

ATTENTION

IN-PERSON AUDIENCES AT PLANNING & ZONING COMMISSION MEETINGS HAVE BEEN SUSPENDED UNTIL FURTHER NOTICE

The meetings will continue to be live streamed on the city's website
(<https://www.flagstaff.az.gov/1461/Streaming-City-Council-Meetings>)

To participate in the meeting click the following link:

[Join Microsoft Teams Meeting](#)

The public can submit comments that will be read at the dais by a staff member
to CDFrontCounter@flagstaffaz.gov

NOTICE AND AGENDA

**PLANNING & ZONING COMMISSION
WEDNESDAY
JANUARY 27, 2021**

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

1. Call to Order

2. Roll Call

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

DAVID ZIMMERMAN, CHAIR
MARIE JONES, VICE CHAIR
LLOYD PAUL
CAROLE MANDINO

DR. ALEX MARTINEZ
ERIC NOLAN
GAYLENE SOPER

3. Public Comment

At this time, any member of the public may address the Commission on any subject within their jurisdiction that is not scheduled before the Commission on that day. Due to Open Meeting Laws, the Commission cannot discuss or act on items presented during this portion of the 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.

4. APPROVAL OF MINUTES

Approval of the minutes of the regular meeting of January 13, 2021

5. **PUBLIC HEARING**

A. **PZ-20-000141-02 Whispering Winds Sign Landmark Overlay**

A Direct to Ordinance Landmark Overlay Rezoning of approximately 0.82 acres located at 922 E Route 66 to support the restoration of a Historic Route 66 sign at the Whispering Winds Motel. The Flagstaff Heritage Preservation Program representing the property owner, for the restoration of a historic sign. The current zoning of the property is Highway Commercial (HC). The request is to zone the property into the Landmark Overlay (LO) with the condition that that landmark review only apply to the historic sign.

STAFF RECOMMENDED ACTION:

Staff requests this item to be continued to the February 10, 2021 meeting of the Planning and Zoning Commission.

6. **GENERAL BUSINESS**

A. **Discussion:** 709 O'Leary St ROW Abandonment Request

STAFF RECOMMENDED ACTION:

City Staff does not recommend abandoning the public right of way. The public right-of-way is needed for future Flagstaff Urban Trail System (FUTS).

7. **MISCELLANEOUS ITEMS TO/FROM COMMISSION MEMBERS**

8. **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. This notice has been posted on the City's website and can be downloaded at www.flagstaff.az.gov.

Dated this _____ day of _____, 2020.

Tammy Bishop, Administrative Specialist



Planning & Zoning Commission

5. A.

Meeting Date: 01/27/2021

From: Mark Reavis, Heritage Preservation Officer and Neighborhood Planner

Information

TITLE:

PZ-20-000141-02 Whispering Winds Sign Landmark Overlay

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STAFF RECOMMENDED ACTION:

Staff requests this item to be continued to the February 10, 2021 meeting of the Planning and Zoning Commission.



Planning & Zoning Commission

6. A.

Meeting Date: 01/27/2021

From: Bryce Doty, Real Estate Manager

Information

TITLE

Discussion: 709 O'Leary St ROW Abandonment Request

STAFF RECOMMENDED ACTION:

City Staff does not recommend abandoning the public right of way. The public right-of-way is needed for future Flagstaff Urban Trail System (FUTS).

EXECUTIVE SUMMARY:

Prior to taking any abandonment requests to City Council, the Planning Commission must make a recommendation pursuant to City Code Title 11-20.160.020.D. Upon receipt of a recommendation from the Planning Commission, the City Council shall conduct a public hearing.

Owner adjacent to the presently unused portion of Hoskins Ave has requested the City abandon the unused public right-of-way. Due to potential future improvements in the area, city staff does not recommend abandoning this portion of public right-of-way.

Option 1: Recommend to City Council the abandonment of the public right-of-way

Option 2: Recommend to City Council to retain the public right-of-way for public purposes

