

Development Agreement

EXHIBIT "A" - Legal Description

LEGAL DESCRIPTION
EXHIBIT 'A'
APN:104-03-005B & 104-13-002B
Ref No. #17113
5/1/2018

A portion of that parcel of land as described in Instrument Number 3229459, and as shown on Instrument Number 3788056, Official Records of Coconino County (herein referred to as R1), lying within the north half of Section 22, Township 21 North, Range 7 East, of the Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

Parcel 1:

Commencing at the northeast corner of said parcel, from which the southeast corner of said parcel bears South 00°35'15" East, 1201.44 feet (Basis of Bearing, R1), said point being in common with the southerly Right-of-Way line of Butler Avenue as shown on R1, and the beginning of a non-tangent curve concave to the north, having a radius of 1402.01 feet, and being subtended by a chord which bears North 81°21'24" West, 48.55 feet;

Thence along westerly along said Right-of-Way line, and along said curve 48.55 feet through a central angle of 1°59'03" to the **TRUE POINT OF BEGINNING**;

Thence leaving said north line, South 9°22'03" West, 87.66 feet;

Thence South 15°09'19" West, 85.25 feet;

Thence North 89°59'57" West, 439.40 feet;

Thence North 5°55'05" East, 239.41 feet;

Thence North 53°51'24" East, 33.50 feet to a point on the southerly Right-of-Way line of Butler Avenue as shown on R1;

Thence easterly along said Right-of-Way line, South 78°12'18" East, 377.22 feet to the beginning of a curve concave to the north, having a radius of 1402.01 feet, and being subtended by a chord which bears South 79°12'52" East, 56.28 feet;

Thence continuing along said Right-of-Way line, 56.29 feet through a central angle of 2°18'01" to the **TRUE POINT OF BEGINNING**;

Containing 2.24 Acres, more or less.

Parcel 2:

Commencing at the northeast corner of said parcel, said point being in common with the southerly Right-of-Way line of Butler Avenue as shown on R1, and the **TRUE POINT OF BEGINNING**;

Thence along the east line of said parcel, South 00°35'15" East, 1201.44 feet (Basis of Bearing, R1), to the southeast corner of said parcel;

Thence along the south line of said parcel, South 89°31'12" West, 259.96 feet;

Thence continuing along said south line, South 89°28'31" West, 105.58 feet to the southwest corner of said parcel;

Thence along the west line of said parcel, North 18°51'21" West, 629.44 feet to a point on the easterly Right-of-Way line of Sawmill Road as shown on R1;

Thence continuing along said west line and along said Right-of-Way line, North 5°55'05" East, 451.06 feet;

Thence leaving said west line and said Right-of-Way line, South 89°59'57" East, 439.40 feet;

Thence North 15°09'19" East, 85.25 feet;

Thence North 9°22'03" East, 87.66 feet to a point on the southerly Right-of-Way line of Butler Avenue as shown on R1, said point being the beginning of a non-tangent curve concave to the north having a radius of 1402.01 feet and being subtended by a chord which bears South 81° 21'24" East, 48.55 feet;

Thence easterly along said Right-of-Way line, and along said curve 48.55 feet through a central angle of 1°59'03" to the **TRUE POINT OF BEGINNING**;

Containing 12.26 Acres, more or less.

