

ORDINANCE NO. 2019-21

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 16.11 ACRES OF REAL PROPERTY LOCATED AT 3401 S LAKE MARY ROAD, FROM ESTATE RESIDENTIAL (“ER”) AND RURAL RESIDENTIAL (“RR”) TO MEDIUM DENSITY RESIDENTIAL (“MR”); PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Trinsic Acquisition Company LLC (the “Applicant”), applied for a Zoning Map Amendment for approximately 16.11 acres of land located at 3401 S Lake Mary Road, Coconino County, Arizona, a legal description of which is provided in Exhibit “A” attached hereto (“the Property”), for the purpose of multi-family residential development; 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 Estate Residential (ER) and Rural Residential (RR) zone to Medium Density Residential (MR) zone for 16.11 acres; and

WHEREAS, the Applicant conducted two neighborhood meetings on October 18, 2018 and March 4, 2019, 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 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 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 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 designation for the Property is hereby amended from Estate Residential (ER) and Rural Residential (RR) zone to Medium Density Residential (MR) zone for 16.11 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. That the Zoning Map Amendment be further conditioned upon the Applicant's satisfaction of the following conditions:

CONDITIONS:

1. The subject property must be developed in accordance with the approved site plan and the conditions of approval dated February 20, 2019 and revised March 15, 2019. Modifications (other than minor modifications) to the approved site plan will require an amendment to this Direct to Ordinance Zoning Map Amendment request.
2. The parcels must be combined to match the zoning lines.
3. The State archeological database must be updated to reflect the removal of archeological resources on the subject property.
4. A detailed construction/grading plan must be provided for the retaining walls located on the southern boundary of the property adjacent to the Single Family Dwellings.
5. All other requirements of the Zoning Code and other City codes, ordinances and regulations, shall be met by the proposed development.
6. All terms, conditions, and restrictions detailed within the "Aura Development Agreement" must be fully satisfied.
7. In the event the property is rezoned and the Developer fails to obtain final Civil Plan approval within two (2) years of the effective date of the rezoning ordinance, then the City may schedule a public hearing before the City Council for the purpose of causing the zoning on the Property to revert to the former classifications of Rural Residential (RR) and Estate Residential (ER) in accordance with A.R.S. § 9-462.01.

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 intent 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 2nd day of July, 2019.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibit "A"

Legal Description of Property