Attachments

Staff Presentation

Applicant Letter of Request

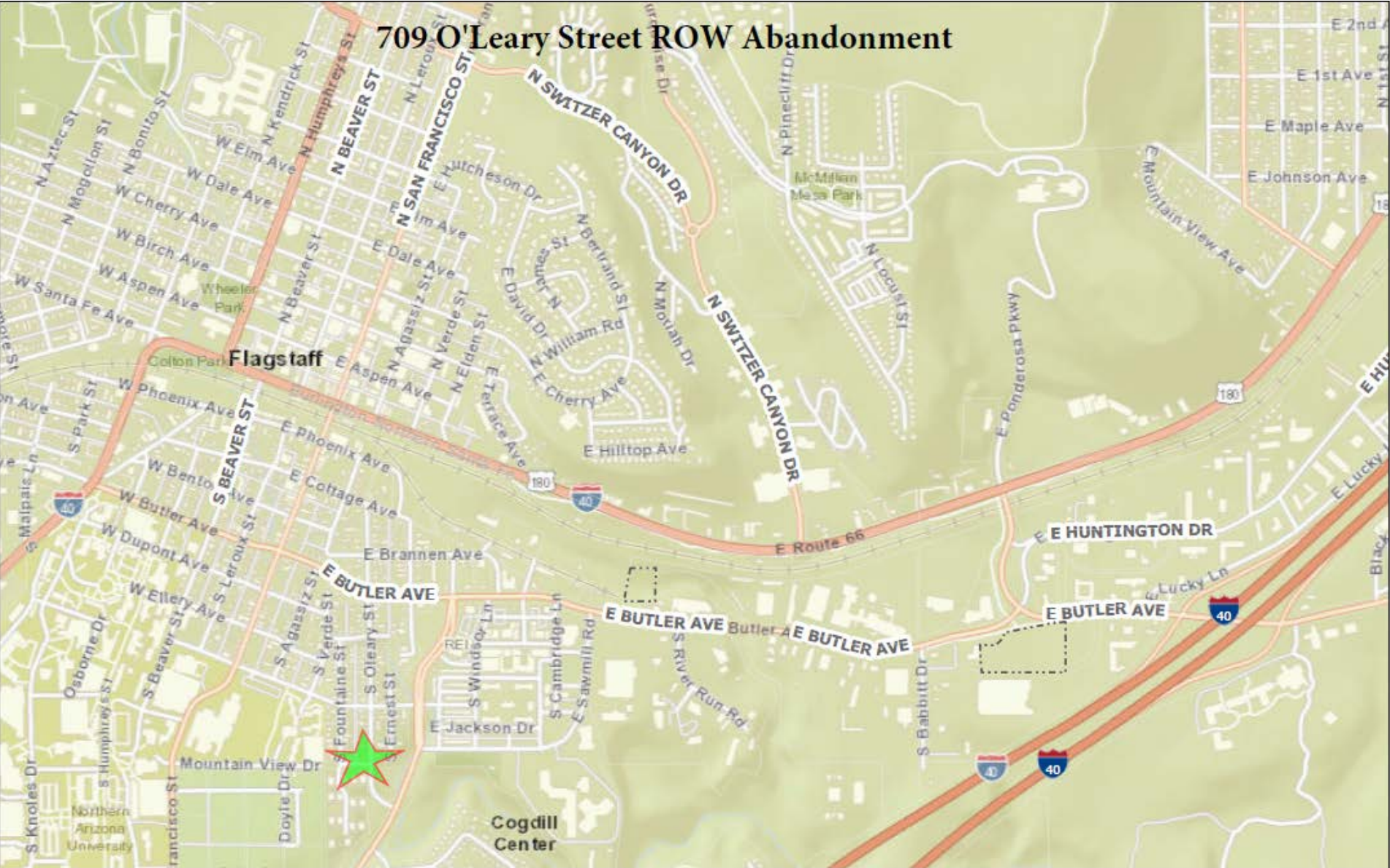
Abandonment Report

Abandonment of ROW 709 O'Leary Street Discussion



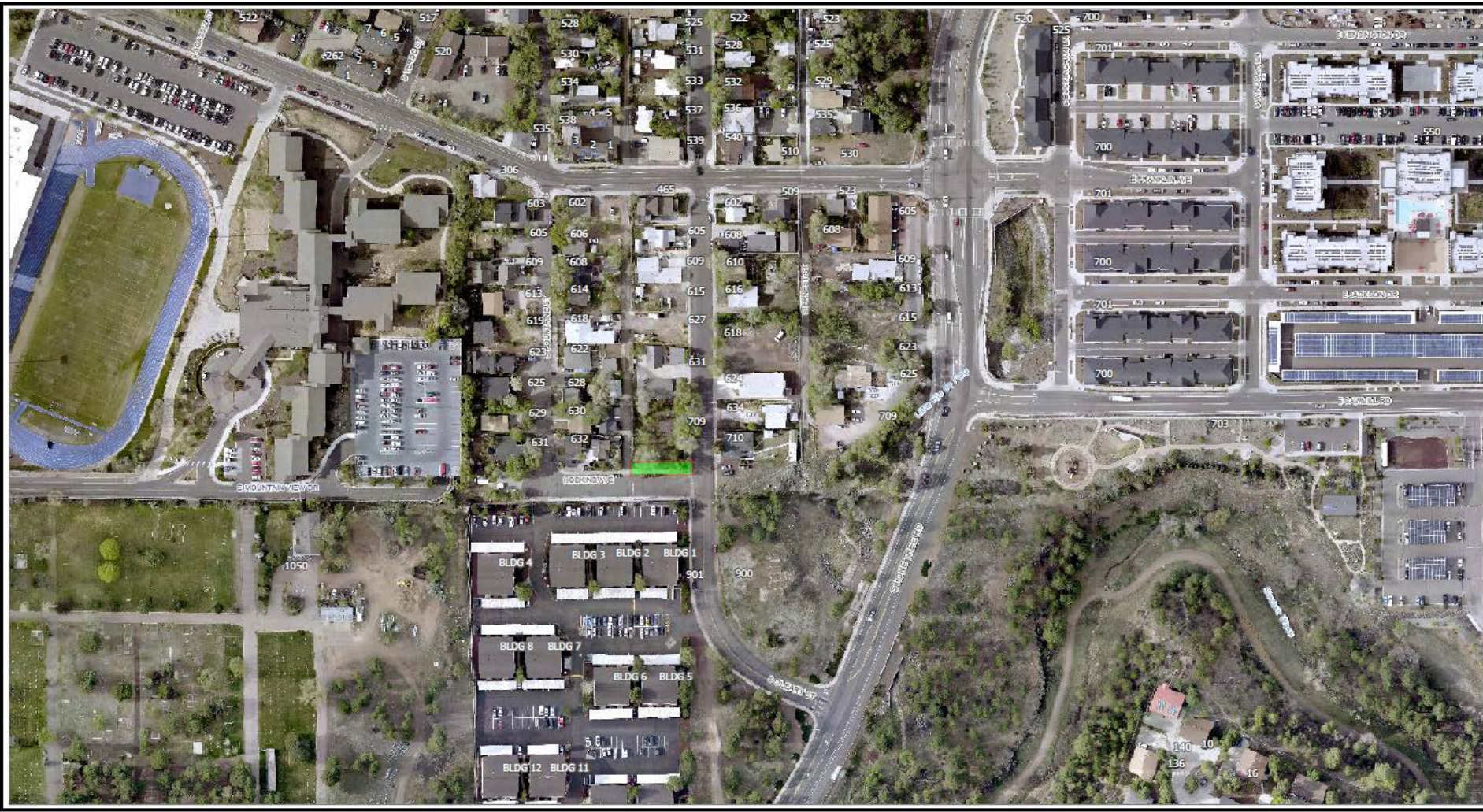


Vicinity Map

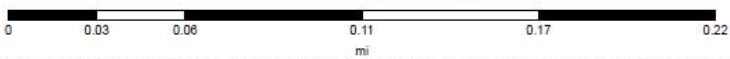




Satellite View



709 O'Leary Request

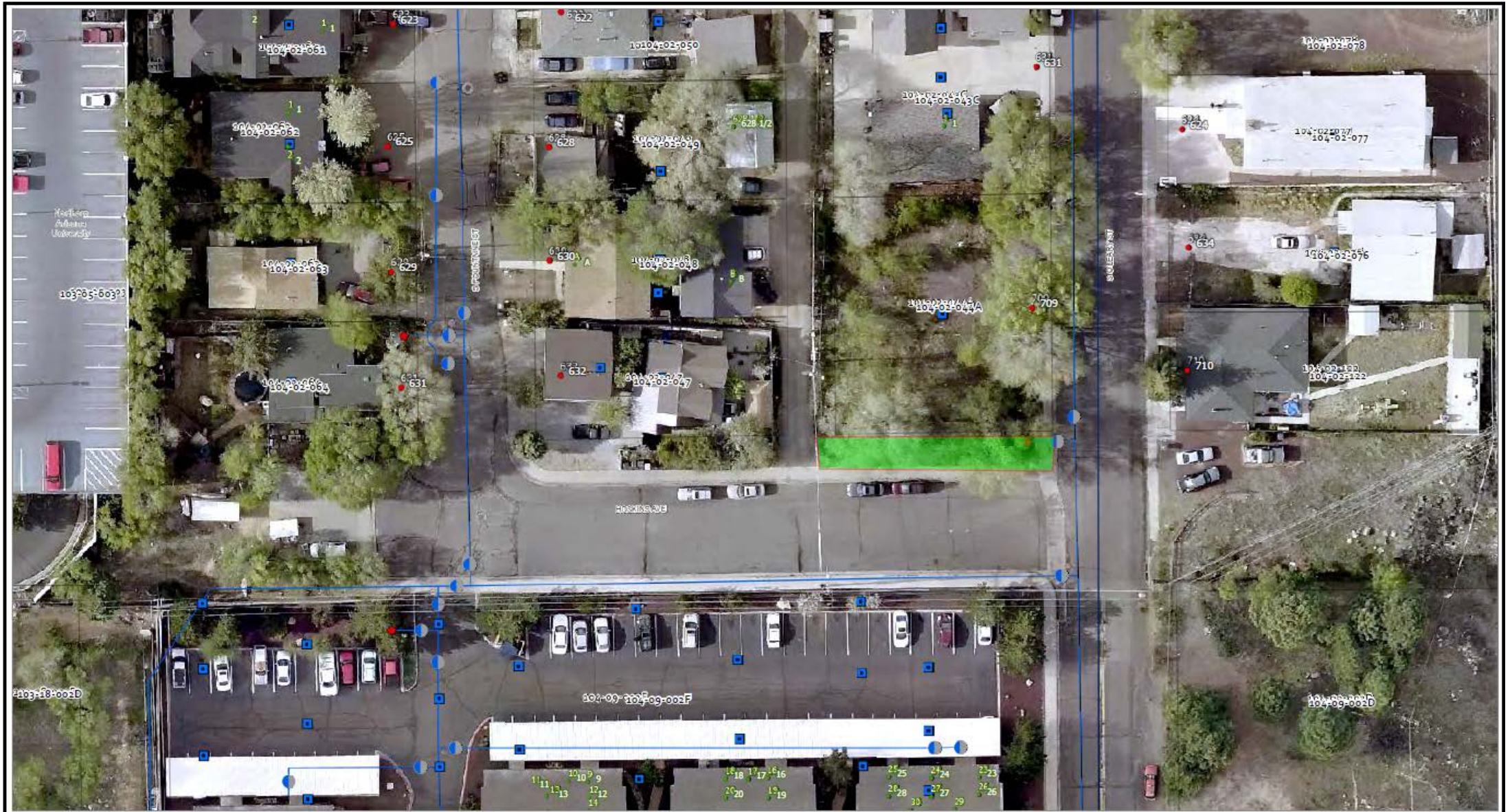


City of Flagstaff maps and data are updated on a regular basis from data obtained from various sources. The City of Flagstaff endeavors to provide accurate information, but accuracy is not guaranteed. You are strongly encouraged to obtain any information you need for a business or legal transaction from a surveyor, engineer, title company, or other licensed professional as appropriate. Information is provided subject to the express condition that you knowingly waive any and all claims for damages against the City of Flagstaff relating to use of this information.





