

ORDINANCE NO. 2019-14

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 83.88 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 3200 EAST BUTLER AVENUE ON PARCEL NUMBERS 106-08-005L, 106-08-005M AND 106-08-005P FROM THE RESEARCH AND DEVELOPMENT (RD) ZONE TO MEDIUM DENSITY RESIDENTIAL (MR), HIGH DENSITY RESIDENTIAL (HR), AND HIGHWAY COMMERCIAL (HC) WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Canyon del Rio Investors, LLC (the "Applicant") applied for a Concept Zoning Map Amendment to rezone approximately 83.88 acres of land generally located at 3200 East Butler Avenue, Coconino County, Arizona, a legal description of which is provided in Exhibits "A, B and C" attached hereto ("the Property"), in order to construct a mix of commercial and residential land uses consisting of 226,000 square feet of commercial space with 950 rental and for sale residential units; 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 zoning of the Property from the Research and Development (RD) zone to Medium Density Residential (MR) Zone for 27.92 acres, High Density Residential (HR) Zone for 29.97 acres and Highway Commercial (HC) Zone for 25.99 acres; and

WHEREAS, the Applicant conducted neighborhood meetings on August 28, 2013, July 26, 2018 and July 28, 2018, to discuss the proposed Concept 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 public hearings on April 10, 2019, and April 24, 2019, 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, staff have recommended approval of the Concept 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 Concept 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 designation for the Property is hereby amended from the Research and Development (RD) Zone to the Medium Density Residential (MR) Zone for 27.92 acres, High Density Residential (HR) Zone for 29.97 acres and Highway Commercial (HC) Zone for 25.99 acres, as depicted in Exhibits "A, B, and C", through the approval of the application and all other documents attached to the staff summary submitted in support of this Ordinance.

SECTION 6. That the Concept 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. That the subject property be developed according to the Concept Zone Plan of Canyon del Rio as presented with the rezoning request.
2. That all other requirements of the Flagstaff Zoning Code and other City codes, ordinances and regulations apply to the Canyon del Rio development.
3. The developer shall grant permanent public pedestrian easements on the trails within the development of Canyon del Rio.
4. That all terms, conditions and restrictions detailed in the "Canyon del Rio" Development Agreement, which was entered into between the City of Flagstaff and the Applicant, and approved by the City Council through Resolution No. 2019-20 on June 4, 2019, are fully satisfied.

5. That a Vegetative Management plan meeting the Flagstaff Fire Department's approval be processed and the work completed before combustible materials be brought onto Canyon del Rio.
6. All single-family attached and detached homes within Canyon del Rio will comply with the "Net Zero Ready" design that provides energy efficient homes.
7. The developer will create a Design Review Policy document that sets minimum exterior structure appearance, materials and design consistent with the City's Architectural Design Standards, section 10-50.20 of the Zoning Code, prior to the first subdivision plat or site plan review.
8. In conjunction with Regional Plan policy LU.13.5., if vertical mixed use is not feasible, the site design of commercial buildings that are at-grade with the commercial corridor (Butler Avenue and/or South Fourth Street) will need to have architecture that mimics a 2-story building in order to support a feeling of enclosure that has been shown to make activity centers more comfortable to walk in.
9. The Lot Coverage/Building information chart on the Concept Zone Plan of Canyon Del Rio and Exhibit "D", Density Chart, to the Development Agreement for Canyon del Rio must set target densities and intensities for parcels within Canyon del Rio as approved by staff.
10. All private roads shall remain open to the public and shall never be gated.
11. Development of the Property shall not commence until Applicant obtains a permit from the Arizona Department of Agriculture for removal/destruction of any protected plan species on the Property.
12. The Applicant provide to the City a document that describes how the "resource banks" will be administered and excess resources will be distributed to other sites and how the transferred resources will be permanently protected. The document will be provided to the City in conjunction with the first preliminary plat or site plan review proposed for a parcel in Canyon del Rio.