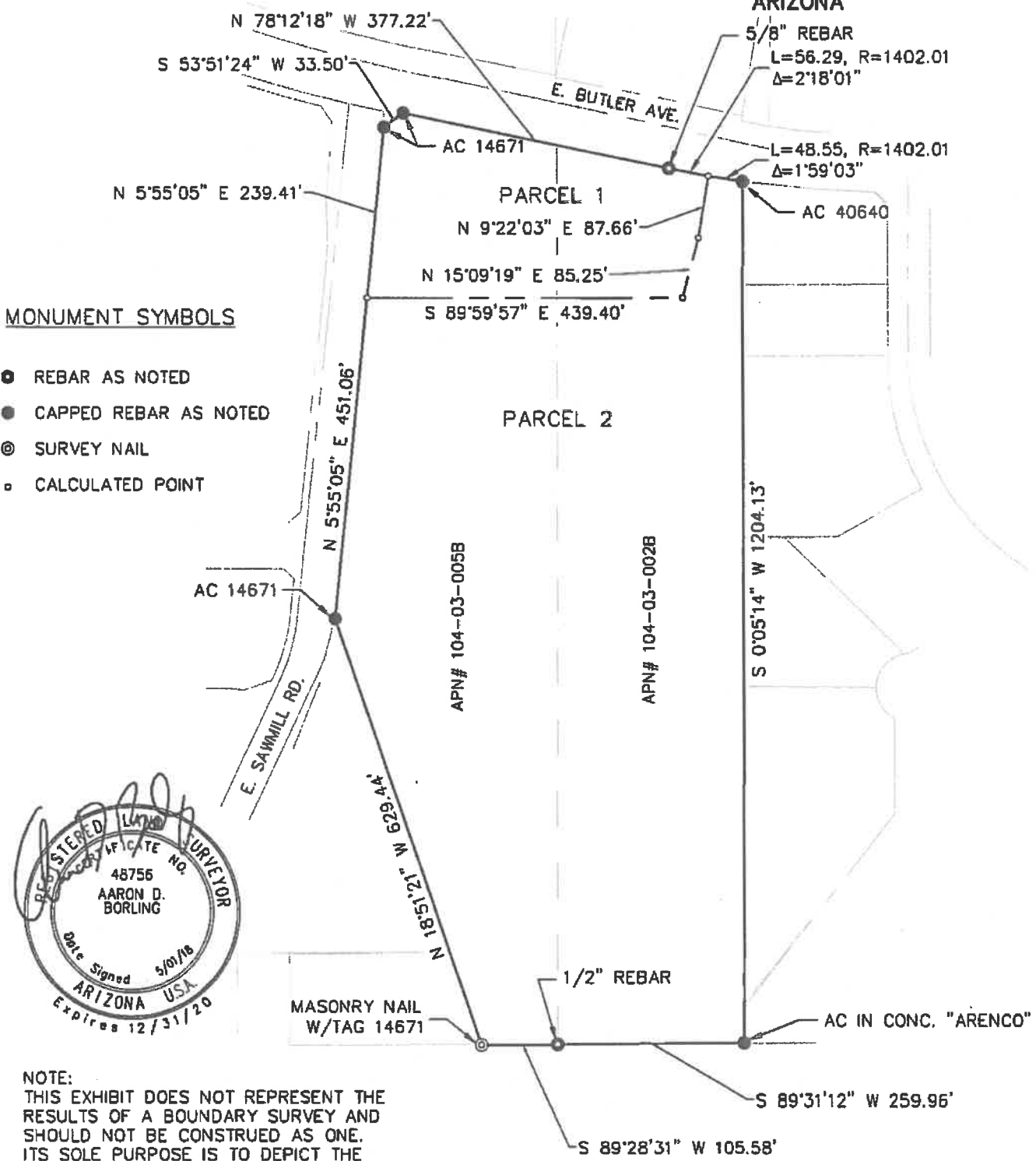
See Exhibit 'A' attached hereto and made a part hereof.

This legal description was prepared by Aaron D. Borling, RLS 48756, on behalf of and at the request of Shephard-Wesnitzer, Inc., Flagstaff, AZ.



EXHIBIT 'A'

A PORTION OF SECTION 22, TOWNSHIP 21 NORTH, RANGE 7 EAST, GILA AND SALT BASE AND MERIDIAN, COCONINO COUNTY, FLAGSTAFF, ARIZONA



NOTE:
 THIS EXHIBIT DOES NOT REPRESENT THE RESULTS OF A BOUNDARY SURVEY AND SHOULD NOT BE CONSTRUED AS ONE. ITS SOLE PURPOSE IS TO DEPICT THE LOCATION OF THE AREA DESCRIBED.