Zoomed In View

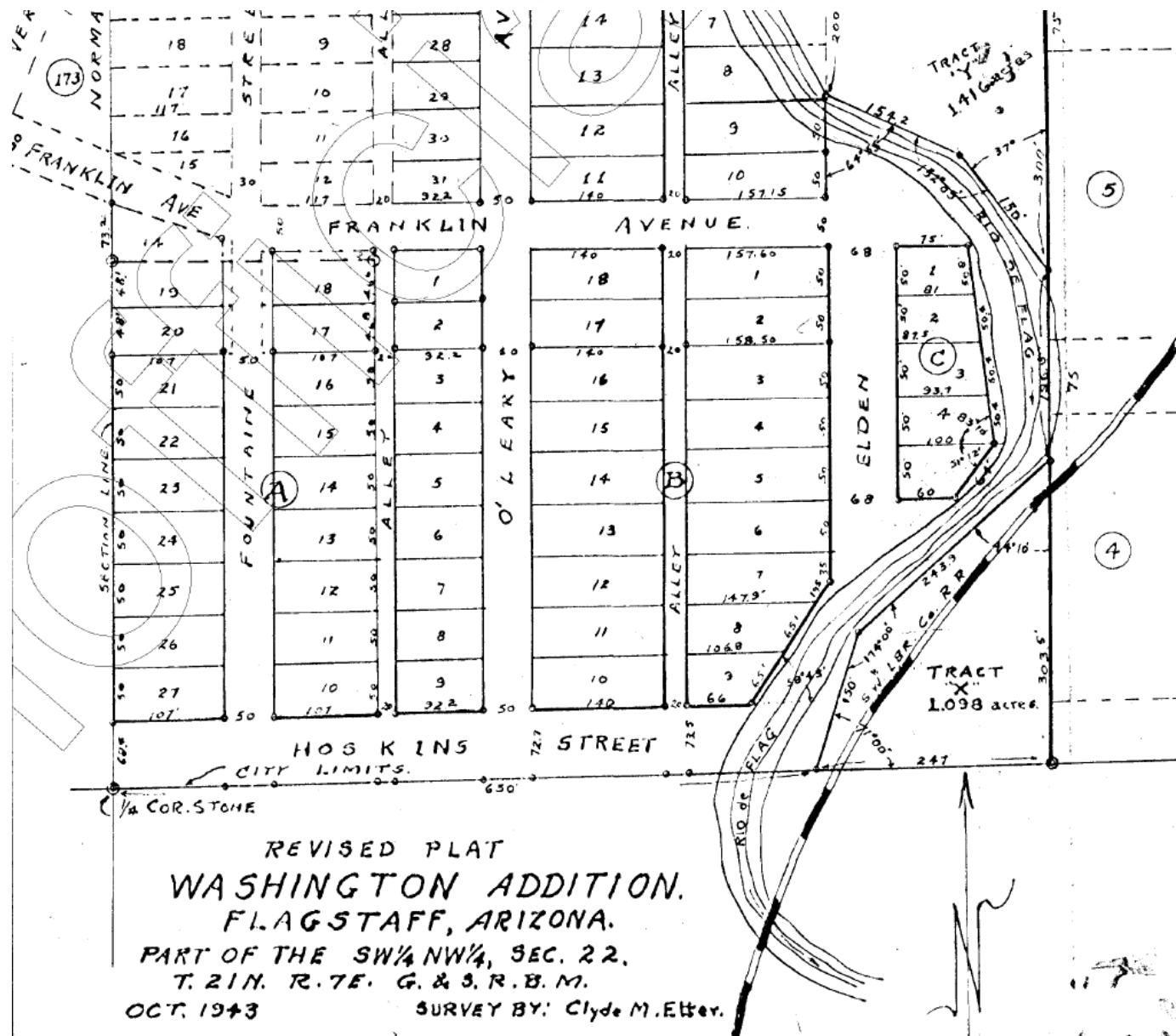




Background/History

Hoskins Street dedicated in 1943

As-Built Street does not Utilize entire Public Right-Of-Way Dedication



DEDICATION.
This is a Revised Plat of WASHINGTON ADDITION to the CITY of FLAGSTAFF, COCONINO COUNTY, ARIZONA, and is a subdivision of a portion of the SW 1/4 of the NW 1/4, of Section 22, T. 21 N. R. 7 E. G. & S. R. B. M. The Numbers of the LOTS, and the dimensions thereof, and the widths of the STREETS and ALLEYS are shown hereon. The STREETS & ALLEYS are hereby Dedicated to the use of the Public.
In Witness whereof We, have hereunto set our Hands and Seal.
George G. Babbitt, Jr.
GEORGE G. BABBITT, JR.
Ruth Babbitt
RUTH BABBITT, his wife.