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 its adoption by City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 20th day of June 4, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit "A"

Legal Description of Property

Exhibit 'A'

HC Zoning Legal Description:

A portion of Section 24, Township 21 North, Range 7 East, of the Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

Parcel 1:

Commencing at the west quarter corner of said Section 24, a 1/2" rebar with aluminum cap "LS 4321", from which the northwest corner of said Section 24, a 2" x 2" square rod, bears North 00°43'05" West, 2645.53 feet (Basis of Bearing and as shown on Book 20, Page 45 of Surveys, Official Records of Coconino County, herein referred to as R1);

Thence along the west line of said Section 24, North 00°43'05" West, 1839.51 feet to a point lying 50 feet southeasterly of the centerline of Butler Ave. per R1;

Thence parallel with and 50 feet southeasterly of said centerline, North 70°10'43" East, 352.25 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing parallel with and 50 feet southeasterly of said centerline, North 70°10'43" East, 251.20 feet;

Thence South 10°03'15" West, 614.41 feet;

Thence South 82°58'09" West, 64.06 feet;

Thence North 00°47'14" West, 148.67 feet to the beginning of a curve concave to the west having a radius of 985.00 feet and a central angle of 19°03'34";

Thence northerly along said curve, 327.66 feet;

Thence North 19°50'42" West, 41.36 feet;

Thence North 25°09'53" East, 21.21 feet **TRUE POINT OF BEGINNING**;

Containing 1.79 acres, more or less.

Parcel 2:

Commencing at the west quarter corner of said Section 24, a 1/2" rebar with aluminum cap "LS 4321", from which the northwest corner of said Section 24, a 2" x 2" square rod, bears North 00°43'05" West, 2645.53 feet (Basis of Bearing and as shown on Book 20, Page 45 of Surveys, Official Records of Coconino County, herein referred to as R1);

Thence along the west line of said Section 24, North 00°43'05" West, 1839.51 feet to a point lying 50 feet southeasterly of the centerline of Butler Ave. per R1;

Thence parallel with and 50 feet southeasterly of said centerline, North 70°10'43" East, 707.06 feet to the beginning of a curve concave to the south having a radius of 660.00 feet and a central angle of 24°51'55";

Thence continuing parallel with and 50 feet southeasterly of said centerline, and easterly along said curve, 22.84 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing parallel with and 50 feet southerly of said centerline, and easterly along said curve, 263.59 feet;

Thence continuing parallel with and 50 feet southerly of said centerline, South 84°58'58" East, 690.72 feet;

Thence South 39°59'26" East, 21.22 feet;

Thence South 04°59'58" West, 35.94 feet to the beginning of a curve concave to the east having a radius of 659.00 feet and a central angle of 40°44'38";

Thence southerly along said curve, 468.63 feet;

Thence South 35°44'39" East, 228.26 feet;

Thence South 09°15'22" West, 35.36 feet;

Thence South 54°15'18" West, 18.89 feet to the beginning of a curve concave to the north, having a radius of 265.00 feet and a central angle of 95°54'39";

Thence westerly and northwesterly along said curve, 443.60 feet to the beginning of a curve concave to the southwest, having a radius of 385.00 feet and a central angle of 65°52'14";

Thence northwesterly and westerly along said curve, 442.62 feet;

Thence North 21°05'13" West, 270.91 feet;

Thence North 86°29'57" West, 108.30 feet;

Thence North 45°57'58" West, 320.23 feet to the **TRUE POINT OF BEGINNING**.

Containing 10.79 acres, more or less.

Parcel 3:

Commencing at the center quarter corner of said Section 24, a ¾" open pipe, from which the north quarter corner of said Section 24, a 2-1/2" aluminum cap "LS 16630", bears North 00°29'59" West, 2644.85 feet (Basis of Bearing and as shown on Book 20, Page 45 of Surveys, Official Records of Coconino County);

Thence leaving the North-South mid-section line of said Section 24, South 55°32'05" West, 110.67 feet to the beginning of a non-tangent curve concave to the southwest, having a radius of 950.00 feet and a central angle of 5°15'20" and being subtended by a chord which bears North 33°05'32" West, 87.11 feet;

Thence northwesterly along said curve, 87.14 feet;

Thence North 35°43'12" West, 114.65 feet to the **TRUE POINT OF BEGINNING**;

