners shall be permitted in the Downtown Historic District.

F. **Flagstaff Sign Free Zone**

1. **Purpose**
This Section establishes a commercial tourism, commercial resort and hotel sign-free zone pursuant to A.R.S. §16-1019.

2. **Applicability**
The Flagstaff Sign Free Zone illustrated on Map 10-90.40.010 (Flagstaff Sign Free Zone) has been determined based on the location of a predominance of commercial tourism, resort and hotel uses within this Zone.

3. **Standards**

a. Within the Flagstaff Sign Free Zone all portable signs, including political signs, are prohibited within the public rights-of-way as they detract from the scenic and aesthetic appeal of the area adjacent to the Zone and deter its appeal to tourists. However, portable signs are permitted on private property adjacent to the Flagstaff Sign Free Zone.

b. The Director may remove or cause to be removed any portable sign erected or displayed in the public right-of-way in the Flagstaff Sign Free Zone.

10-50.100.110 Nonconforming Signs

[No amendments are proposed in this Section.]

10-50.100.120 Enforcement

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, display, or use a sign within the City contrary to, or in violation of, any provision of this Division. The requirements of this Division shall be enforced in compliance with the enforcement provisions of Division 10-20.110 (Enforcement).

B. The Director may remove or cause to be removed any portable sign erected or displayed upon a public sidewalk, walkway or pedestrian thoroughfare within public right-of-way or within a clear view zone that creates a hazard to pedestrian or vehicular traffic.

10-50.100.130 Appeals

[No amendments are proposed in this Section.]

10-50.100.140 Severability

[No amendments are proposed in this Section.]

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Needed Amendments to Other Chapters of the Zoning Code:

Chapter 10-20 Administration, Procedures, and Enforcement:

Division 10-20.40 Permits and Approvals

Section 10-20.40.130 Sign Permits – Temporary Wall Banner Sign Permits

A. **Purpose**
This Section establishes the permitting requirements for temporary wall banner signs as described in Section 10-50.100.090 (Portable Signs) to ensure compliance with the applicable provisions of this Zoning Code.

B. **Sign Permit Requirement**
It shall be unlawful for any person to erect, place, display, alter, maintain or relocate a temporary wall banner sign without first obtaining a Temporary Wall Banner Sign Permit from the Director.

C. **Duration of Temporary Wall Banner Sign Permit**
The Temporary Wall Banner Sign Permit will be valid for 30 days beginning with the date of issuance.

D. **Review and Approval**

1. **Application**

   a. An application for a Temporary Wall Banner Sign Permit for a business located in a multi-tenant development or shopping center shall be made by the property manager or property owner as the applicant on behalf of a business(s) requesting a Temporary Wall Banner Sign Permit for temporary wall banner sign. A business owner who is also the property owner (e.g. in a single-tenant building) is considered the applicant for the purposes of this Section and may submit an application for a Temporary Wall Banner Sign Permit for the business.

   b. No more than one temporary wall banner sign per 150 linear feet of property frontage or part thereof shall be permitted at any one time. The property manager or property owner shall be responsible for determining which of the tenants in a multi-tenant development or shopping center will be entitled to a temporary wall banner sign in accordance with this Section.

2. **Review**
The Director shall review the Temporary Wall Banner Sign Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the standards of Section 10-50.100.090 (Portable Signs).

3. **Determination**
The Director in compliance with the Review Schedule on file with the Planning Section shall determine whether the Temporary Wall Banner Sign Permit may be issued or if additional information is required from the applicant to complete the permit

application. If the Temporary Wall Banner Sign Permit application is denied, the reason will be stated in writing.

4. **Authorization**
   Issuance of a Temporary Wall Banner Sign Permit authorizes the holder to install a temporary wall banner in compliance with the terms of the permit. At any time after a Temporary Wall Banner Sign Permit is issued, a new owner, tenant or lessee of record, may be substituted for the original applicant, if a record of the new interest is made with the City and the new interest assumes all obligations he or she would have had in compliance with the original permit. The change of interest shall not imply that any fees paid for the permit will be returned to either the interest which has been replaced or the substitute.

E. **Inspections**

1. All wall banners for which a Temporary Wall Banner Sign Permit is required are subject to inspection to establish compliance with the provisions of Section 10-50.100.090 (Portable Signs) and any other applicable City codes.

2. A re-inspection fee (See Appendix 2 (Planning Fee Schedule)) will be charged if more than one inspection is made to determine compliance after issuance of a correction notice for an improperly displayed portable sign, or after issuance of any notice of violation. No fees will be charged for an inspection establishing that a violation exists, or for the first inspection following the issuance of a notice of violation. The re-inspection charge will be imposed if any subsequent inspection is required to determine compliance.

F. **Violations**
Any temporary wall banner signs installed or displayed without a Temporary Wall Banner Sign Permit are in violation of this Division and will be grounds for the Director to issue a correction notice and/or to cause removal of the portable sign until appropriate permits are obtained.

(Section 10-20.40.130 amended by Ord. 2014-27, adopted Nov. 18, 2014)

Chapter 10-80 Definitions:
Division 10-80.20 Definition of Specialized Terms, Phrases, and Building Functions

Section 10-80.20.010. Definitions, "A."

ADOT: Arizona Department of Transportation.

Section 10-80.20.160. Definitions, "P."

Parkway: The area between the back of a curb and a sidewalk that is usually landscaped.

Section 10-80.20.190 Definitions, "S."

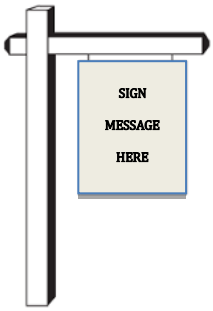
Sign: A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign, Balloon Bobber: A reusable pre-formed balloon filled with regular air made of a durable PVC vinyl that does not need to be inflated, and typically attached to a short pole.

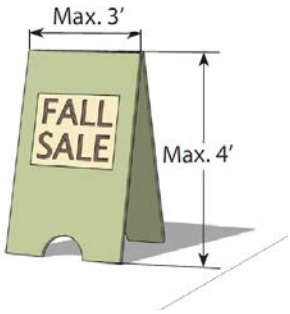
Sign, Permanent: A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, Portable: A sign that is capable of being moved and not designed to be permanently attached to a building or permanently anchored to the ground that is constructed of paper, cloth, canvas, light fabric, cardboard, plywood, light plastic or other similar materials.

Sign, Post: A sign mounted on either a single post or two or more posts as illustrated below.



Sign, A-Frame: A portable and self-supporting sign used for advertising purposes, constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top (Syn. Sandwich Board Sign).



Sign, Upright: A portable sign constructed to be taller than it is wide, which may be mounted on a weighted base or similar support.

Sign, Feather Vertical Banner: A portable sign typically constructed of cloth, bunting, plastic, paper or similar non-rigid material, and attached to a vertically mounted pole that is securely fastened to the ground.

Sign, Temporary Wall Banner: A sign constructed of cloth, bunting, plastic, paper or similar non-rigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.

Sign, Yard: A small portable sign used for advertising by local businesses that are also popular in election campaigns, typically constructed of corrugated plastic and supported on an H-shaped wire frame (Syn: Lawn Sign).

Chapter 10-90 Maps:
Division 10-90.40 Subject Specific Maps

Section 10-90.40.010 Flagstaff Sign Free Zone Map

Insert this new map on new Page 90.40-1.

Attachment B: 2016 Amendments to City Code Title 10, Zoning Code, Division 10-50.100 (Sign Standards) and Other Related Amendments

Division 10-50.100: Sign Standards

Sections: Div10-50.100_Sign Regulations_revV3.1_2015Jan21CLEAN_narrative.docx

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10-50.100.020 Applicability
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(Entire Division amended by Ord. 2014-27, adopted November 18, 2014)
NOTE – This draft includes all sign amendments recommended for approval by P&Z in June 2015, additional staff amendments, and responses to the December 8th Council work session with specific reference to Section 10-50.100.090 (Portable Signs – formerly called Temporary Signs) including the following key decision points:

- No portable signs will be permitted in public right-of-way (both City and ADOT).
- No permit will be required for portable signs, except temporary wall banner signs.
- It was agreed that all portable signs may be displayed for an unlimited period of time and will not be required to be removed at the close of business as originally proposed by staff. An exception is that temporary wall banner signs may only be displayed for 30 days. For this reason as these signs could be in place for extended periods of time and, therefore, are not really "temporary", they have been called "portable signs".
- An area limitation will be established to determine the maximum area of portable signs permitted in residential zones (16 sq. ft.) and non-residential zones (originally proposed as 32 sq. ft. and reduced to 24 sq. ft.). Staff has proposed that the area of temporary wall banners (max. 24 sq. ft.) should not be included in this area limitation.
- Temporary window signs will also not be included in the area allowance for portable signs.
- The Flagstaff Sign Free Zone as authorized under ARS § 16.1019 is included in the proposed amendments.

The following options may be considered by the Council:

- **OPTION 1:** Require a permit for all temporary signs and limit the display time that temporary signs may be displayed (may be anywhere from 60 days to 5 months). Under this option there would be no need for the proposed "portable sign" amendments as the length of time that they would be displayed will be limited. Enforcement and permitting of this option will be challenging and may be burdensome on staff. All temporary signs (except wall banners) could be required to be removed at the close of business (current code standard) or permitted to remain in place overnight (staff's preferred approach). Note that as all temporary signs would require a permit, this would include political, ideological, real estate, commercial advertising signs, etc.
- **OPTION 2:** Do not require a permit for all temporary signs and limit the display time that temporary signs may be displayed (may be anywhere from 60 days to 5 months), Under this option there would also

be no need for the proposed "portable sign" amendments. However, it would rely on an honor system with business owners and others placing signs on their property, similar to the approach used for civic/non-profit event banner signs on the City's sign structures to inform the City when a temporary sign would be displayed and removed within the time frame determined by the Council. Enforcement and management of this option will be challenging and may be burdensome on staff. All temporary signs (except wall banners) could be required to be removed at the close of business (current code standard) or permitted to remain in place overnight (staff's preferred approach).

This document is a clean version (i.e. all of the amendments made in Track Changes have been accepted) of the amendments proposed to Division 10-50.100 (Sign Standards) of the Flagstaff Zoning Code. The Track Changes version of these amendments is available as a separate document. It includes detailed explanations for each of the amendments which may be easily identified as they are written in *italic* font.

The majority of the amendments included within this Division, especially in the Portable Signs Section, are proposed in response to the US Supreme Court's decision in the *Reed v. Town of Gilbert* sign code case to ensure that the City's sign provisions are content neutral. Additional amendments in the permanent signs section of this Division are also included based on suggestions by staff that was recommended for approval by the Planning and Zoning Commission in June 2015. The narrative below provides an overview of the more substantive amendments organized by Section and Subsection.

10-50.100.010 Purpose

- *B. Includes minor amendments to remove redundant language and improve readability.*
- *C. Table 10-50.100.010.A (Sign Types) has been deleted as it provided information of little value to readers of the Code.*

10-50.100.020 Applicability

- *A.4 The provision allowing for a traditional public forum has been moved from Section 10-50.100.040.A (Location Restrictions) to this Section where it is more appropriately placed.*
- *B. Interpretations. Includes additional language to provide that non-commercial speech may be substituted for commercial speech on a sign without the need for a permit.*
- *C. Exemptions*
  - *The following Subsections have been deleted or removed from this Subsection:*
    - *Display Board for Daily Specials*
    - *Political Signs*
    - *Neighborhood or District Signs (now included within Section 10-50.100.100.A (Flagstaff Central District)*
    - *Non-Structural Modifications and Maintenance (moved to the Section 10-50.100.030 (Sign Permit Requirements)*
    - *Real Estate Signs*
    - *Signs Required by Law (now included within governmental signs)*
    - *Vehicle Signs (Moved to Table 10-50.100.060.P (Standards for Other Sign Types))*
    - *Yard and Garage Sale Signs*
  - *The following Subsections have been updated to clarify standards and improve readability:*
    - *Flags*
    - *Governmental Signs (includes property address signs)*
    - *Internal Signs and Signs with City Recreation Facilities.*

10-50.100.030 Sign Permit Requirements

- *A. The requirement for Temporary Sign Permits for all temporary signs has been modified to only require a permit for Temporary Wall Banner Signs.*
- *C. The standards for Non-Structural Modifications and Maintenance have been moved from Subsection C. (Exemptions) to this Section where they more appropriately should be placed.*

10-50.100.040 General Restrictions for All Signs

- *A. Prohibited Signs. Includes minor amendments to remove redundant language and improve readability.*
  The provision allowing for a traditional public forum has been moved to Section 10-50.100.020.A (Applicability).
  The standards for signs on vehicles have been moved to Table 10-50.100.060.P (Standards for Other Sign Types), except that the standard prohibiting a vehicle from being used as an advertising sign remains in this Subsection.
- *B. Display Restrictions. Includes minor amendments to remove redundant language and improve readability.*

10-50.100.050 General Requirements for All Signs

- *No significant amendments are proposed in this Section except to include an additional photograph to better illustrate how to calculate sign area.*

10-50.100.060 Permanent Signs

- *C.4.b.(2) Building Mounted Signs. Includes minor amendments and an illustration to clarify and better explain the standards for sign placement.*
- *C.4.b.(5) Driveway Signs (formerly Directional Signs). Includes minor amendments to remove the requirement that these signs may only be approved as part of a Comprehensive Sign Program.*
- *C.4.b.(7) Freestanding Signs. Includes a new standard to allow for a freestanding sign to be mounted on two or more posts. A new standard specific to the post signs typically used to advertise a property or building for sale, rent or lease is also included.*
- *C.4.b.(14) Window Signs. Includes an amendment to accommodate open signs. Also, the combined area of permanent and temporary window signs has been increased from 25 to 40 percent of the window area.*
- *C.4.b.(15) Vehicle Signs (Formerly Other Sign Types). This Subsection now only applies to vehicle signs. The standards for fuel pump topper signs have been deleted as these are portable signs not permanent signs; the standards for open signs have been removed (inserted into Window Signs – see above); the standards for vehicle signs have been moved from the Exemptions Subsection into this table; and, the standards for vending machines have been deleted as they were hard to apply and enforce.*

10-50.100.070 Comprehensive Sign Programs

- *C. Review. Includes a minor amendment to also allow this Section to also apply to building mounted signs.*

10-50.100.080 Sign Design Performance Standards

- *B. Cumulative Adjustments. Includes a minor amendment to correct an error to ensure consistency with other applicable standards.*

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10-50.100.090 Portable Signs

- *In order to ensure that the City's temporary sign regulations are consistent with the US Supreme Court's decision in the* Reed v Town of Gilbert *sign case, numerous and significant amendments are proposed in this Section to ensure that the City's sign provisions are content neutral.*
- *The Council directed staff to draft revisions to the Temporary Sign Section to allow temporary signs to be displayed for an indefinite period of time without the need for a permit, subject to various standards that, for example, limited the total area of the signs, their placement on private property, etc. This means that the signs are hardly "temporary", and staff has suggested instead that they be called "portable signs".*
- *A. Purpose. A minor amendment is proposed to eliminate redundant language.*
- *B. General to All.*
  - *Clarifies that a temporary sign permit is only required for a temporary wall banner sign. It has been renamed as a Temporary Wall Banner Sign Permit.*
  - *The redundant provisions stating that portable signs may not be illuminated (this standard may be found in Table 10-50.100.090.A) and the sign standard for events on City property approved under a Special Event Permit have been eliminated (See Section 10-50.100.090.B.3).*
  - *The provision allowing for a traditional public forum has been moved to Section 10-50.100.020.A.4 (Applicability) where it is more appropriately placed.*
  - *The provision that allows the removal of portable signs in public right-of-way and in clear view zones by City code enforcement staff when a hazard to pedestrian or vehicle traffic is present has been moved to Section 10-50.100.120 (Enforcement).*
  - *A new standard is proposed that establishes no limitations on the length of time that portable signs may be displayed except for temporary wall banners..*
- *C. Standards for Portable Signs. This Subsection has been significantly shortened and most of the former standards have been eliminated because they were content-based. This includes for example, the standards for various signs (e.g. temporary construction signs, signs for temporary uses, new occupancy or use signs, grand opening signs, directional signs, promotional signs, going-out-of-business signs, etc.). Furthermore, the standards for different sign types (e.g. A-frame or upright signs, feather or vertical banners, and wall banners) have been consolidated into one table (Table 10-50.100.090.B) to eliminate redundancy and to simplify the Code. This Section has also been reorganized as summarized below:*
  - *1. Time, Place and Manner Restrictions for Portable Signs.*

    A new Table 10-50.100.090.A provides all the standards applicable to the placement of portable signs. It is divided into three sections: Applicable to All Zones (e.g. includes standards on what elements are prohibited on a portable sign and design and construction standards); Commercial, Industrial and Other Non-Residential Zones; and All Residential Zones (each of these subsections includes standards on period of use, hours of use, allowable sign area and number of signs). A content neutral standard is assured because the sign message is not regulated. However, the total area of portable signs in commercial etc. zones is limited to 24 sq. ft. per business while the total area of portable signs in residential zones is limited to 16 sq. ft. per lot or parcel. This maximum sign area limitation allows for an unlimited number of portable signs with a variety of messages (may be political, business advertising, or ideological) provided they do not exceed the area limitation. Consistent with Council's direction provided in the October 8th work session, the area of temporary window signs and temporary wall banners is not included in the total sign area for portable signs.

- *2. Standards for Specific Portable Sign types.*
  Table 10-50.100.090.B consolidates the area, height, width, and number of signs, etc. standards for various portable sign types, including A-frame or upright signs, feather or vertical banner signs, wall banner signs, and two new sign types, flags displaying a commercial message and yard signs. End Note #1 allows for various other types of portable signs such as fuel pump topper signs or balloon bobbers.
- *3. Civic and Non-Profit Events Signs on City Approved Sign Support Structures.*
  The standards in this Subsection are unchanged except that a purpose statement has been added that clarifies that signs advertising a community event may be placed on these sign structures rather than the current standard which requires them to be located on the sign structures.
- *4. Sign Walkers.*
  The existing standards have been updated and clarified to make them easier to apply.

10-50.100.100 Sign Districts of Special Designation

- *A. Flagstaff Central District. The standards for Neighborhood or District Signs have been moved into the freestanding sign section.*
- *B. Downtown Historic District. The standards for stanchion signs in former Table 10-50.100.090.E (Standards for Temporary Stanchion Signs) have been deleted consistent with the principle of prohibiting all temporary (portable) signs in the public right-of-way. Also, the former prohibition on A-frame and Upright Signs in this Downtown District has been removed, and only feather vertical banners are now proposed to be prohibited in this District.*
- *E. Flagstaff Sign Free Zone. This is a new Subsection included into the Zoning Code pursuant to A.R.S. §16-1019 which enables a municipality to establish a zone based on city rights-of-way in which no portable signs are permitted.*

10-50.100.110 Enforcement

- *The provisions allowing for the removal of portable signs in public right-of-way and in clear view zones by City code enforcement staff when a hazard to pedestrian or vehicle traffic is present has been moved from the Portable Signs Section.*

Needed Amendments to Other Zoning Code Chapters:

Chapter 10-20 Administration, Procedures, and Enforcement:

Division 10-20.40 Permits and Approvals

Section 10-20.40.130 Sign Permits – Temporary Wall Banner Sign Permits

- *B. Sign Permit Requirement. Includes minor amendments to state that a sign permit is only required for a temporary wall banner.*

Chapter 10-80 Definitions:

Division 10-80.20 Definition of Specialized Terms, Phrases, and Building Functions

- *Includes minor amendments to the following definitions:*
  - *Sign – includes signs for ideological and political purposes)*
  - *Sign, Balloon Bobber – includes a new definition for this sign type*
  - *Sign, Temporary– clarifies and simplifies the definition*
  - *Sign, Temporary A-frame – clarifies and simplifies the definition*
  - *Sign, Post – includes a new definition for this sign type*
  - *Sign, Temporary Yard – includes a new definition for this sign type.*

10-50.100.010 Purpose

A. The Council finds that the natural surroundings, climate, history, and people of the City provide the Flagstaff community with its unique charm and beauty. This Division has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community, and in compliance with the General Plan.

B. The purpose of this Division is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements, including the following specific purposes:

1. To promote and accomplish the goals, policies, and objectives of the General Plan;

2. To balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;

3. To improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;

4. To protect the aesthetic beauty of the City's natural and built environment for the citizens of and visitors to the City, and to protect prominent view sheds within the community;

5. To prevent property damage, personal injury, and litter caused by signs that are improperly constructed or poorly maintained;

6. To protect property values, the local economy, and quality of life by preserving and enhancing the appearance of the streetscape; and

7. To provide consistent sign design standards that enables the fair and consistent enforcement of these sign regulations.

10-50.100.020 Applicability

A. **Applicability**

1. This Division applies to all signs within the City, regardless of their nature or location, unless specifically exempted.

2. Three levels of review standards are established in this Division, some or all of which may be applied to the sign depending on where it is located within the City:

a. All signs within the City of Flagstaff shall be reviewed based on the standards established in this Division;

b. Signs in the Flagstaff Central District are reviewed based on the standards established in Section 10-50.100.100.A (Flagstaff Central District) as well as the standards and requirements otherwise established in this Division; and

c. Signs in the Downtown Historic District, which have the highest standards of review in keeping with the historic character and urban scale of this district, are reviewed based on the standards in Section 10-50.100.100.B (Downtown Historic District), the Flagstaff Central District and the standards and requirements otherwise established in this Division.

3. **Applicable to Transect Zones**
Signs proposed in the transect zones shall comply with the standards established in the following Sections:

a. Transect Zone T6: Section 10-50.100.100.A (Flagstaff Central District) and Section 10-50.100.100.B (Downtown Historic District).

b. Transect Zone T5 and T5-O: Section 10-50.100.100.A (Flagstaff Central District) and Section 10-50.100.100.B (Downtown Historic District), where applicable.

c. Transect Zone T4N.1 and T4N.1-O: Section 10-50.100.100.A (Flagstaff Central District).

d. Transect Zone T3N.1: Section 10-50.100.100.A (Flagstaff Central District).

4. Nothing in this Division shall be construed to prohibit a person from holding a sign while located on City property so long as the person holding the sign is located on public property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails.

B. **Interpretations**
This Division is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this Division that permits speech by reason of the type of sign, identity of the sign user, or otherwise, shall also be interpreted to allow non-commercial speech on the sign. No part of this Division shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different non-commercial message, without the need for any approval or permit, provided that the size of the sign is not altered. To the extent any provision of this

Division is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.

C. **Exemptions**
The provisions of this Division do not apply to the following signs :

1. **Building Identification Signs**
Building identification signs not exceeding one square feet in area for residential buildings and two square feet in area for nonresidential buildings.

2. **Business Name and Address on an Entry Door**
Name of a business, address information, and/or contact information displayed on an entry door, not exceeding two square feet in area. Sign must not include any commercial advertising.

3. **Community Bulletin Board Signs**
Signs posted on a community bulletin board shall not exceed a dimension of 11 x 17 inches. No more than one community bulletin board per property and per block with a maximum size of 32 square feet is allowed. A community bulletin board may be erected in public right-of-way, in a public space or on private property.

4. **Flags**
Any flag not containing a commercial message, official flags of national, state, or local government, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction may be displayed as provided under the law that adopts or regulates its use. No more than three flags shall be displayed per lot or parcel except on federal holidays. Flags shall be mounted on a single flagpole, or three separate flagpoles installed either on the building or adjacent to a building or use.

5. **Governmental Signs**
Any sign, posting, notice or similar signs placed, installed or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including, but not limited to, the following:

(1) Emergency and warning signs necessary for public safety or civil defense;

(2) Traffic signs erected and maintained by an authorized public agency;

(3) Signs required to be displayed by law;

(4) Signs directing the public to points of interest; and

(5) Signs showing the location of public facilities

6. **Heritage Signs in Landmark Zones**
   Heritage signs are governed by the ordinance designating the Landmark Overlay and its related guidelines (Refer to Division 10-30.30 (Heritage Preservation)).

7. **Historic and Architectural Features**
   Historical plaques erected and maintained by non-profit organizations, building cornerstones, and date-constructed stones not exceeding four square feet in area.

8. **Internal Signs and Signs within City Recreation Facilities**
   Includes;

   a. Signs or displays located entirely inside of a building and not visible from the building's exterior;

   b. Signs intended to be readable from within a parking area but not readable beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way;

   c. Signs placed on the walkway directly in front of a store provided such sign does not interfere with pedestrian travel or encroach upon a required accessible path; and

   d. Temporary signs located within City Recreation Facilities.

9. **Seasonal Decorations**
   Temporary, non-commercial decorations or displays that are incidental to and commonly associated with national, local, or religious celebration, provided that such decorations and displays are only displayed during the appropriate time of year, are maintained in an attractive condition, and do not constitute a fire hazard.

10. **Street Light Banner Sign**
    Street light banner signs as permitted by the City on light poles in certain areas within the City.

11. **Vending Machine and Similar Facilities**
    Signs that consitute an integral part of a vending machine or similar facilities located outside of a business.

10-50.100.030 Sign Permit Requirements

A. The procedures for submittal, review and approval of Permanent Signs are provided in Section 10-20.40.120 (Sign Permit - Permanent Signs) and Temporary Wall Banner Sign Permits are provided in Section 10-20.40.130 (Sign Permit - Temporary Wall Banner Sign Permits), including any required fees. Signs associated with and/or advertising a special event on City

property shall be approved as part of the Special Event Permit from the City. All signs not approved in the Special Event Permit are prohibited.

B. No Sign Permit is required for a sign on property used exclusively for a single-family residence or duplex that complies with this Division and is limited to one sign per street frontage.

C. **Nonstructural Modifications and Maintenance**

No Sign Permit is required for the following non-structural modifications to and maintenance of existing signs:

1. Changes to the face or copy of changeable copy signs;

2. Changes to the face or copy of an existing single-tenant or multi-tenant freestanding or building mounted non-illuminated sign from one business to another with no structural or lighting modifications to the sign; and

3. The normal repair and maintenance of conforming or legal non-conforming signs, except as identified in Section 10-50.100.050.E.

10-50.100.040 General Restrictions for All Signs

A. **Prohibited Signs**
Except where specifically authorized in this Division, the following signs are prohibited :

1. No sign shall be placed within, on, or projecting over City right-of-way;

2. No sign shall be attached to or placed on public property, except for government signs and those approved as part of a Special Event Permit;

3. No sign shall obstruct the view of any authorized traffic sign, signal, or other traffic control device;

4. No sign shall be constructed or placed in such a way as to be confused with any authorized traffic signal or device;

5. No sign shall be constructed or placed in such as manner as to prevent or interfere with free ingress to or egress from any door, window, or any exit way required by the Building Code or Fire Department regulations currently in effect;

6. No commercial, advertising, or business sign shall be located off the premises of the business to which it refers;

7. Any sign mounted, attached, or painted on a trailer, boat, or motor vehicle parked to provide advertising visible from the public right-of-way

or parked on public property to clearly provide advertising close to the public right-of-way. This provision excludes vehicles and equipment engaged in active construction projects, and the on-premise storage of equipment and vehicles offered to the general public for rent or lease.

8. No sign shall be painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;

9. No sign shall be tacked, painted, burned, cut, pasted or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that is visible from a public way;

10. No sign shall cover the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or other architectural feature;

11. Billboards; and

12. Bandit signs.

B. **Display Restrictions**

1. **Purpose**
The purpose of this Subsection is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the City.

2. **Applicability**
Signs with the following display features are prohibited:

a. Lighting devices with intermittent, flashing, rotating, blinking or strobe light illumination, animation, motion picture, or laser or motion picture projection, or any lighting effect creating the illusion of motion, as well as laser or hologram lights;

b. An exposed light source, except for neon incorporated into the design of the sign;

c. Sound, odor or smoke;

d. Inflatable balloons, spinners, strings of flags and pennants, fixed aerial displays, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means either attached to a sign or to vehicles, structures, poles, trees and other vegetation, or similar support structures;

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e. Rotating or moving sign body or any other portion of the sign whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction;

f. Electronic displays;

g. Any changeable copy LED signs, except fixed illumination display signs used to indicate that a business is "open", display prices, or to confirm an order placed in a drive through lane;

h. Stuffed or inflated animals; and

i. Strings of lights arranged in the shape of a product, arrow or any commercial message.

10-50.100.050 General Requirements for All Signs

[No amendments are proposed in this Section other than to include an additional graphic (see below) on Page 50.100-15 to better explain how sign area is calculated when a symbol is included within a sign.]

10-50.100.060 Permanent Signs

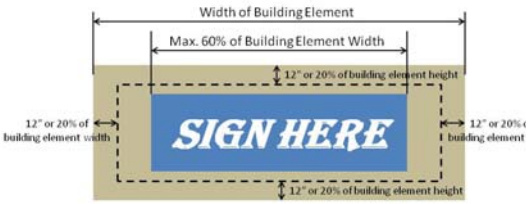
C. **Signs for All Non-residential Uses in All Zones**

4. **Standards for Specific Sign Types**

b. The following sign types are permitted, subject to the criteria listed under each sign type.

(2) **Building Mounted Signs**
The standards provided in Table C (Standards for Building Mounted Signs) shall apply to all building mounted sign in all zones where allowed by Table 10-50.100.060.A (Standards for Permanent Signs by Use).

Table 10-50.100.060.C: Standards for Building Mounted Signs	
	Standard
Sign Placement	The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, subject to the following standards: (1) At least 1 sign shall be associated with the building entry zone[1] (may be wall mounted, projecting, awning, etc.); (2) No sign shall face an adjoining residential zone; (3) Signs shall be placed at least 12 inches or 20% of the width of the building element on which they are mounted, whichever is less, from the sides of the building element; (4) The width of the sign shall be no greater than 60% of the width of the building element on which it is displayed; (5) Signs shall be placed at least 12 inches or 20% of the height of the building element on which they are mounted, whichever is less, from the top and bottom edge of the building element. If vertically placed on a mansard roof, structural supports shall be minimized, and secondary supports (angle irons, guy wires, braces) shall be enclosed/ hidden from view.
Special Provisions	
Additional Increases in Sign Area	Additional sign area may be sought under Section 10-50.100.080 (Sign Design Performance Standards)



(5) **Driveway Sign**

(a) Driveway signs are exempted from the total allowable sign area permitted for each use.

(b) The standards provided in Table F (Standards for Driveway Signs) shall apply.

Table 10-50.100.060F: Standards for Driveway Signs		
	Standard	**Other Requirements**
Sign Area	3 sq. ft. per face.	May be double-sided.
Mounting Height – Building Mounted Sign	Max. 8 feet from grade.	Flat against a wall of the building.
Mounting Height –	Max. 3 feet from grade.	

Table 10-50.100.060F: Standards for Driveway Signs		
Freestanding Sign		
Number of Signs	Max. 1 at each driveway or drive through lane.	
Illumination	Internal illumination only.	May also be non-illuminated.
Permitting	Sign Permit is required.	

(7) **Freestanding Signs**

Table 10-50.100.060.H: Standards for Freestanding Signs	
Standard	
Sign Height	See this Section and Table A (Standards for Permanent Signs by Use). Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign's allowed height, or 12 inches whichever is greater.

Special Provisions	Standard
Sign Width	The sign base must be a min. of 60% of the width of the sign cabinet or face. A freestanding sign may be mounted on 2 or more posts with a min. diameter/dimension of 8" if the sign complies with the standards of Section 10-50.100.080 (Sign Design Performance Standards).

Insert a new row between "Additional Increases in Sign Area" and "Landscaping".

Post Sign	Max. 1 post sign per frontage. Sign Permit is required unless the post sign advertises property or a portion of the property for sale, rent or lease, in which case no Sign Permit is required and the sign area will be included in the allowable area for portable signs. See Table 10-50.100.090.A.

(14) **Window Sign**

The standards provided in Table O (Standards for Permanent Window Signs) shall apply.

Table 10-50.100.060.O: Standards for Permanent Window Signs		
	Standard	**Other Requirements**
Sign Area	Combined area of temporary and permanent window signs combined shall not exceed 40% of the area of the window on or within which they are displayed.	Signs constructed of perforated vinyl or painted on the window shall be included as part of the 40% area calculation. Permanent window signs are included in the total allowable sign area for building mounted signs.
Sign Placement	No higher than 1st story windows.	Inside mounting required.
Illumination	Neon illumination only.	Fixed copy or display only – no flashing, blinking, or moving text or images are permitted.
Permitting	Sign Permit is required.	
Open Signs	Max. 2 sq. ft. Max. 1 per business.	Excluded from the total allowable building mounted or window sign area. No Sign Permit required.

(15) **Vehicle Signs**
The standards provided in Table P (Standards for Vehicle Signs) shall apply.

Table 10-50.100.060.P: Standards for Vehicle Signs		
	Standard	**Other Requirements**
Vehicle Signs		
Vehicle Sign	May be: (1) Permanently painted or wrapped on the surface of a vehicle; (2) Adhesive vinyl film affixed to a window; or (3) Magnetically attached to a vehicle.	May only indicate the name of the business and owner.
Vehicle Use	The vehicle shall be regularly and consistently used in the normal daily conduct of the business, e.g. used for delivering or transporting goods or providing services related to the business. Vehicle shall be operable and properly licensed. When not in use the vehicle shall be parked in a lawful manner on the business property so as not to be visible from the public right-of-way, or if this is not possible, as far from the public right-of-way as possible.	

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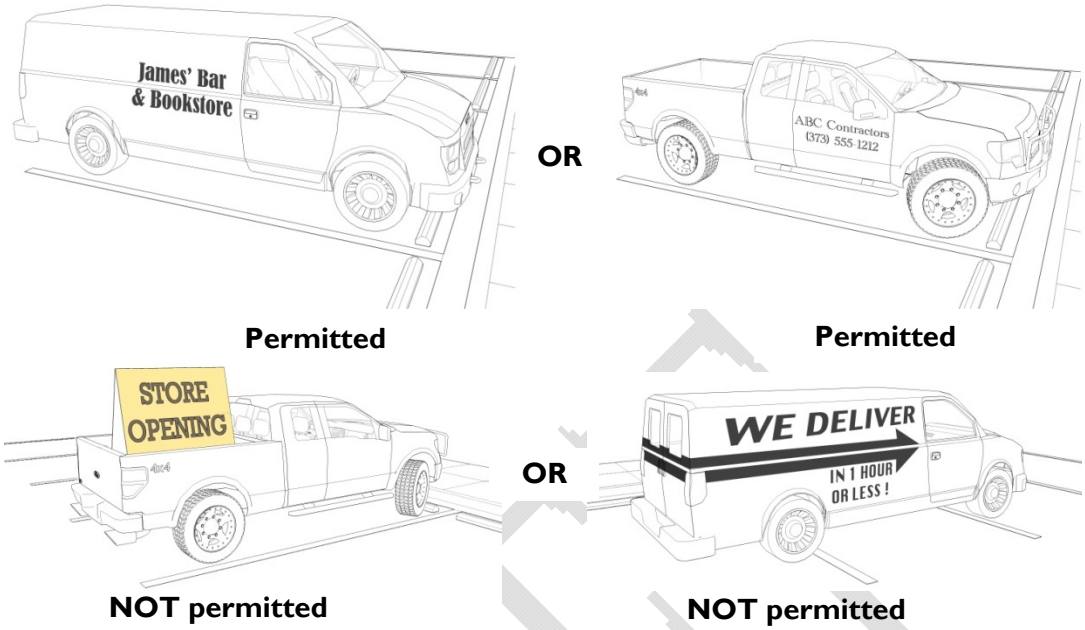

Figure O. Signs on Vehicles Used for Business Purposes

10-50.100.070 Comprehensive Sign Programs

- Page 50.100-43

C. **Review**

3. The Planning Commission shall review all Comprehensive Sign Programs that request an increase in allowable sign height and area beyond the limits established in Section 10-50.100.080 (Sign Design Performance Standards) for freestanding and building mounted signs for multi-tenant buildings or shopping centers.

10-50.100.080 Sign Design Performance Standards

B. **Cumulative Adjustments**

Table 10-50.100.080.B: Cumulative Adjustments

# of Features Used	Freestanding Signs		Building Mounted Sign	
	Area	Height	Area	Height
2	30%	20-30%[1]	20%	10%
3	45%	35-40%[1]	30%	15%
4	60%	50%	40%	20%
Standard #5 w/ Standards 1-4	Not to exceed 75% of original max. permitted sign area	N/A	N/A	N/A
Cumulative Maximum Sign Area Increase Allowed	50%	50%	50%	20%

End Notes

[1] This percentage varies depending on which design features listed in Table A are utilized.

10-50.100.090 Portable Signs

A. **Purpose**
The Council finds that the proliferation of portable signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public's health, safety, and welfare. The purpose of these regulations is to ensure that portable signs do not create a distraction to the traveling public by eliminating the aesthetic blight and litter caused by portable signs.

B. **General to All**

Portable signs are allowed only in compliance with the provisions of this Section;

1. A Permit is only required for temporary wall banner signs. See Section 10-20.40.130 (Temporary Wall Banner Sign Permits).

2. There is no limitation on the length of time that a portable sign may be displayed, except for temporary wall banner signs (See Table 10-50.100.090.B (Standards for Portable Signs).

3. Portable signs must not be placed on or affixed to any City property, including City rights-of-way, except as specifically authorized in connection with a special event permitted under City Code Chapter 8-12 (Special Events).

4. Portable signs shall not be placed in the clear view zone at street intersections or driveways (Refer to Section 10-50.100.050.F (Sign Placement at Intersection)).

C. **Standards for Portable Signs**
Portable signs placed on the exterior of a structure or on private property are allowed in all Zones in compliance with the following standards:

1. **Time, Place and Manner Restrictions for Portable Signs**
Portable signs shall comply with the standards provided in Table A (Standards for All Portable Signs).

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Table 10-50.100.090.A: Standards for All Portable Signs	
	Standard
Applicable to All Zones	
Placement	Shall not create a hazard for pedestrian or vehicular traffic.
Height and width	Refer to Table 10-50.100.90.B for height and width standards for portable signs.
Prohibited elements	Any form of illumination, including flashing, blinking, or rotating lights. Animation. Reflective materials. Attachments, including, but not limited to, balloons, ribbons, loudspeakers, etc.
Design and construction	Professionally crafted. Of sufficient weight and durability to withstand wind gusts, storms, etc.
Commercial, Industrial and Other Non-Residential Zones	
Period of use	No limitation, except for wall banners. Refer to Table 10-50.100.090.B.
Area of all portable signs at any one time	Max. 24 sq. ft. per business; excludes the area of temporary window signs and wall banner signs. Exception: In the Flagstaff Central District, max. 12 sq. ft. per business; excludes the area of temporary window signs and wall banner signs. Refer to Section 10-50.100.100.A.
Number of Signs	Unlimited except that the total sign area of all portable signs not exceed 24 sq. ft. per business. Exception: Multi-tenant shopping centers or offices – Max. 2 portable signs per 150 linear feet of property frontage not to exceed 24 sq. ft. combined.
Permitting	No Sign Permit required, except for temporary wall banner signs.
All Residential Zones	
Period of use	No limitation.
Area of all portable signs at any one time	Max. 16 sq. ft. per lot or parcel.
Number of Signs	Unlimited except that the total sign area of all portable signs shall not exceed 16 sq. ft.
Permitting	No Sign Permit required.

2. **Types of Portable Signs**
   Portable signs shall comply with the standards provided in Table B (Standards for Specific Portable Sign Types).

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Table 10-50.100.090.B: Standards for Specific Portable Sign Types				
	Standard			Other Requirements
Portable Sign Type[1]	**Height** (Max.)	**Width** (Max.)	**Area** (Max.)	
A-Frame or Upright Sign	4' from grade	3'	12 sq. ft.	Only permitted in non-residential zones.
Feather or Vertical Banner	8' from grade	2'	12 sq. ft.	Secure attachment to mounting pole required. Only permitted in non-residential zones.
Yard Sign	3'	2'	4 sq. ft.	Installed securely in the ground.
Number of Signs	See Table 10-50.100.090.A.			
Portable Sign Type[1]	**Height** (Max.)	**Width** (Max.)	**Area** (Max.)	
Flags displaying a commercial message	End Note[2]	--	24 sq. ft.	Secure attachment to flag pole required. Permitted in all zones.
Wall Banner	--	--	24 sq. ft.	May only be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the temporary wall banner sign would be hung. Mounting height – max. 25 feet to the top of the temporary wall banner sign. Only permitted in non-residential zones. May only be displayed for 30 days per calendar year and shall not be used as permanent signs. Not included in the total sign area for all portable signs. Temporary Wall Banner Sign Permit required.
Window Sign	--	--	Refer to End Note[3]	Placed no higher than 1st story windows. Inside mounting required. Not included in the total sign area for all portable signs.
Number of Signs	See Table 10-50.100.090.A.			

End Notes

[1] Other portable sign types may be allowed (e.g. fuel pump topper signs wraps around waste receptacles, or balloon bobbers) provided the max area limitation for all portable signs is not exceeded.

[2] Flag pole height is limited by the allowable building height of the zone in which it is located. Refer to the Building Form Standards in Chapter 10-40 (Specific to Zones).

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[3] The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) shall not exceed 40% of the area of the window on or within which they are displayed.

3. **Civic and Non-Profit Event Signs on City Approved Sign Support Structures**

   a. **Purpose**
   The City has installed banner sign support structures at certain locations within the community where temporary banners used to advertise civic and non-profit organizations and events for which a Special Event Permit has been approved may be placed. The purpose of these banner sign support structures, therefore, is to provide a convenient, highly visible and safe location for the display of these temporary banners to minimize their proliferation within the community which causes visual blight.

   b. Signs advertising events organized and implemented by civic and non-profit organizations, or events for which a Special Event Permit has been approved by the Recreation Services Section, may be installed on City approved sign support structures in compliance with the standards provided in Table C (Standards for Temporary Off-Premise Signs on City Approved Sign Support Structures).

Table 10-50.100.090.C: Standards for Temporary Off-Premise Signs on City-Approved Sign Support Structures

Number of Events	No more than 3 events per organization per year may be advertised on City-approved sign support structures.
Period of Use	Max. 7 days before an event.
Sign Placement	Only at approved locations (See b. below).
Sign Size and Area	Max. 3' by 8'; Max. 24 sq. ft.
Banner Details	Grommets shall be placed at each of the corners of the banner for secure attachment to the support structure. Banners shall not have brand identification, such as "Sponsored by XYZ Corporation", or a product brand across the face of the banner as a background. Logos for sponsors of the event or the banner shall be limited to max. 20% of the area of the banner.
Number of Signs	1 sign for each event per support structure, to a max. of 3 sign support structures.
Removal	Within 1 day after the event.
Illumination	Not permitted.
Permitting	No Sign Permit required – a reservation is needed for placement of a banner on a support structure. See Section 10-50.100.090.C.3.b.

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b. An application may be submitted to the Director for the placement of up to three banners on City-approved sign support structures (illustrated in Figure A) for the purpose of promoting a forthcoming civic or non-profit event, a City Recreation Services event, or an event for which a Special Event Permit has been approved by the Recreation Services Section. Placement on these structures is reserved on a first come, first serve basis up to three-months in advance of the event. The locations of the City's approved sign support structures are available on a map on file with the Planning Section.

Figure A. Civic or Non-Profit Event Sign Structure

4. **Sign Walkers**
This Subsection provides time, place and manner restrictions pertaining to sign walkers, i.e. a person who holds a sign to convey a commercial message, subject to the following standards:

a. Sign walkers shall only be allowed in commercial and industrial zones, and Transect Zones T5 and T6;

b. Sign walkers shall only be located on the premises of the business they are advertising with the property owner's or property manager's written approval or only on a public sidewalk, walkway or pedestrian thoroughfare immediately adjacent to the business premises;

c. Sign walkers shall not be located within a minimum of 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists, and are not permitted in any of the following locations:

(1) In parking aisles or stalls;

(2) In driving lanes; or

(3) On fences, walls, boulders, planters, other signs, vehicles, utility facilities or any other structure; or

d. Sign walkers may not interfere with traffic or block pedestrians or bicyclists;

e. Sign walkers are only permitted to advertise during the hours of operation of the business they are advertising;

f. Sign walker signs shall not exceed eight square feet in area; shall not exceed eight feet in height when held; and shall be professionally crafted;

g. Sign walker signs that include any of the following are prohibited:

(1) Any form of illumination, including flashing, blinking or rotating lights;

(2) Animation on the sign itself; or

(3) Spinning, waving, throwing the sign in the air or any other such erratic movement intended to attract attention.

h. No Sign Permit is required for a sign walker.

10-50.100.100 Sign Districts of Special Designation

A. **Flagstaff Central District**

5. **Standards**

b. **Freestanding Signs**
Two styles of freestanding signs are permitted within the Flagstaff Central District: either a low profile freestanding sign, or a freestanding suspended sign, either of which may also be used as a Neighborhood or District Sign. The standards provided in Table D (Standards for Freestanding Signs in Flagstaff Central District) shall apply.

Table 10-50.100.100.D: Standards for Freestanding Signs in Flagstaff Central District

	Standard		Other Requirements
	Area[1]	Height	
Low Profile Freestanding Sign – Single Tenant Use	24 sq. ft.	6 feet	Shall be mounted on 2 poles placed at the outermost sides of the sign face, or on a low profile sign base.
Low Profile Freestanding Sign – Multiple Tenant Use	32 sq. ft.	8 feet	Shall be mounted on 2 poles placed at the outermost sides of the sign face, or on a low profile sign base.
Freestanding Suspended Sign	18 sq. ft.	10 feet to	Sign structure shall consist of a vertical pole

	top of sign pole	and horizontal decorative sign support, and shall be constructed of wood or metal.
Number of Signs	1 sign permitted per business.	
Illumination	See Section 10-50.100.050.C.	Externally illuminated with down-directed and shielded fixtures only. Neighborhood or District Sign shall not be illuminated.
Permitting	Sign Permit is required.	

End Note:
[1] The area of a Neighborhood or District Sign shall not be counted against the permitted sign area applicable to the use(s) existing on the property where the Neighborhood or District Sign will be erected.

B. **Downtown Historic District**

5. **Portable Signs**
Portable signs proposed within the Downtown Historic District shall comply with the standards established in Section 10-50.100.090 (Portable Signs), except as provided below:

a. No feather vertical banners shall be permitted in the Downtown Historic District.

F. **Flagstaff Sign Free Zone**

1. **Purpose**
This Section establishes a commercial tourism, commercial resort and hotel sign-free zone pursuant to A.R.S. §16-1019.

2. **Applicability**
The Flagstaff Sign Free Zone illustrated on Map 10-90.40.010 (Flagstaff Sign Free Zone) has been determined based on the location of a predominance of commercial tourism, resort and hotel uses within this Zone.

3. **Standards**

a. Within the Flagstaff Sign Free Zone all portable signs, including political signs, are prohibited within the public rights-of-way as they detract from the scenic and aesthetic appeal of the area adjacent to the Zone and deter its appeal to tourists. However, portable signs are permitted on private property adjacent to the Flagstaff Sign Free Zone.

b. The Director may remove or cause to be removed any portable sign erected or displayed in the public right-of-way in the Flagstaff Sign Free Zone.

10-50.100.110 Nonconforming Signs

[No amendments are proposed in this Section.]

10-50.100.120 Enforcement

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, display, or use a sign within the City contrary to, or in violation of, any provision of this Division. The requirements of this Division shall be enforced in compliance with the enforcement provisions of Division 10-20.110 (Enforcement).

B. The Director may remove or cause to be removed any portable sign erected or displayed upon a public sidewalk, walkway or pedestrian thoroughfare within public right-of-way or within a clear view zone that creates a hazard to pedestrian or vehicular traffic.

10-50.100.130 Appeals

[No amendments are proposed in this Section.]

10-50.100.140 Severability

[No amendments are proposed in this Section.]

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Needed Amendments to Other Chapters of the Zoning Code:

Chapter 10-20 Administration, Procedures, and Enforcement:

Division 10-20.40 Permits and Approvals

Section 10-20.40.130 Sign Permits – Temporary Wall Banner Sign Permits

A. **Purpose**
This Section establishes the permitting requirements for temporary wall banner signs as described in Section 10-50.100.090 (Portable Signs) to ensure compliance with the applicable provisions of this Zoning Code.

B. **Sign Permit Requirement**
It shall be unlawful for any person to erect, place, display, alter, maintain or relocate a temporary wall banner sign without first obtaining a Temporary Wall Banner Sign Permit from the Director.

C. **Duration of Temporary Wall Banner Sign Permit**
The Temporary Wall Banner Sign Permit will be valid for 30 days beginning with the date of issuance.

D. **Review and Approval**

1. **Application**

   a. An application for a Temporary Wall Banner Sign Permit for a business located in a multi-tenant development or shopping center shall be made by the property manager or property owner as the applicant on behalf of a business(s) requesting a Temporary Wall Banner Sign Permit for temporary wall banner sign. A business owner who is also the property owner (e.g. in a single-tenant building) is considered the applicant for the purposes of this Section and may submit an application for a Temporary Wall Banner Sign Permit for the business.

   b. No more than one temporary wall banner sign per 150 linear feet of property frontage or part thereof shall be permitted at any one time. The property manager or property owner shall be responsible for determining which of the tenants in a multi-tenant development or shopping center will be entitled to a temporary wall banner sign in accordance with this Section.

2. **Review**
The Director shall review the Temporary Wall Banner Sign Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the standards of Section 10-50.100.090 (Portable Signs).

3. **Determination**
The Director in compliance with the Review Schedule on file with the Planning Section shall determine whether the Temporary Wall Banner Sign Permit may be issued or if additional information is required from the applicant to complete the permit

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application. If the Temporary Wall Banner Sign Permit application is denied, the reason will be stated in writing.

4. **Authorization**
   Issuance of a Temporary Wall Banner Sign Permit authorizes the holder to install a temporary wall banner in compliance with the terms of the permit. At any time after a Temporary Wall Banner Sign Permit is issued, a new owner, tenant or lessee of record, may be substituted for the original applicant, if a record of the new interest is made with the City and the new interest assumes all obligations he or she would have had in compliance with the original permit. The change of interest shall not imply that any fees paid for the permit will be returned to either the interest which has been replaced or the substitute.

E. **Inspections**

1. All wall banners for which a Temporary Wall Banner Sign Permit is required are subject to inspection to establish compliance with the provisions of Section 10-50.100.090 (Portable Signs) and any other applicable City codes.

2. A re-inspection fee (See Appendix 2 (Planning Fee Schedule)) will be charged if more than one inspection is made to determine compliance after issuance of a correction notice for an improperly displayed portable sign, or after issuance of any notice of violation. No fees will be charged for an inspection establishing that a violation exists, or for the first inspection following the issuance of a notice of violation. The re-inspection charge will be imposed if any subsequent inspection is required to determine compliance.

F. **Violations**
   Any temporary wall banner signs installed or displayed without a Temporary Wall Banner Sign Permit are in violation of this Division and will be grounds for the Director to issue a correction notice and/or to cause removal of the portable sign until appropriate permits are obtained.

(Section 10-20.40.130 amended by Ord. 2014-27, adopted Nov. 18, 2014)

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Chapter 10-80 Definitions:
Division 10-80.20 Definition of Specialized Terms, Phrases, and Building Functions

Section 10-80.20.010. Definitions, "A."

ADOT: Arizona Department of Transportation.

Section 10-80.20.160. Definitions, "P."

Parkway: The area between the back of a curb and a sidewalk that is usually landscaped.

Section 10-80.20.190 Definitions, "S."

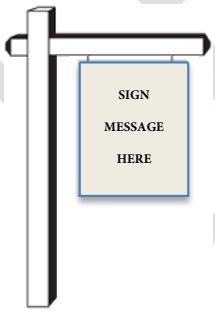
Sign: A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination.

Sign, Balloon Bobber: A reusable pre-formed balloon filled with regular air made of a durable PVC vinyl that does not need to be inflated, and typically attached to a short pole.

Sign, Permanent: A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, Portable: A sign that is capable of being moved and not designed to be permanently attached to a building or permanently anchored to the ground that is constructed of paper, cloth, canvas, light fabric, cardboard, plywood, light plastic or other similar materials.

Sign, Post: A sign mounted on either a single post or two or more posts as illustrated below.



Sign, A-Frame: A portable and self-supporting sign used for advertising purposes, constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top (Syn. Sandwich Board Sign).

Sign, Upright: A portable sign constructed to be taller than it is wide, which may be mounted on a weighted base or similar support.

Sign, Feather Vertical Banner: A portable sign typically constructed of cloth, bunting, plastic, paper or similar non-rigid material, and attached to a vertically mounted pole that is securely fastened to the ground.

Sign, Temporary Wall Banner: A sign constructed of cloth, bunting, plastic, paper or similar non-rigid material, and securely attached to the wall or support structure for which it is advertising. Flags are not considered temporary wall banners.

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Sign, Yard: A small portable sign used for advertising by local businesses that are also popular in election campaigns, typically constructed of corrugated plastic and supported on an H-shaped wire frame (Syn: Lawn Sign).

Chapter 10-90 Maps:
Division 10-90.40 Subject Specific Maps

Section 10-90.40.010 Flagstaff Sign Free Zone Map

Insert this new map on new Page 90.40-1.

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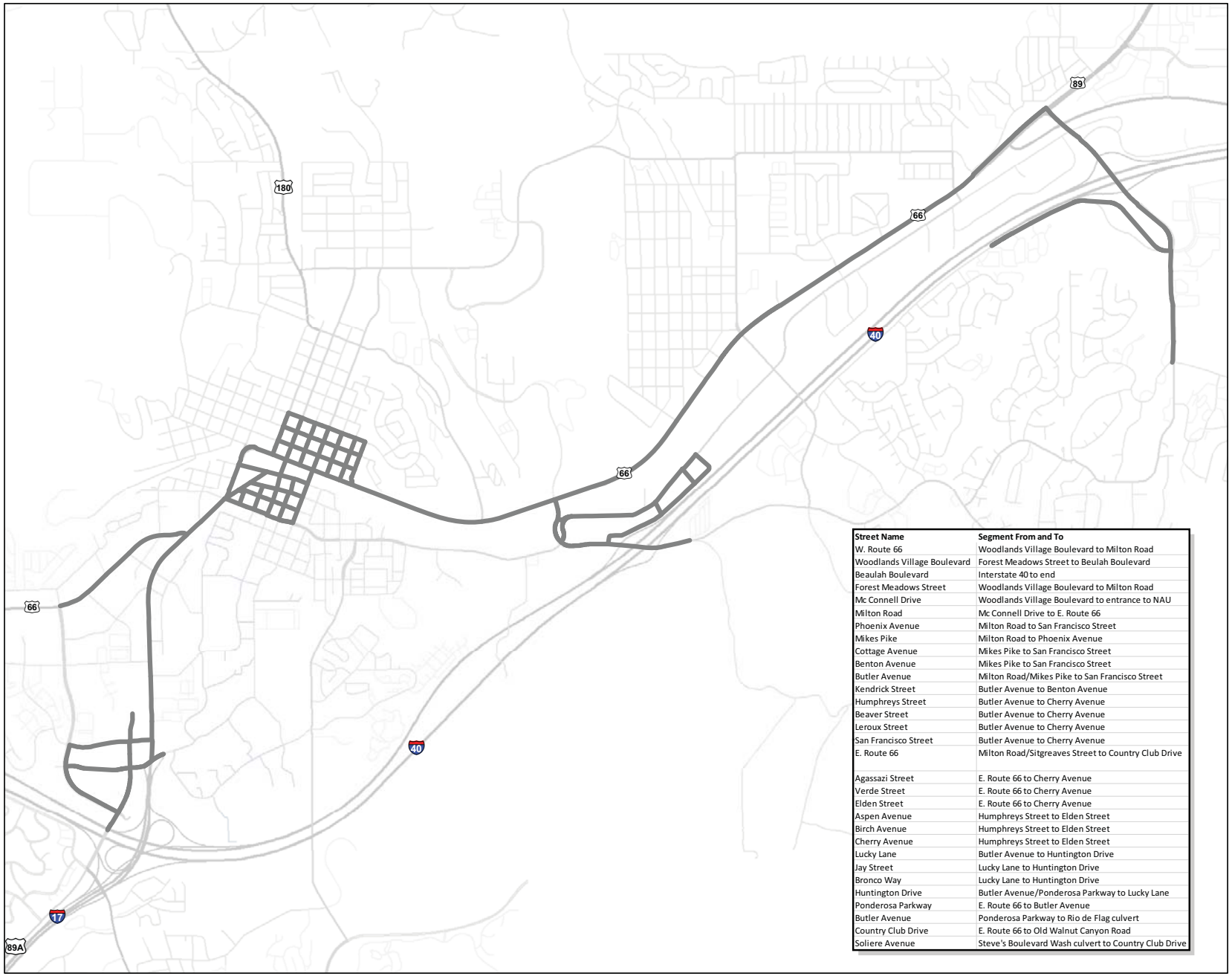

Street Name	Segment From and To
W. Route 66	Woodlands Village Boulevard to Milton Road
Woodlands Village Boulevard	Forest Meadows Street to Beulah Boulevard
Beaulah Boulevard	Interstate 40 to end
Forest Meadows Street	Woodlands Village Boulevard to Milton Road
Mc Connell Drive	Woodlands Village Boulevard to entrance to NAU
Milton Road	Mc Connell Drive to E. Route 66
Phoenix Avenue	Milton Road to San Francisco Street
Mikes Pike	Milton Road to Phoenix Avenue
Cottage Avenue	Mikes Pike to San Francisco Street
Benton Avenue	Mikes Pike to San Francisco Street
Butler Avenue	Milton Road/Mikes Pike to San Francisco Street
Kendrick Street	Butler Avenue to Benton Avenue
Humphreys Street	Butler Avenue to Cherry Avenue
Beaver Street	Butler Avenue to Cherry Avenue
Leroux Street	Butler Avenue to Cherry Avenue
San Francisco Street	Butler Avenue to Cherry Avenue
E. Route 66	Milton Road/Sitgreaves Street to Country Club Drive
Agassazi Street	E. Route 66 to Cherry Avenue
Verde Street	E. Route 66 to Cherry Avenue
Elden Street	E. Route 66 to Cherry Avenue
Aspen Avenue	Humphreys Street to Elden Street
Birch Avenue	Humphreys Street to Elden Street
Cherry Avenue	Humphreys Street to Elden Street
Lucky Lane	Butler Avenue to Huntington Drive
Jay Street	Lucky Lane to Huntington Drive
Bronco Way	Lucky Lane to Huntington Drive
Huntington Drive	Butler Avenue/Ponderosa Parkway to Lucky Lane
Ponderosa Parkway	E. Route 66 to Butler Avenue
Butler Avenue	Ponderosa Parkway to Rio de Flag culvert
Country Club Drive	E. Route 66 to Old Walnut Canyon Road
Soliere Avenue	Steve's Boulevard Wash culvert to Country Club Drive

Section 10-90.50.010: Flagstaff Sign Free Zone Map

Sign Free Zone

Feet

0 1,000 2,000 3,000

N W E S

Division 10-50.100: Sign Standards

Sections:

10-50.100.010 Purpose
10-50.100.020 Applicability
10-50.100.030 Sign Permit Requirements
10-50.100.040 General Restrictions for All Signs
10-50.100.050 General Requirements for All Signs
10-50.100.060 Permanent Signs
10-50.100.070 Comprehensive Sign Programs
10-50.100.080 Sign Design Performance Standards
10-50.100.090 Temporary Signs
10-50.100.100 Sign Districts of Special Designation
10-50.100.110 Nonconforming Signs
10-50.100.120 Enforcement
10-50.100.130 Appeals
10-50.100.140 Severability

(Entire Division amended by Ord. 2014-27, adopted November 18, 2014)

10-50.100.010 Purpose

A. The Council finds that the natural surroundings, climate, history, and people of the City provide the Flagstaff community with its unique charm and beauty. This Division has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community, and in compliance with the General Plan.

B. The purpose of this Division is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements, including the following specific purposes:

1. To promote and accomplish the goals, policies, and objectives of the General Plan;

2. To balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;

~~3. To recognize free speech rights by regulating signs in a content-neutral manner;~~

This paragraph may be deleted as it is already stated above in Subsection B.

~~4.~~3. To improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;

~~5.~~4. To protect the aesthetic beauty of the City's natural and built environment for the citizens of and visitors to the City, and to protect prominent view sheds within the community;

~~6.~~5. To prevent property damage, personal injury, and litter caused by ~~from~~ signs that ~~which~~ are improperly constructed or~~,~~ poorly maintained~~, or made of flimsy materials~~;

~~7.~~6. To protect property values, the local economy, and ~~the~~ quality of life by preserving and enhancing the appearance of the streetscape; and

~~8.~~7. To provide consistent sign design standards that enable~~s~~ the fair and consistent enforcement of these sign regulations.

~~C. A summary of sign types addressed within this Division are listed in Table A (Sign Types). Table A also identifies the permitted uses of each sign type and whether it may be located in a walkable urban environment (Urban) or drivable suburban environment (Suburban), or both, as further defined and explained in the Preamble to this Zoning Code.~~

~~Table 10-50.100.010.A: Sign Types~~						
~~Sign Type and Description~~	~~Urban~~	~~Sub-urban~~	~~Uses~~		~~Permit?~~	~~Zoning Code Section~~
~~Permanent Signs (See Table 10-50.100.060.A (Standards for Permanent Signs by Use))~~						
~~Awning Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(1)~~
~~Building Identification Sign~~	~~P~~	~~—~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.100.A.5.a.(3)~~
~~Building Mounted Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes/No[1]~~	~~10-50.100.060.C.4.b.(2)~~
~~Canopy Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(3)~~
~~Changeable Copy Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(4)~~
~~Directional Sign~~	~~—~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(5)~~
~~Directory Sign~~	~~P[2]~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(6)~~
			~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~		~~10-50.100.060.C.4.b.(7)~~

~~Freestanding Sign~~	~~P[2]~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(7)~~
			~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~		~~10-50.100.060.C.4.b.(7)~~
~~Interpretative Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(8)~~
~~Landscape Wall Sign~~	~~P[2]~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(9)~~
			~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~		~~10-50.100.060.C.4.b.(7)~~
			~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~		~~10-50.100.060.C.4.b.(7)~~
~~Painted Wall Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~Table 10.50.100.060.C~~
~~Projecting Sign~~	~~P[2]~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(10)~~
~~Roof Mounted Sign~~	~~--~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10.50.100.060.C.4.b.(11)~~
~~Service Island Canopy Sign~~	~~--~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(12)~~
~~Suspended Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(13)~~
~~Window Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes~~	~~10-50.100.060.C.4.b.(14)~~
~~**Temporary Signs (See Section 10-50.100.090. (Temporary Signs))**~~						
~~Sign Walker~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~No~~	~~10.50.100.090.C.6~~
~~Temporary A-frame Sign~~	~~P[3]~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes/No[4]~~	~~10.50.100.090.C.4.c.(1)~~
~~Temporary Civic or Non-Profit Event Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~No~~	~~10.50.100.090.C.2~~
~~Temporary Directional Signs for Special Events, Recreation Events, and Approved Temporary Uses~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~No~~	~~10.50.100.090.C.3~~
~~Temporary New Development/ Construction Sign~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~No~~	~~10-50.100. 090.C.5~~
~~Temporary Sign for Approved Temporary Uses~~	~~P~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~No~~	~~10.50.100.090.C.1~~
~~Temporary Stanchion Sign~~	~~P~~	~~--~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~No~~	~~10.50.100.100.B.5.b~~
~~Temporary Upright Sign:~~	~~P[3]~~	~~P~~	~~SFR~~ ~~MFR~~	~~COM~~ ~~IND~~	~~Yes/No[4]~~	~~10.50.100.090.C.4.c.(1)~~

			~~SFR~~ ~~COM~~ ~~MFR~~ ~~IND~~		
~~Temporary Vertical Banner~~	~~--~~	~~P~~	~~SFR~~ ~~COM~~ ~~MFR~~ ~~IND~~	~~Yes~~	~~10.50.100.090.C.4.c.(2)~~
~~Temporary Wall Banner~~	~~P~~	~~P~~	~~SFR~~ ~~COM~~ ~~MFR~~ ~~IND~~	~~Yes~~	~~10.50.100.090.C.4.c.(3)~~
~~Temporary Window Sign~~	~~P~~	~~P~~	~~SFR~~ ~~COM~~ ~~MFR~~ ~~IND~~	~~No~~	~~10.50.100.090.C.4.c.(4)~~

~~**End Notes**~~

~~[1] Except detached single-family dwellings and duplexes.~~

~~[2] This sign type is only allowed in accordance with the provisions of Section 10-50.100.100.A (Flagstaff Central District).~~

~~[3] Except, this sign type is not permitted in the Downtown Historic District (Section 10-50.100.100.B).~~

~~[4] See Section 10.50.100.090.C.4.c.(1)~~

~~Key~~			
~~XXX~~	~~Allowed~~	~~XXX~~	~~Not Allowed~~
~~P~~	~~Sign type is permitted within the area type identified in this table.~~		
~~-- ....~~	~~Sign type is not permitted within the area type identified in this table~~		
~~SFR = Single-family Residential; MFR = Multi-family Residential; COM = Commercial; and IND = Industrial~~			

Staff recommends that Paragraph C. and Table A should be deleted as this section is not used and it provides little information of value to readers of the Code.

10-50.100.020 Applicability

A. Applicability

1. This Division applies to all signs within the City, regardless of their nature or location, unless specifically exempted.

~~1.~~2. Three levels of review standards are established in this Division, some or all of which may be applied to the sign depending on where it is located ~~proposed location~~ within the City:

a. All signs within the City of Flagstaff shall be reviewed based on the standards established in this Division~~, with the exception of Sections 10-50.100.100.A (Flagstaff Central District) and 10-50.100.100.B (Downtown Historic District)~~;

b. Signs in the Flagstaff Central District are reviewed based on the standards established in Section 10-50.100.100.A (Flagstaff Central District) ~~in keeping with the urban character and scale of this district~~ as well as the standards and requirements otherwise established in this Division; and

c. Signs in the Downtown Historic District, which have the highest standards of review in keeping with the historic character and urban scale of this district, are reviewed based on. T the standards in Section 10-50.100.100.B (Downtown Historic District), shall be applied in addition to the standards established for the Flagstaff Central District, and as well as the standards and requirements otherwise established in this Division.

2.3. **Applicable to Transect Zones**

Signs proposed in the transect zones shall comply with the standards established in the following Sections:

a. Transect Zone T6: Section 10-50.100.100.A (Flagstaff Central District) and Section 10-50.100.100.B (Downtown Historic District).

b. Transect Zone T5 and T5-O: Section 10-50.100.100.A (Flagstaff Central District) and Section 10-50.100.100.B (Downtown Historic District), where applicable.

c. Transect Zone T4N.1 and T4N.1-O: Section 10-50.100.100.A (Flagstaff Central District).

d. Transect Zone T3N.1: Section 10-50.100.100.A (Flagstaff Central District).

3.4. Nothing in this Division shall be construed to prohibit a person from holding a sign while located on City property so long as the person holding the sign is located on public property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails.

The text in paragraph 4. has been moved from Section 10-50.100.040.A. (Location Restrictions) as it should more logically be included in the Applicability section of the Code.

BC. **Interpretations**

This Division is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this Division that permits speech by reason of the type of sign, identity of the sign user, or otherwise, shall also be interpreted to allow non-commercial speech on the sign. No part of this Division shall be construed to favor commercial speech over non-commercial speech. A non-commercial message may be substituted for any commercial message displayed on a sign, or the content of any non-commercial message displayed on a sign may be changed to a different non-commercial message, without the need for any approval or permit, provided that the size of the sign is not altered. To the extent any provision of this Division is ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.

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The purpose of this amendment is to clarify and prevent any inadvertent favoring of commercial speech, or favoring of any particular non-commercial message over any other non-commercial message. This provision would prevail over any more specific provision to the contrary

~~D.~~ **C. Exemptions**

~~Unless specifically provided within~~The provisions of this Division do not apply to~~,~~ the following signs ~~provisions of this Division do not apply to~~: [ARRANGE THIS SUBSECTION ALPHABETICALLY AND CHECK CROSS-REFERENCES]

~~1.~~5. **Building Identification Signs**

Building identification signs not exceeding one square feet in area ~~are permitted~~ for residential buildings and two square feet in area for nonresidential buildings.

~~2.~~6. **Business Name and Address on an Entry Door**

Name of a business, address information, and/or contact information displayed on an entry door, not ~~to~~ exceeding two square feet in area. Sign must~~shall~~ not include any commercial advertising.

~~3.~~7. **Community Bulletin Board Signs**

~~A maximum of one community bulletin board per property is allowed.~~Signs posted on a community bulletin board shall not exceed a dimension of 11 x 17 inches.~~If the~~ No more than one community bulletin board per property and per block with a maximum size of 32 square feet is allowed. A community bulletin board may be ~~is~~ erected in public right-of-way, ~~or~~ in a public space~~,~~ or on private property. ~~a maximum of one community bulletin board per block is allowed. The maximum size of a community bulletin board shall be 32 square feet. Signs posted on a community bulletin board shall not exceed a dimension of 11 x 17 inches.~~

~~**Display Board for Daily Specials**~~

~~Display board such as a white board, chalk board, or black board, on which daily specials are advertised. The display board may be mounted on an easel or similar support structure, or the wall of a building, and measure up to four square feet in area, provided it is not located within a public right-of-way and is not a hazard to pedestrians.~~

This paragraph should be deleted as it is unnecessary.

~~4.~~8. **Flags**

Any flag not containing a commercial message, ~~O~~official flags of national, state, or local government~~s~~, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction may be displayed as provided under the law that adopts or regulates its use. ~~The length of the flag shall not exceed one-fourth the height of the flag pole.~~ No more than three flags shall be displayed per lot or parcel except on federal holidays. Flags shall be mounted on a single flagpole, or three separate flagpoles installed either on the building or adjacent to a building or use. ~~No flag bearing an explicit commercial message shall be considered an exempt~~

~~flag~~.

This minor amendment clarifies that flags should be displayed in accordance with the law that adopts or regulates its use. Further, the exception for federal holidays permits business owners to display more than three flags on these days, which is a common practice throughout the City anyway.

~~5. **Governmental Signs**~~
~~Signs installed by the City, County, or a Federal or State governmental agency for the protection of public health, safety, and general welfare, including, but not limited to, the following:~~

~~a. Emergency and warning signs necessary for public safety or civil defense;~~

~~b. Traffic signs erected and maintained by an authorized public agency;~~

~~c. Signs required to be displayed by law;~~

~~d. Signs showing the location of public facilities;~~

~~e. Signs advertising temporary events organized by the Flagstaff Unified School District and its schools, charter schools, Northern Arizona University, Coconino Community College, Coconino County, or the City, provided no more than one sign is displayed on any business premises. The signs shall be no larger than 24 square feet in area, mounted no more than six feet in height on a wall or similar surface (signs mounted on stakes are not permitted), installed a maximum of seven days before an event, and removed no more than one day after the event. Illuminated signs are not permitted. The location restrictions listed in Section 10-50.100.040.A below shall apply to all signs falling under this exemption, except for paragraphs 6 and 9; and~~

~~*f.* Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety, and general welfare.~~

This paragraph has been moved with minor revisions to Page 50.100-10 of this draft.

~~6.~~9. **Heritage Signs in Landmark Zones**
Heritage signs are~~shall be~~ governed by the ordinance designating the Landmark Overlay and its related guidelines (Refer to Division 10-30.30 (Heritage Preservation)).

~~7.~~10. **Historic and Architectural Features**
Historical plaques erected and maintained by non-profit organizations, ~~memorials,~~ building cornerstones, and date-constructed stones not exceeding~~; provided that none of these exceed~~ four square feet in area.

11. **Internal Signs and Signs within City Recreation Facilities**

a. Signs or displays located entirely inside of a building and not visible from the building's exterior~~,~~;

b. ~~s~~Signs intended to be readable from within a parking area but not readable ~~visible~~ beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way~~,~~;

c. Signs placed on the walkway directly in front of a store provided such sign does not interfere with pedestrian travel or encroach upon a required accessible path; and

~~8.~~d.T~~t~~emporary signs located within City Recreation Facilities.

This paragraph has been amended to provide clarification to these provisions and it has been expanded to include more signs as exempt signs when they are placed outside of a building or business and are not readable from off the property.

~~*a.*~~ ~~**Neighborhood or District Sign**~~
~~Signs used to identify a unique neighborhood or district. Such signs may be placed in a public right-of-way with approval of a Right-of-Way Encroachment Permit (See City Code Section 8-03-002-0005 (Other Permitted Encroachments)), provided such signs are not illuminated, and no larger than 20 square feet in area and eight feet in height.~~

This paragraph has been moved to the freestanding sign Section of the Flagstaff Central District (Section 10-50.100.100.A (Flagstaff Central District) as this is a more appropriate location for this sign type.

~~9.~~

~~10. **Nonstructural Modifications and Maintenance**~~

~~a. Changes to the face or copy of changeable copy signs;~~

~~b. Changes to the face or copy of an existing multi-tenant freestanding non-illuminated sign from one business to another with no structural or lighting modifications to the sign; and~~

~~c. The normal repair and maintenance of conforming or legal non-conforming signs, except as identified in Section 10-50.100.050.E.~~

This paragraph has been moved to the Applicability Section (10-50.100.020.A) where is should have been more appropriately placed.

~~11. **Political Signs**~~
~~Political signs are permitted in compliance with ARS § 16-1019.~~

This standard has been removed because it is a content-based regulation.

~~12. **Real Estate Signs**~~

~~a. **All Residential Zones.**~~

~~(1) One real estate sign per street frontage is permitted. Signs must be non-illuminated, constructed of durable materials, placed only on the property for sale, rent, or lease, be no more than six feet in height, and be no larger than eight square feet in area in single-family residential zones and no larger than 12 square feet in area in multi-family residential zones.~~

~~(2) Open house/auction directional signs are permitted within one mile of the residence as measured along the streets used to drive to it. Such signs must be no larger than four square feet in area, a maximum of three feet in height, and only one sign is allowed for each turning movement beginning at the residence for sale. Signs may be placed in a public right-way or on off-site private property for the duration of the open house only while a sales person is present, provided such signs do not constitute a hazard to pedestrians or vehicular traffic, are not placed on medians, and they are removed no later than one hour after the conclusion of the open house.~~

~~b. **All Commercial, Industrial, and Non-residential Zones:** One real estate sign per street frontage is permitted. Signs must be non-illuminated, constructed of durable materials, placed only on the property for sale, rent, or lease, be no more than six feet in height, and be no larger than 24 square feet in area.~~

These standards have been removed because they are a content-based regulation.

~~13.~~12. **Seasonal Decorations**

Temporary, non-commercial decorations or displays that are incidental to and commonly associated with national, local, or religious celebration, provided that such decorations and displays are only displayed during the appropriate time of year, are maintained in an attractive condition, and do not constitute a fire hazard.

~~14. **Signs Required by Law**~~

~~15.~~13. **Street Light Banner Sign**

Street light banner signs as permitted by the City on light poles in certain areas within the City.

~~16. **Vehicle Signs**~~

~~Signs indicating the name of the owner or business that are permanently~~

~~painted or wrapped on the surface of a vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to a vehicle or rolling stock, so long as the vehicle is being regularly and consistently used in the normal daily conduct of the business, e.g., when a company vehicle is being used for transporting and delivering goods or providing services related to the business (see also Section 10-50.100.040.A.7).~~

The text referring to vehicle signs has been moved to Table 10-50.100.060.P (Standards for Other Sign Types).

~~17.~~14. **Vending Machine and Similar Facilities**

Signs that consitute an integral part of a vending machine or similar facilities located outside of a business. ~~Such signs are included in the total allowable building mounted sign area.~~

Staff recommends that the last sentence of this paragraph should be deleted as it is hard to apply, unnecessarily restrictive, and difficult to enforce.

~~**Yard or Garage Sale Signs**~~

~~Signs advertising a yard or garage sale, provided they are not displayed more than one day prior to the yard or garage sale and removed when the sale has concluded.~~

This standard has been removed because it is a content-based regulation.

15. **Governmental Signs**

Any sign, posting, notice or similar signs placed, installed or required by law by a city, county, or a federal or state governmental agency in carrying out its responsibility to protect the public health, safety, and welfare, including, but not limited to, the following:

(1) Emergency and warning signs necessary for public safety or civil defense;

(2) Traffic signs erected and maintained by an authorized public agency;

(3) Signs required to be displayed by law;

(4) Signs directing the public to points of interest; and

(5) Signs showing the location of public facilities.

This paragraph includes the "signs required by law" paragraph in the current code (#14) and would also include street address signs that are required by law for public safety purposes.

10-50.100.030 Sign Permit Requirements

A. The procedures for submittal, review and approval of Permanent Signs are provided in Section 10-20.40.120 (Sign Permit - Permanent Signs) and Temporary Wall Banner Sign Permits are provided in Section 10-20.40.130 (Sign Permit - Temporary Wall Banner Sign Permits), including any required fees.~~, are provided in Section 10-20.40.120 (Sign Permit - Permanent Signs)~~ and ~~Section 10-20.40.130 (Sign Permit - Temporary Signs), except that s~~ Signs associated with and/or advertising a special event on City property shall be approved as part of the Special Event Permit from the City. All signs not approved in the Special Event Permit are prohibited.

This amendment establishes the correct citation for Temporary Wall Banner Sign Permits. These are the only type of temporary sign for which a permit is required.

B. No Sign Permit is~~hall be~~ required for a sign on property used exclusively for a single-family residence or duplex that complies with this Division and is limited to one sign per street frontage.

C. **Nonstructural Modifications and Maintenance**

No Sign Permit is required for the following non-structural modifications to and maintenance of existing signs:

1. Changes to the face or copy of changeable copy signs;

2. Changes to the face or copy of an existing single-tenant or multi-tenant freestanding or building mounted non-illuminated sign from one business to another with no structural or lighting modifications to the sign; and

~~B.~~3. The normal repair and maintenance of conforming or legal non-conforming signs, except as identified in Section 10-50.100.050.E.

This text (C. Nonstructural Modifications and Maintenance) has been moved from Subsection D. (Exemptions) as it should more logically be included in the Permitting section of the Code. Two minor amendments to this standard were recommended by the Planning and Zoning Commission to include existing signs on single tenant buildings as well as building mounted signs.

10-50.100.040 General Restrictions for All Signs

A. **Prohibited Signs**~~**Location Restrictions**~~
Except where specifically authorized in this Division, the following signs are prohibited ~~in the following locations~~:

1. No~~Any~~ sign shall be placed ~~located~~ within, on, or projecting over ~~a~~ City right-of-way;

~~2. Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, avenue, road, sidewalk, or other right-of-way, except as specifically provided in this Division;~~

This paragraph may be deleted as it duplicates the standard in paragraph #1 above.

~~3.~~2. No ~~Any~~ sign shall be attached to or placed ~~any public utility pole, structure or street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location~~ on public property, except for government signs and those signs approved as part of a S~~s~~pecial E~~e~~vent ~~p~~Permit ~~on City property~~; ~~Nothing in this Section shall be construed to prohibit a person from holding a sign while located on City property so long as the person holding the sign is located on public property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails;~~

The text in paragraph 2. has been moved to the Applicability section of the Code.

3. No ~~Any~~ sign shall ~~, which by reason of its location, will~~ obstruct the view of any authorized traffic sign, signal, or other traffic control device;

4. No sign shall be constructed or placed in such a way as to ~~or which by reason of shape, color, or position interferes with or could~~ be confused with any authorized traffic signal or device;

5. No ~~Any~~ sign shall be ~~which is~~ constructed or placed in such as manner ~~so~~ as to prevent or interfere with ~~or inhibit~~ free ingress to or egress from any door, window, or any exit way required by the Building Code ~~currently in effect,~~ or ~~by~~ Fire Department regulations currently in effect;

6. No~~Any~~ commercial~~,~~ advertising~~,~~ or business sign shall be ~~that is not~~ located off~~on~~ the premises of the business to which it refers;

~~7.~~ Any sign mounted, attached, or painted on a trailer, boat, or motor vehicle parked to provide advertising visible from the public right-of-way or parked on public property to clearly provide advertising close to the public right-of-way~~when the principal use of the vehicle at the time of the display is for the display of the sign and the vehicle is parked, stored, or displayed conspicuously on public or private property for the purpose of exhibiting commercial advertising, advertising an on-site or off-site business, or supplying directional information to an off-site business or service~~. This provision excludes~~:~~ vehicles and equipment engaged in active construction projects, and the on-premise storage of equipment and vehicles offered to the general public for rent or lease.

~~a. Signs that are permanently painted or wrapped on the surface of a vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to a vehicle or rolling stock, so long as the vehicle is being regularly and consistently used in the normal daily conduct of the business, e.g., when a company vehicle is being used for transporting and delivering goods or providing services related to the business. Such vehicles shall be operable, properly licensed, and when not being used to conduct daily business, parked or stored in a lawful and authorized manner on the business property so as not to be visible from the public right-of-way. Where parking limitations on the business property prevent the business owner from parking the vehicle in a manner not to be visible from the public right-of-way, the vehicle shall be parked as far from the public right-of-way as possible~~; and

~~b. Vehicles and equipment engaged in active construction projects, and the on-premise storage of equipment and vehicles offered to the general public for rent or lease.~~

~~**Permitted**~~	~~**OR**~~	~~**Permitted**~~
~~**NOT permitted**~~	~~**OR**~~	~~**NOT permitted**~~

~~Figure A. Signs on Vehicles Used for Business Purposes~~

The standards for vehicle signs have been simplified and consolidated. The text above ensures that a vehicle may not be parked to as a sign to provide advertising for a business, while the regulations governing signs on vehicles used in the daily conduct of the business have been moved to Table 10-50.100.060.P.

~~8.~~7. No ~~Any~~ sign shall be painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;

~~9. Any sign tacked, painted, burned, cut, pasted or otherwise affixed to the walls of any building, barn, shed, accessory structure, or other structures that are visible from a public way;~~

This paragraph may be deleted as it duplicates the standard in paragraph #9 below.

~~10.~~8. No ~~Any~~ sign shall be tacked, painted, burned, cut, pasted or otherwise affixed to trees, rocks, light and utility poles, posts, fences, ladders, benches, or similar supports that are~~is~~ visible from a public way;

~~11.~~9. No ~~Any~~ sign shall ~~that~~ cover~~s~~ the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or other architectural feature;

~~12.~~10. Billboards; and

~~13.~~11. Bandit signs.

B. **Display Restrictions**

1. **Purpose**
The purpose of this Subsection is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the City.

2. **Applicability**
Signs with ~~T~~the following display features are prohibited:

a. ~~Any sign or l~~Lighting devices~~, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way,~~ with intermittent, flashing, rotating, blinking or strobe light illumination, animation, motion picture, or laser or motion picture projection, or any lighting effect~~device~~ creating the illusion of motion, as well as laser or hologram lights;

The text from Paragraph c. below referring to laser or hologram lights has been moved into Paragraph a.

b. An~~y sign with an~~ exposed light source, except for neon that is incorporated into the design of the sign;

c. ~~Any sign which emits s~~Sound, odor~~,~~ or smoke~~, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection~~;

d. ~~Any sign animated by any means, including fixed aerial displays, balloons, spinners, strings of flags and pennants, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means;~~ Inflatable balloons, spinners, strings of flags and pennants, fixed aerial displays, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means either attached to a sign or to vehicles, structures, poles, trees and other vegetation, or similar support structures;

This amendment clarifies this standard to eliminate the confusion with balloons being attached to vehicles and other structures, trees, vegetation,

etc. This amendment also makes a distinction between "inflatable balloons" and rigid "balloon bobbers"- see Page 50.100-34.

e. Rotating or moving sign body~~Any sign~~ or any other portion of the sign ~~in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign,~~ whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction;

f. Electronic ~~D~~displays ~~signs~~;

g. Any changeable copy LED ~~or similar~~ signs, except fixed illumination display signs used to indicate that a business is "open", display prices, or to confirm an order placed in a drive through lane; ~~and~~

h. ~~Animated signs or costumed character (except as permitted in Section 10-50.100.090.C.6 (Sign Walkers), s~~Stuffed or inflated animals~~, vehicle(s) used as a sign or sign structure (except as permitted in Sections 10-50.100.020.D.17 (Vehicle Signs) and 10-50.100.040.A.7), and s~~; and

The reference to the Sign Walker standards in Section 10-50.100.090.C is not necessary in this paragraph and is, therefore, proposed to be deleted.

~~h.~~i. Strings of lights arranged in the shape of a product, arrow, or any commercial message.

10-50.100.050 General Requirements for All Signs

[No amendments are proposed in this Section other than to include an additional graphic (see below) on Page 50.100-15 to better explain how sign area is calculated when a symbol is included within a sign.]

10-50.100.060 Permanent Signs

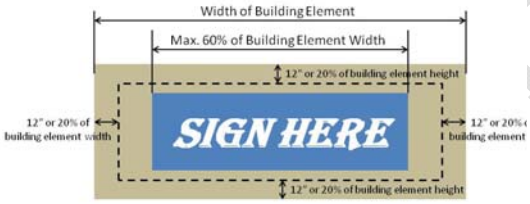
C. **Signs for All Non-residential Uses in All Zones**

4. **Standards for Specific Sign Types**

b. The following sign types are permitted, subject to the criteria listed under each sign type.

(2) **Building Mounted Signs**
The standards provided in Table C (Standards for Building Mounted Signs) shall apply to all building mounted sign in all zones where allowed by Table 10-50.100.060.A (Standards for Permanent Signs by Use).

Table 10-50.100.060.C: Standards for Building Mounted Signs

	Standard
Sign Placement 	The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, ~~except~~subject to the following standards: (1) At least 1 sign shall be associated with the building entry zone[1] (may be wall mounted, projecting, awning, etc.);~~.~~ (2) No sign shall face an adjoining residential zone;~~.~~ (3) Signs shall be placed at least ~~the lesser of~~ 12 inches or 20% of the width ~~and height~~ of the building element on which they are mounted, whichever is less, from the sides of the building element;~~.~~ (4) The width of the sign shall be no~~t be~~ greater than 60% of the width of the building element on which it is displayed;~~.~~ ~~(3)~~(5) Signs shall be placed at least 12 inches or 20% of the height of the building element on which they are mounted, whichever is less, from the top and bottom edge of the building element. ~~Individual tenants in multi-tenant buildings are permitted building mounted signs only on the primary entrance elevation of the space occupied by the business.~~ If vertically placed on a mansard roof, structural supports shall be minimized, and secondary supports (angle irons, guy wires, braces) shall be enclosed/ hidden from view.
Special Provisions	
Additional Increases in Sign Area ~~(Section 10-50.100.080 (Sign Design Performance Standards))~~	Additional sign area may be sought under Section 10-50.100.080 (Sign Design Performance Standards),~~, but is limited to a max. sign area of 100 sq. ft.~~

The Planning and Zoning Commission recommended the clarifying amendments in the "Sign Placement" row, paragraph (3) as there has been confusion on whether this means that the 12 inches or 20% of the width and height of the building element is applied to both the top and the bottom of the building element, or if it means that half of these dimensions is applied to the top and the bottom of the building element to give a total of 12 inches or 20%. As originally conceived, this rule was intended to apply the 12 inches or 20% standard to both the top and the bottom of the sign, and to each of the two sides of the sign on the building element. Also, insert the illustration and renumber all following illustrations throughout the Code.

This standard in the "Sign Placement" row was included in this table in error and may be deleted because the intent of the amendments to the Sign Standards adopted last year was to allow business owners to place their signs on the building where they desired.

The text shown in the bottom row under "Special Provisions" may be deleted as it is unnecessary and it conflicts with the standard for allowable building mounted sign area in Table 10-50.100.060.A which already establishes a cap of 100 sq. ft. for building mounted sign area. No additional limit to the additional sign area permitted if the sign design performance standards of Table 10-50.100.060.A are applied is necessary, as these are already in place in Table 10-50.100.080.B (Cumulative Adjustments).

(5) **Driveway~~Directional~~ Sign**

(a) Driveway~~Directional~~ signs are ~~only permitted as part of a Comprehensive Sign Program, and are~~ exempted from the total allowable sign area permitted for each use.

(b) The standards provided in Table F (Standards for Driveway~~Directional~~ Signs) shall apply.

Table 10-50.100.060F: Standards for Driveway ~~Directional~~ Signs

	Standard	Other Requirements
Sign Area	3 sq. ft. per face.	May be double-sided. ~~Included in the total allowable sign area for building mounted signs.~~
Mounting Height – Building Mounted Sign	Max. 8 feet from grade.	Flat against a wall of the building.
Mounting Height – Freestanding Sign	Max. 3 feet from grade.	
Number of Signs	Max. 1 at each driveway or drive through lane.	
Illumination	Internal illumination only.	May also be non-illuminated.
Permitting	Sign Permit is required.	

The term "directional sign" has been changed to "driveway sign" to better describe the sign's function. Staff recommends that the requirement for a driveway sign to be included only as part of a Comprehensive Sign Program should be removed as it is overly limiting. There are many dozens of directory signs installed in the City either with or without a permit and many were not approved as

part of a Comprehensive Sign Program (except perhaps for some recent examples such as The Trax or The Village at Aspen Place). Staff also recommends that directional signs (a freestanding sign type) should not be included in the total allowable sign area standards for building mounted signs. Staff further recommends that directional signs should also not count against total freestanding sign area.

(7) Freestanding Signs

Table 10-50.100.060.H: Standards for Freestanding Signs	
~~Non-Residential Use in Commercial or Industrial Zone – Live/Work, Single Tenant Building, Multi-Tenant Buildings, Development Sites, Shopping Centers, and Detached Buildings within a Multi-Tenant Development or Shopping Center~~	
Standard	
Sign Height	See this Section and Table A (Standards for Permanent Signs by Use). Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign's allowed height, or 12 inches whichever is greater.

This amendment, suggested by a local sign contractor and recommended by the Planning and Zoning Commission, allows for meaningful embellishments to a low freestanding sign, i.e. one that is less than 5 feet in height. For example, if a 4-foot high sign is proposed, 20% of 4' or 48" = 9.6 inches for sign embellishments. This amendment would allow a slight increase in the height of an embellishment.

Special Provisions	Standard
Sign Width	The sign base must be~~shall have~~ a min. ~~aggregate width~~ of 60% of the width of the sign cabinet or face. A freestanding sign may be mounted on 2 or more posts with a min. diameter/dimension of 8" if the sign complies with the standards of Section 10-50.100.080 (Sign Design Performance Standards).

This amendment allows for the installation of a freestanding sign on two or more poles or posts provided that compliance with the enhanced design standards of Section 10-50.100.080 is achieved.

Insert a new row between "Additional Increases in Sign Area" and "Landscaping".

Post Sign	Max. 1 post sign per frontage. Sign Permit is required unless the post sign advertises property or a portion of the property for sale, rent or lease, in which case no Sign Permit is required and the sign area will be included in the allowable area for portable signs. See Table 10-50.100.090.A.

This amendment provides for real estate signs which do not cleanly fall into the definition of a temporary sign. Under Reed v. Town of Gilbert it is best not to describe this type of sign as a "realtor sign" because this description would no longer allow this sign type to be content neutral. Staff recommends that these signs be included in the freestanding sign section as they are a type of freestanding sign, except that if they are only used to advertise the sale, lease or rent of property or a

portion of the property then no sign permit is required and the sign area is counted against the total allowed sign area for all temporary signs for the property. By setting up this provision in this manner, a business may elect to use a post sign as their permanent freestanding sign (this is already allowed in the Flagstaff Central District), but then it would be subject to a Sign Permit and the sign's area would count toward the total available freestanding sign area for the property.

(14) **Window Sign**

The standards provided in Table O (Standards for Permanent Window Signs) shall apply.

Table 10-50.100.060.O: Standards for Permanent Window Signs

	Standard	Other Requirements
Sign Area	Combined ~~A~~area of temporary and permanent window signs ~~combined~~ shall not exceed ~~25~~40% of the area of the window on or within which they are displayed.	~~Combined window coverage shall not exceed 25% of the area of any 1 window.~~ Signs constructed of perforated vinyl or painted on the window shall be included as part of the 40~~25~~% area calculation. Permanent window signs are included in the total allowable sign area for building mounted signs.
Sign Placement	No higher than 1st story windows.	Inside mounting required~~preferred~~.
Illumination	Neon illumination only.	Fixed copy or display only – no flashing, blinking, or moving text or images are permitted.
Permitting	Sign Permit is required.	
Open Signs	Max. 2 sq. ft. Max. 1 per business.	Excluded from the total allowable building mounted sign area. No Sign Permit required.

The amendments in the first row of this table increase the allowed sign area for temporary and permanent window signs combined from 25 percent to 40 percent. This recommendation is based on the acknowledgement that there are already many businesses in the City with window sign area meeting or exceeding this standard, and given there have been no complaints about them, they do not appear to be a concern to City residents.
Sign placement row – the change to making window signs required on the inside of a window is based on typical practice in the City for these signs.
The standards for open signs have been moved from Table 10-50.100.060.P (below) and added to this table because open signs are typically mounted in windows.

(15) **Vehicle ~~Other~~ Signs ~~Types~~**

The standards provided in Table P (Standards for Vehicle ~~Other~~ Signs ~~Types~~) shall apply.

Table 10-50.100.060.P: Standards for Vehicle ~~Other~~ Signs ~~Types~~		
	Standard	**Other Requirements**
~~Drive Through Menu Board and Confirmation Signs~~		
~~Sign Area~~	~~Menu Board = Max. 40 sq. ft.~~ ~~Order Confirmation Board = Max. 2 sq. ft.~~	~~If the sign area for both signs combined is greater than 42 sq. ft., the sign area is included in the total allowable building mounted sign area.~~
~~Sign Placement~~	~~One each per drive though lane~~	
~~Illumination~~	~~Internally illuminated only.~~	
~~Permitting~~	~~No Sign Permit required.~~	
~~Fuel Pump Signs~~		
~~Sign Dimensions~~	~~Max. 1.5 ft. high and ≤ the width of the fuel pump.~~	~~Sign area is excluded from the total allowable building sign area.~~
~~Sign Placement~~	~~Max one fuel pump sign per fuel pump.~~	~~1 fuel pump topper sign, max. 2 sq. ft., per fuel pump also permitted.~~
~~Illumination~~	~~Internally illuminated only.~~	
~~Permitting~~	~~No Sign Permit required.~~	
~~Menu Display Box~~		
~~Sign Area~~	~~4 sq. ft.~~	~~If > 4 sq. ft., area is included in the total allowable building mounted sign area.~~
~~Sign Placement~~	~~On a wall or within a window of the bar or restaurant it serves.~~	~~Designed to be architecturally compatible with the building.~~
~~Illumination~~	~~Non-illuminated or externally illuminated with down-directed, fully shielded fixtures only.~~	
~~Permitting~~	~~No Sign Permit required for menu display box ≤ 4 sq. ft.~~	~~Sign Permit required for menu display box > 4 sq. ft.~~
~~Open Sign~~		
~~Sign Area~~	~~Max. 2 sq. ft.~~	~~Not included in the total allowable building mounted sign area.~~
~~Sign Placement~~	~~Max. 1 sign per business.~~	
~~Illumination and Display~~	~~Fixed copy or display only – no flashing, scrolling, blinking, or moving text or images.~~	
~~Permitting~~	~~No Sign Permit required.~~	
Vehicle Signs		
Vehicle Sign	May be:	May only indicate the name of the

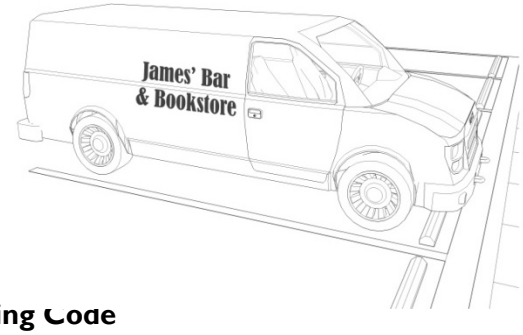
	(1) Permanently painted or wrapped on the surface of a vehicle; (2) Adhesive vinyl film affixed to a window; or (3) Magnetically attached to a vehicle.	business and owner.
Vehicle Use	The vehicle must be regularly and consistently used in the normal daily conduct of the business, e.g. used for delivering or transporting goods or providing services related to the business. Vehicle must be operable and properly licensed. When not in use the vehicle must be parked in a lawful manner on the business property so as not to be visible from the public right-of-way, or if this is not possible, as far from the public right-of-way as possible.	
~~**Vending Machine and Similar Facilities**~~		
~~Sign Area~~	~~When placed outside of a business, signs that are an integral part of such machines shall be included in total allowable building mounted sign area.~~	
~~Permitting~~	~~No Sign Permit required.~~	

After careful consideration staff proposes that the standards added to the Sign Code with the 2011 Zoning Code update proposed for deleted in this table should be removed from the Code. Since 2011 these standards have not had to be applied or enforced, and staff recommends that it is better to allow these sign types to be regulated by market forces than to include them in the Code where they are really unnecessary. Further, removal of these sign types helps to ensure that the City's sign standards are in better alignment with the Reed sign code case.

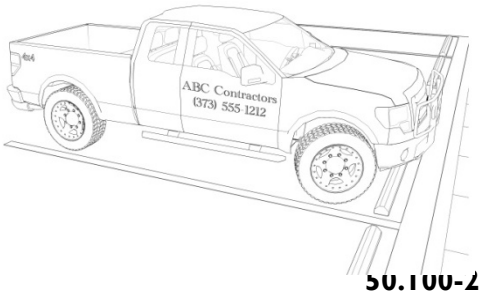
The text referring to vehicle signs has been moved without amendment from Section 10-50.100.020.D (Exemptions) as it more appropriately fits in this Section of the Code. Insert illustrations for each of these signs.

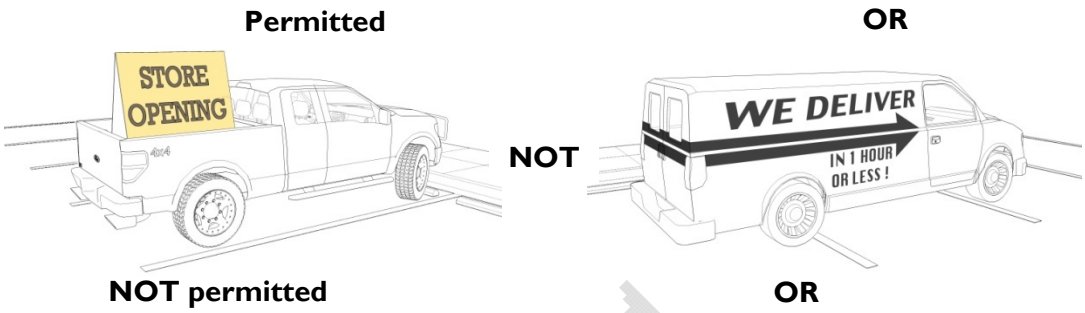
"Vending machines and Similar Facilities" – this standard was recommended for deletion by the Planning and Zoning Commission because they are not necessary, add an overly restrictive level of sign control, and are very difficult to enforce.

Figure X. Signs on Vehicles Used for Business Purposes



Figure





10-50.100.070 Comprehensive Sign Programs

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C. **Review**

3. The Planning Commission shall review all Comprehensive Sign Programs that request an increase in allowable sign height and area beyond the limits established in Section 10-50.100.080 (Sign Design Performance Standards) for freestanding and building mounted signs for multi-tenant buildings and~~or~~ shopping centers.

This amendment allows the Planning Commission to also consider increasing the area of building mounted signs as part of a Comprehensive Sign Program.

10-50.100.080 Sign Design Performance Standards

B. **Cumulative Adjustments**

Table 10-50.100.080.B: Cumulative Adjustments

# of Features Used	Freestanding Signs		Building Mounted Sign	
	Area	Height	Area	Height
2	30%	20-30%[1]	20%	10%
3	45%	35-40%[1]	30%	15%
4	60%	50%	40%	20%
Standard #5 w/ Standards 1-4	Not to exceed 75% of original max. permitted sign area	N/A	N/A	N/A
Cumulative Maximum Sign Area Increase Allowed	~~7~~50%	50%	50%	20%

End Notes

[1] This percentage varies depending on which design features listed in Table A are utilized.

The amendment in the last row of this table changing 75% to 50% is necessary because the 75% value is incorrect. This amendment ensures consistency with the standards in Table 10-50.100.060.H (Standards for Freestanding Signs) and the standards in the former Land Development Code.

10-50.100.090 Portable~~Temporary~~ Signs

A. **Purpose**

The Council finds that the proliferation of portable~~temporary~~ signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public's health, safety, and welfare. The purpose of these regulations is to ensure that portable~~temporary~~ signs do~~are~~ not ~~used to continuously advertise goods, services, or other events, and to limit~~ create a ~~the~~ distraction~~s~~ to the traveling public by eliminating the aesthetic blight and litter caused by portable~~temporary~~ signs ~~by allowing them only in the time, place, and manner specified in this Section~~.

In the October 8th work session a majority of Council members agreed that temporary signs should be allowed without a permit and without a time limitation. Ass this means temporary signs may be in place for extended period times, they become in a manner, permanent signs and the term "temporary" no longer is meaningful. For this reason throughout this Section "temporary sign" has been changed to "portable sign". Also, unnecessary language is eliminated in this Subsection.

B. **General to All**

Portable~~Temporary~~ signs are allowed only in compliance with the provisions of this Section;

1. A Permit is only required for temporary wall banner signs. ~~Unless specifically indicated, a Temporary Sign Permit is required for all temporary signs in accordance with Section 10-20.40.130 (Temporary Sign Permits). The applicable fee for a Temporary Sign Permit is established in Appendix 2 (Planning Fee Schedule).~~ See Section 10-20.40.130 (Temporary Wall Banner Sign Permits).

   This amendment establishes that a Sign Permit is only required for wall banners and no Sign Permit is needed all other temporary signs. Refer also to the policy discussion on the following page.

~~2. Temporary signs shall not be illuminated;~~

   This standard has been moved to Table 10-50.100.090.A (Standards for Temporary Signs on Private Property).

~~3. Temporary signs associated with events restricted to a City park or other City-owned or operated public property, including streets, vacant land, and parking lots, shall be reviewed and approved by the Recreation Services Section in compliance with the Special Event Permit Policy;~~

This paragraph may be deleted because a cross reference to the Special Event section of City Code has been added to paragraphs #5. below.

~~4. The following elements shall be prohibited on temporary signs:~~

~~a. Any form of illumination, including flashing, blinking, or rotating lights;~~

~~b. Animation;~~

~~c. Reflective materials; and~~

~~d. Attachments, including, but not limited to, balloons, ribbons, loud speakers, etc.~~

These standards have been moved into Table 10-50.100.090.A (Standards for Temporary Signs).

~~5.~~2. There is no limitation on the length of time that a portable sign may be displayed except for temporary wall banners (See Table 10-50.100.090.B (Standards for Portable Signs).

This amendment is based on Council direction provided at the December 8th Council work session with specific reference to Section 10-50.100.090 (Portable Signs – formerly called Temporary Signs) including the following key decision points:

- *No portable signs will be permitted in public right-of-way (both City and ADOT).*
- *No permit will be required for portable signs, except temporary wall banner signs.*
- *It was agreed that all portable signs may be displayed for an unlimited period of time and will not be required to be removed at the close of business as originally proposed by staff. An exception is that temporary wall banner signs may only be displayed for 30 days. For this reason as these signs could be in place for extended periods of time and, therefore, are not really "temporary", they have been called "portable signs".*
- *An area limitation will be established to determine the maximum area of portable signs permitted in residential zones (16 sq. ft.) and non-residential zones (originally proposed as 32 sq. ft. and reduced to 24 sq. ft.). Staff has proposed that the area of temporary wall banners (max. 24 sq. ft.) should not be included in this area limitation.*
- *Temporary window signs will not be included in the area allowance for portable signs.*
- *The Flagstaff Sign Free Zone as authorized under ARS § 16.1019 is included in the proposed amendments.*

The following options may be considered by the Council:

OPTION 1: *Require a permit for all temporary signs and limit the display time that temporary signs may be displayed (may be anywhere from 60 days to 5 months). Under this option there would be no need for the proposed "portable sign" amendments as the length of time that they would be displayed will be limited. Enforcement and permitting of this option will be challenging and may be burdensome on staff. All temporary signs (except wall banners) could be required to be removed at the*

close of business (current code standard) or permitted to remain in place overnight (staff's preferred approach). Note that as all temporary signs would require a permit, this would include political, ideological, real estate, commercial advertising signs, etc.
OPTION 2: *Do not require a permit for all temporary signs and limit the display time that temporary signs may be displayed (may be anywhere from 60 days to 5 months), Under this option there would also be no need for the proposed "portable sign" amendments. However, it would rely on an honor system with business owners and others placing signs on their property, similar to the approach used for civic/non-profit event banner signs on the City's sign structures to inform the City when a temporary sign would be displayed and removed within the time frame determined by the Council. Enforcement and management of this option will be challenging and may be burdensome on staff. All temporary signs (except wall banners) could be required to be removed at the close of business (current code standard) or permitted to remain in place overnight (staff's preferred approach).*

~~6.~~3. Portable~~Temporary~~ signs must ~~are~~ not~~-~~ be placed on or affixed to ~~allowed on~~ any City property, including City rights-of-way, except as specifically authorized in connection with a special event permitted under City Code Chapter 8-12 (Special Events)~~and permitted by the City~~. ~~This prohibition does not apply to temporary signs held by individuals and not affixed to or placed on City property, so long as the individual holding the sign is on property determined to be a traditional public forum and the individual is not blocking ingress or egress from buildings or creating a safety hazard by impeding travel on sidewalks, bicycle and vehicle lanes, or trails;~~

~~7.~~ *The last sentence of this paragraph has been moved to a new Paragraph 4. in Section 10-50.100.020.A (Applicability) where it is more logically and correctly placed.*

4. Portable~~Temporary~~ signs shall not be placed in the clear view zone~~s~~ at street intersections or driveways (Refer to Section 10-50.100.050.F (Sign Placement at Intersection)).

~~8. and are not allowed within the public right-of-way, including, but not limited to, travel lanes, bicycle lanes, street shoulders, parkway strips, medians, curbs, sidewalks, and trails; and~~

This standard may be deleted because it duplicates an existing standard in Section 10-50.100.040.A (Prohibited Signs).

~~9. The Director may remove or cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property.~~

This standard has been moved to Section 10-50.100.120 (Enforcement).

C. **Standards for Portable Signs** ~~**Specific to Commercial and Industrial Zones, Transect Zones T5 and T6, and Multi-family Residential Zones**~~
~~A summary of permitted temporary sign types permitted in this Section are listed in Table A (Summary of Permitted Temporary Sign Types) below.~~

~~Table A also identifies whether temporary directional off-premise signs, temporary off-premise signs, or temporary on-premise signs are permitted.~~

~~Table 10-50.100.090.A: Summary of Permitted Temporary Sign Types~~				
~~Temporary Sign Type~~	~~Off-premise Directional Sign~~	~~Off-premise Sign~~	~~On-site Sign~~	~~Section 10-50.100.090~~
~~Approved Temporary Uses~~	~~P~~	~~P[1]~~	~~P~~	~~C.1~~
~~Civic or Non-Profit Events~~	~~P~~	~~P[1]~~	~~P~~	~~C.2~~
~~City Special Event or Recreation Event~~	~~P~~	~~P[1]~~	~~P[2]~~	~~C.3~~
~~On-Premises Business Signs~~	~~--~~	~~--~~	~~P~~	~~C.4~~
~~Temporary Development/ Construction Signs~~	~~--~~	~~--~~	~~P~~	~~C.5~~
~~Sign Walkers~~	~~--~~	~~P[3]~~	~~P~~	~~C.6~~
~~**End Notes**~~				
~~[1] Permitted only on the City's approved sign support structures.~~				
~~[2] Such signs are permitted subject to the standards applicable to City Special Events.~~				
~~[3] Only allowed on private property or on a public sidewalk immediately adjacent to the business or use being advertised.~~				
~~**Key**~~				
~~P Permitted Sign~~				
~~-- Sign Not Allowed~~				

This table may be removed because it is not content neutral and new standards for temporary signs consistent with Reed v. Town of Gilbert are now being proposed.

Portable ~~Temporary~~ signs placed on the exterior of a structure or on private property are allowed i~~o~~n all Zones ~~property zoned commercial, industrial, or transect zones T5 and T6~~ in compliance with the following standards:

The amendments to the Temporary Sign Section include standards for all zones within the City. Refer to Table 10-50.100.090.A (Standards for Temporary Signs).

~~**Signs for Approved Temporary Uses**~~

~~1. Signs displayed in connection with an approved temporary use as established in Section 10-20.40.150 (Temporary Use Permits) shall comply with the standards provided in Table B (Standards for Approved Temporary Uses at the Location of the Event).~~

~~Table 10-50.100.090.B: Standards for Approved Temporary Uses at the Location of the Event~~		
	~~Standard~~	~~Other Requirements~~
~~Sign Area~~	~~Max. 24 sq. ft.~~	
~~Placement~~	~~Only on the site for which the temporary use is authorized.~~ ~~Securely attached to a stationary structure, canopy, fence or vehicle associated with the temporary use.~~	~~Not in public right-of-way or on public property. Shall not create a hazard for pedestrian or vehicular traffic. See Section 10-50.100.090.B.~~
~~Period of Use~~	~~Max. 7 days before an event.~~	
~~Removal~~	~~Within 1 day after event.~~	
~~Number of Signs~~	~~Max. 1 per street frontage for the approved temporary use.~~ ~~If the temporary use has multiple vendors, each vendor may have 1 sign, max. 12 sq. ft., and it must be located at the vendor's booth.~~	
~~Directional Signs~~	~~See Table 10-50.100.090.E~~	
~~Material~~	~~Rigid materials only.~~	~~Banners, balloons and pennants prohibited.~~
~~Illumination~~	~~Not permitted.~~	
~~Permitting~~	~~No Sign Permit required - reviewed as a part of the Temporary Use Permit for the use.~~	

The standards in this table have been removed because they were not content neutral and new standards for temporary signs consistent with Reed v. Town of Gilbert *are now being proposed.*

1. **Time, Place, and Manner Restrictions for Portable Signs**
   Portable signs shall comply with the standards provided in Table A (Standards for All Portable Signs).

Table 10-50.100.090.A: Standards for All Portable Signs	
	Standard
Applicable to All Zones	
Placement	Shall not create a hazard for pedestrian or vehicular traffic.
Height and width	Refer to Table 10-50.100.90.B. for height and width standards for individual portable signs.
Prohibited elements	Any form of illumination, including flashing, blinking, or rotating lights. Animation. Reflective materials. Attachments, including, but not limited to, any balloons, ribbons, loudspeakers, etc.

Design and construction	Professionally crafted. Of sufficient weight and durability to withstand wind gusts, storms, etc.
Commercial, Industrial, and Other Non-Residential Zones	
Period of use	No limitation, except for wall banners. Refer to Table 10-50.100.090.B.
Area of all portable signs at any one time	Max. 24 sq. ft. per business; excludes the area of temporary window signs and wall banner signs. Exception: In the Flagstaff Central District, max. 12 sq. ft. per business; excludes the area of temporary window signs and wall banner signs. Refer to Section 10-50.100.100.A.
Number of Signs	Unlimited except that the total sign area of all portable signs not exceed 24 sq. ft. per business. Exception: Multi-tenant shopping centers or offices – Max. 2 portable signs per 150 linear feet of property frontage not to exceed 24 sq. ft. combined.
Permitting	No Sign Permit required, except for temporary wall banner signs.
All Residential Zones	
Period of use	No limitation.
A-rea of all portable signs at any one time	Max. 16 sq. ft. per lot or parcel.
Number of Signs	Unlimited except that the total sign area of all portable signs shall not exceed 16 sq. ft.
Permitting	No Sign Permit required.

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This new table provides the general standards for any type of temporary sign placed on private property. It is organized to provide standards applicable generally to all zones, standards for commercial, industrial and other non-residential zones, and all residential zones. Most of the standards are consistent with those in the current code (e.g. the standards for prohibited elements, illumination and design and construction), but new standards have also been added. These include a new approach to establishing a limit on the area and number of temporary signs permitted on a property or for a business (e.g. in commercial zones a max. of 32 sq. ft. of temporary sign area is allowed regardless of the content of the sign, i.e. ideological, commercial, or political).

~~2.~~ **Civic and Non-Profit Event Signs on City Approved Sign Support Structures [Move this section after Types of Temporary Signs – to become new Subsection 3.]**

a. **Purpose**
The City has installed banner sign support structures at certain locations within the community where temporary banners used to advertise civic and non-profit organizations and events for which a Special Event Permit has been approved may be placed. The purpose of these banner sign support structures, therefore, is to provide a convenient, highly visible and safe location for the display of these temporary banners to minimize their proliferation within the community which causes visual blight.

b. ~~All s~~Signs advertising events organized and implemented by civic and non-profit organizations, or events for which a Special Event Permit has been approved by the Recreation Services Section, may be installed on City approved sign support structures in compliance ~~shall comply~~ with the standards provided in ~~Table C (Standards for Temporary Civic or Non-Profit Event Signs at the Location of the Event) and~~ Table C~~D~~ (Standards for Temporary Off-Premise Signs on City Approved Sign Support Structures ~~for City Special and Recreation Events, and Civic or Non-Profit Events~~).

The current code required all temporary banner signs used to advertise civic and non-profit events to be placed on the City's sign structures. However, following the decision in the Reed case, while it is preferred that these banners should only be placed on the sign structures, the City may no longer make this a requirement. Note that any such banner would count against the temporary sign area limitation proposed in Table A which may be enough of an incentive for a business owner to not grant permission for the display of the event banner on their property. Staff expects, therefore, that most banners will continue to be displayed on the City sign support structures.

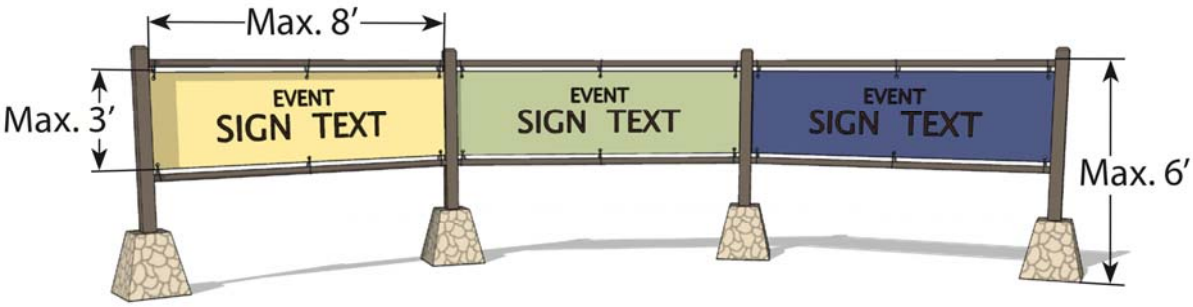
~~Table 10-50.100.090.C: Standards for Temporary Civic or Non-Profit Event Signs at the Location of the Event~~		
	~~Standard~~	
~~Period of Use~~	~~Max. 7 days before an event.~~	

~~Removal~~	~~Shall be removed within 1 day after an event.~~
~~Sign Placement~~	~~Only on the property where the event will be held.~~ ~~Not in public right-of-way, street medians, or FUTS trails.~~ ~~Shall not create a hazard for pedestrian or vehicular traffic. See Section 10-50.100.090.B.~~
~~Mounting Height~~	~~Max. 6 feet.~~
~~Sign Area~~	~~Max. 24 sq. ft.~~
~~Number of Signs~~	~~Max. 1 per frontage.~~
~~Illumination~~	~~Not permitted.~~
~~Permitting~~	~~No Sign Permit required.~~
Table 10-50.100.090.C~~D~~: Standards for Temporary Off-Premise Signs on City-Approved Sign Support Structures ~~for City Special or Recreation Events, and Civic and Non-Profit Events~~	
Number of Events	No more than 3 events per organization per year may be advertised on City-approved sign support structures.
Period of Use	Max. 7 days before an event.
Sign Placement	Only at approved locations (See b. below).
~~Mounting Height~~	~~Max. 6 ft.~~
Sign Size and Area	Max. 3' by 8'; Max. 24 sq. ft.
Banner Details	Grommets shall be placed at each of the corners of the banner for secure attachment to the support structure. Banners shall not have brand identification, such as "Sponsored by XYZ Corporation", or a product brand across the face of the banner as a background. Logos for sponsors of the event or the banner shall be limited to max. 20% of the area of the banner.
Number of Signs	1 sign for each event per support structure, to a max. of 3 sign support structures.
Removal	Within 1 day after the~~an~~ event.
Illumination	Not permitted.
Permitting	No Sign Permit required – a reservation is needed for placement of a banner on a support structure. See Section 10-50.100.090.C.3~~2~~.b.

The standards in the upper portion of this table have been removed because they are not content neutral and new standards for temporary signs consistent with Reed v. Town of Gilbert are now being proposed.

b. An application may be submitted to the Director for the placement of up to three banners on City-approved sign support structures (illustrated in Figure A) for the purpose of promoting a forthcoming civic or non-profit event, a City Recreation Services event, or an event

for which a Special Event Permit has been approved by the Recreation Services Section. Placement on these structures is reserved on a first come, first serve basis up to three-months in advance of the event. The locations of the City's approved sign support structures are available on a map on file with the Planning Section.



Permitted

~~3. **Temporary Directional Signs for City Special Events, Parks and Recreation Events, and Approved Temporary Uses**~~
~~The standards provided in Table E (Standards for Temporary Directional Signs for City Special Events, Recreation Events, Civic and Non-Profit Events, and Approved Temporary Uses) shall apply.~~

~~**Table 10-50.100.090.E: Standards for Temporary Directional Signs for City Special Events, Recreation Events, Civic and Non-Profit Events, and Approved Temporary Uses**~~

	~~**Standard**~~	~~**Other Requirements**~~
~~Area~~	~~Max. 6 sq. ft.~~	
~~Height~~	~~Max. 4 feet.~~	
~~Placement~~	~~Private property only.~~ ~~Only allowed 1 day prior to an event.~~	~~Not in public right-of-way or on public property. Shall not create a hazard for pedestrian or vehicular traffic. See Section 10-50.100.090.B.~~
~~Removal~~	~~Within 1 day after an event.~~	
~~Number of Signs~~	~~No limit.~~	
~~Illumination~~	~~Not permitted.~~	
~~Permitting~~	~~No Sign Permit required - reviewed as part of Special Event Permit.~~	

The standards in this table have been removed because they are not content neutral and new standards for temporary signs consistent with Reed v. Town of Gilbert are now being proposed.

~~4. **Temporary On-Premises Business Signs**~~

~~Temporary signs related to an on-premises business use shall be allowed, subject to the following requirements and limitations:~~

~~a. **Applicability**~~

~~Temporary business signs shall not be used to continually advertise goods, services, or events on a site. Temporary signs shall only be used for short term advertising of promotional or seasonal sales events, and for a new occupancy or use, grand opening, going-out-of-business, or a temporary event such as a farmers market or flea market.~~

~~b. **Standards for Specific Temporary Business Signs**~~

~~Standards for specific types of temporary business signs are established in Table F (Standards for Specific Temporary Business Signs). Only one of the following temporary business signs may be displayed per 150 linear feet of property frontage or part thereof at any one time, and for no longer than the maximum time allowed for temporary business signs.~~

~~**Table 10-50.100.090.F: Standards for Specific Temporary Business Signs (Includes Temporary A-Frame, Wall Banner, Vertical Banner, and Temporary Window Signs)**~~

	~~**Maximum Duration**~~	~~**Other Requirements**~~
~~New Occupancy or Use Sign~~	~~45 consecutive days within the first 6 months of establishment of a new occupancy or use.~~	~~Max. 1 sign per business.~~ ~~May not be combined with a grand opening sign.~~ ~~Sign to be removed when permanent sign is installed.~~
~~Grand Opening Sign~~	~~30 consecutive days.~~	~~Max. 1 sign per business.~~ ~~May not be displayed at the same time as a new occupancy or use sign.~~
~~Promotional or Seasonal Sales Sign[1]~~	~~Max. of 1 sign for no more than 10 consecutive days, max. 6 times per calendar year.~~	~~Only 1 permit is required per calendar year.~~
~~Going-Out-of-Business Sign~~	~~30 consecutive days.~~	~~Max. 1 sign per business.~~ ~~Sign to be removed when business finally closes.~~
~~A-Frame Sign used as Secondary Signage in a Multi-Tenant Shopping Center~~	~~No limitation on the number of days they may be used~~	~~Only on the walkway directly in front of the store.~~ ~~Shall not interfere with pedestrian travel or encroach upon a required accessible path.~~ ~~Not in public right-of-way, sidewalks, parking areas, driveways, or landscape areas.~~ ~~No Temporary Sign Permit required.~~

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The standards in this table and the text above it have been deleted because they are not content neutral and new standards for temporary signs consistent with Reed v. Town of Gilbert are now being proposed.

D. Types of Portable~~Temporary~~ Signs (Becomes new #2 – renumber subparagraphs)

1. Portable signs shall comply with the standards provided in Table B (Standards for Specific Portable Sign Types).

~~c. Wall banners are preferred as the best option for business owners desiring to place temporary business signs. Where the placement of a wall banner is not practical due to limited visibility from a public right-of-way or other constraints a vertical banner may be permitted as an alternative to the wall banner~~.

Staff recommends that wall banners should only be installed for a maximum of 30 days and that they should be subject to a permit. They are, therefore, not the most desired temporary sign type, and as a result this paragraph may be deleted.

~~**Temporary A-Frame or Upright Signs**~~
~~Temporary A-frame signs including upright signs shall comply with the standards provided in Table G (Standards for Temporary A-Frame or Upright Signs).~~

~~Figure A. Civic or Non-Profit Event Sign Structure~~

~~Figure B. Upright Sign~~

Table 10-50.100.090.B: Standards for Specific Portable Sign Types				
	Standard			Other Requirements
Portable Sign Type[1]	Height (Max.)	Width (Max.)	Area (Max.)	
A-Frame or Upright Sign	4' from grade	3'	12 sq. ft.	Only permitted in non-residential zones.
Feather or Vertical Banner	8' from grade	2'	12 sq. ft.	Secure attachment to mounting pole required. Only permitted in non-residential zones.
Yard Sign	3'	2'	4 sq. ft.	Installed securely in the ground.
Number of Signs	See Table 10-50.100.090.A.			
Portable Sign Type[1]	Height (Max.)	Width (Max.)	Area (Max.)	
Flags displaying a	End	--	24 sq. ft.	Secure attachment to flag pole required.

commercial message	Note[2]			Permitted in all zones.
Wall Banner	--	--	24 sq. ft.	May only be mounted on a building wall or on T-posts or stakes installed ≤ 6" from a wall on which the temporary wall banner sign would be hung. Mounting height – max. 25 feet to the top of the temporary wall banner sign. Only permitted in non-residential zones. May only be displayed for 30 days per calendar year and shall not be used as permanent signs. Not included in the total sign area for all portable signs. Temporary Wall Banner Sign Permit required.
Window Sign	--	--	Refer to End Note[3]	Placed no higher than 1st story windows. Inside mounting required. Not included in the total sign area for all portable signs.
Number of Signs	See Table 10-50.100.090.A.			

End Notes

[1] Other portable sign types may be allowed (e.g. fuel pump topper signs wraps around waste receptacles, or balloon bobbers) provided the max area limitation for all portable signs is not exceeded.

[2] Flag pole height is limited by the allowable building height of the zone in which it is located. Refer to the Building Form Standards in Chapter 10-40 (Specific to Zones).

[3] The area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) shall not exceed 40% of the area of the window on or within which they are displayed.

This table consolidates all the standards for temporary signs in one place which, therefore, eliminates the redundancy in standards and tables found in the current Code. These standards also apply to temporary signs regardless of the message displayed on them to ensuring consistency with the content neutral standard for temporary signs resulting from with Reed v. Town of Gilbert *decision. For this reason the standards on the following pages that were specific to various temporary sign types are proposed to be deleted. Note that flags when used to display a commercial message have been included as a permitted temporary sign type. Also, a new type of temporary sign (balloon bobbers) has been added as an alternative to inflatable balloons.*

~~(1) **Vertical Banners**~~

~~Temporary vertical banners shall comply with the standards provided in Table H (Standards for Temporary Vertical Banners).~~

~~Table 10-50.100.090.H: Standards for Temporary Vertical Banners~~		
	~~Standard~~	~~Other Requirements~~
~~Placement~~	~~Private property only at the business location.~~ ~~Securely fastened to the ground.~~	~~Not in public right-of-way or on public property. Shall not create a hazard for pedestrian or vehicular traffic. See Section 10-50.100.090.B.~~
~~Mounting~~	~~Secure attachment to mounting pole required.~~	
~~Hours of use~~	~~Business hours only.~~	~~Removal at the close of business required.~~
~~Duration of use~~	~~See Table 10-50.100.090.F.~~	
~~Height~~	~~Max. 10 feet.~~	~~Measured from grade to the top of the vertical banner.~~
~~Width~~	~~Max. 2 feet.~~	
~~Number of Signs~~	~~Max. 1 per business.~~	
~~Illumination~~	~~Not permitted.~~	
~~Permitting~~	~~Temporary Sign Permit required.~~	
~~Design and construction~~	~~Professionally crafted.~~	

~~Figure C. A-Frame Sign~~

~~(2) **Temporary Wall Banners**~~

~~Temporary wall banners are permitted in all commercial and industrial zones in compliance with the standards provided in Table I (Standards for Temporary Wall Banners).~~

~~Table 10-50.100.090.I: Standards for Temporary Wall Banners~~		
	~~Standard~~	~~Other Requirements~~
~~Placement~~	~~Private property only.~~	~~Not in public right-of-way.~~ ~~Not attached to a vehicle.~~
~~Mounting~~	~~Attached to a primary structure only, and not to any part of a roof or the supports for the roof.~~	~~Secure attachment to building required.~~
~~Duration of use~~	~~See Table 10-50.100.090.F.~~	
~~Mounting Height~~	~~Max. 25 feet to top of sign.~~	
~~Area~~	~~Max. 24 sq. ft.~~	
~~Number of Signs~~	~~Max. 1 per business.~~	
~~Illumination~~	~~Not permitted.~~	
~~Permitting~~	~~Temporary Sign Permit required.~~	~~Wall banners shall not be~~

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		~~used as permanent signs.~~
~~Design and construction~~	~~Professionally crafted.~~	

~~Figure D. Temporary Vertical Banner~~

~~(4) **Window Signs**~~

~~Temporary window signs shall comply with the standards provided in Table J (Standards for Temporary Window Signs).~~

~~Table 10-50.100.090.J: Standards for Temporary Window Signs~~		
	~~**Standard**~~	~~**Other Requirements**~~
~~Sign Area~~	~~Area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) shall not exceed 25% of the area of the window on or within which they are displayed.~~	~~Not included in the total allowable sign area.~~
~~Sign Placement~~	~~No higher than 1st story windows.~~	~~Inside mounting preferred.~~
~~Illumination~~	~~Not permitted.~~	
~~Permitting~~	~~No Sign Permit required.~~	

~~**Temporary New Development/Construction Signs**~~

~~Temporary signs announcing new development or construction shall comply with the standards provided in Table K (Standards for Temporary New Development/Construction Signs).~~

~~Table 10-50.100.090.K: Standards for Temporary New Development/Construction Signs~~		
~~Sign Area~~	~~Max. 32 sq. ft.~~	
~~Sign Placement~~	~~Max. 1 sign per street frontage.~~ ~~Only on the site where the new development is proposed.~~	~~Only after Site Plan Approval has been granted.~~
~~Sign Removal~~	~~Prior to issuance of a Certificate of Occupancy.~~	
~~Illumination~~	~~Not permitted.~~	
~~Permitting~~	~~No Sign Permit required.~~	

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~~5.~~3. **Sign Walkers** (Becomes a new Subsection #4)

This Subsection provides time, place and manner restrictions pertaining to sign walkers, i.e. a person who holds a sign to convey a commercial message, ~~are allowed,~~ subject to the following standards:

a. Sign walkers shall only be allowed in commercial and industrial zones, and Transect Zones T5 and T6;

b. Sign walkers shall only be located on the premises of the business they are advertising ~~private property~~ with the property owner's or property manager's written approval~~,~~ or only on a public sidewalk, ~~or~~ walkway or pedestrian thoroughfare immediately adjacent to the ~~property for which the use, activity,~~ business premises~~, sale, or advertising is being conducted~~;

c. Sign walkers shall not be located within ~~a minimum of~~ 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists, and are ~~shall~~ not permitted~~be located~~ in any of the following locations:

(1) ~~On any public property or within any public right-of-way except as specified in paragraph b.;~~In parking aisles or stalls;

(2) In driving lanes; or

(3) On fences, walls, boulders, planters, other signs, vehicles, utility facilities or any other structure.

~~(4) Within 30 feet from any other sign walker; or,~~

~~(5) In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists~~;

d. Sign walkers may not interfere with traffic or block pedestrians or bicyclists.

~~d.~~e. Sign walkers are only permitted to advertise during ~~shall be limited to~~ the hours of operation of the business they are advertising;

~~e.~~f. Sign walker signs shall not exceed eight square feet in area;~~,~~ shall not exceed eight feet in height when held; ~~or in place,~~ and shall be professionally crafted;

~~f.~~g. Sign walker signs that include any of the following are prohibited:

(1) Any form of illumination, including flashing, blinking or rotating lights;

(2) Animation on the sign itself; or

(3) Spinning, waving, throwing the sign in the air or any other such erratic movement intended to attract attention.

~~g.~~h. No Sign Permit is required for a sign walker~~s~~.

The amendments proposed in this Subsection are intended to clarify and improve the former standards. No new standards are proposed.

10-50.100.100 Sign Districts of Special Designation

A. **Flagstaff Central District**

5. **Standards**

b. **Freestanding Signs**
Two styles of freestanding signs are permitted within the Flagstaff Central District: either a low profile freestanding sign, or a freestanding suspended sign, either of which may also be used as a Neighborhood or District Sign. The standards provided in Table D (Standards for Freestanding Signs in Flagstaff Central District) shall apply.

Table 10-50.100.100.D: Standards for Freestanding Signs in Flagstaff Central District

	Standard		Other Requirements
	Area[1]	Height	
Low Profile Freestanding Sign – Single Tenant Use	24 sq. ft.	6 feet	Shall be mounted on 2 poles placed at the outermost sides of the sign face, or on a low profile sign base.
Low Profile Freestanding Sign – Multiple Tenant Use	32 sq. ft.	8 feet	Shall be mounted on 2 poles placed at the outermost sides of the sign face, or on a low profile sign base.
Freestanding Suspended Sign	18 sq. ft.	10 feet to top of sign pole	Sign structure shall consist of a vertical pole and horizontal decorative sign support, and shall be constructed of wood or metal.
Number of Signs	1 sign permitted per business.		
Illumination	See Section 10-50.100.050.C.		Externally illuminated with down-directed and shielded fixtures only. Neighborhood or District Sign shall not be illuminated.
Permitting	Sign Permit is required.		

End Note:
[1] The area of a Neighborhood or District Sign shall not be counted against the permitted sign area applicable to the use(s) existing on the property where the Neighborhood or District Sign will be erected.

The Neighborhood or District Signs standards formerly located within Section 10-50.100.020.D (Exemptions) have been moved to this table. The reasons for this are to reduce the number of exempt signs as much as possible and because a Neighborhood or District Sign would only be installed within the Flagstaff Central District where the historic districts in the City are located. Furthermore, the standards for freestanding signs in this district match those for a Neighborhood or District Sign. Under the current code these signs were permitted in the public right-of-way. As they are not considered government signs, and the amendments are set up to prohibit any signs except government signs or those required by law in a public right-of-way, they must be placed on private property. The new End Note is intended to ensure that the property owner where the Neighborhood or District Sign will be placed may also have freestanding signage to advertise their business.

B. **Downtown Historic District**

5. **Portable~~Temporary~~ Signs**
   Portable~~Temporary~~ signs proposed within the Downtown Historic District shall comply with the standards established in Section 10-50.100.090 (Portable~~Temporary~~ Signs), except as provided below:

   a. No ~~A-frame, upright signs, or~~ feather vertical banners shall be permitted in the Downtown Historic District.

This amendment would allow A-frame and Upright Signs in the Downtown Historic District but would continue to preclude the use of feather vertical banners which are more appropriate in suburban areas of the City with greater traffic speed and volume.

   ~~b. Temporary stanchion signs shall comply with the standards provided in Table 10.50.100.100.E (Standards for Temporary Stanchion Signs).~~

~~Table 10-50.100.100.E: Standards for Temporary Stanchion Signs~~		
	~~Standard~~	~~Other Requirements~~
~~Placement~~	~~Only within the Downtown Historic District.~~	~~Only within the amenity zone on the sidewalk directly in front of the store.~~
~~Hours of use~~	~~Business hours only.~~	~~Removal at the close of business required.~~
~~Height~~	~~Max. 4 feet.~~	
~~Width~~	~~Max. 12 inches.~~	
~~Number of Signs~~	~~Max. 1 per business.~~	
~~Illumination~~	~~Not permitted.~~	
~~Permitting~~	~~No Sign Permit required.~~	
~~Design and construction~~	~~Professionally crafted.~~ ~~Shall be compatible with the architectural character of the Downtown District.~~	

~~Figure E. Temporary Wall Banner~~

The standards in this table have been deleted because they are not content neutral and new standards for temporary signs consistent with Reed v. Town of Gilbert are now being proposed. These amendments explicitly state that no temporary signs may be placed in City right-of-way regardless of what message they may be conveying.

F. **Flagstaff Sign Free Zone**

1. **Purpose**
   This Section establishes a commercial tourism, commercial resort and hotel sign-free zone pursuant to A.R.S. §16-1019.

2. **Applicability**
   The Flagstaff Sign Free Zone illustrated on Map 10-90.40.010 (Flagstaff Sign Free Zone) has been determined based on the location of a predominance of commercial tourism, resort and hotel uses within the Zone.

3. **Standards**

   a. Within the Flagstaff Sign Free Zone all portable signs, including political signs, are prohibited within the public rights-of-way as they detract from the scenic and aesthetic appeal of the area adjacent to the Zone and deter its appeal to tourists. However, portable signs are permitted on private property adjacent to the Flagstaff Sign Free Zone.

   b. The Director may remove or cause to be removed any portable sign erected or displayed in the public right-of-way in the Flagstaff Sign Free Zone.

~~C.~~ *Arizona Revised Statutes (A.R.S. §6-1019) allow municipalities to establish up to two sign free zones the total area of which is limited to a maximum of three square miles. These sign free zones must however, be based on a determination that "the municipality has determined that based on a predominance of commercial tourism, resort and hotel uses within the zone the placement of political signs within the rights-of-way in the zone will detract from the scenic and aesthetic appeal of the area within the zone and deter its appeal to tourists". Staff has created a Flagstaff Sign Free Zone Map (attached) to be inserted in Chapter 10-90 (Maps). The sign free zone includes City and state rights-of-way (note that no temporary signs may be placed within ADOT right-of-way) in areas of the City where there are a predominance of hotels and resorts. This includes parts of West Route 66 and Woodlands Village Boulevard, S. Milton Road, East Route 66, parts of the downtown and Southside, and portions of Soliere Avenue and Country Club Drive. Within this sign free zone no temporary signs, regardless of the message conveyed, will be permitted.*

10-50.100.110 Nonconforming Signs

[No amendments are proposed in this Section.]

10-50.100.120 Enforcement

A. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, display, ~~maintain~~ or use a sign within the City contrary to, or in violation of, any provision of this Division. The requirements of this Division shall be enforced in compliance with the enforcement provisions of Division 10-20.110 (Enforcement).

B. The Director may remove or cause to be removed any portable sign erected or displayed upon a public sidewalk, walkway or pedestrian thoroughfare within public right-of-way or within a clear view zone that creates a hazard to pedestrian or vehicular traffic.

This text has been moved from the former Location Restrictions standards (Section 10-50.100.040.A) to the Enforcement Section where it is more appropriately located.

10-50.100.130 Appeals

[No amendments are proposed in this Section.]

10-50.100.140 Severability

[No amendments are proposed in this Section.]

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Needed Amendments to Other Chapters of the Zoning Code:

Chapter 10-20 Administration, Procedures, and Enforcement:

Division 10-20.40 Permits and Approvals

Section 10-20.40.130 Sign Permits – Temporary Signs

A. **Purpose**

This Section establishes the permitting requirements for temporary wall banner signs as described in Section 10-50.100.09~~7~~0 (Portable~~Temporary~~ Signs) to ensure compliance with the applicable provisions of this Zoning Code.

B. **Sign Permit Requirement**

~~1. Except as provided in Section 10-50.100.020 (Applicability), i~~It shall be unlawful for any person to erect, place, display, alter, ~~repair, maintain~~ or relocate a temporary wall banner sign without first obtaining ~~approval for~~ a Temporary Wall Banner Sign Permit from the Director.

~~2. A Temporary Sign Permit is not required to place a civic or non-profit event sign on the City's approved civic or non-profit event support structures as described in Section 10-50.100.090.C.1. However, a reservation for the use of these support structures may be submitted to the Director up to three months in advance of an event, approval of which shall be granted on a first come, first served basis~~.

The amendment in paragraph #1. explicitly requires a Temporary Sign Permit for wall banners. The text in paragraph #2. has been deleted as it is redundant and is already included in Table 10-50.100.090.C (Standards for Temporary Off-Premise Signs on Civic and Non-Profit Event Signs on City Approved Sign Support Structures).

C. **Duration of Temporary Wall Banner Sign Permit**

The Temporary Wall Banner Sign Permit will be valid for 30 days ~~the use for which it has been issued and for the duration established for each temporary sign type in Table 10-50.100.090.C (Standards for Specific Temporary Business Signs)~~ beginning with the date of issuance.

D. **Review and Approval**

1. **Application**

a. An application for a Temporary Wall Banner Sign Permit for a business located in a multi-tenant development or shopping center shall be made by the property manager or property owner as the applicant on behalf of a business(s) requesting a Temporary Wall Banner Sign Permit for temporary wall banner sign~~a seasonal or promotional sales event~~. A business owner who is also the property owner (e.g. in a single-tenant building) is considered the applicant for the purposes of this Section~~,~~ and may submit an application for a Temporary Wall Banner Sign Permit for the business.

b. No more than one temporary wall banner sign per 150 linear feet of property frontage or part thereof shall be permitted at any one time. The property manager or

property owner shall be responsible for determining which of the tenants in a multi-tenant development or shopping center will~~ould~~ be entitled to a temporary wall banner sign in accordance with this Section.

2. **Review**
The Director shall review the Temporary Wall Banner Sign Permit application and supporting documentation required by Section 10-20.30.020 (Application Process) for compliance with the standards of Section 10-50.100.09~~7~~0 (Portable ~~Temporary~~ Signs).

3. **Determination**
The Director in compliance with the Review Schedule on file with the Planning Section shall determine whether the Temporary Wall Banner Sign Permit may be issued or if additional information is required from the applicant to complete the permit application. If the Temporary Wall Banner Sign Permit application is denied, the reason will ~~shall~~ be stated in writing.

4. **Authorization**
Issuance of a Temporary Wall Banner Sign Permit authorizes the holder to install a temporary wall banner ~~sign(s)~~ in compliance with the terms of the permit. At any time after a Temporary Wall Banner Sign Permit is issued, a new owner, tenant or lessee of record, may be substituted for the original applicant, if a record of the new interest is made with the City and the new interest assumes all obligations he or she would have had in compliance with the original permit. The change of interest shall not imply that any fees paid for the permit will be returned to either the interest which has been replaced or the substitute.

E. **Inspections**

1. All wall banners~~signs~~ for which a Temporary Wall Banner Sign Permit is required are subject to inspection to establish compliance with the provisions of Section 10-50.100.09~~7~~0 (Portable ~~Temporary~~ Signs)~~,~~ and any other applicable City codes.

2. A re-inspection fee (See Appendix 2 (Planning Fee Schedule)) will~~shall~~ be charged if more than one inspection is made to determine compliance after issuance of a correction notice for an improperly displayed portable~~temporary~~ sign, or after issuance of any notice of violation. No fees will ~~shall~~ be charged for an inspection establishing that a violation exists, or for the first inspection following the issuance of a notice of violation. The re-inspection charge will~~shall~~ be imposed if any subsequent inspection is required to determine compliance.

F. **Violations**

Any temporary wall banner signs installed or displayed without a Temporary Wall Banner Sign Permit are in violation of this Division and will be~~is~~ grounds for the Director to issue a correction notice and/or to cause removal of the portable~~temporary~~ sign until appropriate permits are obtained.

(Section 10-20.40.130 amended by Ord. 2014-27, adopted Nov. 18, 2014)

Renumber all following Sections and check cross-references.

Chapter 10-80 Definitions:
Division 10-80.20 Definition of Specialized Terms, Phrases, and Building Functions

Section 10-80.20.010. Definitions, "A."

ADOT: Arizona Department of Transportation.

Section 10-80.20.160. Definitions, "P."

Parkway: The area between the back of a curb and a sidewalk that is usually landscaped.

This term is used in the Zoning Code, and thus a definition to clarify its meaning is proposed.

Section 10-80.20.190 Definitions, "S."

Sign: A structure, device, figure, display, message placard or other contrivance, or any part thereof, situated outdoors or indoors, which is designed, constructed, intended or used to advertise, provide information in the nature of advertising, provide historical, cultural, archeological, ideological, political, or social information, or direct or attract attention to an object, person, institution, business, product, service, message, event, or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, or illumination~~, or projected images~~.

This amendment clarifies and expands the definition of a sign.

Sign, Balloon Bobber: A reusable pre-formed balloon filled with regular air made of a durable PVC vinyl that does not need to be inflated, and typically attached to a short pole.

This amendment ensures that the new term "balloon bobber" is defined.

~~**Sign, Temporary Directional:** A temporary sign which is designed and erected to serve as a public convenience in directing pedestrian and vehicular traffic to approved temporary uses, City Special Events, or City Recreation Events, and not used for the purpose of advertising goods, uses, and activities on site.~~

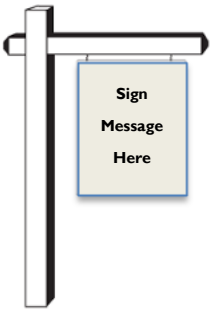
~~**Sign, Menu Display Board:** A sign advertising the menus for a restaurant, bar, or lounge.~~

Sign, Permanent: A sign constructed of durable materials and intended to exist for the duration of time that the use or occupant is located on the premises.

Sign, Portable: A sign that is capable of being moved and not designed to be permanently attached to a building or permanently anchored to the ground that is constructed of paper, cloth, canvas, light fabric, cardboard, plywood, light plastic or other similar materials.

Sign, Post: A sign mounted on either a single post or two or more posts as illustrated below.

This term is used in the Zoning Code, and thus a definition to clarify its meaning is proposed.



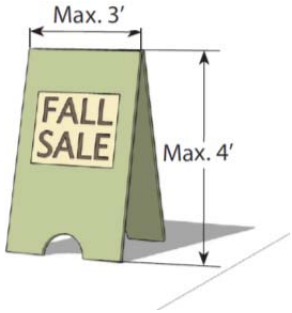
~~**Sign, Real Estate:** A sign pertaining to the sale, or lease of the premises, or a portion of the premises, on which the sign is located.~~

~~**Sign, Real Estate Directional:** A temporary sign used to direct traffic to a real estate sale such as an open house or auction.~~

~~**Sign, Stanchion:** A temporary narrow upright sign that is easily moved used for advertising purposes.~~

~~**Sign, Temporary:** Any sign advertising an event, special promotion, or sale for a limited period of time that is constructed of paper, cloth, canvas, light fabric, wallboard, light plastic or other light, non-rigid, flimsy material.~~

Sign, Temporary A-Frame: A ~~temporary~~ portable, and self-supporting ~~"sandwich board"~~ sign used for advertising purposes, constructed in such a manner as to form an "A" or a tent-like shape, hinged or not hinged at the top~~.~~ (Syn. Sandwich Board Sign).



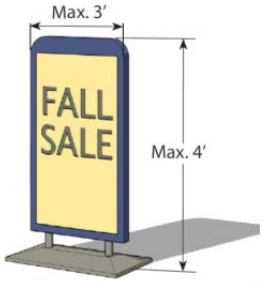
These amendments clarify the definitions of a temporary signs and an A-Frame sign.

~~**Sign, Temporary Directional:** A temporary sign which is designed and erected to serve as a public convenience in directing pedestrian and vehicular traffic to approved temporary uses, City Special Events, or City Recreation Events, and not used for the purpose of advertising goods, uses, and activities on site.~~

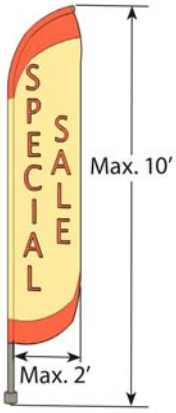
~~**Sign, Temporary Events:** A sign associated with a temporary use authorized by a Temporary Use Permit.~~

~~**Sign, Temporary New Development/Construction:** A temporary sign used to identify a future development that is, or will be, under construction.~~

Sign, Temporary Upright: A portable~~temporary~~ sign ~~that may be used in lieu of an A-frame sign for advertising purposes,~~ constructed to be taller than it is wide, which may be~~and~~ mounted on a weighted base or similar support.

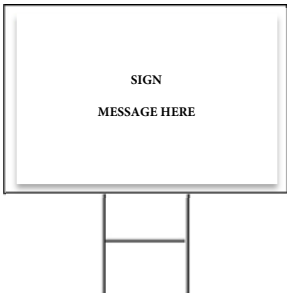


Sign, Temporary Feather or Vertical Banner: A portable~~temporary~~ sign ~~type~~ typically constructed of cloth, bunting, plastic, paper or similar non-rigid material~~, used for advertising purposes~~, and attached to a vertically mounted pole that is securely fastened to the ground.



Sign, Temporary Wall Banner: A portable ~~temporary~~ sign ~~type~~ constructed of cloth, bunting, plastic, paper or similar non-rigid material~~, used for advertising purposes~~, and securely attached to the wall or support ~~primary~~ structure for which it is advertising.~~, not including official flags~~ Flags are not considered temporary wall banners~~of the United States, the state of Arizona, and other states of the nation, counties, municipalities and official flags of foreign nations~~.

Sign, Temporary Yard: A small portable sign used for advertising by local businesses that are also popular in election campaigns, typically constructed of corrugated plastic and supported on an H-shaped wire frame (Syn: Lawn Sign).



This term is used in the Zoning Code, and thus a definition to clarify its meaning is proposed.

DRAFT

Chapter 10-90 Maps:
Division 10-90.40 Subject Specific Maps

Section 10-90.40.010 Flagstaff Sign Free Zone Map

Insert this new map on new Page 90.50-1.

DRAFT

Division 10-50.100: Sign Standards

Sections:

10-50.100.010 Purpose
10-50.100.020 Applicability
10-50.100.030 Sign Permit Requirements
10-50.100.040 General Restrictions for All Signs
10-50.100.050 General Requirements for All Signs
10-50.100.060 Permanent Signs
10-50.100.070 Comprehensive Sign Programs
10-50.100.080 Sign Design Performance Standards
10-50.100.090 Temporary Signs
10-50.100.100 Sign Districts of Special Designation
10-50.100.110 Nonconforming Signs
10-50.100.120 Enforcement
10-50.100.130 Appeals
10-50.100.140 Severability

(Entire Division amended by Ord. 2014-27, adopted November 18, 2014)

10-50.100.010 Purpose

A. The Council finds that the natural surroundings, climate, history, and people of the City provide the Flagstaff community with its unique charm and beauty. This Division has been adopted to ensure that all signs installed in the City are compatible with the unique character and environment of the community, and in compliance with the General Plan.

B. The purpose of this Division is to promote public health, safety, and welfare through a comprehensive system of reasonable, effective, consistent, content-neutral, and nondiscriminatory sign standards and requirements, including the following specific purposes:

1. To promote and accomplish the goals, policies, and objectives of the General Plan;

2. To balance public and private objectives by allowing adequate avenues for both commercial and non-commercial messages;

3. To recognize free speech rights by regulating signs in a content-neutral manner;

4. To improve pedestrian and traffic safety by promoting the free flow of traffic and the protection of pedestrians and motorists from injury and property damage caused by, or which may be fully or partially attributable to, cluttered, distracting, and/or illegible signage;

5. To protect the aesthetic beauty of the City's natural and built environment for the citizens of and visitors to the City, and to protect prominent view sheds within the community;

6. To prevent property damage, personal injury, and litter from signs which are improperly constructed, poorly maintained, or made of flimsy materials;

7. To protect property values, the local economy, and the quality of life by preserving and enhancing the appearance of the streetscape; and

8. To provide consistent sign design standards that enables the fair and consistent enforcement of these sign regulations.

C. A summary of sign types addressed within this Division are listed in Table A (Sign Types). Table A also identifies the permitted uses of each sign type and whether it may be located in a walkable urban environment (Urban) or drivable suburban environment (Suburban), or both, as further defined and explained in the Preamble to this Zoning Code.

Table 10-50.100.010.A: Sign Types

Sign Type and Description	Urban	Sub-urban	Uses		Permit?	Zoning Code Section
Permanent Signs (See Table 10-50.100.060.A (Standards for Permanent Signs by Use))						
Awning Sign	P	P	SFR MFR	COM IND	Yes	10-50.100.060.C.4.b.(1)
Building Identification Sign	P	--	SFR MFR	COM IND	Yes	10-50.100.100.A.5.a.(3)
Building Mounted Sign	P	P	SFR MFR	COM IND	Yes/No[1]	10-50.100.060.C.4.b.(2)
Canopy Sign	P	P	SFR MFR	COM IND	Yes	10-50.100.060.C.4.b.(3)
Changeable Copy Sign	P	P	SFR MFR	COM IND	Yes	10-50.100.060.C.4.b.(4)
Directional Sign	--	P	SFR MFR	COM IND	Yes	10-50.100.060.C.4.b.(5)
Directory Sign	P[2]	P	SFR MFR	COM IND	Yes	10-50.100.060.C.4.b.(6)
Freestanding Sign	P[2]	P	SFR MFR	COM IND	Yes	10-50.100.060.C.4.b.(7)
Interpretative Sign	P	P	SFR MFR	COM IND	Yes	10-50.100.060.C.4.b.(8)
Landscape Wall Sign	P[2]	P	SFR MFR	COM IND	Yes	10-50.100.060.C.4.b.(9)

Table 10-50.100.010.A: Sign Types

Sign Type and Description	Urban	Sub-urban	Uses[1]	Permit?	Zoning Code Section
Permanent Signs (See Table 10-50.100.060.A (Standards for Permanent Signs by Use))					
Painted Wall Sign	P	P	**SFR COM MFR IND**	Yes	Table 10.50.100.060.C
Projecting Sign	P[2]	P	SFR **COM** MFR IND	Yes	10-50.100. 060.C.4.b.(10)
Roof Mounted Sign	--	P	SFR **COM** MFR **IND**	Yes	10.50.100. 060.C.4.b.(11)
Service Island Canopy Sign	--	P	SFR **COM** MFR IND	Yes	10-50.100. 060.C.4.b.(12)
Suspended Sign	P	P	SFR **COM** MFR **IND**	Yes	10-50.100. 060.C.4.b.(13)
Window Sign	P	P	SFR **COM** MFR **IND**	Yes	10-50.100. 060.C.4.b.(14)
Temporary Signs (See Section 10-50.100.090. (Temporary Signs))					
Sign Walker	P	P	SFR **COM** MFR **IND**	No	10.50.100.090.C.6
Temporary A-frame Sign	P[3]	P	SFR **COM** MFR **IND**	Yes/No[4]	10.50.100. 090.C.4.c.(1)
Temporary Civic or Non-Profit Event Sign	P	P	**SFR COM MFR IND**	No	10.50.100.090.C.2
Temporary Directional Signs for Special Events, Recreation Events, and Approved Temporary Uses	P	P	**SFR COM MFR IND**	No	10.50.100.090.C.3
Temporary New Development/ Construction Sign	P	P	**SFR COM MFR IND**	No	10-50.100. 090.C.5
Temporary Sign for Approved Temporary Uses	P	P	**SFR COM MFR IND**	No	10.50.100.090.C.1
Temporary Stanchion Sign	P	--	SFR **COM** MFR IND	No	10.50.100.100.B.5.b
Temporary Upright Sign:	P[3]	P	SFR **COM** MFR **IND**	Yes/No[4]	10.50.100. 090.C.4.c.(1)
Temporary Vertical Banner	--	P	SFR **COM** **MFR IND**	Yes	10.50.100. 090.C.4.c.(2)
Temporary Wall Banner	P	P	SFR **COM** **MFR IND**	Yes	10.50.100. 090.C.4.c.(3)
Temporary Window Sign	P	P	SFR **COM** **MFR IND**	No	10.50.100. 090.C.4.c.(4)

End Notes

[1] Except detached single-family dwellings and duplexes.

[2] This sign type is only allowed in accordance with the provisions of Section 10-50.100.100.A (Flagstaff Central District).

[3] Except, this sign type is not permitted in the Downtown Historic District (Section 10-50.100.100.B).

[4] See Section 10.50.100.090.C.4.c.(1)

Key			
XXX	Allowed	XXX	Not Allowed
P	Sign type is permitted within the area type identified in this table.		
--	Sign type is not permitted within the area type identified in this table		

SFR = Single-family Residential; MFR – Multi-family Residential; COM = Commercial; and IND = Industrial

10-50.100.020 Applicability

A. **Applicability**

1. This Division applies to all signs within the City, regardless of nature or location. Three levels of review standards are established in this Division, some or all of which may be applied to the sign depending on its proposed location within the City:

   a. All signs within the City of Flagstaff shall be reviewed based on the standards established in this Division, with the exception of Sections 10-50.100.100.A (Flagstaff Central District) and 10-50.100.100.B (Downtown Historic District);

   b. Signs in the Flagstaff Central District are reviewed based on the standards established in Section 10-50.100.100.A (Flagstaff Central District) in keeping with the urban character and scale of this district as well as the standards and requirements otherwise established in this Division; and

   c. Signs in the Downtown Historic District have the highest standards of review in keeping with the historic character and urban scale of this district. The standards in Section 10-50.100.100.B (Downtown Historic District) shall be applied in addition to the standards established for the Flagstaff Central District as well as the standards and requirements otherwise established in this Division.

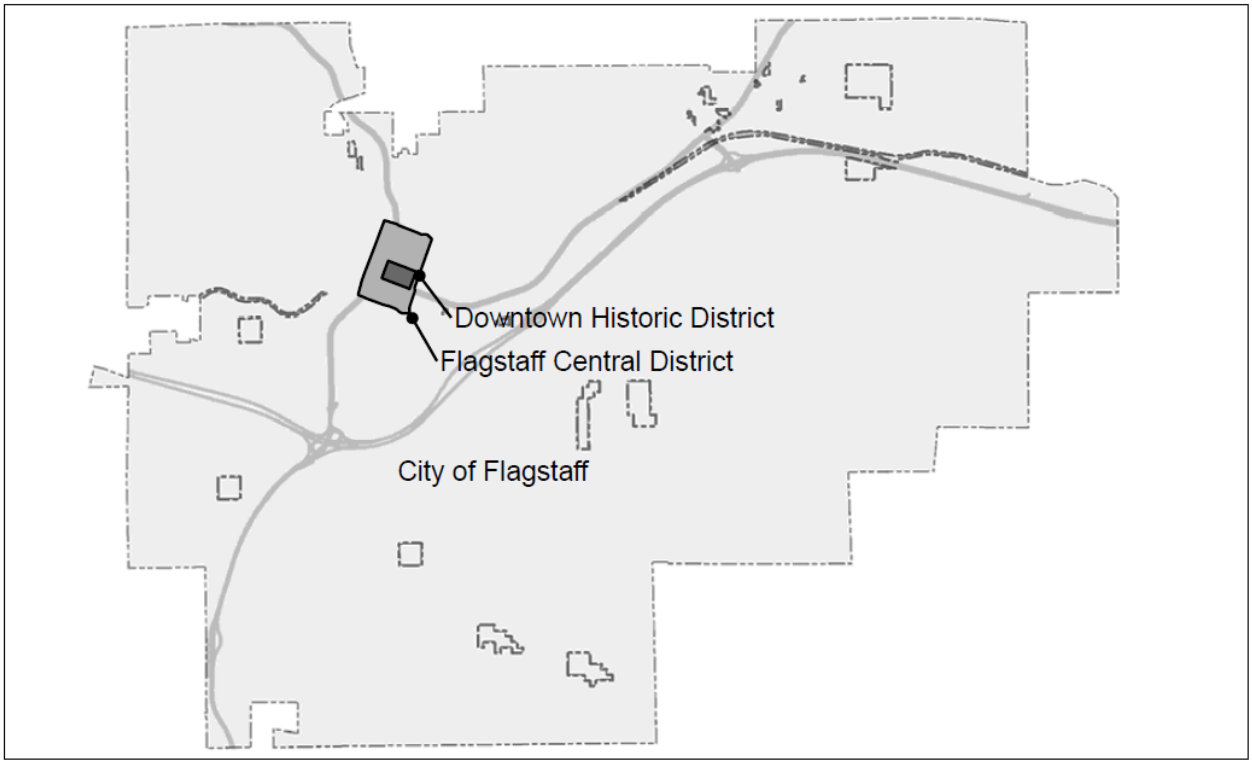


Figure A. Map Showing the Relationship Between the Standards applied in the Downtown Historic District, Flagstaff Central District, and the City as a Whole

2. **Applicable to Transect Zones**
   Signs proposed in the transect zones shall comply with the standards established in the following Sections:

   a. Transect Zone T6: Section 10-50.100.100.A (Flagstaff Central District) and Section 10-50.100.100.B (Downtown Historic District).

   b. Transect Zone T5 and T5-O: Section 10-50.100.100.A (Flagstaff Central District) and Section 10-50.100.100.B (Downtown Historic District), where applicable.

   c. Transect Zone T4N.1 and T4N.1-O: Section 10-50.100.100.A (Flagstaff Central District).

   d. Transect Zone T3N.1: Section 10-50.100.100.A (Flagstaff Central District).

B. **Interpretations**
   This Division is not intended to, and does not restrict speech on the basis of its content, viewpoint, or message. Any classification of signs in this Division that permits speech by reason of the type of sign, identity of the sign user, or otherwise, shall also be interpreted to allow non-commercial speech on the sign. No part of this Division shall be construed to favor commercial speech over non-commercial speech. To the extent any provision of this Division is

ambiguous, the term shall be interpreted not to regulate on the basis of the content of the message.

C. **Summary of Incentives**
A summary of the incentives applicable to the permanent signs permitted in this Division is provided in Table A (Summary of Incentives Applicable to Permanent Signs).

Table 10-50.100.020.A: Summary of Incentives Applicable to Permanent Signs

Sign Type	Description	Section or Table
Neon signs	Neon lighting is not included within total outdoor light output limits.	10-50.100.050.C.3.a
Building mounted signs	If painted on a building wall, allowable sign area is increased by 10%.	Table 10-50.100.060.C
Building mounted signs	If 1or more freestanding signs are not utilized, additional building mounted signage is permitted.	Table 10-50.100.060.C
Corner signs	Additional sign area is permitted if a sign is associated with a corner entrance to a building.	Table 10-50.100.060.C
Directory signs	If ≤ 16 sq. ft. in area, not included in total allowable sign area for the use.	Table 10-50.100.060.G
Freestanding signs	Name of the shopping center or development is not included in the area or height limit for the sign.	Table 10-50.100.060.H
Freestanding signs – corner location	If 1freestanding sign is proposed where 2 signs are permitted, the allowable sign area may be increased to a max. of 35%.	Table 10-50.100.060.H
Suspended signs	If ≤ 4 sq. ft. in area, not included in total allowable sign area for the use.	Table 10-50.100.060.N
Comprehensive Sign Program and Sign Design Performance Standards	Allows for increases in sign area and height for building mounted and freestanding signs.	10-50.100.070 and -080
Nonconforming signs	Includes an incentive to replace a nonconforming sign with a new sign that is closer in conformance with applicable standards.	10-20.60.110.B.3

D. **Exemptions**
Unless specifically provided within this Division, the provisions of this Division do not apply to:

1. **Building Identification Signs**
   Building identification signs not exceeding one square feet in area are permitted for residential buildings and two square feet in area for non residential buildings.

2. **Business Name and Address on an Entry Door**
   Name of a business, address information, and/or contact information displayed on an entry door, not to exceed two square feet in area. Sign shall not include any commercial advertising.

3. **Community Bulletin Board**
   A maximum of one community bulletin board per property is allowed. If the community bulletin board is erected in public right-of-way or in a public space, or on private property a maximum of one community bulletin board per block is allowed. The maximum size of a community bulletin board shall be 32 square feet. Signs posted on a community bulletin board shall not exceed a dimension of 11 x 17 inches.

4. **Display Board for Daily Specials**
   Display board such as a white board, chalk board, or black board, on which daily specials are advertised. The display board may be mounted on an easel or similar support structure, or the wall of a building, and measure up to four square feet in area, provided it is not located within a public right-of-way and is not a hazard to pedestrians.

5. **Flags**
   Official flags of national, state, or local governments, and any other flag adopted or sanctioned by an elected legislative body of competent jurisdiction. The length of the flag shall not exceed one-fourth the height of the flag pole. No more than three flags shall be displayed per lot or parcel. Flags shall be mounted on a single flagpole, or three separate flagpoles installed either on the building or adjacent to a building or use. No flag bearing an explicit commercial message shall be considered an exempt flag.

6. **Governmental Signs**
   Signs installed by the City, County, or a Federal or State governmental agency for the protection of public health, safety, and general welfare, including, but not limited to, the following:

   a. Emergency and warning signs necessary for public safety or civil defense;

   b. Traffic signs erected and maintained by an authorized public agency;

   c. Signs required to be displayed by law;

   d. Signs showing the location of public facilities;

e. Signs advertising temporary events organized by the Flagstaff Unified School District and its schools, charter schools, Northern Arizona University, Coconino Community College, Coconino County, or the City, provided no more than one sign is displayed on any business premises. The signs shall be no larger than 24 square feet in area, mounted no more than six feet in height on a wall or similar surface (signs mounted on stakes are not permitted), installed a maximum of seven days before an event, and removed no more than one day after the event. Illuminated signs are not permitted. The location restrictions listed in Section 10-50.100.040.A below shall apply to all signs falling under this exemption, except for paragraphs 6 and 9; and

f. Any sign, posting, notice, or similar sign placed by or required by a governmental agency in carrying out its responsibility to protect the public health, safety, and general welfare.

7. **Heritage Signs in Landmark Zones**
Heritage signs shall be governed by the ordinance designating the Landmark Overlay and its related guidelines (Refer to Division 10-30.30 (Heritage Preservation)).

8. **Historic and Architectural Features**
Historical plaques erected and maintained by non-profit organizations, memorials, building cornerstones, and date-constructed stones; provided that none of these exceed four square feet in area.

9. **Internal Signs and Signs within City Recreation Facilities**
Signs or displays located entirely inside of a building, signs not visible beyond the boundaries of the lot or parcel upon which they are located or from any public right-of-way, and temporary signs located within City Recreation Facilities.

10. **Neighborhood or District Sign**
Signs used to identify a unique neighborhood or district. Such signs may be placed in a public right-of-way with approval of a Right-of-Way Encroachment Permit (See City Code Section 8-03-002-0005 (Other Permitted Encroachments)), provided such signs are not illuminated, and no larger than 20 square feet in area and eight feet in height.

11. **Nonstructural Modifications and Maintenance**

a. Changes to the face or copy of changeable copy signs;

b. Changes to the face or copy of an existing multi-tenant freestanding non-illuminated sign from one business to another with no structural or lighting modifications to the sign; and

c. The normal repair and maintenance of conforming or legal non-conforming signs, except as identified in Section 10-50.100.050.E.

12. **Political Signs**
    Political signs are permitted in compliance with ARS § 16-1019.

13. **Real Estate Signs**

    a. **All Residential Zones.**

        (1) One real estate sign per street frontage is permitted. Signs must be non-illuminated, constructed of durable materials, placed only on the property for sale, rent, or lease, be no more than six feet in height, and be no larger than eight square feet in area in single-family residential zones and no larger than 12 square feet in area in multi-family residential zones.

        (2) Open house/auction directional signs are permitted within one mile of the residence as measured along the streets used to drive to it. Such signs must be no larger than four square feet in area, a maximum of three feet in height, and only one sign is allowed for each turning movement beginning at the residence for sale. Signs may be placed in a public right way or on off-site private property for the duration of the open house only while a sales person is present, provided such signs do not constitute a hazard to pedestrians or vehicular traffic, are not placed on medians, and they are removed no later than one hour after the conclusion of the open house.

    b. **All Commercial, Industrial, and Non-residential Zones:** One real estate sign per street frontage is permitted. Signs must be non-illuminated, constructed of durable materials, placed only on the property for sale, rent, or lease, be no more than six feet in height, and be no larger than 24 square feet in area.

14. **Seasonal Decorations**
    Temporary, non-commercial decorations or displays that are incidental to and commonly associated with national, local, or religious celebration, provided that such decorations and displays are only displayed during the appropriate time of year, are maintained in an attractive condition, and do not constitute a fire hazard.

15. **Signs Required by Law**

16. **Street Light Banner Sign**
    Street light banner signs as permitted by the City on light poles in certain areas within the City.

17. **Vehicle Signs**
    Signs indicating the name of the owner or business that are permanently painted or wrapped on the surface of a vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to a vehicle or rolling stock, so long as the vehicle

is being regularly and consistently used in the normal daily conduct of the business, e.g., when a company vehicle is being used for transporting and delivering goods or providing services related to the business (see also Section 10-50.100.040.A.7).

18. **Vending Machine and Similar Facilities**
Signs that consitute an integral part of a vending machine or similar facilities located outside of a business. Such signs are included in the total allowable building mounted sign area.

19. **Yard or Garage Sale Signs**
Signs advertising a yard or garage sale, provided they are not displayed more than one day prior to the yard or garage sale and removed when the sale has concluded.

10-50.100.030 Sign Permit Requirements

A. The procedures for submittal, review and approval of Permanent and Temporary Sign Permits, including any required fees, are provided in Section 10-20.40.120 (Sign Permit - Permanent Signs) and Section 10-20.40.130 (Sign Permit - Temporary Signs), except that signs associated with and/or advertising a special event on City property shall be approved as part of the Special Event Permit from the City. All signs not approved in the Special Event Permit are prohibited.

B. No Sign Permit shall be required for a sign on property used exclusively for a single-family residence or duplex that complies with this Division and is limited to one sign per street frontage.

10-50.100.040 General Restrictions for All Signs

A. **Location Restrictions**
Except where specifically authorized in this Division, signs are prohibited in the following locations:

1. Any sign located within a City right-of-way;

2. Any sign located within, on, or projecting over a property line which borders a public or private street, highway, alley, lane, avenue, road, sidewalk, or other right-of-way, except as specifically provided in this Division;

3. Any sign attached to any public utility pole, structure or street light, tree, fence, fire hydrant, bridge, curb, sidewalk, park bench, statue, memorial, or other location on public property, except those signs approved as part of a special event permit on City property. Nothing in this Section shall be construed to prohibit a person from holding a sign while located on City property so long as the person holding the sign is located on public

property determined to be a traditional public forum and does not block ingress and egress from buildings or create a safety hazard by impeding travel on sidewalks, bike and vehicle lanes, and trails;

4. Any sign, which by reason of its location, will obstruct the view of any authorized traffic sign, signal, or other traffic control device or which by reason of shape, color, or position interferes with or could be confused with any authorized traffic signal or device;

5. Any sign which is placed so as to prevent or inhibit free ingress to or egress from any door, window, or any exit way required by the Building Code currently in effect, or by Fire Department regulations;

6. Any commercial, advertising, or business sign that is not located on the premises of the business to which it refers;

7. Any sign mounted, attached, or painted on a trailer, boat, or motor vehicle when the principal use of the vehicle at the time of the display is for the display of the sign and the vehicle is parked, stored, or displayed conspicuously on public or private property for the purpose of exhibiting commercial advertising, advertising an on-site or off-site business, or supplying directional information to an off-site business or service. This provision excludes:

    a. Signs that are permanently painted or wrapped on the surface of a vehicle, adhesive vinyl film affixed to the interior or exterior surface of a vehicle window, or signs magnetically attached to a vehicle or rolling stock, so long as the vehicle is being regularly and consistently used in the normal daily conduct of the business, e.g., when a company vehicle is being used for transporting and delivering goods or providing services related to the business. Such vehicles shall be operable, properly licensed, and when not being used to conduct daily business, parked or stored in a lawful and authorized manner on the business property so as not to be visible from the public right-of-way. Where parking limitations on the business property prevent the business owner from parking the vehicle in a manner not to be visible from the public right-of-way, the vehicle shall be parked as far from the public right-of-way as possible; and

    b. Vehicles and equipment engaged in active construction projects, and the on-premise storage of equipment and vehicles offered to the general public for rent or lease.

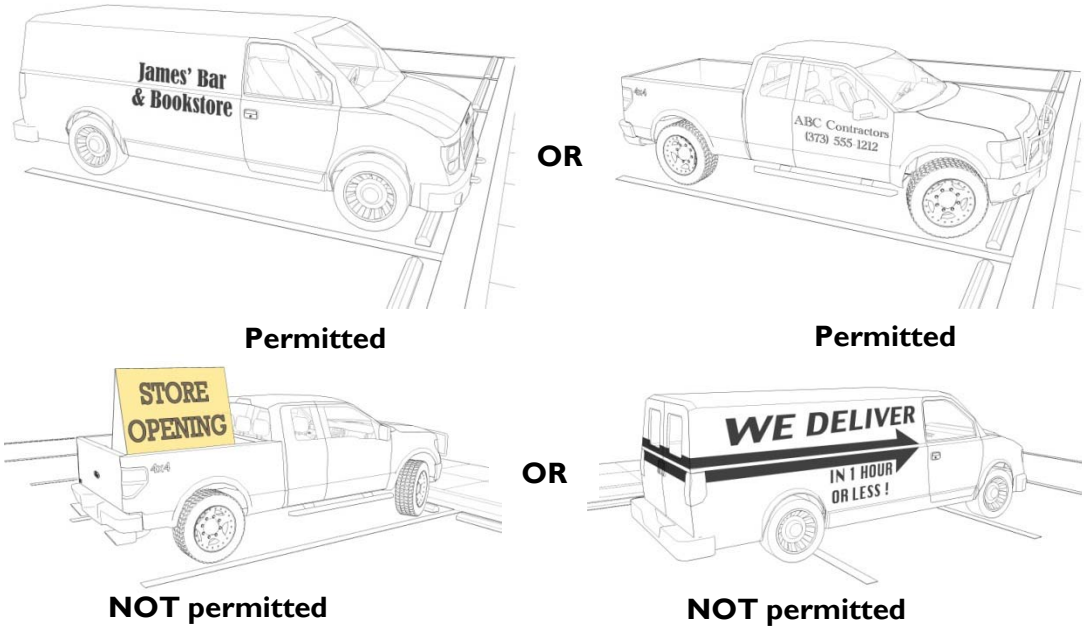


Figure A. Signs on Vehicles Used for Business Purposes

8. Any sign painted, attached or mounted on fuel tanks, storage containers and/or solid waste receptacles or their enclosures, except for a manufacturer's or installer's identification, appropriate warning signs and placards, and information required by law;

9. Any sign tacked, painted, burned, cut, pasted or otherwise affixed to the walls of any building, barn, shed, accessory structure, or other structures that are visible from a public way;

10. Any sign tacked, painted, burned, cut, pasted or otherwise affixed to trees, rocks, poles, posts, fences, ladders, benches, that is visible from a public way;

11. Any sign that covers the architectural features of a building, such as dormers, insignias, pilasters, soffits, transoms, trims, or other architectural feature;

12. Billboards; and

13. Bandit signs.

B. **Display Restrictions**

1. **Purpose**
The purpose of this Subsection is to regulate the manner in which signs convey their messages by specifying prohibited display features that create distractions to the traveling public and create visual clutter that mar the natural and architectural aesthetics of the City.

2. **Applicability**
The following display features are prohibited:

a. Any sign or lighting device, whether on the exterior of a building or on the inside of a window which is visible beyond the boundaries of the lot or parcel, or from any public right-of-way, with intermittent, flashing, rotating, blinking or strobe light illumination, animation, motion picture, or laser projection, or any device creating the illusion of motion;

b. Any sign with an exposed light source, except for neon incorporated into the design of the sign;

c. Any sign which emits sound, odor, smoke, laser or hologram lights, or other visible matter, including any sign that uses motion picture projection;

d. Any sign animated by any means, including fixed aerial displays, balloons, spinners, strings of flags and pennants, streamers, tubes, or other devices affected by the movement of the air or other atmospheric or mechanical means;

e. Any sign in which the sign body or any portion of the sign rotates, moves up and down, or any other type of action involving a change in position of the sign body or any portion of the sign, whether by mechanical or any other means. Barber poles no larger than three feet high and 10 inches in diameter, and clocks, are excepted from this restriction;

f. Electronic Display signs;

g. Any changeable copy LED or similar signs, except fixed illumination display signs used to indicate that a business is "open", display prices, or to confirm an order placed in a drive through lane; and

h. Animated signs or costumed character (except as permitted in Section 10-50.100.090.C.6 (Sign Walkers), stuffed or inflated animals, vehicle(s) used as a sign or sign structure (except as permitted in Sections 10-50.100.020.D.17 (Vehicle Signs) and 10-50.100.040.A.7), and strings of lights arranged in the shape of a product, arrow, or any commercial message.

10-50.100.050 General Requirements for All Signs

A. **Sign Message**
Any permitted sign may contain, in lieu of any other message or copy, any lawful non-commercial message, so long as the sign complies with the size, height, area, location, and other requirements of this Division.

B. **Sign Measurement Criteria**

1. **Sign Area Measurement**
   Sign area for all sign types is measured as follows:

   a. Sign copy mounted, affixed, or painted on a background panel or surface distinctively painted, textured, or constructed as a background for the sign copy, is measured as that area contained within the sum of the smallest rectangle(s) that will enclose both the sign copy and the background, as shown in Figure A.

   b. Sign copy mounted as individual letters or graphics against a wall, fascia, mansard, or parapet of a building or surface of another structure, that has not been painted, textured or otherwise altered to provide a distinctive background for the sign copy, is measured as a sum of the smallest rectangle(s) that will enclose each word and each graphic in the total sign, as shown in Figure B.

   c. Sign copy mounted, affixed, or painted on an illuminated surface or illuminated element of a building or structure, is measured as the entire illuminated surface or illuminated element, which contains sign copy, as shown in Figure C. Such elements may include, but are not limited to, lit canopy fascia signs, and/or interior lit awnings.

   d. Multi-face signs, as shown in Figure D, are measured as follows:

      (1) Two face signs: If the interior angle between the two sign faces is 45 degrees or less, the sign area is of one sign face only. If the angle between the two sign faces is greater than 45 degrees, the sign area is the sum of the areas of the two sign faces.

      (2) Three or four face signs: The sign area is 50 percent of the sum of the areas of all sign faces.

   e. Spherical, free-form, sculptural or other non-planar sign area is measured as 50 percent of the sum of the areas using only the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure, as shown in Figure D. Signs with greater than four polyhedron faces are prohibited.

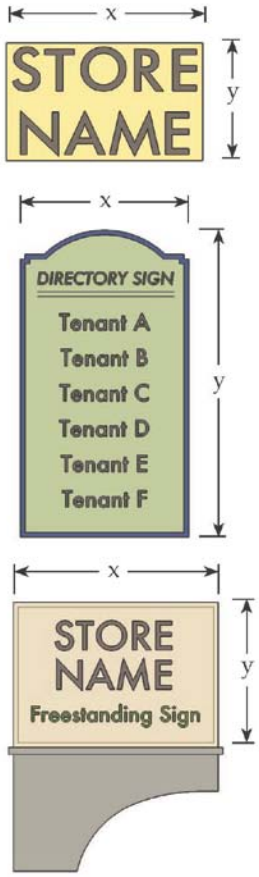


Figure A. Sign Area for Signs on Background Panel

Figure B. Sign Area for Signs with Individual Letters

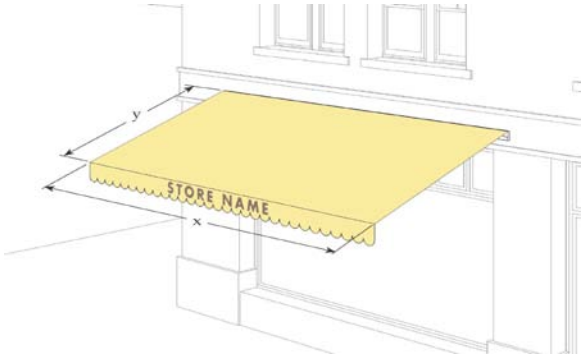


Figure C. Sign Area for Signs with Illuminated Surfaces

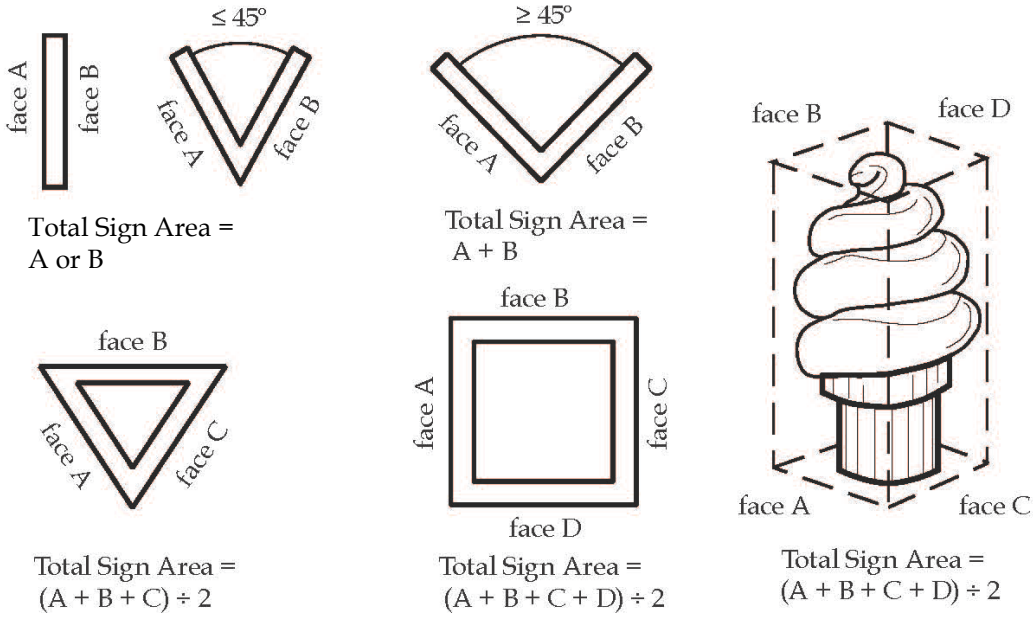


Figure D. Sign Area for Multi-face Signs or Free Form Signs

2. **Sign Height Measurement.**
Sign height is measured as follows:

a. **Freestanding Signs**
Sign height is measured as the vertical distance from the average elevation of the finished grade within an eight-foot radius from all sides of the sign at the base of a sign to the top of the sign, exclusive of any filling, berming, mounding or landscaping solely for the purpose of locating the sign, excluding decorative embellishments as permitted in Table 10-50.100.060.H (Standards for Freestanding Signs).

(1) If natural grade at the base of a sign is higher than the grade of the adjacent road, sign height shall be measured from the base of the sign, as shown in Figure E.

(2) If natural grade at the base of a sign is lower than the grade of an adjacent road, the height of the sign shall be measured from the top of curb elevation, as shown in Figure F.

b. **Building Mounted Signs**
The height of wall, fascia, mansard, parapet, or other building mounted signs is the vertical distance measured from the base of the wall on which the sign is located to the top of the sign or sign structure, as shown in Figure G.

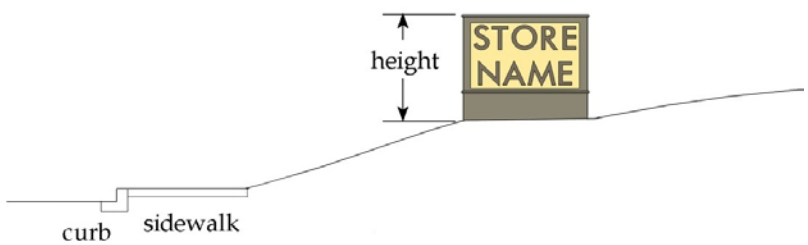


Figure E. Freestanding Sign Height – Signs Higher than the Grade of an Adjacent Road

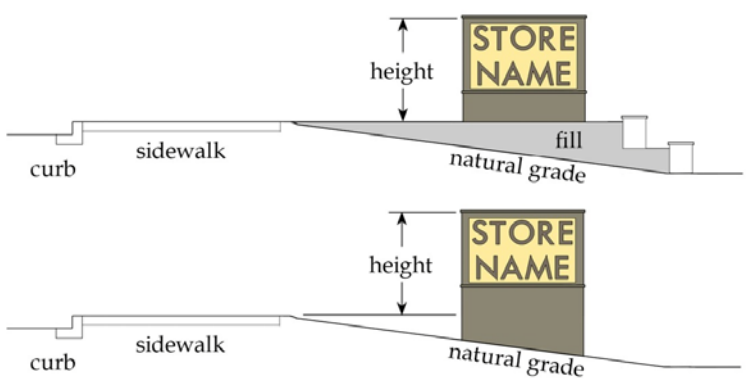


Figure F. Freestanding Sign Height – Signs Lower than the Grade of an Adjacent Road

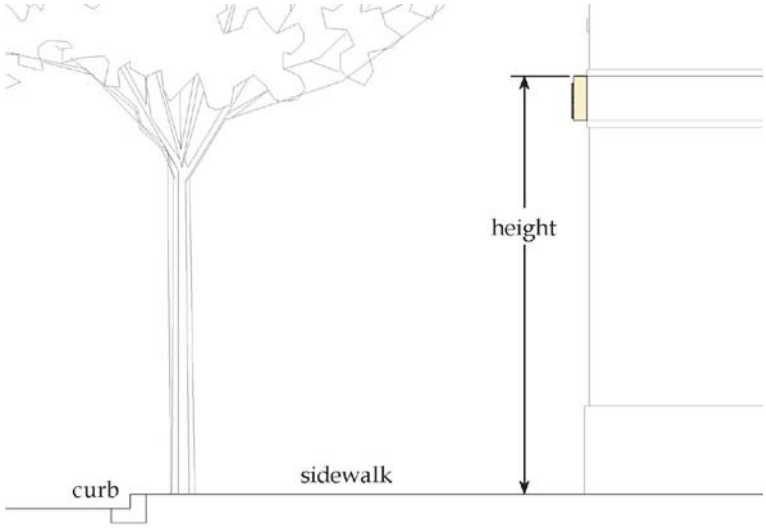


Figure G. Building Mounted Sign Height

C. **Sign Illumination**
Allowed permanent signs may be non-illuminated, illuminated by internal light fixtures, halo illuminated, or illuminated by external indirect illumination, unless otherwise specified. All illuminated signs shall comply with the time limitations of Section 10-50.70.050.H. All permanent signs for single-family residences or duplexes and all temporary signs shall be non-illuminated.

1. **Externally Illuminated Sign Standards**

a. Lighting Class: External illumination for signs shall comply with all provisions of this Division, and shall be treated as Class 1 lighting, as defined in Section 10-50.70.050.B. All external sign lighting is included within the total outdoor light output limits of Section 10-50.70.050.C, and shall comply with applicable lamp source and shielding restrictions.

b. Except as provided in Subsection c, externally illuminated signs shall be illuminated only with steady, stationary, fully shielded light sources directed solely onto the sign without causing glare.

c. A light fixture mounted above the sign face may be installed with its bottom opening tilted toward the sign face provided:

(1) The bottom opening of the light fixture is flat (i.e., it could be covered by a flat board allowing no light to escape); and,

(2) The uppermost portion of the fixture's opening is located no higher than the top of the sign face, as shown in Figure H. Light fixtures aimed and installed in this fashion shall be considered fully shielded for purposes of calculating the total outdoor light output limits of Section 10-50.70.050.C.

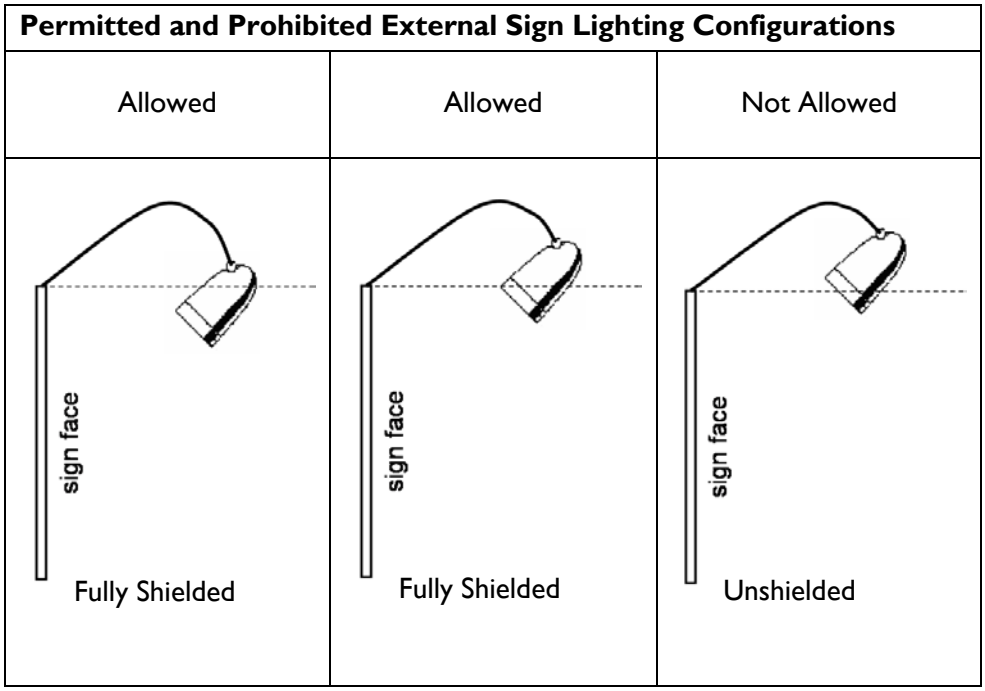


Figure H. External Sign Lighting Configurations

2. **Internally Illuminated Sign Standards**

   a. Internally illuminated signs shall either be constructed with an opaque background and translucent text and symbols, or with a colored (not white, off-white, light gray, or cream) background and generally lighter text and symbols (Figure I). Lamps used for internal illumination of internally illuminated signs shall not be counted toward the total outdoor light output limits of Section 10-50.70.050.C.

      (1) **Lighting Zone 1**
      The sign face(s) shall be composed of illuminated text and symbols against an opaque (non-illuminated) background. The colors of these elements are not restricted.

      (2) **Lighting Zones 2 and 3**
      The sign face(s) shall be either composed of illuminated text and symbols against an opaque background (as in Subsection (1) above), or with generally lighter text and symbols against a colored (not white, off-white, light gray, cream, or yellow) background. Text and symbols may be white, off-white, light gray, cream, or yellow (See Figure I).

Light Background Not Allowed	Colored Background Allowed	Opaque Background Allowed
RESTAURANT CAFE	GAS STATION	HOTEL

Figure I. Internally Illuminated Signs

b. Other internally illuminated panels or decorations not considered to be signage according to this Division (such as illuminated canopy margins, building faces, or architectural outlining), shall be considered Class 3 lighting, as defined in Section 10-50.70.050.B, and shall be subject to the standards applicable for such lighting, including but not limited to the lamp source, shielding standards, and total outdoor light output limits established in Section 10-50.70.050.C.

3. **Neon Sign Standards**

a. Exposed neon sign lighting is only permitted in non-residential zones and shall be treated as Class 3 (decorative) lighting. Allowed neon signs shall not be included within the total outdoor light output limits of Section 10-50.70.050.C.

Figure J. Neon Sign

b. Neon lighting extending beyond the area considered to be the sign area (as defined in this Division) shall comply with all provisions of Division 10-50.70 (Outdoor Lighting Standards).

4. **Single-Color LED Sign Standards**
   Single-color LED signs permitted under Section 10-50.100.040.B.2.g. shall be considered internally illuminated signs, and shall not have their lumen output counted toward the total outdoor light output limits of Section 10-50.70.050.C. Any lighting extending beyond the area considered to be the sign area (as defined in this Division) shall be treated as Class 3 lighting and shall comply with the lumen limits of Section 10-50.70.050.C.

5. **Time Limitations**
   All signs shall be turned off by 9:00 p.m. if located in Lighting Zone 1 and 11:00 p.m. if located in Lighting Zones 2 or 3, or when the business closes, whichever is later. Signs subject to time limitations are required to have functioning and properly adjusted automatic shut-off timers. See Division 10-90.50 (Lighting Zone Map) for lighting zones.

D. **Structure and Installation**

1. **Raceway Cabinets**
   Raceway cabinets shall only be used in building mounted signs when access to the wall behind the sign is not feasible, shall not extend in width and height beyond the area of the sign, and shall match the color of the building to which it is attached. Where a raceway cabinet provides a contrast background to sign copy, the colored area is counted in the total allowable sign area permitted for the site or business. Examples of raceway cabinets are shown in Figure K.

Figure K. Raceway Cabinets

2. **Support Elements**
   Any angle iron, bracing, guy wires, or similar features used to support a sign shall not be visible to the extent technically feasible.

3. **Electrical Service**
   When electrical service is provided to freestanding signs or landscape wall signs, all such electrical service is required to be underground and

concealed. Electrical service to building mounted signs, including conduit, housings, and wire, shall be concealed or, when necessary, painted to match the surface of the structure upon which they are mounted. A Building Permit (electrical) shall be issued prior to installation of any new signs requiring electrical service.

4. **Limitation on Attachments and Secondary Uses**
All permitted sign structures and their associated landscape areas shall be kept free of supplemental attachments or secondary uses including, but not limited to, supplemental advertising signs not part of a permitted sign, light fixture, newspaper distribution rack, or trash container. The use of sign structures and associated landscape areas as bicycle racks or support structures for outdoor product display is prohibited.

5. **Durable Materials**
All permanent signs permitted by this Division shall be constructed of durable materials capable of withstanding continuous exposure to the elements and the conditions of an urban environment.

E. **Sign Maintenance**
It shall be unlawful for any owner of record, lessor, lessee, manager, agent, or other person having lawful possession or control over a building, structure, or parcel of land to fail to maintain the property and all signs in compliance with the Zoning Code. Failure to maintain a sign constitutes a violation of this Division, and shall be subject to enforcement action in compliance with the provisions of Division 10-20.110 (Enforcement).

1. **Maintenance**
All signs, whether or not in existence prior to adoption of this Division, shall be maintained. Maintenance of a sign shall include periodic cleaning, replacement of flickering, burned out or broken light bulbs or fixtures, repair or replacement of any faded, peeled, cracked, or otherwise damaged or broken parts of a sign, and any other activity necessary to restore the sign so that it continues to comply with the requirements and contents of the sign permit issued for its installation and provisions of this Division.

2. **Landscape Maintenance**
Required landscaped areas contained by a fixed border, curbed area, or other perimeter structure shall receive regular repair and maintenance. Plant materials that do not survive after installation in required landscape areas are required to be replaced within six months of the plant's demise or within the next planting season, whichever event comes first.

3. **Removal of Unused Sign Support Structures**
Any vacant and/or unused sign support structures, angle irons, sign poles, or other remnants of old signs which are not currently in use or proposed for immediate reuse evidenced by a Sign Permit application for a permitted sign, shall be removed. When a building mounted sign is removed, the wall shall be repaired and restored to its original condition.

4. **Obsolete Signs**
   Sign structures permitted as on-premises business signs may remain in place after the business vacates the premises, provided the sign is left non-illuminated and sign copy is removed within 30 days after the business vacates the premises. If an on-site use for the sign is not commenced within six months of the termination of the previous on-site use, the sign shall be deemed abandoned and subject to the provisions of Section 10-50.100.110 (Nonconforming Signs).

5. **Removal of Unsafe Sign Structures**
   In addition to the remedies provided in Division 10-20.110 (Enforcement), the Director shall have the authority to order the repair, maintenance, or removal of any sign or sign structure that has become dilapidated or represents a hazard to safety, health, or public welfare. If such a condition is determined by the Director to exist, the Director shall give notice by certified mail to the sign owner at the address shown on the Sign Permit, unless more recent information is available. If compliance has not been achieved within 30 days from service of notice, the Director may cause the sign to be removed or repaired, and the cost of such removal or repair will be charged to the sign owner and/or the property owner.

F. **Sign Placement at Intersection**
   Applicable requirements for the placement of signs at intersections are provided in the *Engineering Standards*, Section 13-10-006-0002 (Intersection Sight Triangles, Clear View Zones).

10-50.100.060 Permanent Signs

A. Permanent signs shall comply with the sign area, height, number, type, and other requirements of this Section and Table A (Standards for Permanent Signs by Use), except as otherwise provided in Subsections B. and C. Unless specifically indicated, Sign Permits are required for all permanent signs in accordance with Section 10-20.40.120 (Sign Permit - Permanent Signs).

Table 10-50.100.060.A: Standards for Permanent Signs by Use				
Land Use	**Allowed Sign Types**	**Number of Signs[1]**	**Max. Ht. (in ft.)**	**Max. Area (sq. ft.)**
Single-family Residential or Duplex (includes Home Occupations and Bed and Breakfasts)				
	Building Mounted	1[2]	6	6
	Freestanding	1[2]	3	6
Single-family Subdivision, Multi-family Developments, Manufactured Home Parks				
	Building Mounted	1	4	2
	Freestanding	1[3]	6	24
	Landscape Wall	1[3]	4	24
Master Planned Communities				
	Building Mounted[4]	N/A	N/A	N/A
	Freestanding	1[3] per major vehicular entrance	8	36
	Landscape Wall	1[3] per major vehicular entrance	8	36
Institutional Use in all Zones				
	Building Mounted[4]	1	6	24
	Freestanding	1[3]	4	32
	Landscape Wall	1[3]	4	32
Non-Residential Use in Commercial or Industrial Zone – Live/Work, Single Tenant Building, and Detached Buildings within a Multi-Tenant Development or Shopping Center[5]				
	Building Mounted – Single Frontage[4]	Limited by max. sign area	25	1 sq. ft. to 1 linear ft. of primary building frontage - 100 sq. ft. max.
	Building Mounted – Multiple Frontages[46]	Limited by max. sign area	25	1 sq. ft. to 1 linear foot of primary building frontage – 100 sq. ft. max. 1 sq. ft. to 0.5 linear foot of auxiliary building frontage – 80 sq. ft. max.
	Freestanding Type A	Limited by frontage line length	8	32
	Freestanding Type B	Limited by frontage line length	6	24
Non-Residential Use in Commercial or Industrial Zone – Multi-Tenant Buildings, Development Sites, and Shopping Centers[5]				
	Building Mounted – Single Frontage[4]	Limited by max. sign area	25	1 sq. ft. to 1 linear ft. of primary building frontage - 100 sq. ft. max.