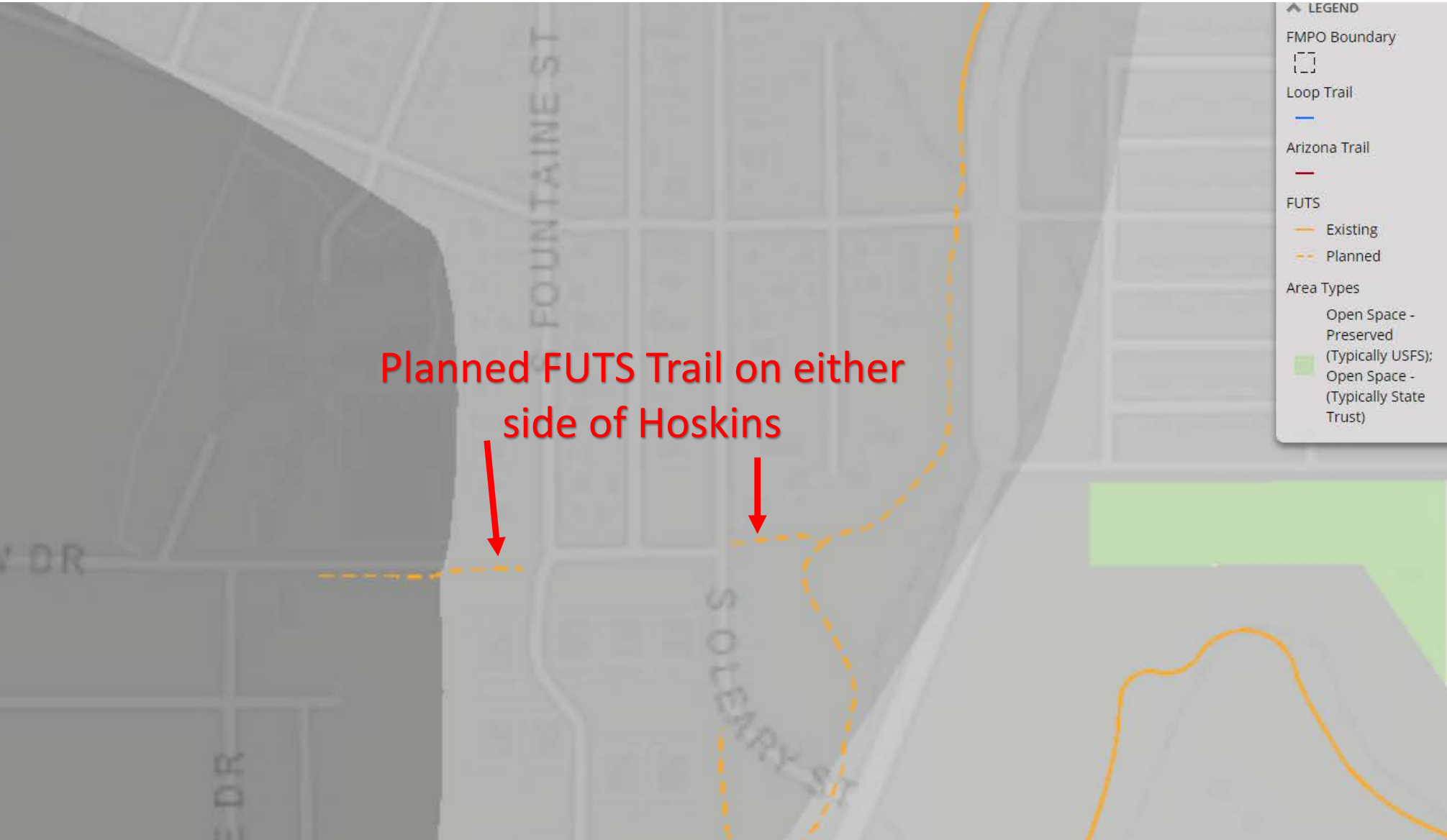


Public Right-Of-Way



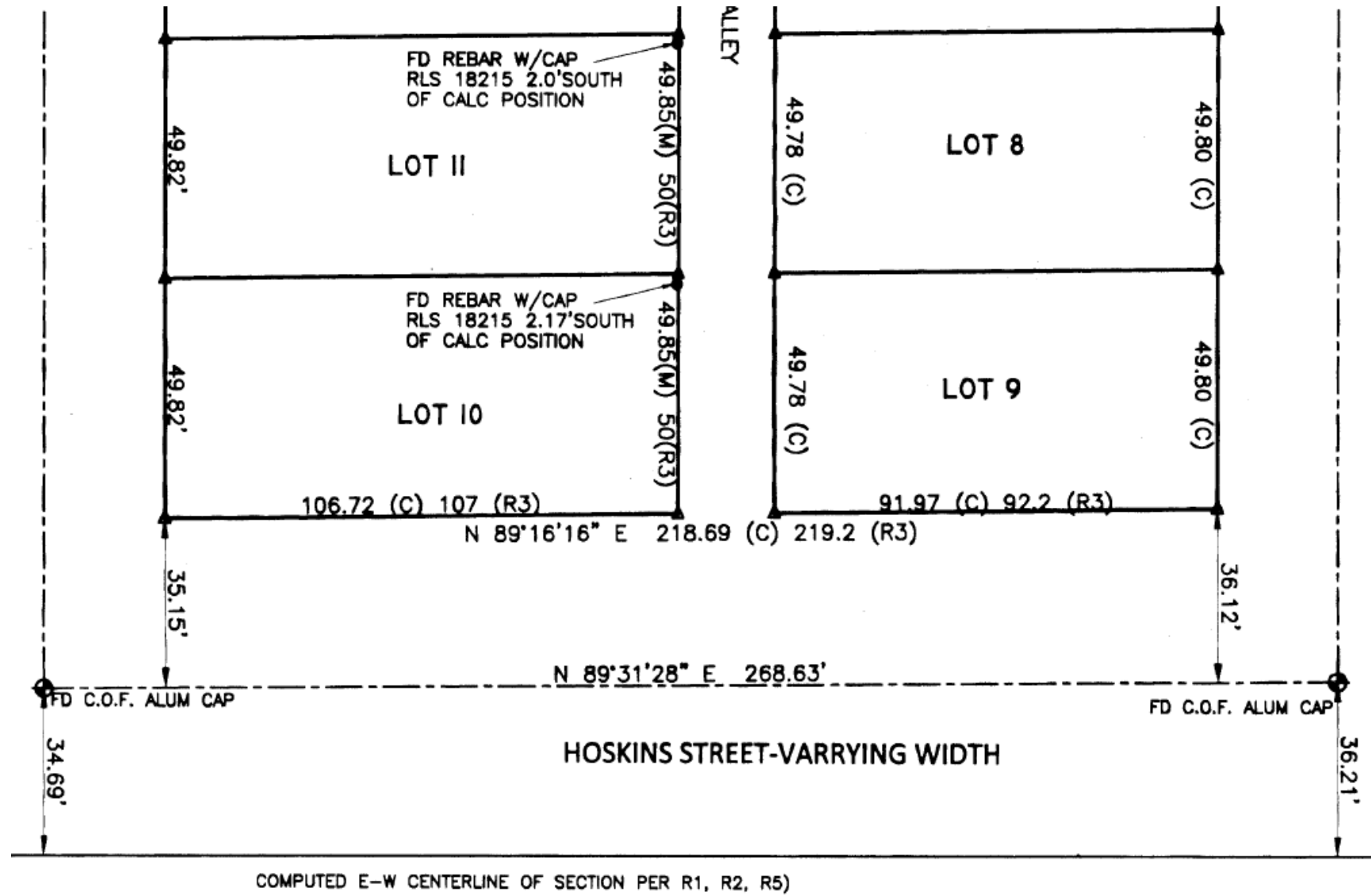


Flagstaff Regional Plan 2030





Recent Survey Identify Hoskins ROW





Looking West on Hoskins Ave