Thence North 81°24'34" West, 740.58 feet;

Thence North 05°23'53" West, 251.91 feet;

Thence North 10°17'13" West, 262.84 feet;

Thence North 15°41'42" West, 260.26 feet;

Thence North 21°07'29" West, 260.47 feet;

Thence North 24°09'02" West, 166.03 feet to the beginning of a non-tangent curve concave to the southwest, having a radius of 315.00 feet and a central angle of 2°16'36" and being subtended by a chord which bears South 30°58'21" East, 12.52 feet;

Thence southeasterly along said curve, 12.52 feet to the beginning of a curve concave to the north, having a radius of 335.00 feet and a central angle of 95°52'52";

Thence southeasterly and easterly along said curve, 560.60 feet;

Thence North 54°15'29" East, 19.01 feet;

Thence South 80°14'12" East, 35.05 feet to the beginning of a non-tangent curve concave to the west, having a radius of 1440.00 feet and a central angle of 26°43'24";

Thence southerly along said curve, 673.48 feet;

Thence South 07°30'56" East, 54.56 feet to the beginning of a curve concave to the east, having a radius of 650.00 feet and a central angle of 28°12'16";

Thence southerly along said curve, 319.97 feet;

Thence South 35°43'12" East, 224.18 feet to the **TRUE POINT OF BEGINNING**.

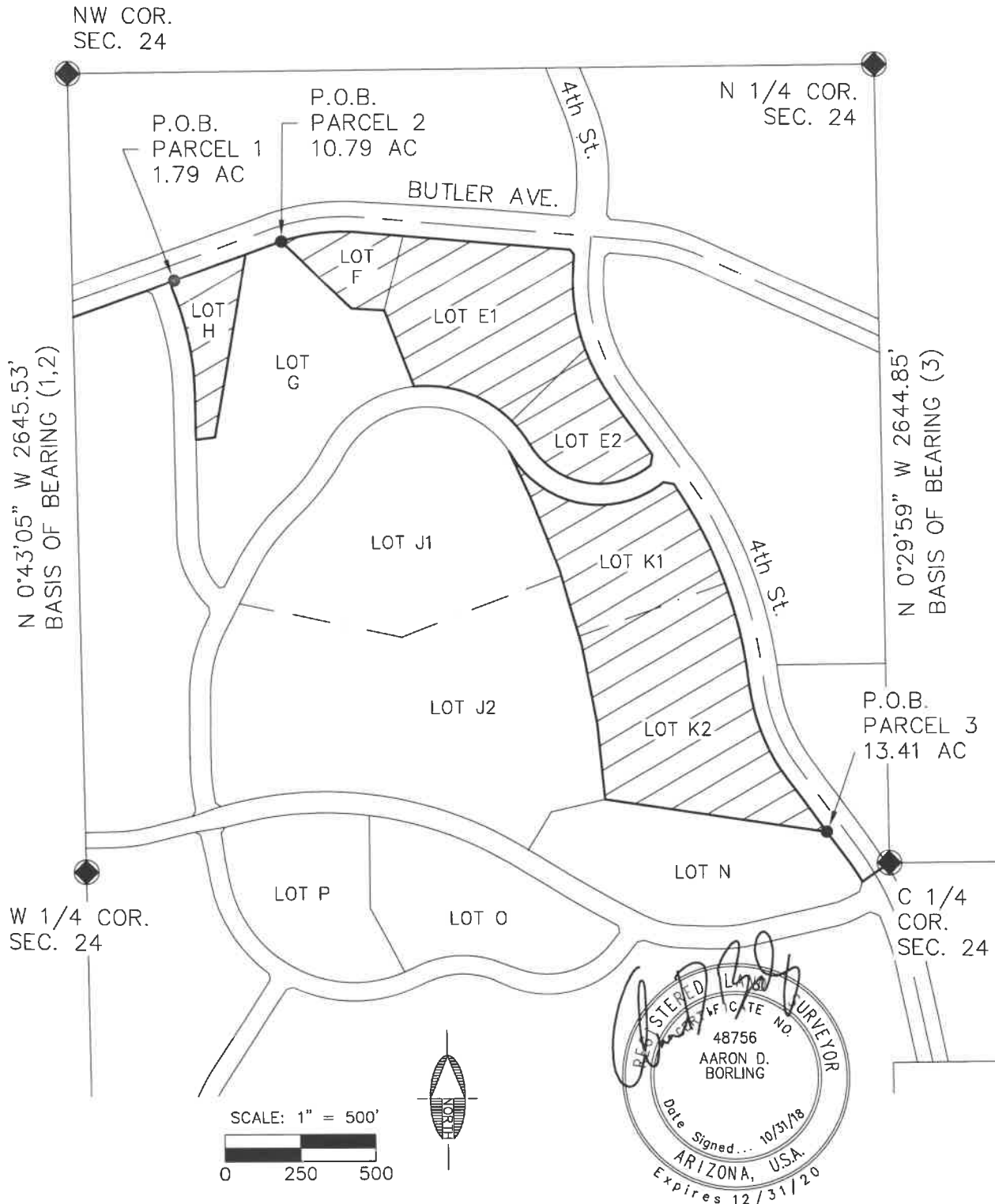
Containing 13.41 acres, more or less.