Table 10-50.100.060.A: Standards for Permanent Signs by Use				
Land Use	**Allowed Sign Types**	**Number of Signs[1]**	**Max. Ht. (in ft.)**	**Max. Area (sq. ft.)**
Non-Residential Use in Commercial or Industrial Zone – Multi-Tenant Buildings, Development Sites, and Shopping Centers[5]				
	Building Mounted – Multiple Frontages[4,6]	Limited by max. sign area	25	1 sq. ft. to 1 linear foot of primary building frontage – 100 sq. ft. max. 1 sq. ft. to 0.5 linear foot of auxiliary building frontage – 80 sq. ft. max.
	Freestanding Type A	Limited by frontage line length	10	40
	Freestanding Type B	Limited by frontage line length	8	32

End Notes

[1] Number of signs per development site or parcel.

[2] Either 1 building mounted or 1 freestanding sign permitted.

[3] Either 1 freestanding or 1 landscape wall sign permitted.

[4] The area of signs painted onto the wall of a building may be increased by 10% (See Table 10-50.100.060.C).

[5] Signs for single- and multi-tenant buildings or developments that contain elements exceeding the otherwise applicable area or height standards may only be approved in accordance with Sections 10-50.100.070 (Comprehensive Sign Programs) and 10-50.100.080 (Sign Design Performance Standards).

[6] Multiple frontages include corner buildings or buildings with two or more frontages.

B. **Signs for Residential Uses in All Zones**

1. Building mounted and freestanding signs for detached single-family residences and duplexes are allowed without a Sign Permit. The standards in Table 10-50.100.060.A (Standards for Permanent Signs by Use) shall apply.

2. Building mounted, freestanding, and landscape wall signs for single-family subdivisions, multi-family developments and Manufactured Home Parks are allowed with a Sign Permit subject to the standards established in Table 10-50.100.060.A (Standards for Permanent Signs by Use).

C. **Signs for All Non-residential Uses in All Zones**

1. Building mounted, freestanding, and landscape wall signs for institutional uses in all Zones are allowed with a Sign Permit subject to the standards established in Table 10-50.100.060.A (Standards for Permanent Signs by Use).

2. Building mounted and freestanding signs for all other non-residential uses in all Zones, including single tenant buildings, live/work units, detached buildings within a multi-tenant development or shopping center, and multi-tenant buildings, development sites, or shopping centers are allowed with a Sign Permit subject to the standards established in Table 10-50.100.060.A (Standards for Permanent Signs by Use).

3. **Hotel and Motel Room Rate Signs**
Signs for hotels and motels that post room rates on an outdoor advertising sign shall comply with the requirements of City Code Chapter 3-04 (Motels and Hotels).

4. **Standards for Specific Sign Types**

   a. All signs shall comply with the following standards. Each sign type listed in this Section shall be included in the calculation of the total sign area allowed on a parcel or development site by this Section, except as explicitly provided otherwise in this Subsection. Each sign shall also comply with the sign area, height, and other requirements of Section 10-50.100.050 (General Requirements for All Signs), and all other applicable provisions of this Division. Any non-commercial message may be substituted for the sign copy on any commercial sign allowed by this Division.

   b. The following sign types are permitted, subject to the criteria listed under each sign type.

      (1) **Awning Sign**

         (a) Awning Signs are not permitted in residential zones.

         (b) The standards provided in Table B (Standards for Awning Signs) shall apply.

Table 10-50.100.060.B: Standards for Awning Signs

	Standard	Other Requirements
Sign Area – (Copy, including logo)	1 sq. ft. of sign area per lineal foot of awning width. Included in the total allowable sign area for building mounted signs.	
Mounting Height	Max. 25 feet for ground floor awnings. Min. of 8 feet from the bottom of the awning to the nearest grade or sidewalk.	
Sign Placement	Only above the doors and windows of the ground floor of a building. An awning shall not project above, below or beyond the edges of the face of the building wall or architectural element on which it is located.	

	Displayed only on the vertical surface of an awning. Sign width shall not be greater than 60% of the width of the awning face or valance on which it is displayed[1].
Valance Height	Max. 6 inches
Setback from Back of Curb	Min. 18 inches
Illumination	Not permitted.
Permitting	Sign Permit is required.

End Notes

[1]If an awning is placed on multiple store fronts, each business is permitted signage no greater than 60 percent of the store width or tenant space.

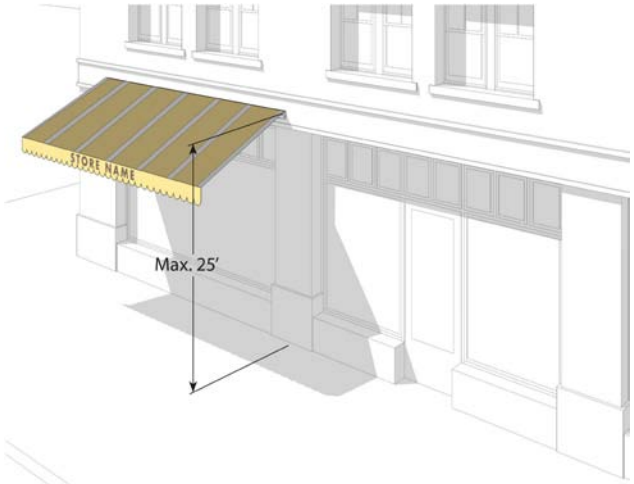


Figure A. Awning Sign

(2) **Building Mounted Sign**

(a) The standards provided in Table C. (Standards for Building Mounted Signs) shall apply to building mounted signs in all zones where allowed by Table 10-50.100.060.A. (Standards for Permanent Signs by Use).

Table 10-50.100.060.C: Standards for Building Mounted Signs

	Standard
Sign Area	See this Section and Table A (Standards for Permanent Signs by Use).
Mounting Height	See Table A (Standards for Permanent Signs by Use).
Sign Placement	The total sign area for signs on single-tenant or multi-tenant buildings may be placed on any building elevation, except:

Table 10-50.100.060.C: Standards for Building Mounted Signs	
	Standard
	(1) At least 1 sign shall be associated with the building entry zone[1] (may be wall mounted, projecting, awning, etc.). (2) No sign shall face an adjoining residential zone. (3) Signs shall be placed the lesser of 12 inches or 20% of the width and height of the building element on which they are mounted. The width of the sign shall not be greater than 60% of the width of the building element on which it is displayed. Individual tenants in multi-tenant buildings are permitted building mounted signs only on the primary entrance elevation of the space occupied by the business. If vertically placed on a mansard roof, structural supports shall be minimized, and secondary supports (angle irons, guy wires, braces) shall be enclosed/ hidden from view.
Total Allowable Sign Area	Max. sign area for businesses with multiple frontages, and all building elevations on a single stand-alone business is 200 sq. ft., subject to the provisions of this Section, including Sections 10-50.100.070 and 10-50.100.080.
2 or more Businesses Served by a Single Common Building Entrance	Considered 1 business for sign computation purposes; max. of 1.5 sq. ft. for each linear foot of building frontage of the entrance.
Sign for Non-Customer Service Entry	Max. 1 non-illuminated building mounted sign; max. 6 sq. ft. in area; must be located adjacent to the entry.
Illumination	Permitted - See Section 10-50.100.050.C; except for single-family residences and duplexes.
Permitting	Sign Permit is required, except for single-family residences and duplexes.
Special Provisions	
Single Business with 1 Frontage – Increased Sign Area	Additional sign area is permitted if the owner forgoes display of a freestanding sign permitted for the site, to a max. of 1.5 sq. ft. per linear foot of building frontage, to a max. sign area of 100 sq. ft.[2,3]
Corner Sign Area Incentive	Additional sign area is permitted for a sign mounted on the corner of a building and associated with a primary corner entrance; determined by adding 50% of the allowed sign area for the primary building frontage and 50% of the allowed sign area for the auxiliary building frontage (included in the total allowable sign area for building mounted signs).
Single Business with 2 or more Frontages - Increased Sign Area	Additional sign area is permitted for one or both building mounted signs if the owner forgoes display of one or both freestanding signs permitted for the site, to a max. of 1.5 sq. ft. per linear foot of building frontage along each street

Table 10-50.100.060.C: Standards for Building Mounted Signs	
	Standard
	where no freestanding sign will be displayed, up to a max. sign area of 100 sq. ft. per building frontage.[2,3]
Additional Increases in Sign Area (Section 10-50.100.080 (Sign Design Performance Standards))	Additional sign area may be sought under Section 10-50.100.080 (Sign Design Performance Standards), but is limited to a max. sign area of 100 sq. ft.
Painted Wall Signs	Painted wall signs are permitted on any exterior building wall of an individual tenant space or building. Painted wall signs shall be included in the total allowable area for building mounted signs. The allowable area for a painted wall sign shall be increased by 10%. Shall be professionally painted. Non-illuminated or externally illuminated with down directed, fully shielded fixtures only.

End Notes

[1] Building entries in this context do not include service entries or separate doors for lodging rooms.

[2] Requests to use this provision are reviewed under the normal Sign Permit application procedure, in accordance with Section 10-20.40.120 (Sign Permit - Permanent Signs).

[3] A release of rights to a freestanding sign for the duration of use of a larger building mounted sign is required with a Sign Permit, evidenced by a recordable form of acceptance signed by the property owner.

Figure B. Standards for Building Mounted Signs

(3) **Canopy Sign**

(a) Canopy Signs are not permitted in residential zones.

(b) The standards provided in Table D (Standards for Canopy Signs) shall apply.

Table 10-50.100.060.D: Standards for Canopy Signs

	Standard	Other Requirements
Sign Area – (Copy, including logo)	1 sq. ft. of sign area per lineal foot of canopy width.	Included in the total allowable sign area for building mounted signs.
Mounting Height	Max. 25 feet on ground floor canopies. Min. of 8 feet from the bottom of the canopy to the nearest grade or sidewalk.	
Sign Placement	Only above the doors and windows of the ground floor of a building. A canopy shall not project beyond the edges of the face of the building wall or architectural element on which it is located. Shall not extend horizontally a distance greater than 60% of the width of the canopy on which it is displayed[1].	
Setback from Back of Curb	Min. 18 inches	
Illumination	Internal illumination only for the letters or logos mounted on a canopy. May also be non-illuminated.	
Permitting	Sign Permit is required.	

End Notes

[1]If a canopy is placed on multiple store fronts, each business is permitted signage no greater than 60 percent of the store width or tenant space.

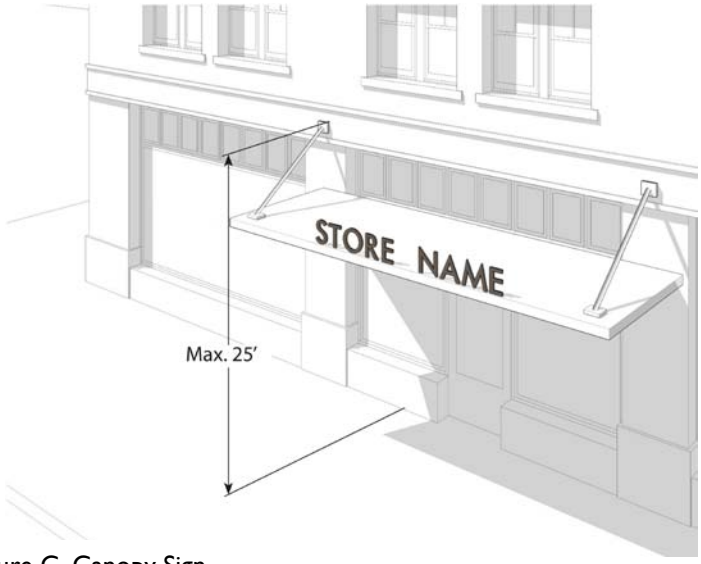


Figure C. Canopy Sign

(4) **Changeable Copy Sign**
The standards provided in Table E (Standards for Changeable Copy Signs) shall apply.

Table 10-50.100.060.E: Standards for Changeable Copy Signs

	Standard
Sign Area	Max. of 20% of the total building mounted sign area (does not apply to signs required by law). Changeable copy sign area is included in the total allowable sign area.
Sign Placement	Permitted only as an integral part of a building mounted sign or a freestanding sign.
Background Color and Illumination	Illumination permitted - See Section 10-50.100.050.C (Sign Illumination), except that a white, off-white, or cream background is permitted.
Permitting	Sign Permit is required.

Figure D. Changeable Copy Sign

(5) **Directional Sign**

(a) Directional signs are only permitted as part of a Comprehensive Sign Program, and are exempted from the total allowable sign area permitted for each use.

(b) The standards provided in Table F (Standards for Directional Signs) shall apply.

Table 10-50.100.060F: Standards for Directional Signs

	Standard	Other Requirements
Sign Area	3 sq. ft. per face.	May be double-sided. Included in the total allowable sign area for building mounted signs.
Mounting Height – Building Mounted Sign	Max. 8 feet.	Flat against a wall of the building.
Mounting Height – Freestanding Sign	Max. 3 feet from grade.	
Number of Signs	Max. 1 at each driveway or drive through.	
Illumination	Internal illumination only.	May also be non-illuminated.
Permitting	Sign Permit is required.	

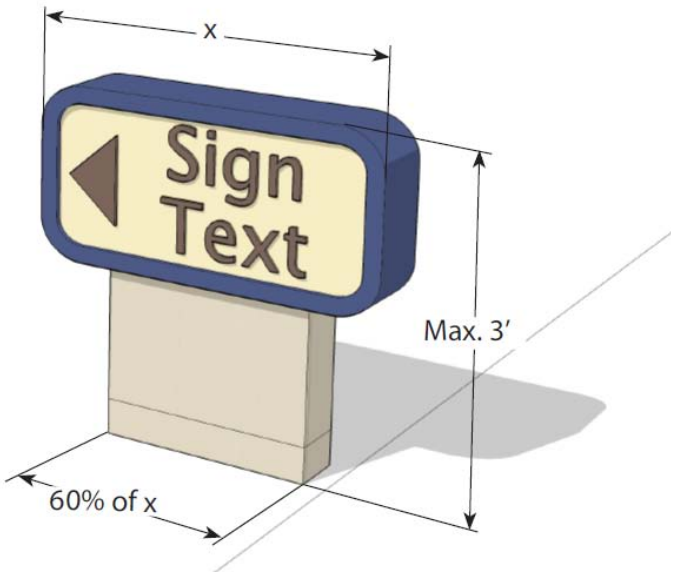


Figure E. Directional Sign

(6) **Directory Sign**
The standards provided in Table G (Standards for Directory Signs) shall apply.

Table 10-50.100.060.G: Standards for Directory Signs

	Standard	Other Requirements
Sign Area	Signs ≤ 16 sq. ft. and not visible from the public right-of-way are not included in the total allowable sign area.	Signs > 16 sq. ft. in area or visible from the public right-of-way are counted in the total allowable sign area.
Mounting Height	Max. 12 feet.	
Freestanding Sign Height	Max. 6 feet.	
Sign Placement	Building mounted preferred; may be mounted on a low profile freestanding sign structure.	Shall be associated with the building entry zone of the businesses within a multi-tenant development, and/or within pedestrian-oriented open spaces.
Illumination	Non-illuminated, internally illuminated, or indirectly illuminated. See Section 10-50.100.050.C.	
Permitting	Sign Permit is required.	

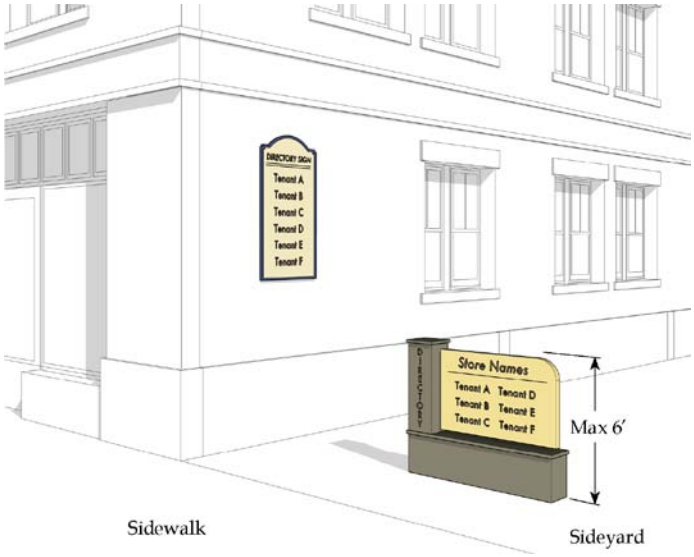


Figure F. Directory Sign

(7) **Freestanding Sign**

(a) The number and type of freestanding signs allowed for single and multiple tenant uses are derived from the use, zone, location, and length of development site frontage as outlined in this Section and Table A (Standards for Permanent Signs by Use).

(b) Sign types are classified as "Type A" and "Type B" based on street designations established and mapped in the General Plan (See Appendix 8 (List of Major Arterial Streets)). These classifications are used to determine the number of signs allowed on a development site and their permitted size and height. Type A signs are allowed on street frontages longer than 100 feet on major arterials, while Type B signs are allowed on street frontages less than 100 feet on minor arterials or smaller street types.

(c) A freestanding sign may consist of more than one sign panel provided all such sign panels are consolidated into one common integrated sign structure. In the event a sign is installed that does not utilize the maximum sign area permitted, any supplemental additions shall comply with, and be compatible with, the existing sign structure.

(d) The standards provided in Table H (Standards for Freestanding Signs) shall apply.

Table 10-50.100.060.H: Standards for Freestanding Signs		
Non-Residential Use in Commercial or Industrial Zone – Live/Work, Single Tenant Building, Multi-Tenant Buildings, Development Sites, Shopping Centers, and Detached Buildings within a Multi-Tenant Development or Shopping Center		
Standard		
Sign Area	See this Section and Table A (Standards for Permanent Signs by Use).	
Sign Height	See this Section and Table A (Standards for Permanent Signs by Use). Elements to enhance the design of a sign structure may extend above the sign to a max. of 20% of the sign's allowed height.	
Number and Type of Signs	Determined by the length of the development site frontage line.[1 3]	
Street Type[2]	**Major arterials.**	**Minor arterials or other streets.**
Frontage line of ≤100 ft.	Max. 1 Type B Sign.	Max. 1 Type B Sign.
Frontage line >100 ft. but <500 ft.[2]	Max. 1 Type A Sign.	Max 1 Type B Sign.
Frontage line ≥500 ft.[2]	Max. 1 Type A Sign and Max. 1 Type B Sign, but the combined area of the Type A and Type B signs shall not exceed the maximum area permitted in Table 10-50.100.060.A.[3] Must be separated by min. 150 ft. measured on the street frontage line.	
Special Provisions	**Standard**	
Sign Width	The sign base shall have a min. aggregate width of 60% of the width of the sign cabinet or face.	
Sign Placement	Freestanding signs may only be placed on the street frontage line on which the sign is authorized in accordance with this Section and	

Table 10-50.100.060.H: Standards for Freestanding Signs

	Table A (Standards for Permanent Signs by Use), and not interstate highways. On a development site where more than 1 freestanding sign is permitted, signs are not transferable in whole or in part, from 1 street frontage to another. Flag lot sites with frontage on a public street are permitted 1 sign on the frontage providing primary access to the site.
Name of Shopping Center or Development Site	The name of a shopping center or development site is exempt from the area and height limits for freestanding signs; it may have a max. height of 2 feet and be no wider than the width of the sign.
Setbacks	Min. of 5 feet from the street side property line. Min. of 15 feet from any interior side lot line. Min. of 30 feet from any residential zone.
Single or Multi Tenant Development Site with Corner Location – Increased Sign Area[1][2]	When only 1 freestanding sign is proposed where 2 are permitted, the allowable sign face area may be increased to a max. of 35% over the largest freestanding sign permitted in Table A (Standards for Permanent Signs by Use). A sign located at a corner is permitted in compliance with *Engineering Standards*, Section 13-10-006-0002 (Intersection Sight Triangles, Clear View Zones).
Additional Increases in Sign area	Increases in allowable sign area granted under Section 10-50.100.080 (Sign Design Performance Standards) shall not be greater than 50% of the largest area permitted for freestanding signs in Table A (Standards for Permanent Signs by Use).
Landscaping	A landscaped area consisting of shrubs, and/or perennial ground cover plants with a max. spacing of 3 feet on center is required around the base of all freestanding signs. The landscape area must be a min. of 2 ½ sq. ft. for each 1 sq. ft. of sign area. Where appropriate, trees required under Division 10-50.60 (Landscaping Standards) shall be planted in a manner to frame or accent the sign.
Illumination	Permitted - See Section 10-50.100.050.C.; except for single-family residences and duplexes.
Permitting	Sign Permit is required, except for single-family residences and duplexes.

End Notes

[1] For development sites with frontage on more than 1 street, the signage for each street shall be determined by the length of each individual frontage line of the site.

[2] For multi-tenant buildings, developments sites, or shopping centers only, the frontage line length standard is reduced from 500 feet to 400 feet.

[3] Refer to Section 10-20.60.110 (Nonconforming Signs) if an existing nonconforming sign is present.

[4] A Sign Permit issued under this provision requires a release of rights to additional freestanding signs for the duration of use of the single larger sign, evidenced by a recordable form of acceptance signed by the property owner.

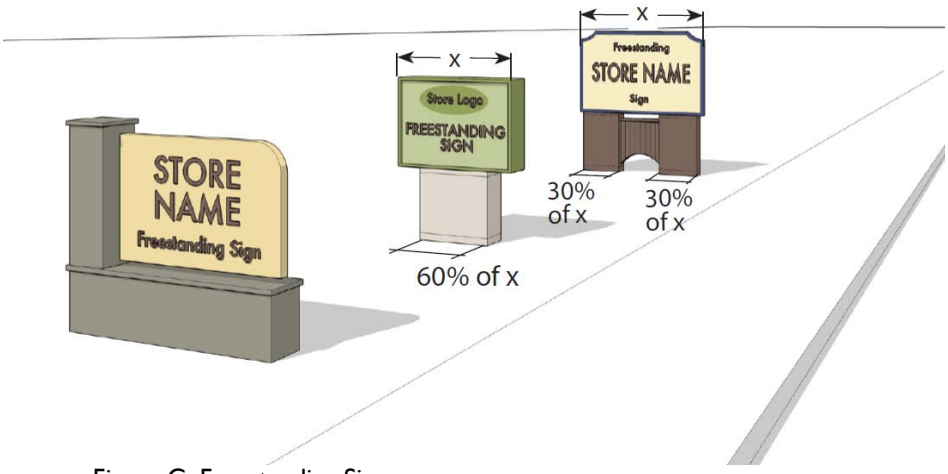


Figure G. Freestanding Sign

(8) **Interpretative Sign**
The standards provided in Table I (Standards for Interpretative Signs) shall apply.

Table 10-50.100.060.I: Standards for Interpretive Signs

	Standard	Other Requirements
Sign Area		
Low-profile sign	Max. 6 sq. ft.	Not included in the total allowable sign area for freestanding signs.
High-profile sign	Max. 12 sq. ft.	Max. of 3 high-profile signs may be combined as 1 sign panel.
Height		
Low-profile sign	Max. 3 feet from grade.	
High-profile sign	Max. 7 feet from grade.	
Sign characteristics	Pedestrian scaled and oriented. Context sensitive design. Shall not include advertising for any facility of organization. Shall not direct a reader to another site, event, or subject.	
Number of Signs	No limit.	
Illumination	Not permitted.	
Permitting	Sign Permit is required.[1]	

End Notes

[1] Interpretive signs for environmental purposes shall be submitted for content review by the Open Spaces Commission and interpretive signs for heritage, cultural, or historic purposes shall be submitted for content review by the Heritage Preservation Commission prior to staff review.

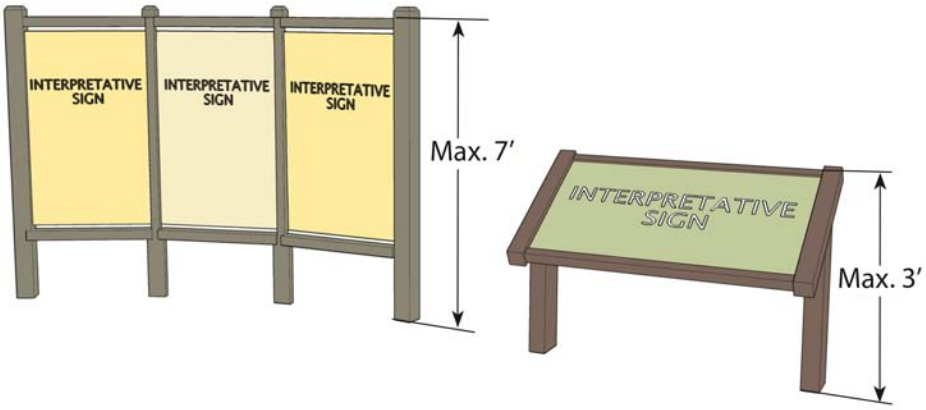


Figure H. High-profile and Low-profile Interpretative Sign

(9) **Landscape Wall Sign**
The standards provided in Table J (Standards for Landscape Wall Signs) shall apply.

Table 10-50.100.060.J: Standards for Landscape Wall Signs

	Standard	
Sign Area	Non-Residential Use in Commercial or Industrial Zone	Max. 24 sq. ft.
	Single-family Subdivision, Multi-family Developments, or Manufactured Home Parks	Max. 24 sq. ft.
	Master Planned Communities	Max. 36 sq. ft.
	Institutional Uses in All Zones	Max. 32 sq. ft.
	Landscape Wall Signs are included in the total allowable sign area for building mounted signs. May also be considered a freestanding sign, e.g. when used as a subdivision entry sign.	
Height of Landscape Wall	Max. 5 feet. from grade.	
Mounting Height	The sign copy shall be a min. of 6 inches below the top of the wall and 12 inches above ground level. Signs shall not project above or beyond the top or sides of the landscape wall.	
Number of Signs	Multiple signs are permitted to a maximum of 24 sq. ft., and sign(s) shall not cover more than 40% of the landscape wall's background area.	
Sign Placement	Perimeter/screen walls and all signs located at a corner shall comply with *Engineering Standards*, Section 10-06-020 (Intersection Sight Triangles, Clear View Zones), unless the wall on which the sign is located is less than 30 inches in height.	
Illumination	Permitted - See Section 10-50.100.050.C.	
Permitting	Sign Permit is required.	

Figure I. Landscape Wall Sign

(10) **Projecting Sign**
The standards provided in Table K (Standards for Projecting Signs) shall apply.

Table 10-50.100.060.K: Standards for Projecting Signs

	Standard
Sign Area	Max. 16 sq. ft. (included in the total allowable sign area for building mounted sign area).
Mounting Height	Min. of 8 feet from the bottom of the sign to the nearest grade or sidewalk.
Number of Signs	Max. 1 per business.
Maximum Projection	Shall extend a max. of 4 feet from the building.
Illumination	Non-illuminated or externally illuminated with down directed, fully shielded fixtures only.
Permitting	Sign Permit is required.

Figure J. Projecting Sign

(11) **Roof Mounted Sign**
The standards provided in Table L (Standards for Roof Mounted Signs) shall apply.

Table 10-50.100.060.L: Standards for Roof Mounted Signs

	Standard	Other Requirements
Sign Area	See Table A (Standards for Permanent Signs by Use).	Such signs are included in the total allowable sign area for building mounted signs.
Mounting Height	Max. 25 feet from grade.	
Number of Signs	See Table A (Standards for Permanent Signs by Use).	
Sign Placement	Permitted on sloped roof buildings only where no walls exist to accommodate a building mounted sign. Only on the lowest 1/3 of the slope of the roof, such that the sign does not project above the roof peak or break the silhouette of the building as viewed from the front of the sign face.	
Installation	Roof mounted signs shall be installed so that the structural supports of the sign are minimized. Angle irons, guy wires, braces or other secondary supports shall appear to be an integral part of the roof or roof sign.	
Illumination	Permitted – See Section 10-50.100.050.C.	
Permitting	Sign Permit is required.	

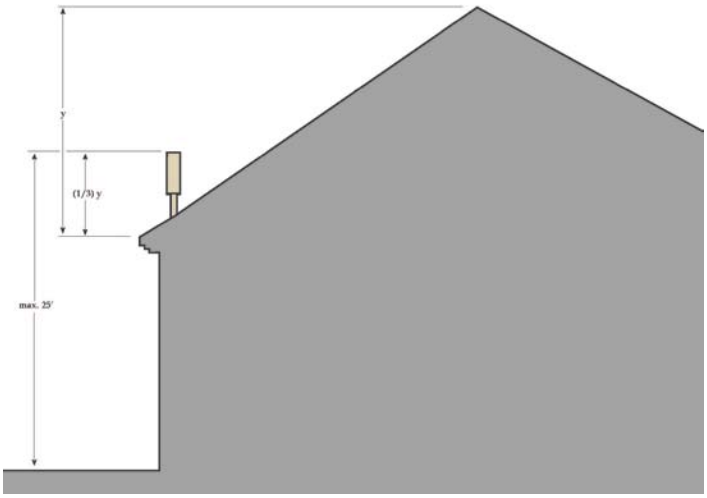


Figure K. Roof Mounted Sign

(12) **Service Island Canopy Sign**
The standards provided in Table M (Standards for Service Island Signs) shall apply.

Table 10-50.100.060.M: Standards for Service Island Canopy Signs	
	Standard
Sign Area	Included in the total allowable building mounted sign area – See Table 10-50.100.060.C.
Illumination	Permitted - See Section 10-50.100.050.C.
Permitting	Sign Permit is required.

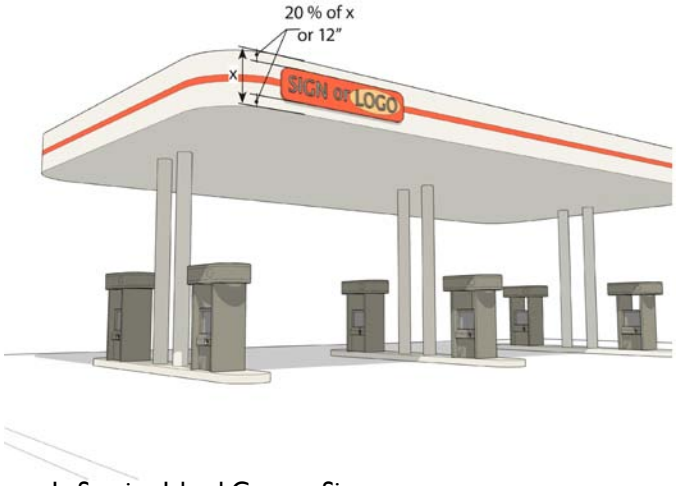


Figure L. Service Island Canopy Sign

(13) **Suspended Sign**
The standards provided in Table N (Standards for Suspended Signs) shall apply.

Table 10-50.100.060.N: Standards for Suspended Signs		
	Standard	**Other Requirements**
Sign Area	Signs ≤ 4 sq. ft. are not included in the total allowable sign area for building mounted sign area.	Signs > 4 sq. ft. in area are included in the total allowable building mounted sign area.
Sign Placement	On or immediately adjacent to the business the sign identifies.	Min. of 8 feet from the bottom of the sign to nearest grade/sidewalk. Sign shall not extend beyond the edge of the building façade or overhang on which it is placed.
Number of Signs	Max. 1.	
Illumination	Permitted - See Section 10-50.100.050.C.	
Permitting	Sign Permit is required.	

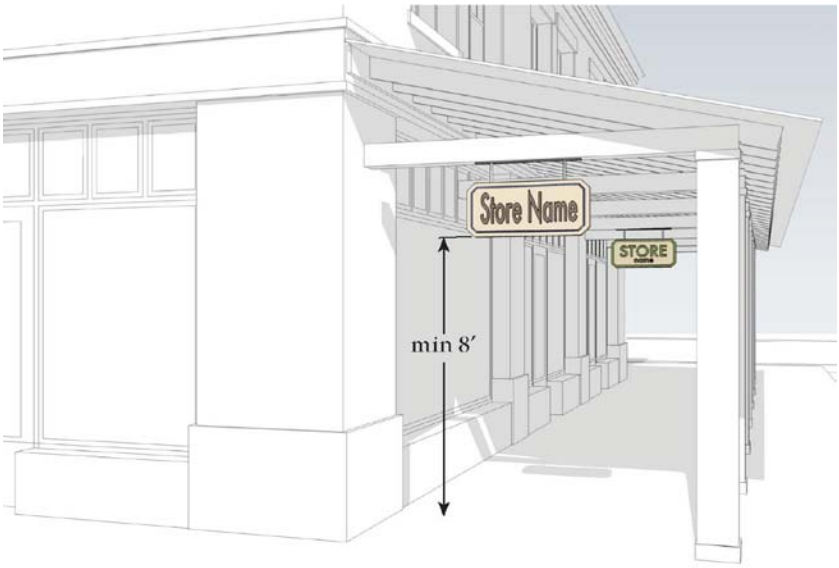


Figure M. Suspended Sign

(14) **Window Sign**
The standards provided in Table O (Standards for Permanent Window Signs) shall apply.

Table 10-50.100.060.O: Standards for Permanent Window Signs

	Standard	Other Requirements
Sign Area	Area of temporary and permanent window signs combined shall not exceed 25% of the area of the window on or within which they are displayed.	Combined window coverage shall not exceed 25% of the area of any 1 window. Signs constructed of perforated vinyl or painted on the window shall be included as part of the 25% area calculation. Permanent window signs are included in the total allowable sign area for building mounted signs.
Sign Placement	No higher than 1st story windows.	Inside mounting preferred.
Illumination	Neon illumination only.	
Permitting	Sign Permit is required.	

Figure N. Window Sign

(14) **Other Sign Types**
The standards provided in Table P (Standards for Other Sign Types) shall apply.

Table 10-50.100.060.P: Standards for Other Sign Types

	Standard	Other Requirements
Drive Through Menu Board and Confirmation Signs		
Sign Area	Menu Board = Max. 40 sq. ft. Order Confirmation Board = Max. 2 sq. ft.	If the sign area for both signs combined is greater than 42 sq. ft., the sign area is included in the total allowable building mounted sign area.
Sign Placement	One each per drive though lane	
Illumination	Internally illuminated only.	
Permitting	No Sign Permit required.	
Fuel Pump Signs		
Sign Dimensions	Max. 1.5 ft. high and ≤ the width of the fuel pump.	Sign area is excluded from the total allowable building sign area.
Sign Placement	Max one fuel pump sign per fuel pump.	1 fuel pump topper sign, max. 2 sq. ft., per fuel pump also permitted.
Illumination	Internally illuminated only.	
Permitting	No Sign Permit required.	

Table 10-50.100.060.P: Standards for Other Sign Types		
	Standard	**Other Requirements**
Menu Display Box		
Sign Area	4 sq. ft.	If > 4 sq. ft., area is included in the total allowable building mounted sign area.
Sign Placement	On a wall or within a window of the bar or restaurant it serves.	Designed to be architecturally compatible with the building.
Illumination	Non-illuminated or externally illuminated with down directed, fully shielded fixtures only.	
Permitting	No Sign Permit required for menu display box ≤ 4 sq. ft.	Sign Permit required for menu display box > 4 sq. ft.
Open Sign		
Sign Area	Max. 2 sq. ft.	Not included in the total allowable building mounted sign area.
Sign Placement	Max. 1 sign per business.	
Illumination and Display	Fixed copy or display only – no flashing, scrolling, blinking, or moving text or images.	
Permitting	No Sign Permit required.	
Vending Machine and Similar Facilities		
Sign Area	When placed outside of a business, signs that are an integral part of such machines shall be included in total allowable building mounted sign area.	
Permitting	No Sign Permit required.	

10-50.100.070 Comprehensive Sign Programs

A. **Purpose**

1. The purpose of this Section is to provide a process to respond to special signage needs for proposed or existing multi-family residential and non-residential uses, as well as to provide sign design incentives that promote superior sign design, materials, and methods of installation.

2. A Comprehensive Sign Program provides non-residential and multi-family residential uses with flexibility to develop innovative, creative and effective signage and to improve the aesthetics of the City. This program also provides an alternative to minimum standard signage subject to sign design performance standards.

B. **Applicability**
Comprehensive Sign Programs apply to proposed or existing non-residential and multi-family residential uses as follows:

1. A Comprehensive Sign Program is required for:

   a. All proposed non-residential single-tenant, multi-tenant, or multi-story developments, and residential master planned communities; and

   b. Existing non-residential multi-tenant uses, when:

      (1) A building addition and/or an increase of use is proposed in terms of gross floor area, seating capacity, or other units of measurement indicating an intensification of use of 25 percent or more; or

      (2) An exterior structural remodeling of the building facade is proposed which affects signage.

2. A Comprehensive Sign Program may voluntarily be developed and maintained by the owner, applicant, or representative of any new or existing non-residential and multi-family residential use, when the owner, applicant or representative seeks allowed adjustments under Section 10-50.100.080 (Sign Design Performance Standards). Any adjustments authorized under a Comprehensive Sign Program using the Sign Design Performance Standards apply to all building mounted signs and freestanding signs within the boundaries of the subject site.

C. **Review**

1. Applications for a Comprehensive Sign Program, including a Comprehensive Sign Program that utilizes the sign design performance standards provided in Section 10-50.100.080 (Sign Design Performance Standards), shall be reviewed by the Director.

2. All Comprehensive Sign Program submittals shall be reviewed for compliance with the requirements of this Division, and the Director shall either approve, conditionally approve, or deny the proposed Comprehensive Sign Program. Following approval by the Director, a copy of the approved Comprehensive Sign Program will be made available to the applicant. Individual signs for multi-tenant developments included within the approved Comprehensive Sign Program are subject to the issuance of separate Sign Permits in compliance with this Division. A Comprehensive Sign Program for a single-tenant development requires only one sign permit.

3. The Planning Commission shall review all Comprehensive Sign Programs that request an increase in allowable sign height and area beyond the limits established in Section 10-50.100.080 (Sign Design Performance Standards) for freestanding signs for multi-tenant buildings or shopping centers.

D. **Supplemental Provisions**

1. Modifications to an approved Comprehensive Sign Program may be requested in compliance with the procedures set forth in this Section.

2. No sign identified in this Section may be placed upon real property without the consent of the real property owner(s), who shall either sign and submit the application for a Comprehensive Sign Program or designate in writing an authorized representative.

3. A Comprehensive Sign Program may be implemented in phases.

E. **Submittal Requirements**
A complete application for Comprehensive Sign Program review and approval is required following, or in conjunction with, the approval of the required site plan for the development, and prior to issuance of a building permit. The application shall be signed by the property owner(s), and/or their authorized agent(s), if appropriate, of the property covered by the Comprehensive Sign Program, and shall include the following:

1. An accurate site plan of the overall development, including all parcels included within the multi-tenant development or master planned community, at a scale determined by the Director;

2. The location and sizes of existing and proposed buildings, parking lots, driveways, streets and landscaped areas of the development;

3. The size, location, height, color, lighting source, and orientation of all proposed signs for the development, with a computation of sign area for each sign type;

4. A complete set of sign standards, including but not limited to, style, colors, type(s), placement, letter size, and number of signs and sign material(s);

5. A narrative description of the development to demonstrate that the sign program meets the required findings and/or sign design standards;

6. A non-refundable sign permit fee as provided in Appendix 2 (Planning Fee Schedule); and

7. Any other information deemed necessary to meet the findings noted above.

F. **Individual Signs Authorized by an Approved Comprehensive Sign Program**
Sign Permits, which must be obtained in compliance with Section 10-20.40.120 (Sign Permit - Permanent Signs), are required for individual signs authorized by an approved Comprehensive Sign Program, provided:

1. The signs comply with all applicable conditions of the approved Comprehensive Sign Program;

2. Sign Permit applications are submitted within a time period specified as part of the conditions of the content or review of the Comprehensive Sign Program, where applicable; and

3. Sign Permit applications are submitted prior to any subsequent amendment to this Division which is more restrictive than provisions existing when the Comprehensive Sign Program was approved.

10-50.100.080 Sign Design Performance Standards

A. **Sign Design Elements**
Increases in the allowable area and/or height of certain types of signs may be approved to encourage permanent signs with design features that are preferred by the City and the community at large.

The preferred design features detailed below shall apply to both freestanding and building mounted signs subject to the limitations in Subsection B. These preferred design features are in addition to the base maximum area and height limitations described in Table 10-50.100.060.A (Standards for Permanent Signs by Use). In addition, all signs located in multi-tenant centers are required to comply with the center's comprehensive sign program, if such a plan has been approved by the City.

1. **Raised Letter Signs**
This standard encourages the use of individual lettered business and logo design, or where appropriate, signs containing copy, logo and/or decorative embellishments in relief on the face of the sign. Such improved sign design enhances the readability of sign copy and projects a positive image of the business or use. A sign area and/or height increase as established in Table A (Percentage Increases for Design Features Used) may be approved for sign designs that display either:

   a. Pan channel letters without raceways, or internal/indirect halo illuminated channel letters on an unlit or otherwise indistinguishable background on a freestanding sign or building wall; or

   b. Where appropriate, carved signs with a three-dimensional textured surface that is integral to its design, such as extensively carved, routed and/or sandblasted signs containing the business name and/or logo.

Figure A: Raised Letter Sign

Figure B. Carved Sign

2. **Simplified Letter and/or Logo Copy**
   The purpose of this standard is to encourage easily recognizable business identification while simplifying the appearance of the city streetscape. A sign area and/or height increase, as established in Table A (Percentage Increases for Design Features Used), may be approved for the signs utilizing this design standard.

3. **Sign Structure Materials**
   This standard encourages the use of native or natural materials in the construction of sign structures, resulting in improved and innovative sign design and an improved image of the business or development to which it refers. A sign area and/or height increase as established in Table A (Percentage Increases for Design Features Used) may be approved for the sign designs in which a minimum of 75 percent of the sign structure and face are constructed of native or natural materials, including malpais

rock, flagstone, river rock, redwood, cedar, treated pine, used brick, and/or unpainted or unfinished non-reflective metals.

Figure C. Sign Structure Materials

4. **Sign Structure which Blends with the Development Site**
This standard encourages the incorporation of a sign and sign structure into a major element of a building façade or significant landscape feature, resulting in the creation of a unique image for the development or premises on which it is located. A sign area and/or height increase as established in Table A (Percentage Increases for Design Features Used) may be approved for the sign designs that integrate major architectural elements or details of the development site into the building façade for a building mounted sign, or the support structure for a freestanding sign.

Figure D. Sign Structure which Blends with Development Site

5. **Freestanding Signs of Reduced Height**
This standard encourages the reduction of the overall height of freestanding signs the limitations of which are established in Table 10-50.100.060.H (Standards for Freestanding Signs), while maintaining sign and site compatibility and improving the image of the business or development. See Table A (Percentage Increases for Design Features Used) for percentage increases allowed.

Table 10-50.100.080.A: Percentage Increases for Design Features Used				
Single Tenant Use	**Freestanding Sign**		**Building Mounted Sign**	
	Area Increase	**Height Increase**	**Area Increase**	**Height Increase**
1. Raised Letter	15%	10%	10%	5%
2. Simplified Letter and/or Logo Copy	15%	10%	10%[1]	5%
3. Sign Structure Materials	15%	15%	10%	5%
4. Sign Structure which blends with Development Site	15%	15%	10%	5%
5. Freestanding Signs of Reduced Height	15% area increase for each 1-foot in height reduction		N/A	
Multi-Tenant Use				
1. Raised Letter	15%	10%	10%	5%
2. Simplified Letter and/or Logo Copy[2]	15%	20%	N/A	
3. Sign Structure Materials	15%	15%	10%	5%
4. Sign Structure which blends with Development Site	15%	15%	10%	5%
5. Freestanding Signs of Reduced Height	15% area increase for each 1-foot in height reduction		N/A	

End Notes

[1]Also applies to an individual occupancy within a multi-tenant building, development, or shopping center.

[2]Applies to multi-tenant building, development, or shopping center.

B. **Cumulative Adjustments**

Where more than one feature listed in Subsection A is proposed, the adjustment allowed for each individual feature is cumulative. Such sign area and/or height adjustment is measured and based upon the permitted sign area and height for the applicable site as determined in Section 10-50.100.060 (Permanent Signs) of this Division. Cumulative adjustments for sign area and sign height for freestanding and building mounted signs are provided in Table B (Cumulative Adjustments).

Table 10-50.100.080.B: Cumulative Adjustments

# of Features Used	Freestanding Signs		Building Mounted Sign	
	Area	Height	Area	Height
2	30%	20-30%[1]	20%	10%
3	45%	35-40%[1]	30%	15%
4	60%	50%	40%	20%
Standard #5 w/ Standards 1-4	Not to exceed 75% of original max. permitted sign area	N/A	N/A	N/A
Cumulative Maximum Sign Area Increase Allowed	75%	50%	50%	20%

End Notes

[1] This percentage varies depending on which design features listed in Table A are utilized.

10-50.100.090 Temporary Signs

A. **Purpose**
The Council finds that the proliferation of temporary signs is a distraction to the traveling public and creates aesthetic blight and litter that threatens the public's health, safety, and welfare. The purpose of these regulations is to ensure that temporary signs are not used to continuously advertise goods, services, or other events, and to limit the distractions to the traveling public by eliminating the aesthetic blight and litter caused by temporary signs by allowing them only in the time, place, and manner specified in this Section.

B. **General to All**

1. Temporary signs are allowed only in compliance with the provisions of this Section;

2. Unless specifically indicated, a Temporary Sign Permit is required for all temporary signs in accordance with Section 10-20.40.130 (Temporary Sign Permits). The applicable fee for a Temporary Sign Permit is established in Appendix 2 (Planning Fee Schedule).

3. Temporary signs shall not be illuminated;

4. Temporary signs associated with events restricted to a City park or other City-owned or operated public property, including streets, vacant land, and parking lots, shall be reviewed and approved by the Recreation Services Section in compliance with the Special Event Permit Policy;

5. The following elements shall be prohibited on temporary signs:

   a. Any form of illumination, including flashing, blinking, or rotating lights;

   b. Animation;

   c. Reflective materials; and

   d. Attachments, including, but not limited to, balloons, ribbons, loud speakers, etc.

6. Temporary signs are not allowed on any City property except as specifically authorized and permitted by the City. This prohibition does not apply to temporary signs held by individuals and not affixed to or placed on City property, so long as the individual holding the sign is on property determined to be a traditional public forum and the individual is not blocking ingress or egress from buildings or creating a safety hazard by impeding travel on sidewalks, bicycle and vehicle lanes, or trails;

7. Temporary signs shall not be placed in clear view zones at street intersections or driveways (Refer to Section 10-50.100.050.F (Sign Placement at Intersection)) and are not allowed within the public right-of-way, including, but not limited to, travel lanes, bicycle lanes, street shoulders, parkway strips, medians, curbs, sidewalks, and trails; and

8. The Director may remove or cause to be removed any temporary or portable sign erected or displayed upon, or projecting into public property.

C. **Specific to Commercial and Industrial Zones, Transect Zones T5 and T6, and Multi-family Residential Zones**
A summary of permitted temporary sign types permitted in this Section are listed in Table A (Summary of Permitted Temporary Sign Types) below. Table A also identifies whether temporary directional off-premise signs, temporary off-premise signs, or temporary on-premise signs are permitted.

Table 10-50.100.090.A: Summary of Permitted Temporary Sign Types

Temporary Sign Type	Off-premise Directional Sign	Off-premise Sign	On-site Sign	Section 10-50.100.090
Approved Temporary Uses	P	P[1]	P	C.1
Civic or Non-Profit Events	P	P[1]	P	C.2
City Special Event or Recreation Event	P	P[1]	P[2]	C.3
On-Premises Business Signs	--	--	P	C.4
Temporary Development/ Construction Signs	--	--	P	C.5
Sign Walkers	--	P[3]	P	C.6

End Notes

[1] Permitted only on the City's approved sign support structures.

[2] Such signs are permitted subject to the standards applicable to City Special Events.

[3] Only allowed on private property or on a public sidewalk immediately adjacent to the business or use being advertised.

Key	
P	Permitted Sign
--	Sign Not Allowed

Temporary signs on the exterior of a structure or on private property are allowed on property zoned commercial, industrial, or transect zones T5 and T6 in compliance with the following standards:

1. **Signs for Approved Temporary Uses**
   Signs displayed in connection with an approved temporary use as established in Section 10-20.40.150 (Temporary Use Permits) shall comply with the standards provided in Table B (Standards for Approved Temporary Uses at the Location of the Event).

Table 10-50.100.090.B: Standards for Approved Temporary Uses at the Location of the Event

	Standard	Other Requirements
Sign Area	Max. 24 sq. ft.	
Placement	Only on the site for which the temporary use is authorized. Securely attached to a stationary structure, canopy, fence or vehicle associated with the temporary use.	Not in public right-of-way or on public property. Shall not create a hazard for pedestrian or vehicular traffic. See Section 10-50.100.090.B.
Period of Use	Max. 7 days before an event.	
Removal	Within 1 day after event.	
Number of Signs	Max. 1 per street frontage for the approved temporary use. If the temporary use has multiple vendors, each vendor may have 1 sign, max. 12 sq. ft., and it must be located at the vendor's booth.	
Directional Signs	See Table 10-50.100.090.E	
Material	Rigid materials only.	Banners, balloons and pennants prohibited.
Illumination	Not permitted.	
Permitting	No Sign Permit required - reviewed as a part of the Temporary Use Permit for the use.	

2. **Civic and Non-Profit Event Signs**

   a. All signs advertising events organized and implemented by civic and non-profit organizations, or events for which a Special Event Permit has been approved by the Recreation Services Section, shall comply with the standards provided in Table C (Standards for Temporary Civic or Non-Profit Event Signs at the Location of the Event) and Table D (Standards for Temporary Off-Premise Signs on City Approved Sign Support Structures for City Special and Recreation Events, and Civic or Non-Profit Events).

Table 10-50.100.090.C: Standards for Temporary Civic or Non-Profit Event Signs at the Location of the Event	
	Standard
Period of Use	Max. 7 days before an event.
Removal	Shall be removed within 1 day after an event.
Sign Placement	Only on the property where the event will be held. Not in public right-of-way, street medians, or FUTS trails. Shall not create a hazard for pedestrian or vehicular traffic. See Section 10-50.100.090.B.
Mounting Height	Max. 6 feet.
Sign Area	Max. 24 sq. ft.
Number of Signs	Max. 1 per frontage.
Illumination	Not permitted.
Permitting	No Sign Permit required.

Table 10-50.100.090.D: Standards for Temporary Off-Premise Signs on City-Approved Sign Support Structures for City Special or Recreation Events, and Civic and Non-Profit Events	
Number of Events	No more than 3 events per organization per year may be advertised on City-approved sign support structures.
Period of Use	Max. 7 days before an event.
Sign Placement	Only at approved locations (See b. below).
Mounting Height	Max. 6 ft.
Sign Size and Area	Max. 3' by 8'; Max. 24 sq. ft.
Banner Details	Grommets shall be placed at each of the corners of the banner for secure attachment to the support structure. Banners shall not have brand identification, such as "Sponsored by XYZ Corporation", or a product brand across the face of the banner as a background. Logos for sponsors of the event or the banner shall be limited to max. 20% of the area of the banner.
Number of Signs	1 sign for each event per support structure, to a max. of 3 sign support structures.
Removal	Within 1 day after an event.
Illumination	Not permitted.
Permitting	No Sign Permit required – a reservation is needed for placement of a banner on a support structure. See Section 10-50.100.090.C.2.b.

b. An application may be submitted to the Director for the placement of up to three banners on City-approved sign support structures (illustrated in Figure A) for the purpose of promoting a forthcoming

civic or non-profit event, a City Recreation Services event, or an event for which a Special Event Permit has been approved by the Recreation Services Section. Placement on these structures is reserved on a first come, first serve basis up to three-months in advance of the event. The locations of the City's approved sign support structures are available on a map on file with the Planning Section.

Figure A. Civic or Non-Profit Event Sign Structure

3. **Temporary Directional Signs for City Special Events, Parks and Recreation Events, and Approved Temporary Uses**
   The standards provided in Table E (Standards for Temporary Directional Signs for City Special Events, Recreation Events, Civic and Non-Profit Events, and Approved Temporary Uses) shall apply.

Table 10-50.100.090.E: Standards for Temporary Directional Signs for City Special Events, Recreation Events, Civic and Non-Profit Events, and Approved Temporary Uses

	Standard	Other Requirements
Area	Max. 6 sq. ft.	
Height	Max. 4 feet.	
Placement	Private property only. Only allowed 1 day prior to an event.	Not in public right-of-way or on public property. Shall not create a hazard for pedestrian or vehicular traffic. See Section 10-50.100.090.B.
Removal	Within 1 day after an event.	
Number of Signs	No limit.	
Illumination	Not permitted.	
Permitting	No Sign Permit required - reviewed as part of Special Event Permit.	

4. **Temporary On-Premises Business Signs**
Temporary signs related to an on-premises business use shall be allowed, subject to the following requirements and limitations:

a. **Applicability**
Temporary business signs shall not be used to continually advertise goods, services, or events on a site. Temporary signs shall only be used for short term advertising of promotional or seasonal sales events, and for a new occupancy or use, grand opening, going-out-of-business, or a temporary event such as a farmers market or flea market.

b. **Standards for Specific Temporary Business Signs**
Standards for specific types of temporary business signs are established in Table F (Standards for Specific Temporary Business Signs). Only one of the following temporary business signs may be displayed per 150 linear feet of property frontage or part thereof at any one time, and for no longer than the maximum time allowed for temporary business signs.

Table 10-50.100.090.F: Standards for Specific Temporary Business Signs (Includes Temporary A-Frame, Wall Banner, Vertical Banner, and Temporary Window Signs)

	Maximum Duration	Other Requirements
New Occupancy or Use Sign	45 consecutive days within the first 6 months of establishment of a new occupancy or use.	Max. 1 sign per business. May not be combined with a grand opening sign. Sign to be removed when permanent sign is installed.
Grand Opening Sign	30 consecutive days.	Max. 1 sign per business. May not be displayed at the same time as a new occupancy or use sign.
Promotional or Seasonal Sales Sign[1]	Max. of 1 sign for no more than 10 consecutive days, max. 6 times per calendar year.	Only 1 permit is required per calendar year.
Going-Out-of-Business Sign	30 consecutive days.	Max. 1 sign per business. Sign to be removed when business finally closes.
A-Frame Sign used as Secondary Signage in a Multi-Tenant Shopping Center	No limitation on the number of days they may be used	Only on the walkway directly in front of the store. Shall not interfere with pedestrian travel or encroach upon a required accessible path. Not in public right-of-way, sidewalks, parking areas, driveways, or landscape areas. No Temporary Sign Permit required.

c. **Types of Temporary Signs**
Wall banners are preferred as the best option for business owners desiring to place temporary business signs. Where the placement of a wall banner is not practical due to limited visibility from a public right-of-way or other constraints a vertical banner may be permitted as an alternative to the wall banner.

(1) **Temporary A-Frame or Upright Signs**
Temporary A-frame signs including upright signs shall comply with the standards provided in Table G (Standards for Temporary A-Frame or Upright Signs).

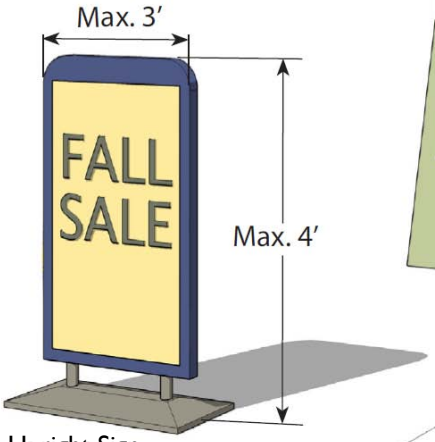


Figure B. Upright Sign

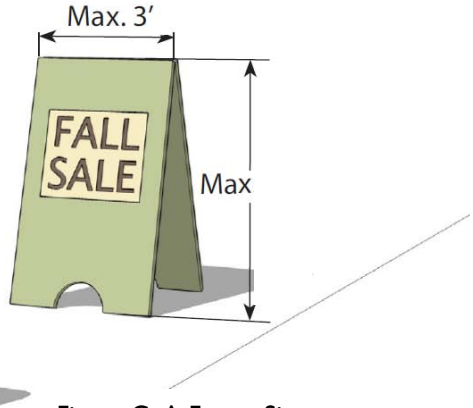


Figure C. A-Frame Sign

Table 10-50.100.090.G: Standards for Temporary A-Frame or Upright Signs

	Standard	Other Requirements
Placement	Private property only at the business location.	Not in public right-of-way or on public property. Shall not create a hazard for pedestrian or vehicular traffic. See Section 10-50.100.090.B.
Duration of use	See Table 10-50.100.090.F.	
Hours of use	Business hours only.	Removal at the close of business required.
Height	Max. 4 feet.	
Width	Max. 3 feet.	
Number of Signs	Max. 1 per business.	May either advertise a promotional/seasonal sale or be used for secondary signage.
Illumination	Not permitted.	
Permitting	Temporary Sign Permit required.	

Table 10-50.100.090.G: Standards for Temporary A-Frame or Upright Signs		
	Standard	**Other Requirements**
Design and construction	Shall be: (1) Constructed of min. ¾-inch, high density exterior grade compressed wood or molded plastic; (2) Constructed with a protective, water resistant coating that is impervious to weather conditions; (3) Constructed with cut vinyl graphics and may contain zip tracks for changing of cut vinyl graphics; (4) Of sufficient weight and durability to withstand wind gusts, storms, etc.; and (5) Maintained in a professional manner free of chipping paint, cracks, gouges, and loss of letters, etc.	

(2) **Temporary Vertical Banners**
Temporary vertical banners shall comply with the standards provided in Table H (Standards for Temporary Vertical Banners).

Table 10-50.100.090.H: Standards for Temporary Vertical Banners		
	Standard	**Other Requirements**
Placement	Private property only at the business location. Securely fastened to the ground.	Not in public right-of-way or on public property. Shall not create a hazard for pedestrian or vehicular traffic. See Section 10-50.100.090.B.
Mounting	Secure attachment to mounting pole required.	
Hours of use	Business hours only.	Removal at the close of business required.
Duration of use	See Table 10-50.100.090.F.	
Height	Max. 10 feet.	Measured from grade to the top of the vertical banner.
Width	Max. 2 feet.	
Number of Signs	Max. 1 per business.	
Illumination	Not permitted.	
Permitting	Temporary Sign Permit required.	
Design and construction	Professionally crafted.	

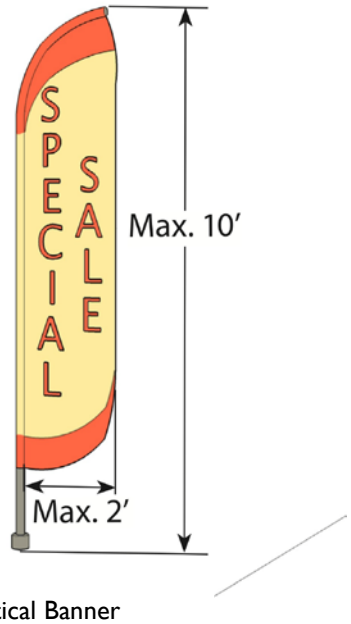


Figure D. Temporary Vertical Banner

(3) **Temporary Wall Banners**
Temporary wall banners are permitted in all commercial and industrial zones in compliance with the standards provided in Table I (Standards for Temporary Wall Banners).

Table 10-50.100.090.I: Standards for Temporary Wall Banners

	Standard	Other Requirements
Placement	Private property only.	Not in public right-of-way. Not attached to a vehicle.
Mounting	Attached to a primary structure only, and not to any part of a roof or the supports for the roof.	Secure attachment to building required.
Mounting Height	Max. 25 feet to top of sign.	
Area	Max. 24 sq. ft.	
Number of Signs	Max. 1 per business.	
Illumination	Not permitted.	
Duration of use	See Table 10-50.100.090.F.	
Permitting	Temporary Sign Permit required.	Wall banners shall not be used as permanent signs.
Design and construction	Professionally crafted.	

Figure E. Temporary Wall Banner

(4) **Window Signs**
Temporary window signs shall comply with the standards provided in Table J (Standards for Temporary Window Signs).

Table 10-50.100.090.J: Standards for Temporary Window Signs

	Standard	Other Requirements
Sign Area	Area of temporary and permanent window signs combined (including signs constructed of perforated vinyl or painted on the window) shall not exceed 25% of the area of the window on or within which they are displayed.	Not included in the total allowable sign area.
Sign Placement	No higher than 1st story windows.	Inside mounting preferred.
Illumination	Not permitted.	
Permitting	No Sign Permit required.	

5. **Temporary New Development/Construction Signs**
Temporary signs announcing new development or construction shall comply with the standards provided in Table K (Standards for Temporary New Development/Construction Signs).

Table 10-50.100.090.K: Standards for Temporary New Development/Construction Signs		
Sign Area	Max. 32 sq. ft.	
Sign Placement	Max. 1 sign per street frontage. Only on the site where the new development is proposed.	Only after Site Plan Approval has been granted.
Sign Removal	Prior to issuance of a Certificate of Occupancy.	
Illumination	Not permitted.	
Permitting	No Sign Permit required.	

6. **Sign Walkers**
   Sign walkers are allowed, subject to the following standards:

   a. Sign walkers shall only be allowed in commercial and industrial zones, and Transect Zones T5 and T6;

   b. Sign walkers shall only be located on private property with the property owner's or property manager's written approval, or on a public sidewalk or walkway immediately adjacent to the property for which the use, activity, business, sale, or advertising is being conducted;

   c. Sign walkers shall be located a minimum of 30 feet from a street or driveway intersection measured from the back of the curb or edge of pavement if no curb exists, and shall not be located in any of the following locations:

      (1) On any public property or within any public right-of-way except as specified in paragraph b.;

      (2) In parking aisles or stalls;

      (3) In driving lanes;

      (4) On fences, walls, boulders, planters, other signs, vehicles, utility facilities or any other structure;

      (5) Within 30 feet from any other sign walker; or,

      (6) In a manner that results in sign walkers physically interacting with motorists, pedestrians, or bicyclists;

   d. Sign walkers shall be limited to the hours of operation of the business they are advertising;

e. Sign walker signs shall not exceed eight square feet in area, shall not exceed eight feet in height when held or in place, and shall be professionally crafted;

f. Sign walker signs that include any of the following are prohibited:

(1) Any form of illumination, including flashing, blinking or rotating lights;

(2) Animation on the sign itself; or

(3) Spinning, waving, throwing the sign in the air or any other such erratic movement intended to attract attention.

g. No Sign Permit is required for sign walkers.

10-50.100.100 Sign Districts of Special Designation

A. **Flagstaff Central District**

1. **Purpose**
The additional sign regulations provided in this Section for the Flagstaff Central District Area of Special Designation are intended to recognize, preserve and promote the inherent and unique qualities of Flagstaff's historic downtown area of the City which is an integral part of the City's economic stability and growth. The area designated as the Flagstaff Central District encompasses those areas of the City characterized by narrow streets, smaller lots, and lot frontages, and buildings representative of the early development of Flagstaff.

2. **Applicability**

a. The Flagstaff Central District is bounded by Columbus Avenue/Switzer Canyon Drive to the north, Butler Avenue to the south, Park Street to the west, and Elden Street to the east. The Flagstaff Central District is mapped on Map 10-90.40.040 (Flagstaff Central District) in Division 10-90.40 (Overlay Maps).

b. The standards provided in this Section shall be applied in addition to the standards and requirements otherwise established in this Division.

3. **Permits**
All applications for Sign Permits for signs to be located in the Flagstaff Central District shall follow the sign permitting requirements and procedures established in Section 10-20.40.120 (Sign Permit - Permanent Signs), except that signs to be located in the Flagstaff Central District shall also be reviewed for approval by the Historic Preservation Officer.

4. **Findings for Signs Proposed in the Central District**
   Signs proposed in the Flagstaff Central District shall be reviewed and approved based on application of the following findings to ensure that signs are:

   a. Representative of the character of the surrounding district and adjacent architecture, as well as of the building on which they appear, when considered in terms of scale, color, materials, lighting levels, and adjoining uses;

   b. In proper scale to and expressive of the business or activity for which they are displayed;

   c. Innovative in the use of three dimensional form (i.e. letters, logos, or other sign elements shall have a minimum relief of the lesser of 1 percent of the longest sign dimension or 1.5 inches), profile, and iconographic representation;

   d. Employed with exceptional lighting design;

   e. Employed with exceptional graphic design, including the outstanding use of color, pattern, typography, and materials; and

   f. Made of high quality and durable materials appropriate for an urban setting.

Figure A. Local Examples of Signs Appropriately Designed for the Flagstaff Central District

Figure A Continued. Local Examples of Signs Appropriately Designed for the Flagstaff Central District

5. **Standards**
   Signs within the Flagstaff Central District shall comply with the standards and requirements otherwise established in this Division as well as the following standards:

   a. **Building Mounted Signs**
   Building mounted signs provide simple business identification. The standards provided in Table A (Standards for Building Mounted Signs in Flagstaff Central District) shall apply.

Table 10-50.100.100.A: Standards for Building Mounted Signs in Flagstaff Central District

	Standard
Total Sign Area for the Building	The greater of: (1) The number of building entries[1] + 1 sign X 30 sq. ft. (e.g. if a building has 6 entries the Total Sign Area = 6 + 1 X 30 = 210 sq. ft.); or (2) 100 sq. ft. max.
Individual Sign Area for Each Business	The lesser of: (1)1 sq. ft. to 1 linear ft. of the width of the business space served by an entrance[2]; or (2) 100 sq. ft. max.; or (3) The total sign area for the building.
Number of Signs	Number of building entries[1] + 1.
Sign Placement	No higher than the lesser of either: (1) The 2nd story sill level; or

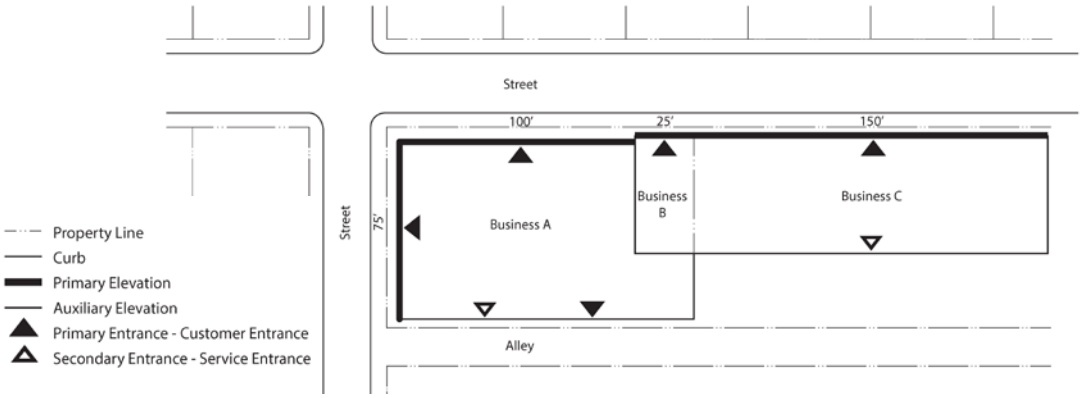
Table 10-50.100.100.A: Standards for Building Mounted Signs in Flagstaff Central District	
	Standard
	(2) On or above the expression line of any building; or (3) Not above any visible roofing material on the building element; or (4) Max. 25 feet. At least 1 sign shall be associated with the building entry zone[1] (may be wall mounted, projecting, awning, etc.). Sign copy on awnings is only permitted on 1st story windows. Where multiple businesses use a common entrance, a common sign shall be placed adjacent to the sidewalk level building entry[3].
Painted Building Mounted Signs	Shall comply with Table 10-50.100.060.C. The requirement for three dimensional form required in the Findings for Signs Proposed in the Central District shall not apply.
Illumination	See Section 10-50.100.050.C.
Permitting	Sign Permit is required.

End Notes

[1] Building entries in this context do not include service entries or separate doors for lodging rooms.

[2] Where a building has multiple frontages (i.e. a corner building), the shortest frontage shall apply.

[3] Two or more businesses served by a common entrance are considered 1 business for sign computation purposes.



Business A:
Max. Total Bldg. Sign Area is (3+1)x30 = 120 sf

Max. Area for Sign 1 is 100x1 = 100 sf
Max. Area for Sign 2 is 75x1 = 75 sf
Max. Area for Sign 3 is 125x1 = 125 sf (100 sf max.)
Since the sum of these exceeds 120 sf, one or more sign sizes must be reduced.
Max. No. of signs is 3+1 = 4

Business B:
Max. Total Bldg. Sign Area is (1+1)x30 = 60 sf
Allowed = 100 sf
Max. Ind. Sign Area is 25x1 = 25 sf
Max. No. of signs is 1+1 = 2

Business C:
Max. Total Bldg. Sign Area is (1+1)x30 = 60 sf
Allowed = 100 sf
Max. Ind. Sign Area is 150x1 = 150 sf
Max. No. of signs is 1+1 = 2

Figure B. Total Sign Area for the Building and Individual Sign Area for Each Business

(1) Signs painted directly on the building when the wall surface already has been painted in a uniform manner are permitted. Signs proposed for previously unpainted rock or brick are not permitted. Heritage signs shall not be defaced or obscured.

(2) **Awning and Canopy Signs**
Awning signs used to enhance a storefront or canopy signs used to accent building entries may be used in lieu of projecting signs, and may be used in coordination with flush building mounted signs. Such signs are subject to the provisions in Section 10-50.100.060.C.4.b.(1) and (3).

Figure C. Awning and Canopy Signs

(3) **Building Identification Sign**
The standards provided in Table B (Standards for Building Identification Signs) shall apply.

Table 10-50.100.100.B: Standards for Building Identification Signs in the Flagstaff Central District

	Standard	Other Requirements
Sign Area	Signs ≤ 12 sq. ft. are not included in the total allowable sign area.	Signs > 12 sq. ft. are included in the total allowable area for building mounted signs.
Mounting Height	No limitation - shall not project above the roof peak or break the silhouette of the building.	
Sign Placement	Shall be placed above, or in relation to, the primary entrance to the building.	
Illumination	Not permitted.	
Permitting	Sign Permit is required.	

Figure D. Building Identification Sign

(4) **Projecting Signs**
The standards provided in Table C (Standards for Projecting Signs in the Flagstaff Central District) shall apply.

Table 10-50.100.100.C: Standards for Projecting Signs in the Flagstaff Central District

	Standard
Sign Area	Max. 16 sq. ft. (included in the total allowable sign area for building mounted signs)
Mounting Height	Min. of 8 feet from the bottom of the sign to the sidewalk, and mounted perpendicular to the building face or corner of the building.
Number of Signs	Max. 1 per business.
Sign Placement	Shall extend a max. of 4 feet from the building.
Illumination	Non-illuminated or externally illuminated. Down directed, fully shielded fixtures only.
Permitting	Sign Permit is required

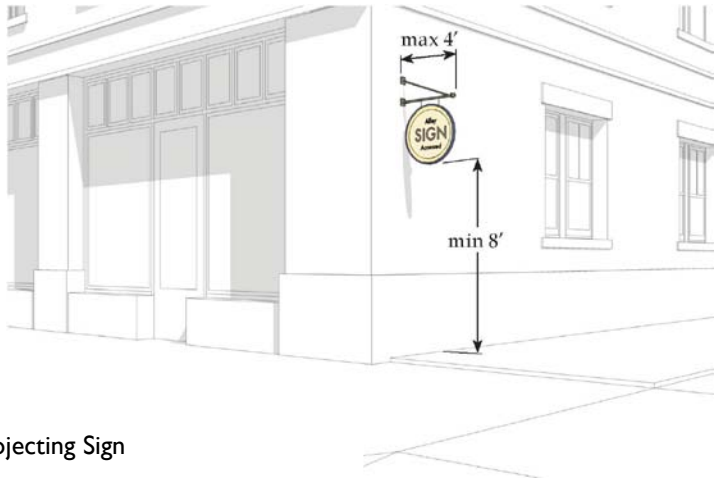


Figure E. Projecting Sign

b. **Freestanding Signs**
Two styles of freestanding signs are permitted within the Flagstaff Central District: either a low profile freestanding sign, or a freestanding suspended sign. The standards provided in Table D (Standards for Freestanding Signs in Flagstaff Central District) shall apply.

Table 10-50.100.100.D: Standards for Freestanding Signs in Flagstaff Central District

	Standard		Other Requirements
	Area	**Height**	
Low Profile Freestanding Sign – Single Tenant Use	24 sq. ft.	6 feet	Shall be mounted on 2 poles placed at the outermost sides of the sign face, or on a low profile sign base.
Low Profile Freestanding Sign – Multiple Tenant Use	32 sq. ft.	8 feet	Shall be mounted on 2 poles placed at the outermost sides of the sign face, or on a low profile sign base.
Freestanding Suspended Sign	18 sq. ft.	10 feet to top of sign pole	Sign structure shall consist of a vertical pole and horizontal decorative sign support, and shall be constructed of wood or metal.
Number of Signs	1 sign permitted per business.		
Illumination	See Section 10-50.100.050.C.		Externally illuminated with down-directed and shielded fixtures only.
Permitting	Sign Permit is required.		

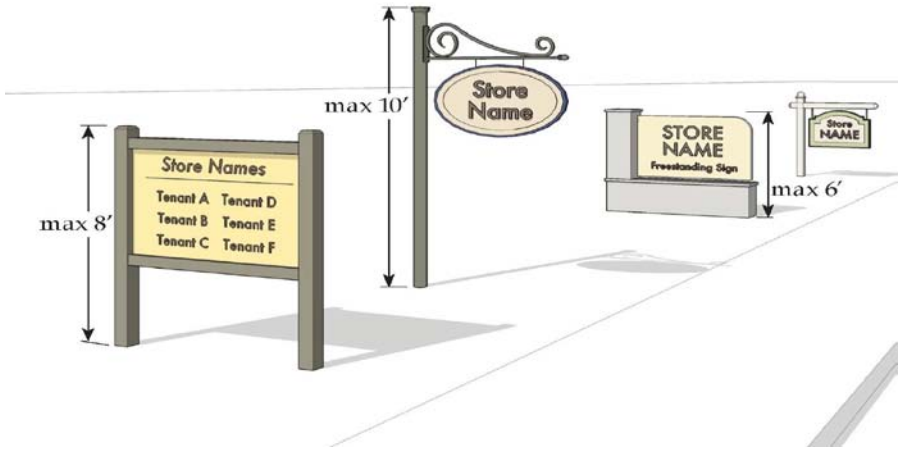


Figure F. Freestanding Sign

c. **Temporary Signs**
Temporary signs proposed within the Flagstaff Central District shall comply with the standards established in Section 10-50.100.090 (Temporary Signs).

B. **Downtown Historic District**

1. **Purpose**
This Section establishes additional sign regulations for the Downtown Historic District. Refer to Division 10-30.30 (Heritage Preservation).

2. **Applicability**

a. The Downtown Historic District applies to all properties located within the T6 Transect Zone (Refer to Section 10-10.40.100, T6 Downtown (T6) Standards) and the area bounded by the east side of Humphreys Street to the west side of Verde Street, and by the north side of Route 66 to the south side of Cherry Avenue, including portions of Flagstaff Townsite and Railroad Addition Subdivisions. The Downtown Historic District is mapped on Map 10-90.40.030 (Downtown Historic Design Review), in Division 10-90.40 (Overlay Maps).

b. The standards provided in this Section for the Downtown Historic District shall be applied in addition to the standards and requirements otherwise established in this Division.

3. **Permits**
All applications for Sign Permits for signs to be located in the Downtown Historic District shall follow the sign permitting requirements and procedures established in Section 10-20.40.120 (Sign Permit - Permanent Signs), except that the Heritage Preservation Commission or Heritage Preservation Officer shall also review the Sign Permit application following the procedures established in Division 10-30.30 (Heritage Preservation).

4. **Design Standards**
Signs within the Downtown Historic District shall comply with the standards and requirements otherwise established in this Division as well as with the findings and standards established in Subsection A.4 and A.5 applicable to the Flagstaff Central District and the Development Design Standards and Guidelines for this district established in the *Design Handbook for Downtown Flagstaff (1997)*.

5. **Temporary Signs**
Temporary signs proposed within the Downtown Historic District shall comply with the standards established in Section 10-50.100.090 (Temporary Signs), except as provided below:

a. No A-frame, upright signs, or vertical banners shall be permitted in the Downtown Historic District.

b. Temporary stanchion signs shall comply with the standards provided in Table 10.50.100.100.E (Standards for Temporary Stanchion Signs).

Table 10-50.100.100.E: Standards for Temporary Stanchion Signs		
	Standard	**Other Requirements**
Placement	Only within the Downtown Historic District.	Only within the amenity zone on the sidewalk directly in front of the store.
Hours of use	Business hours only.	Removal at the close of business required.
Height	Max. 4 feet.	
Width	Max. 12 inches.	
Number of Signs	Max. 1 per business.	
Illumination	Not permitted.	
Permitting	No Sign Permit required.	
Design and construction	Professionally crafted. Shall be compatible with the architectural character of the Downtown District.	

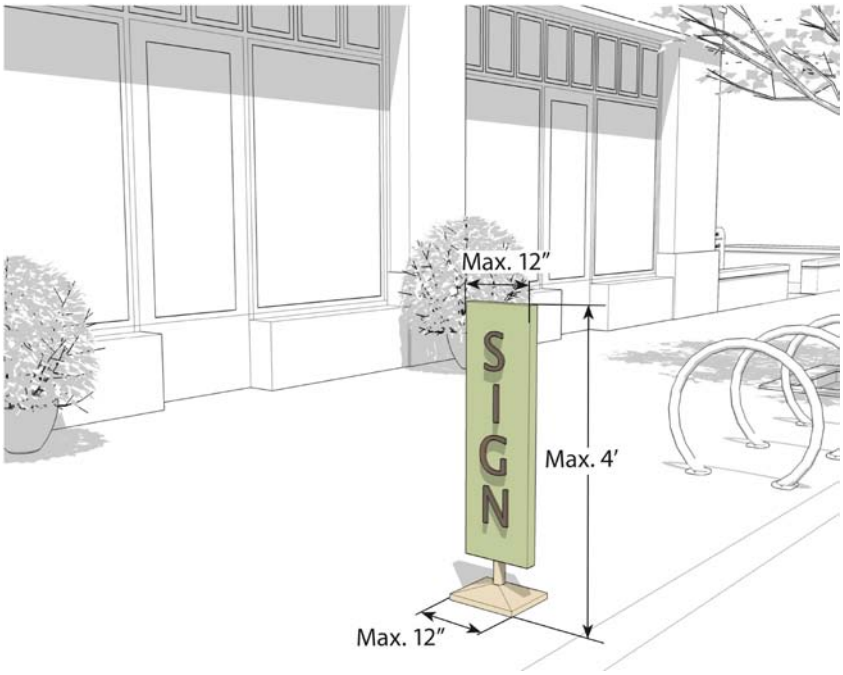


Figure G. Stanchion Sign

C. Reserved for Future Use

D. **Flagstaff Auto Park District**

1. **Purpose**
The purpose of the Flagstaff Auto Park District Area of Special Designation is to recognize that the interior parcels of a large commercial center should be entitled to install the same kind of business signage as the perimeter parcels, and to promote the economic vitality and commercial viability of those businesses that do not have highway frontage.

2. **Applicability**

a. The Flagstaff Auto Park District includes lots 1 through 13, a portion of Historic Route 66 between North Test Drive and US Highway 89, and City owned property on the southeast corner of the intersection of Historic Route 66 and US Highway 89 as illustrated in Figure H. The Flagstaff Auto Park District Area of Special Designation is not to be confused with any other district which may be designated for special consideration within the City of Flagstaff.

b. The special regulations for the Flagstaff Auto Park District apply only to an off-premise Auto Park identification sign located on the southeast corner of the intersection of Historic Route 66 and North Highway 89 and an Auto Park entrance sign to be located on Lot 8 at the northeast corner of the intersection of Test Drive and Historic Route 66. All other signs proposed on all lots and parcels within the Flagstaff Auto Park District shall comply with the applicable provisions of this Division.

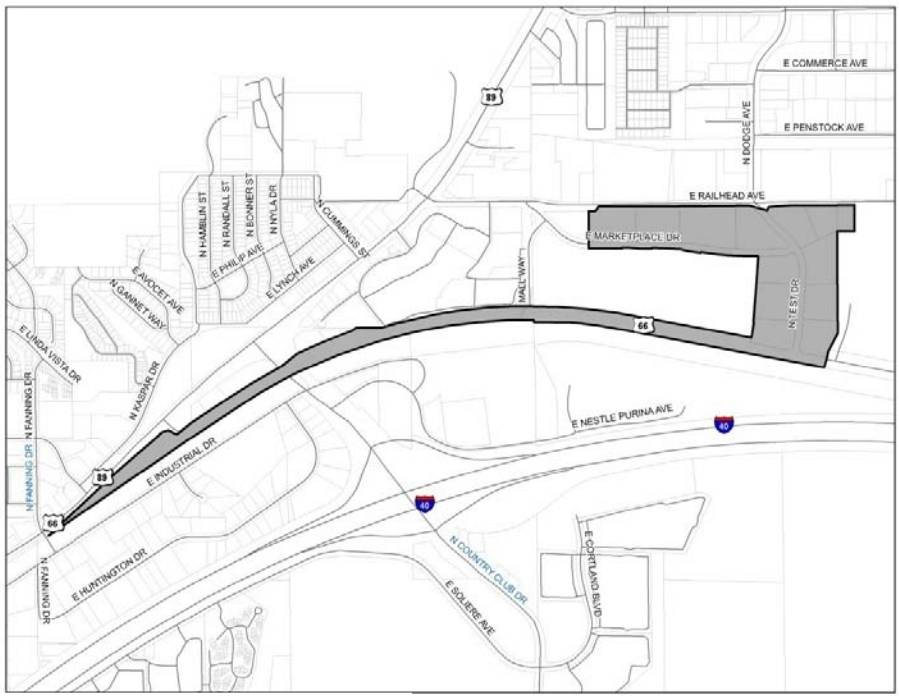


Figure H. Flagstaff Auto Park District

3. **Permits**

   a. Permits for signs in the Flagstaff Auto Park District Area of Special Designation may only be issued after a completed sign permit application (Refer to Section 10-20.40.120 (Sign Permit - Permanent Signs) and Section 10-20.40.130 (Sign Permit - Temporary Signs)) has been reviewed by the Planning Director.

   b. The Planning Director may approve, conditionally approve or deny a sign proposal for the off-premise Auto Park identification sign or an Auto Park entrance sign in the Flagstaff Auto Park District, and shall only approve an application that complies with the Design Standards established in Subsection 4.

4. **Design Standards**

   a. **Primary Flagstaff Auto Park District Identification Sign**
   The primary Flagstaff Auto Park District identification sign shall comply with the following standards. Refer also to Figure I.

      (1) **Overall Sign Dimensions**

         (a) **Height**
         The maximum overall height of the sign shall be 22 feet and three inches measured from the highest finish grade at the base of the sign to the top of the sign. The maximum height of the sign body and base measured from the highest finish grade to the top of the sign body shall be nine feet.

         (b) **Diameter**
         The maximum diameter of the sign body (i.e. where the auto dealer logos will be placed) shall be 15 feet.

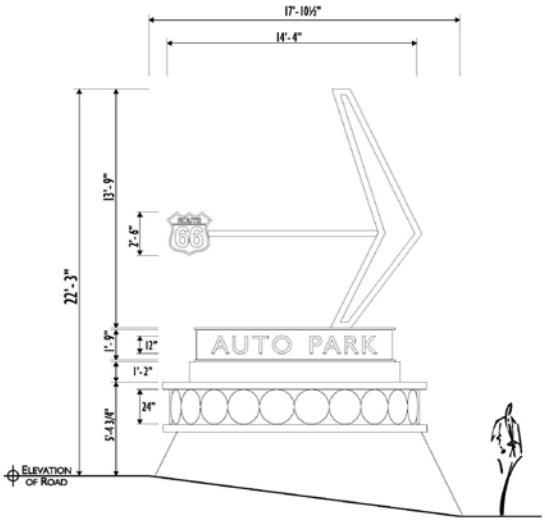


Figure I. Primary Flagstaff Auto Park District Identification Sign

(2) **Sign Materials and Standards**

(a) The sign base below where the auto dealer logos will be placed shall be constructed with natural stone or an authentic simulation of natural stone.

(b) The sign copy identifying this sign for the Flagstaff Auto Park District shall be mounted without raceways.

(c) Signs for individual auto dealers shall only be mounted on the sign body, and shall only include logos for those businesses, and not text.

(d) The Flagstaff Auto Park District sign shall include a landscaped area located around the base of the sign equal to two and one-half square feet for each square foot of sign area and containing trees, shrubs and ground cover plants. Shrubs and ground covers shall have a spacing of not greater than three feet on center.

b. **Secondary Flagstaff Auto Park District Identification Sign**
The secondary Flagstaff Auto Park District identification sign shall comply with the following standards. Refer also to Figure J.

(1) **Overall Sign Dimensions**

(a) **Height**
The maximum overall height of the sign (i.e. the sign body and base only) shall be nine feet measured from the highest finish grade at the base of the sign to the top of the sign.

(b) **Diameter**
The maximum diameter of the sign body (i.e. where the auto dealer logos will be placed) shall be 15 feet.

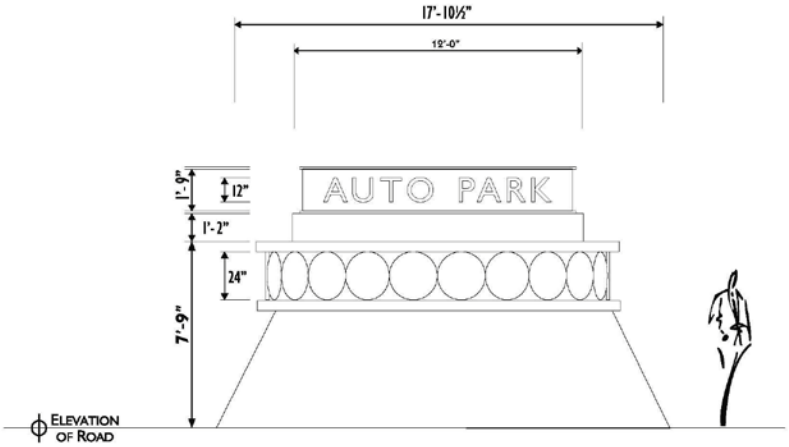


Figure J. Secondary Flagstaff Auto Park District Identification Sign

(2) **Sign Materials and Standards**

(a) The sign base below where the auto dealer logos will be placed shall be constructed with natural stone or an authentic simulation of natural stone.

(b) The sign copy identifying this sign for the Flagstaff Auto Park District shall be mounted without raceways.

(c) Signs for individual auto dealers shall only be mounted on the sign body, and shall only include logos for those businesses, and not text.

(d) The sign shall include a landscaped area located around the base of the sign equal to two and one-half square feet for each square foot of sign area and containing trees, shrubs and ground cover plants placed throughout the required landscape area. Shrubs and ground covers shall have a spacing of not greater than three feet on center.

5. **Sign Maintenance**
Signs shall be maintained in accordance with the provisions of Section 10-50.100.050.E.

E. **Flagstaff Mall and Marketplace District**

1. **Purpose**
This Section establishes additional sign regulations for the Flagstaff Mall and Marketplace District.

2. **Applicability**

a. The Flagstaff Mall and Marketplace District includes those lots developed as the Flagstaff Mall and Marketplace, a portion of Historic Route 66 between North Test Drive and North Country Club Drive, a portion of North Country Club Drive from Historic Route 66 to East Nestle Purina Avenue, and City owned property on the northeast corner of the intersection of North Country Club Drive and East Nestle Purina Avenue as illustrated in Figure K. The Flagstaff Mall and Marketplace District is not to be confused with any other district which may be designated for special consideration within the City of Flagstaff.

b. The special regulations for the Flagstaff Mall and Marketplace District apply only to an off-premise Flagstaff Mall and Marketplace identification sign located within an easement area defined in Easement Agreement (Monument Sign) between the City of Flagstaff and Flagstaff Mall SPE LLC on City owned property on the northeast corner of the intersection of North Country Club Drive and East Nestle Purina Avenue. All other signs proposed on all lots and parcels

within the Flagstaff Mall and Marketplace District shall comply with the applicable provisions of this Division. Any real property located within both the Flagstaff Marketplace District and Flagstaff Auto Park District shall be considered as belonging to one or the other of these districts. No combination of districts is intended by the overlapping of the Flagstaff Mall and Marketplace District and the Flagstaff Auto Park District. The Flagstaff Mall and Marketplace identification sign referenced above may also include the name "Auto Park" within the sign name portion of the sign above the future tenant panels.

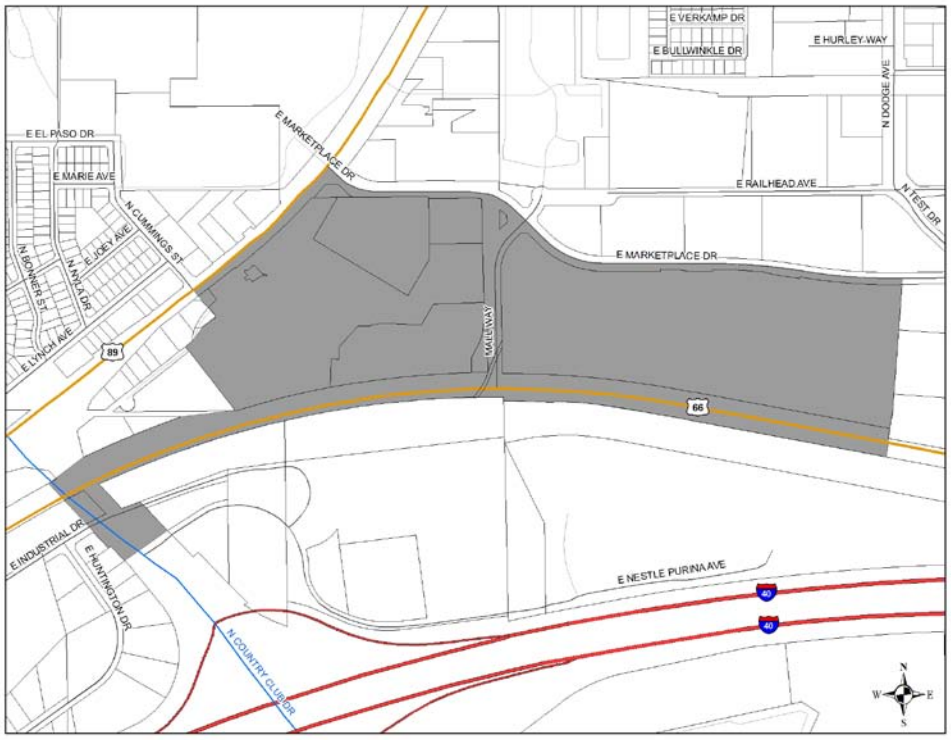


Figure K. Flagstaff Mall and Marketplace District

3. **Permits**

   a. Permits for signs in the Flagstaff Mall and Marketplace District may only be issued after a completed sign permit application (Refer to Section 10-20.40.120 (Sign Permit - Permanent Signs) and Section 10-20.40.130 (Sign Permit - Temporary Signs)) has been reviewed by the Planning Director.

   b. The Planning Director may approve, conditionally approve or deny a sign proposal for the off-premise Flagstaff Mall and Marketplace identification sign, and shall only approve an application that complies with the Design Standards established in Subsection 4.

4. **Design Standards**
   The Flagstaff Auto Park and Marketplace District identification sign shall be designed and constructed in accordance with the approved

Comprehensive Sign Plan dated January 10, 2006 for the Flagstaff Mall and Marketplace, and shall comply with the following standards. Refer also to Figure L.

a. **Overall Sign Dimensions**

(1) **Height**
The maximum overall height of the sign shall be 22 feet and six inches measured from the highest finish grade at the base of the sign to the top of the sign. The maximum height of the sign body (i.e. future tenant panels signage area) and sign base measured from the highest finish grade to the base of the sign shall be 20 feet.

(2) **Length**
The maximum length of the sign base shall be 17 feet.

(3) **Width**
The maximum width of the sign base shall be four feet.

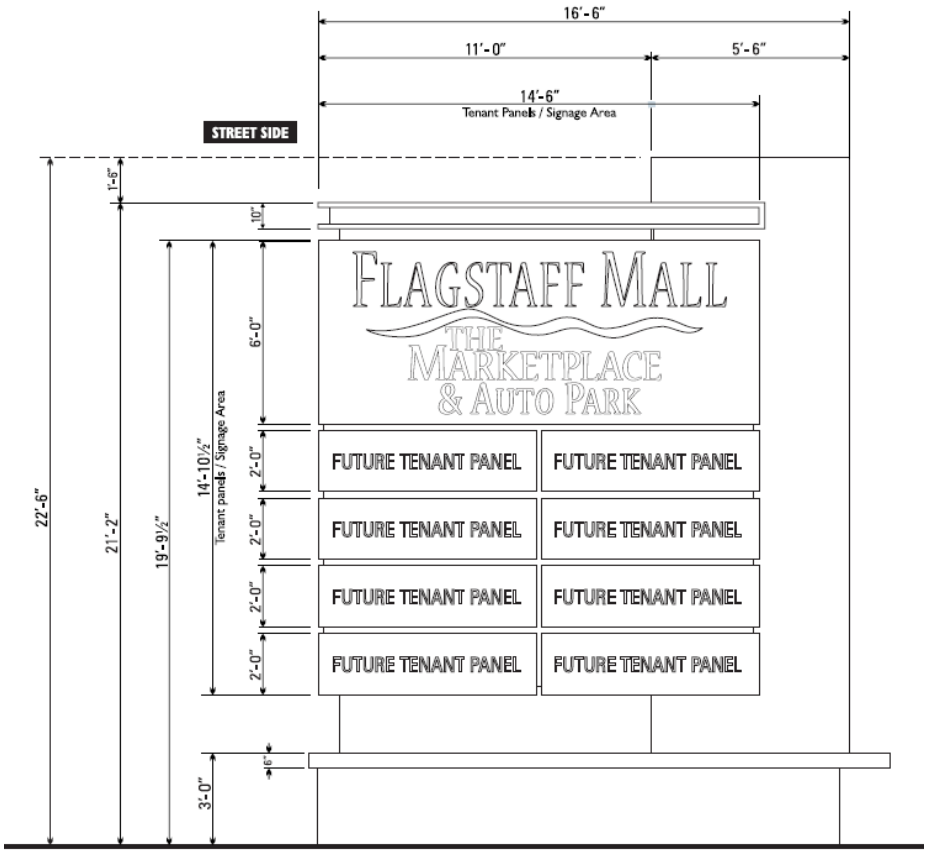


Figure L. Flagstaff Mall and Marketplace District Identification Sign

(4) **Sign Name**
The maximum height of the portion of the sign where the letters "Flagstaff Mall & Marketplace Auto Park" will be located shall be six feet, and its maximum width shall be 14 feet and six inches.

b. **Sign Materials and Standards**

(1) The sign base shall be constructed with natural stone or an authentic simulation of natural stone and capped with a concrete cap no more than six inches thick.

(2) The sign cabinet exterior shall be aluminum painted with no more than two complimentary colors with a satin finish.

(3) Eight removable aluminum routed faces mounted in two columns of four sign faces each shall be provided for future tenants of the Flagstaff Mall and Marketplace District.

(4) A white acrylic internally illuminated accent feature may be incorporated into the top of the sign cabinet.

(5) The name used to identify this sign shall be "Flagstaff Mall & Marketplace Auto Park" may be incorporated into the top of the sign cabinet.

(6) **Sign Area**

(a) The overall sign area shall not exceed 216 sq. ft. on each side of the sign.

(b) The area for each of the future tenant panels shall not exceed two feet in height and a total width for both columns of panels of 14 feet and 6 inches.

(c) Each future tenant panel shall be separated from the sign face above or below it by no more than three inches.

(d) The total height of the signage area shall not exceed 14 feet and 8 inches.

c. **Sign Illumination:**

(1) The sign shall be internally illuminated only, and no external indirect illumination of the sign structure by any means is permitted.

(2) Internally illuminated sign panels shall be constructed with an opaque background and translucent letters and symbols, or with a colored background and lighter letters and symbols. Where white or other night bright colors are part of a logo, such colors are

permitted in the logo only, provided that the logo represents not more than 50 percent of the total sign area permitted.

5. **Sign Maintenance**
Signs shall be maintained in accordance with the provisions of Section 10-50.100.050.E.

10-50.100.110 Nonconforming Signs

Section 10-20.60.110 (Nonconforming Signs) provides the standards and regulations for Nonconforming Signs.

10-50.100.120 Enforcement

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, display, maintain or use a sign within the City contrary to, or in violation of, any provision of this Division. The requirements of this Division shall be enforced in compliance with the enforcement provisions of Division 10-20.110 (Enforcement).

10-50.100.130 Appeals

Any person, firm or corporation aggrieved by a decision of the Director in interpreting, applying, or enforcing this Section may file an appeal in compliance with the appeal provisions established in Section 10-20.80.020 (Appeals of Interpretations by Zoning Code Administrator or Director).

10-50.100.140 Severability

A. If any Section, sentence, clause, phrase, word, portion, or provision of the Division is held invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect, impair, or invalidate any other Section, sentence, clause, phrase, word, portion, or provision of this Division which can be given effect without the invalid provision.

B. The invalidation of the application of any Section, sentence, clause, phrase, word, portion, or provision of this Division to a particular property or structure, or any particular properties or structures, by any court of competent jurisdiction shall not affect the application of such Section, sentence, clause, phrase, word, portion or provision to any other property or structure not specifically included in said invalidation.

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ORDINANCE NO. 2016-22

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF CITY CODE, TITLE 10, *THE CITY OF FLAGSTAFF ZONING CODE*, CHAPTER 10-50, *SUPPLEMENTAL TO ZONES*, DIVISION 10-50.100 *SIGN STANDARDS*, CHAPTER 10-20, *ADMINISTRATION, PROCEDURES, AND ENFORCEMENT,* DIVISION 10-20.40, *PERMITS AND APPROVALS, AND CHAPTER 10-80, DEFINITIONS, DIVISION 10-80.20, DEFINITIONS OF SPECIALIZED TERMS, PHRASES, AND BUILDING FUNCTIONS,* BY ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "*2016 AMENDMENTS TO CITY CODE TITLE 10, ZONING CODE, DIVISION 10-50.100 SIGN STANDARDS, AND OTHER RELATED DIVISIONS"*; PROVIDING FOR PENALTIES, REPEAL OF CONFLICTING ORDINANCES, SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the City Council has determined that amendments to the Zoning Code, Title 10 of the Flagstaff City Code, Chapter 10-50, *Supplemental to Zones*, Division 10-50.100, *Sign Standards*, Chapter 10-20, *Administration, Procedures, and Enforcement*, Division 10-20.40, *Permits and Approvals*, and Chapter 10-80, *Definitions*, Division 10-80.20, *Definitions of Specialized Terms, Phrases, and Building Functions,* are necessary in order to ensure, among other things, that the City's sign standards have been clarified to ensure they are consistent with the US Supreme Court's decision in *Reed v. Town of Gilbert*, 135 S. Ct. 2218 (2015); and

WHEREAS, the Mayor and Council have, by resolution, previously declared the *"2016 Amendments to City Code Title 10, Zoning Code, Division 10-50.100, Sign Standards, and Other Related Divisions,"* (referred to hereinafter as the "Proposed Amendments") to be a public record; and

WHEREAS, in a work session held on December 8, 2015, the City Council considered public comment, discussed various options and alternatives, and, after deliberation, directed staff to return with those changes that now comprise the Proposed Amendments; and

WHEREAS, the Planning and Zoning Commission at their public meeting on February 24, 2016, recommended that the City Council adopt the Proposed Amendments; and

WHEREAS, the City Council finds that the City has complied with the statutory notice and meeting requirements.

ENACTMENTS:

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

SECTION 1. The proposed amendment is consistent with and conforms to the objectives and policies of the General Plan (Regional Plan).

SECTION 2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience or welfare of the City.

SECTION 3. The proposed amendment is internally consistent with other applicable provisions of the Flagstaff Zoning Code.

SECTION 4. In General.

That the document entitled "*2016 Amendments to City Code Title 10, Zoning Code, Division 10-50.100 (Sign Standards) and Other Related Divisions,"* three copies of which are on file in the office of the City Clerk of the City of Flagstaff, Arizona and previously declared by Resolution No. 2016-13 to be a public record, is hereby adopted and made a part hereof as if fully set out in this ordinance and its provisions declared to be inserted into the Zoning Code and to replace and supersede the existing relevant provisions of the Zoning Code.

SECTION 5. Penalties.

Whenever the Flagstaff Zoning Code prohibits an act or makes or declares an act to be unlawful or an offense, or whenever in the Code the doing of any act is required, or the failure to do any act is declared to be unlawful, the violation of any such provision shall be punished as follows:

Civil Penalty: Any person found responsible for violating the Flagstaff Zoning Code shall be sentenced to a fine of not less than $100. Any person found responsible of a second violation committed within 36 months of a prior violation shall be subject to a fine of not less than $250. Any person found responsible of a third or subsequent violation within 36 months of a prior violation shall be subject to a fine of not less than $500.

Criminal Penalty: Any person found responsible by the Flagstaff Municipal Court for three or more civil violations of the Flagstaff Zoning Code within a 24-month period shall be deemed a habitual offender. A habitual offender who subsequently violates the Flagstaff Zoning Code shall be guilty of a class 1 misdemeanor.

SECTION 6. 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 7. Severability.

That, if any section, subsection, sentence, clause, phrase or portion of this ordinance or any of the amendments adopted in this ordinance is for any reason held to be invalid, unconstitutional, or unenforceable by a decision of any court of competent jurisdiction, such decision shall not affect any of the remaining portions thereof.

SECTION 8. Effective Date.

This ordinance shall be effective (30) thirty days after adoption.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of April, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Brian Kulina, Planning Development Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Public Hearing, Consideration, and Adoption of Ordinance No. 2016-08: An ordinance of the Flagstaff City Council amending the Flagstaff Zoning Map Downtown Regulating Plan designation of approximately 0.29 acres of land generally located west of the southwest corner of Mikes Pike and Phoenix Avenue from the T4 Neighborhood 1 - Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone and of approximately 1.35 acres located at 17 S Mikes Pike from the T4 Neighborhood 1 - Open (T4N.1-O) transect zone to the T5 Main Street (T5) transect zone, conditional. ***(The Hub Zoning Map Amendment)*** ****ORDER CHANGED TO DISCUSS SECOND READ OF ORDINANCE PRIOR TO DEVELOPMENT AGREEMENT***

RECOMMENDED ACTION:

1) Read Ordinance No. 2016-08 by title only for the final time
2) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)
3) Adopt Ordinance No. 2016-08

Executive Summary:

A direct ordinance Zoning Map Amendment request from Core Campus LLC amending the Downtown Regulating Plan from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres, and from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres.

Financial Impact:

The proposed Development Agreement deal points (attached) address anticipated contributions for traffic, water and sewer to assure proportionality and requested upgrades to existing infrastructure. A draft Development Agreement will be provided to Council for its review prior to the meeting on March 22, 2016.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Provide a well-managed transportation system
3) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:
Staff has identified 66 Regional Plan Goals and Policies that could be applied to support or not support the proposed Zoning Map Amendment. For reference, a list of those policies is attached to this report.

Has There Been Previous Council Decision on This:

The Flagstaff City Council opened the Public Hearing on February 19, 2016, and continued it to February 23, 2016, and March 1, 2016, at which time first reading of the ordinance occurred.

Options and Alternatives:

1) Approve the ordinance with the proposed conditions.
2) Approve the ordinance with no conditions, additional conditions, or modified conditions.
3) Deny the ordinance based on the required findings in Section 10-20.50.040(F)(1)(a) of the Zoning Code.

Background/History:

Core Campus LLC (the "Developer") is requesting a direct ordinance Zoning Map Amendment amending the Downtown Regulating Plan as follows: (1) from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect to allow for ground floor commercial uses and establish a 5-floor maximum building height, located along Mikes Pike and containing approximately 1.35 acres; and, (2) from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect to allow for ground floor residential uses and establish a 4-floor maximum building height, located along Phoenix Avenue and containing approximately 0.29 acres. This proposed conditional amendment, combined with two (2) proposed Conditional Use Permit requests and other entitled parcels, will allow for the development of a 99 dwelling unit per acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses on approximately 2.39 acres generally located at 17 S Mikes Pike (the "Subject Property"). The Subject Property is currently developed with a mixture of uses including commercial, contractor office and storage yard, automotive lube shop, and single-family residential. There are no natural resources (rural floodplain, slope, or forest) on-site. For additional information regarding the characteristics of the site and reason for the request, please reference the attached Rezone Narrative.

Land use north of the Subject Property is light industrial including the City of Flagstaff Phoenix Storage building and the Northern Arizona Intergovernmental Public Transportation Authority ("NAIPTA") transfer stations. Land uses to the east of the Subject Property are a mixture of commercial and service including restaurant, retail, and office. Land uses to the south of the Subject Property are primarily retail/service and a residential duplex. Land uses to the west of the Subject Property is commercial/service including restaurant, retail, office, and automotive repair.

If the proposed Zoning Map Amendment request is approved, including the two (2) proposed Conditional Use Permit requests, the next steps in the development process will be Civil Improvement Plan submittal and Building Plan submittal. A Development Agreement between the City and the Developer, a draft of which will be provided to Council for its review prior to the March 1 meeting, is being drafted to address parking, affordable housing, required off-site infrastructure improvements (i.e. stormwater, traffic, and pedestrian crossing of Butler Avenue), project management, transect zone election, and Prop207 waiver. The Development Agreement must be approved by the City Council via a resolution prior to the second reading of the Zoning Map Amendment ordinance. The proposed development encompasses seven (7) separately identified parcels (APN's 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C). All of parcels 100-39-010, 100-39-003, 100-09-008, and portions of parcel 100-39-001C, 100-39-001G, and 100-39-002A are subject to the proposed Zoning Map Amendment; however, all parcels within the proposed development were analyzed for conformance to existing and proposed development standards. As a condition of approval, all parcels must be combined into one parcel prior to building permit submittal.

Due to the size of the file, this project's plans may be accessed at Plans. Please allow time for this document to download.

Key Considerations:

Proposed amendments shall be evaluated based on the following findings: 1) the proposed amendment is consistent with and conforms to the goals of the General Plan and any applicable specific plans; 2) 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, 3) 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.

An amendment to the Planning Commission staff report was made during the Planning Commission meeting. The Zoning Code interpretation mentioned in the report regarding maximum parking allowances was reviewed by the City Attorney's office, at the request of the Developer, and it was determined that the 5% cap of parking currently found within the Zoning Code applies to both surface and structured parking. The applicant objected to staff's interpretation that they could provide more parking than 5% above the minimum requirement as long as it was within a structure.

On February 3, 2016, the Planning Commission concluded their review of the proposed Zoning Map Amendment with a recommendation for Approval, by a vote of 6-1, subject to the following conditions, which have been incorporated into Ordinance No. 2016-08:

1. Unless modified to comply with these conditions, the site shall be developed in substantial conformance to the Site Plan as approved by the Inter-Division Staff (IDS) on December 11, 2015, and as presented to the Planning and Zoning Commission with this Zoning Map Amendment request.
2. The proposed structure located along Mikes Pike shall be limited to 4-stories/52-feet in height adjacent to the street frontage. A fifth story, if desired, shall have all residential units setback at least 40-feet from the property line. Elevators, stairwells, and other utilities may encroach into the 40-foot setback as necessary.
3. Development shall be limited to two hundred thirty-six (236) units and six hundred sixty-four (664) beds. Any increase to either the number of units or beds must be approved by the City Council through the review of a Zoning Map Amendment application.
4. At the time of building permit submittal, the easternmost and westernmost residential entrances along Phoenix Avenue shall be modified to incorporate a covered porch element, or other similar feature, at the first floor entry to emphasize the pedestrian scale and residential character.
5. Prior to building permit submittal, the Developer shall combine Coconino County Assessor parcel numbers 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C.
6. The Developer shall provide one hundred (100) additional parking spaces either on-site, off-site in a private structure, or off-site in a joint public/private structure with the City. Off-site parking shall be located within 600-feet of the Property. In-lieu of providing the parking spaces, the Development may elect to pay a fee of twenty thousand dollars ($20,000.00) per space to the City for use in construction of an off-site public parking structure.

Community Benefits and Considerations:

Community benefits and considerations related to this Zoning Map Amendment request are addressed in the attached Planning and Zoning Commission staff report dated January 6, 2016

Community Involvement:

Inform, Consult, Involve, Collaborate, Empower

Public hearings before the Planning and Zoning Commission and the City Council are conducted in conjunction with any Zoning Map amendment request. In accordance with Arizona Revised Statute and City Code, notice of the public hearing must be provided by placing an ad in a newspaper of general circulation within the City, posting a notice on the property subject to the proposed amendment, and mailing a notice to all property owners within 300-feet of the property subject to the proposed amendment. All notifications must be completed at least 15-days prior to the first schedule public hearing. In order to notice as many people as possible, staff ensured that a notice was: published in the Sunday edition of the Arizona Daily Sun; 3 public hearing notice signs were posted on the site (1 on Mikes Pike, 1 on Milton Road, and 1 on Phoenix Avenue); and, a notice was mailed to all property owners within 1000-feet of the site, all tenants within 1,000 feet of the site, all parties on the Registry of Persons or Groups, and anyone who signed-in at any of the Developer's previously held neighborhood meetings. A copy of the publication notice, pictures of the postings, a mailing list, and a copy of the mailing notice are attached to this report.

As of this writing, staff received 16 letters and 45 e-mails from interested parties, which can be divided into three (3) categories: opposed, neutral, and support. Those comments in opposition (56 total) expressed concerns over compatibility, sociological impacts, infrastructure, student behavior, neighborhood character, traffic, unsupportable retail, parking, aesthetics, location, views, shadow cast, building massing, design, impact on tourism, Northern Arizona University's problem to address, neighborhood history, student housing, undesirable part of town for students, density, availability of other housing types, human congestion, density, zone change only benefits developer, security, demise of the neighborhood, complexity of transect zoning, bicycle ridership, not designed for families, student conduct, fire safety, ruin of Downtown, student housing belongs on campus, aesthetic value, visual pollutant, architecture, use and type of retail, impacts on rent, scale, property values, size, increased crime, and becoming a "for profit college town." The neutral comments (2 total) requested additional information and the count of comments in support and nonsupport of the project. Those comments in support (3 total) expressed the need for student housing, location, pedestrian environment, land use, relief for students, and support for NAU. A summary of all comments received is attached to this report for review. Any additional comments received after the date of this report will be compiled, summarized, and transmitted to the Council at the meeting.

Section 10-20.30.060 of the Zoning Code (Page 20.30-5) requires the Developer to conduct a neighborhood meeting prior to the Planning and Zoning Commission public hearing in accordance with an approved neighborhood meeting plan. After completion of the neighborhood meeting, the Developer must prepare a *Record of Proceedings* in accordance with Section 10-20.30.060.F of the Zoning Code (Page 20.30-7). That record is then presented as part of the report to the Planning and Zoning Commission and City Council. The Neighborhood Meeting Plan, a copy of which is attached to this report, was approved by staff on December 3, 2015 and revised on December 29, 2015.

The required neighborhood meeting was conducted on December 21, 2015 at the Pine Forest Charter School located at 1120 W Kaibab Lane. The meeting was noticed in accordance with established City standards. The meeting was conducted in a more traditional speaker/audience format with a presentation given by the applicant followed by a question and answer (Q&A) session. The results of the meeting were submitted on December 30, 2015 in a Neighborhood Meeting Report, a copy of which is attached to this report. The meeting was attended by 47 people who signed-in. Additional people may have attended but were not accounted for in the report. Based on the submitted meeting minutes (Neighborhood Meeting Summary Tab F), comments during the Q&A session generally revolved around gaining a better understanding of the specifics of proposed development (i.e. number of beds, units, and

parking spaces), impacts on the existing infrastructure (including traffic and transit), benefits of the project to the neighborhood and city, and plans for the property if the Zoning Map Amendment is denied.

Attachments:

Ord. 2016-08
DA Deal Points
P&Z Staff Report
Supplement
P&Z Commission Packet Supplement
Public Comments

ORDINANCE NO. 2016-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP DOWNTOWN REGULATING PLAN DESIGNATION OF APPROXIMATELY 0.29 ACRES OF LAND GENERALLY LOCATED WEST OF THE SOUTHWEST CORNER OF MIKES PIKE AND PHOENIX AVENUE FROM THE T4 NEIGHBORHOOD 1 – OPEN (T4N.1-O) AND T5 MAIN STREET (T5) TRANSECT ZONES TO THE T4 NEIGHBORHOOD 2 (T4N.2) TRANSECT ZONE AND APPROXIMATELY 1.35 ACRES LOCATED AT 17 S MIKES PIKE FROM THE T4 NEIGHBORHOOD 1 – OPEN (T4N.1-O) TRANSECT ZONE TO THE T5 MAIN STREET (T5) TRANSECT ZONE WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Core Campus Flagstaff LLC (the "Applicant"), applied for a Zoning Map Amendment of approximately 1.64 acres of land generally located south and west of the southwest corner of Mikes Pike and Phoenix Avenue in the City of Flagstaff, Coconino County, Arizona, a legal description of which is provided in Exhibit "A" attached hereto ("the Property"), in order to, when combined with other parcels and entitlements, construct a mixed-use multi-family style student-housing development. The proposed development consists of 236 dwelling units, containing 664 beds, located above and behind 14,096 square feet of commercial uses; and

WHEREAS, the Applicant proposes to develop the Property pursuant to the terms and conditions of this Ordinance and a Development Agreement between Applicant and the City ("Agreement"), which will be presented to the City Council through a proposed resolution at the second reading of this Ordinance; and

WHEREAS, in furtherance of the Applicant's development plans, the Applicant has applied to the City of Flagstaff to amend the transect zoning of the Property from the T4 Neighborhood 1 – Open (T4N.1-O) and T5 Main Street (T5) zones to the T4 Neighborhood 2 (T4N.2) zone for approximately 0.29 acres and from the T4 Neighborhood 1 – Open (T4N.1-O) zone to the T5 Main Street (T5) zone for approximately 1.35 acres; and

WHEREAS, the Planning and Zoning Commission has formally considered the present Zoning Map Amendment application following proper notice and hearings on January 13, 2015 and February 3, 2015, 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 conditions proposed by the Planning and Zoning Commission, as augmented by staff, as set forth below, and the Council has considered each of the conditions and has found each 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 conditions 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 Downtown Regulating Plan designation for the Property is hereby amended from the T4 Neighborhood 1 – Open (T4N.1-O) and T5 Main Street (T5) transect zones to the T4 Neighborhood 2 (T4N.2) transect zone for approximately 0.29 acres, as depicted in Exhibit "B", and from the T4 Neighborhood 1 – Open (T4N.1-O) transect zone to the T5 Main Street (T5) transect zone for approximately 1.35 acres, as depicted in Exhibit "C", 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 conditioned on compliance with that Agreement between the City of Flagstaff and the Applicant, approved by the City Council in Resolution No. _____ on _____.

SECTION 8. 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. Unless modified to comply with these conditions, the site shall be developed in substantial conformance to the Site Plan as approved by the Inter-Division Staff (IDS) on December 11, 2015, and as presented to the Planning and Zoning Commission with this Zoning Map Amendment request.

2. The proposed structure located along Mikes Pike shall be limited to 4-stories/52-feet in height adjacent to the street frontage. A fifth story, if desired, shall have all residential units setback at least 40-feet from the property line. Elevators and stairwells may encroach into the 40-foot setback as necessary.

3. Development shall be limited to two hundred thirty-six (236) units and six hundred sixty-four (664) beds. Any increase to either the number of units or beds must be approved by the City Council through the review of a Zoning Map Amendment application.

4. At the time of building permit submittal, the easternmost and westernmost residential entrances along Phoenix Avenue shall be modified to incorporate a covered porch element, or other similar feature, at the first floor entry to emphasize the pedestrian scale and residential character.

5. Prior to building permit submittal, the Developer shall combine Coconino County Assessor parcel numbers 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C.

6. The Developer shall provide one hundred (100) additional parking spaces either on-site, off-site in a structure, or off-site in a joint public/private structure with the City. Off-site parking shall be located within 600-feet of the Property. In-lieu of providing the parking spaces, the Developer may elect to pay a fee to the City for use in construction of an off-site public parking structure.

7. Unless a new Conditional Use Permit (CUP) is granted by the Planning & Zoning Commission for the establishment of a Rooming & Boarding Facility on the Property, the Site Plan shall be amended, prior to building permit issuance, to classify the development as Mixed-Use Multi-Family Residential, including all design changes as may be necessary to comply with said use.

8. Unless a new Conditional Use Permit (CUP) is granted by the Planning & Zoning Commission to exceed the maximum lot coverage within the T5 Main Street (T5) transect zone, the Site Plan shall be amended, prior to building permit issuance, to establish and maintain a maximum of eighty-percent (80%) lot coverage.

SECTION 9. 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 10. 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 11. 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 22nd day of March, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Exhibit “A”

Legal Description of Property

Exhibit “B”

Legal Description of New T4N.2 Zoning

Exhibit “C”

Legal Description of New T5 Zoning

PZ-15-00164 The Hub Development Agreement Proposed Deal Points

The following deal points are taken directly out of the approved impact analyses. Specifics related to timing and cost have yet to be determined and/or negotiated.

City Agrees:

1. To participate in the cost to upgrade water, approximately 340-feet, and sewer, approximately 340-feet, infrastructure not immediately adjacent to the Subject Property.

Developer Agrees:

1. Providing for management of the project as a Rooming and Boarding Facility.
2. Participate in the City of Flagstaff Police Department's Crime Free Multi-Housing Program.
3. Traffic mitigation measures including; paying a proportionate share (50%) of the estimated cost of constructing a new 4-leg traffic signal at the intersection of Franklin and San Francisco; and, paying a proportionate share (50%) of the estimated cost of improving the pedestrian crossing at Butler and Humphreys.
4. Address the Planning Commissions recommended condition regarding parking.
5. Construct, at their sole cost and expense, the necessary stormwater infrastructure to serve the proposed development.
6. Elects to utilize and abide by all transect development standards.
7. Waives Prop207 claim for diminution in value.
8. Agrees to use their best efforts in the relocation of the existing historic structure to another location within the City for use as a bed and breakfast.

PLANNING AND DEVELOPMENT SERVICES REPORT
ZONING MAP AMENDMENT

PUBLIC HEARING
PZ-15-00164

DATE: January 6, 2016
MEETING DATE: January 13, 2016
REPORT BY: Brian J Kulina, AICP

REQUEST:

A direct ordinance Zoning Map Amendment request from Core Campus LLC amending the Downtown Regulating Plan from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres, and from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission forward this Zoning Map Amendment request 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:

Commercial, contractor office and storage yard, automotive lube shop, and single-family residential.

PROPOSED LAND USE:

The proposed conditional amendments, combined with two (2) proposed Conditional Use Permit requests and other parcels, will allow for the development of a 99 dwelling unit/acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses on approximately 2.39 acres.

NEIGHBORHOOD DEVELOPMENT:

	Current Use	Transect Zoning	Traditional Zoning
North	City of Flagstaff Phoenix Storage Building, NAIPTA Transfer Station, Flagstaff Bicycle Revolution, Pizzicletta	T5 Main Street (T5)	Commercial Service (CS)
East	Flag Tee Factory, Flag Lock, The Toasted Owl Café, Enchanted Spas, Interactive Humanics, Inc., Agassiz Landscape Group	T4 Neighborhood 1 Open (T4N.1-O)	Commercial Service (CS)
South	Residential duplex, Granny's Closet parking lot, Peoples Mortgage	T5 Main Street (T5) T4 Neighborhood 1 Open (T4N.1-O)	Commercial Service (CS Highway Commercial (HC)
West	Granny's Closet parking lot, Mike & Ronda's The Place, Brake Masters, Ruff's Sporting Goods	T5 Main Street (T5)	Highway Commercial (HC)

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 grounds 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 amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.

Finding 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

Core Campus LLC (the "Developer") is requesting a direct ordinance Zoning Map Amendment amending the Downtown Regulating Plan as follows: (1) from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect to allow for ground floor commercial uses and establish a 5-floor maximum building height, located along Mikes Pike and containing approximately 1.35 acres; and, (2) from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect to allow for ground floor residential uses and establish a 4-floor maximum building height, located along Phoenix Avenue and containing approximately 0.29 acres. This proposed conditional amendment, combined with two (2) proposed Conditional Use Permit requests and other entitled parcels, will allow for the development of a 99 dwelling unit/acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses on approximately 2.39 acres generally located at 17 S Mikes Pike (the "Subject Property"). The Subject Property is currently developed with a mixture of uses including commercial, contractor office and storage yard, automotive lube shop, and single-family residential. There are no natural resources (rural floodplain, slope, or forest) on-site. For additional information regarding the characteristics of the site and reason for the request, please reference the attached Rezone Narrative.

Land use north of the Subject Property is light industrial including the City of Flagstaff Phoenix Storage building and the Northern Arizona Intergovernmental Public Transportation Authority ("NAIPTA") transfer stations. Land uses to the east of the Subject Property are a mixture of commercial and service including restaurant, retail, and office. Land uses to the south of the Subject Property are primarily retail/service and a residential duplex. Land uses to the west of the Subject Property is commercial/service including restaurant, retail, office, and automotive repair.

If the proposed Zoning Map Amendment request is approved, including the two (2) proposed Conditional Use Permit

requests, the next steps in the development process will be Civil Improvement Plan submittal and Building Plan submittal. Development Agreement deal points between the City and the Development, a copy of which is attached to this report, have been drafted to address required off-site infrastructure improvements (i.e. stormwater, traffic, and pedestrian crossing of Butler Avenue), project management, good neighbor responsibilities, transect zone election, and Prop207 waiver. The Development Agreement must be approved by the City Council via a resolution prior to the second reading of the Zoning Map Amendment ordinance. The proposed development encompasses seven (7) separately identified parcels (APN's 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C). All of parcels 100-39-010, 100-39-003, 100-09-008, and portions of parcel 100-39-001C, 100-39-001G, and 100-39-002A are subject to the proposed Zoning Map Amendment; however, all parcels within the proposed development were analyzed for conformance to existing and proposed development standards. As a condition of approval, all parcels must be combined into one parcel prior to building permit submittal.

Proposed Development Concept Plans

The Developer is requesting this Zoning Map Amendment, along with two (2) proposed Conditional Use Permits parcels, for the development of a 99 dwelling unit/acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses known as The Hub Flagstaff. This is a direct ordinance Zoning Map Amendment wherein the associated site plan has been reviewed and approved by the Inter-Division Staff ("IDS") team prior to Zoning Map Amendment application submittal. The site plan for The Hub was approved by IDS on December 11, 2015 subject to successfully obtaining approval of the Zoning Map Amendment and Conditional Use Permit requests.

General Plan – Flagstaff Regional Plan 2030

The Flagstaff Regional Plan 2030 (the "Regional Plan") identifies the Subject Property as having a land use designation of Urban and as being located within two (2) Urban Activity Centers and within a Transform – Urban transition area. A Regional Plan Amendment to change the either land use designation, activity center, or transition area in order to accommodate the proposed development is not required. This development, and the corresponding Zoning Map Amendment, utilizes the transect zones identified on the Downtown Regulating Plan, which is a part of the City of Flagstaff Zoning Map. The transect zoning contemplated by this Zoning Map Amendment request is in conformance with the existing land use designation; however, all Zoning Map Amendment requests must be evaluated for consistency and conformance with the goals and policies of the Regional Plan.

The two transect zones contemplated in this Zoning Map Amendment request is the T4 Neighborhood 2 (T4N.2) zone and the T5 Main Street (T5) zone. In accordance with Section 10-40.40.080.A of the Zoning Code (Page 40.40-31), the intent of the T4 Neighborhood 2 (T4N.2) transect zone is to create new walkable urban neighborhoods that are in character with Flagstaff's older neighborhoods in combination with other transect zones. In accordance with Section 10-40.40.090.A of the Zoning Code (Page 40.40-37), the intent of the T5 Main Street (T5) transect zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to provide an appropriate transition into existing neighborhoods.

Applicable General Plan Goals and Policies

Staff has identified 66 Regional Plan Goals and Policies that could be applied to support or not support the proposed Zoning Map Amendment. For reference, a list of those policies is attached to this report. The following Goals and Policies have been selected for further analysis based on feedback received from the community during the review of the associated site plan:

Land Use

Policy CC.3.1. Encourage neighborhood design to be respectful of traditional development patterns and enhance the overall community image. (Regional Plan, Page VIII-23)

Policy LU.5.3. Promote compact development appropriate to and within the context of each type: urban, suburban, and rural. (Regional Plan, Page IX-31)
Policy LU.5.5. Plan for and promote compact commercial development at activity centers with mixed uses, allowing for efficient multi-modal transit options and infrastructure. (Regional Plan, Page IX-32)
Policy LU.7.1. Concentrate urban development in locations that use land efficiently, and are served by roads, water, sewer, and other public facilities and services, and that support transit, reduced vehicle trips, and conservation of energy and water. (Regional Plan, Page IX-32)
Policy LU.18.6. Support increased densities within activity centers and corridors. (Regional Plan, Page IX-68)
Policy NH.1.2. Respect traditions, identifiable styles, proportions, streetscapes, relationships between buildings, yards, and roadways; and, use historically appropriate and compatible building and structural materials when making changes to existing neighborhoods, especially in historic neighborhoods. (Regional Plan, Page XIII-9)
Policy NH.2.3. Continue the tradition of multi-story, multi-use buildings to maintain and increase a stable, mixed-income residential population when planning new structures in the downtown and Southside neighborhoods. (Regional Plan, Page XIII-9)

Infill and Redevelopment

Policy LU.1.3. Promote reinvestment at the neighborhood scale to include infill of vacant parcels, redevelopment of underutilized properties, aesthetic improvements to public spaces, remodeling of existing buildings and steetscapes, maintaining selected appropriate public spaces, and programs for the benefit and improvement of the local residents. (Regional Plan, Page IX-25)
Policy LU.5.2. Promote infill development over peripheral expansion to conserve environmental resources, spur economic investments, and reduce the cost of providing infrastructure and services. (Regional Plan, Page IX-31)
Policy NH.6.1. Promote quality redevelopment and infill projects that are contextual with surrounding neighborhoods. When planning for redevelopment, the needs of existing residents should be addressed as early as possible in the development process. (Regional Plan, Page XIII-10)

Transportation and Parking

Policy T.1.8. Plan for development to provide on-site, publicly-owned transportation improvements and provide adequate parking. (Regional Plan, Page X-6)
Policy T.3.4. Actively manage parking, including cost and supply, to support land use, transportation, and economic development goals. (Regional Plan, Page X-9)

Goal/Policy Analysis

Land Use

Land use policies encourage compact development, focused at activity centers with increased densities, that is respectful of traditional development patterns, uses land efficiently, supports transit and reduced vehicle trips, within multi-story multi-use buildings. The proposed Zoning Map Amendment, along with other entitlements, will enable the Subject Property to be developed as a mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses on approximately 2.39 acres. The Subject Property is located within two urban activity centers (U1 – Downtown and U8 – Milton/Butler), which calls for densities of 8 dwelling units/acre or more with Floor Area Ratio (FAR) of 1.0 or more. At 99 dwelling units/acres with a Floor Area Ratio (FAR) of 3.54, this would become the most dense/intense buildings in the city. However, the density and intensity of the development is achieved through the utilization of a compact land use pattern. The Subject Property is located adjacent to the Northern Arizona Intergovernmental Transportation Authority (NAIPTA) transfer station, which will provide immediate access to the city-wide transit network. In addition to the services provided on-site, the Subject Property is located within walking distance to a range of businesses that service the everyday needs of the proposed population. Compact development and land efficiency is further supported through the site design, which enhances the public realm by practicing "building forward" and locating the buildings adjacent to the public right-of-way. While the architectural style of the buildings follows a theme found locally and within the region, it has become apparent that the proposed bulk and mass of the building adjacent

to Mikes Pike is not fully compatible with the exiting neighborhood. As such, staff supports the addition of a condition of approval that would limit building height adjacent to Mikes Pike to 4-stores/52-feet, which partially addresses the relationship of the building to the neighborhood while acknowledging existing development rights that allow redevelopment of adjacent parcels at 3 ½-stories using transect zoning and 5-stories using traditional commercial zoning. While this condition would result in the removal of 7-dwelling units and 21 beds from the development, it would establish a potential development pattern from Milton Road to Beaver Street in that building height, utilizing the transect development standards, would transition from 4-stories, to 5-stories, to 4-stories, to 3 ½-stories, and back to 5-stories, respectively.

Infill and Redevelopment

In conjunction with land use policies, infill and redevelopment policies promote development that is contextual with surrounding neighborhoods, addresses the needs of existing residents, reduces the cost of providing infrastructure and services, and promotes reinvestment at the neighborhood scale. Map 20 of the Regional Plan (Page IX-23) identifies the Subject Property as being located within a Transform – Urban reinvestment area. In accordance with the Regional Plan (Page IX-19), redevelopment is when new development replaces outdated and underutilized development. The proposed Zoning Map Amendment, combined with other entitlements, will enable to Subject Property to be redeveloped with commercial uses along the ground floor adjacent to Mikes Pike, in order to enhance the commercial character of the street, and residential uses on the ground floor adjacent to Phoenix Avenue, in order to establish a desired pattern of development (i.e. residential internal to the block with commercial on either end). Improvements to the streetscape include the addition of curb, gutter, larger sidewalks, and parkway along all three street frontages. Existing infrastructure, while adequate to serve the proposed development, is aging and will be upgraded in size and material, which will attract other potential redevelopment opportunities in the area. To address the needs of existing residents, the Developer conducted a total of 5 neighborhood meetings, 4 before the filing of the Zoning Map Amendment, to present the proposal to the community and gain feedback. As a result of those meetings, staff has crafted conditions of approval that will shape the project to be more contextual with the surrounding neighborhood as it exists today and as it could redevelop in the future.

Transportation and Parking

Applicable transportation policies address the need for development to plan for adequate parking and manage that parking to support the associated land uses. Transect parking standards are based on an established nationwide standard that is then calibrated to the local condition. The local condition takes into account the availability of on-street parking, publicly owned parking, and the potential for shared parking between on-site uses. Unlike traditional parking standards, which establishes specific standards for specific uses (i.e. market rate housing, affordable housing, institutional residential, rooming and boarding, etc.), transect parking standards are more broad in nature (i.e. residential, commercial). Using the transect standards, the development is required to provide a minimum of 198 parking spaces. The Developer is proposing 231 on-site parking spaces with 204 provided within an enclosed parking garage and 27 provided on-street. This translates to approximately 31% of proposed beds having a dedicated on-site parking space within the garage. Under the traditional parking standards, 100% of the beds would have a dedicated parking space. While it has been contended that providing additional parking on-site is prohibited by the Zoning Code, an interpretation by the Zoning Code Administrator clarifies that limitation on the maximum number of parking spaces identified in Section 10-50.80.040.C.1 of the Zoning Code (Page 50.80-5) applies only to surface parking lots. Parking within a structure is exempt from this standard. The proposed development complies with the parking standards of the Zoning Code and, based on the managing of the parking by the Developer, complies with the Regional Plan. A Traffic Impact Analysis (TIA) was prepared by the Developer to demonstrate the anticipated traffic volumes generated from the proposed development. The City Traffic Engineer reviewed the site plan and TIA and subsequently accepted the results subject to 2 condition outlined in the *Traffic and Access* section of this report.

Many of the Goals and Policies identified above, and those identified on the attached Applicable Goals and Policies list, could be argued in support and nonsupport of the proposed Zoning Map Amendment depending upon the individual perspective taken. In order to provide a thorough analysis, a holistic approach to the Goals and Policies must be taken. When that happens, it is found that the Regional Plan supports targeted infill and redevelopment in compact urban form. Urban Activity Center, especially existing ones like the two encompassing the Subject Property, have the highest

concentration of density/intensity and greatest potential for redevelopment. They offer ideal locations of optimal transit connectivity, increased pedestrian and bicycle use, and infrastructure improvements. The Regional Plan (Page IX-63) states "activity centers around Northern Arizona University could also meet the demand for more multi-family housing units, and student-oriented services and goods."

Specific Plan – The Southside 2005 Plan

The Southside 2005 Plan (the "Plan") was accepted by the City Council on May 3, 2005. The purpose of the Plan is as a guide to make policy and future planning decisions for the neighborhood and to recommend a variety of strategies that respond to the issues and changes the area is facing. The Plan identifies underutilized sites that may be empty, deserted, have little building area, or be a critical site that can act as a catalyst to development and investment. Those portions of the Subject Property fronting Mikes Pike and Phoenix Avenue are identified in the Plan as underutilized sites with the Mikes Pike area specifically identified as being used for semi-industrial uses currently with many empty building. The proposed Zoning Map Amendment furthers the redevelopment of the underutilized land by permitting commercial uses along Mikes Pike, the original alignment of Route 66 and a historically commercial street. The Plan established aspirational development standards for the Subject Property, including, a maximum building height of 60-feet, building facades along streets limited to 2-stories or 30-feet, whichever is less, and additional stories stepped back a minimum of 10-feet from the façade below. These standards were a tool in the creation of the transect standards. While the proposed development does not abide by the 2-stories/30-feet building height adjacent to the street, the building is, with the approval of this Zoning Map Amendment and the conditions of approval, terraced from 4- to 5-stories along all frontages. With the redevelopment of the surrounding properties, this terracing will provide the transition in building form that was anticipated in the Plan.

Zoning – City of Flagstaff Zoning Code

The City of Flagstaff Zoning Code (the "Zoning Code"), which was adopted in November 2011, identifies the Subject Property as being within the Highway Commercial (HC) and the Commercial Services (CS) zone. In addition, the Downtown Regulating Plan, which is a part of the Zoning Map, identifies the Subject Property as being within the T5 Main Street and T4 Neighborhood 1 – Open (T4N.1-O) transect zones. The Developer must elect to utilize transect development standards through the execution of a Transect Zone Form, which will be attached to the Development Agreement as an exhibit and recorded against the Subject Property. The proposed use of the Subject Property is as a mixed-use multi-family style student housing development. Section 10-80.20.180 of the Zoning Code (Page 80.20-66) defines *Rooming and Boarding Facility* as "a residence or dwelling, other than a hotel, wherein three or more rooms are rented to individuals under separate rental agreements or leases, either written or oral, including dormitories, single room occupancy, fraternities and sororities." Traditional student housing developments are leased on a per-bed basis and, therefore, meet the *Rooming and Boarding Facility* definition and are classified as such. In accordance with Sections 10-40.40.090.I and 10-40.40.070.I of the Zoning Code (Pages 40.40-41 and 40-40.29, respectively), development of a *Rooming and Boarding Facility* is a permitted use within the existing T5 Main Street (T5) and T4 Neighborhood 1 – Open (T4N.1-O) transect zones subject to the issuance of a Conditional Use Permit by the Planning and Zoning Commission and conformance to the transect zone development standards (i.e. building placement, building form, encroachments and frontage types, parking, etc.) and specific building type standards. The proposed Zoning Map Amendment would amend the Downtown Regulating Plan by rezoning portions of the Subject Property from the existing T4 Neighborhood 1 – Open (T4N.1-O) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres, and from the existing T4 Neighborhood 1 – Open (T4N.1-O) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres. The primary reasons for the requested Zoning Map Amendment is to allow for ground floor commercial uses and establish a 5-floor maximum building height along Mikes Pike, and to allow for ground floor residential uses and establish a 4-floor maximum building height along Phoenix Avenue. A comparison of the development standards for the current and proposed zoning can be found under the "Building Form and Density Standards" subsection of this report.

As previously mentioned, the proposed development encompasses seven (7) individual parcels. The following subsections will discuss how the overall development meets, or exceeds, the minimum development standards associated with the T5 Main Street (T5) and T4 Neighborhood 2 (T4N.2) transect zones.

Open Space and Civic Space

In accordance with Section 10-30.60.060.C of the Zoning Code (Page 30.60-11), open spaces, civic spaces, and outdoor public spaces within transect zones shall be located and sized according to the standards established in Sections 10-30.80.050 and 10-30.80.060 of the Zoning Code (Page 30.80-8). In accordance with Section 10-30.80.060.B.1.a of the Zoning Code (Page 30.80-9), civic space within infill transect developments should be assigned based on community need. The Subject Property, according to the Flagstaff Regional Plan 2030, is located within the periphery of 2 activity center pedestrian sheds. As such, it is not conducive to the activation of the activity center by placing large amounts of civic space at the periphery; however, this does not completely eliminate the requirement for the development to provide some level of civic space. Based on the urban form achieved, civic space is provided adjacent to the commercial storefronts in areas that can be utilized for outdoor cafes and along Phoenix Avenue in pockets of landscaped area between the building façade. Open space for the residents is provided in a large internal courtyard, which is more fully discussed in the *Parks and Recreation* section.

Building Form and Density Standards

As previously mentioned, the primary reasons for the requested Zoning Map Amendment is to allow for ground floor commercial uses and establish a 5-floor maximum building height along Mikes Pike, and to allow for ground floor residential uses and establish a 4-floor maximum building height along Phoenix Avenue. Building height within transect zones is governed by both the total number of stories and the overall height. Table 1 below outlines and compares development standards for the existing and proposed transect zones. For comparison, Table 2 summarizes the development standards of the underlying traditional zoning.

Table 1 – Comparison of Development Standards (Transect)

Standards	Phoenix Avenue			Mikes Pike	
	Existing T4N1-O	**Existing T5**	**Proposed T4N.2**	**Existing T4N.1 – O**	**Proposed T5**
Maximum Building Height (feet)	45	64	52	45	64
Maximum Building Height (stories)	3-1/2 max	2 min 5max	4 max	3-1/2 max	2 min 5max
Maximum Coverage	60%	80%*	80%	60%	80%*
Building Placement					
Setbacks (feet, min/max)	Front – 15/30 Street Side – 10/15 Side – 5/15 Rear – 15	Front – 2/2 Street Side – 2/2 Side – 0/24 Rear – 3	Front – 5/12 Street Side – 10/15 Side – 3 Rear – 3	Front – 15/30 Street Side – 10/15 Side – 5/15 Rear – 15	Front – 2/2 Street Side – 2/2 Side – 0/24 Rear – 3
Min Front Façade w/n Façade Zone	50%	Front – 80% Street Side – 60%	50%	50%	Front – 80% Street Side – 60%

*100% lot coverage permitted with approval of Conditional Use Permit.

Table 2 – Development Standards (Traditional)		
Standards	**Commercial Service (CS) Zone**	**Highway Commercial (HC) Zone**
Maximum Building Height (feet)	65 (with a pitched roof of 6:12 or greater)	65 (with a pitched roof of 6:12 or greater)
Maximum Coverage	2.0 Floor Area Ratio (FAR)	3.0 Floor Area Ratio (FAR)
Minimum Setbacks (feet)*		
Front (feet)	0	0
Side (feet)	15 (adjacent to residential) 0 (all other uses) 10 (exterior)	15 (adjacent to residential) 0 (all other uses) 10 (exterior)
Rear (feet)	15 (adjacent to residential) 0 (all other uses)	15 (adjacent to residential) 0 (all other uses)
Minimum Open Space	15 (when part of mixed-use development or planned residential development)	15 (when part of mixed-use development or planned residential development)

The maximum permitted building height within the T4 Neighborhood 2 (T4N.2) transect zone is 4-stories/52-feet. The maximum permitted building height within the T5 Main Street (T5) transect zone is 5-stories/64-feet. The 5-foot building height bonus for providing structures with a roof pitch greater than 6:12 is not applicable to development with transect zones. The maximum building height proposed is 4-stories/49-feet stepping back to 5-stories/54-feet along Milton Road, 4-stories/49-feet stepping back to 5-stories/64-feet along Phoenix Avenue, and 5-stories/64-feet along Mikes Pike. The proposed building height are in conformance with the standards of the on-site transect zones; however, the relationship of the development to the Southside neighborhood, and, specifically, the properties to the east of Mikes Pike, which have a transect designation of T4 Neighborhood 1 – Open (T4N.1-O) with a maximum building height of 3 ½-stories/45-feet, could be improved. Staff would, therefore, recommend that a condition be placed on the Zoning Map Amendment request limiting building height immediately adjacent to Mikes Pike to 4-stores/52-feet. While this would result in the removal of 7 dwelling units and 21 beds from the development, it would establish a potential development pattern from Milton Road to Beaver Street in that building height, utilizing the transect development standards, would transition from 4-stories, to 5-stories, to 4-stories, to 3 ½-stories, and back to 5-stories, respectively.

An incentive for development within transect zones is no established density or Floor Area Ratio (FAR) maximums. For comparison purposes, the maximum established density of the High Density Residential (HR) zone is 29 dwelling units/acre and the maximum established Floor Area Ratio (FAR) for the Highway Commercial (HC) zone is 3.0. With a total building square footage of 368,233 (including commercial, residential, and parking), a dwelling unit count of 236, and a site area of 2.39 acres, the proposed development has an Floor Area Ratio (FAR) of 3.54, and a density of 99 dwelling units/acres.

The Subject Property has three street frontages; Mikes Pike, Phoenix Avenue, and Milton Road. Regardless of any additional setback that may required to comply with established landscape buffers and floodplain requirements, the setbacks established by the Zoning Code and applied to the development of this site are as follows: 2-foot along Mikes Pike and Milton Road; 5-foot along Phoenix Avenue ; 4-foot adjacent to Mother Road Brewing Company/Flagstaff Bicycle Revolution/Pizzicletta; 10-foot adjacent to Ruff's Sporting Goods/Brake Masters; and, 1-foot adjacent to the Granny's Closet parking lot.

Parking

Development under transect zone is more focused on building placement and form than development under traditional zoning. The primary incentive given to encourage development within transect zones is a reduction in the required minimum parking. Each transect zone has parking standards uniquely calibrated to that zone and the anticipated building types. Unlike the parking standards found in Table 10-50.40.080.A of the Zoning Code (Pages 50.80-6 through 50.80-11), which identify parking standards for specific and individual uses, transect parking standards are more broad and assume a certain

level of maturity in the urban infrastructure with the availability of public parking and on-street parking regulations, which is currently lacking in the neighborhood. Whereas the proposed *Rooming and Boarding Facility* use would require 1 parking space per bed under traditional parking standards, all residential uses, regardless of density, require 1 parking space per studio/1bedroom unit and 2 parking spaces per 2+ bedroom unit within the T4 Neighborhood 2 (T4N.2) transect zone and 1 parking space per 1,500 square feet of residential development within the T5 Main Street (T5) transect zone. Parking for commercial uses within a transect zone is calculated based on square footage with no parking required for the first 2,000 square feet of ground floor commercial.. Using this standard, the proposed 14,096 square feet of commercial is required to provide 37 off-street parking spaces. In accordance with Section 10-50.80.050.B.1 of the Zoning Code (Page 50.80-11), bicycle parking shall be provided at a minimum of 5% of the required off-street parking spaces. Table 3 below summarizes the off-street parking and bicycle parking requirements under the transect zones. For comparison, Table 4 summarizes the off-street parking and bicycle requirements under traditional zones.

Table 3 – Required Off-Street Parking Calculations (Transect)			
Use	**Parking Standard**	**Square Feet/No. of Units**	**Parking Required**
Retail Trade/Service	1/1,000 gsf above first 2,000 gsf	14,096 gsf	37
Residential			
T4N.2	2/2+ bedroom unit	8 units	16
T5	1/1,500 gsf	218,138 gsf	145
		Total	**198**
Bicycle	5% of required off-street	**Total**	**10**

Table 4 – Required Off-Street Parking Calculations (Traditional)			
Use	**Parking Standard**	**Square Feet/No. of Units**	**Parking Required**
General Services	1/300 gsf	14,096 gsf	47
Rooming & Boarding	1/bed + 1/manager	664 + 1	665
		Total	**712**
Bicycle	5% of required off-street	**Total**	**36**

Section 10-50.80.040.C.1 of the Zoning Code (Page 50.80-5) limits the number of off-street parking spaces provided to 5% above the required minimum for developments over 10,000 square feet in floor area or containing 25 or more residential units. In accordance with an interpretation made by the Zoning Code Administrator, a copy of which is attached to this report, this standard only applies to surface parking lots. Parking provided within a structure can exceed the minimum requirement without limitation. In accordance with Section 10-50.80.040.B.4 of the Zoning Code (Page 50.80-5), on-street parking located along the frontage of a parcel may count towards the required residential guest parking and commercial use parking requirements within transect zones. Table 5 below summarizes the provided parking.

Table 5 – Provided Parking		
Use	**Parking Required**	**Parking Provided**
Retail/Service	37	27 (On-Street)
Residential	162	204 (Garage)
	Total	**231**

The provided level of parking complies with the parking requirements of the Zoning Code; however, staff has come concern over the viability of the commercial space along Milton Road without dedicated parking adjacent to the building. Staff recommends that the Developer negotiate a shared parking agreement with the adjacent land uses (Peoples Mortgage, Granny's Closet, Brake Masters, and Ruff's Sporting Goods) to ensure the success of any future commercial use.

Design Review

Site Planning Standards
The site analysis standards found in Section 10-30.60.030 of the Zoning Code (Page 30.60-2) are generally not applied to the redevelopment of existing sites. However, the principles, including consideration for 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 are applied during site plan review.

Pedestrian and Bicycle Circulation Systems
Pedestrian access to the site is provided from Mikes Pike, Milton Road, and Phoenix Avenue. Pedestrian circulation is provided around the site through a network of sidewalks providing connections between several key elements, including residential and commercial building entrances, and the parking garage. In addition, they provide off-site connections to the adjacent public services, which can be used to access nearby transit stops and other non-residential uses. Internal circulation is provided through a series of internal hallways and corridors.

While there is no dedicated on-site bicycle circulation system, bicycles can utilize the adjacent pedestrian system to gain access to residential and commercial building entrances, bicycle parking areas, and the adjoining public sidewalks and bike lanes. In accordance with Section 10-30.60.040.A.3.c of the Zoning Code (Page 30.60-7) and Section 10-50.80.050 of the Zoning Code (Page 50.80-11), 140 bicycle parking spaces are being provided on-site.

Parking Lots, Driveways, and Service Areas
In accordance with Section 10-50.80.020.A.1 of the Zoning Code (Page 50.90-1), all new development shall be required to provide off-street parking. As previously discussed, the calculation for the required number of off-street parking spaces to be provided is based on the use of the site. As such, 231 parking spaces are being provided on-site, the majority of which, 204, are located within an internal parking garage with access from Mikes Pike. The remaining 27 parking spaces are provided as on-street parking, which is permitted to count towards the required residential guest parking and commercial use parking requirements in accordance with Section 10-50.80.040.B.4 of the Zoning Code (Page 50.80-5).

Design standards require new development to minimize the number of curb cuts (i.e. driveways) onto a public street. Currently, access to the Subject Property is provided by 3 existing curb cuts on Mikes Pike, 3 existing curb cuts on Phoenix Avenue, and 2 existing curb cuts on Milton Road. The Developer proposes to reduce the curb cuts to 1, on Mikes Pike, which will be used to access the internal parking garage.

The site plan identifies 2 trash rooms with the parking garage. Public Woks staff as worked with the Developer to ensure that the resulting trash enclosures meet the City standards for operation.

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, at four and five stories, would be the tallest structures in the immediate area but it would not be as tall as the Drury Inn (6-stories/71-feet) located at the intersection of Milton Road and Butler Avenue/Clay Avenue. While the T5 Main Street (T5) transect zone allows for a maximum building height of 5-stories/64-feet and the T4 Neighborhood 2 (T4N.2) transect zone allows for a maximum building height of 4-stories/52-feet, taken in context to other existing structures in the area and the existing character of the neighborhood, this development has the potential to be out of character based on today's standards, but in character, given the proposed condition to reduce building height along Mikes Pike, with the potential redevelopment of the area to the north, which is currently zoned Commercial Service (CS) and T5 Main Street (T5), to east, which is currently zoned Commercial Service (CS) and T4 Neighborhood 1 – Open (T4N.1-O), and to the west, which is currently zoned Highway Commercial (HC). Based on this, it is staff's recommendation that a condition of approval be placed on the proposed Zoning Map Amendment to limit building height to 4-stories/52-feet along Mikes Pike adjacent to the street frontage. Additional stories may be achieved provided they are setback at least 40-feet from the property line.

In accordance with Section 10-40-40.080.A of the Zoning Code (Page 40.40-31), residential is the primary use type within the T4 Neighborhood 2 (T4N.2) zone. To reinforce this use, buildings should be designed to a residential character with a stoop, porch, or forecourt presenting to the street at the pedestrian level. The primary entrances in the middle of the building along Phoenix Avenue are highlighted by stoops, porches, and landscaping. Conversely, the easternmost and westernmost entrances lack a distinguishing entry feature. To that, staff is proposing a conditional of approval to incorporate a covered porch, or other similar feature, into the design at the time of building permit submittal.

During the review of the site plan, architectural design standards such as building materials, massing, roof form, and scale were applied and approved by staff. Additional information regarding the architectural design of the building can be found on the elevations attached to this report. Staff will confirm that any secondary materials and accent colors comprise less than 25 percent of the exterior walls of each elevation during the review of a more detailed site plan submittal.

Signage

Signage is not included in the review of either the site plan or this Zoning Map Amendment. All signage will be reviewed and approved under a separate sign permit prior to installation on-site. Signage must comply with the standards established in Section 10-50.100 of the Zoning Code (Page 50.100-1), including commercial building mounted signage limited in mounting height to 25-feet and multi-family residential building mounted signage limited in mounting height to 4-feet.

Landscaping

A preliminary landscape plan, a copy of which is attached to this report, was approved by IDS with the site plan application and meets the general intent of the 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). Staff will ensure that landscaping meets City standards during the review of more a more detailed improvement plan submittal.

Affordable Housing

The proposed Zoning Map Amendment provides certain entitlements to the Subject Property including an increase in possible density as a result of the increase in permitted building height. When an application requests an increase in density, it has been a standing policy of the City Council to request that 10% of the proposed dwelling units be developed as affordable housing units. Understanding this policy and the impacts in the affordable housing stock created by the proposed development, the City approached the Developer about either providing for or contributing to affordable housing. To date, the Developer has not agreed to an affordable housing contribution

Crime Fee Multi-Housing Program

It is the understanding of staff that the Developer has met with the City of Flagstaff Police Department and has agreed to participate in the department's Crime Free Multi-Housing Program (CFMHP). Review of the plans will be necessary at building permit review to ensure that specific building features comply with the program. Memorialization of participation will be ensured as part of the Development Agreement.

PUBLIC SYSTEMS IMPACT ANALYSIS:

Traffic and Access

The Subject Property is bound on the north by Phoenix Avenue, on the east by Mikes Pike, and on the west by Milton Road. Vehicular access to the site is provided by all 3 roadways with access to the parking garage provided by Mikes Pike. Proposed improvements within the right-of-way include: new curb, gutter, sidewalk, and parkway along all frontages; and,

the dedication of right-of-way for a future deceleration and right-turn land on northbound Milton Road to eastbound Phoenix Avenue. It is important to note that Milton Road is under the jurisdiction of the Arizona Department of Transportation (ADOT). As such, ADOT must issue permits for any work performed within their right-of-way in addition to approving any plans/studies related to those improvements.

A Traffic Impact Analysis (TIA) was prepared by the Developer to demonstrate the anticipated traffic volumes generated from the proposed development. The City Traffic Engineer reviewed the site plan and TIA and subsequently accepted the results subject to the following condition:

1. The Traffic Impact Analysis demonstrates that a traffic signal is not warranted at the intersection of San Francisco and Franklin in 2017 background, but is warranted with the site traffic. In lieu of constructing the signal, the City of Flagstaff is requiring the Hub to pay one half of the estimated cost of constructing a new 4-leg signal at this intersection. The total cost of the improvements will be calculated and provided by the City of Flagstaff and used to determine the Hub's proportional share cost, which will be documented in a Development Agreement.
2. The Traffic Impact Analysis estimates the volume of pedestrians crossing Butler Avenue at Humphreys, during peak hour, will increase approximately 100% in 2017, as a result of this development. Consequently, the pedestrian crossing may need to be upgraded in the near future. In lieu of constructing improvements at this time, the City of Flagstaff is requesting that the Hub pay for one half of the estimated cost of these improvements. The total cost of the improvements will be calculated and provided by the City of Flagstaff as used to determine the Hub's proportional share cost, which will be documented in a Development Agreement.

Two methodologies were used to determine the impacts to transportation network:

1. Using trip generation rates from a study performed by the City in 2015 of existing housing developments similar to the proposed development estimated traffic impacts were calculated based on the number of parking spaces that are proposed (231).
2. A more conservative approach was also calculated based on the total number of bedrooms that are proposed (665).

When the analysis was complete, there was no noticeable difference in impacts between the high and low scenarios.

Water and Wastewater

Existing waterlines in the area include an 8-inch case iron line located in Phoenix Avenue, a 6-inch cast iron line in Mikes Pike, and an 8-inch cast iron line in Milton Road. Existing public sewer mains in the area include an 8-inch clay line located in Mikes Pike, an 8-inch clay line in Phoenix Avenue, and an 8-inch cast iron line in Butler Avenue. A Water and Sewer Impact Analysis ("WSIA") was prepared by Civil Design & Engineering, Inc. at the request of the City Utilities Department. The analysis concluded that the existing water and sewer system infrastructure in Mikes Pike needs to be replaced due to ages, size, and material. Specifically, the existing waterline will be replaced and upgraded to a 10-inch PVC pipe and the existing sewer line will be replaced with an 8-inch PCV pipe. The WSIA indicates that the City will participate in the costs associated with the water line improvements not located along the project frontage. The upsizing of the waterline is not needed to service the proposed development. As such, the City of Flagstaff has agreed to participate in the additional costs associated with the upsizing, which will be finalized as part of the proposed Development Agreement.

Stormwater

Stormwater runoff will be detained in an at-grade detention vault located within the parking garage. The vault is designed to properly reduce the peak on-site discharges with adequate storage for Low Impact Development (LID) volumes and rainwater harvesting volumes. The building is currently located within the FEMA delineated floodplain for the Rio de Flag. The Developer has designed the Subject Property to elevate the buildings above the floodplain. The Stormwater Manager

reviewed the site plan, Drainage Impact Analysis, and Preliminary Drainage Report and it was determined that there are no downstream impacts associated with the proposed development; however, the development will require the construction of a new 28"x20" arch stormdrain pipe from the Subject Property to an existing concrete culvert in Butler Avenue. The requirement for these improvements will be ensured through the Development Agreement.

Parks and Recreation

The closest City-owned park to the site is Guadalupe Park located approximately 0.4 miles away. In order to offset the impact of the additional residents on the current park system the Developer has proposed a large courtyard/outdoor amenities areas within the development. These amenities will include a pool, 2 hot tubs, outdoor seating area, barbeques, lawn, and bocce ball court. In addition, other amenities will be provided internal to the building. Staff is confident that the park and recreational needs of the residents of the proposed development will be met through these amenities provided on-site and offset the impacts generated by the proposed development.

OTHER REQUIREMENTS:

Resources

A Phase 1 Cultural Resource Study was prepared for the Subject Property and it was determined that two significant cultural resources were identified in the Direct Area of Potential Effects (APE)—the buildings at 17 and 17 ½ S Mikes Pike. Twelve significant cultural resources were identified in the 1/8-mile Indirect APE—two historic districts and ten individual resources. The project would result in major impacts to the two buildings at 17 and 17 ½ S Mikes Pike located within the Direct APE. The project would result to significant cultural resources in the Indirect APE would be that of no adverse effect. It was determined, with approval by the Heritage Preservation Commission, that the relocation of the building, in lieu of demolition, would be the recommended option. In either case, a Phase 2 Cultural Resource Study for the two buildings was prepared and accepted by the city. The project has no additional impacts on other sites or buildings of historical or cultural significance.

The Subject Property is not 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). As such, the standards found within that section are not applicable to the proposed development.

Citizen Participation

Public hearings before the Planning and Zoning Commission and the City Council are conducted in conjunction with any Zoning Map amendment request. In accordance with Arizona Revised Statute and City Code, notice of the public hearing must be provided by placing an ad in a newspaper of general circulation within the City, posting a notice on the property subject to the proposed amendment, and mailing a notice to all property owners within 300-feet of the property subject to the proposed amendment. All notifications must be completed at least 15-days prior to the first schedule public hearing. In order to notice as many people as possible, staff ensured that a notice was: published in the Sunday edition of the Arizona Daily Sun; 3 public hearing notice signs were posted on the site (1 on Mikes Pike, 1 on Milton Road, and 1 on Phoenix Avenue); and, a notice was mailed to all property owners within 1000-feet of the site, all tenants within 1,000 feet of the site, all parties on the Registry of Persons or Groups, and anyone who signed-in at any of the Developer's previously held neighborhood meetings. A copy of the publication notice, pictures of the postings, a mailing list, and a copy of the mailing notice are attached to this report.

As of this writing, staff has received 13 letters and 13 e-mails from interested parties, which can be divided into 2 categories: opposed, and support. Those comments in opposition (25 total) expressed concerns over compatibility, sociological impacts, infrastructure, student behavior, neighborhood character, traffic, unsupportable retail, parking, aesthetics, location, views, shadow cast, building massing, design, impact on tourism, Northern Arizona University's problem to address, neighborhood

history, student housing, undesirable part of town for students, density, availability of other housing types, and human congestion. The comment in support (1 total) expressed the need for student housing, location, and need. A table summarizing all public comments received to the date of this writing as well as copies of each comment is attached to this report.

Section 10-20.30.060 of the Zoning Code (Page 20.30-5) requires the Developer to conduct a neighborhood meeting prior to the Planning and Zoning Commission public hearing in accordance with an approved neighborhood meeting plan. After completion of the neighborhood meeting, the Developer must prepare a *Record of Proceedings* in accordance with Section 10-20.30.060.F of the Zoning Code (Page 20.30-7). That record is then presented as part of the report to the Planning and Zoning Commission and City Council. The Neighborhood Meeting Plan, a copy of which is attached to this report, was approved by staff on December 3, 2015 and revised on December 29, 2015.

The required neighborhood meeting was conducted on December 21, 2015 at the Pine Forest Charter School located at 1120 W Kaibab Lane. The meeting was noticed in accordance with established City standards. The meeting was conducted in a more traditional speaker/audience format with a presentation given by the applicant followed by a question and answer (Q&A) session. The results of the meeting were submitted on December 30, 2015 in a Neighborhood Meeting Report, a copy of which is attached to this report. The meeting was attended by 47 people who signed-in. Additional people may have attended but were not accounted for in the report. Based on the submitted meeting minutes (Neighborhood Meeting Summary Tab F), comments during the Q&A session generally revolved around gaining a better understanding of the specifics of proposed development (i.e. number of beds, units, and parking spaces), impacts on the existing infrastructure (including traffic and transit), benefits of the project to the neighborhood and city, and plans for the property if the Zoning Map Amendment is denied.

DISCUSSION:

In accordance with Section 10-40.40.080.A of the Zoning Code (Page 40.40-31), the intent of the T4 Neighborhood 2 (T4N.2) transect zone is to create new walkable urban neighborhoods that are in character with Flagstaff's older neighborhoods in combination with other transect zones. In accordance with Section 10-40.40.090.A of the Zoning Code (Page 40.40-37), the intent of the T5 Main Street (T5) transect zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to provide an appropriate transition into existing neighborhoods. The Subject Property is a part of a larger urban area with a highly connected network of walking, biking, and transit with easy and convenient connections to Downtown, Northern Arizona University, and daily shopping, services, and employment, which supports the proposed increase in density and intensity. Due to the existing multi-modal transportation network and the nature of a student housing development, anticipated increases in vehicular traffic volumes generated from the proposed development are minor. Increases in pedestrian and vehicular traffic will be mitigated prior to building occupancy through proportional share contributions to future infrastructure improvements. Based on the recommended conditions of approval altering the relationship between the proposed buildings and the existing neighborhood, the compatibility of a mixed-use development with the surrounding existing residential and commercial uses, and the City's ability to provide public services to the proposed development as demonstrated in the *Public Systems Impact Analysis* section of this report, the rezoning of the Subject Property from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres, and from the existing T4 Neighborhood 1 (T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres is the most logical step to fulfill the redevelopment goals of the Regional Plan and the Southside 2005 Plan.

RECOMMENDATION:

Staff believes that the proposed Zoning Map Amendment has been justified and would recommend in favor of amending the Downtown Regulating Plan from the existing T4 Neighborhood 1 (T4N.1) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres and, from the existing T4 Neighborhood 1

(T4N.1) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres, subject to the following conditions:

1. Unless modified to comply with these conditions, the site shall be developed in substantial conformance to the Site Plan as approved by the Inter-Division Staff (IDS) on December 11, 2015 and as presented to the Planning and Zoning Commission with this Zoning Map Amendment request.

2. The proposed structure located along Mikes Pike shall be limited to 4-stories/52-feet in height adjacent to the street frontage. A fifth story, if desired, shall be setback at least 40-feet from the property line.

3. Development shall be limited to two hundred twenty-nine (229) units and six hundred forty-three (643) beds. Any increase to either the number of units or beds must be approved by the City Council through the review of a Zoning Map Amendment application.

4. At the time of building permit submittal, the easternmost and westernmost residential entrances along Phoenix Avenue shall be modified to incorporate a covered porch element, or other similar feature, at the first floor entry to emphasize the pedestrian scale and residential character.

5. Prior to building permit submittal, the Developer shall combine Coconino County Assessor parcel numbers 100-39-001C, 00-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C.

ATTACHMENTS

- Zoning Map Amendment Application with Letter of Authorization
- Vicinity Map
- Public Hearing Legal Advertisements
  - Coconino County Assessor's Parcel map
  - Posting, Publication, and Mailing
- Public Comment Packet (Summary Table and Letters/E-mails Received)
- Draft Development Agreement Deal Points
- Applicable Regional Plan Goals and Policies
- Zoning Code Interpretation—Parking
- Rezone Narrative
- Neighborhood Meeting Plan (Approved December 29, 2015)
- Neighborhood Meeting Report (Submitted December 30, 2015)
- Site Plan, Building Material Spec Sheet and Color Renderings, Elevations, Floor Plans, Landscape Plan, Lighting Plan, and Civil Grading, Drainage, and Utility Plan

CITY OF FLAGSTAFF
CURRENT PLANNING DIVISION
211 West Aspen Avenue
Flagstaff, Arizona 86001
PHONE: (928) 213-2613

Memorandum

To: Planning & Zoning Commission

From: Brian Kulina, Planning Development Manager

CC: Dan Folke, Planning Director

Mark Sawyers, Current Planning Manager

Date: January 28, 2016

Re: PZ-15-00164, The Hub Zoning Map Amendment

At the January 13, 2016 meeting of the Planning Commission, the Commission continued deliberation and action on the requested Zoning Map Amendment to a February 3, 2016 meeting. As a part of that continuation, the following additional information was requested to be presented:

1. A view shed study of the proposed development as seen from the following intersections:
   a. Milton Road/Butler Avenue looking north;
   b. Beaver Street/Phoenix Avenue looking west; and,
   c. Beaver Street/Cottage Avenue look west.
2. A shadow study of the proposed development.
3. A bulk and mass study of the existing zoning.
4. An analysis of Regional Plan Policy CC.2.7.

The view shed study, shadow study, and bulk and mass study were prepared by the Developer and are attached to this memorandum for reference. The view shed, and bulk and mass studies reflect development under existing zoning and development as proposed.

Regional Plan Policy CC.2.7 states "Protect existing historic districts from encroachment by land uses that compromise the historic characteristics of the district." This policy was identified on the larger list of goals and policies that could potentially be used to support or not support the requested application but was not included in the more detailed analysis of the staff report. The reasoning was goals and policies related to heritage preservation are implemented through the Cultural Resource Study (CRS) requirements of the Zoning Code. A CRS was prepared by the Developer and approved by the Heritage Preservation

Commission. Any impacts associated with the proposed development on heritage resources would be mitigated through the CRS review process.

In addition, an e-mail was received from a Commissioner that requested the following information:

1. The total number of beds provided on Northern Arizona University (NAU).
2. The total number of parking spaces reserved for residential parking on NAU.
3. Parking standards, if any, for residential development on NAU, Arizona State University (ASU), and University of Arizona (UA).

On campus, there are 7,694 beds controlled by NAU and approximately 1,500 additional beds controlled by American Campus Communities, a private company. The total number of spaces reserved specifically for on campus residential use is unknown. However, there are approximately 9,200 total parking spaces on campus with approximately 4,800 residential parking permits issued. Neither university (NAU, ASU, or UA) appears to have an established parking standard that is applied to the construction of new residential rooms/beds. This becomes evident when considering that many surface parking lots, statewide, are being converted to new classroom and/or residential developments without associated parking being provided.

As of this writing, staff has received a total of 17 comments from the public regarding the proposed Zoning Map Amendment. A table summarizing those comments, as well as copies of the comments themselves, is attached to this memorandum for review.

Should the Commission have any additional questions in advance of the next meeting, please do not hesitate to contact me at (928) 213-2613 or via e-mail at bkulina@flagstaffaz.gov.

<u>Attachments</u>

- View Shed Study and Bulk/Mass Study of Existing Zoning and Proposed Development
- Shadow Study
- Public Comments Summary

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January 27, 2016

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Members of the Planning and Zoning Commission
c/o Mr. Mark Sawyers and Mr. Brian Kulina
Flagstaff Community Development Department
211 West Aspen Avenue
Flagstaff, Arizona 86001

Re: *The Hub* located at 17 South Mikes Pike
PZ-15-00164, PZ-15-00164-01, and PZ-15-00164-02

Dear Members of the Planning and Zoning Commission:

As you are aware, we represent Core Campus, the developer of *The Hub*, a proposed mixed-use development on the property bounded to the north by Phoenix Avenue, to the east by Mikes Pike, and to the west by Milton Road. Core Campus owns the property. The purpose of this letter and the enclosed exhibits is to supplement the Planning and Zoning Commission's discussion at the January 13, 2016, meeting.

The existing transect zoning on the Property is T5 Main Street (T5) and T4 Neighborhood 1 transect (T4N.1), which permit by right building heights of 64-feet and 45-feet, respectively. The proposed zone change case in front of you simply shifts the T5 and T4 transects to achieve a development that we believe is a more successful and sustainable project for the community, the City of Flagstaff, and Core Campus as the developer.

Core Campus approaches every project with the intent to form a strong working partnership with the community and municipality to enhance the civic community environment. That's no different here in Flagstaff. We have worked extensively with the community, including holding five (5) neighborhood meetings and numerous one-on-one meetings, as well as numerous meetings with the City Community Development Department to make modifications to the development in response to input and comments received.

These modifications include the following:

1. Reduced the building height;
2. Stepped the upper floor along Mikes Pike, Phoenix Avenue, and Milton Road back;

(See **Exhibit 1 – Mikes Pike Original Building Elevation** and **Exhibit 2 – Mikes Pike Building Elevations As Modified By Stipulation**.)

3. "Jogged" the building façade along Mikes Pike and Phoenix Avenue to break-up the perceived massing;
4. Significantly reduced the amount of glass (windows) and incorporated residential-style windows;
5. Utilized flat roofs (as opposed to pitched roofs) to reduce the perceived building height and scale;
6. Incorporated "Flagstaff" architecture;
7. Created a strong "residential feel" along Mikes Pike and Phoenix Avenue; and
8. Provided additional common area open space along Phoenix Avenue.

As a result of our extensive community outreach efforts and close collaboration with the Community Development Department, we believe Core Campus's current development proposal responds to the desires of the community and City Staff, and is a great result of the community and developer working together.

Core Campus, as the owner of the Property, could by right today file a Site Plan Review application to construct a building with height of: (1) 45-feet on Mikes Pike and a portion of Phoenix Avenue; and (2) 64-feet along Milton Road and the balance of Phoenix Avenue. The rezone application in front of you limits the building height to between 49-feet and 52-feet along all three street frontages with the upper floor stepped back at 64-feet and likely not visible from the street frontages. Core Campus has preliminarily determined it could by right construct a building with upwards of 700 beds requiring 250 parking spaces. Under this "by right" scenario, that's a bed to parking ratio consistent with this rezone application. Importantly, any "by right" development only requires administrative approval by the Community Development Department. However, this "by right" development would not provide continuous commercial and residential uses on the ground floor along Mikes Pike and Phoenix Avenue desired by the community and the Community Development Department; it may not provide building step backs; it could have increased building heights along Milton Road and Phoenix Avenue; and it could include a different architectural style.

However, this is not Core Campus's intent here. Core Campus fully intends on pursuing the development proposed in this rezone application. The Community Development Department and Core Campus believe that this rezone application strikes a good balance between the "by right" zoning and the proposed zoning that results in a development that is best and most appropriate for the community and provides the land uses desired in the Flagstaff Regional Plan 2030 and The Southside 2005 Plan within an aesthetically pleasing, compact building form that is compatible with the community and the context of the area.

The Planning and Zoning Commission directed us to prepare perspective views. Additionally, as a supplement to these requested views, Core Campus prepared additional views depicting "by right"

development under the current transects. (As stated on the exhibits, the white line represents the roofline of the building that would not otherwise be visible because of existing buildings, trees, etc.)

The perspective views are as follows:

1. View from Phoenix Avenue and Beaver Street looking west.

   Exhibit 3 – View from Phoenix Avenue & Beaver Street Proposed Zoning.
   Exhibit 4 – View from Phoenix Avenue & Beaver Street Current Zoning.

2. View from Butler Avenue and Milton Road looking north.

   Exhibit 5 – View from Butler Avenue & Milton Road Proposed Zoning.
   Exhibit 6 – View from Butler Avenue & Milton Road Current Zoning.

3. View from Cottage Avenue and Beaver Street looking west.

   Exhibit 7 – View from Cottage Avenue & Beaver Street Proposed Zoning.
   Exhibit 8 – View from Cottage Avenue & Beaver Street Current Zoning.

The Planning and Zoning Commission also directed us to prepare a shadow study. See **Exhibit 9 – Shadow Study**.

In closing, the approval of the requested zone change and Conditional Use Permit applications will result in a development that is much more appealing to community than what could otherwise be developed under the current transect zoning. We are confident the Planning and Zoning Commission will reach the same conclusion that the Community Development Department and the Developer did through the process of evaluating the two different entitlement scenarios: the existing "by-right" zoning and the proposed zoning.

Please do not hesitate to contact me should you have any questions or require additional information before our hearing on February 3rd. Thank you, in advance, I look forward to seeing you next week.

Sincerely yours,

GAMMAGE & BURNHAM, P.L.C.

By Lindsay C. Schube

Lindsay C. Schube

LCS/nas

EXHIBIT 1 - MIKES PIKE ORIGINAL BUILDING ELEVATION

HUB ON CAMPUS FLAGSTAFF

BUILDING MASSING
01.22.2016

MYEFSKI ARCHITECTS

EXHIBIT 2 - MIKES PIKE BUILDING ELEVATION AS MODIFIED BY STIPULATION

HUB ON CAMPUS FLAGSTAFF

BUILDING MASSING
01.22.2016

EXHIBIT 3 - VIEW FROM PHOENIX AVENUE & BEAVER STREET - PROPOSED ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

EXHIBIT 4 - VIEW FROM PHOENIX AVENUE & BEAVER STREET - CURRENT ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

EXHIBIT 5 - VIEW FROM BUTLER AVENUE & MILTON ROAD - PROPOSED ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

MYEFSKI ARCHITECTS

EXHIBIT 6 - VIEW FROM BUTLER AVENUE & MILTON ROAD - CURRENT ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

MYEFSKI ARCHITECTS

EXHIBIT 7 - VIEW FROM COTTAGE AVENUE & BEAVER STREET - PROPOSED ZONING

HUB ON CAMPUS FLAGSTAFF

01.22.2016

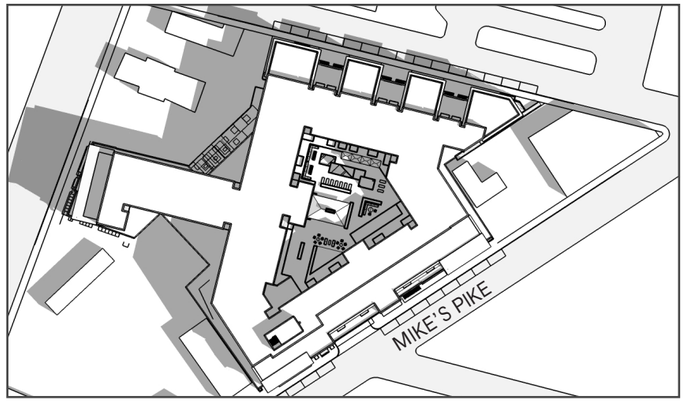
CORE CAMPUS

MYEFSKI ARCHITECTS

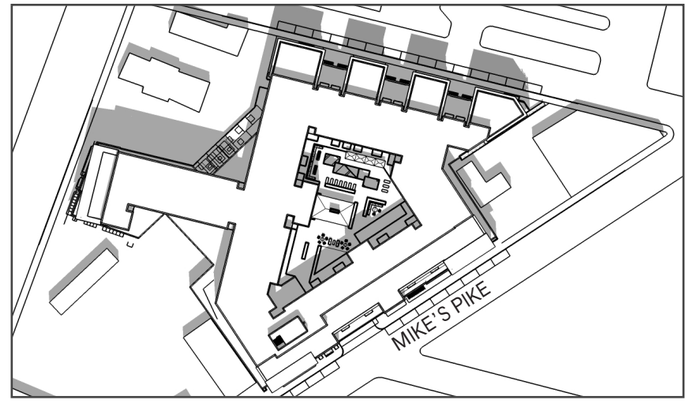
EXHIBIT 8 - VIEW FROM COTTAGE AVENUE & BEAVER STREET - CURRENT ZONING

HUB ON CAMPUS FLAGSTAFF

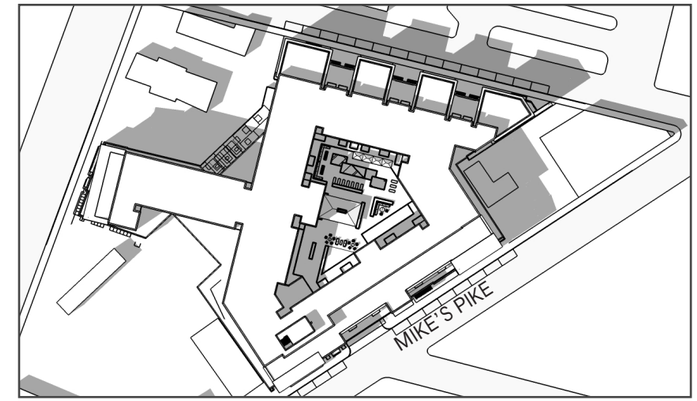
01.22.2016



SEPT/MAR 21 - 9AM



SEPT/MAR - 12 PM



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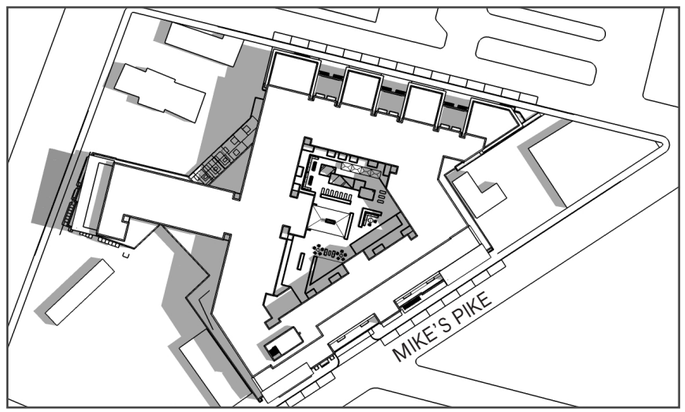
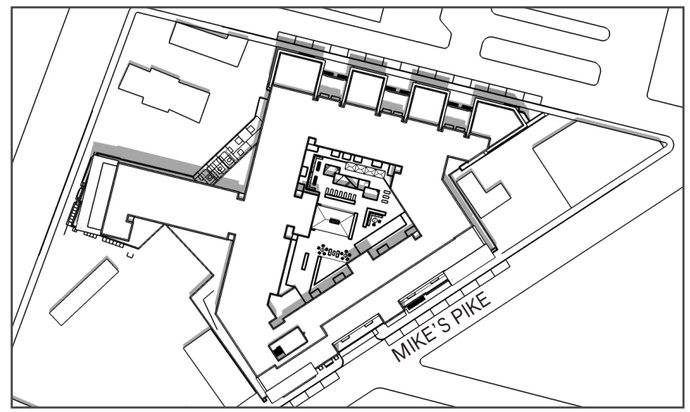
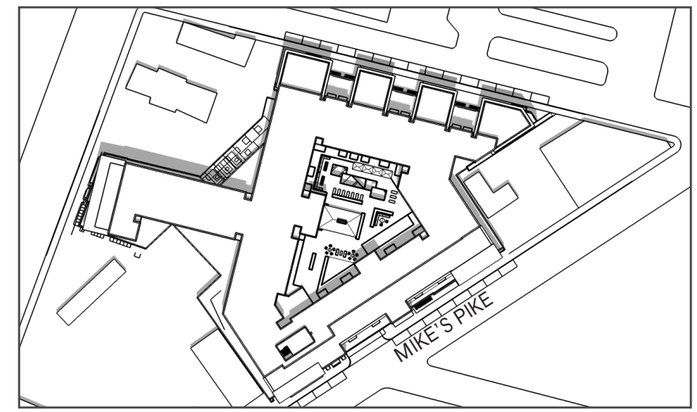


JUNE 21 - 9AM



JUNE 21 - 12 PM



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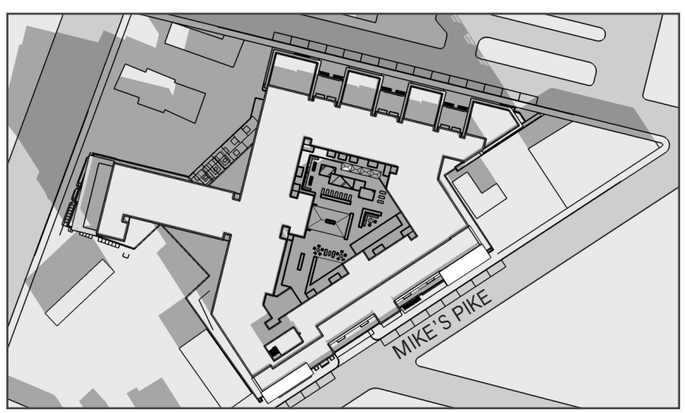
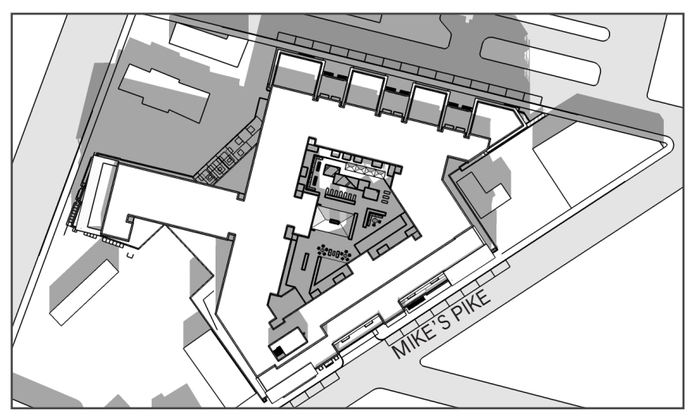
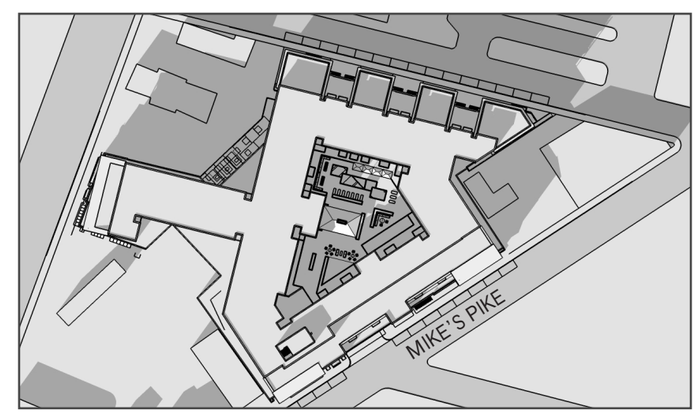


DEC 21 - 9AM



DEC 21 - 12 PM



DEC 21 - 3PM

CORE SPACES

EXHIBIT 9 - SHADOW STUDY

HUB ON CAMPUS FLAGSTAFF

SHADOW STUDIES
01.22.2016

MYEFSKI ARCHITECTS

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 01/28/2016 at 12:00pm

Total: 17	**Opposed: 16**	**Support: 0**	**Neutral: 1**

No.	Date	Name	Type	Comment(s)
1	01/13/2016	Nat White	E-Mail	**Opposition** – Business deal between City and Developer, traffic, parking, demise of the neighborhood, complexity of transect zones, views, snow/ice
2	01/13/2016	Joseph Walka	E-Mail	**Opposition** – Parking, traffic
3	01/13/2016	Duffie Westheimer	E-Mail	**Opposition** – Bicycle ridership in the future, America's love of cars, parking, traffic, bicycle safety
4	01/14/2016	Diana Thorson	E-Mail	**Opposition** – Impact to neighborhood, parking, impact on tourism, not for families, student conduct
5	01/15/2016	Charlie Silver	E-Mail	**Neutral** – Requesting counts for comments in support and nonsupport
6	01/15/2016	Mimi Murov	E-Mail	**Opposition** – Fire safety
7	01/17/2016	Jerry Johnson	E-Mail	**Opposition** – Inappropriate, ruin of Downtown, parking, student housing belongs on campus
8	01/18/2016	Victoria VanPuyvelde	E-Mail	**Opposition** – Decrease aesthetic value, neighborhood character
9	01/18/2016	Rob Trathnigg	E-Mail	**Opposition** – Visual pollutant, parking, transect zoning not appropriate, does not comply with transect purpose
10	01/20/2016	Leyah Huff	Letter	**Opposition** – Traffic, parking, neighborhood character
11	01/26/2016	Walter Salas-Humara	E-Mail	**Opposition** – Architecture, use, type of retail, neighborhood character, traffic, parking, impact on rents
12	01/26/2016	Gisela Kluwin	E-Mail	**Opposition** – Scale, neighborhood compatibility, parking, traffic
13	01/26/2016	Emily Ross	E-Mail	**Opposition** – Property values, size, location, traffic, parking
14	01/26/2016	Janelle Gaun	E-Mail	**Opposition** – Property values, parking, aesthetics, density

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 01/28/2016 at 12:00pm

Total: 17	**Opposed: 16**	**Support: 0**	**Neutral: 1**

No.	**Date**	**Name**	**Type**	**Comment(s)**
15	01/26/2016	Patrick Taylor	E-Mail	**Opposition** – Increased crime, student behavior, "for profit college town"
16	01/27/2016	Kari Maurer	E-Mail	**Opposition** – Community compatibility, parking, density, aesthetics, property values
17	01/28/2016	Richard Fernandez	E-Mail	**Opposition** – Location, density, parking, traffic, policing issues, size
18				
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Brian Kulina

From: Nat White <white@lowell.edu>
Sent: Wednesday, January 13, 2016 3:34 PM
To: Brian Kulina
Subject: HUB
Attachments: Hub Core Campus.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

Here are some rough thoughts I am sending to staff.

Nat

P&Z and Staff, Wednesday, January 13, 2016

After attending one of the public 'HUB' meetings, these are the notes I took from the point of view if I had to make the recommendation followed by comments.

- This is a business deal between Core campus and the people of Flagstaff. Staff, P&Z, and Council represent the people with the purpose of supporting what the regional plan and various other documents spell out including Vision 2020 and various surveys.
- Core, appropriately, sees this as a way to make money by filling a need.
- This particular business decision between Core and the people of Flagstaff should reflect lessons from similar projects. It may set the standard for future projects, that is, high, low or medium standard. This not a single focused decision but part of the evolution of Flagstaff.
- Therefore, we need to be cautious in the approach and set conditions conservatively with the public, long term impacts and costs to the neighborhood and tax payers in mind. We have this one chance because Core's optimal business plan requires some use changes or variations from the city plan.

Concerns brought up in the public outreach with some of my own thoughts.

Traffic and particularly parking was one of the biggest concerns. Core said they are meeting the requirements which is less parking than units and will set rules and monitor the potential problem. Folks felt those were words with no external enforcement and Core admitted if the property sold the rules could be different.

Encroachment and lack of enforcement of NAU workday parking in the neighborhood is currently a problem and this would make it worse.

Hub would be the beginning of the demise of the neighborhood and there was no south side plan. They see this as a piecemeal approach with no long term planning other than high level transect type planning, a concept hard for the average person to understand in terms of impact.

If Core's hope is to encourage pedestrian traffic over car, why aren't they partnering in implementing rights of way and other encouraging pedestrian facilities?

Looks are in the eye of the beholder, but building heights permanently affect view sheds and the town image especially in this location.

Here are some of my thoughts/comments:

Traffic- no left turns on to Milton from Phoenix or off of Milton to Phoenix except for City busses. Traffic designs should be such that Phoenix, Beaver, and Humphreys are the main auto route to and from Campus rather than weaving through residential areas. That may have traffic control costs. Who pays and how does that affect the current traffic circulation and businesses?

The only sure way to mitigate parking problems is to have enough parking for all units. Parking requirements maybe based on a set of city rules, but a set of rules may not meet the needs of special circumstances and locations. Core's good faith approach is to make their own 'house' rules which new owners can change and is a step away from city control.

Transect zoning is too course when it effects old neighborhoods. That requires more detailed planning. Therefore, a request to change the zoning in itself begins a piecemeal planning process of the south side.

Pedestrian/bike encouragement requires forethought and facilities. For example, there is no pedestrian access under the east side of the underpass and no way to cross if the destination is the library, Wheeler or Thorpe Park. The railroad bridge is being used illegally for that access even now and will probably be used more.

Phoenix between Milton and Mikes Pike will be shaded most of the winter because of building heights causing a danger and a maintenance problem for pedestrians, bikes, and motorized vehicles not much different than downtown Aspen St..

Building height and minimal set back will change the Milton view shed and city image and will also delay sun exposure of the sidewalk and road till well after noon in the winter.

I submitted these comments with the idea of being useful in considering opportunities and impacts.

Nat White

Brian Kulina

From: Mark Sawyers
Sent: Thursday, January 14, 2016 8:58 AM
To: Brian Kulina
Subject: FW: The hub

Follow Up Flag: Follow up
Flag Status: Completed

fyf

-----Original Message-----
From: Joseph Walka [mailto:joseph.walka@nau.edu]
Sent: Wednesday, January 13, 2016 6:07 PM
To: Mark Sawyers
Subject: The hub

As a former P and Z member, I would vote against the Hub as currently proposed. The parking for the project is insufficient in an area of high density population. Inadequate attention is being paid to traffic issues as we consider various proposed projects.
Joseph J. Walka
613 W. Cherry Ave.

Sent from my iPad

Brian Kulina

From: Duffie Westheimer <dwestheimer@gmail.com>
Sent: Friday, January 15, 2016 9:59 AM
To: Daniel Folke; Brian Kulina
Subject: important forgotten info

Follow Up Flag: Follow up
Flag Status: Completed

Greetings Dan and Brian,
In my Commission meeting comments the other evening I forgot to make this very important point that I'd like included in the record as another reason the Hub or any similar development is bad for Flagstaff.

As a cyclist for more than 40 years --touring, commuting as well as recreational riding in many parts of the world-- I have seen bicycling in the US *wax and wain in popularity a few times*.

The point is that although *some* students may like to ride a bicycle these days it would be irresponsible to believe that in ten years, if not in five years, they will still want to ride. Americans love cars more than bikes and probably always will. To base development on the idea that students won't have cars (especially if they can afford luxury dorms) is naive at best. That assumption is only a profit windfall for the developer that makes problems for Flagstaff residents and sucks up COF resources dealing with the resulting problems.

Making it difficult to have a car will not eliminate Americans having and using cars.

I think I said this the other evening but it is worth repeating, more traffic on the roads does not make bicycle use increase. Most people do not have the skills and or confidence to ride with traffic, even with a bike lane--bike lanes are a problem at every turn--literally.

Also people need to get across town and Butler, as an example, is really not safe to ride on when we have snow/ice/cinders, etc. piled up on the right side of the road--pushing bikes in and out of traffic. (We have only one car so I ride it anyway but when I have to take the dogs to the vet which I do with a trailer this is a serious problem. Even if riding on the sidewalk is illegal it is not even an option because they are covered in uneven snow.

In short, as Flag has grown over the past 35 years I've lived and ridden here, **riding has not gotten better because the amount of traffic has outpaced the available space, moves faster and bikes are always considered second-class users on the road.**

I hope these comments are taken into consideration.
Thanks for your time.
--Duffie Westheimer

On Thu, Jan 14, 2016 at 4:02 PM, Daniel Folke <DFolke@flagstaffaz.gov> wrote:

Duffie,

I know Brian replied to you on Monday morning. Please let me know if you are unable to get his reply and attachments.

Regards.

Dan Folke

Planning Director

City of Flagstaff

928-213-2630

From: Brian Kulina
Sent: Thursday, January 14, 2016 2:00 PM
To: 'duffie@westheimers.net' <duffie@westheimers.net>; 'dwestheimer@gmail.com' <dwestheimer@gmail.com>
Cc: Mark Landsiedel <MLandsiedel@flagstaffaz.gov>; Daniel Folke <DFolke@flagstaffaz.gov>; Mark Sawyers <msawyers@flagstaffaz.gov>; Brian Kulina <BKulina@flagstaffaz.gov>
Subject: RE: well?

Ms. Westheimer -

I received your e-mail and I provided a response. A copy of the responding e-mail is attached for reference. Perhaps the size of some of the attachments caused it to be automatically sent to you bulk mail folder. If that was not the case, I apologize for you not receiving the response in a timely manner.

Brian J Kulina, AICP

Planning Development Manager

P: (928) 213-2613 | F: (928) 213-2089

From: Duffie Westheimer [mailto:dwestheimer@gmail.com]
Sent: Thursday, January 14, 2016 1:39 PM
To: Brian Kulina
Subject: well?

Mr. Kulina,

I sent an email that would have been in your "box" Monday morning with ten questions relating to zoning in general and the Hub in particular. Those were not rhetorical questions. Will you be sending answers, as requested?

Please let me know.

Thank you,

Duffie Westheimer

--

Lots of new Lanamals! Look here: http://www.lanamals.com

Brian Kulina

From: Diana Thorson <thorsond@commspeed.net>
Sent: Thursday, January 14, 2016 5:35 PM
To: Brian Kulina
Subject: My unspoken words (and more)
Attachments: Di on The Hub.docx

Ms. Diana Thorson
4521 E. Flintwood Ln.
Flagstaff, AZ 86004
January 13, 2016
Mr. Brian Kulina, AICP
Planning Development Manager
Planning & Development Services
211 West Aspen Ave.
Flagstaff, AZ 86001

RE: 17 S. Mike's Pike (The Hub)

Dear Mr. Kulina,

Thank you to you and your committee for your efforts to listen to the concerns of the **citizens** of Flagstaff. I stayed the full 3 hours at the hearing as Richard, whose letter you referred to in your opening remarks, is quite ill. I wanted to listen to others so I wouldn't be redundant if I got the chance to speak, thus time ran out before my name was called. I actually came away with issues to which no one referred. A great deal can be learned by looking at HISTORY. We moved here from Chicago to get away from the urban sprawl. It takes control of your life, more than technology. (Could the developers have a different idea of what a small historic town should look like?)

We have lived here 32 years and owned a business in the MacMillan Bldg. until the downtown parking issue in 1984 was "solved" by building the Flagstaff Mall, pulling business away from downtown and forced us to close in 1986. The new City Hall had not even been built yet. I worked for the Sheriff's Office in the jail in the 1990's. I often had to park up the hill in the neighborhoods, including in front of Babbitt's home. (County Building doesn't even have enough parking for the employees, never mind for those who need to do business there). When I taught at S. Beaver School, I often found myself unable to leave as a student parked behind my car.[1] THE ISSUE HAS BEEN HERE FOR A VERY LONG TIME. Your predecessors as far back as that and longer did not take care of business then; it is now a major crisis and up to you to make better unbiased decisions based on what **the public** is saying (Out-of-state dollars vs. preserving our heritage.) The city and library lots are barely adequate putting the burden on that historic neighborhood. **There is just no question that the proposed Core Campus Development will be the breaking point of the Downtown tourist area, to which tourists have come to experience. If you approve this, it will never go away. Tourists will cease to find Flagstaff charming. Look at Riordan Mansion, our hidden treasure barely surviving. We must be better stewards of our past. The only "winner" here is Core. Whatever dollars the city would collect in taxes would be eaten up by ancillary services—maintenance of the area, policing, traffic control, trash, recycle, etc. House students on campus and NAU would be providing those services (student jobs?) but retail would still benefit.**

I learned much tonight: there are issues that conflict with reality trickling out of the larger issues. Many were mentioned, some were not.

- How is it legal to allow this private enterprise to have dedicated on-street parking overnight when, by Ordinance, October to April there is no on-street parking?
- We have always lived on the East side. How is it equitable for those living in the historic neighborhoods to have required paid permit parking and we do not? The South side residents didn't cause the problem.
- Core Campus Development is in the business of building housing for STUDENTS. Don't be fooled by their false "intention" to recruit families (limiting cars). If they followed through with that emphasis, we'd have to reclaim S. Beaver School, another casualty of NAU sprawl.
- Regarding Core's commitment to "policing and informed student expectations" is a false reality. There was an Eviction Clinic this very day at the Courthouse. Eviction is a nearly impossible resolution for bad behavior as the AZ Revised Statutes favor the renter, not the landlord. At best it can take 2 years or more, depending on the behavior. We know this from personal experience. Providing *Logical Consequences (1968, Dr. Rudolf Dreikurs[2])* for bad student behavior is the college's job. Strong action can only improve the quality of the character of the college student population.

Someone needs to take a stand regarding the extent to which we are going to let students define what Flagstaff is. It might as well be you and better now than later. You can see by the proportion of opponents to advocates you will be very popular if you choose to be defined by our history and natural beauty rather than a college campus. The two venues should be distinct where both students and residents can enjoy the cosmopolitan atmosphere a university provides without destroying the uniqueness of our historical roots and natural environment. The Land Grant College System (Morrill Act) did that for us in the 1860's.

Take the lead and encourage the formation of a committee to lobby the Board of Regents to take responsibility. There is enough bad publicity about college students to go around.

- Has their mandate to increase student population by 10,000 been examined closely enough to know that this community's infrastructure can support that density?
- Nearly all college students are not mature adults. Take a trip to University Surplus and see the damage they do to government property. They need to live on the state land as wards of the college.
- By taking on The Hub, we are enabling the Board of Regents to shirk their duty: to teach good behavior, responsible tenant practices and the respect as guests of our or any city. Academia must include life and social skills.
- Why can't Core Campus run their business as a concession ON STATE PROPERTY? Let them use the state's 80 acres. Tourists definitely are not coming to Flagstaff to mingle with college students.

Per the President of the Chamber of Commerce, it would be interesting to hear from a realtor as to whether The Hub might inflate or decrease property values in the downtown corridor. Certainly, when Internet education takes the lead, Flagstaff will be left with a mighty big, vacant eyesore.

Milton Road is a U.S. Highway, all the way to Rt. 64. They have no obligation to assist the city with the gridlock of traffic from I-40 to the Nordic Center. We are in this alone to control the traffic. The voters missed their chance when they voted against the Ponderosa Parkway over MacMillan Mesa through a corner of Buffalo Park. Add The Hub to the mix and we will send skiers to the White Mountains.