Western View





Eastern View





Northern View





709 O'Leary SW View





Unused Portion of ROW



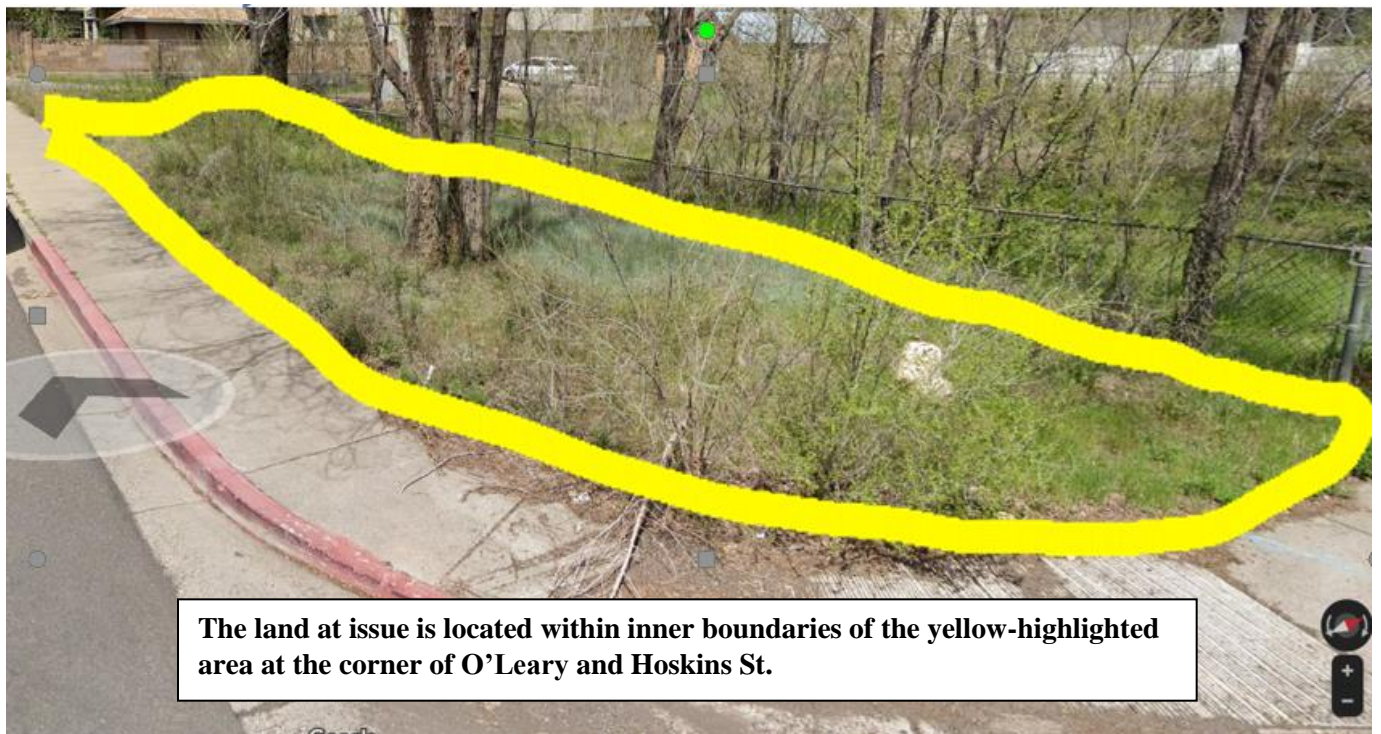
Est. 12' of ROW outside of
City Improvements