See Exhibit 'A-1' attached hereto and made a part hereof.



EXHIBIT A-1 TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF SECTION 24, TOWNSHIP 21 NORTH,
RANGE 7 EAST
GILA AND SALT RIVER MERIDIAN
COCONINO COUNTY, ARIZONA



110 West Dale Ave
Flagstaff, Az 86001
928.773.0354
928.774.8934 fax

Shephard Wesnitzer, Inc. www.swiaz.com

JOB NO: 13184
DATE: 10/31/2018
SCALE: 1" = 500'
DRAWN: ADB
DESIGN:
CHECKED: ADB

CITY OF FLAGSTAFF COCONINO COUNTY ARIZONA

LEGAL EXHIBIT

SHEET

4

OF 4

Exhibit "B"

Legal Description of Property

Exhibit 'B'

MR Zoning Legal Description:

A portion of Section 24, Township 21 North, Range 7 East, of the Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

Parcel 1:

Commencing at the west quarter corner of said Section 24, a 1/2" rebar with aluminum cap "LS 4321", from which the northwest corner of said Section 24, a 2" x 2" square rod, bears North 00°43'05" West, 2645.53 feet (Basis of Bearing and as shown on Book 20, Page 45 of Surveys, Official Records of Coconino County);

Thence along the west line of said Section 24, North 00°43'05" West, 80.09 feet;

Thence leaving said west line North 89°16'54" East, 95.24 feet to the beginning of a curve concave the north, having a radius of 526.00 feet and a central angle of 13°13'48";

Thence easterly along said curve, 121.46 feet;

Thence North 76°05'11" East, 147.09 feet;

Thence North 81°16'37" East, 99.51 feet to the **TRUE POINT OF BEGINNING**;

Thence North 76°05'13" East, 51.60 feet to the beginning of a curve concave to the south, having a radius of 1165.00 feet and a central angle of 45°26'02";

Thence easterly and southeasterly along said curve, 923.81 feet

Thence South 58°30'58" East, 217.18 feet to the beginning of a curve concave to the northeast, having a radius of 2435.00 feet and a central angle of 4°12'51";

Thence southeasterly along said curve, 179.09 feet;

Thence South 62°41'39" East, 12.23 feet;

Thence South 12°51'28" East, 21.42 feet;

Thence South 37°18'01" West, 40.71 feet to the beginning of a curve concave to the north, having a radius of 269.50 feet and a central angle of 73°00'26";

Thence southwesterly and westerly along said curve, 343.40 feet;

Thence North 69°44'40" West, 80.27 feet to the beginning of a curve concave to the south, having a radius of 330.50 feet and a central angle of 45°13'12";

Thence westerly and southwesterly along said curve, 260.84 feet;

Thence South 63°58'47" West, 26.25 feet to the beginning of a curve concave to the northwest, having a radius of 419.50 feet and a central angle of 105°54'29";

Thence westerly and northwesterly along said curve, 775.42 feet;

Thence North 10°24'48" West, 68.45 feet;

Thence North 07°52'41" West, 88.32 feet;

Thence North 32°59'43" East, 21.91 feet to the **TRUE POINT OF BEGINNING**;

Containing 11.60 acres, more or less.