I hope there are people on the committee who have visited other college towns and examined how the student populations are housed. Places like Ogden, UT; Williamsburg, VA; College Park, MD; Savannah, GA; Boston, MA; Denver, CO; Boulder, CO; Charlottesville, VA, etc. should be evaluated to determine the best and worst ways to expand. As a Land Grant College it should be a no-brainer. Use the land set aside for the college. I don't know what it is like now, but my husband and I both went to Southern Illinois University, joined a sorority and fraternity, living in a small group housing area, each with their own house, several miles from downtown Carbondale. We were taught how to respect our housing and the city, and underclassmen were not allowed to have cars unless they were commuters or handicapped. Somehow high behavior standards have been lost. We need to direct the responsibility to the appropriate entity. That is your daunting task, which starts with not only denying **this** code change, but by tightening code and building restrictions, especially adjacent to historic areas. The city buildings need to follow the same design conformity history has left us. Over and over I hear that the library should be the model for new structures. Is anyone listening? Sedona has sure shown the power of design control. We need a MUCH STRONGER Architectural Control Board as I, with design and architectural undergraduate training, see from proposals with other pending projects.

Sincerely,

Diana Thorson

Diana Thorson
(928) 526-4671

[1] Our son owns his home at the intersection of S. Verde and Ellory. The struggle to park on the street or in his driveway is a constant problem. This is "creative student parking" across Verde St. from his home, IN the Rio de Flag.

[2] Child & Family counselor, founder of the Adler Institute of Professional Psychology, Chicago, 1952-1972

Brian Kulina

From: Charlie Silver <cws720@gmail.com>
Sent: Friday, January 15, 2016 9:20 AM
To: Brian Kulina
Cc: Daniel Folke
Subject: Wednesday's P&Z meeting

Hello Brian and Dan,

Would you have a total tally to date of the "not in favor" and "in favor" comments received about the proposed Hub project. I am thinking this would include all the email comments to date as well as the public testimony from Wednesday's P&Z meeting too.

Thanks very much,
Charlie Silver
720 W. Aspen Ave.

Sent from my iPad

Brian Kulina

From: mimimurov <mmurov@qwestoffice.net>
Sent: Friday, January 15, 2016 3:36 PM
To: Brian Kulina
Subject: Core Campus

Follow Up Flag: Follow up
Flag Status: Completed

Dear P&Z,

I recently sent an email concerning The Hub by Core Campus. I attended the P&Z meeting on Jan 14. I appreciated that you mentioned the received emails in this meeting and I appreciate the extra amount of time you allotted to public input. During the presentation by Core Campus I understood them to say that there would be only one entry/exit to the upper apartments. Did I hear this correctly? If so don't you find that to be a safety hazard in case of fire or other emergency?

Again thank you for your thoughtful consideration in hearing the public input. I hope you will deny the CUP and change in zoning for reasons mentioned in my previous email as well as those mentioned at the Jan 14 meeting.

Sincerely,
Mimi Murov

Brian Kulina

From: Jerry Johnson <jljohnson820@juno.com>
Sent: Sunday, January 17, 2016 7:51 PM
To: Brian Kulina
Cc: Daniel Folke
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I attended the last P&Z meeting about the Hub. I did not speak or give a written comment at the meeting, but would like to do so now. I am totally opposed to the Hub. It is inappropriate for Flagstaff and would be the beginning of the ruin of downtown Flagstaff. The lack of available parking can not be overlooked. Student housing belongs on campus where NAU can control the associated problems. NAU has a hundred acres of undeveloped land. Build the student housing there, not in the heart of the city.

Jerry Johnson

Sent from my iPad

Brian Kulina

From: Victoria Vanpuyvelde <vcv5@nau.edu>
Sent: Monday, January 18, 2016 10:54 AM
To: Brian Kulina
Subject: The hub

Follow Up Flag: Follow up
Flag Status: Completed

Hi Brian,

My name is Victoria and I am aware that you are keeping a tally of those in or not in support of the Hub on Mike's Pike. If possible, I would like you to add me to the "not in support" list. I do not support the building of this project.

I have lived in Flagstaff for 6 years now and I cherish this community. I have grown into myself here, and I feel that the community and the overall vibe of Flagstaff has helped contribute to my growth as a young adult. I live at 205 South Beaver Street and I believe that if this building goes up, it will significantly decrease the value, astethic value, and overall feel of my neighborhood. I do not support this and want you (or someone) to hear my voice.

Thank you for your time.

Best,
Victoria VanPuyvelde

Brian Kulina

From: Becky Cardiff
Sent: Tuesday, January 19, 2016 7:53 AM
To: Brian Kulina
Subject: FW: The HUB
Attachments: HUB CUP deny letter final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Can you include this in your next packet to P&Z?

Becky Cardiff
Development Services Supervisor
City of Flagstaff
211 W Aspen
Flagstaff, AZ 86001
Phone-928-213-2618
Fax-928-213-2609

From: Rob T. Construction, Inc/ Robert Trathnigg [mailto:RobTConstruction@commspeed.net]
Sent: Monday, January 18, 2016 9:46 AM
To: Becky Cardiff ; Mark Sawyers
Subject: The HUB

Hi Becky,
Please forward the attached letter to the Planning and Zoning commission members and enter it into public record.
Thanks
Rob

ROB T CONSTRUCTION, Inc.
Robert W. Trathnigg - President
2030 South Ash Lane, Flagstaff AZ 86004
(928) 607-6431 Phone
(928) 525-9700 Fax
robtconstruction@commspeed.net
Licensed, Bonded & Insured

This email has been sent from a virus-free computer protected by Avast.
www.avast.com

To: Flagstaff Planning and Zoning Commission, January 17, 2016

RE:PZ-15-00164 HUB CUP Request

I ask that the Planning and Zoning Commission deny core Campus's request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

I feel this project would be a **Visual Pollutant** and change the look and feel of the downtown area. It will also have a negative effect on parking availability in the downtown area. The Hub will be a major impact to the skyline from the surrounding area and very visible from the intersection at Route 66 and Milton ave. The developer has not provided elevations looking at The HUB, from the south. This one structure will change the look and feel of our walkable neighborhood from individual, separated buildings with varying setbacks from the sidewalk, to a 4/5 story monolithic structure, built to the sidewalk. It deletes the neighborhood feel and replaces it with a sprawling, high density, high rise structure.

It is important to note that the 7 parcels that make up the HUB Property were identified in the original Zoning Maps (Zoning map and Transect Zone Overlay Maps) for their value and best use with consideration of the existing structures and approved use(s) of the adjacent parcels. I do not think re-drawing the Zoning maps, based on the combined parcels, is appropriate.

The current CS zone states, "the development of residential uses in addition to commercial uses is encouraged in this Zone, provided **that residential uses are located above or behind the primary commercial service use**". (Flagstaff Zoning Code 10-40.30.040 Commercial Zones)

The current HC zone states, "the development of commercial uses in addition to residential uses is encouraged in the HC Zone to provide diversity in housing choices, provided that residential uses are located above or behind commercial buildings so that they are buffered from adjoining highway corridors. **The provisions of this Zone are also intended to provide for convenient, controlled access and parking, without increasing traffic burdens on the adjacent streets and highway**." (Flagstaff Zoning Code 10-40.30.040 Commercial Zones)

I feel it is also important to note that, under the current Zoning (CS and HC) the front, side, and rear setbacks, as well as, increased parking requirements and landscaping requirements would be major factors in regulating building size and overall lot coverage.

In addition, I do not think the HUB project should be considered for transect zoning, or any "form based" code applied to the property. The Flagstaff Zoning Code, Preamble, P .090, "Using the Flagstaff Transect" states in paragraph A, "The City- Guiding Principles, 1. **Preserve** and enhance **community character**; 2. Encourage **appropriately scaled infill and development**". The Hub does not meet this description.

The HUB does not meet the description of the transect zones standards as outlined in 10-40.40.10.010 "Purpose". This section describes transect zones as "optional" but does not describe them as zones applied to the properties they cover "By Right". The property/ project must meet the specific requirements of the transect zone to adopt the transect zone overlay.

The T4 Neighborhood 1 (T4N.1) standards describes the intent of this overlay zone as, "The primary intent is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of **small building footprints and medium density building types. Appropriate building types might include bungalow courts, duplexes, and apartment complexes, which are typically smaller than those found in other zones**". (Flagstaff Zoning Code 10-40.40.070 T4 Neighborhood 1). It goes on to describe uses as, "homeowner offices and small neighborhood supporting uses, such as music classes and artist studios".

The HUB does not meet the requirements or description provided in the Flagstaff Zoning Code 10-40.40.070 T4 Neighborhood 1 Transect Zoning Standards. Please deny the CUP and rezoning request.

The T5 Main Street Standards states, "the primary intent of this zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to **provide an appropriate transition into existing neighborhoods**." (Flagstaff Zoning Code 10-40.40.090 T5 Main Street Standards). I then goes on to state, "the Zone and sub-zone **are intended to preserve and build upon the existing pattern of development. New development, renovations, and additions should be in character and scale with existing valued patterns**." (Flagstaff Zoning Code 10-40.40.090 T5 Main Street Standards).

The HUB does not meet the requirements or description provided in the Flagstaff Zoning Code 10-40.40.090 T5 Main Street Transect Zoning Standards. Please deny the CUP and rezoning request.

The Hub is within a high density area as outlined in the Regional Plan. There is a great example of a property that meets this recommendation, falls within the neighborhood standards and character, and meets the existing Zoning Code requirements at the corner of W Santa Fe and Sitgreves ave, across the street from the city hall parking lot (to the west).

Again, I request that the Planning and Zoning Commission deny Core Campus's request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

This property can be developed according to the standards outlined in the Zoning Code and Regional Plan, without applying the Transect Overlay Zones. Again, please deny the request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

I own the property at 12 South Mikes Pike - corner of Mikes Pike and West Phoenix. If the HUB is built, I will benefit financially with increased rents and increased property value. However, the Downtown area I have worked to revitalize will not, the City I am raising my family in will not, and I feel that outweighs any personal gains I may realize.

Thank you,

Sincerely,

Robert W Trathnigg

2030 S Ash Ln

Flagstaff, AZ 86004

January 20, 2016

To: Planning and Zoning Committee
RE:PZ-15-00164 HUB CUP Request

As a long time resident of Flagstaff, as well as a graduate of NAU, I ask that that the CUP be for The Hub be denied. While attending NAU I lived on Mikes Pike and witnessed the traffic and parking problems first hand. For example, 2 separate accidents occurred to cars backing out of the driveway where I lived. The traffic turning onto Cottage was not visible to the driveway. Both times, the fault was attributed to the person backing out. It became necessary that a person stand at the corner of Mikes Pike and Cottage to prevent accidents. The buses only add to the existing problem. Many others in the neighborhood experience similar problems due to the congestion in the area. Parking for those working in the area was also scarce. It was necessary for a few of my friends to park in my driveway in order to find a spot. The Hub will only increase this problem for those living in the Southside.

I am currently finishing graduate school at UofA and living in the neighborhood opposite The Hub located in Tucson. The character of the neighborhood is dominated by the large structures nearby. For this reason alone, I feel The Hub should not allowed in it's current monolithic form.

I look forward to returning to Flagstaff in May and working as a Nurse Practitioner. I feel of the heart of Flagstaff would be destroyed by a student housing project smack in the middle of what I consider downtown. I watched the Southside neighborhood be revitalized while living there and recognize that this is a very important step in the building of the community and the character that is there should be maintained.

I have been keeping abreast of the development through the Daily Sun online. Please deny The Hub the benefit of the CUP. Let the development of the area be led by projects more in keeping with the feel and character of Flagstaff.

Lezah Huff 3221 N Jackrabbit Lane Flagstaff, AZ (permanent Flagstaff address

Lezah Huff

Brian Kulina

From: Walter Salas-Humara <walter@waltersdogs.com>
Sent: Tuesday, January 26, 2016 9:54 AM
To: Brian Kulina; Mark Sawyers
Subject: The HUB

Follow Up Flag: Follow up
Flag Status: Completed

Hello Council Members,

I have my art studio across the street from the proposed HUB site and have followed the progress and gone to many meetings including the recent zoning hearing.

I'm not against a denser urban core for Flagstaff. It makes perfect sense on may levels - a walkable, livable, lively, and more European style community.
This will be very attractive for visitors and residents alike. To achieve this, you, the city planners, will have to be very careful about the architecture and the use of the new buildings that will eventually dominate the downtown area.

I have been very disappointed in the HUB project. Given it's location, it will become the symbol of the new city of Flagstaff. It will be a very large signal of what Flagstaff will become. Let's have a forward looking project with amazing architecture that will incorporate all walks of life and all types of retail.
Let's not signal to future developers that we are OK with Flagstaff becoming a party town for students full of nothing but restaurants and bars with the inevitable parking problems, DUI's, drunks, fights, etc, etc.

Firstly, it's simply too large for the character of the neighborhood. Yes, I know it's within the city guidelines, but it's too large for the infrastructure of the area, especially the roads and parking.
Secondly, in order to comply with what they think the neighbors will accept, they have dumbed down their design to make it look just like every other faceless building project that signals mediocrity.
Thirdly, it's just gross that they plan to take advantage of the students, our neighborhood, and ultimately drive up rents, and drive normal folks out.

You are elected to protect the future of this awesome city and community.. Please do your job by denying the HUB this location and offering them an alternative location that is more appropriate for their development. A location where they don't have to dumb down their architecture and where the residents can have just as easy access to the University.

Thank you,
Walter Salas-Humara
100 Mikes Pike

Brian Kulina

From: Gisela Kluwin <gkluwin2@gmail.com>
Sent: Tuesday, January 26, 2016 6:08 PM
To: Mark Sawyers
Cc: Brian Kulina
Subject: The Hub

Dear Mr. Sawyer,

I attended the P&Z meeting concerning the Hub project on Jan 13, but neglected to turn in my blue comment card. I think it is very important to make my voice heard in regards to that controversial project, hence my email.
After listening to the developer's proposal and then trying to visualize that mega project in the space between Phoenix Avenue and Mike's Pike, my mind just shut down in horror, overwhelmed by the proposed size and occupancy numbers. I am also very disturbed by the low number of parking spaces built into the project. The proposed parking structure for 30% of the residents may fulfill the letter of the zoning requirements, but does not fit at all the actual neighborhood situation. There is NO PARKING available in the South side neighborhood aside from a very few unregulated spaces and a few 2hr spots. And when these are taken up by students, residents and visitors alike will be further frustrated and businesses will lose customers. Furthermore, the traffic flow in that tight neighborhood will become a nightmare, especially during the snow months, when Phoenix Ave becomes effectively a one lane street, and cars have to dodge buses which frequently enter and exit from the transfer center.
In summary, I think that the current Hub project is too big for the neighborhood, that there is insufficient allowance for in-house parking, and that traffic flow will be negatively impacted. I urge the P&Z commission to deny the rezoning request from T4 to T5 and to deny the request for a CUP.

Thank you for allowing me to comment on this project and to add my concerns to the many eloquent voices heard during the meeting.

Sincerely,
Gisela Kluwin
2333 N Fremont Blvd
Flagstaff, AZ 86001

Brian Kulina

From: Emily Ross <emross05@hotmail.com>
Sent: Tuesday, January 26, 2016 9:17 PM
To: Brian Kulina; Mark Sawyers
Subject: Can you please forward this to the Planning and Zoning Committee?

Dear Sir or Madam,

I am writing in regards to the proposed Hub that the planning and zoning commission has been considering on the corner of Mike's Pike and Phoenix, and am strongly urging you to reconsider!

I moved to Flagstaff ten years ago now, and I have lived in several homes in this specific area during that time. My memories are deeply rooted in this eclectic community which I feel is the heart and soul of the town's entire appeal. I understand the basic economics of growth, and have had exposure to the processes you go through regularly in attempt to grow Flagstaff in the correct manner, as I worked for the City of Flagstaff for several years.

However, I want you to consider how this may impact the renters, home and business owners, and even traffic! I recently purchased my first home in Sunnyside and am so proud to call Flagstaff my home. As a first time home buyer, the market was incredibly difficult for me to afford my own home. I was actually only able to put down roots because I won my home on a deal through the 'Good Neighbor Next Door Program.' I think I understand the need to cater to the growing community of NAU, but I wonder if the decision of location is the best. This area has a lot of potential for expansion in ways that enhance the cozy, quaint, yet still progressive and adventurous vibe that everyone loves. This is how the city has been marketed (with its 'passport stamp' feel), and I worry that all the new additions of high-rise buildings will detract from the image you are trying to project.

The proposed photo I see in the newspaper looks like Phoenix! This is fine, and I think several parts of Flagstaff in the NAU vicinity have a more modernized uptown, classy energy, which I truly appreciate, although it is a bit sterile. People like it! I think this location, however, needs to be protected from negative gentrification with generic high-rise buildings, and instead, should incorporate the space to foster more small businesses- stores and restaurants. This will easily bring in the same appeal as the New Frontiers lot has, and it will encourage incoming student groups to populate the already existing homes within the community. What's more, it will keep some of the home values in the neighborhood affordable so younger generations can afford to integrate after becoming educated here. I think the homes south of the tracks can really be revitalized, much like Sunnyside, to be affordable to a younger home-buying generation like myself.

As a young woman who has worked in numerous jobs within the community, I think the idea is good, but should just be relocated. I propose taking a look at some of the homes in the Lone Tree area. The size and location are wrong for this area, and moving the businesses onto Milton would project a weird image, and most likely destroy them in the long term. This road has high-traffic flow and lack of parking. As you are approaching the heart of Flagstaff's downtown, I do not feel a high rise building is the best introduction! Should a tall building need to go in there, it would be best used as a mixed use building, like a mall's appeal would present, with markets, businesses and eateries stacked on top of each other. Parking and student housing is more appropriate within campus or between the 2 colleges.

I always felt Flagstaff was holding on to an image that separated them from a 'big town feel' such as this initiative would project. Please hold true to this! It is why we make the nation's top 10 lists all the time!

Thank you for your consideration,

Emily Ross

440-241-9251

Emross05@hotmail.com

2521 North 3rd Street

Flagstaff, AZ 86004

Brian Kulina

From: Janelle A Gaun <jgaun@email.arizona.edu>
Sent: Tuesday, January 26, 2016 10:13 PM
To: Brian Kulina; Mark Sawyers
Subject: Opposition to The Hub zoning project

To Planning and Zoning Comissioners,

I am writing in adamant opposition to The Hub student housing development on mikes pike. I request that you share my email with all the Comissioners prior to the zoning hearing.

As a college student no one understands more than I do the desire for up to date rental properties close to retail and resturaunts. There is very little that students want more than easy access to everything in their immediate needs. But I also know that I am willing to ride my bike or drive just a few short miles to get the "feeling" that makes downtown Flagstaff such a desirable place to live. For the last several years I have been living in Tucson and that city too has been undergoing a revival of their downtown spaces. And like Flagstaff plans for a student development were well underway when I arrived. I quickly saw, against the better wishes of the neighborhoods around the retail streets, a huge development rise towering above the neighborhood. The area now suffers chronic parking shortages and the additional burden of an eyesore. Students choose not to live in the new development because modest, affordable housing is available a few miles away and within an easy comments to the area. Today the complex is decreasing the asthetic of the area as well as the value of the surrounding property because of its close proximity to such a large body of students and the noise and congestion they create.

As a resident, born and raised in Flagstaff I know the inherent value of the small, safe downtown. Those were the streets the ones that my parents brought me to to ride my bike on during the summers because they were free from excessive congestion and cars trying to park. As a preteen and teenager the downtown area was one place where I was swallowed to explore my freedom because of it had the perfect mix of family friendly (important to mom)? but modern and engaging (important to me). As a young adult Our Virgin of Guadalupe historic church provided solace and was a place of refuge for a grieving teen even though I am not a practicing Catholic. I stumbled into it because it was a calm neighborhood to walk into and the church was welcoming. I know, as a Flagstaff resident, that living away from downtown is not a barrier to spending time there. In fact, it's lure was the coupling of beautiful residential and historical areas with the upbeat retail sections.

You can be assured that even as a young adult I will not be visiting the region around Mukes Pike including Macy, fratellis, the breweries, the church, or many of our iconic restaurants if the Hub is built. Downtown flagstaff cannot handle the sheer density of people living in such close quarters while maintaining the integrity of the area. I am of course referencing recent student housing projects in Sawmill plaza and their extensive problems with crime, noise and crowding and that can otherwise be considered relatively benign in that they did not disturb established neighborhoods.

The Hub does not keep with the goals and culture of Flagstaffs downtown. It will only alientate one group of people in an attempt to access another that already enjoys the area anyways.

I fully support student housing. I fully support Flagstaffs growth. But I know that students will not stop spending time there just because they do not live there. This development will only destroy what already makes the area so great. Community, safety, history and accessibility.

I urge you to reject The Hub's proposal including their Conditinal Use Proposal.

I hope you consider my voice and my plea,

Janelle Gaun

Brian Kulina

From: Patrick T <patricktaylor333@gmail.com>
Sent: Tuesday, January 26, 2016 10:23 PM
To: Brian Kulina; Mark Sawyers
Subject: Opposition to the Hub Development

I oppose the development of the Hub on mikes pike. Flagstaff has grown immensely in the past 20 years but has still held on to its small town feel because its residents care about the community. With the introduction of other student housing developments in sawmill near the police dept. and other areas there was increased crime and general behavior that is not akin to what Flagstaff stands for. By introducing these student housing projects you are taking away from Flagstaffs community and turning it into another dime a dozen for profit college towns. Please do not allow these plans to move forward.

-Patrick Taylor, a citizen of Flagstaff for over 22 years

Brian Kulina

From: Kari Maurer <runkam@gmail.com>
Sent: Wednesday, January 27, 2016 12:54 PM
To: Brian Kulina
Cc: Mark Sawyers
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

To: City of Flagstaff Planning and Zoning

Please forward to entire committee

After attending the planning and zoning meeting regarding The Hub, I find myself extremely disappointed in the fact that the project has been allowed to

progress this far. It is apparent that the project does not fit into the community, lacks parking and is too dense. By allowing The Hub to take advantage of

the City of Flagstaff, a snowball is rolling. Mikes Pike stands to become the most unattractive street in Flagstaff.

The Hub has requested parking permits as an answer to one of the problems. Parking permits are not an answer. Currently there are 2 Hour Parking

signs on the west side of Mikes Pike. I have been informed by a person “in the know” that this parking restriction is not enforced. How can residents

expect violations to be ticketed when a few spots can not even be patrolled. I feel the development of a smaller project with more

diversity could benefit the neighborhood. Property values do not seem to be an issue with many of the surrounding land owners. Flagstaff should

embrace and be proud of those who stand for the integrity of the neighborhood rather than the prospect of increased property values.

Citizens deserve the respect of those that are elected by them. Please listen to the voice of the community and deny The Hub their CUP.

Kari Maurer

Brian Kulina

From: Richard Fernandez <rnfernandez1968@gmail.com>
Sent: Thursday, January 28, 2016 9:59 AM
To: Brian Kulina; Mark Sawyers
Subject: The HUB

Good Morning,

I am writing in reference to the "HUB" development.

My name is Richard Fernandez. I have been a resident of Flagstaff for over 15 years. In the time I have owned several businesses and watched Flagstaff grow from a quaint mountain town to what seems to be a burgeoning mini-metropolis.

I have lived in Manhattan, NYC, Houston, TX and Miami, FL. I am familiar with high density living.

The HUB is beyond the scope of any major metropolitan area, to say nothing of Flagstaff and it's proposed location.

At over 600 potential residents, most of which will be students, it seems the HUB would need more parking than all of the allotted spaces in the entire Southside neighborhood. What about the residents who have lived there for decades? Consider the businesses and their need for access.

Regarding Milton Rd. and Phoenix intersection which is congested most of the year the over ambitious HUB signals a potential traffic disaster.

In the past few years since the student housing development reached maximum capacity the Sawmill area has experienced undue police resources. Why will the HUB be different?

The HUB is not the development for this specific area in it's current proposed size.

Please do not grant them permission to build.

Thank you for your time,

Richard Fernandez
2914 N. Rose St.
Flagstaff, AZ
86004

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 02/04/2016 at 12:00pm

Total: 61	**Opposed: 56**	**Support: 3**	**Neutral: 2**

No.	**Date**	**Name**	**Type**	**Comment(s)**
1	06/17/2015	Eric Meeks	E-Mail	**Support** – Location, need, pedestrian environment
2	06/17/2015	Jim Roberts	E-Mail	**Opposition** – Compatibility, sociological impacts
3	06/17/2015	Chris Dennis	E-Mail	**Opposition** – Infrastructure, student behavior, neighborhood character
4	06/18/2015	Jennifer Duis	E-Mail	**Opposition** – Compatibility, traffic, unsupportable retail, parking
5	06/19/2015	Patrick Fleming	E-Mail	**Opposition** – Neighborhood character, traffic, infrastructure
6	06/19/2015	Mike Hudnall	E-Mail	**Opposition** – Neighborhood character, traffic, infrastructure
7	06/20/2015	Robyn Martin	Letter	**Opposition** – Parking, compatibility, aesthetics, location
8	06/22/2015	Leslie Connell	E-Mail	**Opposition** – Compatibility, traffic, parking, neighborhood character
9	06/22/2015	James Hasapis	E-Mail	**Opposition** – Compatibility, traffic, parking, neighborhood character
10	06/22/2015	Kari Tuomisto	Letter	**Opposition** – Location, compatibility, views, shadow cast, traffic, neighborhood character
11	06/22/2015	Sueanne Kubicek	Letter	**Opposition** – Compatibility, traffic, views
12	06/30/2015	Carrie Cowger	Letter	**Opposition** – Building mass, compatibility, traffic, design
13	07/02/2015	Albert and Rose Lopez	E-Mail	**Opposition** – Neighborhood character, parking, NAU's problem, impact on tourism
14	07/02/2015	Kathryn Peterson	Letter	**Opposition** – Compatibility, neighborhood character, NAU's problem, student behavior
15	07/08/2015	Laura and Art Enciso	Letter	**Opposition** – Compatibility, traffic, parking, student behavior, neighborhood history
16	07/09/2015	James Cole	Letter	**Opposition** – Traffic, parking, compatibility

The Hub on Campus Flagstaff – Public Comment Summary Updated: 02/04/2016 at 12:00pm				
Total: 61		**Opposed: 56**	**Support: 3**	**Neutral: 2**
No.	**Date**	**Name**	**Type**	**Comment(s)**
17	07/10/2015	Karen Applequist	E-Mail	**Opposition** – Neighborhood character, compatibility, traffic
18	07/17/2015	Claudine Taillac	Letter	**Opposition** – Compatibility, traffic, neighborhood character, undesirable part of town for students
19	07/17/2015	Marie Jones and Marvin Glotfelty	E-Mail	**Opposition** – Student housing, neighborhood character, compatibility, traffic, parking
20	08/07/2015	Soraya Padilla	Letter	**Opposition** – Compatibility, traffic, other housing available to students, more appropriate in another location
21	08/27/2015	Larry Czarnecki	Letter	**Opposition** – Density, traffic, scale
22	12/21/2015	Andrew Gould	E-Mail	**Opposition** – Scale, neighborhood compatibility, moratorium on student housing development until plan is developed
23	01/04/2016	Mimi Murov and Tom Brownold	Letter/E-Mail	**Opposition** – Neighborhood compatibility, traffic, parking, access, ice on Phoenix Avenue, catering to the needs of NAU, students, noise, conduct
24	01/05/2016	Forest May	Letter	**Opposition** – Not in keeping with the area
25	01/05/2016	Roberta Motter	E-Mail	**Opposition** – human congestion, traffic, parking, noise, design, viewscape
26	01/05/2016	Karen Carswell	Letter	**Opposition** – Compatibility, scale, views, traffic, parking, pedestrians and bicycles crossing Butler, neighborhood character
27	01/08/2016	Betsy and Tyler Hager	E-Mail	**Support** – Land use, relief for students
28	01/08/2016	Ken Berkhoff	E-Mail	**Support** – Support for NAU
29	01/10/2016	Duffie Westheimer	E-Mail	**Neutral** – Requesting additional information

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 02/04/2016 at 12:00pm

Total: 61	**Opposed: 56**	**Support: 3**	**Neutral: 2**

No.	Date	Name	Type	Comment(s)
30	01/11/2016	Ellen Ryan	E-Mail	**Opposition** – Location, density, traffic, parking, neighborhood character and compatibility
31	01/11/2016	Richard Thorson	Letter	**Opposition** – Zoning change only benefits developer, neighborhood character, traffic, compatibility, don't "Phoenix" or "Tempe" Flagstaff, security, parking
32	01/13/2016	Nat White	E-Mail	**Opposition** – Business deal between City and Developer, traffic, parking, demise of the neighborhood, complexity of transect zones, views, snow/ice
33	01/13/2016	Joseph Walka	E-Mail	**Opposition** – Parking, traffic
34	01/13/2016	Duffie Westheimer	E-Mail	**Opposition** – Bicycle ridership in the future, America's love of cars, parking, traffic, bicycle safety
35	01/14/2016	Diana Thorson	E-Mail	**Opposition** – Impact to neighborhood, parking, impact on tourism, not for families, student conduct
36	01/15/2016	Charlie Silver	E-Mail	**Neutral** – Requesting counts for comments in support and nonsupport
37	01/15/2016	Mimi Murov	E-Mail	**Opposition** – Fire safety
38	01/17/2016	Jerry Johnson	E-Mail	**Opposition** – Inappropriate, ruin of Downtown, parking, student housing belongs on campus
39	01/18/2016	Victoria VanPuyvelde	E-Mail	**Opposition** – Decrease aesthetic value, neighborhood character
40	01/18/2016	Rob Trathnigg	E-Mail	**Opposition** – Visual pollutant, parking, transect zoning not appropriate, does not comply with transect purpose
41	01/20/2016	Leyah Huff	Letter	**Opposition** – Traffic, parking, neighborhood character
42	01/26/2016	Walter Salas-Humara	E-Mail	**Opposition** – Architecture, use, type of retail, neighborhood character, traffic, parking, impact on rents

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 02/04/2016 at 12:00pm

Total: 61	**Opposed: 56**	**Support: 3**	**Neutral: 2**

No.	**Date**	**Name**	**Type**	**Comment(s)**
43	01/26/2016	Gisela Kluwin	E-Mail	**Opposition** – Scale, neighborhood compatibility, parking, traffic
44	01/26/2016	Emily Ross	E-Mail	**Opposition** – Property values, size, location, traffic, parking
45	01/26/2016	Janelle Gaun	E-Mail	**Opposition** – Property values, parking, aesthetics, density
46	01/26/2016	Patrick Taylor	E-Mail	**Opposition** – Increased crime, student behavior, "for profit college town"
47	01/27/2016	Kari Maurer	E-Mail	**Opposition** – Community compatibility, parking, density, aesthetics, property values
48	01/28/2016	Richard Fernandez	E-Mail	**Opposition** – Location, density, parking, traffic, policing issues, size
49	01/29/2016	Mary McKell	E-Mail	**Opposition** – Location, impact on neighborhood and Downtown
50	01/29/2016	Marie Jones	E-Mail	**Opposition** – Does not meet intent of transect zoning, precedent setting, does not fit transect building types, use not appropriate in neighborhood, student behavior, project management, better for families not students, density
51	01/29/2016	Nancy Branham	E-Mail	**Opposition** – Does not meet intent of transect zoning, unruly and illegal behavior of students, parking, traffic, open space does not benefit community, lease agreement only favorable to developer, neighborhood compatibility.
52	01/29/2016	Duffie Westheimer	E-Mail	**Opposition** – Agreement with Marie Jones letter
53	01/29/2016	Charlie Silver	E-Mail	**Opposition** – Agreement with Marie Jones letter
54	01/30/2016	Patrice Giordano	E-Mail	**Opposition** – Agreement with Marie Jones letter
55	01/31/2016	Rose Houk	E-Mail	**Opposition** – Agreement with Marie Jones letter
56	02/01/2016	Juliana Bartlett	E-Mail	**Opposition** – Project jeopardizes history and sense of place, location, width of adjacent streets, no common sense

The Hub on Campus Flagstaff – Public Comment Summary
Updated: 02/04/2016 at 12:00pm

Total: 61	**Opposed: 56**	**Support: 3**	**Neutral: 2**

No.	**Date**	**Name**	**Type**	**Comment(s)**
57	02/02/2016	Jen Blue	E-Mail	**Opposition** – Agreement with Marie Jones letter
58	02/02/2016	Diana Thorson	E-Mail	**Opposition** – Impact on tourism, tourist don't want to interact with students, destroys Downtown ambiance, no design appeal, congestion, parking, traffic, financially beneficial to developer, little or no benefit to tourists or residents, Downtown not part of college campus
59	02/03/2016	Carol Hagen	E-Mail	**Opposition** – Agreement with Marie Jones letter
60	02/03/2016	Rick Moore	E-Mail	**Opposition** – Agreement with Marie Jones letter
61	02/03/2016	William Ring	Letter	**Opposition** – Classification of land use, parking, traffic, double occupancy, bulk and mass, intent of Zoning Code

Brian Kulina

From: Daniel Folke
Sent: Wednesday, June 17, 2015 4:02 PM
To: Brian Kulina
Cc: Mark Sawyers
Subject: Fwd: Mikes Pike....yikes!

Not sure if this is official public comment or not; but I believe it is appropriate to share with Core.

Sent from my iPhone

Begin forwarded message:

> **From:** Karl Eberhard <KEberhard@flagstaffaz.gov>
> **Date:** June 17, 2015 at 2:27:04 PM MST
> **To:** Daniel Folke <DFolke@flagstaffaz.gov>
> **Subject: FW: Mikes Pike....yikes!**
>
> FYI
>
> Karl Eberhard, AIA
> Community Design and Redevelopment Manager
> Historic Preservation Officer
> City of Flagstaff, Arizona
> (928) 213-2969
> keberhard@flagstaffaz.gov
>
> By far, the most green building of all is an existing building.
>
> See our place making website:
>
> -----Original Message-----
> From: Jim [mailto:jimroberts@robertsjones.com]
> Sent: Wednesday, June 17, 2015 2:08 PM
> To: Karl Eberhard
> Subject: Mikes Pike....yikes!
>
> Hello Karl,
>
> Hope you are doing well. I am sending you this note because an acquaintance of mine just showed me something of a redevelopment proposal for a large tract on Mikes Pike. I understand it is focused on the student housing market. I'm sure you are intimately familiar with it!
>
> Anyway, I want you to know that I find this sort of "super-block" redevelopment to be totally inappropriate to the downtown Flagstaff context. I actually have my doubts that this sort of massive, homogenous solution is appropriate in any dynamic urban context. A look at the proposed footprint alone is enough to convince one that this sort of solution is clearly

incompatible with its context. I'm sure I don't need to mention to you about the historical significance of Mikes Pike and the potential it holds.

Adjustments to the IBC fire-resistive standards have made these massive, relatively inexpensive stick-built projects possible for developers. And they are rapidly becoming a blight on our cities. One can only imagine what these places will become ten or twenty years from now when their newness wears off! Having one of these at the Gateway to downtown Flagstaff is unthinkable.

I could go on and on about my environmental concerns with such a development, but I would also like to express a concern about the sociological implications of this approach to housing university students. Is this kind of homogenous, mass-living experience what we want to provide for NAU students? Let's wait and see how that monstrosity south of Whole Foods on Butler works out before we clone it!

I imagine I'm preaching to the choir here Karl, but I did want you to hear my views. If you feel it beneficial that I present my thoughts in a formal letter, to whomever, please let me know and I will get it done.

All the best,
Jim

James A. Roberts, AIA
Roberts/Jones Associates, Inc.

Sent from my iPhone

Brian Kulina

From: Christopher Dennis <cd424@nau.edu>
Sent: Wednesday, June 17, 2015 5:24 PM
To: Brian Kulina
Subject: Southside Planned Student Housing

To Whom This May Concern-

As a student of NAU, I can fully understand the need for more student housing as the students are currently put into tight living quarters. However, this proposed community will do nothing to assist in this large on campus population. The local community cannot bear the strain of an ever-growing NAU population without having to restructure the infrastructure of this community (something we definitely cannot afford). This project will turn into another Grove debacle- a constant police presence, loud parties, etc. To approve this plan is to deny local Flagstaff citizens a right to affordable housing and to help strip away what makes Flagstaff so special. If that identity is lost, I don't know if I will be willing to stay in town and teach here and I am certain I'm not the only one who feels that way.

Chris Dennis

Brian Kulina

From: Jennifer Duis <duis015@gmail.com>
Sent: Thursday, June 18, 2015 7:38 AM
To: Brian Kulina
Subject: Mike's Pike student housing proposal

Mr. Kulina,

While I held out some hope for this project I now agree with the Southside locals who are vehemently opposed to the potential development after attending last night's meeting.

Besides the scale of the building being totally out of step with the neighborhood there are greater concerns in the busy (crossing Butler at Phoenix is very dangerous already) & narrow side streets it would be surrounded by (buses and regular traffic already struggle to use Phoenix & Mike's Pike). Additionally, business, though growing in this neighborhood, is unlikely to be able to support the planned additional retail, and even if the retail spaces were successfully filled this too would only increase the strain on Phoenix & Mike's Pike.

Furthermore, parking in the Southside is already at a crisis and this development would likely only exacerbate the growing problem.

NAU has room to build its own housing for its students.

Thank you for your time and consideration.

Jennifer Duis
826 W Summit Ave.

Brian Kulina

From: Patrick Fleming <pat1fleming@gmail.com>
Sent: Friday, June 19, 2015 1:22 PM
To: Brian Kulina
Subject: NAU Student Housing Proposal

Dear Brian,

As a registered Professional Engineer, a LEED Accredited Professional, and a retired employee of the National Park Service who worked on numerous projects for Grand Canyon National Park, I would like to raise several concerns about the NAU Mike's Pike student housing proposal.

While it seems that most of the concerns that have been raised so far, which I share, focus on the historic character of the neighborhood and the traffic congestion of the area, I believe that there are several rather pragmatic issues that must be carefully addressed as well. These include water distribution, fire protection, sewage conveyance and treatment, storm drainage, and waste recycling/disposal. Flagstaff and the surrounding communities have strained all aspects of the infrastructure for delivery of utilities for many years, and it appears that the subject proposal will serve only to exacerbate these problems. Even at the most local level, the ability to provide water and sewer lines to accommodate the development appears to be extremely expensive and impactful.

The renderings that I've seen indicate a development that is completely out of character with the most endearing aspects of the City, and compromise the qualities that make Flagstaff a desirable place to work and live.

I strongly recommend that you require evaluation of other alternatives and carefully examine the impacts and pros and cons of each before selecting a preferred approach and proceeding.

Respectfully submitted,

Patrick A.Fleming, P.E., LEED-AP

Brian Kulina

From: Michael Hudnall <mikehudnall@icloud.com>
Sent: Friday, June 19, 2015 1:30 PM
To: Patrick Fleming
Cc: Brian Kulina
Subject: Re: NAU Student Housing Proposal

Dear Brian,

I am total agreement with Pat's statements below on this issue. I am an NAU graduate and Flagstaff homeowner.

Best regards,

Mike Hudnall

On Jun 19, 2015, at 01:22 PM, Patrick Fleming wrote:

> Dear Brian,
>
> As a registered Professional Engineer, a LEED Accredited Professional, and a retired employee of the National Park Service who worked on numerous projects for Grand Canyon National Park, I would like to raise several concerns about the NAU Mike's Pike student housing proposal.
>
> While it seems that most of the concerns that have been raised so far, which I share, focus on the historic character of the neighborhood and the traffic congestion of the area, I believe that there are several rather pragmatic issues that must be carefully addressed as well. These include water distribution, fire protection, sewage conveyance and treatment, storm drainage, and waste recycling/disposal. Flagstaff and the surrounding communities have strained all aspects of the infrastructure for delivery of utilities for many years, and it appears that the subject proposal will serve only to exacerbate these problems. Even at the most local level, the ability to provide water and sewer lines to accommodate the development appears to be extremely expensive and impactful.
>
> The renderings that I've seen indicate a development that is completely out of character with the most endearing aspects of the City, and compromise the qualities that make Flagstaff a desirable place to work and live.
>
> I strongly recommend that you require evaluation of other alternatives and carefully examine the impacts and pros and cons of each before selecting a preferred approach and proceeding.
>
> Respectfully submitted,

Patrick A.Fleming, P.E., LEED-AP

June 20, 2015

Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001
ATTN: Brian Kulina
Regarding the Core Complex Southside Student Housing complex currently in development:

Dear Mr. Kulina,

This development is inappropriate for the neighborhood as it stands right now and also for the direction that the Southside area hopes to go in the future.

Historically this part of Flagstaff has always been, to put it bluntly, our city sacrifice area—industrially-driven, unpaved in places, flood prone, decaying and downtrodden. But in the past ten years or so a wonderful renaissance has been changing Southside into a optimistic destination, thanks to the property owners (business and home), which improves our attraction to tourists, potential residents, and our tax base.

The latest massive multi-story student housing development now proposed for the Mikes Pike neighborhood is wrong. In addition to the problems already identified in public meetings (lack of parking/unrealistic belief about how students will embrace lack of parking, size of development, and overall look of the development) allowing this structure to move forward truly insults the hard work and emotional investment of the Southside residents and business owners, who have worked hard, sometimes with little support from our city, to transform the area from exploited to a viable part of our larger community.

This housing complex belongs elsewhere, in open space, with access to the Mountain Line. If you are against this development, please continue to fight to keep it from being built. If you are considering supporting this development, I ask you to please, after reading this letter, reconsider your support.

Sincerely,

Robyn Martin

Brian Kulina

From: Leslie Connell <lconnell123@me.com>
Sent: Monday, June 22, 2015 10:59 AM
To: Brian Kulina
Cc: Karl Eberhard; Roger Eastman; Coral Evans; Jerry Nabours; Celia Barotz; Karla Brewster; Jeff Oravits; Scott Overton; Eva Putzova
Subject: Letter regarding Core Campus Project.
Attachments: Community Development.docx

Please see attached, regarding my thoughts on the Core Campus Project. Thanks so much for your time!

Leslie Connell

Brian Kulina

From: James Hasapis <james.hasapis@gmail.com>
Sent: Monday, June 22, 2015 12:57 PM
To: Karl Eberhard; Roger Eastman; Brian Kulina
Cc: Mayor and Council
Subject: Southside Student Housing/Retail Project

Community Development

211 W Aspen Ave.

Flagstaff, AZ 86001

Attn: Brian Kulina

Cc: Karl Eberhard, Roger Eastman, Jerry Nabours, Celia Barotz, Karla Brewster, Coral Evans, Jeff Oravits, Scott Overton, Eva Putzova.

I am writing to you to regarding the Core Campus Development that is being proposed for the Mike's Pike/Phoenix Avenue/Milton Avenue location.

After attending the meeting on June 17th, it's clear to me that this project is not a good fit for the Southside neighborhood.

Referring to Chapter 10-80 of the Flagstaff Zoning Code, this project does not fit the bill. It is not harmonious, agreeable, nor congenial with the neighborhood, it is not using similar design principles, it does not complement the characteristics of context and cohesiveness, and it is definitely not "unobtrusive in terms of the overall patterns of development, scale and continuity".

I believe this project should also be reviewed by the Traffic Commission, as it seems it will highly impact the surrounding streets – Phoenix and Mike's Pike in particular. These are narrow, neighborhood streets that are already being pushed to capacity with the Bus transfer station traffic.

The developers have touted the fact that it's so near public transportation – but is the current infrastructure at Mountain Line going to be able to handle this new concentrated load of students, or will this impact their ability to meet the needs of the public? Will additional buses be needed? If so, who will be paying for this?

I'm still not understanding how 197 parking spots (they mentioned that 30 will be reserved for the 10,000 sq ft. of retail) will serve the needs of 670 beds? I understand that they hope that less students will bring their vehicles, but so far, I haven't seen any serious planning on how they will achieve this. Adding more bicyclists and pedestrians to the neighborhood who will now be crossing Butler in large numbers will also affect traffic there, and doesn't seem like a safe suggestion. Perhaps if they build a pedestrian overpass, and not with taxpayer money.

The Southside is a neighborhood with a rich and important cultural history, with quaint neighborhoods, housing many families who have lived here for generations. It's a neighborhood that's already at risk because of individual student condo's that are popping up with regularity, or other apartment buildings meant for second home buyers. I hope that the City of Flagstaff, and the residents of this town will understand the importance of preserving this history, and not allow the neighborhood to completely succumb to rampant development.

Thank you for your time. If you have any questions, feel free to contact me.

LESLIE CONNELL

--

James (Jamey) Hasapis
928-310-8974

To: Flagstaff Community Development
Attn: Brian Kulina

I am writing in regards to the Hub/Core development that is proposed for Mikes Pike/Phoenix. As a long time resident of Flagstaff, I feel that this type of project in Downtown Flagstaff is not appropriate. The history of Route 66 (Mikes Pike being on the historical walking tour of Flagstaff as well as the original Route 66) must be preserved. Currently, Southside does not have any buildings over 2 stories tall. A 55+ foot tall apartment/retail building would not be compatible with the neighborhood. The building will definitely be visually obtrusive to residents and visitors. Driving up, or waiting in traffic for long periods of time on Milton, the view will no longer be of the Peaks. The scale, a mega block of structure, does not fit the scale of the neighborhood of Southside. Many homes and businesses will loose hours of sunlight during the winter.

As an owner of a home in the neighborhood, everyone realizes that traffic and parking on Mikes Pike can be quite hectic. More cars added to the narrow streets will destroy any chance for a person to walk the historic route and feel comfortable. This complex will do nothing for the long time Southside residents.

Keep Southside a part of historical, vibrant Flagstaff. Do not let the proposed project continue.

Sincerely,

Kari Tuomisto

Sueanne Kubicek, CPA, MBA, EMT

1190 W. Weston Trail
Flagstaff, AZ 86005
(928) 779-2801
Skubicek@aol.com

Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001
Attn: Brian Kulina

Chapter 10-80:definitions:City of Flagstaff Zoning Code
Compatibility: Capable of existing in harmonious, agreeable or congenial combination with other buildings, structures, blocks or streets through the use of similar basic design principles including composition, rhythm, emphasis, transition, simplicity and balance. Work is compatible if it is designed to complement the physical characteristics of the context and is cohesive and visually unobtrusive in terms if the overall pattern of development, scale and continuity.

I moved here in 2003 so I have been here a few years. The development is getting too much for this City. Traffic has been a problem on Milton/Route 66 especially in the area that you are zoning for this development since 2003 and the City has done nothing about it. Now you are proposing adding to the traffic problems with even address the current situation. I work on an ambulance and we run plenty of calls on University students whether it is bicycle accidents, drinking, pedestrian accidents, vehicle accidents, etc. You are going to add chaos to an already congested area.

As to your zoning codes above, there is nothing harmonious about a 5 story building going up in this area. How can a 5 story building in this area not be visually unobtrusive? There has been plenty of new construction, The Grove, anywhere along Butler, etc.

Regards,

Sueanne Kubicek
Tax payer

Carrie Cowger
3973 S. Kendall St.
Flagstaff, AZ 86005

Brian Kulina
Planning and Development Manager
Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001

June 26, 2015

Dear Mr. Kulina,

I am writing in opposition to the five story student housing/retail project planned for Mike's Pike and Phoenix Avenue. As a longtime resident of Flagstaff I cannot stand for or support a building of such magnitude at this location. The project will most certainly go against the established definition of compatibility (Chapter 10-80: Definitions City of Flagstaff Zoning Code) especially in regards to being "harmonious, agreeable" and "visually unobtrusive".

Over the past 15 years that I have lived in Flagstaff, parking and bike commuting in that part of town has become more and more challenging. I have almost gotten hit on my bike in that intersection many times. Also, at least three times a week, I attend yoga at the Bikram Yoga Studio on Phoenix Avenue. It has become increasingly harder to find parking in that area. This building will only add to the congestion and frustration of long time Flagstaff residents. Furthermore the building will be aesthetically assaulting to the quintessential nature of Flagstaff.

I came to Flagstaff and have chosen to stay here for so long for its ease, spaciousness, and beauty. Please help to honor these inherent and unique characteristics of Flagstaff by not continuing with this housing project.

Thank you for all the work you do for Flagstaff.

Respectfully,

Carrie O. Cowger

Brian Kulina

From: ALBERT LOPEZ <albertyroselopez@msn.com>
Sent: Thursday, July 02, 2015 11:24 AM
To: Mayor and Council
Cc: Brian Kulina
Subject: Re: Core campus development

Sent from my iPad

> On Jul 2, 2015, at 11:14 AM, ALBERT LOPEZ <albertyroselopez@msn.com> wrote:
>
> I am writing to you regarding the Core Campus Development that is being proposed for Mike's Pike /Phoenix Ave and Milton.
>
> We attended the meeting on June 17th and it is clear to us that this is not a good fit for the south side.
>
> The building does not fit on the south side and traffic is also a problem. According to Core they would have 670 beds and 197 parking spaces and said they would encourage students not to bring their cars. That's not going to happen. As it is right now there is no parking. Our Lady of Guadalupe Church has to put barricades so no one parks in their lot. Beaver street brewery has someone sitting early in the morning outside to make sure no students park there.
>
> Also having retail stores where are those people going to park. They should ask Northern Arizona University if they can build on their property across from I40 they have 40 acres that can be used.
>
> Northern Arizona university is looking at 25,000 students they need to start building on their property not in our neighborhoods. Someone also mentioned we our a tourist town and tourist visit restaurants a our downtown area. What are they going to see when they drive into town student housing.
>
> Woody mountain residence complained about student housing going up in their area and that project came to a halt. Now south side residence feel the same not in our neighborhood.
>
> We are against the student housing going in. We have lived here for 60 years our parents home is here our family all live on South Humphreys we are all home owners and residence. Now that the students are gone faculty and staff are parking here for 8 hours.
>
> I hope the city of Flagstaff and residence of this town understand the importance of preserving this history and not allow the neighbor to completely succumb to rampant development.
>
> Thank you for your time
>
> Albert and Rose Lopez
>
> If you have any questions,feel free to contact us.
>
>
> Sent from my iPad

July 1, 2015

Community Development
211 W. Aspen Ave.
Flagstaff, AZ 86001
ATTN: Brian Kulina
Planning and Development Manager

Dear Mr. Kulina et. al,

The City of Flagstaff and NAU has to grow and expand based on projections which are based on historical patterns. These projections do not take into account all that City officials and long standing residents and local business owners have learned along the way.

This is to state my multiple concerns about the proposed 5 story housing/retail project planned for Mikes Pike and Phoenix Ave.

Chapter 10-80: Definitions of City of Flagstaff Zoning Code defines the concept of "Compatibility" for building projects in Flagstaff:

"**Compatibility**: Capable of existing in harmonious, agreeable, or congenial combination with other buildings, structures, blocks, or streets through the use of similar basic design principles including composition, rhythm, emphasis, transition, simplicity, and balance. Work is compatible if it is designed to complement the physical characteristics of the context and is cohesive and visually unobtrusive in terms of the overall patterns of development, scale and continuity."

I don't need to pick apart the above City defined concept of **compatibility** to make the clear point that a 5 story building with a 670 bed student housing facility in it on Mike's Pike would be an absurd, incompatible and **uncomplimentary** addition to the growing charm and revitalization of our downtown, and especially south side neighborhoods.

Don't believe me. Take a real survey of the small local businesses and residents in any 8 block direction of this proposed development and see how we feel, what we think, and what we envision this would do to the unique character of Historic Downtown Flagstaff (not to mention our already strained parking needs).

This is more NAU's problem than it is the residents and business owners in Downtown Flagstaff. As has been seen clearly at the Sawmill student housing development, cramming a large crowd of young adults into a housing project is begging for mishaps and disasters that actually hurt our young adult students misuse our city's resources.

Flagstaff is not like Tempe. This is intentional, cultural and geophysical.

I don't know exactly who and how many individuals stand to benefit financially from this proposed development and how much of that revenue will leave our town. I've heard the argument that this will create jobs and promote economic growth. THERE ARE BETTER, SANER, MORE COMPATIBLE WAYS, and we will find them if we slow down and remember our foundational values.

In summary,

- Don't let developers put incompatible developments in this unique town.
- Don't put hundreds of hormone driven, newly emancipated young adults in a big pile in the heart of Downtown and expect them not to experiment with the limits of civility.
- Let NAU do more to find their own compatible, calibrated solutions to their housing issues.
- The rate of growth and expansion both for the City of Flagstaff and NAU must be calibrated by our previously established values as City Officials, residents and small business owners here.

Thank you for your thoughtful consideration.

Truly,

Kathryn Peterson, owner
Flagstaff Sports Exchange
19 W. Aspen Ave.
Flagstaff, AZ 86001
kpeterson@flagstaffusedsports.com

Brian Kulina
Planning Development Manager
City of Flagstaff Community Development
211 W Aspen Ave.
Flagstaff, AZ 86001

July 8, 2015

Dear Mr. Kulina,

We are writing to you to regarding the Core Campus Development that is being proposed for the Mike's Pike/Phoenix Avenue/Milton Avenue location. After attending the meeting on June 17th, it is clear to me that this project is not a good fit for the Southside neighborhood and should be denied.

Referring to Chapter 10-80 of the Flagstaff Zoning Code, this project clearly is not in accordance with the requirements. A five-story 2.5 acre, 700 occupant building is not harmonious, agreeable, or congenial with the neighborhood, it is not using similar design principles, it does not complement the characteristics of context and cohesiveness, and it is definitely not "unobtrusive in terms of the overall patterns of development, scale and continuity". The Southside neighborhood is not the place for another "The Village at Aspen Place" monstrosity.

Besides the overall scale, and look of the project, it also needs to be seriously reviewed by the Traffic Commission. If allowed to proceed, this new building will highly impact all three surrounding streets, Milton/Route 66, Phoenix Ave. and Mike's Pike. The portion of the Milton corridor this project is proposed to front is, as quoted by the City Council's Combined Special Meeting/Work Session of March 10, *2015, "...the most congested in the City. Between Butler and W. Route 66 it is over capacity during evening peak hours."* This is exactly where Core Campus Development plans to add nearly 700 students and, conservatively estimating, a minimum of 300 more vehicles. Additionally Phoenix Ave. and Mike's Pike are narrow, neighborhood streets that are already being pushed to capacity with the Bus Transfer Station traffic.

As a business owner, our customers already are challenged by this portion of the Milton/Rt. 66 corridor in order to access our business. Adding more traffic and highly concentrated numbers of students to this area will only make matters worse for all the businesses, residents and visitors in the area.

The developers have touted the fact that their project is so near public transportation there won't be any traffic problems, but realistically are the students of this project really going to use it and would the current infrastructure at Mountain Line be able to handle this new concentrated load if they do, or will this impact NAIPTA's ability to meet the needs of the public? Is the NAU bus line going to pick up any load these additional students will create or will the burden be on Flagstaff residents?

Perhaps if this project were actual apartments for Flagstaff families, (a population in desperate need of affordable housing) the 197 parking spots (30 will be reserved for the 10,000 square ft. of retail) they

plan to provide for the residents would be sufficient, since it would be reasonable for a family of 5 to have 1 or possibly two vehicles VS the reality that 5 students sharing an apartment would have 4 to 5 vehicles. There is no reality where 197 parking spaces will serve the needs of 670 beds.

While we are sure NAU needs more student housing, we don't believe the recent projects the City of Flagstaff has allowed to be constructed are in the best interest of either the students nor the residents of Flagstaff. Our experience with "The Grove" should have taught us something with its problems with crime, parties and under age drinking. Students we know do not want to live there & those who do [live there] want to get out. We don't need another over-priced, over built 'animal house' in the Southside neighborhood.

The Southside is a neighborhood with a rich and important cultural history, with quaint neighborhoods, housing many families who have lived there for generations. It is closely confined and already densely populated without adding 670 new residents. I hope that the City of Flagstaff, and the residents of this town will understand the importance of preserving this history, and not allow the neighborhood to completely succumb to rampant development.

We strongly urge you to really consider all of the factors included in the Design and Review Board of this project and deny the Core Campus Development's project. Thank you for your time. If you have any questions, please don't hesitate to contact us.

Sincerely,
Laura and Art Enciso
Owners
Tranzend, LLC

Tranzend, LLC • 417 W. Santa Fe Ave. • Flagstaff, AZ 86001 • 928.774.7999 • fit@tranzendclub.com

June 26, 2015 4:15 p.m.

Traffic flow from Butler at Milton/Rt. 66/Phoenix "proposed project site"

This is without adding 670 additional residents at the two tall trees.

July 7, 2015

Brian Kulina
Planning and Development Manager
Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001

Mr. Kulina,

I am writing in reference to planned 5 story student housing/retail project planned for the Mikes Pike/Phoenix area of downtown Flagstaff.

Personally, I think this is a bad idea for at least two reasons:

1) Traffic and parking in that area will be impacted in a most negative way, and it's already a problem.
2) The city's own definition of compatibility in the zoning code will be violated in numerous ways:
    a. Harmonious, agreeable, or congenial combination with other buildings and structures
    b. Principles of composition, rhythm, emphasis, transition, simplicity and balance
    c. Being cohesive and visually unobtrusive in terms of scale and continuity

Please consider seriously all of the negative effects on our wonderful downtown area south of Route 66 if this project is actually approved. I can think of no good reason to locate such a building with said purpose in that location.

Respectfully,

James F Cole
3525 W Cooper Dr
Flagstaff, AZ 86001

Brian Kulina

From: Mark Sawyers
Sent: Monday, July 13, 2015 9:00 AM
To: Brian Kulina
Subject: FW: Hub Project

fyf

From: K [mailto:applebranch@msn.com]
Sent: Friday, July 10, 2015 1:43 PM
To: Mark Sawyers
Subject: Hub Project

This letter is for members of the Planning and Zoning Commission. Can you please forward?

I am writing this e-mail to you to express my concern about a proposed development in our city. While I understand the need for housing for NAU students, I am completely against the proposed Hub Project. The project is a very poor fit for the existing neighborhood. It negatively impacts the historical value of this stretch of road, which was originally part of Route 66. The building will tower of adjacent buildings in the neighborhood, multiplying the number of persons residing in that part of town many times over. Congestion on Milton Road is already a huge issue that continues to worsen with growth. By situating this complex where it is proposed to be, the vehicular traffic will spill out onto Milton, Phoenix Avenue and Mikes Pike, none of which is well suited to handle the additional burden. At the present time buses must use both Mikes Pike and Phoenix Avenue to access the transfer station multiple times a day. The congestion in the streets and the neighborhoods can only be problematic with regard to safety for everyone. Small business currently occupy sections of Mikes Pike, and new projects should only be considered that are appropriate for the immediate vicinity. I am unfamiliar with the details of the planning process, but I am assuming there is a plan for growth in Flagstaff. As I see new businesses come in on South San Francisco, I am of the opinion that Mikes Pike may be best suited to house new businesses. Please don't allow the Hub Project to move forward.

Thank you for your time.

Karen Applequist, Ph.D.
2215 N. Crescent Dr.
Flagstaff, AZ

July 16, 2015

Brian Kulina
Community Development
211 West Aspen Avenue
Flagstaff, AZ 86001

Dear Mr. Kulina,

I am writing to express my opinion and concerns regarding the proposed five-story student housing and retail project planned for the Mikes Pike/Phoenix Avenue area of downtown Flagstaff.

I do not believe that such a building project would enhance this area of downtown; in fact, I believe that it would be in conflict with the City of Flagstaff Zoning Code, Chapter 10-80, in that it would disrupt the flow of this neighborhood and be physically incongruent to existing buildings and homes in the area. The student housing complex near the Aspen/Sawmill shopping center is an example of a building project that complements the area, as it is congruent with the shopping center. The proposed Mikes Pike/Phoenix Avenue area, as you know, is an older area of town, and a modern building project would at the least not fit in and at the most create more flow of traffic and congestion than the area can handle.

This area of town has a special feel and character. My family homesteaded in Flagstaff 100 years ago, and over my lifetime I have watched Flagstaff change. Many of the changes have enhanced the town, especially the revival of downtown. Personally, I feel that altering downtown to make it more like the newer parts of town is a mistake. There is something to be said for keeping the integrity of certain neighborhoods, and I do not see the necessity to squeeze such a large development into such a small area where there is a dearth of parking already. I also believe that students at NAU do not value this area of town as much as a more mature part of the population, and the development may not be as desirable to students as the City thinks.

I have two nephews and one niece who have graduated in the past few years from NAU. None of them would find this the desirable part of town in which to live. I also attend the Bikram studio two to three times per week, go to Macy's once a week, as well as frequent Pizzicletta, Mother Road Brewery, Zani, and many other businesses in that area. I take my glass recycling to that location at the bus transport station. There is a lot of activity in that area, and I think the City is being short sighted in moving forward with this project.

I am asking you to reconsider this plan, as it would detract from the rhythm, balance, and cohesiveness of this area of town.

Sincerely,
Claudine Taillac

Claudine Taillac
claudineflg@msn.com
9415 W. Antoinette Way
Flagstaff, AZ 86001
928-606-5844

Brian Kulina

From: marie <marieajones@gmail.com>
Sent: Friday, July 17, 2015 11:39 AM
To: Brian Kulina
Cc: Jerry Nabours; Celia Barotz; Karla Brewster; Coral Evans; Jeff Oravits; Scott Overton; Eva Putzova; Karl Eberhard; Roger Eastman
Subject: Core Campus Student Housing Project neighbor input

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Brian,

I'm writing regarding Core Campus's proposed student housing project on Mike's Pike. I understand it would require both a zoning change and a room and board special use permit. My husband and I are residents of the immediate neighborhood who oppose permitting this project for the four reasons listed below.

1. Student housing
Placement of this large student housing project inevitably shifts responsibility for what is essentially a dormitory—approximately 670 students renting by the bed—off the campus and into an existing neighborhood. Students are certainly welcome in our neighborhood but there is a critical difference between small groups of students sharing a rental unit and 670 students in one monolithic and concentrated structure. In the former, neighbors can interact with students and help them to be part of the community, in the later the students redefine the community itself. No amount of security plans will change this dynamic. Once such a project is introduced into this neighborhood it is very likely there will be others as well. Those events would so change the character of the neighborhood that it is in turn likely that many resident families will also consider moving, selling their properties which would likely be turned into student housing as well. This scenario has occurred in other neighborhoods and other towns where these kinds of projects are built and is so likely here that the City should openly discuss whether protecting existing neighborhoods is a worthwhile and appropriate obligation.

2. History and character
The Southside between Mikes Pike and San Francisco is a unique and irreplaceable part of Flagstaff. It has historic significance as the original Route 66, the warehouse district for the Mother Road and the railroad, and also the homesteads of the people who built much of Flagstaff, many of their families still living here. It is a true mixed-use neighborhood and has been from its beginning. It is currently undergoing a renaissance that respects this history and character, with local entrepreneurs investing their time, money and creativity into creating an exciting culinary, arts and entertainment area that is for everyone, not just students, and is a boon for tourism as well. The efforts of these business owners should be supported by the City in any way possible rather than allowing the area to be transformed into an extension of the NAU campus.

3. Compatibility and design
While it's true this area is zoned for both high density and height, that is not the only consideration for it's future development. Codes also call for attention to compatibility including harmony of "design, composition, rhythm, emphasis, transition, simplicity and balance", and should be "visually unobtrusive in terms of overall patterns of development, scale and continuity". Certainly this area has opportunity for high density residential and new infill commercial, but it should complement the existing historic structures. A monolithic 5-story, 670 bed dormitory cannot possibly meet those considerations regardless of the architectural style of its exterior faces. Neither can signage, no matter how carefully designed, recreate the historic feeling of a street once it has been so dramatically altered.

4. Traffic and parking

This part of the Southside has been challenged for decades with university related parking problems. It is already a struggle for businesses to guarantee parking for their customers and for residents to accommodate visitors. Core promises citizens in their public meetings to "discourage" their student tenants from bringing cars which need to be parked, but they are powerless to do that in reality. Arguably the students that rent in their facility (and Core tends to hand over their Hub properties to management companies shortly after construction) will be coming from out of town and out of state rather than locally, and they will likely not give up their cars easily. Regardless of their intention to discourage cars, the reality would be a transfer of combined university and developer responsibility for parking to the neighborhood. If the proposed solution becomes a large parking garage, that would additionally transfer responsibility as well as diminish neighborhood character. Core's private traffic study may be well intentioned, but the narrow two-lane residential streets that are Mikes Pike and Phoenix Avenue cannot realistically be transformed into one that accommodates the 250 vehicles they anticipate along with the many they will not anticipate. At the very least, the City should perform it's own traffic study of the area on behalf of its citizens.

In conclusion, permitting this project or others like it constitutes the abandonment of a section of historic Southside that adds unique value to Flagstaff. Once this area is lost it cannot be recreated. We understand that development of this area is both desirable and inevitable. We know that many people would love to live here if housing were available, especially high-density urban options, and would view that as a positive outcome for the neighborhood. We should use all the tools at our disposal, not strictly zoning rules, to ensure that development happens with respect for what exists here and the potential that is burgeoning. The desire to preserve our neighborhood's history and character should not be interpreted either as a lack of appreciation for student contribution to our City or to general opposition to development. It is rather a commitment to sound, sustainable planning principles that would enhance Flagstaff.

Sincerely,
Marie Jones and Marvin Glotfelty

August 7, 2015

2311 North Killearn Way

Flagstaff, AZ 86004

Community Development

211 West Aspen Avenue

Flagstaff, AZ 86001

Attention: Brian Kulina, Planning & Development Manager

Dear Mr. Kulina,

I am writing to you as a concerned citizen on the proposed five story (670 beds) student housing/retail project planned for Mikes Pike/Phoenix. Not only will this be intrusive on a low key, quaint community that exists presently but the traffic that it will create in that area will be a nightmare. I see plenty of existing housing complexes which students can rent in Flagstaff. Maybe consider this project for another side of town where traffic can flow and be accommodated with one of our major arteries to the university area. The zoning code for this proposed project is contradictory to a five story building. It would not be harmonious or congenial combination to the low rise structures in this quiet neighborhood. Adding possibly 670 people that would be housed in this project would create a traffic congestion that would not be in balance with the existing limited streets for vehicles to travel on.

Please decline and consider other locations in the community that possibly the developer can beautify those much needed neighborhoods over by Sunnyside/off Route 66 by First Street or Greenlaw areas. Some of these sections have two/three story buildings. This high rise structure can fit in better amongst those areas where there is less traffic flowing at peak times to Route 66/Route 40. Have the developer conduct a traffic evaluation from a reputable firm on what 670 cars can do for an area.

Thank you for this opportunity to express my opinion on this matter.

Very truly yours,

Soraya Padilla

Soraya A. Padilla

Community Development

211 West Aspen Ave.

Flagstaff 86001

To Brian Kulina,

Hello, I would like to express my opinion about the five-story student housing/retail project plan for Mike's Pike. I have lived in this neighborhood for 3 years now. I believe this kind of development is a very bad idea for this neighborhood. This is a very dense building for an area that already has trouble sustaining existing traffic, buses and parking etc. I am not opposed to some sort of development. This one is way too big for this area.

Thank you,

Larry Czaniecki

PO Box 45

Flagstaff, Arizona 86002

Brian Kulina

From: Mark Sawyers
Sent: Monday, January 04, 2016 9:11 AM
To: Brian Kulina
Subject: FW: "The Hub" is not appropriate for Southside

Follow Up Flag: Follow up
Flag Status: Completed

fyi

From: Mark Landsiedel
Sent: Monday, December 28, 2015 10:56 AM
To: Daniel Folke; Mark Sawyers
Subject: FW: "The Hub" is not appropriate for Southside

FYI

From: Barbara Goodrich
Sent: Monday, December 21, 2015 2:23 PM
To: Mark Landsiedel
Subject: FW: "The Hub" is not appropriate for Southside

The first one I've seen lately – I won't send every one, but I'll let you know if the volume picks up.....

From: Andrew Gould [mailto:gould226@hotmail.com]
Sent: Monday, December 21, 2015 2:00 PM
To: Council Mailbox <council@flagstaffaz.gov>
Cc: Mayor and Council <MayorCouncil@flagstaffaz.gov>
Subject: "The Hub" is not appropriate for Southside

Dear City Council Member,
I hope you are taking a well-deserved vacation as I write this. When you return to work I urge you to table any further action on 'The Hub' proposed for Southside by Mikes Pike and Phoenix. It is totally out of scale for the neighborhood. I urge the council to develop a plan for such high-occupancy student housing developments in the future.

Thank you,
Andrew Gould
2458 N Earle Drive
Flagstaff, AZ 86004

Sunday, January 3, 2016

Flagstaff Planning and Zoning
211 W. Aspen St.
Flagstaff, AZ

Mimi Murov
Tom Brownold
801 W. Summit Ave
Flagstaff, AZ. 86001

Dear P&Z Commission,

My husband and I have been residents of Flagstaff since 1976. I am also an NAU graduate. I urge you to deny Core Campus the amendments to zoning that they are requesting. I do not believe that their proposed development adds anything of value to the Mikes Pike neighborhood or to currently existing businesses in the area. This proposal will exacerbate an existing parking problem and will increase traffic congestion which will have negative impacts on businesses and residents from Beaver Street to Milton Rd. and from Butler to Phoenix Ave.

At a neighborhood meeting sponsored by the developer, one of the speakers reported that studies show that anywhere from 40-60% of occupants of these types of developments will bring an automobile with them. Core Campus reports that their development allows for only 30% of occupants to have a place to park their vehicle. They propose as a theory that they are hoping the development will cater to students who will walk, bike, and/or use mass transit. Since ADOT will not allow an entrance to the building on Milton Rd., all traffic must enter/exit on Mikes Pike. Mikes Pike and Phoenix Ave. are not conducive to this kind of traffic, it is not appropriate for a neighborhood, and I honestly believe Mountain Line could be thrown off schedule by the congestion caused with the increased number of cars but decreased amount of parking. I also believe that Phoenix Street may become an ice sheet in the winter due to a multi-story building on its south side shading the street. This would also create a traffic hazard for Mountain Line.

I do not believe that we as a city should be responsible for catering to developers who are catering to the needs of NAU. The current zoning for the proposed area could be maintained, though as I've said, I think an icy Phoenix Ave in the winter will create a hazard for our mass transit hub. If the city wants to restore Mikes Pike to its earlier commercial status when it was Rt. 66, why doesn't the city seek a development that would split the upper levels between apartments, offices for local businesses/organizations or government/school district entities. Downtown locations are highly prized by our local citizens and businesses. I believe Flagstaffians would be more appreciative of the close proximity of our mass transit system than students. Core Campus has no concern for the residents or business owners of this unique location. There is no guarantee that they will maintain ownership of the development. They report that they will "manage" their residents and evict those out of compliance. In reality they have no control over what a resident does once they are off the property and in the neighborhood....try to imagine 664 (the number of beds they propose) students reeling home from Tequila Sunrise, a frat party or football game, or just a regular weekend night on the town.

We live just off of West Sante Fe on Summit Street and are often awoken on weekend nights by just a few drunk students walking/yelling down the street at 1am. Multiply that by a 100 or more and you have a major disturbance of the peace on a regular basis. I would prefer our local police department to be more readily available to respond to real crimes and public safety issues than having to herd these disturbers back home.

Thank you for all of your service and for consideration of the above.

Sincerely,
Mimi Murov and Tom Brownold

Mimi Murov & Tom Brownold

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the City of Flagstaff Planning and Zoning Commission will hold a Public Hearing on, January 13, 2016 at 4:00 p.m. to consider the following:

1. A Conditional Use Permit request from Core Campus LLC to establish the **Rooming and Boarding** use as part of a 99 dwelling unit/acre mixed use development consisting of 236 dwelling units (334 beds) and 14,096 square feet of commercial uses on approximately 2.39 acres located at 17 S Mikes Pike.
2. A Conditional Use Permit request from Core Campy LLC to permit **93% lot coverage** within the T5 Main Street transect as part of a 99 dwelling unit/acre mixed use development consisting of 236 dwelling units (334 beds) and 14,096 square feet of commercial uses on approximately 2.39 acres located at 17 S Mikes Pike.

Interested persons may file comments in writing regarding the requested permits or be heard at the hearing date herein set forth. Additional information is available at the City Development Services Division, 211 West Aspen Avenue, Flagstaff, Arizona.

All Planning and Zoning Commission meetings are held in the Council Chambers of City Hall, 211 West Aspen Avenue, Flagstaff, Arizona.

Daniel Folke
Secretary, Planning and Zoning Commission

Mailed On: December 28, 2015

For Information Contact:
Brian Kulina at (928) 213-2613 or via e-mail at bkulina@flagstaffaz.gov

Dear Brian: I cannot make this meeting
Vote: AGAINST THIS
Not in keeping with the Area

Fawool May

Brian Kulina

From: Roberta Motter <rbmotter@gmail.com>
Sent: Tuesday, January 05, 2016 6:57 PM
To: Brian Kulina
Subject: Comment on "HUB"

Dear Brian,

Please add my to the comments in opposition of approval of the 2 Core Campus CUP requests:

I can repeat all of the problems already voiced associated with the proposed project (human congestion, traffic, parking, noise, design that doesn't conform to the neighborhood) but here I would like to add another perspective.

Viewscape. From my living room on the south side of Mars Hill, I have watched the landscape of Flagstaff morph over the past 23 years. One of the first eyesores to be built was the Barnes and Noble building. Then campus exploded with tall buildings of odd design. I can still see Granny's Closet and the Church of Guadalupe steeple from my home. These are Flagstaff landmarks. Should we obscure these with a high rise design that will cast dark and icy winter shadows on Phoenix Ave and change the view on Mike's Pike? I don't think so. This project is way too large in density and doesn't belong where it is proposed.

I have attended community meetings. The developer doesn't listen to or seem to register the publics' objections. Your P&Z board can vote against these permits, and I urge you to do so.

Thank you,

Roberta Motter

Community Development

211 W Aspen Ave.

Flagstaff, AZ 86001

Attn: Brian Kulina

Cc: Karl Eberhard, Roger Eastman, Jerry Nabours, Celia Barotz, Karla Brewster, Coral Evans, Jeff Oravits, Scott Overton, Eva Putzova.

I am writing to you to regarding the Core Campus Development that is being proposed for the Mike's Pike/Phoenix Avenue/Milton Avenue location. Regarding the public hearing scheduled on January 13, 2016: I am NOT in favor of the Zoning Map Amendment to allow Core Campus to develop a 99 dwelling unit/acre student housing building. I am also NOT in favor of granting Core Campus LLC Conditional Use Permits for Rooming and Boarding Use and for 93% lot coverage within the T5 Main Street transect on 2.39 acres located at 17 Mike's Pike

Referring to Chapter 10-80 of the Flagstaff Zoning Code, this project does not fit the definition of "compatibility". It is not harmonious, agreeable, or congenial with the neighborhood. It is not using similar design principles, it does not complement the characteristics of context and cohesiveness, and it is definitely not "unobtrusive in terms of the overall patterns of development, scale and continuity".

I am a Southside resident and I walk in the Mike's Pike neighborhood daily. In terms of scale, there is a dramatic contrast between the Mike's Pike neighborhood and Aspen Place/ Sawmill, where there is now a 5 story housing structure with retail on the lower level. Everyone who has attended the community meetings for the Mike's Pike project does not want to see downtown Flagstaff turn into what Aspen Place/Sawmill looks like. Any proposed structure which is 5 stories tall is going to be ridiculously out of scale compared to the surrounding structures in the Mike's Pike area.

From downtown Flagstaff, there have always been vistas of the Peaks to the north, of Mars Hill to the west, and of Anderson Mesa/ Walnut Canyon area to the south. These vistas of our surrounding topography add to the character and beauty of Flagstaff. Large 5 story structures such as the one proposed and the one existing at Aspen Place obstruct these vistas and diminish the aesthetic qualities of our town. If the proposed project were 3 stories or less, I would be more likely to support it, depending on materials chosen and overall design.

I believe this project should also be reviewed by the Traffic Commission, as it seems it will highly impact the surrounding streets – Phoenix and Mike's Pike in particular. These are narrow,

neighborhood streets that are already being pushed to capacity with the Bus transfer station traffic.

The developers are hoping that less students will bring their vehicles to this new housing project. I do not see that happening based on my experience as a southside resident. When classes are in session, the Southside neighborhood is full of students' parked cars. During semester breaks, very few vehicles are on the streets. It is obvious to anyone living in the Southside neigborhood that NAU students bring their vehicles with them to Flagstaff. How will the proposed 197 parking spots (they mentioned that 30 will be reserved for the 10,000 sq ft. of retail) serve the needs of 670 beds? Adding more bicycles and pedestrians to the neighborhood who will now be crossing Butler in large numbers will also affect traffic there, and doesn't seem like a safe suggestion. Perhaps if they build a pedestrian overpass, and not with taxpayer money.

The Southside is an eclectic neighborhood. It does house many students, but there are also families that have been here for generations. Most of the residences are single or two story. It's a neighborhood that's already at risk because of individual student condo's that are popping up with regularity, or other apartment buildings meant for second home buyers. I hope that the City of Flagstaff, and the residents of this town will consider what is truly compatible with the structures and neighborhood surrounding the proposed area and not allow the Southside to completely succumb to rampant development.

Thank you for your time. If you have any questions, feel free to contact me.

Karen Carswell

114 E. Dupont Ave.

Flagstaff, AZ 86001

kcars@hotmail.com

928-606-0453

Brian Kulina

From: Betsy Hager <betsy.nrcs@gmail.com>
Sent: Friday, January 08, 2016 11:17 AM
To: Brian Kulina
Subject: P&Z hearing Jan. 13

Follow Up Flag: Follow up
Flag Status: Flagged

We would like to give our support of both CUP requests from Core Campus LLC regarding the area located at 17 S. Mikes Pike. We feel this project is a good use of the land area and a welcome relief for students looking for housing.

Betsy and Tyler Hager
411 W. Aspen Ave.
Flagstaff, AZ 86001

Brian Kulina

From: Mark Sawyers
Sent: Friday, January 08, 2016 1:06 PM
To: Brian Kulina
Subject: FW: HUB Zoning Case

Follow Up Flag: Follow up
Flag Status: Flagged

From: kenberkhoff@gmail.com [mailto:kenberkhoff@gmail.com] **On Behalf Of** Ken Berkhoff
Sent: Friday, January 08, 2016 12:57 PM
To: Mark Sawyers
Subject: HUB Zoning Case

Mark,

Hope all is well.

I am writing you in support of the HUB Student Housing Project on Mikes Pike.

This zoning case is justified for many different reasons, I think we are on the same page with many of the positive aspects on this project and the zoning case specifically.

Appreciate your support of this project and continuing to help with bringing quality projects to our community.

As NAU continues to grow, and becomes an even stronger major economic driver for our community, we need to support them where it is appropriate.

Thank you.....

--
Ken Berkhoff, "Land Man", Owner/Broker
1st Brokers Realty-Commercial Specialists
"Home of 1st Class Service"
1500 E. Cedar Ave.
Suite 86-B
Flagstaff, AZ 86004
Cell: 928-606-0800
Fax: 888-500-0310
www.1stBrokersRealty.com

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Brian Kulina

From: Nat White <white@lowell.edu>
Sent: Wednesday, January 13, 2016 3:34 PM
To: Brian Kulina
Subject: HUB
Attachments: Hub Core Campus.docx

Follow Up Flag: Follow up
Flag Status: Completed

Hi,

Here are some rough thoughts I am sending to staff.

Nat

P&Z and Staff, Wednesday, January 13, 2016

After attending one of the public 'HUB' meetings, these are the notes I took from the point of view if I had to make the recommendation followed by comments.

- This is a business deal between Core campus and the people of Flagstaff. Staff, P&Z, and Council represent the people with the purpose of supporting what the regional plan and various other documents spell out including Vision 2020 and various surveys.
- Core, appropriately, sees this as a way to make money by filling a need.
- This particular business decision between Core and the people of Flagstaff should reflect lessons from similar projects. It may set the standard for future projects, that is, high, low or medium standard. This not a single focused decision but part of the evolution of Flagstaff.
- Therefore, we need to be cautious in the approach and set conditions conservatively with the public, long term impacts and costs to the neighborhood and tax payers in mind. We have this one chance because Core's optimal business plan requires some use changes or variations from the city plan.

Concerns brought up in the public outreach with some of my own thoughts.

Traffic and particularly parking was one of the biggest concerns. Core said they are meeting the requirements which is less parking than units and will set rules and monitor the potential problem. Folks felt those were words with no external enforcement and Core admitted if the property sold the rules could be different.

Encroachment and lack of enforcement of NAU workday parking in the neighborhood is currently a problem and this would make it worse.

Hub would be the beginning of the demise of the neighborhood and there was no south side plan. They see this as a piecemeal approach with no long term planning other than high level transect type planning, a concept hard for the average person to understand in terms of impact.

If Core's hope is to encourage pedestrian traffic over car, why aren't they partnering in implementing rights of way and other encouraging pedestrian facilities?

Looks are in the eye of the beholder, but building heights permanently affect view sheds and the town image especially in this location.

Here are some of my thoughts/comments:

Traffic- no left turns on to Milton from Phoenix or off of Milton to Phoenix except for City busses. Traffic designs should be such that Phoenix, Beaver, and Humphreys are the main auto route to and from Campus rather than weaving through residential areas. That may have traffic control costs. Who pays and how does that affect the current traffic circulation and businesses?

The only sure way to mitigate parking problems is to have enough parking for all units. Parking requirements maybe based on a set of city rules, but a set of rules may not meet the needs of special circumstances and locations. Core's good faith approach is to make their own 'house' rules which new owners can change and is a step away from city control.

Transect zoning is too course when it effects old neighborhoods. That requires more detailed planning. Therefore, a request to change the zoning in itself begins a piecemeal planning process of the south side.

Pedestrian/bike encouragement requires forethought and facilities. For example, there is no pedestrian access under the east side of the underpass and no way to cross if the destination is the library, Wheeler or Thorpe Park. The railroad bridge is being used illegally for that access even now and will probably be used more.

Phoenix between Milton and Mikes Pike will be shaded most of the winter because of building heights causing a danger and a maintenance problem for pedestrians, bikes, and motorized vehicles not much different than downtown Aspen St..

Building height and minimal set back will change the Milton view shed and city image and will also delay sun exposure of the sidewalk and road till well after noon in the winter.

I submitted these comments with the idea of being useful in considering opportunities and impacts.

Nat White

Brian Kulina

From: Mark Sawyers
Sent: Thursday, January 14, 2016 8:58 AM
To: Brian Kulina
Subject: FW: The hub

Follow Up Flag: Follow up
Flag Status: Completed

fyf

-----Original Message-----
From: Joseph Walka [mailto:joseph.walka@nau.edu]
Sent: Wednesday, January 13, 2016 6:07 PM
To: Mark Sawyers
Subject: The hub

As a former P and Z member, I would vote against the Hub as currently proposed. The parking for the project is insufficient in an area of high density population. Inadequate attention is being paid to traffic issues as we consider various proposed projects.
Joseph J. Walka
613 W. Cherry Ave.

Sent from my iPad

Brian Kulina

From: Duffie Westheimer <dwestheimer@gmail.com>
Sent: Friday, January 15, 2016 9:59 AM
To: Daniel Folke; Brian Kulina
Subject: important forgotten info

Follow Up Flag: Follow up
Flag Status: Completed

Greetings Dan and Brian,
In my Commission meeting comments the other evening I forgot to make this very important point that I'd like included in the record as another reason the Hub or any similar development is bad for Flagstaff.

As a cyclist for more than 40 years --touring, commuting as well as recreational riding in many parts of the world-- I have seen bicycling in the US *wax and wain in popularity* *a few times*.

The point is that although *some* students may like to ride a bicycle these days it would be irresponsible to believe that in ten years, if not in five years, they will still want to ride. Americans love cars more than bikes and probably always will. To base development on the idea that students won't have cars (especially if they can afford luxury dorms) is naive at best. That assumption is only a profit windfall for the developer that makes problems for Flagstaff residents and sucks up COF resources dealing with the resulting problems.

Making it difficult to have a car will not eliminate Americans having and using cars.

I think I said this the other evening but it is worth repeating, more traffic on the roads does not make bicycle use increase. Most people do not have the skills and or confidence to ride with traffic, even with a bike lane--bike lanes are a problem at every turn--literally.

Also people need to get across town and Butler, as an example, is really not safe to ride on when we have snow/ice/cinders, etc. piled up on the right side of the road--pushing bikes in and out of traffic. (We have only one car so I ride it anyway but when I have to take the dogs to the vet which I do with a trailer this is a serious problem. Even if riding on the sidewalk is illegal it is not even an option because they are covered in uneven snow.

In short, as Flag has grown over the past 35 years I've lived and ridden here, **riding has not gotten better because the amount of traffic has outpaced the available space, moves faster and bikes are always considered second-class users on the road.**

I hope these comments are taken into consideration.
Thanks for your time.
--Duffie Westheimer

On Thu, Jan 14, 2016 at 4:02 PM, Daniel Folke <DFolke@flagstaffaz.gov> wrote:

Duffie,

I know Brian replied to you on Monday morning. Please let me know if you are unable to get his reply and attachments.

Regards.

Dan Folke

Planning Director

City of Flagstaff

928-213-2630

From: Brian Kulina
Sent: Thursday, January 14, 2016 2:00 PM
To: 'duffie@westheimers.net' <duffie@westheimers.net>; 'dwestheimer@gmail.com' <dwestheimer@gmail.com>
Cc: Mark Landsiedel <MLandsiedel@flagstaffaz.gov>; Daniel Folke <DFolke@flagstaffaz.gov>; Mark Sawyers <msawyers@flagstaffaz.gov>; Brian Kulina <BKulina@flagstaffaz.gov>
Subject: RE: well?

Ms. Westheimer -

I received your e-mail and I provided a response. A copy of the responding e-mail is attached for reference. Perhaps the size of some of the attachments caused it to be automatically sent to you bulk mail folder. If that was not the case, I apologize for you not receiving the response in a timely manner.

Brian J Kulina, AICP

Planning Development Manager

P: (928) 213-2613 | F: (928) 213-2089

From: Duffie Westheimer [mailto:dwestheimer@gmail.com]
Sent: Thursday, January 14, 2016 1:39 PM
To: Brian Kulina
Subject: well?

Mr. Kulina,

I sent an email that would have been in your "box" Monday morning with ten questions relating to zoning in general and the Hub in particular. Those were not rhetorical questions. Will you be sending answers, as requested?

Please let me know.

Thank you,

Duffie Westheimer

--

Lots of new Lanamals! Look here: http://www.lanamals.com

Brian Kulina

From: Diana Thorson <thorsond@commspeed.net>
Sent: Thursday, January 14, 2016 5:35 PM
To: Brian Kulina
Subject: My unspoken words (and more)
Attachments: Di on The Hub.docx

Ms. Diana Thorson
4521 E. Flintwood Ln.
Flagstaff, AZ 86004

January 13, 2016

Mr. Brian Kulina, AICP
Planning Development Manager
Planning & Development Services
211 West Aspen Ave.
Flagstaff, AZ 86001

RE: 17 S. Mike's Pike (The Hub)

Dear Mr. Kulina,
Thank you to you and your committee for your efforts to listen to the concerns of the **citizens** of Flagstaff. I stayed the full 3 hours at the hearing as Richard, whose letter you referred to in your opening remarks, is quite ill. I wanted to listen to others so I wouldn't be redundant if I got the chance to speak, thus time ran out before my name was called. I actually came away with issues to which no one referred. A great deal can be learned by looking at HISTORY. We moved here from Chicago to get away from the urban sprawl. It takes control of your life, more than technology. (Could the developers have a different idea of what a small historic town should look like?)

We have lived here 32 years and owned a business in the MacMillan Bldg. until the downtown parking issue in 1984 was "solved" by building the Flagstaff Mall, pulling business away from downtown and forced us to close in 1986. The new City Hall had not even been built yet. I worked for the Sheriff's Office in the jail in the 1990's. I often had to park up the hill in the neighborhoods, including in front of Babbitt's home. (County Building doesn't even have enough parking for the employees, never mind for those who need to do business there). When I taught at S. Beaver School, I often found myself unable to leave as a student parked behind my car.[1] THE ISSUE HAS BEEN HERE FOR A VERY LONG TIME. Your predecessors as far back as that and longer did not take care of business then; it is now a major crisis and up to you to make better unbiased decisions based on what **the public** is saying (Out-of-state dollars vs. preserving our heritage.) The city and library lots are barely adequate putting the burden on that historic neighborhood. **There is just no question that the proposed Core Campus Development will be the breaking point of the Downtown tourist area, to which tourists have come to experience. If you approve this, it will never go away. Tourists will cease to find Flagstaff charming. Look at Riordan Mansion, our hidden treasure barely surviving. We must be better stewards of our past. The only "winner" here is Core. Whatever dollars the city would collect in taxes would be eaten up by ancillary services—maintenance of the area, policing, traffic control, trash, recycle, etc. House students on campus and NAU would be providing those services (student jobs?) but retail would still benefit.**

I learned much tonight: there are issues that conflict with reality trickling out of the larger issues. Many were mentioned, some were not.

How is it legal to allow this private enterprise to have dedicated on-street parking overnight when, by Ordinance, October to April there is no on-street parking?

We have always lived on the East side. How is it equitable for those living in the historic neighborhoods to have required paid permit parking and we do not? The South side residents didn't cause the problem.

Core Campus Development is in the business of building housing for STUDENTS. Don't be fooled by their false "intention" to recruit families (limiting cars). If they followed through with that emphasis, we'd have to reclaim S. Beaver School, another casualty of NAU sprawl.

Regarding Core's commitment to "policing and informed student expectations" is a false reality. There was an Eviction Clinic this very day at the Courthouse. Eviction is a nearly impossible resolution for bad behavior as the AZ Revised Statutes favor the renter, not the landlord. At best it can take 2 years or more, depending on the behavior. We know this from personal experience. Providing *Logical Consequences (1968, Dr. Rudolf Dreikurs[2])* for bad student behavior is the college's job. Strong action can only improve the quality of the character of the college student population.

Someone needs to take a stand regarding the extent to which we are going to let students define what Flagstaff is. It might as well be you and better now than later. You can see by the proportion of opponents to advocates you will be very popular if you choose to be defined by our history and natural beauty rather than a college campus. The two venues should be distinct where both students and residents can enjoy the cosmopolitan atmosphere a university provides without destroying the uniqueness of our historical roots and natural environment. The Land Grant College System (Morrill Act) did that for us in the 1860's.

Take the lead and encourage the formation of a committee to lobby the Board of Regents to take responsibility. There is enough bad publicity about college students to go around.

- Has their mandate to increase student population by 10,000 been examined closely enough to know that this community's infrastructure can support that density?
- Nearly all college students are not mature adults. Take a trip to University Surplus and see the damage they do to government property. They need to live on the state land as wards of the college.
- By taking on The Hub, we are enabling the Board of Regents to shirk their duty: to teach good behavior, responsible tenant practices and the respect as guests of our or any city. Academia must include life and social skills.
- Why can't Core Campus run their business as a concession ON STATE PROPERTY? Let them use the state's 80 acres. Tourists definitely are not coming to Flagstaff to mingle with college students.

Per the President of the Chamber of Commerce, it would be interesting to hear from a realtor as to whether The Hub might inflate or decrease property values in the downtown corridor. Certainly, when Internet education takes the lead, Flagstaff will be left with a mighty big, vacant eyesore.

Milton Road is a U.S. Highway, all the way to Rt. 64. They have no obligation to assist the city with the gridlock of traffic from I-40 to the Nordic Center. We are in this alone to control the traffic. The voters missed their chance when they voted against the Ponderosa Parkway over MacMillan Mesa through a corner of Buffalo Park. Add The Hub to the mix and we will send skiers to the White Mountains.

I hope there are people on the committee who have visited other college towns and examined how the student populations are housed. Places like Ogden, UT; Williamsburg, VA; College Park, MD; Savannah, GA; Boston, MA; Denver, CO; Boulder, CO; Charlottesville, VA, etc. should be evaluated to determine the best and worst ways to expand. As a Land Grant College it should be a no-brainer. Use the land set aside for the college. I don't know what it is like now, but my husband and I both went to Southern Illinois University, joined a sorority and fraternity, living in a small group housing area, each with their own house, several miles from downtown Carbondale. We were taught how to respect our housing and the city, and underclassmen were not allowed to have cars unless they were commuters or handicapped. Somehow high behavior standards have been lost. We need to direct the responsibility to the appropriate entity. That is your daunting task, which starts with not only denying **this** code change, but by tightening code and building restrictions, especially adjacent to historic areas. The city buildings need to follow the same design conformity history has left us. Over and over I hear that the library should be the model for new structures. Is anyone listening? Sedona has sure shown the power of design control. We need a MUCH STRONGER Architectural Control Board as I, with design and architectural undergraduate training, see from proposals with other pending projects.

Sincerely,

Diana Thorson

Diana Thorson
(928) 526-4671

[1] Our son owns his home at the intersection of S. Verde and Ellory. The struggle to park on the street or in his driveway is a constant problem. This is "creative student parking" across Verde St. from his home, IN the Rio de Flag.

[2] Child & Family counselor, founder of the Adler Institute of Professional Psychology, Chicago, 1952-1972

Brian Kulina

From: Charlie Silver <cws720@gmail.com>
Sent: Friday, January 15, 2016 9:20 AM
To: Brian Kulina
Cc: Daniel Folke
Subject: Wednesday's P&Z meeting

Hello Brian and Dan,

Would you have a total tally to date of the "not in favor" and "in favor" comments received about the proposed Hub project. I am thinking this would include all the email comments to date as well as the public testimony from Wednesday's P&Z meeting too.

Thanks very much,
Charlie Silver
720 W. Aspen Ave.

Sent from my iPad

Brian Kulina

From: mimimurov <mmurov@qwestoffice.net>
Sent: Friday, January 15, 2016 3:36 PM
To: Brian Kulina
Subject: Core Campus

Follow Up Flag: Follow up
Flag Status: Completed

Dear P&Z,

I recently sent an email concerning The Hub by Core Campus. I attended the P&Z meeting on Jan 14. I appreciated that you mentioned the received emails in this meeting and I appreciate the extra amount of time you allotted to public input. During the presentation by Core Campus I understood them to say that there would be only one entry/exit to the upper apartments. Did I hear this correctly? If so don't you find that to be a safety hazard in case of fire or other emergency?

Again thank you for your thoughtful consideration in hearing the public input. I hope you will deny the CUP and change in zoning for reasons mentioned in my previous email as well as those mentioned at the Jan 14 meeting.

Sincerely,
Mimi Murov

Brian Kulina

From: Jerry Johnson <jljohnson820@juno.com>
Sent: Sunday, January 17, 2016 7:51 PM
To: Brian Kulina
Cc: Daniel Folke
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

Hello,

I attended the last P&Z meeting about the Hub. I did not speak or give a written comment at the meeting, but would like to do so now. I am totally opposed to the Hub. It is inappropriate for Flagstaff and would be the beginning of the ruin of downtown Flagstaff. The lack of available parking can not be overlooked. Student housing belongs on campus where NAU can control the associated problems. NAU has a hundred acres of undeveloped land. Build the student housing there, not in the heart of the city.

Jerry Johnson

Sent from my iPad

Brian Kulina

From: Victoria Vanpuyvelde <vcv5@nau.edu>
Sent: Monday, January 18, 2016 10:54 AM
To: Brian Kulina
Subject: The hub

Follow Up Flag: Follow up
Flag Status: Completed

Hi Brian,

My name is Victoria and I am aware that you are keeping a tally of those in or not in support of the Hub on Mike's Pike. If possible, I would like you to add me to the "not in support" list. I do not support the building of this project.

I have lived in Flagstaff for 6 years now and I cherish this community. I have grown into myself here, and I feel that the community and the overall vibe of Flagstaff has helped contribute to my growth as a young adult. I live at 205 South Beaver Street and I believe that if this building goes up, it will significantly decrease the value, astethic value, and overall feel of my neighborhood. I do not support this and want you (or someone) to hear my voice.

Thank you for your time.

Best,
Victoria VanPuyvelde

Brian Kulina

From: Becky Cardiff
Sent: Tuesday, January 19, 2016 7:53 AM
To: Brian Kulina
Subject: FW: The HUB
Attachments: HUB CUP deny letter final.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Can you include this in your next packet to P&Z?

Becky Cardiff
Development Services Supervisor
City of Flagstaff
211 W Aspen
Flagstaff, AZ 86001
Phone-928-213-2618
Fax-928-213-2609

From: Rob T. Construction, Inc/ Robert Trathnigg [mailto:RobTConstruction@commspeed.net]
Sent: Monday, January 18, 2016 9:46 AM
To: Becky Cardiff <bcardiff@flagstaffaz.gov>; Mark Sawyers <msawyers@flagstaffaz.gov>
Subject: The HUB

Hi Becky,
Please forward the attached letter to the Planning and Zoning commission members and enter it into public record.
Thanks
Rob

ROB T CONSTRUCTION, Inc.
Robert W. Trathnigg - President
2030 South Ash Lane, Flagstaff AZ 86004
(928) 607-6431 Phone
(928) 525-9700 Fax
robtconstruction@commspeed.net
Licensed, Bonded & Insured

This email has been sent from a virus-free computer protected by Avast.
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To: Flagstaff Planning and Zoning Commission, January 17, 2016

RE:PZ-15-00164 HUB CUP Request

I ask that the Planning and Zoning Commission deny core Campus's request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

I feel this project would be a **Visual Pollutant** and change the look and feel of the downtown area. It will also have a negative effect on parking availability in the downtown area. The Hub will be a major impact to the skyline from the surrounding area and very visible from the intersection at Route 66 and Milton ave. The developer has not provided elevations looking at The HUB, from the south. This one structure will change the look and feel of our walkable neighborhood from individual, separated buildings with varying setbacks from the sidewalk, to a 4/5 story monolithic structure, built to the sidewalk. It deletes the neighborhood feel and replaces it with a sprawling, high density, high rise structure.

It is important to note that the 7 parcels that make up the HUB Property were identified in the original Zoning Maps (Zoning map and Transect Zone Overlay Maps) for their value and best use with consideration of the existing structures and approved use(s) of the adjacent parcels. I do not think re-drawing the Zoning maps, based on the combined parcels, is appropriate.

The current CS zone states, "the development of residential uses in addition to commercial uses is encouraged in this Zone, provided **that residential uses are located above or behind the primary commercial service use**". (Flagstaff Zoning Code 10-40.30.040 Commercial Zones)

The current HC zone states, "the development of commercial uses in addition to residential uses is encouraged in the HC Zone to provide diversity in housing choices, provided that residential uses are located above or behind commercial buildings so that they are buffered from adjoining highway corridors. **The provisions of this Zone are also intended to provide for convenient, controlled access and parking, without increasing traffic burdens on the adjacent streets and highway**." (Flagstaff Zoning Code 10-40.30.040 Commercial Zones)

I feel it is also important to note that, under the current Zoning (CS and HC) the front, side, and rear setbacks, as well as, increased parking requirements and landscaping requirements would be major factors in regulating building size and overall lot coverage.

In addition, I do not think the HUB project should be considered for transect zoning, or any "form based" code applied to the property. The Flagstaff Zoning Code, Preamble, P .090, "Using the Flagstaff Transect" states in paragraph A, "The City- Guiding Principles, 1. **Preserve** and enhance **community character**; 2. Encourage **appropriately scaled infill and development**". The Hub does not meet this description.

The HUB does not meet the description of the transect zones standards as outlined in 10-40.40.10.010 "Purpose". This section describes transect zones as "optional" but does not describe them as zones applied to the properties they cover "By Right". The property/ project must meet the specific requirements of the transect zone to adopt the transect zone overlay.

The T4 Neighborhood 1 (T4N.1) standards describes the intent of this overlay zone as, "The primary intent is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of **small building footprints and medium density building types. Appropriate building types might include bungalow courts, duplexes, and apartment complexes, which are typically smaller than those found in other zones**". (Flagstaff Zoning Code 10-40.40.070 T4 Neighborhood 1). It goes on to describe uses as, "homeowner offices and small neighborhood supporting uses, such as music classes and artist studios".

The HUB does not meet the requirements or description provided in the Flagstaff Zoning Code 10-40.40.070 T4 Neighborhood 1 Transect Zoning Standards. Please deny the CUP and rezoning request.

The T5 Main Street Standards states, "the primary intent of this zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to **provide an appropriate transition into existing neighborhoods**." (Flagstaff Zoning Code 10-40.40.090 T5 Main Street Standards). I then goes on to state, "the Zone and sub-zone **are intended to preserve and build upon the existing pattern of development. New development, renovations, and additions should be in character and scale with existing valued patterns**." (Flagstaff Zoning Code 10-40.40.090 T5 Main Street Standards).

The HUB does not meet the requirements or description provided in the Flagstaff Zoning Code 10-40.40.090 T5 Main Street Transect Zoning Standards. Please deny the CUP and rezoning request.

The Hub is within a high density area as outlined in the Regional Plan. There is a great example of a property that meets this recommendation, falls within the neighborhood standards and character, and meets the existing Zoning Code requirements at the corner of W Santa Fe and Sitgreves ave, across the street from the city hall parking lot (to the west).

Again, I request that the Planning and Zoning Commission deny Core Campus's request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

This property can be developed according to the standards outlined in the Zoning Code and Regional Plan, without applying the Transect Overlay Zones. Again, please deny the request to amend the Downtown Regulating Plan, and for a Conditional Use Permit (CUP) for the HUB.

I own the property at 12 South Mikes Pike - corner of Mikes Pike and West Phoenix. If the HUB is built, I will benefit financially with increased rents and increased property value. However, the Downtown area I have worked to revitalize will not, the City I am raising my family in will not, and I feel that outweighs any personal gains I may realize.

Thank you,

Sincerely,

Robert W Trathnigg

2030 S Ash Ln

Flagstaff, AZ 86004

January 20, 2016

To: Planning and Zoning Committee
RE:PZ-15-00164 HUB CUP Request

As a long time resident of Flagstaff, as well as a graduate of NAU, I ask that that the CUP be for The Hub be denied. While attending NAU I lived on Mikes Pike and witnessed the traffic and parking problems first hand. For example, 2 separate accidents occurred to cars backing out of the driveway where I lived. The traffic turning onto Cottage was not visible to the driveway. Both times, the fault was attributed to the person backing out. It became necessary that a person stand at the corner of Mikes Pike and Cottage to prevent accidents. The buses only add to the existing problem. Many others in the neighborhood experience similar problems due to the congestion in the area. Parking for those working in the area was also scarce. It was necessary for a few of my friends to park in my driveway in order to find a spot. The Hub will only increase this problem for those living in the Southside.

I am currently finishing graduate school at UofA and living in the neighborhood opposite The Hub located in Tucson. The character of the neighborhood is dominated by the large structures nearby. For this reason alone, I feel The Hub should not allowed in it's current monolithic form.

I look forward to returning to Flagstaff in May and working as a Nurse Practitioner. I feel of the heart of Flagstaff would be destroyed by a student housing project smack in the middle of what I consider downtown. I watched the Southside neighborhood be revitalized while living there and recognize that this is a very important step in the building of the community and the character that is there should be maintained.

I have been keeping abreast of the development through the Daily Sun online. Please deny The Hub the benefit of the CUP. Let the development of the area be led by projects more in keeping with the feel and character of Flagstaff.

Lezah Huff 3221 N Jackrabbit Lane Flagstaff, AZ (permanent Flagstaff address

Lezah Huff

Brian Kulina

From: Walter Salas-Humara <walter@waltersdogs.com>
Sent: Tuesday, January 26, 2016 9:54 AM
To: Brian Kulina; Mark Sawyers
Subject: The HUB

Follow Up Flag: Follow up
Flag Status: Completed

Hello Council Members,

I have my art studio across the street from the proposed HUB site and have followed the progress and gone to many meetings including the recent zoning hearing.

I'm not against a denser urban core for Flagstaff. It makes perfect sense on may levels - a walkable, livable, lively, and more European style community.
This will be very attractive for visitors and residents alike. To achieve this, you, the city planners, will have to be very careful about the architecture and the use of the new buildings that will eventually dominate the downtown area.

I have been very disappointed in the HUB project. Given it's location, it will become the symbol of the new city of Flagstaff. It will be a very large signal of what Flagstaff will become. Let's have a forward looking project with amazing architecture that will incorporate all walks of life and all types of retail.
Let's not signal to future developers that we are OK with Flagstaff becoming a party town for students full of nothing but restaurants and bars with the inevitable parking problems, DUI's, drunks, fights, etc, etc.

Firstly, it's simply too large for the character of the neighborhood. Yes, I know it's within the city guidelines, but it's too large for the infrastructure of the area, especially the roads and parking.
Secondly, in order to comply with what they think the neighbors will accept, they have dumbed down their design to make it look just like every other faceless building project that signals mediocrity.
Thirdly, it's just gross that they plan to take advantage of the students, our neighborhood, and ultimately drive up rents, and drive normal folks out.

You are elected to protect the future of this awesome city and community.. Please do your job by denying the HUB this location and offering them an alternative location that is more appropriate for their development. A location where they don't have to dumb down their architecture and where the residents can have just as easy access to the University.

Thank you,
Walter Salas-Humara
100 Mikes Pike

Brian Kulina

From: Gisela Kluwin <gkluwin2@gmail.com>
Sent: Tuesday, January 26, 2016 6:08 PM
To: Mark Sawyers
Cc: Brian Kulina
Subject: The Hub

Dear Mr. Sawyer,

I attended the P&Z meeting concerning the Hub project on Jan 13, but neglected to turn in my blue comment card. I think it is very important to make my voice heard in regards to that controversial project, hence my email.
After listening to the developer's proposal and then trying to visualize that mega project in the space between Phoenix Avenue and Mike's Pike, my mind just shut down in horror, overwhelmed by the proposed size and occupancy numbers. I am also very disturbed by the low number of parking spaces built into the project. The proposed parking structure for 30% of the residents may fulfill the letter of the zoning requirements, but does not fit at all the actual neighborhood situation. There is NO PARKING available in the South side neighborhood aside from a very few unregulated spaces and a few 2hr spots. And when these are taken up by students, residents and visitors alike will be further frustrated and businesses will lose customers. Furthermore, the traffic flow in that tight neighborhood will become a nightmare, especially during the snow months, when Phoenix Ave becomes effectively a one lane street, and cars have to dodge buses which frequently enter and exit from the transfer center.
In summary, I think that the current Hub project is too big for the neighborhood, that there is insufficient allowance for in-house parking, and that traffic flow will be negatively impacted. I urge the P&Z commission to deny the rezoning request from T4 to T5 and to deny the request for a CUP.

Thank you for allowing me to comment on this project and to add my concerns to the many eloquent voices heard during the meeting.

Sincerely,
Gisela Kluwin
2333 N Fremont Blvd
Flagstaff, AZ 86001

Brian Kulina

From: Emily Ross <emross05@hotmail.com>
Sent: Tuesday, January 26, 2016 9:17 PM
To: Brian Kulina; Mark Sawyers
Subject: Can you please forward this to the Planning and Zoning Committee?

Dear Sir or Madam,

I am writing in regards to the proposed Hub that the planning and zoning commission has been considering on the corner of Mike's Pike and Phoenix, and am strongly urging you to reconsider!

I moved to Flagstaff ten years ago now, and I have lived in several homes in this specific area during that time. My memories are deeply rooted in this eclectic community which I feel is the heart and soul of the town's entire appeal. I understand the basic economics of growth, and have had exposure to the processes you go through regularly in attempt to grow Flagstaff in the correct manner, as I worked for the City of Flagstaff for several years.

However, I want you to consider how this may impact the renters, home and business owners, and even traffic! I recently purchased my first home in Sunnyside and am so proud to call Flagstaff my home. As a first time home buyer, the market was incredibly difficult for me to afford my own home. I was actually only able to put down roots because I won my home on a deal through the 'Good Neighbor Next Door Program.' I think I understand the need to cater to the growing community of NAU, but I wonder if the decision of location is the best. This area has a lot of potential for expansion in ways that enhance the cozy, quaint, yet still progressive and adventurous vibe that everyone loves. This is how the city has been marketed (with its 'passport stamp' feel), and I worry that all the new additions of high-rise buildings will detract from the image you are trying to project.

The proposed photo I see in the newspaper looks like Phoenix! This is fine, and I think several parts of Flagstaff in the NAU vicinity have a more modernized uptown, classy energy, which I truly appreciate, although it is a bit sterile. People like it! I think this location, however, needs to be protected from negative gentrification with generic high-rise buildings, and instead, should incorporate the space to foster more small businesses- stores and restaurants. This will easily bring in the same appeal as the New Frontiers lot has, and it will encourage incoming student groups to populate the already existing homes within the community. What's more, it will keep some of the home values in the neighborhood affordable so younger generations can afford to integrate after becoming educated here. I think the homes south of the tracks can really be revitalized, much like Sunnyside, to be affordable to a younger home-buying generation like myself.

As a young woman who has worked in numerous jobs within the community, I think the idea is good, but should just be relocated. I propose taking a look at some of the homes in the Lone Tree area. The size and location are wrong for this area, and moving the businesses onto Milton would project a weird image, and most likely destroy them in the long term. This road has high-traffic flow and lack of parking. As you are approaching the heart of Flagstaff's downtown, I do not feel a high rise building is the best introduction! Should a tall building need to go in there, it would be best used as a mixed use building, like a mall's appeal would present, with markets, businesses and eateries stacked on top of each other. Parking and student housing is more appropriate within campus or between the 2 colleges.

I always felt Flagstaff was holding on to an image that separated them from a 'big town feel' such as this initiative would project. Please hold true to this! It is why we make the nation's top 10 lists all the time!

Thank you for your consideration,

Emily Ross

440-241-9251

Emross05@hotmail.com

2521 North 3rd Street

Flagstaff, AZ 86004

Brian Kulina

From: Janelle A Gaun <jgaun@email.arizona.edu>
Sent: Tuesday, January 26, 2016 10:13 PM
To: Brian Kulina; Mark Sawyers
Subject: Opposition to The Hub zoning project

To Planning and Zoning Comissioners,

I am writing in adamant opposition to The Hub student housing development on mikes pike. I request that you share my email with all the Comissioners prior to the zoning hearing.

As a college student no one understands more than I do the desire for up to date rental properties close to retail and resturaunts. There is very little that students want more than easy access to everything in their immediate needs. But I also know that I am willing to ride my bike or drive just a few short miles to get the "feeling" that makes downtown Flagstaff such a desirable place to live. For the last several years I have been living in Tucson and that city too has been undergoing a revival of their downtown spaces. And like Flagstaff plans for a student development were well underway when I arrived. I quickly saw, against the better wishes of the neighborhoods around the retail streets, a huge development rise towering above the neighborhood. The area now suffers chronic parking shortages and the additional burden of an eyesore. Students choose not to live in the new development because modest, affordable housing is available a few miles away and within an easy comments to the area. Today the complex is decreasing the asthetic of the area as well as the value of the surrounding property because of its close proximity to such a large body of students and the noise and congestion they create.

As a resident, born and raised in Flagstaff I know the inherent value of the small, safe downtown. Those were the streets the ones that my parents brought me to to ride my bike on during the summers because they were free from excessive congestion and cars trying to park. As a preteen and teenager the downtown area was one place where I was swallowed to explore my freedom because of it had the perfect mix of family friendly (important to mom)? but modern and engaging (important to me). As a young adult Our Virgin of Guadalupe historic church provided solace and was a place of refuge for a grieving teen even though I am not a practicing Catholic. I stumbled into it because it was a calm neighborhood to walk into and the church was welcoming. I know, as a Flagstaff resident, that living away from downtown is not a barrier to spending time there. In fact, it's lure was the coupling of beautiful residential and historical areas with the upbeat retail sections.

You can be assured that even as a young adult I will not be visiting the region around Mukes Pike including Macy, fratellis, the breweries, the church, or many of our iconic restaurants if the Hub is built. Downtown flagstaff cannot handle the sheer density of people living in such close quarters while maintaining the integrity of the area. I am of course referencing recent student housing projects in Sawmill plaza and their extensive problems with crime, noise and crowding and that can otherwise be considered relatively benign in that they did not disturb established neighborhoods.

The Hub does not keep with the goals and culture of Flagstaffs downtown. It will only alientate one group of people in an attempt to access another that already enjoys the area anyways.

I fully support student housing. I fully support Flagstaffs growth. But I know that students will not stop spending time there just because they do not live there. This development will only destroy what already makes the area so great. Community, safety, history and accessibility.

I urge you to reject The Hub's proposal including their Conditinal Use Proposal.

I hope you consider my voice and my plea,

Janelle Gaun

Brian Kulina

From: Patrick T <patricktaylor333@gmail.com>
Sent: Tuesday, January 26, 2016 10:23 PM
To: Brian Kulina; Mark Sawyers
Subject: Opposition to the Hub Development

I oppose the development of the Hub on mikes pike. Flagstaff has grown immensely in the past 20 years but has still held on to its small town feel because its residents care about the community. With the introduction of other student housing developments in sawmill near the police dept. and other areas there was increased crime and general behavior that is not akin to what Flagstaff stands for. By introducing these student housing projects you are taking away from Flagstaffs community and turning it into another dime a dozen for profit college towns. Please do not allow these plans to move forward.

-Patrick Taylor, a citizen of Flagstaff for over 22 years

Brian Kulina

From: marymckell <marymckell@q.com>
Sent: Friday, January 29, 2016 10:56 AM
To: Brian Kulina
Subject: Fwd: the Hub

From: "marymckell"
To: bkulina@flagstaff.gov
Sent: Friday, January 29, 2016 8:34:08 AM
Subject: the Hub

Dear Brian,
I am writing against any rezoning for the Hub development.
I feel that this development is inappropriate for the proposed location. Possibly the developers could locate this proposed development in an area that will not have such a negative impact on the South side neighborhood or the downtown.
There were so many excellent arguments against the Hub stated at the Planning and Zoning meeting held on January 13, 2016.
It was obvious that the citizens of Flagstaff do not support this development and hopefully even the developers hear this message.

Thank you for your time,

Mary McKell
111 East Oak Ave #4
Flagstaff, Arizona 86001

1-29-15

To Staff and Commissioners

This letter contains information that has come to light to members of the community recently and is respectfully submitted. It is submitted by one person here but has been researched and co-written by many community members. Because of time, the signatures of those members are not included here, but will be sent in the next few days.

1. The Hub should not be considered for transect zoning.

A project may opt into transect zoning not simply by right, but only if **it meets all transect zoning standards**. The Hub does not meet all the standards for transect zoning or therefore qualify for any of the unique advantages associated with it, such as reduced parking requirements, as noted from Flagstaff's Zoning Code below:

Preamble P.090, Using the Flagstaff Transect:

A.1: Preserve and enhance community character;
A.2: Encourage appropriately scaled infill and development;
C.1: Build upon the reinforce the unique character of Flagstaff;
C.4: Ensure that architecture and landscape grow from local climate, history and building practice.

10-40.40.070 T4 Neighborhood 1 Standards, page 40.40-25

The primary intent of this zone is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones.

10-40.40.090 T5 Main Street Standards, page 40.40-37

The primary intent of this Zone is to reinforce the vitality of the downtown area adjacent to the core, to allow it to expand and evolve, and to revived an appropriate transition into existing neighborhoods.

The intent of the T5 Sub-Zone is to provide the appropriate form and scale for areas that are transitional between commercial and residential uses, and to allow the neighborhood commercial areas to expand as the market demand grows.

The Zone and Sub-Zone are intended to preserve and build upon the existing pattern of development. New development, renovations, and additions should be in character and scale with existing valued patterns.

Because of failure to meet the intent of transect zoning standards, the Zoning Map Amendment should legally be denied.

2. The zoning map amendment request should be denied.

If the project is not eligible for transect zoning, then the T4/T5 swap would of course not be an issue. Beyond that:

T4 zoning allows a maximum 3-1/5 story height and 60% lot coverage. This is needed along Mikes Pike as a buffer between the viable, existing, mixed use residential neighborhood and the property along the busy Milton Road. T5 zoning allows a maximum of 5 story and 80% lot coverage, too intense a use within the existing neighborhood, and belongs along Milton where it is currently designated.

The 3-1/2 story height limit in the zoning code is more in line with recommendations in the Southside 2005 specific plan, which is in turn referred to in the Regional Plan. This maximum building height is more appropriate to the historic, mixed use, pedestrian, residential neighborhood. Allowing 5 stories along Mikes Pike be a precedent that would dwarf existing structures and further encourage future development of this height on other lots along Mikes Pike and possibly eventually east into the neighborhood. This would create a false value based on height and density that would replace the existing value of the neighborhood as an up and coming arts district which is even now developing within current zoning rules and plan guidelines. Approving this zoning map amendment would in effect be a top-down decision to change the land use of the neighborhood which should be not permitted without significant public input and dialog and a change to official documents such as the Regional Plan. Staff in it's recommendations and the Commission in it's decision should consider the long term effect of this request, not just for the project itself and the ends it seeks to achieve, but to the neighborhood which is is committed to preserve and reinforce as per the Regional Plan.

Sections of the code referred to above in 1. can also be restated here as legal reasons why the zoning request amendment should be denied.

2a. Because the discussion of "form-based code" has been opened, the proposed form of the Hub should be discussed in particular. Although the Hub is called an apartment house by the developer—and a property owner can certainly call their building any whimsical name they like—the actual form it takes is much more similar to large hotels in Flagstaff such as the Drury and the Raddison than apartment houses in the downtown area. The definitions section of the zoning code, 10-80.20.010 defines an apartment house as:

Apartment house: A building type that is a medium-to-large sized structure that consists four to 12 side-by-side and/or stacked dwelling units, typically with one shared entry.

While the T5 section of the code allows a "courtyard apartment", the code does not define this building type.

But a review of the other "allowed building types" listed in T4—carriage house, single-family house, duplex, townhouse, bungalow court, live/work, and variations—imply smaller building types and variety in form. T4 uses the same list but adds in in commercial block, with of course a higher building type permitted. This building type is commonly seen in historic downtown Flagstaff and is presumed to constitute the "community character" that the Regional Plan, Southside Plan and Transect Zoning code section are referring when they encourage preservation of it. This is also the reason the majority of people who look at renderings of the Hub have the immediate reaction that it is "wrong" for the area.

3. The Room and Board Conditional Use Permit should be denied.

It is understood that the room and board permit provides functional ability for Core and the future owner of the property to follow their profit model better than renting by the unit, as well as to more easily evict the problem tenants their experience has shown them will certainly occur. However, since this project is proposed within an existing neighborhood rather than a more autonomous zone, it is inappropriate and should not be all granted.

The evidence both here in Flagstaff (see police reports about The Grove and other student housing projects) that rent by the bed, as well as those in other communities, including other Hub projects (see newspaper article about the Hub in Tucson that was submitted previously), is that there are unique problems associated with student housing projects that are not inherent in typical apartment houses. Add to that the much larger population of this particular project, and such problems are likely to be exacerbated. When dropped into an existing neighborhood, those problems become the neighborhood's problems, ones that can be solved only by police and security and can't be solved neighbor-to-neighbor any longer.

There is also an important question to be asked about the reputation of Hub projects in other communities (see the sampling of student reviews also submitted), whether their ability rent by the bed will create similar problems here in Flagstaff, and whether the room and board permit applied at this scale will create an undesirable project that will have to be accommodated by the neighborhood for the long term.

The property owner has stated that anyone who wants to can rent in the Hub, young professionals, graduate students—even families, as they said in the last public meeting to the community gathered there. This is again disingenuous, as young professionals, families and even graduate students are unlikely to rent by the bed. Core may want to use the term "multi-family" housing for the the benefits it provides to them. There is no law against their calling it "multi-family", an "apartment house" or even the Taj Mahal if they so desire, but that doesn't make it true.

In whatever form this building takes, it has better longevity and therefore value to the neighborhood if it is not limited in it's use to students, as the room and board permit would do.

4. Increased density for this project should be denied.

The density that would be achieved by this project depends upon the transect zoning conditions having been fully met, which they haven't, followed by the two uses being switched. If a project that didn't use transect zoning were submitted for conditional use permit to increase the density to "the most dense/intense building in the city" in this existing historic neighborhood, it would be inappropriate to grant permission for it.

Transect zoning and the advantages it offers is based on the idea of an exchange between the community and the project—the project can benefit from existing, mature infrastructure and in return offers something. This project takes advantage of a theoretical parking infrastructure which doesn't really exist, turns within to a large internal courtyard area for renters only, and claims that by offering some commercial property to Mikes Pike (which will most likely be leased by business that cater to the students within), there is an equal exchange. We dispute this.

Conclusion:

Given staff's concerns about the appropriateness of this project for the proposed location (as opposed to similar projects in other non-neighborhood locations), we are very puzzled about why they are recommending it to the Commission, even with the minor height changes they include in the recommendation. It is clear that Flagstaff Regional Plan: Place Matters, is a decision guiding document as stated in Section III-4, How This Plan Works that is:

"used in the regulatory decision-making process by the City Planning and Zoning Commission, City Council, and City staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or annexations approval of which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies."

As citizens who are reacting to this project, we have been encouraged to involve ourselves in changing the rules and and writing a new Southside specific plan and thereby strengthen our ability to prevent projects like this one that will forever change our existing historic neighborhoods and halt the progress they have made in the last few years. We will certainly do this, but how can we be sure such action will in fact provide any more protection if staff, Commission and Council do not make recommendations based on plans and rules we already have in place? In the T4 section of the Zoning Code for example, which consists of 5 pages, how are the last 4 pages more "legal" than the first page, which describes it's very intent? This, and certainly the Regional Plan which was painstakingly written with substantial citizen input, are what we rely upon to make our case to staff, Commission and Council, since in most cases we do not have the resource of a zoning attorney at our disposal. So while we will certainly participate in creating more official documents that will express our vision for Flagstaff, and in greater detail, yet there is no assurance they will make a difference if they are not followed by the staff and officials we depend on to follow them.

A property owner has "rights" which we do not dispute. This property owner's attorney has explained to the community in public meetings that working with us was an optional offering to the community, but that legally they have the "right" to build whatever they want under basic zoning code. This is disingenuous as they are indeed asking for substantial exceptions from the community—a zoning map amendment, significantly higher density, and a room and board permit. In return, they are stretching the limits of what they are permitted to build in many directions. The "rights" they have as property owners come with responsibilities to the community they want to build in. Staff and Commission might feel that they are more responsible to the property owner, especially with the threat of Proposition 207 lawsuits lingering in the air, than to the community. But the official documents, current and in the future, that define and detail the community's shared vision for Flagstaff, represent the "rights" of the community, which they should feel as strongly.

This is a critical case that you are asked to decide on. The implications of your decision will resonate not only in the future of our neighborhoods, but the future of Flagstaff as community people from all over the world visit because of it's very special and unique qualities.

Respectfully,
Marie Jones
116 W. Benton
Flagstaff, AZ 86001
602 576-9262

These are a sampling of reviews of Hub projects gathered from the web.

Student and Parent Comments About The HUB

- 7/1/2015
- I have had two daughters live here on separate occasions. One daughter moved in when it first opened as the Hub and other a year later when it became University House. (Note: Core sold to University House after one year but they still show this property on their website).

  Both management teams were terribly inefficient and unorganized. My one daughter was living there when a pipe busted and flooded three floors causing tenants to move out for six weeks. It was chaotic with tenants being forced to leave apartment doors unlocked with easy access for numerous repair people to personal belongings during this time. When tenants were able to move back in, the trash chutes could not be accessed due to electrical wires they had to temporarily run through the chute space as the repair/remold was not completed. Trash, visualize piles and piles of stinky trash, lined the hallways during the summer months.

  Not the only time my family has encountered disgusting living conditions when visiting our kids. We have seen lots of urine, vomit and more trash in the elevators and hallways over the past couple years. Not to mention the times I have been woken up to someone screaming in the early morning hours. The last time, some guy was throwing a girl against a wall at 2AM. We had Tempe police knocking on our door a half an hour later to ask what we saw and heard.

  My second daughter moved out halfway through the school year. She paid an extra 85% of her rent to be given priority on the wait list for apartments with rooms that were available. Leasing staff often did not show her apartment even though we paid for the priority status. We later found out that there were only 5 female only rooms on that list. There was really no need to pay the extra fees. I called the leasing office one day to find out that the leasing staff did not have an update list on what apartments with rooms were available. Our daughter's room was not on the list. At one point, the leasing office's phones and email were down for two weeks making it difficult for potential lessors to inquire about rooms to relet.

  Also, the turnover rate with the leasing staff is constant for both managers and agents.

  When the room was finally relet, it took 60 days for Inland America AKA University House to refund us rent that was paid.

  It is truly surprising that the state housing department has not fined or sued this company.

Comments about Madison HUB

Jake L
in the last week-
The worst living experience I've had in Madison to date. DO NOT LIVE HERE.

As you can see in the google reviews below, every single good review was placed at the exact same time. I know a few of the individuals and they are either living with a staff member or are friends with them. I'm assuming the staff is trying to get the ratings up on Google Reviews.

Do not be fooled by the amenities here, as soon as you sign your lease forget about any respect from the staff whatsoever. The place is run by some of the most unintelligent individuals I have talked to. The sauna has been closed down for weeks at a time with no warning whatsoever, the printer is always broken, and multiple fees have been enlisted without prior consent. (Such as a fee for the water and electricity of the common areas?)

I guess they are building a Hub 2 across the street, and there are giant cranes blocking any sort of view we used to have, let alone any peace and quiet. My sink has broken twice and the water pressure is nonexistent.

A quote from the repair man after all of the cushions on our outdoor patio were ripped "Every single piece of furniture here has came right off the boat from china." Thanks dude, I'm guessing they will scheme us out of our deposit as well.

I wish I could give these apartments a 0 out of 5 as I would leave immediately if I could. IT IS NOT WORTH LIVING HERE. DO NOT BE FOOLED. There is plenty more to complain about but I do not have time to continue with this post, the only good thing about this place is the pool on the roof that's open 5 months a year.

Will S
3 weeks ago-
This place is run by fools. Management is atrocious.

They've scheduled fire drills at 9am every week for the first two months of living here. They've hired security guards that have left an unconscious drunk female incapacitated face down on the lobby couch and when prompted if they thought it was something that needed to be dealt with the male guard shrugged it off as a nonissue. Management split the water bill between the entire complex instead of just our own usage, since I am considerably more conservation minded than most I end up paying for others egregious habits. Management has also refused to refund us for a two week period where we were incapable of living in our units due to delayed construction in effect taking a half month of rent from all of us. Several times our mail has not been processed in a timely fashion leading to packages and letters being given to us days after tracking shows delivered. Last week management started bringing in cranes for their new building across Gilman Street called The James Madison formerly known as Hub 2. The arrival of this equipment has blocked our parking lot exit and has bisected Gilman.

The level of sheer ineptitude needed to accomplish these feats bewilders me.

I have no drawers in my bathroom. The water pressure in my sink is terrible. The walls are paper thin. I have a pathetically weak night light in my ceiling fan, I needed to buy lamps to get any sort of lighting in my room. I can hear the TV blaring at 10% through my bedroom door. Hot water is rarity. The door on the washer and drying unit has slots and lets all the noise through. The sauna and hot tubs are always closed for maintenance. The gym and 2nd floor courtyard areas are usually in dire need of a good cleaning. If you live facing into the courtyard there are cameras positioned that can see everything that happens inside your room. The garbage chute is pathetically small and is good for walgreens sized plastic bags only.

David
a month ago-

I don't know about other units, but I recommand you not to live in either studio or 1 bedroom unit.
I currently live in 1 bedroom, and IT IS REALLY REALLY SMALL.
I wish I could've known that the room was going to be this small. People at the leasing office last year told me that 1bedrrom would be about the same size as their model unit, which they had at the office. Well... guess what. It is not even close to that size.
You can probably fit like 4-5 people in the living room, and it will be so full that you won't even be moving around.
Also, you can smell all kinds of things (you know what) from other units on downstairs and upstairs.
When I moved in, there were several spots in the unit where it had stains, and also there were garbages everywhere. I had to spend some time to clean it up.
As many people mentioned, water pressure at the bathroom is so bad. It takes me double or triple time to wash. I feel like this would lead to much worse waste on water. Seriously, what were they thinking when installing this crap on.
I was going to move to Lucky apartment next year, because they provide free parkings for those who live in 1 bedroom unit for over 1 or 2 years, but every 1 bedroom was gone for next year so that kind of sucks.
It is not worth $1425 living here. I'm paying 250 more over that for parking. I'm pretty much stuck here until I graduate lol. Thanks for providing so much information before I moved in. That really worked!

Rachel Peterson
2 months ago-
If I could give this place 0 stars, I would. It is genuinely one of the worst apartment buildings in Madison. Do not let the 4 ho tubs, saunas, and rooftop pool fool you. This place is actually a joke!! Everything is a lot smaller and the noise is CRAZY! they said the walls are insulated and thats a lie! You can hear every party going on from the rooftop to the entrance. All the appliances are very CHEAP quality! Forget the bluetooth speaker because that doesn't make up for the horrible water pressure and cold water every morning! the rooms are extremely SMALL compared to what their blueprints said! And the STAFF might be the WORST thing about this building. They are extremely RUDE, they never have an answer for your questions and always refer you to their 30 page lease which is also no help! The are honestly a bunch of idiots sitting in an office pretending to do work! The old manager told me to email her and never replied to my email. When I came into the office, I saw her sprint into her office and the person at the front desk told me she was busy. Talk about "professional"! "Security" is a joke because if you hand them some cash, they will do anything you need them to do! I urge you not to bring your money here. Do not give these people a penny! if it wasn't for the lease they have me locked into... I would be out of here in a heartbeat! The day my lease ends is my day of freedom! And they weren't able to lease out the building this year! they are barely at 70% occupancy. I truly hope someone does something about them to remove them from Madison

Comments and Recent Article about HUB in South Carolina

Vincent Esposito
4 months ago
The hub seems great at the beginning, however, it is all just a sham. The office staff is horrible and never helps with anything. Nothing ever works in the building. The elevators are constantly out of order and everything started falling apart from day 1. Upon moving out of my apartment I noted there was one paint chip on my bedroom wall that would need repairing, but I figured that would be normal wear and tear. Apparently, that warranted a $343 painting bill. Don't live here,

the rent is way too high for the quality of the product and they will nickle and dime you until you are broke.

Madeleine Bell
3 months ago
Horrible management. Very unprofessional and disorganized. If you go into the leasing office with a problem expect them to roll their eyes at you and not take anything seriously unless you bug them constantly. Things are alway broken and very overpriced for what you get. Would not recommend as a place to live. Period.

Alex Funke
4 months ago
The hub is a scam. They will be nice and friendly and put on an amazing act when you are looking at renting... However once you sign a lease that is when everything will change. The management is awful. Nothing seems to ever be working (especially the elevators). The furniture is worse than ikea furniture... and the list can go on and on. Also DO NOT EXPECT to get a security deposit back... They will nickel and dime you. When we left the room was in amazing condition. However according to the HUB it need 294.69 cents worth of paint, along with a 50.31 cleaning fee. This is completely ridiculous because the walls were in great condition and the room was fully cleaned. Also that is just my charges. Now there were an additional 3 roommates living there so just imagine what they were charged....

Also basement parking is very sketch.... I would recommend walking with a buddy back from the basement to the complex due to a high frequency of drug users making the surrounds their homes... Also the basement elevator always breaks down... So at night if you are coming back late from a class, you have to walk down an alley way in order to get to the complex...

Also upon moving in there was no WIFI for over a month. The office staff said in person they will compensate residents down the road for this... That never happened...

It just makes me sick that these people at the hub at able to sleep at night....

THESE PEOPLE HAVE NO MORALS OR SOULS...

Also you will notice they have 60 5 star reviews... a majority of these reviews were written when the complex was being built by local businesses trying to suck up to the hub

Breaking: Controversy Surrounding The Hub At Columbia
Former residents are infuriated with what they say is unfair treatment.

Victoria Daczkowski in Lifestyle on Sep 13, 2015

Where you live has a large impact on your year. Are you close to the Greek Village? Are you close to downtown? How big is the apartment? How is the parking situation? These are all questions you should ask yourself before signing a lease for the coming school year.

For students already thinking about where to live next year, consider checking the reviews for apartment complexes in the area. There are plenty of places for University of South Carolina students to live, and most are very affordable and vary in types of amenities. There also always seem to be new apartment complexes catering to students moving off campus after their freshman year.

In fall of 2014, a brand new apartment complex opened on Main Street in downtown Columbia -- The Hub. The slots available filled up before that fall semester was over, and it was expected to be the coolest place to live. But, now, a year later, its reputation is starting to deteriorate.

When tenants first moved in, they instantly began to find problems. Issues ranged from the Wi-Fi not working, to not even having a refrigerator in the apartment. The apartment complex was poorly made and they issued "worse than Ikea furniture" (2014-2015 resident).

"I was supposed to have a walk in closet, but didn't upon moving in and it took them weeks to compensate me for it. We put in at least five work orders and they fixed it the month we moved out," said that anonymous resident.

Many of those first tenants have now moved out, but are now faced with another problem: move out reports and bills. Former residents have reportedly been charged hundreds of dollars for repainting and repairs, with no evidence of it being necessary.

"Move out charges between three roommates was over $1000 for painting and cleaning," said a 2014-2015 resident. Those residents say that their apartments were spotless and were in no way damaged, or in need of repainting.

The Hub at Columbia Facebook page has recently even been flooded with posts by angry residents and their parents.

In the past few weeks, The Hub at Columbia's rating had dropped from a 4.8 (out of five) to a 2.8, and the comments and reviews keep coming. Students, residents and parents are furious with the complex and the management.

"Dealing with the leasing office was a constant struggle. They take advantage of our age and inexperience and try to get as much money as possible out of our bank accounts. The property manager has no sense of customer service or respect," said a 2014-2015 resident.

Facebook reviews from oxford miss

Had problems all year with the Management of this facility. At the completion of the lease they charged my daughters for services that were not rendered and for damages in the common areas of the apartment that were there when we moved in (even after we notified them of the damages). The kids that work at The Hub were always very nice and accommodating, but to expect them to run this facility was a bit of an oversight on management's part. Would not keep my kid there every again.

It looks great from the beginning, until you have a maintenance issue! And, don't expect to get your security deposit back. They go through great strides to find anything possible to eat it up! Don't believe the line about 'normal wear and tear'! Also, BEFORE you sign the lease, ask them to provide you with move-out requirements! Ridiculous! For the amount of rent you pay, professional carpet cleaning after you move out, should be covered!

Do not recommend! I agree with many of the comments- should have paid more attention when signing the lease. Families- considering this place for your child- as stated don't expect to get your deposit back no matter what you do. I drove 14 hours each way to make sure my daughter left things clean. We washed walls and scrubbed the kitchen, cleaned blinds and the ceiling fan! Silly me thought that the security deposit was for damage. But no... they charged for HVAC filters, 2 l...

I've been here for couple of months. All the stuff they have to offer is nice. But maintenance is crappy. You can never get them to fix anything you ask them to. And when you ask them about something.. They just say I have no idea when it will be fixed are there working on it. When they been saying that for 3 months.

If you think is will be a good place to stay, it's all smoke and mirrors. THIS PLACE IS A RIP OFF!!! THE RENT IS EXPENSIVE AS HELL AND WILL MAKE UP CHARGES AND TAKE AWAY YOUR SECURITY DEPOSIT AT THE END OF THE YEAR!!!! The student workers are not helpful and the manager always refer you to them. RUN AND NEVER LEASE; You'll regret it.

To Staff and Commissioners,

The following articles from the Corvallis Gazette-Times is an example of how parties can opt to slow down a process that is not fully ready for action:

The Hub' project at Timberhill in limbo
March 31, 2015 4:42 pm
JAMES DAY Corvallis Gazette-Times

Plans for an 835-resident student housing complex on Timberhill, known as "The Hub," have been put on hold.

Core Campus, a Chicago-based student housing development firm and GPA1, a local group which owns the land, told city staffers Tuesday that they wish to postpone the application while they address concerns raised in the 93-page staff report (see text in the online version of this story).

The city, however, has not canceled tonight's scheduled 7 p.m. Planning Commission hearing at the Corvallis Senior Center.

At issue is the 120-day rule, which requires that public agencies pass judgment on completed land-use applications within 120 days. The Timberhill developers are asking to stop the 120-day clock. The city says that the applicant needs to waive the 120-day requirement before its request to postpone the hearing will be considered.

Thus, at presstime, the hearing remained on the schedule, although that could change today.

Lyle Hutchens of Devco Engineering, the project manager of the development, said in a letter to the city that the applicants "request that each application be taken off the Planning Commission agenda, put on hold and remain on hold until further written notice is received by the city." (See the full text online.)

In addition, Hutchens wrote that the applicants "hereby extend the statutory deadlines for a final local decision from (Tuesday) until written notice is provided."

City staff recommended in its March 25 report that the Planning Commission deny the application, which covers the 30 acres of The Hub student housing project as well as subdivides the remaining 190 acres of land. The report cited concerns with variances that the developers have asked for regarding grading the project, as well as street construction and stormwater detention.

In addition, staff have requested that the developers provide detailed development plans for the entire 200-plus acres of land. The developers have refused to do so, saying that because no final plans exist for the remaining acreage that such studies would be meaningless.

"The applicants are in this for the long run," Hutchens wrote. "They want to get it right and are open to working with the city's suggestions about how to arrange the uses on the site (and) look

forward to working with staff to prepare supplemental information that will support positive recommendations from staff."

The developers, however, are opposed to waiving the 120-day rule, which is in place to ensure that projects are acted on in a timely manner.

"Most cities stop the clock," said Chuck Kingsley, a broker with Commercial Associates, who is working with the developer on the project. "It's not unusual for a staff report to come out and for the applicant to ask for a postponement so they can sort things out. Most applications are not as complex as this. It's an extremely charged case."

Neighbors in the Timberhill area opposed to the project have formed a group called the Northwest Alliance Corvallis and have hired land-use attorney Daniel Stotter.

"The applicants saw their proposal was a sinking ship that was not going to be well received (by) the Planning Commission," Stotter said, "and that their proposal was likely to denied, so the day before their public hearing, they have sought an indefinite 'hold' on their land-use applications, in order to make a last-ditch attempt to patch the holes."

Rob Wood, the managing member of GPA1, **agreed that the staff recommendations influenced the development group.**

"This was a decision just made based upon the recently received staff report," Wood said. "We want to fully read and understand the positions and comments so we may appropriately address and respond to them. We felt the short amount of time would not allow a thoughtful answer."

Neighbors remain hopeful.

"It would be great if they return with something that is respectful of the unique environment of that site," said Curtis Wright, who lives on Northwest Poppy Drive. Wright said that revised plans should be "sensitive to the concerns of the neighboring residents and (show) they really do care about the future well-being of Corvallis."

Brian Kulina

From: nancy@flaghomes.com
Sent: Friday, January 29, 2016 3:17 PM
To: Brian Kulina
Cc: nancy@flaghomes.com
Subject: info on Hub for meeting
Attachments: Hub letter and attachments.pdf; sample lease.pdf

Attached please find a cover letter and documents for consideration at next Wednesday's P and Z.
Nancy Branham
I will stop by and make sure you received this.
928-856-0036

January 29, 2016

Brian Kulina
Planning Development Manager
City of Flagstaff
Reference: Core Campus LLC / The HUB

Brian:
I want to sincerely thank you for your excellence as a public servant. You have now, on several occasions, taken the time to patiently answer my questions and help me understand various and sundry issues regarding the HUB development. I have spent a good bit of time studying the issues and am submitting to you a packet of material for consideration by Staff and the Planning and Zoning Commission prior to the meeting this coming Wednesday, February 3rd at 4pm. Please make sure that appropriate Staff and members of the Commission receive this packet.

I have numbered the documents in the packet and they are as follows:

1. A graphic of the "Purpose and Intent" of Zone T4N.1 followed by a copy of 10-40.40.070 from the Zoning Code.
2. A two page statement with my opinions about the agenda items for Wednesday; zoning and CUP. There are several things referenced in that two page statement.
    a. A sample of the Hub on Campus Rental Application and Lease. Please note this is being sent as a separate attachment and is not a part of this document because it is 21 pages and legal size. If someone wants to print THIS packet it is only 23 pages plus this cover letter and is on letter sized paper.
    b. Six pages of comments by parents and tenants about the management and living arrangements at various Hubs.
    c. Five pages of information about other Core properties including information about the displacement of neighbors in Tucson and the fact that Core no longer owns Tempe but it is still quite visible on their marketing website.
3. A two page statement with my opinions on the parking issues at this development.
4. A two page statement with my opinions on the Traffic Impact Analysis on this development.

Thank you for your consideration of the contents of this packet and for making sure it is passed onto Commission members and appropriate Staff. I will be asking to speak on Wednesday evening, if the Chair opens the floor for further public comments.

I am submitting my packet as a community member, but also because my husband, Frank, and I own The Cottage Place Restaurant just 1/2 block from the site of the future development and we are concerned about the negative impact it will have on our business. By way of full disclosure, I am also a licensed Associate Broker in the state of Arizona.

Sincerely,

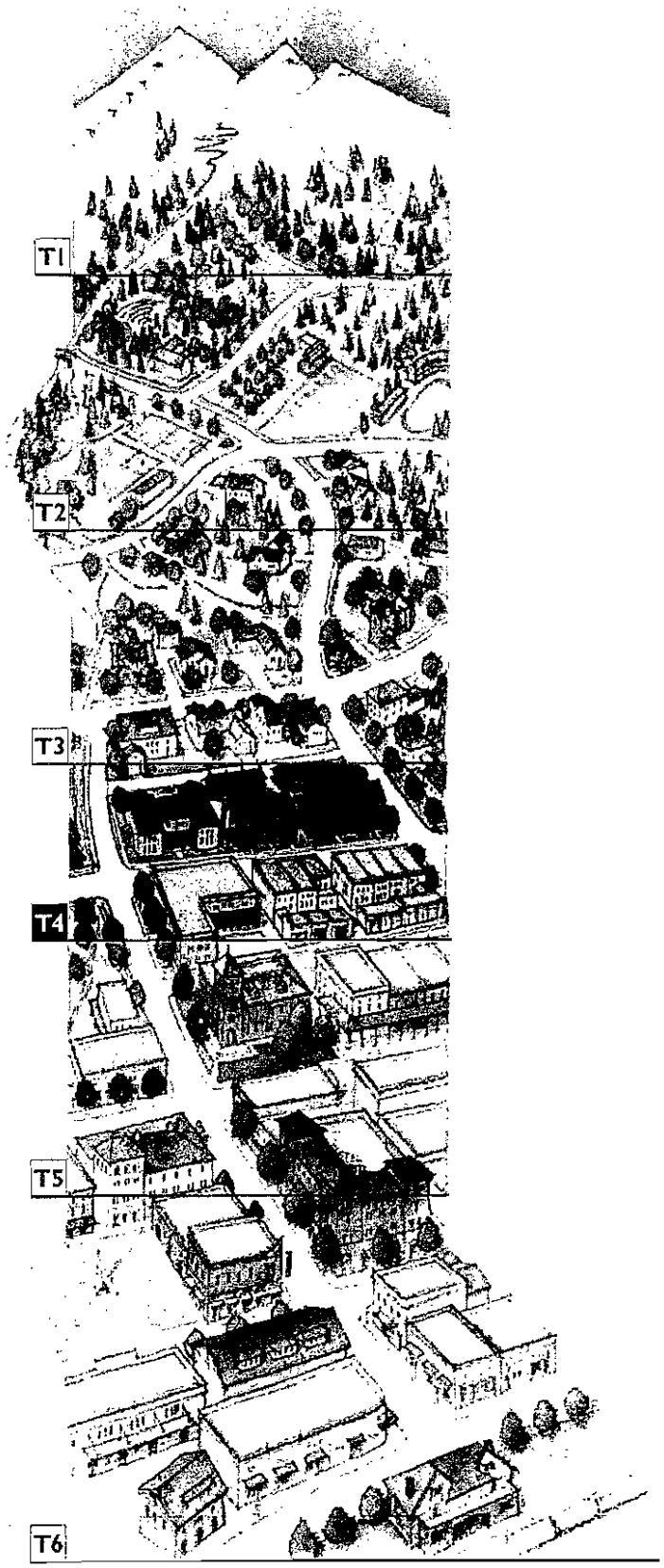
Nancy Branham
info@cottageplace.com
928-856-0036

1

Division 10-40.40
Transect Zones

Transect Zones are intended to ensure that proposed development is compatible with existing and future development and produces an environment of desirable character, consistent with the General Plan.

The primary intent of this Zone (T4N.1) is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones. The mixture of building types and unit sizes provides a variety of housing choices which reinforces the walkable nature of the neighborhood, supports adjacent neighborhood-serving commercial uses, and supports basic public transportation alternatives. While residential is the primary use type in T4N.1 Zone, homeowner offices and small neighborhood supporting uses, such as music classes and artist studios, are encouraged in ancillary buildings to further reinforce the walkability of the neighborhood.



10-40.40.070 T4 Neighborhood 1 (T4N.1) Standards

A. Zone Intent and Description

The primary intent of this Zone is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones. The mixture of building types and unit sizes provides a variety of housing choices which reinforces the walkable nature of the neighborhood, supports adjacent neighborhood-serving commercial uses, and supports basic public transportation alternatives.

While residential is the primary use type in T4N.1 Zone, homeowner offices and small neighborhood supporting uses, such as music classes and artist studios, are encouraged in ancillary buildings to further reinforce the walkability of the neighborhood.

The intent of the T4N.1-O Sub-Zone is to provide the appropriate form and scale for areas that are transitional between commercial and residential uses, and to allow the neighborhood commercial areas to expand as the market demand grows. The intended form is the same as T4N.1, but the allowed range of use types is broader and includes commercial and other non-residential uses as well as residential uses.

The T4N.1 Zone and T4N.1-O Sub-Zone may also be applied to the creation of new neighborhoods in combination with, or independent of, the T4N.2 Zone. They provide a lower maximum building height and larger setbacks than T4N.2.

B. Sub-Zones

T4N.1-O (Open)

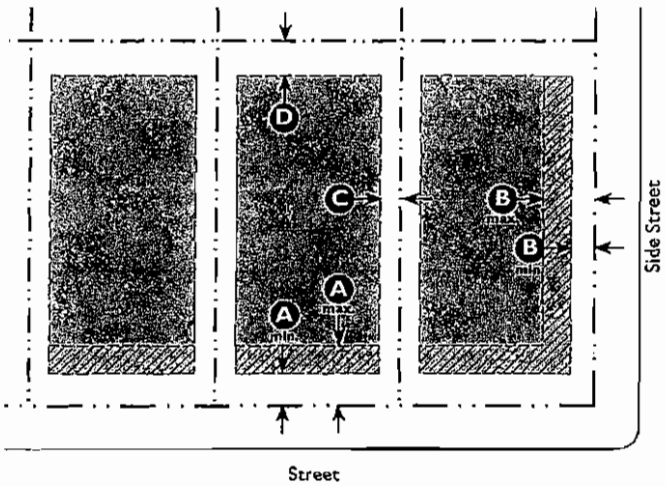
C. Allowed Building Types[1]

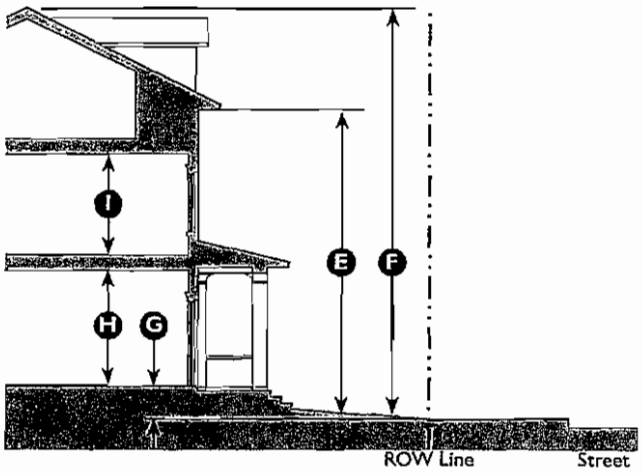
Carriage House	Apartment House
Single-Family House	Duplex, Stacked
Duplex, Side-by-Side	Bungalow Court
Duplex, Front-and-Back	Live/Work[2]
Townhouse	

[1] See Division 10-50.110 (Specific to Building Types) for building type descriptions and regulations.

[2] Allowed only in open sub-zone(s).

T4 Neighborhood 1 (T4N.1) Standards





Key

---- ROW/Property Line
--- Building Setback Line
Building Area
Façade Zone

D. Building Placement		
Setback (Distance from ROW/Property Line)		
Principal Building		
Front[1]	15' min.; 30' max.	A
Front Façade within Façade Zone	50% min.	
Side Street/Civic Space	10' min.; 15' max.	B
Side[2]	5' min., 15' min. combined	C
Rear	15' min.	D
Accessory Building or Structure		
Front	20' min.	
Side	0' min.; 3' max.	
Rear	3' min.	

[1] The setback may match an existing adjacent building as follows: the building may be placed to align with the façade of the front most immediately adjacent property, for a width no greater than that of the adjacent property's façade that encroaches into the minimum setback.

[2] No side setback is required along the shared property line between side-by-side duplexes.

Miscellaneous

Upper-floor units must have a primary entrance along a street façade or to a courtyard.

Ground-floor residential units along a street must have individual entries.

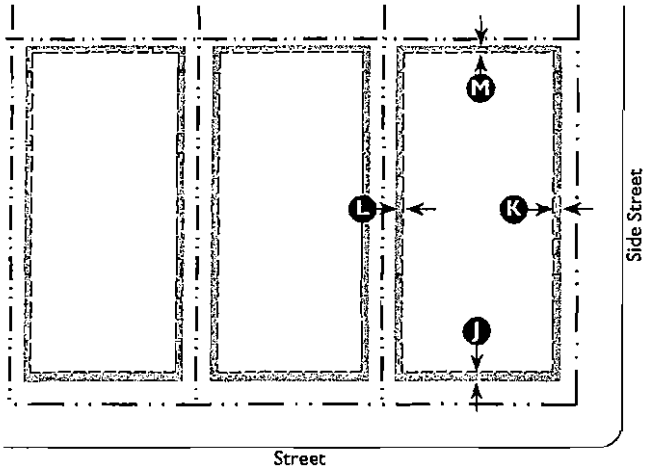
E. Building Form[3]		
Height		
Principal Building		
Stories	3-½ stories max.	
To Eave/Parapet	34' max.	E
Overall	45' max.	F
Accessory Building, Accessory Structure or Carriage House		
Stories	2 Stories max.	
To Eave/Parapet	18' max.	
Overall	28' max.	
Ground Floor Finish Level	18" min. above sidewalk	G
Ground Floor Ceiling	8' min. clear	H
Upper Floor(s) Ceiling	8' min. clear	I

[3] See Division 10-50.110 (Specific to Building Types) for additional building form regulations.

Footprint	
Depth, ground-floor residential space along primary street frontage	30' min.
Lot Coverage	60% max.

Miscellaneous

Mansard roof forms are not allowed.



Key

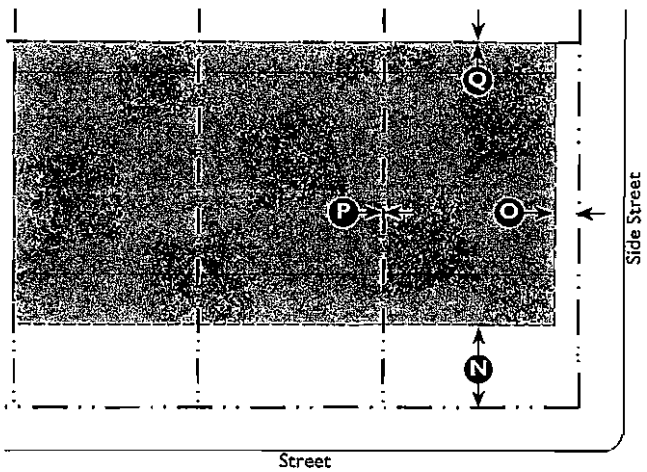
---- ROW/Property Line
--- Building Setback Line
Encroachment Area

F. Frontage Types and Encroachments		
Encroachments[4]		
Front	5' max.	J
Side Street/Civic Space	5' max.	K
Side	3' max.	L
Rear		M
Property Line	0' max.	
Rear Lane or Alley	3' max.	
Encroachments are not allowed within a street ROW.		

[4] See Division 10-50.40 (Encroachments) for allowed encroachments.

Allowed Private Frontage Types[5]	
Stoop	Forecourt
Porch	

[5] See Division 10-50.120 (Specific to Private Frontages) for private frontage type descriptions and regulations.



Key

---- ROW/Property Line
--- Parking Setback Line
Parking Area

G. Required Parking		
Spaces[6]		
Residential Uses		
Studio/1 Bedroom	1 space/unit min.	
2+ Bedrooms	2 spaces/unit min.	
Retail Trade, Service Uses		
≤2,000 sf	No spaces required	
>2,000 sf	3 spaces/1,000 sf min. above first 2,000 sf	

[6] Land use types not listed above shall meet the requirements in Table 10-50.80.040.A (Number of Motor Vehicle Parking Spaces Required).

Location (Setback from ROW/Property Line)		
Front		N
Covered/Attached	50' min.	
Uncovered	Match front façade min.	
Side Street/Civic Space	5' min.	O
Side	0' min.	P
Rear	0' min.	Q
Miscellaneous		
Linear Feet of Front or Side Façade that may be Garage	35% max.	

See Division 10-50.80 (Parking Standards) for additional parking regulations.

T4 Neighborhood 1 (T4N.1) Standards

H. Sustainable Features[1,2]

Storm Water Features	
Biofiltration Facility	A
Disconnected Downspouts	A
Flow Through and Infiltration Planters	A
Infiltration Trench	A
Level Spreader	A
Porous Paving	A
Rain Garden	A
Riffle Pools	A
Swale	
Biofiltration	-
Vegetated/Rock	A
Urban Channel	A
Vegetated Roof	A

Water Conservation	
Cisterns	A
Greywater - Simple	A
Rain Barrels	A
Energy Features	
Accessory Wind Energy System	A
Alternative Paving	A
Biomass	-
Geothermal Energy	A
Solar	
Farm	-
Parking Lot Lighting	A
Roof Paneling	A
Water Heaters	A

Key	
A	Allowed
-	Not Allowed

End Notes

[1] See Division 10-30.70 (Sustainability) for additional sustainability regulations.

[2] Sustainable features marked as Not Allowed may be approved by the Director and Stormwater Manager if it can be demonstrated that the proposed sustainable feature can be installed consistent with the intent and character of the transect zone.

I. Allowed Uses

Land Use[3]	Specific Use Regulations	T4N.1	T4N.1-O
Residential			
Accessory Building and Structures	10-40.60.020	P[4]	P[4]
Accessory Dwelling Unit	10-40.60.030	P	P
Co-Housing	10-40.60.120	P	P
Congregate Care Facilities		P	P
Dwelling: Multiple-Family		P	P
Dwelling: Secondary Single-Family		P	P
Dwelling: Single-Family		P	P
Dwelling: Two-Family		P	P
Group Home		P	P
Home Occupation	10-40.60.180	P	P
Institutional Residential	10-40.60.190	UP	UP
Live/Work		-	P
Rooming and Boarding Facilities		UP	UP
Recreation, Education & Public Assembly			
Libraries, Museums			
≤ 2,500 sf		P	P
> 2,500 sf		UP	UP
Meeting Facilities, Public and Private	10-40.60.230	P[5]	P[5]
Schools - Private		P	P
Schools - Public & Charter		P	P
Retail Trade			
Bars/Taverns		-	P
General Retail Businesses, except with any of the following features		-	P
Drive-Through		-	-
Floor Area ≥ 3,500 sf		-	UP
Markets			
Neighborhood Market ≤ 2,500 sf		-	P
Restaurant, or Cafés		-	P

Land Use[3]	Specific Use Regulations	T4N.1	T4N.1-O
Services			
ATM		-	P
Bed & Breakfast	10-40.60.110	P	P
Cemeteries		UP	UP
Crematorium		--	UP
Daycare	10-40.60.150		
Home		P	P
Centers		UP	UP
Funeral Homes, Chapels, Mortuaries		-	P
General Services		-	P
Lodging			
≤ 15 rooms		-	P
Offices		-	P
Public Services			
Public Services Minor		P	P
Emergency Services		UP	UP
Veterinary Clinics		-	P
Telecommunication Facilities			
Stealth Telecommunication Facilities	10-40.60.310	P	P
Transportation & Infrastructure			
Accessory Wind Energy Systems	10-40.60.040	P	P
Urban Agriculture			
Community Gardens	10-40.60.140	P	P

Key	
P	Permitted Use
UP	Conditional Use Permit Required
-	Use Not Allowed

End Notes

[3] See Chapter 10-80 (Definitions) for use type definitions.

[4] Not allowed on the ground floor unless behind an allowed ground-floor use.

[5] UP required if liquor is sold or if facilities exceed 250 seats.

2

PLANNING AND ZONING COMMISSION ACTION ON THE HUB/CORE RESIDENTIAL CUP AND REZONING REQUEST

First, there are the TWO requests for rezoning. I would like to speak to the on along Mike's Pike where there is a request to change from T4N.1 to T5. When one reads the purpose (copied below) of the T4N.1 zoning, the proposed project does not even close fit into the description stated.

"Transect Zones are intended to ensure that proposed development is compatible with existing and future development and produces an environment of desirable character, consistent with the General Plan.

The primary intent of this Zone (T4N.1) is to reinforce established neighborhoods and to maintain neighborhood stability in walkable urban areas, while allowing such areas to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones. The mixture of building types and unit sizes provides a variety of housing choices which reinforces the walkable nature of the neighborhood, supports adjacent neighborhood-serving commercial uses, and supports basic public transportation alternatives. While residential is the primary use type in T4N.1 Zone, homeowner offices and small neighborhood supporting uses, such as music classes and artist studios, are encouraged in ancillary buildings to further reinforce the walkability of the neighborhood."

The developer's site plan for a 600 bed student housing with 14,000 square foot of commercial space is not even close to the primary, stated intent of T4N.1 and to get a little closer they want to change the zoning to T5. ABSOLUTELY NOT! If anything we should be going back and trying to scale down the project to come into line with T4N.1.

As for the CUP. . .
First, I think it needs to be made very clear that there are TWO Conditional Use Permit requests; one for the "Room and Board Use" and the other for 93% lot coverage.

In the Staff Report on this subject it states "the conditional use is consistent with the objectives of the Zoning Code and the purpose of the zone in which the site is located." It is located in Zone T4N.1 and I would be so bold as to state that 600 separate leases of approximately 19 pages each (a sample is attached) is not in keeping with the purpose of T4N.1 stated above.

The Room and Boarding model is integral to the business plan of Core Residential but it does not mean that it is the best thing for the neighborhood. There is NO other major student housing facility in Flagstaff that is set in a historic neighborhood of single family homes and small single level businesses.

There are two major issues that are known to come with these types of massive student apartments. First is unruly and potentially illegal behavior on the part of the residents. Second is the growing reputation of poor management by Core Residential and high rate of dissatisfaction of students and parents of the operation of their properties. (See attachment of comments and press on this subject).

I cannot say that either of these problems would be more or less grave under separate leases vs. unit leases but I think that because the granting of a CUP runs with the land and is binding upon successors that it is too major a decision to grant it at this time. I think it is prudent for Staff to do more research. Perhaps a compromise down the line would be for a small percentage of the units to allow this model.

I would also question that "the characteristics of the conditional use as proposed, and as it may be conditioned, are reasonably compatible with the types of uses permitted in the surrounding areas". (See #3 on page 2 of the Staff report). Last I looked there were no other 600 bedroom student complexes operating in the "surrounding area".

The report also states that the CUP would only be issued once the Developer had adequately addressed nine issues listed on page 2 of the Staff report. Staff has already indicated that traffic and parking are not issues and yet the neighboring community feels strongly that they are. So, again I think it is premature on many fronts to recommend approval of this CUP.

As for the request for 93% coverage . . . this is a completely separate matter and it SEEMS to me that there should have been TWO different CUP requests. There may have been, but it is confusing to lump statements about the two different issues into one document and often discussing both in the same paragraph.

The zoning of T4N.1 allows for 60% of lot coverage and as I read it does NOT allow for a CUP to increase this. So, this request is predicated on the fact that the developer is assuming they will get the zoning change to T5. So, before we argue the 80% to 93% let's see if the zoning change goes through.

If it does I would argue that the 16,500 square foot courtyard amenity is in no way a benefit to the surrounding community and should NOT be used to offset the need for open space.

I and probably most of the residents of the surrounding community do NOT agree with the zoning change and therefore 60% maximum of lot coverage would apply. As for the statement (bottom of page 3 of Staff report) that "civic space within infill transect developments should be assigned on community need", I think the Staff might consult the "community" and ask about their "need". We will tell you that we want as MUCH open space as possible in the project to mitigate the massive and out of place character of the proposed development.

hub ON CAMPUS eugene

515 E Broadway; Eugene, OR 97401

2A

RENTAL APPLICATION

Desired Unit Type : (Check one) Date when filled out: _____

☐ Studio ☐ 1 Bedroom ☐ 2 Bedroom ☐ 3 Bedroom ☐ 4 Bedroom ☐ 5 Bedroom OR UNIT # _____

TENANT/APPLICANT INFORMATION

Full Name _____ Date of Birth _____ / _____ / _____
First MI Last

Gender ☐ Male ☐ Female Classification Fall 2015: ☐ Freshman ☐ Sophomore ☐ Junior ☐ Senior ☐ Grad ☐ Non-Student

Present Address _____ _____
Street City State Zip Code

Cell Phone Number _____ Alternate Phone Number _____

Social Security No. _____ Passport I.D.: _____
(U.S. Resident) (International Resident)

Driver's License # and State _____ E-mail address: _____

Present Landlord / Dormitory _____ Landlord Phone Number _____

PERMANENT ADDRESS INFORMATION (If different than above)

Permanent Address _____ _____
Street City State Zip Code

Permanent Phone Number _____

WORK INFORMATION

Employer _____ Phone Number _____

Work Address _____ _____
Street City State Zip Code

GUARANTOR INFORMATION

Guarantor(s) [If parents, list both]: _____ _____
First MI Last First MI Last

Address (if different)_____ _____
Street City State Zip Code

Home/Cell (circle one) Phone Number_____ Work Phone Number _____

Relationship to Applicant _____ E-mail address _____

Social Security No._____ Passport I.D. _____
(U.S. Resident) (International Resident)

MARKETING SOURCE

Why did you choose to live at the property?_____

Were you referred? ☐Yes ☐No If yes, by whom? _____

If no, how did you hear about the property? ☐On the Internet _____ ☐ Signage_____

Publication_____ Other _____
Name Describe

EMERGENCY CONTACT

Name _____ Relationship _____

Cell Phone Number _____ Home Phone Number _____ Email _____

Address _____ _____
Street City State Zip Code

ROOMMATE INFORMATION

If you have already chosen your roommates, please list their name(s) below. Roommate choices must be mutual.

1.) _____ 2.) _____

3.) _____ 4.) _____

5.) _____ ☐ I would like to be roommate matched.

CREDIT HISTORY

PLEASE ANSWER THE FOLLOWING QUESTIONS:

1. Have you been denied credit in the past twelve months? Yes ____ No ____
2. Have you been delinquent with any creditor longer than 60 days? Yes ____ No ____
3. Have any creditors requested the assistance of a collection agency? Yes ____ No ____
   or attorney to assist in the collection of past due monies against you? Yes ____ No ____
4. Have you ever been sued by a creditor for past due monies? Yes ____ No ____
5. Have you ever moved owing rent to a previous landlord? Yes ____ No ____
6. Have you ever been evicted from a previous residence? Yes ____ No ____

If you have answered yes to any of the five questions above, please explain. _____

_____

AGREEMENT

This application is for a lease on the following TERM: Start Date: _____ End Date: _____

Total Rent for Unit for TERM: $_____ in _____ equal installments of $_____.

First Installment Payment Due: _____

Application Fee: $_____ Amenity Fee: $_____ Application Deposit: $_____

Notes:

_____

Disclosure: APPLICANT agrees to allow LANDLORD to share all above information with LANDLORD'S electric provider. APPLICANT further agrees to allow LANDLORD to verify, by all means, the above information, before, during and after tenancy on matters relating to the lease. APPLICANT hereby declares that the above information is accurate and does hereby permit the LANDLORD and or its Agent to investigate his/her credit. Any falsifications or misrepresentations made anywhere on this rental application shall make this application and any subsequent lease agreement subject to cancellation at the option of LANDLORD.

Application Fee: APPLICANT has delivered to LANDLORD'S representative an Application Fee in the amount listed above. The Application Fee covers our administrative costs and is never refundable.

Approval: If APPLICANT and all co-applicants have already signed the LEASE at the time LANDLORD approves the Application, LANDLORD'S representative will notify APPLICANT of LANDLORD'S approval and will sign the LEASE. If APPLICANT and all co- applicants have not signed the LEASE at the time LANDLORD approves the Application, LANDLORD'S representative will notify APPLICANT of LANDLORD'S approval and will sign the LEASE when APPLICANT and all other co-applicants have signed.

APPLICANT and any co-applicant may not withdraw the Application. If before signing the LEASE, APPLICANT withdraws an Application or notifies LANDLORD that APPLICANT no longer wishes to rent the unit, LANDLORD will be entitled to retain the Application Fee, and the parties will have no further obligation to each other.

Guarantor: LANDLORD requires all TENANTS to have a legally bound Guarantor. Guarantor may be asked to provide proof of income equal to at least five (5) times the applicable rent. In the event that TENANT does not have a financially qualified Guarantor, TENANT must provide sufficient documentation showing proof of the following regarding TENANT's financial status: 1) Monthly gross income of three (3) times the monthly rent amount; and 2) six (6) months of consecutive employment or proof of full-time student status. All TENANTS without a Guarantor will be required to pay an additional $750 Security Deposit and/or pay the entire accelerated Lease amount up front.

Completed Application: An Application is not considered to be completed and will not be processed unless the Application Fee has been paid to LANDLORD. All co-applicants on the LEASE must also present completed and signed applications.

Non-approval: LANDLORD holds the right to deny applicants that have met any of the following criteria within the past two (2) years: 1) unpaid civil judgments; 2) unpaid rental housing debt, or a history of late rental payments; 3) unpaid evictions; 4) bankruptcies; 5) FACTA Act Fraud Alert. LANDLORD may notify APPLICANT concerning approval within 7 days after LANDLORD has received the completed application. Notification may be in person, via email, telephone or by mail unless APPLICANT has requested notification be made solely by mail. APPLICANT must not assume approval until APPLICANT receives actual notification of approval from LANDLORD. If APPLICANT or any co-applicant is disapproved, LANDLORD will not refund the Application Fee.

Roommates: Each roommate applying for the UNIT must qualify individually in all areas, regardless of the number of roommates applying for one UNIT.

Notice: Any notice from LANDLORD to APPLICANT or co-applicant is considered notice to all co-applicants; and any notice from APPLICANT or co-applicant to LANDLORD is considered notice from all co-applicants.

By signing this application, APPLICANT represents that APPLICANT has never: 1) been arrested for any assault, felony, sex-related crime, or criminal violation involving the sale or manufacture of illegal drugs that was resolved by conviction, probation, deferred adjudication, court-ordered community supervision or pretrial diversion; 2) been arrested for any assault, felony, sex-related crime, or criminal violation involving the sale or manufacture of illegal drugs that has not been resolved by any method.

APPLICANT has had an opportunity to review LANDLORD'S rental selection criteria, which include reasons why the application may be denied. APPLICANT understands that if APPLICANT does not meet LANDLORD'S selection criteria or if APPLICANT fails to answer any question or give false information, LANDLORD may reject the application, retain all Application Fees, and terminate APPLICANT'S right of occupancy. LANDLORD may, at LANDLORD'S discretion, obtain a copy of APPLICANT'S credit report, rental history from prior landlord and/or criminal background report at any time during the TERM of the LEASE. TENANT'S rights to occupancy may be terminated during the TERM of the LEASE based on the results of these reports. LANDLORD may at any time furnish information to any consumer reporting agencies and other rental housing owners regarding APPLICANT'S performance of APPLICANT'S legal obligations, including any favorable or unfavorable information about APPLICANT'S compliance with the LEASE, the rules, and financial obligations. Fax signatures are legally binding.

_____ _____

APPLICANT'S Signature Date

_____ _____

Signature of Owner's Representative Date

RESIDENTIAL LEASE AGREEMENT – HUB ON CAMPUS EUGENE

DATE OF LEASE: _____

LANDLORD: **CORE CAMPUS EUGENE, LLC** TENANT: _____

LANDLORD agrees to rent and TENANT accepts this LEASE on the following Conditions:
THIS IS A JOINT AND SEVERAL LEASE WITH INDIVIDUAL RENT RESPONSIBILITY. All TENANTS in the UNIT are jointly responsible for all obligations under this LEASE except for RENT, the SECURITY DEPOSIT amount (if required) and any Fees which are the individual responsibility of each TENANT.

1. PROPERTY AND OCCUPANTS.

LANDLORD agrees to rent to TENANT the following UNIT at:

a) PROPERTY: HUB ON CAMPUS EUGENE (also referred to in this Lease as the "Apartment Community")

b) UNIT: TENANT'S specific Building, UNIT and Bedroom will be assigned to TENANT by LANDLORD prior to the beginning of the TERM listed in **Paragraph 2.**

c) ADDRESS OF PROPERTY: **515 E. Broadway**
Eugene, OR 97401

UNIT #: _____

Bedroom (A, B, C, D, E) _____ which is a

☐ private bathroom OR
☐ shared bathroom

accommodation in a_____bedroom_____bathroom UNIT

in floor plan type _____

located within the Apartment Community at the address listed above.

The UNIT will be used as a private residence and for no other purpose.

LANDLORD has the right to relocate TENANT from one Bedroom to another or even to another Bedroom in a different UNIT within the Apartment Community.

d) OCCUPANTS: The Bedroom will be occupied only by TENANT and (*list all other occupants not signing this LEASE or another LEASE within the Bedroom*):

_____

_____

No one else may occupy the Bedroom. Persons not listed above must not stay in the Bedroom for more than two consecutive days without LANDLORD'S prior written consent, and no more than four days in any one calendar month. TENANT hereby agrees that LANDLORD may share TENANT'S name and contact information with Roommates prior to commencement of the Lease Term.

If TENANT allows another person to occupy any unrented/vacant bed space in the UNIT, TENANT will be responsible for the RENT for that bed space. TENANT will be responsible for all costs associated with returning the unrented/vacant bed space to its original condition. LANDLORD has the right, when any bed space within the UNIT is unoccupied, to place a new tenant in the unoccupied bed space unless TENANT and all other TENANTS in the UNIT agree to pay LANDLORD the RENT and other charges that would be charged for such bed space if occupied.

Roommate compatibility and room preferences are not guaranteed. The fact that TENANT and/or TENANT'S roommates may be in conflict with each other will not result in any termination of this LEASE.

The LANDLORD may enter the common area of the premises to show the unoccupied bedroom and common areas to leasing prospects with giving notice to the TENANT twenty-four (24) hours in advance.

The portions of the PROPERTY and UNIT leased to Tenant are defined as including each of the following:

(1) TENANT'S use of the assigned Bedroom in the UNIT.

(2) Together with the other tenants of the UNIT, TENANT'S shared use of the Common Areas in the UNIT and the Apartment Community (for purposes of this LEASE, "Common Areas" are those areas within the UNIT to which TENANT has access without going into another Bedroom and, within the Apartment Community, those areas to which all tenants have general access);

(3) TENANT'S use (shared with other tenants in the Unit, if applicable) of all appliances within the Common Areas of the UNIT; and

(4) If Bedroom or UNIT is furnished: TENANT'S sole (if Bedroom is Private) or shared (if Bedroom is Shared) use of TENANT'S furniture within TENANT'S Bedroom; and TENANT'S shared use of all furniture within the Common Areas of the UNIT; and

(5) TENANT'S shared use of the mailbox assigned to TENANT by LANDLORD. If the Postmaster serving the Apartment Community has instituted or begins instituting during this LEASE "single drop delivery", LANDLORD will place TENANT'S mail in the mail box, but unless due to LANDLORD'S own willful misconduct or negligence, LANDLORD shall have no liability for misdelivery, delays in delivery and/or failure of delivery.

(6) TENANT'S shared use of all Common Areas, amenities, and grounds of the Apartment Community at the address listed in **Paragraph 1.**

2. TERM.

The term of this LEASE shall commence at Noon on

MONTH: September DAY: 15 YEAR: 2015

The term of this LEASE shall end at Noon on

MONTH: September DAY: 5 YEAR: 2016

Such period of time is referred to as the "TERM."

3. RENT.

Payment must be made without demand in advance of each month:
at the on-site manager's office or
through LANDLORD'S online payment site

Total RENT due for this lease term is

$_____.

RENT will be due in twelve (12) equal installments of

$_____ per month. There are no prorated RENT amounts under this LEASE. TENANT must also pay additional charges as identified in this LEASE when due. The first RENT payment is due on August 1st – prior to the lease commencement date. All subsequent payments of RENT must be paid on or before the first day of each and every calendar month during the TERM from October to August. If TENANT does not pay the first month's RENT on or before August 1st, all future RENT installments for the entire TERM will still be due and payable in full. If TENANT does not pay any subsequent installment of RENT on or before the first day of the applicable calendar month, all RENT for future installments will still be due and payable in full.

TENANT shall not pay RENT or additional charges in cash without LANDLORD'S prior written permission. TENANT must not withhold or offset RENT unless authorized by statute. LANDLORD may, at LANDLORD'S option, require at any time that TENANT pay all RENT and other sums in cash, certified or cashier's check, money order, credit card, or one monthly check rather than multiple checks. **If TENANT does not pay all RENT on or before the 4th day of the month, TENANT shall pay a late fee of five percent of the monthly rent amount, charged once for each succeeding five-day period, or portion thereof, for which the rent payment is delinquent, and continuing and accumulating until that rent payment, is paid in full.** TENANT shall also pay a charge of $35 for each returned check or rejected automatic electronic draft, plus late charges until LANDLORD has received acceptable payment. If TENANT does not pay RENT on time, TENANT will be in default and all remedies under state law and this LEASE will be available to LANDLORD. THIS IS YOUR NOTICE

THAT IF YOU DO NOT PAY YOUR RENT WITHIN FIVE (5) DAYS OF THE DUE DATE, THE LANDLORD CAN BEGIN EVICTION PROCEEDINGS IN ACCORDANCE WITH APPLICABLE OREGON LAW.

4. RENTAL PAYMENTS.

a) RENT is due on the applicable due dates listed in **Paragraph** 3 and TENANT must pay RENT on the due dates listed in **Paragraph 3** without prior notice or demand from LANDLORD.

b) RENT will not be considered late if it is received by LANDLORD on or before the 4th day of the month in which it is due.

c) TENANT must pay full RENT when due and may not deduct funds from rental payments for any reason, unless otherwise allowed by law.

d) TENANT may NOT pay RENT in cash without prior written permission from LANDLORD. TENANT must pay RENT by check or money order, online payment, or as otherwise agreed by LANDLORD in writing. If LANDLORD agrees to accept RENT in any other form than check or money order, a convenience fee will be added to the amount due. The convenience fee may change during the lease TERM. LANDLORD is not required to provide a receipt for payments made by check or money order, and evidence of such payments shall be maintained by TENANT. Currently the convenience fees for paying online are set dependent on payment type as follows:

a) $24.95 per charge for VISA payments.
b) 2.95% of MasterCard payments + $2.50.
c) $1.70 for one-time e-check payments.
d) $1.00 per month for recurring e-checks.

These convenience fees are subject to change at any time.

e) Any accord, satisfaction, conditions or limitations noted by TENANT on or in any payment shall be null and void.

f) Without being required to do so, LANDLORD can accept partial payment of RENT along with a signed copy of a Partial Payment Agreement containing terms acceptable to LANDLORD, but LANDLORD does not waive LANDLORD'S rights in such circumstance to collect and enforce the payment of the remainder of such RENT.

TENANT is liable for all costs or charges associated with LANDLORD having to provide special services (unless required by law) to TENANT or at TENANT'S request and for all fees or fees as described in Rules and Regulations. Unless required by law, the provision of any special services shall be at Landlord's sole and absolute discretion.

5. SECURITY DEPOSIT AMOUNT.

The SECURITY DEPOSIT is $_____. The SECURITY DEPOSIT must be paid on or before the date this LEASE is signed. This amount does NOT include any animal deposit if applicable.

6. FEES.

In addition to RENT and all other charges due under this Lease, TENANT agrees to pay LANDLORD the following fees and charges (list number of each in space below)

_____Application Fee $35.00 /Lease

_____Amenity Fee $75.00 /Lease

_____Other Fee (describe below) $_____/_____

_____

7. PLACE AND NAME OF PAYMENTS.

RENT payments are to be made payable to HUB ON CAMPUS EUGENE. Unless electronic payment arrangements are made, RENT must be paid to LANDLORD at the following address:

HUB ON CAMPUS EUGENE
515 E. Broadway
Eugene, OR 97401

8. RETURNED CHECK

If TENANT'S check is returned by the bank, TENANT:

a) shall pay a charge of $35.00 as returned check fee;

b) shall pay late charges retroactive to the due date listed in **Paragraph** 3; and

c) will be in violation of the LEASE for failing to pay the RENT on time, unless the returned check fee, applicable late fees and any late RENT charges are paid within the notice requirements of Oregon law.

If two (2) of TENANT'S personal checks are returned to LANDLORD, LANDLORD will require that all sums from TENANT be payable to LANDLORD in either certified or cashier's check or money order during the remaining balance of the TERM.

9. PARENTAL GUARANTEE.

Each TENANT listed on **Page 1** of this LEASE must provide LANDLORD a legally binding parental or sponsor's GUARANTEE in a form acceptable to LANDLORD in LANDLORD's sole and absolute discretion. The GUARANTEE for each TENANT must be delivered to LANDLORD within 7 days of TENANT signing this LEASE. LANDLORD may cancel this LEASE at any time thereafter if TENANT does not provide the GUARANTEE to LANDLORD. TENANT will not be allowed to move-In without a complete LEASE file including the GUARANTEE. If TENANT does not have a signed GUARANTEE form, TENANT is still liable for all LEASE payments for the TERM. **It is the LANDLORD'S option as to whether to accept the GUARANTEE or not. It is not the option of the TENANT as to whether or not to have the GUARANTEE completed and returned to LANDLORD.**

10. MEALS.

Meals are not offered at the PROPERTY.

11. TENANT'S UNIVERSITY.

TENANT'S UNIVERSITY shall mean any of the following institutions in which TENANT is either enrolled currently or attempting to enroll: University of Oregon, Lane Community College, New Hope Christian College, and Northwest Christian University.

12. RIGHT TO TERMINATE LEASE.

See Paragraphs 40 and 41.

13. NOTICES.

LANDLORD and TENANT must send all notices by pre-paid postage via certified or registered mail, return receipt requested, or via hand delivery (hand delivery shall include delivery by LANDLORD of the notice to the UNIT or in the TENANT mailbox or delivery to the Management Office by TENANT). Notice is given when notice is mailed or hand delivered.

TENANT must send or hand deliver notices to LANDLORD at the address listed in **Paragraph** 7 of this LEASE. LANDLORD must send or hand-deliver notices to TENANT at TENANT'S UNIT or mailbox.

14. UTILITIES.

a) LANDLORD will supply and pay for the following utilities / services:

Basic Cable Television
Internet Service
Trash

NOTE: TENANT agrees to use utilities in a careful and conservative manner. TENANT is responsible for all other utilities including (but not limited to): water, waste water, electricity, gas, and phone.

b) At the end of the LEASE, TENANT must provide LANDLORD with satisfactory proof that all utilities, if any, billed to TENANT have been paid in full. LANDLORD does not have to return any SECURITY DEPOSIT to TENANT until TENANT gives LANDLORD proof that TENANT has paid all utilities, and may at its option apply the SECURITY DEPOSIT to any outstanding utility charges. **TENANT must keep electric service in TENANT'S name for four (4) days following the end of the TERM.**

c) LANDLORD agrees to furnish trash removal at specific locations throughout the PROPERTY (this does NOT include door-to-door trash pickup), basic cable television, and internet service for the UNIT. Internet service will be provided by LANDLORD in each bedroom through an arrangement with an outsourced service provider. The gas, water and sewer service will be arranged by LANDLORD and the cost thereof will be allocated according to the total number of tenants engaged in lease contracts at the PROPERTY and charged to each tenant individually. TENANT will be required to pay those utilities directly to LANDLORD'S office during the TERM. TENANT must arrange for and place electric service in TENANT's name and usage will be sub-metered by the service provider and billed to the UNIT. TENANT will be responsible for payment directly to the electric service provider. If TENANT desires additional cable channels, they will be at TENANT'S expense and TENANT must contact the appropriate utility service provider. If TENANT fails to place electric service in TENANT's name and such service is billed to LANDLORD, LANDLORD will invoice TENANT for electric services used.

d) **INTERNET & TELEVISION SERVICE**

Telecommunications Services
LANDLORD is providing basic internet and basic television service to TENANT. This service includes television service and high speed broadband available in select locations throughout the building. Service is subject to Network Access, Acceptable Use and Performance Level terms (see below). If TENANT wants additional television channels, voice service or additional internet capacity, they will be at TENANT'S expense and TENANT must make arrangements through the LANDLORD-approved provider. These additional services not paid by LANDLORD must remain on and paid for by TENANT, in TENANT'S names, through their contracted ending date regardless of whether TENANT has vacated.

LANDLORD will not be liable for any interruption, surge, or failure of telecommunications services (including internet access, television service and voice service) to the Apartment or any damage directly or indirectly caused by the interruption, surge or failure. TENANT hereby releases LANDLORD from any and all such claims and waives any claims due to such outages, interruptions, or fluctuations unless due to LANDLORD'S own willful misconduct or negligence.

Network Access
TENANT may find it necessary to purchase a network interface card, wireless PC card or other hardware in order to connect to the internet service. LANDLORD is not responsible for the purchase of these items and LANDLORD cannot guarantee compatibility with any device TENANT may have. The computer and network card must have software installed that supports the Internet Protocol commonly referred to as TCP/IP. Any conflicts between the software compatibility of the network and the TENANT'S computer operating system or any other feature will be the responsibility of the TENANT to resolve. LANDLORD will not be responsible for software issues related to the user's personal computer.

Acceptable Use
Internet services, equipment, wiring and/or jacks may not be tampered with or modified. Internet users shall not setup, host or maintain "server" type services.

The Internet may be used for only legal purposes and to access only those systems, software and data for which the user is authorized. Sharing access to copyrighted material on the network is prohibited. Be advised that LANDLORD and LANDLORD-approved providers will cooperate fully with any law enforcement agency or official in the disclosure of all pertinent information pertaining to any investigation or prosecution of illegal conduct by an individual or suite where access of the Internet services were obtained. Tenant consents to any and all such disclosures.

All users of the Internet are advised to consider the open nature of information disseminated electronically, and should not assume any degree of privacy or restricted access to such information. LANDLORD and LANDLORD-approved providers strive to provide the highest degree of security for transferring data, but cannot be held responsible if these measures are circumvented and information is intercepted, copied, read, forged, destroyed or misused by others.

Performance Levels
Many factors affect the speed of access to the Internet. Internet users are not guaranteed the maximum service performance (throughput speed) levels but reasonable efforts will be made to ensure the highest possible quality of service is delivered. Internet users understand that any content that they may access may be subjected to "caching". Simultaneous use of bandwidth applications (e.g.: streaming media) by multiple users may result in a user experience that is slower when compared to single user.

Reasonable efforts will be made to ensure availability of the Internet services to users. Service outages for routine maintenance, equipment or service failures, or emergency servicing will happen over the course of the year and LANDLORD shall have no liability for any outages.

15. CONDITION OF UNIT.

TENANT accepts the UNIT and PROPERTY in its present condition and designates it fit and habitable. Within 48 hours of taking possession of the UNIT, TENANT must inspect the UNIT and provide LANDLORD a list of any defects or damages to the UNIT by completing a Move-in Condition Form. As part of this list, TENANT must test all smoke detectors. The purpose of the list is to document the condition of the UNIT at the time the term of the LEASE commences. Any items not identified by TENANT shall be deemed in good condition.

The list should be delivered to the LANDLORD at the address listed in **Paragraph 7**. TENANT should keep a copy of the list signed by LANDLORD or LANDLORD's representative. If LANDLORD receives no list within the time given, TENANT acknowledges that there are no defects or damages. The UNIT must be returned to LANDLORD in the same condition as it was provided, reasonable wear and tear accepted. TENANT is responsible for all damage to the UNIT that occurs after excepted, reasonable wear and tear excluded. **TENANT acknowledges and agrees that having to paint a UNIT at any time after TENANT takes possession of the UNIT could be billed back to TENANT if the damages are considered above reasonable wear and tear by the LANDLORD.**

16. APPLIANCES AND FURNITURE.

a) LANDLORD will provide the appliances and furniture listed below:

- Refrigerator/Freezer
- Dishwasher
- Range
- Washer & Dryer
- Microwave
- Flat Panel Television
- Couch and/or love seat
- Love Seat (not applicable in studios/1 bedrooms)
- Coffee Table
- Bar stools (not applicable in studios/1 bedrooms)
- Mattress and Bed frame
- Desk
- Desk Chair
- Mini Fridge

b) LANDLORD will repair or replace non-working appliances.

c) TENANT agrees to keep all appliances and furniture clean and to immediately report any appliance or furniture that is broken, damaged or not working properly. TENANT is responsible for the cost of repairing or replacing any appliance or furniture item which is broken, damaged, not working or not in the UNIT because of the fault of TENANT or TENANT'S guests. TENANT agrees to not add any additional refrigeration to the UNIT at any time.

17. LANDLORD UNABLE TO GIVE POSSESSION.

a) LANDLORD shall not be responsible or liable to pay any damages, or, be held liable, to TENANT if LANDLORD cannot give possession of the UNIT on the lease commencement date, for any reason whatsoever except as required by law.

b) If LANDLORD is unable to give possession of the UNIT to TENANT on the date when the LEASE is to commence, RENT will be abated on a daily basis during the delay. LANDLORD shall not be liable for any such delay in delivering possession of the UNIT to TENANT except as required by law. TENANT must pay RENT or additional charges for any part of a month that TENANT has possession.

c) TENANT may terminate the LEASE if possession of the UNIT is not given to TENANT within 60 days of the LEASE commencement date. TENANT must give notice of such termination to LANDLORD in writing before the 6th day after the 60-day period has expired. The LEASE will continue if TENANT does not give LANDLORD written notice that TENANT is terminating the LEASE pursuant to this paragraph, and TENANT's right to terminate the lease shall thereafter be null and void and all duties and obligations of TENANT under the LEASE will remain in full force and

effect in accordance with Oregon law.

18. USE.

a) Only the TENANT listed on this LEASE may live in the UNIT; however, TENANT acknowledges that that the UNIT may be occupied by another tenant provided the additional tenant has an executed LEASE for the UNIT or is listed in **Paragraph 1** of this LEASE.

b) TENANT may not commit any act or allow any activity to occur in the UNIT or on the PROPERTY, which violates or breaks any Federal, State or local laws or ordinances, or any applicable rules or regulations. TENANT may not use or allow the UNIT or the PROPERTY to be used for any disorderly or illegal purpose. The UNIT may only be used as a private residence.

c) TENANT may not store or allow any hazardous, flammable or toxic substances in or on the UNIT or the PROPERTY. TENANT may not do or allow any behavior in the UNIT or on the PROPERTY which is a nuisance or which creates a risk of injury, loss or damage. TENANT may not engage in or allow any activity, which increases the costs of insurance or the LANDLORD's ability to either obtain or maintain insurance coverage on the PROPERTY.

19. TENANT'S RESPONSIBILITY FOR INJURY OR DAMAGE.

TENANT agrees that TENANT is responsible for:

a) all personal property of TENANT and TENANT's family, guests or persons invited by TENANT in or on the PROPERTY, including automobiles;

b) loss, damage, costs, injury or death caused by TENANT or TENANT'S family, guests or persons invited by TENANT for the use of TENANT's property;

c) any claim due to acts or from any failure to act by TENANT or TENANT's family, guests or persons invited by TENANT; and

d) payment for damages or costs of LANDLORD from any claim based upon the acts of TENANT or TENANT's family, guests or persons invited by TENANT.

20. TENANT'S INSURANCE.

TENANT shall acquire and maintain for the TERM of the LEASE insurance coverage for:

a) the protection of any personal property of TENANT and TENANT's family or guests;

b) all claims by TENANT or TENANT's family, guests or persons invited by TENANT for injury or death occurring in or about the PROPERTY; and

c) TENANT's automobile(s).

DAMAGE TO TENANT'S PROPERTY AND INSURANCE:

LANDLORD does not provide any insurance coverage for TENANT's property. Unless caused by the willful or negligent actions of LANDLORD, or LANDLORD's agent's or employee's, neither LANDLORD nor LANDLORD's agents and/or employees shall be responsible for any theft, damage, loss or destruction of personal property of TENANT or TENANT's occupants, guests, licensees, invitees or agents due to fire, water, flooding, other casualty, act of God, or any other causes. TENANT IS ENCOURAGED TO INSURE PERSONAL PROPERTY IN AN AMOUNT SUFFICIENT TO COVER THE PROPERTY.

TENANT expressly and unequivocally agrees to be liable to LANDLORD and/or LANDLORD's insurer for damage to the UNIT or the PROPERTY, including but not limited to fire and water damage, caused by TENANT's negligent conduct, or the negligent conduct of TENANT's occupants, guests, licensees, invitees or agents. TENANT agrees to comply in all respects with any applicable policy of insurance so as to not cause an increase in premium or void any insurance policy.

21. LANDLORD'S ENTRY ONTO THE PROPERTY.

LANDLORD or LANDLORD'S agent may enter the UNIT by any means necessary, unless otherwise notated by Oregon law:

a) between 7:00 A.M. and 8:00 P.M. to (i) make repairs; (ii) deliver notices (iii) improve the UNIT; (iv) show the UNIT to possible buyers, lenders or TENANTs with 24-hour advance notice; (v) inspect the UNIT periodically for compliance with the LEASE terms; (vi) investigate a suspected violation of the LEASE; or (vii) for any other reasonable purpose.

b) without notice to TENANT and at any time in an emergency.

22. LANDLORD'S RESPONSIBILITY.

LANDLORD is not responsible for any loss, expense, injury or damage to any person or property caused by items including but not limited to:

a) theft;
b) fire;
c) ice, snow or rain;
d) water;
e) plumbing or pipe leaks;
f) malfunction of appliances;
g) interruption of any utilities or services at the UNIT or the PROPERTY
h) power surges;
i) sprinkler systems.

LANDLORD has no duty to remove ice, sleet or snow, but LANDLORD may do so in whole or in part, with or without notice to TENANT. EXCEPT FOR LANDLORD'S LIABILITY ARISING UNDER APPLICABLE LAW AND TO THE GREATEST EXTENT OF THE LAW, TENANT, FOR TENANT AND FOR TENANT'S GUESTS, RELEASE LANDLORD, AND LANDLORD'S RESPECTIVE SUCCESSORS AND ASSIGNS AND LANDLORD'S AND THEIR RESPECTIVE EMPLOYEES, OFFICERS, DIRECTORS AND AFFILIATES (collectively, the "RELEASED PARTIES") FROM ANY AND ALL CLAIMS AND/OR DAMAGES (i) FOR LOSS OR THEFT OF TENANT'S OR TENANT'S GUEST'S PERSONAL PROPERTY, AND/OR (ii) WHICH MAY ARISE OUT OF ANY ACCIDENTS OR INJURIES TO TENANT, MEMBERS OF TENANT'S FAMILY OR TENANT'S GUESTS, IN OR ABOUT THE BEDROOM, THE UNIT, OR THE PROPERTY, EXCEPT TO THE EXTENT SUCH CLAIM OR DAMAGE WAS CAUSED BY THE SOLE NEGLIGENCE OF THE RELEASED PARTIES. TENANT ASSUMES FOR TENANT AND ALL MEMBERS OF TENANT'S FAMILY AND TENANT'S GUESTS, ANY AND ALL RISKS FROM ANY ACCIDENTS IN CONNECTION WITH USE OF THE UNIT, THE COMMON AREAS, THE PROPERTY OR THE PROPERTY'S RECREATIONAL FACILITIES OR OTHER AMENITIES, IT BEING UNDERSTOOD THAT ALL SUCH FACILITIES AND AMENITIES ARE GRATUITOUSLY SUPPLIED FOR TENANT'S USE, AND AT THE USER'S SOLE RISK. TO THE EXTENT PERMITTED BY LAW, TENANT HEREBY INDEMNIFIES LANDLORD AND EACH OF THE RELEASED PARTIES FROM AND AGAINST ANY AND ALL CLAIMS, LIABILITIES, ACTIONS, COSTS AND DAMAGES WHICH LANDLORD OR ANY OF THEM MAY SUFFER OR INCUR AS A RESULT OF TENANT'S NEGLIGENCE, WILLFUL MISCONDUCT AND/OR VIOLATION OF THIS LEASE.

23. RULES AND REGULATIONS.

a) LANDLORD may make reasonable rules and regulations to protect:

1) the PROPERTY and the property of other TENANTs, neighbors, or other people; and,

2) the comfort, safety or rights of other TENANTs, neighbors, or other people.

b) TENANT will follow all rules and regulations made by LANDLORD, which are now in effect **and attached to this LEASE**. TENANT will follow any new rules and regulations made by LANDLORD during the TERM. **LANDLORD may charge TENANT a rule violation charge for each violation as in accordance to the Rules and Regulations. TENANT's parents and/or Guarantor may be contacted for any violation of the rules and regulations.**

24. PETS.

No animals (including mammals, reptiles, birds, fish, rodents, amphibians, arachnids, and insects) are allowed, even temporarily, anywhere in the UNIT or PROPERTY unless LANDLORD has authorized so in writing. If LANDLORD allows an animal, TENANT must sign a separate Pet Addendum and pay a pet deposit and pet rent. A pet deposit is considered a general SECURITY DEPOSIT. LANDLORD will authorize a service animal or companion animal that a tenant with a disability requires reasonable accommodation under the Fair Housing laws. LANDLORD may require a written statement from a qualified professional verifying the need for the support animal.

TENANT must not feed stray or wild animals.

If TENANT or any guest or occupant of the UNIT violates pet

restrictions (with or without TENANT'S knowledge), TENANT will be subject to charges, damages, eviction, and other remedies provided in this LEASE. If a pet has been in the UNIT at any time during TENANT'S term of occupancy (with or without LANDLORD'S consent), LANDLORD will charge TENANT for de-fleaing, deodorizing, and shampooing. Pet-violation charges are for LANDLORD'S time, inconvenience, and overhead (except for attorney's fees and litigation costs) in enforcing pet restrictions and rules.

A written warning will be issued for the initial violation of any pet policies by TENANT or TENANT'S guest. A $50 fee will be assessed to TENANT upon the second violation of any pet policies listed above.

LANDLORD has no lien on the pet for any purpose.

25. TRASH REMOVAL / RECYCLING.

Trash must be disposed of in accordance with the directions of the LANDLORD. All trash must be removed as it accumulates in the UNIT. Trash may not be kept in closets, hallways, basements, etc. Additionally, TENANT may never place trash or debris near the front door or on the patio or balcony. If any trash or debris is found in these areas, a reasonable fee may be charged for the removal of all items.