My name is Tommy Hernandez, and I am a fourth generation Flagstaff resident. My uncle, Wilfred Chavez, and I have formed AC Chavez, LLC and own the property at 709 S. O'Leary St. I am here today to ask the Flagstaff City Council to hear our request to acquire a small parcel of land from the City by either abandonment or purchase.

709 S. O'Leary St. is much more than just property. My grandparents, Aurelio and Carmen Chavez, purchased this property in 1948. Once my grandfather returned from WWII, he began employment at the Saginaw Lumber Company, which was located on Butler Ave where the Sawmill Shopping Center currently is. He worked there loyally for almost four decades, with several lost fingers to show for it.



Granting our request will allow us to honor Southside families with similar stories to ours. We are not out of town investor; we are a local family that has passed up on numerous offers for our property so we can develop and continue building our family legacy in the community we love. Granting our request will help us do this in a way that adds value to the City without any undue burden. When the City of Flagstaff constructed Hoskins Avenue in 1943, they left an easement on the north end of the street. This is what the easement looks like today.



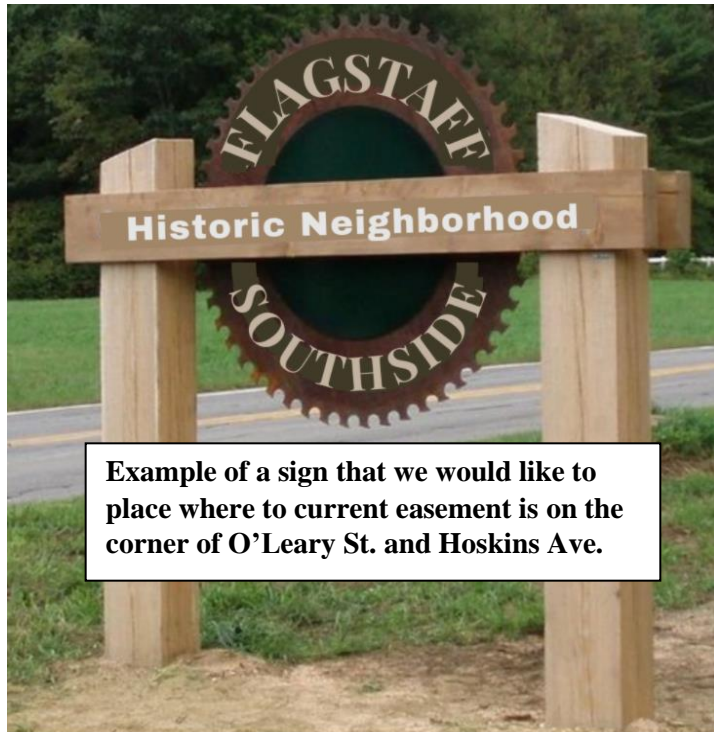


This brick wall was built on the easement approximately 25 years ago on adjacent property.



At the end of Hoskins St. there is this driveway with a brick wall behind it.

Our project and the acquisition of the easement will provide value to the Southside in several ways. The plans include cleaning and landscaping the area of the easement, designing a custom sign that will help recognize the deep history of the Southside and increasing our property value will result in more property tax paid to the City of Flagstaff. Our plans also align with the goals



Example of a sign that we would like to place where to current easement is on the corner of O'Leary St. and Hoskins Ave.

of the [Southside Community Specific Plan](#) that was devised by the Southside Association and the City of Flagstaff. We are designing an apartment complex to help address the shortage of single-family units in Flagstaff. If we acquire this easement, we will also designate one of our units as low income to help address Flagstaff's extreme shortage of affordable housing

units.

Furthermore, granting our request would not place any undue burden or cost on the City of Flagstaff. The City has never spent any time or resources maintaining this small piece of land. Without expending any of its resources, the City can benefit from the beautification of this area and recognize the history of the African American and Mexican American families that once lived in this vibrant neighborhood. Due to gentrification, the Southside will never be the same but allowing us to help recognize its history is priceless.