Parcel 2:

Commencing at the center quarter corner of said Section 24, a ¾" open pipe, from which the north quarter corner of said Section 24, a 2-1/2" aluminum cap "LS 16630", bears North 00°29'59" West, 2644.85 feet (Basis of Bearing and as shown on Book 20, Page 45 of Surveys, Official Records of Coconino County);

Thence leaving the North-South mid-section line of said Section 24, South 55°32'05" West, 110.67 feet to the **TRUE POINT OF BEGINNING**;

Thence South 16°42'25" West, 34.49 feet;

Thence South 63°09'21" West, 45.29 feet to the beginning of a curve concave to the north, having a radius of 265.00 feet and a central angle of 14°03'12";

Thence southwesterly and westerly along said curve, 65.00 feet;

Thence South 77°12'34" West, 266.33 feet to the beginning of a curve concave to the north, having a radius of 465.00 feet and a central angle of 14°42'11";

Thence westerly along said curve, 119.33 feet;

Thence North 88°05'15" West, 110.04 feet to the beginning of a curve concave to the north, having a radius of 265.00 feet and a central angle of 25°09'05";

Thence westerly along said curve, 116.33 feet;

Thence North 62°42'03" West, 84.50 feet to the beginning of a curve concave to the northeast having a radius of 2365.00 feet and a central angle of 4°12'51";

Thence northwesterly along said curve, 173.94 feet;

Thence North 58°30'58" West, 191.79 feet;

Thence North 31°29'02" East, 146.34 feet;

Thence North 77°05'44" East, 182.81 feet;

Thence South 81°24'34" East, 740.58 feet;

Thence South 35°43'12" East, 114.65 feet to the beginning of a curve concave to the southwest, having a radius of 950.00 feet and a central angle of 5°15'20";

Thence southeasterly along said curve, 87.14 feet to the **TRUE POINT OF BEGINNING**;

Containing 7.20 acres, more or less.

Parcel 3:

Commencing at the west quarter corner of said Section 24, a 1/2" rebar with aluminum cap "LS 4321", from which the northwest corner of said Section 24, a 2" x 2" square rod, bears North 00°43'05" West, 2645.53 feet (Basis of Bearing and as shown on Book 20, Page 45 of Surveys, Official Records of Coconino County, herein referred to as R1);

Thence along the west line of said Section 24, North 00°43'05" West, 1839.51 feet to a point lying 50 feet southeasterly of the centerline of Butler Ave. per R1;

Thence parallel with and 50 feet southeasterly of said centerline, North 70°10'43" East, 603.45 feet to the **TRUE POINT OF BEGINNING**;

Thence continuing parallel with and 50 feet southeasterly of said centerline, North 70°10'43" East, 103.61 feet to the beginning of a curve concave to the south having a radius of 660.00 feet and a central angle of 1°58'58";

Thence continuing parallel with and 50 feet southeasterly of said centerline, and easterly along said curve, 22.84 feet;

Thence South 45°57'58" East, 320.23 feet;

Thence South 86°29'57" East, 108.30 feet;

Thence South 21°05'13" East, 270.91 feet to the beginning of a non-tangent curve concave to the southeast, having a radius of 385.00 feet and a central angle of 55°37'35" and being subtended by a chord which bears South 56°28'56" West, 359.27 feet;

Thence westerly and southwesterly along said curve, 373.78 feet to the beginning of a curve concave to the northwest, having a radius of 690.00 feet and a central angle of 18°09'15";

Thence southwesterly along said curve, 218.63 feet to the beginning of a curve concave to the southeast, having a radius of 835.00 feet and a central angle of 19°01'56";

Thence southwesterly along said curve, 277.37 feet;

Thence South 27°47'25" West, 80.82 feet;