26. UNAUTHORIZED VEHICLES.

a) TENANT may not park any vehicle on the PROPERTY unless LANDLORD and TENANT execute a Parking Lease allowing the TENANT to park a vehicle on the PROPERTY.

b) No unregistered or disabled automobiles, trailers, campers, boats, etc are allowed on the PROPERTY at any time.

c) TENANT may not make repairs to automobiles on the PROPERTY.

d) LANDLORD may tow at TENANT's expense any vehicle determined by LANDLORD to have been abandoned or parked in violation of this LEASE, a parking lease, or other applicable parking rules or regulations, or in violation of applicable law.

27. MAINTENANCE.

LANDLORD agrees to do any maintenance or structure repairs that are needed to the UNIT. TENANT agrees to keep the UNIT clean, neat and safe.

LANDLORD shall act with customary due diligence to:

(a) keep Common Areas of the PROPERTY (but not the UNIT, which shall be the responsibility of TENANT) reasonably clean;

(b) maintain fixtures, furniture, hot water, heating, and A/C equipment;

(c) substantially comply with applicable federal, state, and local laws regarding safety, sanitation, and fair housing; and

(d) make all reasonable repairs, subject to TENANT'S obligation to pay for damages for which TENANT is liable.

LANDLORD may temporarily turn off equipment and/or interrupt utilities to the UNIT and/or the PROPERTY to avoid property damage or to perform work requiring such interruption as determined in LANDLORD's sole judgment. LANDLORD will not be liable for any inconvenience, discomfort, disruptions or interference with TENANT's use of the PROPERTY because LANDLORD is making repairs, alterations or improvements to the UNIT or the PROPERTY. If TENANT requests any repairs, and LANDLORD approves such request, the repairs will be done during LANDLORD'S usual working hours unless TENANT requests in writing that such repairs be done during other hours and such request is approved by LANDLORD. If LANDLORD approves such request TENANT will have to pay in advance any additional charges resulting from such request.

TENANT agrees to take reasonable steps in order to prevent or minimize the growth of mold and mildew within the UNIT. To prevent or minimize the occurrence and growth of mold in the UNIT, TENANT hereby agrees to the following:

TENANT is responsible for replacing the HVAC filter at least four times during the lease TERM at TENANT's expense. TENANT may purchase filters from LANDLORD at a cost of $5.00 each.

TENANT shall (a) remove any visible moisture accumulation in or on the UNIT, including on walls, windows, floors, ceilings, and bathroom fixtures, (b) mop up spills and thoroughly dry affected area as soon as possible after occurrence, (c) use exhaust fans in kitchen and bathroom when necessary, and (d) keep climate and moisture in the UNIT at reasonable levels.

TENANT shall clean and dust the UNIT regularly, and shall keep the UNIT, particularly the kitchen and bath, clean and dry.

TENANT shall promptly notify LANDLORD in writing of the presence of any of the following conditions:

Any water leak, excessive moisture, or standing water inside the UNIT or any Common Areas.

Mold or mildew growth in or on the UNIT that persists after TENANT has tried to remove it with an appropriate household cleaning solution, such as Lysol or Pine-Sol disinfectants, Tilex Mildew Remover, or Clorox, or a combination of water and bleach.

A malfunction in any part of the heating, air-conditioning, or system in the UNIT.

TENANT shall be liable to LANDLORD for damages sustained to the UNIT or the PROPERTY as a result of TENANT's failure to comply with the terms of this section, and LANDLORD shall not be liable for any damages sustained to TENANT's person or property as a result of any such failure.

TENANT is responsible for all pest control, except that LANDLORD shall provide an initial pest control treatment if the need for such treatment is reported to LANDLORD in writing within 10 days after move-in. If LANDLORD incurs the cost of pest control in the UNIT or the PROPERTY as a result of the actions or inactions of any tenant in the UNIT, all tenants in the UNIT shall be responsible for the cost thereof.

28. REPAIRS.

TENANT agrees to:

a) immediately report to LANDLORD any damages or needed repairs; and

b) pay for repairs which are needed due to the fault of TENANT or any of TENANT's family or guests.

If TENANT or any occupant needs to send a notice or request—for example, for repairs, installations, services, ownership disclosure or security-related matter-- **IT MUST BE SIGNED AND PROVIDED IN WRITING** to LANDLORD's designated representative (except in case of fire, smoke, gas, explosion, overflowing sewage, uncontrollable running water, electrical shorts, or crime in progress). LANDLORD's written notes on TENANT's oral request do not constitute a written request from TENANT.

LANDLORD's compliance with or responding to any oral request regarding security or any other matters does not waive the strict requirement for written notices under this LEASE. TENANT must promptly notify LANDLORD in writing of: water leaks; mold; electrical problems; malfunctioning lights; broken or missing locks or latches; and other conditions that pose a hazard to property, health, or safety. LANDLORD may change or install utility lines or equipment serving the UNIT if the work is done reasonably without substantially increasing TENANT's utility costs. LANDLORD may turn off equipment and interrupt utilities as needed to avoid property damage or to perform work. If utilities malfunction or are damaged by fire, water or similar cause, TENANT must notify LANDLORD's representative immediately. If air conditioning or other equipment malfunctions, TENANT must notify LANDLORD's representative as soon as possible on a business day. LANDLORD will act with customary diligence to make repairs and reconnections, taking into consideration when casualty insurance proceeds are received. RENT will not abate in whole or in part.

If LANDLORD believes in its sole judgment that damage is substantial, or that performance of needed repairs poses a danger to TENANT, LANDLORD may terminate this LEASE without liability by giving TENANT at least five (5) days written notice.

LANDLORD may also remove personal property if it causes a health or safety hazard. If the LEASE is so terminated, LANDLORD will refund prorated RENT and all deposits, less lawful deductions.

29. CHANGES TO THE PROPERTY.

TENANT must obtain written permission from LANDLORD before TENANT makes any changes, improvements or additions to the UNIT. TENANT agrees that LANDLORD will not pay for changes made to the UNIT unless LANDLORD agreed in writing to pay for such changes.

30. LAUNDRY FACILITIES.

Individual washer and dryer is included in each unit. TENANT is responsible for cleaning lint trap after each dryer use to prevent fire.

31. TAKING OF PRIVATE PROPERTY.

a) Legal authorities are able to take property after paying for it. This is known as "condemnation".

b) TENANT agrees that if the PROPERTY, part of the PROPERTY, or the land on which the PROPERTY is located are taken:

1) LANDLORD can end this LEASE;

2) LANDLORD is not responsible for claims of TENANT for inconvenience or loss of use of the PROPERTY or any part of the PROPERTY; and

3) TENANT, by signing this LEASE, has assigned to LANDLORD any rights which TENANT may have to any money paid by the legal authorities for or relating to the taking of the PROPERTY.

32. UNENFORCEABLE LEASE CONDITIONS.

If any court determines that any condition or part of this LEASE is illegal or unenforceable, the rest of the LEASE shall continue in full force and effect.

33. SALE OF PROPERTY.

A new owner can end this LEASE by giving TENANT 90 day's written notice if there is:

a) a sale or transfer of the PROPERTY; or

b) a sale of the land or buildings in which the UNIT is located.

34. TRANSFER BY LANDLORD.

LANDLORD may transfer this LEASE. If transferred, TENANT's obligations shall continue in full force and effect to the new LANDLORD. The new LANDLORD will have all of the rights that the current LANDLORD has under this LEASE. LANDLORD may transfer this LEASE without obtaining TENANT'S approval.

35. SECURITY DEVICES.

LANDLORD is NOT obligated to furnish security personnel, security lighting, security gates or fences, or other forms of security and LANDLORD can discontinue any such items at any time without notice.

36. DEFAULT BY TENANT.

TENANT shall be in default of this LEASE if TENANT:

a) fails to pay RENT or any other charges when due; or

b) does anything which is not permitted by this LEASE; or

c) fails to do anything which is required by this LEASE; or

d) gives LANDLORD false information, including information or signatures on TENANT's or the Guarantor's/Co-signers rental application, on the LEASE or on the GUARANTEE; or

e) any of the utilities which are payable by TENANT or the other tenants of the UNIT are not paid in a timely manner or are disconnected or shut-off; or

f) TENANT fails to pay any fees within 10 days after it is levied in accordance with this LEASE or the **Rules and Regulations**.

37. LANDLORD'S RIGHTS.

LANDLORD shall have the following rights in addition to any other rights of LANDLORD under this LEASE or applicable law.

a) If TENANT breaks any condition of this LEASE, any Addendum to this LEASE, or the **Rules and Regulations**, LANDLORD can:

(i) collect any past due RENT and utility payments and any sums which are due for the rest of the TERM from TENANT;

(ii) collect from TENANT for damages caused by TENANT or TENANT's breaking of any conditions of the LEASE or TENANT's doing of any act which is not permitted by the LEASE;

(iii) evict TENANT and take possession of the UNIT;

(iv) recover or file suit to recover:

(a) all RENT and additional charges which are due from TENANT;

(b) reimbursement for any damages; and,

(c) reasonable costs and expenses which are incurred by LANDLORD to enforce this LEASE, including court costs, collection costs and attorneys' fees.

b) These are not the only rights LANDLORD has if TENANT breaks this LEASE. Besides ending this LEASE and getting a court order to evict TENANT, LANDLORD can sue TENANT for unpaid RENT and other damages, losses or injuries.

If LANDLORD obtains a money judgment against TENANT, LANDLORD may use the court process or any other available process to take TENANT'S personal goods, furniture, motor vehicles and other assets to the maximum extent allowed by law.

FIRE OR OTHER CASUALTY. If in LANDLORD'S reasonable judgment, the Bedroom, the Building or the Property is materially damaged by Fire or other casualty, LANDLORD may terminate this LEASE within a reasonable time after such determination by giving TENANT written notice of such termination. If LANDLORD does terminate the LEASE, and TENANT did not cause the loss, LANDLORD will refund prorated, prepaid RENT and the Security Deposit, less lawful deductions. If LANDLORD determines that material damage has not been caused to the UNIT, the Building or the PROPERTY, or, if LANDLORD has elected not to terminate this LEASE, LANDLORD will, within a reasonable time, rebuild the damaged improvements.

38. CONTRACTUAL LIEN.

This section is intentionally left blank.

39. OTHER REMEDIES.

In addition to all of LANDLORD's other rights and remedies under Oregon law and this LEASE, if TENANT's RENT is delinquent and LANDLORD gives TENANT 5 days' prior written notice, LANDLORD may terminate electricity that LANDLORD has furnished at LANDLORD'S expense, unless applicable law provides otherwise. LANDLORD may report unpaid amounts to credit agencies. If TENANT defaults and moves out early, TENANT will pay LANDLORD any amounts stated to be rental amounts in **Paragraph 3** for the entire TERM, in addition to other sums due. Upon TENANT's default, LANDLORD reserves all other available legal remedies, including LEASE termination. Late charges are for LANDLORD'S time, inconvenience, and overhead in collecting late RENT (but are not for attorney's fees and litigation costs). TENANT must pay all collection-agency fees if TENANT fails to pay all sums due within
10 days after LANDLORD mails TENANT a letter demanding payment and stating that collection agency fees will be added if TENANT fails to pay all sums by that deadline. LANDLORD may accelerate RENT – see **Paragraph 46**.

40. ENDING THE LEASE.

a) **This LEASE will end at the time and date listed in Paragraph 2.** LANDLORD may not extend the term of this LEASE without the written consent of TENANT. TENANT may not extend the term of this LEASE without the written consent of LANDLORD. **Failure to vacate the UNIT at the end of LEASE shall be a violation of this LEASE.**

b) If LANDLORD fails to repair or remedy a condition for which it is obligated, by law, to repair or remedy, TENANT may pursue remedies under Oregon law, including the possibility of terminating this LEASE, by following this procedure:

(1) TENANT must make a written request for repair or remedy of the condition – after which LANDLORD shall have a reasonable time for repair or remedy;

(2) if LANDLORD fails to do so, TENANT must make a second written request for the repair or remedy (to make sure that there has been no miscommunication) – after which LANDLORD will have a reasonable time for the repair or remedy; and

c) Subsection (a) notwithstanding, if TENANT does not vacate the UNIT upon expiration of the TERM, the TERM shall convert to a week-to-week tenancy, which can be terminated by either party upon ten (10) days written notice. In the event that a week-to-week tenancy commences, TENANT agrees to pay weekly rent of $1,750 + Additional Amounts. Besides the modified TERM and RENT, all other terms and conditions of this Lease shall remain in full force and effect.

41. **EARLY TERMINATION.**

Except as otherwise expressly stated in this LEASE, and excepting cases of default by TENANT, this LEASE may not be terminated early unless it is agreed to in writing by both LANDLORD and TENANT. LANDLORD has no obligation to terminate this LEASE early. If LANDLORD agrees to any early termination of this LEASE, a termination charge will apply as specified by LANDLORD and must be paid before the LEASE is officially terminated. The Application Fee is never refundable.

UNLAWFUL EARLY MOVE-OUT; RELETTING CHARGE. LANLORD may elect to charge TENANT an abandonment or relinquishment fee of [Insert: Any amount up to one-and one-half times monthly rent], if TENANT abandons or relinquishes the property (including failing to move-in) during the TERM.

If LANDLORD does not elect to charge TENANT the abandonment or relinquishment fee, LANDLORD may recover from TENANT all actual damages, including, but not limited to, damages for loss of rent, and costs to re-let the Unit (including administrative costs, costs of advertising and showing the UNIT, utilities for showing, checking prospects, marketing costs, and locator-service fees. TENANT is expected to return the UNIT to the condition in which possession was taken in order to avoid incurring damage charges. LANDLORD will inspect the UNIT after TENANT vacates to assess damages and make any necessary repairs to the unit before a replacement TENANT moves in.

42. **SUBLETTING.**

TENANT may not transfer this LEASE or sublet the UNIT, nor any part of the UNIT without LANDLORD's prior written approval which may be granted or withheld in LANDLORD's sole and absolute discretion.

If TENANT permits another person to live in UNIT or provides key to a person not named on this LEASE, TENANT will be subject to all fees applicable by law and possible eviction. If departing or remaining tenants find a replacement tenant acceptable to LANDLORD before moving out and LANDLORD expressly consents to the replacement, subletting, or assignment, then the departing TENANT will no longer remain liable for remaining balance of the TERM.

Procedures for Replacement. If LANDLORD approves a replacement tenant, then, at LANDLORD'S option: (1) the replacement tenant must sign a new lease contract or an Addendum to *this* contract (at LANDLORD'S discretion) with or without an increase in the total SECURITY DEPOSIT; or (2) the remaining and replacement tenants must sign an entirely new lease contract. If the replacement tenant signs a new lease, LANDLORD shall inspect the UNIT and refund the appropriate amount of TENANT's security deposit. The replacement tenant shall be responsible for making a new security deposit as a condition to entering into the new lease. In the event that replacement tenant signs an addendum to the existing lease, the security deposit shall continue to be held by LANDLORD until the end of the TERM. At the end of the TERM, LANDLORD shall refund the deposit jointly to the TENANT and the replacement tenant. Notwithstanding anything to the contrary, TENANT will remain liable for the remainder of the original Lease Contract term unless LANDLORD agrees otherwise in writing.

43. **LEAVING THE UNIT.**

DEPOSIT RETURN, SURRENDER, AND ABANDONMENT. LANDLORD will mail TENANT's SECURITY DEPOSIT refund (less lawful deductions) and an itemized accounting of any deductions no later than 31 days after surrender or abandonment, unless statutes provide otherwise.

TENANT will have *surrendered* the UNIT when: (1) the move-out date has passed and no one is living in the UNIT in LANDLORD'S reasonable judgment; or (2) all UNIT keys and access devices have been turned in where RENT is paid—whichever date occurs first.

TENANT will have *abandoned* the UNIT when all of the following have occurred: (1) all tenants appear to have moved out of the UNIT in LANDLORD's reasonable judgment, and have been absent for at least seven (7) days; (2) clothes, furniture, and personal belongings have been substantially removed in

LANDLORD's reasonable judgment; (3) TENANT has been in default for non-payment of RENT for at least ten (10) days; and

(1) TENANT has not responded for five (5) days to LANDLORD'S notice left on the outside of the main entry door and mailed to

46. **INTENTIONALLY OMITTED.**

TENANT, stating that LANDLORD considers the UNIT abandoned. A UNIT may also be "abandoned" as specified by applicable statute.

If TENANT abandons the UNIT, LANDLORD may take possession of the UNIT and its contents. LANDLORD may dispose of the contents and re-rent the UNIT without obligation to TENANT. TENANT must pay the cost for removal and other associated costs, except as otherwise provided by Oregon law.

If LANDLORD sells the contents, TENANT will be credited with the actual amount received, less the cost of removal and sale. LANDLORD may destroy or otherwise dispose of some or all of the contents if LANDLORD reasonably determines that the value of the contents is so low that the cost of moving, storage and conducting a public sale exceeds the amount that would be realized from the sale.

TENANT must still pay the RENT for the entire term.

44. **TENANT'S DUTIES AT END OF THE LEASE.**

In addition to any other duties which TENANT has under this LEASE, TENANT will:

a) leave the UNIT when the LEASE ends and return all keys and access devices/remotes to LANDLORD;
b) return the UNIT:
1) clean and free of garbage or trash; and
2) in good order and repair, reasonable wear and tear excepted; and
c) comply with all other terms of this LEASE.

45. **SECURITY DEPOSIT TERMS.**

a) Before moving into the UNIT, TENANT must pay the SECURITY DEPOSIT amount listed in **Paragraph 5.**

b) TENANT may not apply or use the SECURITY DEPOSIT for payment of RENT under the LEASE.

c) TENANT agrees that during the TERM or prior to returning the SECURITY DEPOSIT to the TENANT, LANDLORD may decide to use all or part of the SECURITY DEPOSIT:
1) to pay for damages caused by TENANT to the UNIT and/or the PROPERTY; and/or
2) to pay for any unpaid RENT or additional charges owing to LANDLORD.

d) LANDLORD will return the SECURITY DEPOSIT within thirty-one (31) days after surrender or abandonment provided TENANT:
1) gives LANDLORD written notice of TENANT'S new address; and
2) did not damage the PROPERTY; and
3) paid all RENT and additional charges in full; and
4) fully performed all responsibilities under this LEASE.

See **Paragraph 43.**

A copy of the move-out procedures, which detail the cleaning and UNIT standards as well as the potential charges, may be obtained from LANDLORD at TENANT's request. TENANT is responsible for cleaning the UNIT, including all Common Areas, thoroughly and following all of LANDLORD's cleaning instructions prior to move-out. If TENANT does not clean UNIT to LANDLORD's specifications then LANDLORD will charge TENANT a reasonable fee for the cleaning of the UNIT. If UNIT is furnished, TENANT will be responsible for the cost, if any, for relocating the furniture in the UNIT to the appropriate pace in within the UNIT. Common Area damages will be split amongst all tenants in the UNIT. Bedroom damages will be split amongst all tenants that have leases for that specific bedroom.

THE SECURITY DEPOSIT will not be LANDLORD'S limit of damages if TENANT violates this LEASE, and TENANT may be liable for damages in excess of the Security Deposit. Among other items, the cost of labor and materials for cleaning and repairs, in excess of "normal wear" and the amount of delinquent payments of RENT and other charges, and late charges, may be deducted by LANDLORD from the Security Deposit.

47. **LOSS OF LANDLORD'S RIGHTS.**

LANDLORD does not give up rights by accepting RENT or

TENANT Initials: _____

any additional charges, or by delaying or not enforcing any term or condition of this LEASE.

48. NO JURY TRIAL.

LANDLORD and TENANT hereby waive their right to a jury trial in any lawsuit involving this LEASE.

49. WRITTEN CHANGES TO THE LEASE.

All of the promises and understandings between LANDLORD and TENANT are contained in this LEASE. There are no other promises or understandings between the parties. Any changes to this LEASE require writing and signature by LANDLORD and TENANT, or written notice delivered to TENANT 30 days prior to LEASE change effective date. Neither LANDLORD nor any of LANDLORD's representatives have the authority to make any oral promises, representations or agreements. This LEASE is the entire agreement between LANDLORD and TENANT. LANDLORD's representatives have no authority to waive, amend, or terminate this LEASE or any part of it, unless in writing and signed by LANDLORD, and no authority to make promises, representations or agreements that impose security duties or other obligations on LANDLORD or LANDLORD'S representatives shall be binding on LANDLORD unless in writing and signed by LANDLORD.

50. ATTORNMENT.

TENANT hereby agrees that TENANT will recognize as its LANDLORD under this LEASE CORE CAMPUS EUGENE, LLC and shall attorn to any person succeeding to the interest of LANDLORD in respect of the land and the buildings on or in which this UNIT is contained upon any foreclosure of any mortgage upon such land or buildings or upon the execution of any deed in lieu of such foreclosure in respect of such mortgage.

See attached addendum(s) for any additional terms, which are part of this LEASE.

51. SIGNATURES AND ACCEPTANCE OF CONTRACT.

This LEASE and any addenda may be signed in counterpart signatures. The lease APPLICATION is considered a part of the LEASE. If there are any conflicts between this lease and the application then this lease shall control

LANDLORD and TENANT agree to the terms and conditions is this LEASE.

TENANT acknowledges and agrees that TENANT has carefully read and understands this LEASE and that TENANT acknowledges that this LEASE constitutes a binding and enforceable contract between LANDLORD and TENANT.

This entire LEASE is 17 pages in length and includes:

1) Residential Agreement (Pages 1-8)
2) Rules and Regulations (Pages 9-14)
3) Security Acknowledgement and Guidelines (Page 15)
4) Drug-Free Crime-Free Lease Addendum (Page 16-18)
5) Damages and Cost Addendum (Page 19)

TENANT:

_____ _____

TENANT Signature Date

LANDLORD:

CORE CAMPUS EUGENE, LLC

_____ _____

OWNER'S REPRESENTATIVE Date

HUB ON CAMPUS EUGENE – RULES AND REGULATIONS ADDENDUM

The following RULES AND REGULATIONS are a binding part of TENANT'S LEASE. LANDLORD provides these RULES AND REGULATIONS for TENANT'S benefit and the benefit of the other tenants. Please understand that any violation of one of these RULES AND REGULATIONS by TENANT or TENANT'S guest constitutes a violation of this LEASE and LANDLORD may proceed with an eviction action or other legal proceedings provided for under this LEASE and provided by law. Defined terms used herein, which are not otherwise defined herein, shall have the meanings ascribed to them in this LEASE.

TENANT Accountability: The PROPERTY operates in a fun, yet adult atmosphere where most tenants will never find themselves involved with a disciplinary action. The majority of those who do require disciplinary attention will simply need a verbal warning. For those persons whose behavior is such that it requires further attention, any or all of the following may occur: A private meeting with the Property Manager, a written warning (with copies placed in file and sent to guarantors), restriction from areas or events, relocation within the community, fees, eviction or criminal and/or civil prosecution.

Violations of these RULES AND REGULATIONS will result in tenant fees as follows:

FIRST:	A written warning in the form of a first breach of rental agreement will be issued to the TENANT stating the first breach.
SECOND:	A $50 charge will be assessed against the TENANT.
THIRD:	A $50 charge will be assessed against the TENANT plus 5% of the current rent
FOURTH:	Possible Eviction

Fees are never split amongst all TENANTS but may be assessed individually in their full amount to each TENANT of a UNIT in instances where more than one TENANT has been involved in a RULES AND REGULATIONS violation. The fees above may be increased at Manager's discretion and manager may elect to EVICT TENANT for ANY SINGLE VIOLATION OF THE RULES AND REGULATION should manager reasonably believe the infraction was severe enough to warrant such action. ALL VIOLATIONS REGARDING THE THROWING OF ITEMS OFF BALCONIES OR FROM WINDOWS, THE TAMPERING OF LIFE SAFETY EQUIPMENT, or FIGHTING CARRY AN IMMEDIATE FEE AND POSSIBLE EVICTION.

SECURITY CAMERAS

The common areas or certain parts of the common areas of the PROPERTY may be monitored by either recorded or live surveillance devices. Any person or persons engaging in illegal activities, damaging actions, and/or vandalism may be subject to prosecution under Oregon statutes and legal action by LANDLORD. No cameras exist in any restroom or tanning bed room. These common areas are the only areas, besides the UNIT, on the PROPERTY where there is a reasonable expectation of privacy.

WINDOWS, DOORS & WINDOW COVERINGS

Windows and doors shall not be obstructed, and use of foil or other similar materials over windows is prohibited. If LANDLORD provides blinds on windows, TENANT may not remove such blinds. If TENANT installs draperies over the blinds, any damage will be repaired by TENANT or at TENANT'S expense. No article, sign, poster, decoration or thing may be hung or placed on the outside of a UNIT, or displayed on the inside of UNIT so as to be visible from the outside of UNIT. Screens, if provided, must remain permanently in place at all times and should never be removed. Nothing shall be thrown out of the windows.

Damage to property, including but not limited to paint, plaster, walls, appliances, doors, cabinets, carpet, floors or furniture, or damage to any part of the UNIT caused by leaving windows or doors open during inclement weather will be the responsibility of TENANT.

BALCONIES AND PATIOS

Balcony and patio areas (both front and rear) are to be kept clean and orderly. They are not to be used as storage areas and articles must not be hung over railings. No trash may be kept on balconies or patios at any time. Kegs are prohibited on the PROPERTY and within the UNIT, they are not to be permitted on balconies or patios. Additional lights are not permitted on the balconies or patios. Only bona fide patio furniture may be kept on balconies or patios. Only 1/3 of balcony space may be covered by patio furniture. TENANT hereby acknowledges that all gas and charcoal barbecue grills, patio torches, fire pits and chimineas are strictly prohibited on balconies and patios. It is agreed that LANDLORD shall have the right to remove barbecue grills and any other of TENANT'S personal items or to remove and dispose of rubbish left on any outdoor porch or in the yard at TENANT'S sole expense. There will be a fee as notated above for each bag of trash or small debris removed from the balcony and large item that requires removal from the balcony. The TENANT further agrees that they will be responsible for any property damage or bodily injury liabilities and responsibilities arising from any violation of this rule. **LANDLORD reserves the right to remove and discard any items stored in the balcony or patio area that is not permitted. Balcony fees will be assessed to the entire UNIT unless it can be proven that the belongings in violation are the sole responsibility of one or a fraction of the TENANTS occupying said UNIT.**

Throwing objects from balconies, windows, sliding glass window/wall or any other area of the building are strictly prohibited. TENANT understands that in the event that ANY items are thrown from UNIT balcony or windows, TENANT will be subject to an immediate fee and potential eviction and shall be subject to criminal prosecution. Items which may fall from the balcony are not allowed on the balcony and therefore any object which falls from a balcony will be treated the same as any that were thrown. Any investigation of alleged incidents will be reported to TENANTS UNIVERSITY. In the event of abuse of the balcony or violation of this rule, LANDLORD reserves the right to secure the balcony door so that TENANT may not access the balcony.

NO SOLICITATION OR DISTRIBUTION OF MATERIALS

TENANT(S) may not distribute, post or hang any signs or notices in any portion of the PROPERTY, without written approval from LANDLORD.

Solicitation shall not be permitted at the PROPERTY, either by TENANT or others.

SUBLETS AND ASSIGNMENTS

TENANT agrees that UNIT, or any part of UNIT, shall not be assigned, sub-let, or permitted to be used for any purposes not expressly permitted herein, without the advance written consent of LANDLORD. In the event TENANT permits another individual to occupy the leased premises without the written consent of LANDLORD, the unauthorized individual will be required to immediately vacate the UNIT, the locks will be changed, the key fobs will be deactivated, and the TENANT will be subject to a lock rotation service fee.

LOCKS AND KEYS

Locks may not be changed or added by TENANT without prior written permission of LANDLORD. Locks must be left in place upon vacating the UNIT. LANDLORD must have keys to all changed locks. All keys and, if applicable, gate cards, fobs and remotes must be returned to LANDLORD upon termination of occupancy, or LANDLORD may charge actual replacement costs.

If TENANT finds it necessary to have authorized personnel unlock UNIT or Bedroom, a $50.00 service fee will apply, payable at the time service is rendered. LANDLORD will furnish TENANT with one key to the main entry door, one key to the Bedroom (if applicable), and one key to the mailbox. TENANT will be charged $50.00 per lost key (entry door, bedroom door, or mailbox) and $50.00 per gate remote or key fob not returned, or for those requiring replacement during the TERM of TENANT'S occupancy. Each TENANT may only possess one main entry door key; therefore, if the main entry door key is lost and TENANT requires a replacement, locks will be changed and TENANT will be charged $75.00 for the lock rotation. TENANT agrees that such keys are provided solely for TENANT'S own use; duplicates will not be made of such nor will keys be loaned to any person. LANDLORD reserves the right to suspend this service at any time.

TRASH AND TRASH CHUTE

TENANT must dispose of all trash in the proper bins in various collection areas on the PROPERTY. If property is equipped with a Trash Chute or Dumpster available to TENANT, then TENANT must use the Trash Chute or Dumpster to dispose of all waste. **TENANT may NOT leave trash around the outside of TENANT'S UNIT or on the PROPERTY for ANY LENGTH OF TIME.** LANDLORD will impose a fee as notated above for violation of this policy as well as for any littering by TENANT or TENANT'S guests. TENANT agrees to bag all trash entering the garbage chute in accordance with applicable garbage and recycling principles followed in the building. Any combustible, smoldering, or explosive material is strictly prohibited from entering the trash chute. TENANT agrees not to dispose of large items or dispose of loose cardboard boxes in the chute. TENANT shall be liable for any damages caused by violation of this rule.

TENANT Initials: _____

NO SMOKING

Smoking is strictly prohibited on the premises including in the UNIT, all amenity areas, and common areas (including the amenity and pool deck). Any TENANT found in violation of this policy will be immediately feed by management and risks fees imposed by city ordinances. Violations of this policy will result in fees as follows:

FIRST:	A written warning in the form of a first breach of rental agreement will be issued to the TENANT stating the first breach.
SECOND:	A $50 charge will be assessed against the TENANT.
THIRD:	A $50 charge will be assessed against the TENANT plus 5% of the current rent
FOURTH:	Possible Eviction

UTILITIES

TENANT must keep all utilities to the UNIT active; TENANT cannot turn off TENANT'S utilities if TENANT leaves, even for vacation. Unless LANDLORD instructs TENANT otherwise, TENANT must, for 24-hours a day during freezing weather, (a) keep UNIT heated to at least 50 degrees F., (b) keep cabinet and closet doors open; and (c) drip hot and cold water faucets. For any day with weather exceeding 100 degrees, TENANT must keep UNIT cooled to a temperature no higher than 85 degrees. TENANT is liable for damage to both LANDLORD'S and TENANT'S property and the property of others if the damage is the result of the utilities being turned off or because of broken water pipes due to TENANT'S violation of these requirements. All light bulbs must be operational at the time TENANT vacates the UNIT. Colored bulbs are not allowed in any exterior light fixtures.

PETS

Pets are not allowed in UNIT in any instance besides the use of a service or companion animal as notated in Section 24. In the case that TENANT or TENANT'S guests utilize a service animal, management should be made aware of the specifications of the animal.

STAFF COMPLIANCE

TENANTS are required to comply with directives from staff, security personnel, and police and/or fire personnel at all times. Failure to comply with staff, security personnel, police and/or fire personnel will be considered a material breach of the lease and in addition to any other remedy allowed in this LEASE or by law, shall subject TENANT to an immediate fee of up to $1,000 and/or eviction.

ALCOHOL, DRUGS, STOLEN PROPERTY

The decision to drink alcohol, and how much to drink is a personal one. Alcohol related conduct, which infringes on the rights of others to a quiet, orderly living environment is not acceptable under any circumstances

Consumption of alcohol must be in compliance with all federal, state, and local laws. No alcohol containers, which are larger than one gallon, are permitted on the PROPERTY. Kegs are prohibited on the PROPERTY and within the UNIT and on balconies. **Glass containers of any type or any other container containing alcohol are not permitted in common areas of the PROPERTY. Open containers of any kind containing liquid are not permitted in the hallways, lobby, or parking garage.**

LANDLORD or its agents may make periodic inspections of TENANT'S UNIT in order to ascertain any physical problems and also to ensure that LANDLORD'S property is being cared for properly. If during the course of an inspection, stolen property (I.E., unauthorized property, highway signs, etc.) or contraband is found, it will be removed by personnel immediately and TENANTS of UNIT may be subject to civil action.

It is illegal to use or possess illegal drugs or other controlled substances in both public and private spaces. TENANT(S) using, possessing or selling illegal drugs will be subject to disciplinary and/or criminal action, fees and possible eviction per these RULES AND REGULATIONS. No warning notice will be given and fees and/or eviction may be assessed at the LANDLORD'S discretion.

TENANT, on behalf of TENANT and TENANT'S guests and invitees, agrees to use and occupy the UNIT in strict accordance with all applicable laws, regulations and ordinances, including without limitation those of the State of Oregon, the City of Eugene, and TENANTS UNIVERSITY, including the Student Code of Conduct. This shall specifically apply, without limitation, to all laws, regulations and ordinances relating to the possession and consumption of alcohol and drugs. A breach of this paragraph shall be a material breach of this lease. Failure to comply with the provisions of this paragraph shall be deemed a material breach of this LEASE, and in addition to any other remedy allowed in LEASE or at law, shall subject the TENANT to an fees and/or eviction. The Property Manager has full discretion regarding disciplinary action depending on the severity of the incident.

PLUMBING AND GARBAGE DISPOSAL

Lavatories, sinks, toilets, and all water and plumbing apparatus shall be used only for the purpose for which they are constructed. Sweepings, rubbish, rag, or other foreign substances shall not be thrown in such plumbing apparatus. The cost of repairs/replacement resulting from any damage to such apparatus and the cost of cleaning or repairing plumbing resulting from misuse shall be borne by TENANT.

TENANT agrees to not place hard objects, such as bottle caps, tab tops, pits of fruit, etc. in the garbage disposal in order to avoid a jam. Fibrous materials such as cigarettes, paper, banana skins, etc. will plug the disposal. In the event LANDLORD is called to fix a disposal and such materials are found therein, LANDLORD reserves the right to charge TENANT for the expense occurred.

FURNITURE

If UNIT is furnished by LANDLORD, TENANT may not remove any furniture, equipment or appliances from UNIT.

CONDITION OF THE UNIT AND ALTERATIONS

TENANT accepts UNIT, fixtures, and furniture as is. LANDLORD disclaims all express and implied warranties. TENANT will be given a Move-In Condition Form at the time of move-in. Within 48 hours after move-in, TENANT must sign and note on the form all defects or damage and return it to LANDLORD. Otherwise, everything will be considered to be in a clean, safe, and good working condition.

When TENANT moves in, LANDLORD will supply light bulbs for fixtures LANDLORD furnishes, including exterior fixtures operated from inside UNIT; after 30 days, TENANT will replace them at TENANT'S expense with bulbs of the same type and wattage. All light bulbs must be operational at the time TENANT vacates the UNIT. Colored bulbs are not allowed in any exterior light fixtures. FOR LIGHT FIXTURES WITH HALOGEN BULBS, TENANT MUST HAVE LANDLORD CHANGE BULB. BULB MAY BE PURCHASED BY TENANT AND LANDLORD WILL NOT CHARGE LABOR COSTS TO INSTALL THE BULB.

TENANT must use customary diligence in maintaining UNIT and not damaging or littering the common areas. Unless authorized by statute or by us in writing TENANT must not conduct any repairs, paint, install wallpaper, install carpeting, perform electrical changes, or otherwise alter LANDLORD'S property. No holes or stickers are allowed inside or outside UNIT. No water furniture, refrigeration, washing machines, extra phone or TV-cable outlets, alarm systems, or lock changes, additions, or rekeying is permitted unless allowed by statute or LANDLORD has consented in writing. TENANT agrees not to alter, damage, or remove LANDLORD'S property, including alarm systems, detection devices, furniture, telephone and cable TV wiring, screens, locks, and security devices.

No painting is allowed in UNIT. TENANT should not cover more than 25% of each wall with papers, posters, fabric, etc. In addition, no holes of any kind are permitted on any room or interior door. All window coverings must be approved by LANDLORD. Any and all repairs needed within TENANT'S room and UNIT and other areas must be performed only by authorized maintenance personnel. TENANT(S) will be charged for the repair of any damage for which TENANT or TENANT'S guests are responsible.

TENANT may not install any wiring within UNIT. Absolutely no holes may be drilled within UNIT by TENANT - including without limitation outside or inside walls, roof, windows, or balcony railings. TENANT may not store anything in closets where gas appliances, or heating and cooling equipment is installed.

Welcome mats, rugs or carpet remnants are not permitted in hallways.

TENANT'S improvements to UNIT (whether or not LANDLORD consents) become LANDLORD'S unless LANDLORD agrees otherwise in writing. LANDLORD shall have the right to immediately dispose of all TENANT'S belongings that remain in the UNIT after the termination of the lease term. The LANLDORD shall have no obligation to notify the TENANT regarding the disposal of personal belongings left in the UNIT after the lease termination.

TENANT is responsible for carpet cleaning at the end of the LEASE. Carpets must be cleaned by a professional cleaning company and a receipt must be delivered to LANDLORD on or prior to move-out.

MAIL

The mailbox is to be used jointly by all the tenants assigned to TENANT'S UNIT. Packages may be received at the office. However, **LANDLORD takes no responsibility for lost, damaged or stolen property left with the office.** If TENANT decides to have packages dropped at the office, TENANT is doing so at TENANT'S own risk. LANDLORD encourages all tenants to obtain the appropriate insurance when having packages delivered. Packages which are not claimed within 30 days will not be held. LANDLORD reserves the right, at any time, to discontinue its acceptance of packages and reserves the right, on a case by case basis, to refuse to accept certain packages if LANDLORD is not comfortable accepting a particular package.

GUESTS / DELIVERIES

TENANT'S guests must abide by these RULES AND REGULATIONS. As host, TENANT is held accountable and is responsible for the conduct of TENANT'S guests at all times. LANDLORD reserves the right to exclude guests or others who, in LANDLORD'S sole judgment, have been violating the law, violating the LEASE or any rules or policies of the PROPERTY, or disturbing other tenants, neighbors, visitors or LANDLORD'S representatives. LANDLORD may also exclude from any patio/balcony or anywhere on the PROPERTY a person who refuses to or cannot identify himself or herself as TENANT or TENANT'S guest.

LANDLORD reserves the right to deny any guest access to the PROPERTY for any reason including non-payment of rent by TENANT.

TENANT must notify LANDLORD in writing of any expected guest(s), delivery service, maid service, etc. No key will be given to any guest, delivery service, maid service, and etc. without prior written permission from TENANT.

LANDLORD acknowledges the right of TENANT to entertain guests, but requires that no more than ten (10) persons are allowed in UNIT at one time and that order and tranquility prevail at all times. Any guest staying overnight for more than 2 consecutive 24-hour periods must receive written approval from LANDLORD. TENANT will be charged applicable fees and will be subject to disciplinary/legal action, up to and including eviction for all violations of this rule. TENANT will also be responsible to pay all fees as a result of guest behavior that violates rules, regulations, and policies of this LEASE.

Guests become the responsibility of TENANT once they enter the building.

TENANT will be responsible for the cost of repairs for any and all damages caused by an excess number of people within the UNIT. TENANT is responsible for the actions of TENANT'S guests at all times while guests are on the PROPERTY or in any UNIT. LANDLORD may exclude guests or others who, in LANDLORD'S judgment, have been violating the law, violating this LEASE or any property rules, or disturbing other tenants, neighbors, visitors, or LANDLORD'S representatives. LANDLORD may also exclude from any patio/balcony or anywhere on the PROPERTY a person who refuses to or cannot identify himself or herself as TENANT or TENANT'S guest. TENANT'S failure to comply with LANDLORD'S request of exclusion of a guest will result in eviction of TENANT. ALL TENANTS AND TENANT'S GUESTS OF PROPERTY MUST CARRY A GOVERNMENT ISSUED PHOTO IDENTIFICATION CARD AT ALL TIMES.

NOISE

TENANT, members of TENANT'S family, and guests shall at all times maintain order in UNIT and at all places on the PROPERTY, and shall not make or permit any loud, improper, objectionable, disturbing or boisterous conduct or noise or otherwise disturb the comfort or interrupt the sleep of other tenants.

Musical instruments, radios, stereos, television sets, amplifiers and other instruments or devices may not be used in such a manner as may constitute a nuisance or disturb other tenants. LANDLORD reserves the right at any time to assess a fee to the TENANT, contact guarantors, or declare TENANT in violation of the LEASE due to excessive noise and disturbances. LANDLORD and/or its agents on duty are the sole judge(s) of excessive volume levels, and reserve the right to enforce these rules.

Any general noise disturbances, i.e. noise from music, parties, machinery, etc., should be reported to LANDLORD or LANDLORD'S representative immediately. TENANT waives all rights to privacy when noise coming from UNIT is so loud that TENANT is unable to hear LANDLORD knock

TENANT will be found in violation of this LEASE and will be subject to fees and other disciplinary action if LANDLORD receives notice from the Police Department that noise levels were excessive.

For the protection of community and all tenants, if TENANT does not answer the door for police, security, and/or HUB ON CAMPUS EUGENE staff, TENANT will be subject to a fee and will be considered in default of the LEASE.

COMMON AREAS

TENANT recognizes that the common area facilities which may include such items as a Fitness Center, Sauna, Volleyball Court, BBQ Area, Swimming Pool, Parking Garage, Commercial Spaces, Television Room, Hot Tubs, Theater Room, Game Room, Study Lounge, Business Center or other similar facilities (hereinafter said Common Area Facilities are collectively referred to as "FACILITIES") have been made available by LANDLORD to TENANT.

Policies for FACILITIES are posted in a conspicuous location and MUST be observed at all times. Anyone who violates these policies risks losing the privilege of using these FACILITIES and/or eviction.

Only TENANT and invited guests accompanied by TENANT may use the FACILITIES provided by LANDLORD. FACILITIES may be used by such persons only in strict compliance with posted FACILITY policies and procedures. From time to time supplemental rules and regulations may be adopted by LANDLORD with respect to each FACILITY and will either be posted in appropriate areas or furnished in writing to tenants.

Neither TENANT nor TENANT'S guests may use the FACILITIES, parking lots or grounds in such a manner that interferes with the enjoyment of other tenants.

The driveways, sidewalks, courts, entry passages, stairs and halls shall not be obstructed or used for any purpose other than ingress and egress. Bicycles and other like vehicles shall not be allowed to obstruct the driveways, sidewalks, courts, entry passages, stairs or halls.

Use of common areas within the PROPERTY shall be governed by these RULES AND REGULATIONS and any Policies posted in the FACILITIES and shall be used at the risk of TENANT and TENANT'S family and guests. No guest shall be permitted within the FACILITIES unless TENANT is also present. **To extent allowable by Oregon law, TENANT indemnifies LANDLORD and holds LANDLORD harmless against all claims for personal injury sustained by TENANT and TENANT'S family and/or guests in their use and enjoyment of the FACILITIES.** Glass containers pose a serious risk of injury and are prohibited anywhere in the Common Areas on the PROPERTY.

In order to use FACILITIES, TENANT agrees that:

a. TENANT shall not permit any guests to use FACILITIES without TENANT present;
b. TENANT shall use FACILITIES in a prudent manner, consistent with the customary use of the FACILITIES;
c. TENANT shall not use FACILITIES in a manner which is offensive or dangerous to TENANT or any users of FACILITIES;
d. TENANT will follow policies as established by LANDLORD in connection with the operation of FACILITIES;
e. LANDLORD shall have the right to discontinue providing any or all FACILITIES at any time and for any reason;
f. LANDLORD does not provide attendants or supervision of any kind for FACILITIES;
g. LANDLORD has made no representation (i) that LANDLORD'S representatives have any expertise in

the operation of FACILITIES, (ii) that FACILITIES are fit for any particular purpose or (iii) as to the physical condition and operation of FACILITIES; and

h. USE OF FACILITIES BY TENANT SHALL BE WHOLLY AT TENANT'S OWN RISK.

LANDLORD reserves the right to prohibit use of FACILITIES to any individual that LANDLORD, in its sole judgment, believes has failed to comply with any of the provisions of this Section.

Unauthorized PETS are not allowed within the FACILITIES or UNIT at any time for any reason.

In connection with TENANT'S use of FACILITIES, TENANT is responsible for payment for damages or costs to LANDLORD from any claim based upon the acts of TENANT or OCCUPANT or TENANT'S guests (which are prohibited from using FACILITIES); and

TENANT may not access any property facilities, common areas, or commercial spaces during unauthorized hours or times.

OUTDOOR DECK USE

TENANTS and TENANT"S GUESTS are required to wear LANDLORD-issued wristbands on the outdoor deck at all times. TENANTS will be provided with a wristband at the time of move-in and guest wristbands can be obtained during normal business hours from the front desk. Individuals without a wristband will be required to leave the outdoor deck and will be subject to disciplinary action in accordance with paragraph 3 of the rules and regulations.

Smoking and glass are strictly prohibited on the outdoor deck. Individuals caught smoking or possessing glass will be subject to an immediate fee and will be required to leave the outdoor deck. Repeat violations will result in additional fees, revocation of amenity privileges, and/or eviction.

All food or beverage containers must be stored in a cooler at all times on the outdoor deck. No glass is allowed on the deck. Beverage containers in excess of 24oz are not allowed on the deck. If asked by Landlord, Tenant will remove all food and beverage from the deck for any reason. Styrofoam cups and plates are prohibited on the outdoor deck at all times.

HAZARDOUS MATERIALS

TENANT will not store or bring any hazardous materials on the PROPERTY or use the PROPERTY for any hazardous purposes.

FIRE SAFETY

Immediately call 911 in the event of a fire emergency.

LANDLORD shall furnish smoke detectors in good working order, when TENANT first takes possession. TENANT must immediately report smoke detector malfunctions to LANDLORD. The intentional sounding of any smoke alarm is prohibited. Neither TENANT nor others may disable smoke detectors. <u>If TENANT disconnects or intentionally damages the smoke detector or does not replace batteries as needed, TENANT may be liable to LANDLORD for necessary damages.</u> If TENANT disables or damages the smoke detector or fails to report malfunctions to LANDLORD, TENANT will be liable to LANDLORD and others for any loss, damage, or fees from fire, smoke, or water to the fullest extent of Oregon law. Additionally, TENANT shall pay a $250 fee for any instance in which TENANT or his or her guest's removes or tampers with a properly functioning smoke alarm. TENANT is responsible for the cost of battery replacement for the smoke detectors.

TENANT agrees:

a. to notify LANDLORD immediately in writing if TENANT perceives there to be any problem, defect, malfunction or failure with the smoke detectors in UNIT;
b. not to remove, modify, damage or service the smoke detector(s) other than replacing batteries when needed.
c. that LANDLORD is not the operator, manufacturer, distributor, retailer or supplier of the smoke detector(s);
d. that TENANT assumes full and complete responsibility for all risk and hazards attributable to, connected with or in any way related to the operation, malfunction or failure of the smoke detector(s). This responsibility will exist even if such malfunction or failure is attributable to, connected with, or in any way related to the use, operation, manufacture, distribution, repair, servicing or installation of the smoke detector(s); and
e. that LANDLORD is not responsible for false alarms or malfunctions of the smoke detector(s) or any resulting inconvenience, expense, or consequences.

If TENANT'S UNIT contains an overhead sprinkler system, TENANT must take care not to unintentionally trigger the overhead sprinkler system in TENANT'S UNIT. TENANT may NOT hang items from the overhead sprinklers. A simple depression of the sprinkler head will result in a total draining of water from the system. LANDLORD will not be responsible for any damage that occurs as a result of such situations.

Space heaters and other similar appliances are prohibited. Appliances or items that use excessive amounts of electricity and/or create excessive heat are prohibited.

Candles or any other burning devices (including incense, stemo, kerosene, or oil lamps) are not permitted within UNIT or any area of the PROPERTY. Neither LANDLORD nor Management Company will be responsible for any damage resulting from the use of such items.

VEHICLES/PARKING

TENANTS and/or guests are not permitted to park in garaged or off-site parking spaces unless assigned by LANDLORD and TENANT has an executed Parking Agreement. No residential on-street parking permits will be granted for TENANTS of the PROPERTY.

Improperly parked vehicles will be towed at the vehicle owner's expense and sole risk.

If LANDLORD provides TENANT with a vehicle identification sticker (decal), it must be displayed in the front windshield (above the registration and inspection stickers) of TENANT'S vehicle at all times (if applicable). TENANT must return TENANT'S vehicle identification sticker when TENANT moves out.

TENANT may not repair any gasoline or gas-fueled vehicle, motorcycle, boat, moped, or other similar vehicle in any area of the PROPERTY.

Vehicles in use on the PROPERTY may not exceed a speed of 5 miles per hour.

If LANDLORD designates certain parking areas within the PROPERTY as TENANT Only Parking or Guest Only Parking, TENANT acknowledges that TENANT and/or TENANT'S Guests who violate these designations may be towed at the expense and sole risk of the vehicle owner.

The washing of cars or other vehicles on the PROPERTY is prohibited. If there is a designated car wash area, TENANT may wash TENANT'S vehicle in this area only. The repairing or performing of other mechanical or maintenance work on TENANT'S vehicle within the PROPERTY is prohibited at all times.

Trailers, campers, mobile homes, recreational vehicles, commercial vehicles (commercial trucks or equipment or vehicles that carry or are mounted with equipment used in a profession or employment, including taxis), trucks (other than a standard size or smaller pick-up truck or van), inoperable vehicles of any kind, boats, or similar equipment or vehicles, cannot remain in any area of the PROPERTY except for the temporary purpose of loading or unloading of passengers or personal property unless TENANT has a written agreement with LANDLORD. Vehicles parked in violation of this provision are subject to towing at the vehicle owner's expense.

Prohibited vehicles include: those having a flat tire or other condition rendering it inoperable; those having an expired license or inspection sticker; those taking up more than one parking space; those belonging to a person who does not have a current parking contract or former tenant who has has been evicted; those parked in a designated handicap space without the required handicap insignia; those blocking another vehicle from exiting or entering; those parked in a fire lane or designated "no parking" area; or those parked in a space designated to or assigned to other tenant(s).

TENANT(S) should call the designated towing company or management office to report a parking violation. The management office may notify the towing company, who will tow the vehicle, if any of the following situations exist:

a. The unauthorized vehicle is parked in such a manner as to obstruct a fire lane;
b. The unauthorized vehicle is obstructing an entrance, exit, space or aisle of the parking facility;
c. The unauthorized vehicle is parked in a space that has been reserved by another vehicle owner; or
d. The unauthorized vehicle is parked in any space for which they do not have the required permit or authorization.

TENANT agrees that if Parking Agreement is executed, TENANT must park inside designated gate(s).

PROPERTY GATES

TENANT agrees as follows:

a. LANDLORD has furnished gate(s) on the PROPERTY for the sole purpose of restricting access to the PROPERTY, not for TENANT'S safety.
b. The installation or use of the gate(s) shall not in any way prevent LANDLORD at any time, from permanently removing the gate(s) and removal thereof shall not be a breach of any expressed or implied warranty, covenant, or obligation under the LEASE; and
c. TENANT understands how to use the gate(s) and shall not act in any way to impair the use or function of the gate(s).
d. TENANT shall comply with the approved guidelines of the gate(s) in that one vehicle at a time is permitted through the gate(s). Following another vehicle too closely through the gate could result in damage to TENANT'S vehicle and is not allowed.
e. Entering through an exit gate is prohibited and could cause severe tire damage.

EXPRESS WAIVER OF WARRANTY:

a. TENANT is advised that the gate(s) are mechanical devices and can be rendered inoperative at any time. LANDLORD shall not be liable for a temporary failure of the gate(s).
b. TENANT agrees that LANDLORD'S installation or use of the gate(s) does not constitute a voluntary understanding or agreement by LANDLORD to provide security to TENANT, TENANT'S family, guests, or other occupants of UNIT.
c. Unless due to LANDLORD'S own willful misconduct or negligence LANDLORD is not and shall not become liable to TENANT, TENANT'S family, guests or other occupants for any injury, damage or loss whatsoever which is caused as a result of any problem, defect, malfunction or failure of the performance of the gate(s). TENANT further agrees that LANDLORD is not liable for injury, damage, or loss of any person or property caused by any other person, including, but not limited to, theft, burglary, trespass, assault, vandalism or any other crime. Neither LANDLORD nor LANDLORD'S agents, contractors, employees, or representatives shall be liable in any way for any disruption in the operation of the gate(s) and TENANT agrees on behalf of themselves, TENANT'S family, guests and the other occupants, that TENANT shall never make demand upon, look to, institute, or prosecute suit against LANDLORD, or any of LANDLORD'S agents, contractors, employees or representatives, that are incidental to the installation, operation, repair or replacement or use of the gate(s). This is an express covenant not to sue and TENANT releases LANDLORD, LANDLORD'S agents, contractors, employees, and representatives, their heirs, and successors from any and all liability connected with the gate(s).
d. TENANT'S safety is the responsibility of the local law enforcement agency. In the event that TENANT is in need of police protection of any kind TENANT will contact the local law enforcement agency. TENANT acknowledges and agrees not to contact LANDLORD for TENANT'S security needs as this could only delay the response time of the local law enforcement agency.

WEAPONS

Possession of any weapon or ammunition is prohibited. This includes but is not limited to guns, swords and knives with the blade over five and a half inches. Possession of facsimile weapons is also prohibited. This includes but is not limited to pellet guns, air soft pistols and B.B. guns. Serious injury has occurred in situations where facsimile weapons have been mistaken for actual weapons.

HARASSMENT

Harassment involves behavior towards another person that is unwanted. This can include, but is not limited to, unwanted comments, unwanted touching, derogatory language or bullying. Any of these behaviors will lead to disciplinary action.

PHOTOGRAPHS

TENANT hereby gives LANDLORD permission to take photographs during LANDLORD hosted functions or activities which may then be used for the community newsletter, bulletin board, website, or other publications for marketing purposes. TENANT gives your permission to LANDLORD to use any photograph or photographic image including video or video stills taken of you while you are in any public spaces, grounds, offices at the PROPERTY or any Community sponsored events in the Community or otherwise. You understand that your photograph or photographic image will be used for nothing other than legitimate business purposes. You hereby grant HUB ON CAMPUS EUGENE and Core Campus Eugene, LLC and assigns, those acting with its authority and permission, the irrevocable and unrestricted right and permission to copyright, in its own name or otherwise, and use, re-use, publish, and re-publish photographic or video portraits or pictures of you or in which you may be included, in whole or in part, or composite or distorted in character or form, without restriction as to changes or alterations, in conjunction with your own or a fictitious name, or reproductions thereof in color or otherwise, made through any medium, and in any and all media now or hereafter known for illustration, promotion, art, editorial, advertising, trade, or any other legal purpose whatsoever. You also consent to the use of any printed matter in conjunction therewith. You hereby waive any right that you may have to inspect or approve the finished product and the advertising copy or other matter that may be used in connection therewith or the use to which it may be applied. You hereby release, discharge, and agree to hold harmless HUB ON CAMPUS EUGENE and Core Campus Eugene, LLC and assigns, and all persons acting under its permission or authority from any liability by virtue of any blurring, distortion, alteration, optical illusion, or use in composite form, whether intentional or otherwise, that may occur or be produced in taking said picture or in any subsequent processing thereof, as well as any publication forever discharge The HUB ON CAMPUS EUGENE and Core Campus Eugene, LLC, its officers, employees, attorneys, representatives, insurers and assigns from any and all demands, cause of action and/or judgments of whatsoever nature of character, past or future, known or unknown, whether in contract or in tort, whether for personal injuries, property damage, payments, fees, expenses, accounts receivable, credit, refunds, or any other monies due or to become due, or damages of any kind or nature, and whether arising from common law or statute, arising out of, in any way, the use of your photograph or photographic image. This release contains the entire agreement on this subject matter between the parties and will be binding upon and inure to the benefit of the successors and assigns of the undersigned.

VANDALISM

Vandalism of UNIT and/or PROPERTY (with reference to both the room, unit, and all common areas) will not be tolerated and will result in a fee in addition to the costs of repair to the vandalized property being passed on to TENANT.

USE OF UNIT

TENANT shall use UNIT for residential purposes only. TENANT shall not use UNIT or any part of the PROPERTY for any commercial business or purpose. TENANT shall use and occupy UNIT and PROPERTY in compliance with all applicable local, state, and federal laws and any rules and regulations of any governmental board having jurisdiction.

SERVICE REQUESTS

LANDLORD offers 24-hour response to emergency service requests. The following issues will be considered maintenance emergencies: broken water lines, no heat when the outside temperature is below 55 degrees F, no a/c when the outside temperature is above 85 degrees F, no electricity (TENANT(S) will be charged if LANDLORD responds and finds that the electric service was disconnected by the utility company for non-payment), refrigerator/freezer not cooling, and no hot water. For after-hours emergencies, call our 24-hour on-call phone line and explain the situation. The attendant will be instructed to contact the proper service personnel. For non-emergency service requests, please call during regular management office hours. **TENANT must first Call 911 in case of fire and other life-threatening situations.**

MODIFICATION OF RULES AND REGULATIONS

TENANT and TENANT'S guests will be required to comply with all of the requirements set forth in these RULES AND REGULATIONS. LANDLORD has the right to change these RULES AND REGULATIONS from time to time, as LANDLORD deems necessary. Any changes to these RULES AND REGULATIONS will be effective and will become part of the LEASE once they have been delivered to TENANT or posted in a public area of the PROPERTY used for such purposes. TENANT is responsible for TENANT'S guest's compliance with all of these RULES AND REGULATIONS. Neither Management nor LANDLORD will be responsible to TENANT if LANDLORD fails to cause compliance by any person with these RULES AND REGULATIONS.

TENANT:

_____ _____

TENANT Signature Date

TENANT ACKNOWLEDGEMENT OF SECURITY POLICY

a) TENANT AND GUARANTORS acknowledge that neither LANDLORD, the management company, nor the agent for LANDLORD:
   1. has made any representations, written or oral, concerning the safety of PROPERTY or the effectiveness of any security/monitoring devices or measures, if any; and
   2. warrants or guarantees the safety or security of TENANT(S), or TENANT'S guests or invitees against the criminal or wrongful acts of third parties.

b) TENANT AND GUARANTORS acknowledge that:
   1. each TENANT, guest or invitee is responsible for protecting his or her person and property;
   2. the intercoms, building access systems and/or video camera systems, if any, are for convenience only and are not intended to be security systems. LANDLORD does not assure that intercoms, building access systems and/or video camera systems will continue to operate. If operation is interrupted for any reason, LANDLORD may either make repairs or abandon the intercom system, building access systems and/or video camera system;
   3. security/monitoring devices or measures, if any, may fail or be thwarted by criminals or by electrical or mechanical malfunction and that TENANT should not rely on such devices or measures and should protect themselves and their property as if these devices or measures did not exist.

SECURITY GUIDELINES

a) We recommend that you abide by the following guidelines and use common sense in practicing safe conduct. Inform all other OCCUPANTS in your UNIT, including any children you may have, about these guidelines.

b) PERSONAL SECURITY—WHILE INSIDE YOUR UNIT
   1. Lock your doors and windows—even while you're inside.
   2. Engage the keyless deadbolts or door latches on all doors while you're inside.
   3. When answering the door, see who is there by looking through a window or peephole. If you don't know the person, first talk with him or her without opening the door. Don't open the door if you have any doubts.
   4. If children (who are old enough to take care of themselves) are left alone in your UNIT, tell them to use the keyless deadbolt and refuse to let anyone inside while you are gone—regardless of whether the person is a stranger or an apartment maintenance or management employee.
   5. Do not put your name, address, or phone number on your key ring.
   6. If you are concerned because you have lost your key or because someone you distrust has a key, ask LANDLORD to re-key the locks. You have a statutory right to have that done, as long as you pay for the re-keying.
   7. Dial 911 for emergencies. If the 911 number does not operate in your area, keep phone numbers handy for the police, fire, and emergency medical services If an emergency arises, call the appropriate governmental authorities first, then call LANDLORD.
   8. Check your smoke detector monthly to make sure it is working properly and the batteries are still okay.
   9. Check your door lock, window latches, and other security devices regularly to be sure they are working properly.
   10. If your doors or windows are unsecure due to break-ins or malfunctioning locks or latches, stay with friends or neighbors until the problem is fixed.
   11. Immediately report to LANDLORD – in writing, dated, and signed – any needed repairs of locks, latches, doors, windows, smoke detectors, and alarm systems.
   12. Immediately report to LANDLORD – in writing, dated, and signed – any malfunction of other safety devices outside your UNIT, such as broken gate locks, burned-out lights in stairwells and parking lots, blocked passages, broken railings, etc.
   13. Close curtains, blinds, and window shades at night.
   14. Mark or engrave your driver's license number or other identification on valuable personal property.

c) PERSONAL SECURITY – WHILE OUTSIDE YOUR UNIT
   1. Lock your doors while you're gone. Lock any door handle lock, keyed deadbolt lock, sliding door pin lock, sliding door handle latch, and sliding door security bar that you have.
   2. Leave a radio or TV playing softly while you're gone.
   3. Close and latch your windows while you're gone, particularly when you're on vacation.
   4. Tell your roommate or spouse where you're going and when you'll be back.
   5. Don't walk alone at night. Don't allow your family to do so.
   6. Don't hide a key under the doormat or a nearby flowerpot. These are the first places a burglar will look.
   7. Don't give entry keys, codes or electronic gate cards to anyone.
   8. Use lamp timers when you go out in the evening or go away on vacation. They can be purchased at most hardware stores.
   9. Let the LANDLORD and your friends know if you'll be gone for an extended time. Ask your neighbors to watch your UNIT since the LANDLORD cannot assume that responsibility.
   10. While on vacation, temporarily stop your newspaper and mail delivery, or have your mail and newspaper picked up daily by a friend.
   11. Carry your door key in your hand, whether it is daylight or dark, when walking to your entry door. You are more vulnerable when looking for your keys at the door.

d) PERSONAL SECURITY—WHILE USING YOUR CAR
   1. Lock your car doors while driving. Lock your car doors and roll up the windows when leaving your car parked.
   2. Don't leave exposed items in your car, such as CDs, mp3 players, wrapped packages, briefcases, or purses.
   3. Don't leave your keys in the car.
   4. Carry your key ring in your hand whenever you are walking to your car.
   5. Always park in a well-lighted area. If possible, try to park your car in an off-street parking area rather than on the street.
   6. Check the backseat before getting into your car.
   7. Be careful when stopping at gas stations or automatic-teller machines at night – or anytime when you suspect danger.

No security system is failsafe. Even the best system can't prevent crime. Always act as if security systems don't exist since they are subject to malfunction, tampering and human error. We disclaim any express or implied warranties of security. The best safety measures are the ones you perform as a matter of common sense and habit.

TENANT:

LANDLORD:
CORE CAMPUS EUGENE, LLC

TENANT Signature	Date	OWNER'S REPRESENTATIVE	Date

LEASE ADDENDUM
FOR
A DRUG-FREE CRIME-FREE HOUSING

In consideration of the execution or renewal of a LEASE of the UNIT identified in the LEASE, LANDLORD and TENANT agree as follows:

1. TENANT, any member of the TENANT's household or a guest or other person under the TENANT's control shall not engage in criminal activity, including drug-related criminal activity, on or near the said premises. "Drug-related criminal activity" means the illegal manufacture, sale, distribution, use, or possession with intent to manufacture, sell, distribute, or use of a controlled substance (as defeed in Section 102 or the Controlled Substance Act [21 U.S.C. 802]).

2. TENANT, any member of the TENANT's household, or a guest or other person under the TENANT's control **shall not engage in any act intended to facilitate criminal activity,** including drug-related criminal activity, on or near the PROPERTY.

3. TENANT or members of the TENANT's household **will not permit the UNIT to be used for, or to facilitate, criminal activity,** including drug-related criminal activity, regardless of whether the individual engaging in such activity is a member of the household or guest.

4. TENANT or members of the TENANT's household or guest, or another person under the TENANT's control shall not engage in the manufacture, sale, or distribution of illegal drugs at any location, whether **on or near the UNIT,** PROPERTY, or otherwise.

5. TENANT, any member of the TENANT's household, or a guest or another person under the TENANT's control shall not engage in any illegal activity, criminal street gang activity, threatening or intimidating, assault, including but not limited to the unlawful discharge of firearms, on or near the UNIT, or any breach of the LEASE that otherwise jeopardizes the health, safety, and welfare of the landlord, his agent, or other TENANT or involving imminent serious property damage.

6. **VIOLATION OF THE ABOVE PROVISIONS SHALL BE A MATERIAL AND IRREPARABLE VIOLATION OF THE LEASE AND GOOD CAUSE FOR IMMEDIATE TERMINATION OF TENANCY.** A **single** violation of any provisions of the addendum shall be deemed a serious violation, and a material and irreparable non-compliance. It is understood that a **single** violation shall be good cause for **termination of the LEASE in accordance with Oregon law.** Unless otherwise prohibited by law, proof of violation **shall not require criminal conviction,** but shall be by a preponderance of the evidence.

7. In case of conflict between the provisions of this addendum and any other provisions of the LEASE, the provisions of the addendum shall govern.

8. This **LEASE ADDENDUM** is incorporated into the LEASE executed or renewed this day between LANDLORD and TENANT.

_____ **Date:**_____
TENANT Signature

_____ **Date:**_____
OWNER'S REPRESENTATIVE

HOW TO REPORT SUSPISCIOUS OR CRIMINAL ACTIVITY

1. Dispatch a Beat Officer to your location.
2. Connect you with an Officer working the front desk.
3. Arrange to have an Officer call you back.
4. Send your information to the appropriate Division for further follow-up.

While you may provide information anonymously, it is more helpful if the Call-Taker has your name and phone number for re-contact. Further questions may arise during a follow-up investigation, and a successful outcome may hinge on whether you can be contacted to answer them. In any event, when calling provide as much information and as many details as you can.

Describe the activity and its location.

- ✓ Provide names ("street names," nicknames, aliases) of persons involved
- ✓ Describe the persons involved one at a time, including:

  -Sex -Height -Hair color
  -Race -Weight -Eye color
  -Age

- ✓ Any distinguishing features; unusually hairstyles, tattoos, etc.
- ✓ Give addresses and apartment numbers of the people involved.
- ✓ Describe the residence/business (actual address if known), which side of the street, which corner, color of building, distinguishing features, etc.

CRIME FREE MULTI-HOUSING PROGRAM
A Practical Guide for TENANTs

HUB ON CAMPUS EUGENE is committed to keeping illegal activity out of the apartment community you reside in. Your LANDLORD has taken positive steps to promote effective management to improve the health of the community and the quality of life for all TENANTs in your PROPERTY. Your LANDLORD has implemented positive changes to develop an environment where the potential crime cannot flourish.

To address the crime problem in rental properties it requires a unique coalition of landlords, TENANTs and the police. The most effective way to deal with any illegal activity on rental property is through a coordinated effort.

The following information is provided to help you protect your PROPERTY, your vehicles and most importantly, your personal safety.

Property Crime Prevention

- Always keep your doors locked – even when you are home
- Use your deadbolt lock at all times
- Identify who is knocking or buzzing your residence – ask for identification if you don't not know the person-before you open the door
- Use your peep hole or nearby window to view guests prior to opening the front door
- Never leave an extra key outside the door
- Never lend your key to other people
- Report lost or stolen keys to the manager immediately and have the locks changed
- Secure all windows and utilize the secondary lock
- Secure your sliding patio door and utilize the secondary lock
- Close your blinds to deter criminals from scouting out your valuables
- Do not allow newspapers, handbills, etc. to accumulate at the front door

Vehicle Theft

- Auto Theft Protection – Starts With You
- Take your keys
- Lock your car
- Park in well-lighted areas
- Don't leave your car running unattended, even for a minute
- Completely close your car windows
- Do not leave valuables in plain view
- Remove your stereo face plate
- Do not hide a spare set of keys in the car – the pros know where to look
- Keep your vehicle registration information with you – not in the glove compartment
- In you have a garage, use it
- Using a visible and audible deterrents – alert thieves that your car is protected
- Use a visual anti-theft device – steering wheel lock
- Audible alarms
- Window Etching – etch vehicle identification number on vehicle windows

Bicycle Theft

- Be sure to secure your bicycle inside your apartment
- Do not leave your bicycle on the balcony, even the second level
- If you choose to leave your bicycle on the balcony secure it with a working locking device
- Be sure to write down your serial number in case your bicycle is stolen. Law Enforcement will require this information in reporting the theft.

Assault Prevention

- Protecting yourself is a matter of avoiding the situation before it happens
- Keep your doors locked and windows rolled up to prevent anyone from reaching inside your car
- Always lock your doors when you park
- Always be attentive in parking lots as you return to your car
- Get in the habit of locking your doors and windows at all times
- Never remain in the laundry room in an apartment community alone
- Plan your route, especially at night. Follow well-lighted and populated streets

- Try to walk with someone else whenever possible
- Avoid dark places, short cuts, bushy trees and shrubs, and sparsely traveled areas
- Stay Alert and attentive to your surroundings at all times

Please keep in mind that this is your home, your neighborhood and your community. Much of your personal safety and that of the neighborhood depends on your active participation in the crime prevention efforts. You are a vital part of your community security and welfare.

Report Crimes in Progress to **9-1-1**
Non-Emergency Number 541-682-5111

_____ _____
TENANT Signature **Date**

_____ _____
OWNER'S REPRESENTATIVE **Date**

DAMAGES AND COSTS ADDENDUM

The condition of the UNIT will be assessed in accordance with paragraph 15 of the LEASE agreement for damages in the UNIT and PROPERTY as described in paragraph 1.

CLEANING INSTRUCTIONS
When cleaning your apartment and preparing for move-out, please make sure that all areas in your bed space and common areas are clean. This includes, but is not limited to: all appliances (refrigerator, stoves, microwaves, dishwashers), drip pans, cabinets, doors, patios, window screens, baseboards, flooring, windows and sills, toilets, bathtubs, sinks, countertops, nail holes, carpet, ceiling fans, light fixtures, air vents, all shelving, etc…

FULL PAINT
A full paint after occupancy of only 1 year is not considered normal wear and tear.

CARPET CLEANING
Tenant is responsible for carpet cleaning at the end of the lease. Carpets must be cleaned by a professional cleaning company and a receipt must be provided to management on or before move-out.

DAMAGE COSTS
The following is a list of potential charges that could be assessed to your account for damages during the TERM of LEASE, the end of the LEASE TERM or after occupancy is terminated as outlined in **paragraph 42.**

ITEM	ESTIMATED COST
Mailbox Key Replacement	$50.00
Apartment Key Replacement	$50.00
Room Key Replacement	$50.00
Parking Sticker Replacement (Not Expired)	$50.00
Lock Change	$50.00
Access Gate Remote	$50.00
Garage Remote	$50.00
Window Screen Replacement	$75.00
Blind Replacement (window and vertical)	$40.00-95.00
Broken Window Replacement	$175-300.00
Sliding Glass Window Replacement	$200-275.00
Carpet Cleaning	Starts at $45.00/Area
Carpet Replacement	Individual Bid
Interior Door replacement	$75 per Door
Room Cleaning-light, medium, heavy	$25.00-50.00
Common Area Clean (total)	$75.00-110.00
Drip Pan Replacement (4)	$25.00
Trash Out (per bag/box)	$25.00
Sheetrock Repairs (per area)	$10.00-170.00
Refrigerator Replacement	$600.00
Microwave Replacement	$100.00
Washer Replacement	$350.00
Dryer Replacement	$300.00
Counter Top Resurfacing	$80.00-200.00
Tub Resurfacing	$150.00-325.00
Full Paint per Bed Space	$75.00
Full Paint Color Change per wall	$100.00-200.00
Full Paint Unit	Individual Bid

COMMON AREA DAMAGES
Your account will be charged for any damages in your bed space assigned to you on your LEASE agreement in **paragraph 1.** Common area damages will be divided amongst all TENANTS in the UNIT unless a letter assuming responsibility is received in the office prior to move-out.

All damage costs listed above are estimates. They are subject to change at any time and not inclusive of all move-out charges subject to your account.

TENANT:

LANDLORD:
CORE CAMPUS EUGENE, LLC

Tenant Signature _____ Date _____

OWNER'S REPRESENTATIVE _____ Date _____

Student and Parent Comments About The HUB

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- 7/1/2015
- **I have had two daughters live here on separate occasions. One daughter moved in when it first opened as the Hub and other a year later when it became University House.** (Note: Core sold to University House after one year but they still show this property on their website).

  Both management teams were terribly inefficient and unorganized. My one daughter was living there when a pipe busted and flooded three floors causing tenants to move out for six weeks. It was chaotic with tenants being forced to leave apartment doors unlocked with easy access for numerous repair people to personal belongings during this time. When tenants were able to move back in, the trash chutes could not be accessed due to electrical wires they had to temporarily run through the chute space as the repair/remold was not completed. Trash, visualize piles and piles of stinky trash, lined the hallways during the summer months.

  Not the only time my family has encountered disgusting living conditions when visiting our kids. We have seen lots of urine, vomit and more trash in the elevators and hallways over the past couple years. Not to mention the times I have been woken up to someone screaming in the early morning hours. The last time, some guy was throwing a girl against a wall at 2AM. We had Tempe police knocking on our door a half an hour later to ask what we saw and heard.

  My second daughter moved out halfway through the school year. She paid an extra 85% of her rent to be given priority on the wait list for apartments with rooms that were available. Leasing staff often did not show her apartment even though we paid for the priority status. We later found out that there were only 5 female only rooms on that list. There was really no need to pay the extra fees. I called the leasing office one day to find out that the leasing staff did not have an update list on what apartments with rooms were available. Our daughter's room was not on the list. At one point, the leasing office's phones and email were down for two weeks making it difficult for potential lessors to inquire about rooms to relet.

  Also, the turnover rate with the leasing staff is constant for both managers and agents.

  When the room was finally relet, it took 60 days for Inland America AKA University House to refund us rent that was paid.

  It is truly surprising that the state housing department has not fined or sued this company.

Comments about Madison HUB

Jake L
in the last week-
The worst living experience I've had in Madison to date. DO NOT LIVE HERE.

As you can see in the google reviews below, every single good review was placed at the exact same time. I know a few of the individuals and they are either living with a staff member or are friends with them. I'm assuming the staff is trying to get the ratings up on Google Reviews.

Do not be fooled by the amenities here, as soon as you sign your lease forget about any respect from the staff whatsoever. The place is run by some of the most unintelligent individuals I have talked to. The sauna has been closed down for weeks at a time with no warning whatsoever, the printer is always broken, and multiple fees have been enlisted without prior consent. (Such as a fee for the water and electricity of the common areas?)

I guess they are building a Hub 2 across the street, and there are giant cranes blocking any sort of view we used to have, let alone any peace and quiet. My sink has broken twice and the water pressure is nonexistent.

A quote from the repair man after all of the cushions on our outdoor patio were ripped "Every single piece of furniture here has came right off the boat from china." Thanks dude, I'm guessing they will scheme us out of our deposit as well.

I wish I could give these apartments a 0 out of 5 as I would leave immediately if I could. IT IS NOT WORTH LIVING HERE. DO NOT BE FOOLED. There is plenty more to complain about but I do not have time to continue with this post, the only good thing about this place is the pool on the roof that's open 5 months a year.

Will S
3 weeks ago-
This place is run by fools. Management is atrocious.

They've scheduled fire drills at 9am every week for the first two months of living here. They've hired security guards that have left an unconscious drunk female incapacitated face down on the lobby couch and when prompted if they thought it was something that needed to be dealt with the male guard shrugged it off as a nonissue. Management split the water bill between the entire complex instead of just our own usage, since I am considerably more conservation minded than most I end up paying for others egregious habits. Management has also refused to refund us for a two week period where we were incapable of living in our units due to delayed construction in effect taking a half month of rent from all of us. Several times our mail has not been processed in a timely fashion leading to packages and letters being given to us days after tracking shows delivered. Last week management started bringing in cranes for their new building across Gilman Street called The James Madison formerly known as Hub 2. The arrival of this equipment has blocked our parking lot exit and has bisected Gilman.

The level of sheer ineptitude needed to accomplish these feats bewilders me.

I have no drawers in my bathroom. The water pressure in my sink is terrible. The walls are paper thin. I have a pathetically weak night light in my ceiling fan, I needed to buy lamps to get any sort of lighting in my room. I can hear the TV blaring at 10% through my bedroom door. Hot water is rarity. The door on the washer and drying unit has slots and lets all the noise through. The sauna and hot tubs are always closed for maintenance. The gym and 2nd floor courtyard

areas are usually in dire need of a good cleaning. If you live facing into the courtyard there are cameras positioned that can see everything that happens inside your room. The garbage chute is pathetically small and is good for walgreens sized plastic bags only.

David
a month ago-
I don't know about other units, but I recommand you not to live in either studio or 1 bedroom unit.
I currently live in 1 bedroom, and IT IS REALLY REALLY SMALL.
I wish I could've known that the room was going to be this small. People at the leasing office last year told me that 1bedrrom would be about the same size as their model unit, which they had at the office. Well... guess what. It is not even close to that size.
You can probably fit like 4-5 people in the living room, and it will be so full that you won't even be moving around.
Also, you can smell all kinds of things (you know what) from other units on downstairs and upstairs.
When I moved in, there were several spots in the unit where it had stains, and also there were garbages everywhere. I had to spend some time to clean it up.
As many people mentioned, water pressure at the bathroom is so bad. It takes me double or triple time to wash. I feel like this would lead to much worse waste on water. Seriously, what were they thinking when installing this crap on.
I was going to move to Lucky apartment next year, because they provide free parkings for those who live in 1 bedroom unit for over 1 or 2 years, but every 1 bedroom was gone for next year so that kind of sucks.
It is not worth $1425 living here. I'm paying 250 more over that for parking. I'm pretty much stuck here until I graduate lol. Thanks for providing so much information before I moved in. That really worked!

Rachel Peterson
2 months ago-
If I could give this place 0 stars, I would. It is genuinely one of the worst apartment buildings in Madison. Do not let the 4 ho tubs, saunas, and rooftop pool fool you. This place is actually a joke!! Everything is a lot smaller and the noise is CRAZY! they said the walls are insulated and thats a lie! You can hear every party going on from the rooftop to the entrance. All the appliances are very CHEAP quality! Forget the bluetooth speaker because that doesn't make up for the horrible water pressure and cold water every morning! the rooms are extremely SMALL compared to what their blueprints said! And the STAFF might be the WORST thing about this building. They are extremely RUDE, they never have an answer for your questions and always refer you to their 30 page lease which is also no help! The are honestly a bunch of idiots sitting in an office pretending to do work! The old manager told me to email her and never replied to my email. When I came into the office, I saw her sprint into her office and the person at the front desk told me she was busy. Talk about "professional"! "Security" is a joke because if you hand them some cash, they will do anything you need them to do! I urge you not to bring your money here. Do not give these people a penny! if it wasn't for the lease they have me locked into... I would be out of here in a heartbeat! The day my lease ends is my day of freedom! And they weren't able to lease out the building this year! they are barely at 70% occupancy. I truly hope someone does something about them to remove them from Madison

Comments and Recent Article about HUB in South Carolina

Vincent Esposito
4 months ago
The hub seems great at the beginning, however, it is all just a sham. The office staff is horrible and never helps with anything. Nothing ever works in the building. The elevators are constantly out of order and everything started falling apart from day 1. Upon moving out of my apartment I noted there was one paint chip on my bedroom wall that would need repairing, but I figured that would be normal wear and tear. Apparently, that warranted a $343 painting bill. Don't live here, the rent is way too high for the quality of the product and they will nickle and dime you until you are broke.

Madeleine Bell
3 months ago
Horrible management. Very unprofessional and disorganized. If you go into the leasing office with a problem expect them to roll their eyes at you and not take anything seriously unless you bug them constantly. Things are alway broken and very overpriced for what you get. Would not recommend as a place to live. Period.

Alex Funke
4 months ago
The hub is a scam. They will be nice and friendly and put on an amazing act when you are looking at renting... However once you sign a lease that is when everything will change. The management is awful. Nothing seems to ever be working (especially the elevators). The furniture is worse than ikea furniture... and the list can go on and on. Also DO NOT EXPECT to get a security deposit back... They will nickel and dime you. When we left the room was in amazing condition. However according to the HUB it need 294.69 cents worth of paint, along with a 50.31 cleaning fee. This is completely ridiculous because the walls were in great condition and the room was fully cleaned. Also that is just my charges. Now there were an additional 3 roommates living there so just imagine what they were charged....

Also basement parking is very sketch.... I would recommend walking with a buddy back from the basement to the complex due to a high frequency of drug users making the surrounds their homes... Also the basement elevator always breaks down... So at night if you are coming back late from a class, you have to walk down an alley way in order to get to the complex...

Also upon moving in there was no WIFI for over a month. The office staff said in person they will compensate residents down the road for this... That never happened...

It just makes me sick that these people at the hub at able to sleep at night....

THESE PEOPLE HAVE NO MORALS OR SOULS...

Also you will notice they have 60 5 star reviews... a majority of these reviews were written when the complex was being built by local businesses trying to suck up to the hub

Breaking: Controversy Surrounding The Hub At Columbia
Former residents are infuriated with what they say is unfair treatment.

Victoria Daczkowski in **Lifestyle** on **Sep 13, 2015**

Where you live has a large impact on your year. Are you close to the Greek Village? Are you close to downtown? How big is the apartment? How is the parking situation? These are all questions you should ask yourself before signing a lease for the coming school year.

For students already thinking about where to live next year, consider checking the reviews for apartment complexes in the area. There are plenty of places for University of South Carolina students to live, and most are very affordable and vary in types of amenities. There also always seem to be new apartment complexes catering to students moving off campus after their freshman year.

In fall of 2014, a brand new apartment complex opened on Main Street in downtown Columbia -- The Hub. The slots available filled up before that fall semester was over, and it was expected to be the coolest place to live. But, now, a year later, its reputation is starting to deteriorate.

When tenants first moved in, they instantly began to find problems. Issues ranged from the Wi-Fi not working, to not even having a refrigerator in the apartment. The apartment complex was poorly made and they issued "worse than Ikea furniture" (2014-2015 resident).

"I was supposed to have a walk in closet, but didn't upon moving in and it took them weeks to compensate me for it. We put in at least five work orders and they fixed it the month we moved out," said that anonymous resident.

Many of those first tenants have now moved out, but are now faced with another problem: move out reports and bills. Former residents have reportedly been charged hundreds of dollars for repainting and repairs, with no evidence of it being necessary.

"Move out charges between three roommates was over $1000 for painting and cleaning," said a 2014-2015 resident. Those residents say that their apartments were spotless and were in no way damaged, or in need of repainting.

The Hub at Columbia Facebook page has recently even been flooded with posts by angry residents and their parents.

In the past few weeks, The Hub at Columbia's rating had dropped from a 4.8 (out of five) to a 2.8, and the comments and reviews keep coming. Students, residents and parents are furious with the complex and the management.

"Dealing with the leasing office was a constant struggle. They take advantage of our age and inexperience and try to get as much money as possible out of our bank accounts. The property manager has no sense of customer service or respect," said a 2014-2015 resident.

Facebook reviews from oxford miss

Had problems all year with the Management of this facility. At the completion of the lease they charged my daughters for services that were not rendered and for damages in the common areas of the apartment that were there when we moved in (even after we notified them of the damages). The kids that work at The Hub were always very nice and accommodating, but to expect them to run this facility was a bit of an oversight on management's part. Would not keep my kid there every again.

It looks great from the beginning, until you have a maintenance issue! And, don't expect to get your security deposit back. They go through great strides to find anything possible to eat it up! Don't believe the line about 'normal wear and tear'! Also, BEFORE you sign the lease, ask them to provide you with move-out requirements! Ridiculous! For the amount of rent you pay, professional carpet cleaning after you move out, should be covered!

Do not recommend! I agree with many of the comments- should have paid more attention when signing the lease. Families- considering this place for your child- as stated don't expect to get your deposit back no matter what you do. I drove 14 hours each way to make sure my daughter left things clean. We washed walls and scrubbed the kitchen, cleaned blinds and the ceiling fan! Silly me thought that the security deposit was for damage. But no... they charged for HVAC filters, 2 l...

I've been here for couple of months. All the stuff they have to offer is nice. But maintenance is crappy. You can never get them to fix anything you ask them to. And when you ask them about something.. They just say I have no idea when it will be fixed are there working on it. When they been saying that for 3 months.

If you think is will be a good place to stay, it's all smoke and mirrors. THIS PLACE IS A RIP OFF!!! THE RENT IS EXPENSIVE AS HELL AND WILL MAKE UP CHARGES AND TAKE AWAY YOUR SECURITY DEPOSIT AT THE END OF THE YEAR!!!! The student workers are not helpful and the manager always refer you to them. RUN AND NEVER LEASE; You'll regret it.

Press from The Internet about Core Residential

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Posted: Monday, December 24, 2012 5:45 am

Core Campus plans student housing on Tyndall Ave.

More student housing is coming to the University of Arizona campus area in time for the fall 2013 semester.

Chicago-based Core Campus Investment Partners LLC has purchased approximately 33,400 square feet of land at 1011 N. Tyndall Avenue for $3.85 million. At this time, details for the planned student housing development were not announced.

Core Campus focuses solely on student housing and uses its own in-house management staff.

The site is next to two high-rise student complexes being developed by Campus Acquisitions, also based in Chicago. Campus Acquisitions plans to open its luxury 14-story tower by August 2013 and a companion 13-story tower by August 2014.

The land that was acquired by Core Campus includes an approximate 21,000 square-foot, two-story building that formerly housed the Phi Kappa Psi Fraternity. The fraternity's national headquarters revoked the local chapter's charter in January 2012 over allegations of hazing and other issues.

The parcel was sold by Tucson-based Kiva-Star Partners LLC. Among its main members, public records list developers Bill Viner, Steven J. Shenitzer and Philip Pepper.

In the transaction, Core Campus was represented by Debbie Heslop of Volk Company.

Tyndall property

A.E. Araiza / Arizona Daily Star

The city sold the property at 1023 N. Tyndall Ave., where Direct Center for Independence Inc. was located, to private dorm developer Core Campus, which owns the adjacent high-rise Hub. A new headquarters for Direct, a nonprofit for people with disabilities, was part of the deal.

December 08, 2014 7:45 pm • By Mariana Dale

A recent city real estate deal has paved the way for more multi-story student housing in the West University neighborhood.

Tucson sold a .84 acre lot on North Tyndall Avenue to Core Campus, a private dorm developer, for $3.5 million, which includes the cost of the property and relocating the former tenants, a nonprofit that provides services to people with disabilities.

Tucson Real Estate Program Director **Hector Martinez** called the deal a "win-win-win."

The nonprofit gets an upgraded headquarters worth about $2 million; the city gets a $1.5 million boost to its general fund and the developers get a prime piece of real estate.

The Tucson City Council approved the sale in December 2013, but the two-year process wasn't completed until last week, when the Direct Center for Independence moved into its new digs at 1001 N. Alvernon Way.

Not everyone is excited about the prospect of more student housing on the edge of the historic neighborhood. The three nearby complexes have generated more than 45 calls to police, said Councilman Steve Kozachik earlier this year.

The nearby Islamic Center of Tucson has complained of bottles and other trash falling from high-rise balconies on to its parking lot.

In part, the potential for this type of conflict is why Direct elected to leave the area.

"With the coming of those high-rises, it was almost like our missions were going to clash," said Executive Director Wendy Dewey.

A NEIGHBORHOOD CHANGES

The Direct Center for Independence offers services that help people with disabilities live independently. The city gave the organization a 99-year, dollar-a-year lease for the property on Tyndall Avenue, south of Speedway Avenue, in 1983.

Even though the building predated the Americans with Disabilities Act, the accessibility was state of the art, Dewey said.

The surrounding area changed dramatically after the city of Tucson approved a new zoning overlay district in February 2012.

A Chinese restaurant and a fraternity house were among the properties replaced by three high-rise student housing complexes up to 14 stories. The previous limit was four stories.

The first complex, Level, opened in fall 2013 at 1020 N. Tyndall Ave. and was followed by nearby Next and Hub, which is owned by Core Campus. Together the three units can accommodate about 1,500 residents.

The vehicle, pedestrian and construction traffic generated by the projects made Direct's facility less accessible to its clients. Dewey estimated Direct Center for Independence serves about 1,400 people annually. "It was like the writing on the wall," Dewey said. "Imminent change was there and it was big change." Direct approached the city in late 2012 to ask about options for relocating. The City Council opened a request for proposals to sell the property in June 2013. In addition to paying a cash sum, the winning bidder would need to find a new home for Direct and pay to relocate the organization.

Direct wanted a visible location easily accessible by public transportation, explained CBRE First Vice President **Buzz Isaacson**. His firm was tasked with helping Direct find a replacement building.

"There wasn't anything on the market that fit the bill," Isaacson said. "We found a building owned by an architecture firm that wanted a lease. We converted it into a sale."

Direct's new headquarters is about 2,500 square feet larger than its former center and has 42 parking spaces. The new location puts it not far from compatible organizations, such as a University of Arizona health and wellness center and nonprofit Our Family Services. It's also the confluence for several city bus routes, Dewey said. "It's awesome — people could get to us from any part of the city," Dewey said. "We are right where we need to be."

Core Campus, the dorm developers, ended up paying about $1.4 million for the Alvernon Way property, plus an additional $560,000 to renovate the building to Direct's requirements by

adding improvements such as wider door openings. The company also paid the city $1.5 million.

Martinez said, "The total package is a great community return."

STUDENT HOUSING A BOON FOR REAL ESTATE

Core owns Hub at Tucson, 1011 N. Tyndall Ave., a 14-story student housing tower serving almost 600 residents.

The complex, which is adjacent to Core's new purchase, opened in 2014.

"Core was presented with the opportunity to own a piece of real estate in a top market, at a tier-one university, right next door to our current development," said Chief Operating Officer Benjamin F. Modleski in an emailed statement. "We couldn't pass that up. ... Our niche in student housing is really infill, vertical development near strong universities."

The proposed Hub II would be six stories and house nearly 300 students and there would be no retail element.

Core has filed permits with the city to begin the project and expects the development will be completed by July 2016.

Kozachik said he would prefer the area be used to build something that would benefit the whole community, like a grocery store.

He voted with the council to approve the sale of the property in December 2013, but does not support the planned development.

His opposition may not matter, however, as the proposed complex is considered a "group dwelling," which is an allowed use of the property within overlay district so Core doesn't have to go through a rezoning process.

The news of the development comes on the heels of complaints filed by the nearby Islamic Center of Tucson about liquor bottles, produce and obscenities that have been thrown from the adjacent student housing complexes for more than a year.

Four residents of the adjacent complex, Level, were evicted in November in connection with the incidents. A forum was held at the UA Monday night to discuss student behavior.

Kamel Didan, the vice chairman of the board of the mosque and community center, said they are worried efforts to educate current residents and stem the problems will ultimately fail because of the resident turnover in the complexes.

No decisions have been made, but one option would be for the Islamic Center to sell their property and leave, much like Direct.

"We don't want to be perceived as people putting a stop to investment or an influence of money," Didan said. "We want to be seen as a community of people who care about the city of Tucson."

The following statement is currently on the Core website even though they sold the property in 2014.
http://corespaces.com/project/hub-on-campus-tempe/
In July 2013, Convexity Properties, in partnership with Core Campus, delivered their first two student housing projects; THE HUB at Arizona State University (Tempe, AZ) and at the University of Mississippi (Oxford, MS).
The HUB at Arizona State University (ASU) is a 19-story mixed-use building that contains 269 student apartments (637 beds) and 20,000 square feet of ground floor retail. The building is located a few blocks north of the main campus of Arizona State University and is directly across from the Tempe Transportation Center and Sun Devil Stadium. The project was extremely well received by students, as demonstrated by a 93% occupancy rate on move-in day.

M.P. KING — State Journal Feb 6, 2015
Madison, Wisconsin

Core Campus on Monday won approval to build a 12-story housing project at 510 University Ave., on property now used partly for parking. The project, to be known as Hub II, would be across the street from the developer's 12-story Hub Madison project, background center, under construction now and set to open in August.

A rendering shows Core Campus' proposed Hub Squared development, among other existing tall buildings on University Avenue. Behind it is Hub Madison, a similar project by the same developer that fronts Gilman, Frances and State streets, and will open in August 2015.

Think Downtown Madison's residential housing boom has peaked? Hardly.

Core Campus is now proposing a 12-story, upscale housing project that might include a hotel at 510 University Ave., across West Gilman Street from the developer's massive, 12-story Hub Madison project now being completed at the corner of North Frances and State streets.

The new proposal, called Hub Madison 2, would be 424,408 square feet with perhaps 292 apartments and three townhouses, 9,230 square feet of retail space and 164 parking spaces, preliminary plans show. The original Hub is about 500,000 square feet with 313 apartments, 25,395 square feet of retail space and 143 parking spaces. The developer has not disclosed a cost for either project.

Core Campus is acquiring the 0.8-acre site from the Mullins Group, which also sold it the property for the original Hub.

"We believe that the location is a phenomenal one," said Marc Lifshin, managing partner with Core Campus. "Infill sites of this size and location are very limited, and this is a great opportunity for Core Campus to acquire a tremendous piece of real estate."

The project would require demolition of a mixed-use building at 435 W. Gilman St. — once home to Laundry 101 — and cover some private green space and surface parking.

Lifshin said Core Campus is finding great interest from students and a mix of young professionals in the original Hub, slated to open in August. History shows that when one development with a lot of amenities like the original Hub opens, desire grows quickly among students to upgrade their living situations, he said.

"We believe this will occur here, and there will be a demand in excess of rooms at Hub Madison and a need for further developments equal or greater in their level of amenities and finishes," he said.

The Hub 2 will feature a courtyard, gym and spa, volleyball court and a rooftop terrace with a club room, pool and two hot tubs, the preliminary plans show.

Although the design isn't completed, the Hub 2 will use "modern forms and architectural expressions," Lifshin said.

Core Campus intends to make part of the building for students, another part more attractive to young professionals, and is also exploring a hotel component, he said. It's not clear how the inclusion of a hotel would affect the number of housing units.

Ald. Mike Verveer, 4th District, who represents the area, said he was surprised but pleased by the proposal.

"I did not expect this particular developer would so quickly embrace our community and so quickly come back with a second project," he said.

The Downtown vacancy rate is unhealthily low, so more housing is welcome, Verveer said, noting that the project seems to meet the Downtown Plan and zoning code. Unfortunately the proposal, like many others Downtown, includes no units for those with lower incomes, he said.

The proposal, Verveer said, offers retail space along University Avenue but may raise concerns about the loss of green space and a canyon effect from tall buildings flanking both sides of the meeting of West Gorham Street and University Avenue.

Core Campus is working with city staff on the position of a garage entry and loading dock to minimize traffic effects, and while the structure will cast shadows, it fits zoning for the site, Lifshin said. The project will not require city tax increment financing (TIF) assistance, he said.

Core Campus will make an informational presentation to the city's Urban Design Commission on Wednesday and hopes to move through the approval process with final consideration by the City Council in mid-May. A neighborhood meeting is set for 7 p.m. Feb. 23 at the Fluno Center, 601 University Ave.

The original Hub will offer fully furnished apartments with a host of amenities including large flat-screen TVs, washers and dryers, and stainless steel appliances. VIP apartments have options like a hot tub on private balconies and an upgraded kitchen package.

It also features private work rooms, business and conference centers, a computer lab, sand volleyball court, rooftop pool, ice rink, movie theater, music studio, 30-person hot tub, cold plunge, sauna and steam room, and fitness center. Ten first-floor retail spaces will host businesses including Colectivo Coffee, Naf Naf Grill, Glaze Teriyaki Grill and Goodness, a fresh food and juice bar.

Core Campus, based in Chicago, has developed and manages properties with more than 8,000 beds across the United States.

3

Parking Requirements

We realize that parking requirements are not at issue here this evening but the community is adamant to bring to Staff, the Commission and the Developer that this WILL be an issue. It does not take a rocket scientist to know that 600 bedrooms for students plus commercial space cannot be serviced by 231 parking spaces plus 27 on street spaces.

The zoning code that came up with this formula is obviously flawed and yet the city staff is just thinking that somehow it will work. We NEED to put more thought and care into this, especially in light of the fact that a new parking ordinance has been passed by Council. It should be noted that on page 5 of the Staff Report on the Zoning Amendment, it is stated that additional parking in a structure is exempt from the standards and they could offer more (per Zoning Code Administrator). Now we find that the City Attorney has said NO. . .total parking per the formula CANNOT exceed the minimum plus 5%. So even if the developer wanted to add parking the City would not allow it. . . (See applicable parts of the Zoning Code below).

In checking with staff at The Grove, which is built under Commercial Zoning, they basically have one parking space for every bedroom/person and parking is basically free. Each resident pays $350 a year to care for the grounds and that includes snow removal and parking. Guest parking is never a problem. Even City Staff has indicated that about 75% of the spaces there are used. According to the folks at the Grove most of their residents have cars and most of those folks drive their cars every day. A walkable community with high density makes some sense, but not in Flagstaff and not with students.

Even if we took 75% of 600 Hub residents that would be 450 spaces. What about guests? What about delivery people? What about handicapped spots? WHAT ABOUT THE WINTER PARKING ORDINANCE WHERE YOU CANNOT PARK ON CITY STREETS AT NIGHT; can we even count those 27 on street spaces.

It could be that this will turn out to NOT be a problem because students will be too smart to live at The Hub where you have a 19 page lease by a company that has nothing but bad reviews at its other locations and where you will pay a very high price for rent and a very high price for parking, if you are lucky enough to get one of the few spaces available.

Ask ANYONE . . . parking in and around downtown and the Southside is nearly impossible. Any day that NAU is in session you cannot find an on street parking spot from campus on up thru 3 or 4 blocks north of Route 66. In the 4 blocks from Milton to San Francisco on the east west streets there is not only NO parking available but with cars on both sides, two cars more often than not cannot drive down the street at the same time. The bus drivers admit that getting from Butler up Kendrick and Mike's Pike is at times very difficult. What happens when we add 600 people plus 300 or so cars that have not place to park???? IT'S A PROBLEM.

Flagstaff Zoning Code
10-50.80.040
B. **Applicable to Transect Zones**
1. For transect zones, the number of required motor vehicle spaces for certain uses is regulated in Division 10-40.40 (Transect Zones). For those regulated uses, the requirements of Table A (Number of Motor Vehicle Parking Spaces Required) shall not apply

C. **General to All Zones**
1. **Maximum Number of Parking Spaces**
Developments over 10,000 square feet in floor area or containing 25 or more residential units shall not exceed the minimum number of parking spaces by more than five percent.

4

TRAFFIC IMPACT ANALYSIS

A traffic impact analysis is a specialized study which assesses the effects that a particular development's traffic will have on the surrounding transportation network. A traffic impact study will vary in range and complexity depending on the type and size of the proposed development.

In the case of the HUB development "a Traffic Impact Analysis (TIA) was prepared **by the Developer** to demonstrate the anticipated traffic volumes generated from the proposed development. The City Traffic Engineer reviewed the site plan and TIA and subsequently accepted the results subject to the following conditions." (quotation from page 12 of the Staff Report 15-00164).

Those two conditions in short are a 4 way traffic lite at the corner of San Francisco and Franklin and upgraded pedestrian crossing at Humphreys and Butler. Although the stoplight is about 1/3 mile away "as the crow flies" and .6 miles away on surface streets with 2 left turns and 3 right turns this light is deemed necessary as it will be the entrance to NAU for all those student who are going to drive to school every day.

The City has graciously agreed to pay for one half of the cost of these improvements.

So, the professionals have determined that other than these two conditions there is NO other impact on traffic. Again, one does not have to be a rocket scientist to know that this is just flat out wrong!! No, we did not go to college to learn the meanings of words like:

Capacity: The maximum rate of flow at which persons or vehicles can be reasonably expected to traverse a point or uniform segment of a lane or roadway during a specified time period under prevailing roadway, traffic, and control conditions; usually expressed as vehicles per hour or persons per hour.

Congested Corridor: A corridor identified in local comprehensive or thoroughfare plans, or in MPO and MDOT plans, which meets criteria based on performance standards, such as a volume-to-capacity ratio.

Diverted Linked Trips: Trips from the traffic volume on roadways within the vicinity of the generator but which requires a diversion from that roadway to another roadway to gain access to the site.

Level of Service: A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, delay, freedom to maneuver, traffic interruptions, comfort and convenience, and safety.

Reserve Capacity: The capacity of a lane at an unsignalized intersection minus the demand for that lane, where all terms are stated in equivalent passenger cars per hour.

Average Stopped Delay: The total time vehicles are stopped in an intersection approach or lane group during a specified time interval divided by the volume departing from the approach or lane group during the same time period, in seconds per vehicle.

AND THE LIST GOES ON AND ON AND ON. . .

Point being we drive the streets and they are ALREADY congested. It is impossible that 600 people, most with cars (although only 1/3 of them will have onsite parking???), increased pedestrian traffic, increased commercial delivery traffic (mostly they will park in the street because driveway design is not adequate) will NOT have a negative effect on traffic.

Driving these streets every day there are some real concerns about traffic. There are a large number of places in the Southside where it is nearly impossible to pull out into traffic because of guess what - parked cars!! You have to inch by inch pull out and then just "go for it". The traffic congestion that will be caused along Mike's Pike, Cottage, Benton, and further will make it very difficult for getting around.

Other considerations. . . With what will certainly be a FULL garage of people trying to get in and out ONE entrance/exit, it will be a nightmare.

What about a left hand turn lane to GET INTO the garage when coming up Mike's Pike? Did not see that talked about.

Is the throat length at the driveway sufficient to minimize conflicts with street traffic and within the site?

Can trucks and waste hauling vehicles easily access the site and circulate to and from loading areas?

Is the design sensitive to pedestrian needs?

Parking and Traffic Impact go hand in hand and City Staff really needs to "slow down" and take a more careful look at things.

Brian Kulina

From: Duffie Westheimer <dwestheimer@gmail.com>
Sent: Friday, January 29, 2016 10:40 PM
To: Brian Kulina
Subject: pls add my name to the letter

Follow Up Flag: Follow up
Flag Status: Completed

Greetings Mr. Kulina,

Please add my name to Marie Jones' 29 January 2016 letter about the Core Campus project proposed for the Phoenix Ave./Mike's Pike location.

Thank you,
Duffie Westheimer
720 W. Aspen Ave.
Flagstaff, AZ 86001

Brian Kulina

From: Charlie Silver <cws720@gmail.com>
Sent: Friday, January 29, 2016 11:31 PM
To: Brian Kulina
Cc: Mark Sawyers
Subject: signatory to M. Jones letter re: Hub

Follow Up Flag: Follow up
Flag Status: Completed

Dear Brian,

Please add my name to the letter dated 29 Jan 16 (incorrectly noted as 1-29-15) from Marie Jones to P&Z Commission re: Hub proposed development.

Thanks very much,

Charlie Silver
720 Aspen Ave.
Flagstaff, AZ 86001
928-779-2782

Brian Kulina

From: Patrice Giordano <pgiordano9@gmail.com>
Sent: Saturday, January 30, 2016 1:26 PM
To: Brian Kulina

Follow Up Flag: Follow up
Flag Status: Completed

Please add my name to the important letter you composed regarding the hub development.
Thank you. Patrice Giordano.

--
Patrice

Brian Kulina

From: mpcreh@aol.com
Sent: Sunday, January 31, 2016 10:29 AM
To: Brian Kulina
Subject: Marie Jones letter--signature

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Kulina,
I have read and fully agree with Marie Jones eloquent letter of 1/29/16 regarding sound objections to The Hub development.
Please add my signature to her submission.
When your own colleague, Mr. Sawyers, made the statement that staff was "surprised" by the "intensity and density" of this proposal, that speaks volumes.
I still strongly urge staff, P&Z, and Council to curtail this "audacious" inappropriate development.
Thank you,
Rose Houk
824 W. Cherry Ave.
Flagstaff, AZ 86001

Brian Kulina

From: Juliana Bartlett <bartlettjuliana@gmail.com>
Sent: Monday, February 01, 2016 1:42 PM
To: Brian Kulina
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

A sense of place? " The intrinsic character of a place,or the meaning people give it,but more often,a mixture of both.... "A strong identity and character that is deeply felt by local inhabitants and by many visitors ...." A sense of place involves the human experience in a landscape...the local knowledge and folklore.....Our historic neighborhoods currently have this...As a community,We have worked very hard to
nourish this... The hub project jeopardizes our history and our sense of place,what makes flagstaff unique and what's important to us as a community...

As was outlined to you at the last meeting...this project is not appropriate for this location ... I drove down Phoenix st. the other day on my way to Macy's ...snow was on both sides of the street, a bus was coming the other way...a bike rider was on my side, and there simply was no room for all of us to move forward without waiting for one another...I thought to myself... Where is the common sense with this project???? I observed the surroundings of this historic neighborhood and tried to visualize the impact of this building ....I felt heartbroken at the thought...

I urge you to review all the reasons that this project should not go forward in this location .I ask that the Planning and Zoning Commission deny Core Campus 's request To amend the Downtown Regulating Plan,and for a conditional Use Permit for the Hub.

Please listen to your community..

Best, Juliana Bartlett

BE KIND
FOR EVERYONE YOU MEET IS FIGHTING A
BATTLE YOU KNOW NOTHING ABOUT.

Brian Kulina

From: Jen Blue <oldcaves@yahoo.com>
Sent: Tuesday, February 02, 2016 6:07 AM
To: Brian Kulina
Cc: Mark Sawyers
Attachments: p&z ltr.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Dear Brian,

I would like to add my name to those who have signed on to the attached letter.

Thank you and best regards,
Jen Blue

Brian Kulina

From: Diana Thorson <thorsond@commspeed.net>
Sent: Tuesday, February 02, 2016 6:35 PM
To: Brian Kulina
Subject: The Hub Meeting Feb 4
Attachments: Flagstaff Business News on THE HUB.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Mr. Richard Thorson
4521 E. Flintwood Ln.
Flagstaff, AZ 86004
February 4, 2016
Mr. Brian Kulina, AICP
Planning Development Manager
Planning & Development Services
211 West Aspen Ave.
Flagstaff, AZ 86001

RE: Attached Article: "Tourism Officials Mark Record Year"

Dear Mr. Kulina,

Tourism is one of our largest businesses in Flagstaff and tourists most certainly do not want to interact with college students. In my business, I deal with tourists from all over the world. They come for the Grand Canyon and Flagstaff as a destination, not student interaction.

The Hub will interfere with our tourist's ability to enjoy downtown as it is now by destroying its current ambience with a building at its center that has **no design appeal** let alone a connection to our historic heritage. Additionally, the tremendous congestion will not only take away tourist access to downtown, but prevent our own residents from all over the city to access the venues and businesses in the downtown area. Perhaps this is the reason, you have had little or no input from others living on the east side of town; since the late 80's it has been a challenge to navigate the area in a car and find parking. Little has been done by the city to alleviate the problem, and is doing the opposite by adding to the congestion by the approval of hotels. The situation has literally driven a large part of the city's population away, feeling lucky to have made it through the congestion challenges just to get to the desired businesses on "the other side" of town, avoiding downtown.

It is time to take a stand, preventing projects such as this to be built at this, or any downtown location. It is not good for Flagstaff as a tourist destination and will destroy our small town feeling. The rezoning will allow great financial benefit to the developer, reaping no rewards (financial or otherwise) for tourists and the residents. As per the article, The Convention & Visitor's Bureau is doing a great job of marketing our once quaint town. Let's make sure it is as they say it is—not a part of the college campus, as is Mill St. in Tempe.

Sincerely,
Richard Thorson
928.853-9168

Brian Kulina

From: Carol Hagen <cbhagen777@gmail.com>
Sent: Wednesday, February 03, 2016 12:11 PM
To: Brian Kulina
Subject: The Hub

Follow Up Flag: Follow up
Flag Status: Completed

Dear Mr. Kulina
I am a business owner located at 209 Benton Ave. I wholeheartedly agree with Marie Jones and all comments made in her most recent letter. I look forward to our city planners making the right decisions concerning the Hub. I commend you all on your ability to revisit prior assumptions as all successful business owners, entrepreneurs, parents, administrators and even city officials must regularly do as new information indicates the need.
Sincerely
Carol Hagen
928 699-2459

Brian Kulina

From: Rick Moore <moore.rick@yahoo.com>
Sent: Wednesday, February 03, 2016 12:37 PM
To: Brian Kulina
Subject: Re: Allowed Building Types Question
Attachments: Marie Jones Letter.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Hi Brian-
I see the inconsistency. I hope it's cleared up by removing commercial block from T4 zones. Thanks for the clarification. By the way, while I know it's late to do this, could you please sign me on to the attached letter? I'd appreciate it.
Rick

From: Brian Kulina
To: 'Rick Moore'
Cc: Mark Sawyers
Sent: Wednesday, February 3, 2016 10:19 AM
Subject: RE: Allowed Building Types Question

Hi Rick,
There are some inconsistencies in the Code with respect to Table 10-50.110.030.A and the Subsections C of the specific transect zones. This is going to be remedied in the proposed Zoning Code amendments. In the meantime, staff's positions has been to promote flexibility with the transect zones thus leading to the utilization of the table when determining appropriate building types.
Correct. If the building type identified in Section 10-50.110.030 places additional limitations on the use or form of the building, a courtyard apartment must have 4-24 units or the width of a stacked duplex cannot exceed 36', respectively, they would be applied in the review and application of proposed transect development.

Brian J Kulina, AICP
Planning Development Manager
P: (928) 213-2613 | F: (928) 213-2089

From: Rick Moore [mailto:moore.rick@yahoo.com]
Sent: Wednesday, February 03, 2016 10:09 AM
To: Brian Kulina
Cc: Mark Sawyers
Subject: Re: Allowed Building Types Question

Hi Brian-
Thanks for the prompt response.
I don't see where commercial block is an allowed building type in table C under T4N.1 or 2. Could you please send me where that is shown?
Just for future clarity, I understand that the transect zones are form based, but there are also limitations listed for building types. For instance, an apartment courtyard building type must have no fewer than 4 units or more than 24 (Table C, 50.110-25), correct?
Rick

From: Brian Kulina <BKulina@flagstaffaz.gov>
To: "'moore.rick@yahoo.com'" <moore.rick@yahoo.com>
Cc: Mark Sawyers <msawyers@flagstaffaz.gov>
Sent: Wednesday, February 3, 2016 8:39 AM
Subject: RE: Allowed Building Types Question

Rick-

Specific building types are addressed in Section 10-50.110 of the Zoning Code. Table 10-50.110.030.A of the Zoning Code, a copy of which is attached, identifies that appropriate building types for specific transect zones. The proposed development is utilizing the Commercial Block building type, which, in accordance with the table, is appropriate in the T4, T5, and T6 transect zones. Further, they building type descriptions or names do not limit the uses that can be found/established within that building type (i.e. commercial uses could occupy a Single-Family Cottage and residential uses could occupy a Commercial Block). The building types are used to ensure that the proper form is achieved in each transect zone.

Brian J Kulina, AICP
Planning Development Manager
P: (928) 213-2613 | F: (928) 213-2089

From: Mark Sawyers
Sent: Wednesday, February 03, 2016 8:27 AM
To: Brian Kulina
Subject: FW: Allowed Building Types Question

Brian could you please provide a response for Rick.

Thanks

Mark

From: Rick Moore [mailto:moore.rick@yahoo.com]
Sent: Tuesday, February 02, 2016 8:01 PM
To: Mark Sawyers
Subject: Allowed Building Types Question

Hi Mark-

Page six of the staff report on the Hub refers to “specific building type standards, but there is no reference to the “Specific to Building Type” section of the code that has the descriptions and regulations for allowed buildings.

However, looking at the 10-40.40.070 & .080 C. (T4N1 and T4N.2 Standards) I see that allowed building types are listed and a footnote says to look at 10-50.110 (Specific to Building Types) for “building type descriptions and regulations.”

Among the choices for allowed building types for T4N1 and T4N.2 it seems to me that “Apartment House” is most similar the Hub, but when I look at 10-50.110 it appears to me that the Hub does not come close to the description of an “Apartment House” or the meet the number of units allowed.

I did the same thing for T5 Main Street, except that the allowed building type that seemed most similar to the Hub is the “Courtyard Apartment,” but again it doesn’t match the proposed Hub.

I’ve attached the relevant pages and highlighted the applicable text.

Could you send me a brief explanation of which “allowed building type” planning staff believes that the Hub fits or why the allowed building type criteria are not applicable?

One side note: I was somewhat involved in the process when Transect Zoning was developed. I supported it based on the allowed building types and photos provided as examples, all of which would be acceptable at the Hub location. I’m puzzled how the descriptions, photos and regulations I supported are allowing the Hub to move forward.

Thanks,

Rick

AWD LAW

February 3, 2016

Mr. David Carpenter, Chairperson
Members, Planning and Zoning Commission
c/o Mr. Dan Folke, Planning Director
City of Flagstaff
211 W. Aspen
Flagstaff, Arizona 86001

Re: The Hub; PZ-15-00164, Zoning Amendment and Conditional Use Permit.

Dear Mr. Carpenter and Members of the Commission,

Our Firm represents Southside Historic Properties, Inc., the owner of several properties in the historic Flagstaff Southside neighborhood that are within blocks of the site for the proposed zoning amendment and conditional use permits referenced above. I thoroughly reviewed The Hub proposal by Core Campus L.L.C. I also studied the building mass exhibits prepared by Myefski Architects dated January 22, 2016.

In summary, the building bulk and mass of The Hub are far out of scale with the surrounding neighborhood. The plan is sorely under-parked. The lack of parking will burden the Southside neighborhood, Plaza Vieja, and the Downtown Historic District. The Commission and the Council must anticipate that there surely will be more people residing in, or staying at, The Hub than just one solitary adult per bedroom; meaning that the Traffic Impact Analysis (TIA) for The Hub (a "by-the-bed" rate) undercounts the actual way the project will be used by its tenants and their guests and the commercial businesses. We should not accept a final condition where traffic levels of service are "F's and G's".

Adoption of an owner's Management Plan (i.e., rules and regulations) is no solution. The Plan will only address on-site tenant behaviors. It will not control all the off-site symptoms of a student housing dormitory (pressurized traffic congestion; pressurized off-site parking) and the disruptions to the existing fabric of the Southside neighborhood. Any lot combination that would allow this project to proceed should be administratively delayed until the bulk and mass of the buildings, the parking overflow, and the traffic impacts are properly studied so they can be properly mitigated. Let me explain.

An Improper Characterization of the Land Use.

The Hub is described as "a 99 dwelling unit/acre mixed-use multi-family style student housing building consisting of 236 dwelling units (664 beds)...".[1] This is a mash-up of words. It is inappropriate to use the term "dwelling" to describe any aspect of this use. "Dwelling" is a defined term in the Zoning Code[2] which intentionally excludes guest rooms in a boarding house.
The Hub's Management Plan points to a lease restriction of "only one resident per bedroom"[3]. That use conforms to the definition of "Rooming and Boarding Facility".[4] The Hub is a boarding facility.

The architecture may be 'multi-family' in appearance, but there is no reason to refer to The Hub as 236 dwelling units. As per the Zoning Code 'The Hub' is a 664 bed boarding facility "...without group cooking facilities,...rented to individuals under separate rental agreements or leases...(and) includes dormitories".[5] So please don't think of The Hub as multi-family dwellings. It is 664 individual units rented separately under separate rental agreements.

Traffic and Parking Counts

The proper characterization as a boarding facility directly relates to the Traffic Impact Analysis (TIA) and to the Parking impacts. If these were dwellings (236) in a multi-family setting, the trips they generate would incorporate the fact that families frequently make purposeful trips together. 236 families would make fewer trips than 665 solitary individuals. Although trip generation rates were taken "from a study performed by the City in 2015 of existing housing developments *similar to the proposed development,*"[6] there is only one other potential boarding facility to compare.[7] It would be mixing of apples and oranges to assume for TIA purposes that The Hub will function like an apartment complex. It is a dorm. Presumably, The Hub wanted to study traffic based upon the number of required parking spaces.[8] But parking at The Hub is *only equal to 31% of the total number of proposed beds.*[9] Counting on-site parking to measure off-site traffic impacts is backwards, especially on a property, that is under-parked by 300% for the residential use.[10] The Hub also includes 14,000 square feet of commercial. When the commercial is included, the parking shortage becomes even more drastic.

Staff apparently required a calculation based upon the total number of beds (665),[11] thinking this was "a more conservative approach". Staff found no noticeable difference in impacts between the high and low scenarios. There are several problems with this method.

1. TIA's are modeled around AM and PM peak hour trips. Realize that the background condition of Milton at The Hub is already at a traffic Level of Service "G" (very congested; i.e., beyond grade F).[12]

---

[1] Staff Report, Zoning Map Amendment, at p. 1.
[2] Zoning Code, §10-80.20.040 Definitions "D".
[3] Staff Report, Conditional Use Permit, at p. 4.
[4] Zoning Code, §10-80.20.180, Definitions, "R".
[5] Definitions, "Rooming and Boarding Facility"; Id.
[6] Staff Report, Zoning Amendment, at p. 12.
[7] The Grove.
[8] Staff Report, Id, at p. 12.
[9] Staff Report, Id., at p. 5.
[10] 665 units is more than 3 times the number of parking spaces, or 300% greater than the parking provided.
[11] Staff Report, Id., at p. 12.

The intersection of Milton and Phoenix is an LOS "F".[13] And the neighborhood street intersections are at LOS "D".[14]

2. Add to this condition 2,484 daily Hub vehicle trips.[15] And to count them primarily on the single-lane streets in Southside where on-street parking is also allowed; where parking is usually fully occupied; with 298 trips at the peak PM rush hour alone;[16] and where the speed limit is not greater than 25 mph and the on-street parking generates "friction" slowing traffic down.
3. A coming Residential Parking District considered by Council will reduce the already limited supply of on street parking and restrict usage by designating some spaces for residents and other spaces by limiting the time a space can be occupied.
4. Predictably, the drivers (whether guests, residents or commercial customers) who cannot find a space at The Hub will drive in circles looking for a space and exacerbate traffic congestion.
5. *With all that in mind, it is hard to conceive that there could be "no noticeable difference" in impacts at the peak hour, There will most certainly be more cars, moving more slowly, fishing for fewer on-street parking opportunities, within a range of blocks from The Hub, all stopping and queueing at the cross-streets. And all of that makes for negative impacts on both the existing and future parking pool, and the future traffic flow imposed upon the existing background traffic.*
6. 665 bedrooms is not the proper measure of human occupancy, just as it is not a measure of the number of cars or traffic trips or parking demand. That cap does not account for guests, invitees, or double occupancy.
7. The TIA study simply under-counts traffic. It de-emphasizes any mitigation by concluding that there is "availability of capacity" even at traffic level of service LOS "D".[17] That while Phoenix Avenue at Milton is LOS "F" the situation is a pre-existing condition requiring no mitigation.[18] And there is no discussion of mitigation on the already very congested Milton – a "G"..

   Most citizens would find these conclusions unacceptable. A TIA do-over is warranted. Or in the least the Commission and Council should pause and require mitigation from a developer whose traffic leaves the community in a condition of failure.

Double Occupancy

To address this issue for a moment, there is no reasonable or lawful way to think of The Hub as a berth for singles and that the singles will never cohabitate, even for a while. Under the Fair Housing Act, The Hub owners must provide accommodations for persons (male or female) with children and for women who present as pregnant.[19] It is reasonable for the City and The Hub to fully expect more human occupancy than the mere number of rooms on site.

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[12] FMPO Regional Transportation Model, September 14 & 15, 2015, at p. 32.

[13] The Hub TIA, 4th Submittal, November 2015, Executive Summary, at p.3.

[14] Id., at p. 5.

[15] Id., at p.4.

[16] Id,, at p.4.

[17] Id., at p.5.

[18] Id., at p.

[19] The Fair Housing Act provides protection against discrimination for certain protected classes. 42 U.S.C. § 3601 – 3631 (the "FHA"); 24 C.F.R. § 100.1 – 125.501. The FHA prohibits discrimination in housing based on race, color, religion, sex, familial status and national origin. 42 U.S.C. 3604. Familial status is defined as having children under the age of 18 or being pregnant. 42 U.S.C. 3602(k). Notably, marital status is not a protected class.

Conversely, the City cannot – as a condition in a CUP, a Development Agreement, or a Management Plan – limit occupancy to one resident per room.[20] Enforcement of such a cap would violate the Fair Housing Act for the same reasons that The Hub can't refuse to rent to persons who are protected by the Act. It stands to reason that the population at The Hub at any given moment will exceed the number of boarding rooms.[21] It follows that the additional occupancy must be factored into both the Traffic and the Parking counts. The impact on the Southside neighborhood businesses, residents and traffic is likely to far exceed the understated estimates of both the occupants of, and the traffic generated by, the Hub.

Even though the current management seems committed to limiting occupancy, the future assignment of ownership and ownership transfers, foreclosures, legal changes and other planned and unplanned events can and do shift management personnel and plans in unanticipated ways. It is easy to imagine a new management that will decide to increase revenue by encouraging or tacitly acquiescing to two or more occupants per room. Since the City would not be in a position to enforce the lower residency counts (due to FHA requirements) the project changes and the redeveloped neighborhood could lose its attractiveness due to the resulting excessive congestion.

Traffic Maneuvers

The site plan traffic circulation shows the in-and-out maneuvers occurring on City surface streets, with no ingress-egress on Milton. That is an important omission. First there is a demand for access to the site from Milton. Yet northbound drivers on Milton will either turn right on Mike's Pike (awkwardly) at the five-points intersection, or they will proceed north past the project and turn right on Phoenix then right again on Mike's Pike. That is a considerable traffic burden (traffic counts, circulation, turning, pedestrian and bicycle interference) to be applied to the neighborhood streets when the demand is generated largely from Milton. It is logical to have the site re-designed to accept at least a right-in and deceleration lane on northbound Milton. That amendment may mitigate the extreme neighborhood traffic impacts that will occur if there is no vehicular access to Milton.

The Commission And Council Should Require a TIA do-over.

The conclusion is that the TIA must be re-done with more accurate starting assumptions that fully account for actual physical use of the operation with traffic access from Milton.

The Commission And Council Should Require More On-Site Parking

If the City accepts the comparison of other apartment complexes to The Hub for purposes of measuring traffic impacts, then it should also compare other apartment complexes to The Hub for purposes of parking. It would be arbitrary to use apartments to measure traffic impacts but not to measure how those cars park when they get there. Under Flagstaff's traditional zoning categories, a multi-family dwelling must carry 1.5 spaces per two or three bedroom unit, and an additional 0.25 spaces for guest parking.[22] Even assuming The Hub's 236 dwelling unit comparison for the sake of an example, The

[20] Staff Report, CUP, Management Plan reference at p. 4.

[21] There is a vacancy rate to consider, but upon information and belief, vacancy rates are not a subtraction from TIA or parking assumptions.

[22] Zoning Code, Table 10-50.80.040(A).

Hub would be required to provide 354 spaces for residents and 59 spaces for guests, a total of 413 spaces. That is 209 spaces *fewer* than The Hub intends to provide *if The Hub were a multi-family apartment complex.* Under traditional zoning a boarding facility must provide 1 parking space per bedroom. That totals 665 spaces, or 461 spaces *fewer* than The Hub intends to provide. That parking requirement 461 *does not* yet address dual occupancy, guest parking or the parking required for the 14,000 square feet of commercial space.

What that all equates to is the need for *the community* to deliver to The Hub the 461 (+commercial) parking spaces that The Hub is not providing for its tenants but that will be demanded by the users and the use. It does not matter that The Hub can point to the T5 parking standard and say that no more can be demanded of them. The site provides a maximum of only 31% of the parking that is needed, and worse if you include double occupancy and guests and commercial. The problem remains. Whose responsibility is it to solve the off-site impacts that the use will certainly generate? The value and potential effectiveness of the comprehensive Downtown Parking Plan currently moving toward implementation by the City would be consumed entirely by this one project. Until there is a parking remedy, a use like The Hub is likely to become a public nuisance that generates a parking crisis until the situation is abated by a parking remedy.

The Zoning Ordinance provides:

"If a property owner is unable to provide the required parking on-site, the owner may at the discretion of the Director satisfy the parking requirements by one or more alternatives",[23] and the alternatives are applicable to all zones, transect or not. The alternatives can be shared parking agreements with other owners, and can include an in-lieu fee if a parking management district is formed. Although the Parking Management District encompassing the Southside has already been discussed, it would be nearly impossible to also accommodate the needs of The Hub without substantial revision.

The Building Bulk and Mass is Off-Scale With The Neighborhood.

The Staff Report accurately notes that the neighborhood surrounding The Hub is single story structures, while The Hub proposes 5-stories along Mike's Pike.[24] Staff then notes that "the proposed bulk and mass of the building adjacent to Mike's Pike is not fully compatible with the existing neighborhood". Indeed, it is not compatible at all with this historic area.

"The purpose of Conditional Use Permits is to provide a process for reviewing uses and activities that are permitted in an applicable zone, but that require more discretionary review and the possible imposition of conditions to mitigate the effects of a proposed use".[25] There is a specific finding for granting a CUP that requires that the characteristics of the use as proposed, and as may be conditioned, are reasonably compatible with the type of uses permitted in the surrounding area.[26] The Commission shall only issue a CUP when it finds that the applicant has considered and adequately addressed a variety of factors "to ensure that the proposed use is compatible with the surrounding area", including –

[23] Zoning Code, §10-50.80.070.
[24] Staff Report, CUP, at p. 4.
[25] Zoning Code, §10-20.40.050(A).
[26] Zoning Code, §10-20.40.050(E)(3).

in addition to traffic – proposed style and siting of structures *and the relationship to the surrounding neighborhood.*[27]

In its recommendation, Staff has put little weight or reliance upon what exists as the character of Southside, and little effort into comparing The Hub to its sense of place in its surroundings. Instead, Staff puts emphasis upon *what the future could be* on the Southside according to what is theoretically permit-able there under Transect zoning: a sky-line of structures between Milton and Beaver of 5-stories to 4-stories to 3 ½ stories, and back to 5-stories.[28]

That is not the intent nor the proper application of the findings. That approach does not adequately incorporate the Southside 2005 Plan that calls for 2-stories/30 feet building height adjacent to Mike's Pike, for example.[29] And it does not acknowledge the authority that the Planning and Zoning Commission has to set conditions of approval. To the contrary, the Commission may attach conditions of approval as are necessary to carry out the purposes of the Regional Plan and other plans. Conditions may include *"limitations on size, bulk and location"*.[30] The conditions, among other things, "shall restrict and limit the construction, location, use and maintenance of all land and structures within the development".[31]

The conclusion that Southside will be a sky-line of buildings between 3 and 5-stories in height requires a leap in wishful Regional Planning. The Southside 2005 Plan calls for less. A re-calibration (without prohibiting the use) is the method for right-sizing the project to the Plans. Limiting the size and bulk is a way of adjusting the mass of a massive structure to fit the reasonable expectations of Southside development and redevelopment.[32]

Honoring the Intention of Flagstaff's Zoning Code

Though Flagstaff's Zoning Code includes hundreds of numbers and formulae, the recent revision was intended to honor the unique character of the city. The concept of a Place Based Approach to Zoning (Heading of Par 10.00) is the first of dozens of references in the Code to maintaining and enhancing the special place that Flagstaff has become. Though it's important to do the calculations and analyses of size, units and traffic, it is perhaps most important to honor the intention of the language that describes how Flagstaff intends to develop and build on its identity and values.

The first two City-Guiding Principles in the introduction to Using the Flagstaff Transect (PP 10-00.090) are "1. Preserve and enhance community character; 2. Encourage appropriately scaled infill and development." Sadly, The Hub's plan violates both the commitment to sustaining community character. It will rise over the neighborhood like an inappropriately located behemoth. However attractively the architect and developer may dress The Hub, it is entirely out of character with the historic Southside neighborhood.

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[27] Id.
[28] Id.
[29] Staff Report, Zoning Amendment, at p. 6
[30] Zoning Code, §10-20.40.050(F).
[31] Id., at subsection (G).
[32] The proposed T5 square footage (218,128 gsf) is the size of a typical big box Super Walmart.

The intention of the T-4 zone, currently located along Mikes Pike, would also be violated by a project of this size and density. The description of the T-4 zone (Para 10-40.40.090) calls for the neighborhood "to evolve with the integration of small building footprints and medium density building types. Appropriate dwelling units might include bungalow courts, duplexes, and apartment houses, which are typically smaller than those found in other zones." Granting the re-zoning requested by The Hub clearly violates the intent of this zoning.

Slow Down this Precedent-Setting Decision

There is considerable work to be performed by the Developer and significantly more reflection and analysis to be done by City Staff, the Commission, and Council before this case is ready for conclusion. As mentioned, the TIA needs a do-over with better, more accurate set of assumptions relating to project capacity, project use and the results: that is, how the project leaves us with traffic's final condition. Parking needs are drastically undercounted and, if Staff is justifying approval based upon a sky-line of Southside structures, then any such zoning approvals should be preceded by solid implementation of a Parking Management District. Occupancy of the structure cannot be limited by a Development Agreement or Management Plan that violates the Fair Housing Act. A realistic Management Plan must acknowledge higher occupancy numbers and off-site impacts.

Our client encourages you to slow down the process and deny all of the seven (7) separate lot combinations until the project is right-sized both in terms of its bulk and mass as well as its impacts to a historic and cultural Southside Neighborhood. The first major project in the Southside area will set a precedent for future projects, so the adage "measure twice, cut once" should guide every consideration of this project.

There is a conceptual level of development that is approvable at the site – creating higher density, encouraging walkability, and providing homes and services that are congruent with this historic Southside neighborhood and its future. However, it is not a project of this magnitude and scale, at least not without considerable additional planning and the imposition of significant traffic and parking mitigation.

Regards,

Cc:Mayor and Council
Mark Sawyers
Mark Landsiedel
Rick Barrett
Reid Miller

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Brian Kulina, Planning Development Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Consideration and Possible Adoption of Resolution No. 2016-18: A resolution authorizing the execution of a Development Agreement between Core Campus Flagstaff LLC and the City of Flagstaff related to the development of approximately 2.39 acres of real property generally located at 17 S Mikes Pike. ***(HUB Development Agreement)*** ****ORDER CHANGED TO CONSIDER SECOND READ OF ORDINANCE PRIOR TO DEVELOPMENT AGREEMENT***

RECOMMENDED ACTION:

1) Read Resolution No. 2016-18 by title only
2) City Clerk reads Resolution No. 2016-18 by title only (if approved above)
3) Adopt Resolution No. 2016-18

Executive Summary:

A Development Agreement establishing the City obligations and Developer obligations related to a direct ordinance Zoning Map Amendment request from Core Campus Flagstaff LLC amending the Downtown Regulating Plan from the existing T4 Neighborhood 1 Open (T4N.1-O) transect to the proposed T5 Main Street (T5) transect located along Mikes Pike and containing approximately 1.35 acres, and from the existing T4 Neighborhood 1 Open (T4N.1-O) and the T5 Main Street (T5) transects to the proposed T4 Neighborhood 2 (T4N.2) transect located along Phoenix Avenue and containing approximately 0.29 acres.

City obligations will include reimbursement for upsizing and extending water and sewer infrastructure adjacent to and extending beyond the boundaries of the Subject Property. Developer obligations will include management of the project, participation in the Crime Free Multi-Housing Program, traffic (vehicular and pedestrian) mitigation, parking, construction of public improvements, relocation of a known cultural resource, and election into the transect zoning.

Financial Impact:

Reimbursement for the upsizing and extending of the water and sewer infrastructure is budgeted as part of the Utilities Capital Improvement Program.

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Provide a well-managed transportation system

REGIONAL PLAN:

Staff has identified 66 Regional Plan Goals and Policies that could be applied to support or not support the proposed Zoning Map Amendment, including the subsequent Development Agreement. A list of those Goals and Policies, as well as a discussion and analysis, was provided in the Zoning Map Amendment staff report.

Has There Been Previous Council Decision on This:

The City Council has previously held three (3) public hearings related to the Zoning Map Amendment. A first reading of Ordinance No. 2016-08 occurred on March 1, 2016. Discussion and approval of this Development Agreement must occur prior to the second reading and adoption of the ordinance.

Options and Alternatives:

1. Approve the Development Agreement as presented.
2. Approve the Development Agreement with added, modified, or deleted terms.
3. Remand the Development Agreement back to staff for additional negotiations with the developer.
4. Deny the Development Agreement.

Key Considerations:

<u>City Obligations:</u>

- To reimburse the Developer for upsizing and extending the existing water and sewer infrastructure due to the age and diameter of the existing lines.

<u>Developer Obligations:</u>

- Project Management:
  - Implement and maintain a management plan for the project establishing, at a minimum, provisions for: 1) a manager who will be available twenty-four hours, seven-days a week (24/7); 2) at least one on-site staff member who will be available twenty-four hours, seven-days a week (24/7), for as long as the Project is marketed and operated as a student-housing development; 3) repair and maintenance of adjacent sidewalks, civic spaces, and open spaces; 4) regular sweeping and removing of trash and debris from access ways and common areas in and around the Project; 5) regular maintenance of any drainage and landscaped areas; and 6) maintaining and repairing all lighting fixtures located within and around the Project.
  - Provide contact information for the Developer and the local manager whom the City and third parties may contact regarding matters concerning the operation and maintenance of the project.
  - Limiting rental agreements to one (1) agreement per dwelling unit.
  - Implement and maintain rules and regulations that will govern the project, be included in each lease, and address, at a minimum: the prohibition of illegal use of alcohol, drugs, and controlled substances; prohibition of criminal and illegal activity; prohibition of firearms,

weapons, and other dangerous materials; fire safety and alarm equipment; guest policies; pet and animal policies; personal safety; parking; building security and access; and, standards for the maintenance of leased units and keeping the project in good, clean, and sanitary condition.
    - Agreeing that all project management provisions shall be applicable to the Developer and its successors and assigns.
- Crime Free Multi-Housing Program
    - Participation in the Flagstaff Police Department's Crime Free Multi-Housing Program.
- Traffic Mitigation
    - Payment of $200,000, which represents fifty percent (50%) of the City's estimated cost of constructing a new traffic signal at the intersect on San Francisco Street and Franklin Avenue.
    - Payment of $100,000, which represents fifty percent (50%) of the City estimated cost of upgrading the existing signalized pedestrian crossing generally located at the intersection of Butler Avenue and Humphreys Street.
    - Improve site visibility triangles and reduce pedestrian crossing distances by designing and constructing curb extensions at the site driveway and the northwest corner of Mikes Pike Street and Phoenix Avenue.
    - Design and implement a new striping plan for San Francisco Street south of Butler Avenue to accommodate a 193-foot queue length.
    - Dedication of 10.9-feet of Right-of-Way along Milton Road for the construction of a future northbound right turn lane.
- Parking
    - Payment of $500,000 as a contribution toward the City's parking solutions in the Southside Neighborhood.
- Public Improvements
    - Construct the public improvements necessary to support the proposed development.
- Cultural Resources
    - Permit the relocation of the existing structure located at 17 South Mikes Pike to an alternate location within the Southside Neighborhood for use as a bed and breakfast

Community Involvement:

Inform
Consult
Involve

Attachments: Res. 2016-18
Development Agreement

RESOLUTION NO. 2016-18

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, ARIZONA, AUTHORIZING THE EXECUTION OF A DEVELOPMENT AGREEMENT BETWEEN CORE CAMPUS FLAGSTAFF LLC AND THE CITY OF FLAGSTAFF RELATED TO THE DEVELOPMENT OF APPROXIMATELY 2.39 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 17 SOUTH MIKES PIKE AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Core Campus Flagstaff LLC ("Developer") is the owner of approximately 2.39 acres of real property generally located at 17 South Mikes Pike (the "Property"); and

WHEREAS, Developer plans to construct on the Property, among other things, 236 student-oriented multi-family housing rental units and 14,096 square feet of commercial space; and

WHEREAS, 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 Developer and the City acknowledge that the Development Agreement would operate to the benefit of both parties; and

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.

ENACTMENTS:

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

SECTION1. The Development Agreement provides benefit to the City of Flagstaff.

SECTION 2. The Development Agreement is consistent with the purpose, intent, goals, policies, programs and land use designations of the General Plan, any applicable specific plans, and the Zoning Code.

SECTION 3. The Development Agreement complies with the requirements of Arizona Revised Statutes § 9-500.05.

SECTION 4. That the City of Flagstaff be hereby authorized to enter into the Development Agreement in the form attached to the staff summary submitted in support of this Resolution.

SECTION 5. That the Mayor of the City of Flagstaff be hereby directed to execute the Development Agreement on behalf of the City.

SECTION 6. PASSED AND ADOPTED by the City Council of the City of Flagstaff this 22nd day of March, 2016.

SECTION 7. This Resolution shall become effective thirty (30) days following adoption by the City Council.

_____
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

DEVELOPMENT AGREEMENT AND WAIVER
between
City of Flagstaff
and
Core Campus Flagstaff LLC

THIS DEVELOPMENT AGREEMENT ("**Agreement**") is entered into this _____ day of _____, 2016, by and between the City of Flagstaff, an Arizona municipal corporation ("**City**") and Core Campus Flagstaff LLC, a Delaware limited liability company ("**Developer**"). The City and Developer are sometimes referred to herein collectively as the **Parties.**

RECITALS

A. A.R.S. § 9-500.05 authorizes the City to enter into development agreements with landowners and persons having an interest in real property located in the City.

B. Developer is the owner of approximately 2.39 acres of real property generally located west and south of the intersection of Mikes Pike and Phoenix Avenue at 17 South Mikes Pike, Coconino County Assessor's parcel numbers **100-39-001C, 100-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C**, within the corporate limits of Flagstaff, Arizona, more specifically described and depicted in ***Exhibit A*** (the "**Property**").

C. Parcels 100-39-011C, 100-39-002A, and 100-39-001G of the Property currently have a transect zoning of T5 Main Street ("**T5**"). Parcels 100-39-008, 100-39-009, 100-39-010, and 100-39-001C of the Property currently have a transect zoning of T4 Neighborhood 1 – Open ("**T4N.1-O**"). The Developer is requesting a zoning map amendment for a portion of Parcels 100-39-010, 100-39-002A, 100-39-001G, and 100-39-001C to T4 Neighborhood 2 ("**T4N.2**"), with the remaining portion of Parcels 100-39-001C and 100-39-010 to T5, and Parcels 100-39-008 and 100-39-009 to T5.

D. Under the applicable comprehensive plan, the Flagstaff Regional Plan 2030 ratified May 2014, the Property has an existing land use designation of Urban, is located within two (2) Urban Activity Centers, and is identified by the "Transitions Map" as being located within a Transform Urban area. The Developer intends to redevelop the Property as a mixed-use multi-family style student housing development consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses.

E. The City has an interest in ensuring that the development of the Property complies with City standards for development and engineering improvements and all other City standards, and the City believes that development of the Property pursuant to this Agreement will result in planning, safety, economic, and other benefits to the City and its residents, and will not be detrimental to the public health, safety or welfare, or materially injurious to the properties in the vicinity.

F. The Developer acknowledges that development of the Property 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 substantial accordance with the Site Plan.

G. As part of the development of the Property, Developer will provide certain Public Improvements, which are limited to those described in this Agreement, both inside and outside of the Property boundaries and at capacities that will support the Project and also benefit other surrounding properties.

H. The Parties acknowledge that the contributions for Public Improvements by the Developer are related to the Project and proportional under all the options in this Development Agreement.

I. The City and Developer are entering into this Agreement pursuant to Arizona Revised Statutes § 9-500.05.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and agreements set forth herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, and in order to fulfill the foregoing objectives, the parties agree as follows:

1. INCORPORATION OF RECITALS

Each of the recitals set forth above is incorporated into this Agreement as though fully set forth herein.

2. DEFINITIONS

The following terms shall have the meanings set forth below whenever used in this Agreement, except where the context clearly indicates otherwise:

2.1 "**Agreement**" shall mean this Development Agreement between the City and Developer.

2.2. "**A.R.S.**" shall mean Arizona Revised Statutes.

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2.3 "**Assurances Agreement**" shall mean the Assurance of Performance Agreement, using the City's standard form between Developer and City, or any other form of assurance agreement negotiated between the City and Developer, but in any event the Assurances Agreement shall be consistent with applicable City Codes.

2.3 **"City"** shall mean and refer to the City of Flagstaff, an Arizona municipal corporation, and any successor public body or entity.

2.4 "**Construction Permits**" shall mean any permit issued by the City or other jurisdiction that is required in order to begin construction on any on-site or off-site phase or stage of the Project, including but not limited to Public Improvements, grading, electrical, gas, plumbing, or mechanical.

2.5 **"Developer"** shall mean and refer to Core Campus Flagstaff LLC, a Delaware limited liability company, and any permitted successor-in-interest or assignee of Core Campus Flagstaff LLC acquiring the Project.

2.6 "**Development Fees**" shall mean any impact fee, instituted by the City pursuant to A.R.S. § 9-463.05.

2.7 **"Improvements"** shall mean and refer to all the improvements, on-site and off-site, which may be constructed from time to time as part of the Project, including, without limitation, public roads, utilities, driveways, landscaping and other improvements of any type or kind to be built by Developer.

2.8 **"Project"** shall mean and refer to the development of the Property for the uses, intensities and densities currently shown in the approved Site Plan.

2.9 **"Property"** shall mean and refer to all of the real property that is legally described in ***Exhibit A***.

2.10 **"Zoning Code"** shall mean the City's Zoning Code (Title 10 of the Flagstaff City Code).

3. SITE PLAN

3.1 Development in Substantial Accordance with Site Plan. The City and the Developer hereby acknowledge that the City approved the Site Plan for the Project on December 11, 2015, a copy of which is attached hereto as ***Exhibit B*** and incorporated herein (the "**Site Plan**"). The Site Plan sets forth the basic land uses, intensity and density of such uses, relative height, bulk and size of buildings and structures proposed by the Developer and approved by the City for development within the Property. Notwithstanding anything contained in the foregoing,

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however, the City acknowledges that, while the Developer intends to develop the Project in general conformance with the Site Plan, in order to make the Project economically viable and otherwise feasible, as the Project progresses through civil plan and building permit review, the Developer may request modifications to the Site Plan. The City shall process all submittals made by Developer in conformance with Section 8.1, below, and nothing contained herein shall preclude the City from the exercise of its normal review process and requirements in connection with its approval of such submittals. Unless otherwise limited by the conditions of City Ordinance No. 2016-08, modifications to the Site Plan that exceed the thresholds set forth in Flagstaff Zoning Code Section 10-20.40.090.B.2 shall require a Zoning Map Amendment to process the requested modifications to the approved Site Plan.

4. DEVELOPMENT STANDARDS

4.1 Governing Regulations. Development of the Property, including off-site and on-site public Improvements, shall be governed by the City's codes, ordinances, regulations, rules, guidelines and policies controlling permitted uses of the Property, design review standards, the density and intensity of uses, the maximum height and size of the buildings within the Property in existence as of the Effective Date of this Agreement; provided, however, that if the Developer fails to obtain any Construction Permits with respect to the Project within two (2) years following the Effective Date of this Agreement, 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.

4.2 Permits & Building Fees. Developer agrees and understands that all building permits, Development Fees, and other fees normally applicable to construction within the City at the time of application shall apply to the Project. Denial of a Developer's permit application for failure to meet the City's building code requirements for such permit shall not be deemed a breach by the City of this Agreement.

5. DEVELOPER AND CITY OBLIGATIONS

5.1 Water and Sewer Infrastructure. Due to the age and diameter of the existing potable water lines and sanitary sewer lines adjacent to the Property, the City is requiring the Developer to replace approximately 840 feet of waterline and sewer line in Mikes Pike from Phoenix Avenue to Benton Avenue and upgrade the existing eight-inch (8") diameter waterline to a ten-inch (10") waterline and the existing eight-inch (8") diameter sewer line to a new PVC eight-inch (8") diameter sewer line. All work will be performed by the Developer or its designee. Developer shall procure all design and construction of the off-site potable water line and sanitary sewer line improvements according to City of Flagstaff policies. City shall review all design and construction plans and approve of such plans before construction commences. All bids for design, construction, or any other work covered by this Section shall be approved by the City Engineer. The City

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agrees to pay for the cost of replacement of approximately 340 feet of potable water line for those portions of the line not directly adjacent to the Property and for the difference in material costs between an eight inch (8") potable water line and a ten inch (10") potable water line. Upon completion and acceptance of the off-site potable water line and sanitary sewer line improvements, the City shall reimburse the Developer within 60 days of the Developer billing the City for the total costs incurred by the Developer for constructing the 340 foot portion of the potable water line and the upsizing of the waterline. The total cost of the City's participation will be determined during Civil Improvement Plan review. Prior to reimbursement, the Developer shall provide to the City legible copies of all receipts documenting the cost the potable water line design and construction. The Developer's participation in the cost for the new water and sewer lines, as described in more detail above, is in addition to the Developer's obligation to pay all fees and costs due to the City under the City Code and other laws and regulations.

6. DEVELOPER OBLIGATIONS

6.1 Management of the Project.

6.1.1 The Developer agrees to implement and maintain a management plan establishing management practices at the Project that are designed to facilitate the operation and maintenance of the Project as an apartment project. The management plan shall be prepared in accordance with industry standards and shall include, without limitation, the following provisions: 1) a manager who will be available twenty-four hours, seven-days a week (24/7); 2) at least one on-site staff member who will be available twenty-four hours, seven-days a week (24/7), for as long as the Project is marketed and operated as a student-housing development; 3) repair and maintenance of adjacent sidewalks, civic spaces, and open spaces; 4) regular sweeping and removing of trash and debris from access ways and common areas in and around the Project; 5) regular maintenance of any drainage and landscaped areas; and 6) maintaining and repairing all lighting fixtures located within and around the Project.

6.1.2 The Developer agrees to provide contact information for the Developer and the local manager on its Project web site, including a local Flagstaff telephone number or toll-free telephone number, so the City and third parties may contact the Developer and such manager regarding matters concerning the operation and maintenance of the Project.

6.1.3 The Developer agrees to structure its rental agreements for the Project on a per unit basis (i.e., one (1) agreement per dwelling unit), unless and until a conditional use permit for rooming and boarding is obtained or the requirement is removed from the Zoning Code.

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6.1.4 The Developer agrees to implement and maintain rules and regulations ("**Rules and Regulations**") that will govern the Project and be included in each lease agreement in order to regulate resident conduct, safety and security, and help maintain an optimal living environment for all residents of the Project. The Rules and Regulations shall address, without limitation, the following areas: prohibition of illegal use of alcohol, drugs, and controlled substances; prohibition of criminal and illegal activity; prohibition of firearms, weapons, and other dangerous materials; fire safety and alarm equipment; guest policies; pet and animal policies; personal safety; parking; building security and access; and standards for maintenance of leased units and keeping the Project in good, clean, and sanitary condition. The Developer further agrees to use commercially reasonable efforts to enforce the Rules and Regulations, which may include assessing fines against tenants of the Project for any violation of the Rules and Regulations, requiring payments by tenants for costs incurred to cure violations, and pursuing eviction and early lease termination remedies where appropriate.

6.1.5 If requested by the City, the Developer will provide a copy of the Rules and Regulations to the City's Community Development Director to demonstrate compliance with Section 6.1.4 above.

6.1.6 The foregoing requirements outlined in this Section shall be applicable to the Developer and its successors and assigns, as applicable, during their ownership of the Project.

6.2 Crime Free Multi-Housing Program. The Developer agrees to participate in the City of Flagstaff Police Department's Crime Free Multi-Housing Program (**CFMHP**). Prior to submitting an application for any Construction Permit, excluding demolition permits, grading permits on-site utility permits and foundation permits, the Developer shall schedule a meeting with the City of Flagstaff Police Department's CFMHP representative to review the proposed building plans as they relate to compliance with CFMHP.

6.3 Traffic Mitigation. Prior to the issuance of any Construction Permits for the Project, the Developer shall, in accordance with the *City Traffic Impact Analysis Review Memorandum* dated December 11, 2015 (***Exhibit C***), perform the following:

6.3.1 Make a payment to the City in the amount of $200,000, which represents fifty percent (50%) of the City's estimated cost of constructing a new four-leg traffic signal at the intersection of San Francisco Street and Franklin Avenue. Any monies paid by the Developer shall be placed by the City in a designated account to be used solely for the design and construction of the future signal.

6.3.2 Make a payment to the City in the amount of $100,000, which represents fifty percent (50%) of the City's estimated cost of upgrading the existing signalized pedestrian crossing generally located at the intersection of Butler Avenue and Humphreys Street. Any monies paid by the Developer shall be placed by the City in a designated account to be used solely for the design and construction of upgrading the existing pedestrian signal.

6.3.3 Demonstrate improved site visibility triangles and reduce pedestrian crossing distances, by designing curb extensions at the site driveway of the Mikes Pike Street and Cottage Avenue intersection and the northwest corner of the intersection of Mikes Pike Street and Phoenix Avenue. Construction of such improvements shall be completed in sequential order of normal construction sequences and, in any case, prior to the issuance of a final Certificate of Occupancy for the Project.

6.3.4 Design a striping plan for San Francisco Street south of Butler Avenue to accommodate a 193 foot queue length, which will provide additional stacking in the northbound left and through lanes. Construction of such improvements shall be completed by Developer in sequential order of normal construction sequences and, in any case, prior to the issuance of a final Certificate of Occupancy for the Project.

6.3.5 Dedicate a 10.9-feet portion of the Property for Right-of-Way along Milton Road to accommodate the future construction of a northbound right turn lane off of Milton Road onto eastbound Phoenix Avenue.

6.4 Parking. The Developer acknowledges and agrees that it shall provide not fewer than 231 onsite parking spaces (27 street parking spaces and 204 garage parking spaces) in order to satisfy the City's parking requirements with respect to the Project. In addition, within ninety (90) days of the City issuing a grading permit for the project, Developer shall remit to the City an amount equal to $500,000.00 as a contribution toward the City's parking solutions for the Southside. **[Developer is proposing this payment as an alternative to condition number six (6) in Ordinance 2016-08.]**

6.5 Construction of Public and Other Related Improvements. Prior to the issuance of a Construction Permit for improvements in relation to the Project in any City right-of-way, the Developer shall deliver to Escrow Agent an irrevocable standby letter of credit ("Letter of Credit"), in an amount to be determined by the City based on the civil improvement plans for the improvements and in accordance with section 10-20.100.040(B) of the Zoning Code, to provide security for the construction and completion of the public and other related improvements contemplated by this Agreement and in accordance with approved plans. Developer shall, at its sole cost and expense, construct or cause to be constructed the public and other related improvements contemplated by this Agreement in material compliance with the City's codes, ordinances and this Agreement.

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Following construction of the described public improvements and acceptance of the improvements by the City Engineer, the City shall assume, at its sole expense, the maintenance and repairs of all public improvements in accordance with City policies. The Developer, to the extent required by City regulation, warrants construction of such public improvements for one-year following acceptance by the City.

6.6 Water and Sewer. Water and sewer infrastructure shall be designed, extended, and upgraded by the Developer at the Developer's sole cost and expense, unless otherwise stated in this Agreement, in accordance with the approved *HUB on CAMPUS Water & Sewer Impact Analysis*, sealed May 5, 2015, and the 2012 City of Flagstaff Engineering and Design Standards. Construction of the water and sewer infrastructure improvements shall be completed by Developer in sequential order of normal construction sequences.

6.7 Stormwater. Stormwater infrastructure must be designed and extended by the Developer at the Developer's cost, in accordance with the approved *Drainage Impact Analysis for The Hub on Campus Flagstaff*, dated June 1, 2015, and the approved *Preliminary Drainage Report for The Hub on Campus Flagstaff*, dated June 1, 2015. Construction of the stormwater improvements shall be completed by Developer in sequential order of normal construction sequences. The on-site stormwater improvements will remain private and not be accepted or maintained by the City.

6.8 Cultural Resources. In accordance with the Cultural Resource Study prepared by the Developer and approved by the City Heritage Preservation Commission, prior to commencement of construction of the Project, the Developer will permit the relocation of the structure currently located at 17 South Mikes Pike, Coconino County Assessor Parcel Number 100-39-009, to 23 South Agassiz Street, Coconino County Assessor Parcel Number 104-01-080D. Understanding the complexities involved in relocating structures, however, the City acknowledges and agrees that in the event such structure is not relocated for any reason, Developer shall not be deemed to be in default under this Agreement.

6.9 Zoning. The Developer hereby agrees to be subject to all of the terms, conditions, and stipulations of City Ordinance No. 2016-08, attached hereto as ***Exhibit D*** and incorporated herein by this reference.

6.10 Transect Zoning Election. The Developer hereby agrees to opt into and comply with the applicable Transect Zone standards assigned to the Property through the City of Flagstaff Official Downtown Regulating Plan, as amended by City Ordinance No. 2016-08, through the execution and recordation of the Transect Form, attached hereto as ***Exhibit E***.

7. DEFAULT; REMEDIES

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7.1 Events Constituting Default. A party hereunder shall be deemed to be in default under this Agreement if such party 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; provided, however, that in the event that any such breach or default cannot be cured within said thirty (30) day period, then the breaching party shall not be deemed to be in default hereunder so long as the breaching party commences to cure such breach or default within said thirty (30) day period and thereafter diligently and continuously pursues such cure to completion. Party in breach is responsible for providing evidence of diligence and continuous pursuit of the cure. Failure to provide such evidence shall result in a rebuttable presumption of failure to pursure the cure. For purposes of determining default and termination, those Developer obligations set forth in the Agreement are severable, and each individual obligation shall terminate upon its completion.

7.2 Developer's Remedies. In the event that the City is in default under this Agreement and fails to cure any such default within the cure period described in Section 7.1 above, then, in that event, in addition to all other legal and equitable remedies that the Developer may have, the Developer may terminate this Agreement by written notice delivered to the City.

7.3 City's Remedies. In the event that the Developer is in default under this Agreement, and the Developer thereafter fails to cure any such default within the cure period described in Section 7.1 above, then, in that event, in addition to all other legal and equitable remedies that the City may have, the City may do any of the following: 1) terminate this Agreement by written notice delivered to the Developer; 2) withhold all permits or other approvals that would otherwise be required to be issued under this Agreement or by law.

7.4 Development Rights in the Event of Termination. With the exception of a termination that occurs under Section 7.2 above, upon the termination of this Agreement as provided herein, the Developer shall have no further rights to develop the Project pursuant to the terms of this Agreement.

7.5 No Personal Liability. No current or former member, official or employee of the City or Developer when acting within the scope of their official capacity shall be personally liable (a) in the event of any default or breach by the City or Developer, as applicable; (b) for any amount which may become due to the nonbreaching party or its successor or assign; or (c) pursuant to any obligation of the City or Developer, as applicable, under the terms of this Agreement.

7.6 Liability and Indemnification. Developer agrees to indemnify, defend, save, and hold harmless the City, its officers, officials, agents, and employees from and against any and all claims, demands, actions, liabilities, damages, losses, or expenses, including court costs, attorney's fees, and costs of claim processing,

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investigation and litigation (hereinafter collectively referred to as "Claims") that arise out of any actual or alleged injury caused or alleged to have been caused, in whole or in part, by the acts, errors, omissions, or negligence of the Developer or any of Developer's directors, officers, agents, employees, or volunteers in connection with or incident to the performance of this Agreement by the Developer or nonperformance of this Agreement by the Developer. This indemnity provision shall survive the termination, cancellation, or revocation, whether in whole or in part, of this Agreement.

8. GENERAL PROVISIONS

8.1 Effective Date. This Agreement shall be effective upon execution by the Parties hereto, recordation in accordance with A.R.S. § 9-500.05 (as amended), and upon expiration of thirty (30) days following the approval hereof by the City (the "**Effective Date**"). However, in the event that 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 of such judicial challenge, referendum or injunction. In the event of judicial challenge, referendum or injunction by any person or entity resulting in a delay in the effect of this Agreement that extends for a period of more than ninety (90) days following its approval by the City Council, this Agreement shall be terminable by 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.

8.2 Term. The term of this Agreement shall extend from the Effective Date of this Agreement and shall automatically terminate upon the complete build out of the Project unless previously terminated pursuant to the terms of this Agreement. However, the provisions set forth in Section 6.1 above and associated subsections shall continue in full force and effect.

8.3 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 the United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed as follows:

To City:	City of Flagstaff Attn: City Manager 211 West Aspen Avenue Flagstaff, AZ 86001
Copy To:	City of Flagstaff

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Attn: City Attorney
211 West Aspen Avenue
Flagstaff, AZ 86001

To Developer: Core Campus Flagstaff LLC
Attn: Marc Lifshin
2234 West North Avenue
Chicago, IL 60647

Copy To: Gammage and Burnham
Attn: Lindsay C. Schube
2 N. Central Ave., 15th Floor
Phoenix, AZ 85004

Notice of address may be changed by either party by giving notice to the other party in writing of change of address. Any such change of address notice shall be given at least ten (10) days before the date on which the change is to become effective. Notices given by mail shall be deemed delivered 72 hours following deposit in the United States Postal Service in the manner set forth above.

8.4 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.

8.5 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.

8.6 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 Delaware 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 warrants and 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.

8.7 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

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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	***Legal Description of Property***
Exhibit B	***Site Plans***
Exhibit C	***Traffic Impact Analysis Review Memorandum dated December 11, 2015***
Exhibit D	***Ordinance No. 2016-08***
Exhibit E	***Transect Zone Form***

8.8 Amendment of the Agreement. This Agreement may be amended at any time by written amendment executed by both Parties; all amendments shall be recorded in the official records of Coconino County, Arizona within ten (10) days following the execution thereof.

8.9 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 the Project is still viable.

8.10 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.

8.11 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.

8.12 No 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 a joint venture or members of any joint enterprise.

8.13 Conflict of Interest. This Agreement is subject to the cancellation provisions of A.R.S. § 38-511.

8.14 Compliance with All Laws. Subject to the terms and conditions of this Agreement, the Developer will comply with all applicable Federal, State, and County laws, as

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well as with all applicable City ordinances, regulations and policies, in connection with its performance of this Agreement.

8.15 Successors and Assigns. This Agreement shall run with the land and all of the covenants and conditions set forth herein shall inure to the benefit of and shall be binding upon the successors in interest of each of the Parties hereto. Specifically, each successor owner of any portion of the Property is responsible for fulfilling all Developer responsibilities with respect to that portion. Obligations accruing after a transfer of ownership will not be deemed to be an obligation of the transferor, though no transfer will relieve a transferor of any obligation that accrued prior to the transfer.

8.15.1 Assignment. Developer's rights and obligations hereunder may be assigned to a person or entity that has acquired all of the Property or any portion thereof pursuant to a written instrument, recorded in the Official Records of Coconino County, Arizona, expressly assigning such rights and obligations. Developer agrees to provide the City notice of any proposed assignment at least thirty (30) days prior to the assignment being finalized. The notice must identify the assignee, the assignee's contact information, and the effective date of the assignment. City will require each successor to post adequate assurances and/or enter into the appropriate assurances agreements to ensure construction of Improvements before consenting to the assignment. Nothing in this Agreement shall operate to restrict Developer's ability to assign less than all of its right and obligations under this Agreement to those entities that acquire any portion of the Property.

8.16 Consistent with General Plan and Specific Plan. All development on the Property shall be consistent with the Flagstaff Regional Plan 2030, ratified May 2014, as required by A.R.S. § 9-500.05(B).

8.17 Construction of Agreement. This Agreement has been arrived at by negotiation and shall not be construed against either Party.

8.18 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.

8.19 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 these terms, provisions, conditions, and obligations are for the benefit of or may be enforced by any third party.

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9. WAIVER OF CLAIMS FOR DIMINUTION IN VALUE.

9.1 Waiver. Upon the City's approval and recordation of the zoning applicable to the Property described in Section 6.8 above, the Developer hereby waives and fully releases the City from any and all financial or other loss, injury, claims, and causes of action that the Developer may have, now or in the future, for any compensation, "diminution in value", "just compensation", or any other amount or remedy under the Private Property Rights Protection Act, codified in A.R.S §§ 12-1131 through 12-1138, the takings clauses in Article 2 Section 17 the Arizona Constitution and the Fifth Amendment to the United States Constitution, or any other statutes, regulations, laws, or legal doctrines (referred to collectively as the "Property Value Laws") because of this Agreement or the zoning amendments requested by Developer and approved by Ordinance Number 2016-08. This waiver constitutes a complete release of any and all claims and causes of action that may arise or could have been asserted under the Property Value Laws with regard to the Property. The Developer agrees to indemnify, hold harmless, and defend the 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 Property Value Laws because of this Agreement or the zoning amendments requested by Developer and approved by Ordinance Number 2016-08.

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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 Developer has signed the same on or as of the day and year first above written.

City of Flagstaff

_____
Gerald W. Nabours, Mayor

Attest:

_____
City Clerk

Approved as to form and authority:

_____
City Attorney

Core Campus Flagstaff LLC,
a Delaware limited liability company

By: _____

Name:_____

Title:_____

STATE OF DELAWARE)
COUNTY OF _____)

ACKNOWLEDGMENT

On this _____ day of _____, 2016, 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 The Standard at Flagstaff, LLC, a Delaware limited liability company, for the purposes therein contained.

_____
Notary Public
My Commission Expires:_____

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Exhibit "A"

Legal Description of the Property

Exhibit "B"

Site Plan

Exhibit "C"

Traffic Impact Analysis Review Memorandum dated December 11, 2015

Exhibit "D"

Ordinance No. 2016-08

Exhibit "E"

Transect Zone Form

When recorded, return to:

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

DEVELOPMENT AGREEMENT AND WAIVER
between
City of Flagstaff
and
Core Campus Flagstaff LLC

THIS DEVELOPMENT AGREEMENT ("**Agreement**") is entered into this _____ day of _____, 2016, by and between the City of Flagstaff, an Arizona municipal corporation ("**City**") and Core Campus Flagstaff LLC, a Delaware limited liability company ("**Developer**"). The City and Developer are sometimes referred to herein collectively as the **Parties.**

RECITALS

A. A.R.S. § 9-500.05 authorizes the City to enter into development agreements with landowners and persons having an interest in real property located in the City.

B. Developer is the owner of approximately 2.39 acres of real property generally located west and south of the intersection of Mikes Pike and Phoenix Avenue at 17 South Mikes Pike, Coconino County Assessor's parcel numbers **100-39-001C, 100-39-010, 100-39-009, 100-39-008, 100-39-001G, 100-39-002A, and 100-39-011C**, within the corporate limits of Flagstaff, Arizona, more specifically described and depicted in ***Exhibit A*** (the "**Property**").

C. Parcels 100-39-011C, 100-39-002A, and 100-39-001G of the Property currently have a transect zoning of T5 Main Street ("**T5**"). Parcels 100-39-008, 100-39-009, 100-39-010, and 100-39-001C of the Property currently have a transect zoning of T4 Neighborhood 1 – Open ("**T4N.1-O**"). The Developer is requesting a zoning map amendment for a portion of Parcels 100-39-010, 100-39-002A, 100-39-001G, and 100-39-001C to T4 Neighborhood 2 ("**T4N.2**"), with the remaining portion of Parcels 100-39-001C and 100-39-010 to T5, and Parcels 100-39-008 and 100-39-009 to T5.

D. Under the applicable comprehensive plan, the Flagstaff Regional Plan 2030 ratified May 2014, the Property has an existing land use designation of Urban, is located within two (2) Urban Activity Centers, and is identified by the "Transitions Map" as being located within a Transform Urban area. The Developer intends to redevelop the Property as a mixed-use multi-family style student housing development consisting of 236 dwelling units (664 beds) located above and behind approximately 14,096 square feet of commercial uses.

E. The City has an interest in ensuring that the development of the Property complies with City standards for development and engineering improvements and all other City standards, and the City believes that development of the Property pursuant to this Agreement will result in planning, safety, economic, and other benefits to the City and its residents, and will not be detrimental to the public health, safety or welfare, or materially injurious to the properties in the vicinity.

F. The Developer acknowledges that development of the Property 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 substantial accordance with the Site Plan.

G. As part of the development of the Property, Developer will provide certain Public Improvements, which are limited to those described in this Agreement, both inside and outside of the Property boundaries and at capacities that will support the Project and also benefit other surrounding properties.

H. The Parties acknowledge that the contributions for Public Improvements by the Developer are related to the Project and proportional under all the options in this Development Agreement.

I. The City and Developer are entering into this Agreement pursuant to Arizona Revised Statutes § 9-500.05.

AGREEMENT

NOW, THEREFORE, in consideration of the foregoing recitals and the mutual promises and agreements set forth herein, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, and in order to fulfill the foregoing objectives, the parties agree as follows:

1. INCORPORATION OF RECITALS

Each of the recitals set forth above is incorporated into this Agreement as though fully set forth herein.

2. DEFINITIONS

The following terms shall have the meanings set forth below whenever used in this Agreement, except where the context clearly indicates otherwise:

2.1 "**Agreement**" shall mean this Development Agreement between the City and Developer.

2.2. "**A.R.S.**" shall mean Arizona Revised Statutes.

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2.3 "**Assurances Agreement**" shall mean the Assurance of Performance Agreement, using the City's standard form between Developer and City, or any other form of assurance agreement negotiated between the City and Developer, but in any event the Assurances Agreement shall be consistent with applicable City Codes.

2.3 **"City"** shall mean and refer to the City of Flagstaff, an Arizona municipal corporation, and any successor public body or entity.

2.4 "**Construction Permits**" shall mean any permit issued by the City or other jurisdiction that is required in order to begin construction on any on-site or off-site phase or stage of the Project, including but not limited to Public Improvements, grading, electrical, gas, plumbing, or mechanical.

2.5 **"Developer"** shall mean and refer to Core Campus Flagstaff LLC, a Delaware limited liability company, and any permitted successor-in-interest or assignee of Core Campus Flagstaff LLC acquiring the Project.

2.6 "**Development Fees**" shall mean any impact fee, instituted by the City pursuant to A.R.S. § 9-463.05.

2.7 **"Improvements"** shall mean and refer to all the improvements, on-site and off-site, which may be constructed from time to time as part of the Project, including, without limitation, public roads, utilities, driveways, landscaping and other improvements of any type or kind to be built by Developer.

2.8 **"Project"** shall mean and refer to the development of the Property for the uses, intensities and densities currently shown in the approved Site Plan.

2.9 **"Property"** shall mean and refer to all of the real property that is legally described in ***Exhibit A***.

2.10 **"Zoning Code"** shall mean the City's Zoning Code (Title 10 of the Flagstaff City Code).

3. SITE PLAN

3.1 Development in Substantial Accordance with Site Plan. The City and the Developer hereby acknowledge that the City approved the Site Plan for the Project on December 11, 2015, a copy of which is attached hereto as ***Exhibit B*** and incorporated herein (the "**Site Plan**"). The Site Plan sets forth the basic land uses, intensity and density of such uses, relative height, bulk and size of buildings and structures proposed by the Developer and approved by the City for development within the Property. Notwithstanding anything contained in the foregoing,

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however, the City acknowledges that, while the Developer intends to develop the Project in general conformance with the Site Plan, in order to make the Project economically viable and otherwise feasible, as the Project progresses through civil plan and building permit review, the Developer may request modifications to the Site Plan. The City shall process all submittals made by Developer in conformance with Section 8.1, below, and nothing contained herein shall preclude the City from the exercise of its normal review process and requirements in connection with its approval of such submittals. Unless otherwise limited by the conditions of City Ordinance No. 2016-08, modifications to the Site Plan that exceed the thresholds set forth in Flagstaff Zoning Code Section 10-20.40.090.B.2 shall require a Zoning Map Amendment to process the requested modifications to the approved Site Plan.

4. DEVELOPMENT STANDARDS

4.1 Governing Regulations. Development of the Property, including off-site and on-site public Improvements, shall be governed by the City's codes, ordinances, regulations, rules, guidelines and policies controlling permitted uses of the Property, design review standards, the density and intensity of uses, the maximum height and size of the buildings within the Property in existence as of the Effective Date of this Agreement; provided, however, that if the Developer fails to obtain any Construction Permits with respect to the Project within two (2) years following the Effective Date of this Agreement, 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.

4.2 Permits & Building Fees. Developer agrees and understands that all building permits, Development Fees, and other fees normally applicable to construction within the City at the time of application shall apply to the Project. Denial of a Developer's permit application for failure to meet the City's building code requirements for such permit shall not be deemed a breach by the City of this Agreement.

5. DEVELOPER AND CITY OBLIGATIONS

5.1 Water and Sewer Infrastructure. Due to the age and diameter of the existing potable water lines and sanitary sewer lines adjacent to the Property, the City is requiring the Developer to replace approximately 840 feet of waterline and sewer line in Mikes Pike from Phoenix Avenue to Benton Avenue and upgrade the existing eight-inch (8") diameter waterline to a ten-inch (10") waterline and the existing eight-inch (8") diameter sewer line to a new PVC eight-inch (8") diameter sewer line. All work will be performed by the Developer or its designee. Developer shall procure all design and construction of the off-site potable water line and sanitary sewer line improvements according to City of Flagstaff policies. City shall review all design and construction plans and approve of such plans before construction commences. All bids for design, construction, or any other work covered by this Section shall be approved by the City Engineer. The City

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agrees to pay for the cost of replacement of approximately 340 feet of potable water line for those portions of the line not directly adjacent to the Property and for the difference in material costs between an eight inch (8") potable water line and a ten inch (10") potable water line. Upon completion and acceptance of the off-site potable water line and sanitary sewer line improvements, the City shall reimburse the Developer within 60 days of the Developer billing the City for the total costs incurred by the Developer for constructing the 340 foot portion of the potable water line and the upsizing of the waterline. The total cost of the City's participation will be determined during Civil Improvement Plan review. Prior to reimbursement, the Developer shall provide to the City legible copies of all receipts documenting the cost the potable water line design and construction. The Developer's participation in the cost for the new water and sewer lines, as described in more detail above, is in addition to the Developer's obligation to pay all fees and costs due to the City under the City Code and other laws and regulations.

6. DEVELOPER OBLIGATIONS

6.1 Management of the Project.

6.1.1 The Developer agrees to implement and maintain a management plan establishing management practices at the Project that are designed to facilitate the operation and maintenance of the Project as an apartment project. The management plan shall be prepared in accordance with industry standards and shall include, without limitation, the following provisions: 1) a manager who will be available twenty-four hours, seven-days a week (24/7); 2) at least one on-site staff member who will be available twenty-four hours, seven-days a week (24/7), for as long as the Project is marketed and operated as a student-housing development; 3) repair and maintenance of adjacent sidewalks, civic spaces, and open spaces; 4) regular sweeping and removing of trash and debris from access ways and common areas in and around the Project; 5) regular maintenance of any drainage and landscaped areas; and 6) maintaining and repairing all lighting fixtures located within and around the Project.

6.1.2 The Developer agrees to provide contact information for the Developer and the local manager on its Project web site, including a local Flagstaff telephone number or toll-free telephone number, so the City and third parties may contact the Developer and such manager regarding matters concerning the operation and maintenance of the Project.

6.1.3 The Developer agrees to structure its rental agreements for the Project on a per unit basis (i.e., one (1) agreement per dwelling unit), unless and until a conditional use permit for rooming and boarding is obtained or the requirement is removed from the Zoning Code.

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6.1.4 The Developer agrees to implement and maintain rules and regulations ("**Rules and Regulations**") that will govern the Project and be included in each lease agreement in order to regulate resident conduct, safety and security, and help maintain an optimal living environment for all residents of the Project. The Rules and Regulations shall address, without limitation, the following areas: prohibition of illegal use of alcohol, drugs, and controlled substances; prohibition of criminal and illegal activity; prohibition of firearms, weapons, and other dangerous materials; fire safety and alarm equipment; guest policies; pet and animal policies; personal safety; parking; building security and access; and standards for maintenance of leased units and keeping the Project in good, clean, and sanitary condition. The Developer further agrees to use commercially reasonable efforts to enforce the Rules and Regulations, which may include assessing fines against tenants of the Project for any violation of the Rules and Regulations, requiring payments by tenants for costs incurred to cure violations, and pursuing eviction and early lease termination remedies where appropriate.

6.1.5 If requested by the City, the Developer will provide a copy of the Rules and Regulations to the City's Community Development Director to demonstrate compliance with Section 6.1.4 above.

6.1.6 The foregoing requirements outlined in this Section shall be applicable to the Developer and its successors and assigns, as applicable, during their ownership of the Project.

6.2 Crime Free Multi-Housing Program. The Developer agrees to participate in the City of Flagstaff Police Department's Crime Free Multi-Housing Program (**CFMHP**). Prior to submitting an application for any Construction Permit, excluding demolition permits, grading permits on-site utility permits and foundation permits, the Developer shall schedule a meeting with the City of Flagstaff Police Department's CFMHP representative to review the proposed building plans as they relate to compliance with CFMHP.

6.3 Traffic Mitigation. Prior to the issuance of any Construction Permits for the Project, the Developer shall, in accordance with the *City Traffic Impact Analysis Review Memorandum* dated December 11, 2015 (***Exhibit C***), perform the following:

6.3.1 Make a payment to the City in the amount of $200,000, which represents fifty percent (50%) of the City's estimated cost of constructing a new four-leg traffic signal at the intersection of San Francisco Street and Franklin Avenue. Any monies paid by the Developer shall be placed by the City in a designated account to be used solely for the design and construction of the future signal.

6.3.2 Make a payment to the City in the amount of $100,000, which represents fifty percent (50%) of the City's estimated cost of upgrading the existing signalized pedestrian crossing generally located at the intersection of Butler Avenue and Humphreys Street. Any monies paid by the Developer shall be placed by the City in a designated account to be used solely for the design and construction of upgrading the existing pedestrian signal.

6.3.3 Demonstrate improved site visibility triangles and reduce pedestrian crossing distances, by designing curb extensions at the site driveway of the Mikes Pike Street and Cottage Avenue intersection and the northwest corner of the intersection of Mikes Pike Street and Phoenix Avenue. Construction of such improvements shall be completed in sequential order of normal construction sequences and, in any case, prior to the issuance of a final Certificate of Occupancy for the Project.

6.3.4 Design a striping plan for San Francisco Street south of Butler Avenue to accommodate a 193 foot queue length, which will provide additional stacking in the northbound left and through lanes. Construction of such improvements shall be completed by Developer in sequential order of normal construction sequences and, in any case, prior to the issuance of a final Certificate of Occupancy for the Project.

6.3.5 Dedicate a 10.9-feet portion of the Property for Right-of-Way along Milton Road to accommodate the future construction of a northbound right turn lane off of Milton Road onto eastbound Phoenix Avenue.

6.4 Parking. The Developer acknowledges and agrees that it shall provide not fewer than 231 onsite parking spaces (27 street parking spaces and 204 garage parking spaces) in order to satisfy the City's parking requirements with respect to the Project. In addition, within ninety (90) days of the City issuing a grading permit for the project, Developer shall remit to the City an amount equal to $500,000.00 as a contribution toward the City's parking solutions for the Southside. **[Developer is proposing this payment as an alternative to condition number six (6) in Ordinance 2016-08.]**

6.5 Construction of Public and Other Related Improvements. Prior to the issuance of a Construction Permit for improvements in relation to the Project in any City right-of-way, the Developer shall deliver to Escrow Agent an irrevocable standby letter of credit ("Letter of Credit"), in an amount to be determined by the City based on the civil improvement plans for the improvements and in accordance with section 10-20.100.040(B) of the Zoning Code, to provide security for the construction and completion of the public and other related improvements contemplated by this Agreement and in accordance with approved plans. Developer shall, at its sole cost and expense, construct or cause to be constructed the public and other related improvements contemplated by this Agreement in material compliance with the City's codes, ordinances and this Agreement.

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Following construction of the described public improvements and acceptance of the improvements by the City Engineer, the City shall assume, at its sole expense, the maintenance and repairs of all public improvements in accordance with City policies. The Developer, to the extent required by City regulation, warrants construction of such public improvements for one-year following acceptance by the City.

6.6 Water and Sewer. Water and sewer infrastructure shall be designed, extended, and upgraded by the Developer at the Developer's sole cost and expense, unless otherwise stated in this Agreement, in accordance with the approved *HUB on CAMPUS Water & Sewer Impact Analysis*, sealed May 5, 2015, and the 2012 City of Flagstaff Engineering and Design Standards. Construction of the water and sewer infrastructure improvements shall be completed by Developer in sequential order of normal construction sequences.

6.7 Stormwater. Stormwater infrastructure must be designed and extended by the Developer at the Developer's cost, in accordance with the approved *Drainage Impact Analysis for The Hub on Campus Flagstaff*, dated June 1, 2015, and the approved *Preliminary Drainage Report for The Hub on Campus Flagstaff*, dated June 1, 2015. Construction of the stormwater improvements shall be completed by Developer in sequential order of normal construction sequences. The on-site stormwater improvements will remain private and not be accepted or maintained by the City.

6.8 Cultural Resources. In accordance with the Cultural Resource Study prepared by the Developer and approved by the City Heritage Preservation Commission, prior to commencement of construction of the Project, the Developer will permit the relocation of the structure currently located at 17 South Mikes Pike, Coconino County Assessor Parcel Number 100-39-009, to 23 South Agassiz Street, Coconino County Assessor Parcel Number 104-01-080D. Understanding the complexities involved in relocating structures, however, the City acknowledges and agrees that in the event such structure is not relocated for any reason, Developer shall not be deemed to be in default under this Agreement.

6.9 Zoning. The Developer hereby agrees to be subject to all of the terms, conditions, and stipulations of City Ordinance No. 2016-08, attached hereto as ***Exhibit D*** and incorporated herein by this reference.

6.10 Transect Zoning Election. The Developer hereby agrees to opt into and comply with the applicable Transect Zone standards assigned to the Property through the City of Flagstaff Official Downtown Regulating Plan, as amended by City Ordinance No. 2016-08, through the execution and recordation of the Transect Form, attached hereto as ***Exhibit E***.

7. DEFAULT; REMEDIES

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7.1 Events Constituting Default. A party hereunder shall be deemed to be in default under this Agreement if such party 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; provided, however, that in the event that any such breach or default cannot be cured within said thirty (30) day period, then the breaching party shall not be deemed to be in default hereunder so long as the breaching party commences to cure such breach or default within said thirty (30) day period and thereafter diligently and continuously pursues such cure to completion. Party in breach is responsible for providing evidence of diligence and continuous pursuit of the cure. Failure to provide such evidence shall result in a rebuttable presumption of failure to pursure the cure. For purposes of determining default and termination, those Developer obligations set forth in the Agreement are severable, and each individual obligation shall terminate upon its completion.

7.2 Developer's Remedies. In the event that the City is in default under this Agreement and fails to cure any such default within the cure period described in Section 7.1 above, then, in that event, in addition to all other legal and equitable remedies that the Developer may have, the Developer may terminate this Agreement by written notice delivered to the City.

7.3 City's Remedies. In the event that the Developer is in default under this Agreement, and the Developer thereafter fails to cure any such default within the cure period described in Section 7.1 above, then, in that event, in addition to all other legal and equitable remedies that the City may have, the City may do any of the following: 1) terminate this Agreement by written notice delivered to the Developer; 2) withhold all permits or other approvals that would otherwise be required to be issued under this Agreement or by law.

7.4 Development Rights in the Event of Termination. With the exception of a termination that occurs under Section 7.2 above, upon the termination of this Agreement as provided herein, the Developer shall have no further rights to develop the Project pursuant to the terms of this Agreement.

7.5 No Personal Liability. No current or former member, official or employee of the City or Developer when acting within the scope of their official capacity shall be personally liable (a) in the event of any default or breach by the City or Developer, as applicable; (b) for any amount which may become due to the nonbreaching party or its successor or assign; or (c) pursuant to any obligation of the City or Developer, as applicable, under the terms of this Agreement.

7.6 Liability and Indemnification. Developer agrees to indemnify, defend, save, and hold harmless the City, its officers, officials, agents, and employees from and against any and all claims, demands, actions, liabilities, damages, losses, or expenses, including court costs, attorney's fees, and costs of claim processing,

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investigation and litigation (hereinafter collectively referred to as "Claims") that arise out of any actual or alleged injury caused or alleged to have been caused, in whole or in part, by the acts, errors, omissions, or negligence of the Developer or any of Developer's directors, officers, agents, employees, or volunteers in connection with or incident to the performance of this Agreement by the Developer or nonperformance of this Agreement by the Developer. This indemnity provision shall survive the termination, cancellation, or revocation, whether in whole or in part, of this Agreement.

8. GENERAL PROVISIONS

8.1 Effective Date. This Agreement shall be effective upon execution by the Parties hereto, recordation in accordance with A.R.S. § 9-500.05 (as amended), and upon expiration of thirty (30) days following the approval hereof by the City (the "**Effective Date**"). However, in the event that 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 of such judicial challenge, referendum or injunction. In the event of judicial challenge, referendum or injunction by any person or entity resulting in a delay in the effect of this Agreement that extends for a period of more than ninety (90) days following its approval by the City Council, this Agreement shall be terminable by 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.

8.2 Term. The term of this Agreement shall extend from the Effective Date of this Agreement and shall automatically terminate upon the complete build out of the Project unless previously terminated pursuant to the terms of this Agreement. However, the provisions set forth in Section 6.1 above and associated subsections shall continue in full force and effect.

8.3 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 the United States mail, postage prepaid, by registered or certified mail, return receipt requested, addressed as follows:

To City:	City of Flagstaff Attn: City Manager 211 West Aspen Avenue Flagstaff, AZ 86001
Copy To:	City of Flagstaff

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Attn: City Attorney
211 West Aspen Avenue
Flagstaff, AZ 86001

To Developer: Core Campus Flagstaff LLC
Attn: Marc Lifshin
2234 West North Avenue
Chicago, IL 60647

Copy To: Gammage and Burnham
Attn: Lindsay C. Schube
2 N. Central Ave., 15th Floor
Phoenix, AZ 85004

Notice of address may be changed by either party by giving notice to the other party in writing of change of address. Any such change of address notice shall be given at least ten (10) days before the date on which the change is to become effective. Notices given by mail shall be deemed delivered 72 hours following deposit in the United States Postal Service in the manner set forth above.

8.4 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.

8.5 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.

8.6 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 Delaware 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 warrants and 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.

8.7 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

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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	***Legal Description of Property***
Exhibit B	***Site Plans***
Exhibit C	***Traffic Impact Analysis Review Memorandum dated December 11, 2015***
Exhibit D	***Ordinance No. 2016-08***
Exhibit E	***Transect Zone Form***

8.8 Amendment of the Agreement. This Agreement may be amended at any time by written amendment executed by both Parties; all amendments shall be recorded in the official records of Coconino County, Arizona within ten (10) days following the execution thereof.

8.9 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 the Project is still viable.

8.10 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.

8.11 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.

8.12 No 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 a joint venture or members of any joint enterprise.

8.13 Conflict of Interest. This Agreement is subject to the cancellation provisions of A.R.S. § 38-511.

8.14 Compliance with All Laws. Subject to the terms and conditions of this Agreement, the Developer will comply with all applicable Federal, State, and County laws, as

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well as with all applicable City ordinances, regulations and policies, in connection with its performance of this Agreement.

8.15 Successors and Assigns. This Agreement shall run with the land and all of the covenants and conditions set forth herein shall inure to the benefit of and shall be binding upon the successors in interest of each of the Parties hereto. Specifically, each successor owner of any portion of the Property is responsible for fulfilling all Developer responsibilities with respect to that portion. Obligations accruing after a transfer of ownership will not be deemed to be an obligation of the transferor, though no transfer will relieve a transferor of any obligation that accrued prior to the transfer.

8.15.1 Assignment. Developer's rights and obligations hereunder may be assigned to a person or entity that has acquired all of the Property or any portion thereof pursuant to a written instrument, recorded in the Official Records of Coconino County, Arizona, expressly assigning such rights and obligations. Developer agrees to provide the City notice of any proposed assignment at least thirty (30) days prior to the assignment being finalized. The notice must identify the assignee, the assignee's contact information, and the effective date of the assignment. City will require each successor to post adequate assurances and/or enter into the appropriate assurances agreements to ensure construction of Improvements before consenting to the assignment. Nothing in this Agreement shall operate to restrict Developer's ability to assign less than all of its right and obligations under this Agreement to those entities that acquire any portion of the Property.

8.16 Consistent with General Plan and Specific Plan. All development on the Property shall be consistent with the Flagstaff Regional Plan 2030, ratified May 2014, as required by A.R.S. § 9-500.05(B).

8.17 Construction of Agreement. This Agreement has been arrived at by negotiation and shall not be construed against either Party.

8.18 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.

8.19 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 these terms, provisions, conditions, and obligations are for the benefit of or may be enforced by any third party.

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9. WAIVER OF CLAIMS FOR DIMINUTION IN VALUE.

9.1 Waiver. Upon the City's approval and recordation of the zoning applicable to the Property described in Section 6.8 above, the Developer hereby waives and fully releases the City from any and all financial or other loss, injury, claims, and causes of action that the Developer may have, now or in the future, for any compensation, "diminution in value", "just compensation", or any other amount or remedy under the Private Property Rights Protection Act, codified in A.R.S §§ 12-1131 through 12-1138, the takings clauses in Article 2 Section 17 the Arizona Constitution and the Fifth Amendment to the United States Constitution, or any other statutes, regulations, laws, or legal doctrines (referred to collectively as the "Property Value Laws") because of this Agreement or the zoning amendments requested by Developer and approved by Ordinance Number 2016-08. This waiver constitutes a complete release of any and all claims and causes of action that may arise or could have been asserted under the Property Value Laws with regard to the Property. The Developer agrees to indemnify, hold harmless, and defend the 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 Property Value Laws because of this Agreement or the zoning amendments requested by Developer and approved by Ordinance Number 2016-08.

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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 Developer has signed the same on or as of the day and year first above written.

City of Flagstaff

_____
Gerald W. Nabours, Mayor

Attest:

_____
City Clerk

Approved as to form and authority:

_____
City Attorney

Core Campus Flagstaff LLC,
a Delaware limited liability company

By: _____

Name:_____

Title:_____

STATE OF DELAWARE)
COUNTY OF _____)

ACKNOWLEDGMENT

On this _____ day of _____, 2016, 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 The Standard at Flagstaff, LLC, a Delaware limited liability company, for the purposes therein contained.

_____
Notary Public
My Commission Expires:_____

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Exhibit "A"

Legal Description of the Property

Exhibit "B"

Site Plan

Exhibit "C"

Traffic Impact Analysis Review Memorandum dated December 11, 2015

Exhibit "D"

Ordinance No. 2016-08

Exhibit "E"

Transect Zone Form

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Tiffany Antol, Planning Development Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-08: A resolution amending the *Flagstaff Regional Plan 2030* to change the area type designation on Maps 21 and 22 from Area in White area type to Existing Suburban area type for approximately 6.31 acres located at 1800 N. Gemini Drive. ***(McMillan Mesa minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold Public Hearing
2) Read Resolution No.2016-08 by title only
3) City Clerk reads Resolution No. 2016-08 by title only (if approved above)
4) Adopt Resolution No. 2016-08

Executive Summary:

A minor Flagstaff Regional Plan 2030 Amendment request by MMV Devco, LLC to change the area type designation on Map 21 and 22 from Area in White area type to Existing Suburban area type for approximately 6.31 acres located at 1800 N. Gemini Drive.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:
1. Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2. Provide a well-managed transportation system
3. Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:
Goal E.1. Increase energy efficiency.
Goal E&C.2. Reduce greenhouse gas emissions.
Goal E&C.6. Protect, restore, and improve ecosystem health and maintain native plant and animal community diversity across all land ownerships in the Flagstaff region.
Goal E&C.10. Protect indigenous wildlife populations, localized and larger-scale wildlife habitats, ecosystem processes, and wildlife movement areas throughout the planning area.
Goal WR.4. Logically enhance and extend the City's public water, wastewater, and reclaimed

water services including their treatment, distribution, and collection systems in both urbanized and newly developed areas of the City to provide an efficient delivery of services.

Goal WR.5. Manage watersheds and stormwater to address flooding concerns, water quality, environmental protections, and rainwater harvesting.
Goal WR.6. Protect, preserve, and improve the quality of surface water, groundwater, and reclaimed water in the region.
Goal CC.1. Reflect and respect the region's natural setting and dramatic views in the built environment.

Goal CC.4. Design and develop all projects to be contextually sensitive, to enhance a positive image and identity
for the region.
Goal LU.1. Invest in existing neighborhoods and activity centers for the purpose of developing complete, and connected places.
Goal ED.9. Promote redevelopment and infill.
Goal LU.4. Balance housing and employment land uses with the preservation and protection of our unique natural and cultural setting.

Goal LU.5. Encourage compact development principles to achieve efficiencies and open space preservation.
Goal LU.6. Provide for a mix of land uses.
Goal LU.13. Increase the variety of housing options and expand opportunities for employment and neighborhood shopping within all suburban neighborhoods.

Goal T.1. Improve mobility and access throughout the region.

Has There Been Previous Council Decision on This:

The McMillan Mesa Village Specific Plan and subsequent zoning was adopted by Ordinance on December 15, 1992. The McMillan Mesa Village Subdivision developed in compliance with the McMillan mesa Village Specific Plan was recorded on May 30, 2008.

Options and Alternatives:

Options and Alternatives:
1. Approve the resolution
2. Approve the resolution with conditions
3. Deny the resolution

Background/History:

This request is the first of three related items on the Council's agenda; the second item is identified as a Specific Plan amendment request and the third item is a Concept Zoning Map Amendment request.

MMV Devco, LLC, (the “Applicant”) is requesting a minor Flagstaff Regional Plan 2030 (FRP 2030) amendment to ensure conformance with a proposed Concept Zoning Map Amendment to allow for future residential development. The Concept Zoning Map Amendment includes a total of 26.17 acres. The proposed amendment to the FRP 2030 will affect approximately 6.31 acres of land depicted on the Future Growth Illustration (Maps 21 and 22). The remaining 19.86 acres included in the Concept Zoning Map Amendment are designated Existing Suburban and Future Employment, thus that area is not part of this amendment. Properties with both existing and future area types may use either area type to analyze plan consistency. The subject site is Lot D3 of the McMillan Mesa Village Subdivision (the “Property”) and is located on the south side of N Gemini Drive between N Pinecliff Drive and E Forest Avenue.

A Regional Plan Amendment is required for expanding or changing the boundaries of one area type to another area type. The table describing the “Proposed Regional Plan Amendment Processes” is silent on how to process a plan amendment for some area types including Area in White. The Comprehensive Planning Manager has made an interpretation that if the change being requested for an area type is not shown on the table on page III-9, then the amendment will be considered a minor amendment unless it falls into the defined major amendment category.

The Property is lot D3 of the McMillan Mesa Village Subdivision recorded May 30, 2008. The subdivision was approved in compliance with the McMillan Mesa Village Specific Plan, adopted by Ordinance on December 15, 1992. The McMillan Mesa Village Specific Plan establishes the type, location, intensity, and character of development and the required infrastructure. The plan also shapes development to respond to the physical constraints of the site, coordinates the mix of land use densities/intensities, and provides adequate circulation, open space, recreation and other public uses and facilities. The subdivision included the following infrastructure development: the construction of Gemini Drive, Pine Cliff Drive, improvements to Turquoise Drive, on-site as well as off-site public water and sewer lines, future water storage requirements, drainage improvements, and Flagstaff Urban Trail System (FUTS) trails. The Property is currently designated for business park uses within the specific plan and is included in the Concept Zoning Map and Specific Plan Amendment requests being heard concurrent with this request.

Key Considerations:

As discussed in the “How This Plan Works” chapter (page III-4), the Flagstaff Regional Plan 2030 is used in the regulatory decision-making process by the Planning & Zoning Commission, City Council and City staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or specific plan amendments, which depends on whether the proposed changes or projects are consistent with the Plan’s goals and policies. The Future Growth Illustration on Maps 21 and 22 (same map; one is regional scale and one city scale) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan’s goals and policies, the goals and policies will prevail.

The Future Growth Illustration has two types of land use designations: “Area Types” describe the placemaking context of Urban, Suburban, Rural, or Employment and “Place Types” such as activity centers, corridors and neighborhoods provide the framework for the density, intensities, and mix of uses

within the area types. This application proposes to change the area type of “Areas in white retain their existing entitlements” but not the place type for this project. “Areas in white retain their existing entitlements” is used to describe areas that have not been assigned an area type. In most cases, these parcels are public lands held by the Forest Service or City. The Comprehensive Planning Manager has made the interpretation that the surrounding area types on Maps 21 and 22 should be taken into account for consistency. In cases where a parcel is adjacent to more than one area type, either could be extended to the property. With this request the existing “Area in White” will, if approved, be assigned the Existing Suburban area type.

Attached are exhibits comparing the existing Future Growth Illustration map to the proposed Future Growth Illustration map. These maps and any applicable text of the FRP 2030 should be considered in the context of the Plan’s goals and policies. A discussion of the FRP 2030 goals and policies including Environmental Planning & Conservation, Water Resources, Community Character, Growth Areas and Land Use, Transportation, is provided below. A complete analysis of applicable goals and policies is included in the attached narrative prepared by the Applicant.

The Applicant’s stated reason for the request is that the subject parcel is better suited for a residential type of land use enabling quality development that does not cannibalize on nearby similar sites, such as the Business Incubator site located directly to the north. This site has been determined to be one of the least likely to develop under the existing business park land use designation. The Applicant proposes a variety of residential opportunities and a larger consumer base for existing commercial and business use areas.

On February 10, 2016 the Planning & Zoning Commission concluded their review of the proposed minor Regional Plan Amendment with a recommendation for Approval, by a unanimous vote.

Community Benefits and Considerations:

Community benefits and considerations related to this minor Regional Plan Amendment request are addressed in the attached Planning and Zoning Commission staff report dated January 27, 2016.

Community Involvement:

Inform, Consult, Involve, Collaborate, Empower

Public hearings before the Planning and Zoning Commission and the City Council are conducted in conjunction with any Regional Plan amendment request. In accordance with Arizona Revised Statue and City Code, notice of the public hearing must be provided by placing an ad in a newspaper of general circulation within the City, posting a notice on the property subject to the proposed amendment, and mailing a notice to all property owners within 300-feet of the property subject to the proposed amendment. All notification must be completed at least 15-days prior to the first scheduled public hearing. In order to notice as many people as possible, staff ensured that a notice was mailed to all property owners within 600-feet of the McMillan Mesa Specific Plan boundaries and all parties on the Registry of Person or Groups.

The applicant held two neighborhood meetings in regards to this request. The first meeting was held March 24, 2015 prior to the official submittal of these applications. The meeting was held at Basis School and was attended by 32 interested citizens. Concerns were presented in regards to increased traffic, project design, stormwater management, public transportation, dark skies, and overall project design. A second meeting was held January 13, 2016 at the Aquaplex with 55 citizens in attendance. A presentation on the project was given along with a handout that described the request. The overall concern presented for any further development on McMillan Mesa is the state of the traffic as it exists today. Input was received from some that commercial development is the preferred use in order to bring more high paying jobs to Flagstaff, concerns about invasive weeds, and concerns about the designs of the structures. Four comment cards were received which focused on open space, traffic, viewsheds, fewer impacts with commercial development, and whether or not there is a need for more development. As of the writing of the this report staff has received six emails in regards to this case, which are attached to the specific plan and concept zoning map amendment staff report.

Attachments:

- P&Z Staff Report
- Regional Plan Amendment Application
- McMillan Mesa Village Narrative
- Future Growth Illustration-Existing
- Future Growth Illustration - Proposed
- Res. 2016-08

PLANNING AND DEVELOPMENT SERVICES REPORT
FLAGSTAFF REGIONAL PLAN 2030 AMENDMENT

PUBLIC HEARING	**DATE:**	**January 15, 2016**
PZ-15-00022-02	**MEETING DATE:**	**January 27, 2016**
	REPORT BY:	**Tiffany Antol, AICP**

REQUEST:

A minor *Flagstaff Regional Plan 2030* amendment request by MMV Devco, LLC to change the area type designation on Map 21 and 22 from Area in White to Existing Suburban for approximately 6.31 acres located at 1800 N. Gemini Drive.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission forward the minor *Flagstaff Regional Plan 2030* amendment to the City Council with a recommendation for approval.

