

COMBINED SPECIAL MEETING/WORK SESSION AGENDA

***A M E N D E D**

**CITY COUNCIL COMBINED SPECIAL
MEETING/WORK SESSION
TUESDAY, FEBRUARY 23, 2016**

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

SPECIAL 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 work session, 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. Pledge of Allegiance

3. 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

4. Public Participation*

Public Participation enables the public to address the council about items that are not on the prepared agenda. 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.

5. **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)**

RECOMMENDED ACTION:

At the February 23, 2016 Council Meeting:

- 1) Continue the Public Hearing **to allow for public comment until 9:00 p.m. If public comment has not concluded, the public comment portion of the Public Hearing will be continued to the March 1, 2016, Council Meeting.**
- ~~2) Read Ordinance No. 2016-08 by title only for the first time~~
- ~~3) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)~~

At the March 1, 2016 Council Meeting:

- ~~4) Read Ordinance No. 2016-08 by title only for the final time on~~
- ~~5) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)~~
- ~~6) Adopt Ordinance No. 2016-08.~~

DUE TO THE ANTICIPATED NUMBER OF MEMBERS OF THE PUBLIC ATTENDING THIS MEETING, AND LIMITED SPACE WITHIN THE COUNCIL CHAMBERS (IN COMPLIANCE WITH THE FIRE CODE), CHAIRS AND TELEVISIONS WILL BE AVAILABLE IN THE LOBBY OF CITY HALL.

6. **Adjournment**

WORK SESSION

1. **Call to Order**
2. **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.

3. **Review of Draft Agenda Items for the March 1, 2016 City Council Meeting.***

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

4. **Public Participation**

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

6. **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: Brian Kulina, Planning Development Manager
Date: 02/18/2016
Meeting Date: 02/23/2016



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)***

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~~3) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)~~

At the March 1, 2016 Council Meeting:

~~4) Read Ordinance No. 2016-08 by title only for the final time on~~

~~5) City Clerk reads Ordinance No. 2016-08 by title only (if approved above)~~

~~6) Adopt Ordinance No. 2016-08.~~

DUE TO THE ANTICIPATED NUMBER OF MEMBERS OF THE PUBLIC ATTENDING THIS MEETING, AND LIMITED SPACE WITHIN THE COUNCIL CHAMBERS (IN COMPLIANCE WITH THE FIRE CODE), CHAIRS AND TELEVISIONS WILL BE AVAILABLE IN THE LOBBY OF CITY HALL.

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 1, 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:

No previous Council action or discussion has occurred regarding this Zoning Map Amendment request or the Subject Property.

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

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 of twenty thousand dollars (\$20,000.00) per space to the City for use in construction of an off-site public parking structure.

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 _____ day of _____, 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.