Thence South 82°08'44" West, 16.43 feet to the beginning of a non-tangent curve concave to the east, having a radius of 265.00 feet and a central angle of 41°05'14" and being subtended by a chord which bears North 21°11'58" West 185.99 feet;

Thence northwesterly and northerly along said curve, 190.03 feet;

Thence North 00°47'14" West, 317.16 feet;

Thence North 82°58'09" East, 64.06 feet;

Thence North 10°03'15" East, 614.41 feet to the **TRUE POINT OF BEGINNING**;

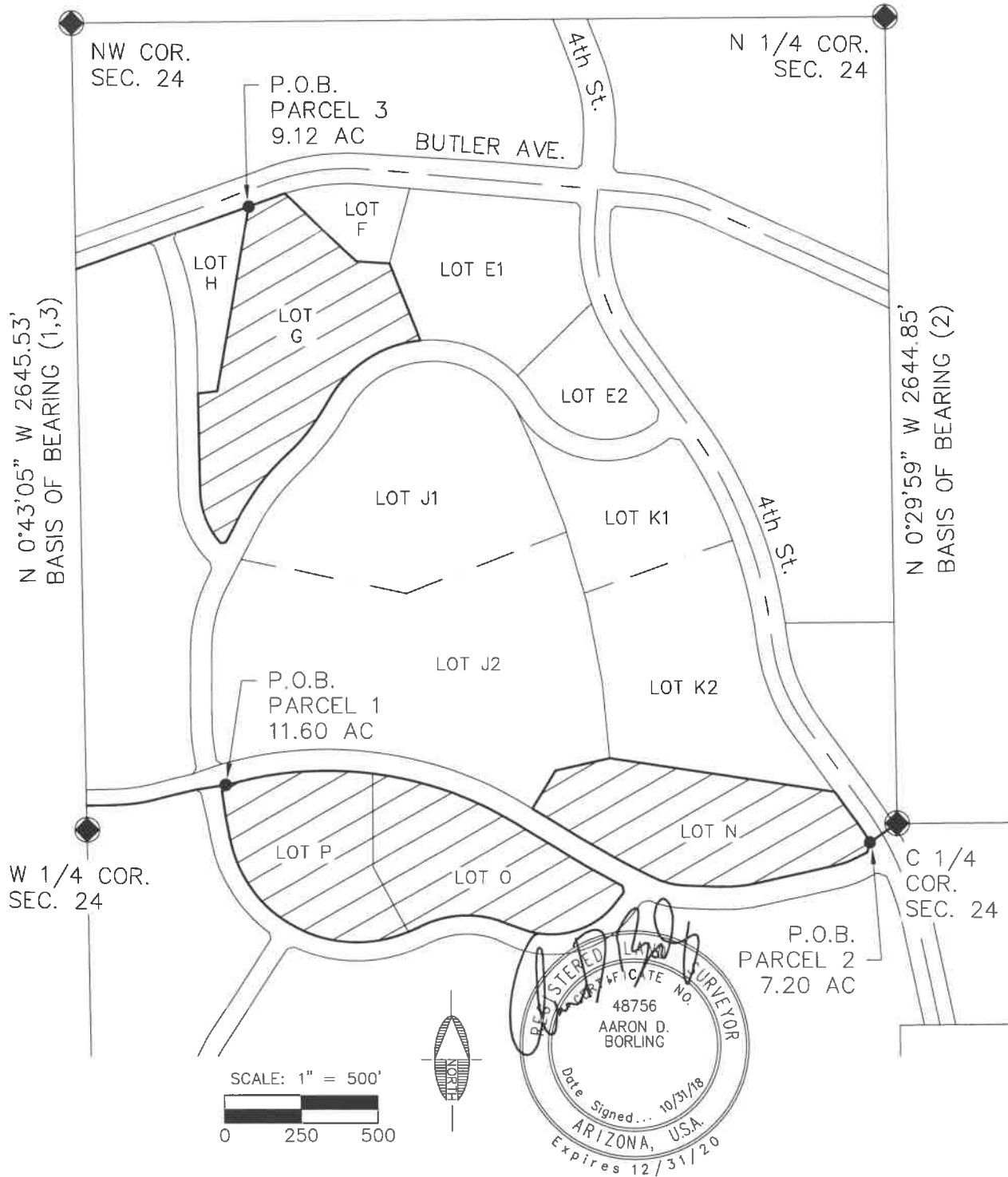
Containing 9.12 acres, more or less.