PRESENT LAND USE:

Undeveloped land in the Area in White "area type" category.

PROPOSED LAND USE:

Existing Suburban area type, which would accommodate the development of a proposed residential project.

NEIGHBORHOOD DEVELOPMENT:

North:	Vacant land, Existing Suburban and Future Employment regional plan area types;
East:	Vacant land, Area in White area type;
South:	Vacant land, Existing Suburban area type;
West:	Flagstaff Basis Charter School, Existing Suburban area type.

REQUIRED FINDINGS:

The Planning and Zoning Commission shall find that the proposed *Flagstaff Regional Plan 2030* (the "Plan") amendment meets the requirements of the General Plan and Subdivision Code (City Code Title 11).

In considering the request for an amendment to the Plan, the goals and policies should be considered to ensure that the requested change to the Future Growth Illustration is in conformance with the overall vision. "The Flagstaff Regional Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through goals and policies" (p. III-4). "General plans are not static documents; they recognize growth as a dynamic process, which may require revisions to the plan as circumstances or changes warrant" (p. III-1).

STAFF REVIEW:

Introduction/Background Discussion

This request is the first of three related items on the Commission's agenda; the second item is identified as a Specific Plan amendment request and the third item is a Concept Zoning Map Amendment request.

MMV Devco, LLC, (the "Applicant") is requesting a minor *Flagstaff Regional Plan 2030* (FRP 2030) amendment to ensure conformance with a proposed Concept Zoning Map Amendment to allow for future residential development. The Concept Zoning Map Amendment includes a total of 26.17 acres. The proposed amendment to the FRP 2030 will

affect approximately 6.31 acres of land depicted on the Future Growth Illustration (Maps 21 and 22). The remaining 19.86 acres included in the Concept Zoning Map Amendment are designated Existing Suburban and Future Employment, thus that area is not part of this amendment. Properties with both existing and future area types may use either area type to analyze plan consistency. The subject site is Lot D3 of the McMillan Mesa Village Subdivision (the "Property") and is located on the south side of N Gemini Drive between N Pinecliff Drive and E Forest Avenue.

A Regional Plan Amendment is required for expanding or changing the boundaries of one area type to another area type. The table describing the "Proposed Regional Plan Amendment Processes" is silent on how to process a plan amendment for some area types including Area in White. The Comprehensive Planning Manager has made an interpretation that if the change being requested for an area type is not shown on the table on page III-9, then the amendment will be considered a minor amendment unless it falls into the defined major amendment category.

As stated previously the Property is lot D3 of the McMillan Mesa Village Subdivision recorded May 30, 2008. The subdivision was approved in compliance with the McMillan Mesa Village Specific Plan, adopted by Ordinance on December 15, 1992. The McMillan Mesa Village Specific Plan establishes the type, location, intensity, and character of development and the required infrastructure. The plan also shapes development to respond to the physical constraints of the site, coordinates the mix of land use densities/intensities, and provides adequate circulation, open space, recreation and other public uses and facilities. The subdivision included the following infrastructure development: the construction of Gemini Drive, Pine Cliff Drive, improvements to Turquoise Drive, on-site as well as off-site public water and sewer lines, future water storage requirements, drainage improvements, and Flagstaff Urban Trail System (FUTS) trails. The Property is currently designated for business park uses within the specific plan and is included in the Concept Zoning Map and Specific Plan Amendment requests being heard concurrent with this request.

Flagstaff Regional Plan 2030 Amendment Request

As discussed in the "How This Plan Works" chapter (page III-4), the *Flagstaff Regional Plan 2030* is used in the regulatory decision-making process by the Planning & Zoning Commission, City Council and City staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or specific plan amendments, which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies. The Future Growth Illustration on Maps 21 and 22 (same map; one is regional scale and one city scale) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail.

The Future Growth Illustration has two types of land use designations: "Area Types" describe the placemaking context of Urban, Suburban, Rural, or Employment and "Place Types" such as activity centers, corridors and neighborhoods provide the framework for the density, intensities, and mix of uses within the area types. This application proposes to change the area type of "Areas in white retain their existing entitlements" but not the place type for this project. "Areas in white retain their existing entitlements" is used to describe areas that have not been assigned an area type. In most cases, these parcels are public lands held by the Forest Service or City. The Comprehensive Planning Manager has made the interpretation that the surrounding area types on Maps 21 and 22 should be taken into account for consistency. In cases where a parcel is adjacent to more than one area type, either could be extended to the property. With this request the existing "Area in White" will, if approved, be assigned the Existing Suburban area type.

Attached are exhibits comparing the existing Future Growth Illustration map to the proposed Future Growth Illustration map. These maps and any applicable text of the FRP 2030 should be considered in the context of the Plan's goals and policies. A discussion of the FRP 2030 goals and policies including Environmental Planning & Conservation, Water Resources, Community Character, Growth Areas and Land Use, Transportation, is provided below. A complete analysis of applicable goals and policies is included in the attached narrative prepared by the Applicant.

The Applicant's stated reason for the request is that the subject parcel is better suited for a residential type of land use enabling quality development that does not cannibalize on nearby similar sites, such as the Business Incubator site

located directly to the north. This site has been determined to be one of the least likely to develop under the existing business park land use designation. The Applicant proposes a variety of residential opportunities and a larger consumer base for existing commercial and business use areas.

APPLICABLE GENERAL PLAN GOALS AND POLICIES

Staff has identified the following Regional Plan Goals and Policies that could be applied to support or not support the proposed Specific Plan Amendment, Concept Zoning Map Amendment and Minor Region Plan Amendment. The following Goals and Policies have been selected for further analysis based on feedback received from the community during the review of the associated site plan:

Greenhouse Gas Emissions and Energy Consumption

Goal E.1. Increase energy efficiency.

Policy E.1.5. Promote and encourage the expansion and use of energy-efficient modes of transportation:

a. Public Transportation
b. Bicycles
c. Pedestrians

Goal E&C.2. Reduce greenhouse gas emissions.

Policy E&C.2.1. Encourage the reduction of all energy consumption, especially fossil-fuel generated energy, in public, commercial, industrial, and residential sectors.

The McMillan Mesa subdivision and the Property are accessible to energy-efficient modes of transportation. A regular transit route runs along E Forest Avenue and a diversion route during the school year runs along N Gemini Drive for drop off and pick up from Basis Charter School. N Gemini Drive and N Pine Cliff were constructed with bike lanes and sidewalks. Additionally, a network of FUTS trails that provide access to the many surrounding neighborhoods, schools, shopping centers, and open spaces that serve the area. The centralized location of the Property and the variety of available transportation modes to and from the Property could reduce overall energy consumption for either residential or commercial uses.

Habitat Protection

Goal E&C.6. Protect, restore, and improve ecosystem health and maintain native plant and animal community diversity across all land ownerships in the Flagstaff region.

Policy E&C.9.2. Construction projects employ strategies to minimize disturbed area, soil compaction, soil erosion, and destruction of vegetation.

Goal E&C.10. Protect indigenous wildlife populations, localized and larger-scale wildlife habitats, ecosystem processes, and wildlife movement areas throughout the planning area.

The McMillan Mesa subdivision was approved in conjunction with a Resource Protection Plan that preserves the steep slopes and forest resources within the area. No resources were identified for protection on the Property as part of that plan. The completion of the subdivision infrastructure and subsequent vacancy has established invasive weeds on the Property and the surrounding areas. Staff will be recommending conditions of approval with the Concept Zoning Map Amendment to address the ongoing issues with invasive weeds. The site is not located within any identified wildlife corridors and the subject site is outside the grasslands and big tree designated areas as illustrated in Map 7: Significant Natural Resources. The Property is frequented by abundant wildlife; however, this property has become fragmented from the larger wildlife habitat and no longer provides a safe refuge. It is anticipated that large mammals will discontinue the use of this area as development occurs.

Water

Goal WR.4. Logically enhance and extend the City's public water, wastewater, and reclaimed water services including their treatment, distribution, and collection systems in both urbanized and newly developed areas of the City to provide an efficient delivery of services.

Policy WR.4.3. Development requiring public utility services will be located within

the Urban Growth Boundary.

Per Map 21, the Property is located within the Urban Growth Boundary. The subdivision and the Property lie within two water pressure zones served by the City of Flagstaff. The City required the subdivision to provide a looped connection to both pressure zones. Pursuant to the current development agreement, the City is requiring the developer to construct a new water storage tank sized to meet the development's average daily usage plus two-hour flow. The developer is required to acquire the necessary land and construct and adequately sized storage tank at a high enough elevation to provide adequate pressure for the associated water lines. The developer does have the option to use one of the City's existing tank sites depending on available space. The City may share in the cost of any excess storage tank capacity if this excess capacity is determined to be in City's best interest. Because the subdivision did not exceed a demand of 800 single-family home usage threshold, there were no water production requirements. The subdivision is not served by reclaimed water.

Water Quality
Goal WR.5. Manage watersheds and stormwater to address flooding concerns, water quality, environmental protections, and rainwater harvesting.
Goal WR.6. Protect, preserve, and improve the quality of surface water, groundwater, and reclaimed water in the region.
Policy WR.6.4. Encourage low-impact development practices.

The current proposal would take approximately 21.32 new acres out of commercial development design standards and replace it with medium density residential that allows for a maximum building coverage of 40% and a height restriction of 35 feet in addition to the reduction of density from an adjacent parcel. The applicant has shown that these reductions in concert with low-impact development design required for each parcel, that the sub-regional basins will function more efficiently by reducing the impervious cover and decreasing the density of development. The regional detention ponds have been built and it is anticipated that the ponds will be modified as needed for the actual development that occurs on each development area.

Scenic Resources and Natural Setting
Goal CC.1. Reflect and respect the region's natural setting and dramatic views in the built environment.
Policy CC.1.1.Preserve the natural character of the region through planning and design to maintain view of significant landmarks, sloping landforms, rock outcroppings, watercourses, floodplains, and meadows, and conserve stands of ponderosa pine.
Goal CC.4. Design and develop all projects to be contextually sensitive, to enhance a positive image and identity for the region.

While the Regional Plan does not identify specific viewshed corridors for protection, it is clear that this development could impact views to Mount Eldon and the San Francisco Peaks from existing residential neighborhoods. The proposal to rezone this location from Research and Development to Medium Density Residential will reduce the allowed building height maximum from 60 feet to 35 feet. The applicant intends to develop the areas with structures that will be required to meet all of the City's design standards including architecture that respects the traditions of the neighborhood and the natural environment.

Reinvestment
Goal LU.1. Invest in existing neighborhoods and activity centers for the purpose of developing complete, and connected places
Policy LU.1.1.Plan for and support reinvestment within the existing city centers and neighborhoods for increased employment and quality of life.
Policy LU.1.6. Establish greater flexibility in development standards and processes to assist developer in overcoming challenges posed by redevelopment and infill sites.
Policy LU.1.7. Consider creative policy and planning tools (such as transfer of develop rights or transfer of development obligations) as a means to incentive redevelopment and infill.

Goal ED.9. Promote redevelopment and infill.
Goal LU.4. Balance housing and employment land uses with the preservation and protection of our unique natural and cultural setting.

Policy LU.4.1 Develop neighborhood plans, specific plans, area plans, and master plans for all neighborhood activity centers, corridors, and gateways as necessary.

The subject site is located within a subdivision developed with road and utility infrastructure and, for this reason, the proposed project is defined as infill development. McMillian Mesa is a central neighborhood within the City of Flagstaff with convenient access to churches, schools, shopping and general commercial areas. The Applicant believes that the existing zoning entitlements do not allow for development that is fully compatible with the surrounding neighborhood as the current proposal. The applicant would like to emulate the characteristics of the neighborhood by reallocating existing development rights into this area. This neighborhood is part of an adopted specific plan that sets out development standards for providing a mix of housing and employment land uses. A total of 42.94 acres of land will remain in the Research and Development zone, which is intended to be occupied by employment land uses.

Compact 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 investments, 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.5.4. Encourage development to be clustered in appropriate locations as a means of preserving natural resources and open space, and to minimize service and utility costs, with such tools as Transfer of Development Rights (TDR).

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.6.3. Encourage new mixed-use neighborhoods in appropriate locations within the growth boundary.

As previously stated, the development of the Property qualifies as infill rather than greenfield development. The site has been disturbed, has been reviewed for the preservation of resources, and has the existing infrastructure necessary for development. McMillan Mesa is centrally located and is not considered a peripheral expansion. Open Space preservation was provided as part of the McMillan Mesa Specific Plan and the proposed development rights transfer maintains those open spaces. Additionally, if the site is developed residentially, 15% of the gross site will be required to be set aside as open space. The reallocation of residential zoning entitlements will allow for development that is more compatible with the surrounding neighborhood. While this proposal does not fully support the goal to provide for a mix of land uses, the Applicant is proposing to provide a mix of housing types, both rental and ownership, but to do that commercial and business park uses must be removed from the neighborhood. The Specific Plan identifies this area as being a mixed-use activity center; however, the FRP 2030 did not identify this location as an Activity Center.

Suburban Area Type

Goal LU.13. Increase the variety of housing options and expand opportunities for employment and neighborhood shopping within all suburban neighborhoods.

Policy LU.13.1. Prioritize connectivity for walking, biking, and driving within and between surrounding neighborhoods.

Policy LU.13.2. Consider public transit connections in suburban development.

Policy LU.13.4. Plan suburban development to include a variety of housing options.

Policy LU.13.9. Use open space and FUTS trail to provide walking and biking links from residential uses to employment, shopping, schools, parks, and neighborhoods.

The request to change the area type designation from "Area in White" to Existing Suburban is further supported by these Suburban Area Type goals and policies. While the request does further the Applicant's goal of rezoning the Property from Research and Development to Medium Density Residential, the characteristics of the area clearly meet the intent and qualities preferred in suburban development.

Transit, Bicycle And Pedestrian

Goal T.1. Improve mobility and access throughout the region.

> *Policy T.1.2. Apply Complete Street Guidelines to accommodate all appropriate modes of travel in transportation improvement projects.*
> *Policy T.1.6. Provide and promote strategies that increase alternative modes of travel and demand for vehicular travel to reduce peak period traffic.*
> *Policy T.6.2. Establish and maintain a comprehensive, consistent, and highly connected system of bikeways and FUTS trails.*

These policies also support the request of changing the area type designation to Existing Suburban due to the level of existing infrastructure improvements that support both vehicular and alternative modes of transportation.

Policy Analysis

This list below identifies several key points and community benefits supporting (+) or not supporting (-) the proposed amendment:

- \+ The Property is considered infill development, is within the Urban Growth Boundary and is efficiently and effectively provided with facilities and services by the City
- \+ McMillan Mesa is a centrally located neighborhood with convenient access to many required resources;
- \+ Existing transportation infrastructure and existing water infrastructure is available at this site;
- \+ The project will reduce traffic due to a reduction in development densities and intensities;
- \+ The existing subdivision has already addressed on-site and off-site utility infrastructure improvements for larger anticipated development densities and intensities;
- \+ The project is proposed to provide 50 single-family residences and 138 multi-family residences within an existing neighborhood;
- \- The project does remove business park and commercial uses from the neighborhood, thereby reducing new employment opportunities;

PUBLIC FACILITIES AND SERVICE IMPACT ANALYSIS: See the Specific Plan Amendment and Concept Zoning Map Amendment staff report for complete Public Impact Analysis discussion.

Public Input

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with the Specific Plan Amendment and Concept Zoning Map Amendment requests. In accordance with Arizona Revised Statute and Section 10-20.30.080 (p. 20.30-9) of the Zoning Code, notice of the public hearings were provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 600 feet of the Specific Plan boundary (exceeding the 300-foot requirement).

In accordance with Section 10-20.30.060 of the Zoning Code (p. 20.30-5), a Citizen Participation Plan was prepared and implemented prior to the scheduling of the public hearings and a copy of the Citizen Participation Report is attached to the rezoning report for review by the Planning and Zoning Commission and City Council. As of this writing, Planning staff has received five emails in response to this request which are attached to the accompanying Specific Plan and Zoning Map Amendments staff report.

RECOMMENDATION:

Staff believes that the proposed amendment to the Regional Plan is supportable under the guidelines of the *Flagstaff Regional Plan 2030*, and would recommend approval of the proposed amendment.

Attachments:

- Minor Regional Plan Amendment Application and applicant's General Plan Analysis
- Future Growth Illustration – Existing
- Future Growth Illustration – Proposed

Fiscal DS Regional Minor

City of Flagstaff

Community Development Division

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

P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

Date Received	Application for Zoning Map Amendment and/or Minor Regional Plan Amendment	File Number
		PZ-15-00022-02

Property Owner(s)	Title	Phone	Email
MMV Devco, LLC		480-627-7000	VMorris@cavanrealestate.net

Mailing Address	City, State, Zip
15300 N. 90th Street #200	Scottsdale, AZ 85260

Applicant(s)	Title	Phone	Email
MMV Devco, LLC		480-627-7000	VMorris@cavanrealestate.net

Mailing Address	City, State, Zip
15300 N. 90th St #200	Scottsdale, AZ 85260

Project Representative)	Title	Phone	Email
Vickey Morris		480-747-9408	VMorris@cavanrealestate.net

Mailing Address	City, State, Zip

Requested Review: ☐ Zoning Map Amendment ☒ Minor Regional Plan Amendment ☐ Continued

Site Address	Parcel Number(s)	Subdivision, Tract & Lot Number
1800 N Gemini Dr.	101-46-006	Parcel D3 MMV

Existing Zoning District	Proposed Zoning District:	Existing Regional Plan Land Use Category
Business Park	MR	Business Park

Existing Use	Proposed Use
Vacant Land	residential

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?

Requested Urban Growth Boundary Change (If Applicable)	Proposed Regional Plan Land Use Category
	MR

Property Owner Signature(required)	Date:	Applicant Signature	Date:
See attached sign page	6/26/15	see attached sign page	6/26/15

For City Use

Date Filed:	File Number(s):		Type of Zoning Map Amendment:
P & Z Hearing Date:	Publication and Posting Date:		☐ Small scale
Council Hearing Date:	Publication and Posting Date:		☐ Medium scale
Fee Receipt Number:	Amount:	Date:	☐ Large scale
			☐ Multi-phase scale

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Rana	Kent	Jim	Chris

Signature page for APPLICATION FOR ZONING MAP AMENDMENT AND/OR MINOR REGIONAL PLAN AMENDMENT

PARCEL D3, McMillan Mesa Village
June 26, 2015

Property Owner/Applicant Signature

MMV DEVCO, LLC, an Arizona limited liability company

By: The Cavan Opportunity Fund, LLC, an Arizona limited liability company
Its: Manager

By: Opportunity Fund Management, LLC, an Arizona limited liability company
Its: Manager

By: _____
Gary M. Burton
Its: Vice President

Minor Specific Plan Amendment and Minor Regional Plan Amendment NARRATIVE for

Parcels B, C, D1, D3, and Ic

Located within the Final Plat for the McMillan Mesa Village
Generally located at the Northeast Corner of Turquoise Drive and Forest Avenue
Within the SE Quarter of Section 10 Township 21 North Range 7 East; the Southwest Quarter of Section 15 Township 21 North Range 7 East; the Northwest Quarter of Section 14 Township 21 North Range 7 East; and the Northeast Quarter of Section 15 Township 21 North Range 7 East, Gila and Salt River Base and Meridian, Coconino County, Flagstaff, Arizona

Submitted by:

OWNER/DEVELOPER ("Owner"):
MMV Devco, LLC, an Arizona limited liability company
15300 N 90th Street Ste 200
Scottsdale, AZ 85260
480-627-7000
Contact: Vickey Morris
480-747-9408
vmorris@cavanrealestate.net

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Granite Bay, CA 95746
916-783-3700
rmacias@jdaarch.com

Submitted to:

CITY OF FLAGSTAFF, ("CITY")
211 West Aspen Avenue
Flagstaff, Arizona 86001

July 2015

PROPERTY DATA:

5 Parcels located within the McMillan Mesa Village subdivision, described as follows:

Parcel B:
Coconino County Assessor Parcel Number: 101-46-002
Address: 1600 N Gemini Drive
22.98 acres
Current Zoning Classification: McMillan Mesa Village Specific Plan: High Density Residential
Proposed Zoning Classification: No Change in zoning; however requesting transfer of development units to Parcels C, D1 and D3
ACTION REQUESTED: Amendment to McMillan Mesa Village Specific Plan to change number of dwelling units and transfer dwelling units to Parcels C, D1, and D3

Parcel C:
Coconino County Assessor Parcel Number: 101-46-003
Address: 1551 N Gemini Dr, Flagstaff, AZ 86001
8.41 acres
Current Zoning Classification: McMillan Mesa Village Specific Plan: SC – Suburban Commercial
Proposed Zoning Classification: MR – Medium Density Residential (Specific Plan Amendment)
ACTION REQUESTED: Amendment to McMillan Mesa Village Specific Plan to change land use from Suburban Commercial to Medium Density Residential and obtain dwelling units transferred from Parcel B

Parcel D1:
Coconino County Assessor Parcel Number: 101-46-004
Address: 1651 N Gemini Dr, Flagstaff, AZ 86001
7.35 acres
Current Zoning Classification: McMillan Mesa Village Specific Plan: BP – Business Park
Proposed Zoning Classification: MR – Medium Density Residential (Specific Plan Amendment)
ACTION REQUESTED: Amendment to McMillan Mesa Village Specific Plan to change land use from Suburban Commercial to Medium Density Residential and obtain dwelling units transferred from Parcel B

Parcel D3:
Coconino County Assessor Parcel Number: 101-46-006
Address: 1800 N Gemini Dr, Flagstaff, AZ 86001
6.31 acres
Current Zoning Classification: BP – Business Park
Proposed Zoning Classification: MR – Medium Density Residential (Specific Plan and Regional Plan Amendment)
ACTION REQUESTED: Amendment to McMillan Mesa Village Specific Plan and the Regional Plan to change land use from Business Park to Medium Density Residential and obtain dwelling units transferred from Parcel B

Parcel Ic:
Coconino County Assessor Parcel Numbers: 101-28-007F and 101-31-110
Address: Currently there is no address associated with this property
4.90 acres (combined)
Current Zoning Classification McMillan Mesa Village Specific Plan: R-1
Proposed Zoning Classification: Open Space
ACTION REQUESTED**:** Amendment to McMillan Mesa Village Specific Plan to transfer dwelling units assigned to parcel Ia and change the land use designation to Open Space.

The McMillan Mesa Village

Minor Specific and Regional Plan Amendment Narrative

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Tables and Exhibits:

Table 1: Current Land Use Designations according to the Specific Plan
Table 2: Proposed changes to Land Use designations and density by the Amendment
Table 3: Adjacent Property Uses

Exhibit A: Vicinity Map/Context Analysis Map/Site Analysis Map
Exhibit B: McMillan Mesa Specific Plan
Exhibit C: Development Agreement, dated 3/20/2007, CCRO#3432671
Exhibit D: Water and Sewer Impact Analysis, completed July 2006
Exhibit E: CCR's McMillan Mesa Village and Amendments
Exhibit F: Proposed Public Involvement Plan
Exhibit G: Proposed amended Exhibits to the McMillan Mesa Specific Plan
Exhibit H: McMillan Mesa Drainage Report
Exhibit I: McMillan Mesa Village Traffic Impact Analysis
Exhibit J: McMillan Mesa Natural Resource Protection Plan

1. Background Information for McMillan Mesa Village:

The McMillan Mesa Village Specific Plan was adopted and approved by Ordinance No. 1779 on December 15, 1992 and recorded on January 14, 2003 (the "Specific Plan"). No development or construction was undertaken until MMV Devco, LLC, (the "Owner") recorded the Final Plat for the McMillan Mesa Village (the "McMillan Mesa") and constructed the infrastructure in 2008. The roads, sewer and water constructed as a part of the final plat also included the off-site sewer enhancement as required by the Specific Plan.

In July 2007, the Owner and the City of Flagstaff (the "City") entered into a land exchange whereby the City was able to acquire pieces of land in order to preserve the continuity of the Flagstaff Urban Trail System (FUTS) and supplement the Buffalo Park open space. This land exchange closed and was made final on 12/21/2007.

In the time since the infrastructure was completed in 2008, the Owner has sold several parcels. These sales include the following:

a. Flagstaff Senior Living is an affordable housing project for senior citizens. This development is comprised of 60 residential dwellings. Parcel H was developed in accordance with the Specific Plan. Development of this parcel provided necessary infrastructure for the storm water drainage system as required by the Specific Plan and the City of Flagstaff. Flagstaff Senior Living has adopted several "green energy" methods on the property to include solar arrays for energy capture. The maximum number of dwelling units assigned to Parcel H by the Specific Plan is 72.

b. Basis School of Flagstaff purchased a portion of Parcel D for a charter school comprised of students in grades 5-12. Parcel D was subdivided into several parcels when the infrastructure was built. The Basis School developed this property in accordance with the Specific Plan.

c. Guardian Ambulance and Flagstaff Medical Center purchased a portion of Parcel F for an ambulance and administration center. The City of Flagstaff provided Guardian Ambulance a conditional use permit for the development of this property. The remainder of Parcel F is currently undeveloped. Parcel F lies within the employment corridor overlay; therefore the site development is consistent with the Specific Plan and Regional Plan. Development of this project also provided necessary improvements to the existing storm water drainage system as required by the City of Flagstaff.

d. All residential lots south of Pinion Court have been sold to home builders or individuals that have built single family homes. This is consistent with the Specific Plan.

2. Request for Amendment to Specific Plan and Regional Plan (Parcel D3 only)

The Owner, together with Mogollon Engineering and JDA, Inc., are pleased to submit for your consideration an application for a Minor Amendment to the McMillan Mesa Village Specific Plan (Parcels B, C, D1, and Ic) and a Minor Amendment to the Regional Plan (Parcel D3) for approximately 49 acres of what is commonly referred to as the McMillan Mesa Village (the "Amendment"), and as more particularly described in this narrative.

3. Description of Proposal

The Owner proposes to change the current land use for approximately 26.3 acres located within the McMillan Mesa subdivision that will result in a decrease in land intensity from the current Specific Plan by changing the land use designation from Business Park and Suburban Commercial to Medium Density Residential.

The development units being used to facilitate the zoning change on Parcels C, D1 and D3, will be taken from Parcel B, which according to the Specific Plan has a total of 491 development units. Parcel B is a 22.98 acre piece of property located at the northwest corner of the McMillan Mesa. Approximately 198 development units will be transferred from Parcel B and disbursed between Parcels C, D1 and D3. The overall residential dwelling units entitled to the McMillan Mesa by the Specific Plan will not change. The land use for Parcel B will not change, only a transfer of development units will take place as a result of the zoning changes. The remaining number of development units on Parcel B will be approximately 292.

Parcel Ic is a 4.97 acre piece of property in the southeasterly portion of the McMillan Mesa. The Owner has recently annexed this parcel into the McMillan Mesa Village subdivision and placed restrictive covenants upon the parcel that precludes any building or development on the parcel. As a part of this rezoning application, the Owner requests that this parcel be rezoned to Open Space. Any development units attributed to Parcel Ic by the Specific Plan will be transferred to Parcel Ia as contemplated by the Specific Plan. See Exhibit E attached hereto for the Annexation Declaration to Declaration of Covenants, Conditions, and Restrictions for McMillan Mesa Village (the "Declaration").

(the rest of page intentionally left blank)

Table 1: **Current** Land Use designations according to the Specific Plan

Parcel	Size	Current Designation	Current Density
Parcel B	22.89 acres	High Density Residential	491 residential development units
Parcel C	7.67 acres	Suburban Commercial	0 residential development units
Parcel D1	7.35 acres	Business Park	0 residential development units
Parcel D3	6.31 acres	Business Park (Regional Plan)	0 residential development units
Parcel Ic†	4.97 acres	R-1	22.65 residential development units
Totals:	49.19 acres		513.65 residential development units

† Dwelling Units assigned to Parcel Ic pursuant to the Specific Plan will be transferred to McMillan Mesa Village Parcel Ia as was contemplated by the Specific Plan.

Table 2: **Proposed** changes to Land Use designations and density by the Amendment

Parcel	Size	Proposed Designation	Proposed Density
Parcel B	22.89 acres	High Density Residential	292 residential development units
Parcel C	7.67 acres	Medium Density Residential	75.69 residential development units
Parcel D1	7.35 acres	Medium Density Residential	66.15 residential development units
Parcel D3	6.31 acres	Medium Density Residential	56.7 residential development units
Parcel Ic	4.97 acres	Open Space	0 residential development units (Du's transferred see Table 1 above.)
Totals:	49.19 acres		490.54 residental development units

4. The Purpose for the Proposal

The Owner believes the parcels identified in Table 1 are better suited for a residential type of land use enabling quality development that does not cannibalize on nearby similar sites, such as the Business Incubator site located directly to the north. These parcels have been determined to be the least likely to develop under the existing commercial and business land use designations, and now proposes this Amendment to allow the site to be used for residential development as shown in Table 2. The proposed request would change the zoning for three parcels from RD to MR, one parcel from R1 to OS, and decrease the allowable residential dwellings on one parcel by almost one third. This Amendment will provide a variety of residential opportunities and a larger consumer base for existing commercial and business use areas.

Therefore, the purpose of the Amendment will be to provide a land use designation that is fully compatible with and complementary to the adjacent developed properties and allow the McMillan Mesa to develop as the mixed use suburban center as was contemplated by the Regional Plan. The Owner has left the balance of the McMillan Mesa east of Parcels C and D1 and north of Parcel D3 with its current designation of Business Park. The owner believes a smooth transition between existing and new development can be obtained on the existing road infrastructure.

5. The Need to Amend

The City adopted the *Flagstaff Regional Plan 2030 Place Matters* (the "Regional Plan") on January 14, 2014 and it was ratified on May 20, 2014. The Regional Plan adopted 8 guiding principles to help promote future development. One such principle is that "a smart and connected community matters". Given this ideal as part of the vision the citizenry of Flagstaff has adopted, the Owner looked at the development guidelines that were set forth in the Specific Plan. The Specific Plan allowed for a heavy concentration of commercial between Gemini Drive and Forest Ave. While that may have been a vision for the City in 1992, this is not consistent with the vision adopted by the citizenry in the Regional Plan. The Owner believes in order to participate in the vision exemplified by the Regional Plan, a change in the land use and area type for the McMillan Mesa needs to occur.

According to the Regional Plan the future Employment Area was expanded to include property across Forest Ave and the activity center designated by the Specific Plan was no longer contemplated. It is therefore believed that Parcels C, D1 and D3 would fall into the neighborhood place type instead of the activity center designated by the Specific Plan, and this amendment would support that. By approving this Amendment, the McMillan Mesa will exemplify the Suburban Neighborhood characteristics identified in the Regional Plan. The neighborhoods will be well connected to existing Activity Centers and Future Employment Centers. The Owner believes a mix of residential uses, together with the existing uses, will be more compatible with the vision of the Regional Plan.

In The Regional Plan, Forest Avenue is identified as a "Great Street" and its proximity to the McMillan Mesa was a factor considered by the Owner as this Amendment was prepared. The McMillan Mesa is located between two Activity Centers that are connected by Forest Avenue, one being the Plaza Shopping Center – Humphrey's Street & Beaver Street to the west and on the east side the Cedar Shopping center. Approval of this Amendment is in keeping with the City's goal identified in the Regional Plan as Goal LU.13, and said goal is more specifically addressed further in this narrative.

6. How the Amendment will conform to the Goals of the Regional Plan

As contemplated by the Regional Plan, a suburban area type is an area typically located at the intersection of two collector or neighborhood streets, with a mix of uses such as business, medical services, educational, offices, etc. The Owner believes the characteristics of the suburban area type will be achieved by this Amendment. There is currently a school located within the McMillan Mesa, an Ambulance Center was recently constructed with office spaces, and a rehabilitation

hospital will be constructed in 2016 on the McMillan Mesa. It is anticipated that the mixed-use land development will further support the Future Employment and Suburban Neighborhood with a subtle blend of live-work units and businesses. The existing infrastructure and the FUTS Trail incorporate the connectivity for walking or biking, as well as the connectivity to the open space/park areas adjacent to the properties that is highly desired in a suburban community.

This Amendment responds to the Flagstaff Regional Plan 2030 and specifically addresses a number of its Goals and Policies, as described below. The goals identified below are by no means the only City goals established by the City of Flagstaff and its citizens; however we feel these are some of the most important goals this Amendment will achieve.

Owner Goal 1 as it relates to The Growth Areas and Land Use component of the Regional Plan: *Goal LU.5 Encourage compact development principles to achieve efficiencies and open space preservation.* The owner supports and conforms to this goal as more specifically addressed in *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.* The Owner believes that by distributing the density currently allocated to one existing parcel to an additional 3 parcels compact development principles are still achieved, creating a balance of density and natural resources, together with open space preservation, resulting in a more cohesive, accessible neighborhood.

Owner Goal 2 as it relates to The Growth Areas and Land Use component of the Regional Plan: *Policy LU.1.-Invest in existing neighborhoods and activity centers for the purpose of developing complete and connected places.* It is not the Owner's intention to re-create a new downtown by building mostly office buildings and services on the McMillan Mesa. The Owner does not believe that is in keeping with the future plans implemented by the City of Flagstaff and its citizenry. Through thoughtful study and analysis, the Owner believes the best use of certain portions of the land would be to create neighborhoods that emulate the characteristics of the existing places. Neighborhoods that will utilize the FUTS trail as a conveyance to and from other destinations. Neighborhoods that will invite and allow for more use of public transportation, thereby avoiding the disconnection between the downtown and the subdivision. Connectivity and association are the keys to a harmonious blend of traditional (historical) and modern (current). This analysis included the City of Flagstaff Business incubator located north of the McMillan Mesa.

Owner Goal 3 as it relates to The Growth Areas and Land Use component of the Regional Plan: *Policy LU.1.7. Consider creative policy and planning tools (such as transfer of development rights or transfer of development obligations) as a means to incentivize redevelopment and infill.* The Owner will be requesting that the City transfer the development units from Parcel Ic to Parcel Ia; thereby removing any potential for this property to be developed. The Owner, as a part of this amendment, will designate Parcel Ic as Open Space. Also, the disbursement and transfer of development units from Parcel B to Parcels C, D1 and D3 provides for a more balanced development.

Owner Goal 4 as it relates to The Growth Areas and Land Use component of the Regional Plan: *Policy LU.13. Increase the variety of housing options and expand opportunities for employment and neighborhood shopping within all suburban neighborhoods.* The potential that the Owner

will be providing housing for nearby employment and local schools is further enhanced by current commercial development projects under consideration by the City. The Owner believes downzoning portions of the McMillan Mesa to Medium Density Residential (MR) is in keeping with the City's Regional Plan by integrating the existing trail and open space into the design of the community, both residential and commercial. Parcels C, D1, and D3 will be "connected" to this community and the nearby Basis School and commercial development by the FUTS trail corridor.

Owner Goal 5 as it relates to <u>The Growth Areas and Land Use</u> component of the Regional Plan: *Goal LU.7 Provide for public services and infrastructure* and specifically *Policy LU.7.3 Require development proposals to address availability of public services.* In 2007 the Owner built the infrastructure for the McMillan Mesa according to the Specific Plan, which included an enhancement to the existing City sewer system. The Owner believes this downzoning will not detrimentally impact or over-tax the existing City services. All public services are provided.

Owner Goal 6 as it relates to <u>The Growth Areas and Land Use</u> component of the Regional Plan: *Goal LU.15 Plan for and encourage employee-intensive uses throughout the area as activity centers, corridors, research and development offices, business parks, and light industrial areas to encourage efficient infrastructure and multimodal commuting.* There will still be commercial development on the McMillan Mesa along with the residential developments. The proximity to the Flagstaff Medical Center has generated interest from ancillary services that would like to operate in Flagstaff. Likewise those interested in having their children attend the Basis School have likewise expressed an interest in the residential development. The Owner anticipates that some of the employees in the nearby commercial and residential services enterprises will be residents in the newly built neighborhoods.

Owner Goal 7 as it relates to The Open Space Goals and Policies component of the Regional Plan: *Policy OS.1.3 Use open spaces as natural environment buffer zones to protect scenic views and cultural resources, separate disparate uses, and separate private development from public lands, scenic byways, and wildlife habitats. Policy OS1.4 Use Open Space as opportunities for non-motorized connectivity, to interact with nature, and to enjoy the views and quiet.* The Owner believes that moving the commercial use to the eastern portion of the subdivision and using the FUTS trail/City property between Parcels C/D1 and Parcels E and F as a natural delineation of residential and commercial is in keeping with the use of natural environment buffer zones.

<u>7. An analysis of how the Amendment will not be detrimental to the public good.</u>

As outlined above, the Owner meets the goals and policies of the Regional Plan on multiple levels and exceeds standards for several of the City's Goals. In fact, *Goal CC.1 Reflect and respect the region's natural setting and dramatic views in the built environment* would be supported by allowing for the Zoning change and Plan Amendments. The views from The McMillan Mesa would be preserved for all of the neighborhoods in the area. The Park views would likewise be preserved by down-zoning the western portion of the McMillan Mesa. *Goal E&C.5 Preserve dark skies as an unspoiled natural resource, basis for an important economic sector, and core element of community character.* The Owner will continue to preserve and protect the night time environment through thoughtful and careful placement of quality lighting. The Owner believes that by downzoning the property to MR, the night skies will be shielded from light pollution

through the adoption of a lighting plan consistent with the International Dark Sky Association for residential uses and that adding native landscaping to the currently barren property will further shield the night skies from lighting pollution.

The Owner is not increasing the residential development units provided for in the Specific Plan. These development units are being redistributed within the McMillan Mesa. The development will not create a burden on the existing infrastructure. Despite a modest increase in the City's total acreage available for residential development, the Amendment will actually result in a decrease in the land intensity and the reduction of commercial land uses in the area will provide for a more sustainable neighborhood.

8. Suitability of Site for proposed land use.

Table 3: Land uses in adjacent properties

East of the McMillan Mesa	Primary Use of this property is City Park or City Facilities
North of the McMillan Mesa	Primary Use of this property is for commercial, business development, and research.
West of the McMillan Mesa	Primary Use of this property is Residential or Residential Related Businesses.
South of the McMillan Mesa	Primary Use of this property is Residential or Residential Related Commercial.

The Owner has considered the use of natural terrain as a less intrusive transition from residential to commercial; and therefore this zoning application will place the commercial uses northeasterly and across a ravine. The property located directly east of Parcels C and D1 is a City of Flagstaff owned open space parcel upon which the FUTS trail meanders through to the north and south. The easterly, westerly and southerly boundaries for Parcel D3 are open space also. The FUTS trail connects Parcel D3 with Parcels C and D1.

The concentration of commercial development on the McMillan Mesa has been moved to the northeasterly parcels and separated by natural terrain. The density transfer and re-distribution provides assurance to the neighbors living in Switzer Mesa No. 3 that long range views to the San Francisco Peaks will be respected and preserved.

9. Public Utilities and Services

As discussed above, the Owner built the infrastructure in 2007. Utilities and services will be provided as follows:

Water:	City of Flagstaff
Sewer:	City of Flagstaff
Electric:	APS
Gas:	Unisource Energy
Cable/Telephone:	CenturyLink
Police:	City of Flagstaff
Fire:	City of Flagstaff
School:	Flagstaff Public School District

The Owner built the connections to the City of Flagstaff's water and sewer services in 2008 during the first phase of development. The water and sewer service connections were built and sized according to the Water and Sewer Impact Analysis (WISA) completed by the City of Flagstaff in July of 2006 (Exhibit D attached hereto). In 2008, the Owner completed the off-site sewer enhancement as was required by the WISA. The off-site water pressure enhancement to Zone A has not been built. The threshold that would require the additional water storage is 300 residential units and 26 commercial acres of development. (Exhibit C: Development Agreement, attached hereto)

SEWER: The Owner believes the downzoning of the McMillan Mesa will not have a detrimental effect on the City of Flagstaff sewer system. Sewer discharge from Parcels B, C and D1 will be to the sewer main located in Forest Avenue to the north. Sewer discharge from Parcel D3 will be in the sewer line located in Pine Cliff Drive. According to the WISA, there is adequate sewage treatment plant capacity in the Wildcat Hill Wastewater Treatment Plant.

WATER: According to the WISA, downzoning and re-distribution of development units will not have a negative impact upon the City's water resources.

10. Public Participation

While this proposed Amendment has already been discussed in an open forum with surrounding property owners and interested parties (collectively, the "Neighbors"), the Owner and the development team will be implementing additional neighborhood meetings as appropriate. (See Exhibit F: Proposed Public Involvement Plan, attached hereto)

The Owner held an informal neighborhood meeting on March 24, 2015 that was well attended by Neighbors. In order to draw in more interested parties and more input, the Owner increased the parameters for public involvement at the request of the City from 300 feet to 600 feet. Owner is providing the required public involvement list and related materials with this Amendment application.

11. Benefit to the Community

During the forum held with the neighbors the Owner learned that the Neighbors would prefer to see homes built on the McMillan Mesa, rather than office buildings. Downzoning the parcels from commercial to residential will lessen the traffic issues that currently exist on Pine Cliff Drive. The adjacent FUTS trail and the McMillan Mesa's proximity to employment centers will provide an opportunity for residents to walk or ride their bikes to and from work and school, thus greater connectivity is achieved. The current land use designations established by the Specific Plan need to be changed to support the new goals and vision agreed to by the City and its citizenry. A change to the area types and the proposed rezoning will be more supportive of the defined area types as was agreed to by the ratification of the Regional Plan. The Owner is also contributing additional open space to the City park system thereby connecting the parks with the neighbors and users.

In conclusion, the Owner believes the proposed Amendment is an enhancement to the McMillan Mesa and the surrounding residents and residential service providers and asks that this Amendment be approved and recommended to City Council.

EXHIBIT A:

LEGAL DESCRIPTIONS:
Final Plat for McMillan Mesa Village

Zoning Map Amendment Development Application Checklist: Part II

1) Vicinity Map (II.2)
2) Context Analysis Map (II.3)
3) Site Analysis (II.4)

EXHIBIT B:

The McMillan Mesa Specific Plan

EXHIBIT C:

Development Agreement, dated 3/20/2007
Coconino County Recorder's Office #3432671

EXHIBIT D

WATER AND SEWER IMPACT ANALYSIS
Completed by the City of Flagstaff July 2006

EXHIBIT E:
Codes, Covenants and Restrictions for the McMillan Mesa Village Subdivision

EXHIBIT F:

PROPOSED PUBLIC INVOLVEMENT PLAN (I.6)

And

NEIGHBORHOOD NOTIFICATION (I.7)

And

COCONINO COUNTY ASSESSOR'S MAP (I.8)

EXHIBIT G:
Proposed Amendments to Exhibits contained within The McMillan Mesa Specific Plan

EXHIBIT H:

Drainage Report prepared by
Shepard Wesnitzer for
The McMillan Mesa Village
Prepared on 8/23/2007
Revised 2/7/2008
Revised 3/12/2014

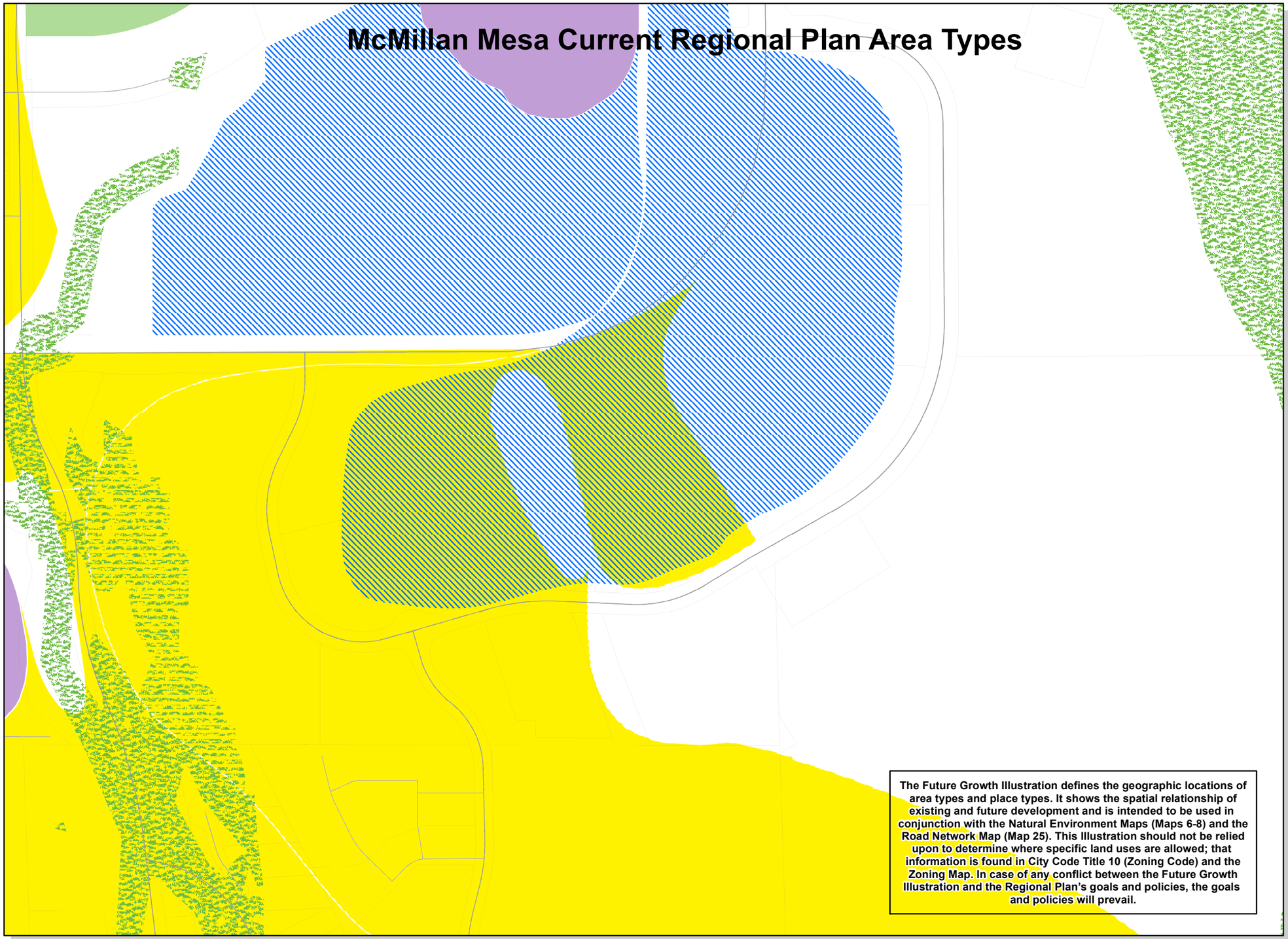
EXHIBIT I:

McMillan Mesa Village
Traffic Impact Analysis

EXHIBIT J:

McMillan Mesa Village
Natural Resource Protection Plan

McMillan Mesa Current Regional Plan Area Types



The Future Growth Illustration defines the geographic locations of area types and place types. It shows the spatial relationship of existing and future development and is intended to be used in conjunction with the Natural Environment Maps (Maps 6-8) and the Road Network Map (Map 25). This Illustration should not be relied upon to determine where specific land uses are allowed; that information is found in City Code Title 10 (Zoning Code) and the Zoning Map. In case of any conflict between the Future Growth Illustration and the Regional Plan's goals and policies, the goals and policies will prevail.

Map 22:
FUTURE GROWTH ILLUSTRATION

- Urban Growth Boundary
- City of Flagstaff

Future Activity Center

- Suburban Activity Center (S1) 'x' symbol identifies existing center
- Urban Activity Center (U1) 'x' symbol identifies existing center
- Rural Activity Center
- Rural - Existing
- Rural - Future
- Suburban - Existing
- Suburban - Future
- Urban - Existing
- Urban - Future
- Special Planning Area
- Existing Employment/Industrial
- Future Employment
- Park/Open Space
- Concentration of Natural Resources (see Figure 8)
- RTP Future Road Network
- Areas in white retain their existing entitlements
- Fly Zone

Future growth illustrations and plans do not preclude private development entitlements. Please see www.flagstaffmatters.com for an interactive GIS map.

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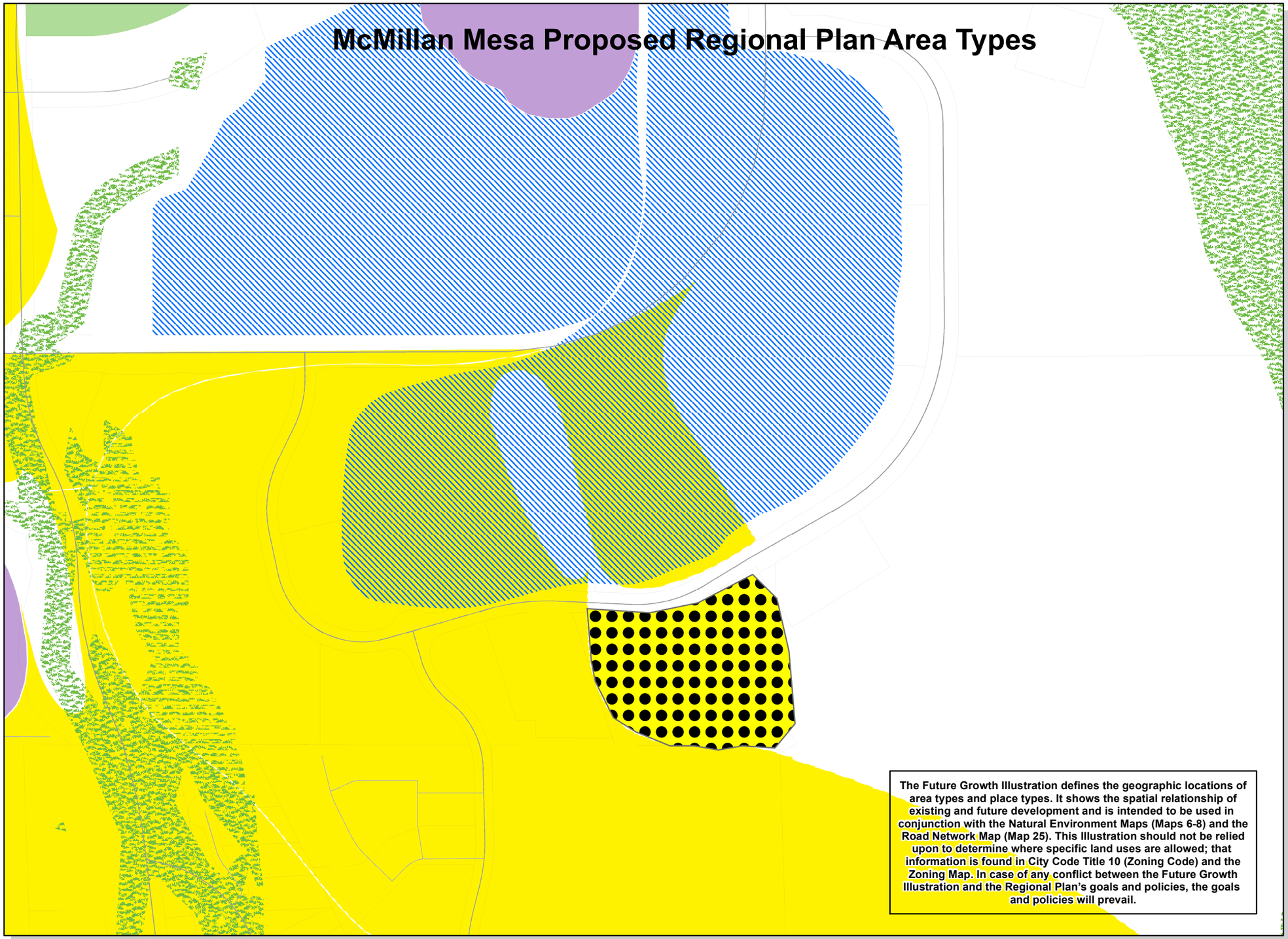
Miles

FLAGSTAFF REGIONAL PLAN
VISION 2030: PLACE MATTERS

McMillan Mesa Proposed Regional Plan Area Types



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FLAGSTAFF REGIONAL PLAN
VISION 2030: PLACE MATTERS

RESOLUTION NO. 2016-08

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF REGIONAL PLAN 2030 TO CHANGE THE AREA TYPE DESIGNATION OF APPROXIMATELY 6.31 ACRES OF REAL PROPERTY ON MAPS 21 AND 22 LOCATED AT 1800 N. GEMINI DRIVE FROM AREA IN WHITE AREA TYPE TO EXISTING SUBURBAN AREA TYPE; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Regional Plan 2030 (the "Regional Plan") was adopted by the Mayor and Council of the City of Flagstaff (the "City Council") on January 14, 2014 and ratified by the qualified electors of the City of Flagstaff (the "City") on May 20, 2014; and

WHEREAS, among other things, the Regional Plan establishes the authority and procedure for minor amendments; and

WHEREAS, pursuant to section § 9-461.06, Arizona Revised Statutes, and the Regional Plan, the City has consulted with, advised, and provided the opportunity for public comment on the proposed amendment to the Regional Plan; and

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Planning and Zoning Commission held a public hearing on the proposed Regional Plan amendment on January 27, 2016, and February 10, 2016, and provided notice of such hearing in the manner required by A.R.S. § 9-461.06(E).

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Council held a public hearing in the City Council Chambers on the proposed Regional Plan amendment on March 22, 2016, and provided notice of such hearing by publication of said notice in the manner required by A.R.S. § 9-461.06(E); and

WHEREAS, the City Council finds and determines that (i) proper notice of the proposed Regional Plan amendment has been given in a manner required by A.R.S. § 9-461.06, and (ii) that each of the required publications have been made in the *Arizona Daily Sun*, a newspaper of general circulation within the City; and

WHEREAS, the City Council desires to amend the Regional Plan to change the area type designation of approximately 6.31 acres of real property on Maps 21 and 22 located at 1800 N. Gemini Drive from Area in White area type to Existing Suburban area type.

ENACTMENTS:

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

SECTION 1. That the Flagstaff Regional Plan is hereby amended to change the area type designation of approximately 6.31 acres of real property on Maps 21 and 22 located at 1800 N.

Gemini Drive, as more particularly depicted in **Exhibit "A" (Future Growth Illustration – Proposed),** from Area in White area type to Existing Suburban area type.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 3. This resolution 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 22nd day of March, 2016.

_____
MAYOR

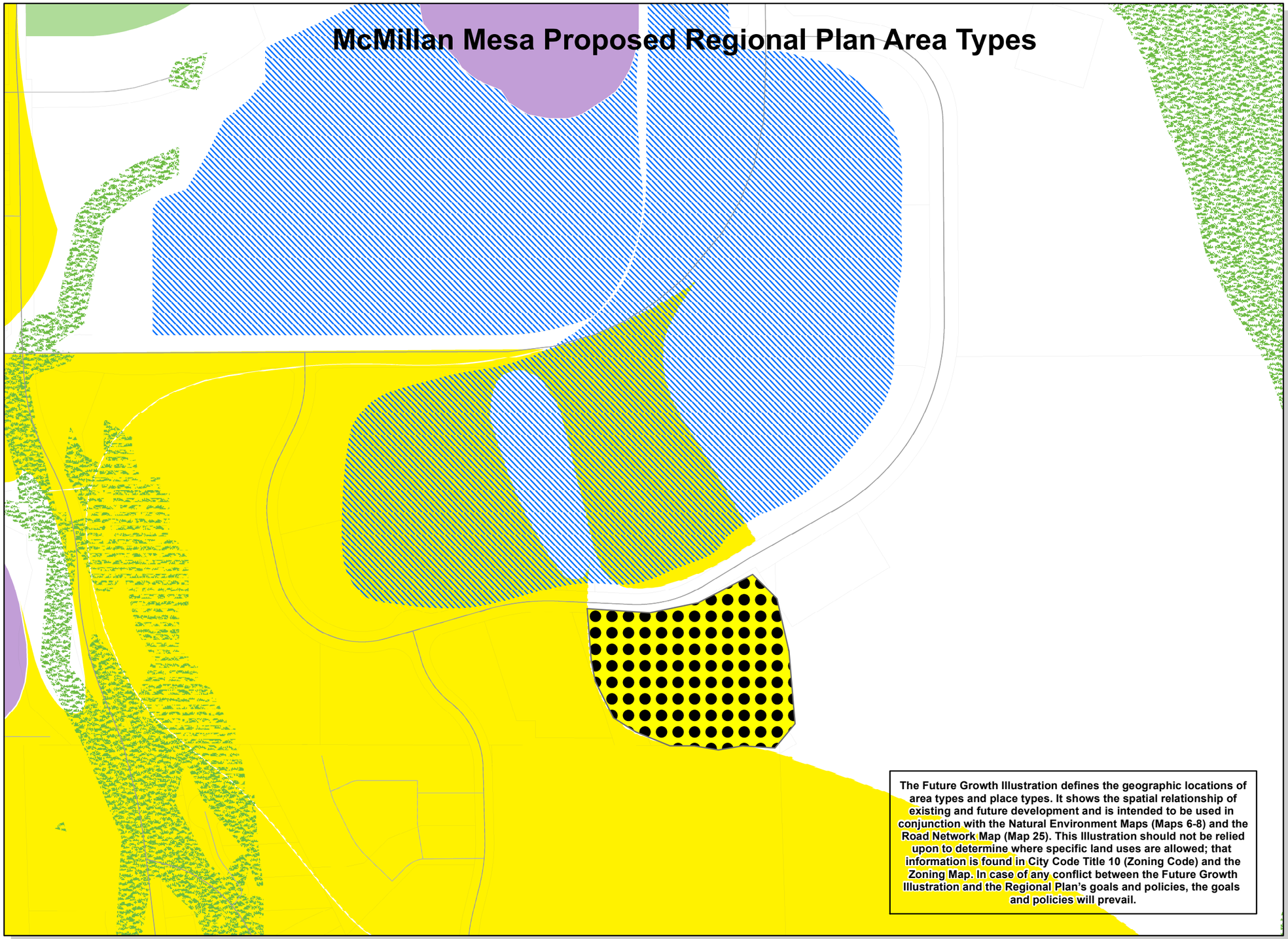
ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

McMillan Mesa Proposed Regional Plan Area Types



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Miles

FLAGSTAFF REGIONAL PLAN
VISION 2030: PLACE MATTERS

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Tiffany Antol, Planning Development Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-04: An Ordinance of the City Council of the City of Flagstaff, Amending the Flagstaff Zoning Map to rezone approximately 26.17 acres of real property located on McMillan Mesa, from Suburban Commercial (SC) to Medium Density Residential (MR) for 7.67 acres, from Research and Development (RD) to Medium Density Residential (MR) for 13.66 acres, and from Residential Single-Family (R1) to Public Open Space (POS) for 4.84 acres, and amending to the McMillan Mesa Village Specific Plan to reallocate 192 units from Development Area B to Development Areas C, D1 and D3. ***(McMillan Mesa Village Zoning Map and Specific Plan Amendments)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold the Public Hearing
2) Read Ordinance No. 2016-14 by title only for the first time
3) City Clerk reads Ordinance No. 2016-14 by title only (if approved above)

At April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-14 by title only for the final time
5) City Clerk read Ordinance No. 2016-14 by title only (if approved above)
6) Adopt Ordinance No. 2016-14

Executive Summary:

An amendment of the McMillan Mesa Village Specific Plan to transfer approximately 192 dwelling units from Development Area B to Development Areas C, D1 and D3, to amend the development options for Development Area B and to amend the development options for Areas C from Suburban Commercial to Medium Density Residential, and D1 and D3 from Research and Development to Medium Density Residential.

A Concept Zoning Map Amendment request to rezone approximately 7.67 acres from Suburban Commercial (SC) to medium Density Residential (MR), 13.66 acres from Research and Development (RD) to Medium Density Residential and 4.84 acres from Single-family Residential to Public Open Space (POS) located on McMillan Mesa.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:
1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Provide a well-managed transportation system
3) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:

Goal E.1. Increase energy efficiency.
Goal E&C.2. Reduce greenhouse gas emissions.
Goal E&C.6. Protect, restore, and improve ecosystem health and maintain native plant and animal community diversity across all land ownerships in the Flagstaff region.
Goal E&C.10. Protect indigenous wildlife populations, localized and larger-scale wildlife habitats, ecosystem processes, and wildlife movement areas throughout the planning area.
Goal WR.4. Logically enhance and extend the City's public water, wastewater, and reclaimed water services including their treatment, distribution, and collection systems in both urbanized and newly developed areas of the City to provide an efficient delivery of services.

Goal WR.5. Manage watersheds and stormwater to address flooding concerns, water quality, environmental protections, and rainwater harvesting.
Goal WR.6. Protect, preserve, and improve the quality of surface water, groundwater, and reclaimed water in the region.
Goal CC.1. Reflect and respect the region's natural setting and dramatic views in the built environment.

Goal CC.4. Design and develop all projects to be contextually sensitive, to enhance a positive image and identity
for the region.
Goal LU.1. Invest in existing neighborhoods and activity centers for the purpose of developing complete, and connected places.
Goal ED.9. Promote redevelopment and infill.
Goal LU.4. Balance housing and employment land uses with the preservation and protection of our unique natural and cultural setting.

Goal LU.5. Encourage compact development principles to achieve efficiencies and open space preservation.
Goal LU.6. Provide for a mix of land uses.
Goal LU.13. Increase the variety of housing options and expand opportunities for employment and neighborhood shopping within all suburban neighborhoods.

Goal T.1. Improve mobility and access throughout the region.

Has There Been Previous Council Decision on This:

The McMillan Mesa Village Specific Plan and subsequent zoning was adopted by Ordinance on December 15, 1992. The McMillan Mesa Village Subdivision developed in compliance with the McMillan mesa Village Specific Plan was recorded on May 30, 2008.

Options and Alternatives:

1. Approve the ordinance with the proposed conditions.
2. Approve the ordinance with no conditions, additional conditions, or modified conditions
3. Deny the ordinance based on the required findings in Section 10-20.50.040(F)(1)(a) of the Zoning Code

Background/History:

The McMillan Mesa Village Specific Plan was adopted by Ordinance Number 1779 on December 15, 1992. The McMillan Mesa Village Specific Plan establishes the type, location, intensity, and character of development, and the required infrastructure for the area. The plan also shapes development to respond to the physical constraints of the site, coordinates the mix of land use intensities, and provides adequate circulation, open space, recreation and other public uses and facilities. The plan is organized into development areas A through J, which generally corresponds to zoning districts and land use categories. Section V of the plan, which covers development performance standards, establishes the intensity and character of the project development by prescribing development performance standards that are tailored to the unique qualities of the site. All development within McMillan Mesa Village must comply with the Development Performance Standards and Design Guidelines of the private CC&Rs, as well as the applicable provisions of the Zoning Code with the more restrictive code governing.

Key Considerations:

The applicant, MMV Devco LLC, is requesting a Specific Plan Amendment for approximately 46.09 acres to reallocate 192 dwelling units from Development Area B to Development Areas C, D1, and D3, which consists of three separate parcels. The applicant has provided replacement pages for the development areas intended to be amended as part of this request, which are attached to this report. A Concept Zoning Map Amendment is also requested to rezone approximately 13.66 acres from the Research and Development (RD) zone to the Medium Density Residential (MR) zone, 7.67 acres from the Suburban Commercial to the Medium Density Residential (MR) zone, and 4.84 acres from the Single-family Residential (R1) zone to the Public Open Space (POS) zone located on McMillan Mesa.

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 Zoning Map Amendment 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 Council, the applicant can proceed directly to construction plans 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 application is a Concept Zoning Map Amendment, and the applicant has chosen not to submit for Direct to Ordinance in conjunction with this 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 followed by Civil Improvement Plans and Building permit submittals. A Development Agreement between the City and the applicant was approved during the review of the subdivision for McMillan Mesa Village and remains in full force and effect.

On February 10, 2016, the Planning & Zoning Commission concluded their review of the proposed Concept Zoning Map Amendment with a recommendation for Approval, by a unanimous vote, subject to the following conditions, which have been incorporated into Ordinance No. 2016-14:

1. The subject property shall be developed in substantial conformance to the conceptual plans as submitted to the maximum extent feasible. Development Areas C and D1 shall consist of single-story cottage units and Development Area D3 shall consist of single-family homes.

2. Development Area B of the McMillan Mesa Village Specific Plan shall conform to the density allowances of the High Density Residential (HR) Zone and Development Areas C, D1 and D3 of the McMillan Mesa Village Specific Plan shall conform to the density allowances of the Medium Density Residential (MR) zone as listed below and included within the amended specific plan:
• Development Area B -246 dwelling units
• Development Area C – 69.03 dwelling units

• Development Area D1 – 66.15 dwelling units
• Development Area D3 – 56.7 dwelling units

3. The applicant shall provide twenty-five (25) copies of the revised McMillan Mesa Specific Plan with staff's attached amendment pages upon recordation of the Ordinance amending this plan.

4. Architectural design standards shall be applied to all elevations that front/face public rights-of-ways, designated open space areas, and Flagstaff Urban Trail System (FUTS) trails.
5. A weed abatement plan shall be developed and implemented for the maintenance of open areas within the development areas subject to this request including the detention basins.

6. A landscape plan shall be prepared and implemented for the medians on N. Pine Cliff Drive and N Gemini Drive in conjunction with the site plan applications for Development Areas C, D1 or D3.

7. All fencing abutting rights-of-ways, designated open space areas, and Flagstaff Urban Trail System (FUTS) trails shall be developed in concert with one overall design.

8. Development Area D3 shall maintain a direct access with the adjacent FUTS trail as shown on the concept plan.

Community Involvement:

Inform, Consult, Involve, Collaborate, Empower

Public hearings before the Planning and Zoning Commission and the City Council are conducted in conjunction with any Regional Plan amendment request. In accordance with Arizona Revised Statue and City Code, notice of the public hearing must be provided by placing an ad in a newspaper of general circulation within the City, posting a notice on the property subject to the proposed amendment, and mailing a notice to all property owners within 300-feet of the property subject to the proposed amendment. All notification must be completed at least 15-days prior to the first scheduled public hearing. In order to notice as many people as possible, staff ensured that a notice was mailed to all property owners within 600-feet of the McMillan Mesa Specific Plan boundaries and all parties on the Registry of Person or Groups.

The applicant held two neighborhood meetings in regards to this request. The first meeting was held March 24, 2015 prior to the official submittal of these applications. The meeting was held at Basis School and was attended by 32 interested citizens. Concerns were presented in regards to increased traffic, project design, stormwater management, public transportation, dark skies, and overall project design. A second meeting was held January 13, 2016 at the Aquaplex with 55 citizens in attendance. A presentation on the project was given along with a handout that described the request. The overall concern presented for any further development on McMillan Mesa is the state of the traffic as it exists today. Input was received from some that commercial development is the preferred use in order to bring more high paying jobs to Flagstaff, concerns about invasive weeds, and concerns about the designs of the structures. Four comment cards were received which focused on open space, traffic, viewsheds, fewer impacts with commercial development, and whether or not there is a need for more development. As of the writing of the this report staff has received two emails in regards to this case, which are attached to this report.

Attachments: P&Z Staff Report
Zoning Map & Specific Plan Amendment Applications
Existing Zoning Map
Public Hearing Notice
Impact Analysis Information

Staff Revised McMillan Mesa Specific Plan replacement pages
Public Comments
Concept Plan D3
Concept Plan D3 Elevations
Concept Plan C, D1
Concept Plan Elevations C, D1
Site Analysis map
Vicinity Map
Context Analysis Map
McMillan Mesa Village Subdivision Plat
McMillan Mesa Specific Plan
Ordinance No. 1779
Public Participation Plan
Existing Development Agreement
Approved Natural Resource Protection Plan
Ord. 2016-14
Exhibit A -Parcel C legal description
Exhibit B-Parcel D1 legal description
Exhibit C-Parcel D3
Exhibit I-C - Development Area IC legal description

PLANNING AND DEVELOPMENT SERVICES REPORT
ZONING MAP & SPECIFIC PLAN AMENDMENT

PUBLIC HEARING	**DATE: January 15, 2016**
PZ-15-00022 & PZ-15-00022-03	**MEETING DATE: January 27, 2016**
	REPORT BY: Tiffany Antol, AICP

REQUEST:

An amendment of the McMillan Mesa Village Specific Plan to reallocate approximately 192 dwelling units from Development Area B (APN 101-46-002B) to Development Areas C (APN 101-46-003), D1 (APN 101-46-004), and D3 (APN 101-46-006) and to amend the development options for Development Area B and to amend the zoning district and development options for Development Areas C from Suburban Commercial to Medium Density Residential, and D1 and D3 from Research and Development to Medium Density Residential.

A Concept Zoning Map Amendment request to rezone approximately 7.67 acres (APN 101-46-003) from Suburban Commercial (SC) to Medium Density Residential (MR), 13.66 acres (APNs 101-46-004 and 101-46-006) from Research and Development (RD) to Medium Density Residential (MR), and 4.84 acres (APNs 101-31-110 and 101-28-007F) from Single-family Residential (R1) to Public Open Space (POS) located on McMillan Mesa.

STAFF RECOMMENDATION:

Staff recommends that the Planning and Zoning Commission forward the Specific Plan and Concept Zoning Map Amendments 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 properties are vacant parcels in the High Density Residential, Suburban Commercial, Research and Development and Single-family Residential zoning districts.

PROPOSED LAND USE:

Proposed development consists of both rental and owner occupied dwelling units under the Medium Density Residential (MR) development standards.

NEIGHBORHOOD DEVELOPMENT:

North: Vacant land owned by the City of Flagstaff in the Public Facilities (PF) and Rural Residential (RR) Zones, and the Northern Arizona Center for Entrepreneurship and Technology and the Flagstaff Business Accelerator in the Research and Development (RD) Zone;

East: Vacant Land owned by the City of Flagstaff in the Rural Residential (RR) and Public Facilities (PF) Zones;

South: Vacant land owned by the City of Flagstaff in the Public Facilities (PF) Zone, Flagstaff Senior Meadows in the Medium Density Residential (MR) Zone and the Cliffside Estates subdivision in the Single-family Residential (R1) Zone;

West: The Summit Center and vacant land in the Highway Commercial (HC) Zone.

REQUIRED FINDINGS:

Staff Review

An application for a Specific Plan Amendment or 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 and policies 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 amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied.

Findings for Reviewing Proposed Zoning Map Amendments

Proposed Zoning Map Amendments shall be evaluated based on the following findings: the proposed amendment is consistent with and conforms to the goals and policies 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.

Findings for Reviewing Proposed Specific Plan Amendments

No Specific Plan may be adopted or amended unless the proposed plan or amendment is in substantial conformance with the Regional Plan.

STAFF REVIEW:

Introduction/Background

As indicated in the accompanying Regional Plan Amendment report, this Specific Plan Amendment and Zoning Map Amendment (rezoning) requests are the second of the related items on the Commission's agenda; the first being a Regional Plan Amendment request.

The McMillan Mesa Village Specific Plan was adopted by Ordinance Number 1779 on December 15, 1992. The McMillan Mesa Village Specific Plan establishes the type, location, intensity, and character of development, and the required infrastructure for the area. The plan also shapes development to respond to the physical constraints of the site, coordinates the mix of land use intensities, and provides adequate circulation, open space, recreation and other public uses and facilities. The plan is organized into development areas A through J, which generally corresponds to zoning districts and land use categories. Section V of the plan, which covers development performance standards, establishes the intensity and character of the project development by prescribing development performance standards that are tailored to the unique qualities of the site. All development within McMillan Mesa Village must comply with the Development Performance Standards and Design Guidelines of the private CC&Rs, as well as the applicable provisions of the Zoning Code with the more restrictive

code governing.

The applicant, MMV Devco LLC, is requesting a Specific Plan Amendment for approximately 46.09 acres to reallocate 192 dwelling units from Development Area B to Development Areas C, D1, and D3, which consists of three separate parcels. The applicant has provided replacement pages for the development areas intended to be amended as part of this request, which are attached to this report. A Concept Zoning Map Amendment is also requested to rezone approximately 13.66 acres from the Research and Development (RD) zone to the Medium Density Residential (MR) zone, 7.67 acres from the Suburban Commercial to the Medium Density Residential (MR) zone, and 4.84 acres from the Single-family Residential (R1) zone to the Public Open Space (POS) zone located on McMillan Mesa. The tables below detail the specifics of this request:

McMillan Mesa Village Specific Plan Current Land Use Designations				
Development Area	Size	Current Designation	Current Density	Dwelling Units/acre
B	22.92 (19.92)* acres	High Density Residential	491 dwelling units 438 dwelling units*	21.42/acre 21.98/acre
C	7.67 acres	Suburban Commercial	No dwelling units	
D1	7.35acres	Business Park	No dwelling units	
D3	6.31acres	Business Park	No dwelling units	
Ic	4.84 acres	Single-family	22.65 dwelling units**	4.67/acre
Totals	46.09 acres		513.65 dwelling units	11.14/acre

*At the time this application was submitted Development Area B was a 22.92-acre parcel, it has since been split and is now a 19.92-acre parcel. Under the HR Zoning District today, Development Area B would have been entitled to 504 dwelling units – the more restrictive document however is applied. The remaining 3 acres have been approved for a skilled nursing facility, which is classified as a commercial development and is not regulated in terms of dwelling units. The applicant's narrative does not reflect this change so staff has reduced the density accordingly based on the changes to the parcels.

**The McMillan Mesa Village Specific Plan allows for the reallocation of these dwelling units to Development Area Ia with the provision that Development Area Ic be preserved as open space. Staff has reviewed and approved a site plan for the development of Area Ia with 5 dwelling units transferred from Area Ic.

McMillan Mesa Village Specific Plan Proposed Land Use Designations				
Development Area	Size	Proposed Designation	Proposed Density	Dwelling Units/acre
B	19.92 acres	High Density Residential	246 dwelling units	12.34/acre
C	7.67 acres	Medium Density Residential	69.03 dwelling units*	9/acre
D1	7.35acres	Medium Density Residential	66.15 dwelling units	9/acre
D3	6.31acres	Medium Density Residential	56.7 dwelling units	8.98/acre
Ic	4.84 acres	Open Space	No dwelling units	
Totals	46.09 acres		437.88 dwelling units	9.5/acre

**The applicant exceeded the maximum allowed density of the Medium Density Residential zone on Development Area C by 6.66 units in their narrative and exhibits. Staff will be recommending that the allowed density be consistent with the density requirements of the proposed zoning district and has provided new exhibits to reflect all of the changes identified above.

Land uses north of the subject property include vacant city-owned land as well as the Northern Arizona Center for

Entrepreneurship and Technology, and the Flagstaff Business Accelerator. Land uses west of the subject properties include the Northern Arizona Dermatology Center, which is within the boundaries of the McMillan Mesa Village Specific Plan. Further west is the Summit Center and adjacent vacant land. South of the subject properties is the remainder of the development on McMillan Mesa, which includes City owned land, single-family residential subdivisions, apartments, townhomes, and condominiums. East of the subject property is vacant land owned by the City. Further east off the Mesa is Coconino High School.

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 Zoning Map Amendment 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 Council, the applicant can proceed directly to construction plans 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 application is a Concept Zoning Map Amendment, and the applicant has chosen not to submit for Direct to Ordinance in conjunction with this 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 followed by Civil Improvement Plans and Building permit submittals. A Development Agreement between the City and the applicant was approved during the review of the subdivision for McMillan Mesa Village and remains in full force and effect.

The current application is being reviewed against the policies of the *Flagstaff Regional Plan 2030 (FRP 2030).* A full discussion of the applicable policies is included in the Regional Plan staff report and the narrative provided by the applicant.

Proposed Development Concept Plans

The applicant is requesting a Specific Plan Amendment and Zoning Map Amendment to allow for residential development in lieu of commercial and research and development uses. The residential units would be transferred from a parcel in the High Density Residential zone, which would lessen the intensity of development on Area B on the west side of the Mesa. The applicant has prepared concept plans for each development area showing how the proposed dwelling units could be laid out on each site. While not required to provide a concept plan for Area B, one was included to show how the remaining units could be laid out on site. The concept plan for Area B shows twelve four-story apartment buildings with 288 units. The buildings are utilized to screen parking areas from the adjacent rights-of-ways, Flagstaff Urban Trail System (FUTS) trails, and adjacent properties. Elevations were not provided for these units, as they are not subject to the Concept Zoning Map Amendment request.

The concept plan for Areas C and D1 integrates these areas as one development site. The plan shows 138 single-story bungalow units that consist of single and duplex structures. These units would be developed as part of a multi-family rental project. The units are laid out to front the adjacent rights-of-ways with parking areas located within the interior of the project. The elevations provided for this development area show a variety of bungalow style structures that are compliant with the Architectural Design Standards within the Zoning Code.

The concept plan for Area D3 shows 50 single-family residential lots that front on an interior street that would be created through the subdivision process. The elevations show standard two story homes similar to other houses located on

McMillan Mesa.

General Plan - Flagstaff Regional Plan (FRP 2030)

The *Flagstaff Regional Plan 2030 (FRP 2030)*, Future Growth Illustration (Maps 21 and 22) designates the subject site as Existing Suburban, Future Employment, and Area in White. All substantive Regional Plan issues were addressed in the accompanying Regional Plan Amendment report. The proposed minor Regional Plan Amendment would change the designation on one of the five parcels subject to the Concept Zoning Map Amendment from Area in White to Existing Suburban; thus, if the Regional Plan amendment is approved, the rezoning request would comply with the Regional Plan.

Zoning – City of Flagstaff Zoning Code

If the Specific Plan and Zoning Map Amendment requests are approved, a total of 21.33-acres will be rezoned to the Medium Density Residential zone and 4.84-acres will be rezoned to the Public Open Space zone. The proposed residential developments, as shown on the concept plan, are considered a permitted use in the MR zone. Per the Flagstaff Zoning Code (Section 10-40.30.030, pg. 40.30-5 and 6), "Dwelling: Multiple-family, Dwelling: Single-family, Dwelling: Two-family, and Planned Residential Development" are allowed uses under the sub-heading of Residential in the Medium Density Residential (MR) zone.

Building Form and Resource Protection

Table 1 below compares development standards and resource protection requirements for the Suburban Commercial (SC) and Research and Development (RD) zones and the proposed Medium Density Residential (MR) zone. The proposed development will be required to meet the development standards of the MR zone. The Planned Residential Development option would be utilized in order to achieve the developments as shown on the concept plans.

All of the parcels subject to this request are already within the Resource Protection Overlay (RPO) zone. A Resource Protection Plan was approved in conjunction with the McMillan Mesa Village Subdivision. Most of the resources for this development are preserved on parcels that will remain as open space as well as the steep slopes on Development Area B The Flagstaff Zoning Code requires all commercial uses within the RPO zone to protect a minimum of 30% of the tree resources and all industrial uses (Research and Development is considered an industrial zoning category) to protect a minimum of 20% of the tree resources. The approved Resource Protection Plan utilized a 50% preservation rate for all development areas within the subdivision because that was the standard required under the Land Development Code so no revisions to the existing approved plan are required.

Table 1 – Comparison of Development Standards and Resource Protection			
Standard	**Existing SC**	**Existing RD**	**Proposed Zone (MR)**
Acres	7.67	13.33	21.33
Maximum Building Height (feet)	25	60	35
Maximum Coverage	0.80 FAR	25%/0.50 FAR	40%
Minimum Open Space	0%	0%	15%
Density Requirements:			
Minimum (du/ac)	0	0	6
Maximum (du/ac)	13	0.50 FAR	9

Building Placement Requirements (Min Setbacks):			
Front	15’	25’	10’
Side	0’ (interior) 10’ (exterior)	0’ (interior) 15’ (exterior)	5’ (interior) 5’ (exterior)
Rear	0’	10’	15’
Resource Protection Requirements			
Forest Resources	30%	20%	50%
Slope Protection 0-16.99% 17-24.99% 25-34.99%	 No protection 60% of slope area 80% of slope area	 No protection 60% of slope area 80 % of slope area	 No protection 70% of slope area 80% of slope area

Residential units are allowed in the existing Suburban Commercial (SC) zone only as part of a mixed-use project. Mixed-use projects are not held to the density standards represented above, however, the height limit of 25’ in the SC zone would prohibit a large-scale mixed-use project as seen in other locations. Residential units are allowed only on the second floor and above in the existing Research and Development (RD) zone with the issuance of a Conditional Use Permit. As shown above there are no density standards within the RD zone and only the FAR would apply.

Civic Space
The Zoning Code requires residential developments with 50 or more dwelling units to provide a minimum of five percent of the site as an outdoor pedestrian amenity space that serves as a transition space between a parking area and the entrance(s) to a building. The concept plans do not currently call out civic space areas but any development proposal meeting this threshold will be required to comply with the standard at the time of 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 residential units is based on the number of bedrooms within each unit. The conceptual plans have not yet been reviewed for parking compliance. A final parking analysis will be completed 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 as required in the Zoning Code.

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, view corridors, climate, subsurface conditions, drainage swales and stream corridor, and the built environment and land use context. The findings of the site analysis will be used in the more detailed future site plan submittal.

Pedestrian and Bicycle Circulation Systems
On-site pedestrian circulation is shown through an extensive network of walkways on the conceptual plans. These walkways are designed as on-site connections between several internal functions, including building entrances and parking areas. In addition, they provide off-site connections to public sidewalks and Flagstaff Urban Trail System (FUTS) trails. While there are no dedicated on-site bicycle circulation systems, bicycles are accommodated on the adjacent rights-of-ways with existing

bike lanes and on the existing FUTS trails. Staff will work with the applicant during the site plan review to ensure that adequate facilities for pedestrians and bicycles are accommodated.

Parking Lots, Driveways, and Service Areas
The conceptual plans provided with this application show parking areas conforming to the site planning standards within the Zoning Code. The parking areas are screened internal to the project and are not located adjacent to rights-of-ways. The plans do not provide the breakdown of the required number of parking spaces or dimensions of maneuvering areas and spaces. Staff will ensure that adequate parking spaces and maneuvering areas are provided and 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. 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

Landscaping plans are not required in conjunction with a Concept Zoning Map Amendment. The applicant will be required to provide plans that meet the requirements of 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 site plan submittal. One of the concerns staff has received in relation to this project is the spread of invasive weeds. Staff has added a condition to address weed abatement and to require landscaping of the medians within Gemini Drive. The medians were added to the subdivision at a time when the engineering development standards were being revised and there was no existing requirement for median landscaping.

Outdoor Lighting

All of the subject properties are located within Lighting Zone 2 due to the distance from astronomical observatories in the area. Proposed exterior lighting information is not required in conjunction with a Concept Zoning Map Amendment. The applicant will be required to provide plans that meet the requirements of the Outdoor Lighting Standards of the Zoning Code. Lighting plans will be reviewed at the time of site plan submittal.

PUBLIC SYSTEMS IMPACT ANALYSIS:

Traffic and Access

McMillan Mesa Village is bounded on the north by Forest Avenue. Vehicular access is provided along N Gemini Drive, a looped roadway through the subdivision connecting with Forest Avenue via a controlled right-in/right-out entrance on the western edge of the subdivision and a four-way signalized intersection on the eastern edge of the subdivision. N Gemini Drive connects with N Pine Cliff Drive, which provides a southerly access to Ponderosa Parkway. N Gemini Drive and N Pine Cliff Drive as well as the signalized intersection on N Forest Ave were constructed in conjunction with the development of the McMillan Mesa Village subdivision.

A Traffic Impact Analysis for the McMillan Mesa Village Specific Plan was completed by Pike Engineering on May 20, 1992. At the time this analysis was prepared, the infrastructure for the subdivision was contemplated; however, it was not completed. In 2008, the applicant completed the infrastructure according to the Specific Plan as part of the McMillan Mesa Village subdivision. The road sections constructed within the subdivision changed from those identified in the specific plan to current public roadway standards. The lane widths were reduced resulting in less pavement, five-foot parkways, 4 ½ or five-foot wide bike lanes, and a fifteen-foot wide median on N Gemini Drive. N Pine Cliff drive south of the roundabout does not include medians but does include parking along the portion south of Pinion Court to accommodate for the residentially platted lots. The developer of the subdivision was allowed to relocate the final location of the FUTS from the original specific plan in order to avoid steep slope conditions.

According to the ordinance that adopted the McMillan Mesa Village Specific Plan and granted the existing zoning entitlements, the developer was required to construct a traffic signal at the intersection of Gemini and Forest Avenue. A Traffic Impact Analysis is required as part of a Concept Zoning Map Amendment application. The applicant submitted a Traffic Statement letter, attached to this report that indicates the original Average Daily Trips per day are reduced from 21,334 to 7,769. For this reason, a new Traffic Impact Analysis was not required.

Water

A previous Water and Sewer Impact Study was completed for the McMillan Mesa Village subdivision in July 2006. After a review of the City water and sewer master model and previous impact study, the City of Flagstaff Utilities Department is of the opinion that the proposed Specific Plan and Concept Zoning Map Amendments will have no significant impact to existing off-site water and sewer infrastructure because of these amendments. The land use and intensity proposed can be served by existing infrastructure. There is adequate existing capacity as long as water and sewer demands do not increase from the Specific Plan Amendment. The original analysis used a housing density of 606 dwelling units and 74.6 acres of commercial development. The McMillan Mesa Village subdivision lies within two water pressure zoned served by the City of Flagstaff. Most of the project is served by the Zone A system and only a small part is served by the Zone B system. The City required the developer to install a looped connection to both pressure zones.

Existing Zone A water infrastructure includes a twelve-inch (12”) diameter waterline tying into the 12” main located at the United States Geological Survey (USGS) facility. The waterline then loops through the internal project, following the N Gemini Drive alignment, and ultimately connecting back to the Zone A system at the intersection of N Turquoise Drive and E Cedar Avenue. The Zone B water infrastructure includes a connection to the internal Zone B water lines in N Pine Cliff Drive and N Manzanita Way.

The City is requiring that the applicant to construct a water storage tank sized to meet the development’s average daily usage plus two-hour fire flow. The subdivisions anticipated average daily demand is 361,400 gallons, and the fire requirement of 1500 gpm for 2 hours is 180,000 gallons, so this subdivision will need to construct at 541,l400 gallons of tankage. The tank must be placed at an elevation that will provide adequate pressure for the Zone A system (approximately 7260’) and for the associated water lines. The applicant has the option to use one of the City’s existing tank sites depending available space. The City has indicated it may share the in the cost of any excess storage tank capacity if this excess capacity is determined to be in the City’s best interest.
Because the original development fell under the 800 single-family home usage threshold, there were no water

production requirements for this subdivision. Reclaimed water was not required or provided to the subdivision due to the significant level of infrastructure to provide such.

Wastewater

The existing 15" diameter Switzer Canyon trunk line is the connection point for all sewage flows generated by the McMillan Mesa Village subdivision. The Switzer Canyon sewer collector system gravity flows to the south until it ultimately connected to a 33" RCP interceptor line in Foxglenn Park. The applicant was required to make off-site modification to the existing sewer system for the subdivision including the replacement of the 33" sewer line, which connects manholes 23-063 and 23-058, with a 42" pipe. This reach was approximately 2237' feet in length and runs from Foxglenn Park to the intersection of E Butler Avenue.

Stormwater

Prior to the adoption of the McMillan Mesa Village Specific Plan, a Drainage Analysis for McMillan Mesa Village was prepared by Pike Engineering on May 21, 1991, with multiple revisions up to October 9, 1992. In 2006, the applicant began the design and City submittals for construction of the subdivision infrastructure. As a component of the design and construction of the infrastructure, the applicant hired Shephared Westnitzer, Inc. to provide a detailed hydrology study, also referred to as the Final Drainage report for McMillan Mesa Village. The initial study, provided to the City on August 23, 2007, was revised on February 7, 2008 with the last revision published on March 12, 2014.

The current proposal would take approximately 21.32 new acres out of commercial development design standards and replace it with medium density residential that allows for a maximum building coverage of 40% and a height restriction of 35 feet in addition to the reduction of density from an adjacent parcel. The applicant has shown that these reductions in concert with low-impact development design required for each parcel, allow the sub-regional basin to function more efficiently by reducing the impervious cover and decreasing the density of development. The regional detention ponds have been built and it is anticipated that the ponds will be modified as needed for the actual development that occurs on each development area.

Parks and Recreation

The closest City-owned parks to the site are Buffalo Park, a regional recreational facility, and Ponderosa Park a neighborhood facility. The subject properties are adequately serviced by recreational facilities, however, each residentially developed site will need to provide 5% civic space in addition to 15% open space. Staff is confident that the park and recreational needs of the residents of the proposed development will be met through these amenities provided on and off-site.

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 floodplains on any of the subject properties. The Natural Resource

Protection Plan (NRPP) approved with the McMillan Mesa Village subdivision, a copy of which is attached to this report, identifies the required preservation rates for the proposed zoning category. 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.

Regarding cultural resources, the Historic Preservation Officer reviewed this application and did not require a cultural resource study as the site has already been disturbed through the construction of the subdivision infrastructure.

Citizen Participation

The applicant held two neighborhood meetings in regards to this request. The first meeting was held March 24, 2015 prior to the official submittal of these applications. The meeting was held at Basis School and was attended by 32 interested citizens. Concerns were presented in regards to increased traffic, project design, stormwater management, public transportation, dark skies, and overall project design. A second meeting was held January 13, 2016 at the Aquaplex with 55 citizens in attendance. A presentation on the project was given along with a handout that described the request. The overall concern presented for any further development on McMillan Mesa is the state of the traffic as it exists today. Input was received from some that commercial development is the preferred use in order to bring more high paying jobs to Flagstaff, concerns about invasive weeds, and concerns about the designs of the structures. Four comment cards were received which focused on open space, traffic, viewsheds, fewer impacts with commercial development, and whether or not there is a need for more development. As of the writing of the this report staff has received two emails in regards to this case, which are attached to this report.

DISCUSSION:

The proposed Specific Plan Amendment and Concept Zoning Map Amendment in conjunction with the minor Regional Plan Amendment, are consistent with the goals and policies of the *Flagstaff Regional Plan 2030* and the intent of the Zoning Code. The applicant has chosen to pursue an alternative development path for the McMillan Mesa Village subdivision that is more compatible with the surrounding development on McMillan Mesa. These requests reduce the overall density and intensity of development that was originally planned for McMillan Mesa and are more consistent with the Regional Plan designation of Suburban.

Research and Development uses are considered very significant due to their potential to generate high wage employment opportunities, an important concern for Flagstaff. Staff has reviewed the supply of Research and Development (RD) Zoning within the City and has determined that there are approximately 486 acres of land under this designation. The amount of land proposed to be rezoned from RD constitutes about 3% of the total lands within the RD zone and 7% of the total vacant land within the RD zone. Staff does not believe this request to rezone 13.66 acres from RD to MR will substantially affect the supply of lands currently zoned for employment type uses. The applicants are also requesting the removal of 7.67 acres of land from the Suburban Commercial (SC) zone. This particular parcel has access constraints that significantly decrease the value of this parcel for commercial development. Staff has discussed the potential of relocating this suburban commercially zoned parcel with the applicant near the four-way intersection of N Gemini Drive and E Forest Avenue, which could provide some of the daily needs to the neighborhood.

RECOMMENDATION:

If the minor Regional Plan and Specific Plan Amendments are approved, the rezoning request will comply with the Regional Plan and the McMillan Mesa Specific Plan. Pending approval of the Regional Plan Amendment, staff believes that the proposed Specific Plan Amendment and Concept Zoning Map Amendment are in substantial conformance with the Flagstaff Regional Plan 2030 and recommends the Planning & Zoning Commission forward the request to the City Council with a

recommendation approving an amendment to the Specific Plan and Zoning Map for 7.67 acres in the Suburban Commercial (SC) zone to the Medium Density Residential (MR) zone, 13.66 acres from the Research and Development (RD) zone to the Medium Density Residential (MR) zone, and 4.84 acres in the Single-Family Residential (R1) zone to Public Opens Space (POS) zone subject to the following conditions, which will be included into the Specific Plan and Zoning Map Amendment ordinance:

1. The subject property shall be developed in substantial conformance to the conceptual plans as submitted to the maximum extent feasible. Development Areas C and D1 shall consist of single-story cottage units and Development Area D3 shall consist of single-family homes.
2. Development Area B of the McMillan Mesa Village Specific Plan shall conform to the density allowances of the High Density Residential (HR) Zone and Development Areas C, D1 and D3 of the McMillan Mesa Village Specific Plan shall conform to the density allowances of the Medium Density Residential (MR) zone as listed below and included within the amended specific plan:
    - Development Area B -246 dwelling units
    - Development Area C – 69.03 dwelling units
    - Development Area D1 – 66.15 dwelling units
    - Development Area D3 – 56.7 dwelling units
3. The applicant shall provide twenty-five (25) copies of the revised McMillan Mesa Specific Plan with staff's attached amendment pages upon recordation of the Ordinance amending this plan.
4. Architectural design standards shall be applied to all elevations that front/face public rights-of-ways, designated open space areas, and Flagstaff Urban Trail System (FUTS) trails.
5. A weed abatement plan shall be developed and implemented for the maintenance of open areas within the development areas subject to this request including the detention basins.
6. A landscape plan shall be prepared and implemented for the medians on N. Pine Cliff Drive and N Gemini Drive in conjunction with the site plan applications for Development Areas C, D1 or D3.
7. All fencing abutting rights-of-ways, designated open space areas, and Flagstaff Urban Trail System (FUTS) trails shall be developed in concert with one overall design.

ATTACHMENTS

- Zoning Map Amendment Application
- Current City of Flagstaff Zoning Map
- Public Hearing Legal Advertisements
- Water & Sewer Impact Analysis compliance letter 10-27-15
- Traffic Impact Statement 9-22-15
- Drainage Impact Statement 9-30-15
- Staff Revised McMillan Mesa Village Specific Plan replacement pages
- Citizen Comment Emails
- Applicant's Submittal Package
    - Project Narrative
    - Concept Plans & Elevations
    - Site Analysis Map
    - Vicinity Map
    - Context Analysis Map
    - Final Plat for McMillan Mesa Village
    - McMillan Mesa Village Specific Plan
    - Ordinance No. 1779

- McMillan Mesa Village Specific Plan replacement pages
- Citizen Participation Report
- Development Agreement
- Natural Resource Protection Plan

PARCEL

Zoning Map Amendment

City of Flagstaff

Community Development Division

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

P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

RECEIVED JUN 30 2015

Date Received	Application for Zoning Map Amendment and/or Minor Regional Plan Amendment	File Number
		PZ-15-00022-01

Property Owner(s)	Title	Phone	Email
MMV Devco, LLC		480-627-7000	vmorris@cavanrealestate.net
Mailing Address			**City, State, Zip**
15300 N 90th St Ste 200		Scottsdale	Az 85260
Applicant(s)	**Title**	**Phone**	**Email**
MMV Devco, LLC			
Mailing Address			**City, State, Zip**
15300 N 90th St Ste 200		Scottsdale	Az 85260
Project Representative)	**Title**	**Phone**	**Email**
Vickey Morris		480-747-9408	vmorris@cavanrealestate.net
Mailing Address			**City, State, Zip**
15300 N 90th St Ste 200		Scottsdale,	Az 85260.

Requested Review: ☒ Zoning Map Amendment ☒ Minor Regional Plan Amendment ☐ Continued

Site Address	Parcel Number(s)	Subdivision, Tract & Lot Number
1551 N. Gemini Dr.	101-46-003	Parcel C McMillan Mesa Village
Existing Zoning District	**Proposed Zoning District:**	**Existing Regional Plan Land Use Category**
Specific Plan	MR	

Existing Use	Proposed Use
Vacant land	medium den residential

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?

Requested Urban Growth Boundary Change (If Applicable)	Proposed Regional Plan Land Use Category

Property Owner Signature(required)	Date:	Applicant Signature	Date:
see attached	6/26/15	see attached	6/26/15

For City Use

Date Filed:	File Number(s):		Type of Zoning Map Amendment:
P & Z Hearing Date:	Publication and Posting Date:		☐ Small scale
Council Hearing Date:	Publication and Posting Date:		☐ Medium scale
Fee Receipt Number:	Amount:	Date:	☐ Large scale
			☐ Multi-phase scale

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Dave	Kent	Jim	Chris

Signature page for APPLICATION FOR ZONING MAP AMENDMENT AND/OR MINOR REGIONAL PLAN AMENDMENT

PARCEL C, McMillan Mesa Village
June 26, 2015

Property Owner/Applicant Signature

MMV DEVCO, LLC, an Arizona limited liability company

By: The Cavan Opportunity Fund, LLC, an Arizona limited liability company
Its: Manager

By: Opportunity Fund Management, LLC, an Arizona limited liability company
Its: Manager

By: Gary M. Burton
Gary M. Burton
Its: Vice President

Parcel D1 Specific Plan Amendment

City of Flagstaff

Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

RECEIVED JUN 30 2015

Date Received	Application for Zoning Map Amendment and/or Minor Regional Plan Amendment	File Number
		PZ-15-00022

Property Owner(s)	Title	Phone	Email
MMW Devco, LLC		480-627-7000	VMorris@CAVANRealEstate.NET
Mailing Address		**City, State, Zip**	
15300 N. 90th Street #200		Scottsdale AZ 85260	
Applicant(s)	**Title**	**Phone**	**Email**
MMW, Devco, LLC		480-627-7000	VMorris@CAVANRealestate.NET
Mailing Address		**City, State, Zip**	
15300 N. 90th Street #200		Scottsdale AZ 85260	
Project Representative)	**Title**	**Phone**	**Email**
Vickey Morris		480-747-9408	VMorris@CAVANRealestate.net
Mailing Address		**City, State, Zip**	
15300 N. 90th Street #200		Scottsdale, AZ 85260	

Requested Review ☐ Zoning Map Amendment ☐ Minor Regional Plan Amendment ☐ Continued
Specific Plan Amendment

Site Address	Parcel Number(s)	Subdivision, Tract & Lot Number
1651 N. Gemini	101-46-004	Parcel D1 MMV
Existing Zoning District	**Proposed Zoning District:**	**Existing Regional Plan Land Use Category**
Business Park	MR	Business Park
Existing Use	**Proposed Use**	
vacant land	residential	

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?

Requested Urban Growth Boundary Change (If Applicable)	Proposed Regional Plan Land Use Category
	MR

Property Owner Signature(required)	Date:	Applicant Signature	Date:
see attached signature	6/26/15	see attached signature	6/26/15

For City Use

Date Filed:	File Number(s):		Type of Zoning Map Amendment:
P & Z Hearing Date:	Publication and Posting Date:		☐ Small scale
Council Hearing Date:	Publication and Posting Date:		☐ Medium scale
Fee Receipt Number:	Amount:	Date:	☐ Large scale
			☐ Multi-phase scale

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Reka	Kent	[illegible]	Chris

Signature page for APPLICATION FOR ZONING MAP AMENDMENT AND/OR MINOR REGIONAL PLAN AMENDMENT

PARCEL D1, McMillan Mesa Village
June 26, 2015

Property Owner/Applicant Signature

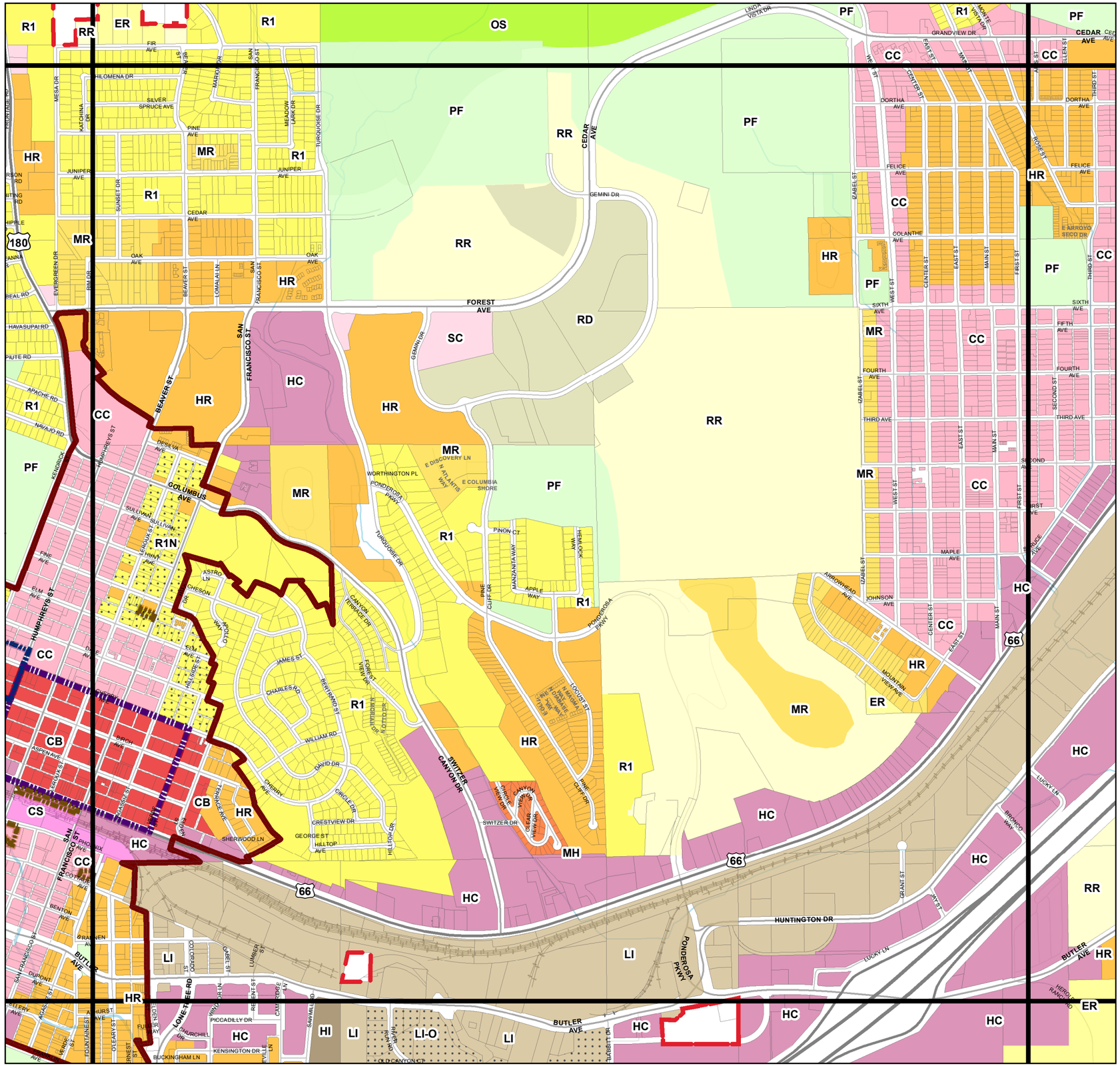
MMV DEVCO, LLC, an Arizona limited liability company

By: The Cavan Opportunity Fund, LLC, an Arizona limited liability company
Its: Manager

By: Opportunity Fund Management, LLC, an Arizona limited liability company
Its: Manager

By: _____
Gary M. Burton
Its: Vice President

City of Flagstaff Zoning Map 9



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)

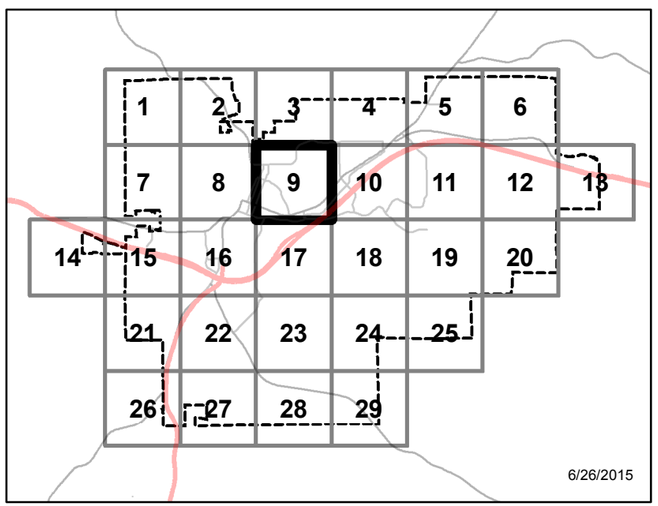
Resource and Open Space:

- 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

0 500 1,000 1,500 2,000 Feet

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.



6/26/2015

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Flagstaff Planning and Zoning Commission will hold a public hearing on Wednesday, January 27, 2016 at 4:00 pm at the City of Flagstaff Aquaplex Community Meeting Room and Wednesday, February 10, 2016 at 4:00 pm at City Hall Council Chambers to consider the following:

A. Explanation of Matters to be Considered:

1. A proposed amendment to the Flagstaff Regional Plan Map 21 and 22 to change the area type of 6.31 acres from Area in White to Existing Suburban on the site described in Part B below.
2. A proposed amendment to the McMillan Mesa Village Specific Plan to change the zoning districts and development options for 46.09 acres on the site described in Part B below.
3. A proposed amendment to the official City of Flagstaff zoning map to rezone property from RD, Research, and Development to MR, Medium Density Residential (13.66 acres), from SC, Suburban Commercial to MR, Medium Density Residential (7.67 acres) and from R1, Single-family Residential to POS, Public Open Space (4.84 acres) for the area described in Part B below.

The proposed Regional Plan Amendment, Specific Plan Amendment, and Zoning Map Amendment will allow for the transfer of approximately 199 dwelling units to three separate tracts, preserve an existing residentially zoned tract as open space and remove Research and Development and Commercial uses.

B. General Description of the Affected Area:

Approximately 46.09 acres located on McMillan Mesa, Coconino County Assessor's Parcel Numbers 101-46-002B, 101-46-003, 101-46-004, 101-46-006, 101-31-110 and 101-28-007F, located in the NE 1/4 Section 15 T21N, R7E, of the G&SRM, City of Flagstaff, Coconino County, Arizona, as shown on the adjacent map.

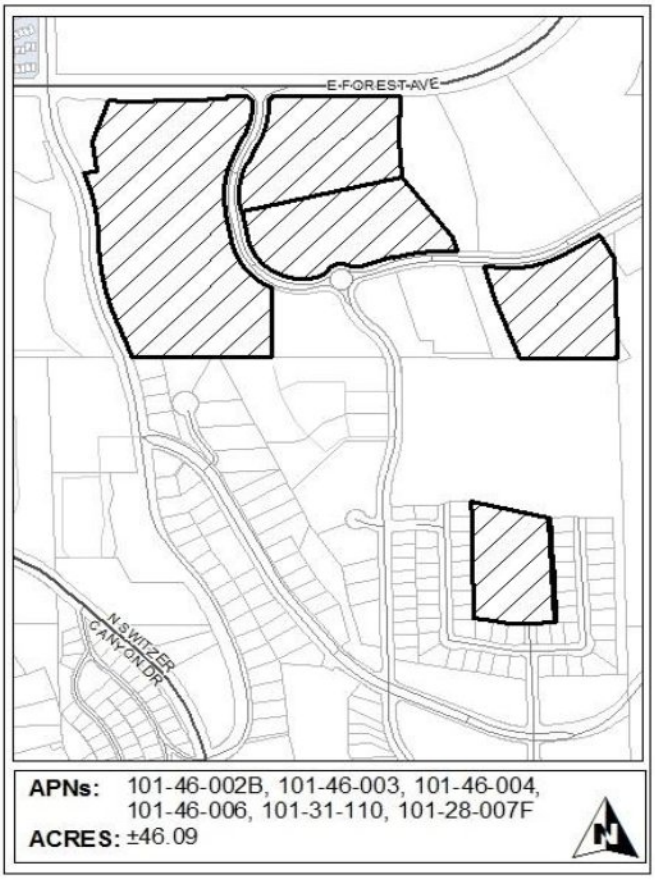
Interested parties may file comments in writing regarding the proposed Zoning Map Amendment, Specific Plan Amendment and/or Regional Plan Amendment or may appear and be heard at the hearing date set forth above. Maps and information regarding the proposed Zoning Map Amendment, Specific Plan Amendment,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

The first Planning and Zoning Commission meeting will be held in the Community Meeting Room at the City of Flagstaff Aquaplex, 1702 N 4th Street, Flagstaff, AZ. The second meeting will be held in Council Chambers at City Hall, 211 West Aspen Avenue, Flagstaff, AZ.

PROPOSED REGIONAL PLAN AMENDMENT
Map 21 and Map 22 area type changes within the subject site from Area in White to Existing Suburban

PROPOSED SPECIFIC PLAN AMENDMENT
Amend the zoning district and development options for 49.95 acres in the McMillan Mesa Village Specific Plan

PROPOSED ZONING MAP AMENDMENT
From Research and Development (RD) Zone and Suburban Commercial (SC) to Medium Density Residential (MR) Zone and from Single-family Residential (R1) to Public Open Space (POS)



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: January 12, 2016

City of Flagstaff

October 27, 2015

Cavan Real Estate
MMV Devco LLC
Attn: Vickey Morris
15300 N. 90th Street, Suite 200
Scottsdale, AZ 85260
480-747-9408

Re: **Compliance of the McMillan Mesa Village Amendment to Regional Plan with regard to the original Water & Sewer Impact Analysis C.O.F. IDS NO. PZ-15-00022, Project Name: McMillan Mesa Village Specific Plan Amendment**

Dear Ms. Morris,

The City of Flagstaff Utilities Department agrees to waive the requirement of a new Water and Sewer Impact Analysis for the above project.

A previous Water and Sewer Impact Study was completed for this project under the title McMillan Mesa Village in July 2006. After reviewing the City water and sewer master model and previous Impact study conducted for this area, the City of Flagstaff Utilities Department is of the opinion that the proposed Specific Plan Amendment will have no significant impact to existing off-site water or sewer infrastructure as a result of this development. The land use and intensity proposed for this development can be served by existing infrastructure. There is adequate existing capacity and as long as water and sewer demands do not further increase from the specific plan amendment. If there are no additional water and sewer demand increases, no additional analysis work will be required for this project.

This review was conducted to compare the proposal with the original analysis to ensure onsite and offsite sewer mains have adequate capacity for proposed development. The onsite sanitary sewer system serving Parcels B, C and D1 will be required to flow to the northern sewer main in Forest Avenue as illustrated in the attachment dated August 27, 29015. This work shall be consistent with the requirements called out in the City of Flagstaff Engineering

Standards. The City of Flagstaff will provide water and sewer service to this site upon acceptance and dedication of all required public improvements.

Sincerely,

Ryan Roberts, P.E.
Utilities Engineering Manager

Cc: Tiffany Antol, Planning Development Manager
Dana Cole, Engineering Project Manager
Jim Davis, Utilities Plan Reviewer

Registered Professional Engineer (Mechanical)
CERTIFICATE NO.
31183
RYAN TEMPLE
ROBERTS
Date Signed 10-27-15
ARIZONA U.S.A.
Expires 03-31-2018

MMV
DEVCO, LLC

August 27, 2015

Mr. Ryan Roberts, P.E.
City of Flagstaff Utilities Department
211 W Aspen Avenue
Flagstaff, Arizona 86001

RE: McMillan Mesa Village

Dear Mr. Roberts:

We are providing this letter to you in response to your email dated 7/17/2012 in which the City of Flagstaff Utilities Department seeks assurance from the undersigned that sewer connections for Parcels B, C, and D1 will be located in Forest Avenue (see attached map provided by City of Flagstaff Utilities Department).

MMV Devco, LLC offers this letter as assurance that upon development of Parcels, B, C and D1, the sanitary sewer flows will be directed into the "Northern" sewer main in Forest Ave that was installed as a part of the phase I infrastructure development for the McMillan Mesa Village, and as illustrated in the attachment.

Thank you for your consideration of the matter. If you require additional information, please contact Vickey Morris at 480-747-9408 or vmorris@cavanrealestate.net.

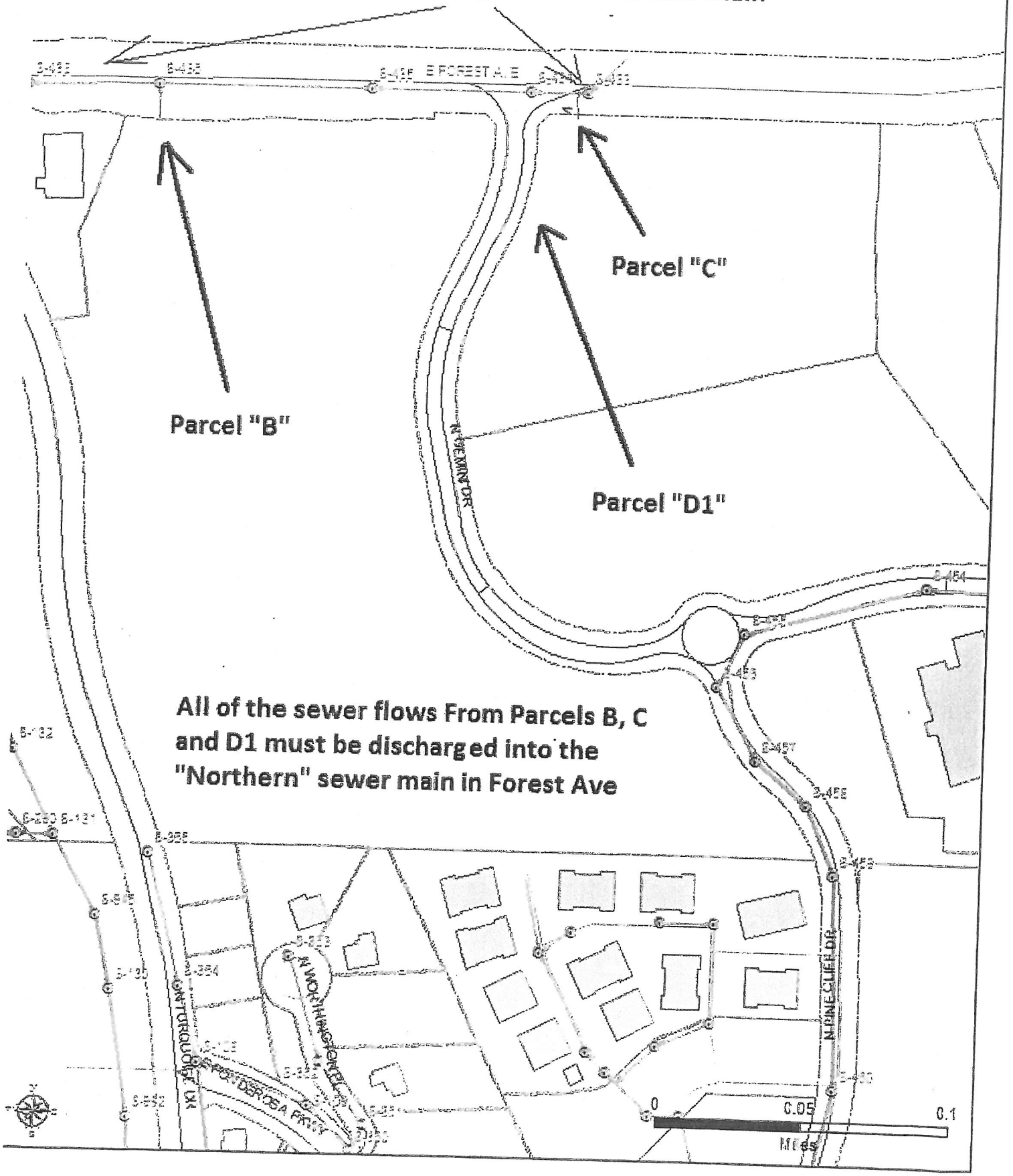
Respectfully,

MMV Devco, LLC

Gary M. Burton
Authorized Representative

City of Flagstaff Utilties Department

McMillan Mesa Village Northern Sewer Main



MMV
DEVCO, LLC

September 22, 2015

Mr. Jeff Bauman, P.E..
City of Flagstaff Traffic Engineer
211 W Aspen Avenue
Flagstaff, Arizona 86001

RE: McMillan Mesa Village – Traffic Impact of Re-Zoning

Dear Mr. Bauman:

We respectfully request the City of Flagstaff accept and review the information provided herein for consideration as to whether a new Traffic Impact Analysis will be required as a part of the Minor Amendment to the McMillan Mesa Village Specific Plan and the Regional Plan (the "Amendment"). A Traffic Impact Analysis for the McMillan Mesa Village (the "Analysis") was completed by Pike Engineering on May 20, 1992 (a copy attached hereto). At the time the Analysis was prepared the infrastructure for the subdivision was contemplated, however it was not completed. In 2008, the Developer completed the infrastructure according to the Specific Plan and integrated the "Alternate Analysis" as defined in the Analysis.

The Alternate Analysis provided for a "traffic circle" at the intersection of Village, Gemini, and Pine Cliff Drive as a means to control the flow of traffic and maintain the level of service for all roads and intersections located within the subdivision and of those meeting external intersections. Subsequent to the analysis of the roadway infrastructure, Village Drive from the traffic circle to Forest Avenue is now known as Pinecliff Drive. The right of way for the Enterprise Parkway was abandoned in a land exchange with the City that closed on 12/21/2007.

Pursuant to the Analysis, the method used to determine the traffic impacts of the proposed McMillan Mesa development included pre-development traffic controls and post-development expected traffic. The Analysis reached these anticipated traffic flows by attributing average daily trips (ADTs) to the land use assigned by the Specific Plan (Trip Generation Manual, fifth edition, Institute of Transportation Engineers). In our comparison of the ADTs associated with the down-zoning we used the ITE Trip Generation Handbook-8th edition, and provide the following tables to provide data for your review:

15300 N 90th Street Ste 200, Scottsdale, AZ 85260
480-627-7000

TABLE 1: Historical figures used in the Analysis

Parcel	Land Use (as used in Analysis)	Size/Units (as used in Analysis)	Total ADTs
A	Office – 1 tenant	10.0/1000 SF	36
B	High Density Res	471/units	3,104
C	Shopping Center	65/1000 SF	5,958
D/E/F/G	Business Park	65/acres	10,384
H	Multifamily Res	72/dwellings	422
I	Low Density Res	63/dwellings	602
J	School	600/students	828
Total			21,334

TABLE 2: ADTs after Amendment

Parcel	Land Use (as used in Analysis)	Size/Units (as used in Analysis)	Total ADTs
B	High Density Res (ITE Code 222)	292/units	1226
C	Medium Density Residential (ITE Code 221)	75.69 DUs	499
D1	Medium Density Residential (ITE Code 221)	66.15 DUs	436
D2	Basis School (ITE Code 534)	500 Students*	450
D3	Medium Density Residential (ITE Code 230)	56.7 DUs	329
E	Business Park (ITE Code 770)	7.8 Acres	1168
F1	Business Park (ITE Code 715)	7.14/KSF[2*] (4.73 acres)	83
F2	Business Park (ITE Code 770)	18.2 acres	2,726
H	Medium Density Residential (ITE Code 252)	60 DUs*	209
Ia-d	Single Family Res (ITE Code 210)	63/dwellings*	602
J	City Park (ITE Code 411)	25.75 acres*	41
Total			7,769

*Denotes an existing use and finished development.

The subdivision and the Level of Service for the infrastructure is enhanced by transferring residential density from one parcel to several others. (i.e., Parcel B to C, D1, and D3) The Amendment proposes to remove approximately 25 acres of business park/commercial from the northern portion of the subdivision in exchange for the residential density transfer, thereby eliminating a large amount of average daily trips from the total traffic volume.

Based on Table 1 and Table 2 above, we believe the Level of Service for the existing roads and intersections will not be diminished by the Amendment. The overall circulation throughout the subdivision by vehicular, pedestrian, and bicycle traffic is well provided for with the current infrastructure. Therefore it is the Developer's belief and understanding that the Analysis conducted as a part of the first phase of the development of the McMillan Mesa Village is still applicable and an additional Traffic Analysis may not be necessary given the information provided above.

Please advise at your earliest convenience. If you require additional information, please contact Vickey Morris at 480-747-9408 or vmorris@cavanrealestate.net.

Respectfully,

MMV Deveco, LLC

Gary M. Burton
Authorized Representative

Attachment: Traffic Impact Analysis, 5/20/1992 as revised.

MMV
DEVCO, LLC

September 30, 2015

Mr. Chris Kirkendall
City of Flagstaff Stormwater Department
211 W Aspen Avenue
Flagstaff, Arizona 86001

RE: McMillan Mesa Village – Drainage Impact for Re-Zoning

Dear Mr. Kirkendall:

We respectfully request the City of Flagstaff accept and review the information provided herein for consideration as to whether a new Drainage Impact Analysis will be required as a part of the Minor Amendment to the McMillan Mesa Village Specific Plan and the Regional Plan (the "Amendment"). Prior to the adoption of the Specific Plan, a Drainage Analysis for the McMillan Mesa Village (the "Analysis") was prepared by Pike Engineering on May 21, 1991, with multiple revisions up to October 9, 1992. (copy attached hereto). At the time the Analysis was prepared the infrastructure for the subdivision was contemplated, however it was not completed. In 2006, the Developer began the design and City submittals for construction of the infrastructure. As a component of the design and construction of the infrastructure, the Developer hired Shephard Wesnitzer, Inc. to provide a detailed hydrology study, also referred to as the Final Drainage Report for McMillan Mesa Village (the "Drainage Report"). The initial study was provided to the City on August 23, 2007, was revised on February 7, 2008, and the last revision was published on March 12, 2014.

The Developer was given direction by City of Flagstaff Ordinance No. 1779 that the drainage impact analysis provided for the Specific Plan adoption *shall be revised to utilize the City's sub-regional detention basin policy approach, to include limiting the maximum number of detention basins to six.* The Drainage Report adopted the sub-regional detention basin policy; however there are two differences from the Analysis, to wit: 1) the Analysis did not locate the detention ponds in the lowest areas of the basins or near historic discharge points; and 2) the drainage characterized in the Analysis was based upon 10-foot contours, whereas the current Drainage Report used 1-foot aerial topography. Other than those 2 differences, the Drainage Report supports the full build-out condition of the Specific Plan.

15300 N 90th Street Ste 200, Scottsdale, AZ 85260
480-627-7000

The following table identifies the drainage basins as identified in the Analysis and the Report as well as the associated land use for parcels located within each basin:

Drainage Basin	Parcels located with Basin	Parcel ID and Land Use
A	Majority of Parcel F All of Parcel E All of Parcel C All of Parcel D1 northern portion Parcel B City property containing a FUTS Trail	Parcel F = BP (nka RD) Parcel E = BP (nka RD) Parcel C = SC Parcel D1 = BP(nka RD) Parcel B= HDR Open Space
B	Portion Parcel B, incl sloped resource protection area	HDR
C	Portion Parcel B All of Parcel H northern portion of Parcel Ia	Parcel B = HDR Parcel C = MDR Parcel Ia - R1
D	All of Parcel D3 All of Parcel D2 City property containing a FUTS Trail	Parcel D3 = BP (nka RD) Parcel D2 = BP (nka RD) Open Space
E	remainder of Parcel F	Parcel F = BP (nka RD)
G	Southern portion of Parcel IA Parcels Ib and Id	Parcels Ia, Ib, and Ic = R1

As you can see from the table above, the post developed runoff, according to the land uses attributed to the parcels and pursuant to the Specific Plan, allowed for a considerable amount of impervious surfaces such as commercial roof tops, parking lots, driveways, etc. The scale allowed for commercial development according to the specific plan varied from Neighborhood scale on Parcel C to Community scale on Parcels D, E and F, thus allowing for a larger max FAR and the corresponding parking structures as required.

Our proposal to down-zone Parcels C, D1, and D3 would take approximately 21.32 net acres out of the commercial development design standard and replace it with medium density residential that allows for a max building coverage of 40% and a height restriction of 35 feet. It is worth noting that as a component of this Amendment, the Developer is transferring density from Parcel B to Parcels C, D1 and D3, thereby decreasing the density on Parcel B by almost half.

It is the Developer's belief that in concert with the low-impact development design required for each parcel within the McMillan Mesa Village, the sub-regional basin will function more efficiently by reducing the impervious cover and decreasing the density of development. The regional detention ponds have been built and it is anticipated that the ponds will be modified as needed for the actual development that occurs on each parcel. Each parcel will be required to create a separate Drainage Report and LID Manual as it is developed. The final design of the McMillan Mesa Village stormwater system has been designed to convey discharge at levels at or below historic peaks with no adverse impacts downstream and the down-zoning of several parcels and density transfer will not have a negative impact upon the neighboring properties.

We respectfully submit this memorandum for your consideration regarding the need for additional drainage analysis. Please advise at your earliest convenience. If you require additional information, please contact Vickey Morris at 480-627-7000 or vmorris@cavanrealestate.net.

Respectfully,

MMV Devco, LLC

Gary M. Burton
Authorized Representative

DEVELOPMENT AREA B 22.92 acres*

Zoning District High Density Residential

Development Option Planned

Specific Performance Standards

Planned Development	
Maximum Gross DUA	22
Minimum OSR	.20
Maximum Net DUA	28
Maximum Building Height	45 feet
Parking – See Flagstaff Zoning Code Table 10-50.80.040.A	
Maximum Dwelling Units	246

Restrictions

1) No buildings will be constructed westerly of the cliff line between mesa top and Turquoise Drive. This is approximately the dashed line on the plan and described below. Utility easements and trails will be permitted in the sloe area. See Appendix A for line definition.

2) Building height shall be limited to one story within 100 feet of Forest Avenue right-of-way as illustrated on Exhibit "H" of the Specific Plan.

3) Setbacks from Forest Avenue right-of-way will be 50 feet for buildings and parking as illustrated on Exhibit "H" of the specific plan.

NOTE: See also the first page of this section for description of other development criteria and controls. The above areas and standards are for planning purposes only. The Flagstaff Zoning Code should be consulted for current specific standards.

*Base Site Area

DEVELOPMENT AREA C 7.67 acres*

Zoning District Medium Density Residential

Development Option Planned

Specific Performance Standards

Planned Development

Maximum Gross DUA	9
Maximum OSR	.15
Maximum Net DUA	9
Maximum Building Height	35 feet
Parking – See Flagstaff Zoning Code Table 10-50.80.040.A	
Maximum Dwelling Units	69.03

Restrictions

1) Rear minimum setback may be reduced for zones not subject to the Resource Protection Overlay when a minimum of 350 sf of open yard are per unit is provided.

2) If a Planned Residential Development is applied to parcel, the minimum width and depth of a lot may vary based on the minimum lot standards applicable to the building types selected for application within a Planned Residential Development (See Flagstaff Zoning Code Section 10-40.60.270.)

3) “Open Space” includes active and passive recreation uses, landscape areas, community gardens and any credit for open space deed restriction provided for in conveyance of Parcel Ic to Owner’s Association.

4) Parcel C may be combined with Parcel D1 for development of one parcel.

The Flagstaff Zoning Code and any subsequent amendments thereto, should be consulted for current specific standards.

*Base Site Area

DEVELOPMENT AREA D1 7.35 acres*

Zoning District Medium Density Residential

Development Option Planned

Specific Performance Standards

Planned Development

Maximum Gross DUA	9
Maximum OSR	.15
Maximum Net DUA	9
Maximum Building Height	35 feet
Parking – See Flagstaff Zoning Code Table 10-50.80.040.A	
Maximum Dwelling Units	66.15

Restrictions

1) Rear minimum setback may be reduced for zones not subject to the Resource Protection Overlay when a minimum of 350 sf of open yard are per unit is provided.

2) If a Planned Residential Development is applied to parcel, the minimum width and depth of a lot may vary based on the minimum lot standards applicable to the building types selected for application within a Planned Residential Development (See Flagstaff Zoning Code Section 10-40.60.270.)

3) “Open Space” includes active and passive recreation uses, landscape areas, community gardens and any credit for open space deed restriction provided for in conveyance of Parcel Ic to Owner’s Association.

4) Parcel D1 may be combined with Parcel C for development of one parcel.

The Flagstaff Zoning Code and any subsequent amendments thereto, should be consulted for current specific standards.

*Base Site Area

DEVELOPMENT AREA D2 1.95 acres*

Zoning District Business Park

Development Option Business Park Uses

Specific Performance Standards

a) Business Park Use

Maximum Gross FAR	.33
Minimum LSR	.35
Maximum Net FAR	.50
Maximum Building Height	35 feet
Parking – See Flagstaff Zoning Code Table 10-50.80.040.A	
Maximum Scale	Community
Maximum Floor Area	385,211 SF

b) All Other Uses

Maximum Gross FAR	.30
Minimum LSR	.40
Maximum Net FAR	.55
Maximum Building Height	40 feet
Parking – See Flagstaff Zoning Code Table 10-50.80.040.A	
Maximum Scale	Community
Maximum Floor Area	355,580 SF

Restrictions

The Flagstaff Zoning Code and any subsequent amendments thereto, should be consulted for current specific standards.

*Base Site Area

DEVELOPMENT AREA D3 6.3 acres*

Zoning District Medium Density Residential

Development Option Planned

Specific Performance Standards

Planned Development

Maximum Gross DUA	9
Maximum OSR	.15
Maximum Net DUA	9
Maximum Building Height	35 feet
Parking – See Flagstaff Zoning	Code Table 10-50.80.040.A
Maximum Dwelling Units	56.7

Restrictions

1) Rear minimum setback may be reduced for zones not subject to the Resource Protection Overlay when a minimum of 350 sf of open yard are per unit is provided.

2) If a Planned Residential Development is applied to parcel, the minimum width and depth of a lot may vary based on the minimum lot standards applicable to the building types selected for application within a Planned Residential Development (See Flagstaff Zoning Code Section 10-40.60.270.)

3) "Open Space" includes active and passive recreation uses, landscape areas, community gardens and any credit for open space deed restriction provided for in conveyance of Parcel Ic to Owner's Association.

The Flagstaff Zoning Code and any subsequent amendments thereto, should be consulted for current specific standards. See also Chapter 11-20 Subdivision and Split Regulations for subdivision design standards and requirements.

*Base Site Area

DEVELOPMENT AREA E 7.8 acres*

Zoning District Business Park

Development Option Transportation Corridor
Business Park Uses

Specific Performance Standards

a) Business Park Use

Maximum Gross FAR	.33
Minimum LSR	.35
Maximum Net FAR	.50
Maximum Building Height	35 feet
Parking – See Flagstaff Zoning Code Table 10-50.80.040.A	
Maximum Scale	Community
Maximum Floor Area	110,424 SF

b) All Other Uses

Maximum Gross FAR	.30
Minimum LSR	.40
Maximum Net FAR	.55
Maximum Building Height	40 feet
Parking – See Flagstaff Zoning Code Table 10-50.80.040.A	
Maximum Scale	Community
Maximum Floor Area	101,930 SF

Restrictions

1) Setback from the Forest Ave right-of-way shall be a minimum of 75 feet for buildings and parking.

2) Building height shall be limited to one story within 100 feet of Forest Ave.

3) No commercial lodging will be allowed.

4) No restaurant development option will be allowed.

NOTE: See also the first page of this section for description of other development criteria and controls. The above areas and standards are for planning purposes only. The Flagstaff Zoning Code should be consulted for current specific standards.

*Base Site Area

DEVELOPMENT AREA F 27.50 acres*

Zoning District Business Park

Development Option Business Park Uses

Specific Performance Standards

a) Business Park Use

Maximum Gross FAR	.33
Minimum LSR	.35
Maximum Net FAR	.50
Maximum Building Height	35 feet
Parking – See Flagstaff Zoning	Code Table 10-50.80.040.A
Maximum Scale	Community
Maximum Floor Area	389,317 SF

b) All Other Uses

Maximum Gross FAR	.30
Minimum LSR	.40
Maximum Net FAR	.55
Maximum Building Height	40 feet
Parking – See Flagstaff Zoning	Code Table 10-50.80.040.A
Maximum Scale	Community
Maximum Floor Area	359, 370 SF

Restrictions

1) Setback from the Forest Ave right-of-way shall be a minimum of 75 feet for buildings and parking.

2) Building height shall be limited to one story within 100 feet of Forest Ave.

3) No commercial lodging will be allowed.

4) Restaurant development option shall be limited to one restaurant of the full service, sit down type, with no drive through or fast food characteristics. It shall be limited to a size of 7,500 square feet and be located at least 250 feet from the northwest corner of the development area.

5) Fifty percent (50%) of the trees located in the tree protection area, as shown on Exhibit I of the Specific Plan, and having a DBH of six (6) inches or more shall be retained and protected. Prior to development approval of area "D", the protection are, as illustrated on Exhibit I shall be legally described.

NOTE: See also the first page of this section for description of other development criteria and controls. The above areas and standards are for planning purposes only. The Flagstaff Zoning Code should be consulted for current specific standards.

*Base Site Area

DEVELOPMENT AREA G 2.48 acres*

Parcel formerly referred to as Parcel G in the McMillan Mesa Specific Plan is now referred to as Parcel D3. (see COFlagstaff Land Swap with MMV Devco, LLC dated 12/21/2007)

DEVELOPMENT AREA H 8.07* acres

Parcel not subject of Specific Plan Amendment: currently developed as affordable housing by Flagstaff Senior Living.

DEVELOPMENT AREA I 10.84 acres* and 11 platted lots (1.82 ac)

Zoning District

R-1	10.62 ac
HR	.22 ac
Lots	1.82 ac

Development Option Planned
Single Family

Specific Performance Standards

Planned Development	
Maximum Gross DUA	4.55
Minimum OSR	.30
Maximum Net DUA	10.00
Maximum Building Height	35 feet
Minimum Site Area	10 ac

Parking – See Flagstaff Zoning Code Table 10-50.80.040.A

Site Capacities Calculated	
Dwelling Units – Sub-Area I(a)	48.31
Dwelling Units – Sub-Area I(b)	3.92
Dwelling Units – Sub-Area I(c)	**0.00**
Total for Sub-Areas I(a-c)	52.23
Platted Lots – Sub-area I(d)	11
Maximum Dwelling Units	63

Density Transfer
The maximum yield site capacity for residential units from Development Sub-Area I(c) (4.982 ac) shall be transferred to Development Sub-Area Ia or Development Area H on the condition and with the restriction that Development Sub-Area Ic shall remain undeveloped Open Space, with no future right to any residential use. The development site capacity for residential use of Development Sub-Areas Ia and Ib shall be the sum of the calculated site capacity of Development Sub-Areas Ia, Ib, and Ic under their current zoning. See Appendix A.

Restrictions

1) No buildings will be constructed in the steep slow protection area. See Appendix A for line definition.

2) Building shall be limited to two stories.

3) Only single family detached housing types will be permitted in that portion of Area I located south of Pinon Court.

4) Parcel Ic is designated as Open Space.

NOTE: See also the first page of this section for description of other development criteria and controls. The above areas and standards are for planning purposes only. The Flagstaff Zoning Code should be consulted for current specific standards.

*Base Site Area

Tiffany Antol

From: Mark Sawyers
Sent: Friday, January 15, 2016 10:48 AM
To: Tiffany Antol
Subject: FW: Pinecliff Dr and the McMillan Mesa Village

-----Original Message-----
From: David Wessel
Sent: Friday, January 15, 2016 8:38 AM
To: 'jasoncarolyn2008@gmail.com'
Cc: Jeffrey Bauman
Subject: RE: Pinecliff Dr and the McMillan Mesa Village

Dear Ms. Carpenter,

I forwarded your comments to the City Traffic Engineer who is responsible for traffic impact analysis. He will be in touch with you shortly.

I am working on an update to the Regional Transportation Plan where we are discussing long term transportation solutions. Two projects being discussed but that don't have funding are the completion of Ponderosa Parkway past the Catholic Church and a new road on the east side of the Mesa, parallel to Pine Cliff that connects Ponderosa Parkway to Gemini. The latter project is controversial in that it will impact open space. Both projects should take pressure off of Pine Cliff.

You may send comments about these projects and other thoughts you may have on transportation to me and we will add them to the record for the plan and consider them in its drafting.

Sincerely,
David Wessel

David Wessel, Manager
Flagstaff Metropolitan Planning Organization
211 W. Aspen Avenue
Flagstaff, AZ 86001
dwessel@flagstaffaz.gov (email)
928-213-2650 (office)
928-699-3053 (cell)
928-779-7696 (fax)

-----Original Message-----
From: jasoncarolyn2008@gmail.com [mailto:jasoncarolyn2008@gmail.com]
Sent: Thursday, January 14, 2016 10:46 AM
To: David Wessel
Cc: jasoncarolyn2008@gmail.com
Subject: Pinecliff Dr and the McMillan Mesa Village

Good Morning,

I am sure this is not the first time you have been contacted regarding traffic on North Pinecliff Dr. There has been constant neighborhood concern regarding the speed limit on North Pinecliff Dr, it is zoned as 30 MPH. I am uncertain why we are zoned 30 MPH vs 25 MPH of all other residential streets. This is a neighborhood street with 10 homes where 11 children under the age of 10 years old live. There are also family pets and school children walking to school on this stretch of North Pinecliff Dr. I have owned our home 1080 North Pinecliff Dr for over 5 year and have 2 young children. During this time there have been a handful of times where I have been I contact with a traffic police officer stationed on Pinecliff, it was never during busy traffic times. Typically there are cars speeding on this stretch of road most often during the morning during the BASIS student drop off and mid afternoon during student pick up. What will it take to reduce the speed limit on the residential section of North Pinecliff Drive to 25 MPH?

This brings me to my next point, the stand still congestion of traffic on the stretch of Pinecliff Dr during peak drop off and pick up times of students.I am excited to see the city bus has added to stop in front of BASIS. I still experience stand still traffic on a regular basis in front of this school at approx 4pm Monday -Friday. Not only is this a neighborhood nuisance but caused concern getting emergency vehicles to this area.

As a resident of Pinecliff Drive I attended a meeting last night regarding the rezoning of the McMillan Mesa Village. In this meeting Vicky, the meeting facilitator, provided the "Traffic Impact Entitlements" created in 1992 and proposed Traffic Impact Entitlement with the rezoning. (I will send copies of these documents as attachments). I have many concerns with this.
To keep it short, I will address the current traffic concerns / BASIS congestion in regards to the research we were presented. For the 1992 Traffic Impact, "Parcel J is a school with 600 students, total ADT 823." The Traffic Impact Post zoning states "parcel D2, BASIS school 500 students with 450 ADT." This is concerning to me and this point has brought up time and time again in every McMillan Mesa Village rezoning meeting that I have attended. Vicky assured us that the appropriate traffic studies were conducted in 1992 and the roads (Pinecliff and Gemini) were constructed under city specifications to allow for the flow of these vehicles. Yet, twice a day Monday- Friday there is stand still traffic on Pinecliff Dr. I can not see that adding 490 residential units, the proposed rezoning by the McMillan Mesa Village will create a better traffic flow and reduce the amount of traffic thru BASIS.
The facilitatory Vicky stated "In their traffic study they are not required to address the traffic that is created by the existing Montisorri Charter School already existing on the Mesa and the future Charter school opening at the Catholic Church."
I am requesting a city sponsored traffic study done when school is in session of Gemini, Pinecliff Drive and Ponderosa Parkway. A majority of vehicles use Pinecliff Drive as a through fair vs Gemini which is what was proposed by McMillan Mesa Village representatives.

To be clear, the rezoning of McMillan Mesa Village is not my primary concern here, instead I am worried about the existing traffic and speed limit on North Pinecliff Dr and that the traffic studies that have been done do not accurately reflect the current issues.
Sincerely,
Carolyn Carpenter
1080 North Pinecliff Dr.
Flagstaff Az 86001
928.890.8557

P.S. If you feel this letter needs to be forwarded to anyone else please feel free to do so. If this letter is forwarded please update me so all future communications can be sent to the appropriate party.

Sent from my iPad

Tiffany Antol

From: Mark Sawyers
Sent: Friday, January 08, 2016 1:55 PM
To: Tiffany Antol
Subject: FW: Cavan McMillian Mesa Zoning Case

From: kenberkhoff@gmail.com [mailto:kenberkhoff@gmail.com] **On Behalf Of** Ken Berkhoff
Sent: Friday, January 08, 2016 1:17 PM
To: Mark Sawyers
Subject: Cavan McMillian Mesa Zoning Case

Mark,

I am writing in support of the re-zoning cases on McMillian Mesa by Dave Cavan.

These re-zoning cases are justified due to the usefulness of the current zoning.

Mr. Cavan has completed many projects here in Flagstaff that are now community assets, I'm sure these will be the same.

Thank You.

--
Ken Berkhoff, "Land Man", Owner/Broker
1st Brokers Realty-Commercial Specialists
"Home of 1st Class Service"
1500 E. Cedar Ave.
Suite 86-B
Flagstaff, AZ 86004
Cell: 928-606-0800
Fax: 888-500-0310
www.1stBrokersRealty.com

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Tiffany Antol

From: getboet@localnet.com
Sent: Sunday, January 17, 2016 7:12 PM
To: Tiffany Antol
Subject: McMillian Mesa Village amendments

Dear Tiffany,

This is email is concerning the proposed changes to zoning and amendments to the regional plan on McMillian Mesa.

My name is Lori Boettcher. I have been an active member of the Flagstaff community trying to give input on the development plans of our precious Mesa since the 90's.

At our recent meeting with the Developers, Cavan, was selling their proposed changes of the current zoning plans by showing us their large binder of required paperwork they completed so that they could have their current zoning designations changed. At the meeting we were not shown any concept plans of these proposed changes of land use, in order for residents to comment on the proposed developments' alignment of design with the values Flagstaff residents continue to share with Council about proposed growth in Flagstaff..ex. view shed, lighting, recreational access, and wildlife sensitivity.

Developers have said this proposal is a "downsizing" so there is no need for future analysis of the traffic impact or drainage and/or water studies. Does this mean taxpayers will have to pay for upgrades to roads and water issues after Developers have accrued profits from their sales?

I feel the residents of Flagstaff should see the concepts plans for proposed changes so important input can be made before Developers are granted any rezoning changes.

Thank you for sharing this with interested parties.

Sincerely,

Lori Boettcher

Tiffany Antol

From: Missymoet@aol.com
Sent: Friday, January 08, 2016 2:56 PM
To: Josh Copley
Cc: Tiffany Antol; Mark Sawyers; mlandseide@flagstaffaz.gov; Daniel Folke; David Wessel; Jeffrey Bauman; Rick Barrett; Barbara Goodrich; Eva Putzova; Celia Barotz; Jerene Watson
Subject: Traffic Impact Study for McMillan Mesa Village

Dear Mr. Copley,

This week there will be the required public meeting by the developer regarding the rezoning from Research/Development/Commercial to Residential at McMillan Mesa Village. It is our understanding the City is not requiring the developer to conduct a new Traffic Impact Study for this zone change but instead relying on the study that was done for the McMillan Mesa Specific Plan in 1992. Given all of the traffic issues facing Flagstaff, we are stunned that the city is relying on a TIA from 24 years ago. How is this defensible?

We understand that the developers already have the right to build 491 residences and will not be adding more. But since 1992 much has changed on McMillan Mesa. We have Basis Charter School and a new Catholic School under construction. Basis School has created some real traffic problems, which will only be exacerbated when the new Catholic School opens and more of the planned development on the private land is built. While we understand that the Basis School, working with the city, has made attempts to relieve some of this traffic, that doesn't eliminate the need and responsibility of the developer to insure that the changes they are making won't have an impact over and above what was planned for in 1992.

If after the McMillan Mesa Village rezoning is approved and construction is completed, we find our traffic problems on the Mesa have worsened, what will the city do then? Will they ask the taxpayers to foot the bill to rectify a problem that the city should have anticipated as it evaluated the rezoning application? Now is the time to ask the developers to provide a new TIA to see if there is adequate road infrastructure on the Mesa to accommodate this growth. By not requiring the developers to provide the TIA, you are misleading the citizens, who ultimately will be asked to pay for the solutions to these traffic problems that we will undoubtedly be faced with.

Marilyn Weissman
Steve Hirst
McMillan Mesa residents

Tiffany Antol

From: Missymoet@aol.com
Sent: Thursday, January 21, 2016 9:54 AM
To: Tiffany Antol
Subject: Mesa rezone Conditions
Attachments: Conditions letter 012016.doc

Tiffany,
Here is my list of conditions I would like to see applied to the Mesa rezone. Please include in you packet.
Since the P&Z hearing will be the first opportunity we have to see Cavan's presentation on this development, will we be able before the City Council meeting to send in further comments to include in your staff report or is this our only opportunit?
Marilyn

Tiffany Antol

From:	Peter Crowell <crowell.p@gmail.com>
Sent:	Thursday, January 21, 2016 2:09 PM
To:	Tiffany Antol
Cc:	Marilyn Weissman
Subject:	Comment on Cavan re-zoning application

Dear Ms. Antol:

We attended the public meeting held by Cavan Real Estate presenting their re-zoning application. We are residents of MacMillan Mesa and are, with our neighbors, concerned that future development preserve the beauty of the mesa's open space and viewscapes. We support the changes in the application that shift 200 residential units from Parcel B to parcels C, D1 and D3 re-zoned as Medium Density Residential.

We have some comments we would like you to present to the Planning and Zoning Commission and the City Council regarding this application.

Traffic

The Cavan presentation focused on reduced traffic impact due to the shift from commercial and business park uses to medium density residential. Since all of the traffic studies are based on assumptions in industry software programs, there is no reason to accept that these figures are truly accurate. We can only hope that reality may come close to the projections. The issue with BASIS school traffic, for which the Traffic Study figures are rather suspect, is one that Cavan and the City must address if it is to be mitigated. We would like to see this issue addressed in the conditions for re-zoning.

Invasive weeds

As you know, there is a real issue with invasive weeds in the areas disturbed ny the Cavan development. We feel that Cavan should remove these weeds and re-seed the area with native species as a condition of the re-zoning.

Design concept

Cavan did not share its design concept with us at the meeting. We understand that the concept provides for one-story rental cottages and two-story single-family residences. We would like the City to require that Cavan be limited to one- and two-story building heights throughout the re-zoned medium density residential area in parcels C, D1 and D3. We also request a condition that residences face the street wherever possible and that fencing be consistent throughout the areas so as to preserve views from the residences, the streets and the FUTS trails.

We appreciate your willingness to meet with those of us here on the Mesa to show us the application and hear our views. Thank you for your service to the City and to us who live here.

Peter Crowell
Pat Allin

Peter Crowell
1351 N. Pine Cliff Dr. Apt 129
Flagstaff, AZ 86001
Phone: 970.626.6923
Skype me at: peterc0527
E-mail: pcrowell@stillwatersgroup.com
www.stillwatersgroup.com

Illustrative Site Plan

0 25 50 100

NORTH

MIRAMONTE HOMES

MMV DEVCO

MCMILLAN MESA VILLAGE

City of Flagstaff, Arizona

5905 GRANITE LAKE DRIVE
SUITE 140
GRANITE BAY, CALIFORNIA 95746
P. 916.783.3700
WWW.JDAARCH.COM

JDA
JEFFREY DeMURE + ASSOCIATES
ARCHITECTS • PLANNERS

Date: 03.19.2015

© JEFFREY DeMURE + ASSOCIATES ARCHITECTS PLANNERS, INC.

Street Scene

MIRAMONTE HOMES

MMV DEVCO

MCMILLAN MESA VILLAGE

City of Flagstaff, Arizona

5905 GRANITE LAKE DRIVE
SUITE 140
GRANITE BAY, CALIFORNIA 95746
P. 916.783.3700
WWW.JDAARCH.COM
JDA JEFFREY DeMURE + ASSOCIATES ARCHITECTS · PLANNERS

Date: 03.19.2015

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McMILLAN MESA BUNGALOWS

YIELD DATA

Unit Type	Yield	Mix %
1 Bedroom	42	30%
2 Bedroom	70	50%
3 Bedroom	26	20%
	138	100.0%

Total Area: 15 +/- Acres
Density: 9.2 Du/Ac

CONCEPTUAL PLAN

"Disclaimer: All features, dimensions, drawings, renderings, plans and specifications are conceptual and subject to change without notice".

HADLEY DESIGN GROUP
7400 E McDonald Dr. Suite 122
Scottsdale, Arizona 85250
Tel 480.478.0096 Fax 480.478.0097
www.hadleydesigngroup.com

NORTH

0' 50' 100' 200'

SCALE: 1" = 100'

DATE: AUGUST 19, 2015

Street Scene

MIRAMONTE HOMES

MMV DEVCO

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MCMILLAN MESA VILLAGE

City of Flagstaff, Arizona

5905 GRANITE LAKE DRIVE
SUITE 140
GRANITE BAY, CALIFORNIA 95746
P. 916.783.3700
WWW.JDAARCH.COM

JDA
JEFFREY DeMURE + ASSOCIATES
ARCHITECTS · PLANNERS

Date: 03.19.2015

McMILLAN MESA VILLAGE SITE ANALYSIS MAP

FOR

PARCELS C, D1 & D3

LOCATED IN THE NE 1/4 OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST, G&S.R.M. FLAGSTAFF, COCONINO COUNTY, ARIZONA

SCALE: 1"=300'

PRELIMINARY
NOT FOR CONSTRUCTION OR RECORDING

SLOPES

THERE ARE NO SLOPE RESOURCES LOCATED WITHIN THE PROJECT AREA

PRECIPITATION PATTERN NOTE

THERE ARE TWO DISTINCT PERIODS OF PRECIPITATION IN FLAGSTAFF. THE FIRST OCCURS DURING THE WINTER MONTHS FROM NOVEMBER THROUGH APRIL WHEN THE JET STREAM CAN BE LOCATED OVER THE STATE ALLOWING PACIFIC STORM SYSTEMS TO MOVE OVERHEAD. THE OTHER DISTINCT PERIOD IS CLASSIFIED AS THE SUMMER RAINY SEASON, OR 'SUMMER MONSOON.' THE MONSOON RAINY PERIOD USUALLY OCCURS DURING JULY AND AUGUST WHEN MOST OF ARIZONA IS SUBJECTED TO WIDESPREAD THUNDERSTORM ACTIVITY. THESE THUNDERSTORMS ARE EXTREMELY VARIABLE IN INTENSITY AND LOCATION AND OCCUR MAINLY BETWEEN THE HOURS OF 11 a.m AND 6 p.m.. SOME OF THESE STORMS CAN REACH SEVERE LEVELS, WITH LARGE HAIL, DAMAGING WINDS, AND OCCASIONALLY EVEN A TORNADO. (EXCERPT FROM THE CITY OF FLAGSTAFF SUSTAINABILITY PROGRAM RECOMMENDATIONS - CLIMATE SECTION - DATED OCTOBER 17, 2012)

SOIL PROPERTIES

SOILS ARE BROLLIAR STONY CLAY LOAM BASED ON INFORMATION PROVIDED BY THE U.S DEPT. OF AGRICUTURE NATURAL RESOURCES CONSERVATION SERVICE - CUSTOM SOIL RESOURCE REPORT (DATED JUNE 24, 2015)

NOTE

THE INFORMATION SHOWN HEREON IS BASED ON CITY OF FLAGSTAFF G.I.S. DATA, NO FIELD WORK HAS BEEN PERFORMED BY MOGOLLON ENGINEERING & SURVEYING, INC. THERE ARE NO PREHISTORIC OR HISTORIC SITES, STRUCTURES OR ROUTES LOCATED ON THE SUBJECT PARCELS.

SHEET 1 OF 1

McMILLIAN MESA VILLAGE
SITE ANALYSIS MAP
6/24/15
MES# 15152

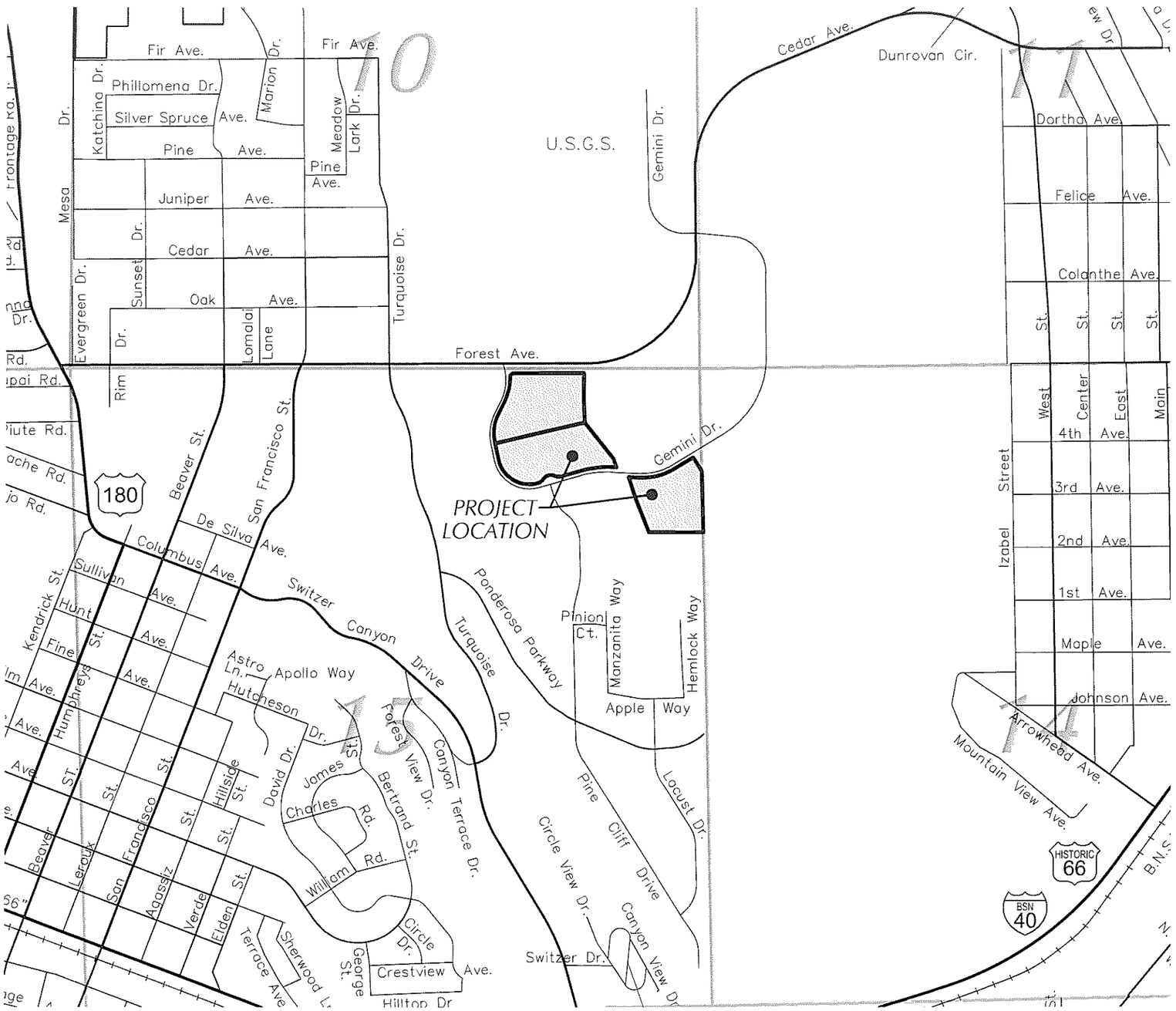
Mogollon Inc
ENGINEERING & SURVEYING
411 W Santa Fe Avenue
Flagstaff, Arizona 86001
Phone: 928-214-0214

DATE: 6/24/15
DESIGNED BY: MWE
DRAWN BY: MWE
CHECKED BY: KVH
PROJECT NO. 15152
FN: SITE.DWG
VERT SCALE: N/A
HOR SCALE: 1"=300'
REVISIONS:

McMILLAN MESA VILLAGE VICINITY MAP FOR PARCELS C, D1 & D3

LOCATED IN THE NE 1/4 OF SECTION 15,
TOWNSHIP 21 NORTH, RANGE 7 EAST, G&S.R.M.
FLAGSTAFF, COCONINO COUNTY, ARIZONA

SCALE: N.T.S.



PRELIMINARY
NOT FOR CONSTRUCTION OR RECORDING

SHEET 1 OF 1

McMILLIAN MESA VILLAGE
VICINITY MAP
6/24/15
MES#15152

Mogollon Inc
ENGINEERING & SURVEYING
411 W Santa Fe Avenue
Flagstaff, Arizona 86001
Phone: 928-214-0214

DATE: 6/24/15
DESIGNED BY: MWE
DRAWN BY: MWE
CHECKED BY: KVH
PROJECT NO. 15152
FN: VIC-MAP.DWG
VERT SCALE: N/A
HOR SCALE: 1"=300'
REVISIONS:

McMILLAN MESA VILLAGE CONTEXT ANALYSIS MAP

FOR

PARCELS C, D1 & D3

LOCATED IN THE NE 1/4 OF SECTION 15,
TOWNSHIP 21 NORTH, RANGE 7 EAST, G&S.R.M.
FLAGSTAFF, COCONINO COUNTY, ARIZONA

PRELIMINARY
NOT FOR CONSTRUCTION OR RECORDING

SCALE: 1"=300'

ZONING LEGEND

BP:	BUSINESS PARK
SC:	SUBURBAN COMMERCIAL
RR:	RURAL RESIDENTIAL
PF:	PUBLIC FACILITY
MR:	MEDIUM DENSITY RESIDENTIAL
HR:	HIGH DENSITY RESIDENTIAL
R1:	SINGLE FAMILY RESIDENTIAL

EXISTING USES

ALL PARCELS SHOWN HEREON ARE VACANT EXCEPT WHERE NOTED OTHERWISE

NOTE

THE INFORMATION SHOWN HEREON IS BASED ON CITY OF FLAGSTAFF G.I.S. DATA, NO FIELD WORK HAS BEEN PERFORMED BY MOGOLLON ENGINEERING & SURVEYING, INC.

SHEET 1 OF 1

McMILLIAN MESA VILLAGE
CONTEXT ANALYSIS
MAP

6/24/15
MES# 15152

Mogollon Inc
ENGINEERING & SURVEYING
411 W Santa Fe Avenue
Flagstaff, Arizona 86001
Phone: 928-214-0214

DATE: 6/24/15 | PROJECT NO. 15152 | REVISIONS:
DESIGNED BY: MWE | FN: CONTEXT.DWG
DRAWN BY: MWE | VERT SCALE: N/A
CHECKED BY: KVH | HOR SCALE: 1"=300'

3488287 1 of 4

CITY OF FLAGSTAFF
FINAL PLAT FOR
McMILLAN MESA VILLAGE

LOCATED WITHIN THE SE ¼ OF SECTION 10, SW ¼ OF SECTION 11, NW ¼ OF SECTION 14, AND THE NE ¼ OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, FLAGSTAFF, ARIZONA

DEDICATION

STATE OF ARIZONA)
)SS.
COUNTY OF COCONINO)

KNOW ALL MEN BY THESE PRESENTS: That MMV DEVCO, LLC, (An Arizona limited liability company), as Owner, hereby publishes this plat as and for "McMillan Mesa Village", a subdivision of a portion of land situated in the SE ¼ of Section 10, SW ¼ of Section 11, NW ¼ of Section 14, and the NE ¼ of Section 15, Township 21 North, Range 7 East, in the Gila and Salt River Base and Meridian, Coconino County, Arizona, as shown and platted hereon, and hereby declares that said plat sets forth the locations and gives the dimensions and measurements of the parcels, lots, tracts, streets and easements constituting same and that each such parcel, lot, tract, street and easement shall be known by the number or name given to each, respectively.

The Owner hereby dedicates to McMillan Mesa Village Owners Association, Inc., an Arizona non-profit corporation, ("Association"), an easement over, under and across all those certain drainage and detention basin easements as depicted and described hereon for the purpose of constructing, operating, managing, repairing and maintaining the common drainage facilities necessary for the protection of the properties hereon from flooding and erosion.

The Owner additionally hereby dedicates to the City of Flagstaff:
1. all those certain public rights of way for Pine Cliff Drive, Gemini Drive, Forest Avenue and Turquoise Drive as named and shown hereon. Said public rights of way are dedicated for the purposes of public roadways, access, utilities and related improvements.
2. an easement over, under and across all those certain drainage and detention basin easements as depicted and described hereon for the purpose of protecting the public. This easement entitles the City to act as necessary to maintain drainage facilities in the event that the Owners Association fails to operate and/or maintain said drainage facilities appropriately. City shall not be construed to have a duty to act nor shall City assume the Owners Association's financial obligations of maintenance of such facilities at its expense.
3. all public utility easements (P.U.E.) shown hereon for the benefit of all authorized utility companies for public utility and access purposes only.
4. a permanent Flagstaff Urban Trail System (F.U.T.S.) easement over, under and across those parcels as shown hereon. Where the location of the F.U.T.S. easement hereon is described by a centerline, the F.U.T.S. easement shall be 20-feet wide, 10-feet on each side of the described centerline.

IN WITNESS WHEREOF: MMV DEVCO, LLC, as said Owner, has hereunto caused its name to be signed.

Done at Scottsdale, Arizona, this 12th day of March 2008.

MMV DEVCO, LLC, an Arizona limited liability company

By: Cavan Management Services, L.L.C., an Arizona limited liability company, its Manager

By: _____ (signature)
David V. Cavan
Its: Sole Member

Instrument # 3488287 1 of 4
Recorded At The Request Of
Date
Records of Coconino County, AZ
Candace Owens, County Recorder

ACKNOWLEDGMENT

STATE OF ARIZONA
SS.
COUNTY OF Maricopa

On this 12th day of March, 2008, before me, the undersigned personally appeared, David V. Cavan, Sole Member of Cavan Management Services, L.L.C., an Arizona limited liability company, the Manager of MMV DEVCO, LLC, an Arizona limited liability company, and that he, as such, being authorized so to do, executed the foregoing instrument for the purposes therein constrained.

IN WITNESS WHEREOF: I hereunto set forth my hand and official seal

Ann L. Severud
NOTARY PUBLIC

My Commission Expires: March 7, 2009

ANN L. SEVERUD
Notary Public - Arizona
Maricopa County
My Comm. Expires Mar 7, 2009

Acknowledged and Approved:

LENDER: RELIANCE BANK

By: DAVID MATTHEWS
(Name)
MARKET PRESIDENT
(Title)

C C and Rs

THE DEDICATION OF COVENANTS, CONDITIONS, AND RESTRICTIONS FOR "MCMILLAN MESA VILLAGE" ARE TO BE RECORDED IN THE OFFICE OF THE COCONINO COUNTY RECORDER, COCONINO COUNTY, ARIZONA, AND HEREBY INCORPORATED AS A PART OF THIS PLAT.

RIGHT-OF-WAY DEDICATION

THE TOTAL AREA FOR ALL THOSE CERTAIN PUBLIC RIGHTS OF WAY DEDICATED TO THE CITY OF FLAGSTAFF UPON RECORDATION OF THIS PLAT IS 6.91 ACRES.

VICINITY MAP
N.T.S.

FEMA DESIGNATION

THE PROJECT AREA IS ENTIRELY WITHIN ZONE C AS DESIGNATED BY FEMA FIRM'S 040020 0002C AND 040020 0007D. FEMA DESIGNATES ZONE C AS "AREAS OF MINIMAL FLOODING."

BENCH MARK

THE SITE BENCHMARK FOR THIS PROJECT IS A FOUND 3" BRASS CAP MONUMENT (CONTROL POINT #1251) AT THE NORTHEAST CORNER OF SECTION 15 (C.O.F. POINT #1720110). (NGVD 29) ELEVATION = 7,100.361 FEET

NOTE

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 BUILDING EXPRESSLY APPROVED IN WRITING BY ALL PUBLIC UTILITIES WHICH USE OR SHALL USE THE UTILITY EASEMENT.

CERTIFICATE OF LAND SURVEYOR

This is to certify that the survey of the property described and platted hereon was made under my direction and supervision and is accurately represented on this plat.
I also certify that the plat is in substantial conformance to the approved tentative plat and that this plat is correct and accurate as shown to the best of my knowledge and belief.

Registered Land Surveyor Thomas J. Butler

Date 03/06/08

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 40640
THOMAS J. BUTLER
ARIZONA, U.S.A.

Expires 3/31/2010

C.O.F. FILE NO. : DRB 06-052

SHEET INDEX

SHEET NO.	DESCRIPTION
1	COVER SHEET
2	LOT GEOMETRY
3	LOT GEOMETRY
4	LOT GEOMETRY

DEVELOPER/OWNER:

MMV DEVCO, LLC c/o
CAVAN MANAGEMENT SERVICES, L.L.C.
15333 NORTH PIMA ROAD, SUITE 305
SCOTTSDALE, AZ 85260
(480) 627-7000

SURVEYOR:

SHEPHARD-WESNITZER, INC.
THOMAS J. BUTLER
110 WEST DALE AVE. SUITE 1
FLAGSTAFF, AZ 86001
(928)773-0354

ENGINEER:

SHEPHARD-WESNITZER, INC.
JOHN L. CARR
110 WEST DALE AVE. SUITE 1
FLAGSTAFF, AZ 86001
(928)773-0354

BASIS OF BEARINGS AND COORDINATES

LINEAR UNIT: INTERNATIONAL FEET
GEODETIC DATUM: NAD 83 (2002.0)
VERTICAL DATUM: NGVD 29 (SEE BELOW)
SYSTEM: CITY OF FLAGSTAFF LOW DISTORTION PROJECTION (06)

PROJECTION:
TRANSVERSE MERCATOR
LATITUDE OF GRID ORIGIN: 35° 00' 00" N
LONGITUDE OF CENTRAL MERIDIAN: 111° 37' 00" W
NORTHING AT GRID ORIGIN: 0.0 FT
EASTING AT CENTRAL MERIDIAN: 70,000 FT
CENTRAL MERIDIAN SCALE FACTOR: 1.000333 (EXACT)

ALL MEASURED DISTANCES AND BEARINGS SHOWN HEREON ARE GRID VALUES BASED ON THE PRECEDING PROJECTION DEFINITION. THE PROJECTION WAS DEFINED SUCH THAT GRID DISTANCES ARE EQUIVALENT TO "GROUND" DISTANCES IN THE PROJECT AREA.

THE BASIS OF BEARINGS IS TRUE GEODETIC NORTH. NOTE THAT THE MEASURED GRID BEARINGS SHOWN HEREON (OR IMPLIED BY GRID COORDINATES) DO NOT EQUAL GEODETIC BEARINGS DUE TO MERIDIAN CONVERGENCE.

ORTHOMETRIC HEIGHTS (ELEVATIONS) WERE TRANSFERRED TO THE SITE FROM CITY OF FLAGSTAFF CONTROL POINT 1720110 (NGVD 29) USING GPS WITH NGS GEOID MODEL "GEOID03". ELEVATIONS SHOWN HEREON ARE REFERENCED TO THE PUBLISHED ELEVATION OF THIS STATION.

THE SURVEY WAS CONDUCTED USING GPS REFERENCED TO THE NATIONAL SPATIAL REFERENCE SYSTEM. A PARTIAL LIST OF POINT COORDINATES FOR THIS SURVEY IS GIVEN BELOW (ADDITIONAL COORDINATES ARE AVAILABLE UPON REQUEST). LOCAL NETWORK ESTIMATES ARE GIVEN AT THE 95% CONFIDENCE LEVEL AND ARE BASED ON AN APPROPRIATELY CONSTRAINED LEAST-SQUARES ADJUSTMENT OF OVER-DETERMINED AND STATISTICALLY INDEPENDENT OBSERVATIONS.

BEARING AND DISTANCE BETWEEN CITY OF FLAGSTAFF POINT 1620000 AND 1720110: S 35° 51' 18" E 1788.55 FT

POINT #31 (COF # 1620000)
NGS DISK IN CONCRETE STAMPED "FLAGSTAFF NCMN 1981" (FQ0454)

LATITUDE = 35° 12' 52.88786" N	NORTHING = 78,170.783 FT	ESTIMATED ACCURACY
LONGITUDE =111° 38' 05.04145" W	EASTING = 64,601.253 FT	HORIZ = NOT ADJUSTED
ELLIPSOID HEIGHT = 7,038.636 FT	ELEVATION = 7,111.107 FT	VERT = NOT ADJUSTED

POINT #1250 3" ALUM. CAP USDAFS T21N R7E

LATITUDE = 35° 12' 38.45929" N	NORTHING = 76,711.778 FT	ESTIMATED ACCURACY
LONGITUDE =111° 38' 24.31349" W	EASTING = 63,001.239 FT	HORIZ = ±0.051 FT
ELLIPSOID HEIGHT = 6,909.344 FT	ELEVATION = 6,981.825 FT	VERT = ±0.061 FT

POINT #1251 (COF # 1720110) SITE BENCHMARK 3" BRASS CAP USDIBLM 1981

LATITUDE = 35° 12' 38.55632" N	NORTHING = 76,721.086 FT	ESTIMATED ACCURACY
LONGITUDE =111° 37' 52.41747" W	EASTING = 65,648.890 FT	HORIZ = ±0.046 FT
ELLIPSOID HEIGHT = 7,027.830 FT	ELEVATION = 7,100.361 FT	VERT = ±0.055 FT

POINT #1329 3" ALUM. CAP 1/4 S15-S14 2003 RLS 26406

LATITUDE = 35° 12' 11.66293" N	NORTHING = 74,001.019 FT	ESTIMATED ACCURACY
LONGITUDE =111° 37' 51.60653" W	EASTING = 65,715.813 FT	HORIZ = ±0.187 FT
ELLIPSOID HEIGHT = 6,932.443 FT	ELEVATION = 7,005.046 FT	VERT = ±0.101 FT

UTILITY COMPANY APPROVALS

ARIZONA PUBLIC SERVICE	3-7-08 DATE
UNISOURCE ENERGY SERVICES	3-6-08 DATE
QWEST COMMUNICATIONS	3-11-08 DATE
NPG CABLE	3-7-08 DATE

CITY OF FLAGSTAFF APPROVALS

CITY OF FLAGSTAFF
It is hereby certified that this plat has been officially approved for the record by the Council of the City of Flagstaff, Coconino County, Arizona, on the 20 day of MARCH, 2007

BY: _____ Mayor
ATTEST: _____ City Clerk

It is hereby certified that this plat has been officially approved for the record by the Development Review Board of Flagstaff, Arizona, on the 31 day of JANUARY, 2008.

BY: _____ Chairperson
ATTEST: _____ City Engineer

RATIFICATION STATEMENT

The undersigned, on behalf of RELIANCE BANK, A Missouri Banking Institution ~~Corporation~~, holding an interest in the real property herein described pursuant to that certain deed of trust and assignment of rents recorded in instrument number 03-3485979 records of Coconino County, Arizona, hereby ratifies this subdivision plat. The undersigned further agrees that no foreclosure, trustee's sale or exercise of any remedy under the instruments whereby the undersigned acquired its respective interest in the property shall defeat, extinguish or otherwise affect the validity or applicability of this plat. The ratifier also concurs with the dedication of roadways and granting of easements.

By: _____ Date: MAY 9, 2008
(NAME)

CALL TWO WORKING DAYS BEFORE YOU DIG
1-800-STAKE-IT

REVISIONS

NO.	DESCRIPTION	DATE	BY

SWI
Shephard-Wesnitzer, Inc.
110 West Dale Ave.
Flagstaff, AZ 86001
928.773.0354
928.774.8934 fax
www.swiaz.com

JOB NO:	06261
DATE:	FEB. 2008
SCALE:	NTS
DRAWN:	TH
DESIGN:	N/A
CHECKED:	TB

McMILLAN MESA VILLAGE
FLAGSTAFF
ARIZONA

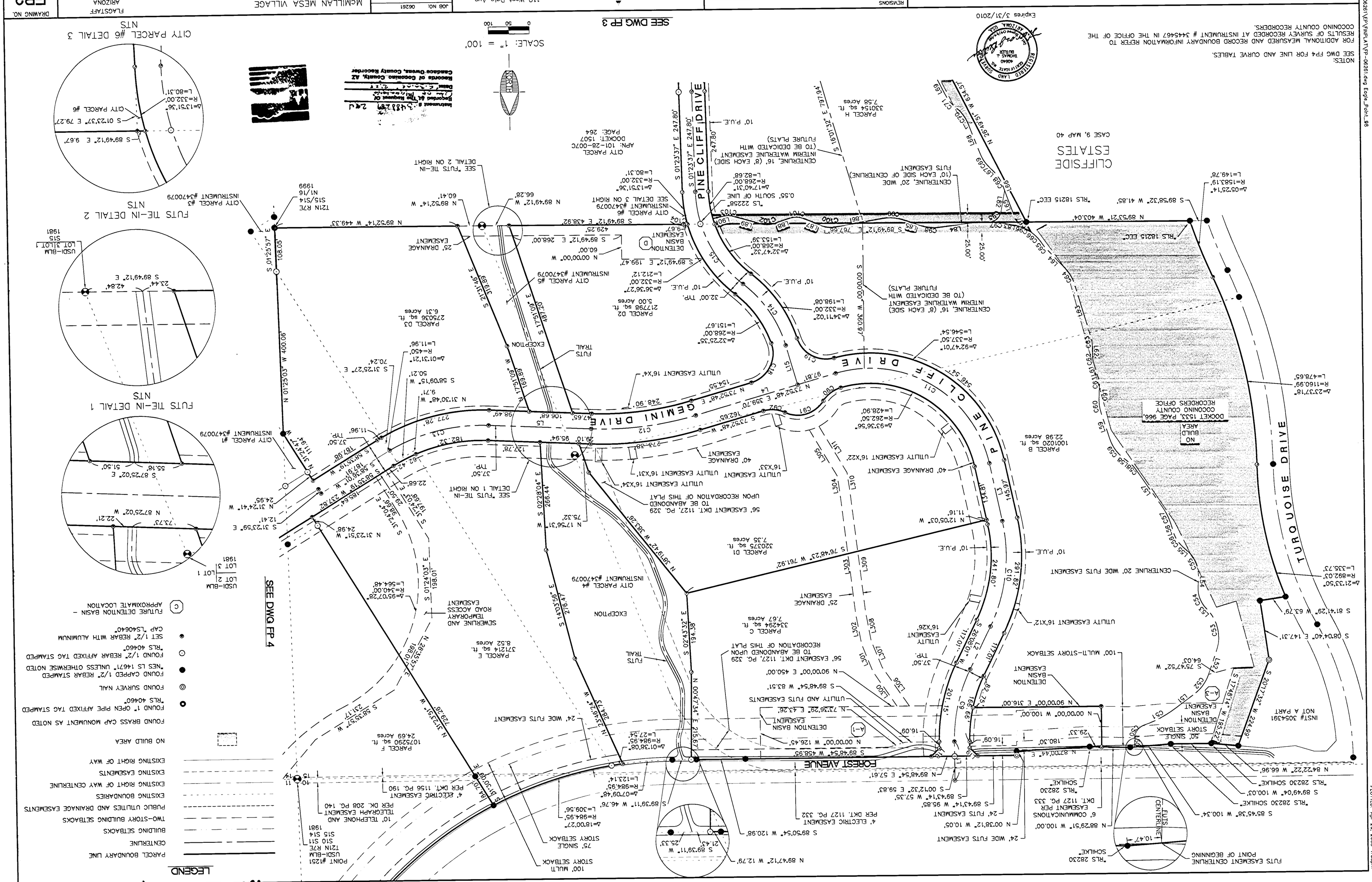
FINAL PLAT
COVER PAGE

DRAWING NO. FP1
SHT NO. 1 OF 4

Official Records of Coconino County 3488287
Candace Owens - Recorder 05/30/2008 02:36 PM Pgs: 4
CITY OF FLAGSTAFF M-P $48.00

PLOTTED: Mar 06, 2008-8:03am
FILE: P:\2006\06261\EP\FINPLAT\FP-06261.dwg Eagle_Point_98

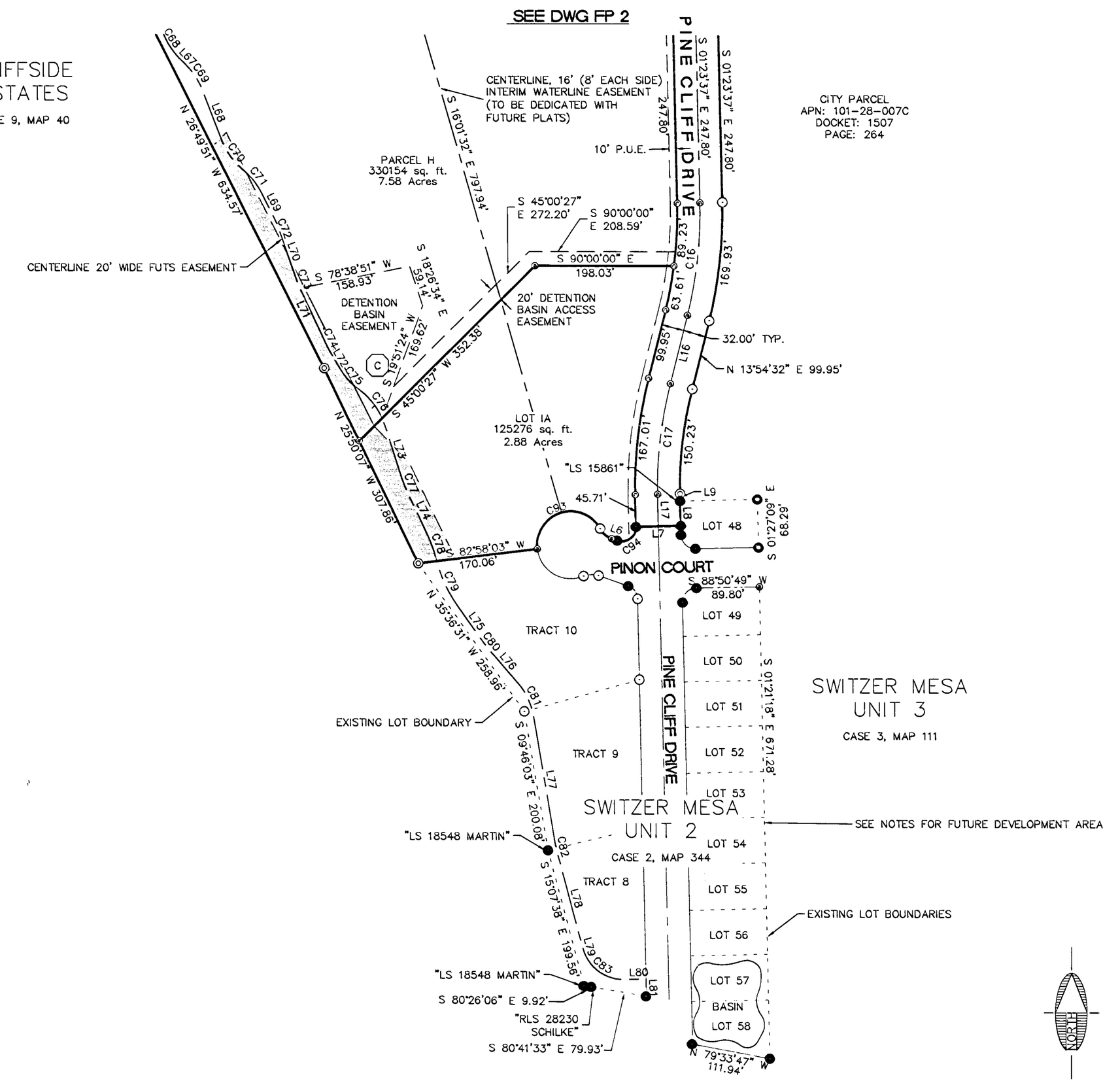
3488287 Pages: 2 of 4 05/30/2008 02:38:01 PM



FILE: P:\2006\06261\FP\FINPLAT\FP-06261.dwg Eagle_Print.pc3
PLOTTED: Apr 29, 2008-1:38pm

3488287 3 of 4

PLOTTED: May 20, 2008-10:31am



LEGEND

- PARCEL BOUNDARY LINE
- CENTERLINE
- BUILDING SETBACKS
- TWO-STORY BUILDING SETBACKS
- PUBLIC UTILITIES AND DRAINAGE EASEMENTS
- EXISTING BOUNDARIES
- EXISTING RIGHT OF WAY CENTERLINE
- EXISTING EASEMENTS
- EXISTING RIGHT OF WAY
- NO BUILD AREA
- FOUND BRASS CAP MONUMENT AS NOTED
- FOUND 1" OPEN PIPE AFFIXED TAG STAMPED "RLS 40460"
- FOUND SURVEY NAIL
- FOUND CAPPED 1/2" REBAR STAMPED "NES LS 14671" UNLESS OTHERWISE NOTED
- FOUND 1/2" REBAR AFFIXED TAG STAMPED "RLS 40460"
- SET 1/2" REBAR WITH ALUMINUM CAP "LS40640"
- (C) FUTURE DETENTION BASIN – APPROXIMATE LOCATION

DRAINAGE AND DETENTION BASIN NOTES:

1. THE DETENTION BASIN LOCATIONS SHOWN REFER TO THE MCMILLAN MESA VILLAGE DRAINAGE REPORT DATED AUGUST 23, 2007, AND SUBSEQUENT REVISIONS APPROVED BY THE CITY OF FLAGSTAFF. REFER TO SAID REPORT FOR BASIN VOLUME REQUIREMENTS AND STORMWATER RELEASE RATES.

2. DETENTION BASIN AND DRAINAGE IMPROVEMENTS TO BE MAINTAINED BY THE MCMILLAN MESA VILLAGE OWNERS ASSOCIATION, INC. AND CONSTRUCTED BY, OR AT THE DIRECTION OF, SAID ASSOCIATION. EACH DEVELOPING MEMBER OF THE ASSOCIATION MUST RECEIVE PRIOR APPROVAL OF STORMWATER AND DRAINAGE PLANS FROM SAID ASSOCIATION BEFORE SUBMISSION OF DEVELOPMENT PLANS TO CITY OF FLAGSTAFF.

3. MODIFICATION OF ANY DETENTION BASIN OR DRAINAGE EASEMENT SHOWN HEREON MUST BE SUPPORTED BY THE ABOVE-REFERENCED DRAINAGE REPORT, OR A CITY OF FLAGSTAFF-APPROVED REVISION THEREOF.

4. THIS SUBDIVISION UTILIZES A SUB REGIONAL DETENTION BASIN SYSTEM. THE CONSTRUCTION OF SOME DETENTION BASINS (SEE BELOW) HAVE BEEN DEFERRED UNTIL FUTURE DEVELOPMENT OF SPECIFIC PARCELS IS INITIATED. CONSTRUCTION AND MAINTENANCE OF SAID FUTURE DETENTION BASINS SHALL BE MANAGED BY THE MCMILLAN MESA VILLAGE OWNERS ASSOCIATION AS NECESSARY TO PROVIDE ESSENTIAL DRAINAGE AND DETENTION FACILITIES IN CONJUNCTION WITH THE DEVELOPMENT OF THE ASSOCIATED PARCEL(S). EACH FUTURE OWNER AND/OR DEVELOPER OF AN ASSOCIATED PARCEL IS HEREBY NOTIFIED THAT THEY MUST COORDINATE WITH THE ASSOCIATION AND RECEIVE APPROVAL FROM THE CITY OF FLAGSTAFF FOR THE TIMELY PROVISION OF THE NECESSARY DRAINAGE AND DETENTION FACILITIES TO ACCOMMODATE DEVELOPMENT OF THE ASSOCIATED PARCEL(S). THE PARCELS ASSOCIATED WITH THE DEFERRED DETENTION BASINS ARE:

SUB-REGIONAL BASIN	ASSOCIATED PARCELS
A-1	C, D1, E, F
A-3	B
C	H
D	D2,D3

NOTES:
SEE DWG FP4 FOR LINE AND CURVE TABLES.

FOR ADDITIONAL MEASURED AND RECORD BOUNDARY INFORMATION REFER TO RESULTS OF SURVEY RECORDED AT INSTRUMENT # 3445467 IN THE OFFICE OF THE COCONINO COUNTY RECORDERS.

THE AREA SHOWN HEREON AND KNOWN AS SWITZER MESA, UNIT 2 IS FOR REFERENCE ONLY AND IS DESIGNATED FOR FUTURE DEVELOPMENT. A SEPARATE PLAT WILL BE PREPARED SHOWING THE DETAILS FOR THIS FUTURE DEVELOPMENT AREA.

REGISTERED LAND SURVEYOR
BARTE HOATZ NO. 41502
JAMES CROWLEY
ARIZONA, U.S.A.
Expires 3/31/10

Instrument # 3488287 3 of 4
Recorded At The Request Of
Date: 5-20-08 2:28 pm
Records of Coconino County, AZ
Candace Owens, County Recorder

CALL TWO WORKING DAYS BEFORE YOU DIG
1-800-STAKE-IT

REVISIONS			
NO.	DESCRIPTION	DATE	BY

SWI
Shephard Wesnitzer, Inc.
110 West Dale Ave.
Flagstaff, AZ 86001
928.773.0354
928.774.8934 fax
www.swiaz.com

JOB NO:	06261
DATE:	FEB. 2008
SCALE:	1" = 100'
DRAWN:	TH
DESIGN:	N/A
CHECKED:	TB

McMILLAN MESA VILLAGE
FLAGSTAFF ARIZONA

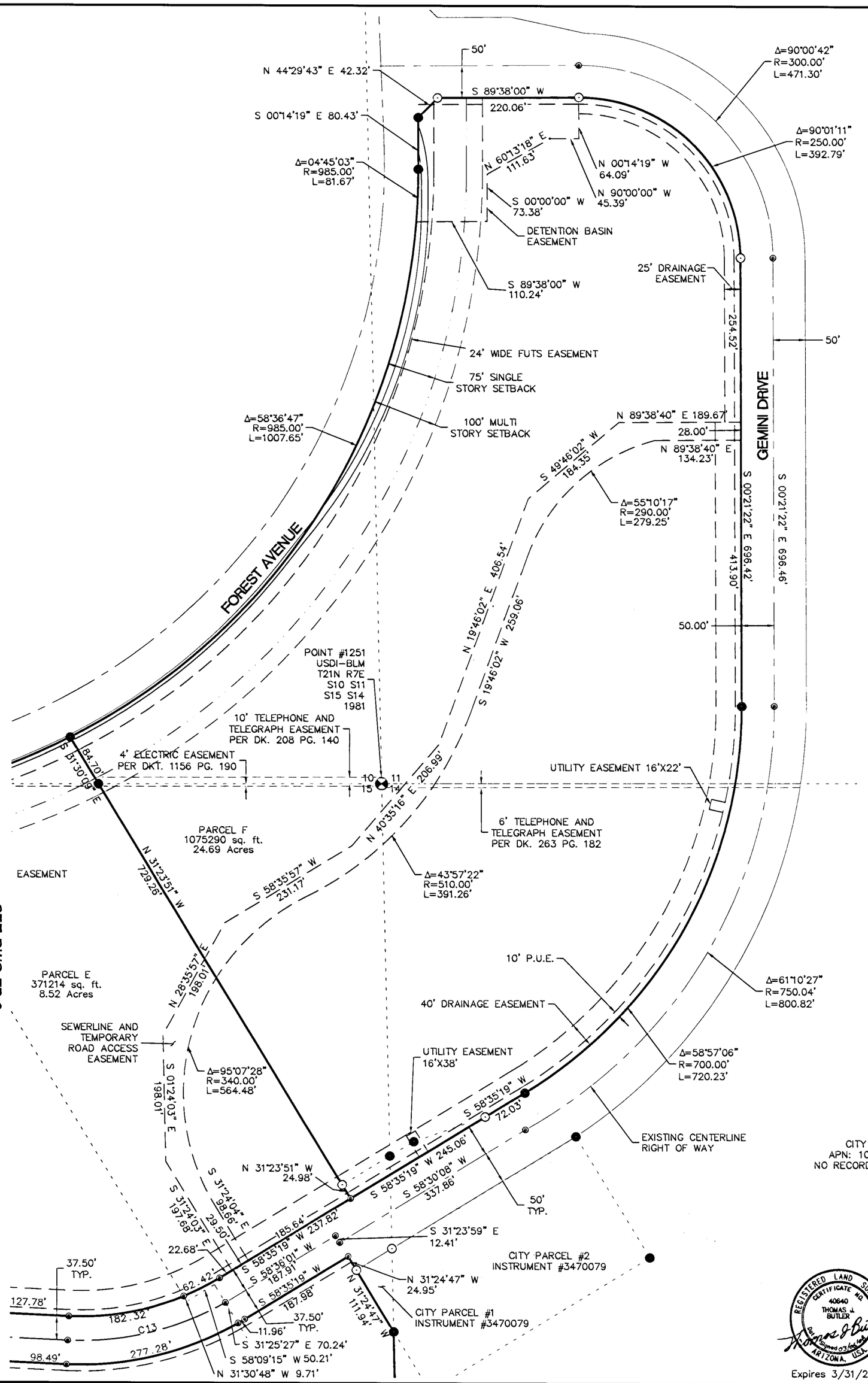
FINAL PLAT
LOT GEOMETRY

DRAWING NO. FP3
SHT NO. 3 OF 4

FILE: P:\2006\06261\EP\FINPLAT\FP-06261.dwg T_WILSON

3488287 Pages: 3 of 4 05/20/2008 02:38:01 PM

3488287 4 of 4



CITY PARCEL
APN: 109-02-001L
DOCKET: 1668
PAGE: 237

CITY PARCEL
APN: 107-01-001B
NO RECORD INFORMATION

LINE TABLE

NUMBER	DIRECTION	DISTANCE
L1	S 00°12'32" E	95.92'
L2	S 26°08'01" W	117.01'
L3	S 12°05'03" E	145.97'
L4	N 73°52'48" E	261.89'
L5	S 87°25'02" E	252.82'
L6	N 71°21'27" W	8.34'
L7	N 88°38'52" E	64.08'
L8	S 01°38'33" E	35.26'
L9	N 00°18'34" W	10.19'
L15	N 16°07'12" W	101.35'
L16	S 13°54'32" W	99.95'
L17	S 01°17'25" E	45.58'
L18	S 44°48'52" W	28.26'
L19	N 45°15'20" W	28.21'
L50	S 02°03'17" W	20.09'
L51	S 53°39'22" W	57.73'
L52	S 19°04'53" W	61.64'
L53	S 41°46'51" E	9.31'
L54	S 02°20'44" W	27.82'
L55	S 47°41'45" E	16.26'
L56	S 15°20'57" E	11.00'
L57	S 34°38'40" E	106.89'
L58	S 52°26'48" E	12.64'
L59	S 17°46'24" E	67.13'
L60	S 01°55'47" W	34.36'
L61	S 15°59'16" E	46.04'
L62	S 00°00'00" E	24.49'
L63	S 16°38'28" E	139.90'
L64	S 43°16'50" E	67.61'
L65	S 19°55'45" E	79.15'
L66	S 19°55'45" E	4.29'
L67	S 45°06'16" E	13.77'
L68	S 21°16'16" E	77.86'
L69	S 26°49'51" E	40.23'
L70	S 19°33'04" E	83.36'
L71	S 25°13'18" E	90.25'
L72	S 30°49'48" E	28.76'
L73	S 18°04'46" E	78.01'
L74	S 25°38'30" E	60.47'
L75	S 35°26'43" E	63.31'
L76	S 40°39'23" E	64.90'
L77	S 09°46'03" E	184.97'
L78	S 15°07'38" E	143.06'
L79	N 15°07'38" W	0.69'
L80	N 88°36'51" E	30.68'
L81	S 01°23'31" E	24.27'
L82	N 10°30'31" E	53.77'
L83	N 90°00'00" E	0.00'
L84	N 82°36'41" E	74.71'
L85	S 71°21'26" E	47.82'
L86	N 80°17'18" E	122.62'
L87	S 67°38'21" E	50.65'
L88	N 71°13'03" E	41.04'
L89	S 73°44'54" E	71.31'
L90	N 76°48'53" E	26.54'
L300	S 34°23'46" E	101.97'
L301	S 21°56'15" E	75.34'
L302	S 10°25'37" E	76.66'
L303	S 06°46'40" E	294.95'
L304	S 07°57'29" E	46.32'
L305	S 30°21'21" E	133.32'
L306	S 34°23'46" E	116.35'
L307	S 21°56'15" E	70.09'
L308	S 10°25'37" E	73.34'
L309	S 06°46'40" E	294.41'
L310	S 07°57'29" E	51.52'
L311	S 30°21'21" E	133.77'

CURVE TABLE

NUMBER	DEFLECTION ANGLE	DEGREE OF CURVE - ARC	ARC LENGTH	TANGENT	RADIUS
C9	26°20'33"	14°19'26"	183.91	93.61	400.00
C10	38°13'04"	14°19'26"	266.81	138.58	400.00
C11	94°02'09"	19°05'55"	492.37	321.91	300.00
C12	18°42'10"	07°09'43"	261.14	131.74	800.00
C13	32°28'18"	12°43'57"	255.03	131.04	450.00
C14	35°44'36"	19°05'55"	187.15	96.73	300.00
C15	50°27'53"	19°05'55"	264.23	141.38	300.00
C16	15°16'16"	09°27'45"	161.39	81.17	605.50
C17	15°17'14"	09°38'16"	158.62	79.78	594.50
C18	93°18'53"	76°23'40"	122.15	79.47	75.00
C19	87°11'25"	76°23'40"	114.13	71.41	75.00
C50	71°30'15"	163°42'08"	43.68	25.20	35.00
C51	17°09'40"	19°05'55"	89.86	45.27	300.00
C52	34°34'29"	57°17'45"	60.34	31.12	100.00
C53	60°51'44"	57°17'45"	106.22	58.74	100.00
C54	44°07'34"	81°51'04"	53.91	28.37	70.00
C55	50°02'29"	71°37'11"	69.87	37.34	80.00
C56	32°20'48"	71°37'11"	45.16	23.20	80.00
C57	19°17'43"	32°44'26"	58.93	29.75	175.00
C58	17°48'09"	57°17'45"	31.07	15.66	100.00
C59	34°40'24"	57°17'45"	60.52	31.22	100.00
C60	19°42'11"	57°17'45"	34.39	17.37	100.00
C61	14°54'18"	105°42'54"	14.10	7.09	54.20
C62	15°55'47"	114°35'30"	13.90	7.00	50.00
C63	16°19'54"	71°24'16"	22.87	11.51	80.24
C64	24°30'56"	57°17'45"	42.79	21.73	100.00
C65	11°08'52"	71°37'11"	15.57	7.81	80.00
C66	31°54'14"	57°17'45"	55.68	28.58	100.00
C67	44°06'26"	114°35'30"	38.49	20.26	50.00
C68	25°10'30"	57°17'45"	43.94	22.33	100.00
C69	23°50'00"	57°17'45"	41.60	21.10	100.00
C70	29°38'29"	57°17'45"	51.73	26.46	100.00
C71	24°04'54"	57°17'45"	42.03	21.33	100.00
C72	07°16'47"	57°17'45"	12.71	6.36	100.00
C73	05°40'15"	57°17'45"	9.90	4.95	100.00
C74	05°36'29"	57°17'45"	9.79	4.90	100.00
C75	23°00'14"	57°17'45"	40.15	20.35	100.00
C76	35°45'16"	57°17'45"	62.40	32.26	100.00
C77	07°33'44"	28°38'52"	26.40	13.22	200.00
C78	11°36'31"	28°38'52"	40.52	20.33	200.00
C79	21°24'45"	28°38'52"	74.74	37.81	200.00
C80	05°12'40"	57°17'45"	9.09	4.55	100.00
C81	30°53'20"	57°17'45"	53.91	27.63	100.00
C82	05°21'35"	57°17'45"	9.35	4.68	100.00
C83	76°15'31"	95°29'35"	79.86	47.10	60.00
C90	41°49'37"	76°23'40"	54.75	28.66	75.00
C91	82°48'59"	76°23'40"	108.41	66.14	75.00
C92	41°24'35"	76°23'40"	54.21	28.35	75.00
C93	158°00'36"	119°21'58"	132.37	247.05	48.00
C94	111°18'49"	286°28'44"	38.86	29.27	20.00
C95	81°09'28"	190°59'09"	42.49	25.69	30.00
C96	13°01'40"	57°17'45"	22.74	11.42	100.00
C97	20°19'27"	19°05'55"	106.42	53.77	300.00
C98	26°01'53"	57°17'45"	45.43	23.12	100.00
C99	28°21'16"	57°17'45"	49.49	25.26	100.00
C100	32°04'21"	114°35'30"	27.99	14.37	50.00
C101	41°08'36"	114°35'30"	35.90	18.77	50.00
C102	35°02'03"	114°35'30"	30.57	15.78	50.00
C103	29°26'13"	114°35'30"	25.69	13.13	50.00
C104	49°47'21"	114°35'30"	43.45	23.20	50.00

LEGEND

- PARCEL BOUNDARY LINE
- CENTERLINE
- BUILDING SETBACKS
- TWO-STORY BUILDING SETBACKS
- PUBLIC UTILITIES AND DRAINAGE EASEMENTS
- EXISTING BOUNDARIES
- EXISTING RIGHT OF WAY CENTERLINE
- EXISTING EASEMENTS
- EXISTING RIGHT OF WAY
- NO BUILD AREA
- FOUND BRASS CAP MONUMENT AS NOTED
- FOUND 1" OPEN PIPE AFFIXED TAG STAMPED "RLS 40460"
- FOUND SURVEY NAIL
- FOUND CAPPED 1/2" REBAR STAMPED "NES LS 14671" UNLESS OTHERWISE NOTED
- FOUND 1/2" REBAR AFFIXED TAG STAMPED "RLS 40460"
- SET 1/2" REBAR WITH ALUMINUM CAP "LS40640"
- (C) FUTURE DETENTION BASIN – APPROXIMATE LOCATION

NOTE:
FOR ADDITIONAL MEASURED AND RECORD BOUNDARY INFORMATION REFER TO RESULTS OF SURVEY RECORDED AT INSTRUMENT # 3445467 IN THE OFFICE OF THE COCONINO COUNTY RECORDERS.