I appreciate the care and attention of the City Council in this manner and thank the City Manager and City staff members for giving us the opportunity to discuss and share our plans.

Thank you for your time and consideration in hearing my request to acquire this small parcel of land from the city either by abandonment or purchase.

REAL ESTATE REPORT
RIGHT-OF-WAY ABANDONMENT

DATE:	January 21, 2021
MEETING DATE:	January 27, 2021
REPORT BY:	Bryce Doty

REQUEST:

A request from Tommy Hernandez, the owner of 709 S O'Leary Street to abandon a portion (approximately 12' x 90' or 1,080 square feet of area) adjacent to their property.

STAFF RECOMMENDATION:

City Staff does not recommend abandoning the public right of way. The public right-of-way is needed for future Flagstaff Urban Trail System (FUTS) as identified in the Regional Plan.

PRESENT LAND USE:

The right-of-way subject to this request is currently undeveloped land with scattered brush and small trees. 709 S O'Leary is currently vacant within the High Density Residential Zone.

PROPOSED LAND USE:

The applicant proposes to incorporate the unimproved portion of public right-of-way into his adjacent parcel with plans to landscape and display signage recognizing the history of the Southside neighborhood. Please see applicant's letter of request.

NEIGHBORHOOD DEVELOPMENT:

North: Residential housing
East: Residential housing
South: Apartment complex
West: Residential housing

FINDINGS

There are no specific findings or criteria in City Code for examining abandonment requests made by members of the public. Typically, internal city staff reviews these requests as part of the Property & Development Review Committee to determine if right-of-way requested for abandonment is necessary for future city development. The following are evaluation criteria developed by staff to assist with decisions on whether or not to abandon easements or rights-of-way. Prior to taking any abandonment requests to City Council, the Planning Commission must make a recommendation pursuant to City Code Title 11-20.160.020.D.

PZ-20-00071-02**Abandonment Request**

EVALUATION CRITERIA		Maintain ROW	Abandon ROW
Future Public Use		Planned FUTS trail on either side of Hoskins	Restricts ability to connect planned FUTS trail outside of existing road improvements
Benefit to City	Maintenance	No current maintenance costs; future plans will require maintenance	Owner Responsible for Maintenance Costs
	Tax Base Implications	No increase	An additional 1,080 sq ft of vacant land would be added to the tax roll; increases parcel size by 11%
	Fair Market Value of area to be abandoned	None	Full Cash Value assessment of adjacent lot suggests a fair market value of the area to be abandoned at approximately \$15,000
Restrictions of Abandonment		None	None; city received public ROW by plat
Utility Impacts		None	None; existing fire hydrant would remain city property

PROJECT INTRODUCTION/BACKGROUND:

In 1943 the Revised Plat of the Washington Addition of the City of Flagstaff, dedicated Hoskins Street to the public for public use in varying widths from 60' to 73.5'. In this plat, Hoskins is shown bounded on the east by the Rio de Flag; as a result, development of Hoskins Street on the East side of O' Leary Street never occurred.

The 2018 Survey of Block A Revised Washington Addition identifies the width of Hoskins Street at the SE/4 of Lot 9, being the SE/4 of 709 O'Leary Street as 72.33'. The as-built roadway and improvements along Hoskins along the southern line of 709 O'Leary street measures approximately 55', leaving approximately 12' of unimproved publicly owned right-of-way abutting the southern line of 709 O'Leary Street. Apart from a fire hydrant on the SE/4 adjacent to 709 O'Leary, the remnant right-of-way has never been developed.; it remains un-landscaped city brush.

The owner of 709 O'Leary Street approached the City with a request to abandon a portion of the unbuilt remnant of Hoskins right-of-way adjacent to 709 O'Leary Street. The City Planners, Engineers, Water Services and Traffic evaluated that certain remnant right-of-way along the south side of the 709 O'Leary Street and determined the remnant may be needed in the foreseeable future for right-of-way or FUTS trail purposes.

In February of 2020, City staff, on request from the owner of 709 O'Leary to improve the remnant right-of-way, determined that the owner could improve that certain remnant property by applying for an encroachment permit.

Between September and November of 2020, members of Council and staff met with the owner of 709 O'Leary Street three times to discuss the possibility of abandoning the remnant right-of-way. Staff re-affirmed its conclusion that the remnant right-of-way may be needed in the foreseeable future for public purposes.

FLAGSTAFF REGIONAL PLAN

The Flagstaff Regional plan identifies a planned FUTS trail on either side of the Hoskins. Abandoning public right-of-way along this stretch will restrict connecting the two stretches of the FUTS trail within the existing roadway.

NEXT STEPS

Upon recommendation, the applicant may take the request to city council for hearing. Should the city council determine to abandon the public right-of-way, City Staff will set a minimum bid amount based on an appraisal or a determination

Abandonment Request

of fair market value. The property will then be conveyed at an auction granting the adjacent owner first right of refusal for purchase.

RECOMMENDATION

As stated previously, due to planned future FUTS trail needs, City Staff does not recommend abandoning the unimproved portion of Hoskins Ave public right-of-way abutting 709 O’Leary Street. Staff supports applicant pursuing proposed improvements to the public right-of-way by applying for an encroachment permit.