See Exhibit 'B-1' attached hereto and made a part hereof.



EXHIBIT B-1 TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF SECTION 24, TOWNSHIP 21 NORTH,
 RANGE 7 EAST
 GILA AND SALT RIVER MERIDIAN
 COCONINO COUNTY, ARIZONA




 Shephard Wesnitzer, Inc. www.swiaz.com	110 West Dale Ave Flagstaff, Az 86001 928.773.0354 928.774.8934 fax	JOB NO: 13184 DATE: 10/31/2018 SCALE: 1" = 500' DRAWN: ADB DESIGN: CHECKED: ADB	CITY OF FLAGSTAFF COCONINO COUNTY ARIZONA	SHEET 4 OF 4
	LEGAL EXHIBIT			

Exhibit "C"

Legal Description of Property

Exhibit 'C'

HR Zoning Legal Description:

A portion of Section 24, Township 21 North, Range 7 East, of the Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

Commencing at the west quarter corner of said Section 24, a 1/2" rebar with aluminum cap "LS 4321", from which the northwest corner of said Section 24, a 2" x 2" square rod, bears North 00°43'05" West, 2645.53 feet (Basis of Bearing and as shown on Book 20, Page 45 of Surveys, Official Records of Coconino County);

Thence along the west line of said Section 24, North 00°43'05" West, 132.09 feet;

Thence leaving said west line North 89°16'54" East, 95.24 feet to the beginning of a curve concave the north, having a radius of 474.00 feet and a central angle of 13°11'44";

Thence easterly along said curve, 109.17 feet;

Thence North 76°05'11" East, 150.26 feet;

Thence North 70°58'28" East, 100.98 feet to the **TRUE POINT OF BEGINNING**;

Thence North 57°00'20" West, 20.50 feet;

Thence North 10°06'06" West, 10.06 feet to the beginning of a curve concave to the east, having a radius of 765.00 feet and a central angle of 10°20'56";

Thence northerly along said curve, 138.18 feet;

Thence North 00°14'45" East, 212.65 feet to the beginning of a curve concave to the east, having a radius of 465.00 feet and a central angle of 27°32'42";

Thence northerly and northeasterly along said curve, 223.55 feet;

Thence North 27°47'27" East, 202.96 feet to the beginning of a concave to the southeast, having a radius of 765.00 feet and a central angle of 19°01'56";

Thence northeasterly along said curve, 254.12 feet to the beginning of a curve concave to the northwest having a radius of 760.00 feet and a central angle of 18°09'15";

Thence northeasterly along said curve, 240.81 feet to the beginning of a curve concave to the south, having a radius of 315.00 feet and a central angle of 119°13'12";

Thence northeasterly, easterly and southeasterly along said curve, 655.45 feet;

Thence South 24°09'02" East, 166.03 feet;

Thence South 21°07'29" East, 260.47 feet;

Thence South 15°41'42" East, 260.26 feet;

Thence South 10°17'13" East, 262.84 feet;

Thence South 05°23'53" East, 251.91 feet;

Thence South 77°05'44" West, 182.81 feet;

Thence South 31°29'02" West, 146.34 feet;

Thence North 58°30'58" West, 25.39 feet to the beginning of a curve concave to the south, having a radius of 1235.00 feet and a central angle of 45°26'02";

Thence northwesterly and westerly along said curve, 979.32 feet;

Thence South 76°05'11" West, 46.89 feet to the **TRUE POINT OF BEGINNING**.