Instrument # 3488287 4 of 4
Recorded At The Request Of
Date: 7-2-08 at 11:59 am
Records of Coconino County, AZ
Candace Owens, County Recorder

REGISTERED LAND SURVEYOR
CERTIFICATE NO. 40640
THOMAS A. BUTLER
ARIZONA, U.S.A.
Expires 3/31/2010

SCALE: 1" = 100'
0 50 100

SEE DWG FP 2

CALL TWO WORKING DAYS BEFORE YOU DIG
1-800-STAKE-IT

REVISIONS			
NO.	DESCRIPTION	DATE	BY

SWI
Shephard Wesnitzer, Inc.
110 West Dale Ave.
Flagstaff, AZ 86001
928.773.0354
928.774.8934 fax
www.swiaz.com

JOB NO:	06261
DATE:	FEB. 2008
SCALE:	1" = 100'
DRAWN:	TH
DESIGN:	N/A
CHECKED:	TB

McMILLAN MESA VILLAGE
FLAGSTAFF ARIZONA

FINAL PLAT
LOT GEOMETRY

DRAWING NO. FP4
SHT NO. 4 OF 4

PLOTTED: Mar 06, 2008-8:09am
FILE: P:\2006\06261\EP\Final\FP-06261.dwg Eagle_Point_98

3488287 Pages: 4 of 4 05/30/2008 02:38:01 PM

McMILLAN MESA VILLAGE

SPECIFIC PLAN

August 14, 1992

Adopted by Ordinance Number 1779
December 15, 1992

CBA File No. 105970-01-0930
GPS00272.09R

CELLA BARR ASSOCIATES
4911 East Broadway Boulevard
Tucson, Arizona 85711

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McMILLAN MESA VILLAGE

SPECIFIC PLAN

February 20, 1991 Submittal
April 17, 1991 DRB Revisions (1st)
May 29, 1991 DRB Revisions (2nd)
June 6, 1991 DRB Revisions (3rd)
June 14, 1991 PZ Commission Submittal

Prepared for:

City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

and

Richard A. Dennis
and
Spartan Technologies, Inc.

Prepared by:

Cella Barr Associates
4911 East Broadway Boulevard
Tucson, Arizona 85711

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I. SPECIFIC PLAN SUMMARY

The McMillan Mesa Village Specific Plan establishes comprehensive guidance and regulations for the development of approximately 146 acres located on Switzer Mesa within the City of Flagstaff, Arizona. The Specific Plan implements the approved City of Flagstaff General Plan as embodied in the Growth Management Guide 2000 by specifying policies and site development standards, which, when adopted, will replace the current zoning on the property. The plan is a regulatory guide for the future development of a balanced community of residential, office, commercial, research park and recreational uses that promotes an aesthetically pleasing living and working environment by ensuring high standards of development quality.

This specific plan/rezoning request is consistent with the goals and policies of the City's Growth Management Guide 2000. Specifically, Policy 8 encourages the use of vacant infill areas for future growth; Policy 14 identifies activity centers as major areas of employment, educational, commercial, service and residential activities in close proximity to each other; Policy 23 encourages high and medium density residential development near major thoroughfares, activity centers and on the periphery of low density neighborhoods; and Policy 31 recommends that light "clean" industry be convenient to residential areas and in or near activity centers in order to minimize commuting distances. Furthermore, GMG 2000 identifies McMillan Mesa as a future planned activity center, where "people can live near where they work, where they shop, where they go out to eat, and where they find recreational facilities." Therefore, "the auto becomes less necessary, thereby relieving the transportation system of the community."

The McMillan Mesa Specific Plan, hereinafter referred to as the "Plan", consists of 73 pages and 8 exhibits (A through H). The Plan is prepared in accordance with Arizona Revised Statutes, Sections 9-461.08 through 9-461.10.

II. INTRODUCTION

A. Purpose and Intent

The most suitable control mechanism to implement development on McMillan Mesa is the Specific Plan, which, when adopted by City legislative action, serves both a planning function and regulatory function. The McMillan Mesa Village Specific Plan, as a result, becomes an implementation tool of the City's adopted General Plan Land Use Element, as found in the Growth Management Guide 2000.

The McMillan Mesa Village Specific Plan establishes the type, location, intensity and character of development and the required infrastructure. The Plan also shapes development to respond to the physical constraints of the site, coordinates the mix of land use intensities and provides adequate circulation, open space, recreation and other public uses and facilities.

The Specific Plan provides the necessary regulations and environmental documentation for the project area so that future development proposals consistent with the Plan may proceed with Tentative and Final Plats, Site Plans and/or other discretionary permits without further requirements for new environmental documentation and/or rezoning processes.

The primary objective of the McMillan Mesa Village Specific Plan is to implement the City's General Plan through the translation of the City's broader development policies into design concepts and development controls tailored to the plan area. All City policies, standards, criteria and procedures are incorporated by reference into this Specific Plan, except where deviations are warranted to improve design quality, flexibility or harmony as specified herein. In such instances, the more restrictive of the Specific Plan or the Land Development Code shall be the controlling standard.

B. Project Location and Description

McMillan Mesa properties consist of approximately 146 acres of vacant land located on Switzer Mesa and bounded on the north by the new Forest Avenue, on the east by vacant City of Flagstaff property, on the south by the Switzer Mesa Unit 3 subdivision and on the west by Turquoise Drive. The project area is shown on Exhibit A Location Map and the legal description is included as Appendix A.

This location and its proximity to downtown Flagstaff (within one mile), as well as the accessibility to the new Forest Avenue, makes the site well-suited for the creation of an infill mixed-use activity center per the policies of the adopted City of Flagstaff Switzer Mesa Small Area Plan and Growth Management Guide 2000.

C. Authority and Scope

The McMillan Mesa Village Specific Plan has been prepared pursuant to the provisions of the Arizona Government Code, Title 9, Chapter 4, Article 6, Sections 9.461.08 through 9.461.10. The Arizona Revised Statutes authorize jurisdictions to adopt specific plans by ordinance or resolution as regulation. Public hearings are required by both the City Planning and Zoning Commission and the City Council, after which the Specific Plan must be adopted by the City Council to be in effect.

The McMillan Mesa Village Specific Plan is a regulatory plan which will serve as the zoning for the subject property. Proposed development plans, or agreements, tentative/final plats or parcel maps, and any other development approval must be consistent with the Specific Plan. Projects which are found consistent with the Specific Plan Development Performance Standards will be deemed consistent with the City's General Plan.

The intent of the McMillan Mesa Village Specific Plan is to provide a concise development plan for the subject property. This Specific Plan will serve to implement the development of the approved plan within the bounds of the regulations provided herein.

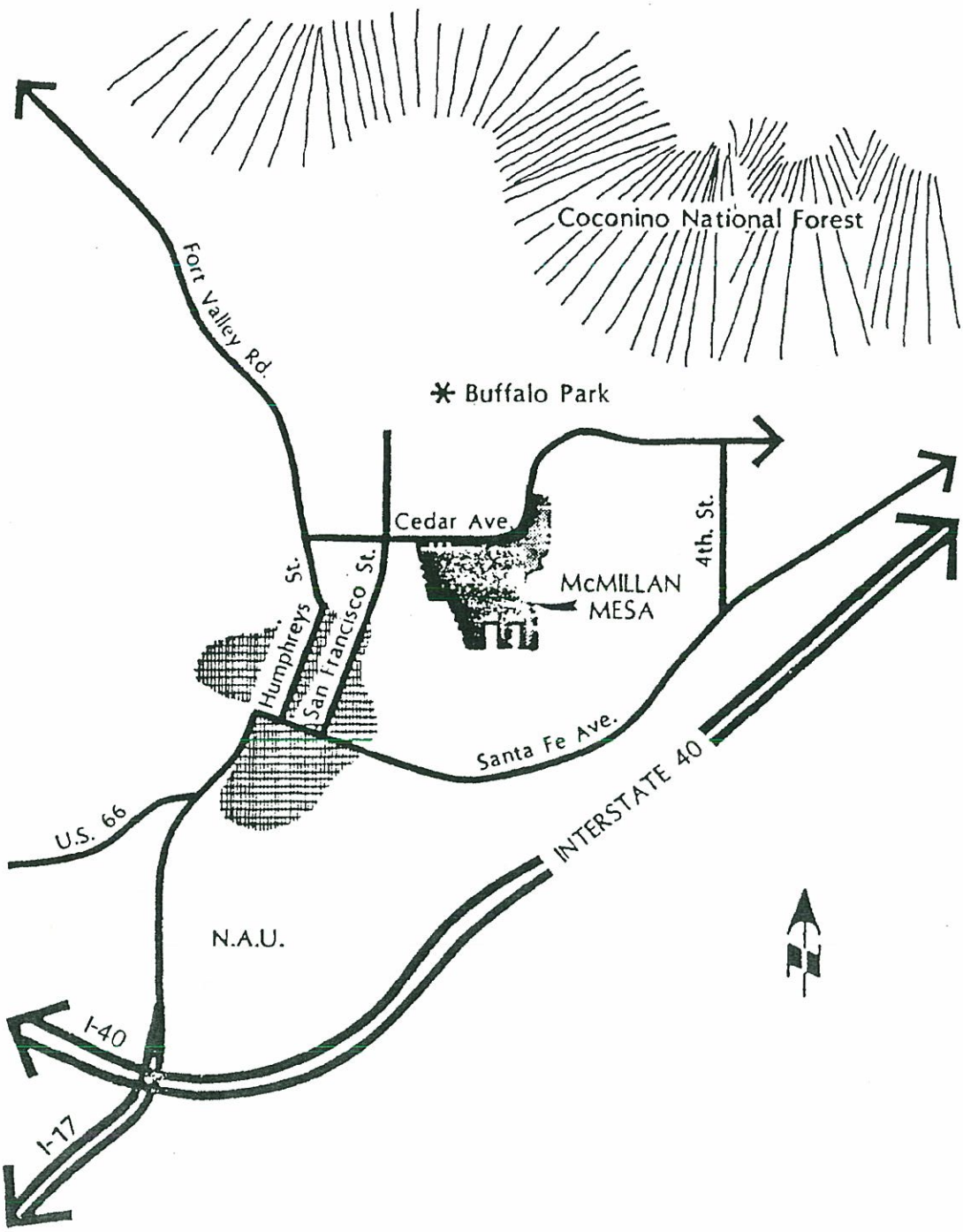


Exhibit A

Location Map

D. Goals and Objectives

Several objectives have been defined to guide future development and to create a mix of land uses which will be harmonious in its setting and, at the same time, meet standards of open space, circulation, intensity of use, and development character. In addition to creating a balanced mixed-use community, the project objectives include the following:

1. Implement the goals and policies of the City of Flagstaff Growth Management Guide 2000 with respect to land use and circulation.

2. Create an integrated employment/activity center and residential community which preserves the integrity of significant natural features and provides recreation/open space amenities in conjunction with new infill development.

3. Develop land uses logically on the property (considering clustering, massing and intensity of scale), to achieve continuity of design and establish a sense of identity.

4. Establish a distinct urban character by employing a variety of architectural treatments while maintaining a consistent overall design theme, and by assuring continuity through coordinated landscaping, signage, street furniture and lighting.

5. Assure compatibility of new development with the existing neighborhood by using compatible land uses, density transitions, setbacks, variations in building height and by providing visual and pedestrian linkages.

6. Provide for pedestrian and bikeway networks throughout the project area to interconnect all land uses, create a unifying element within the project and reduce the need for auto-related trips.

7. Create a functionally and aesthetically integrated development that enhances the image of the City.

8. Ensure coordinated, responsible planning through the use of cohesive procedures, regulations, standards and guidelines.

9. Provide a backbone infrastructure system and public facilities to support development in an efficient and timely manner.

E. Definitions

The terms and definitions used in this Plan shall mean those defined in the City of Flagstaff Land Development Code, with the following exceptions.

Base Site Area The Base Site Area is the gross site area less major and minor arterial roads per current City General Plan within ultimate rights-of-way of existing roads, rights-of-way of major utilities owned by said utilities, and existing access easements and less land which is not contiguous and less land previously reserved for open space and less residential use land for non-residential development or non-residential land for residential development.

Building Coverage The percentage of a building lot or development area which is covered by all structural buildings, including accessory buildings.

Building Group Two or more buildings or structures with separate entrances to each as constructed on an individual development site (not development area).

Business Park Business Park is intended to provide for the development of a mix of office, research and production, and quality light industrial uses with the emphasis on office and research uses. The uses are to be grouped in a campus or park-like setting. The district is further intended to promote the provision of ample off-street parking and loading areas, open space, and landscape buffers in areas adjacent to non-business development or other incompatible land uses.

City The City of Flagstaff.

Density, Gross (GD) The quotient of the total number of dwelling units divided by the base site area.

Density, Net (ND) The quotient of the total number of dwelling units divided by the net buildable site area of the site.

Design Review Committee A three or more member committee whose function is to review all proposals for construction to assure that the project is developed in accordance with the project Design Guidelines and CC&Rs. The members of this committee shall be appointed by the Board of Directors of the Land Owners Association.

Developer An individual, entity or owner who acquires or leases development areas in the McMillan Mesa Village Specific Plan Area for the purpose of developing said development areas in accordance with the Plan.

Development Areas Development parcels "A through J" as described on the Land Use Plan to which specific land uses and regulations, including other applicable City codes, governing their development have been applied. The preliminary acreages shown for each development area is the base site area.

Financial Institution A land use classification relating to places in which are provided management and transactions concerning monetary resources.

Floor Area The sum of the gross floor area of the enclosed horizontal areas of each floor of a building measured from the exterior faces of the exterior walls, excluding non-leasable areas such as elevator shafts, atriums, stairwells, floor space used for mechanical equipment room, attic space, off-street parking and loading, ways for ingress and egress from vehicular parking and loading areas. Plans submitted for City approval must indicate non-leasable or non-habitable floor area.

Floor Area Ratio The floor area ratio is the proportion of building square footage permitted for each square foot of land area of the building lot or development area. It is computed by dividing the floor area by the lot area. A measure, for comparative purposes, of the intensity of the use of land.

Floor Area Ratio, Gross (GFAR) An intensity measured as a ratio derived by dividing the total floor area of a building or structure by the base site area.

Floor Area Ratio, Net (NFAR) An intensity measured as a ratio derived by dividing the total floor area of a building or structure by the net buildable site area.

General Plan The City of Flagstaff General Plan as embodied in the Growth Management Guide 2000.

High Density Residential (HR) High Density Residential is intended to provide for multiple-family residential areas in which the principal land use is high density residential. The district is intended to provide an environment having maximum living amenities onsite. The district permits all dwelling unit types in Division 10-05-003 of the Land Development Code, except for cluster lot house and manufactured home, so as to provide a high density residential use that meets the needs of the residents of the City of Flagstaff. This district shall further require the provision of public sanitary sewer and public water supply facilities.

Land Development Code (LDC) Land Development Code refers to the Land Development Code of the City of Flagstaff, Arizona, Ordinance 1690 adopted by the Flagstaff City Council on April 8, 1991 and subsequent amendments and revisions.

Landscape Surface Ratio (LSR) The number derived by dividing the area of landscape surface by the base site area.

Land Owners Association Shall be composed of all the owners of property in McMillan Mesa Village, excepting only the owners of the school/park site and the Enterprise corridor if it is held for or used as a road right-of-way. If Areas E or J are used for uses other than the school/park or the transportation corridor, they will be subject to the CC&Rs and their owners will be included in the Land Owners Association.

Medium Density Residential (MR) Medium Density Residential is intended to provide for areas in which the principal land use is moderate density residential. It is also intended that this district be used to allow for the development of single-family dwellings of the detached and cluster-type house. This district also allows planned development in accordance with Land Development Code Table 10-04-002-0003 and 10-05-003-0001. This district shall further require the provision of public sanitary sewer and public water facilities.

Net Buildable Site Area Net buildable site area is the base site area less the larger of either the Resource Protection Land or the Minimum Landscaped Surface Area.

Open Space Undeveloped land used primarily for resource protection or recreational purposes.

Open Space Ratio (OSR) The proportion of a site consisting of open space as specified in Section 10-04-002-0003 of the LDC, which shall be calculated using the base site area.

Owner Any individual or entity owning real property within the project.

Plan The Specific Plan for the McMillan Mesa Village project.

Project The McMillan Mesa Village project.

Recreation An activity, generally in a defined space, which relates to the pursuit of active or passive movement to refresh body or mind, such as: tennis, swimming, walking, jogging, bicycling, painting, board or card games, etc.

Research and Development Activities to include research, engineering, high technology and light manufacturing, processing and fabrication, product development, office and administrative functions and business-support services. These activities are appropriate for Business Park (BP) Districts.

State The State of Arizona.

Suburban Commercial Suburban Commercial is intended to provide for convenience and neighborhood commercial uses in areas with suburban character by controlling the intensity of use and landscaping. The uses shall provide for retail and service establishments which supply commodities or perform services meeting the needs of the neighborhood.

COCONINO COUNTY RECORDER
OFFICIAL RECORDS OF
COCONINO COUNTY
INST#:93-01088 FEE:$ 28.00
AT THE REQUEST OF:
CITY OF FLAGSTAFF
DATE: 01/14/93 TIME: 10:40
DKT: 1535 PG: 923 #PAGES: 47

ORDINANCE NO. 1779

AN ORDINANCE AMENDING THE CITY OF FLAGSTAFF ZONING MAP BY ADOPTING A SPECIFIC PLAN FOR A PORTION OF McMILLAN MESA, AND REZONING CERTAIN PARCELS OF LAND TO ACCOMPLISH THE DESIGNATIONS SET FORTH IN THE McMILLAN MESA AREA PLAN.

WHEREAS, the Council has reviewed the Planning Division report dated September 9, 1992, in regard to the proposed amendment to the Growth Management Guide 2000, the adoption of the "McMillan Mesa Area Plan", and the proposed revision to the City of Flagstaff Zoning Map; and discussed generally the adoption of the specific plan for 146 acres located in the 300 block of East Forest Avenue; and

WHEREAS, the Council has found that the specific plan protects the operational safety and arterial function of the newly realigned Forest/Cedar Avenue and reserves the previously adopted roadway corridor alignment for the future location of a north-south enterprise roadway in the most favorable location; that the proposed specific plan will maintain a self-contained neighborhood concept to include an elementary school site and neighborhood park; that the plan will maintain the open space and pedestrian components previously identified in the GMG 2000; that the adoption of the plan will promote a higher quality of development than could be achieved under the existing zoning categories of the Land Development Code; and

WHEREAS, the Council finds that the circulation elements set forth in the specific plan are in conformance with policy statements 35, 36 and 37 of the GMG 2000; that the land use and zoning concepts set forth in the specific plan further policies 8, 23 and 31 of the GMG 2000; that the self-contained neighborhoods, the proposed densities, and the activity center set forth in the plan are in conformance with policy number 13 and 14 of the GMG 2000; that the open space and pedestrian component elements specific plan are in conformance with policy numbers 17 and 44 of the GMG 2000; and

WHEREAS, the Council has determined that it will adopt the McMillan Mesa Village Specific Plan prepared by Cella Barr Associates (dated August 14, 1992) as an amendment to the GMG 2000 and following the Council public hearing dated October 6, 1992; and

WHEREAS, the Council finds that the zoning that has been proposed by the specific plan will be beneficial to the community as a whole, and that it will not be detrimental to adjacent or surrounding lands and their existing and planned uses; and

WHEREAS, the Council has reviewed the minutes of the Planning Commission of September 15 and September 22, 1992, which reflect that the Planning and Zoning Commission held public hearings in regard to the proposed adoption of the specific area plan, and which terminated with the adoption of Resolution No. 92-04 generally approving the adoption of the plan with staff's recommendation and itemizing certain amendments to the staff's recommendation, and that said motion was passed by unanimous vote of the Commission; and

WHEREAS, the Council has reviewed the stipulations that have been prepared by the Planning staff with the original staff recommendations as modified by the motion of the Planning and Zoning Commission;

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

SECTION 1: The zoning designations that will control the development of the land within the area of the McMillan Mesa Specific Plan are set forth below. The Council adopts Exhibit 1 to this Ordinance as a general identification of the parcels included within the specific plan. The illustration of parcels in Exhibit 1 is intended to aid in the understanding of this Ordinance. The descriptions in Exhibit 1 are illustrative only and the formal legal descriptions set forth in the specific exhibits that follow Exhibit 1 shall control to identify the specific parcels and zoning.

A. Development area "A", consisting of approximately 1.25 acres, is hereby rezoned from Rural Residential (RR) to Suburban Commercial (SC). The legal description of development area "A" is attached to this Ordinance as Exhibit A.

B. Development area "B", of approximately 25.15 acres is hereby rezoned from Rural Residential (RR) to High Density Residential District (HR). The legal description of development area "B" is attached hereto as Exhibit B.

C. Development area "C", of approximately 8.41 acres is hereby rezoned from Rural Residential (RR) to Suburban Commercial (SC). The legal description of development area "C" is attached hereto as Exhibit C.

D. Development area "D", of approximately 27.21 acres is hereby rezoned from Rural Residential (RR) to Business park (BP). The legal description of development area "D" is attached hereto as Exhibit D.

E. Development area "E", of approximately 7.80 acres is hereby rezoned from Rural Residential (RR) to Business Park (BP). The legal description of development area "E" is attached hereto as Exhibit E.

F. Development area "F", of approximately 27.50 acres is hereby rezoned from Rural Residential (RR) to Business Park (BP). The legal description of development area "F" is attached hereto as Exhibit F.

G. Development area "G", consisting of approximately 2.48 acres, is hereby rezoned from Rural Residential (RR) to Business Park (BP). The legal description of development area "G" is attached hereto as Exhibit G.

H. Development area "H", containing approximately 8.07 acres is hereby rezoned from Residential District (R-1) to Medium Density Residential (MR). The legal description of development area "H" is attached hereto as Exhibit H.

I. Development area "I", of approximately 12.66 acres shall retain its existing zoning of Residential District (R-1) and High Density Residential (HR) as shown on the existing City of Flagstaff map. The legal description of Development area "I" is attached hereto as Exhibit I.

J. Development area "J", consisting of approximately 27.75 acres, is hereby rezoned from Single Family Residential Established (R-1-E), Single Family (R-1), and Rural Residential (RR) is hereby rezoned to Public Land District (PL). The legal description of development area "J" is attached hereto as Exhibit J.

SECTION 2: The August 14, 1992 edition of the McMillan Mesa Village Specific Plan, prepared by Cella Barr Associates, which has previously been made a Public Record by deposit with the City Clerk and by Council Resolution No. 1810, is hereby adopted by reference and declared to be an official planning document for the development within the land encompassed by the plan and legally described in Section 1 above.

Paragraphs Number I, II, and III of the plan are declared to be planning and policy statements that will govern development within the area.

Paragraphs Number IV, V and VI of the plan are declared to be regulatory in nature and binding upon the applicant and upon the applicant's successors, heirs and assigns. In general, development within the planned area shall be consistent with and in compliance with the provisions of the existing City of Flagstaff Land Development Code, including the regulations governing subdivision and minor land divisions (and in conformance with the City of Flagstaff Engineering Standards). When a conflict may occur between the provisions of the Land Development Code and the provisions of Paragraphs IV, V and VI of the Specific Area Plan, the more restrictive of the conflicting provisions shall apply to govern the development of the land. The procedure for approval of development shall be as specified in the Land Development Code, as that may be amended from time to time.

Paragraph VII of the Specific Plan, entitled Appendices, is considered to be informational material upon which the plan is based.

SECTION 3: The Council finds that during the planning process that has occurred to date, either the developer has proposed, the staff has recommended, or the Planning and Zoning Commission has recommended that certain stipulations should apply to the development of Parcels A through J. The Council finds these stipulations to be reasonable and necessary to the public safety, welfare and convenience and adopts these stipulations as requirements for the specific areas set forth below.

A. Development area "A", stipulations and requirements:

(1) Development option to be limited to office use only.

(2) F.U.T.S. easement, design and construction per City standards is required at subdivision platting stage, or, if a plat is not required, at the site plan review stage. The alignment shall connect the intersection of Turquoise Drive/Forest/Cedar Avenue to the development area's south boundary line.

(3) Sidewalk installation along north property is required at subdivision platting stage, or absent a requirement for a plat, shall occur with site plan approval. The alignment may be designed to permit construction of sidewalk outside of the existing drainage channel adjacent to Forest/Cedar Avenue back of curb.

B. Development area "B", stipulations and requirements:

(1) Street phasing to be amended to include the construction of Village, Turquoise, Gemini and Pine Cliff.

(2) The sidewalk to be located along north property line may be placed outside of Forest/Cedar Avenue drainage and shall be designed and constructed per City of Flagstaff standards when property is platted.

(3) The proposed F.U.T.S. alignment located along west portion of the Area shall be designed and constructed per City of Flagstaff standards when property is platted.

(4) Area restrictions include:

Building height shall be limited to one story within 100 feet of Forest Avenue right-of-way as illustrated on Exhibit "H" of the Specific Plan.

Setbacks from Forest Avenue right-of-way will be 50 feet for buildings and parking as illustrated on Exhibit "H" of the Specific Plan.

C. Development area "C", stipulations and requirements:

() All uses located in this development area shall be performed or carried out entirely within an enclosed building with the exception of outdoor dining and temporary outdoor art displays. The Planning Director may approve certain activities which cannot be carried on within building provided such activity is screened so as not to be visible from neighboring property and streets.

(2) Off-street sidewalk along north property boundary to be designed and installed per City of Flagstaff standards when property is platted.

(3) Area "C" phasing shall be corrected to replace Gemini or Turquoise with Gemini or Pine Cliff.

D. Development area "D", stipulations and requirements:

(1) F.U.T.S. easement, design, and construction per City of Flagstaff standards is required when development area is platted.

(2) Area restrictions to include:

No restaurant development option will be allowed.

Fifty percent (50%) of the trees located in the tree protection area, as shown on Exhibit 1 of the

Specific Plan, and having a DBH of six (6) inches or more shall be retained and protected. Prior to development approval of area "D", the protection area, as illustrated on Exhibit I shall be legally described.

Street phasing to be amended to include the construction of Village, Gemini, and Pine Cliff.

E. Development of area "E", stipulations and requirements:

(1) Off-street sidewalk along north property boundary to be designed and installed per City of Flagstaff standards when property is platted.

(2) No restaurant development options will be allowed.

F. Development area "F", stipulations and requirements:

(1) Sidewalk installation along Forest/Cedar Avenue shall be designed and constructed per City of Flagstaff standards when property is platted.

(2) Restaurant development option shall be limited to one restaurant of the full-service, sit-down type, with no drive through or fast food characteristics. It shall be limited to size of 7,500 square feet and be located at least 250 feet from the northwest corner of development area.

(3) Fifty percent (50%) of the trees located in the tree protection area, as shown on Exhibit I of the Specific Plan, and having a DBH of six (6) inches or more shall be retained and protected. Prior to development approval of area "D", the protection area, as illustrated on Exhibit I shall be legally described.

G. Development area "G", stipulations and requirements:

(1) Restaurant development option shall not be permitted.

H. Development area "H", stipulations and requirements:

(1) The proposed F.U.T.S. alignment located along the west portion of the area shall be designed and constructed per City of Flagstaff standards when property is platted.

(2) Street phasing to be amended to include the construction of Pine Cliff and Gemini.

I. Development area "I", stipulations and requirements:

(1) The proposed F.U.T.S. alignment located along the west portion of the area shall be designed and constructed per City of Flagstaff standards when property is platted.

(2) Greenbelt corridor widths illustrated on Exhibits "F" and "G" shall be defined and outlined in area "I" restrictions.

(3) Density transfer section shall be amended as follows:

The maximum yield site capacity for residential units from Development Sub-Area I(c)(4.982 ac) shall be transferred to Development Sub-Area I(a) or Development Area "H" on the condition and with the restriction on Development Sub-Area I(c) that Development Sub-Area I(c) shall remain undeveloped open space, with no future right to any residential use. The development site capacity for residential use of Development Sub-Areas I(a) and I(b) shall be the sum of the calculated site capacities of Development Sub-Areas I(a), I(B), and I(c) under their current zoning. See Appendix A.

(4) Area restrictions to include the following:

Only single family detached housing types will be permitted in that portion of Area I located south of Pinon Court.

J. Development area "J", stipulations and restrictions:

(1) F.U.T.S. easement, design and construction per City of Flagstaff standards is required when development area is platted or site planned.

(2) Open Space/Greenbelt area as illustrated on the Land Use Element of GMG 2000 shall be maintained and implemented into the future park/school site development.

(3) The greenbelt corridor separating development areas "J" and "D" shall be centered on the parcel boundary.

(4) Street phasing to be amended to include the construction of Pine Cliff or Gemini.

SECTION 4: The Council finds, based upon staff recommendation and upon the recommendation of the Planning and Zoning Commission following public hearings, that the following conditions of development shall also apply to the specific plan as a whole, and are hereby declared to be an obligation of the applicant and of the applicant's heirs, successors and assigns to be requirements to be met as part of the development of the parcel or parcels affected, or to be considered to be amendments to the specific plan as appropriate.

1. Developer shall construct a traffic signal at the intersection of Gemini and Forest/Cedar Avenue when a development area requiring Gemini construction is proposed for development.

2. Developer shall revise the drainage impact analysis of the specific plan to utilize the City's sub-regional detention basin policy approach, to include limiting the maximum number of detention basins to six, until a comprehensive, detailed hydrology report addressing multiple detention basin routing justifies the need for additional detention basins.

3. Exhibit "G", Greenbelt Corridor Section of the Specific Plan shall be amended by adding a minimum width of 50 feet.

4. That sign design standards of the specific plan relating to entryway sign be revised to allow the following:

   Primary structure not to exceed five (5) feet in height and thirty-five (35) feet in length, with a sign area of not more than one hundred (100) square feet.

   Secondary structure not to exceed four (4) feet in height and twenty-five (25) feet in length with a sign area of not more than fifty (50) square feet.

5. Tree protection Exhibit "I" shall be included in the specific plan.

SECTION 5: Prior to the second reading of the Ordinance, the developer shall cause the McMillan Mesa Specific Plan to be amended to reflect those of the stipulations and requirements set forth in Section 3 of this Ordinance that are itemized below:

Section 3:

A.	(1)	F.	(2) and (3)
B.	(1) and (4)	G.	(1)
C.	(1) and (3)	H.	(2)
D.	(2)	I.	(2) and (3)
E.	(2)	J.	(4)

The amended Plan shall set forth the provisions itemized above as part of the pages of the Plan that discuss the development of the individual sub-areas, i.e. Development Area A, or D, etc. That amended Plan may include the stipulations and requirements that have not been itemized in this Section 5 as part of an addendum page or pages that sets forth a certified copy of this entire Ordinance.

PASSED AND ADOPTED by the Council and approved by the Mayor of the City of Flagstaff, this 15th day of December, 1992.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

The McMillan Mesa Village
Minor Amendment to the Specific and Regional Plans

Public Participation Plan

Objective: Provide the neighbors, interested parties and stakeholders with an opportunity to provide input regarding the McMillan Mesa Village zoning change.

The Owner intends to use a variety of methods to inform the community of the proposed amendment and how to become involved and stay informed. The following methods will be utilized for the public meeting:

a) A list of stakeholders, interested parties and neighbors was created from the County Assessor's records and maps. Properties within 600 feet of the boundary of the McMillan Mesa Village were included.

b) The Owner will advertise to the stakeholders, interested parties, and neighbors by first class mail. The general public will be informed by posting of meetings and hearing on the property, at the City offices, and in the newspapers.

The purpose of this meeting will be to inform the public about the proposed amendments to the Specific and Regional Plan and educate them on the changes these amendments will have on the McMillan Mesa.

The public will be provided a point of contact on the Project Team, to whom they may address issues, concerns, or suggestions.

After the Public Meeting the Owner will produce a report that summarizes the meeting, identifies the attendees, and provide comments received at the meeting. All invitees will receive a copy of the meeting report and the answers to questions posed. This report will be given to the Planning and Zoning commission and the City Council.

See attached proposed Agenda for the Public Meeting.

THE MCMILLAN MESA VILLAGE SPECIFIC PLAN AMENDMENT and FLAGSTAFF REGIONAL PLAN 2030 AMENDMENT and Re-Zoning of Parcels C, D1, D3 and Ic

Public Participation Meeting #1

Date: TBD

Location: TBD

Time: TBD *(7:00 – 8:30 pm)*

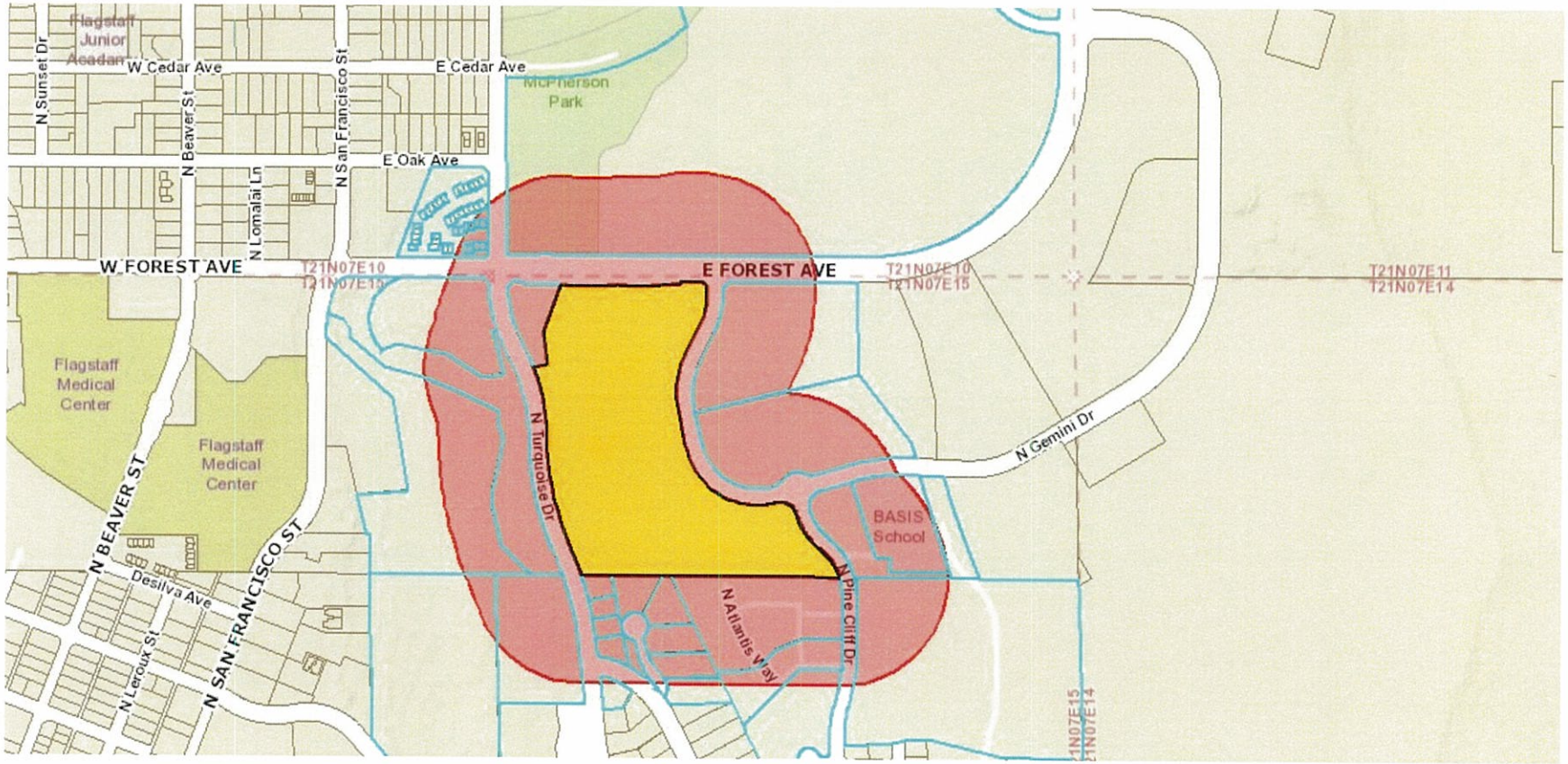
AGENDA

1. Introduction of Team Members	MMV & Team	5 mins
2. Description of the McMillan Mesa Village Properties associated with the Amendment	MMV & Team	5 mins
3. Description of the proposed Amendment and the conceptual drawings of the areas to be amended	MMV & Team	10 mins
4. Follow up items from previous meeting	MMV & Team	10 mins
5. Opportunity for participants to provide input and ask questions	ALL	30 mins
6. Conclusion	MMV	5 mins

The MMV Team will able available for another 30 minutes to meet with the Neighbors and interested parties and collect contact information as may be necessary

600 Foot Radius Map for Parcel B McMillan Mesa Village

Parcel B

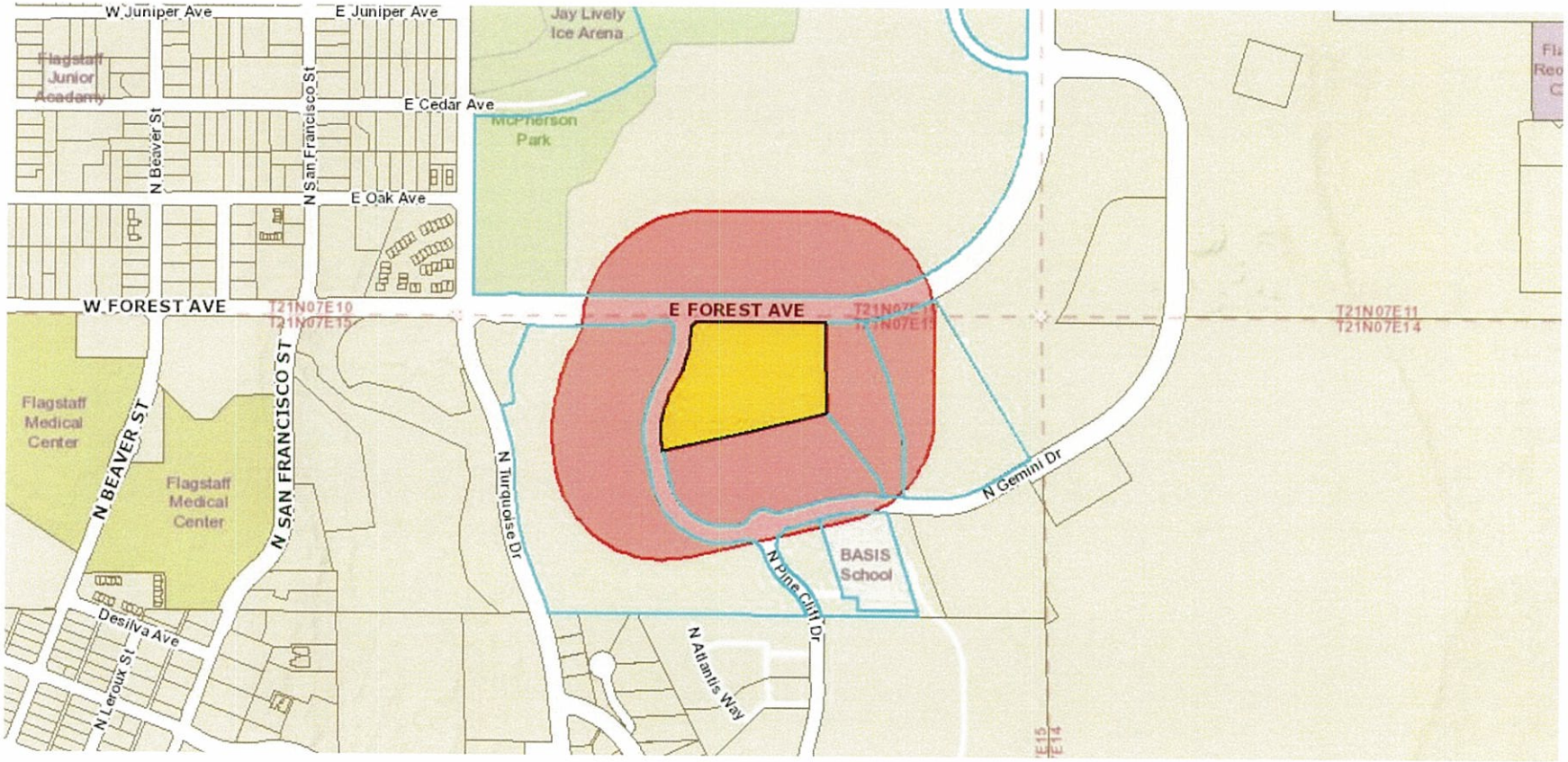


Parcel B 600 foot buffer McMillan Mesa Village									
APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	ST	ZIPCODE	OWNER Mailing ADDRESS	CITY	STATE	ZIPCODE
11009043	SEYFERT JOHN H III TRUST DTD 8-3-95	111 E OAK AVE #43	FLAGSTAFF	AZ	86001	1547 DAYDREAM DR	FLAGSTAFF	AZ	86001
11009044	DALLIS GOGI L	111 E OAK AVE #44	FLAGSTAFF	AZ	86001	PO BOX 913	DANA POINT	CA	92629
10126020	VANTAGE FBO	1183 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	20860 N TATUM BLVD STE 240	PHOENIX	AZ	85050
10126018	7 CHARMS ENTERPRISES LLC	1141 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	PO BOX 3917	FLAGSTAFF	AZ	86003
10126019	ROSE ROBERT & NARUMI CPWROS	1165 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	15303 COURT GREEN TRL	CYPRESS	TX	77433
10126021	HISER FAMILY TRUST DTD 12-6-06	1211 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	1040 ARDREY CIRCLE	FLAGSTAFF	AZ	86001
10128007C	FLAGSTAFF CITY OF	1300 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
11009013	WALD-HOPKINS W DAVID & CHRISTINE M	111 E OAK AVE #13	FLAGSTAFF	AZ	86001	3811 CALLE BARCELONA	TUCSON	AZ	85716
11009032	LAMASTER ROBERT KENNETH	111 E OAK AVE #32	FLAGSTAFF	AZ	86001	111 EAST OAK DR NO 32	FLAGSTAFF	AZ	86001
10137001C	NORTHERN ARIZONA DERMATOLOGY CENTER ; MEDICAL BUILDING LLC	1490 N TURQUOISE DR	FLAGSTAFF	AZ	86001	1490 N TURQUOISE DR	FLAGSTAFF	AZ	86001
10126002A	ESPINO LUPE G	1080 N TURQUOISE DR	FLAGSTAFF	AZ	86001	2627 N FOX RUN DR	FLAGSTAFF	AZ	86004
10101019	ORTHOLAND LLC	1485 N TURQUOISE DR	FLAGSTAFF	AZ	86001	1485 N TURQUOISE DR STE 200	FLAGSTAFF	AZ	86001
11009035	SCHAFFNER FRANK W	111 E OAK AVE #35	FLAGSTAFF	AZ	86001	1219 E LUKE AVE	PHOENIX	AZ	85014
11009033	HARTMAN LEILANI O & CHARLES E	111 E OAK AVE #33	FLAGSTAFF	AZ	86001	111 E OAK AVE #33	FLAGSTAFF	AZ	86001
11009034	DRUMM THOMAS J	111 E OAK AVE #34	FLAGSTAFF	AZ	86001	111 E OAK AVE NO 34	FLAGSTAFF	AZ	86001
11009036	MARZILLI JUDITH	111 E OAK AVE #36	FLAGSTAFF	AZ	86001	111 E OAK AVE #36	FLAGSTAFF	AZ	86001
11009041	SHIVA41 LLC	111 E OAK AVE #41	FLAGSTAFF	AZ	86001	2302 E GARDENIA	PHOENIX	AZ	85020
11009042	BLACK WILLIAM	111 E OAK AVE #42	FLAGSTAFF	AZ	86001	111 E OAK AVE #42	FLAGSTAFF	AZ	86001
10101011D	FLAGSTAFF-112 HOLDINGS LTD PARTNERSHIP	900 N SWITZER CANYON DR	FLAGSTAFF	AZ	86001	503 BATH STREET 3RD FLOOR	SANTA BARBARA	CA	93101
10144002	SIMPSON ROBERT G & MARY P	1170 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	1170 N WORTHINGTON PLACE	FLAGSTAFF	AZ	86001
10144003	GS INVESTMENT GROUP LLC	1150 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	4560 E THISTLE LANDING	PHOENIX	AZ	85044
10144001	GLOVER JAMES MICHAEL & CHRISTINE ELIZABETH	1200 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	1200 N WORTHINGTON PL	FLAGSTAFF	AZ	86001
10101020A	FLAGSTAFF MEDICAL CENTER INC	1420 N SAN FRANCISCO ST	FLAGSTAFF	AZ	86001	PO BOX 1268	FLAGSTAFF	AZ	86002
10101020B	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10144007	CLIFFSIDE ESTATES HOMEOWNERS ASSOC INC		FLAGSTAFF	AZ	86001	PO BOX 1838	FLAGSTAFF	AZ	86002
10144004	DANIEL THOMAS PAUL & KAREN ANN	1130 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	16634 S 3RD PL	PHOENIX	AZ	85048
10144005	AUSTIN JAMES MARION	1110 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	125 E PAULINE DR	FLAGSTAFF	AZ	86001
10144006	CLIFFSIDE ESTATES HOMEWOWNERS ASSOC INC		FLAGSTAFF	AZ	86001	PO BOX 1838	FLAGSTAFF	AZ	86002
10128005G	FLAGSTAFF MEDICAL CENTER INC	1133 N TURQUOISE DR	FLAGSTAFF	AZ	86001	PO BOX 1268	FLAGSTAFF	AZ	86002
10146005A	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146005B	BASIS SCHOOL INC	1700 N GEMINI DR	FLAGSTAFF	AZ	86001	7702 E DOUBLETREE RANCH RD	SCOTTSDALE	AZ	85258
10146009B	FSL ST FRANCIS VILLAS LP	1351 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1201 E. THOMAS RD.	PHOENIX	AZ	85014
10146009A	FSL HOLDING PROPERTIES LLC		FLAGSTAFF	AZ	86001	1201 E THOMAS RD	PHOENIX	AZ	85014
10146001A	MMV DEVCO LLC	1251 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10137002H	FLAGSTAFF CITY OF	1750 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10128007E	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
11008001G	FLAGSTAFF CITY OF	2400 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146002	MMV DEVCO LLC	1600 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146004	MMV DEVCO LLC	1651 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146003	MMV DEVCO LLC	1551 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260

Parcel B

600 foot buffer map for Parcel C McMillan Mesa Village

Parcel C



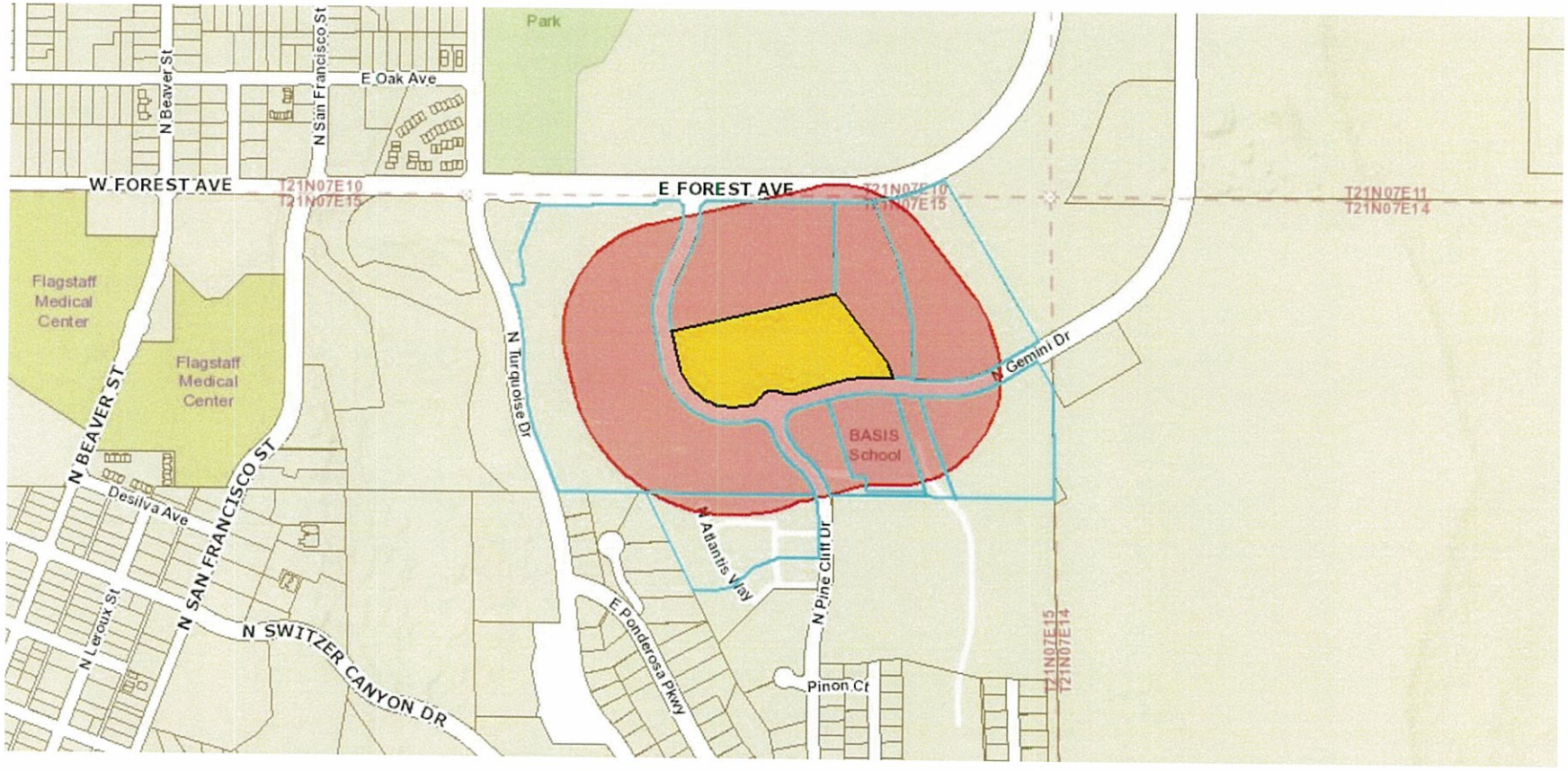
Parcel C 600 foot Mailing List McMillan Mesa Village

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY			OWNER ADDRESS	OWNER CITY		ZIPCODE
10146005A	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146005B	BASIS SCHOOL INC	1700 N GEMINI DR	FLAGSTAFF	AZ	86001	7702 E DOUBLETREE RANCH RD	SCOTTSDALE	AZ	85258
10137001E	FLAGSTAFF CITY OF	1751 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
11008001G	FLAGSTAFF CITY OF	2400 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146002	MMV DEVCO LLC	1600 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146004	MMV DEVCO LLC	1651 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146003	MMV DEVCO LLC	1551 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146007	MMV DEVCO LLC	1801 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260

Parcel C

Parcel D1 600 Foot Radius Map McMillan Mesa Village

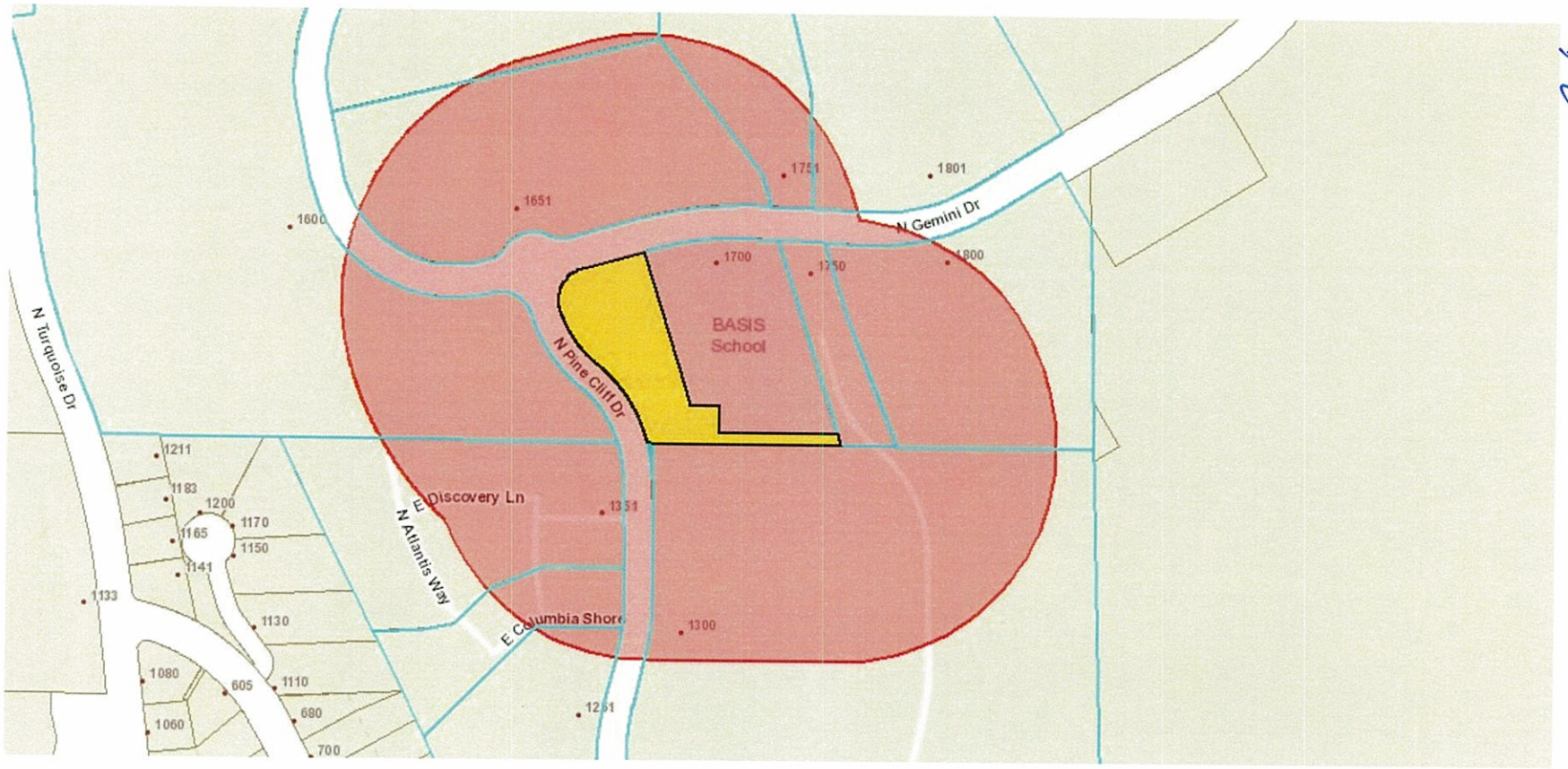
Parcel D1



PARCEL D1 600 ft mailing list

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	SITUS STA	SITUS ZIPC	OWNER ADDRESS			
10146005A	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146005B	BASIS SCHOOL INC	1700 N GEMINI DR	FLAGSTAFF	AZ	86001	7702 E DOUBLETREE RANCH RD	SCOTTSDALE	AZ	85258
10146009B	FSL ST FRANCIS VILLAS LP	1351 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1201 E. THOMAS RD.	PHOENIX	AZ	85014
10137002H	FLAGSTAFF CITY OF	1750 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137001E	FLAGSTAFF CITY OF	1751 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146002	MMV DEVCO LLC	1600 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146004	MMV DEVCO LLC	1651 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146003	MMV DEVCO LLC	1551 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146006	MMV DEVCO LLC	1800 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146007	MMV DEVCO LLC	1801 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260

600 ft radius Map for Parcel D2 McMillan Mesa Village

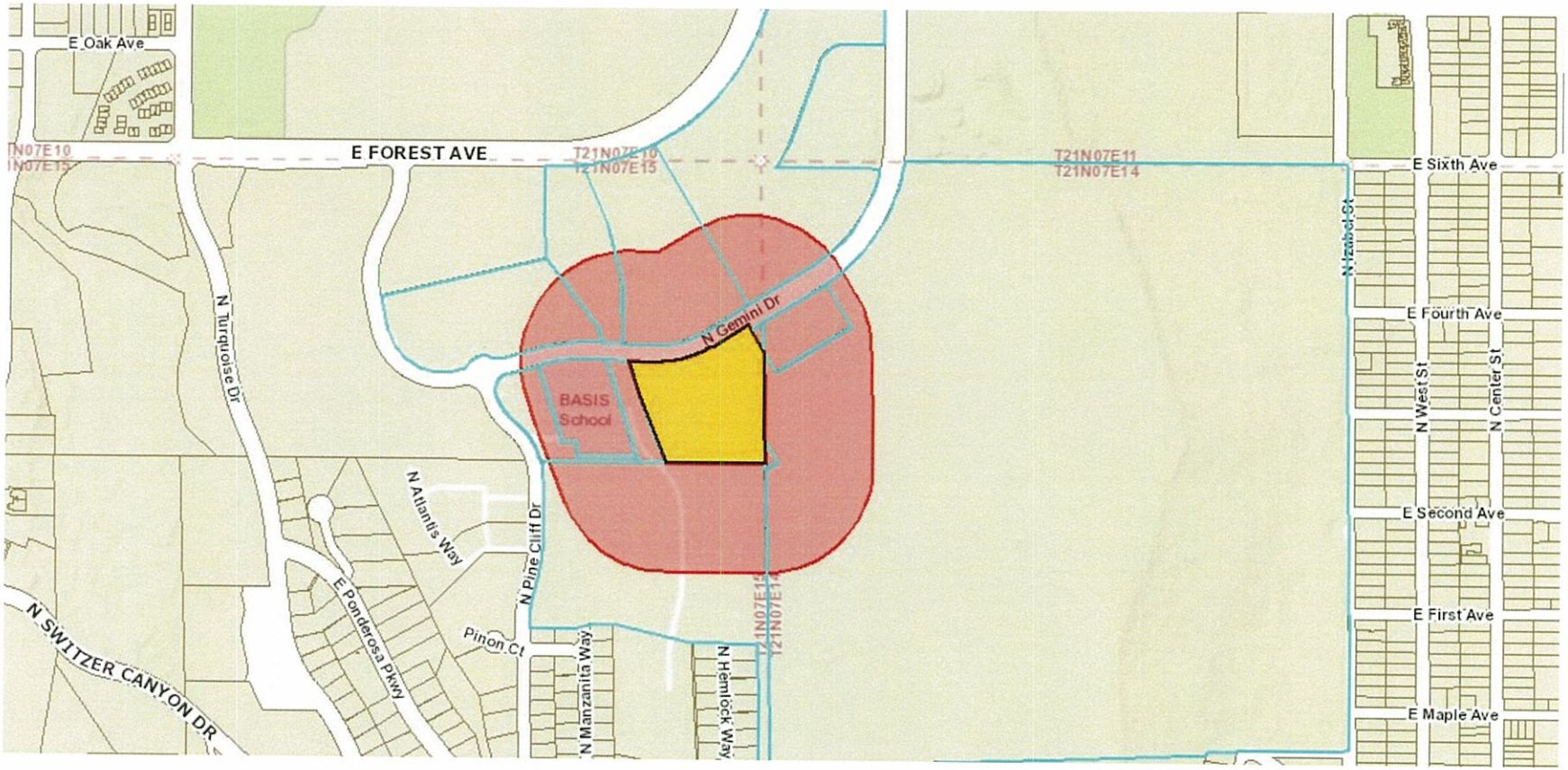


2.1

PARCEL D2 600 FOOT BUFFER MCMILLAN MESA VILLAGE

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	SITUS STAT	SITUS ZIPC	OWNER AI	OWNER ADDRESS 2			
10128007C	FLAGSTAFF CITY OF	1300 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE		FLAGSTAFF	AZ	86001
10146005A	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200		SCOTTSDALE	AZ	85260
10146005B	BASIS SCHOOL INC	1700 N GEMINI DR	FLAGSTAFF	AZ	86001	7702 E DOUBLETREE RANCH RD		SCOTTSDALE	AZ	85258
10146009B	FSL ST FRANCIS VILLAS LP	1351 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1201 E. THOMAS RD.		PHOENIX	AZ	85014
10146009A	FSL HOLDING PROPERTIES LLC		FLAGSTAFF	AZ	86001	1201 E THOMAS RD		PHOENIX	AZ	85014
10146001A	MMV DEVCO LLC	1251 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200		SCOTTSDALE	AZ	85260
10137002H	FLAGSTAFF CITY OF	1750 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE		FLAGSTAFF	AZ	86001
10128007E	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE		FLAGSTAFF	AZ	86001
10137001E	FLAGSTAFF CITY OF	1751 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE		FLAGSTAFF	AZ	86001
10146002	MMV DEVCO LLC	1600 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200		SCOTTSDALE	AZ	85260
10146004	MMV DEVCO LLC	1651 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200		SCOTTSDALE	AZ	85260
10146003	MMV DEVCO LLC	1551 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200		SCOTTSDALE	AZ	85260
10146006	MMV DEVCO LLC	1800 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200		SCOTTSDALE	AZ	85260
10146007	MMV DEVCO LLC	1801 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200		SCOTTSDALE	AZ	85260

Parcel D3 600 foot Buffer Map McMillan Mesa Village



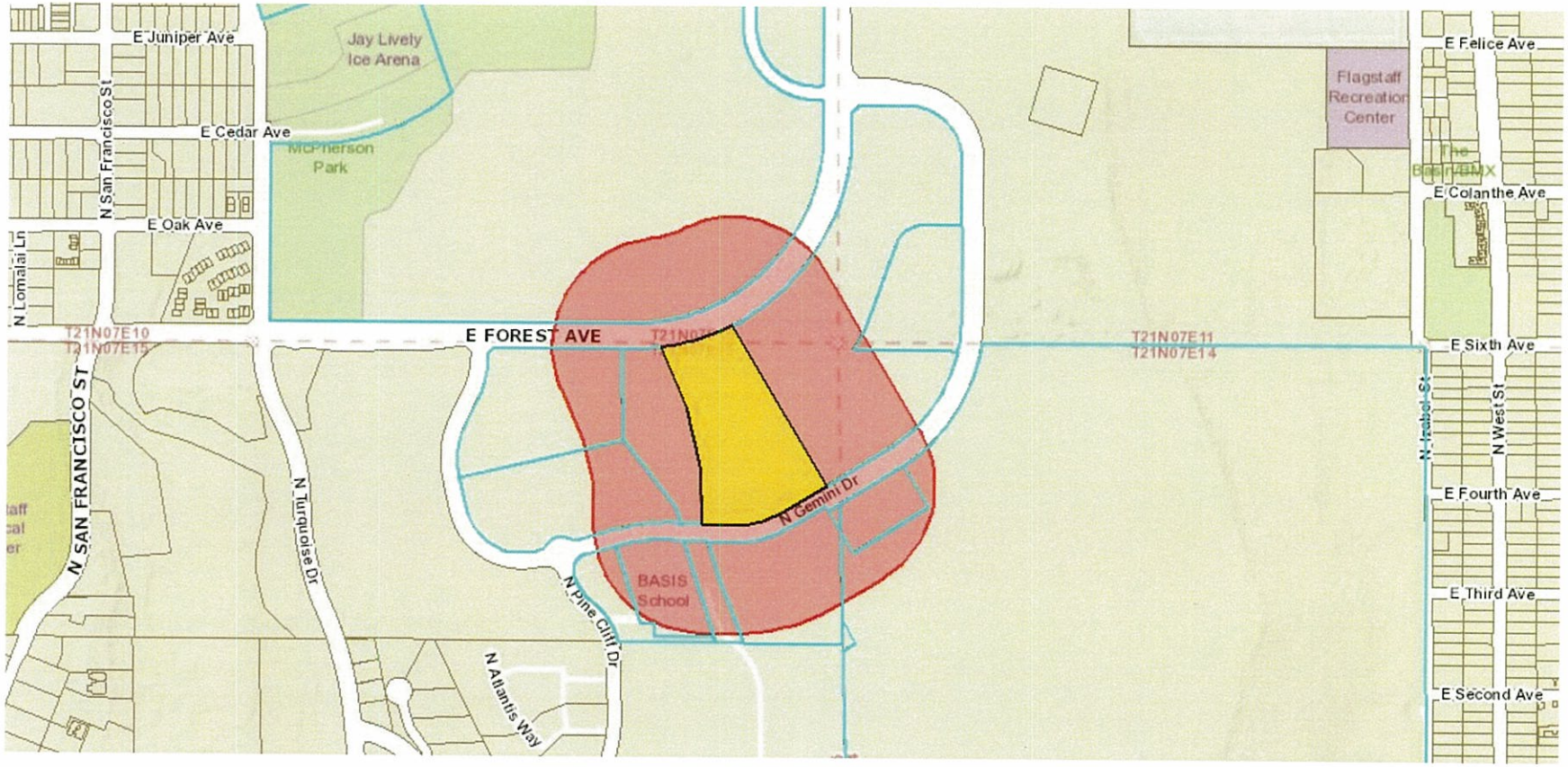
D3

Parcel D3 600 foot Mailing List McMillan Mesa Village

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY			OWNER ADDRESS			
10128007C	FLAGSTAFF CITY OF	1300 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10701001B	FLAGSTAFF CITY OF	N	FLAGSTAFF	AZ	86004	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146005A	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146005B	BASIS SCHOOL INC	1700 N GEMINI DR	FLAGSTAFF	AZ	86001	7702 E DOUBLETREE RANCH RD	SCOTTSDALE	AZ	85258
10146008B	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10701001G	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137002H	FLAGSTAFF CITY OF	1750 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10701001F	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137001E	FLAGSTAFF CITY OF	1751 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137002J	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146004	MMV DEVCO LLC	1651 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146006	MMV DEVCO LLC	1800 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146007	MMV DEVCO LLC	1801 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260

D3

Parcel E 600 foot Buffer Map McMillan Mesa Village



Parcel E

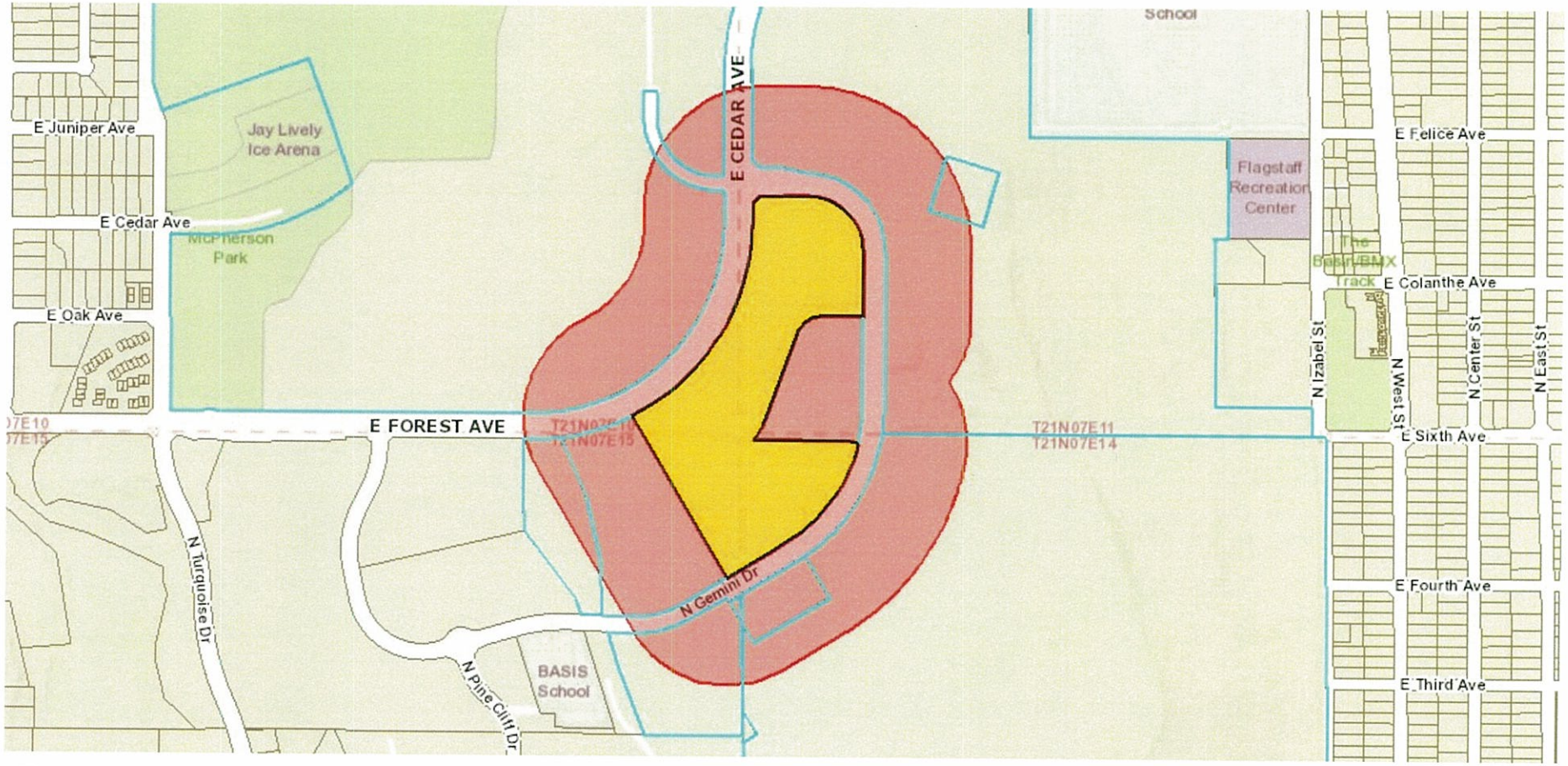
Parcel E Mailing List 600 foot Buffer McMillan Mesa Village

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	SITUS STAT	SITUS ZIPC	OWNER ADDRESS	OWNER CITY		
10701001B	FLAGSTAFF CITY OF	N	FLAGSTAFF	AZ	86004	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146005A	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146005B	BASIS SCHOOL INC	1700 N GEMINI DR	FLAGSTAFF	AZ	86001	7702 E DOUBLETREE RANCH RD	SCOTTSDALE	AZ	85258
10146008B	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146008A	FLAGSTAFF MEDICAL CENTER INC			AZ		PO BOX 1268	FLAGSTAFF	AZ	86002
10137002H	FLAGSTAFF CITY OF	1750 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10701001F	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137001E	FLAGSTAFF CITY OF	1751 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137002J	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
11008001G	FLAGSTAFF CITY OF	2400 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146004	MMV DEVCO LLC	1651 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146003	MMV DEVCO LLC	1551 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146006	MMV DEVCO LLC	1800 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146007	MMV DEVCO LLC	1801 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260

Parcel E

600 Foot radius for Ownership northeasterly portion of the McMillan Mesa Village

Parcel F

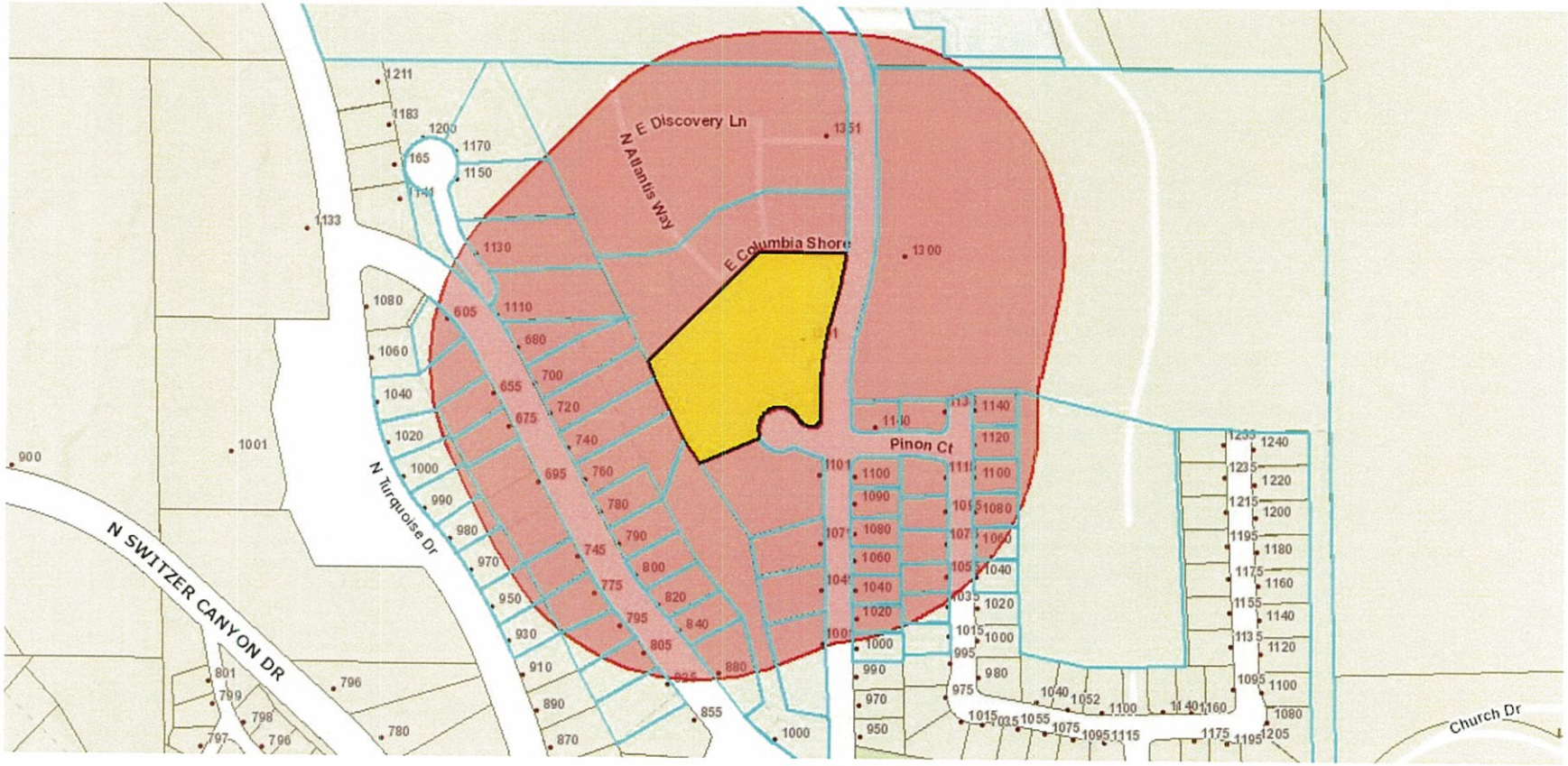


600 FOOT RADIUS FOR PARCEL F MCMILLAN MESA VILLAGE - FLAGSTAFF, AZ - COCONINO COUNTY									
APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	SITUS STATE	SITUS ZIPCODE	OWNER ADDRESS	OWNER CITY	OWNER STATE	OWNER ZIPCODE
10701001B	FLAGSTAFF CITY OF	N	FLAGSTAFF	AZ	86004	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146008B	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146008A	FLAGSTAFF MEDICAL CENTER INC			AZ		PO BOX 1268	FLAGSTAFF	AZ	86002
10701001F	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137001E	FLAGSTAFF CITY OF	1751 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137002J	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
11008001G	FLAGSTAFF CITY OF	2400 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146006	MMV DEVCO LLC	1800 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146007	MMV DEVCO LLC	1801 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10902001N	FLAGSTAFF CITY OF	2100 N GEMINI DR	FLAGSTAFF	AZ	86004	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10902001F	ARIZONA PUBLIC SERVICI	2200 N GEMINI DR	FLAGSTAFF	AZ	86004	PO BOX 53999 MS 9505	PHOENIX	AZ	850723999

Parcel F

Parcel Ia 600 foot Buffer Map McMillan Mesa Village

Parcel Ia

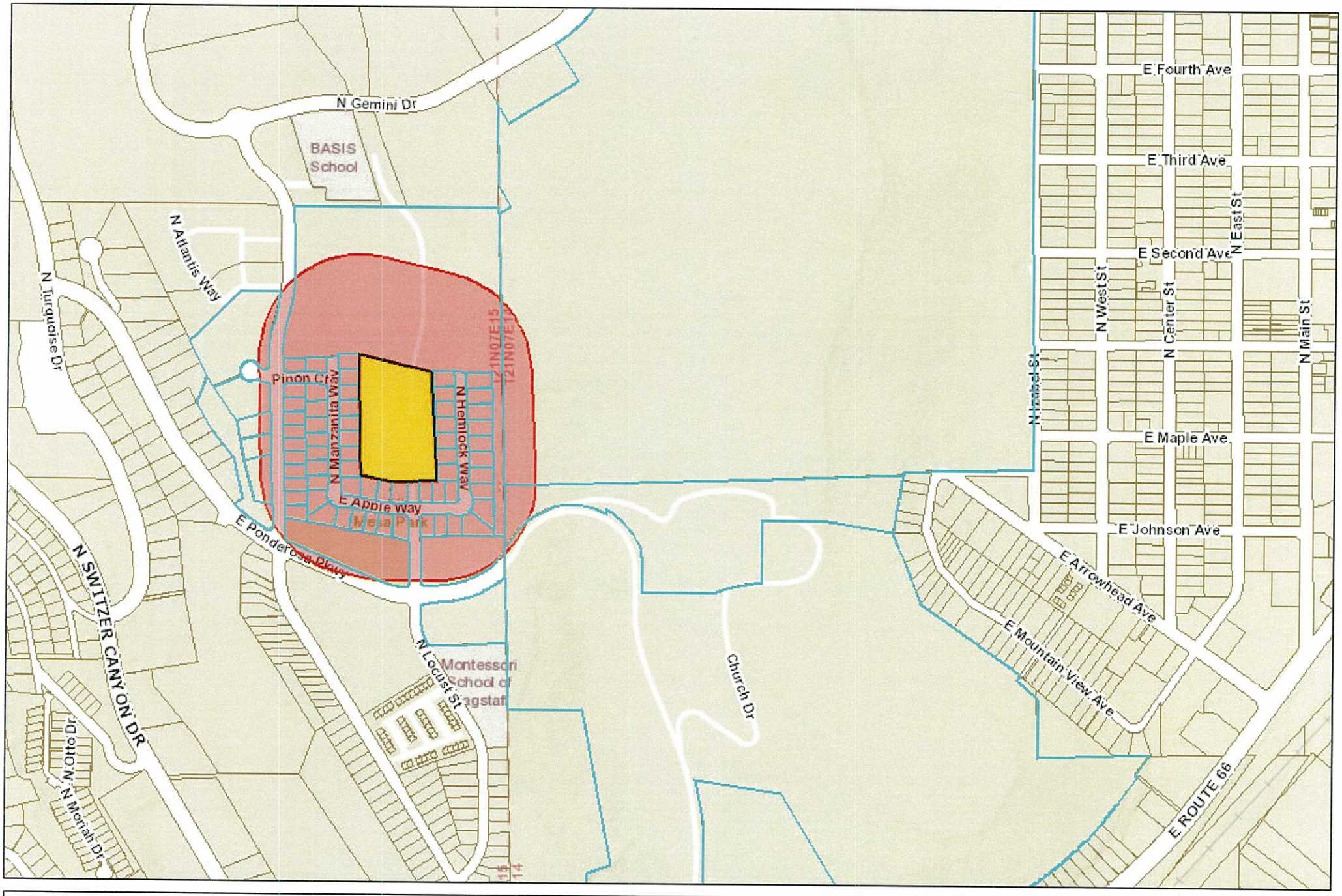


Parcel IA 600 foot buffer map McMillan Mesa Village

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	SITUS STAT	SITUS ZIPC	OWNER ADDRESS			
10131075	WARNIMENT DANIEL A	1055 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1055 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131076	COPLEA COREY D & MONICA JANCARLA	1075 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1075 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131074	YOUNG JEFFREY A & KELLI A	1035 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1035 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10126010	CURTIS M CAROL JT ; BUCKMAN SIDNEY A JT	950 N TURQUOISE DR	FLAGSTAFF	AZ	86001	950 N TURQUOISE DR	FLAGSTAFF	AZ	86001
10126011	SVOB TRUST	790 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	1534 E WATER ST	TUCSON	AZ	85719
10126012	BURNETT ROBERT C & PATRICIA S	780 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	1104 BIG BILL COURT	AUSTIN	TX	78734
10126006	STEELMAN BRADLEY	1000 N TURQUOISE DR	FLAGSTAFF	AZ	86001	1000 N TURQUOISE DR	FLAGSTAFF	AZ	86001
10126007	TWIDWELL RICHARD D & LINDA C JT	990 N TURQUOISE DR	FLAGSTAFF	AZ	86001	990 N TURQUOISE DR	FLAGSTAFF	AZ	86001
10126009	SHOUP JOHN D & MARCELLA E CPWROS	970 N TURQUOISE DR	FLAGSTAFF	AZ	86001	970 N TURQUOISE DR	FLAGSTAFF	AZ	86001
10126008	STEPHENS-BROWN FAMILY TRUST U/A DTD 7-15-11	980 N TURQUOISE DR	FLAGSTAFF	AZ	86001	2205 N LANTERN LN	FLAGSTAFF	AZ	86001
10131077A	NEAT ERIC B	1095 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1095 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10129055	SNYDER BRYCE	930 N TURQUOISE DR	FLAGSTAFF	AZ	86001	930 N TURQUOISE DR	FLAGSTAFF	AZ	86001
10126026B	MARR WILLIAM J & KIMBERLY J CPWROS	695 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	695 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10126022	BROYLES LIVING TRUST DTD 12-10-12	605 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	605 E PONDEROSA PARKWAY	FLAGSTAFF	AZ	86001
10126025	CAIN DONNA J TRUSTEE ; CAIN DJ RVCBLE LIV TRUST DTD 2/11/97	675 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	675 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10126029	WONG DARA SPRINCES	745 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	745 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10126024	WILLE MARK LEWIS & DEBORAH MARTIN JT	655 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	655 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10126005A	ADAMS MARK C & AMBER N	1020 N TURQUOISE DR	FLAGSTAFF	AZ	86001	1020 N TURQUOISE DRIVE	FLAGSTAFF	AZ	86001
10126004B	GUY FARRELL BRIAN CPWROS ; VELEZ-GUY DEBORAH CPWROS	1040 N TURQUOISE DR	FLAGSTAFF	AZ	86001	1040 N TURQUOISE DR	FLAGSTAFF	AZ	86001
10128007C	FLAGSTAFF CITY OF	1300 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10131080	KNOCHEL PAULA	1120 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1120 N MANZANITA WY	FLAGSTAFF	AZ	86001
10131083	BUCHANAN LIV TRUST DTD 6/25/91	1060 N MANZANITA WAY	FLAGSTAFF	AZ	86001	3832 WESTHAVEN DR	CARLSBAD	CA	92008
10131081	LOEFFLER KENNETH A & BERTA E JT	1100 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1100 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131084	HANCOCK PATRICIA L	1040 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1040 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131082	ELLSWORTH KATHLEEN MARY	1080 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1080 MANZANITA WAY	FLAGSTAFF	AZ	86001
10131078A	FERNANDEZ RICHARD R & JACOBJE JT	1115 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1115 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131079	RYAN DAVID R & ELLEN R CPWROS	1140 N MANZANITA WAY	FLAGSTAFF	AZ	86001	PO BOX 50705	PARKS	AZ	86018
10131048	AUMACK ETHAN	1140 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1140 N PINECLIFF DR	FLAGSTAFF	AZ	86001
10131050	PREUSSER DONNA	1090 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1090 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131054	SCHEPPER BRENT C & ANGELA M	1020 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1020 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131051	CARPENTER JASON & CAROLYN CPWROS	1080 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1080 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131053	SNYDER-STONEBRAKER MARGARET	1040 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1040 N PINECLIFF DR	FLAGSTAFF	AZ	86001

10131049	KRZNARICH CYNTHIA M	1100 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1100 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131052	LEMONCELLO ANDREW D JT ; FISHER JULIA L JT	1060 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1060 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131055	CRUMP WALLACE LEE & REBECCA SUSAN	1000 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1000 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10129063	GARCIA ANGEL JR & ANNA M	840 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	840 PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10129065	ST LAURENT ROY T	800 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	800 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10129067	DAHL R MICHAEL & CHEREE CPWROS	795 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	PO BOX 2520	FLAGSTAFF	AZ	86003
10129064	COLEMAN JEFFERY P CPWROS ; SCHOPEN JUDITH A CPWROS	820 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	820 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10129066	CARSEY WELDON A & DIXIE LEE	775 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	PO BOX 122	BASS HARBOR	ME	4653
10129068	SAFTOIU DAN	805 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	805 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10131108	CZACHOWSKI CHRISTOPHER M & MARGARET S JT	1135 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1135 N MANZANITA WY	FLAGSTAFF	AZ	86001
10131073	BOETTCHER LORI ANNE	1015 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1015 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131061	LOAN OAK PROPERTIES LLC	1001 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	2636 N DOVES NEST LN	FLAGSTAFF	AZ	86001
10144002	SIMPSON ROBERT G & MARY P	1170 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	1170 N WORTHINGTON PLACE	FLAGSTAFF	AZ	86001
10144003	GS INVESTMENT GROUP LLC	1150 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	4560 E THISTLE LANDING	PHOENIX	AZ	85044
10144007	CLIFFSIDE ESTATES HOMEOWNERS ASSOC INC		FLAGSTAFF	AZ	86001	PO BOX 1838	FLAGSTAFF	AZ	86002
10144004	DANIEL THOMAS PAUL & KAREN ANN	1130 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	16634 S 3RD PL	PHOENIX	AZ	85048
10144005	AUSTIN JAMES MARION	1110 N WORTHINGTON PL	FLAGSTAFF	AZ	86001	125 E PAULINE DR	FLAGSTAFF	AZ	86001
10144006	CLIFFSIDE ESTATES HOMEOWNERS ASSOC INC		FLAGSTAFF	AZ	86001	PO BOX 1838	FLAGSTAFF	AZ	86002
10126013A	KRZYSZTOF R PIETRZAK CPWROS ; TURRELL-PIETRZAK SHANA S CPWROS	760 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	760 PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10128006H	HARTE JOSEPH M JR & SUSAN BRAINARD CPWRO	1000 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	1000 PONDEROSA PKY	FLAGSTAFF	AZ	86001
10128006J	NOWAK MICHAEL	880 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	84 APACHE LN	SEDONA	AZ	86351
10126016A	WINGER CHAD JOSHUA & MARIE	700 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	700 E PONDEROSA PARKWAY	FLAGSTAFF	AZ	86001
10126017A	MCCASLIN MARTY L JT ; HOUSER DOROTHY J JT	680 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	680 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10126014A	SIMS JAMES T & SHIRLEY B CPWROS	740 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	740 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10126015A	PORTER CHARLES & CHARLOTTE	720 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	720 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10146005A	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146009B	FSL ST FRANCIS VILLAS LP	1351 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1201 E. THOMAS RD.	PHOENIX	AZ	85014
10146009A	FSL HOLDING PROPERTIES LLC		FLAGSTAFF	AZ	86001	1201 E THOMAS RD	PHOENIX	AZ	85014
10131062A	GOBEIL NORMAND P & BETTY J	1071 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	908 W MURRAY RD	FLAGSTAFF	AZ	86001
10131062B	MAGEARY JAMES I & JENNIFER G	1041 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1041 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10146001A	MMV DEVCO LLC	1251 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10131063A	LONE OAK PROPERTIES LLC	1101 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	2636 N DOVES NEST LN	FLAGSTAFF	AZ	86001
10129069A	HOCHBERG NELSON	825 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	825 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001

10128007E	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146002	MMV DEVCO LLC	1600 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10128007F	MMV DEVCO LLC		FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260



Coconino Parcel Map

August 2, 2015

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NO WARRANTY OF ACCURACY IS GIVEN OR IMPLIED.

0 350 700 1,400

COCONINO COUNTY ARIZONA

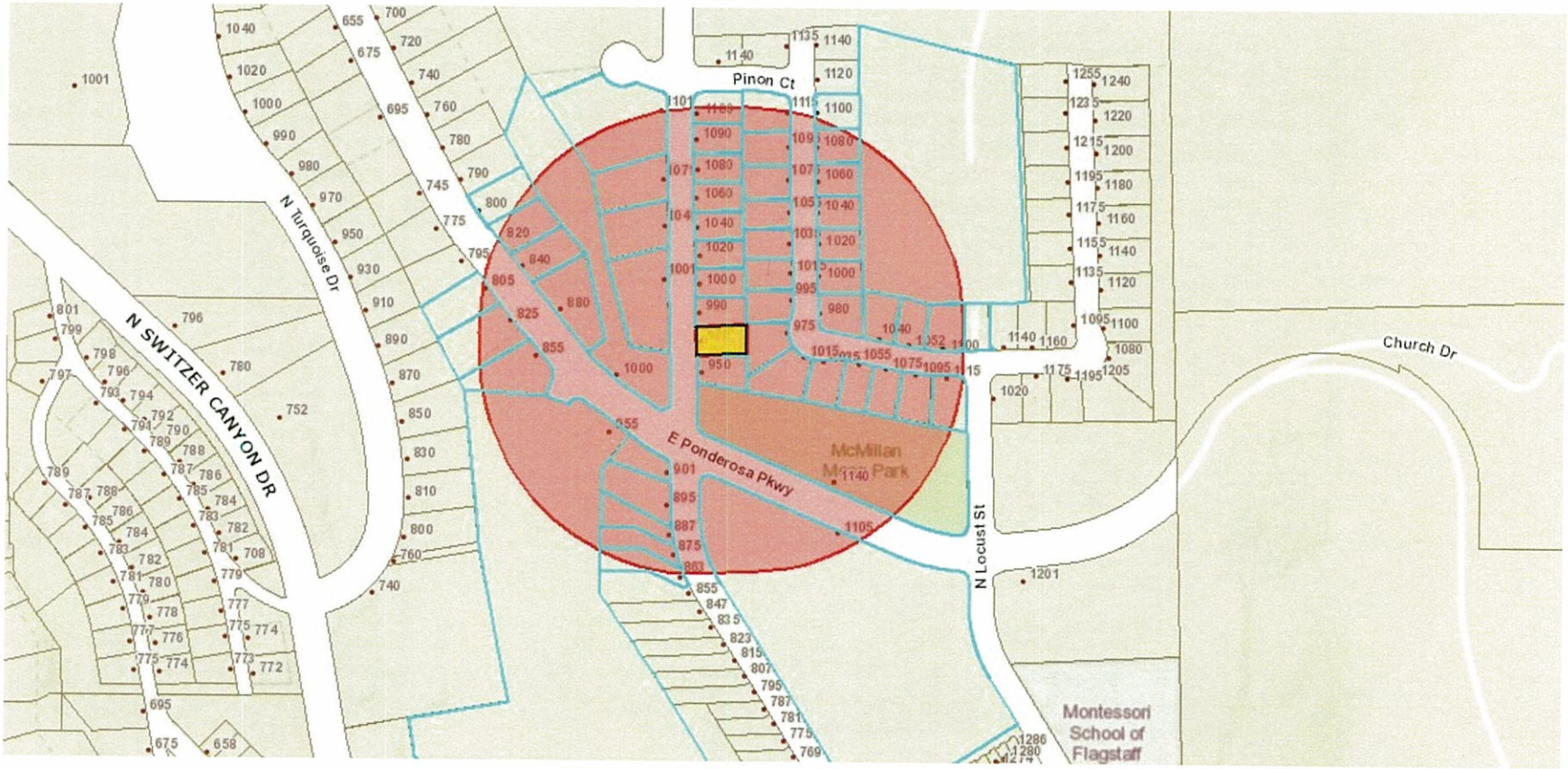
Parcel Ic 600ft Mailing List

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	SITUS S	SITUS ZIP	OWNER ADDRESS	OWNER CITY		
10131074	YOUNG JEFFREY A & KELLI A	1035 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1035 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131075	WARNIMENT DANIEL A	1055 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1055 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131076	COPLEA COREY D & MONICA JANCARLA	1075 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1075 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131077A	NEAT ERIC B	1095 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1095 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10128014A	LVA PROPERTIES LLC	1201 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	500 N MARKET PLACE DR	CENTERVILLE	UT	84014
10128007C	FLAGSTAFF CITY OF	1300 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10131087	COTTEN ANNE C	980 N MANZANITA WAY	FLAGSTAFF	AZ	86001	980 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131090	BROWN CRAIG ALAN & ELSIE ELAINE CPWROS	1100 E APPLE WAY	FLAGSTAFF	AZ	86001	1100 E APPLE WAY	FLAGSTAFF	AZ	86001
10131091	PAINE JILL B	1135 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1135 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131088	MIDDLEBROOK BRYON & DANA	1040 E APPLE WAY	FLAGSTAFF	AZ	86001	308 NORTH AGASSIZ ST	FLAGSTAFF	AZ	86001
10131089	MARTINO ADA LIVING TRUST DTD 7-28-98	1052 E APPLE WAY	FLAGSTAFF	AZ	86001	1052 E APPLE WAY	FLAGSTAFF	AZ	86001
10131092	MCMURRAY CRAIG R & CHRISTINA	1155 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1155 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131093	KELTY JOHN W & KARA M CPWROS	1175 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1175 HEMLOCK	FLAGSTAFF	AZ	86001
10131094	HAVILAND L BRENT & VICTORIA M JT	1195 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1195 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131095	WANGEMAN FAMILY TRUST DTD 09/29/11	1215 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	12658 N 80TH PL	SCOTTSDALE	AZ	85250
10131078A	FERNANDEZ RICHARD R & JACOBJE JT	1115 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1115 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131079	RYAN DAVID R & ELLEN R CPWROS	1140 N MANZANITA WAY	FLAGSTAFF	AZ	86001	PO BOX 50705	PARKS	AZ	86018
10131080	KNOCHEL PAULA	1120 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1120 N MANZANITA WY	FLAGSTAFF	AZ	86001
10131081	LOEFFLER KENNETH A & BERTA E JT	1100 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1100 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131082	ELLSWORTH KATHLEEN MARY	1080 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1080 MANZANITA WAY	FLAGSTAFF	AZ	86001
10131083	BUCHANAN LIV TRUST DTD 6/25/91	1060 N MANZANITA WAY	FLAGSTAFF	AZ	86001	3832 WESTHAVEN DR	CARLSBAD	CA	92008
10131084	HANCOCK PATRICIA L	1040 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1040 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131085	ROSENTHAL PETER CPWROS ; RYAN DARLENE A CPWROS	1020 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1020 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131086	BLUME LIVING TRUST DTD 8-25-14	1000 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1000 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131001	LOOMIS WILLIAM F & RUTH F JT	1020 N LOCUST ST	FLAGSTAFF	AZ	86001	603 N SAN FRANCISCO ST	FLAGSTAFF	AZ	86001
10131002	MARHOFER JAY B CPWROS ; KOVAL SUSAN A CPWROS	1175 E APPLE WAY	FLAGSTAFF	AZ	86001	1175 E APPLE WY	FLAGSTAFF	AZ	86004
10131003	DAGGETT REBECCA ANDRA	1195 E APPLE WAY	FLAGSTAFF	AZ	86001	1195 E APPLE WAY	FLAGSTAFF	AZ	86001

10131024	MINDER DOUGLAS & ALICE REVOCABLE TRUST ; DTD 6-24-08	1095 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	220 N VINE AVE	TUCSON	AZ	85719
10131026	BRENNAN MICHAEL L & LESLIE D	1140 E APPLE WAY	FLAGSTAFF	AZ	86001	1140 E APPLE WAY	FLAGSTAFF	AZ	86001
10131025	WELLS JASON G & SHANNAN C	1160 E APPLE WAY	FLAGSTAFF	AZ	86001	1160 E APPLE WAY	FLAGSTAFF	AZ	86001
10131048	AUMACK ETHAN	1140 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1140 N PINECLIFF DR	FLAGSTAFF	AZ	86001
10131049	KRZNARICH CYNTHIA M	1100 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1100 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131050	PREUSSER DONNA	1090 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1090 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131051	CARPENTER JASON & CAROLYN CPWROS	1080 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1080 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131052	LEMONCELLO ANDREW D JT ; FISHER JULIA L JT	1060 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1060 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131053	SNYDER-STONEBRAKER MARGARET	1040 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1040 N PINECLIFF DR	FLAGSTAFF	AZ	86001
10131054	SCHEPPER BRENT C & ANGELA M	1020 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1020 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131055	CRUMP WALLACE LEE & REBECCA SUSAN	1000 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1000 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131056	CONNELL JAMES L	990 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	990 N PINECLIFF	FLAGSTAFF	AZ	86001
10701001B	FLAGSTAFF CITY OF	N	FLAGSTAFF	AZ	86004	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10131096	FIELDS REBECCA	1235 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1235 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131097	BESSLER ANDREW V	1255 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1255 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131098	WEYBRIGHT JOHN E	1240 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1240 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131099	MCGUIRE GEORGE M & SARAH ANN JT	1220 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1220 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131100	BLACKGOAT CHRISTINE M E	1200 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	8616 B HAYES WAY	JUNEAU	AK	99801
10131101	BELL BARNEY G & DIANE E JT	1180 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1180 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131102	AYERS ANTHONY	1160 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1160 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131103	FICKEL LAURA A LIVING TRUST DTD 5-3-12	1140 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1140 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131104	PETERSON KEVIN M	1120 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	7294 LINDSEY RD	FLAGSTAFF	AZ	86004
10131105	HERSHEY BRENDA G RVCBL TRUST DTD 10-3-12	1100 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1100 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131106	GARCIA JOSE L & AIDA V JT	1080 N HEMLOCK WAY	FLAGSTAFF	AZ	86001	1080 N HEMLOCK WAY	FLAGSTAFF	AZ	86001
10131107	MARTINO LISA M	1205 E APPLE WAY	FLAGSTAFF	AZ	86001	1205 E APPLE WAY	FLAGSTAFF	AZ	86001
10131108	CZACHOWSKI CHRISTOPHER M & MARGARET S JT	1135 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1135 N MANZANITA WY	FLAGSTAFF	AZ	86001
10131109	MMV DEVCO LLC		FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10131110	MMV DEVCO LLC		FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10131067	BOETTCHER NATHAN & JENNIFER CPWROS	1075 E APPLE WAY	FLAGSTAFF	AZ	86001	1075 E APPLE WAY	FLAGSTAFF	AZ	86001
10131068	WEISSMAN MARILYN J	1055 E APPLE WAY	FLAGSTAFF	AZ	86001	1055 E APPLE WAY	FLAGSTAFF	AZ	86001
10131069	HIRST LOIS & STEPHEN CWPROS	1035 E APPLE WAY	FLAGSTAFF	AZ	86001	1035 E APPLE WAY	FLAGSTAFF	AZ	86001
10131070	HICKEY SEAN GERARD	1015 E APPLE WAY	FLAGSTAFF	AZ	86001	1015 E APPLE WAY	FLAGSTAFF	AZ	86001

10131071	WALKA JOSEPH P & SHERRY CPWROS	975 N MANZANITA WAY	FLAGSTAFF	AZ	86001	975 MANZANITA WAY	FLAGSTAFF	AZ	86001
10131072	CUSEY PATRICK A & ELAINE C	995 N MANZANITA WAY	FLAGSTAFF	AZ	86001	751 E PINE KNOLL DR APT 2202	FLAGSTAFF	AZ	86001
10131073	BOETTCHER LORI ANNE	1015 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1015 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131057	MMV DEVCO LLC	970 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10131058	MMV DEVCO LLC	950 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10131059	FLAGSTAFF CITY OF	1140 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10131065	MCGERVEY PATRICK M & HEIDI	1115 E APPLE WAY	FLAGSTAFF	AZ	86001	1115 E APPLE WAY	FLAGSTAFF	AZ	86001
10131066	SCOTT ERIC TYSON	1095 E APPLE WAY	FLAGSTAFF	AZ	86001	1095 E APPLE WAY	FLAGSTAFF	AZ	86001
10131061	LOAN OAK PROPERTIES LLC	1001 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	2636 N DOVES NEST LN	FLAGSTAFF	AZ	86001
10128006H	HARTE JOSEPH M JR & SUSAN BRAINARD CPWRO	1000 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	1000 PONDEROSA PKY	FLAGSTAFF	AZ	86001
10131062A	GOBEIL NORMAND P & BETTY J	1071 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	908 W MURRAY RD	FLAGSTAFF	AZ	86001
10131062B	MAGEARY JAMES I & JENNIFER G	1041 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1041 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131063A	LONE OAK PROPERTIES LLC	1101 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	2636 N DOVES NEST LN	FLAGSTAFF	AZ	86001
10146001A	MMV DEVCO LLC	1251 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10707002G	SAN FRANCISCO DE ASIS ROMAN CATHOLIC PARISH FLAGSTAFF			AZ		1600 E ROUTE 66	FLAGSTAFF	AZ	86001
10707002H	SAN FRANCISCO DE ASIS ROMAN CATHOLIC PARISH FLAGSTAFF			AZ		1600 E ROUTE 66	FLAGSTAFF	AZ	86001
10128007F	MMV DEVCO LLC		FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260

Lot #57 Switzer Mesa Unit 2



Lot 57

Lot 57 Switzer Mesa #2 600ft Radius Ownership

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	SITUS S	SITUS ZIP	OWNER ADDRESS	OWNER CITY		ZIPCODE
10131075	WARNIMENT DANIEL A	1055 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1055 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131076	COPLEA COREY D & MONICA JANCARLA	1075 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1075 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131074	YOUNG JEFFREY A & KELLI A	1035 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1035 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131077A	NEAT ERIC B	1095 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1095 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10128008A	FLAGSTAFF CITY OF	955 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10131087	COTTEN ANNE C	980 N MANZANITA WAY	FLAGSTAFF	AZ	86001	980 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131088	MIDDLEBROOK BRYON & DANA	1040 E APPLE WAY	FLAGSTAFF	AZ	86001	308 NORTH AGASSIZ ST	FLAGSTAFF	AZ	86001
10131090	BROWN CRAIG ALAN & ELSIE ELAINE CPWROS	1100 E APPLE WAY	FLAGSTAFF	AZ	86001	1100 E APPLE WAY	FLAGSTAFF	AZ	86001
10131089	MARTINO ADA LIVING TRUST DTD 7-28-98	1052 E APPLE WAY	FLAGSTAFF	AZ	86001	1052 E APPLE WAY	FLAGSTAFF	AZ	86001
10131083	BUCHANAN LIV TRUST DTD 6/25/91	1060 N MANZANITA WAY	FLAGSTAFF	AZ	86001	3832 WESTHAVEN DR	CARLSBAD	CA	92008
10131081	LOEFFLER KENNETH A & BERTA E JT	1100 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1100 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131084	HANCOCK PATRICIA L	1040 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1040 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131085	ROSENTHAL PETER CPWROS ; RYAN DARLENE A CPWROS	1020 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1020 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131086	BLUME LIVING TRUST DTD 8-25-14	1000 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1000 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131082	ELLSWORTH KATHLEEN MARY	1080 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1080 MANZANITA WAY	FLAGSTAFF	AZ	86001
10131078A	FERNANDEZ RICHARD R & JACOBJE JT	1115 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1115 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131050	PREUSSER DONNA	1090 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1090 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131054	SCHEPPER BRENT C & ANGELA M	1020 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1020 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131051	CARPENTER JASON & CAROLYN CPWROS	1080 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1080 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131053	SNYDER-STONEBRAKER MARGARET	1040 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1040 N PINECLIFF DR	FLAGSTAFF	AZ	86001
10131049	KRZNARICH CYNTHIA M	1100 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1100 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131052	LEMONCELLO ANDREW D JT ; FISHER JULIA L JT	1060 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1060 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131055	CRUMP WALLACE LEE & REBECCA SUSAN	1000 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1000 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131056	CONNELL JAMES L	990 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	990 N PINECLIFF	FLAGSTAFF	AZ	86001
10129063	GARCIA ANGEL JR & ANNA M	840 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	840 PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10129065	ST LAURENT ROY T	800 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	800 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10129064	COLEMAN JEFFERY P CPWROS ; SCHOPEN JUDITH A CPWROS	820 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	820 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10129070A	WILLIS FRANKLIN D	855 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	PO BOX 31161	FLAGSTAFF	AZ	86003
10129068	SAFTOIU DAN	805 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	805 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10131109	MMV DEVCO LLC		FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10132007	BYKOSKI CHARLES C	895 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1189 PAWNEE DR	BULLHEAD CITY	AZ	86442
10132008	SWANSON BEN V	887 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	887 PINECLIFF DR	FLAGSTAFF	AZ	86001
10132009	HITE ADDIE E	875 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	875 N PINECLIFF DR	FLAGSTAFF	AZ	86001
10132010	TORRENCE IAN JAMES	863 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	863 N PINECLIFF DRIVE	FLAGSTAFF	AZ	86001

Lot 57

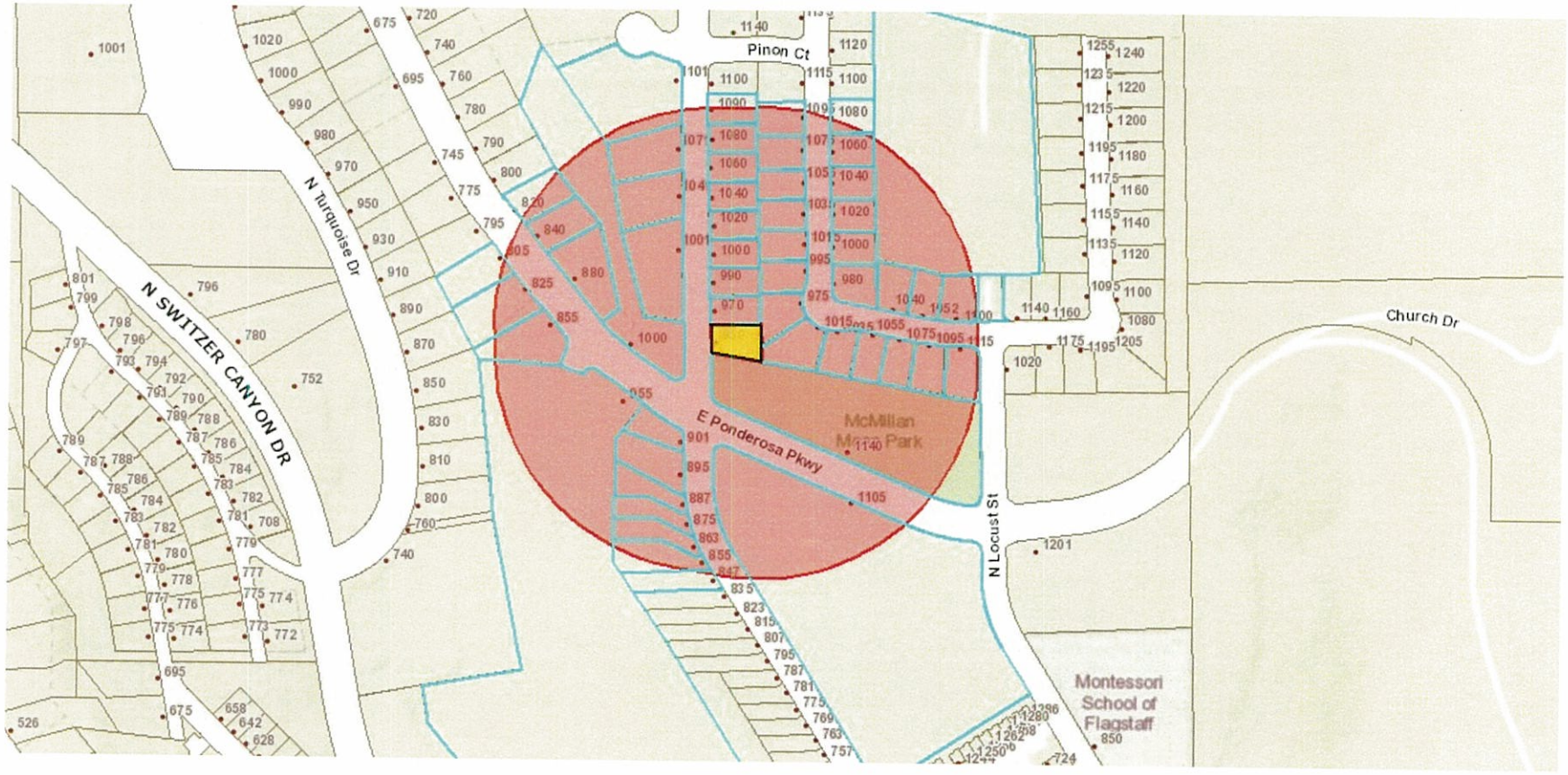
10132005	SANCHEZ BROTHERS LLC DBA SANCHEZ BROTHERS PINECLIFF VILLAGE LLC	1105 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	2491 RIVERFRONT DR	SANTA CLARA	UT	84765
10132006	NUTTER FORREST F & DIANE M REVOCABLE ; LIVING TRUST DTD 11-20-07	901 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1024 E MADDOCK RD	PHOENIX	AZ	85086
10131068	WEISSMAN MARILYN J	1055 E APPLE WAY	FLAGSTAFF	AZ	86001	1055 E APPLE WAY	FLAGSTAFF	AZ	86001
10131071	WALKA JOSEPH P & SHERRY CPWROS	975 N MANZANITA WAY	FLAGSTAFF	AZ	86001	975 MANZANITA WAY	FLAGSTAFF	AZ	86001
10131073	BOETTCHER LORI ANNE	1015 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1015 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131067	BOETTCHER NATHAN & JENNIFER CPWROS	1075 E APPLE WAY	FLAGSTAFF	AZ	86001	1075 E APPLE WAY	FLAGSTAFF	AZ	86001
10131069	HIRST LOIS & STEPHEN CWPROS	1035 E APPLE WAY	FLAGSTAFF	AZ	86001	1035 E APPLE WAY	FLAGSTAFF	AZ	86001
10131070	HICKEY SEAN GERARD	1015 E APPLE WAY	FLAGSTAFF	AZ	86001	1015 E APPLE WAY	FLAGSTAFF	AZ	86001
10131072	CUSEY PATRICK A & ELAINE C	995 N MANZANITA WAY	FLAGSTAFF	AZ	86001	751 E PINE KNOLL DR APT 2202	FLAGSTAFF	AZ	86001
10131058	MMV DEVCO LLC	950 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10131059	FLAGSTAFF CITY OF	1140 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10131066	SCOTT ERIC TYSON	1095 E APPLE WAY	FLAGSTAFF	AZ	86001	1095 E APPLE WAY	FLAGSTAFF	AZ	86001
10131057	MMV DEVCO LLC	970 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10131065	MCGERVEY PATRICK M & HEIDI	1115 E APPLE WAY	FLAGSTAFF	AZ	86001	1115 E APPLE WAY	FLAGSTAFF	AZ	86001
10131061	LOAN OAK PROPERTIES LLC	1001 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	2636 N DOVES NEST LN	FLAGSTAFF	AZ	86001
10128006H	HARTE JOSEPH M JR & SUSAN BRAINARD CPWRO	1000 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	1000 PONDEROSA PKY	FLAGSTAFF	AZ	86001
10128006J	NOWAK MICHAEL	880 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	84 APACHE LN	SEDONA	AZ	86351
10131062A	GOBEIL NORMAND P & BETTY J	1071 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	908 W MURRAY RD	FLAGSTAFF	AZ	86001
10131062B	MAGEARY JAMES I & JENNIFER G	1041 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1041 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131063A	LONE OAK PROPERTIES LLC	1101 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	2636 N DOVES NEST LN	FLAGSTAFF	AZ	86001
10129069A	HOCHBERG NELSON	825 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	825 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10128007F	MMV DEVCO LLC		FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260

Parcel D3 101-46-006 600 ft Mailing List

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	SITUS STAT	SITUS ZIPC	OWNER ADDRESS	OWNER CITY	STATE	ZIPCODE
10128007C	FLAGSTAFF CITY OF	1300 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10701001B	FLAGSTAFF CITY OF	N	FLAGSTAFF	AZ	86004	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146005A	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146005B	BASIS SCHOOL INC	1700 N GEMINI DR	FLAGSTAFF	AZ	86001	7702 E DOUBLETREE RANCH RD	SCOTTSDALE	AZ	85258
10146008B	MMV DEVCO LLC			AZ		15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10701001G	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137002H	FLAGSTAFF CITY OF	1750 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10701001F	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137001E	FLAGSTAFF CITY OF	1751 N GEMINI DR	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10137002J	FLAGSTAFF CITY OF		FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10146004	MMV DEVCO LLC	1651 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146006	MMV DEVCO LLC	1800 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260
10146007	MMV DEVCO LLC	1801 N GEMINI DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE 200	SCOTTSDALE	AZ	85260

Lot #58 Switzer Mesa Unit 2

Lot 58



Lot 58 101-31-058 600 ft Mailing List

APN	OWNER NAME	SITUS ADDRESS	SITUS CITY	SITUS ST	SITUS ZIP	OWNER ADDRESS	OWNER CITY		
10131075	WARNIMENT DANIEL A	1055 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1055 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131076	COPLEA COREY D & MONICA JANCARLA	1075 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1075 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131074	YOUNG JEFFREY A & KELLI A	1035 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1035 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131077A	NEAT ERIC B	1095 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1095 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10128008A	FLAGSTAFF CITY OF	955 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10131087	COTTEN ANNE C	980 N MANZANITA WAY	FLAGSTAFF	AZ	86001	980 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131088	MIDDLEBROOK BRYON & DANA	1040 E APPLE WAY	FLAGSTAFF	AZ	86001	308 NORTH AGASSIZ ST	FLAGSTAFF	AZ	86001
10131090	BROWN CRAIG ALAN & ELSIE ELAINE CPWROS	1100 E APPLE WAY	FLAGSTAFF	AZ	86001	1100 E APPLE WAY	FLAGSTAFF	AZ	86001
10131089	MARTINO ADA LIVING TRUST DTD 7-28-98	1052 E APPLE WAY	FLAGSTAFF	AZ	86001	1052 E APPLE WAY	FLAGSTAFF	AZ	86001
10131083	BUCHANAN LIV TRUST DTD 6/25/91	1060 N MANZANITA WAY	FLAGSTAFF	AZ	86001	3832 WESTHAVEN DR	CARLSBAD	CA	92008
10131084	HANCOCK PATRICIA L	1040 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1040 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131085	ROSENTHAL PETER CPWROS ; RYAN DARLENE A CPWROS	1020 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1020 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131086	BLUME LIVING TRUST DTD 8-25-14	1000 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1000 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131082	ELLSWORTH KATHLEEN MARY	1080 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1080 MANZANITA WAY	FLAGSTAFF	AZ	86001
10131050	PREUSSER DONNA	1090 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1090 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131054	SCHEPPER BRENT C & ANGELA M	1020 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1020 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131051	CARPENTER JASON & CAROLYN CPWROS	1080 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1080 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131053	SNYDER-STONEBRAKER MARGARET	1040 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1040 N PINECLIFF DR	FLAGSTAFF	AZ	86001
10131052	LEMONCELLO ANDREW D JT ; FISHER JULIA L JT	1060 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1060 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131055	CRUMP WALLACE LEE & REBECCA SUSAN	1000 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1000 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131056	CONNELL JAMES L	990 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	990 N PINECLIFF	FLAGSTAFF	AZ	86001
10129063	GARCIA ANGEL JR & ANNA M	840 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	840 PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10129064	COLEMAN JEFFERY P CPWROS ; SCHOPEN JUDITH A CPWROS	820 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	820 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10129070A	WILLIS FRANKLIN D	855 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	PO BOX 31161	FLAGSTAFF	AZ	86003
10129068	SAFTOIU DAN	805 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	805 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10131109	MMV DEVCO LLC		FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE :	SCOTTSDALE	AZ	85260
10132007	BYKOSKI CHARLES C	895 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1189 PAWNEE DR	BULLHEAD CITY	AZ	86442
10132008	SWANSON BEN V	887 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	887 PINECLIFF DR	FLAGSTAFF	AZ	86001
10132009	HITE ADDIE E	875 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	875 N PINECLIFF DR	FLAGSTAFF	AZ	86001
10132011	WEATHERS JOAN C	855 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	855 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10132010	TORRENCE IAN JAMES	863 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	863 N PINECLIFF DRIVE	FLAGSTAFF	AZ	86001

Lot 58

10132005	SANCHEZ BROTHERS LLC DBA SANCHEZ BROTHERS PINECLIFF VILLAGE LLC	1105 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	2491 RIVERFRONT DR	SANTA CLARA	UT	84765
10132012	SMITH GARY L	847 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	847 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10132006	NUTTER FORREST F & DIANE M REVOCABLE ; LIVING TRUST DTD 11-20-07	901 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1024 E MADDOCK RD	PHOENIX	AZ	85086
10131068	WEISSMAN MARILYN J	1055 E APPLE WAY	FLAGSTAFF	AZ	86001	1055 E APPLE WAY	FLAGSTAFF	AZ	86001
10131071	WALKA JOSEPH P & SHERRY CPWROS	975 N MANZANITA WAY	FLAGSTAFF	AZ	86001	975 MANZANITA WAY	FLAGSTAFF	AZ	86001
10131073	BOETTCHER LORI ANNE	1015 N MANZANITA WAY	FLAGSTAFF	AZ	86001	1015 N MANZANITA WAY	FLAGSTAFF	AZ	86001
10131067	BOETTCHER NATHAN & JENNIFER CPWROS	1075 E APPLE WAY	FLAGSTAFF	AZ	86001	1075 E APPLE WAY	FLAGSTAFF	AZ	86001
10131069	HIRST LOIS & STEPHEN CWPROS	1035 E APPLE WAY	FLAGSTAFF	AZ	86001	1035 E APPLE WAY	FLAGSTAFF	AZ	86001
10131070	HICKEY SEAN GERARD	1015 E APPLE WAY	FLAGSTAFF	AZ	86001	1015 E APPLE WAY	FLAGSTAFF	AZ	86001
10131072	CUSEY PATRICK A & ELAINE C	995 N MANZANITA WAY	FLAGSTAFF	AZ	86001	751 E PINE KNOLL DR APT 2	FLAGSTAFF	AZ	86001
10131058	MMV DEVCO LLC	950 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE :	SCOTTSDALE	AZ	85260
10131059	FLAGSTAFF CITY OF	1140 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	211 W ASPEN AVE	FLAGSTAFF	AZ	86001
10131066	SCOTT ERIC TYSON	1095 E APPLE WAY	FLAGSTAFF	AZ	86001	1095 E APPLE WAY	FLAGSTAFF	AZ	86001
10131057	MMV DEVCO LLC	970 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE :	SCOTTSDALE	AZ	85260
10131065	MCGERVEY PATRICK M & HEIDI	1115 E APPLE WAY	FLAGSTAFF	AZ	86001	1115 E APPLE WAY	FLAGSTAFF	AZ	86001
10131061	LOAN OAK PROPERTIES LLC	1001 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	2636 N DOVES NEST LN	FLAGSTAFF	AZ	86001
10128006H	HARTE JOSEPH M JR & SUSAN BRAINARD CPWRO	1000 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	1000 PONDEROSA PKY	FLAGSTAFF	AZ	86001
10128006J	NOWAK MICHAEL	880 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	84 APACHE LN	SEDONA	AZ	86351
10131062A	GOBEIL NORMAND P & BETTY J	1071 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	908 W MURRAY RD	FLAGSTAFF	AZ	86001
10131062B	MAGEARY JAMES I & JENNIFER G	1041 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	1041 N PINE CLIFF DR	FLAGSTAFF	AZ	86001
10131063A	LONE OAK PROPERTIES LLC	1101 N PINE CLIFF DR	FLAGSTAFF	AZ	86001	2636 N DOVES NEST LN	FLAGSTAFF	AZ	86001
10129069A	HOCHBERG NELSON	825 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001	825 E PONDEROSA PKWY	FLAGSTAFF	AZ	86001
10128007F	MMV DEVCO LLC		FLAGSTAFF	AZ	86001	15300 N 90TH STREET STE :	SCOTTSDALE	AZ	85260

Official Records of Coconino County 3432671
Candace Owens - Recorder 04/04/2007 09:48 AM Pgs: 17
CITY OF FLAGSTAFF AM $17.00

When recorded, mail to:
City Clerk
City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is entered into as of the 20th day of March, 2007, between Cavan Opportunity Fund, L.L.C., a Delaware limited liability company ("Owner"), and the City of Flagstaff, Arizona, a municipal corporation organized and existing under the laws of the State of Arizona ("City").

RECITALS

A. Arizona Revised Statutes ("A.R.S.") § 9-500.05 authorizes the City to enter into a development agreement with a landowner or any other person having an interest in real property located in the City.

B. The Owner is the owner of certain real property located within the incorporated boundaries of the City and which is depicted in Exhibit A, attached to and made a part hereof ("Property"). The Property is situated within the area comprising the McMillan Mesa Village Specific Plan dated August 14, 1992 ("Specific Plan"), the area of which is depicted in Exhibit B, attached to and made a part hereof.

C. Owner desires to develop a mixed use subdivision within the Specific Plan area ("Project").

D. For reasons including interests of public health, safety and welfare, the Owner and the City are entering into this Agreement to set forth and clarify certain public infrastructure obligations for the Project as recommended by the Planning and Zoning Commission.

E. This Agreement is consistent with the Specific Plan and those portions of the Flagstaff Area Regional Land Use and Transportation Plan ("General Plan") applicable to the Property.

F. Owner is under no compulsion, economic or otherwise, to enter into this Agreement.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual benefits and obligations of the parties set forth herein, the parties agree as follows:

1. Recitals. The recitals set forth above are acknowledged by the parties to be true and correct and are incorporated herein by reference.

2. Interest of the Owner. The Owner hereby represents and warrants to the City that Owner is the sole fee title owner of the Property as of the date of this Agreement and that to the best of Owner's actual knowledge no other person or entity has any legal or equitable ownership interest in the Property except First Fidelity Bank, N.A. ("Lender"), which as of the date of this Agreement has an equitable interest in the Property.

3. Assignment. The rights of the Owner under this Agreement may be transferred or assigned, in whole or in part, by written instrument, to any subsequent owner or lessee of all or any portion of the Property, provided that the Owner notifies the City thereof within fifteen (15) days following any such transfer or assignment.

4. Binding Effect of Agreement. The burdens of this Agreement bind, and the benefits of this Agreement inure to the parties hereto and their successors in interest and assigns of the parties hereto pursuant to A.R.S. § 9-500.05(D).

5. Implementation. This Agreement is intended to facilitate the development of the Property by assuring the development of certain public infrastructure described below.

6. Public Infrastructure.

6.1 Water Storage Infrastructure. The Owner agrees to construct a water storage tank sized to meet the development's average daily usage plus two-hour fire flow, which equates to 541,400 gallons of water storage, as required in the McMillan Mesa Village Subdivision Public Water & Sewer Impact Analysis dated July 7, 2006 and prepared by the City of Flagstaff Utilities Department. To meet this requirement, subject to the reimbursement provided herein, the Owner shall design, construct and connect to the Zone "A" water system, a 1.2 million gallon water storage tank at the existing Cheshire tank site owned by the City of Flagstaff. In addition, the Owner shall pay to the City of Flagstaff a fee equal to the estimated proportionate amount of operation and maintenance expenses for 20 years of operation and maintenance costs for the 1.2 million gallon water storage tank. (The Owner's cost for operation and maintenance shall be equal to its proportionate share of the tank size). Design and construction plans for the 1.2 million gallon water tank shall be provided by the Owner along with the subdivision improvement plans.

The City shall reimburse the Owner for the City's proportional share of construction costs for the 1.2 million gallon water storage tank and shall provide the land for construction of the 1.2 million gallon water storage tank located at the existing Cheshire tank site. The extent of the City's reimbursement obligation regarding the water storage tank shall be limited to its

share of water tank construction costs, as specified above. The Owner's proportionate share for construction of the 1.2 million gallon water storage tank equates to 45.08%, which is based on the 541,400 gallons of required water storage. The City's proportional share for construction of the 1.2 million gallon water storage tank equates to 54.92%, which is based on 658,600 gallons of excess water storage capacity. Reimbursement by the City to the Owner shall be made upon completion and acceptance of the water storage tank and related facilities by the City of Flagstaff Utilities Department.

The City shall not issue Project building permits for more than 300 residential units and 26 acres of commercial development or the equivalent thereof until the Owner has provided the additional 541,400 gallons of water storage capacity as described above and the water storage tank is operational.

6.2 Sewer Line Improvements. Prior to the issuance of building permits the Owner shall be required to construct off-site sewer improvements to include replacement of the existing 33" sewer line connecting manholes 23-063 and 23-058 with a 42" sewer line. This sewer line reach is approximately 2,237' feet in length. Infrastructure improvements shall include sewer line, manholes and any other incidental utility improvements necessary for construction. The Owner shall provide design and construction plans for the sewer line replacement with the subdivision improvement plans. The Owner shall be responsible for all costs associated with the design and construction for the sewer line replacement. The City shall reimburse the Owner for the difference of construction costs between a 36" sewer line and a 42" sewer line upon completion of the sewer line improvements acceptance thereof by the City of Flagstaff Utilities Department.

7. Effective Date. This Agreement shall be effective upon execution by the parties hereto and recordation in the Office of the Coconino County Recorder.

8. Amendments or Cancellation of the Agreement. This Agreement may be amended or canceled, in whole or in part only with the mutual written consent of the City and the Owner. Within ten (10) days after any such amendment or cancellation of this Agreement, the amendment or cancellation shall be recorded by the City in the Official Records of Coconino County, Arizona.

9. Duration. If not sooner terminated in accordance with the provisions hereof, this Agreement shall automatically terminate and be of no further force fifteen (15) years from the effective date hereof. If the parties mutually determine that a longer period for the performance of the provisions of this Agreement is necessary for any reason, the term of this Agreement may be extended by a written amendment.

10. Relationship of the Parties. It is understood that the contractual relationship between the parties is undertaken pursuant to the authorization contained in A.R.S. § 9-500.05, and nothing contained in this Agreement shall create any partnership, joint venture or agency relationship between the City and the Owner. 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, whether as a third-party beneficiary or otherwise.

11. General Provisions.

11.1 Notices.

(a) Manner of Serving. All notices, filings, consents, approvals and other communications provided for herein or given in connection herewith ("Notices") shall be validly given, filed, made, delivered or served if in writing and delivered personally or sent by registered or certified United States Postal Service Mail, return receipt requested, postage prepaid to:

If to City: City Clerk, City of Flagstaff
211 West Aspen Avenue
Flagstaff, Arizona 86001

Copy to: City Attorney
211 West Aspen Avenue
Flagstaff, Arizona 86001

If to Owner: Cavan Opportunity Fund, L.L.C.
c/o Cavan Management Services, L.L.C.
15333 N. Pima Road, Suite 305
Scottsdale, Arizona 85260

If to Lender: First Fidelity Bank, N.A.
Attention: Susan Chapman, Vice President
232 N. 32nd Street
Phoenix, Arizona 85018

Copy to: William P. Ring, Esq.
114 N. San Francisco Street, Suite 200
Flagstaff, Arizona 86001

Or to such other addresses as a party may from time to time designate in writing and deliver in a like manner. Any such change of address notice shall be given at least ten (10) days before the date on which the change is to become effective.

(b) Mailing Effective. Notices given by mail shall be deemed delivered seventy-two (72) hours following deposit in the U.S. Postal Service, in the manner set forth above.

11.2 General 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 any other provision of this Agreement.

11.3 Attorneys' Fees and Costs. Subject to Section 11.14, Mediation, if legal action by either party is brought because of a breach of this Agreement or to enforce a provision of this Agreement, the prevailing party is entitled to reasonable attorneys' fees and court costs.

11.4 Counterparts. This Agreement may be executed in counterparts, each of which shall be deemed an original but all of which together shall constitute one and the same instrument.

11.5 Headings. The description 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 this Agreement.

11.6 Entire Agreement. This Agreement constitutes the entire agreement between the parties concerning the subject matter hereof. All prior and contemporaneous agreements, representations and understandings of the parties, oral or written, other than specifically incorporated herein by reference, are superseded by this Agreement.

11.7 Severability. If any provision of this Agreement is declared void or unenforceable, the provisions shall be severed from this Agreement, which shall otherwise remain in full force and effect, provided that the overall intent of the parties is not materially vitiated by such severability.

11.8 Governing Law. This Agreement is entered into in Arizona and shall be construed and interpreted under the laws of the State of Arizona. The parties agree that venue for any action commenced in connection with this Agreement shall be proper only in a court of competent jurisdiction located in Coconino County, Arizona, and the parties hereby waive any right to object to such venue.

11.9 Recordation. No later than ten (10) days after this Agreement has been executed by the City and Owner, it shall be recorded in its entirety by the City in the Official Records of Coconino County, Arizona.

11.10 Default, Remedies. If either party to this Agreement breaches any provision of this Agreement, the non-defaulting party shall be entitled to all remedies available at both law and in equity including specific performance.

11.11 Authority. The parties to this Agreement represent to each other that they have full power and authority to enter into this Agreement.

11.12 Cancellation. This Agreement is subject to the cancellation provisions of A.R.S. § 38-511.

11.13 Construction of Agreement. This Agreement has been arrived at by negotiation and shall not be construed against either party or against the party who prepared the last draft.

11.14 Mediation. If a dispute arises out of or relates to this Agreement and if the dispute cannot be settled through negotiation, the parties agree first to try in good faith to resolve the dispute by mediation before resorting to litigation or some other dispute resolution procedure. Mediation will be self-administered and conducted under the CPR Mediation Procedures established by the CPR Institute for Dispute Resolution, 366 Madison Avenue, New York, New York 10017, (212) 949-6490, www.cpradr.org with the exception of the mediator selection provisions, unless other procedures are agreed upon by the parties. Unless the parties agree otherwise, the mediator(s) shall be selected from panels of mediators trained under the Alternative Dispute Resolution Program of the Coconino County Superior Court. Each party agrees to bear its own costs in mediation. The parties will not be obligated to mediate if an indispensable party is unwilling to join the mediation. This section does not constitute a waiver of the parties' right to arbitrate or initiate legal action if a dispute is not resolved through good faith negotiation or mediation, or if provisional relief is required under the Arizona Rules of Civil Procedure.

11.15 Signatures. Each person who executed this Agreement on behalf of the Owner personally warrants and guarantees to the City that he or she has the legal power to bind the Owner to this Agreement with respect to such person's interest.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the day and year first above written.

CITY OF FLAGSTAFF, an Arizona municipal corporation

Joseph C. Donaldson, Mayor

Attest:

City Clerk

Approved as to Form:

City Attorney

[Signatures continued on following page]

CAVAN OPPORTUNITY FUND, L.L.C., a Delaware limited liability company

By: Cavan Management Services, L.L.C., an Arizona limited liability company, its Manager

By: _____
Thomas P. Kell, its Manager

Acknowledged and Approved:

First Fidelity Bank, N.A.

By: _____
Susan Chapman, Vice President

STATE OF ARIZONA)
) ss
County of Coconino)

On this 2nd day of April, 2007, before me, a Notary Public, personally appeared Joseph C. Donaldson, Mayor of the City of 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:

OFFICIAL SEAL
PATRICIA A. TENCZA
Notary Public - State of Arizona
COCONINO COUNTY
My Comm. Expires Aug. 16, 2010

STATE OF ARIZONA)
) ss
County of Maricopa)

On this 2nd day of March, 2007, before me, a Notary Public, personally appeared Thomas P. Kell, 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 for the purposes therein contained as President of Cavan Management Services, L.L.C., Manager of Cavan Opportunity Fund, L.L.C.

Naomi McCarthy
Notary Public

My Commission Expires: 8-31-2010

OFFICIAL SEAL
NAOMI McCARTHY
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires Aug. 31, 2010

EXHIBIT "A"
McMillan Mesa Village
Development Agreement
Net of Public Rights of Way

PARCEL 1:

LOT 3 OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA.

EXCEPTING THEREFROM THE WESTERN 40.00 FEET THEREOF, BEING THE EASTERN RIGHT OF WAY OF TURQUOISE DRIVE , A PUBLIC STREET, AS SHOWN ON RESULTS OF SURVEY MAP RECORDED IN BOOK 4, PAGE 35 (R.C.C.)(R2)

PARCEL 2:

LOT 1, SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA;

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF FLAGSTAFF IN INSTRUMENT RECORDED SEPTEMBER 22, 1992 IN DOCKET 1507, PAGE 271, AND CONDITION OF ACCEPTANCE BY THE CITY OF FLAGSTAFF RECORDED MARCH 18, 1993 IN DOCKET 1548, PAGE 914.

ALSO **EXCEPTING** THEREFROM THAT PORTION CONVEYED TO THE CITY OF FLAGSTAFF IN BY SPECIAL WARRANTY DEED RECORDED DECEMBER 22, 1992 IN DOCKET 1531, PAGE 090.

PARCEL 3:

A PARCEL OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT THAT IS 40.26 FEET, NORTH 89 DEGREES 47 MINUTES EAST ALONG THE NORTHERLY LINE OF SAID SECTION 15 FROM THE NORTH QUARTER CORNER, SAID CORNER BEING A 5/8 INCH REBAR IN A 12" CONCRETE FILLED CORRUGATED METAL PIPE, SAID POINT BEING A RAILROAD SPIKE IN THE CENTERLINE OF TURQUOISE DRIVE;

THENCE NORTH 89 DEGREES 47 MINUTES EAST (BASIS OF BEARING FROM U.S.B.L.M. PLAT, DATED AUGUST 3, 1982 (R1) ALONG THE NORTHERLY LINE OF SAID SECTION 15, 1607.76 FEET (Rl), 1605.47 MEASURED (M) TO A BLM STANDARD CAP MARKING A CORNER OF LOTS 1 AND 2 OF SAID SECTION 15; THENCE SOUTH 21 DEGREES 09 MINUTES EAST, 843.48 FEET (Rl), SOUTH 21 DEGREES 11 MINUTES EAST, 840.78 FEET (M) ALONG THE LINE BETWEEN LOTS 2 AND 1 TO A BLM STANDARD CAP MARKING THE CORNER BETWEEN LOTS 1, 2 AND 3;

THENCE SOUTH 77 DEGREES 08 MINUTES WEST, 1684.32 FEET (R1), SOUTH 77 DEGREES 46 MINUTES WEST, 1683.92 FEET (M) TO A RAILROAD SPIKE IN THE CENTERLINE OF TURQUOISE DRIVE, MARKING THE CORNER BETWEEN LOTS 2, 3 AND 4;

THENCE NORTHERLY ALONG THE CENTERLINE OF TURQUOISE DRIVE ALONG A CURVE CONVEX TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 1198.25 FEET, DELTA OF 20 DEGREES 13 MINUTES, AND LENGTH OF 422.73 FEET (R1 AND M) TO A POINT OF REVERSE CURVATURE.

THENCE CONTINUING ALONG TURQUOISE DRIVE ALONG A CURVE CONVEX TO THE NORTHEAST, SAID CURVE HAVING A RADIUS OF 849.68 FEET (R1), 851.73(M), DELTA = 27 DEGREES 55 MINUTES (R1), 27 DEGREES 51 MINUTES FEET (M), AND LENGTH OF 409.89 FEET(R1), 409.92 FEET (M) TO A POINT OF REVERSE CURVATURE;

THENCE CONTINUING ALONG TURQUOISE DRIVE ALONG A CURVE CONVEX TO THE SOUTHWEST, SAID CURVE HAVING A RADIUS OF 695.55 FEET (R1), 695.83 FEET(M); DELTA OF 28 DEGREES 18 MINUTES (R1), 28 DEGREES 16 MINUTES (M) AND LENGTH OF 343.40 FEET (R1), 343.37 FEET (M) TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG TURQUOISE DRIVE NORTH 0 DEGREES 24 MINUTES WEST, 16.63 FEET (R1), NORTH 0 DEGREES 21 MINUTES WEST, 16.61 FEET (M) TO THE **POINT OF BEGINNING**;

AND FURTHER BEING DESCRIBED AS LOT 2 OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA;

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE CITY OF FLAGSTAFF BY ORDER RECORDED IN DOCKET 1349, PAGE 233;

ALSO **EXCEPTING** THEREFROM THE WESTERN 40.00 FEET THEREOF, BEING THE EASTERN RIGHT OF WAY OF TURQUOISE DRIVE , A PUBLIC STREET, AS SHOWN ON RESULTS OF SURVEY MAP RECORDED IN BOOK 4, PAGE 35 (R.C.C.)(R2)

ALSO **EXCEPTING** THEREFROM THE NORTHERN 33.50 FEET OF SAID LOT 2 OF SECTION 15;

ALSO **EXCEPTING** THEREFROM A PORTION OF A PARCEL OF LAND DESCRIBED IN DOCKET 1129, PAGE 577 OF THE RECORDS OF COCONINO COUNTY, ARIZONA (R.C.C.), SITUATED IN THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST, GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA, MORE PART1CULARLY DESCRIBED AS FOLLOWS:

FROM THE NORTH QUARTER OF SAID SECTION 15;

THENCE NORTH 89 DEGREES 50 MINUTES 12 SECONDS EAST [BASIS OF BEARING: (DOCKET 1349, PAGE 239 (R.C.C.)(R1))], ALONG THE NORTH SECTION LINE OF SAID SECTION 15 FOR 80.60 FEET [RECORD: 80.58 FEET(R1)] TO THE EAST RIGHT OF WAY LINE OF TURQUOISE DRIVE AS SHOWN ON RESULTS OF SURVEY MAP RECORDED IN BOOK 4, PAGE 35 (R.C.C.)(R2);

THENCE SOUTH 00 DEGREES 16 MINUTES 14 SECONDS EAST ALONG SAID EAST RIGHT OF WAY LINE FOR 16.55 FEET TO A NONTANGENT POINT OF CURVATURE;

THENCE SOUTEASTERLY ALONG SAID EAST RIGHT OF WAY LINE ALONG A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 03 DEGREES 40 MINUTES 32 SECONDS AND A RADIUS OF 657.11 FEET, FOR A DISTANCE OF 42.15 FEET, THE CHORD OF SAID CURVE BEARS SOUTH 01 DEGREES 12 MINUTES 50 SECONDS EAST FOR 42.15 FEET TO THE SOUTHWEST CORNER OF A PARCEL OF LAND DESCRIBED IN DOCKET 1349, PAGE 240 (R.C.C.)(R.3) AND THE TRUE POINT OF BEGINNING;

THENCE NORTH 43 DEGREES 22 MINUTES 31 SECONDS EAST ALONG THE SOUTHERLY

PARCEL LINE OF SAID PARCEL (R3) FOR 34.73 FEET [RECORD: 34.44 FEET (R3)] TO A POINT;

THENCE NORTH 89 DEGREES 50 MINUTES 12 SECONDS EAST ALONG SAID SOUTHERLY PARCEL LINE FOR 30.01 FEET [M & R3] TO A POINT;

THENCE SOUTH 72 DEGREES 55 MINUTES 14 SECONDS EAST ALONG SAID SOUTHERLY PARCEL LINE FOR 48.91 FEET [M & R3] TO A POINT;

THENCE NORTH 85 DEGREES 09 MINUTES 30 SECONDS EAST ALONG SAID SOUTHERLY PARCEL LINE FOR 67.44 FEET [M & R3] TO A POINT,

THENCE SOUTH 84 DEGREES 27 MINUTES 10 SECONDS EAST [M & R3] ALONG SAID SOUTHERLY PARCEL LINE FOR 73.58 FEET TO A POINT;

THENCE SOUTH 20 DEGREES 18 MINUTES 32 SECONDS WEST FOR 224.82 FEET TO A POINT;

THENCE SOUTH 08 DEGREES 00 MINUTES 15 SECONDS EAST FOR 147.17 FEET TO A POINT;

THENCE SOUTH 81 DEGREES 39 MINUTES 15 SECONDS WEST FOR 63.67 FEET TO A NONTANGENT POINT ON CURVE, SAID POINT BEING THE EASTERLY RIGHT OF WAY LINE OF SAID (R2);

THENCE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE ALONG A CURVE TO THE LEFT, HAVING A CENTRAL ANGLE OF 06 DEGREES 6 MINUTES 29 SECONDS AND A RADIUS OF 892.28 FEET FOR A DISTANCE OF 97.72 FEET, THE CHORD OF SAID CURVE BEARS NORTH 25 DEGREES 27 MINUTES 37 SECONDS WEST FOR 97.67 FEET TO A POINT OF REVERSE CURVE;

THENCE CONTINUE NORTHWESTERLY ALONG SAID EASTERLY RIGHT OF WAY LINE, ALONG A CURVE TO THE RIGHT HAVING A CENTRAL ANGLE OF 24 DEGREES 32 MINUTES 45 SECONDS AND A RADIUS OF 657.11 FEET, FOR A DISTANCE OF 279.36 FEET, THE CHORD OF SAID CURVE BEARS NORTH 16 DEGREES 19 MINUTES 29 SECONDS WEST FOR 279.36 FEET, TO THE TRUE **POINT OF BEGINNING**.

PARCEL 4:

A PORTION OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

FOR REFERENCE, BEGIN AT THE EAST QUARTER CORNER OF SAID SECTION 15, A BLM BRASS CAP;

THENCE NORTH, 00 DEGREES O8 MINUTES 04 SECONDS EAST, ALONG THE EAST LINE OF SAID SECTION 15, A DISTANCE OF 550.96 FEET TO A ½ INCH PIPE;

THENCE SOUTH 89 DEGREES 40 MINUTES 31 SECONDS WEST, A DISTANCE OF 49.94 FEET;

THENCE NORTH 89 DEGREES 49 MINUTES 41 SECONDS WEST, A DISTANCE OF 128.44 FEET;

THENCE NORTH 80 DEGREES 43 MINUTES 57 SECONDS WEST, A DISTANCE OF 56.20 FEET;

THENCE NORTH 89 DEGREES 54 MINUTES 52 SECONDS WEST, A DISTANCE OF 107.02 FEET TO THE TRUE **POINT OF BEGINNING**;

THENCE SOUTH 02 DEGREES 02 MINUTES 55 SECONDS EAST, A DISTANCE OF 529.73 FEET;

THENCE NORTH 89 DEGREES 45 MINUTES 20 SECONDS WEST, A DISTANCE OF 97.85 FEET;

THENCE SOUTH 00 DEGREES 52 MINUTES 01 SECONDS EAST, A DISTANCE OF 87.27 FEET TO THE BEGINNNG OF A CURVE, CONCAVE TO THE EAST, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES 31 MINUTES 07 SECONDS;

THENCE RUN ALONG THE ARC OF SAID CURVE A DISTANCE OF 31.60 FEET;

THENCE SOUTH 89 DEGREES 39 MINUTES 06 SECONDS WEST, A DISTANCE OF 96.00 FEET TO THE BEGINNING OFA CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 20.00 FEET AND A CENTRAL ANGLE OF 89 DEGREES 29 MINUTES 09 SECONDS;

THENCE RUN ALONG THE ARC OF SAID CURVE, A DISTANCE OF 31.24 FEET;

THENCE NORTH 00 DEGREES 51 MINUTES 45 SECONDS WEST, A DISTANCE OF 87.85 FEET;

THENCE NORTH 89 DEGREES 45 MINUTES 20 SECONDS WEST, A DISTANCE OF 7.00 FEET;

THENCE NORTH 89 DEGREES 34 MINUTES 28 SECONDS WEST, A DISTANCE OF 68.13 FEET;

THENCE NORTH 75 DEGREES 59 MINUTES 46 SECONDS WEST, A DISTANCE OF 57.74 FEET;

THENCE NORTH 78 DEGREES 14 MINUTES 56 SECONDS WEST, A DISTANCE OF 99.31 FEET;

T'HENCE NORTH 00 DEGREES 08 MINUTES 15 SECONDS EAST, A DISTANCE OF 587.55 FEET;

THENCE SOUTH 75 DEGREES 28 MINUTES 17 SECONDS EAST, A DISTANCE OF 373.65 FEET TO THE **POINT OF BEGINNING.**

PARCEL 5:

A PORTION OF THE EAST HALF OF SECTION 15, TOWNSHIP 21 NORTH RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

TRACTS 8, 9 AND 10, SWITZER MESA UNIT TWO, AS SHOWN ON THE PLAT THEREOF RECORDED IN CASE 2, MAPS 344-344D, RECORDS OF COCONINO COUNTY, ARIZONA; AND

LOTS 48-58, INCLUSIVE, SWITZER MESA UNIT TWO, AS SHOWN ON THE PLAT THEREOF RECORDED IN CASE 2, MAPS 344-344D, RECORDS OF COCONINO COUNTY, ARIZONA.

PARCEL 6:

A PORTION OF THE NORTHEAST QUARTER OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

FOR REFERENCE, BEGIN AT THE NORTH 1/16TH CORNER OF SAID SECTION 15, A BLM BRASS CAP;

THENCE NORTH 88 DEGREES 19 MINUTES 36 SECONDS WEST, A DISTANCE OF 1005.26 FEET TO THE TRUE **POINT OF BEGINNING;**

THENCE SOUTH 00 DEGREES 12 MINUTES 03 SECONDS WEST, A DISTANCE OF 326.33 FEET TO THE BEGINNING OF A CURVE, CONCAVE TO THE WEST, HAVING A RADIUS OF 637.50 FEET AND A CENTRAL ANGLE OF 15 DEGREES 16 MINUTES 44 SECONDS;

THENCE RUN ALONG THE ARC OF SAID CURVE, A DISTANCE OF 170.0 FEET;

THENCE SOUTH 15 DEGREES 28 MINUTES 47 SECONDS WEST, A DISTANCE OF 100.00 FEET TO THE BEGINNING OFA CURVE CONCAVE TO THE EAST, HAVING A RADIUS OF 562.50 FEET AND A CENTRAL ANGLE OF 15 DEGREES 16 MINUTES 44 SECONDS;

THENCE RUN ALONG THE ARC OF SAID CURVE, A DISTANCE OF 150.00 FEET;

THENCE SOUTH 00 DEGREES 12 MINUTES 03 SECONDS WEST, A DISTANCE OF 10.00 FEET TO THE NORTHWEST CORNER OF LOT 48, SWITZER MESA UNIT TWO, AS SHOWN ON THE PLAT RECORDED IN CASE 2, MAPS 344-344D, RECORDS OF COCONINO COUNTY, ARIZONA;

THENCE S0UTH 89 DEGREES 45 MINUTES 13 SECONDS EAST, A DISTANCE OF 110.00 FEET TO THE NORTHEAST CORNER OF SAID LOT 48;

THENCE SOUTH 00 DEGREES 12 MINUTES 03 SECONDS WEST, A DISTANCE OF 795.32 FEET TO THE SOUTHEAST CORNER OF LOT 58 OF SAID SWITZER MESA UNIT TWO;

THENCE NORTH 77 DEGREES 44 MINUTES 39 SECONDS WEST, A DISTANCE OF 111.93 FEET TO THE SOUTHWEST CORNER OF SAID LOT 58;

THENCE NORTH 00 DEGREES 27 MINUTES 54 SECONDS EAST, A DISTANCE OF 56.65 FEET;

THENCE NORTH 78 DEGREES 57 MINUTES 51 SECONDS WEST, A DISTANCE OF 155.10 FEET TO THE SOUTHWEST CORNER OF TRACT 8 OF SAID SWITZER MESA UNIT TWO;

THENCE NORTH 13 DEGREES 32 MINUTES 21 SECONDS WEST, ALONG THE WEST LINE OF SAID TRACT 8, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF SAID TRACT 8;

THENCE NORTH 07 DEGREES 35 MINUTES 08 SECONDS WEST, A DISTANCE OF 200.00 FEET TO THE NORTHWEST CORNER OF TRACT 9 OF SAID SWITZER MESA UNIT TWO;

THENCE NORTH 33 DEGREES 34 MINUTES 58 SECONDS WEST, A DISTANCE OF 260.00 FEET TO THE NORTHWEST CORNER OF TRACT 10 OF SAID SWITZER MESA UNIT TWO;

THENCE NORTH 25 DEGREES 17 MINUTES 40 SECONDS WEST, A DISTANCE OF 939.94 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 15;

THENCE SOUTH 88 DEGREES 19 MINUTES 36 SECONDS EAST, ALONG SAID NORTH LINE A DISTANCE OF 844.34 FEET TO THE **POINT OF BEGINNING.**

EXCEPTING THEREFROM ANY PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE LINES OF SWITZER MESA UNIT TWO, AS SHOWN ON THE PLAT THEREOF RECORDED IN CASE 2, MAPS 344-344D, RECORDS OF COCONINO COUNTY, ARIZONA.

PARCEL 7:

THAT PORTION OF SECTIONS 10, 11 AND 14, TOWNSHIP 21 NORTH, RANGE 7 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 10 THAT LIES SOUTH 89 DEGREES 50 MINUTES 12 SECONDS WEST (BASIS OF BEARINGS, DOCKET 1349, PAGE 239, COCONINO COUNTY RECORDERS OFFICE) A DISTANCE OF 439.62 FEET FROM THE SOUTHEAST CORNER OF SAID SECTION 10;

THENCE NORTH 31 DEGREES 22 MINUTES 18 SECONDS WEST, A DISTANCE OF 84.56 FEET TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF CEDAR AVENUE AS DESCRIBED IN DOCKET 1437, PAGE 163, AND THE BEGINNING OF A NONTANGENT CURVE TO THE LEFT FROM WHICH THE RADIUS POINT BEARS NORTH 26 DEGREES 57 MINUTES 58 SECONDS WEST, BEING CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 985.00 FEET AND A CENTRAL ANGLE OF 63 DEGREES 21 MINUTES 12 SECONDS;

THENCE NORTHEASTERLY ALONG SAID CURVE AN ARC DISTANCE OF 1089.14 FEET;

THENCE NORTH 00 DEGREES 19 MINUTES 10 SECONDS WEST, A DISTANCE OF 138.12 FEET;

THENCE NORTH 89 DEGREES 40 MINUTES 50 SECONDS EAST, A DISTANCE OF 80.00 FEET;

THENCE NORTH 00 DEGREES 19 MINUTES 10 SECONDS WEST, A DISTANCE OF 22.50 FEET;

THENCE NORTH 89 DEGREES 40 MINUTES 50 SECONDS EAST, A DISTANCE OF 170.00 FEET TO THE BEGINNING OFA CURVE TO THE RIGHT, CONCAVE TO THE SOUTHWEST, HAVING A RADIUS OF 300.00 FEET AND A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS;

THENCE EASTERLY AND SOUTHERLY ALONG SAID CURVE AN ARC DISTANCE OF 471.24 FEET;

THENCE SOUTH 00 DEGREES 19 MINUTES 10 SECONDS EAST, A DISTANCE OF 696.22 FEET TO THE BEGINNING OF A CURVE TO THE RIGHT, CONCAVE TO THE NORTHWEST, HAVING A RADIUS OF 750.00 FEET AND A CENTRAL ANGLE OF 56 DEGREES 26 MINUTES 16 SECONDS;

THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 738.77 FEET;

THENCE SOUTH 31 DEGREES 22 MINUTES 18 SECONDS EAST, A DISTANCE OF 270.27 FEET;

THENCE SOUTH 58 DEGREES 37 MINUTES 42 SECONDS WEST, A DISTANCE OF 350.00 FEET, MORE OF LESS, TO A POINT THAT LIES SOUTH 31 DEGREES 22 MINUTES 18 SECONDS EAST FROM THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 58 DEGREES 37 MINUTES 42 SECONDS WEST, A DISTANCE OF 50.00 FEET;

THENCE NORTH 31 DEGREES 22 MINUTES 18 SECONDS WEST, A DISTANCE OF 108.48 FEET, MORE OF LESS, TO A POINT ON THE WEST LINE OF SAID SECTION 14;

THENCE NORTH 01 DEGREES 22 MINUTES 18 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 14 TO THE NORTHWEST CORNER OF SAID SECTION 14;

THENCE SOUTH 89 DEGREES 50 MINUTES 12 SECONDS WEST, ALONG THE SOUTH LINE OF SAID SECTION 10, A DISTANCE OF 439.62 FEET TO THE POINT OF **BEGINNING**;

EXCEPTING THEREFROM THAT PORTION AS DESCRIBED IN DOCKET 1499, PAGE 636, AND AMENDED AND CORRECTED IN DOCKET 1502, PAGE 483.

PARCEL 8:

THAT PORTION OF SECTION 14, TOWNSHIP 21 NORTH, RANGE 7 EAST, OF THE GILA AND SALT RIVER BASE AND MERIDIAN, COCONINO COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 14;

THENCE SOUTH 89 DEGREES 50 MINUTES 12 SECONDS WEST (BASIS OF BEARINGS DOCKET 1349,

PAGE 239, RECORDS OF COCONINO COUNTY RECORDERS OFFICE) ALONG THE NORTH LINE OF SECTION 15, TOWNSHIP 21 NORTH, RANGE 7 EAST, A DISTANCE OF 439.62 FEET;

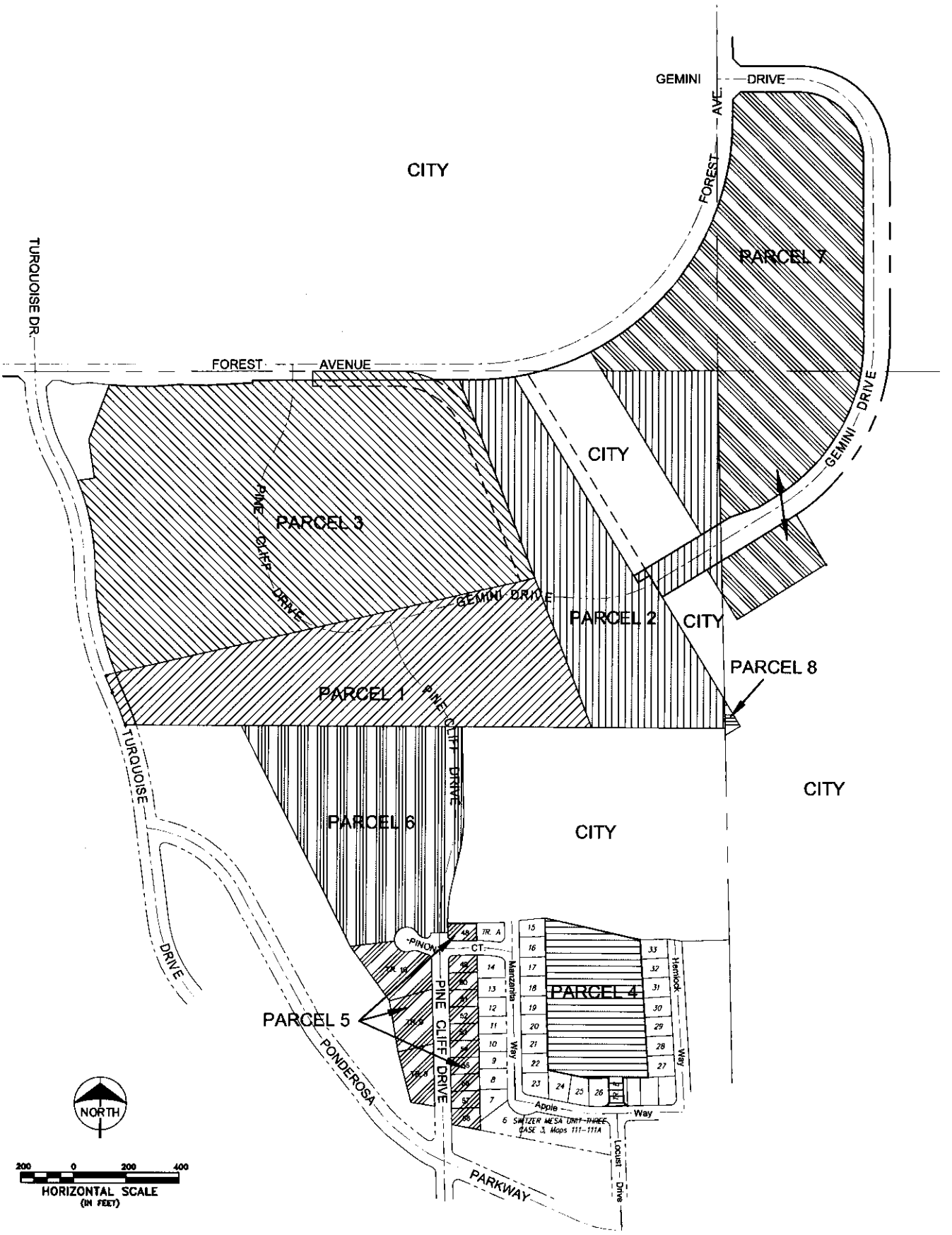
THENCE CONTINUING SOUTH 89 DEGREES 50 MINUTES 12 SECONDS WEST, ALONG THE NORTH LINE OF SAID SECTION 15, A DISTANCE OF 292.30 FEET;

THENCE SOUTH 31 DEGREES 22 MINUTES 18 SECONDS EAST, A DISTANCE OF 1463.51 FEET, MORE OF LESS, TO A POINT ON THE WEST LINE OF SAID SECTION 14, BEING THE TRUE **POINT OF BEGINNING**;

THENCE CONTINUING SOUTH 31 DEGREES 22 MINUTES 18 SECONDS EAST, A DISTANCE OF 116.91 FEET;

THENCE SOUTH 58 DEGREES 37 MINUTES 42 SECONDS WEST, A DISTANCE OF 67.50 FEET, MORE OR LESS, TO A POINT ON THE WEST LINE OF SAID SECTION 14;

THENCE NORTH 01 DEGREES 22 MINUTES 18 SECONDS WEST, ALONG THE WEST LINE OF SAID SECTION 14, A DISTANCE OF 135.00 FEET, MORE OR LESS, TO THE **POINT OF BEGINNING**.



This exhibit illustrates the eight (8) parcels comprising the McMillan Mesa Village property that is subject to the Development Agreeement between the City of Flagstaff and Cavan Opportunity Fund, LLC.

McMillan Mesa Village

Property Subject to Developent Agreement

CAVAN Opportunity Fund, L.L.C.

DAC Consulting, Inc. February 16, 2007 File: _MMV-070216.dwg

EXHIBIT A-1

McMillan Mesa

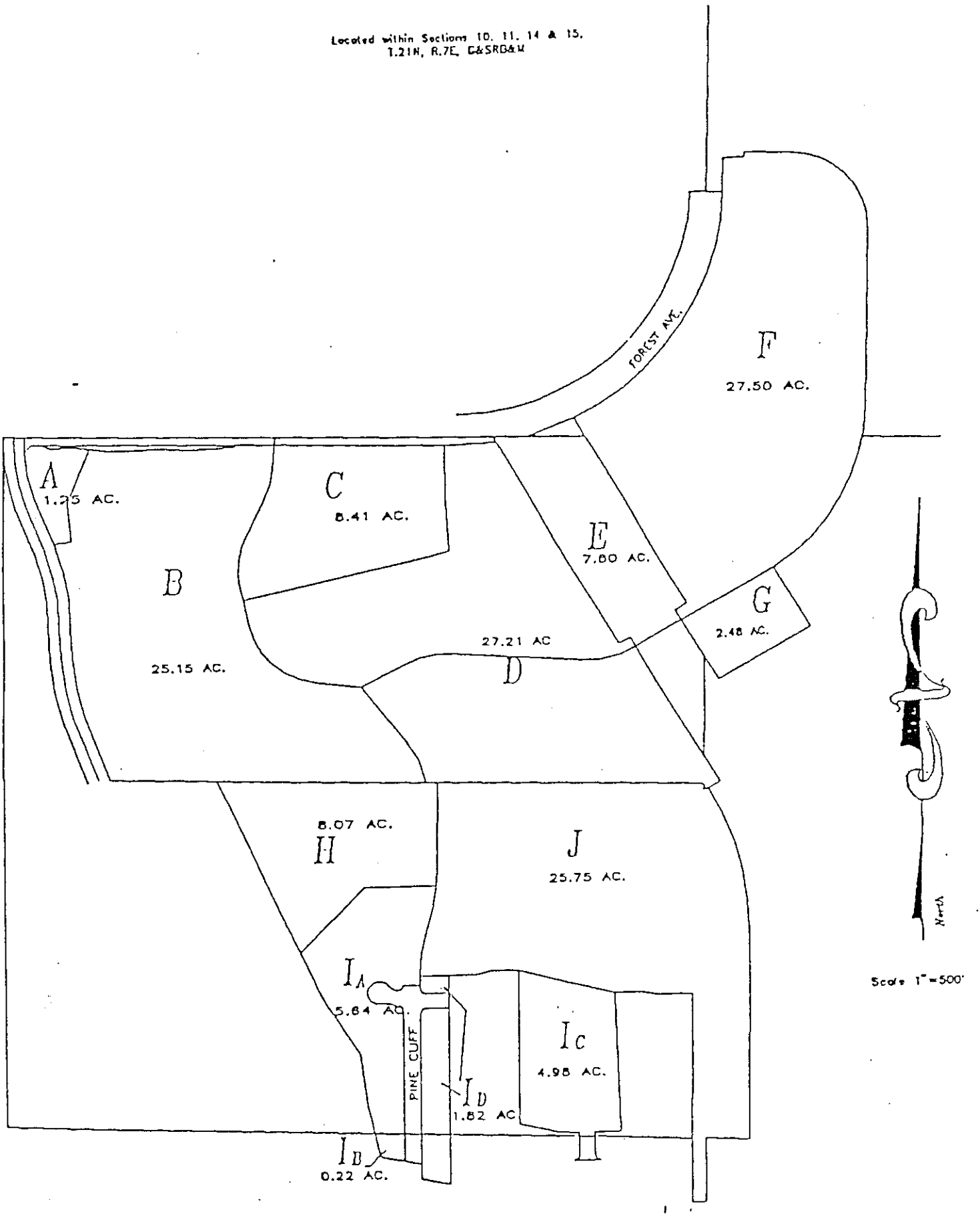


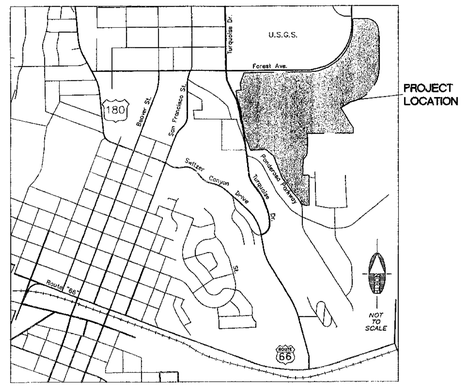
EXHIBIT B

dac_RecrceExhibit.dwg
Jul 23, 07

CITY OF FLAGSTAFF

McMillan Mesa Village
Natural Resource Protection Plan
COVER PAGE

LOCATED WITHIN THE NE $\frac{1}{4}$ OF SECTION 15,
THE NW $\frac{1}{4}$ OF SECTION 14, THE SE $\frac{1}{4}$ OF SECTION 10,
AND THE SW $\frac{1}{4}$ OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 7 EAST GILA
AND SALT RIVER BASE AND MERIDIAN
FLAGSTAFF, ARIZONA, COCONINO COUNTY



VICINITY MAP

OWNER/DEVELOPER:
Cavan Opportunity Fund, L.L.C.
15333 North Pima Road, Suite 305
Scottsdale, Arizona 85260
(480) 627-7000

SURVEYOR:
Shephard-Wesnitzer, Inc.
Thomas J. Butler
110 West Dale Avenue, Suite 1
Flagstaff, Arizona 86001
(928) 282-1061

ENGINEERS:
Shephard-Wesnitzer, Inc.
Guy Zeigler, PE
110 West Dale Avenue, Suite 1
Flagstaff, Arizona 86001
(928) 282-1061

DAC Consulting, Inc.
Dennis Alan Cain, PE, RLS
9668 E. Sutton Drive
Scottsdale, Arizona 85260
(602) 828-2246

TABLE OF CONTENTS

Sheet	Title	Description
1	Cover Page	
2	Analysis Sheet	Tabulation of Existing and Protected Resources
3	Exhibit 1	Aerial Photography - North 1/2 of Site
4	Exhibit 2	Aerial Photography - South 1/2 of Site
5	Calculations	RS01 Tree Resource Calculation*
6	Calculations	RS02 Tree Resource Calculation*
7	Calculations	RS03 Tree Resource Calculation*
8	Calculations	RS04 Tree Resource Calculation*
9	Calculations	RS05 Tree Resource Calculation*
10	Calculations	RS06 Tree Resource Calculation*

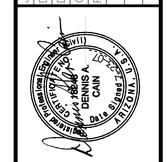
* Calculations of Tree Resources were perfromed by Shephard-Wesnitzer, Inc. using a combination of datat obtained by field survey and by measurements from aerial photography by autocad methodology. These sheets illustrate the nature of that methodology.

The purpose of this set of plans is to document that the subject project is in compliance with the intent of the City of Flagstaff's Land Development Code with respect to requirements for Natural Resource Protection. The exhibits presented on the following sheets represent the methodology and the results of calculations to determine the slope area resources as well as the tree resources within the subject property. The tabular data shown on sheet 2 reflects a summary of these resources as computed from a combination of actual field surveys (limited to the infrastrucure areas and selected slope protection areas as shown in the exhibits) and aerial mapping surveys performed by Shephard-Wesntizer from photography obtained in May, 2006.

REVISION	DATE	BY
1. Replot	6/18/07	DAC
2. Revised per City Comments	07/23/07	DAC

DAC Consulting, inc.
9668 East Sutton Drive
Scottsdale, AZ 85260
Email: dcain6@cox.net
Phone: (602) 828-2246 Fax: (480) 659-0689

JOB NUMBER: COF-06261SWI
DESIGN BY: D.A.C.
DRAWN BY: D.A.C.
CHECKED: D.A.C.
PLAN DATE: MAY 4, 2007



NATURAL RESOURCE PROTECTION PLAN
McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

COF Project #04-6052

McMillan Mesa Village
Natural Resource Protection Analysis

Ownership Legend: CAVAN | CITY

25% Slope	Total	Parcel B	Parcel C	Parcel D1	Parcel Da	Parcel D2	Parcel D3	Parcel Db	Parcel D4	Parcel E	Parcel F	Parcel G	Parcel H	Parcel Ia	Parcel Ib	Parcel Ic	Parcel Id	ROW
Existing >25% Slope	97,306	97,306	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Preservation rate	-	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%	80%
Additional Preservation Rate Credit	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Final preservation rate	-	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%	80.0%
Required 25% Slope	77,845	77,845	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Disturbed 25% Slope	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Preserved 25% Slope	97,306	97,306	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
25% Slope Surplus	**19,461**	19,461	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0

17-24.99% Slope	Total	Parcel B	Parcel C	Parcel D1	Parcel Da	Parcel D2	Parcel D3	Parcel Db	Parcel D4	Parcel E	Parcel F	Parcel G	Parcel H	Parcel Ia	Parcel Ib	Parcel Ic	Parcel Id	ROW
Existing 17-24.99% Slope	219,267	196,889	0	0	19,748	0	0	0	0	0	0	0	687	1,943	0	0	0	
Preservation rate	-	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%	70%
Additional Preservation Rate Credit	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Final preservation rate	-	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%	70.0%
Required 17-24.99% Slope	153,487	137,822	0	0	13,824	0	0	0	0	0	0	0	481	1,360	0	0	0	0
Disturbed 17-24% Slope	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Preserved 17-24.99% Slope	219,267	196,889	0	0	19,748	0	0	0	0	0	0	0	687	1,943	0	0	0	0
17-24.99% Slope Surplus	**65,780**	59,067	0	0	5,924	0	0	0	0	0	0	0	206	583	0	0	0	0

Forest	Total	Parcel B	Parcel C	Parcel D1	Parcel Da	Parcel D2	Parcel D3	Parcel Db	Parcel D4	Parcel E	Parcel F	Parcel G	Parcel H	Parcel Ia	Parcel Ib	Parcel Ic	Parcel Id	ROW
Existing Tree Canopy (Estimate)	**239,232**	62,473	8,210	4,183	34,514	7,306	5,593	4,498	4,470	9,982	19,678	2,221	29,365	17,000	4,739	9,115	1,636	14,249
Preservation rate	-	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%	50%
Additional Preservation Rate Credit	-	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%	0%
Final preservation rate	-	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%	50.0%
Required Tree Canopy	119,616	31,237	4,105	2,092	17,257	3,653	2,797	2,249	2,235	4,991	9,839	1,111	14,683	8,500	2,370	4,558	818	7,125
Preserved Tree Canopy (Estimate)	**67,632**	3,201	1,081	0	33,646	1,414	0	4,301	318	1,048	1,969	2,221	3,372	4,367	611	9,115	0	968
Flexible Measure Tree Canopy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Useable Flexible Measure Tree Canopy	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Total Effective Preserved Tree Canopy	67,632	3,201	1,081	0	33,646	1,414	0	4,301	318	1,048	1,969	2,221	3,372	4,367	611	9,115	0	968
Tree Canopy Deficit/Surplus	**(51,984)**	(28,036)	(3,024)	(2,092)	16,389	(2,239)	(2,797)	2,052	(1,917)	(3,943)	(7,870)	1,111	(11,311)	(4,133)	(1,759)	4,558	(818)	(6,157)

Total Surplus	Total	Parcel B	Parcel C	Parcel D1	Parcel Da	Parcel D2	Parcel D3	Parcel Db	Parcel D4	Parcel E	Parcel F	Parcel G	Parcel H	Parcel Ia	Parcel Ib	Parcel Ic	Parcel Id	ROW
25% Slope Surplus	19,461	19,461	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
17-24.99% Slope Surplus	65,780	59,067	0	0	5,924	0	0	0	0	0	0	0	206	583	0	0	0	0
Tree Canopy Deficit/Surplus	(51,984)	(28,036)	(3,024)	(2,092)	16,389	(2,239)	(2,797)	2,052	(1,917)	(3,943)	(7,870)	1,111	(11,311)	(4,133)	(1,759)	4,558	(818)	(6,157)
Total Surplus or Deficit	**33,257**	**50,492**	**(3,024)**	**(2,092)**	**22,313**	**(2,239)**	**(2,797)**	**2,052**	**(1,917)**	**(3,943)**	**(7,870)**	**1,111**	**(11,104)**	**(3,550)**	**(1,759)**	**4,558**	**(818)**	**(6,157)**

Summary by Ownership	Total	Parcel B	Parcel C	Parcel D1	Parcel Da	Parcel D2	Parcel D3	Parcel Db	Parcel D4	Parcel E	Parcel F	Parcel G	Parcel H	Parcel Ia	Parcel Ib	Parcel Ic	Parcel Id	ROW
Cavan Only	**13,938**	**50,492**	**(3,024)**	**(2,092)**	**0**	**(2,239)**	**(2,797)**	**0**	**(1,917)**	**(3,943)**	**(7,870)**	**0**	**(11,104)**	**(3,550)**	**(1,759)**	**4,558**	**(818)**	**0**
City Only	**19,319**	**0**	**0**	**0**	**22,313**	**0**	**0**	**2,052**	**0**	**0**	**0**	**1,111**	**0**	**0**	**0**	**0**	**0**	**(6,157)**

Project Total Resource Surplus	**33,257**	**50,492**	**(3,024)**	**(2,092)**	**22,313**	**(2,239)**	**(2,797)**	**2,052**	**(1,917)**	**(3,943)**	**(7,870)**	**1,111**	**(11,104)**	**(3,550)**	**(1,759)**	**4,558**	**(818)**	**(6,157)**

Notes:
1. All areas in square feet.
2. Applied Compatible Preservation Rates to All Parcels addressed in Specific Plan per City LDC, regardless of Ownership.
3. Forest Resource Estimates taken from analysis of aerial photography for preliminary evaluation purposes
4. Preserved Tree Canopy Estimate is net of all Slope Preservation Areas (see Parcels B and DA)
5. Parcel B: Existing Tree Canopy Estimate in non-slope areas only. Preserved Canopy: Estimated in non-slope, no-build area and green belts only; Assume 0% within buildable area.
6. Parcels C, D1, D2, D3, D4, E, F, H, Ia, Ib and Id: Assume 0% tree preservation
7. Parcels Da, Db and G (Future COF parcels per exchange): Assume 100% tree preservation on each parcel.
8. Parcels D2 and D3 trees exclude portions of Parcel E: Parcel E includes both north and south of Gemini Drive.
9. Parcel Ic (Cavan Open Space): Assume 100% tree preservation

Cell Color Legend
- Manual Input Cell
- Calculated Input Cell
- Estimated Input Cell
- Code Factor Input Cell
- Calculation Cell

REVISION	DATE	BY
1. Replot	6/18/07	DAC
2. Revised per City Comments	07/23/07	DAC

DAC Consulting, inc.
9668 East Sutton Drive
Scottsdale, AZ 85260
Email: dcain@cox.net
Phone: (602) 828-2246 Fax: (480) 659-0689

JOB NUMBER: COF-06261SW1
DESIGN BY: D.A.C.
DRAWN BY: D.A.C.
CHECKED: D.A.C.
PLAN DATE: MAY 4, 2007

NATURAL RESOURCE PROTECTION - ANALYSIS
McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

COF Project #04-6052

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Jul 23, 07

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Jul. 23, 07

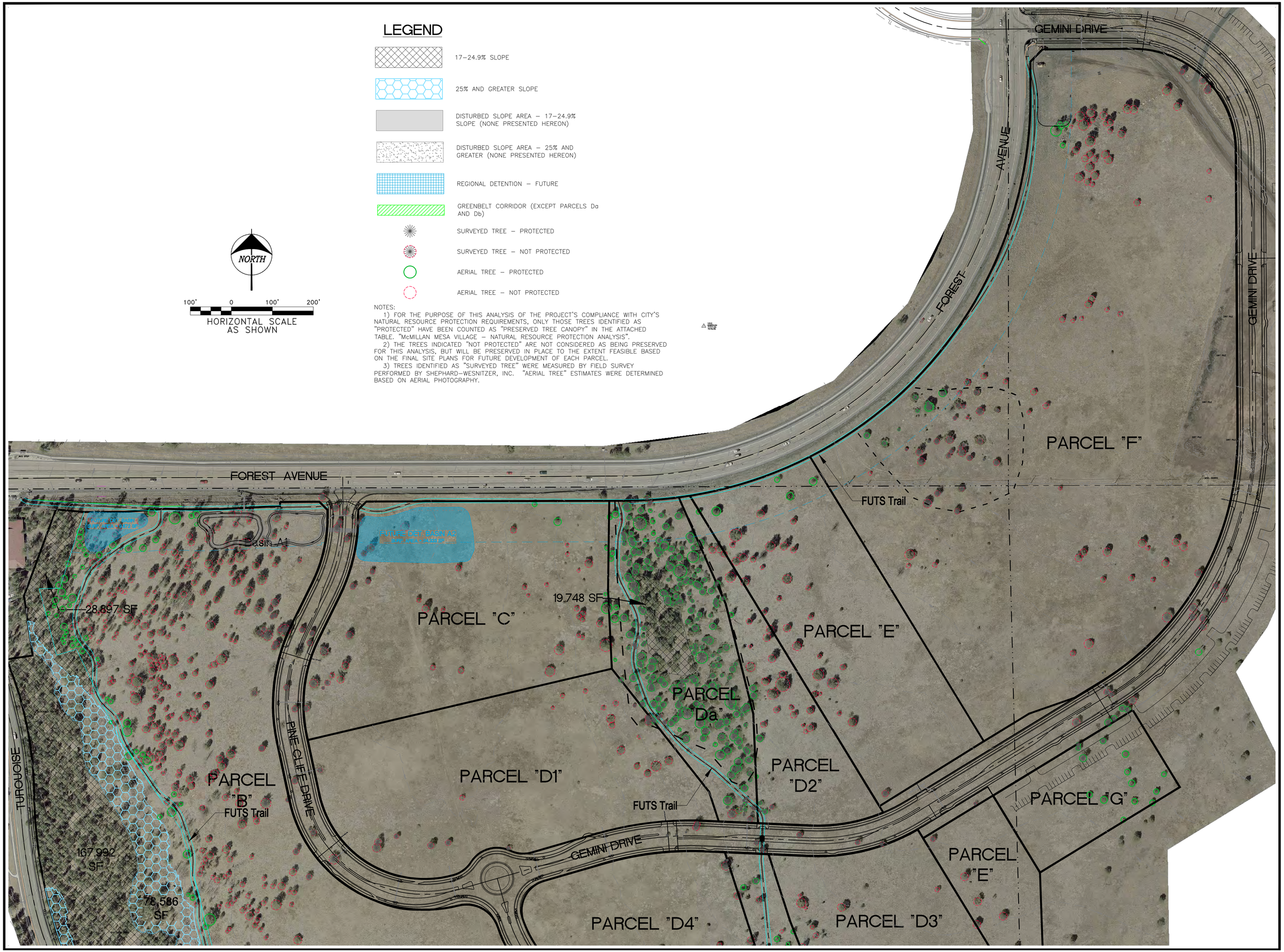
LEGEND

- 17–24.9% SLOPE
- 25% AND GREATER SLOPE
- DISTURBED SLOPE AREA – 17–24.9% SLOPE (NONE PRESENTED HEREON)
- DISTURBED SLOPE AREA – 25% AND GREATER (NONE PRESENTED HEREON)
- REGIONAL DETENTION – FUTURE
- GREENBELT CORRIDOR (EXCEPT PARCELS Da AND Db)
- SURVEYED TREE – PROTECTED
- SURVEYED TREE – NOT PROTECTED
- AERIAL TREE – PROTECTED
- AERIAL TREE – NOT PROTECTED

NORTH

100' 0 100' 200'
HORIZONTAL SCALE AS SHOWN

NOTES:
1) FOR THE PURPOSE OF THIS ANALYSIS OF THE PROJECT'S COMPLIANCE WITH CITY'S NATURAL RESOURCE PROTECTION REQUIREMENTS, ONLY THOSE TREES IDENTIFIED AS "PROTECTED" HAVE BEEN COUNTED AS "PRESERVED TREE CANOPY" IN THE ATTACHED TABLE. "McMILLAN MESA VILLAGE – NATURAL RESOURCE PROTECTION ANALYSIS".
2) THE TREES INDICATED "NOT PROTECTED" ARE NOT CONSIDERED AS BEING PRESERVED FOR THIS ANALYSIS, BUT WILL BE PRESERVED IN PLACE TO THE EXTENT FEASIBLE BASED ON THE FINAL SITE PLANS FOR FUTURE DEVELOPMENT OF EACH PARCEL.
3) TREES IDENTIFIED AS "SURVEYED TREE" WERE MEASURED BY FIELD SURVEY PERFORMED BY SHEPHARD–WESNITZER, INC. "AERIAL TREE" ESTIMATES WERE DETERMINED BASED ON AERIAL PHOTOGRAPHY.



REVISION	DATE	BY
1. Replot	6/18/07	DAC
2. Revised per City Comments	07/23/07	DAC
3. Updated Infrastructure Plan	08/22/07	DAC

DAC Consulting, inc.
9668 East Sutton Drive
Scottsdale, AZ 85260
Email: dcain6@cox.net
Phone: (602) 823–2246 Fax: (480) 659–0669

JOB NUMBER: COF–062615WI
DESIGN BY: D.A.C.
DRAWN BY: D.A.C.
CHECKED: D.A.C.
PLAN DATE: MAY 4, 2007

Registered Professional Land Surveyor
Certificate No. 18248
DENIS A. CAIN
Date Signed 8-20-07
ARIZONA U.S.A.

NATURAL RESOURCE PROTECTION – EXHIBIT 1

McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

COF Project #04–6052

SHEET 3 OF 10 SHEETS

dac_RecreExhibit.dwg
Jul 23, 07

LEGEND

- 17–24.9% SLOPE
- 25% AND GREATER SLOPE
- DISTURBED SLOPE AREA – 17–24.9% SLOPE (NONE PRESENTED HEREON)
- DISTURBED SLOPE AREA – 25% AND GREATER (NONE PRESENTED HEREON)
- REGIONAL DETENTION – FUTURE
- GREENBELT CORRIDOR (EXCEPT PARCELS Da AND Db)
- SURVEYED TREE – PROTECTED
- SURVEYED TREE – NOT PROTECTED
- AERIAL TREE – PROTECTED
- AERIAL TREE – NOT PROTECTED

NOTES:

1) FOR THE PURPOSE OF THIS ANALYSIS OF THE PROJECT'S COMPLIANCE WITH CITY'S NATURAL RESOURCE PROTECTION REQUIREMENTS, ONLY THOSE TREES IDENTIFIED AS "PROTECTED" HAVE BEEN COUNTED AS "PRESERVED TREE CANOPY" IN THE ATTACHED TABLE. "McMILLAN MESA VILLAGE – NATURAL RESOURCE PROTECTION ANALYSIS".

2) THE TREES INDICATED "NOT PROTECTED" ARE NOT CONSIDERED AS BEING PRESERVED FOR THIS ANALYSIS, BUT WILL BE PRESERVED IN PLACE TO THE EXTENT FEASIBLE BASED ON THE FINAL SITE PLANS FOR FUTURE DEVELOPMENT OF EACH PARCEL.

3) TREES IDENTIFIED AS "SURVEYED TREE" WERE MEASURED BY FIELD SURVEY PERFORMED BY SHEPHARD–WESNITZER, INC. "AERIAL TREE" ESTIMATES WERE DETERMINED BASED ON AERIAL PHOTOGRAPHY.

NORTH

100' 0 100' 200'
HORIZONTAL SCALE AS SHOWN

REVISION	DATE	BY
1. Replot	6/18/07	DAC
2. Revised per City Comments	07/23/07	DAC
3. Updated Infrastructure Plan	08/22/07	DAC

DAC Consulting, inc.
9668 East Sutton Drive
Scottsdale, AZ 85260
Email: drain66@cox.net
Phone: (602) 828-2246 Fax: (480) 659-0689

JOB NUMBER: COF-06261SWI
DESIGN BY: D.A.C.
DRAWN BY: D.A.C.
CHECKED: D.A.C.
PLAN DATE: MAY 4, 2007

NATURAL RESOURCE PROTECTION – EXHIBIT 2

McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

COF Project #04-6052

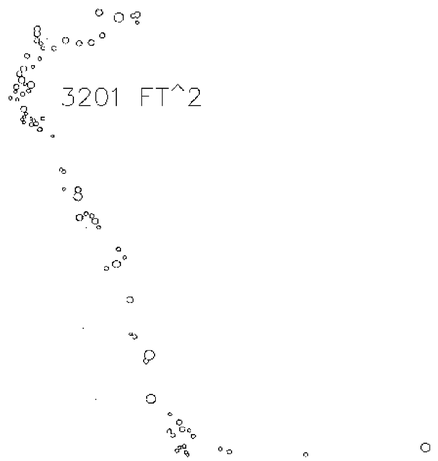
SHEET 4 OF 10 SHEETS

dac_RecreceExhibit.dwg
Jul 23, 07

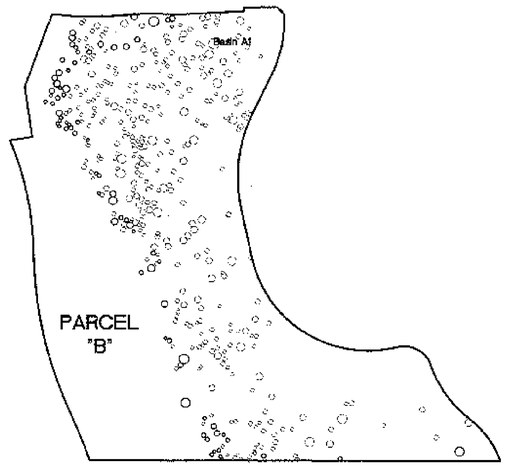
PLOTTED: Jul 23, 2007-2:35pm

PARCEL B SAVED TREES

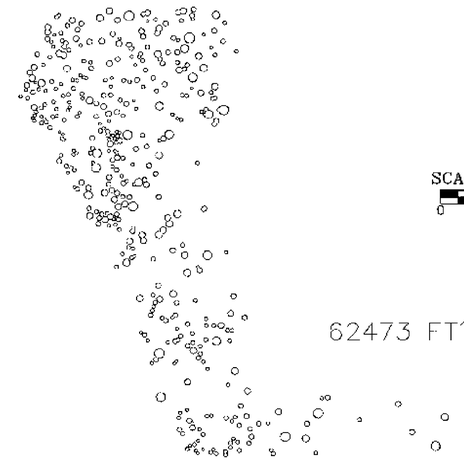
3201 FT^2



PARCEL B
EXISTING TREES



PARCEL B
EXISTING TREES

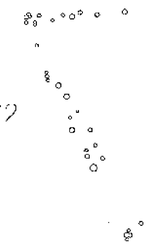


62473 FT^2

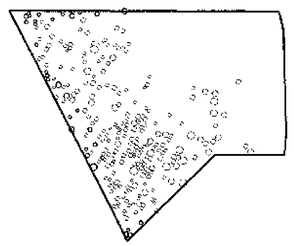
SCALE: 1" = 200'
0 100 200 400

PARCEL H SAVED TREES

3372 FT^2



PARCEL H
EXISTING TREES



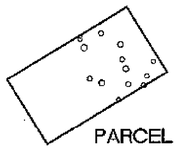
PARCEL H EXISTING TREES

29365 FT^2

PARCEL G
SAVED TREES

2221 FT^2

PARCEL G
EXISTING TREES



PARCEL G EXISTING TREES

2221 FT^2

THESE DRAWINGS ARE ONLY INTENDED TO ILLUSTRATE AREAS OF EXISTING AND SAVED TREE CANOPY. REFERENCE THE NATURAL RESOURCE PROTECTION EXHIBITS AND ASSOCIATED CALCULATIONS PREPARED BY DAC CONSULTING INC. FOR ADDITIONAL INFORMATION.

F:\E:\P\JOBS\06261\DWG\Conn\Resources\dac_RecreExhibit.dwg Eagle_Plan_38

FLAGSTAFF
ARIZONA

MCMILLAN MESA VILLAGE

TREE RESOURCE CALCULATION
BACKUP DATA

JOB NO. 06261
DATE: JULY 2007
SCALE: 1"=200'
DRAWN: GEZ
DESIGN:
CHECKED:

110 West Dale Ave.
Flagstaff, AZ 86001
928.774.0354
928.774.8934 fax
www.swaz.com

Shephard Wesnitzer, Inc.

NO.	DESCRIPTION	DATE	BY
	REVISIONS		

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DRAWING NO.
RS01
SHT NO. 1 OF 6

REVISION	DATE	BY
1. Replot.	6/18/07	DAC
2. Revised per City Comments	07/23/07	DAC

DAC Consulting, inc.
9668 East Sutton Drive
Scottsdale, AZ 85260
Email: dcain@cox.net
Phone: (602) 828-2246 Fax: (480) 659-0689

JOB NUMBER: COF-06261SWI
DESIGN BY: D.A.C.
DRAWN BY: D.A.C.
CHECKED: D.A.C.
PLAN DATE: JULY 22, 2007

NATURAL RESOURCE PROTECTION - CALCULATIONS

McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

COF Project #04-6052

SHEET 5 OF 10 SHEETS

dac_RecreExhibit.dwg
Jul 23, 07

P:\DTEXt, Jul 25, 2007-2:37pm

PARCEL Ib SAVED TREES

611 FT^2

PARCEL Ib EXISTING TREES

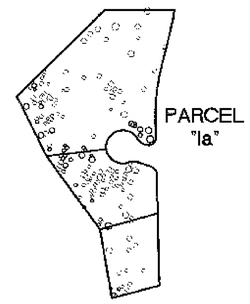
PARCEL Ib EXISTING TREES

4739 FT^2

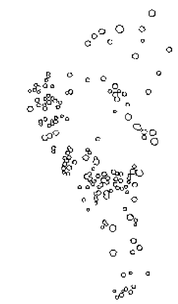
PARCEL Ia SAVED TREES

4367 FT^2

PARCEL Ia EXISTING TREES



PARCEL Ia TREES



17000 FT^2

SCALE: 1" = 200'
0 100 200 400

PARCEL Id EXISTING TREES

PARCEL "Id"

PARCEL Id EXISTING TREES

1636 FT^2

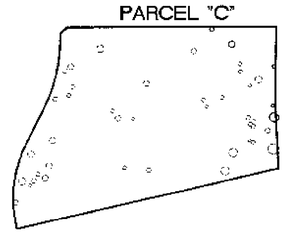
THESE DRAWINGS ARE ONLY INTENDED TO ILLUSTRATE AREAS OF EXISTING AND SAVED TREE CANOPY. REFERENCE THE NATURAL RESOURCE PROTECTION EXHIBITS AND ASSOCIATED CALCULATIONS PREPARED BY DAC CONSULTING INC. FOR ADDITIONAL INFORMATION.

PARCEL C SAVED TREES

1081 FT^2

PARCEL C EXISTING TREES

PARCEL "C"



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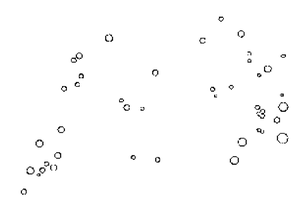

8210 FT^2

FLAGSTAFF
ARIZONA

MCMILLAN MESA VILLAGE

TREE RESOURCE CALCULATION
BACKUP DATA

JOB NO: 06285
DATE: JULY 2007
SCALE: 1"=200'
DRAWN: GEZ
DESIGN:
CHECKED:

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928.774.8934 fax
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DRAWING NO.
RS02

SHEET NO. 2 OF 6

REVISION	DATE	BY
1. Replot	6/18/07	DAC
2. Revised per City Comments	07/23/07	DAC

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Scottsdale, AZ 85260
Email: dcain@cox.net
Phone: (602) 828-2246 Fax: (480) 659-0689

JOB NUMBER: COF-06261SWI
DESIGN BY: D.A.C.
DRAWN BY: D.A.C.
CHECKED: D.A.C.
PLAN DATE: JULY 22, 2007

NATURAL RESOURCE PROTECTION - CALCULATIONS

McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

COF Project #04-6052

SHEET 6
OF 10 SHEETS

dac_RecreateExhibit.dwg
Jul 23, 07

PLOTTED: Jul 23, 2007-2:18pm

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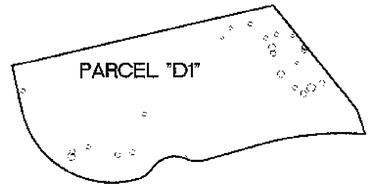
SCALE: 1" = 200'
0 100 200 400

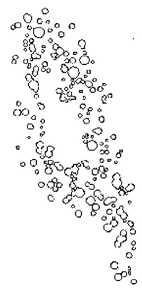
PARCEL D1 EXISTING TREES



PARCEL D1 EXISTING TREES

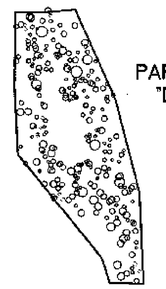
4183 FT^2

PARCEL Da SAVED TREES



33646 FT^2

PARCEL Da EXISTING TREES



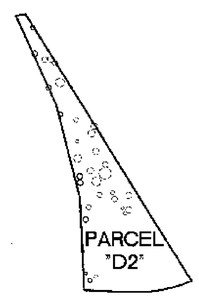
PARCEL Da EXISTING TREES

34514 FT^2

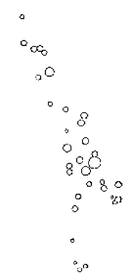
PARCEL D2 SAVED TREES

1414 FT^2

PARCEL D2 EXISTING TREES



PARCEL D2 EXISTING TREES



7306 FT^2

FILE: P:\2005\06261\DWG\Conservation\Recreate\Recreate Exhibit.dwg

FLAGSTAFF
ARIZONA

McMILLAN MESA VILLAGE

TREE RESOURCE CALCULATION
BACKUP DATA

JOB NO: 06261
DATE: JULY 2007
SCALE: 1"=200'
DRAWN: SZ
REVIEW:
DESIGN:

110 West Dale Ave
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928.774.8934 fax
www.swiaz.com

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DRAWING NO.
RS03
SHT NO. 3 OF 6

REVISION	DATE	BY
1. Replot	6/18/07	DAC
2. Revised per City Comments	07/23/07	DAC

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9668 East Sutton Drive
Scottsdale, AZ 85260
Email: dcain6@cox.net
Phone: (602) 828-2246 Fax: (480) 659-0689

JOB NUMBER: COF-06261SWI
DESIGN BY: D.A.C.
DRAWN BY: D.A.C.
CHECKED: D.A.C.
PLAN DATE: JULY 22, 2007

NATURAL RESOURCE PROTECTION - CALCULATIONS

McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

COF Project #04-6052

SHEET 7
OF 10 SHEETS

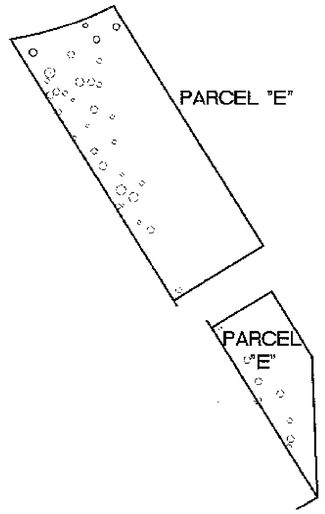
dac_RecreeExhibit.dwg
Jul 23, 07

PLOTTED: Jul 23, 2007 - 2:30pm

PARCEL E SAVED TREES

1048 FT^2

PARCEL E EXISTING TREES



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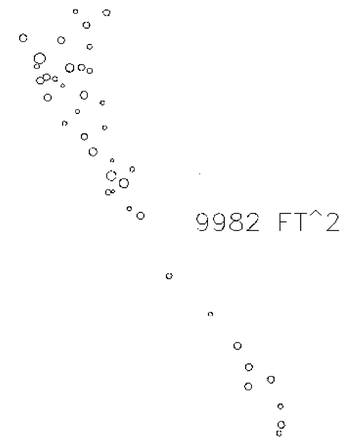

9982 FT^2

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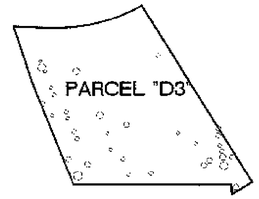
SCALE: 1" = 200'
0 100 200 400

PARCEL D3 EXISTING TREES



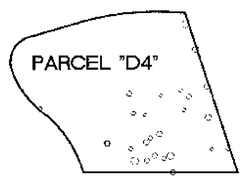
PARCEL D3 TREES

5593 FT^2

PARCEL D4 SAVED
(GREENBELT)

318 FT^2

PARCEL D4 EXISTING TREES



PARCEL D4 EXISTING TREES

4470 FT^2

FLAGSTAFF
ARIZONA

14-MILLAN MESA VILLAGE

TREE RESOURCE CALCULATION
BACKUP DATA

JOB NO. 06261
DATE: JULY 2007
SCALE: 1"=200'
DRAWN: GEZ
DESIGN:
CHECKED:

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928.774.8934 fax
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DRAWING NO.
RS04
SHT NO. 4 OF 6

REVISION	DATE	BY
1. Replot	6/18/07	DAC
2. Revised per City Comments	07/23/07	DAC

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9668 East Sutton Drive
Scottsdale, AZ 85260
Email: deain@cox.net
Phone: (602) 828-2246 Fax: (480) 659-0689

JOB NUMBER: COF-06261SWI
DESIGN BY: D.A.C.
DRAWN BY: D.A.C.
CHECKED: D.A.C.
PLAN DATE: JULY 22, 2007

NATURAL RESOURCE PROTECTION - CALCULATIONS

McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

SHEET 8 OF 10 SHEETS

COF Project #04-6052

FILE: P:\2006\06261\DWG\CivilResources\dac_RecreeExhibit.dwg Layout: Field_06

dac_RsrceExhibit.dwg
Jul 23, 07

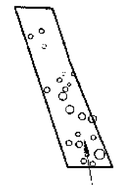
PLOTTED: Jul 23, 2007-2:22pm

SCALE: 1" = 200'
0 100 200 400

PARCEL Db SAVED TREES

430' FT^2

PARCEL Db TREES



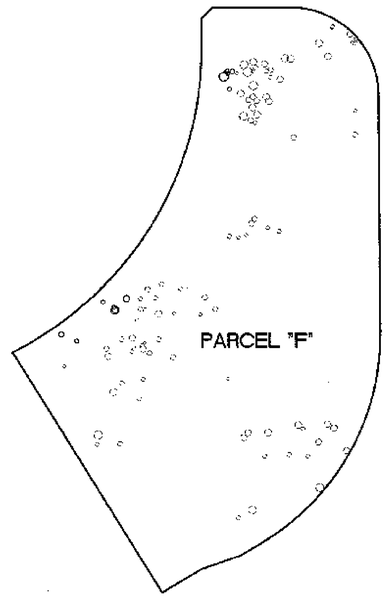
PARCEL Db EXISTING TREES

4498 FT^2

PARCEL F SAVED TREES

1969 FT^2

PARCEL F EXISTING TREES



PARCEL F EXISTING TREES

19678 FT^2

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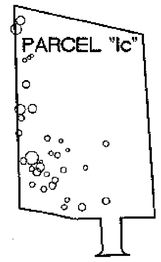
PARCEL Ic SAVED TREES

9115 FT^2

PARCEL Ic EXISTING TREES



PARCEL Ic TREES

9115 FT^2

FILE: H:\2006\06261\DWG\GroundResource\Plan_ResourceExhibit-Eng Engr_Point_s8

FLAGSTAFF
ARIZONA

McMILLAN MESA VILLAGE

TREE RESOURCE CALCULATION
BACKUP DATA

JOB NO. 0626:
DATE JULY 2007
SCALE 1"=200'
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DRAWING NO.
RS05
SHT NO. 5 OF 6

REVISION	DATE	BY
1. Replot	6/18/07	DAC
2. Revised per City Comments	07/23/07	DAC

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9668 East Sutton Drive
Scottsdale, AZ 85260
Email: drain6@cox.net
Phone: (602) 828-2246 Fax: (480) 659-0689

JOB NUMBER: COF-06261SWI
DESIGN BY: D.A.C.
DRAWN BY: D.A.C.
CHECKED: D.A.C.
PLAN DATE: JULY 22, 2007

NATURAL RESOURCE PROTECTION - CALCULATIONS

McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

COF Project #04-6052

SHEET 9
OF 10 SHEETS

dac_RsrceExhibit.dwg
Jul 23, 07

PLOTTED: Jul 23, 2007-2:2 pm

SCALE: 1" = 200'
0 100 200 400

FOREST AVENUE

ROW EXISTING TREES

PINE CLIFF DRIVE

GEMINI DRIVE

ROW EXISTING TREES

14249 FT^2

ROW SAVED TREES

968 FT^2

PINE CLIFF DRIVE

PINON COURT

PINE CLIFF DRIVE

THESE DRAWINGS ARE ONLY INTENDED TO ILLUSTRATE AREAS OF EXISTING AND SAVED TREE CANOPY. REFERENCE THE NATURAL RESOURCE PROTECTION EXHIBITS AND ASSOCIATED CALCULATIONS PREPARED BY DAC CONSULTING INC. FOR ADDITIONAL INFORMATION.

Registered Professional Engineer (Civil) CERTIFICATE NO. 32344 GUY E. ZIDLER Date Signed 7-23-07 ARIZONA

FILE: P:\2006\061261\DWG\ConceptSurrounds\dac_RsrceExhibit.dwg Eagle Print L-88

JOB NO.	061261
DATE:	JUL ~ 2007
SCALE:	1"=200'
DRAWN:	GEZ
DESIGN:	
CHECKED:	

McMILLAN MF3A VI 1 A/SF

FLAGSTAFF ARIZONA

TREE RESOURCE CALCULATION BACKUP DATA

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SHT NO. 6 OF 6

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REVISION	DATE	BY
1. Replot	6/19/07	DAC
2. Revised per City Comments	07/23/07	DAC

JOB NUMBER:	COF-06261SWI
DESIGN BY:	D.A.C.
DRAWN BY:	D.A.C.
CHECKED:	D.A.C.
PLAN DATE:	JULY 22, 2007

Registered Professional Engineer (Civil) CERTIFICATE NO. 32344 DENNIS A. CAIN Date Signed ARIZONA

NATURAL RESOURCE PROTECTION - CALCULATIONS

McMILLAN MESA VILLAGE
FLAGSTAFF, ARIZONA

COF Project #04-6052

SHEET 10 OF 10 SHEETS

ORDINANCE NO. 2016-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 26.17 ACRES OF REAL PROPERTY LOCATED ON MCMILLAN MESA, FROM SUBURBAN COMMERCIAL ("SC") TO MEDIUM DENSITY RESIDENTIAL ("MR") FOR 7.67 ACRES, FROM RESEARCH AND DEVELOPMENT ("RD") TO MEDIUM DENSITY RESIDENTIAL ("MR") FOR 13.66 ACRES, AND FROM RESIDENTIAL SINGLE-FAMILY ("R1") TO PUBLIC OPEN SPACE ("POS") FOR 4.84 ACRES, AND AMENDING THE MCMILLAN MESA VILLAGE SPECIFIC PLAN TO REALLOCATE 192 DWELLING UNITS FROM DEVELOPMENT AREA B TO DEVELOPMENT AREAS C, D1 AND D3; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, MMV Devco LLC (the "Applicant"), applied for a Concept Zoning Map Amendment and McMillan Mesa Village Specific Plan Amendment for approximately 26.17 acres of land located on McMillan Mesa, Coconino County, Arizona, a legal description of which is provided in Exhibits "A, B, C and I-C" attached hereto ("the Property"), in order to construct residential development in lieu of commercial and research and development uses; and

WHEREAS, the Applicant proposes to develop the Property pursuant to the terms and conditions of this Ordinance and the existing Development Agreement between Applicant and the City ("Agreement"); and

WHEREAS, in furtherance of the Applicant's development plans, the Applicant has applied to the City of Flagstaff to amend the zoning of the Property from the Suburban Commercial (SC) zone to the Medium Density Residential (MR) zone for approximately 7.67 acres, from Research and Development (RD) zone to Medium Density Residential (MR) zone for approximately 13.66 acres, and from Residential Single-family (R1) zone to Public Open Space for approximately 4.84 acres, and to amend the McMillan Mesa Village Specific Plan to reallocate 192 dwelling units from Development Area B to Development Areas C, D1, and D3; and

WHEREAS, the Applicant conducted neighborhood meetings on March 24, 2015, and January 13, 2016, 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 Concept Zoning Map Amendment and McMillan Mesa Village Specific Plan Amendment applications following proper notice and public hearings on January 27, 2016, and February 10, 2016, and has recommended approval of the requested zoning and specific plan amendment applications, 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 Concept Zoning Map Amendment and McMillan Mesa Village Specific Plan Amendment applications, subject to the conditions proposed by the Planning and Zoning Commission, as augmented by staff, as set forth below, and the Council has considered each of the conditions and has found each 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 Concept Zoning Map Amendment and McMillan Mesa Specific Plan Amendment, subject to the conditions 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 Suburban Commercial (SC) zone to the Medium Density Residential (MR) zone for approximately 7.67 acres as depicted in Exhibit "A", from the Research and Development (RD) zone to the Medium Density Residential (MR) zone for approximately 13.66 acres as depicted in Exhibits "B" and "C", and from Residential Single-family (R1) zone to Public Open Space (POS) zone as depicted in Exhibit "I-C", through the approval of the application and all other documents attached to the staff summary submitted in support of this ordinance.

SECTION 6. The McMillan Mesa Village Specific plan shall be amended to reallocate approximately 192 dwelling units from Development Area B to Development Areas C, D1, and D3, and to amend the development options for Development Areas B, C, D1 and D3, as depicted in Exhibit "D" (revised pages of McMillan Mesa Village Specific Plan). The remainder of the McMillan Mesa Village Specific Plan, as approved by Ordinance No. 1779, shall remain in full force and effect.

SECTION 7. 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 8. That the Concept Zoning Map Amendment and McMillan Mesa Village Specific Plan Amendment be conditioned on compliance with that Agreement between the City of Flagstaff and the Applicant, approved by the City Council and recorded under instrument number 3432671 on April 4, 2007.

SECTION 9. That the Zoning Map Amendment and McMillan Mesa Village Specific Plan 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 subject property shall be developed in substantial conformance to the conceptual plans as submitted to the maximum extent feasible. Development Areas C and D1 shall consist of single-story cottage units and Development Area D3 shall consist of single-family homes.

2. Development Area B of the McMillan Mesa Village Specific Plan shall conform to the density allowances of the High Density Residential (HR) Zone and Development Areas C, D1, and D3 of the McMillan Mesa Village Specific Plan shall conform to the density allowances of the Medium Density Residential (MR) zone as listed below and included within the amended specific plan:
    - Development Area B – 246 dwelling units
    - Development Area C – 69.03 dwelling units
    - Development Area D1 – 66.15 dwelling units
    - Development Area D3 – 56.7 dwelling units

3. The Applicant shall provide twenty-five (25) copies of the revised McMillan Mesa Specific Plan with staff's attached amended pages upon recordation of the Ordinance amending this plan.

4. Architectural design standards shall be applied to all elevations that front/face public right-of-ways, designated open space areas, and Flagstaff Urban Trail System (FUTS) trails.

5. A weed abatement plan shall be developed and implemented for the maintenance of open areas within the development areas subject to this request including the detention basins.

6. A landscape plan shall be prepared and implemented for the medians on N. Pine Cliff Drive and N. Gemini Drive in conjunction with the site plan applications for Development Areas C, D1 or D3.

7. All fencing abutting right-of-ways, designated open space areas, and Flagstaff Urban Trail System (FUTS) trails shall be developed in concert with one overall consistent design.

8. Development Area D3 shall maintain a direct access with the adjacent FUTS trail as shown on the concept plan.

SECTION 10. 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 11. 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 12. 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 5th day of April, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Exhibit “A”

Legal Description of Property

Exhibit “B”

Legal Description of New Zoning

Exhibit A

Parcel C, McMillan Mesa Village Subdivision, as recorded may 9, 2008, in Instrument No. 3488287, records of Coconino county, Arizona and thereafter Affidavit of Correction recorded February 23, 2009 in Instrument No. 3514405.

Exhibit B

Parcel D1, McMillan Mesa Village Subdivision, as recorded may 9, 2008, in Instrument No. 3488287, records of Coconino county, Arizona and thereafter Affidavit of Correction recorded February 23, 2009 in Instrument No. 3514405.

Exhibit C

Parcel D1, McMillan Mesa Village Subdivision, as recorded may 9, 2008, in Instrument No. 3488287, records of Coconino county, Arizona and thereafter Affidavit of Correction recorded February 23, 2009 in Instrument No. 3514405.

PIKE ENGINEERING

Civil Engineers
Land Surveyors
Land Planners

Exhibit "I-c"

A parcel of land being a portion of that parcel of land described in Dkt. 1220, Pg. 528, c.c.R.o., located in the E 1/2, section 15, T.21N, R.7E, G&SRB&M, City of Flagstaff, Coconino County, Arizona, described as follows:

For reference, begin at the N 1/16 corner of Sections 15 & 14, a BLM Brass cap; Thence S 0-08-04 W (Basis of Bearings per 1989 survey by Joseph Gervasio) along the east line of said Section 15 808.92' to the northeast corner of Tract 11 of Switzer Mesa Unit Two as recorded in Cs. 2, map 344D, C.C.R.O., a 1/2" iron pipe; Thence S 89-40-31 W along said north line 49.94' to the northeast corner of Lot 34 of Switzer Mesa Unit Three as recorded in Cs. 3, Map 111A, C.C.R.O., a 1/2" iron pipe; Thence N 89-49-41 W along the north line of said Lot 34 128.44' to the Northwest corner of said Lot 34, a 1/2" rebar; Thence N 80-43-57 W along the north line of said Switzer Mesa Unit Three 56.20' to the northeast corner of Lot 33 of said Switzer Mesa Unit Three, a 1/2" rebar; Thence N 89-54-52 W along the north line of said Lot 33 107.02' to the northwest corner of said Lot 33, a PK nail in concrete and the TRUE POINT OF BEGINNING; Thence S 02-02-55 E along the west line of Lots 27-33 inclusive of said Switzer Mesa Unit Three 529.73' to the southwest corner of said Lot 27, a 1/2" rebar; Thence N 89-45-20 W along the north line of Lots 25 & 26 of said Switzer Mesa Unit Three 97.85' to the northeast corner of Tract "B" of said Switzer Mesa unit Three, a 1/2" rebar; Thence S 0-52-01 E along the east line of said Tract "B" 87.27' to the beginning of a curve to the left, having a radius of 20.00', a central angle of 90-31-07 and a chord bearing of S 46-07-35 E; Thence run along the arc of said curve 31.60' to a point on the northerly right of way line of Apple Way, a 1/2" rebar; Thence S 89-39-06 W along said north right of way line 96.00' to a 1/2" rebar, said point being on a non tangent curve to the left, having a radius of 20.00', a central angle of 89-29-51 and a chord bearing of N 44-23-41 E; Thence run along the arc of said curve 31.24' to a 1/2" rebar; Thence N 0-51-45 W along the west line of said Tract "B" 87.85' to the northeast corner of Lot 26 of said Switzer Mesa unit Three, a 1/2" rebar; Thence N 89-45-20 W along the north line of said Lot 26 7.00' to a 1/2" iron pipe; Thence N 89-34-28 W along said north line 68.13'to the northwest corner of said Lot 26, a 1/2" iron pipe; Thence N 75-59-46 W along the north line of Lot 25 of said Switzer Mesa Unit Three 57.74' to a 1/2" iron pipe; Thence N 78-14-56 W along the north line of Lots 24 & 25 of said Switzer Mesa Unit Three 99.31' to the northwest corner of said Lot 24, a 1/2" rebar; Thence N 0-08-15 E along the east line of Lots 15-23 of said Switzer Mesa Unit Three 587.55' to the northeast corner of said Lot 15, a 1/2" iron pipe; Thence S 75-28-17 E 373.65' back to the True Point of Beginning.

ACCEPTED
CITY OF FLAGSTAFF
ENGINEERING DIV
DM 7/17/92
INT DATE

2708 North Fourth Street, E-4, Flagstaff, Arizona 86004 (602) 526-4114

Subject parcel contains 4.98 Acres more or less including any easements of record as shown on Exhibit "A", incorporated herein by reference.

04-91033

City file No.

Descriptive title

McMillan Mesa RZ I-C

ACCEPTED
CITY OF FLAGSTAFF
ENGINEERING DIV

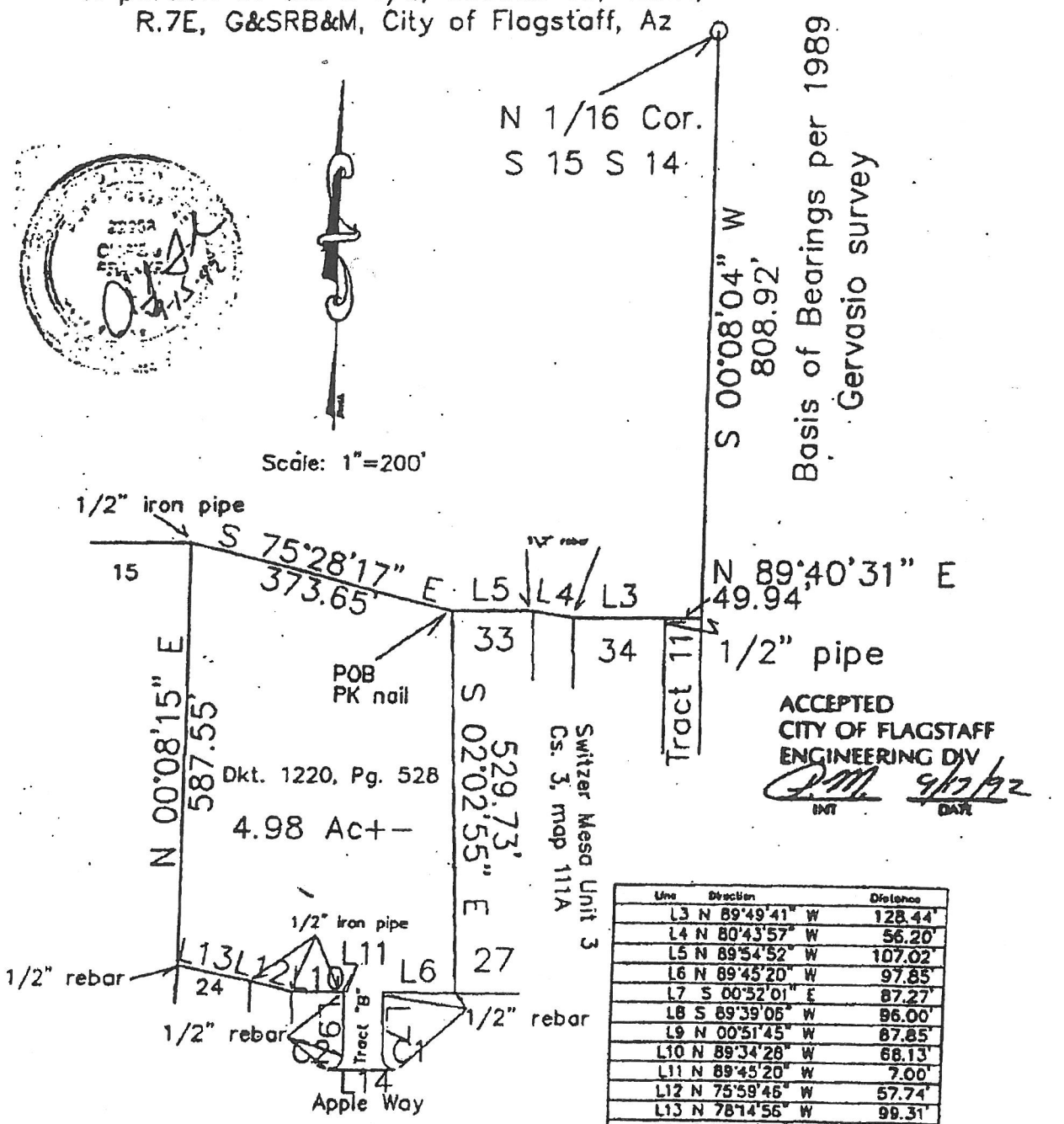
INT DATE

1535-956

PIKE ENGINEERING

Civil Engineers
Land Surveyors
Land Planners

Exhibit "A"
A portion of the E 1/2, Section 15, T.21N, R.7E, G&SRB&M, City of Flagstaff, Az



Line	Direction	Distance
L3	N 89°49'41" W	128.44'
L4	N 80°43'57" W	56.20'
L5	N 89°54'52" W	107.02'
L6	N 89°45'20" W	97.85'
L7	S 00°52'01" E	87.27'
L8	S 89°39'06" W	96.00'
L9	N 00°51'45" W	87.85'
L10	N 89°34'28" W	68.13'
L11	N 89°45'20" W	7.00'
L12	N 75°59'46" W	57.74'
L13	N 78°14'56" W	99.31'
L14	S 89°39'06" W	96.00'

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	20.00'	31.60'	28.41'	S 46°07'35" E	90°31'07"
C2	20.00'	31.24'	28.16'	N 44°23'41" E	89°29'51"

04-91038
City File No.

Descriptive Title

2708 North Fourth Street, E-4, Flagstaff, Arizona 86004 (602) 526-4114

1535-957

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Tiffany Antol, Planning Development Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-20: 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 640.51 acres located in Section 12, Township 21 North, Range 6 East, which land is contiguous to the existing corporate limits of the City of Flagstaff, and establishing city zoning for said land as Public Open Space (POS) for 640.51 acres. ***(Observatory Mesa Annexation)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold Public Hearing
2) Read Ordinance No. 2016-20 by title for the first time
3) City Clerk reads Ordinance No. 2016-20 by title only for the first time (if approved above)
At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-20 by title only for the final time
5) City Clerk reads Ordinance no. 2016-20 by title for the final time (if approved above)
6) Adopt Ordinance No. 2016-20

Executive Summary:

An annexation request of approximately 640.51 acres, which is part of the Observatory Mesa open space owned by the City of Flagstaff.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:

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.

Has There Been Previous Council Decision on This:

None

Options and Alternatives:

1. Approve the ordinance as proposed.
2. Approve the ordinance with conditions.
3. Deny the ordinance.

Background/History:

The Applicant, the City of Flagstaff Sustainability Program, on behalf of the property owner, the City of Flagstaff, is requesting an annexation of 640.51 acres, which is a part of Observatory Mesa. With funding from the 2004 voter approved Open Space bond, the City of Flagstaff acquired Observatory Mesa in November 2013 for the express purpose of preserving its unique recreational, educational and natural resources.

This annexation is the first of a three-step process. The second being a Regional Plan Amendment to change the Future Growth Illustration (Maps 21 and 22) from Area in White/State Land to Parks/Open Space. The third is a Zoning Map Amendment to add the Resource Protection Overlay (RPO) zone. Both amendment applications are being processed concurrently with this application but will not become effective until after the annexation has been completed.

Key Considerations:

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. Currently the property is zoned Open Space and Conservation (OS) in the County so the property will come into the City in the Public Open Space (POS) zone. A Regional Plan Amendment application to change the current designation on Maps 21 and 22 from Area in White/State Land to Parks/Open Space is proposed to support the existing zoning on the property as well as update ownership and city limits. A Zoning Map Amendment application to add the Resource Protection Overlay (RPO) zone is proposed to further the preservation of the property and its resources. The Regional Plan Amendment and Zoning Map Amendment applications will be considered subsequent to review of the annexation application.

Community Benefits and Considerations:

Community benefits and considerations related to this Annexation request are addressed in the attached Planning & Zoning Commission staff report date February 12, 2016.

Community Involvement:

Inform, Consult, Involve, Collaborate, Empower

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 600 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.

All property owners within 600-feet of this site were notified via mail of the Annexation, Regional Plan, and Zoning Map Amendments and asked to attend the Open Space Commission meeting on October 22, 2015. Four individuals spoke at this meeting but none referenced any concerns with Observatory Mesa.

Attachments: Application & Narrative

Planning & Zoning Commission Staff Report
Annexation Legal Description
Ord. 2016-20

Observatory Mesa

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

RECEIVED NOV 17 2015

Application for Annexation

File Number: PZ-15-00136-02

Date Received		File Number
	Application for Annexation	PZ-15-00136-02

Property Owner(s)	Title	Phone	Email
City of Flagstaff			
Mailing Address		**City, State, Zip**	
211 W. Aspen Ave.		Flagstaff AZ 86001	

Applicant	Title	Phone	Email
Betsy Emery	Open Space Specialist	213 2154	BEmery@flagstaffaz.gov
Mailing Address		**City, State, Zip**	
211 W. Aspen Ave		Flagstaff AZ 86001	

Project Representative	Title	Phone	Email
Betsy Emery	Open Space Specialist	213 2154	BEmery@flagstaffaz.gov
Mailing Address		**City, State, Zip**	
211 W. Aspen Ave		Flagstaff AZ 86001	

Site Address	Parcel number(s)	Subdivision, Tract & Lot Number
N/A	102-15-002	

Existing Zoning District: OS	**Existing Regional Plan Land Use Category**: AREA IN WHITE / STATE LAND
Proposed Zoning District: POS - PUBLIC OPEN SPACE	**Proposed Regional Plan Land Use Category**: PARK / OPEN SPACE
Present Use: VACANT	**Proposed Use**: OPEN SPACE

Summarize Reason for Request (Attach additional sheets if necessary):

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	Applicant Signature	Date
Josh Copley	2/8/16	Elizabeth Emery	10/12/15

For City Use

Date Filed:	Fee Receipt Number:	Amount:	Date:

Type of Request: ☐ Annexation ☐ Continued

Publication and Posting Date(s): File Number:

Action by Planning and Zoning Commission:	Action by City Council
Hearing Date:	Hearing Date:
☐ Approved ☐ Continued ☐ Denied	☐ Approved ☐ Continued ☐ Denied

Staff Assignments	Planning	Engineering	Fire	Stormwater	Utilites/PW
	Jeremy	Harry	Kent	Chris	Jim

Revised 9/28/11

Project Narrative for Rezoning Parcels 102-15-001 and 111-08-002 ("Observatory Mesa")

In May 2004, City of Flagstaff voters approved a bond measure to acquire Observatory Mesa as open space. In June 2013, the Flagstaff City Council adopted Resolution 2013-12 approving the submission of a grant application to Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire approximately 2,251 acres of state trust land on Observatory Mesa to set aside as open space for the Flagstaff community. In 2013, the City Council passed Ordinance 2013-25 authorizing the acquisition and purchase of 2,251 acres on Observatory Mesa.

City-owned parcels 102-15-001 and 111-08-002 are currently zoned as "Rural Residential" and Staff proposes to change the zoning to "Public Open Space" to reflect the purpose of the acquisition and the designation as open space. "Public Open Space" zoning limits the type of development that can be done on the property and therefore adds an additional layer of protection to Observatory Mesa Natural Area.

Project Narrative for Rezone and Annexation of Parcel 102-15-002 ("Observatory Mesa")

In May 2004, City of Flagstaff voters approved a bond measure to acquire Observatory Mesa as open space. In June 2013, the Flagstaff City Council adopted Resolution 2013-12 approving the submission of a grant application to Arizona State Parks for the Growing Smarter State Trust Land Acquisition Program to acquire approximately 2,251 acres of state trust land on Observatory Mesa to set aside as open space for the Flagstaff community. In 2013, the City Council passed Ordinance 2013-25 authorizing the acquisition and purchase of 2,251 acres on Observatory Mesa.

City-owned parcels 102-15-002 are currently zoned as "Conservation and Open Space" in Coconino County. Staff proposes annexing this property into City limits in order to streamline the management requirements for the property.

Additionally, staff proposes rezoning the parcel to "Public Open Space" to reflect the purpose of the acquisition and its designation as open space. "Public Open Space" zoning limits the type of development that can be done on the property and therefore adds an additional layer of protection to Observatory Mesa Natural Area.

PLANNING AND DEVELOPMENT SERVICES DIVISION
ANNEXATION REPORT

PUBLIC HEARING	**DATE: February 12, 2016**
PZ-15-00134-01	**MEETING DATE: February 24, 2016**
	REPORT BY: Tiffany Antol, AICP

REQUEST:

An annexation request of approximately 77.8 acres located in Section 4, Township 21 North, Range 8 East. The property is identified as Coconino County Assessor's Parcel Number 113-06-004. This annexation request is the first part of a two-part request. The second part of the request is a 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 with no zoning designation under Coconino County jurisdiction.

PROPOSED LAND USE:

If this annexation is approved, the property will come into the City boundaries with no zoning designation because it currently has no zoning in Coconino County. The accompanying Zoning Map Amendment will place the subject property into the Public Opens Space (POS) zone with the Landmarks Overlay (LO) zone, Resource Protection Overlay (RPO) zone and add the Rural Floodplain designation.

NEIGHBORHOOD DEVELOPMENT:

North: Single-family residences; Agricultural Residential, 5 acre minimum (AR-5) zone (County)
East: Single-family residences; Rural Residential (RR) zone (City)
South: El Paso Gas Pump Station; General (G) zone (County)
West: Coconino County Public Works Yard and Cinder Mine; Public Facility (PF) and Heavy Industrial (HI) zones (City)

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 Regional Plan 2030"; and Division 10-20.90 of the *Flagstaff Zoning Code*.

STAFF REVIEW:

INTRODUCTION/BACKGROUND:

The Applicant, the City of Flagstaff Sustainability Program, on behalf of the property owner, the City of Flagstaff, is requesting an annexation of 77.8 acres, which is a part of the Picture Canyon Preserve and Archeological Park. With funding from the 2004 voter approved Open Space bond and a 2012 Growing Smarter Grant, the City of Flagstaff acquired Picture Canyon in October 2012 for the express purpose of preserving its unique historical, cultural, archeological, recreational, and educational resources. The canyon is an ecologically diverse riparian corridor and has a variety of native trees and plants. The area has many archeological resources with existing logging railroad features on the property eligible

for listing on the National Register of Historic Places

This annexation is the first of a two-step process. The second being a Zoning Map Amendment request to establish zoning on the parcel, Public Open Space (POS) zone, Landmarks Overlay (LO) zone, and the Resource Protection Overlay (RPO) zone, and designate the parcel as Rural Floodplain. The Zoning Map Amendment application is being processed concurrently with this application but will not become effective until after the annexation has been completed.

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. Currently the property is not zoned in the County so the property will come into the City with no zoning designation.. A Zoning Map Amendment application to zone the parcel to Public Open Space (POS) zone with the Landmarks Overlay (LO) zone, Resource Protection Overlay (RPO) zone and Rural Floodplain designation is proposed to further the preservation of the property and its resources. The Zoning Map Amendment application will be considered subsequent to review of the annexation application.

FLAGSTAFF REGIONAL 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 *Flagstaff Regional Plan 2030 (FRP 2030)*, Future Growth Illustration (Maps 21 and 22) designates the subject site as Park/Open Space. The proposal to rezone the subject properties to the Public Open Space (POS) zone is in conformance with the Regional Plan designation. Staff has identified the following Regional Plan Goals and Policies that could be applied to support the proposed annexation:

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 and Access

No analysis was required.

Water and Wastewater

No analysis was required.

Stormwater

No stormwater improvements have been required.

Parks and Recreation

This zoning map amendment is not anticipated to have any impact to the City's parks or recreation systems.

ZONING REQUIREMENTS FOR PROPOSED ZONING:

As was noted above, the property, if annexed will need to be brought into the City with a zoning similar to the existing County zoning. In this case, the County has not applied zoning to this parcel, see attached letter from Coconino County in regards to the current zoning. The parcel will come into the City with no zoning. Arizona statues require 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.

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 600 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.

All property owners within 600-feet of this site were notified via mail of the zoning map amendment and annexation and asked to attend the Open Space Commission meeting on October 22, 2015. One individual inquired about these applications affecting the management plans for Picture Canyon. Minutes for this meeting are attached.

RECOMMENDATION:

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

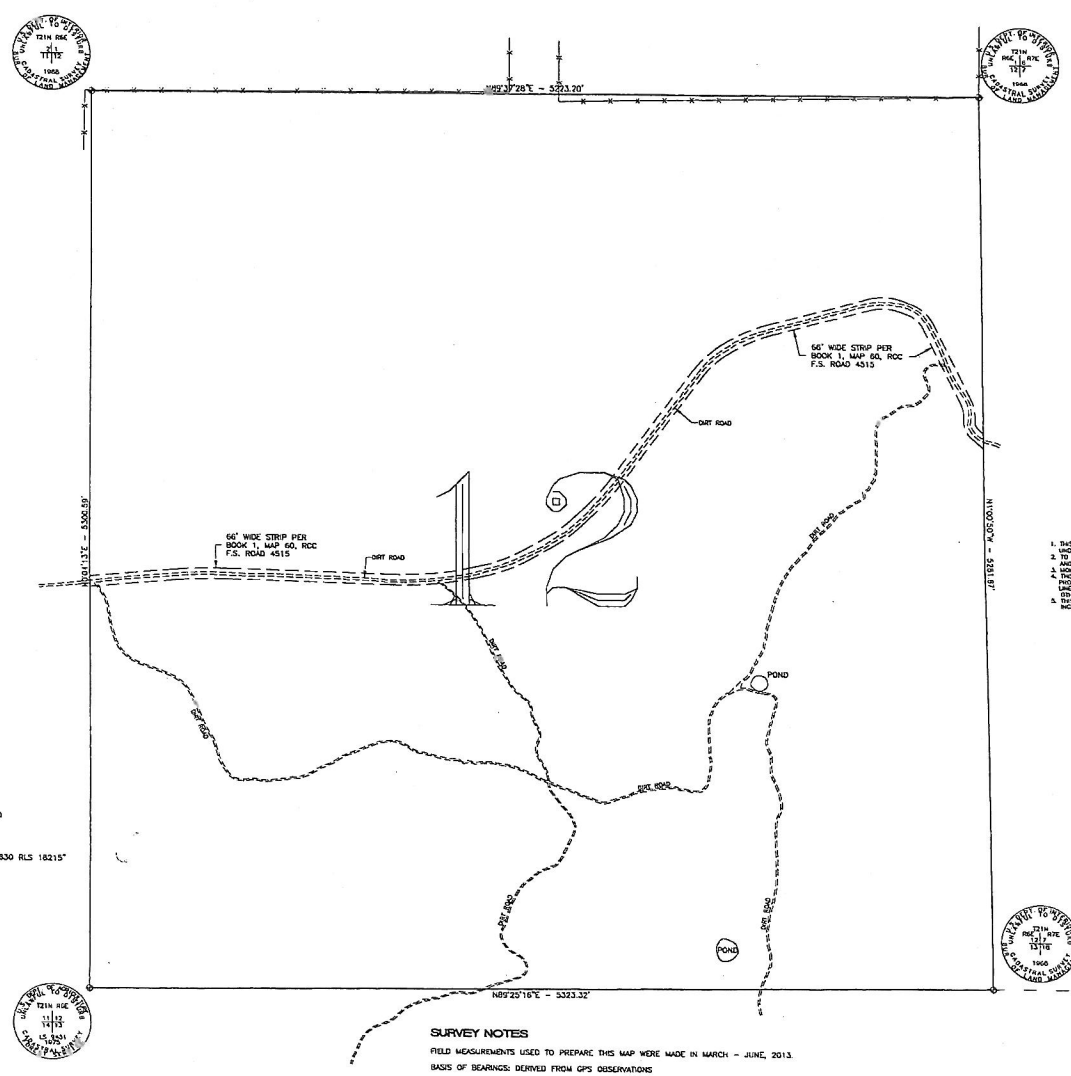
ATTACHMENTS:

- Application and narrative from applicant
- Annexation Legal Description and Map
- Zoning letter from Coconino County
- Public Hearing Legal Advertisements

Exhibit A

Description

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



LEGEND

- BARBED WIRE FENCE, EXISTING
- CHAIN LINK FENCE, EXISTING
- WOOD FENCE, EXISTING
- FOUND SECTION CORNER AS NOTED
- FOUND RIGHT-OF-WAY MONUMENT AS NOTED
- FOUND REBAR AS NOTED
- FOUND MONUMENT AS NOTED
- FOUND PIPE AS NOTED
- SET 1/2" REBAR WITH CAP MARKED "LS 16830 RLS 18215"

SURVEY NOTES

1. THIS MAP WAS PREPARED FROM NOTES OF A FIELD SURVEY PERFORMED UNDER MY DIRECTION DURING THE MONTHS OF MARCH–JUNE, 2013.
2. TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS A COMPLETE AND ACCURATE REPRESENTATION OF SAID SURVEY.
3. THE WEFTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN. THIS MAP IS NOT INTENDED TO VERIFY THE OWNERSHIP OF ANY PROPERTY SHOWN OR INFERRED TO BE PRESENT. SURVEY, ACTUAL OWNERSHIP LINES MAY BE AFFECTED BY MONUMENTS, LINES OF OCCUPATION, AND OTHER UNWRITTEN RIGHTS.
3. THIS SURVEY WAS PERFORMED IN COMPLIANCE WITH PIONEER TITLE AGENCY, INC. REPORT NO. 00057223, DATED APRIL 15, 2013 AT 7:30 A.M.

EXPIRES 12-31-2014

SURVEY NOTES

FIELD MEASUREMENTS USED TO PREPARE THIS MAP WERE MADE IN MARCH – JUNE, 2013.

BASIS OF BEARINGS: DERIVED FROM GPS OBSERVATIONS

GPS OBSERVATIONS MADE UTILIZING CORS STATION: NAU FLAGSTAFF CORS ARP: PID – DL1882
NAD 83(2011) POSITION: 35° 10' 38.30178" N
111° 39' 25.29096" W
NAVD 88 ORTHO HEIGHT: 6928.1 FEET

Instrument # 3678974
Recorded At The Request Of
Clerk Deputy
Date 10/7/2013 1311
Records of Coconino County, AZ
Patty Hansen, County Recorder

SHEET 3 OF 5

DRAWN BY	JAF
DATE	6-14-2013
FIELD NO.	11323
FN	11323

ALTA/ACSM LAND TITLE SURVEY
SECTION 12, T 21 N, R 6 E, G & SRM
CITY OF FLAGSTAFF, AZ

113821

WOODSON ENGINEERING AND SURVEYING INC.
124 N. ELDER ST., • FLAGSTAFF, AZ 86001 • PHONE: (928) 774-4848 FAX: (928) 774-4848

6-14-2013

ORDINANCE NO. 2016-20

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 640.51 ACRES LOCATED IN SECTION 12, TOWNSHIP 21 NORTH, RANGE 6 EAST, WHICH LAND IS CONTIGUOUS TO THE EXISTING CORPORATE LIMITS OF THE CITY OF FLAGSTAFF, AND ESTABLISHING CITY ZONING FOR SAID LAND AS PUBLIC OPEN SPACE (POS) FOR 640.51 ACRES; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, petitioner owns parcel APN 112-05-002 located in Section 12, Township 21 North, Range 6 East, consisting of a total of 640.51 acres of land located within Coconino County, Arizona, as property adjacent to the boundaries of the City of Flagstaff, and described in Exhibit A, 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 Exhibit A; and

WHEREAS, Petition sets 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 the 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 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 Regional Plan 2030 ratified May 20, 2014 ("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; 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 Exhibit A, which are incorporated herein by this reference.

SECTION 2. That the territory described in Exhibit A is annexed to the City of Flagstaff subject to the following condition:

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:

1. The entirety of APN 102-15-002 will be located within the Public Open Space (POS) Zone.
2. All annexed parcels shall be placed in the City of Flagstaff Lighting Zone 2 and shall comply with City of Flagstaff Zoning Code Lighting Standards.

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. 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 7. The City Clerk is hereby authorized to correct typographical and grammatical errors, as well as errors of wording and punctuation, as necessary related to this ordinance as amended herein, and to make formatting changes needed for purposes of clarity and form, or consistency, within thirty (30) days following adoption by the City Council.

SECTION 8. This Ordinance shall become effective thirty (30) days after adoption by the Flagstaff City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff, Arizona, this 5th day of April, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

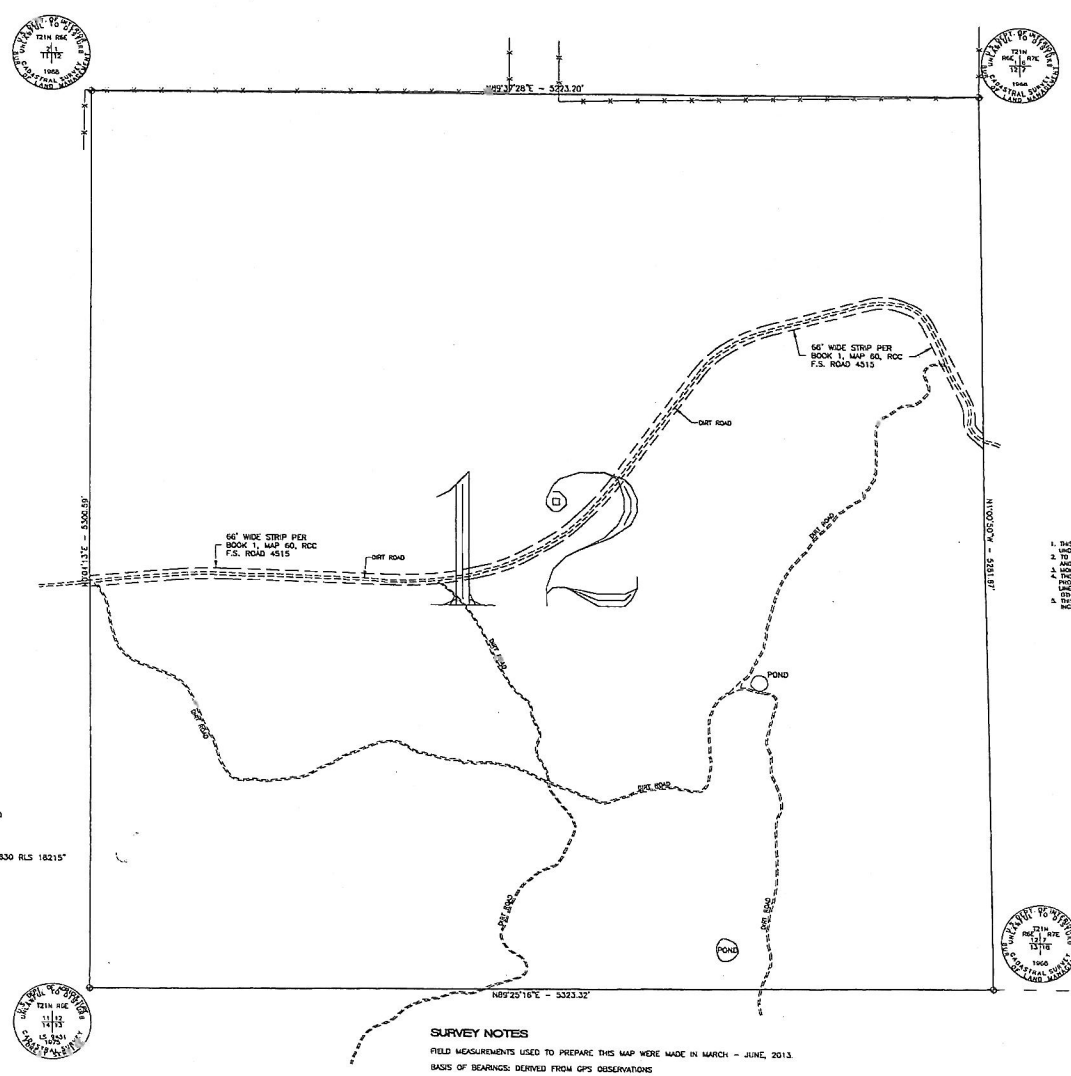
APPROVED AS TO FORM:

_____
CITY ATTORNEY

Exhibit A

Description

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



LEGEND

- BARBED WIRE FENCE, EXISTING
- CHAIN LINK FENCE, EXISTING
- WOOD FENCE, EXISTING
- FOUND SECTION CORNER AS NOTED
- FOUND RIGHT-OF-WAY MONUMENT AS NOTED
- FOUND REBAR AS NOTED
- FOUND MONUMENT AS NOTED
- FOUND PIPE AS NOTED
- SET 1/2" REBAR WITH CAP MARKED "LS 16830 RLS 18215"

SURVEY NOTES

1. THIS MAP WAS PREPARED FROM NOTES OF A FIELD SURVEY PERFORMED UNDER MY DIRECTION DURING THE MONTHS OF MARCH–JUNE, 2013.
2. TO THE BEST OF MY KNOWLEDGE AND BELIEF THIS MAP IS A COMPLETE AND ACCURATE REPRESENTATION OF SAID SURVEY.
3. THE WEFTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS SHOWN. THIS MAP IS NOT INTENDED TO VERIFY THE OWNERSHIP OF ANY PROPERTY SHOWN OR INFERRED TO BE PRESENT. SURVEY, ACTUAL OWNERSHIP LINES MAY BE AFFECTED BY MONUMENTS, LINES OF OCCUPATION, AND OTHER UNWRITTEN RIGHTS.
3. THIS SURVEY WAS PERFORMED IN COMPLIANCE WITH PIONEER TITLE AGENCY, INC. REPORT NO. 00057223, DATED APRIL 15, 2013 AT 7:30 A.M.

EXPIRES 12-31-2014

SURVEY NOTES

FIELD MEASUREMENTS USED TO PREPARE THIS MAP WERE MADE IN MARCH – JUNE, 2013.

BASIS OF BEARINGS: DERIVED FROM GPS OBSERVATIONS

GPS OBSERVATIONS MADE UTILIZING CORS STATION: NAU FLAGSTAFF CORS ARP: PID – DL1882
NAD 83(2011) POSITION: 35° 10' 38.30178" N
111° 39' 25.29096" W
NAVD 88 ORTHO HEIGHT: 6928.1 FEET

Instrument # 3678974
Recorded At The Request Of
Clerk Deputy
Date 10/7/2013 1311
Records of Coconino County, AZ
Patty Hansen, County Recorder

SHEET 3 OF 5

DRAWN BY	JAF
DATE	6-14-2013
FIELD NO.	11323
FN	11323

ALTA/ACSM LAND TITLE SURVEY
SECTION 12, T 21 N, R 6 E, G & SRM
CITY OF FLAGSTAFF, AZ

113821

WOODSON ENGINEERING AND SURVEYING INC.
124 N. ELDER ST., • FLAGSTAFF, AZ 86001 • PHONE: (928) 774-4848 FAX: (928) 774-4848

6-14-2013

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Tiffany Antol, Planning Development Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-12: A resolution amending the Flagstaff Regional Plan 2030 to change the area type designation on Maps 21 and 22 from Area in White area type and State Land to Parks/Open Space area type for approximately 2253.20 acres located on Observatory Mesa. ***(Observatory Mesa Minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold the Public Hearing
2) Read resolution No. 2016-12 by title only
3) City Clerk reads Resolution No. 2016-12 by title only (if approved above)
4) Adopt Resolution No. 2016-12

Executive Summary:

A minor Flagstaff Regional Plan 2030 amendment request to change the area type designation on Map 21 and 22 from Area in White and State Land to Parks/Open Space for approximately 2253.20 acres.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:
Goal E&C.6. Protect, restore and improve ecosystem health and maintain native plant and animal community Goal E&C.7. Give special consideration to environmentally sensitive lands in the development design and review process.diversity across all land ownerships in the Flagstaff region.
Goal OS.1. The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.
Goal CC.1. Reflect and respect the region's natural setting and dramatic views in the built environment.
Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

Has There Been Previous Council Decision on This:

None

Options and Alternatives:

1) Approve the resolution as proposed
2) Approve the resolution with conditions
3) Deny the resolution

Background/History:

The City of Flagstaff Sustainability Program, (the "Applicant") on behalf of the property owner, The City of Flagstaff, is requesting a minor Flagstaff Regional Plan 2030 (FRP 2030) amendment to ensure conformance with a proposed Zoning Map Amendment to Public Open Space (POS) zoning. The Zoning Map Amendment includes a total of 2253.20 acres. The proposed amendment to the FRP 2030 will affect approximately 2253.20 acres of land depicted on the Future Growth Illustration (Maps 21 and 22).

A Regional Plan Amendment is required for expanding or changing the boundaries of one area type to another area type. The table describing the "Proposed Regional Plan Amendment Processes" is silent on how to process a plan amendment for some area types including Area in White. The Comprehensive Planning Manager has made an interpretation that if the change being requested for an area type is not shown on the table on page III-9, then the amendment will be considered a minor amendment unless it falls into the defined major amendment category.

The subject property is known as Observatory Mesa and was purchased by the City of Flagstaff from the Arizona State Land Department in November 2013 with funding from the 2004 voter approved Open Space bond. The property was purchased for the express purpose of preserving its unique recreational, educational, and natural resources.

Key Considerations:

As discussed in the “How This Plan Works” chapter (page III-4), the Flagstaff Regional Plan 2030 is used in the regulatory decision-making process by the Planning & Zoning Commission, City Council and City staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or specific plan amendments, which depends on whether the proposed changes or projects are consistent with the Plan’s goals and policies. The Future Growth Illustration on Maps 21 and 22 (same map; one is regional scale and one city scale) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan’s goals and policies, the goals and policies will prevail.

The Future Growth Illustration has two types of land use designations: “Area Types” describe the placemaking context of Urban, Suburban, Rural, or Employment and “Place Types” such as activity centers, corridors and neighborhoods provide the framework for the density, intensities, and mix of uses within the area types. This application proposes to change the area type of “Areas in white retain their existing entitlements” but not the place type for this project. “Areas in white retain their existing entitlements” is used to describe areas that have not been assigned an area type. In most cases, these parcels are public lands held by the Forest Service or City. The Comprehensive Planning Manager has made the interpretation that the surrounding area types on Maps 21 and 22 should be taken into account for consistency. In cases where a parcel is adjacent to more than one area type, either could be extended to the property. With this request the existing “Area in White” will, if approved, be assigned the Parks/Open Space area type.

Community Benefits and Considerations:

Community benefits and considerations related to this minor Regional Plan amendment request are addressed in the attached Planning & Zoning Commission staff report dated February 12, 2016.

Community Involvement:

Inform, Consult, Involve, Collaborate, Empower

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with the Annexation, Regional Plan, and Zoning Map Amendment requests. In accordance with Arizona Revised Statute and Section 10-20.30.080 (p. 20.30-9) of the Zoning Code, notice of the public hearings were provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 600 feet of the property (exceeding the 300-foot requirement).

All property owners within 600-feet of this site were notified via mail of the zoning map amendment, annexation, and regional plan amendment and asked to attend the Open Space Commission meeting on October 22, 2015.

Attachments: Planning & Zoning Commission Staff Report
Future Growth Illustration Proposed
Res. 2016-12

PLANNING AND DEVELOPMENT SERVICES REPORT
FLAGSTAFF REGIONAL PLAN 2030 AMENDMENT

PUBLIC HEARING	**DATE:**	**February 12, 2016**
PZ-15-00136-01	**MEETING DATE:**	**February 24, 2016**
	REPORT BY:	**Tiffany Antol, AICP**

REQUEST:

A minor *Flagstaff Regional Plan 2030* amendment request from the City of Flagstaff Sustainability Program, on behalf of the property owner, City of Flagstaff, to change the area type designation on Map 21 and 22 from Area in White and State Land to Existing Parks/Open Space for approximately 2253.20 acres located on Observatory Mesa.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission forward the minor *Flagstaff Regional Plan 2030* amendment to the City Council with a recommendation for approval.

PRESENT LAND USE:

Undeveloped land in the Area in White area type category.

PROPOSED LAND USE:

Park/Open Space area type, which would support the use of the property as open space with passive recreation.

NEIGHBORHOOD DEVELOPMENT:

North: Single-family residences; Agricultural Residential, 2.5 acre minimum (AR-2.5) zone and Residential Single Family, 5 acre minimum (RS-5) zone (County)
East: Single-family residences; Rural Residential (RR) zone and Estate Residential (ER) zone (City)
South: Railroad Springs Subdivision; Manufactured Home (MH) zone (City)
Single-family residences; General, 10-acre minimum (G) zone (County)
West: Coconino County National Forest lands; Open Space and Conservation (OS) zone (County)

The subject property is checker boarded with Coconino National Forest lands.

REQUIRED FINDINGS:

The Planning and Zoning Commission shall find that the proposed *Flagstaff Regional Plan 2030* (the "Plan") amendment meets the requirements of the General Plan and Subdivision Code (City Code Title 11).

In considering the request for an amendment to the Plan, the goals and policies should be considered to ensure that the requested change to the Future Growth Illustration is in conformance with the overall vision. "The Flagstaff Regional Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through goals and policies" (p. III-4). "General plans are not static documents; they recognize growth as a dynamic process, which may require revisions to the plan as circumstances or changes warrant" (p. III-1).

STAFF REVIEW:

Introduction/Background Discussion

This request is the second of three related items on the Commission's agenda; the first item is an annexation request for 640.51 acres, the third request is a Zoning Map Amendment request for 2253.20 acres.

The City of Flagstaff Sustainability Program, (the "Applicant") on behalf of the property owner, The City of Flagstaff, is requesting a minor *Flagstaff Regional Plan 2030* (FRP 2030) amendment to ensure conformance with a proposed Zoning Map Amendment to Public Open Space (POS) zoning. The Zoning Map Amendment includes a total of 2253.20 acres. The proposed amendment to the FRP 2030 will affect approximately 2253.20 acres of land depicted on the Future Growth Illustration (Maps 21 and 22).

A Regional Plan Amendment is required for expanding or changing the boundaries of one area type to another area type. The table describing the "Proposed Regional Plan Amendment Processes" is silent on how to process a plan amendment for some area types including Area in White. The Comprehensive Planning Manager has made an interpretation that if the change being requested for an area type is not shown on the table on page III-9, then the amendment will be considered a minor amendment unless it falls into the defined major amendment category.

The subject property is known as Observatory Mesa and was purchased by the City of Flagstaff from the Arizona State Land Department in November 2013 with funding from the 2004 voter approved Open Space bond. The property was purchased for the express purpose of preserving its unique recreational, educational, and natural resources.

Flagstaff Regional Plan 2030 Amendment Request

As discussed in the "How This Plan Works" chapter (page III-4), the *Flagstaff Regional Plan 2030* is used in the regulatory decision-making process by the Planning & Zoning Commission, City Council and City staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or specific plan amendments, which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies. The Future Growth Illustration on Maps 21 and 22 (same map; one is regional scale and one city scale) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail.

The Future Growth Illustration has two types of land use designations: "Area Types" describe the placemaking context of Urban, Suburban, Rural, or Employment and "Place Types" such as activity centers, corridors and neighborhoods provide the framework for the density, intensities, and mix of uses within the area types. This application proposes to change the area type of "Areas in white retain their existing entitlements" but not the place type for this project. "Areas in white retain their existing entitlements" is used to describe areas that have not been assigned an area type. In most cases, these parcels are public lands held by the Forest Service or City. The Comprehensive Planning Manager has made the interpretation that the surrounding area types on Maps 21 and 22 should be taken into account for consistency. In cases where a parcel is adjacent to more than one area type, either could be extended to the property. With this request the existing "Area in White" will, if approved, be assigned the Parks/Open Space area type.

Attached are exhibits comparing the existing Future Growth Illustration map to the proposed Future Growth Illustration map. These maps and any applicable text of the FRP 2030 should be considered in the context of the Plan's goals and policies. A discussion of the FRP 2030 goals and policies including Environmental Planning & Conservation, Open Space, and Recreation, is provided below.

APPLICABLE GENERAL PLAN GOALS AND POLICIES

Staff has identified the following Regional Plan Goals and Policies that could be applied to support the proposed minor Regional Plan Amendment. The list of goals and policies are followed by an analysis.

Environmental Planning & Conservation

Goal E&C.6. Protect, restore and improve ecosystem health and maintain native plant and animal community diversity across all land ownerships in the Flagstaff region.

> ***Policy E&C.6.3. Promote protection, conservation, an ecological restoration of the region's diverse ecosystem types and associated animals.***

Goal E&C.7. Give special consideration to environmentally sensitive lands in the development design and review process.

> ***Policy E&C.7.1. Design development proposals and other land management activities to minimize the alteration of natural landforms and maximize conservation of distinctive natural features.***
> ***Policy E&C.7.2. Favor the use of available mechanisms at the City and County level for the preservation of environmentally sensitive lands, including but not limited to public acquisition, conservation easements, transfer of development rights, or clustered development with open space designations.***

Goal E&C.10. Protect indigenous wildlife populations, localized and larger scale wildlife habitats, ecosystem processes, and wildlife movement areas throughout the planning area.

The purchase of Observatory Mesa for open space and passive recreational uses not only conforms with the goals and policies of this section but helps to attain the goals set out by the community to protect natural areas for the benefit of native plant and animals as well as provide for active land management strategies that ensures on-going maintenance.

<u>Open Space</u>

Goal OS.1. The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.

> ***Policy OS.1.2. While observing private property rights, preserve natural resources and priority open lands, under the general guidance of the Flagstaff Area Open Space and Greenways Plan and the Natural Environment maps.***
> ***Policy OS.1.3. Use open spaces as natural environment buffer zones to protect scenic views and cultural resources, separate disparate uses, and separate private development from public lands, scenic byways, and wildlife habitats.***
> ***Policy OS.1.4. Use open space as opportunities for non-motorized connectivity, to interact with nature, and to enjoy the view s and quiet.***

The preservation of Observatory Mesa adds to the overall parks and recreation system within the City of Flagstaff through the provision of passive recreational opportunities. Observatory Mesa is easily accessible to many within the City of Flagstaff and provides a buffer between developed areas and larger natural areas.

<u>Community Character</u>

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

> ***Policy CC.1.1. Preserve the natural character of the region through planning and design to maintain views of significant landmarks, sloping landforms, rock outcroppings, water courses, floodplains, and meadows, and conserve stand of ponderosa pine.***

Observatory Mesa is a significant landform that frames the northwestern edge of the city and the preservation of this resource will help to maintain the natural characteristics that define Flagstaff.

<u>Recreation</u>

Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

> ***Policy Rec.1.1. Integrate active and passive recreational site within walking distance throughout the region to promote a healthy community for all City and County residents and visitors.***

<u>Policy Analysis</u>

This list below identifies several key points and community benefits supporting (+) the proposed amendment:

- \+ The Preservation of Observatory Mesa adds to the city's recreation system by providing ample passive recreational opportunities.

- Observatory Mesa is a significant landform that will help to preserve the natural characteristics that define Flagstaff;
- The protection of Observatory Mesa benefits the native plant and animal community with active on-going management

PUBLIC FACILITIES AND SERVICE IMPACT ANALYSIS: No system impact analysis is required with this application. However, the Annexation, Regional Plan, and Zoning Map Amendments will increase recreational opportunities within the city.

Public Input

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with the Annexation, Regional Plan, and Zoning Map Amendment requests. In accordance with Arizona Revised Statute and Section 10-20.30.080 (p. 20.30-9) of the Zoning Code, notice of the public hearings were provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 600 feet of the property (exceeding the 300-foot requirement).

All property owners within 600-feet of this site were notified via mail of the zoning map amendment, annexation, and regional plan amendment and asked to attend the Open Space Commission meeting on October 22, 2015. Four individuals spoke in regards to the open spaces case but none directly in relation to Observatory Mesa. Minutes for this meeting are attached.

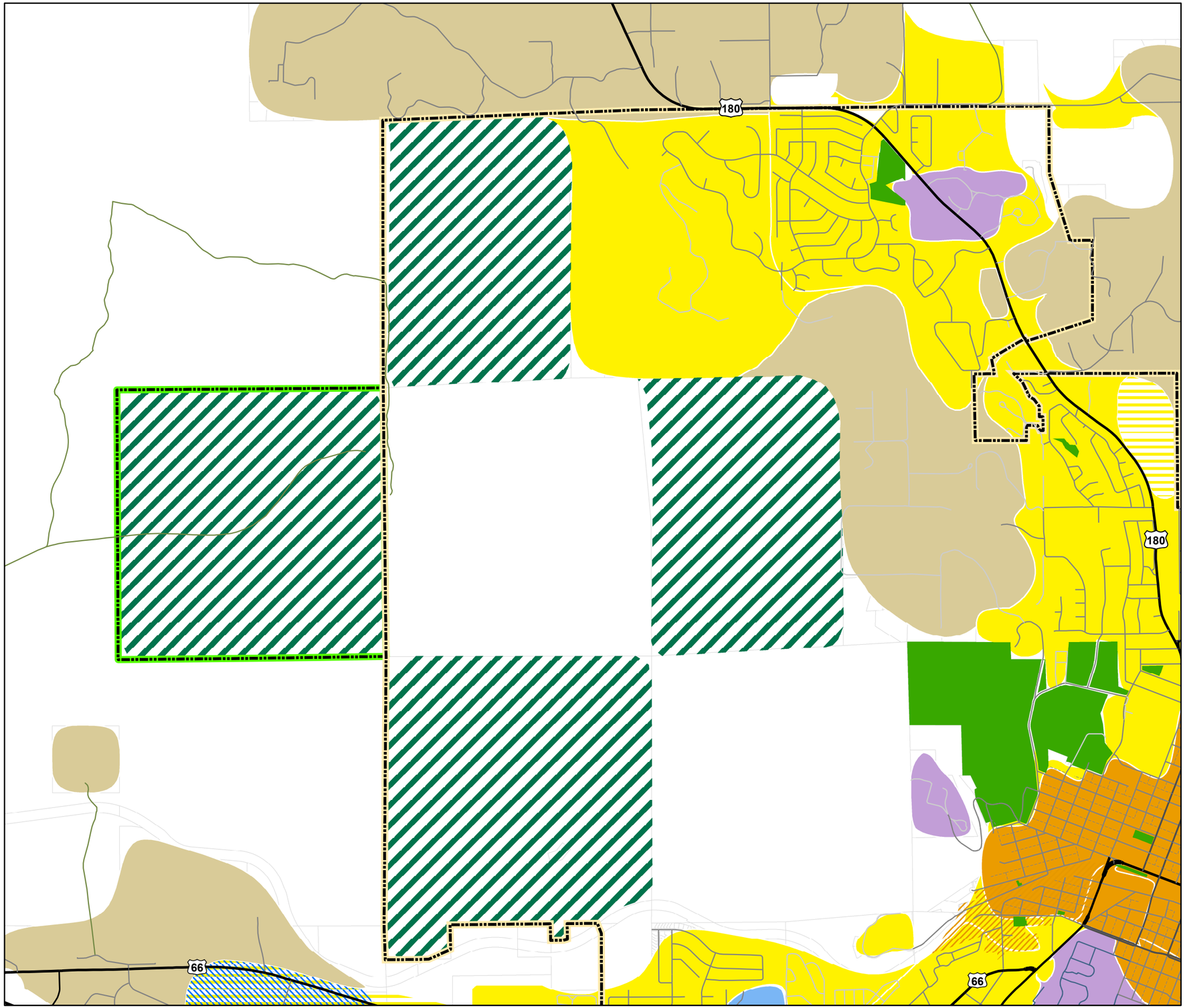
RECOMMENDATION:

Staff believes that the proposed amendment to the Regional Plan is supportable under the guidelines of the *Flagstaff Regional Plan 2030,* and would recommend approval of the proposed amendment.

Attachments:

- Future Growth Illustration – Proposed

Observatory Mesa Minor Plan Amendment and Annexation



Legend

- Parks/Open Space
- Proposed Parks/Open Space
- Proposed City Limit

Growth Illustration Area Types- Future

Vision Area Types

- Rural - Future
- Suburban - Future
- Urban - Future
- Industrial / Business Park - Special District

Growth Illustration Area Types- Existing

Vision Area Types

- Existing Entitlements Retained
- Industrial / Business Park - Existing
- Rural - Existing
- Special District
- Suburban - Existing
- Urban - Existing
- City Limits Cartegraphic
- FMPO Boundary

Parcels

- Parcels

N

0 0.15 0.3 0.6 0.9 1.2 Miles

The Future Growth Illustration defines the geographic locations of area types and place types. It shows the spatial relationship of existing and future development and is intended to be used in conjunction with the Natural Environment Maps (Maps 6-8) and the Road Network Map (Map 25). This Illustration should not be relied upon to determine where specific land uses are allowed; that information is found in City Code Title 10 (Zoning Code) and the Zoning Map. In case of any conflict between the Future Growth Illustration and the Regional Plan's goals and policies, the goals and policies will prevail.

Date Saved: 12/21/2015 2:15:04 PM Author: Sara Dechter

RESOLUTION NO. 2016-12

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF REGIONAL PLAN 2030 TO CHANGE THE AREA TYPE DESIGNATION OF APPROXIMATELY 2253.20 ACRES OF REAL PROPERTY ON MAPS 21 AND 22 LOCATED ON OBSERVATORY MESA FROM AREA IN WHITE AREA TYPE AND STATE LAND TO PARKS/OPEN SPACE AREA TYPE; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Regional Plan 2030 (the "Regional Plan") was adopted by the Mayor and Council of the City of Flagstaff (the "City Council") on January 14, 2014 and ratified by the qualified electors of the City of Flagstaff (the "City") on May 20, 2014; and

WHEREAS, among other things, the Regional Plan establishes the authority and procedure for minor amendments; and

WHEREAS, pursuant to section § 9-461.06, Arizona Revised Statutes, and the Regional Plan, the City has consulted with, advised, and provided the opportunity for public comment on the proposed amendment to the Regional Plan; and

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Planning and Zoning Commission held a public hearing on the proposed Regional Plan amendment on February 24, 2016, and provided notice of such hearing in the manner required by A.R.S. § 9-461.06(E).

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Council held a public hearing in the City Council Chambers on the proposed Regional Plan amendment on March 22, 2016, and provided notice of such hearing by publication of said notice in the manner required by A.R.S. § 9-461.06(E); and

WHEREAS, the City Council finds and determines that (i) proper notice of the proposed Regional Plan amendment has been given in a manner required by A.R.S. § 9-461.06, and (ii) that each of the required publications have been made in the *Arizona Daily Sun*, a newspaper of general circulation within the City; and

WHEREAS, the City Council desires to amend the Regional Plan to change the area type designation of approximately 2253.20 acres of real property on Maps 21 and 22 located on Observatory Mesa from Area in White and State Land area type to Parks/Open Space area type.

ENACTMENTS:

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

SECTION 1. That the Flagstaff Regional Plan is hereby amended to change the area type designation of approximately 2253.20 acres of real property on Maps 21 and 22 located on

Observatory Mesa, as more particularly depicted in **Exhibit "A" (Future Growth Illustration – Proposed),** from Area in White and State Land area type to Parks/Open Space area type.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 3. This resolution shall become effective thirty (30) days following the effective date of Ordinance No. 2016-20.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 22nd day of March, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Tiffany Antol, Planning Development Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of 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. ***(Observatory Mesa Zoning Map Amendment)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:

1) Hold Public Hearing
2) Read Ordinance No. 2016-21 by title for the first time
3) City Clerk reads Ordinance No. 2016-21 by title only for the first time (if approved above)

At the April 5, 2016 Council Meeting:

4) Read Ordinance No. 2016-21 by title only for the final time
5) City Clerk reads Ordinance no. 2016-21 by title for the final time (if approved above)
6) Adopt Ordinance No. 2016-21

Executive Summary:

A Zoning Map Amendment request to rezone approximately 1610.69 acres located on Observatory Mesa from Rural Residential (RR) to Public Open Space (POS), approximately 2.00 acres from Rural Residential (RR) to Public Facility (PF) and to apply the Resource Protection Overlay (RPO) to approximately 640.51 acres.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:

Goal E&C.6. Protect, restore and improve ecosystem health and maintain native plant and animal community diversity across all land ownerships in the Flagstaff region.
Goal E&C.7. Give special consideration to environmentally sensitive lands in the development design and review process.
Goal OS.1. The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.
Goal CC.1. Reflect and respect the region's natural setting and dramatic views in the built environment.
Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

Has There Been Previous Council Decision on This:

None

Options and Alternatives:

1. Approve the ordinance with the proposed condition.
2. Approve the ordinance with no conditions, additional conditions or modified conditions.
3. Deny the ordinance.

Background/History:

The Applicant, the City of Flagstaff Sustainability Program, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 1610.69 acres known as Observatory Mesa to the Public Open Space (POS), approximately 2.00 acres to Public Facility (PF) and add the Resource Protection Overlay (RPO) zone to approximately 640.51. An overlay zone is a special zoning district placed over an existing zoning district, part of a district, or a combination of districts. Overlay zones build on the underlying zoning, by establishing additional requirements. In this case, the overlay zone would be in addition to the Public Open Space (POS) zone. Approximately 1612.69 acres of Observatory Mesa already have the Resource Protection Overlay (RPO) zone applied.

With funding from the 2004 voter approved Open Space bond, the City of Flagstaff acquired Observatory mesa in November 2013 for the express purpose of preserving its unique recreational, educational, and natural resources.

Key Considerations:

The primary purpose of this Zoning Map Amendment is to add layers of protection to Observatory Mesa. The majority of the properties will be zoned and regulated under the Public Open Space (POS) zoning, which is intended to be applied to areas of the City that are appropriate for designation as public open space to allow for resource protection and passive recreation uses. The two acres that will be rezoned to Public Facility (PF) currently consists of a tank farm maintained by the Utilities Division, which would not be a permitted use in the Public Open Space (POS) zone.

Community Benefits and Considerations:

Community benefits and considerations related to this Annexation request are addressed in the attached Planning & Zoning Commission staff report date February 12, 2016.

Community Involvement:

Inform, Consult, Involve, Collaborate, Empower

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with requests for Zoning Map Amendment. 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 600 feet of the site.

All property owners within 600-feet of this site were notified via mail of the zoning map amendment and annexation and asked to attend the Open Space Commission meeting on October 22, 2015.

Attachments:

Planning & Zoning Commission Report
Observatory Mesa ZMA Application
FRP 2030 Goals & Policies
Open Space Commission Minutes
Ord. 2016-21
Exhibit A

PLANNING AND DEVELOPMENT SERVICES REPORT
ZONING MAP AMENDMENT

PUBLIC HEARING	**DATE: February 12, 2016**
PZ-15-00136	**MEETING DATE: February 24, 2016**
	REPORT BY: Tiffany Antol, AICP

REQUEST:

A Zoning Map Amendment request from the City of Flagstaff Sustainability Program, on behalf of the property owner, City of Flagstaff, to rezone approximately 1610.69 acres located on Observatory Mesa from Rural Residential (RR) to Public Open Space (POS), rezone approximately 2.00 acres from Rural Residential (RR) to Public Facility (PF) and to apply the Resource Protection Overlay (RPO) Zone to approximately 640.51 acres. This Zoning Map Amendment request is the third part of a three-part request; the first is an annexation of 640.51 acres and the second is a Regional Plan Amendment of approximately 2253.20 acres.

STAFF RECOMMENDATION:

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

PRESENT LAND USE:

The site consists of vacant lands on Observatory Mesa consisting of 2253.20 acres.

PROPOSED LAND USE:

Future development is expected to consist of low-impact trails, interpretive facilities, and the most basic visitor amenities.

NEIGHBORHOOD DEVELOPMENT:

North: Single-family residences; Agricultural Residential, 2.5 acre minimum (AR-2.5) zone and Residential Single Family, 5 acre minimum (RS-5) zone (County)
East: Single-family residences; Rural Residential (RR) zone and Estate Residential (ER) zone (City)
South: Railroad Springs Subdivision; Manufactured Home (MH) zone (City)
Single-family residences; General, 10-acre minimum (G) zone (County)
West: Coconino County National Forest lands; Open Space and Conservation (OS) zone (County)

The subject property is checker boarded with Coconino National Forest lands.

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 set forth whether the Zoning Map Amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied; 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; and, a recommendation on the amendment

based on the standards of the zones set forth in Section 10-40.20 "Establishment of Zones" of the Zoning Code (Page 40.20-1).

FINDINGS FOR REVIEWING PROPOSED AMENDMENTS. All proposed amendments shall be evaluated as to whether the application is consistent with and conforms to the goals of the General Plan and any applicable specific plans; and 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, the City of Flagstaff Sustainability Program, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 1610.69 acres known as Observatory Mesa to the Public Open Space (POS), approximately 2.00 acres to Public Facility (PF) and add the Resource Protection Overlay (RPO) zone to approximately 640.51. An overlay zone is a special zoning district placed over an existing zoning district, part of a district, or a combination of districts. Overlay zones build on the underlying zoning, by establishing additional requirements. In this case, the overlay zone would be in addition to the Public Open Space (POS) zone. Approximately 1612.69 acres of Observatory Mesa already have the Resource Protection Overlay (RPO) zone applied.

With funding from the 2004 voter approved Open Space bond, the City of Flagstaff acquired Observatory mesa in November 2013 for the express purpose of preserving its unique recreational, educational, and natural resources.

Proposed Development Concept Plans

Future development is expected to consist of low-impact trails, interpretive facilities, and the most basic visitor amenities.

General Plan – Flagstaff Regional Plan (FRP 2030)

The *Flagstaff Regional Plan 2030 (FRP 2030)* Future Growth Illustration (Maps 21 and 22) designates the subject site as Area in White/State Land. A minor Regional Plan Amendment will be heard prior to this application to amend the current designation to Parks/Open Space. If the Regional Plan Amendment is approved, the proposal to rezone the subject property to the Public Open Space (POS) and Public Facility (PF) zones with the Resource Protection Overlay (RPO) zone will be in conformance with the Regional Plan. Staff has identified a total of 12 Regional Plan Goals and Policies that could be applied to support the proposed Zoning Map Amendment. A list of these policies is attached to this report. The most relevant policies were analyzed below:

Goal OS.1.The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.

Policy OS.1.2.While observing private property rights, preserve natural resources and priority open lands, under

> ***the general guidance of the Flagstaff Area Open Space and Greenways Plan and the Natural Environment Maps.***
> ***Policy OS.1.3.Use open spaces as natural environment buffer zones to protect scenic views and cultural resources, separate disparate uses, and separate private development from public lands, scenic byways, and wildlife habitats.***

The primary purpose of this Zoning Map Amendment is to add layers of protection to Observatory Mesa. The majority of the properties will be zoned and regulated under the Public Open Space (POS) zoning, which is intended to be applied to areas of the City that are appropriate for designation as public open space to allow for resource protection and passive recreation uses. The two acres that will be rezoned to Public Facility (PF) currently consists of a tank farm maintained by the Utilities Division, which would not be a permitted use in the Public Open Space (POS) zone.

Zoning – City of Flagstaff Zoning Code

The requirements of the Public Open Space (POS) zone and the Resource Protection Overlay (RPO) zone are intended to promote the preservation and unique character of properties within the zone. Additionally, the Resource Protection Overlay (RPO) provides standards for the protection of natural resources, including floodplains, steep slopes, and forest. The Public Facility (PF) zone is intended to provide areas within the City for active and passive recreation uses, parks, public open space, governmental buildings and facilities, schools and school grounds, quasi-public buildings and facilities and related uses.

PUBLIC SYSTEMS IMPACT ANALYSIS:

Traffic and Access

No analysis was required.

Water and Wastewater

A water and sewer analysis was not required as part of this request; however, the Utilities Division did request a condition of approval allowing for the maintenance of existing and expansion of future utility infrastructure.

Stormwater

No stormwater improvements have been required.

Parks and Recreation

This Zoning Map Amendment expands recreational opportunities within the City's parks and recreation system.

OTHER REQUIREMENTS:

Resources

The subject property will be entirely 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). Further, this application does not anticipate any physical modifications to the existing site. No impact to resources is anticipated.

Citizen Participation

All property owners within 600-feet of this site were notified via mail of the zoning map amendment, annexation, and regional plan amendment and asked to attend the Open Space Commission meeting on October 22, 2015. Four individuals spoke in regards to the open spaces case but none directly in relation to Observatory Mesa. Minutes for this meeting are attached.

DISCUSSION:

The application of the Public Open Space (POS) zone, the Public Facility (PF) zone, and the Resource Protection Overlay (RPO) zone meets the intent of the Regional Plan goals and policies and will comply with the designation of Parks/Open Space if the accompanying minor Regional Plan Amendment is approved. These zones and designations work in concert to protect the natural resources on the property as well as support the City's Open Space program.

RECOMMENDATION:

Staff believes that the proposed Zoning Map Amendment has been justified and would recommend in favor of amending the Zoning Map for approximately 1610.69 acres to the Public Open Space (POS) zone, approximately 2.00 acres to the Public Facility (PF) zone and to apply the Resource Protection Overlay (RPO) zone to 640.51 with the following condition:

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.

ATTACHMENTS

- Zoning Map Amendment Application and narrative
- FRP 2030 Goals and Policies – Full list
- Open Space Commission Meeting Minutes
- Public Hearing Legal Advertisements

Observatory Mesa

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

RECEIVED

Date Received	Application for Zoning Map Amendment and/or Minor Regional Plan Amendment	File Number
		PZ-15-00136

Property Owner(s)	Title	Phone	Email
City of Flagstaff			PZ-15-00136-01
Mailing Address			**City, State, Zip**
211 W. Aspen			Flagstaff AZ 86001
Applicant(s)	**Title**	**Phone**	**Email**
Betsy Emery	Open Space Specialist	213 2154	BEmery@flagstaffaz.ge
Mailing Address			**City, State, Zip**
211 W. Aspen			Flagstaff AZ 86001
Project Representative	**Title**	**Phone**	**Email**
Betsy Emery	Open Space Specialist	213 2154	BEmery@flagstaffaz.gov
Mailing Address			**City, State, Zip**
211 W. Aspen			Flagstaff AZ 86001

Requested Review ☒ Zoning Map Amendment ☒ Minor Regional Plan Amendment ☐ Continued

Site Address	Parcel Number(s)	Subdivision, Tract & Lot Number
N/A	102-15-001, 111-08-002 (COF) 102-15-002, COUNTY	N/A
Existing Zoning District	**Proposed Zoning District:**	**Existing Regional Plan Land Use Category**
102-15-002 - OS COUNTY 102-15-001, 111-08-002 - RR	PUBLIC FACILITY (PF) PUBLIC OPEN SPACE (POS)	AREA IN WHITE / STATE LAND
Existing Use	**Proposed Use**	
VACANT	OPEN SPACE	

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?

Requested Urban Growth Boundary Change (If Applicable)	Proposed Regional Plan Land Use Category
YES - TO BE INCLUDED IN BOUNDARY	PARK / OPEN SPACE

Property Owner Signature(required)	Date:	Applicant Signature	Date:
Scott Cooley	2/8/16	Elizabeth Emery	10/12/15

For City Use

Date Filed:	File Number(s):		Type of Zoning Map Amendment:
P & Z Hearing Date:	Publication and Posting Date:		☐ Small scale
Council Hearing Date:	Publication and Posting Date:		☐ Medium scale
Fee Receipt Number:	Amount:	Date:	☐ Large scale
			☐ Multi-phase scale

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Harry	Kent	Jim	Chris

Flagstaff Regional Plan 2030 Goals and Policies for Observatory Mesa

Goal E&C.6. Protect, restore and improve ecosystem health and maintain native plant and animal community diversity across all land ownerships in the Flagstaff region.

> Policy E&C.6.3. Promote protection, conservation, an ecological restoration of the region's diverse ecosystem types and associated animals.

Goal E&C.7. Give special consideration to environmentally sensitive lands in the development design and review process.

> Policy E&C.7.1. Design development proposals and other land management activities to minimize the alteration of natural landforms and maximize conservation of distinctive natural features.

> Policy E&C.7.2. Favor the use of available mechanisms at the City and County level for the preservation of environmentally sensitive lands, including but not limited to public acquisition, conservation easements, transfer of development rights, or clustered development with open space designations.

Goal OS.1. The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.

> Policy OS.1.2. While observing private property rights, preserve natural resources and priority open lands, under the general guidance of the Flagstaff Area Open Space and Greenways Plan and the Natural Environment maps.

> Policy OS.1.3. Use open spaces as natural environment buffer zones to protect scenic views and cultural resources, separate disparate uses, and separate private development from public lands, scenic byways, and wildlife habitats.

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

> Policy CC.1.1. Preserve the natural character of the region through planning and design to maintain views of significant landmarks, sloping landforms, rock outcroppings, water courses, floodplains, and meadows, and conserve stand of ponderosa pine.

Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

> Policy Rec.1.1. Integrate active and passive recreational site within walking distance throughout the region to promote a healthy community for all City and County residents and visitors.

M I N U T E S

City of Flagstaff
Open Spaces Commission

Thursday, October 22, 2015
4:00 – 6:00 pm

City Hall, Council Chambers
211 West Aspen Avenue, Flagstaff, Arizona

A quorum of the Flagstaff City Council may be in attendance of the Sustainability Commission meeting.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact 928-213-2100. Notification at least 48 hours in advance will enable the City to make reasonable arrangements.

CALL TO ORDER

COMMISSION MEMBERS:	CITY STAFF:	COMMUNITY MEMBERS:
Bryan Burton	Nicole Woodman, Sustainability Manager	Jack Welch
Jim Burton	Elizabeth Emery, Open Space Specialist	Tadd Madeksza
Jessica Gist	McKenzie Jones, Sustainability Specialist	Allen Haden
Tina Pfeiffer	John Begay, Sustainability Aide	Hannah Griscom
	Martin Ince, Multi-Modal Planner	Elizabeth Stegall
	Tiffany Antol, Planning Development Manager	Mandy Metzger
		Tracy Plecas

1. **Call to order**
   Commissioner Gist called the meeting to order at 4:03pm.

   Public Participation
   At this time, any member of the public may address the Commission on any subject that is not scheduled before the Commission on that day. The Arizona Open Meeting Law prohibits the Commission from discussing or taking action on an item which is not listed on the prepared agenda. Commission members may, however, respond to criticism made by those addressing the Commission, ask staff to review a matter, or ask that a matter be placed on a future 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.

2. **Approval of Minutes**
   Commissioner Bryan Burton noted that the minutes do not reflect that the northwest portion of parcel 111-02-006B could be developed for residential housing. The parcel may be split to accommodate that need. Commissioner Pfeiffer motioned to approve the October 15, 2015 minutes with Commissioner

Bryan Burton's amendment. Commissioner Jim Burton seconded the motion. All commissioners voted in favor to approve minutes.

3. Discussion Items

A. Friends of the Rio Watershed Planning Effort

Hannah Griscom, Friends of the Rio de Flag Board member, gave an overview of the Rio de Flag watershed planning effort at the request of the Commission. The plan will define the community vision for the Rio de Flag and outline steps to restore the Rio de Flag. Ultimately, the group visions to move the Rio de Flag into consciousness for the community, be a community rallying point, and a space for the community to enjoy by creating a greenbelt that connects neighborhoods and public spaces with trails. The Friends of the Rio de Flag plan to start seek funding to support writing the document in 2016. Mrs. Griscom mentioned that there is a lot of overlap between the Rio de Flag watershed planning effort and the goals of the Open Spaces Commission as identified in their Strategic Plan.

B. Rezoning of Open Space Parcels (Public Hearing)

Betsy Emery, Open Space Specialist, presented to the Commission regarding the annexation and rezone process for open space parcels. This also served as the first public hearing for the process for Staff to accept feedback from the community. The City acquired Picture Canyon and Observatory Mesa in 2012 and 2013 and both properties were designated as open space by City Council. These parcels were not zoned as Public Open Space through the acquisition process and remain zoned as rural residential, which allows for development. City Staff is currently working to rezone these parcels as Public Open Space to provide an additional layer of protection to the property because Public Open Space zoning limits the type of development that can be done on the parcels.

Additionally, there are parcels comprising Picture Canyon (113-06-004) and Observatory Mesa (102-15-002) which are outside of Flagstaff City limits. City Staff proposes annexing these parcels into City limits to streamline management requirements for the entire property.

Lastly, Staff is also proposing to rezone and annex the City-owned Schultz Y parcel (300-47-004) as a direct outcome of City Council's discussion of City-owned properties on October 29, 2013.

Community members provided feedback:

- Tracy Plecas, 6525 North Rain Valley Road, asked if the rezoning process would affect planned actions and improvements at the Preserve. Betsy Emery answered that the management plan for Picture Canyon was recently adopted by City Council and that document outlines all projects planned at the Preserve. This process does not affect planned management activities. Mrs. Plecas inquired about how many steps are involved in the annex and rezone process. Tiffany Antol, Planning Development Manager, answered that there will be additional public hearings and that the application will be vetted through the Planning and Zoning Commission before being brought to City Council for approval.

- Mandy Metzger, Coconino County District 4 Supervisor, expressed appreciation for the many hours and dedication the Open Spaces Commission has given to Picture Canyon. She did not have a recommendation or comment at the moment because the County had not yet discussed the proposal.
- Sat Best, 3935 North Paradise Road, expressed appreciation for the work done on these parcels. He inquired about management plans for the Schultz Y property. Commissioner Gist answered the Commission has discussed the parcel's open space value - primarily the parcel's location and adjacency to other trails and amenities makes it important for open space. Mr. Best inquired if the actual "Y" is located on this parcel. Betsy Emery answered that the actual "Y" is located west of the parcel in question. Mr. Best inquired about the actual "Y" and if there are any plans to include it in the process. Betsy Emery answered that the actual "Y" is on private property but the landowner recently contacted the City to propose swapping the actual "Y" for a portion of the City-owned parcel. This trade would be equitable in terms of value and land area. Mr. Best then mentioned the valuable wildlife corridor in the area. Commissioner Gist clarified that the Schultz Y parcel is one of 17 city-owned parcels the Commission reviewed against a set of criteria that were valuable for open space. Ultimately, the Commission determined that the Schultz Y parcel is important as open space and recommended that the City designate it as open space.
- Nat White, 1120 N. Rockridge, mentioned that the actual "Y" area is not necessary for the trail head, and instead those improvements could be located anywhere below the historic reservoir on the City-owned parcel. He also mentioned the opportunity for collaboration between the U.S. Forest Service, Coconino County, and the City to provide these amenities and that this parcel has potential to be another showcase open space area for the Flagstaff community.
- Commissioner Gist inquired about the process involving the County for annexing some of these properties. Tiffany Antol, Planning Development Manager, answered the annexation process is set out in state statute. As soon as the Planning Department receives the application, they will notify the Board of Supervisors. The County will be notified at each stage of the process, just like the surrounding property owners.

Commissioner Gist clarified that City Staff is looking for the Commission to recommend that the City proceed with the process to rezone and annex the three properties. Commissioner Bryan Burton motioned to support rezoning and annexing these three properties. Commissioner Pfeiffer seconded the motion. The motion was approved by all.

C. Picture Canyon Interpretive Signs

Betsy Emery, Open Space Specialist, provided a follow up presentation with the latest draft of interpretive signs for the Picture Canyon Preserve. The draft is in

black and white because the graphic designer is waiting for art approval from the Open Spaces Commission to finalize the artwork. There are five panels being placed at the Outdoor Classroom addressing archaeology, botany, wildlife, watershed, and geology. Two signs are being designed for the watchable wildlife site near the deep-water pond. Those signs will be related to wetlands and wildlife. The Commission provided feedback and minor suggestions for the signs, including correcting misspellings, providing descriptions for the QR codes, and indicating differences between Kaibab Limestone and Coconino Sandstone. Commissioner Jim Burton motioned to approve the signs. Commissioner Bryan Burton seconded the motion. All voted in favor.

D. Review of City Owned Parcels

The Commission discussed the recent fieldtrip to review the City-owned parcels along the Karen Cooper Trail near the Museum of Northern Arizona using the matrix used for the 17 city-owned parcels last year. Some of the parcels are appropriate for open space because they are too steep to develop or are within the Rio de Flag floodplain. Preserving these parcels as open space would provide a buffer to the Rio de Flag. The only parcel that doesn't meet all of the criteria and may not be appropriate to designate as open space is parcel 111-02-006B because there is a large area that could be developed. Commissioner Gist inquired what areas should be visited on additional field trips and the Commission discussed visiting the parcels along the Rio de Flag in the Southside Community during the spring. The Commission agreed to stand by their previous discussion of the open space value associated with City-owned parcels on McMillan Mesa. Additionally, the Commission agreed to individually visit a small number of City-owned parcels before the next meeting to provide information to the Commission regarding their open space potential.

E. Open Space Management Update

Betsy Emery, Open Space Specialist, has been working on designing trail signs for Picture Canyon for all the major trail intersections. Signs will be 3-3 ½ feet tall and posted on 4" steel tubing. Additionally, Staff is still working to edit the interpretive signs. There is an easemented water pipeline at Picture Canyon that provides water to a few families in the area along the eastern side of the Preserve. Staff is working on surveying the pipeline and is working through the required cultural compliance regulation process associated with the ground disturbance. Additionally, Staff is in the process of launching the Sites Stewards Program, a volunteer program out of Arizona State Parks. Program training will be on November 4, 2015. Staff is working to address access issues at Matson Tank on Observatory Mesa by installing gates to limit illegal motorized access.

4. Information Items To and From Commissioners and Staff

A. Soliere Property Update

Per John Grahame's request at previous Commission meetings, Staff looked into the proposal to grant open space land in exchange for the City covering the substantial cost to realign Soliere Road. The developer planned to use the portion as an active park for ball fields. Ultimately, the Parks and Recreation

Commission decided to not accept the trade because of floodplain requirements associated with the property.

B. Other Updates

- Staff provided an update regarding the City Council's discussion of specialty seats on City commissions. The City Council recently decided to remove specialty seats from commissions. The Open Spaces Commission has multiple specialty seats, including Natural and Cultural Sciences and Real Estate. Current commissioners wishing to renew their term will apply for an At-Large position and will compete against applicants without specialty experience.
- McKenzie Jones, Sustainability Specialist, informs the Commission of the recycling application the City is launching – MyWaste. The app provides information on recycling schedules in Flagstaff.
- Nicole Woodman, Sustainability Manager, informs the Commission that the Sustainability Program is hosting their first DIY Workshop of the season, which will take place on October 29, 2015 at east public community library.

5. Agenda items for Next Meeting

A. Flagstaff Urban Trail System Acquisitions and Easements

B. Review of City-owned Parcels

C. Open Space Management Update

6. Adjournment

Commissioner Jim Burton motioned to adjourn the meeting at 5:06pm. Commissioner Bryan Burton seconded the motion. All voted in favor of adjourning the meeting.

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 5th 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,

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 "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,

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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.

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Tiffany Antol, Planning Development Manager
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-19: An ordinance of the City Council of the City of Flagstaff, amending the Flagstaff Zoning Map to rezone approximately 477.8 acres of real property known as Picture Canyon, from No Zoning (County) and Rural Residential (RR) to Public Open Space (POS), and to apply the Landmarks Overlay (LO), the Resource Protection Overlay (RPO) and the Rural Floodplain Designation to approximately 77.8 acres. ***(Picture Canyon Zoning Map Amendment)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:

1) Hold Public Hearing
2) Read Ordinance No. 2016-19 by title only for the first time
3) City Clerk reads Ordinance No. 2016-19 by title only for the first time (if approved above)

At the April 5, 2016 Council Meeting:

4) Read Ordinance No. 2016-19 by title only for the final time
5) City Clerk reads Ordinance No. 2016-19 by title for the final time (if approved above)
6) Adopt Ordinance No. 2016-19

Executive Summary:

A Zoning Map Amendment request to rezone approximately 477.8 acres located in Section 4, Township 21 North, Range 8 East from No Zoning (County) and Rural Residential (RR) to Public Open Space (POS) and to apply the Landmarks Overlay (LO) Zone, the Resource Protection Overlay (RPO) Zone, and the Rural Floodplain designation to 77.8.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:

Goal OS.1.The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.

Goal CC.2. Preserve, restore, and rehabilitate heritage resources to better appreciate our culture.

Has There Been Previous Council Decision on This:

None

Options and Alternatives:

1. Approve the ordinance as proposed
2. Approve the ordinance with conditions
3. Deny the ordinance

Background/History:

The Applicant, the City of Flagstaff Sustainability Program, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 477.8 acres known as the Picture Canyon Preserve and Archeological Park to the Public Open Space (POS) zone and apply the Landmarks Overlay (LO) zone, Resource Protection Overlay (RPO) zone and the Rural Floodplain designation to 77.8 acres currently located in Coconino County. An overlay zone is a special zoning district placed over an existing zoning district, part of a district, or a combination of districts. Overlay zones build on the underlying zoning, by establishing additional requirements. In this case, the overlay zones would be in addition to the proposed Public Open Space (POS) zone. The 400 acres currently located within the city limits already has the Landmark Overlay (LO) zone, Resource Protection Overlay (RPO) zones and Rural Floodplain designation applied.

With funding from the 2004 voter approved Open Space bond and a 2012 Growing Smarter Grant, the City of Flagstaff acquired Picture Canyon in October 2012 for the express purpose of preserving its unique historical, cultural, archeological, recreational, and educational resources. The canyon is an ecologically diverse riparian corridor and has a variety of native trees and plants. The area has many archeological resources which have been documented in a 2012 Archeological Survey by Northland Research, Inc. Existing logging railroad features on the property appear to be eligible for listing on the National Register of Historic Places which is sufficient for designation to the Landmarks Overlay (LO) zone. At its meeting of February 17, 2016 the City's Heritage Preservation Commission reviewed this proposal and unanimously recommended that the City Council approve this rezoning request.

Key Considerations:

The primary purpose of this Zoning Map Amendment is to add layers of protection to the Picture Canyon Preserve and Archeological Park. Both properties will be zoned and regulated under the Public Open Space zoning which is intended to be applied to areas of the City that are appropriate for designation as public open space to allow for resource protection and passive recreation uses. The Landmark Overlay zone will make the property subject to the Landmark Design Review Overlay District Design Standards and Guidelines and design review by the Heritage Preservation Commission. The Resource Protection Overlay provides additional standards for the protection of natural resources, including floodplains, steep slopes, and forest. The Rural Floodplain designation on the Rio de Flag floodplain boundaries further adds a level of protection to this property and supports the City of Flagstaff's Community Rating System (CRS) ranking, which helps to lower flood insurance rates for everyone in the city.

On February 24, 2016, the Planning & Zoning Commission concluded their review of the proposed zoning map amendment with a recommendation for approval, by a unanimous vote.

Community Benefits and Considerations:

Community benefits and considerations related to this Annexation request are addressed in the attached Planning & Zoning Commission staff report dated February 12, 2016.

Community Involvement:

Inform, Consult, Involve, Collaborate, Empower

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with requests for Zoning Map Amendment. 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 600 feet of the site.

All property owners within 600-feet of this site were notified via mail of the zoning map amendment and annexation and asked to attend the Open Space Commission meeting on October 22, 2015. One individual inquired about these applications affecting the management plans for Picture Canyon.

Attachments:

Planning & Zoning Commission Staff Report
Application
Picture Canyon Zoning Map 5
Picture Canyon Zoning Map 6
County Zoning Letter
Picture Canyon HPC Report
Open Space Commission Minutes
FRP 2030 Goals & Policies
Zoning Notice
Ordinance No. 2016-19 Exhibit A
Ord. 2016-19

PLANNING AND DEVELOPMENT SERVICES REPORT
ZONING MAP AMENDMENT

PUBLIC HEARING	**DATE: February 12, 2016**
PZ-15-00134	**MEETING DATE: February 24, 2016**
	REPORT BY: Tiffany Antol, AICP

REQUEST:

A Zoning Map Amendment request from the City of Flagstaff Sustainability Program, on behalf of the property owner, City of Flagstaff, to rezone approximately 477.8 acres located in Section 4, Township 21 North, Range 8 East from No Zoning and Rural Residential (RR) Zone to Public Open Space (POS) and to apply the Landmarks Overlay (LO) Zone, the Resource Protection Overlay (RPO) Zone, and the Rural Floodplain designation to 77.8 acres. This Zoning Map Amendment request is the second part of a two-part request; the first is an annexation of the 77.8 acres.

STAFF RECOMMENDATION:

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

PRESENT LAND USE:

The site consists of the Picture Canyon Preserve and Archeological Park on 477.8 acres.

PROPOSED LAND USE:

Future development is expected to consist of low-impact trails, interpretive facilities, and the most basic visitor amenities such as a parking area and restrooms.

NEIGHBORHOOD DEVELOPMENT:

North: Single-family residences; Agricultural Residential, 5 acre minimum (AR-5) zone (County)
East: Single-family residences; Rural Residential (RR) zone (City)
South: El Paso Gas Pump Station; General (G) zone (County)
West: Coconino County Public Works Yard and Cinder Mine; Public Facility (PF) and Heavy Industrial (HI) zones (City)

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 set forth whether the Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied; and 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; and a recommendation on the amendment based on the standards of the zones set forth in Section 10-40.20 "Establishment of Zones" of the Zoning Code (Page 40.20-1).

FINDINGS FOR REVIEWING PROPOSED AMENDMENTS. All proposed amendments shall be evaluated as to whether the application is consistent with and conforms to the goals of the General Plan and any applicable specific plans;

and 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, the City of Flagstaff Sustainability Program, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 477.8 acres known as the Picture Canyon Preserve and Archeological Park to the Public Open Space (POS) zone and apply the Landmarks Overlay (LO) zone, Resource Protection Overlay (RPO) zone and the Rural Floodplain designation to 77.8 acres currently located in Coconino County. An overlay zone is a special zoning district placed over an existing zoning district, part of a district, or a combination of districts. Overlay zones build on the underlying zoning, by establishing additional requirements. In this case, the overlay zones would be in addition to the proposed Public Open Space (POS) zone. The 400 acres currently located within the city limits already has the Landmark Overlay (LO) zone, Resource Protection Overlay (RPO) zones and Rural Floodplain designation applied.

With funding from the 2004 voter approved Open Space bond and a 2012 Growing Smarter Grant, the City of Flagstaff acquired Picture Canyon in October 2012 for the express purpose of preserving its unique historical, cultural, archeological, recreational, and educational resources. The canyon is an ecologically diverse riparian corridor and has a variety of native trees and plants. The area has many archeological resources which have been documented in a 2012 Archeological Survey by Northland Research, Inc. Existing logging railroad features on the property appear to be eligible for listing on the National Register of Historic Places which is sufficient for designation to the Landmarks Overlay (LO) zone. At its meeting of February 17, 2016 the City's Heritage Preservation Commission reviewed this proposal and unanimously recommended that the City Council approve this rezoning request. Attached to this report are copies of the HPC report.

Proposed Development Concept Plans

Future development is expected to consist of low-impact trails, interpretive facilities, and the most basic visitor amenities such as a parking area and restrooms.

General Plan – Flagstaff Regional Plan (FRP 2030)

The *Flagstaff Regional Plan 2030 (FRP 2030)*, Future Growth Illustration (Maps 21 and 22) designates the subject site as Park/Open Space. The proposal to rezone the subject property to the Public Open Space (POS) zone is in conformance with the Regional Plan designation. Staff has identified a total of 19 Regional Plan Goals and Policies that could be applied to support the proposed Zoning Map Amendment. A list of these policies is attached to this report. The most relevant policies were analyzed below:

Goal OS.1.The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.

Policy OS.1.2.While observing private property rights, preserve natural resources and priority open lands, under the general guidance of the Flagstaff Area Open Space and Greenways Plan and the Natural Environment Maps.
Policy OS.1.3.Use open spaces as natural environment buffer zones to protect scenic views and cultural resources, separate disparate uses, and separate private development from public lands, scenic byways, and wildlife habitats.

Goal CC.2. Preserve, restore, and rehabilitate heritage resources to better appreciate our culture.
Policy CC.2.1. Actively locate, identify, interpret, and preserve historical, archaeological, and cultural resources, in cooperation with other agencies and non-governmental organizations, as aspects of our society for future generations to retain, understand, and enjoy their cultural identity.
Policy CC.2.2.Formally recognize heritage resources through designation as local landmarks and historic districts.

The primary purpose of this Zoning Map Amendment is to add layers of protection to the Picture Canyon Preserve and Archeological Park. Both properties will be zoned and regulated under the Public Open Space zoning which is intended to be applied to areas of the City that are appropriate for designation as public open space to allow for resource protection and passive recreation uses. The Landmark Overlay zone will make the property subject to the Landmark Design Review Overlay District Design Standards and Guidelines and design review by the Heritage Preservation Commission. The Resource Protection Overlay provides additional standards for the protection of natural resources, including floodplains, steep slopes, and forest. The Rural Floodplain designation on the Rio de Flag floodplain boundaries further adds a level of protection to this property and supports the City of Flagstaff's Community Rating System (CRS) ranking, which helps to lower flood insurance rates for everyone in the city.

Zoning – City of Flagstaff Zoning Code

The requirements of the Public Open Space (POS) zone, Landmarks Overlay (LO) zone, Resource Protection Overlay (RPO) zone and the Rural Floodplain designation are intended to promote the preservation and unique character of properties within the zone. Properties within the Landmarks Overlay zone are subject to the Landmark Design Review Overlay District Design Standards and Guidelines and design review by the Heritage Preservation Commission. The Resource Protection Overlay provides standards for the protection of natural resources, including floodplains, steep slopes, and forest. The Rural Floodplain designation is applied to natural undisturbed open spaces defined as areas of delineated 100-year floodplain that cannot be disturbed or developed except for roadway and utility crossings.

PUBLIC SYSTEMS IMPACT ANALYSIS:

Traffic and Access

No analysis was required.

Water and Wastewater

A water and sewer analysis was not required as part of this request; however, the Utilities Division did request a condition of approval allowing for existing and future utility infrastructure.

Stormwater

No stormwater improvements have been required.

Parks and Recreation

This zoning map amendment is not anticipated to have any impact to the City's parks or recreation systems.

OTHER REQUIREMENTS:

Resources

The subject property will be entirely 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). Further, this application does not anticipate any physical modifications to the existing site. No impact to resources is anticipated.

Citizen Participation

All property owners within 600-feet of this site were notified via mail of the zoning map amendment and annexation and asked to attend the Open Space Commission meeting on October 22, 2015. One individual inquired about these applications affecting the management plans for Picture Canyon. Four individuals total spoke in regards to the open space zoning map amendments. Minutes for this meeting are attached.

DISCUSSION:

The application of the Public Open Space (POS) zone with the Landmarks Overlay (LO) zone, Resource Protection Overlay (RPO) zone and Rural Floodplain designation meet the intent of the Regional Plan designation of Open Space Parks. These zones and designations work in concert to protect the natural, cultural, and historic resources on the property as well as support the City's Open Space and Stormwater programs.

RECOMMENDATION:

Staff believes that the proposed Zoning Map amendment has been justified and would recommend in favor of amending the Zoning Map for 477.8 acres to the Public Open Space (POS) zone with the Landmarks Overlay (LO) zone, Resource Protection Overlay (RPO) zone and the Rural Floodplain designation to 77.8 acres with the following condition:

1. The City of Flagstaff maintains the right to access the subject property to install, locate, operate, repair, replace, alter, and maintain any and all existing and future 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 during the installation of these pipelines or utility services infrastructure on the subject property".

ATTACHMENTS

- Zoning Map Amendment Application

- Current City of Flagstaff Zoning Map
- Zoning letter from Coconino County
- HPC Staff Report
- FRP 2030 Goals and Policies – Full list
- Open Space Commission Meeting Minutes
- Public Hearing Legal Advertisements

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

Picture Canyon

PREZ/PGM

Date Received	Application for Zoning Map Amendment and/or Minor Regional Plan Amendment	File Number
RECEIVED NOV 17 2015		P2-15-00134

Property Owner(s)	Title	Phone	Email
Mailing Address			**City, State, Zip**

Applicant(s)	Title	Phone	Email
Betsy Emery	open space specialist	213.2154	BEmery@flagstaffaz.gov
Mailing Address			**City, State, Zip**
211 W. Aspen Ave			Flagstaff AZ 86001

Project Representative)	Title	Phone	Email
Mailing Address			**City, State, Zip**

Requested Review ☒ Zoning Map Amendment ☐ Minor Regional Plan Amendment ☐ Continued

Site Address	Parcel Number(s)	Subdivision, Tract & Lot Number
N/A	113-06-004 113-06-003	N/A
Existing Zoning District	**Proposed Zoning District:**	**Existing Regional Plan Land Use Category**
004 - COUNTY NO ZONING 003 - CITY - RR	(LO) Landmark Overlay-004 (POS) PUBLIC OPEN SPACE	PARK / OPEN SPACE

Existing Use	Proposed Use
VACANT	OPEN SPACE

Property Information:
- ☒ Yes ☐ No Located in an existing Local/National Historic District? (Name: LANDMARK OVERLAY
- ☐ Yes ☒ No Existing structures are over 50 years old at the time of application?
- ☒ Yes ☐ No Subject property is undeveloped land?

Requested Urban Growth Boundary Change (If Applicable)	Proposed Regional Plan Land Use Category
N/A	N/A

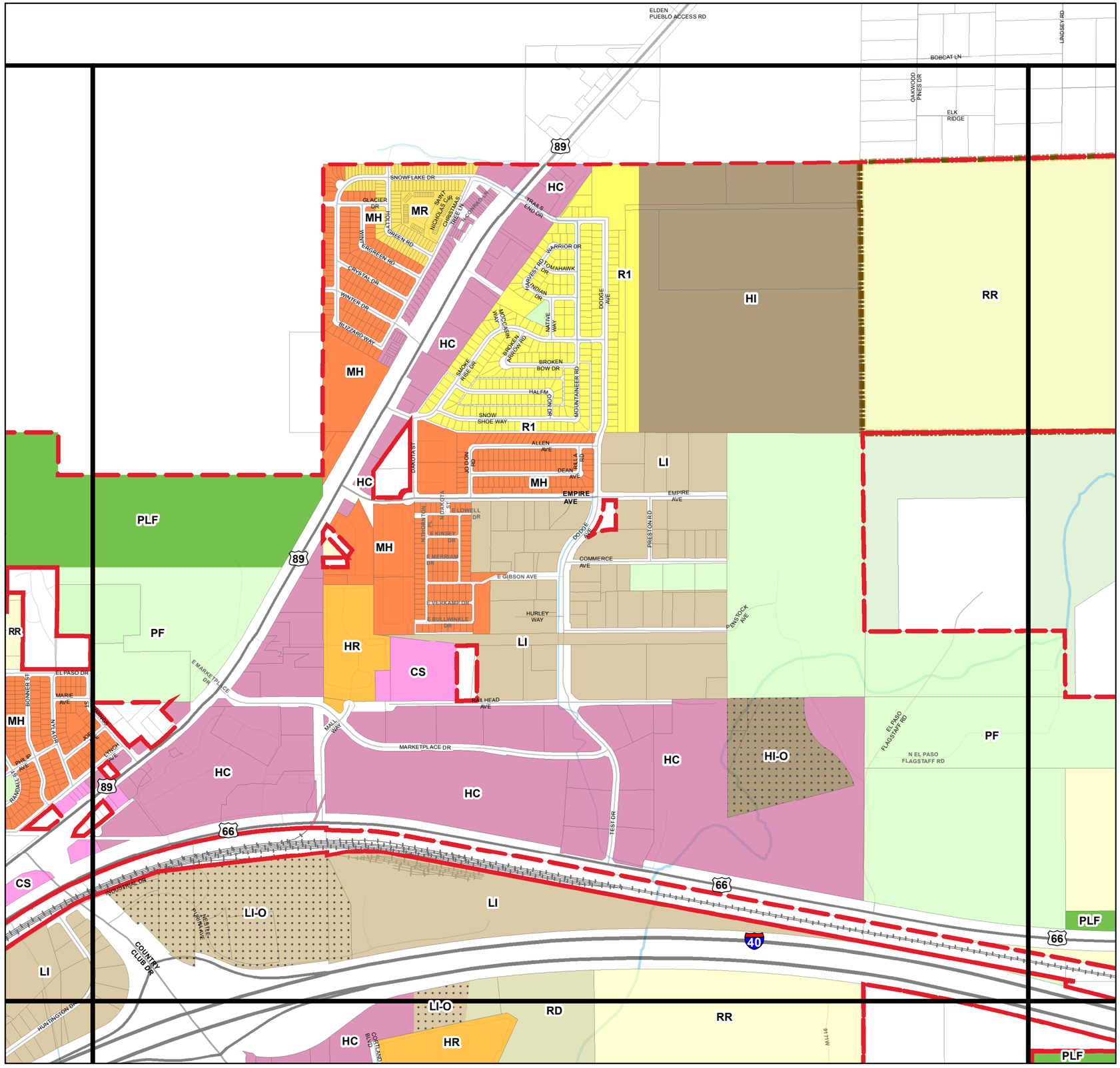
Property Owner Signature(required)	Date:	Applicant Signature	Date:
Josh Copley	2/8/16	Elizabeth Emery	10/12/15

For City Use

Date Filed:	File Number(s):		Type of Zoning Map Amendment:
P & Z Hearing Date:	Publication and Posting Date:		☐ Small scale
Council Hearing Date:	Publication and Posting Date:		☐ Medium scale
Fee Receipt Number:	Amount:	Date:	☐ Large scale
			☐ Multi-phase scale

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Gary	Kent	Jim	Chris



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)

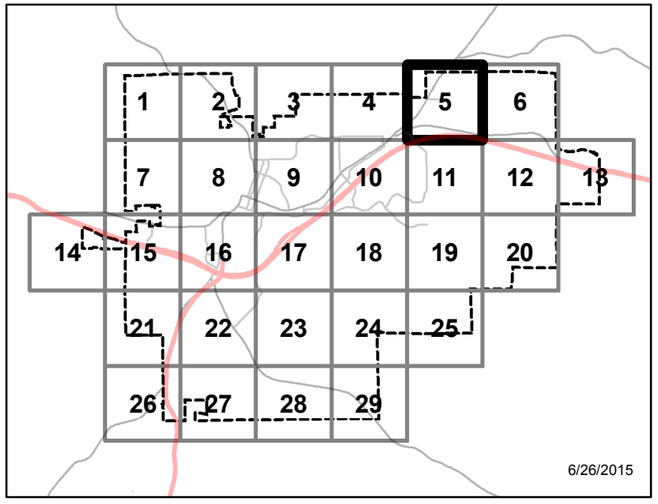
Resource and Open Space:

- 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

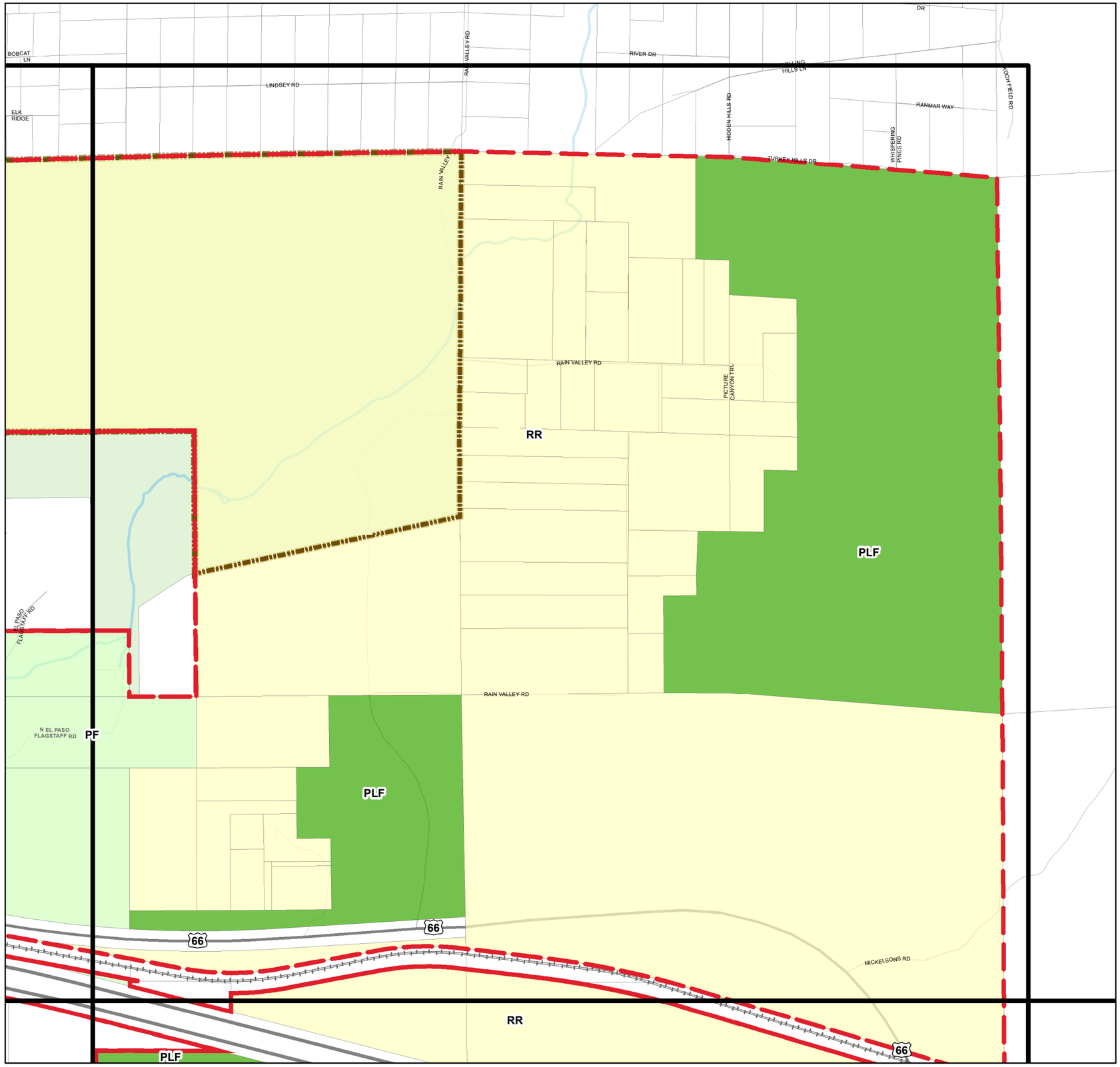
0 500 1,000 1,500 2,000 Feet

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 5

City of Flagstaff Zoning Map 6



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

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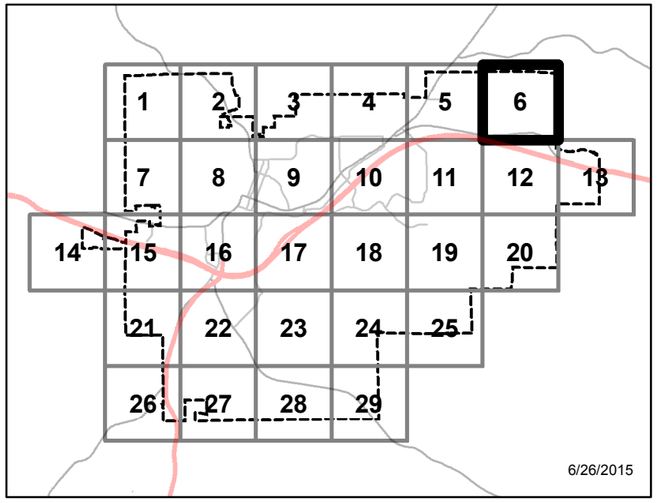


COCONINO
COUNTY ARIZONA
COMMUNITY DEVELOPMENT

September 23, 2015
RE: APN 113-06-004

Dear Ms. Antol,

Based on extensive research of records at Coconino County, it has been determined that there is no zoning on parcel 113-06-004. Should the property owner wish to have zoning applied to the parcel, a zone change would be required.

Please let me know if you have any questions.

Sincerely,

Kate Morley, Senior Planner
Community Development
2500 N. Fort Valley Rd, Bld #1
Flagstaff, AZ 86001

CITY OF FLAGSTAFF
HERITAGE PRESERVATION COMMISSION
STAFF REPORT

To: Heritage Preservation Commission

From: Karl Eberhard, Historic Preservation Officer

Date: January 28, 2016

Meeting Date: February 17, 2016

TITLE: Consideration of Landmarks Designation for:
Picture Canyon Area
A portion of Section 4, Township 21 North, Range 8 East
Parcel 113-06-004

REQUEST:

This is a request to rezone a 77.8 acre undeveloped parcel, Assessor's Parcel Number 113-06-004, located in Section 4, Township 21 North, Range 8 East, to the Landmarks Overlay (LO) Zone (Map Attached). In July of 2013 the Heritage Preservation Commission recommended the LO designation for the adjacent 400 acre parcel. The LO zone is an overlay, meaning that the current RR (Rural Residential) zoning applicable to the site will remain in place and requirements of the LO zone are added to the underlying requirements.

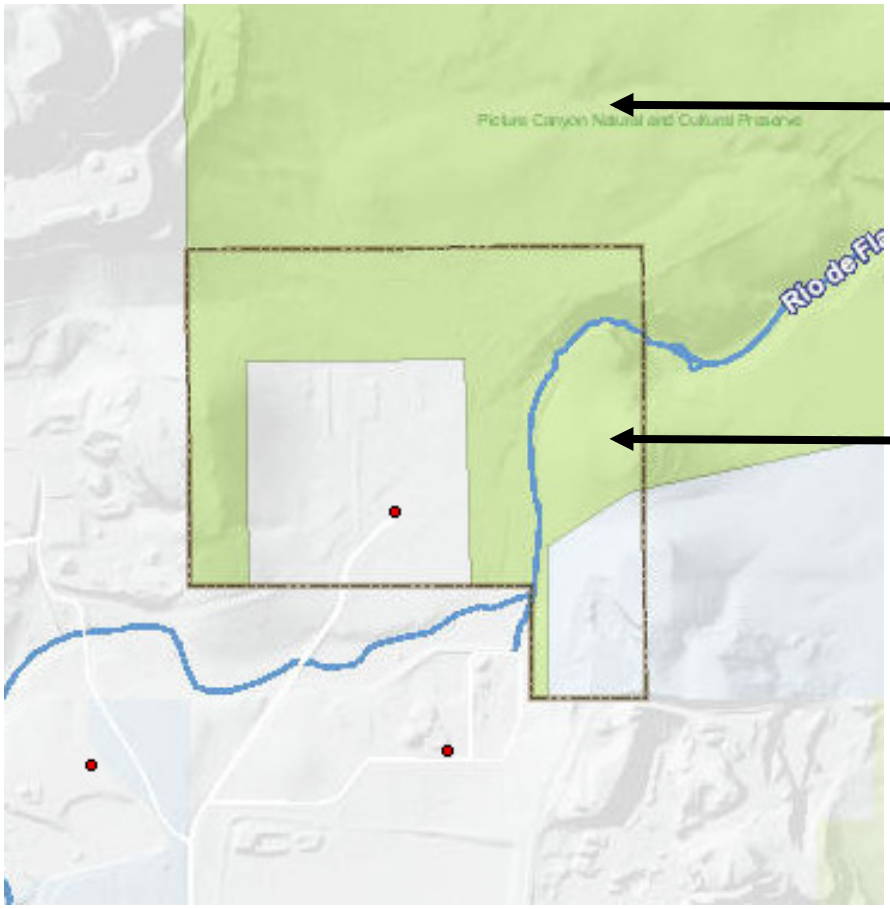
STAFF RECOMMENDATION:

Staff recommends that the Heritage Preservation Commission review the application, conduct and receive testimony at a Public Hearing, and forward to the City Council a recommendation to approve rezoning the parcel following annexation of the parcel into the City of Flagstaff.

ADDITIONAL INFORMATION:

Please see the attached Staff Report, dated July 22, 2013.

Attachment – District Map



(E) Landmarks Overlay District - 400 acre Parcel with

Proposed Landmarks Overlay District - 77 acre Parcel

CITY OF FLAGSTAFF
HERITAGE PRESERVATION COMMISSION
STAFF REPORT

To: Heritage Preservation Commission

From: Karl Eberhard, Historic Preservation Officer

Date: July 22, 2013

Meeting Date: October 16, 2013

TITLE: Consideration of Landmarks Designation for:
Picture Canyon Area
A portion of Section 4, Township 21 North, Range 8 East
Parcel 113-06-003

REQUEST:

This is a request to rezone a 400.16 acre undeveloped parcel, Assessor's Parcel Number 113-06-003, located in Section 4, Township 21 North, Range 8 East, to the Landmarks Overlay (LO) Zone. The LO zone is an overlay, meaning that the current RR (Rural Residential) zoning applicable to the site will remain in place and requirements of the LO zone are added to the underlying requirements.

STAFF RECOMMENDATION:

Staff recommends that the Heritage Preservation Commission review the application, conduct and receive testimony at a Public Hearing, and forward to the City Council a recommendation to approve rezoning the parcel.

INTENT:

The application of the Landmarks Overlay (LO) Zone is intended to promote the preservation of individual properties of cultural significance. The LO Zone district designation applies the Landmark Design Review Overlay District Design Standards and Guidelines, and design review by the Heritage Preservation Commission, to development on properties located within the boundaries of the Zone.

REQUIRED FINDINGS:

DESIGNATION (Zoning Code 10-30.30.040.B.2.a): An individual property, object, structure, site, sign or landscape feature may be designated as a Landmark if it is significant in accordance with the provisions of this Division and the Development Standards and Guidelines of the Landmarks Zone are applicable.

SIGNIFICANCE (Zoning Code 10-30.30.050.B.1): A cultural resource is significant if:

a. It is eligible as a National Historic Landmark, or for the National Register of Historic Places, or the Arizona Register of Historic Places; or,
b. It is associated with events or persons in the architectural, engineering, archeological, scientific, technological, economic, agricultural, educational, social, political, military, or cultural annals of the City, the State of Arizona, or the United States of America; or,
c. It represents the work of, or for, an important individual; or,
d. It embodies distinctive characteristics of type, period, region, artistic values or methods of construction, including being the oldest of its type or the best example of its type; or,
e. It has yielded, or may be likely to yield, information needed for scientific research, such as important archaeological resources.

INTEGRITY (Zoning Code 10-30.30.050.B.2.b): A resource is generally not significant if the features, materials, patterns and relationships that contributed to its significance are no longer present or no longer have integrity.

To be significant, the resource must also have integrity, meaning that the general character of the significant period must be evident, the characteristics that define its significance are present, and any incompatible alterations are reversible. In addition, the integrity of the setting is a contributing factor in assessing integrity of a resource.

APPLICABILITY OF THE LANDMARKS ZONE DEVELOPMENT STANDARDS AND GUIDELINES: The applicable Development Standards and Guidelines of the Landmarks Zone are “Archeology and Historic Preservation: The Secretary of the Interior's Standards and Guidelines” as currently amended and annotated by the National Park Service.

STAFF REVIEW:

Background:

With funding from the 2004 voter approved Open Space bond and a 2012 Growing Smarter Grant, the City of Flagstaff acquired Picture Canyon in October of 2012 for the express purpose of preserving its unique historical, cultural, archeological, recreational and educational resources.

Picture Canyon is a cleft formed by the boundary of two lava flows that erupted from nearby Sheep Hill and the Wildcat Hill cinder cones. The canyon itself is an ecologically diverse riparian corridor and the area has a variety of native trees and plants, and hosts a variety of fauna. Dedicated citizens have worked for many years to remove old cars, chunks of concrete, used tires, and other trash and debris dumped in the canyon over the years. While a meander restoration was completed in October, 2010, extensive weed removal, revegetation, and cleaning of the Rio de Flag (an ephemeral wetland and rare habitat in northern Arizona) remain to be accomplished. Picture Canyon hosts a section of the Arizona Trail and provides future Flagstaff Urban Trail segments to promote connectivity. In addition it contains important view sheds (Interstate 40 and Historic Route 66), serves as an outdoor classroom, and contributes to Flagstaff tourism.

The area is also abound with archeological resources including pit houses, a pit house village, field houses, cave dwellings, artifact scatters, and over 125 petroglyph panels. Most archeological resources are associated with the Northern Sinaqua culture and range from 750 to a thousand years old. In addition to prehistoric resources, logging railroad features and historic trash (cans, ceramics, and glass) are found on the site. The remains of a train trestle made from huge virgin timbers can be found slumped on the rock above the Picture Canyon falls. The site was initially studied by Harold S. Colton (founder of the Museum of Northern Arizona) in 1919. A thorough Class III Archeological Survey[1] was prepared in April of 2012 by Eric S. Cox and John T Marshall of Northland Research, Inc., with contributions by Gina S. Gage.

The 2012 Archeological Survey by Northland Research, Inc. provides substantially greater detail on the resources, and their significance and integrity, and is on file with the City of Flagstaff Historic Preservation Officer. As an archeological report (including specific locations of sites), it is not a public document. For brevity, only brief summaries are included herein and additional summary information, if desired, can be obtained from the City of Flagstaff Historic Preservation Officer.

Future development is expected to consist of low-impact trails, interpretive facilities, and the most basic visitor amenities such as a parking area and restrooms.

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[1] Note that the survey area of this report includes an additional 79 acres (roughly) that are under Coconino County jurisdiction and not included in this proposed designation. As a result, the number of archeological sites on the subject property varies from what is stated in this report.

Significance:

Eighty-four archeological sites have been recorded within a half-mile radius of the subject property, including multi-room pueblos, pit house villages, field houses, single room structures, artifact scatters, and petroglyph panels. For the 2012 Archeological Survey of the subject property, nineteen previously recorded archeological sites were found, researched, and consolidated to eleven. These are all larger habitation sites with multiple features and large diverse artifact scatters. One site (Picture Canyon) was listed on the National Register of Historic Places in 2008 and another was previously determined to be eligible to be listed. The nine remaining sites have previously been recommended as eligible, with Northland Research, Inc. concurring on seven and recommending eligibility testing on the remaining two. Ten new sites, generally smaller artifact scatters, were identified and recorded. Northland Research, Inc. recommends one of these as being eligible for listing and recommends eligibility testing on the remaining nine new sites. However, the report states that "artifacts were nearly continuous throughout the project area." Because of the contemporaneousness and interconnectedness of the sites, and the proximity to both Elden Pueblo and Turkey Hill Pueblo, Northland Research, Inc. further recommends that the entire area be consolidated into the Picture Canyon Archeological District.

The logging railroad features within the Kaibab and the Coconino National Forests were listed on the National Register of Historic Places in 1995. On this basis, the logging railroad features on the subject property appear to be eligible for listing. The collapsed trestle is probably not eligible except as a part of the overall system.

While several other significance criteria are clearly met, the actual National Register of Historic Places listings and the eligibility of additional sites are sufficient for designation to the Landmarks Overlay (LO) Zone.

Integrity:

Although some of the sites have been impacted by looting, logging, and vehicle traffic, and in spite of the recent survey work, Northland Research, Inc. concludes that the sites are still intact and that the information potential has not been exhausted.

Applicability of the Landmarks Zone Development Standards and Guidelines:

The Secretary of the Interior's Standards that are the basis of the district standards and guidelines were developed specifically to address the preservation needs of unique resources such as this. The standards establish a comprehensive approach to the identification, evaluation, registration and treatment of historic properties. Note that the Standards do not require that every feature of a historic property be preserved, but do seek to preserve the most significant, character-defining features of a historic site. However, a conservation easement held by Arizona State Parks, specifies that no more than 10% of the acquired land, up to a limit of 20 acres total, may be eligible for alteration or

development and no changes may be made to the parcel that would seriously or negatively affect its conservation and open space values.

Basis of Report:

The information in this summary report was derived primarily from the 2012 Archeological Survey by Northland Research, Inc. with some additional information derived from various City of Flagstaff documents associated with the property acquisition and prepared by City staff, citizens, and consultants.

STAFF CONCLUSION:

Staff believes that criteria for Landmarks designation have been met.

CITIZEN PARTICIPATION:

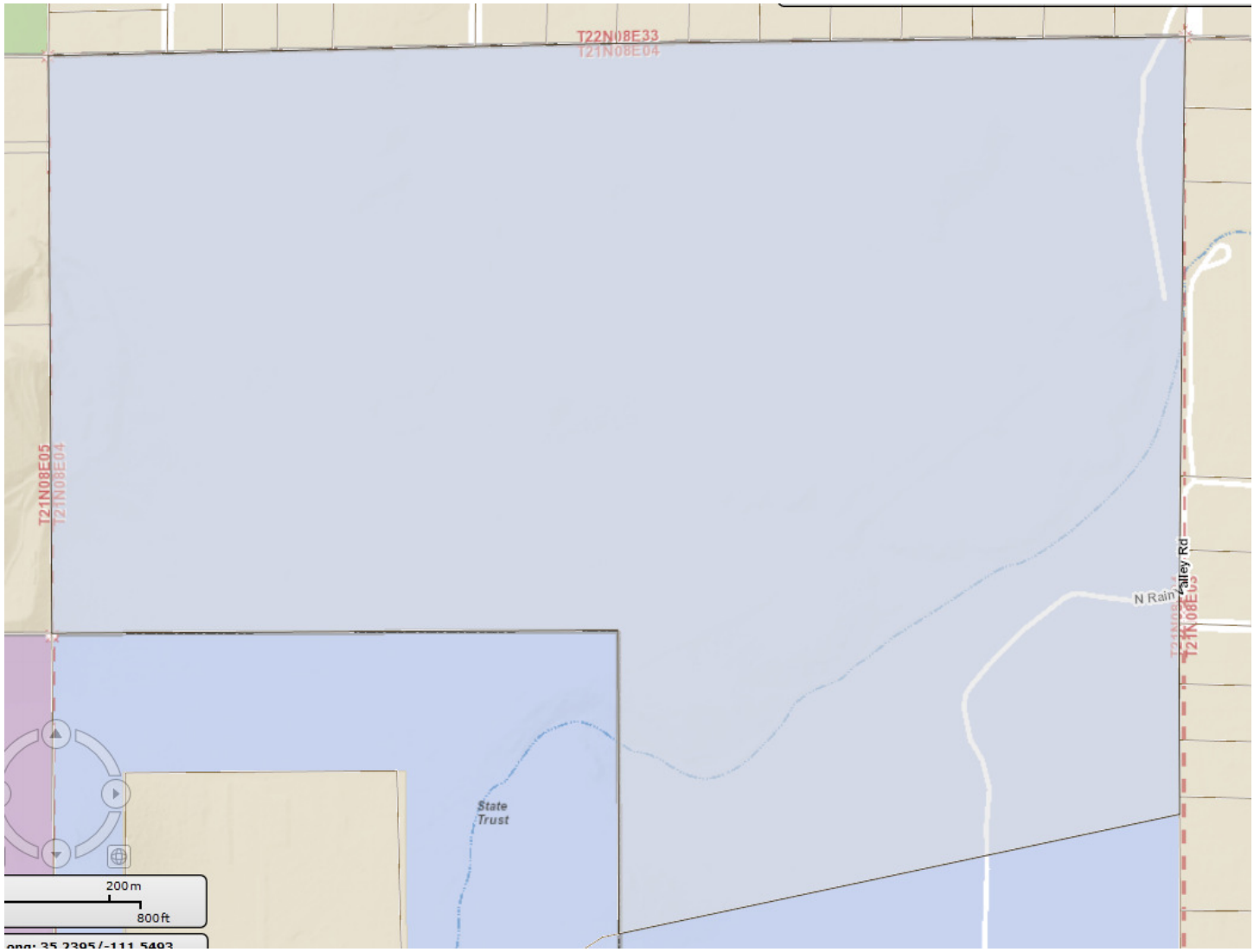
The Heritage Preservation Commission (HPC) meeting serves as the Citizen Participation event associated with the pending Re-zone Application. The meeting was advertised in the Daily Sun and notices were mailed to all properties within 300 feet of the property.

ATTACHMENTS:

1. Site Layout
2. Trails Map
3. Various Pictures

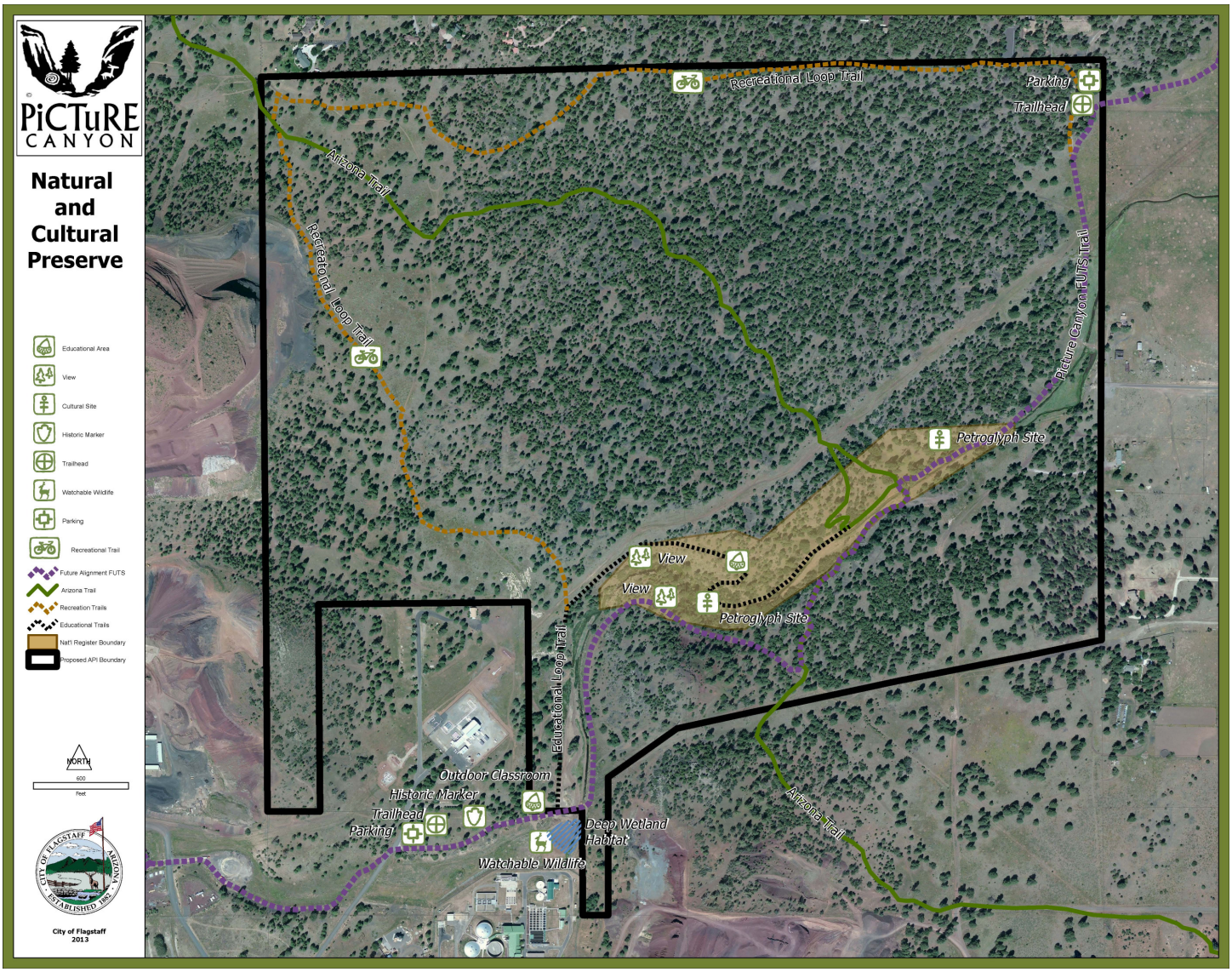
Attachment 1

Site Layout



Attachment 2

Trails Map



Attachment 3

Various Pictures

Examples – Not from Picture Canyon

M I N U T E S

City of Flagstaff
Open Spaces Commission

Thursday, October 22, 2015
4:00 – 6:00 pm

City Hall, Council Chambers
211 West Aspen Avenue, Flagstaff, Arizona

A quorum of the Flagstaff City Council may be in attendance of the Sustainability Commission meeting.

In compliance with the Americans with Disabilities Act, if you need assistance to participate in this meeting, please contact 928-213-2100. Notification at least 48 hours in advance will enable the City to make reasonable arrangements.

CALL TO ORDER

COMMISSION MEMBERS:	CITY STAFF:	COMMUNITY MEMBERS:
Bryan Burton	Nicole Woodman, Sustainability Manager	Jack Welch
Jim Burton	Elizabeth Emery, Open Space Specialist	Tadd Madeksza
Jessica Gist	McKenzie Jones, Sustainability Specialist	Allen Haden
Tina Pfeiffer	John Begay, Sustainability Aide	Hannah Griscom
	Martin Ince, Multi-Modal Planner	Elizabeth Stegall
	Tiffany Antol, Planning Development Manager	Mandy Metzger
		Tracy Plecas

1. **Call to order**
   Commissioner Gist called the meeting to order at 4:03pm.

   Public Participation
   At this time, any member of the public may address the Commission on any subject that is not scheduled before the Commission on that day. The Arizona Open Meeting Law prohibits the Commission from discussing or taking action on an item which is not listed on the prepared agenda. Commission members may, however, respond to criticism made by those addressing the Commission, ask staff to review a matter, or ask that a matter be placed on a future 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.

2. **Approval of Minutes**
   Commissioner Bryan Burton noted that the minutes do not reflect that the northwest portion of parcel 111-02-006B could be developed for residential housing. The parcel may be split to accommodate that need. Commissioner Pfeiffer motioned to approve the October 15, 2015 minutes with Commissioner

Bryan Burton's amendment. Commissioner Jim Burton seconded the motion. All commissioners voted in favor to approve minutes.

3. Discussion Items

A. Friends of the Rio Watershed Planning Effort

Hannah Griscom, Friends of the Rio de Flag Board member, gave an overview of the Rio de Flag watershed planning effort at the request of the Commission. The plan will define the community vision for the Rio de Flag and outline steps to restore the Rio de Flag. Ultimately, the group visions to move the Rio de Flag into consciousness for the community, be a community rallying point, and a space for the community to enjoy by creating a greenbelt that connects neighborhoods and public spaces with trails. The Friends of the Rio de Flag plan to start seek funding to support writing the document in 2016. Mrs. Griscom mentioned that there is a lot of overlap between the Rio de Flag watershed planning effort and the goals of the Open Spaces Commission as identified in their Strategic Plan.

B. Rezoning of Open Space Parcels (Public Hearing)

Betsy Emery, Open Space Specialist, presented to the Commission regarding the annexation and rezone process for open space parcels. This also served as the first public hearing for the process for Staff to accept feedback from the community. The City acquired Picture Canyon and Observatory Mesa in 2012 and 2013 and both properties were designated as open space by City Council. These parcels were not zoned as Public Open Space through the acquisition process and remain zoned as rural residential, which allows for development. City Staff is currently working to rezone these parcels as Public Open Space to provide an additional layer of protection to the property because Public Open Space zoning limits the type of development that can be done on the parcels.

Additionally, there are parcels comprising Picture Canyon (113-06-004) and Observatory Mesa (102-15-002) which are outside of Flagstaff City limits. City Staff proposes annexing these parcels into City limits to streamline management requirements for the entire property.

Lastly, Staff is also proposing to rezone and annex the City-owned Schultz Y parcel (300-47-004) as a direct outcome of City Council's discussion of City-owned properties on October 29, 2013.

Community members provided feedback:

- Tracy Plecas, 6525 North Rain Valley Road, asked if the rezoning process would affect planned actions and improvements at the Preserve. Betsy Emery answered that the management plan for Picture Canyon was recently adopted by City Council and that document outlines all projects planned at the Preserve. This process does not affect planned management activities. Mrs. Plecas inquired about how many steps are involved in the annex and rezone process. Tiffany Antol, Planning Development Manager, answered that there will be additional public hearings and that the application will be vetted through the Planning and Zoning Commission before being brought to City Council for approval.

- Mandy Metzger, Coconino County District 4 Supervisor, expressed appreciation for the many hours and dedication the Open Spaces Commission has given to Picture Canyon. She did not have a recommendation or comment at the moment because the County had not yet discussed the proposal.
- Sat Best, 3935 North Paradise Road, expressed appreciation for the work done on these parcels. He inquired about management plans for the Schultz Y property. Commissioner Gist answered the Commission has discussed the parcel's open space value - primarily the parcel's location and adjacency to other trails and amenities makes it important for open space. Mr. Best inquired if the actual "Y" is located on this parcel. Betsy Emery answered that the actual "Y" is located west of the parcel in question. Mr. Best inquired about the actual "Y" and if there are any plans to include it in the process. Betsy Emery answered that the actual "Y" is on private property but the landowner recently contacted the City to propose swapping the actual "Y" for a portion of the City-owned parcel. This trade would be equitable in terms of value and land area. Mr. Best then mentioned the valuable wildlife corridor in the area. Commissioner Gist clarified that the Schultz Y parcel is one of 17 city-owned parcels the Commission reviewed against a set of criteria that were valuable for open space. Ultimately, the Commission determined that the Schultz Y parcel is important as open space and recommended that the City designate it as open space.
- Nat White, 1120 N. Rockridge, mentioned that the actual "Y" area is not necessary for the trail head, and instead those improvements could be located anywhere below the historic reservoir on the City-owned parcel. He also mentioned the opportunity for collaboration between the U.S. Forest Service, Coconino County, and the City to provide these amenities and that this parcel has potential to be another showcase open space area for the Flagstaff community.
- Commissioner Gist inquired about the process involving the County for annexing some of these properties. Tiffany Antol, Planning Development Manager, answered the annexation process is set out in state statute. As soon as the Planning Department receives the application, they will notify the Board of Supervisors. The County will be notified at each stage of the process, just like the surrounding property owners.

Commissioner Gist clarified that City Staff is looking for the Commission to recommend that the City proceed with the process to rezone and annex the three properties. Commissioner Bryan Burton motioned to support rezoning and annexing these three properties. Commissioner Pfeiffer seconded the motion. The motion was approved by all.

C. Picture Canyon Interpretive Signs

Betsy Emery, Open Space Specialist, provided a follow up presentation with the latest draft of interpretive signs for the Picture Canyon Preserve. The draft is in

black and white because the graphic designer is waiting for art approval from the Open Spaces Commission to finalize the artwork. There are five panels being placed at the Outdoor Classroom addressing archaeology, botany, wildlife, watershed, and geology. Two signs are being designed for the watchable wildlife site near the deep-water pond. Those signs will be related to wetlands and wildlife. The Commission provided feedback and minor suggestions for the signs, including correcting misspellings, providing descriptions for the QR codes, and indicating differences between Kaibab Limestone and Coconino Sandstone. Commissioner Jim Burton motioned to approve the signs. Commissioner Bryan Burton seconded the motion. All voted in favor.

D. Review of City Owned Parcels

The Commission discussed the recent fieldtrip to review the City-owned parcels along the Karen Cooper Trail near the Museum of Northern Arizona using the matrix used for the 17 city-owned parcels last year. Some of the parcels are appropriate for open space because they are too steep to develop or are within the Rio de Flag floodplain. Preserving these parcels as open space would provide a buffer to the Rio de Flag. The only parcel that doesn't meet all of the criteria and may not be appropriate to designate as open space is parcel 111-02-006B because there is a large area that could be developed. Commissioner Gist inquired what areas should be visited on additional field trips and the Commission discussed visiting the parcels along the Rio de Flag in the Southside Community during the spring. The Commission agreed to stand by their previous discussion of the open space value associated with City-owned parcels on McMillan Mesa. Additionally, the Commission agreed to individually visit a small number of City-owned parcels before the next meeting to provide information to the Commission regarding their open space potential.

E. Open Space Management Update

Betsy Emery, Open Space Specialist, has been working on designing trail signs for Picture Canyon for all the major trail intersections. Signs will be 3-3 ½ feet tall and posted on 4" steel tubing. Additionally, Staff is still working to edit the interpretive signs. There is an easemented water pipeline at Picture Canyon that provides water to a few families in the area along the eastern side of the Preserve. Staff is working on surveying the pipeline and is working through the required cultural compliance regulation process associated with the ground disturbance. Additionally, Staff is in the process of launching the Sites Stewards Program, a volunteer program out of Arizona State Parks. Program training will be on November 4, 2015. Staff is working to address access issues at Matson Tank on Observatory Mesa by installing gates to limit illegal motorized access.

4. Information Items To and From Commissioners and Staff

A. Soliere Property Update

Per John Grahame's request at previous Commission meetings, Staff looked into the proposal to grant open space land in exchange for the City covering the substantial cost to realign Soliere Road. The developer planned to use the portion as an active park for ball fields. Ultimately, the Parks and Recreation

Commission decided to not accept the trade because of floodplain requirements associated with the property.

B. Other Updates

- Staff provided an update regarding the City Council's discussion of specialty seats on City commissions. The City Council recently decided to remove specialty seats from commissions. The Open Spaces Commission has multiple specialty seats, including Natural and Cultural Sciences and Real Estate. Current commissioners wishing to renew their term will apply for an At-Large position and will compete against applicants without specialty experience.
- McKenzie Jones, Sustainability Specialist, informs the Commission of the recycling application the City is launching – MyWaste. The app provides information on recycling schedules in Flagstaff.
- Nicole Woodman, Sustainability Manager, informs the Commission that the Sustainability Program is hosting their first DIY Workshop of the season, which will take place on October 29, 2015 at east public community library.

5. Agenda items for Next Meeting

A. Flagstaff Urban Trail System Acquisitions and Easements

B. Review of City-owned Parcels

C. Open Space Management Update

6. Adjournment

Commissioner Jim Burton motioned to adjourn the meeting at 5:06pm. Commissioner Bryan Burton seconded the motion. All voted in favor of adjourning the meeting.

Flagstaff Regional Plan 2030 Goals and Policies for Picture Canyon

Goal E&C.6. Protect, restore and improve ecosystem health and maintain native plant and animal community diversity across all land ownerships in the Flagstaff region.

> Policy E&C.6.3. Promote protection, conservation, an ecological restoration of the region's diverse ecosystem types and associated animals.
>
> Policy E&C.6.5. Preserve Flagstaff's wetland areas and discourage inappropriate development that may adversely affect them and the ecosystem services they provide.

Goal E&C.7. Give special consideration to environmentally sensitive lands in the development design and review process.

> Policy E&C.7.1. Design development proposals and other land management activities to minimize the alteration of natural landforms and maximize conservation of distinctive natural features.
>
> Policy E&C.7.2. Favor the use of available mechanisms at the City and County level for the preservation of environmentally sensitive lands, including but not limited to public acquisition, conservation easements, transfer of development rights, or clustered development with open space designations.

Goal OS.1. The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.

> Policy OS.1.2. While observing private property rights, preserve natural resources and priorty open lands, under the general guidance of the Flagstaff Area Open Space and Greenways Plan and the Natural Environment maps.
>
> Policy OS.1.3. Use open spaces as natural environment buffer zones to protect scenic views and cultural resources, separate disparate uses, and separate private development from public lands, scenic byways, and wildlife habitats.

Goal WR.5. Manage watersheds and stormwater to address flooding concerns, water quality, environmental protections, and rainwater harvesting.

> Policy WR.5.1. Preserve and restore existing natural watercourse corridors, including the 100-year floodplain, escarpments, wildlife corridors, natural vegetation and other natural features using methods that result in a clear legal obligation to preserve corridors in perpetuity, where feasible.
>
> Policy WR.5.2. Incorporate pedestrian access, trails, and watchable wildlife opportunities into natural watercourse when practical.

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

Policy CC.1.1. Preserve the natural character of the region through planning and design to maintain views of significant landmarks, sloping landforms, rock outcroppings, water courses, floodplains, and meadows, and conserve stand of ponderosa pine.

Goal CC.2. Preserve, restore, and rehabilitate heritage resources to better appreciate our culture.

Policy CC.2.1. Actively locate, identify, interpret, and preserve historical, archaeological, and cultural resources, in cooperation with other agencies and non-governmental organizations, as aspects of our society for future generations to retain, understand, and enjoy their cultural identity.

Policy CC.2.2.Formally recognize heritage resources through designation as local landmarks and historic districts.

Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

Policy Rec.1.1. Integrate active and passive recreational site within walking distance throughout the region to promote a healthy community for all City and County residents and visitors.

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN the Flagstaff Planning and Zoning Commission will hold a Public Hearing on February 24, 2016, at 4:00 p.m. and the Flagstaff City Council will hold a Public Hearing on March 22, 2016, at 6:00 p.m. to consider a Zoning Map Amendment request.

A. Explanation of Matters to be considered:

A proposed amendment to the official City of Flagstaff zoning map to rezone 477.8 acres from No Zoning and Rural Residential (RR) to Public Open Space (POS) and to apply the Landmarks Overlay (LO) zone, the Resource Protection Overlay (RPO) zone, and the Rural Floodplain designation to 77.8 acres.

The site currently consists of the Picture Canyon Preserve and Archeological Park on 477.8 acres.

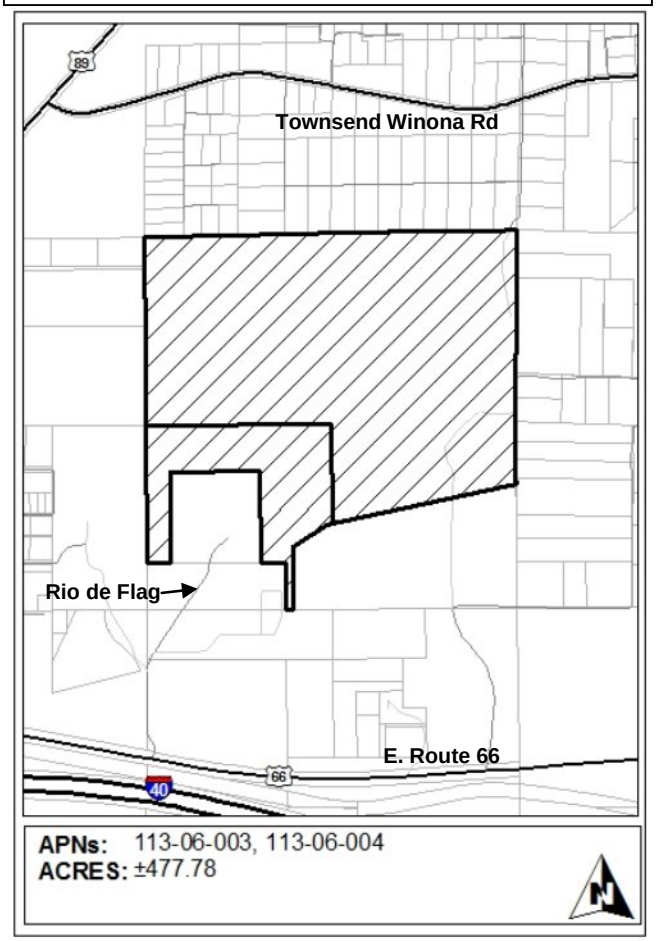
B. General Description of the Affected Area:
Approximately 477.8 acres, Coconino County Assessor's Parcel Numbers 113-06-003 and 113-06-004 within Section 4, Township 21 North, Range 8 East, of the Gila and Salt River Base and Meridian, City of Flagstaff, Coconino County, Arizona.

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 amendments or may appear and be heard at the hearing dates set forth above. Maps and information regarding the proposed amendments are available at the City of Flagstaff, Planning and Development Services Section, 211 West Aspen Avenue.

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

PROPOSED ZONING MAP AMENDMENT
From No Zoning and Rural Residential (RR) Zone to Public Open Space (POS) Zone for 477.8 acres and to apply the Landmarks Overlay (LO) Zone, the Resource Protection Overlay (RPO) Zone and the Rural Floodplain designation to 77.8 acres.



FOR FURTHER INFORMATION CONTACT

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

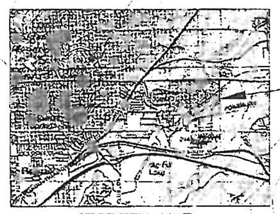
(928) 213-2608
tantol@flagstaffaz.gov

Publish: February 5, 2016

3619158 1 of 3

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA



PROJECT AREA

VICINITY MAP
NOT TO SCALE

SCHEDULE B - EXCEPTIONS

FROM COMMITMENT FOR TITLE INSURANCE, ISSUED BY PIONEER TITLE AGENCY, INC.
ORDER NO.: 00665687, EFFECTIVE DATE: 12/29/11 AT 7:30 A.M., AMENDED 01/17/2012

ITEM NO.	DESCRIPTION	NOTES
1	ANY ACTIONS TAX ASSESSMENTS	INDETERMINATE
2	RIGHT OF ENTRY RESERVED	INDETERMINATE
3	EASEMENTS AND RIGHTS	SHOWN HEREON
4	EASEMENTS AND RIGHTS	INDETERMINATE
5	EASEMENTS AND RIGHTS	INDETERMINATE
6	AGREEMENT ACCORDING TO TERMS	INDETERMINATE
7	LAND SURVEY MONUMENT RECORD	SHOWN HEREON
8	LAND SURVEY MONUMENT RECORD	SHOWN HEREON
9	THE EFFECT OF RESOLUTION	INDETERMINATE
10	GRAZING LEASE	INDETERMINATE
11	RIGHT OF WAY	INDETERMINATE
12	RIGHT OF WAY	SHOWN HEREON
13	RIGHT OF WAY	INDETERMINATE
14	RIGHT OF WAY	INDETERMINATE
15	RIGHT OF WAY	SHOWN HEREON
16	RIGHT OF WAY	SHOWN HEREON
17	RIGHT OF WAY	SHOWN HEREON
18	RIGHT OF WAY	SHOWN HEREON
19	RIGHT OF WAY	SHOWN HEREON
20	RIGHT OF WAY	SHOWN HEREON
21	RIGHT OF WAY	SHOWN HEREON
22	APPLICATION FOR RIGHT OF WAY	INDETERMINATE
23	APPLICATION FOR RIGHT OF WAY	SHOWN HEREON
24	APPLICATION FOR RIGHT OF WAY	INDETERMINATE
25	RIGHTS AS DISCLOSED	INDETERMINATE
26	AMBIGUITY OF THE DESCRIPTION	SHOWN HEREON
27	RESERVATION OR EXCEPTIONS	INDETERMINATE
28	WATER RIGHTS, CLAIMS OR TITLE	INDETERMINATE

LEGAL DESCRIPTION:

FROM EXHIBIT A, COMMITMENT FOR TITLE INSURANCE, ORDER NO.: 00665687

Section 4, Township 21 North, Range 8 East, Gila & Salt River Base of Meridian, Coconino County, Arizona;

EXCEPT the South half of the Southwest quarter, (of the Southwest quarter), and the Southwest quarter of the Southeast quarter of the Southwest quarter of said Section 4; AND

EXCEPT the East half of the Southwest quarter of the Northwest quarter of the Southwest quarter; the Southeast quarter of the Northwest quarter of the Southwest quarter; the East half of the Northwest quarter of the Southwest quarter of the Southwest quarter; the Northeast quarter of the Southwest quarter of the Southwest quarter; the West 272.15 feet of the West half of the Southwest quarter of the Northeast quarter of the Southwest quarter; and the West 272.15 feet of the West half of the Northwest quarter of the Southeast quarter of the Southwest quarter of said Section 4; AND

EXCEPT a portion of the South half of said Section 4 lying Southerly of "an electric transmission line".

EXCEPT all oil, gas and other hydrocarbon substances, helium or other substances of a gaseous nature, geothermal resources, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes.

BASIS OF BEARING AND COORDINATE SYSTEM:

LINEAR UNIT: INTERNATIONAL FOOT
GEODETIC DATUM: NAD 83 - ARIZONA
VERTICAL DATUM: NAVD88 (CONUS)
SYSTEM: CITY OF FLAGSTAFF LOW DISTORTION SYSTEM

PROJECTION:
TRANSVERSE MERCATOR
LATITUDE OF GRID ORIGIN: 35° 00' 00" N
LONGITUDE OF CENTRAL MERIDIAN: 111° 37' 00" W
NORTHING AT GRID ORIGIN: 0,000 FT
EASTING AT CENTRAL MERIDIAN: 70,000.00 FT
CENTRAL MERIDIAN SCALE FACTOR: 1.000333 (EXACT)

THIS SURVEY WAS CONDUCTED USING GPS REFERENCED TO NGS (NATIONAL GEODETIC SURVEY) OPUS (ON-LINE POSITIONING SYSTEM) AND CONSTRAINED TO A LEAST-SQUARED ADJUSTMENT WITH AN ESTIMATED ACCURACY OF 95% CONFIDENCE LEVEL.

ALL MEASURED DISTANCES AND BEARINGS SHOWN HEREON ARE GRID VALUES BASED ON THE LOW DISTORTION PROJECTION DEFINITION. THIS PROJECTION IS DEFINED SUCH THAT GRID DISTANCES ARE EQUIVALENT TO "GROUND" DISTANCES IN THE PROJECT AREA.

THE BASIS OF BEARINGS IS TRUE GEODETIC NORTH. NOTE THAT THE MEASURED GRID BEARINGS SHOWN HEREON DO NOT EQUAL GEODETIC BEARINGS DUE TO MERIDIAN CONVERGENCE.

ORTHOMETRIC HEIGHTS (ELEVATIONS) WERE TRANSFERRED TO THE SITE FROM CITY OF FLAGSTAFF PID No. 1429301 USING GPS WITH NGS GEOID MODEL "GEOID09"

NOTES:

AS TO THE MATTERS SHOWN HEREON, THE WLB GROUP INC. HAS RELIED SOLELY ON THE COMMITMENT FOR TITLE INSURANCE PREPARED AND ISSUED BY PIONEER TITLE AGENCY, INC. (ORDER NO.: 00665687, EFFECTIVE DATE, 12/29/11 AT 7:30 A.M., AMENDED 01/17/2012). THE WLB GROUP INC. AND THOMAS J. BUTLER, RLS, MAKES NO STATEMENT AS TO THE ACCURACY OR COMPLETENESS OF THE SUBJECT COMMITMENT FOR TITLE INSURANCE.

AS TO SCHEDULE B EXCEPTIONS ITEMS 3, 15, AND 16, THE LOCATION OF THE 60 FEET WIDE RIGHT OF WAY AS SHOWN ON SHEET 2 WAS DETERMINED BY A BEST FIT TO THE FIBERGLASS GAS LINE MARKERS LOCATED IN THE FIELD AT THE TIME OF THIS SURVEY AND A DESCRIPTION PROVIDED BY HE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEM 12, THE LOCATION OF THE SPECIAL LAND USE PERMIT (SLUP) AREA AS SHOWN ON SHEET 2 WAS DETERMINED BY SCALING AN EXHIBIT PROVIDE BY THE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEM 12, THE LOCATION OF THE RIGHT OF WAY (ROW) AREA AS SHOWN ON SHEET 2 WAS DETERMINED BY A BEST FIT LOCATION FROM THE CITY OF FLAGSTAFF GEOGRAPHICAL INFORMATION SYSTEM (GIS) AND BY SCALING AN EXHIBIT PROVIDE BY THE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEM 18, THE LOCATION OF THE 30 FEET WIDE RIGHT OF WAY AS SHOWN ON SHEET 2 WAS DETERMINED BY A BEST FIT TO THE FIBERGLASS WATER LINE MARKERS LOCATED IN THE FIELD AT THE TIME OF THIS SURVEY AND A DESCRIPTION PROVIDED BY THE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEMS 21 AND 23, THE LOCATION OF THE 10 FEET WIDE RIGHT OF WAY AS SHOWN ON SHEET 2 WAS DETERMINED BY A BEST FIT LOCATION FROM SCALING AN EXHIBIT PROVIDE BY THE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEM 26, THE LEGAL DESCRIPTION HAS BEEN CORRECTED AS SHOWN HEREON WITH ITALIC AND PARENTHESES TO DESCRIBE THE AREA OF THIS SURVEY.

AS TO ALL EASEMENTS AND RIGHT OF WAY SHOWN HEREON, THEY ARE FOR REFERENCE ONLY AND MAY NOT REFLECT ACTUAL LOCATIONS AND AREAS.

AS TO THE SCHEDULE B ITEMS LISTED HEREON AS INDETERMINATE, THESE ITEMS WERE EITHER NOT FURNISHED BY THE TITLE COMPANY OR DID NOT HAVE SUFFICIENT METES AND BOUNDS DESCRIPTIONS TO CONVEY THE LOCATIONS ON THIS SURVEY.

Instrument # 3619158 1 of 3
Recorded at the Request of
The WLB Group, Inc
Date: 2-24-2012
Records of Coconino County
Candace Owens, County Recorder

LEGAL DESCRIPTION:

FURNISHED BY SURVEYOR, Item 4, SCHEDULE B REQUIREMENTS, COMMITMENT FOR TITLE INSURANCE, ORDER NO.: 00665687

The following is a legal description of a parcel land lying within Section 4, Township 21 North, Range 8 East, of the Gila Salt River Meridian, Coconino County, Arizona, more particularly described as follows:

Being the TRUE POINT OF BEGINNING at a found 3" BLM brass cap "T22N, R8E, S33/S34/S4/S3, T21N, 1987" at the northeast corner of said Section;

Thence South 00°32'59" West along the east line of said Section, a distance of 2735.65 feet to a set 1/2" rebar with aluminum cap "LS 40640" at the east quarter corner of said Section, from which a found 2 1/2" aluminum cap "W.C. 1/4, S4/S3, 1284" bears South 00°16'05" West, a distance of 5.00 feet;

Thence continuing along said line South 00°16'05" West, a distance of 893.94 feet to a set 1/2" rebar with aluminum cap "LS 40640" on the northerly line of the Arizona Public Service 100.00 feet Right of Way;

Thence South 78°31'00" West along said Right of Way line, a distance of 2757.64 feet to a set 1/2" rebar with aluminum cap "LS 40640";

Thence continuing along said Right of Way line South 57°01'00" West, a distance of 573.50 feet to a set 1/2" rebar with aluminum cap "LS 40640" on a line parallel with and 100.00 feet east of the east line of the southwest quarter of the southeast quarter of the southwest quarter of said Section;

Thence South 00°13'02" East along said parallel line, a distance of 888.17 feet to a set 1/2" rebar with aluminum cap "LS 40640" on the south line of said Section;

Thence North 89°45'05" West along said Section line, a distance of 100.00 feet to a set 1/2" rebar with aluminum cap "LS 40640" at the southeast corner of the southwest quarter of the southeast quarter of the southwest quarter of said Section;

Thence North 00°13'02" West along the east line of the southwest quarter of the southeast quarter of the southwest quarter of said Section, a distance of 658.58 feet to a set 1/2" rebar with aluminum cap "LS 40640" at the northeast corner of the southwest quarter of the southeast quarter of the southwest quarter of said Section;

Thence North 89°53'06" West along the north line of the southwest quarter of the southeast quarter of the southwest quarter of said Section, a distance of 348.31 feet to a found 2" square metal plate in concrete "+ S.E. COR" at the southeast corner of the EL Paso Natural Gas property;

Thence North 00°13'13" West along the east line of said property, a distance of 1314.92 feet to a found 2" square metal plate in concrete "+ N.E. COR" at the northeast corner of said property;

Thence South 89°37'35" West, along the north line of said property, a distance of 1268.42 feet to a found 2" square metal plate in concrete "+ N.W. COR" at the northwest corner of said property;

Thence South 00°14'30" East along the west line of said property, a distance of 1306.38 feet to a found 2" square metal plate in concrete "+" at the southwest corner of said property;

Thence North 89°54'04" West along the north line of the southwest quarter of the southwest quarter of the southwest quarter of said Section, a distance of 330.63 feet to a set 1/2" rebar with aluminum cap "LS 40640" on the west line of said Section;

Thence North 00°16'31" West along said Section line, a distance of 1254.81 feet to a found 2 1/2" aluminum cap "T21N, R8E, 1/4, S5/S4, LS 14671, 1868" at the west quarter corner of said Section;

Thence continuing along said Section Line North 00°21'36" West, a distance of 2[illegible].04 feet to a found 2 1/2" aluminum cap "T22N, S32/S33/S5/S4, T21N, LS 9431, 1979" at northwest corner of said Section;

Thence North 88°43'58" East along the north line of said Section, a distance of 2654.52 feet to a found 3" BLM brass cap "T22N, R8E, 1/4, S3/S4, T21N, 1987" at the north quarter-corner of said Section;

Thence continuing along said Section line North 89°18'14" East, a distance of 2655.34 feet to the TRUE POINT OF BEGINNING.

Containing 4[illegible].90 Acres, more or less

CERTIFICATION:

To The City of Flagstaff, Pioneer Title Agency, Inc., Old Republic National Title Insurance Company, and the State of Arizona, a Body Politic:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 8, 10, 11(a), 11(b), 13, 16, 17, 20(a), and 20(b) of Table A thereof. The field work was completed on 02/03/2012.

Date: 02/15/2012

(Thomas J. Butler R.L.S. 40640)

Instrument # 3619158 1 of 3
Recorded At The Request Of
WLB Group
Date 2-24-2012
Records of Coconino County, AZ
Candace Owens, County Recorder

Official Records of Coconino County 3619158
Candace Owens - Recorder 02-24-2012 Pg 1
WLB GROUP $54.00

1-800-782-5348

NO.	DATE	ITEM

REVISIONS

ALTA/ACSM LAND TITLE SURVEY
PICTURE CANYON
COVER SHEET

The WLB Group Inc
Engineering • Planning • Surveying
Landscape Architecture • Urban Design
Offices located in: Tucson, Phoenix, Flagstaff, and Las Vegas, NV.
113 N. Beaver Street, Flagstaff, AZ 86001
PH (928) 779-1500

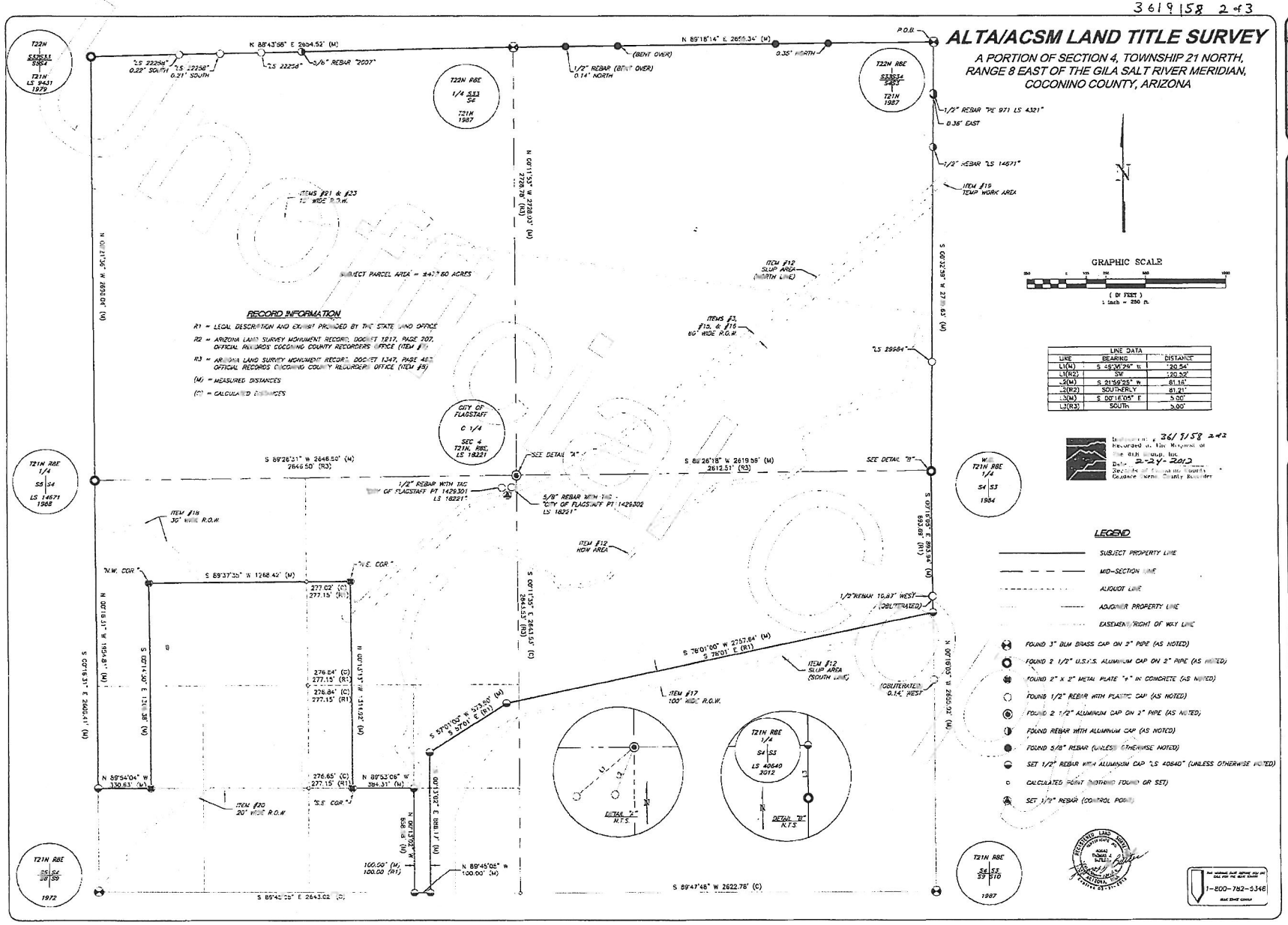
DESIGNED BY: TB
DRAWN BY: TB.CF
CHECK BY: TB
DATE: FEB 2012
BY:
DATE:

PROJECT NO. 311019A002
SHEET 1 OF 3

3619158 2 of 3

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA



Instrument # 3619158 2 of 3
Recorded at the request of The WLB Group, Inc.
Date 2-24-2013
Suzanne Jenkins, County Recorder

NO.	DATE	REVISIONS

The WLB Group INC.
Engineers • Surveyors • Planners
Phone: (928) 774-1011 Fax: (928) 774-1013
533 N. Beaver Street, Flagstaff, AZ 86001
FN/EN/SU 179-1003

ALTA/ACSM LAND TITLE SURVEY
PICTURE CANYON
GEOMETREY SHEET

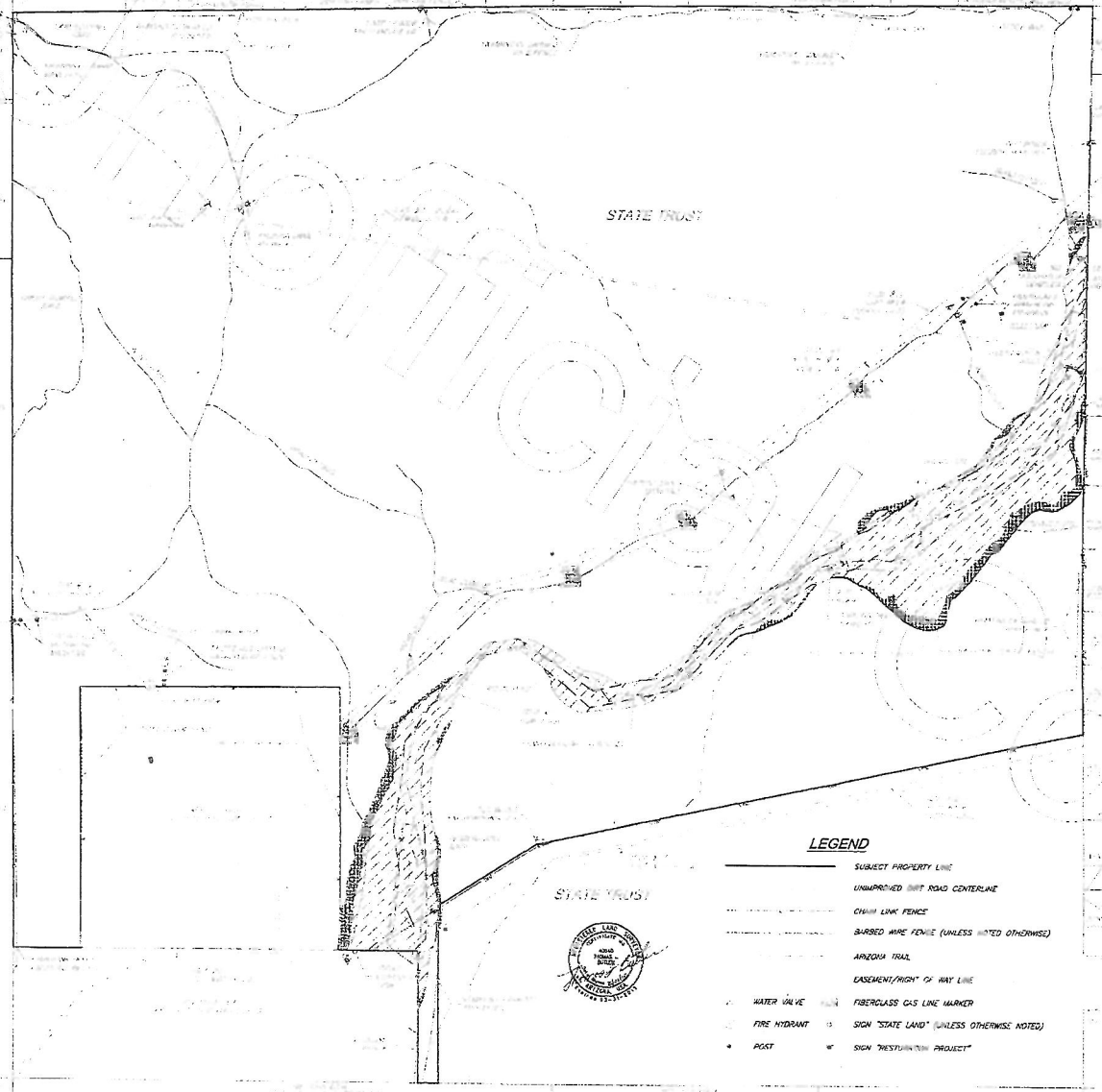
DESIGNED BY: TB
DRAWN BY: TB
CHECK BY: TB
DATE: FEB 2013
DR. DATE:

PROJECT NO. 311019A002
SHEET 2 OF 3

3619158 Page 2 of 3 02/20/2013 08:53:19 AM

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA



N

GRAPHIC SCALE

(IN FEET)
1 inch = 250 ft.

Instrument # 36:9158 3 of 3
Recorded at the request of
The WLB Group, Inc.
Date 2-24-2012
Director of Community Development
Coconino County, Arizona

NOTES:

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND APPURTENANCES LOCATED AT THE TIME THE FIELD SURVEY WAS BEING CONDUCTED AND INFORMATION OBTAINED FROM CITY OF FLAGSTAFF GIS.

UNLESS LABELED HEREON, THE ADJOINING PARCEL FENCE LINES DO NOT ENCROACH ACROSS THE SUBJECT PARCEL.

REMAINS OF BARBED WIRE FENCE LINES SHOWN HEREON ARE BASED ON FIELD LOCATIONS OF EXISTING FENCE, OLD WIRE FOUND ON THE GROUND, AND OLD POST.

THE CENTERLINE OF UNIMPROVED DIRT ROADS SHOWN HEREON ARE BASED ON FIELD LOCATIONS AND GOOGLE EARTH IMAGE DATED JUNE 2011.

THE CENTERLINE OF RIO DE FLAG SHOWN HEREON IS BASED ON FIELD LOCATIONS AND GOOGLE EARTH IMAGE DATED JUNE 2011.

THE ROADS LABELED HEREON AS CLOSED HAD A SIGN OR LOG BARRIER ACROSS THEM TO PREVENT ACCESS.

THE CENTERLINE OF THE ARIZONA TRAIL SHOWN HEREON IS BASED ON FIELD LOCATIONS AND GOOGLE EARTH IMAGE DATED JUNE 2011.

THE LANDSCAPE AREA SHOWN HEREON DID NOT HAVE ANY PERMANENT FEATURES OR EARTHWORK OBSERVED AT THE TIME THE FIELD SURVEY WAS BEING CONDUCTED.

THE EARTH WORKED AREA SHOWN HEREON IS BASED ON GOOGLE EARTH IMAGE DATED JUNE 2011 AND IS AN AREA OF EXCAVATION FOR BORDERS.

THE WELL/PUMP SHOWN HEREON SHOULD BE VERIFIED BY A PROFESSIONAL AS TO WHAT EXACTLY IT IS.

THE ADDRESS AND LINE WORK OF THE ADJOINING PARCELS SHOWN HEREON ARE BASED ON CITY OF FLAGSTAFF GIS AND ARE FOR REFERENCE ONLY.

THE EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE BASED ON THE INFORMATION AS NOTED ON SHEET 1 AND ARE FOR REFERENCE ONLY AND MAY NOT REFLECT ACTUAL LOCATIONS AND AREAS.

THE FEMA FLOOD ZONES AND FLOODWAY SHOWN HEREON ARE BASED ON A SCALED IMAGE OF FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 04005C0683G, EFFECTIVE DATE SEPTEMBER 3, 2010.

ZONE AE = AREA OF SPECIAL FLOOD HAZARD SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE FLOOD. BASE FLOOD ELEVATION DETERMINED.

ZONE X = AREA OF 0.2% ANNUAL CHANCE FLOOD, AREA OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

FLOODWAY AREA IN ZONE AE = THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENTS SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.

LEGEND

	SUBJECT PROPERTY LINE
	UNIMPROVED DIRT ROAD CENTERLINE
	CHAIN LINK FENCE
	BARBED WIRE FENCE (UNLESS NOTED OTHERWISE)
	ARIZONA TRAIL
	EASEMENT/RIGHT OF WAY LINE
WATER VALVE	FIBERGLASS GAS LINE MARKER
FIRE HYDRANT	SIGN "STATE LAND" (UNLESS OTHERWISE NOTED)
POST	SIGN "RESTORATION PROJECT"

THE LOCATIONS WERE ARRIVED AND ARE ON FILE FOR THE BLUE STAKES

1-800-782-5348

BLUE STAKE CENTER

NO.	DATE	REVISIONS

TEAM

The WLB Group INC.

Engineering • Planning • Surveying
Offices Located at: Flagstaff, Phoenix, Tucson
53 N. Power St. Flagstaff, AZ 86001
PH (928) 779-1500

ALTA/ACSM LAND TITLE SURVEY
PICTURE CANYON

TOPOGRAPHY SHEET

DESIGNED BY: LB
DRAWN BY: TA, CT
CHECKED BY: DWB
CALL: FEB 2012
BY:
DATE:

PROJECT NO. 311013A002

SHEET 3 OF 3

36:9158 Pages 3 of 3 02/24/2012 08:18 AM

ORDINANCE NO. 2016-19

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 477.8 ACRES OF REAL PROPERTY KNOWN AS PICTURE CANYON FROM NO ZONING AND RURAL RESIDENTIAL ("RR") TO PUBLIC OPEN SPACE ("POS"), AND TO APPLY THE LANDMARKS OVERLAY (LO), THE RESOURCE PROTECTION OVERLAY (RPO) AND THE RURAL FLOODPLAIN DESIGNATION TO APPROXIMATELY 77.8 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 477.8 acres of land located at Picture Canyon, 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 No Zoning and Rural Residential (RR) zone to Public Open Space (POS), and to apply the Landmarks Overlay (LO) zone, the Resource Protection Overlay (RPO) zone and the Rural Floodplain Designation to approximately 77.8 acres of the Property; 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 No Zoning and Rural Residential (RR) zones to the Public Open Space (POS) zone for approximately 477.8 acres, and to apply the Landmarks Overlay (LO) zone, the Resource Protection Overlay (RPO) zone and the Rural Floodplain Designation to approximately 77.8 acres of the Property, 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 condition 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 install, locate, operate, repair, replace, alter, and maintain any and all existing and future 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 during the installation of these 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 5th day of April, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Exhibit “A”

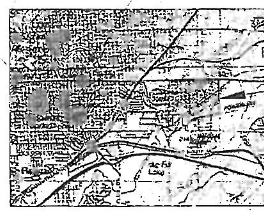
Legal Description of Property

3619158 1 of 3

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA

Instrument # 3619158 1 of 3
Recorded at the Request of The WLB Group, Inc
Date: 2-24-2012
Records of Coconino County
Candace Owens, County Recorder



VICINITY MAP
NOT TO SCALE

SCHEDULE B - EXCEPTIONS

FROM COMMITMENT FOR TITLE INSURANCE, ISSUED BY PIONEER TITLE AGENCY, INC.
ORDER NO.: 00665687, EFFECTIVE DATE: 12/29/11 AT 7:30 A.M., AMENDED 01/17/2012

ITEM NO.	DESCRIPTION	NOTES
1	ANY ACTIONS TAX ASSESSMENTS	INDETERMINATE
2	RIGHT OF ENTRY RESERVED	INDETERMINATE
3	EASEMENTS AND RIGHTS	SHOWN HEREON
4	EASEMENTS AND RIGHTS	INDETERMINATE
5	EASEMENTS AND RIGHTS	INDETERMINATE
6	AGREEMENT ACCORDING TO TERMS	INDETERMINATE
7	LAND SURVEY MONUMENT RECORD	SHOWN HEREON
8	LAND SURVEY MONUMENT RECORD	SHOWN HEREON
9	THE EFFECT OF RESOLUTION	INDETERMINATE
10	GRAZING LEASE	INDETERMINATE
11	RIGHT OF WAY	INDETERMINATE
12	RIGHT OF WAY	SHOWN HEREON
13	RIGHT OF WAY	INDETERMINATE
14	RIGHT OF WAY	INDETERMINATE
15	RIGHT OF WAY	SHOWN HEREON
16	RIGHT OF WAY	SHOWN HEREON
17	RIGHT OF WAY	SHOWN HEREON
18	RIGHT OF WAY	SHOWN HEREON
19	RIGHT OF WAY	SHOWN HEREON
20	RIGHT OF WAY	SHOWN HEREON
21	RIGHT OF WAY	SHOWN HEREON
22	APPLICATION FOR RIGHT OF WAY	INDETERMINATE
23	APPLICATION FOR RIGHT OF WAY	SHOWN HEREON
24	APPLICATION FOR RIGHT OF WAY	INDETERMINATE
25	RIGHTS AS DISCLOSED	INDETERMINATE
26	AMBIGUITY OF THE DESCRIPTION	SHOWN HEREON
27	RESERVATION OR EXCEPTIONS	INDETERMINATE
28	WATER RIGHTS, CLAIMS OR TITLE	INDETERMINATE

LEGAL DESCRIPTION:

FROM EXHIBIT A, COMMITMENT FOR TITLE INSURANCE, ORDER NO.: 00665687

Section 4, Township 21 North, Range 8 East, Gila & Salt River Base of Meridian, Coconino County, Arizona;

EXCEPT the South half of the Southwest quarter, *(of the Southwest quarter)*, and the Southwest quarter of the Southeast quarter of the Southwest quarter of said Section 4; AND

EXCEPT the East half of the Southwest quarter of the Northwest quarter of the Southwest quarter; the Southeast quarter of the Northwest quarter of the Southwest quarter; the East half of the Northwest quarter of the Southwest quarter of the Southwest quarter; the Northeast quarter of the Southwest quarter of the Southwest quarter; the West 272.15 feet of the West half of the Southwest quarter of the Northeast quarter of the Southwest quarter; and the West 272.15 feet of the West half of the Northwest quarter of the Southeast quarter of the Southwest quarter of said Section 4; AND

EXCEPT a portion of the South half of said Section 4 lying Southerly of "an electric transmission line".

EXCEPT all oil, gas and other hydrocarbon substances, helium or other substances of a gaseous nature, geothermal resources, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes.

BASIS OF BEARING AND COORDINATE SYSTEM:

LINEAR UNIT: INTERNATIONAL FOOT
GEODETIC DATUM: NAD 83 - ARIZONA
VERTICAL DATUM: NAVD88 (CONUS)
SYSTEM: CITY OF FLAGSTAFF LOW DISTORTION SYSTEM

PROJECTION:
TRANSVERSE MERCATOR
LATITUDE OF GRID ORIGIN: 35° 00' 00" N
LONGITUDE OF CENTRAL MERIDIAN: 111° 37' 00" W
NORTHING AT GRID ORIGIN: 0.000 FT
EASTING AT CENTRAL MERIDIAN: 70,000.00 FT
CENTRAL MERIDIAN SCALE FACTOR: 1.000333 (EXACT)

THIS SURVEY WAS CONDUCTED USING GPS REFERENCED TO NGS (NATIONAL GEODETIC SURVEY) OPUS (ON-LINE POSITIONING SYSTEM) AND CONSTRAINED TO A LEAST-SQUARED ADJUSTMENT WITH AN ESTIMATED ACCURACY OF 95% CONFIDENCE LEVEL.

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ORTHOMETRIC HEIGHTS (ELEVATIONS) WERE TRANSFERRED TO THE SITE FROM CITY OF FLAGSTAFF PID No. 1429301 USING GPS WITH NGS GEOID MODEL "GEOID09"

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LEGAL DESCRIPTION:

FURNISHED BY SURVEYOR, Item 4, SCHEDULE B REQUIREMENTS, COMMITMENT FOR TITLE INSURANCE, ORDER NO.: 00665687

The following is a legal description of a parcel land lying within Section 4, Township 21 North, Range 8 East, of the Gila Salt River Meridian, Coconino County, Arizona, more particularly described as follows:

Being the TRUE POINT OF BEGINNING at a found 3" BLM brass cap "T21N, R8E, S33/S34/S4/S3, T21N, 1987" at the northeast corner of said Section;

Thence South 00°32'59" West along the east line of said Section, a distance of 2735.65 feet to a set 1/2" rebar with aluminum cap "LS 40640" at the east quarter corner of said Section, from which a found 2 1/2" aluminum cap "W.C. 1/4, S4/S3, 1284" bears South 00°16'05" West, a distance of 5.00 feet;

Thence continuing along said line South 00°16'05" West, a distance of 893.94 feet to a set 1/2" rebar with aluminum cap "LS 40640" on the northerly line of the Arizona Public Service 100.00 feet Right of Way;

Thence South 78°01'00" West along said Right of Way line, a distance of 2757.64 feet to a set 1/2" rebar with aluminum cap "LS 40640";

Thence continuing along said Right of Way line South 57°01'00" West, a distance of 573.50 feet to a set 1/2" rebar with aluminum cap "LS 40640" on a line parallel with and 100.00 feet east of the east line of the southwest quarter of the southeast quarter of the southwest quarter of said Section;

Thence South 00°13'02" East along said parallel line, a distance of 888.17 feet to a set 1/2" rebar with aluminum cap "LS 40640" on the south line of said Section;

Thence North 89°45'05" West along said Section line, a distance of 100.00 feet to a set 1/2" rebar with aluminum cap "LS 40640" at the southeast corner of the southwest quarter of the southeast quarter of the southwest quarter of said Section;

Thence North 00°13'02" West along the east line of the southwest quarter of the southeast quarter of the southwest quarter of said Section, a distance of 658.38 feet to a set 1/2" rebar with aluminum cap "LS 40640" at the northeast corner of the southwest quarter of the southeast quarter of the southwest quarter of said Section;

Thence North 89°53'06" West along the north line of the southwest quarter of the southeast quarter of the southwest quarter of said Section, a distance of 348.31 feet to a found 2" square metal plate in concrete "+ S.E. COR" at the southeast corner of the EL Paso Natural Gas property;

Thence North 00°13'13" West along the east line of said property, a distance of 1314.92 feet to a found 2" square metal plate in concrete "+ N.E. COR" at the northeast corner of said property;

Thence South 89°37'35" West, along the north line of said property, a distance of 1268.42 feet to a found 2" square metal plate in concrete "+ N.W. COR" at the northwest corner of said property;

Thence South 00°14'30" East along the west line of said property, a distance of 1306.38 feet to a found 2" square metal plate in concrete "+" at the southwest corner of said property;

Thence North 89°54'04" West along the north line of the southwest quarter of the southwest quarter of the southwest quarter of said Section, a distance of 330.63 feet to a set 1/2" rebar with aluminum cap "LS 40640" on the west line of said Section;

Thence North 00°16'31" West along said Section line, a distance of 1254.81 feet to a found 2 1/2" aluminum cap "T21N, R8E, 1/4, S5/S4, LS 14671, 1888" at the west quarter corner of said Section;

Thence continuing along said Section Line North 00°21'36" West, a distance of 2[illegible].04 feet to a found 2 1/2" aluminum cap "T22N, S32/S33/S5/S4, T21N, LS 9431, 1979" at northwest corner of said Section;

Thence North 88°43'58" East along the north line of said Section, a distance of 2654.52 feet to a found 3" BLM brass cap "T22N, R8E, 1/4, S3/S4, T21N, 1987" at the north quarter-corner of said Section;

Thence continuing along said Section line North 89°18'14" East, a distance of 2655.34 feet to the TRUE POINT OF BEGINNING.

Containing 4[illegible]80 Acres, more or less

CERTIFICATION:

To The City of Flagstaff, Pioneer Title Agency, Inc., Old Republic National Title Insurance Company, and the State of Arizona, a Body Politic:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 8, 10, 11(a), 11(b), 13, 16, 17, 20(a), and 20(b) of Table A thereof. The field work was completed on 02/03/2012.

Date: 02/15/2012

(Thomas J. Butler R.L.S. 40640)

REGISTERED LAND SURVEYOR CERTIFICATE NO. 40640 THOMAS J. BUTLER ARIZONA

Instrument # 3619158 1 of 3
Recorded At The Request Of WLB Group
Date February 24 2012
Records of Coconino County, AZ
Candace Owens, County Recorder

Official Records of Coconino County 3619158
Candace Owens Recorder 02-24-2012
WLB GROUP

Call for the Blue Stakes
1-800-782-5348

NO.	DATE	ITEM

REVISIONS

The WLB Group Inc — Engineering • Planning • Surveying • Landscape Architecture • Urban Design. Offices located in: Tucson, Phoenix, Flagstaff, and Las Vegas, NV. 123 N. Beaver Street, Flagstaff, AZ 86001 PH (928) 779-1500

ALTA/ACSM LAND TITLE SURVEY
PICTURE CANYON
COVER SHEET

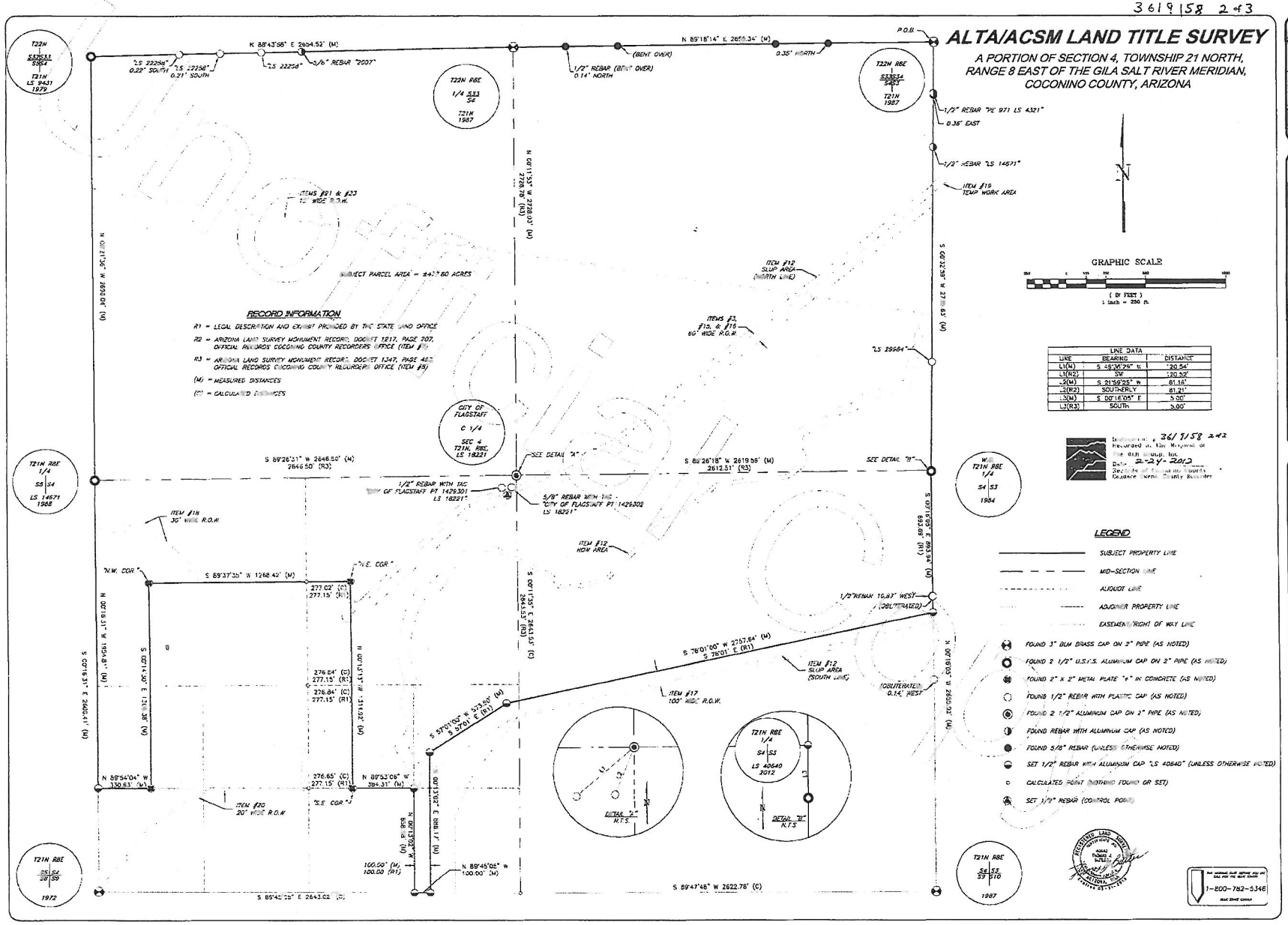
DESIGNED BY: TB
DRAWN BY: TB.CF
CHECK BY: TB
DATE: FEB 2012
HY:
DATE:

PROJECT NO. 311019A002
SHEET 1 OF 3

3619158 2 of 3

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA



Instrument # 3619158 2 of 3
Recorded at the request of The WLB Group, Inc.
Date 2-24-2013
Suzanne Jenkins, County Recorder

NO.	DATE	REVISIONS

The WLB Group INC.
Engineers • Surveyors • Planners
Phone: (928) 774-1011 Fax: (928) 774-1013
533 N. Beaver Street, Flagstaff, AZ 86001
FN/EN/SU 179-1003

ALTA/ACSM LAND TITLE SURVEY
PICTURE CANYON
GEOMETREY SHEET

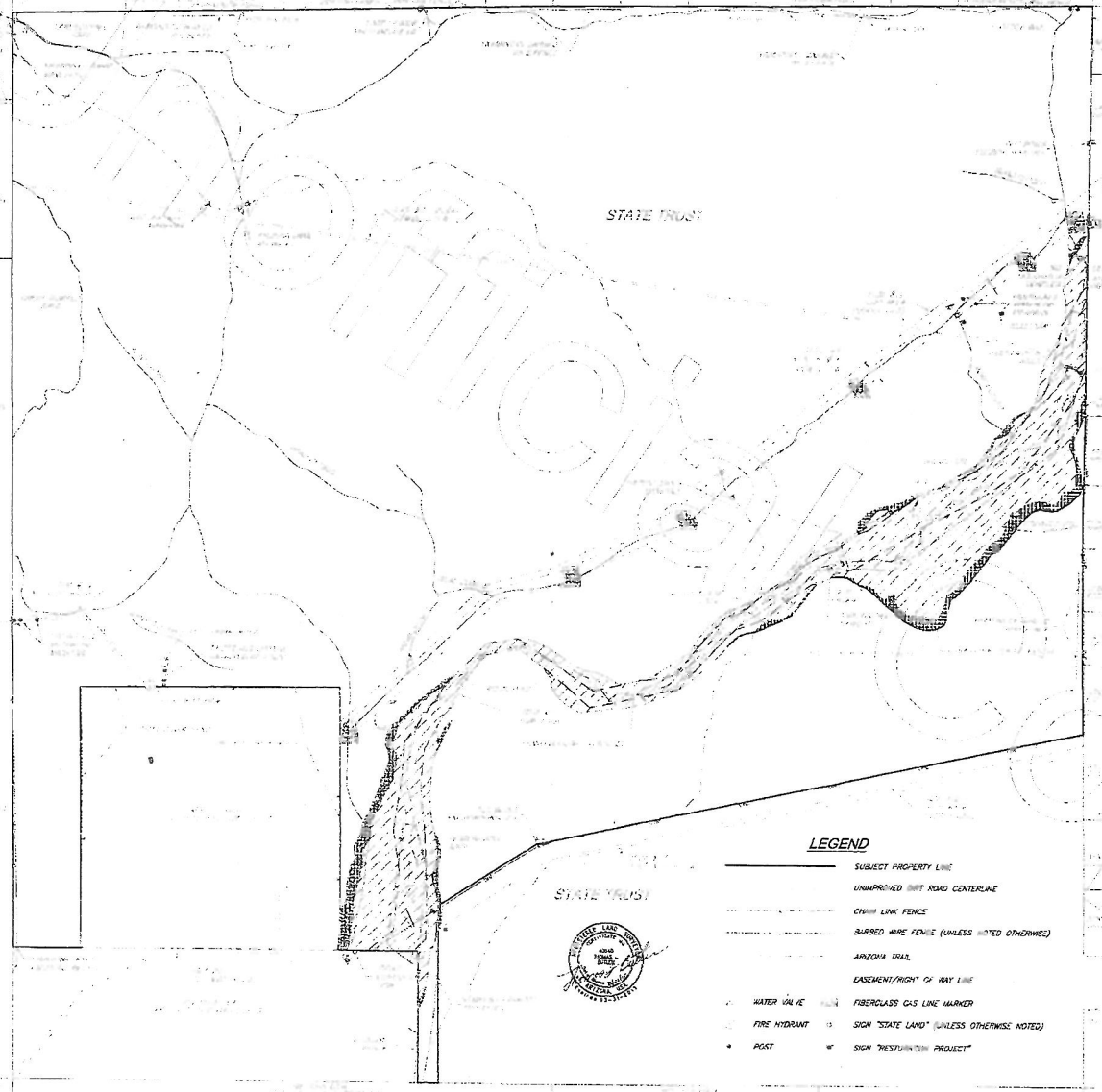
DESIGNED BY: TB
DRAWN BY: TB
CHECK BY: TB
DATE: FEB 2013
DR. DATE:

PROJECT NO. 311019A002
SHEET 2 OF 3

3619158 Page 2 of 3 02/20/2013 08:53:19 AM

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA



N

GRAPHIC SCALE

(IN FEET)
1 inch = 250 ft.