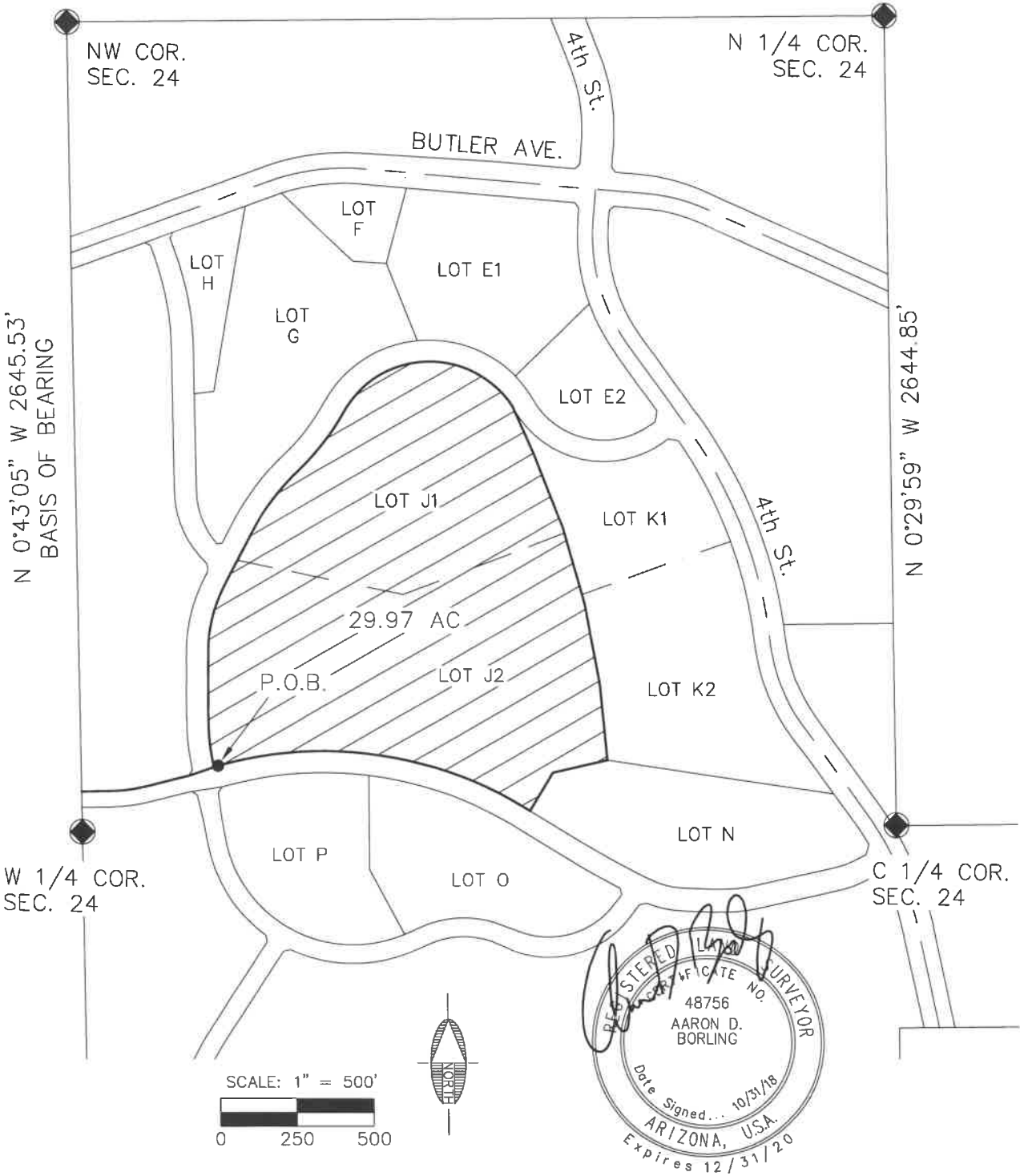
Containing 29.97 Acres, more or less .

See Exhibit 'C-1' attached hereto and made a part hereof.



EXHIBIT C-1 TO ACCOMPANY LEGAL DESCRIPTION

A PORTION OF SECTION 24, TOWNSHIP 21 NORTH,
RANGE 7 EAST
GILA AND SALT RIVER MERIDIAN
COCONINO COUNTY, ARIZONA



110 West Dale Ave
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DESIGN:
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CITY OF FLAGSTAFF
COCONINO COUNTY ARIZONA

LEGAL EXHIBIT

SHEET

3

OF 3