Instrument # 36:9158 3 of 3
Recorded at the request of
The WLB Group, Inc.
Date 2-24-2012
Director of Community Development
Coconino County, Arizona

NOTES:

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON ABOVE GROUND APPURTENANCES LOCATED AT THE TIME THE FIELD SURVEY WAS BEING CONDUCTED AND INFORMATION OBTAINED FROM CITY OF FLAGSTAFF GIS.

UNLESS LABELED HEREON, THE ADJOINING PARCEL FENCE LINES DO NOT ENCROACH ACROSS THE SUBJECT PARCEL.

REMAINS OF BARBED WIRE FENCE LINES SHOWN HEREON ARE BASED ON FIELD LOCATIONS OF EXISTING FENCE, OLD WIRE FOUND ON THE GROUND, AND OLD POST.

THE CENTERLINE OF UNIMPROVED DIRT ROADS SHOWN HEREON ARE BASED ON FIELD LOCATIONS AND GOOGLE EARTH IMAGE DATED JUNE 2011.

THE CENTERLINE OF RIO DE FLAG SHOWN HEREON IS BASED ON FIELD LOCATIONS AND GOOGLE EARTH IMAGE DATED JUNE 2011.

THE ROADS LABELED HEREON AS CLOSED HAD A SIGN OR LOG BARRIER ACROSS THEM TO PREVENT ACCESS.

THE CENTERLINE OF THE ARIZONA TRAIL SHOWN HEREON IS BASED ON FIELD LOCATIONS AND GOOGLE EARTH IMAGE DATED JUNE 2011.

THE LANDSCAPE AREA SHOWN HEREON DID NOT HAVE ANY PERMANENT FEATURES OR EARTHWORK OBSERVED AT THE TIME THE FIELD SURVEY WAS BEING CONDUCTED.

THE EARTH WORKED AREA SHOWN HEREON IS BASED ON GOOGLE EARTH IMAGE DATED JUNE 2011 AND IS AN AREA OF EXCAVATION FOR BORDERS.

THE WELL/PUMP SHOWN HEREON SHOULD BE VERIFIED BY A PROFESSIONAL AS TO WHAT EXACTLY IT IS.

THE ADDRESS AND LINE WORK OF THE ADJOINING PARCELS SHOWN HEREON ARE BASED ON CITY OF FLAGSTAFF GIS AND ARE FOR REFERENCE ONLY.

THE EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE BASED ON THE INFORMATION AS NOTED ON SHEET 1 AND ARE FOR REFERENCE ONLY AND MAY NOT REFLECT ACTUAL LOCATIONS AND AREAS.

THE FEMA FLOOD ZONES AND FLOODWAY SHOWN HEREON ARE BASED ON A SCALED IMAGE OF FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 04005C0683G, EFFECTIVE DATE SEPTEMBER 3, 2010.

ZONE AE = AREA OF SPECIAL FLOOD HAZARD SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE FLOOD. BASE FLOOD ELEVATION DETERMINED.

ZONE X = AREA OF 0.2% ANNUAL CHANCE FLOOD, AREA OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

FLOODWAY AREA IN ZONE AE = THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENTS SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.

LEGEND

	SUBJECT PROPERTY LINE
	UNIMPROVED DIRT ROAD CENTERLINE
	CHAIN LINK FENCE
	BARBED WIRE FENCE (UNLESS NOTED OTHERWISE)
	ARIZONA TRAIL
	EASEMENT/RIGHT OF WAY LINE
WATER VALVE	FIBERGLASS GAS LINE MARKER
FIRE HYDRANT	SIGN "STATE LAND" (UNLESS OTHERWISE NOTED)
POST	SIGN "RESTORATION PROJECT"

THE LOCATIONS WERE ARRIVED AND ARE ON FILE FOR THE BLUE STAKES

1-800-782-5348

BLUE STAKE CENTER

NO.	DATE	REVISIONS

TEAM

The WLB Group INC.

Engineering • Planning • Surveying
Offices Located at: Flagstaff, Phoenix, Tucson
53 N. Power St. Flagstaff, AZ 86001
PH (928) 779-1500

ALTA/ACSM LAND TITLE SURVEY
PICTURE CANYON

TOPOGRAPHY SHEET

DESIGNED BY: LB
DRAWN BY: TA, CT
CHECKED BY: DWB
CALL: FEB 2012
BY:
DATE:

PROJECT NO. 311013A002

SHEET 3 OF 3

36:9158 Pages 3 of 3 02/24/2012 08:18 AM

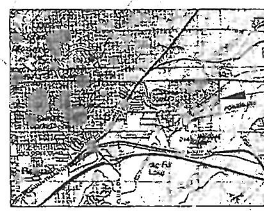
Exhibit “B”

Legal Description of New Zoning

3619158 1 of 3

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA



VICINITY MAP
NOT TO SCALE

SCHEDULE B - EXCEPTIONS

FROM COMMITMENT FOR TITLE INSURANCE, ISSUED BY PIONEER TITLE AGENCY, INC.
ORDER NO.: 00665687, EFFECTIVE DATE: 12/29/11 AT 7:30 A.M., AMENDED 01/17/2012

ITEM NO.	DESCRIPTION	NOTES
1	ANY ACTIONS TAX ASSESSMENTS	INDETERMINATE
2	RIGHT OF ENTRY RESERVED	INDETERMINATE
3	EASEMENTS AND RIGHTS	SHOWN HEREON
4	EASEMENTS AND RIGHTS	INDETERMINATE
5	EASEMENTS AND RIGHTS	INDETERMINATE
6	AGREEMENT ACCORDING TO TERMS	INDETERMINATE
7	LAND SURVEY MONUMENT RECORD	SHOWN HEREON
8	LAND SURVEY MONUMENT RECORD	SHOWN HEREON
9	THE EFFECT OF RESOLUTION	INDETERMINATE
10	GRAZING LEASE	INDETERMINATE
11	RIGHT OF WAY	INDETERMINATE
12	RIGHT OF WAY	SHOWN HEREON
13	RIGHT OF WAY	INDETERMINATE
14	RIGHT OF WAY	INDETERMINATE
15	RIGHT OF WAY	SHOWN HEREON
16	RIGHT OF WAY	SHOWN HEREON
17	RIGHT OF WAY	SHOWN HEREON
18	RIGHT OF WAY	SHOWN HEREON
19	RIGHT OF WAY	SHOWN HEREON
20	RIGHT OF WAY	SHOWN HEREON
21	RIGHT OF WAY	SHOWN HEREON
22	APPLICATION FOR RIGHT OF WAY	INDETERMINATE
23	APPLICATION FOR RIGHT OF WAY	SHOWN HEREON
24	APPLICATION FOR RIGHT OF WAY	INDETERMINATE
25	RIGHTS AS DISCLOSED	INDETERMINATE
26	AMBIGUITY OF THE DESCRIPTION	SHOWN HEREON
27	RESERVATION OR EXCEPTIONS	INDETERMINATE
28	WATER RIGHTS, CLAIMS OR TITLE	INDETERMINATE

LEGAL DESCRIPTION:

FROM EXHIBIT A, COMMITMENT FOR TITLE INSURANCE, ORDER NO.: 00665687

Section 4, Township 21 North, Range 8 East, Gila & Salt River Base of Meridian, Coconino County, Arizona;

EXCEPT the South half of the Southwest quarter, *(of the Southwest quarter)*, and the Southwest quarter of the Southeast quarter of the Southwest quarter of said Section 4; AND

EXCEPT the East half of the Southwest quarter of the Northwest quarter of the Southwest quarter; the Southeast quarter of the Northwest quarter of the Southwest quarter; the East half of the Northwest quarter of the Southwest quarter of the Southwest quarter; the Northeast quarter of the Southwest quarter of the Southwest quarter; the West 272.15 feet of the West half of the Southwest quarter of the Northeast quarter of the Southwest quarter; and the West 272.15 feet of the West half of the Northwest quarter of the Southeast quarter of the Southwest quarter of said Section 4; AND

EXCEPT a portion of the South half of said Section 4 lying Southerly of "an electric transmission line".

EXCEPT all oil, gas and other hydrocarbon substances, helium or other substances of a gaseous nature, geothermal resources, coal, metals, minerals, fossils, fertilizer of every name and description and except all materials which may be essential to production of fissionable material as reserved in Arizona Revised Statutes.

BASIS OF BEARING AND COORDINATE SYSTEM:

LINEAR UNIT: INTERNATIONAL FOOT
GEODETIC DATUM: NAD 83 - ARIZONA
VERTICAL DATUM: NAVD88 (CONUS)
SYSTEM: CITY OF FLAGSTAFF LOW DISTORTION SYSTEM

PROJECTION:
TRANSVERSE MERCATOR
LATITUDE OF GRID ORIGIN: 35° 00' 00" N
LONGITUDE OF CENTRAL MERIDIAN: 111° 37' 00" W
NORTHING AT GRID ORIGIN: 0.000 FT
EASTING AT CENTRAL MERIDIAN: 70,000.00 FT
CENTRAL MERIDIAN SCALE FACTOR: 1.000333 (EXACT)

THIS SURVEY WAS CONDUCTED USING GPS REFERENCED TO NGS (NATIONAL GEODETIC SURVEY) OPUS (ON-LINE POSITIONING SYSTEM) AND CONSTRAINED TO A LEAST-SQUARED ADJUSTMENT WITH AN ESTIMATED ACCURACY OF 95% CONFIDENCE LEVEL.

ALL MEASURED DISTANCES AND BEARINGS SHOWN HEREON ARE GRID VALUES BASED ON THE LOW DISTORTION PROJECTION DEFINITION. THIS PROJECTION IS DEFINED SUCH THAT GRID DISTANCES ARE EQUIVALENT TO "GROUND" DISTANCES IN THE PROJECT AREA.

THE BASIS OF BEARINGS IS TRUE GEODETIC NORTH. NOTE THAT THE MEASURED GRID BEARINGS SHOWN HEREON DO NOT EQUAL GEODETIC BEARINGS DUE TO MERIDIAN CONVERGENCE.

ORTHOMETRIC HEIGHTS (ELEVATIONS) WERE TRANSFERRED TO THE SITE FROM CITY OF FLAGSTAFF PID No. 1429301 USING GPS WITH NGS GEOID MODEL "GEOID09"

NOTES:

AS TO THE MATTERS SHOWN HEREON, THE WLB GROUP INC. HAS RELIED SOLELY ON THE COMMITMENT FOR TITLE INSURANCE PREPARED AND ISSUED BY PIONEER TITLE AGENCY, INC. (ORDER NO.: 00665687, EFFECTIVE DATE: 12/29/11 AT 7:30 A.M., AMENDED 01/17/2012). THE WLB GROUP INC. AND THOMAS J. BUTLER, RLS, MAKES NO STATEMENT AS TO THE ACCURACY OR COMPLETENESS OF THE SUBJECT COMMITMENT FOR TITLE INSURANCE.

AS TO SCHEDULE B EXCEPTIONS ITEMS 3, 15, AND 16, THE LOCATION OF THE 60 FEET WIDE RIGHT OF WAY AS SHOWN ON SHEET 2 WAS DETERMINED BY A BEST FIT TO THE FIBERGLASS GAS LINE MARKERS LOCATED IN THE FIELD AT THE TIME OF THIS SURVEY AND A DESCRIPTION PROVIDED BY HE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEM 12, THE LOCATION OF THE SPECIAL LAND USE PERMIT (SLUP) AREA AS SHOWN ON SHEET 2 WAS DETERMINED BY SCALING AN EXHIBIT PROVIDE BY THE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEM 12, THE LOCATION OF THE RIGHT OF WAY (ROW) AREA AS SHOWN ON SHEET 2 WAS DETERMINED BY A BEST FIT LOCATION FROM THE CITY OF FLAGSTAFF GEOGRAPHICAL INFORMATION SYSTEM (GIS) AND BY SCALING AN EXHIBIT PROVIDE BY THE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEM 18, THE LOCATION OF THE 30 FEET WIDE RIGHT OF WAY AS SHOWN ON SHEET 2 WAS DETERMINED BY A BEST FIT TO THE FIBERGLASS WATER LINE MARKERS LOCATED IN THE FIELD AT THE TIME OF THIS SURVEY AND A DESCRIPTION PROVIDED BY THE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEMS 21 AND 23, THE LOCATION OF THE 10 FEET WIDE RIGHT OF WAY AS SHOWN ON SHEET 2 WAS DETERMINED BY A BEST FIT LOCATION FROM SCALING AN EXHIBIT PROVIDE BY THE STATE LAND OFFICE.

AS TO SCHEDULE B EXCEPTIONS ITEM 26, THE LEGAL DESCRIPTION HAS BEEN CORRECTED AS SHOWN HEREON WITH ITALIC AND PARENTHESES TO DESCRIBE THE AREA OF THIS SURVEY.

AS TO ALL EASEMENTS AND RIGHT OF WAY SHOWN HEREON, THEY ARE FOR REFERENCE ONLY AND MAY NOT REFLECT ACTUAL LOCATIONS AND AREAS.

AS TO THE SCHEDULE B ITEMS LISTED HEREON AS INDETERMINATE, THESE ITEMS WERE EITHER NOT FURNISHED BY THE TITLE COMPANY OR DID NOT HAVE SUFFICIENT METES AND BOUNDS DESCRIPTIONS TO CONVEY THE LOCATIONS ON THIS SURVEY.

Instrument # 3619158 1 of 3
Recorded At The Request Of
The WLB Group, Inc.
Date: 2-24-2012
Records of Coconino County, AZ
Candace Owens, County Recorder

LEGAL DESCRIPTION:

FURNISHED BY SURVEYOR, Item 4, SCHEDULE B REQUIREMENTS, COMMITMENT FOR TITLE INSURANCE, ORDER NO.: 00665687

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Thence South 00°32'59" West along the east line of said Section, a distance of 2735.65 feet to a set 1/2" rebar with aluminum cap "LS 40640" at the east quarter corner of said Section, from which a found 2 1/2" aluminum cap "W.C. 1/4, S4/S3, 1284" bears South 00°16'05" West, a distance of 5.00 feet;

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Thence continuing along said Right of Way line South 57°01'00" West, a distance of 573.50 feet to a set 1/2" rebar with aluminum cap "LS 40640" on a line parallel with and 100.00 feet east of the east line of the southwest quarter of the southeast quarter of the southwest quarter of said Section;

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Containing 4[illegible].80 Acres, more or less

CERTIFICATION:

To The City of Flagstaff, Pioneer Title Agency, Inc., Old Republic National Title Insurance Company, and the State of Arizona, a Body Politic:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2011 Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes items 1, 2, 3, 4, 8, 10, 11(a), 11(b), 13, 16, 17, 20(a), and 20(b) of Table A thereof. The field work was completed on 02/03/2012.

Date: 02/15/2012

(Thomas J. Butler R.L.S. 40640)

Instrument # 3619158 1 of 3
Recorded At The Request Of
WLB Group
Date: February 24 2012
Records of Coconino County, AZ
Candace Owens, County Recorder

Official Records of Coconino County 3619158
Candace Owens - Recorder 02-24-2012
WLB GROUP

1-800-782-5348

NO.	DATE	ITEM

REVISIONS

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Engineering • Planning • Surveying
Landscape Architecture • Urban Design
Offices located in Tucson, Phoenix, Flagstaff, and Las Vegas, NV.
523 N. Beaver Street, Flagstaff, AZ 86001
PH (928) 779-1500

ALTA/ACSM LAND TITLE SURVEY
PICTURE CANYON
COVER SHEET

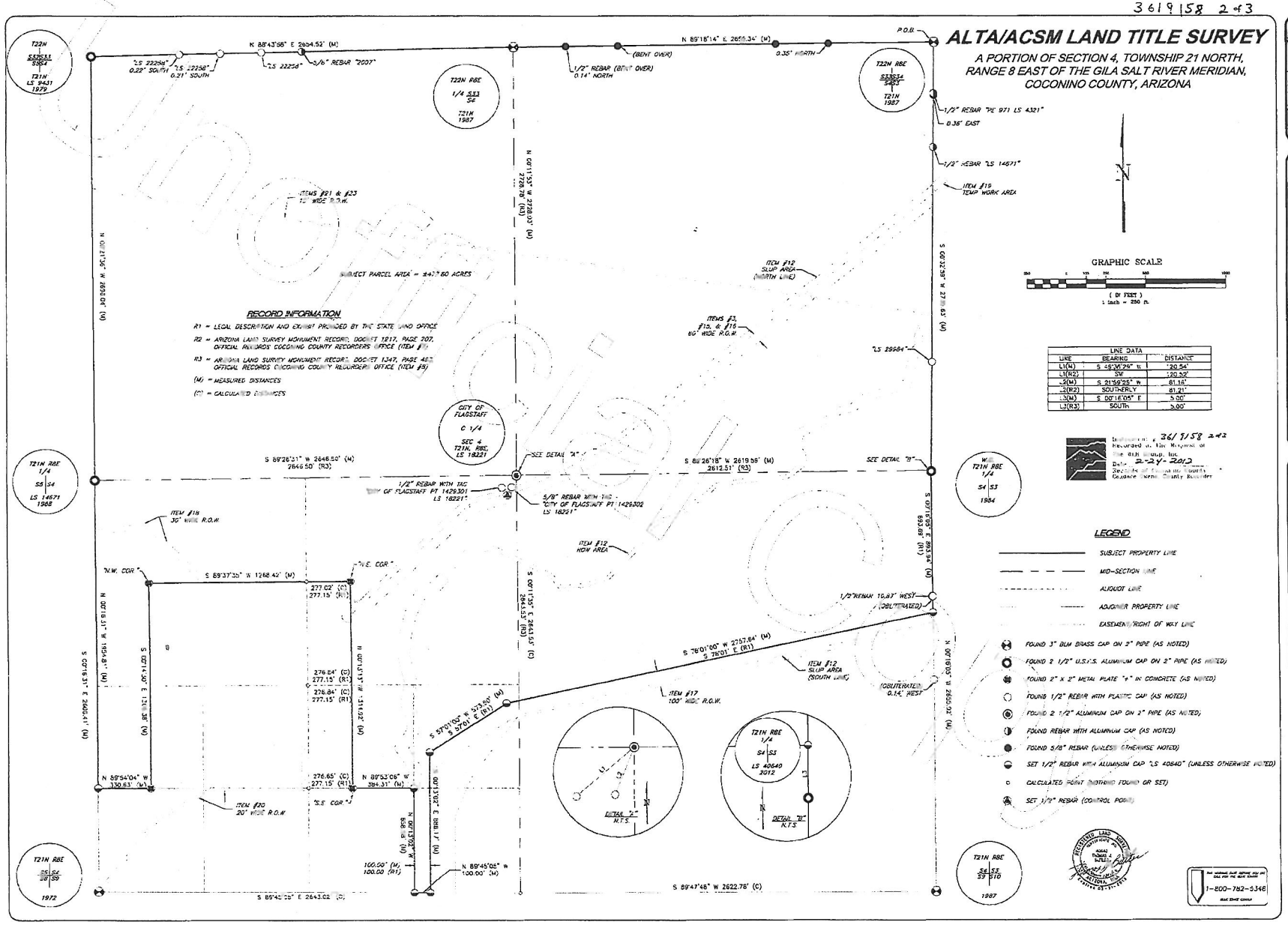
DESIGNED BY: TB
DRAWN BY: TB.CF
CHECK BY: TB
DATE: FEB 2012
H.Y.
DATE

PROJECT NO. 311019A002
SHEET 1 OF 3

3619158 2 of 3

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA



Instrument # 3619158 2 of 3
Recorded at the request of The WLB Group, Inc.
Date 2-24-2013
Suzanne Jenkins, County Recorder

NO.	DATE	REVISIONS

The WLB Group INC.
Engineers • Surveyors • Planners
Phone: (928) 774-1011 Fax: (928) 774-1013
533 N. Beaver Street, Flagstaff, AZ 86001
FN/EN/SU 179-1003

ALTA/ACSM LAND TITLE SURVEY
PICTURE CANYON
GEOMETREY SHEET

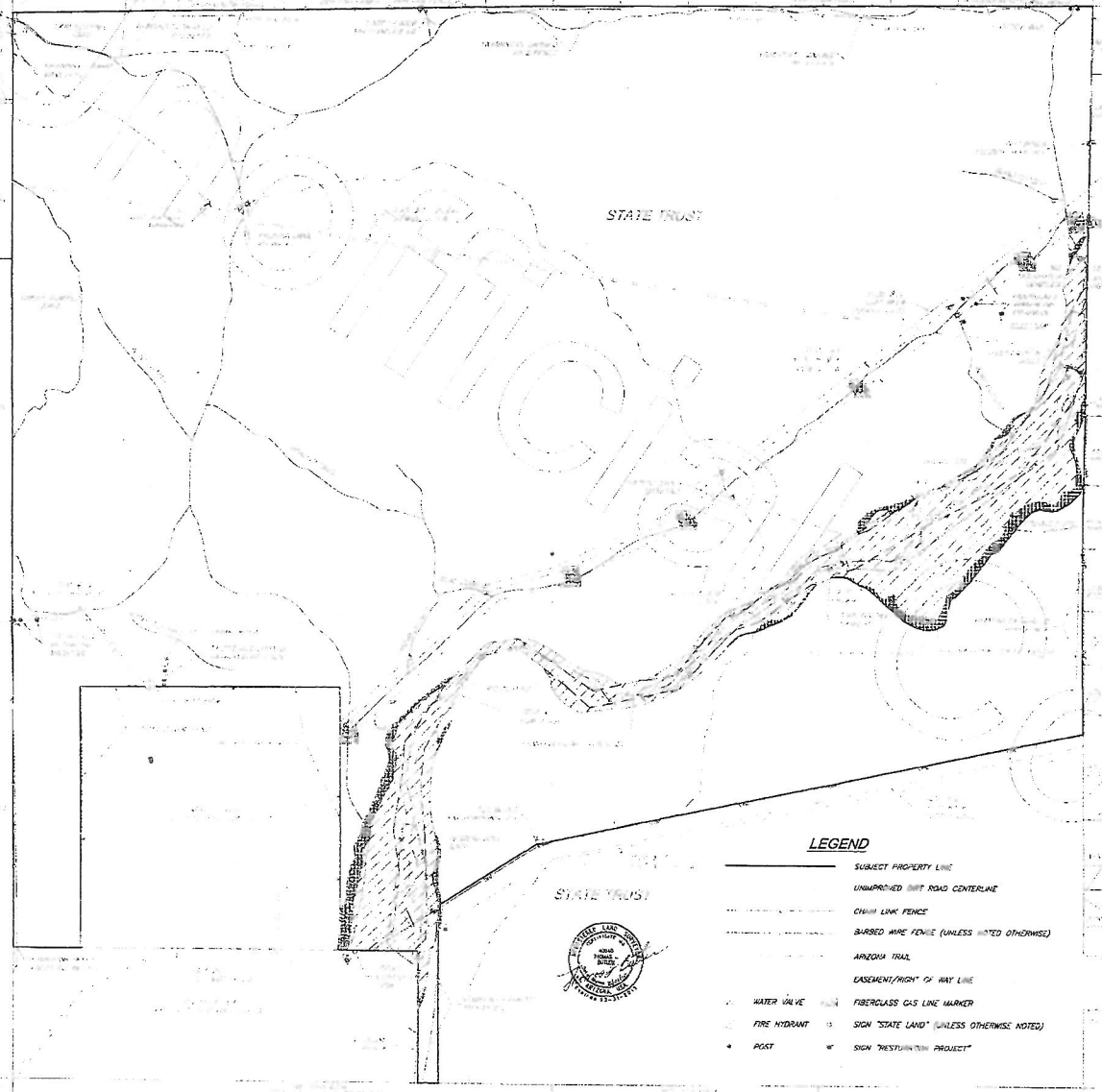
DESIGNED BY: TB
DRAWN BY: TB
CHECK BY: TB
DATE: FEB 2013
DR. DATE:

PROJECT NO. 311019A002
SHEET 2 OF 3

3619158 Page 2 of 3 02/20/2013 08:53:19 AM

ALTA/ACSM LAND TITLE SURVEY

A PORTION OF SECTION 4, TOWNSHIP 21 NORTH, RANGE 8 EAST OF THE GILA SALT RIVER MERIDIAN, COCONINO COUNTY, ARIZONA



N

GRAPHIC SCALE

(IN FEET)
1 inch = 250 ft.

Instrument # 36:9158 3 of 3
Recorded at the request of
The WLB Group, Inc.
Date 2-24-2012
Director of Community Development
Coconino County, Arizona

NOTES:

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UNLESS LABELED HEREON, THE ADJOINING PARCEL FENCE LINES DO NOT ENCROACH ACROSS THE SUBJECT PARCEL.

REMAINS OF BARBED WIRE FENCE LINES SHOWN HEREON ARE BASED ON FIELD LOCATIONS OF EXISTING FENCE, OLD WIRE FOUND ON THE GROUND, AND OLD POST.

THE CENTERLINE OF UNIMPROVED DIRT ROADS SHOWN HEREON ARE BASED ON FIELD LOCATIONS AND GOOGLE EARTH IMAGE DATED JUNE 2011.

THE CENTERLINE OF RIO DE FLAG SHOWN HEREON IS BASED ON FIELD LOCATIONS AND GOOGLE EARTH IMAGE DATED JUNE 2011.

THE ROADS LABELED HEREON AS CLOSED HAD A SIGN OR LOG BARRIER ACROSS THEM TO PREVENT ACCESS.

THE CENTERLINE OF THE ARIZONA TRAIL SHOWN HEREON IS BASED ON FIELD LOCATIONS AND GOOGLE EARTH IMAGE DATED JUNE 2011.

THE LANDSCAPE AREA SHOWN HEREON DID NOT HAVE ANY PERMANENT FEATURES OR EARTHWORK OBSERVED AT THE TIME THE FIELD SURVEY WAS BEING CONDUCTED.

THE EARTH WORKED AREA SHOWN HEREON IS BASED ON GOOGLE EARTH IMAGE DATED JUNE 2011 AND IS AN AREA OF EXCAVATION FOR BORDERS.

THE WELL/PUMP SHOWN HEREON SHOULD BE VERIFIED BY A PROFESSIONAL AS TO WHAT EXACTLY IT IS.

THE ADDRESS AND LINE WORK OF THE ADJOINING PARCELS SHOWN HEREON ARE BASED ON CITY OF FLAGSTAFF GIS AND ARE FOR REFERENCE ONLY.

THE EASEMENTS AND RIGHTS OF WAY SHOWN HEREON ARE BASED ON THE INFORMATION AS NOTED ON SHEET 1 AND ARE FOR REFERENCE ONLY AND MAY NOT REFLECT ACTUAL LOCATIONS AND AREAS.

THE FEMA FLOOD ZONES AND FLOODWAY SHOWN HEREON ARE BASED ON A SCALED IMAGE OF FEMA FLOOD INSURANCE RATE MAP, MAP NUMBER 04005C0683G, EFFECTIVE DATE SEPTEMBER 3, 2010.

ZONE AE = AREA OF SPECIAL FLOOD HAZARD SUBJECT TO INUNDATION BY 1% ANNUAL CHANCE FLOOD. BASE FLOOD ELEVATION DETERMINED.

ZONE X = AREA OF 0.2% ANNUAL CHANCE FLOOD, AREA OF 1% ANNUAL CHANCE FLOOD WITH AVERAGE DEPTHS OF LESS THAN 1 FOOT OR WITH DRAINAGE AREAS LESS THAN 1 SQUARE MILE, AND AREAS PROTECTED BY LEVEES FROM 1% ANNUAL CHANCE FLOOD.

FLOODWAY AREA IN ZONE AE = THE CHANNEL OF A STREAM PLUS ANY ADJACENT FLOODPLAIN AREAS THAT MUST BE KEPT FREE OF ENCROACHMENTS SO THAT THE 1% ANNUAL CHANCE FLOOD CAN BE CARRIED WITHOUT SUBSTANTIAL INCREASES IN FLOOD HEIGHTS.

LEGEND

	SUBJECT PROPERTY LINE
	UNIMPROVED DIRT ROAD CENTERLINE
	CHAIN LINK FENCE
	BARBED WIRE FENCE (UNLESS NOTED OTHERWISE)
	ARIZONA TRAIL
	EASEMENT/RIGHT OF WAY LINE
WATER VALVE	FIBERGLASS GAS LINE MARKER
FIRE HYDRANT	SIGN "STATE LAND" (UNLESS OTHERWISE NOTED)
POST	SIGN "RESTORATION PROJECT"

THE LOCATIONS WERE ARRIVED AND ARE ON FILE FOR THE BLUE STAKES

1-800-782-5348

BLUE STAKE CENTER

NO.	DATE	REVISIONS

TEAM

The WLB Group INC.

Engineering • Planning • Surveying
Offices Located at: Flagstaff, Phoenix, Tucson
53 N. Power St. Flagstaff, AZ 86001
PH (928) 779-1500

ALTA/ACSM LAND TITLE SURVEY
PICTURE CANYON

TOPOGRAPHY SHEET

DESIGNED BY: LB
DRAWN BY: TA, CT
CHECKED BY: DWB
CALL: FEB 2012
BY:
DATE:

PROJECT NO. 311013A002

SHEET 3 OF 3

36:9158 Pages 3 of 3 02/24/2012 08:18 AM

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Jennifer Mikelson, Associate Planner

Date: 03/16/2016

Meeting Date: 03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-10: A resolution amending the Flagstaff Regional Plan 2030 to change the area type designation on Maps 21 and 22 from Area in White area type to Park/Open Space area type for approximately 26.03 acres located at the northeast corner of Fir Avenue and North San Francisco Street. ***(Buffalo Park West Minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold the Public Hearing
2) Read Resolution No. 2016-10 by title only
3) City Clerk reads Resolution No. 2016-10 by title only (if approved above)
4) Adopt Resolution No. 2016-10

Executive Summary:

A minor Regional Plan amendment request to change the area type designation on Maps 21 and 22 from Area in White to Park/Open Space for approximately 26.03 acres located at the northeast corner of Fir Avenue and North San Francisco Street.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:

Goal E&C.6. Protect, restore, and improve ecosystem health and maintain native plant and animal community diversity across all land ownership in the Flagstaff region.
Goal E&C.10. Protect indigenous wildlife populations, localized and larger scale wildlife habitats, ecosystem processes, and wildlife movement areas throughout the planning area.
Goal OS.1. The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.
Goal WR.6. Protect, preserve, and improve the quality of surface water, groundwater, and reclaimed

water in the region.
Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

Has There Been Previous Council Decision on This:

This proposed amendment would enact a prior dedication set forth in City of Flagstaff Ordinance No. 2014-23. The dedication states: "The portion of real property owned by the City of Flagstaff…is hereby set aside, preserved, and dedicated to the public for passive park purposes to be included in the immediately adjacent Buffalo Park." The rezoning of the property "to the zoning best reflective of the dedication of the property as a public park" was identified as a secondary enactment of the Ordinance.

Options and Alternatives:

Options and Alternatives:
1) Approve the resolution as proposed
2) Approve the resolution with conditions
3) Deny the resolution

Background/History:

The applicant, City of Flagstaff Parks and Recreation Department, is requesting a minor Regional Plan Amendment to ensure conformance with a proposed Zoning Map Amendment to formally designate city owned property with the Public Open Space (POS) zone. Changing the subject property from Area in White to Park/Open Space will affect approximately 26.03 acres of land depicted on the Future Growth Illustration (Maps 21 and 22). The amendment table on page III-9 of the Plan states that a minor Plan amendment is appropriate for the designation of any land for conservation. As mentioned previously in this report, the primary purpose of this rezoning is to enact a prior dedication as stated in City of Flagstaff Ordinance No. 2014-23.

The subject property is located at the northeast corner of the intersection of Fir Avenue and San Francisco Street. San Francisco Street is privately held in this area, and splits the subject property in two. Two privately held parcels are located in between both parts of the subject property. Neither the private street nor the private parcels are part of this minor Plan amendment.

Access to the property and the adjoining Buffalo Park from San Francisco Street will be determined by the Parks Department at a later date. There are existing unofficial trails across the parcel connecting to Buffalo Park. A future Flagstaff Urban Trail System (FUTS) trail is proposed on Map 26: Flagstaff Urban Trail System, and will make connections to the existing Switzer Canyon and Cedar Trails. The site has abundant slope, forest, and floodplain resources. There is a prominent slope up to the northeast corner of the site. Portions of the site are located in the Switzer Canyon Wash. The Park/Open Space area type category is most appropriate given the numerous resources onsite This amendment to the Future Growth Illustration will clearly reflect this expansion of designated open space.

Key Considerations:

The Planning and Zoning Commission and Council shall find that the proposed *Flagstaff Regional Plan 2030* (FRP30 or the Plan) amendment meets the requirements of the General Plan and Subdivision Code (City Code Title 11). In considering the request for an amendment to the Plan, the goals and policies in the Plan should be considered to ensure that the requested change to the Future Growth Illustration is in conformance to the overall vision of the Plan. "The Flagstaff Regional Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through goals and policies" (p. III-4). "General plans are not static documents; they recognize growth as a dynamic process, which may require revisions to the plan as circumstances or changes warrant" (p. III-1).

As discussed in the "How This Plan Works" chapter (page III-4), the *Flagstaff Regional Plan 2030* is used

in the regulatory decision-making process by the Planning & Zoning Commission, City Council and city staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or annexations, approval which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies. The Future Growth Illustration on Maps 21 (regional scale) and 22 (city scale) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail. The Future Growth Illustration displays broad land use categories, called "area types," which describe the placemaking context of Urban, Suburban, Rural, Special Planning Area, Park/Open Space, or in some cases, Area in White. Within these Areas in White existing entitlements are retained and have no other assigned area type. In most cases, these parcels are public lands held by the Forest Service or City. With this request the "Area in White" will, if approved, be assigned the Park/Open Space area type.

Expanded Financial Considerations:

None

Community Benefits and Considerations:

Community benefits and considerations related to this minor Regional Plan amendment request are addressed in the attached Planning and Zoning Commission staff report dated February 19, 2016.

Community Involvement:

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with the Zoning Map amendment request. In accordance with Arizona Revised Statute and Section 10-20.30.080 (p. 20.30-9) of the Zoning Code, notice of the public hearings was provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 600 feet of the subject property. The mailing asked residents and property owners to attend the October 19, 2015 Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. One member of the public attended the meeting to receive clarification on the Zoning Map Amendment for this property. There were no email inquiries about this Plan amendment.

Expanded Options and Alternatives:

None

Attachments:

PZ Staff Report
Application
Proposed Future Growth Illustration
Public Notice
Res. 2016-10

PLANNING AND DEVELOPMENT SERVICES REPORT
FLAGSTAFF REGIONAL PLAN 2030 AMENDMENT

PUBLIC HEARING	**DATE:**	**February 19, 2016**
PZ-15-00139-01	**MEETING DATE:**	**February 24, 2016**
	REPORT BY:	**Jennifer Mikelson**

REQUEST

A minor *Flagstaff Regional Plan 2030* amendment request by the City of Flagstaff to change the area type designation on Maps 21 and 22 from Area in White to Park/Open Space for approximately 26.03 acres located at the north end of San Francisco Street.

STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission forward the minor *Flagstaff Regional Plan 2030* amendment to the City Council with a recommendation for approval.

PRESENT LAND USE

Undeveloped land in the Area in White area type category.

PROPOSED LAND USE

Park/Open Space area type, which would designate the area as a passive recreation park.

NEIGHBORHOOD DEVELOPMENT

North: Vacant parcels and single family residences; Agricultural Residential (AR) zone, 1 acre minimum (County)
East: City-operated Buffalo Park; Public Open Space (POS) zone
South: Single family residences; Single Family Residential (R1) zone
West: Vacant parcels and single-family residence; Agricultural Residential (AR) zone, 1 acre minimum (County)

REQUIRED FINDINGS

The Planning and Zoning Commission shall find that the proposed *Flagstaff Regional Plan 2030* (FRP30 or the Plan) amendment meets the requirements of the General Plan and Subdivision Code (City Code Title 11).

In considering the request for an amendment to the Plan, the goals and policies in the Plan should be considered to ensure that the requested change to the Future Growth Illustration is in conformance to the overall vision of the Plan. "The Flagstaff Regional Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through goals and policies" (p. III-4). "General plans are not static documents; they recognize growth as a dynamic process, which may require revisions to the plan as circumstances or changes warrant" (p. III-1).

STAFF REVIEW

Introduction/Background Discussion

This request is the first of two related items on the Commission's agenda; the second item is identified as a Zoning Map amendment request.

The applicant, City of Flagstaff Recreation Department, is requesting a minor Regional Plan Amendment to ensure conformance with a proposed Zoning Map Amendment to formally designate city owned property with the Public Open Space (POS) zone. Changing the subject property from Area in White to Park/Open Space will affect approximately 26.03 acres of land depicted on the Future Growth Illustration (Maps 21 and 22). The amendment table

on page III-9 of the Plan states that a minor Plan amendment is appropriate for the designation of any land for conservation. The primary purpose of this rezoning is to enact a prior dedication as stated in City of Flagstaff Ordinance No. 2014-23. The dedication states, "The portion of real property owned by the City of Flagstaff…is hereby set aside, preserved, and dedicated to the public for passive park purposes to be included in the immediately adjacent Buffalo Park." The rezoning of the property "to the zoning best reflective of the dedication of the property as a public park" was identified as a secondary enactment of the Ordinance.

The subject property is located at the northeast corner of the intersection of Fir Avenue and San Francisco Street. San Francisco Street is privately held in this area, and splits the subject property in two. Two privately held parcels are located in between both parts of the subject property. Neither the private street nor the private parcels are part of this minor Plan amendment.

Access to the property and the adjoining Buffalo Park from San Francisco Street will be determined by the Parks Department at a later date. There are existing unofficial trails across the parcel connecting to Buffalo Park. A future Flagstaff Urban Trail System (FUTS) trail is proposed on Map 26: Flagstaff Urban Trail System, and will make connections to the existing Switzer Canyon and Cedar Trails. The site has abundant slope, forest, and floodplain resources. There is a prominent slope up to the northeast corner of the site. Portions of the site are located in the Switzer Canyon Wash. The Park/Open Space area type category is most appropriate given the numerous resources onsite This amendment to the Future Growth Illustration will clearly reflect this expansion of designated open space.

Flagstaff Regional Plan 2030 Amendment Request

As discussed in the "How This Plan Works" chapter (page III-4), the *Flagstaff Regional Plan 2030* is used in the regulatory decision-making process by the Planning & Zoning Commission, City Council and city staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or annexations, approval which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies. The Future Growth Illustration on Maps 21 (regional scale) and 22 (city scale) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail. The Future Growth Illustration displays broad land use categories, called "area types," which describe the placemaking context of Urban, Suburban, Rural, Special Planning Area, Park/Open Space, or in some cases, Area in White. Within these Areas in White existing entitlements are retained and have no other assigned area type. In most cases, these parcels are public lands held by the Forest Service or City. With this request the "Area in White" will, if approved, be assigned the Park/Open Space area type.

Attached are exhibits comparing the existing and proposed Future Growth Illustrations. The Plan's maps and any applicable text should be considered in the context of the Plan's goals and policies. A discussion of the FRP30 goals and policies is provided below.

APPLICABLE GENERAL PLAN GOALS AND POLICIES

Ecosystem Health
Goal E&C.6. Protect, restore, and improve ecosystem health and maintain native plant and animal community diversity across all land ownership in the Flagstaff region.

The Switzer Canyon Wash is identified as a natural watercourse on Maps 6 and 7 in the FRP30. Map 6: Existing Land Management Areas and Boundaries identifies a "hydrologic flood management feature," and the property is shown as having "potential riparian vegetation" on Map 7: Significant Natural Resources Map. This site is already subject to the Resource Protection Overlay (RPO), which ensures any future facility development, such as parking/restrooms, will comply with those preservation requirements.

Wildlife
Goal E&C.10. Protect indigenous wildlife populations, localized and larger scale wildlife habitats, ecosystem processes, and wildlife movement areas throughout the planning area.

The subject parcel is not located within a known wildlife corridor, however, Maps 7 and 8 illustrate the wildlife features of the adjoining Buffalo Park property. Map 8: Concentration of Natural Resources identifies the park as a watchable wildlife area, with natural grasslands and openings shown on Map 7: Significant Natural Resources. The subject property will connect directly with this wildlife site.

Open Space
Goal OS.1. The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.
Policy OS.1.3. Use open space as natural environment buffer zones to protect scenic views and cultural resources, separate disparate uses, and separate private development from public lands, scenic byways, and wildlife habitats.
Policy OS.1.4. Use open space as opportunities for non-motorized connectivity, to interact with nature, and to enjoy the views and quiet.

Water Quality
Goal WR.6. Protect, preserve, and improve the quality of surface water, groundwater, and reclaimed water in the region.

The Switzer Canyon Wash drains towards the southeast corner where it eventually joins the East Fork of Switzer Canyon Wash. A Rural Floodplain designation is proposed with the rezoning of this property, which ensures additional protections of this environmentally sensitive area.

Recreation
Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.
Policy Rec.1.1. Integrate active and passive recreational sites within walking distance throughout the region to promote a healthy community for all City and County residents and visitors.

Policy Analysis: In summary, the subject property has been designated by the 2014 ordinance for use a public park. This list below identifies several key points and community benefits supporting (+) or not supporting (-) the proposed amendment:

- \+ It meets several open space and water resources goals;
- \+ The property will enhance and grow the City's existing parks system;
- \+ Three layers of resource protection zones (Public Open Space, Resource Protection Overlay, Rural Floodplain designation) will ensure the maximum preservation and integrity of the site;
- \+ The site will provide passive recreation opportunities for all city residents; and
- \- The ability to provide affordable housing on this site has been lost with the removal of Single Family Residential (R1) zoning.

PUBLIC SYSTEMS IMPACT ANALYSIS

No public service impact analysis was required.

Citizen Participation: Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with the Zoning Map amendment request. In accordance with Arizona Revised Statute and Section 10-20.30.080 (p. 20.30-9) of the Zoning Code, notice of the public hearings was provided by placing an ad in the Daily

Sun, posting notices on the property, and mailing a notice to all property owners within 600 feet of the subject property. The mailing asked residents and property owners to attend the October 19, 2015 Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. One member of the public attended the meeting to receive clarification on the Zoning Map Amendment for this property. There were no email inquiries about this Plan amendment.

RECOMMENDATION

Staff believes that the proposed amendment to the Plan is supportable under the guidelines of the *Flagstaff Regional Plan 2030,* and would recommend approval of the proposed amendment.

ATTACHMENTS

- Minor Regional Plan amendment application
- Future Growth Illustration – existing/proposed
- Public hearing legal advertisement

Buffalo Park

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

RECEIVED NOV 12 2015

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

File Number: PZ-15-00139, PZ-15-00139-01

Property Owner(s): City of Flagstaff	Title	Phone	Email
Mailing Address: 211 W. Aspen Ave			City, State, Zip: Flagstaff, AZ. 86001
Applicant(s): —	Title	Phone —	Email —
Mailing Address: —			City, State, Zip: —
Project Representative): Steve Zimmerman	Title: Parks Mgr.	Phone: 928-213-2192	Email: szimmerman@flagstaffaz.gov
Mailing Address: 211 W. Aspen Ave			City, State, Zip: Flagstaff, AZ. 86001

Requested Review: ☒ Zoning Map Amendment ☒ Minor Regional Plan Amendment ☐ Continued

Site Address: N/A	Parcel Number(s): 110-03-001B	Subdivision, Tract & Lot Number: N/A
Existing Zoning District: R1/PF	Proposed Zoning District: Public Open Space (POS)	Existing Regional Plan Land Use Category: Area in White
Existing Use: Vacant		Proposed Use: Open Space / Park

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?

Requested Urban Growth Boundary Change (If Applicable): N/A	Proposed Regional Plan Land Use Category: Park / Open Space

Property Owner Signature(required)	Date:	Applicant Signature	Date:
Josh Copley	2/8/16	Steve Zimmerman	2/8/16

For City Use

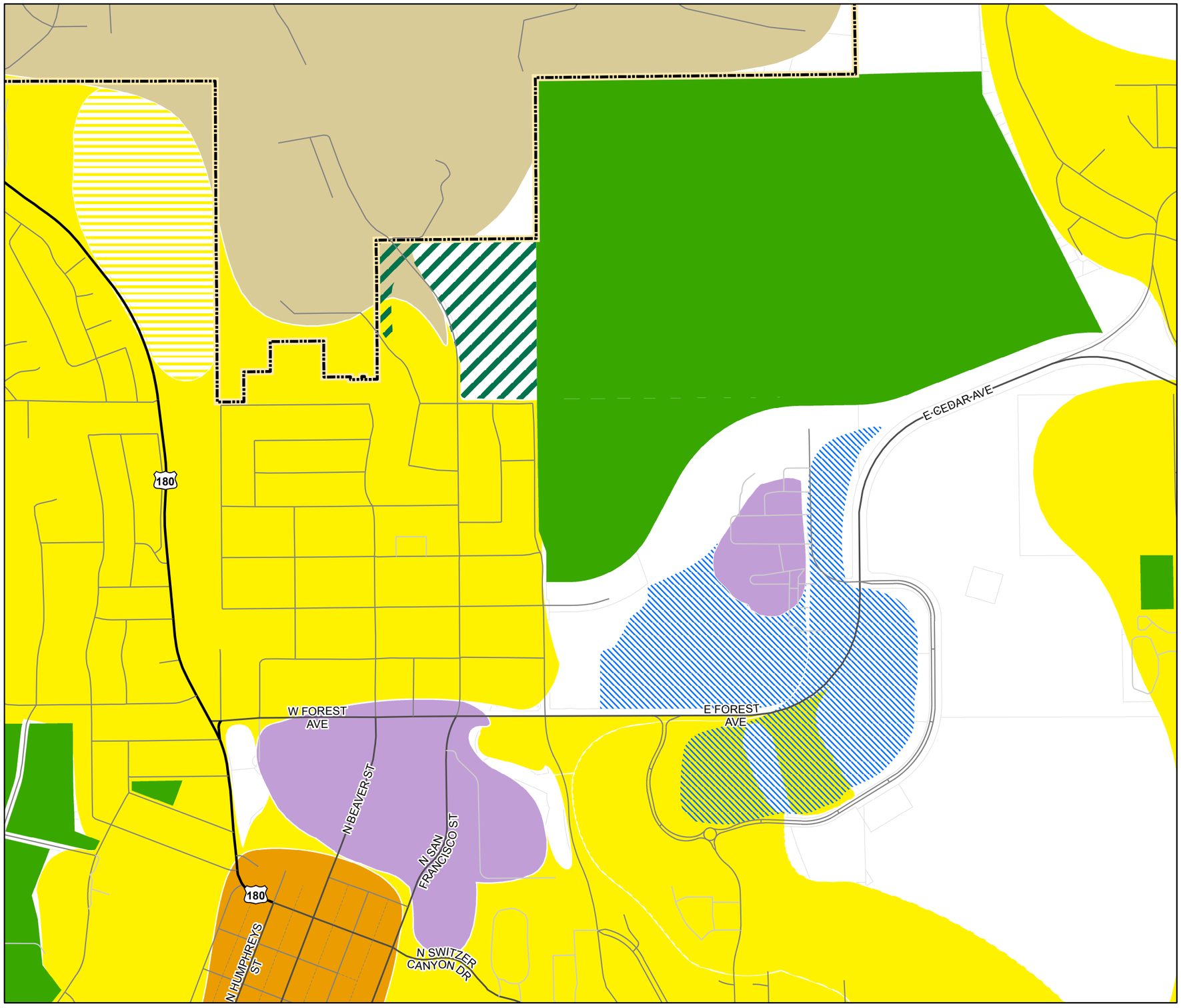
Date Filed:	File Number(s):		Type of Zoning Map Amendment: ☐ Small scale ☐ Medium scale ☐ Large scale ☐ Multi-phase scale
P & Z Hearing Date:	Publication and Posting Date:		
Council Hearing Date:	Publication and Posting Date:		
Fee Receipt Number:	Amount:	Date:	

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Mary	Kent	Jim	Chris

Rev. 2/10/14

Buffalo Park West Minor Plan Amendment



Legend

- Parks/Open Space
- Proposed Parks/Open Space
- Proposed City Limit

Growth Illustration Area Types- Future

Vision Area Types

- Rural - Future
- Suburban - Future
- Urban - Future
- Industrial / Business Park - Special District

Growth Illustration Area Types- Existing

Vision Area Types

- Existing Entitlements Retained
- Industrial / Business Park - Existing
- Rural - Existing
- Special District
- Suburban - Existing
- Urban - Existing
- City Limits Cartegraphic
- FMPO Boundary

Parcels

- Parcels

N

0 0.05 0.1 0.2 0.3 0.4 Miles

The Future Growth Illustration defines the geographic locations of area types and place types. It shows the spatial relationship of existing and future development and is intended to be used in conjunction with the Natural Environment Maps (Maps 6-8) and the Road Network Map (Map 25). This Illustration should not be relied upon to determine where specific land uses are allowed; that information is found in City Code Title 10 (Zoning Code) and the Zoning Map. In case of any conflict between the Future Growth Illustration and the Regional Plan's goals and policies, the goals and policies will prevail.

Date Saved: 2/11/2016 10:11:53 AM Author: Sara Dechter

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Flagstaff Planning and Zoning Commission will hold a Public Hearing on February 24, 2016, at 4:00 p.m. and the Flagstaff City Council will hold a Public Hearing on March 22, 2016, at 6:00 p.m. to consider a Zoning Map amendment request.

A. Explanation of Matters to be Considered:

1. A proposed Regional Plan Amendment to change the area type designation from Area in White to Park/Open Space on Maps 21 and 22 of the Flagstaff Regional Plan.

2. A proposed Zoning Map Amendment to rezone the property from Single Family Residential (R1) and Public Facility (PF) to Public Open Space (POS) with the Rural Floodplain designation added to the FEMA floodplain boundaries.

The site is located at the north end of San Francisco St. and is adjacent to the City operated Buffalo Park property, on a parcel totaling 26.03 acres. A private drive divides the parcel. The site location is described in Part B below and is highlighted on the map.

B. General Description of the Affected Area:

Approximately 26.03 acres, Coconino County Assessor's Parcel Number 110-03-001B; within Section 10, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, City of Flagstaff, Coconino County, Arizona.

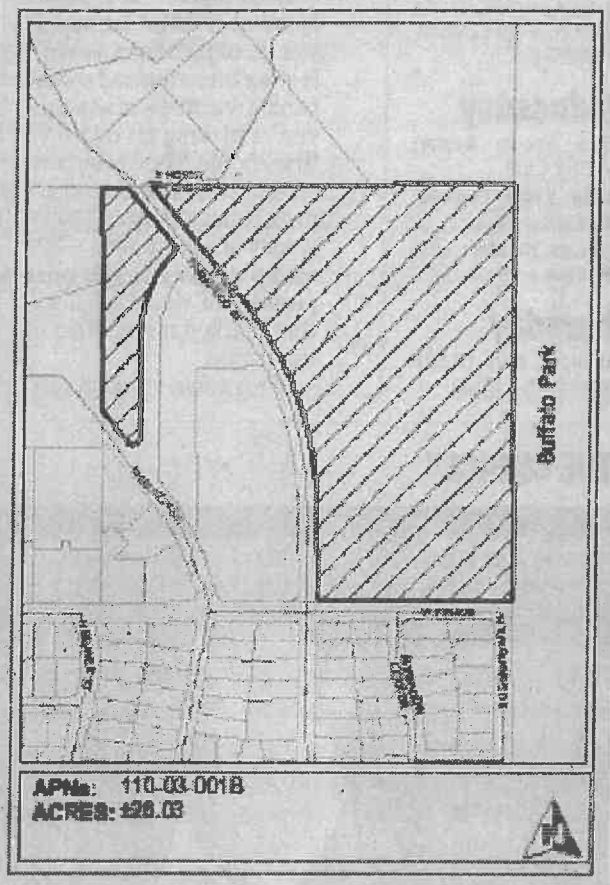
The Council hearing for these items may be continued if the Planning and Zoning Commission has not given a recommendation.

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

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

PROPOSED REGIONAL PLAN AMENDMENT
Map 21 and 22 area type change from Area in White to Park/Open Space

PROPOSED ZONING MAP AMENDMENT
Single Family Residential (R1) Zone and Public Facility (PF) Zone to Public Open Space (POS) Zone with the Rural Floodplain designation



FOR FURTHER INFORMATION CONTACT

Jennifer Mikelson
Associate Planner
Planning & Development Services
211 West Aspen Avenue
Flagstaff, Arizona 86001
(928) 213-2615
jmikelson@flagstaffaz.gov

Publish: February 5, 2016

RESOLUTION NO. 2016-10

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF REGIONAL PLAN 2030 TO CHANGE THE AREA TYPE DESIGNATION OF APPROXIMATELY 26.03 ACRES OF REAL PROPERTY ON MAPS 21 AND 22 GENERALLY LOCATED AT THE NORTHEAST CORNER OF FIR AVENUE AND NORTH SAN FRANCISCO STREET FROM AREA IN WHITE AREA TYPE TO PARK/OPEN SPACE AREA TYPE; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Regional Plan 2030 (the "Regional Plan") was adopted by the Mayor and Council of the City of Flagstaff (the "City Council") on January 14, 2014 and ratified by the qualified electors of the City of Flagstaff (the "City") on May 20, 2014; and

WHEREAS, among other things, the Regional Plan establishes the authority and procedure for minor amendments; and

WHEREAS, pursuant to section § 9-461.06, Arizona Revised Statutes, and the Regional Plan, the City has consulted with, advised, and provided the opportunity for public comment on the proposed amendment to the Regional Plan; and

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Planning and Zoning Commission held a public hearing on the proposed Regional Plan amendment on February 24, 2016, and provided notice of such hearing in the manner required by A.R.S. § 9-461.06(E).

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Council held a public hearing in the City Council Chambers on the proposed Regional Plan amendment on March 22, 2016, and provided notice of such hearing by publication of said notice in the manner required by A.R.S. § 9-461.06(E); and

WHEREAS, the City Council finds and determines that (i) proper notice of the proposed Regional Plan amendment has been given in a manner required by A.R.S. § 9-461.06, and (ii) that each of the required publications have been made in the *Arizona Daily Sun*, a newspaper of general circulation within the City; and

WHEREAS, the City Council desires to amend the Regional Plan to change the area type designation of approximately 26.03 acres of real property on Maps 21 and 22 generally located on the northeast corner of Fir Avenue and North San Francisco Street from Area in White area type to Park/Open Space area type.

ENACTMENTS:

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

SECTION 1. That the Flagstaff Regional Plan 2030 is hereby amended to change the area type designation of approximately 26.03 acres of real property on Maps 21 and 22 generally

located at the northeast corner of Fir Avenue and North San Francisco Street, as more particularly depicted in **Exhibit "A" (Future Growth Illustration – Proposed),** from Area in White area type to Park/Open Space area type.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 3. This resolution 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 22nd day of March, 2016.

_____
MAYOR

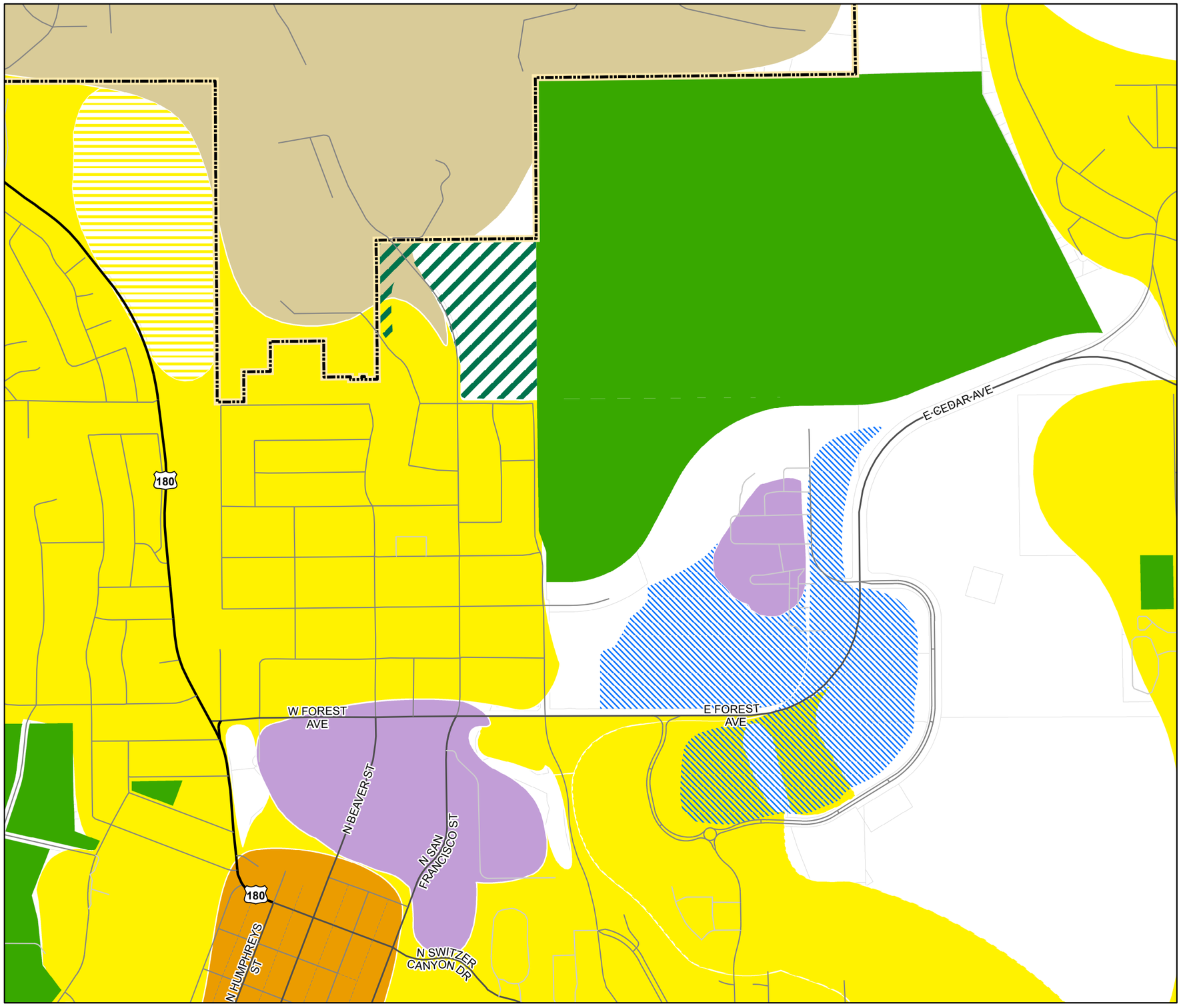
ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Buffalo Park West Minor Plan Amendment



Legend

- Parks/Open Space
- Proposed Parks/Open Space
- Proposed City Limit

Growth Illustration Area Types- Future

Vision Area Types

- Rural - Future
- Suburban - Future
- Urban - Future
- Industrial / Business Park - Special District

Growth Illustration Area Types- Existing

Vision Area Types

- Existing Entitlements Retained
- Industrial / Business Park - Existing
- Rural - Existing
- Special District
- Suburban - Existing
- Urban - Existing
- City Limits Cartegraphic
- FMPO Boundary

Parcels

- Parcels

N

0 0.05 0.1 0.2 0.3 0.4 Miles

The Future Growth Illustration defines the geographic locations of area types and place types. It shows the spatial relationship of existing and future development and is intended to be used in conjunction with the Natural Environment Maps (Maps 6-8) and the Road Network Map (Map 25). This Illustration should not be relied upon to determine where specific land uses are allowed; that information is found in City Code Title 10 (Zoning Code) and the Zoning Map. In case of any conflict between the Future Growth Illustration and the Regional Plan's goals and policies, the goals and policies will prevail.

Date Saved: 2/11/2016 10:11:53 AM Author: Sara Dechter

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Jennifer Mikelson, Associate Planner

Date: 03/16/2016

Meeting Date: 03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of 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. ***(Buffalo Park West Zoning Map Amendment)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold the Public Hearing
2) Read Ordinance No. 2016-16 by title only for the first time
3) City Clerk reads Ordinance No. 2016-16 by title only (if approved above)

At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-16 by title only for the final time
5) City Clerk reads Ordinance No. 2016-16 by title only (if approved above)
6) Adopt Ordinance No. 2016-16

Executive Summary:

A zoning Map amendment request to rezone approximately 26.03 acres located north of Fir Avenue along San Francisco Street from the Single Family Residential (R1) and Public Facility (PF) zones to Public Open Space (POS).

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:

Goal E&C.6. Protect, restore, and improve ecosystem health and maintain native plant and animal community diversity across all land ownership in the Flagstaff region.
Goal E&C.10. Protect indigenous wildlife populations, localized and larger scale wildlife habitats, ecosystem processes, and wildlife movement areas throughout the planning area.
Goal OS.1. The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.
Goal WR.6. Protect, preserve, and improve the quality of surface water, groundwater, and reclaimed water in the region.
Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

Has There Been Previous Council Decision on This:

This proposed rezoning would enact a prior dedication set forth in City of Flagstaff Ordinance No. 2014-23. The dedication states: "The portion of real property owned by the City of Flagstaff…is hereby set aside, preserved, and dedicated to the public for passive park purposes to be included in the immediately adjacent Buffalo Park." Rezoning the property "to the zoning best reflective of the dedication of the property as a public park" was identified as a secondary enactment of the Ordinance.

Options and Alternatives:

Options and Alternatives:
1) Approve the ordinance with the proposed conditions
2) Approve the ordinance with the proposed conditions, additional conditions, or modified conditions.
3) Deny the ordinance based on the required findings in Section 10-20.50.040(F)(1)(a) of the Flagstaff Zoning Code

Background/History:

The Applicant, the City of Flagstaff Recreation Department, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 26.03 acres to the Public Open Space (POS) zone with the Rural Floodplain designation. A Public Open Space (POS) designation would allow the expansion of an existing city park with passive recreational uses. The Rural Floodplain designation would exist along with the proposed Public Open Space (POS) zone, and prohibits certain development within the identified floodway and floodplain. Attached to this report is a map of the FEMA-recognized floodway and floodplain across the parcel, with the existing water transmission lines shown in the floodway. In addition, the Resource Protection Overlay (RPO) zone currently applies to this parcel, and will be carried over with this rezoning application.

As previously stated, the primary purpose of this rezoning is to enact a prior dedication as stated in City of Flagstaff Ordinance No. 2014-23.

Key Considerations:

All proposed amendments shall be evaluated as to whether the application is consistent with and conforms to the goals of the General Plan and any applicable specific plans; and 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.

Expanded Financial Considerations:

None

Community Benefits and Considerations:

Community benefits and considerations related to this Zoning Map amendment are addressed in the attached Planning and Zoning Commission staff report dated February 19, 2016.

Community Involvement:

All property owners within 600-feet of this site were notified via mail of the zoning map amendment and asked to attend the October 19, 2015 Parks and Recreation Commission meeting. Additionally, a notice was run in the Daily Sun, which discussed the zoning map amendment and identified the Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. One member of the public attended the meeting to receive clarification on the Zoning Map amendment for this property.

Expanded Options and Alternatives:

None

Attachments:

PZ Staff Report
Application
Zoning Map
Floodway Utilities Map
Public Notice
Exhibit A
Ord. 2016-16

PLANNING AND DEVELOPMENT SERVICES REPORT
ZONING MAP AMENDMENT

PUBLIC HEARING	**DATE:**	**February 19, 2016**
PZ-15-00139	**MEETING DATE:**	**February 24, 2016**
	REPORT BY:	**Jennifer Mikelson**

REQUEST:

A Zoning Map amendment request from the City of Flagstaff Parks and Recreation Department, on behalf of the property owner, City of Flagstaff, to rezone approximately 26.03 acres within Section 10, Township 21 North, Range 7 East from the Single Family Residential (R1) and Public Facility (PF) zones to the Public Open Space (POS) zone with the Rural Floodplain designation.

STAFF RECOMMENDATION:

Staff recommends the Planning and Zoning Commission forward the Zoning Map amendment to the City Council with a recommendation for approval with a condition.

PRESENT LAND USE:

The site is currently undeveloped and is adjacent to the existing City-operated Buffalo Park. A private drive divides the parcel in two. A water transmission line exists on the property, under the floodway.

PROPOSED LAND USE:

Future development may consist of low-impact trails, interpretive facilities, and the most basic visitor amenities like parking and restrooms. The ability to maintain and expand future utility infrastructure across the parcel will be continued.

NEIGHBORHOOD DEVELOPMENT:

North: Vacant parcels and single family residences; Agricultural Residential (AR) zone, 1 acre minimum (County)
East: City-operated Buffalo Park; Public Open Space (POS) zone
South: Single family residences; Single Family Residential (R1) zone
West: Vacant parcels and single-family residence; Agricultural Residential (AR) zone, 1 acre minimum (County)

REQUIRED FINDINGS:

STAFF REVIEW. An application for a Zoning Map amendment shall be submitted to the Planning Director, 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 set forth whether the Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied; and 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; and a recommendation on the amendment based on the standards of the zones set forth in Section 10-40.20 "Establishment of Zones" of the Zoning Code (Page 40.20-1).

FINDINGS FOR REVIEWING PROPOSED AMENDMENTS. All proposed amendments shall be evaluated as to whether the application is consistent with and conforms to the goals of the General Plan and any applicable specific plans;

and 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, the City of Flagstaff's Recreation Department, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 26.03 acres to the Public Open Space (POS) zone with the Rural Floodplain designation. A Public Open Space (POS) designation would allow the expansion of an existing city park with passive recreational uses. The Rural Floodplain designation would exist along with the proposed Public Open Space (POS) zone, and prohibits certain development within the identified floodway and floodplain. Attached to this report is a map of the FEMA-recognized floodway and floodplain across the parcel, with the existing water transmission lines shown in the floodway. In addition, the Resource Protection Overlay (RPO) zone currently applies to this parcel, and will be carried over with this rezoning application.

The primary purpose of this rezoning is to enact a prior dedication as stated in City of Flagstaff Ordinance No. 2014-23. The dedication states: "The portion of real property owned by the City of Flagstaff…is hereby set aside, preserved, and dedicated to the public for passive park purposes to be included in the immediately adjacent Buffalo Park." The rezoning of the property "to the zoning best reflective of the dedication of the property as a public park" was identified as a secondary enactment of the Ordinance.

Proposed Development Concept Plans

Future development may consist of low-impact trails, interpretive facilities, and the most basic visitor amenities such as a parking area and restrooms.

General Plan – Flagstaff Regional Plan 2030

The proposed zoning map amendment meets several policies of the Flagstaff Regional Plan 2030 (FRP30). Specifically, the plan calls for the preservation of natural areas and increased public recreational amenities. The following FRP30 goals are relevant to this application:

Goal OS.1. The region has a system of open lands, such as undeveloped natural areas, wildlife corridors and habitat areas, trails, access to public lands, and greenways to support the natural environment that sustains our quality of life, cultural heritage, and ecosystem health.

Goal WR.5. Manage watersheds and stormwater to address flooding concerns, water quality, environmental protections, and rainwater harvesting.

Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

The application of the Public Open Space (POS) zone and Rural Floodplain designation implements all of the above noted goals of the FRP30. A Public Open Space (POS) zoning designations prevents physical development of a natural area and protects passive recreation opportunities within city limits by augmenting the adjacent Buffalo Park property. The Rural Floodplain designation adds a further level of protection to the property and supports the City of Flagstaff's Community Rating System (CRS) ranking, which helps lower the flood insurance rates for everyone in the city.

Zoning – City of Flagstaff Zoning Code

The intent of the Public Open Space (POS) zone is to allow for the protection of resources in a designated undeveloped area and passive recreation. The "passive recreation" use is very limited and permits low impact trails and bathroom and parking facilities at trailheads. The Rural Floodplain designation is applied to natural undisturbed open spaces defined as areas of delineated 100-year floodplain that cannot be disturbed or developed except for roadways and utility crossings.

PUBLIC SYSTEMS IMPACT ANALYSIS:

Traffic and Access

No analysis was required.

Water and Wastewater

A water and sewer analysis was not required as part of this request, however, the Utilities Division requested a condition of approval allowing for existing and future utility infrastructure.

Stormwater

No stormwater improvements have been required.

Parks and Recreation

This zoning map amendment would enlarge the City's adjacent Buffalo Park property.

OTHER REQUIREMENTS:

Resources: The subject property is also located within the Resource Protection Overlay zone as defined by Section 10-50.90.020.A of the Zoning Code (Page 50.90-2). This application does not anticipate any physical modifications to the existing site. No impact to resources is anticipated.

Citizen Participation: All property owners within 600-feet of this site were notified via mail of the zoning map amendment and asked to attend the October 19, 2015 Parks and Recreation Commission meeting. Additionally, a notice was run in the Daily Sun, which discussed the zoning map amendment and identified the Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. One member of the public attended the meeting to receive clarification on the Zoning Map amendment for this property.

DISCUSSION

The application of the Public Open Space (POS) zone to the subject property removes the possibility of any future residential development or other significant impacts to the site. Zoned Public Open Space (POS), the property will serve as easily accessible public amenity for the surrounding neighborhood and County properties.

RECOMMENDATION

Staff believes that the proposed Zoning Map amendment has been justified and would recommend in favor of amending the Zoning Map for 26.03 acres to the Public Open Space (POS) zone from the Single Family Residential (R1) zone, with the following condition:

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.

ATTACHMENTS

- Zoning Map Amendment Application
- Current City of Flagstaff Zoning Map
- Floodway/Floodplain Map
- Public Hearing Legal Advertisements

Buffalo Park

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

RECEIVED NOV 12 2015

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

File Number: PZ-15-00139, PZ-15-00139-01

Property Owner(s): City of Flagstaff	Title	Phone	Email
Mailing Address: 211 W. Aspen Ave			City, State, Zip: Flagstaff, AZ. 86001
Applicant(s): —	Title	Phone —	Email —
Mailing Address: —			City, State, Zip: —
Project Representative): Steve Zimmerman	Title: Parks Mgr.	Phone: 928-213-2192	Email: szimmerman@flagstaffaz.gov
Mailing Address: 211 W. Aspen Ave			City, State, Zip: Flagstaff, AZ. 86001

Requested Review: ☒ Zoning Map Amendment ☒ Minor Regional Plan Amendment ☐ Continued

Site Address: N/A	Parcel Number(s): 110-03-001B	Subdivision, Tract & Lot Number: N/A
Existing Zoning District: R1/PF	Proposed Zoning District: Public Open Space (POS)	Existing Regional Plan Land Use Category: Area in White
Existing Use: Vacant		Proposed Use: Open Space / Park

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?

Requested Urban Growth Boundary Change (If Applicable): N/A	Proposed Regional Plan Land Use Category: Park / Open Space

Property Owner Signature(required)	Date:	Applicant Signature	Date:
Josh Copley	2/8/16	Steve Zimmerman	2/8/16

For City Use

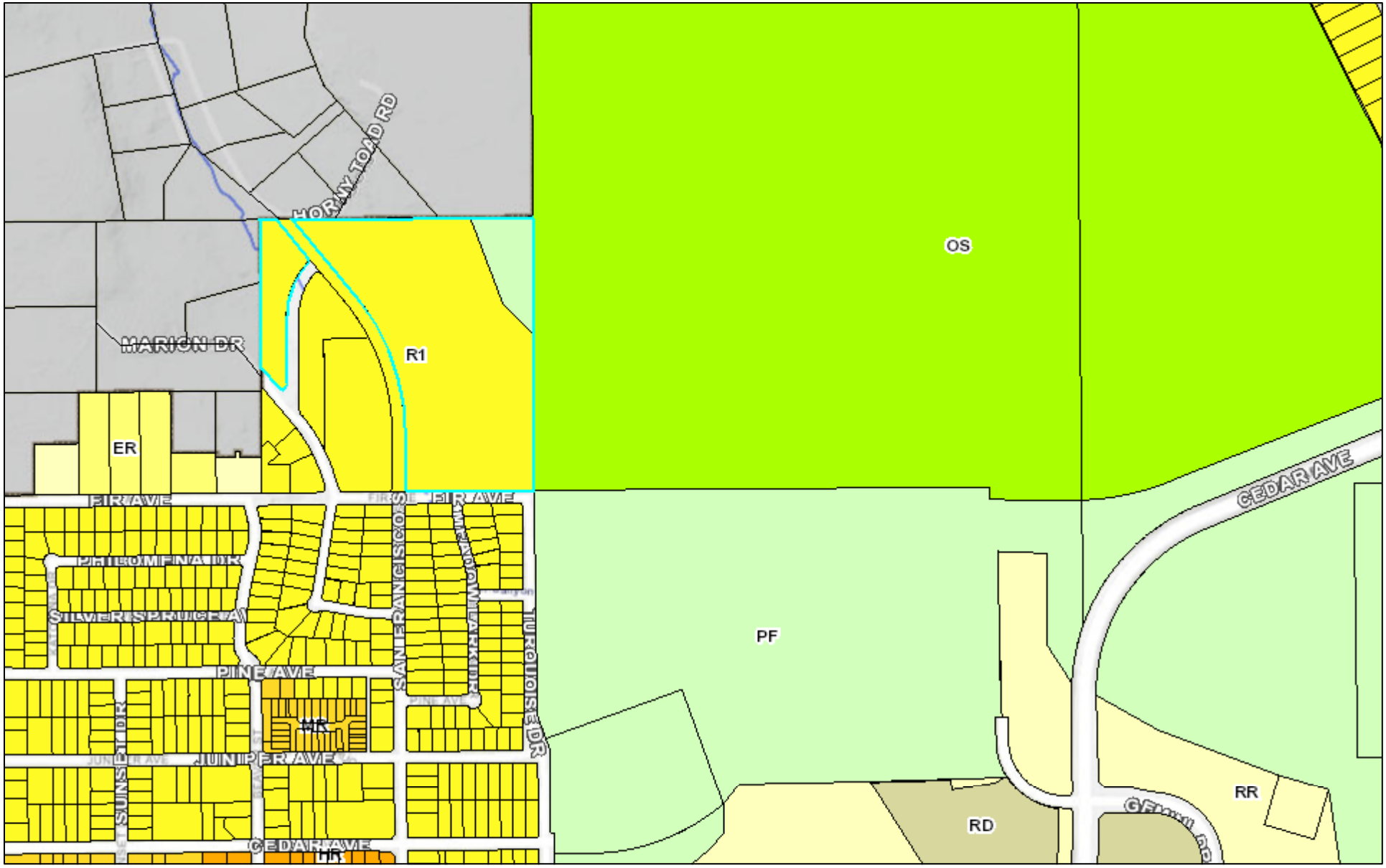
Date Filed:	File Number(s):		Type of Zoning Map Amendment: ☐ Small scale ☐ Medium scale ☐ Large scale ☐ Multi-phase scale
P & Z Hearing Date:	Publication and Posting Date:		
Council Hearing Date:	Publication and Posting Date:		
Fee Receipt Number:	Amount:	Date:	

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Mary	Kent	Jim	Chris

Rev. 2/10/14

City of Flagstaff - Zoning Map



February 16, 2016

Parcels

1:8,000

0 0.05 0.1 0.2 mi

0 0.1 0.2 0.4 km

COF GIS

Web AppBuilder for ArcGIS

City of Flagstaff Utilties Department

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Flagstaff Planning and Zoning Commission will hold a Public Hearing on February 24, 2016, at 4:00 p.m. and the Flagstaff City Council will hold a Public Hearing on March 22, 2016, at 6:00 p.m. to consider a Zoning Map amendment request.

A. Explanation of Matters to be Considered:

1. A proposed Regional Plan Amendment to change the area type designation from Area in White to Park/Open Space on Maps 21 and 22 of the Flagstaff Regional Plan.

2. A proposed Zoning Map Amendment to rezone the property from Single Family Residential (R1) and Public Facility (PF) to Public Open Space (POS) with the Rural Floodplain designation added to the FEMA floodplain boundaries.

The site is located at the north end of San Francisco St. and is adjacent to the City operated Buffalo Park property, on a parcel totaling 26.03 acres. A private drive divides the parcel. The site location is described in Part B below and is highlighted on the map.

B. General Description of the Affected Area:

Approximately 26.03 acres, Coconino County Assessor's Parcel Number 110-03-001B; within Section 10, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, City of Flagstaff, Coconino County, Arizona.

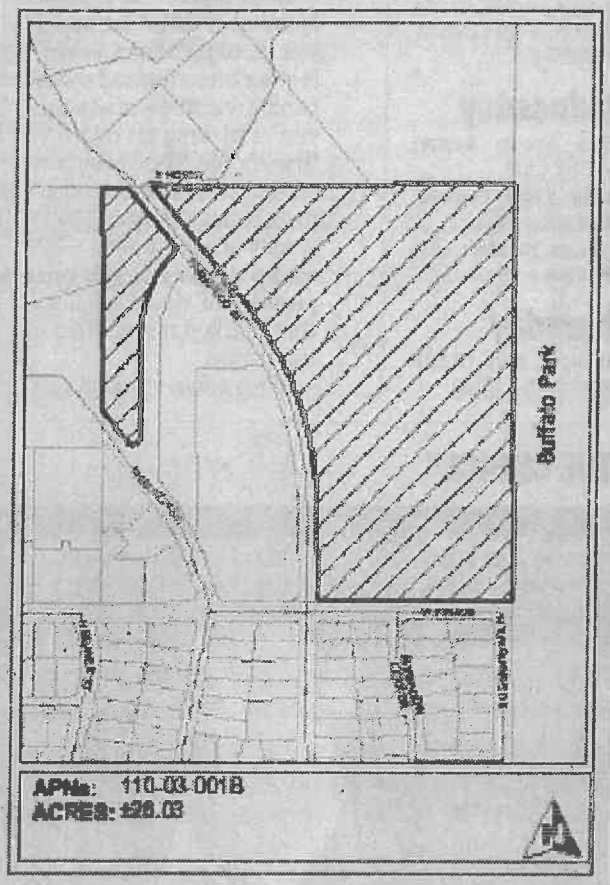
The Council hearing for these items may be continued if the Planning and Zoning Commission has not given a recommendation.

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

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

PROPOSED REGIONAL PLAN AMENDMENT
Map 21 and 22 area type change from Area in White to Park/Open Space

PROPOSED ZONING MAP AMENDMENT
Single Family Residential (R1) Zone and Public Facility (PF) Zone to Public Open Space (POS) Zone with the Rural Floodplain designation



FOR FURTHER INFORMATION CONTACT

Jennifer Mikelson
Associate Planner
Planning & Development Services
211 West Aspen Avenue
Flagstaff, Arizona 86001
(928) 213-2615
jmikelson@flagstaffaz.gov

Publish: February 5, 2016

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.

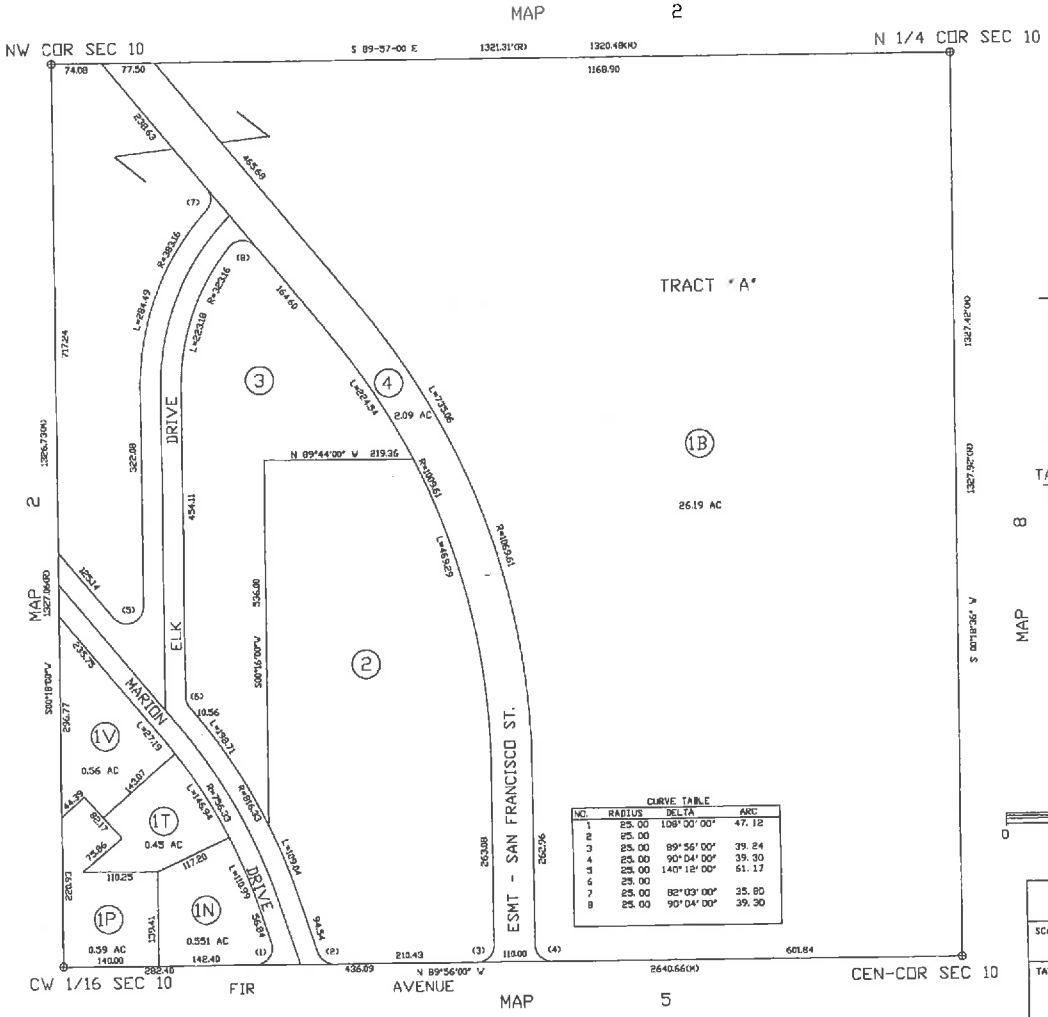
AND EXCEPT that portion of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, lying Southwesterly of Marion Drive, as dedicated in instrument recorded in Docket 246, Page 470, records of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

SE1/4, NW1/4 SEC10 T21N-R07E

(ALSO KNOWN AS TRACT 'A' OF COUNTRY CLUB SUB.)

BOOK 110
MAP 3
SHEET 1 OF 1



CURVE TABLE			
NO.	RADIUS	DELTA	ARC
1	25.00	108°00'00"	47.12
2	25.00		
3	25.00	89°56'00"	39.24
4	25.00	90°04'00"	39.30
5	25.00	140°12'00"	61.17
6	25.00		
7	25.00	82°03'00"	35.80
8	25.00	90°04'00"	39.30

SURVEYS
BOOK 5 PAGE 82
" 18 " 19

NOTES
SUB. PLAT RECORDED 1918
BK 1 MAP 30 NEVER SET UP AS SUCH
COUNTY OFFICIALLY ABANDONED PLAT
IN 301/733 04/04/1968

307/314-316 ROW - CITY OF FLAGSTAFF

3087688 DCD, 3089537 DD FOR
PORTION OF SAN FRANCISCO ST.

JUDGMENT 3128706 02/19/2002
SAN FRANCISCO ST. - ESMT

YEAR	CANCEL
1968	1
1972	1A
1974	1C
1977	1E
1977	1D
1978	1H
1984	1F
1984	1K
1995	1G, L=1P, R, S
1996	1S, J=1T
1996	1M, R=1V

TAX YR	CANCEL
2003	ROW=4

SCALE (feet)
0 120 240 360 480

Original
"FOR INFORMATION ONLY, NO LIABILITY ASSUMED"

COCONINO COUNTY ASSESSOR

SCALE	LAST REVISION
1" =120'	03-17-2003

TAX CODE	PARCELS	MARKET/SUB	PARCELS
0150		03/02	

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 5th 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.

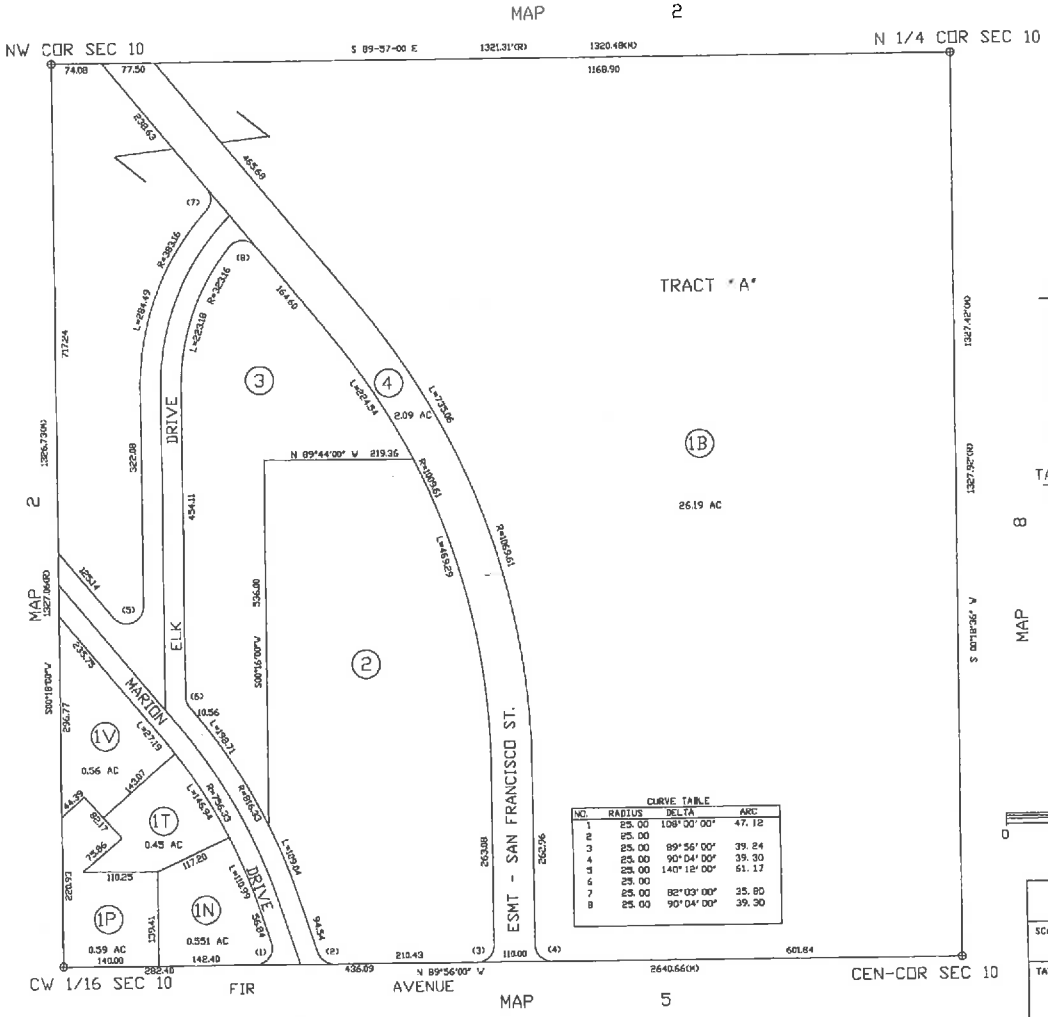
AND EXCEPT that portion of the Southeast quarter of the Northwest quarter of Section 10, Township 21 North, Range 7 East of the Gila and Salt River Base and Meridian, Coconino County, Arizona, lying Southwesterly of Marion Drive, as dedicated in instrument recorded in Docket 246, Page 470, records of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

SE1/4, NW1/4 SEC10 T21N-R07E

(ALSO KNOWN AS TRACT 'A' OF COUNTRY CLUB SUB.)

BOOK 110
MAP 3
SHEET 1 OF 1



CURVE TABLE			
NO.	RADIUS	DELTA	ARC
1	25.00	108°00'00"	47.12
2	25.00		
3	25.00	89°56'00"	39.24
4	25.00	90°04'00"	39.30
5	25.00	140°12'00"	61.17
6	25.00		
7	25.00	82°03'00"	35.80
8	25.00	90°04'00"	39.30

SURVEYS
BOOK 5 PAGE 82
" 18 " 19

NOTES
SUB. PLAT RECORDED 1918
BK 1 MAP 30 NEVER SET UP AS SUCH
COUNTY OFFICIALLY ABANDONED PLAT
IN 301/733 04/04/1968

307/314-316 ROW - CITY OF FLAGSTAFF

3087688 DCD, 3089537 DD FOR
PORTION OF SAN FRANCISCO ST.

JUDGMENT 3128706 02/19/2002
SAN FRANCISCO ST. - ESMT

YEAR	CANCEL
1968	1
1972	1A
1974	1C
1977	1E
1977	1D
1978	1H
1984	1F
1984	1K
1995	1G, L=1P, R, S
1996	1S, J=1T
1996	1M, R=1V

TAX YR	CANCEL
2003	ROW=4

SCALE (feet)
0 120 240 360 480

Original
"FOR INFORMATION ONLY, NO LIABILITY ASSUMED"

COCONINO COUNTY ASSESSOR

SCALE	LAST REVISION
1" =120'	03-17-2003

TAX CODE	PARCELS	MARKET/SUB	PARCELS
0150		03/02	

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:

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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;

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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";

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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';

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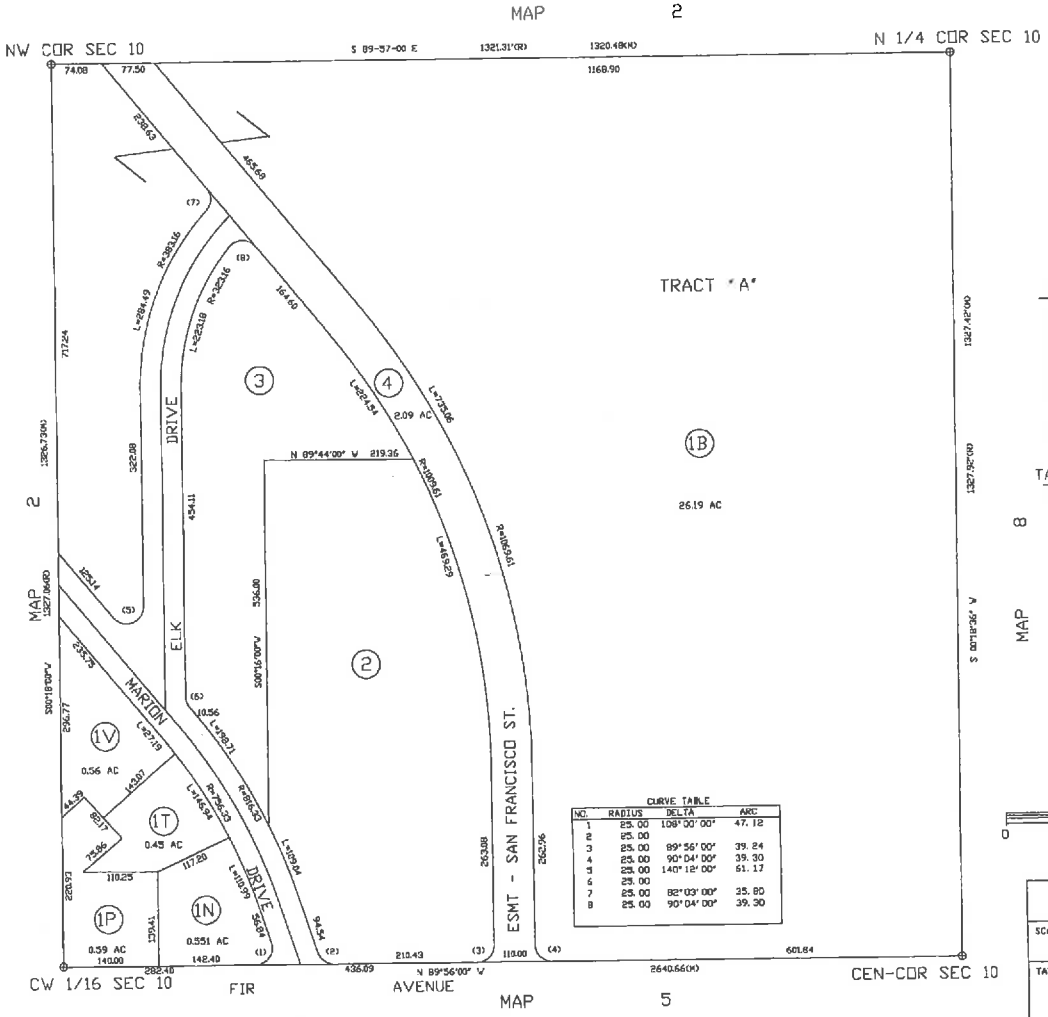
SE1/4, NW1/4 SEC10 T21N-R07E

(ALSO KNOWN AS TRACT 'A' OF COUNTRY CLUB SUB.)

BOOK 110
MAP 3
SHEET 1 OF 1



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SURVEYS
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307/314-316 ROW - CITY OF FLAGSTAFF

3087688 DCD, 3089537 DD FOR
PORTION OF SAN FRANCISCO ST.

JUDGMENT 3128706 02/19/2002
SAN FRANCISCO ST. - ESMT

YEAR	CANCEL
1968	1
1972	1A
1974	1C
1977	1E
1977	1D
1978	1H
1984	1F
1984	1K
1995	1G, L=1P, R, S
1996	1S, J=1T
1996	1M, R=1V

TAX YR	CANCEL
2003	ROW=4

SCALE (feet)
0 120 240 360 480

Original
"FOR INFORMATION ONLY, NO LIABILITY ASSUMED"

COCONINO COUNTY ASSESSOR

SCALE	LAST REVISION
1" =120'	03-17-2003

TAX CODE	PARCELS	MARKET/SUB	PARCELS
0150		03/02	

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Jennifer Mikelson, Associate Planner

Date: 03/16/2016

Meeting Date: 03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-09: A resolution amending the Flagstaff Regional Plan 2030 to change the area type designations on Maps 21 and 22 from Existing Suburban and Future Urban to Park/Open Space area type for approximately 1.07 acres located at 805 West Clay Avenue. ***(Guadalupe Park Minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold the Public Hearing
2) Read Resolution No. 2016-09 by title only
3) City Clerk reads Resolution No. 2016-09 by title only (if approved above)
4) Adopt Resolution No. 2016-09

Executive Summary:

A minor Flagstaff Region Plan 2030 amendment request to change the area type designation on Maps 21 and 22 from Existing Suburban and Future Urban to Parks/Open Space for approximately 1.07 acres located at 805 West Clay Avenue.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:
Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.
Goal NH.1. Foster and maintain healthy and diverse urban, suburban, and rural neighborhoods in the Flagstaff region.

Has There Been Previous Council Decision on This:

This is an action item from the Plaza Vieja Neighborhood Plan, adopted by Council in October 2015 (Resolution 2015-35).

Options and Alternatives:

Options and Alternatives:
1) Approve the resolution as proposed
2) Approve the resolution with conditions
3) Deny the resolution

Background/History:

The applicant, City of Flagstaff Parks and Recreation Department, is requesting a minor Plan amendment to ensure conformance with a proposed Zoning Map amendment to designate city owned property with Public Facility (PF) zoning. Removing the Existing Suburban/Future Urban area types and leaving only the Park/Open Space will affect approximately 1.07 acres of land depicted on the Future Growth Illustration (Maps 21 and 22). The amendment table on page III-9 of the Plan states that a minor Plan amendment is appropriate for the designation of any land for open space. In this instance, the Public Facility (PF) zoning category is considered a Park/Open Space land use category given its development and use restrictions. Most public parks in the city are also zoned Public Facility (PF). Formalizing the Parks/Open Space area type designation over the subject site will provide better clarity on interpretation of the Future Growth Illustration. The Illustration currently shows an assortment of overlaid area types on the subject property which do not provide clear direction about preferred land uses. This application will remove the superfluous area types in favor of the single Park/Open Space area type.

The subject property is located at 805 West Clay Avenue in the La Plaza Vieja Neighborhood, and is known as Guadalupe Park. Existing access to the site will continue, as will the existing parking and portable bathroom facilities. Other future improvements to the park will be determined by the Parks Department.

Key Considerations:

The Planning and Zoning Commission and Council shall find that the proposed *Flagstaff Regional Plan 2030* (FRP30 or the Plan) amendment meets the requirements of the General Plan and Subdivision Code (City Code Title 11). In considering the request for an amendment to the Plan, the goals and policies in the Plan should be considered to ensure that the requested change to the Future Growth Illustration is in conformance to the overall vision of the Plan. "The Flagstaff Regional Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through goals and policies" (p. III-4). "General plans are not static documents; they recognize growth as a dynamic process, which may require revisions to the plan as circumstances or changes warrant" (p. III-1).

As discussed in the "How This Plan Works" chapter (page III-4), the *Flagstaff Regional Plan 2030* is used in the regulatory decision-making process by the Planning & Zoning Commission, City Council and city staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or annexations, approval which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies. The Future Growth Illustration on Maps 21 (regional scale) and 22 (city scale) and the text of the Plan will provide supplemental information for the

interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail. The Future Growth Illustration displays broad land use categories, called "area types," which describe the placemaking context of Urban, Suburban, Rural, Special Planning Area, Park/Open Space, or in some cases, Area in White. Areas in White retain existing entitlements and have no other assigned area type. In most cases, these parcels are public lands held by the Forest Service or city.

Expanded Financial Considerations:

None

Community Benefits and Considerations:

Community benefits and considerations related to this minor Regional Plan Amendment request are addressed in the attached Planning and Zoning Commission staff report dated February 19, 2016.

Community Involvement:

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with the Zoning Map amendment request. In accordance with Arizona Revised Statute and Section 10-20.30.080 (p. 20.30-9) of the Zoning Code, notice of the public hearings was provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 600 feet of the subject property. The mailing asked residents and property owners to attend the October 19, 2015 Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. No members of the public attended this meeting and there were no email inquiries about this Plan amendment.

Expanded Options and Alternatives:

None

Attachments:

PZ Staff Report
Application
Proposed Future Growth Illustration
Public Notice
Res. 2016-09
Res. 2016-09

PLANNING AND DEVELOPMENT SERVICES REPORT
FLAGSTAFF REGIONAL PLAN 2030 AMENDMENT

PUBLIC HEARING	**DATE:**	**February 19, 2016**
PZ-15-00138-01	**MEETING DATE:**	**February 24, 2016**
	REPORT BY:	**Jennifer Mikelson**

REQUEST:

A minor *Flagstaff Regional Plan 2030* amendment request by the City of Flagstaff to change the area type designation on Map 21 and 22 from Existing Suburban and Future Urban, to Park/Open Space for approximately 1.07 acres located at 805 West Clay Avenue.

STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission forward the minor *Flagstaff Regional Plan 2030* amendment to the City Council with a recommendation for approval.

PRESENT LAND USE

City park with a baseball field in the Existing Suburban/Future Urban, and Park/Open Space area type categories.

PROPOSED LAND USE

Parks/Open Space area type, which would reflect the existing active recreational use.

NEIGHBORHOOD DEVELOPMENT

North: Single family residences; Single Family Residential Neighborhood (R1N) zone
East: Commercial business; Highway Commercial (HC) zone
South: Multi-family residential development; High Density Residential (HR) zone
West: Single family residences; Highway Commercial (HC) zone

REQUIRED FINDINGS

The Planning and Zoning Commission shall find that the proposed *Flagstaff Regional Plan 2030* (FRP30 or the Plan) amendment meets the requirements of the General Plan and Subdivision Code (City Code Title 11).

In considering the request for an amendment to the Plan, the goals and policies in the Plan should be considered to ensure that the requested change to the Future Growth Illustration is in conformance to the overall vision of the Plan. "The Flagstaff Regional Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through goals and policies" (p. III-4). "General plans are not static documents; they recognize growth as a dynamic process, which may require revisions to the plan as circumstances or changes warrant" (p. III-1).

STAFF REVIEW

Introduction/Background Discussion

This request is the first of two related items on the Commission's agenda; the second item is identified as a Zoning Map amendment request.

The applicant, City of Flagstaff Recreation Department, is requesting a minor Plan amendment to ensure conformance with a proposed Zoning Map amendment to designate city owned property with Public Facility (PF) zoning. Removing the Existing Suburban/Future Urban area types and leaving only the Park/Open Space will affect approximately 1.07 acres of land depicted on the Future Growth Illustration (Maps 21 and 22). The amendment table on page III-9 of the Plan states that a minor Plan amendment is appropriate for the designation of any land for open space. In this instance,

the Public Facility (PF) zoning category is considered a Park/Open Space land use category given its development and use restrictions. Most public parks in the city are also zoned Public Facility (PF). Formalizing the Parks/Open Space area type designation over the subject site will provide better clarity on interpretation of the Future Growth Illustration. The Illustration currently shows an assortment of overlaid area types on the subject property which do not provide clear direction about preferred land uses. This application will remove the superfluous area types in favor of the single Park/Open Space area type.

The subject property is located at 805 West Clay Avenue in the La Plaza Vieja Neighborhood, and is known as Guadalupe Park. Existing access to the site will continue, as will the existing parking and portable bathroom facilities. Other future improvements to the park will be determined by the Parks Department.

Flagstaff Regional Plan 2030 Amendment Request

As discussed in the "How This Plan Works" chapter (page III-4), the *Flagstaff Regional Plan 2030* is used in the regulatory decision-making process by the Planning & Zoning Commission, City Council and city staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or annexations, approval which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies. The Future Growth Illustration on Maps 21 (regional scale) and 22 (city scale) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail. The Future Growth Illustration displays broad land use categories, called "area types," which describe the placemaking context of Urban, Suburban, Rural, Special Planning Area, Park/Open Space, or in some cases, Area in White. Areas in White retain existing entitlements and have no other assigned area type. In most cases, these parcels are public lands held by the Forest Service or city.

Attached are exhibits comparing the existing and proposed Future Growth Illustrations. The Plan's maps and any applicable text should be considered in the context of the Plan's goals and policies. A discussion of the FRP30 goals and policies is provided below.

APPLICABLE GENERAL PLAN GOALS AND POLICIES

Recreation
Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.
Policy Rec.1.1. Integrate active and passive recreational sites within walking distance throughout the region to promote a healthy community for all City and County residents and visitors.

Neighborhoods, Housing, and Urban Conservation
Goal NH.1. Foster and maintain healthy and diverse urban, suburban, and rural neighborhoods in the Flagstaff region.
Policy NH.1.1. Preserve and enhance existing neighborhoods.

APPLICABLE SPECIFIC PLAN GOALS AND POLICIES

Parks and Community Spaces (From the *La Plaza Vieja Neighborhood Specific Plan*)
Goal 3: Enhance parks maintenance, design, and connection
Ensure City parks in La Plaza Vieja provide safe, user-friendly, and interactive neighborhood spaces for gatherings and family activities.
Goal 5: Community Centers and Spaces
Provide publicly accessible meeting spaces throughout La Plaza Vieja for education and social events; and provide resources for local children, seniors, and small businesses.
Implementation Strategy 6T.3: Rezone all city owned parks in La Plaza Vieja to the Public Facilities zone.

Applying the Parks/Open Space area type reflects its current use as a neighborhood park and protects the continued use of the property for that purpose. The baseball field and playground are valuable recreational amenities that assist in the preservation of existing neighborhood character. The proximity of Guadalupe Park to La Plaza Vieja's residents and other nearby urban neighborhoods allows for a healthy well connected community. Goals and policies in support of public recreational opportunities and urban neighborhood conservation are upheld in both the FRP30 and the La Plaza Vieja Neighborhood Specific Plan. Adding the Park/Open Space zone to the subject property will reflect a very specific implementation strategy set forth in the neighborhood's Specific Plan to rezone the Guadalupe Park.

Policy Analysis: In summary, appropriate zoning and area type designations ensure that Guadalupe Park will continue to serve as an active recreation facility to the surrounding neighborhood and the greater community. The list below identifies several key points and community benefits supporting (+) the proposed amendment:

+ This centrally located public park promotes connectivity to Flagstaff's urban neighborhoods.
+ Accessible recreational facilities are supported by several of the City's planning documents.
+ Ensuring the continued use of the park for recreation assists in preserving La Plaza Vieja's character.
+ The minor amendment supports the Specific Plan's implementation strategy and its vision of neighborhood preservation and enhancement of parks.

PUBLIC SYSTEMS IMPACT ANALYSIS

No public service impact analysis was required.

OTHER REQUIREMENTS

Citizen Participation: Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with the Zoning Map amendment request. In accordance with Arizona Revised Statute and Section 10-20.30.080 (p. 20.30-9) of the Zoning Code, notice of the public hearings was provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 600 feet of the subject property. The mailing asked residents and property owners to attend the October 19, 2015 Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. No members of the public attended this meeting and there were no email inquiries about this Plan amendment.

RECOMMENDATION

Staff believes that the proposed amendment to the regional plan is supportable under the guidelines of the *Flagstaff Regional Plan 2030*, and would recommend approval of the proposed amendment.

ATTACHMENTS

- Minor Regional Plan amendment application
- Future Growth Illustration – existing/proposed
- Public hearing legal advertisement

Guadalupe Park

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

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

Date Received			File Number: P2-15-00138 / P2-15-00138-01
Property Owner(s): CITY OF FLAGSTAFF	Title:	Phone: —	Email: —
Mailing Address: 211 W. ASPEN AVE			City, State, Zip: FLAGSTAFF, AZ, 86001
Applicant(s): —	Title:	Phone: —	Email: —
Mailing Address: —			City, State, Zip: —
Project Representative): STEVE ZIMMERMAN	Title: PARKS MGR.	Phone: 928-213-2192	Email: szimmerman@flagstaffaz.gov
Mailing Address: 211 W. ASPEN AVE			City, State, Zip: FLAGSTAFF, AZ, 86001
Requested Review	☒ Zoning Map Amendment	☒ Minor Regional Plan Amendment	☐ Continued

Site Address: 805 W CLAY AVE	Parcel Number(s): 103-02-001A, 103-02-001E	Subdivision, Tract & Lot Number: RIORDAN ADDITION
Existing Zoning District: HC - HIGHWAY COMMERCIAL	Proposed Zoning District: PUBLIC FACILITY (PF)	Existing Regional Plan Land Use Category: SUBURBAN → FUTURE URBAN
Existing Use: GUADALUPE PARK	Proposed Use: GUADALUPE PARK	

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?

Requested Urban Growth Boundary Change (If Applicable): N/A	Proposed Regional Plan Land Use Category: PARKS / OPEN SPACE

Property Owner Signature(required): Mark Copley	Date: 2/8/16	Applicant Signature: [signature]	Date: 2/8/16

For City Use

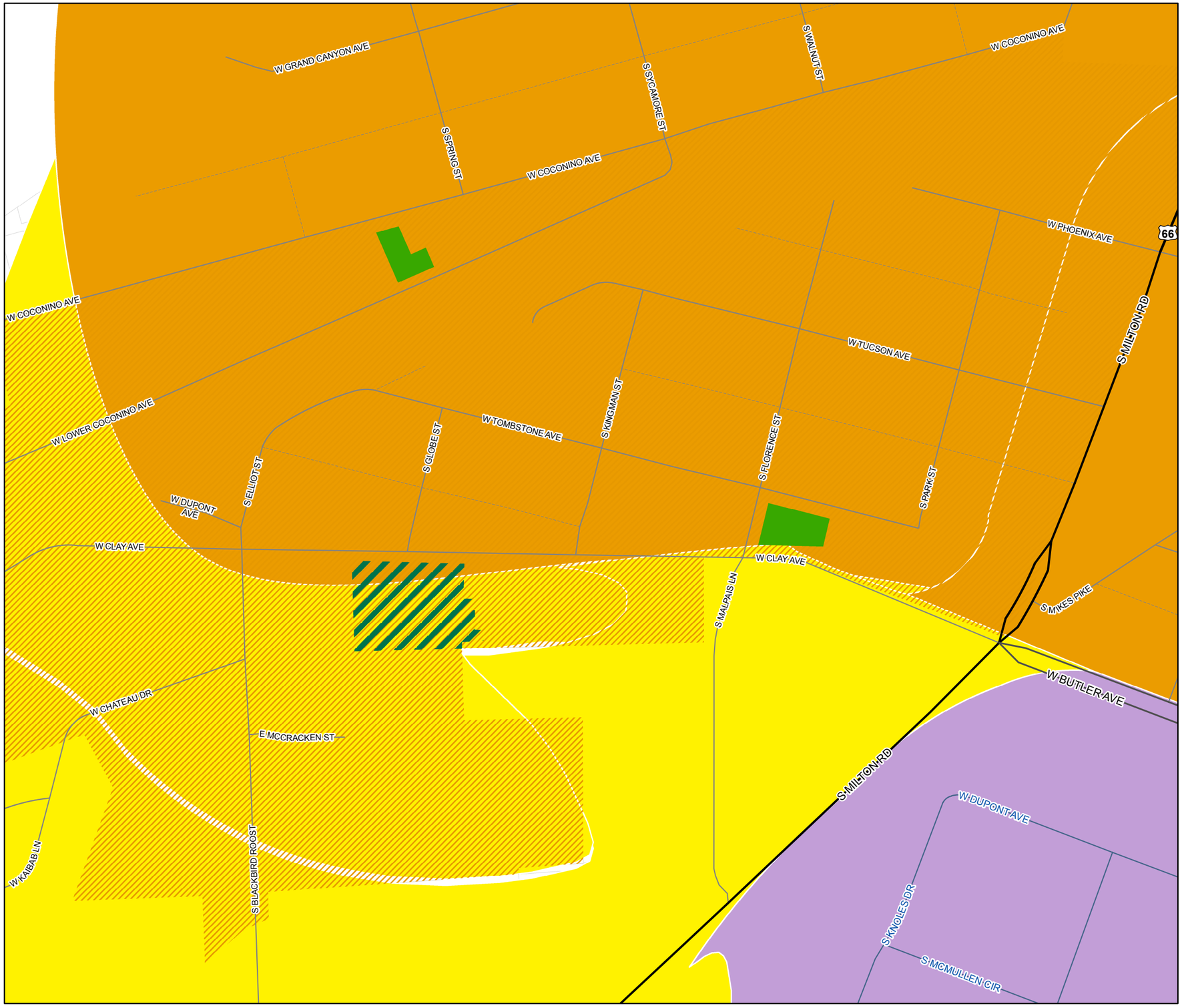
Date Filed:	File Number(s):		Type of Zoning Map Amendment: ☐ Small scale ☐ Medium scale ☐ Large scale ☐ Multi-phase scale
P & Z Hearing Date:	Publication and Posting Date:		
Council Hearing Date:	Publication and Posting Date:		
Fee Receipt Number:	Amount:	Date:	

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Gary	Kent	Jim	Chris

Rev. 2/10/14

Guadalupe Park Minor Plan Amendment



Legend

- Parks/Open Space
- Proposed Parks/Open Space
- Proposed City Limit

Growth Illustration Area Types- Future

Vision Area Types

- Rural - Future
- Suburban - Future
- Urban - Future
- Industrial / Business Park - Special District

Growth Illustration Area Types- Existing

Vision Area Types

- Existing Entitlements Retained
- Industrial / Business Park - Existing
- Rural - Existing
- Special District
- Suburban - Existing
- Urban - Existing
- City Limits Cartegraphic
- FMPO Boundary

Parcels

- Parcels

N

0 0.02 0.04 0.08 0.12 0.16 Miles

The Future Growth Illustration defines the geographic locations of area types and place types. It shows the spatial relationship of existing and future development and is intended to be used in conjunction with the Natural Environment Maps (Maps 6-8) and the Road Network Map (Map 25). This Illustration should not be relied upon to determine where specific land uses are allowed; that information is found in City Code Title 10 (Zoning Code) and the Zoning Map. In case of any conflict between the Future Growth Illustration and the Regional Plan's goals and policies, the goals and policies will prevail.

Date Saved: 2/12/2016 9:15:14 AM Author: Sara Dechter

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Flagstaff Planning and Zoning Commission will hold a Public Hearing on February 24, 2016, at 4:00 p.m. and the Flagstaff City Council will hold a Public Hearing on March 22, 2016, at 6:00 p.m. to consider a Zoning Map amendment request.

A. Explanation of Matters to be Considered:

1. A proposed Regional Plan Amendment to change the area type designation from Existing Suburban/Future Urban to Park/Open Space on Maps 21 and 22 of the Flagstaff Regional Plan.

2. A proposed Zoning Map Amendment to rezone the property from Highway Commercial (HC) to Public Facility (PF).

The site currently consists of a City operated baseball field on 2 separate parcels totaling 1.07 acres, located at 805 W. Clay Ave. The site location is described in Part B below and is highlighted on the map.

B. General Description of the Affected Area:

Approximately 1.07 acres, Coconino County Assessor's Parcel Numbers 103-02-001A and 103-02-001E within Section 21, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, City of Flagstaff, Coconino County, Arizona.

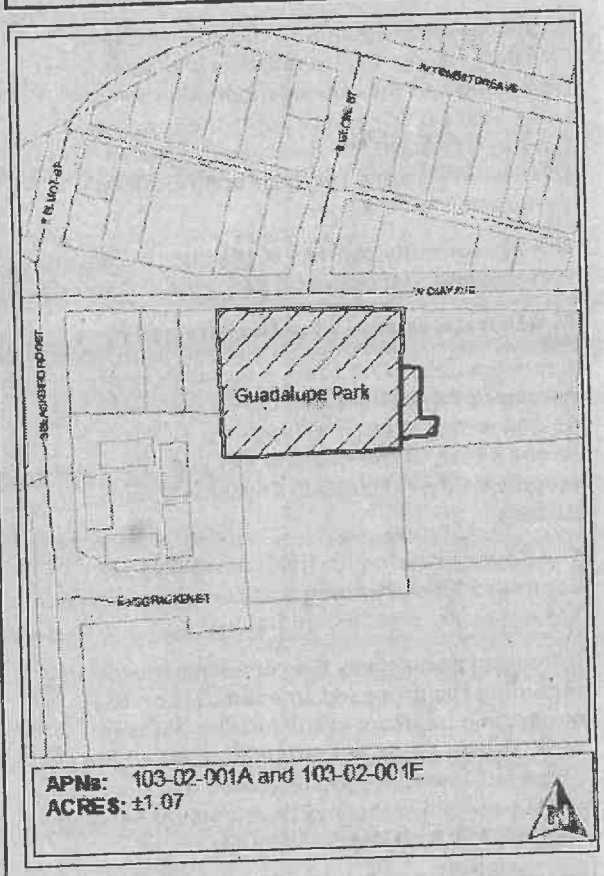
The Council hearing for these items may be continued if the Planning and Zoning Commission has not given a recommendation.

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

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

PROPOSED REGIONAL PLAN AMENDMENT
Map 21 and 22 area type change from Existing Suburban/Future Urban to Park/Open Space

PROPOSED ZONING MAP AMENDMENT
From Highway Commercial (HC) Zone to Public Facility (PF) Zone



FOR FURTHER INFORMATION CONTACT

Jennifer Mikelson
Associate Planner
Planning & Development Services
211 West Aspen Avenue
Flagstaff, Arizona 86001
(928) 213-2615
jmikelson@flagstaffaz.gov

Publish: February 5, 2016

RESOLUTION NO. 2016-09

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF REGIONAL PLAN 2030 TO CHANGE THE AREA TYPE DESIGNATIONS OF APPROXIMATELY 1.07 ACRES OF REAL PROPERTY ON MAPS 21 AND 22 LOCATED AT 805 WEST CLAY AVENUE FROM EXISTING SUBURBAN AND FUTURE URBAN TO PARK/OPEN SPACE AREA TYPE; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Regional Plan 2030 (the "Regional Plan") was adopted by the Mayor and Council of the City of Flagstaff (the "City Council") on January 14, 2014 and ratified by the qualified electors of the City of Flagstaff (the "City") on May 20, 2014; and

WHEREAS, among other things, the Regional Plan establishes the authority and procedure for minor amendments; and

WHEREAS, pursuant to section § 9-461.06, Arizona Revised Statutes, and the Regional Plan, the City has consulted with, advised, and provided the opportunity for public comment on the proposed amendment to the Regional Plan; and

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Planning and Zoning Commission held a public hearing on the proposed Regional Plan amendment on February 24, 2016, and provided notice of such hearing in the manner required by A.R.S. § 9-461.06(E).

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Council held a public hearing in the City Council Chambers on the proposed Regional Plan amendment on March 22, 2016, and provided notice of such hearing by publication of said notice in the manner required by A.R.S. § 9-461.06(E); and

WHEREAS, the City Council finds and determines that (i) proper notice of the proposed Regional Plan amendment has been given in a manner required by A.R.S. § 9-461.06, and (ii) that each of the required publications have been made in the *Arizona Daily Sun*, a newspaper of general circulation within the City; and

WHEREAS, the City Council desires to amend the Regional Plan to change the area type designations of approximately 1.07 acres of real property on Maps 21 and 22 located at 805 West Clay Avenue from Existing Suburban, Future Urban to Park/Open Space area type.

ENACTMENTS:

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

SECTION 1. That the Flagstaff Regional Plan 2030 is hereby amended to change the area type designations of approximately 1.07 acres of real property on Maps 21 and 22 located at 805 West Clay Avenue, as more particularly depicted in **Exhibit "A" (Future Growth**

Illustration – Proposed), from Existing Suburban and Future Urban Space to Park/Open Space area type,.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 3. This resolution 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 22nd day of March, 2016.

_____
MAYOR

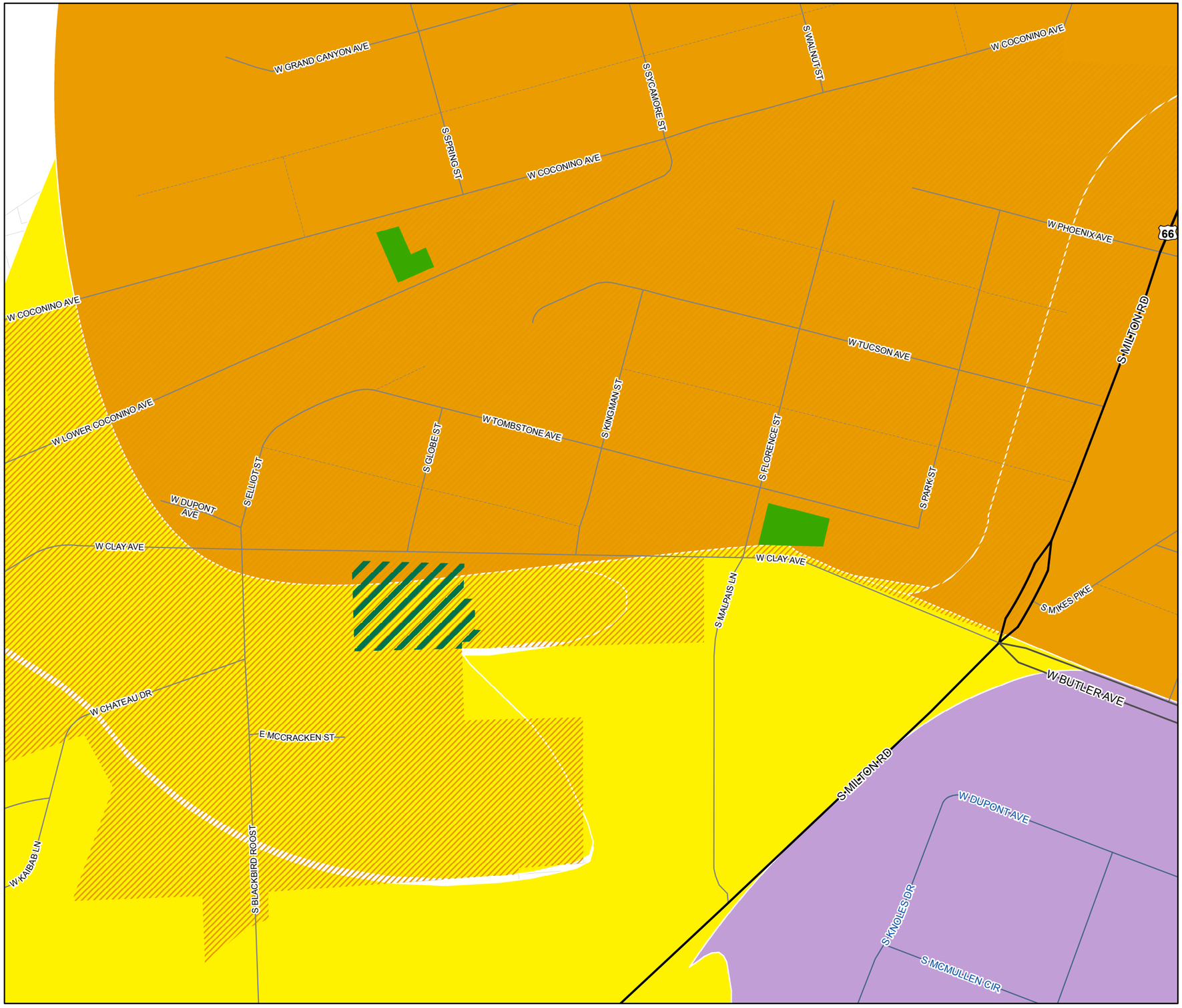
ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Guadalupe Park Minor Plan Amendment



Legend

- Parks/Open Space
- Proposed Parks/Open Space
- Proposed City Limit

Growth Illustration Area Types- Future

Vision Area Types

- Rural - Future
- Suburban - Future
- Urban - Future
- Industrial / Business Park - Special District

Growth Illustration Area Types- Existing

Vision Area Types

- Existing Entitlements Retained
- Industrial / Business Park - Existing
- Rural - Existing
- Special District
- Suburban - Existing
- Urban - Existing
- City Limits Cartegraphic
- FMPO Boundary

Parcels

- Parcels

N

0 0.02 0.04 0.08 0.12 0.16 Miles

The Future Growth Illustration defines the geographic locations of area types and place types. It shows the spatial relationship of existing and future development and is intended to be used in conjunction with the Natural Environment Maps (Maps 6-8) and the Road Network Map (Map 25). This Illustration should not be relied upon to determine where specific land uses are allowed; that information is found in City Code Title 10 (Zoning Code) and the Zoning Map. In case of any conflict between the Future Growth Illustration and the Regional Plan's goals and policies, the goals and policies will prevail.

Date Saved: 2/12/2016 9:15:14 AM Author: Sara Dechter

RESOLUTION NO. 2016-09

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF REGIONAL PLAN 2030 TO CHANGE THE AREA TYPE DESIGNATIONS OF APPROXIMATELY 1.07 ACRES OF REAL PROPERTY ON MAPS 21 AND 22 LOCATED AT 805 WEST CLAY AVENUE FROM EXISTING SUBURBAN AND FUTURE URBAN TO PARK/OPEN SPACE AREA TYPE; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Regional Plan 2030 (the "Regional Plan") was adopted by the Mayor and Council of the City of Flagstaff (the "City Council") on January 14, 2014 and ratified by the qualified electors of the City of Flagstaff (the "City") on May 20, 2014; and

WHEREAS, among other things, the Regional Plan establishes the authority and procedure for minor amendments; and

WHEREAS, pursuant to section § 9-461.06, Arizona Revised Statutes, and the Regional Plan, the City has consulted with, advised, and provided the opportunity for public comment on the proposed amendment to the Regional Plan; and

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Planning and Zoning Commission held a public hearing on the proposed Regional Plan amendment on February 24, 2016, and provided notice of such hearing in the manner required by A.R.S. § 9-461.06(E).

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Council held a public hearing in the City Council Chambers on the proposed Regional Plan amendment on March 22, 2016, and provided notice of such hearing by publication of said notice in the manner required by A.R.S. § 9-461.06(E); and

WHEREAS, the City Council finds and determines that (i) proper notice of the proposed Regional Plan amendment has been given in a manner required by A.R.S. § 9-461.06, and (ii) that each of the required publications have been made in the *Arizona Daily Sun*, a newspaper of general circulation within the City; and

WHEREAS, the City Council desires to amend the Regional Plan to change the area type designations of approximately 1.07 acres of real property on Maps 21 and 22 located at 805 West Clay Avenue from Existing Suburban, Future Urban to Park/Open Space area type.

ENACTMENTS:

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

SECTION 1. That the Flagstaff Regional Plan 2030 is hereby amended to change the area type designations of approximately 1.07 acres of real property on Maps 21 and 22 located at 805 West Clay Avenue, as more particularly depicted in **Exhibit "A" (Future Growth**

Illustration – Proposed), from Existing Suburban and Future Urban Space to Park/Open Space area type,.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 3. This resolution 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 22nd day of March, 2016.

_____
MAYOR

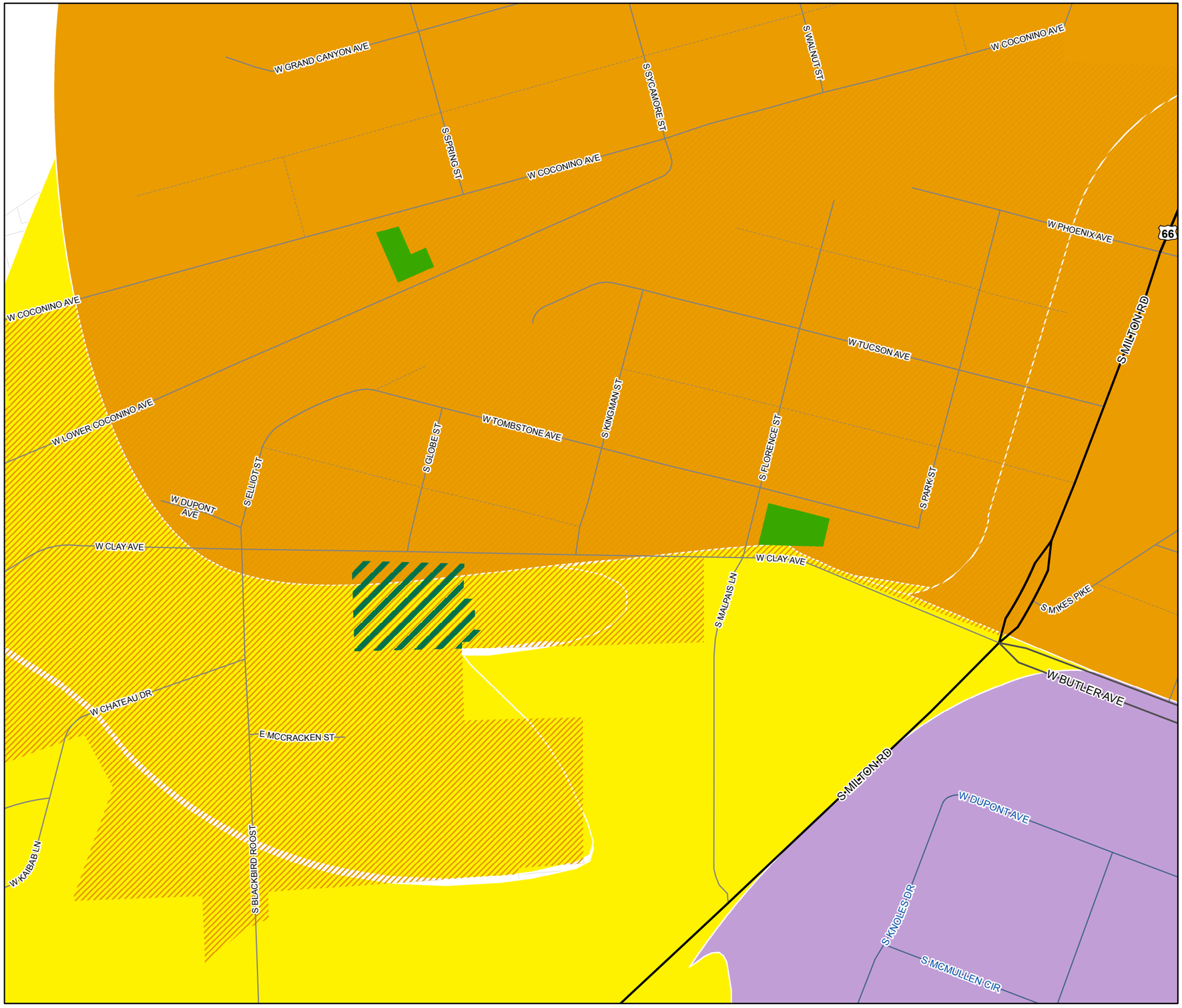
ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Guadalupe Park Minor Plan Amendment



Legend

- Parks/Open Space
- Proposed Parks/Open Space
- Proposed City Limit

Growth Illustration Area Types- Future

Vision Area Types

- Rural - Future
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Parcels

- Parcels

N

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Date Saved: 2/12/2016 9:15:14 AM Author: Sara Dechter

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Jennifer Mikelson, Associate Planner

Date: 03/16/2016

Meeting Date: 03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-15: An ordinance 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) to Public Facility (PF). ***(Guadalupe Park Zoning Map Amendment)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold the Public Hearing
2) Read Ordinance No. 2016-15 by title only for the first time
3) City Clerk reads Ordinance No. 2016-15 by title only (if approved above)

At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-15 by title only for the final time
5) City Clerk reads Ordinance No. 2016-15 by title only (if approved above)
6) Adopt Ordinance No. 2016-15

Executive Summary:

A Zoning Map amendment request to rezone approximately 1.07 acres located at 805 West Clay Avenue from Highway Commercial (HC) to Public Facility (PF).

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:

Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.
Goal NH.1. Foster and maintain healthy and diverse urban, suburban, and rural neighborhoods in the Flagstaff region.

Has There Been Previous Council Decision on This:

This is an action item from the Plaza Vieja Neighborhood Plan, adopted by Council in October 2015 (Resolution 2015-35).

Options and Alternatives:

Options and Alternatives:
1) Approve the ordinance as proposed
2) Approve the ordinance with conditions
3) Deny the ordinance based on the required findings in Section 10-20.50.040(F)(1)(a) of the Flagstaff Zoning Code

Background/History:

The Applicant, the City of Flagstaff Parks and Recreation Department, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 1.07 acres to the Public Facility (PF) zone. A Public Facility (PF) designation would better align with the site's existing and anticipated future use as a city park. The primary intention of this rezoning case is to carry forward an implementation strategy set forth in the Specific Plan to rezone both parks located in the neighborhood's Transition Area. This rezoning case supports a vision of neighborhood preservation and enhancement of parks as stated in the La Plaza Neighborhood Specific Plan.

Key Considerations:

All proposed amendments shall be evaluated as to whether the application is consistent with and conforms to the goals of the General Plan and any applicable specific plans; and 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.

Expanded Financial Considerations:

None

Community Benefits and Considerations:

Community benefits and considerations related to this Zoning Map amendment request are addressed in the attached Planning and Zoning Commission staff report dated February 19, 2016.

Community Involvement:

All property owners within 600-feet of this site were notified via mail of the zoning map amendment and asked to attend the October 19, 2015 Parks and Recreation Commission meeting. Additionally, a notice was run in the Daily Sun, which discussed the zoning map amendment and identified the Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. No members of the public inquired about the rezoning of the property.

Expanded Options and Alternatives:

None

Attachments:

PZ Staff Report
Application
Current Zoning Map
Public Notice
LPVNA Letter
Exhibit A
Ord. 2016-15

PLANNING AND DEVELOPMENT SERVICES REPORT
ZONING MAP AMENDMENT

PUBLIC HEARING	**DATE:**	**February 19, 2016**
PZ-15-00138	**MEETING DATE:**	**February 24, 2016**
	REPORT BY:	**Jennifer Mikelson**

REQUEST

A Zoning Map amendment request from the City of Flagstaff Parks and Recreation Department, on behalf of the property owner, City of Flagstaff, to rezone approximately 1.07 acres within Section 21, Township 21 North, Range 7 East, from the Highway Commercial (HC) zone to the Public Facility (PF) zone.

STAFF RECOMMENDATION

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

PRESENT LAND USE

The site is known as Guadalupe Park and is utilized as a baseball field with minimal parking and portable restroom facilities.

PROPOSED LAND USE

No change of use is anticipated on the site.

NEIGHBORHOOD DEVELOPMENT

North: Single family residences; Single Family Residential Neighborhood (R1N) zone
East: Commercial business; Highway Commercial (HC) zone
South: Multi-family residential development; High Density Residential (HR) zone
West: Single family residences; Highway Commercial (HC) 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 set forth whether the Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied; and shall include an evaluation of the consistency and conformance of the proposed amendment to the goals of the General Plan and any applicable specific plans; and a recommendation on the amendment based on the standards of the zones set forth in Section 10-40.20 "Establishment of Zones" of the Zoning Code (Page 40.20-1).

FINDINGS FOR REVIEWING PROPOSED AMENDMENTS. All proposed amendments shall be evaluated as to whether the application is consistent with and conforms to the goals of the General Plan and any applicable specific plans; and 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, the City of Flagstaff Recreation Department, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 1.07 acres to the Public Facility (PF) zone. A Public Facility (PF) designation would better align with the site's existing and anticipated future use as a city park. The primary intention of this rezoning case is to carry forward an implementation strategy set forth in the Specific Plan to rezone both parks located in the neighborhood's Transition Area. This rezoning case supports a vision of neighborhood preservation and enhancement of parks as stated in the La Plaza Neighborhood Specific Plan.

Proposed Development Concept Plans

No change of use is anticipated on the subject property.

General Plan – Flagstaff Regional Plan 2030:

Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

La Plaza Neighborhood Specific Plan:

Goal 3: Enhance parks maintenance, design, and connection
Ensure City parks in La Plaza Vieja provide safe, user-friendly, and interactive neighborhood spaces for gatherings and family activities.
Implementation Strategy 6T.3: Rezone all city owned parks in La Plaza Vieja to the Public Facilities zone.

The application of the Public Facility (PF) zone implements the above goals of the FRP30 and the La Plaza Vieja Neighborhood Specific Plan. This rezoning also specifically enacts an implementation strategy from the neighborhood's Specific Plan. Applying the Public Facility (PF) zone to the property reflects its current use as a neighborhood park and protects the continued use of the property for that purpose.

Zoning – City of Flagstaff Zoning Code:

The Public Facility (PF) zone applies to public and quasi-public lands within the city. The intent of the Public Facility (PF) zone is intended to preserve and encourage the establishment of public lands and to provide an area within the City for active and passive recreation uses, parks, public open space, governmental buildings and facilities, schools and school grounds, quasi-public buildings and facilities, and related uses.

PUBLIC SYSTEMS IMPACT ANALYSIS

Traffic and Access: No analysis was required.

Water and Wastewater: No analysis was required.

Stormwater: No stormwater improvements have been required.

Parks and Recreation: This zoning map amendment is not expected to impact operations and maintenance of the existing park.

OTHER REQUIREMENTS

Resources: The subject property is not located within the Resource Protection Overlay (RPO) zone.

Citizen Participation: All property owners within 600-feet of this site were notified via mail of the zoning map amendment and asked to attend the October 19, 2015 Parks and Recreation Commission meeting. Additionally, a notice was run in the Daily Sun, which discussed the zoning map amendment and identified the Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. No members of the public inquired about the rezoning of the property.

DISCUSSION

The application of the Public Facility (PF) zone to the subject property enacts the Neighborhood Plan's implementation strategy to rezone all parks in the Transition Area. It also removes the possibility of future commercial development or significant impacts to the site. With the Public Facility (PF) zoning designation, the property will continue to serve as a public recreation facility for the surrounding neighborhood and all city residents.

RECOMMENDATION

Staff believes that the proposed Zoning Map amendment has been justified and would recommend in favor of amending the Zoning Map for 1.07 acres to the Public Facility (PF) zone.

ATTACHMENTS

- Zoning Map amendment application
- Current City of Flagstaff Zoning Map
- Public hearing legal advertisements

Guadalupe Park

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

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

Date Received			File Number: P2-15-00138 / P2-15-00138-01
Property Owner(s): CITY OF FLAGSTAFF	Title:	Phone: —	Email: —
Mailing Address: 211 W. ASPEN AVE			City, State, Zip: FLAGSTAFF, AZ, 86001
Applicant(s): —	Title:	Phone: —	Email: —
Mailing Address: —			City, State, Zip: —
Project Representative): STEVE ZIMMERMAN	Title: PARKS MGR.	Phone: 928-213-2192	Email: szimmerman@flagstaffaz.gov
Mailing Address: 211 W. ASPEN AVE			City, State, Zip: FLAGSTAFF, AZ, 86001
Requested Review	☒ Zoning Map Amendment	☒ Minor Regional Plan Amendment	☐ Continued

Site Address: 805 W CLAY AVE	Parcel Number(s): 103-02-001A, 103-02-001E	Subdivision, Tract & Lot Number: RIORDAN ADDITION
Existing Zoning District: HC - HIGHWAY COMMERCIAL	Proposed Zoning District: PUBLIC FACILITY (PF)	Existing Regional Plan Land Use Category: SUBURBAN → FUTURE URBAN
Existing Use: GUADALUPE PARK	Proposed Use: GUADALUPE PARK	

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?

Requested Urban Growth Boundary Change (If Applicable): N/A	Proposed Regional Plan Land Use Category: PARKS / OPEN SPACE

Property Owner Signature(required): Mark Copley	Date: 2/8/16	Applicant Signature: [signature]	Date: 2/8/16

For City Use

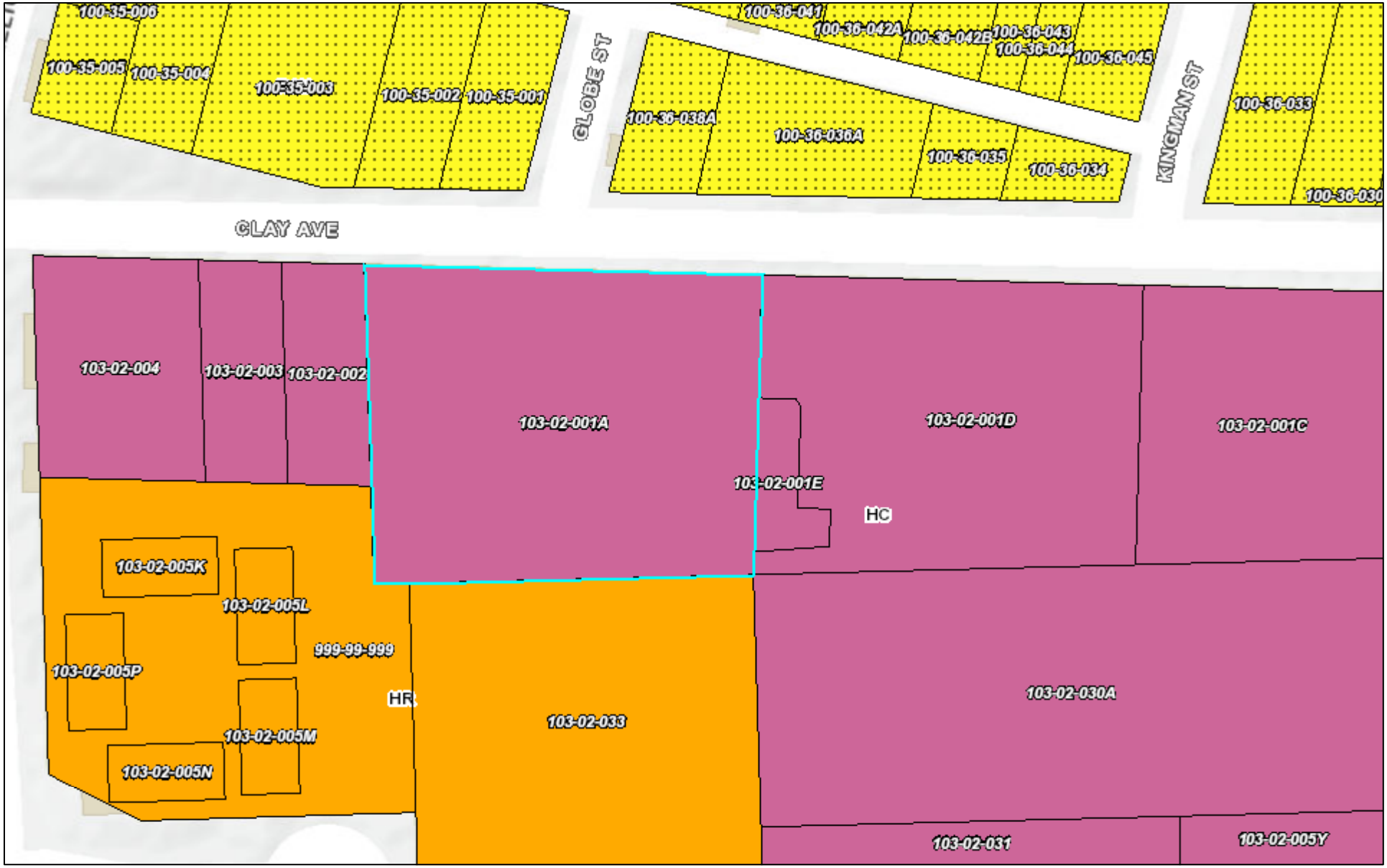
Date Filed:	File Number(s):		Type of Zoning Map Amendment: ☐ Small scale ☐ Medium scale ☐ Large scale ☐ Multi-phase scale
P & Z Hearing Date:	Publication and Posting Date:		
Council Hearing Date:	Publication and Posting Date:		
Fee Receipt Number:	Amount:	Date:	

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Gary	Kent	Jim	Chris

Rev. 2/10/14

City of Flagstaff - Zoning Map



February 16, 2016

Parcels

1:1,000

0 0.0075 0.015 0.03 mi

0 0.0125 0.025 0.05 km

COF GIS

Web AppBuilder for ArcGIS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Flagstaff Planning and Zoning Commission will hold a Public Hearing on February 24, 2016, at 4:00 p.m. and the Flagstaff City Council will hold a Public Hearing on March 22, 2016, at 6:00 p.m. to consider a Zoning Map amendment request.

A. Explanation of Matters to be Considered:

1. A proposed Regional Plan Amendment to change the area type designation from Existing Suburban/Future Urban to Park/Open Space on Maps 21 and 22 of the Flagstaff Regional Plan.

2. A proposed Zoning Map Amendment to rezone the property from Highway Commercial (HC) to Public Facility (PF).

The site currently consists of a City operated baseball field on 2 separate parcels totaling 1.07 acres, located at 805 W. Clay Ave. The site location is described in Part B below and is highlighted on the map.

B. General Description of the Affected Area:

Approximately 1.07 acres, Coconino County Assessor's Parcel Numbers 103-02-001A and 103-02-001E within Section 21, Township 21 North, Range 7 East, of the Gila and Salt River Base and Meridian, City of Flagstaff, Coconino County, Arizona.

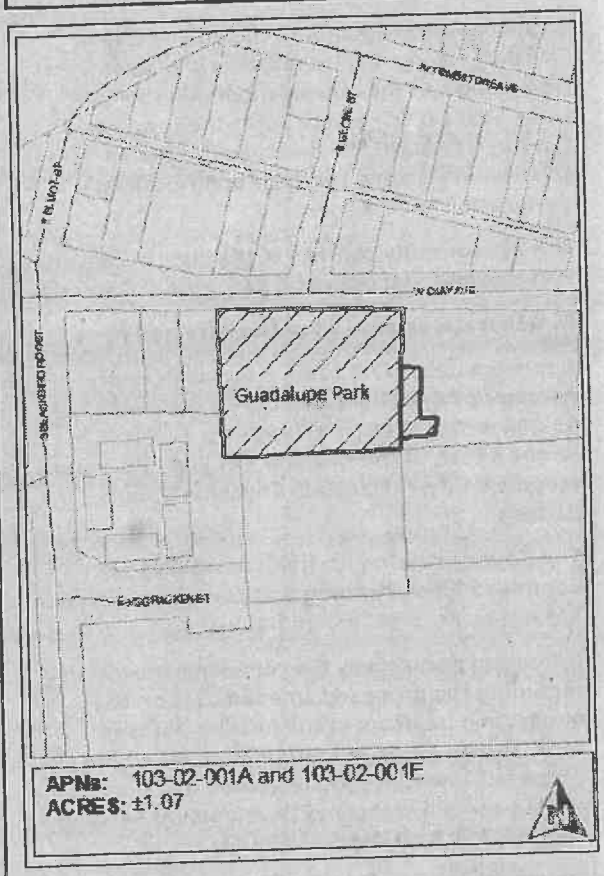
The Council hearing for these items may be continued if the Planning and Zoning Commission has not given a recommendation.

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

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

PROPOSED REGIONAL PLAN AMENDMENT
Map 21 and 22 area type change from Existing Suburban/Future Urban to Park/Open Space

PROPOSED ZONING MAP AMENDMENT
From Highway Commercial (HC) Zone to Public Facility (PF) Zone



FOR FURTHER INFORMATION CONTACT

Jennifer Mikelson
Associate Planner
Planning & Development Services
211 West Aspen Avenue
Flagstaff, Arizona 86001
(928) 213-2615
jmikelson@flagstaffaz.gov

Publish: February 5, 2016

La Plaza Vieja
Neighborhood

February 24, 2016

Good Afternoon Chairman and Commissioners.

My name is Laura Bustamante-Myers and I currently serve as Outreach Director of the La Plaza Vieja Neighborhood Association.

La Plaza Vieja Neighborhood Association strongly supports the proposed Regional Plan Amendment from existing Suburban/Future Urban to Park/Open Space, Map 21 and 22 and the proposed zoning map amendment to rezone the property from Highway Commercial (HC) to Public Facilities (PF) Zone.

We appreciate the time and effort the City staff has put into supporting La Plaza Vieja. Rezoning Our Lady of Guadalupe Park will assist with the Neighborhood Association's dedication to maintaining our cultural heritage within the neighborhood, for future generations. Ensuring that Open Space is located within densely built surroundings enhances the general health and welfare of our residents.

Thank you for your time and consideration.

La Plaza Vieja Neighborhood Association

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;

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 5th 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)

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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)

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Exhibit “B”

Legal Description of New Zoning

Exhibit A

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

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

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CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Jennifer Mikelson, Associate Planner

Date: 03/16/2016

Meeting Date: 03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Resolution No. 2016-11: A resolution amending the Flagstaff Regional Plan 2030 to change the area type designation on Maps 21 and 22 from Future Suburban area type to Park/Open Space area type for approximately 5.31 acres located off Highland Avenue. ***(Highland Avenue Minor Regional Plan Amendment)***

RECOMMENDED ACTION:

1) Hold the Public Hearing
2) Read Resolution No. 2016-11 by title only
3) City Clerk reads Resolution No. 2016-11 by title only (if approved above)
4) Adopt Resolution No. 2016-11

Executive Summary:

A minor Regional Plan amendment request to change the area type designation on Maps 21 and 22 from Existing Suburban to Park/Open Space for approximately 5.31 acres located off Highland Avenue.

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:
Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.
Goal NH.1. Foster and maintain healthy and diverse urban, suburban, and rural neighborhoods in the Flagstaff region.

Has There Been Previous Council Decision on This:

None

Options and Alternatives:

Options and Alternatives:
1) Approve the resolution as proposed
2) Approve the resolution with conditions
3) Deny the resolution

Background/History:

The applicant, City of Flagstaff Recreation Department, is requesting a minor Plan amendment to ensure conformance with a proposed Zoning Map amendment to designate city owned property with Public Facility (PF) zoning. The change in area type from Existing Suburban to Park/Open Space will affect approximately 5.31 acres of land depicted on the Future Growth Illustration (Maps 21 and 22). The amendment table on page III-9 of the Plan states that a minor Plan amendment is appropriate for the designation of any land for open space. In this instance, the Public Facility (PF) zoning category is considered a Park/Open Space land use category given the development and use restrictions of that zone. Most public parks in the city are also zoned Public Facility (PF). Formalizing the Parks/Open Space area type over the subject site will formerly designate the intended land use of the subject property, and will enact the deed restrictions placed on both parcels.

The subject property is located off Highland Avenue in the Woodlands Village Unit 3 subdivision. Details about future park facilities and other improvements to the site will be determined by the Parks Department.

Key Considerations:

The Planning and Zoning Commission shall find that the proposed *Flagstaff Regional Plan 2030* (FRP30 or the Plan) amendment meets the requirements of the General Plan and Subdivision Code (City Code Title 11). In considering the request for an amendment to the Plan, the goals and policies in the Plan should be considered to ensure that the requested change to the Future Growth Illustration is in conformance to the overall vision of the Plan. "The Flagstaff Regional Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through goals and policies" (p. III-4). "General plans are not static documents; they recognize growth as a dynamic process, which may require revisions to the plan as circumstances or changes warrant" (p. III-1).

As discussed in the "How This Plan Works" chapter (page III-4), the *Flagstaff Regional Plan 2030* is used in the regulatory decision-making process by the Planning & Zoning Commission, City Council and city staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or annexations, approval which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies. The Future Growth Illustration on Maps 21 (regional scale) and 22 (city scale) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail. The Future Growth Illustration displays broad land use categories, called "area types," which describe the placemaking context of Urban, Suburban, Rural, Special Planning Area, Park/Open Space, or in some cases, Area in White. Areas in White retain

existing entitlements and have no other assigned area type. In most cases, these parcels are public lands held by the Forest Service or city.

Expanded Financial Considerations:

None

Community Benefits and Considerations:

Community benefits and considerations related to this minor Regional Plan amendment request are addressed in the attached Planning and Zoning Commission staff report dated February 19, 2016.

Community Involvement:

Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with the Zoning Map amendment request. In accordance with Arizona Revised Statute and Section 10-20.30.080 (p. 20.30-9) of the Zoning Code, notice of the public hearings was provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 600 feet of the subject property. The mailing asked residents and property owners to attend the October 19, 2015 Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. No members of the public attended this meeting and there were no email inquiries about this plan amendment.

Expanded Options and Alternatives:

None

Attachments:

PZ Staff Report
Application
Proposed Future Growth Illustration
Public Notice
Res. 2016-11

PLANNING AND DEVELOPMENT SERVICES REPORT
FLAGSTAFF REGIONAL PLAN 2030 AMENDMENT

PUBLIC HEARING	**DATE:**	**February 19, 2016**
PZ-15-00140-01	**MEETING DATE:**	**February 24, 2016**
	REPORT BY:	**Jennifer Mikelson**

REQUEST

A minor *Flagstaff Regional Plan 2030* amendment request by the City of Flagstaff to change the area type designation on Map 21 and 22 from Existing Suburban, to Park/Open Space for approximately 5.31 acres located off Highland Avenue.

STAFF RECOMMENDATION

Staff recommends the Planning and Zoning Commission forward the minor *Flagstaff Regional Plan 2030* amendment to the City Council with a recommendation for approval.

PRESENT LAND USE

The site is currently undeveloped, located off Highland Avenue on two parcels totaling 5.31 acres.

PROPOSED LAND USE

The site may become a neighborhood park servicing Boulder Point and other west Flagstaff neighborhoods depending upon available funding.

NEIGHBORHOOD DEVELOPMENT

North: Vacant / Mountain Trail Apartments; Medium Density Residential (MR) /Highway Commercial (HC) zones
East: Commercial shopping center; Highway Commercial (HC) zone
South: Interstate 40
West: Vacant; Medium Density Residential (MR) zone

REQUIRED FINDINGS

The Planning and Zoning Commission shall find that the proposed *Flagstaff Regional Plan 2030* (FRP30 or the Plan) amendment meets the requirements of the General Plan and Subdivision Code (City Code Title 11).

In considering the request for an amendment to the Plan, the goals and policies in the Plan should be considered to ensure that the requested change to the Future Growth Illustration is in conformance to the overall vision of the Plan. "The Flagstaff Regional Plan establishes the vision for the future growth and development of Flagstaff and its surrounding area through goals and policies" (p. III-4). "General plans are not static documents; they recognize growth as a dynamic process, which may require revisions to the plan as circumstances or changes warrant" (p. III-1).

STAFF REVIEW

Introduction/Background Discussion

This request is the first of two related items on the Commission's agenda; the second item is identified as a Zoning Map amendment request.

The applicant, City of Flagstaff Recreation Department, is requesting a minor Plan amendment to ensure conformance with a proposed Zoning Map amendment to designate city owned property with Public Facility (PF) zoning. The change in area type from Existing Suburban to Park/Open Space will affect approximately 5.31 acres of land depicted on the Future Growth Illustration (Maps 21 and 22). The amendment table on page III-9 of the Plan states that a minor

Plan amendment is appropriate for the designation of any land for open space. In this instance, the Public Facility (PF) zoning category is considered a Park/Open Space land use category given the development and use restrictions of that zone. Most public parks in the city are also zoned Public Facility (PF). Formalizing the Parks/Open Space area type over the subject site will formerly designate the intended land use of the subject property, and will enact the deed restrictions placed on both parcels.

The subject property is located off Highland Avenue in the Woodlands Village Unit 3 subdivision. Details about future park facilities and other improvements to the site will be determined by the Parks Department.

Flagstaff Regional Plan 2030 Amendment Request

As discussed in the "How This Plan Works" chapter (page III-4), the *Flagstaff Regional Plan 2030* is used in the regulatory decision-making process by the Planning & Zoning Commission, City Council and city staff. The Commission and the Council are responsible for making development decisions such as zoning map amendments or annexations, approval which depends on whether the proposed changes or projects are consistent with the Plan's goals and policies. The Future Growth Illustration on Maps 21 (regional scale) and 22 (city scale) and the text of the Plan will provide supplemental information for the interpretation of goals and policies. In case of any conflict between the Future Growth Illustration and the Plan's goals and policies, the goals and policies will prevail. The Future Growth Illustration displays broad land use categories, called "area types," which describe the placemaking context of Urban, Suburban, Rural, Special Planning Area, Park/Open Space, or in some cases, Area in White. Areas in White retain existing entitlements and have no other assigned area type. In most cases, these parcels are public lands held by the Forest Service or city.

Attached are exhibits comparing the existing and proposed Future Growth Illustrations. The Plan's maps and any applicable text should be considered in the context of the Plan's goals and policies. A discussion of the FRP30 goals and policies is provided below.

APPLICABLE GENERAL PLAN GOALS AND POLICIES

Recreation
Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.
Policy Rec.1.1. Integrate active and passive recreational sites within walking distance throughout the region to promote a healthy community for all City and County residents and visitors.

Neighborhoods, Housing, and Urban Conservation
Goal NH.1. Foster and maintain healthy and diverse urban, suburban, and rural neighborhoods in the Flagstaff region.
Policy NH.1.1. Preserve and enhance existing neighborhoods.

Applying the Parks/Open Space area type reflects its intended use as a neighborhood park and permanently protects the property for that use. A future recreational facility will enhance the existing neighborhood character and quality of life in the area. The proximity of the site to Boulder Point residents and other west Flagstaff neighborhoods creates a healthy and well-connected community. Goals and policies in support of such public recreational opportunities and neighborhood preservation are reflected in the FRP30.

Policy Analysis: In summary, appropriate zoning and area type designations ensure that the subject site will serve as an active recreation facility for the surrounding neighborhood and the greater community. The list below identifies several key points and community benefits supporting (+) the proposed amendment:

+ This easily accessible site promotes connectivity with existing neighborhoods and residential areas.
+ A new public park facility will fill the need for the comparatively underserved west side of Flagstaff.
+ Removal of the Existing Suburban area type will fulfil the deed restrictions placed on the land.

PUBLIC SYSTEMS IMPACT ANALYSIS

No public service impact analysis was required.

OTHER REQUIREMENTS

Citizen Participation: Public hearings before the Planning and Zoning Commission and City Council are conducted in conjunction with the Zoning Map amendment request. In accordance with Arizona Revised Statute and Section 10-20.30.080 (p. 20.30-9) of the Zoning Code, notice of the public hearings was provided by placing an ad in the Daily Sun, posting notices on the property, and mailing a notice to all property owners within 600 feet of the subject property. The mailing asked residents and property owners to attend the October 19, 2015 Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other city staff present. No members of the public attended this meeting and there were no email inquiries about this Plan amendment.

RECOMMENDATION

Staff believes that the proposed amendment to the regional plan is supportable under the guidelines of the *Flagstaff Regional Plan 2030*, and would recommend approval of the proposed amendment.

ATTACHMENTS

- Minor Regional Plan amendment application
- Future Growth Illustration – existing/proposed
- Public hearing legal advertisement

Highland Ave

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

RECEIVED

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

Date Received: [illegible] 19 2016

File Number: P2-15-00140 / P2-15-00140-01

Property Owner(s)	Title	Phone	Email
City of Flagstaff			
Mailing Address			**City, State, Zip**
211 W. Aspen Ave			Flagstaff, AZ. 86001
Applicant(s)	**Title**	**Phone**	**Email**
—	—	—	—
Mailing Address			**City, State, Zip**
—			—
Project Representative)	**Title**	**Phone**	**Email**
Steve Zimmerman	Parks Mgr.	928-213-2192	szimmerman@flagstaffaz.gov
Mailing Address			**City, State, Zip**
211 W. Aspen Ave			Flagstaff, AZ 86001

Requested Review: ☒ Zoning Map Amendment ☒ Minor Regional Plan Amendment ☐ Continued

Site Address	Parcel Number(s)	Subdivision, Tract & Lot Number
N/A	112-29-021G 112-29-021F	Woodlands Village Unit 3
Existing Zoning District (RPO)	**Proposed Zoning District:**	**Existing Regional Plan Land Use Category**
Highway Commercial (HC)	Public Facility (PF)	Suburban

Existing Use	Proposed Use
Vacant	Park/Open Space

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?

Requested Urban Growth Boundary Change (If Applicable)	Proposed Regional Plan Land Use Category
N/A	Parks/Open Space

Property Owner Signature(required)	Date:	Applicant Signature	Date:
[signature]	2/8/16	[signature]	2/8/16

For City Use

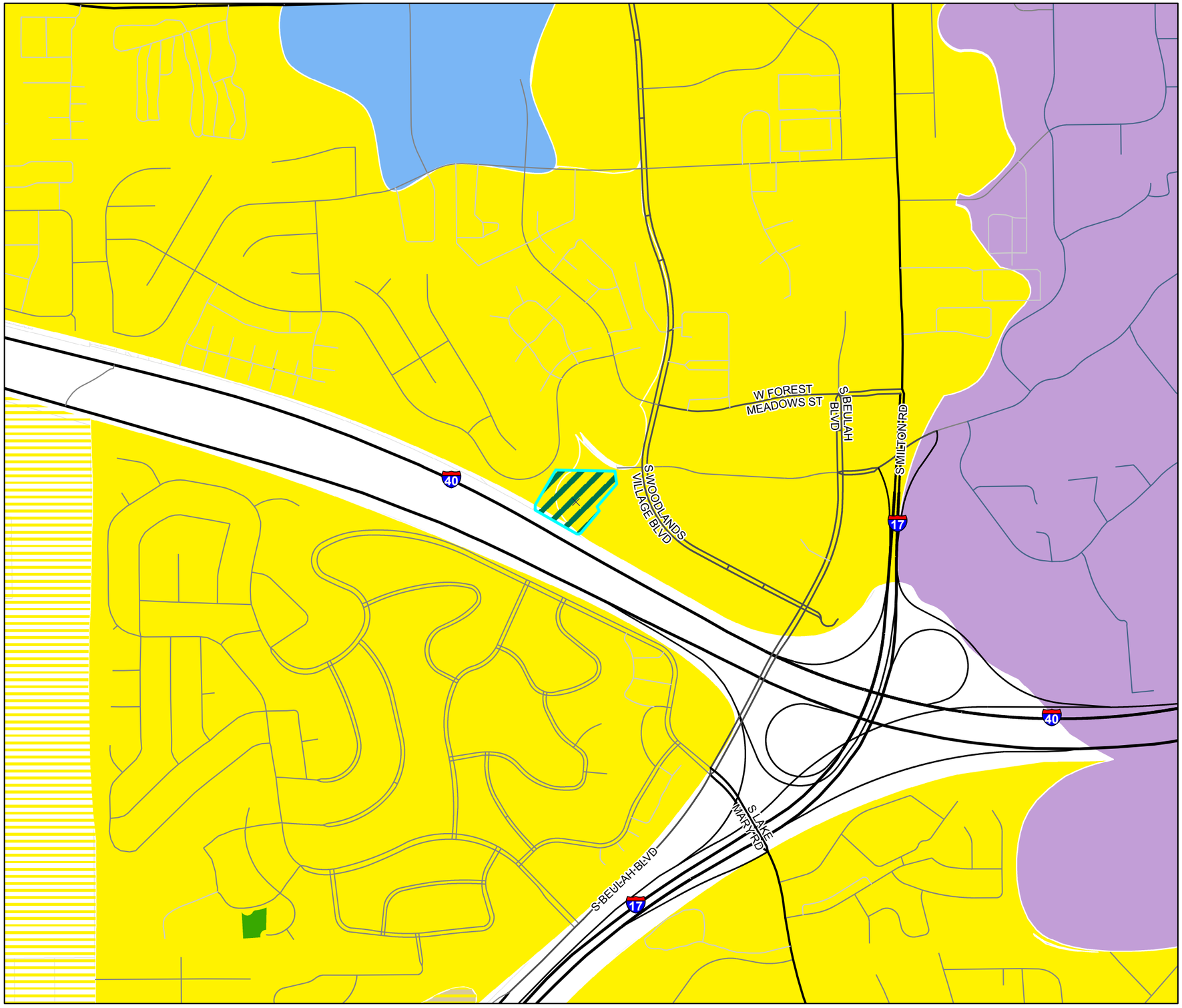
Date Filed:	File Number(s):		Type of Zoning Map Amendment:
P & Z Hearing Date:	Publication and Posting Date:		☐ Small scale
Council Hearing Date:	Publication and Posting Date:		☐ Medium scale
Fee Receipt Number:	Amount:	Date:	☐ Large scale
			☐ Multi-phase scale

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Gary	Kent	Jim	Chris

Rev. 2/10/14

Highland Avenue Open Space Minor Plan Amendment



Legend

- Parks/Open Space
- Proposed Parks/Open Space
- Proposed City Limit

Growth Illustration Area Types- Future

Vision Area Types

- Rural - Future
- Suburban - Future
- Urban - Future
- Industrial / Business Park - Special District

Growth Illustration Area Types- Existing

Vision Area Types

- Existing Entitlements Retained
- Industrial / Business Park - Existing
- Rural - Existing
- Special District
- Suburban - Existing
- Urban - Existing
- City Limits Cartegraphic
- FMPO Boundary

Parcels

- Parcels

N

0 0.05 0.1 0.2 0.3 0.4 Miles

The Future Growth Illustration defines the geographic locations of area types and place types. It shows the spatial relationship of existing and future development and is intended to be used in conjunction with the Natural Environment Maps (Maps 6-8) and the Road Network Map (Map 25). This Illustration should not be relied upon to determine where specific land uses are allowed; that information is found in City Code Title 10 (Zoning Code) and the Zoning Map. In case of any conflict between the Future Growth Illustration and the Regional Plan's goals and policies, the goals and policies will prevail.

Date Saved: 2/11/2016 10:16:08 AM Author: Sara Dechter

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Flagstaff Planning and Zoning Commission will hold a Public Hearing on February 24, 2016, at 4:00 p.m. and the Flagstaff City Council will hold a Public Hearing on March 22, 2016, at 6:00 p.m. to consider a Zoning Map amendment request.

A. Explanation of Matters to be Considered:

1. A proposed Regional Plan Amendment to change the area type designation from Existing Suburban to Park/Open Space on Maps 21 and 22 of the Flagstaff Regional Plan.

2. A proposed Zoning Map Amendment to rezone the property from Highway Commercial (HC) to Public Facility (PF).

The site is currently undeveloped, located on Highland Ave on two parcels totaling 5.31 acres. The site location is described in Part B below and is highlighted on the map.

B. General Description of the Affected Area:

Approximately 5.31 acres, Coconino County Assessor's Parcel Numbers 112-29-021G and 112-29-021F; within Section 10, Township 21 North, Range 7 East , of the Gila and Salt River Base and Meridian, City of Flagstaff, Coconino County, Arizona.

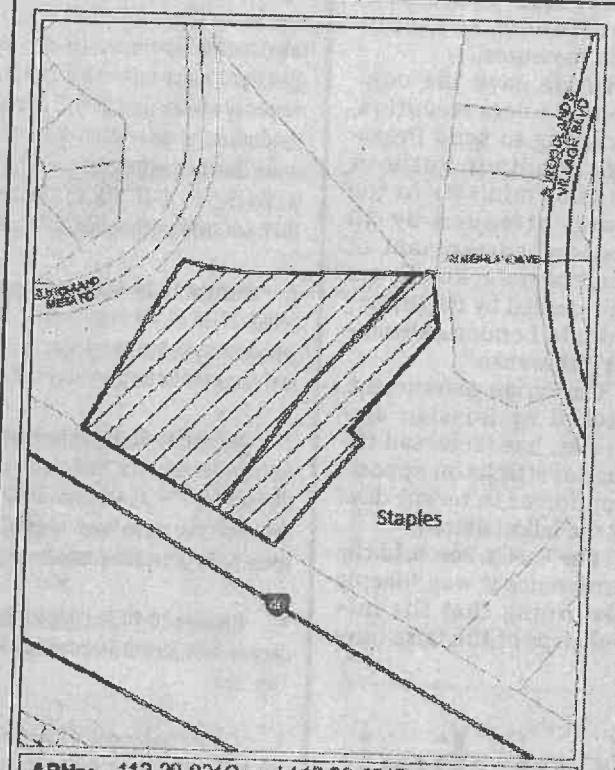
The Council hearing for these items may be continued if the Planning and Zoning Commission has not given a recommendation.

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

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

PROPOSED REGIONAL PLAN AMENDMENT
Map 21 and 22 area type change from Existing Suburban to Park/Open Space

PROPOSED ZONING MAP AMENDMENT
From Highway Commercial (HC) Zone to Public Facility (PF) Zone



APNs: 112-29-021G and 112-29-021F
ACRES: ±5.31

FOR FURTHER INFORMATION CONTACT

Jennifer Mikelson
Associate Planner
Planning & Development Services
211 West Aspen Avenue
Flagstaff, Arizona 86001
(928) 213-2615
jmikelson@flagstaffaz.gov

Publish: February 5, 2016

RESOLUTION NO. 2016-11

A RESOLUTION OF THE FLAGSTAFF CITY COUNCIL AMENDING THE FLAGSTAFF REGIONAL PLAN 2030 TO CHANGE THE AREA TYPE DESIGNATION OF APPROXIMATELY 5.31 ACRES OF REAL PROPERTY ON MAPS 21 AND 22 GENERALLY LOCATED AT THE END OF HIGHLAND AVENUE WEST OF WOODLANDS VILLAGE BOULEVARD FROM FUTURE SUBURBAN AREA TYPE TO PARK/OPEN SPACE AREA TYPE; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, the Flagstaff Regional Plan 2030 (the "Regional Plan") was adopted by the Mayor and Council of the City of Flagstaff (the "City Council") on January 14, 2014 and ratified by the qualified electors of the City of Flagstaff (the "City") on May 20, 2014; and

WHEREAS, among other things, the Regional Plan establishes the authority and procedure for minor amendments; and

WHEREAS, pursuant to section § 9-461.06, Arizona Revised Statutes, and the Regional Plan, the City has consulted with, advised, and provided the opportunity for public comment on the proposed amendment to the Regional Plan; and

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Planning and Zoning Commission held a public hearing on the proposed Regional Plan amendment on February 24, 2016, and provided notice of such hearing in the manner required by A.R.S. § 9-461.06(E); and

WHEREAS, pursuant to A.R.S. § 9-461.06 and the Regional Plan, the City Council held a public hearing in the City Council Chambers on the proposed Regional Plan amendment on March 22, 2016, and provided notice of such hearing by publication of said notice in the manner required by A.R.S. § 9-461.06(E); and

WHEREAS, the City Council finds and determines that (i) proper notice of the proposed Regional Plan amendment has been given in a manner required by A.R.S. § 9-461.06, and (ii) that each of the required publications have been made in the *Arizona Daily Sun*, a newspaper of general circulation within the City; and

WHEREAS, the City Council desires to amend the Regional Plan to change the area type designation of approximately 5.31 acres of real property on Maps 21 and 22 generally located at the end of Highland Avenue west of Woodlands Village Boulevard from Existing Suburban area type to Park/Open Space area type.

ENACTMENTS:

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

SECTION 1. That the Flagstaff Regional Plan 2030 is hereby amended to change the area type designation of approximately 5.31 acres of real property on Maps 21 and 22 generally

located at the end of Highland Avenue west of Woodlands Village Boulevard, as more particularly depicted in **Exhibit "A" (Future Growth Illustration – Proposed),** from Existing Suburban area type to Park/Open Space area type.

SECTION 2. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized to take all steps necessary to carry out the purpose and intent of this Resolution.

SECTION 3. This resolution 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 22nd day of March, 2016.

_____
MAYOR

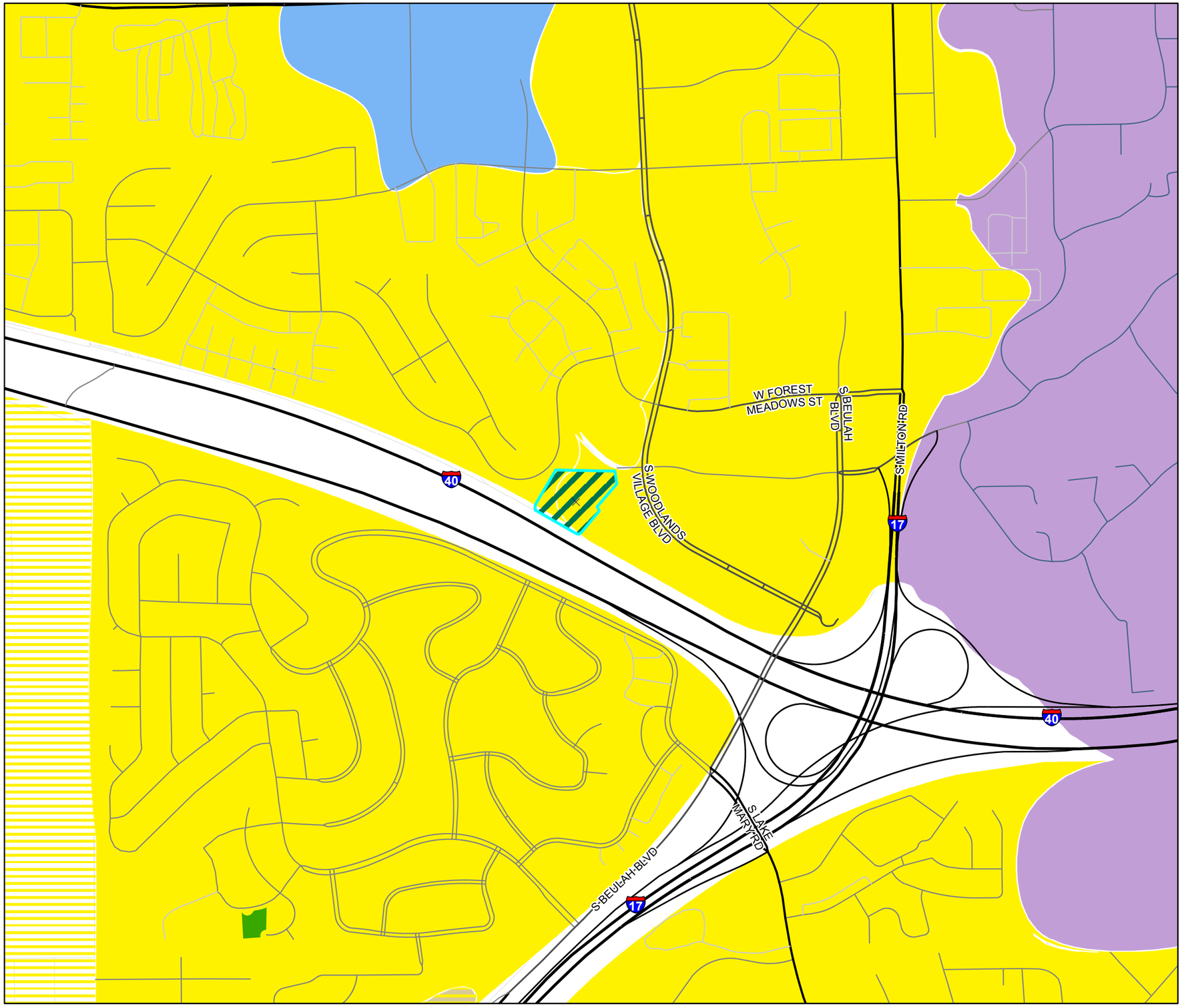
ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Highland Avenue Open Space Minor Plan Amendment



Legend

- Parks/Open Space
- Proposed Parks/Open Space
- Proposed City Limit

Growth Illustration Area Types- Future

Vision Area Types

- Rural - Future
- Suburban - Future
- Urban - Future
- Industrial / Business Park - Special District

Growth Illustration Area Types- Existing

Vision Area Types

- Existing Entitlements Retained
- Industrial / Business Park - Existing
- Rural - Existing
- Special District
- Suburban - Existing
- Urban - Existing
- City Limits Cartegraphic
- FMPO Boundary

Parcels

- Parcels

N

0 0.05 0.1 0.2 0.3 0.4 Miles

The Future Growth Illustration defines the geographic locations of area types and place types. It shows the spatial relationship of existing and future development and is intended to be used in conjunction with the Natural Environment Maps (Maps 6-8) and the Road Network Map (Map 25). This Illustration should not be relied upon to determine where specific land uses are allowed; that information is found in City Code Title 10 (Zoning Code) and the Zoning Map. In case of any conflict between the Future Growth Illustration and the Regional Plan's goals and policies, the goals and policies will prevail.

Date Saved: 2/11/2016 10:16:08 AM Author: Sara Dechter

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To: The Honorable Mayor and Council

From: Jennifer Mikelson, Associate Planner

Date: 03/16/2016

Meeting Date: 03/22/2016

TITLE:

Public Hearing, Consideration and Possible Adoption of Ordinance No. 2016-17: An ordinance of the City of Flagstaff amending the Flagstaff Zoning Map to rezone approximately 5.31 acres of real property located off Highland Avenue from Highway Commercial (HC) to Public Facility (PF). ***(Highland Avenue Zoning Map Amendment)***

RECOMMENDED ACTION:

At the March 22, 2016 Council Meeting:
1) Hold the Public Hearing
2) Read Ordinance No. 2016-17 by title only for the first time
3) City Clerk reads Ordinance No. 2016-17 by title only (if approved above)

At the April 5, 2016 Council Meeting:
4) Read Ordinance No. 2016-17 by title only for the final time
5) City Clerk reads Ordinance No. 2016-17 by title only (if approved above)
6) Adopt Ordinance No. 2016-17

Executive Summary:

A Zoning Map Amendment request to rezone approximately 5.31 acres located off Highland Avenue from Highway Commercial (HC) to Public Facility (PF).

Financial Impact:

None

Connection to Council Goal and/or Regional Plan:

COUNCIL GOALS:

1) Provide sustainable and equitable public facilities, services, and infrastructure systems in an efficient and effective manner to serve all population areas and demographics
2) Continue to implement the Flagstaff Regional Plan and focus efforts on specific plans

REGIONAL PLAN:

Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.
Goal NH.1. Foster and maintain healthy and diverse urban, suburban, and rural neighborhoods in the Flagstaff region.

Has There Been Previous Council Decision on This:

None

Options and Alternatives:

Options and Alternatives:
1) Approve the ordinance as proposed
2) Approve the ordinance with conditions
3) Deny the ordinance based on the required findings in Section 10-20.50.040(F)(1)(a) of the Flagstaff Zoning Code

Background/History:

The Applicant, the City of Flagstaff Recreation Department, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 5.31 acres to the Public Facility (PF) zone. The Public Facility (PF) zone is a more appropriate land use designation for the anticipated use as a public neighborhood park. Furthermore, it is the intent of this rezoning case to carry forward a deed restriction placed on the subject properties which states that they shall only be used for "open space and public park purposes."

Key Considerations:

All proposed amendments shall be evaluated as to whether the application is consistent with and conforms to the goals of the General Plan and any applicable specific plans; and 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.

Expanded Financial Considerations:

None

Community Benefits and Considerations:

Community benefits and considerations related to this Zoning Map amendment are addressed in the attached Planning and Zoning Commission staff report dated February 19, 2016.

Community Involvement:

All property owners within 600-feet of this site were notified via mail of the zoning map amendment and asked to attend the October 19, 2015 Parks and Recreation Commission meeting. Additionally, a notice was run in the Daily Sun, which discussed the zoning map amendment and identified the Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other City staff present. No members of the public inquired about the rezoning of this property.

Expanded Options and Alternatives:

None

Attachments:

PZ Staff Report
Application
Zoning Map
Public Notice
Exhibit A
Ord. 2016-17

PLANNING AND DEVELOPMENT SERVICES REPORT
ZONING MAP AMENDMENT

PUBLIC HEARING	**DATE:**	**February 19, 2016**
PZ-15-00140	**MEETING DATE:**	**February 24, 2016**
	REPORT BY:	**Jennifer Mikelson**

REQUEST

A Zoning Map amendment request from the City of Flagstaff Parks and Recreation Department, on behalf of the property owner, City of Flagstaff, to rezone approximately 5.31 acres within Section 10, Township 21 North, Range 7 East, from the Highway Commercial (HC) zone to the Public Facility (PF) zone.

STAFF RECOMMENDATION

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

PRESENT LAND USE

The site is currently undeveloped, located off Highland Avenue on two parcels totaling 5.31 acres.

PROPOSED LAND USE

It is anticipated that the site may become a neighborhood park servicing Boulder Point and other west Flagstaff neighborhoods depending upon available funding.

NEIGHBORHOOD DEVELOPMENT

North: Vacant / Mountain Trail Apartments; Medium Density Residential (MR) / Highway Commercial (HC) zones
East: Commercial shopping center; Highway Commercial (HC) zone
South: Interstate 40
West: Vacant; Medium Density Residential (MR) 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 set forth whether the Zoning Map amendment should be granted, granted with conditions to mitigate anticipated impacts caused by the proposed development, or denied; and 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; and a recommendation on the amendment based on the standards of the zones set forth in Section 10-40.20 "Establishment of Zones" of the Zoning Code (Page 40.20-1).

FINDINGS FOR REVIEWING PROPOSED AMENDMENTS. All proposed amendments shall be evaluated as to whether the application is consistent with and conforms to the goals of the General Plan and any applicable specific plans; and 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, the City of Flagstaff Recreation Department, on behalf of the property owner, the City of Flagstaff, is requesting a Zoning Map amendment to rezone approximately 5.31 acres to the Public Facility (PF) zone. The Public Facility (PF) zone is a more appropriate land use designation for the anticipated use as a public neighborhood park. Furthermore, it is the intent of this rezoning case to carry forward a deed restriction placed on the subject properties which states that they shall only be used for "open space and public park purposes."

Proposed Development Concept Plans

No immediate change of use is anticipated on the subject property.

General Plan – Flagstaff Regional Plan 2030

Goal REC.1. Maintain and grow the region's healthy system of convenient and accessible parks, recreation facilities, and trails.

The application of the Public Facility (PF) zone implements the above noted goal of the FRP30 by enhancing recreation opportunities for residents within city limits. Applying the Public Facility (PF) zone to the site properly designates it for future use as a city park.

Zoning – City of Flagstaff Zoning Code

The Public Facility (PF) zone applies to public and quasi-public lands within the city. The intent of the Public Facility (PF) zone is intended to preserve and encourage the establishment of public lands and to provide an area within the City for active and passive recreation uses, parks, public open space, governmental buildings and facilities, schools and school grounds, quasi-public buildings and facilities, and related uses.

PUBLIC SYSTEMS IMPACT ANALYSIS

Traffic and Access: No analysis was required.

Water and Wastewater: No analysis was required.

Stormwater: No stormwater improvements have been required.

Parks and Recreation: No analysis was required.

OTHER REQUIREMENTS

Resources: The subject property is located within the Resource Protection Overlay (RPO) zone.

Citizen Participation: All property owners within 600-feet of this site were notified via mail of the zoning map amendment and asked to attend the October 19, 2015 Parks and Recreation Commission meeting. Additionally, a notice was run in the Daily Sun, which discussed the zoning map amendment and identified the Parks and Recreation Commission meeting as a venue for discussion. The Commission did not meet quorum for their advertised meeting, but a public meeting for the rezoning was still held with the applicant and other City staff present. No members of the public inquired about the rezoning of this property.

DISCUSSION

The application of the Public Facility (PF) zone to the subject property removes the possibility of any future commercial development of the site. With the Public Facility (PF) designation, the property will be appropriately zoned to serve as a public recreational facility for the surrounding neighborhood, as stated in the property deed.

RECOMMENDATION

Staff believes that the proposed Zoning Map amendment has been justified and would recommend in favor of amending the Zoning Map for 5.31 acres to the Public Facility (PF) zone.

ATTACHMENTS

- Zoning Map Amendment Application
- Current City of Flagstaff Zoning Map
- Public Hearing Legal Advertisements

Highland Ave

City of Flagstaff — Community Development Division

211 W. Aspen Ave
Flagstaff, AZ 86001
www.flagstaff.az.gov
P: (928) 213-2618
F: (928) 213-2609

PREZ/PGM

RECEIVED

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

Date Received: [illegible] 19 2016

File Number: P2-15-00140 / P2-15-00140-01

Property Owner(s)	Title	Phone	Email
City of Flagstaff			
Mailing Address			**City, State, Zip**
211 W. Aspen Ave			Flagstaff, AZ. 86001
Applicant(s)	**Title**	**Phone**	**Email**
—	—	—	—
Mailing Address			**City, State, Zip**
—			—
Project Representative)	**Title**	**Phone**	**Email**
Steve Zimmerman	Parks Mgr.	928-213-2192	szimmerman@flagstaffaz.gov
Mailing Address			**City, State, Zip**
211 W. Aspen Ave			Flagstaff, AZ 86001

Requested Review: ☒ Zoning Map Amendment ☒ Minor Regional Plan Amendment ☐ Continued

Site Address	Parcel Number(s)	Subdivision, Tract & Lot Number
N/A	112-29-021G 112-29-021F	Woodlands Village Unit 3
Existing Zoning District (RPO)	**Proposed Zoning District:**	**Existing Regional Plan Land Use Category**
Highway Commercial (HC)	Public Facility (PF)	Suburban

Existing Use	Proposed Use
Vacant	Park/Open Space

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?

Requested Urban Growth Boundary Change (If Applicable)	Proposed Regional Plan Land Use Category
N/A	Parks/Open Space

Property Owner Signature(required)	Date:	Applicant Signature	Date:
[signature]	2/8/16	[signature]	2/8/16

For City Use

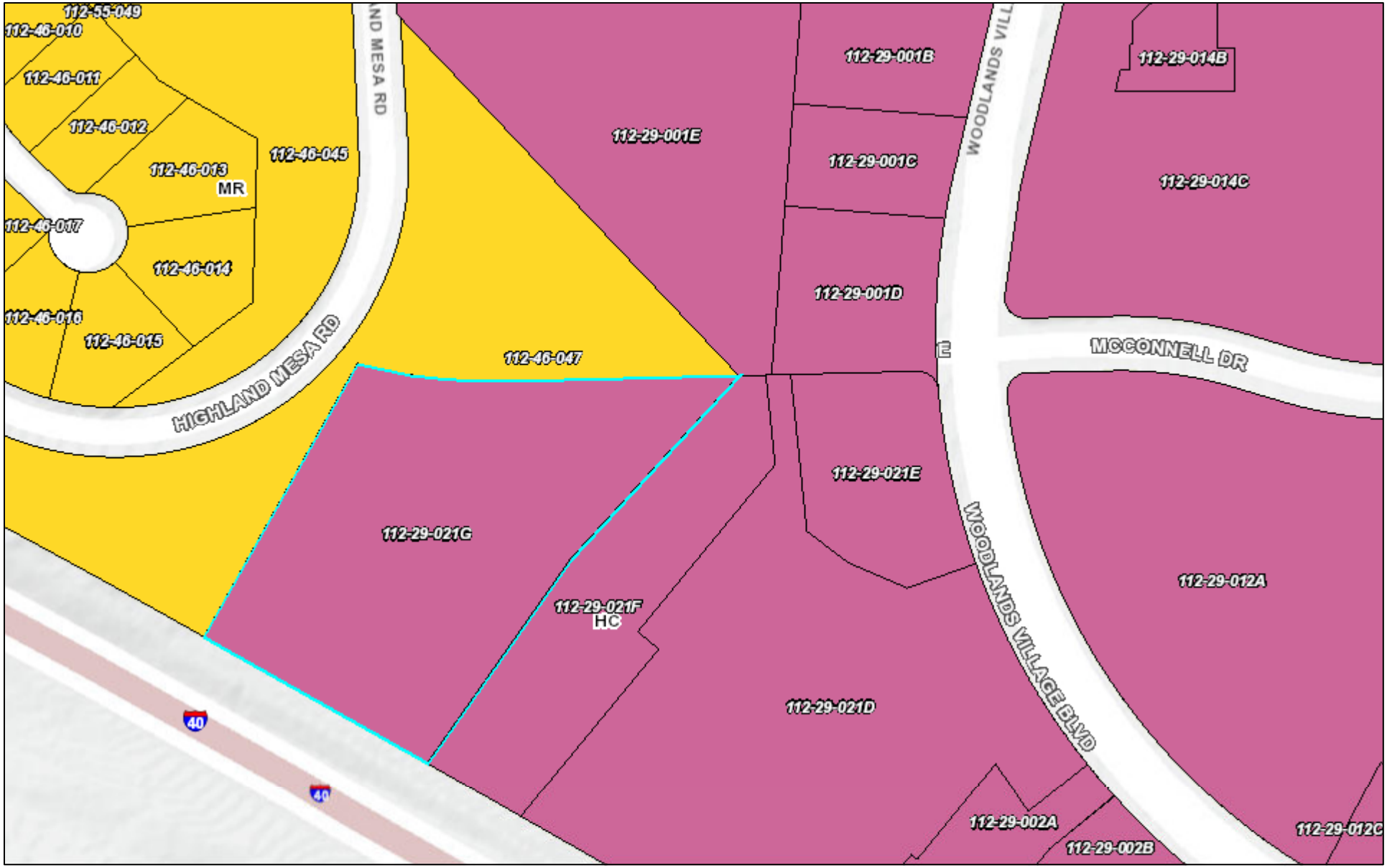
Date Filed:	File Number(s):		Type of Zoning Map Amendment:
P & Z Hearing Date:	Publication and Posting Date:		☐ Small scale
Council Hearing Date:	Publication and Posting Date:		☐ Medium scale
Fee Receipt Number:	Amount:	Date:	☐ Large scale
			☐ Multi-phase scale

Action by Planning and Zoning Commission:	Action by City Council:
☐ Approved	☐ Approved
☐ Denied	☐ Denied
☐ Continued	☐ Continued

Staff Assignments	Planning	Engineering	Fire	Public Works/Utilities	Stormwater
	Tiffany	Gary	Kent	Jim	Chris

Rev. 2/10/14

City of Flagstaff - Zoning Map



February 16, 2016

Parcels

1:2,000

0 0.015 0.03 0.06 mi

0 0.0275 0.055 0.11 km

COF GIS

Web AppBuilder for ArcGIS

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Flagstaff Planning and Zoning Commission will hold a Public Hearing on February 24, 2016, at 4:00 p.m. and the Flagstaff City Council will hold a Public Hearing on March 22, 2016, at 6:00 p.m. to consider a Zoning Map amendment request.

A. Explanation of Matters to be Considered:

1. A proposed Regional Plan Amendment to change the area type designation from Existing Suburban to Park/Open Space on Maps 21 and 22 of the Flagstaff Regional Plan.

2. A proposed Zoning Map Amendment to rezone the property from Highway Commercial (HC) to Public Facility (PF).

The site is currently undeveloped, located on Highland Ave on two parcels totaling 5.31 acres. The site location is described in Part B below and is highlighted on the map.

B. General Description of the Affected Area:

Approximately 5.31 acres, Coconino County Assessor's Parcel Numbers 112-29-021G and 112-29-021F; within Section 10, Township 21 North, Range 7 East , of the Gila and Salt River Base and Meridian, City of Flagstaff, Coconino County, Arizona.

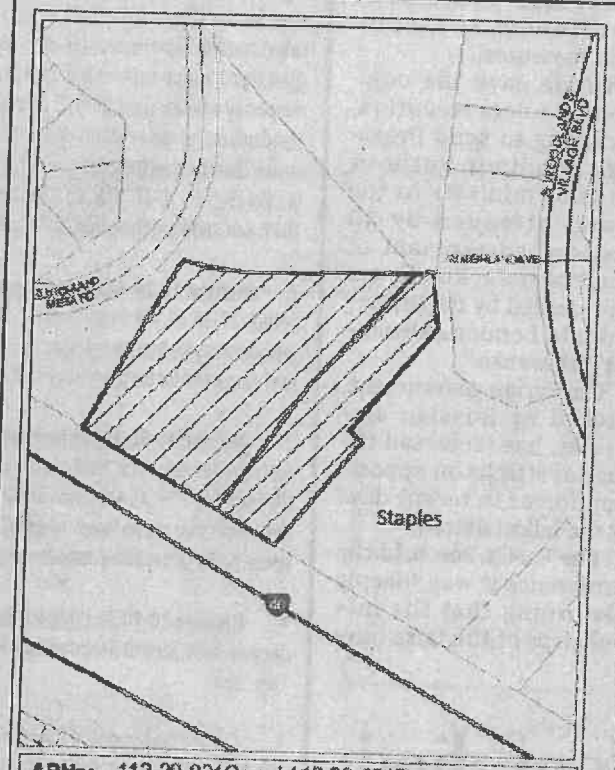
The Council hearing for these items may be continued if the Planning and Zoning Commission has not given a recommendation.

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

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

PROPOSED REGIONAL PLAN AMENDMENT
Map 21 and 22 area type change from Existing Suburban to Park/Open Space

PROPOSED ZONING MAP AMENDMENT
From Highway Commercial (HC) Zone to Public Facility (PF) Zone



APNs: 112-29-021G and 112-29-021F
ACRES: ±5.31

FOR FURTHER INFORMATION CONTACT

Jennifer Mikelson
Associate Planner
Planning & Development Services
211 West Aspen Avenue
Flagstaff, Arizona 86001
(928) 213-2615
jmikelson@flagstaffaz.gov

Publish: February 5, 2016

Exhibit A

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

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

BEGINNING at the Southwest corner of Tract A;

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

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

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

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

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

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

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

BEGINNING at the West corner of said Tract A;

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

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

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

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

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

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

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

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

EXCEPTING THEREFROM any portion lying within the following described property:

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

BEGINNING at the Southwest corner of Tract A;

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

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

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

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

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

ORDINANCE NO. 2016-17

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

RECITALS:

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 5. The Zoning Map designation for the Property is hereby amended from the Highway Commercial (HC) zone to the Public Facility (PF) zone for approximately 5.31 acres, as depicted in Exhibit "B", through the approval of the application and all other documents attached to the staff summary submitted in support of this ordinance.

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

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

SECTION 9. If any section, subsection, sentence, clause, phrase or portion of this ordinance or any part of the code adopted herein by reference is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

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

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 5th day of April, 2016.

_____
MAYOR

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

Exhibit “A”

Legal Description of Property

Exhibit A

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

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

BEGINNING at the Southwest corner of Tract A;

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

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

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

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

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

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

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

BEGINNING at the West corner of said Tract A;

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

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

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

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

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

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

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

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

EXCEPTING THEREFROM any portion lying within the following described property:

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

BEGINNING at the Southwest corner of Tract A;

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

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

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

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

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

Exhibit “B”

Legal Description of New Zoning

Exhibit A

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

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

BEGINNING at the Southwest corner of Tract A;

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

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

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

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

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

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

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

BEGINNING at the West corner of said Tract A;

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

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

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

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

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

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

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

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

EXCEPTING THEREFROM any portion lying within the following described property:

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

BEGINNING at the Southwest corner of Tract A;

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

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

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

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

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

CITY OF FLAGSTAFF

STAFF SUMMARY REPORT

To:	The Honorable Mayor and Council
From:	Elizabeth A. Burke, City Clerk
Date:	03/16/2016
Meeting Date:	03/22/2016

TITLE

Consideration to Remove Item from Table and Postpone: Settlement Agreement and Release between the Hopi Tribe and the City of Flagstaff. ***(Removal of item from the table and postponing action to a future meeting)***

THE COUNCIL WILL NOT DISCUSS THIS ITEM - THEY WILL MAKE A MOTION TO REMOVE FROM THE TABLE AND POSTPONE TO A DATE SELECTED BY THE CITY MANAGER.

RECOMMENDED ACTION:

Move to remove the item from the table and postpone to a future meeting date to be determined by the City Manager.

EXECUTIVE SUMMARY:

At the Combined Special Meeting/Work Session of March 8, 2016, the City Council moved to table consideration of the Settlement Agreement and Release between the Hopi Tribe and the City of Flagstaff. Rule 10.04 of the City Council Rules of Procedure indicates that *a motion to table is used to delay discussion on an item until later in the meeting or until the next meeting. If the motion is successful, no further discussion can be had without a motion to take off the table which must take place at the same meeting or immediately succeeding meeting* .

Should the Council wish to postpone consideration of this item to a future meeting, rather than let the issue die, action of some sort is required to be taken at the March 22, 2016, Council meeting, to allow time for additional information to be gathered. Therefore, this item has been added to the agenda as a Regular Item **ONLY** for the purpose of removing the item from the table and moving to postpone it to a future meeting date, to be determined by the City Manager. No discussion of the specific issue will be held by the Council at the March 22, 2016, meeting.

INFORMATION:

Attachments:

No file(s) attached.