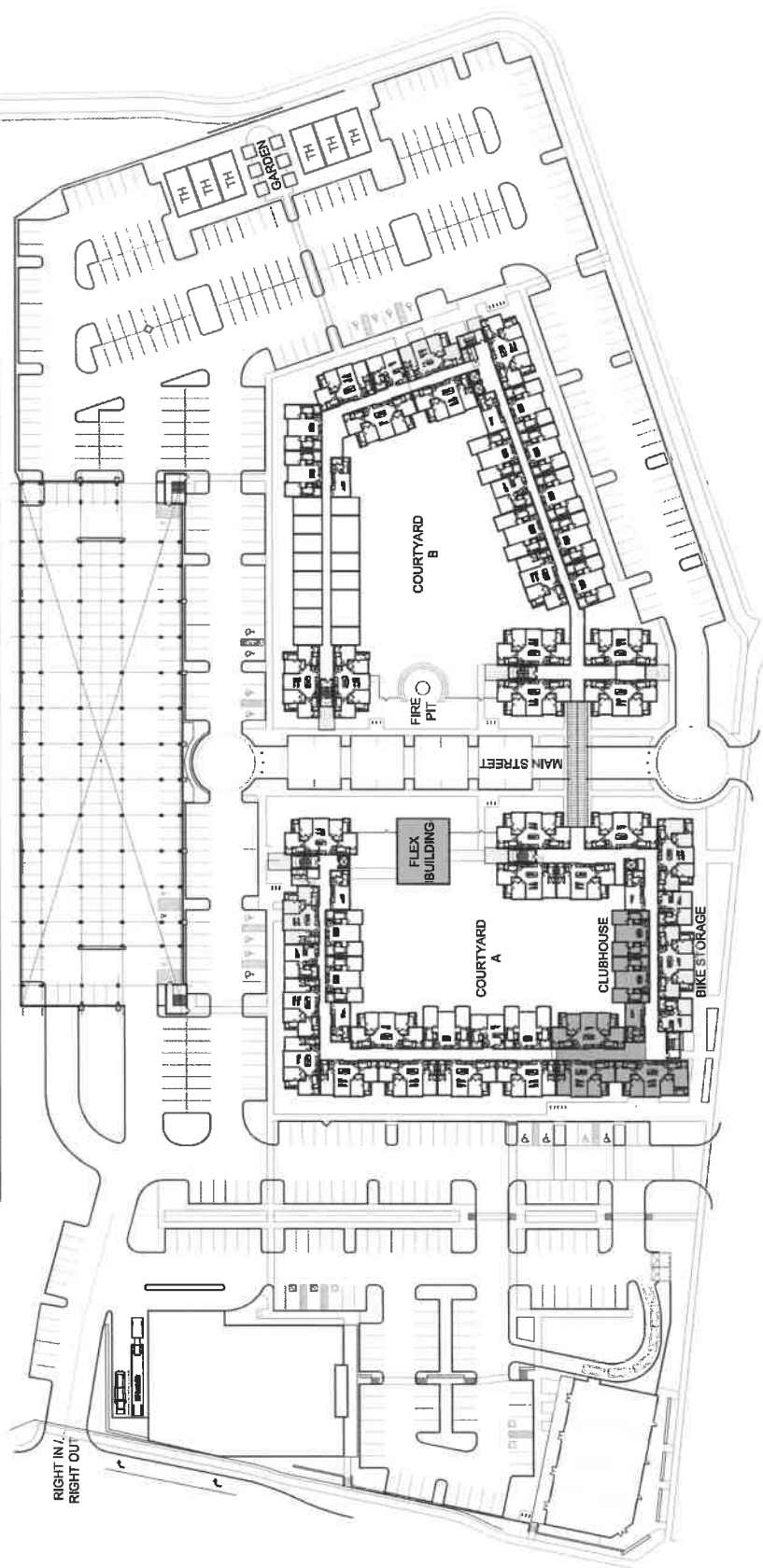
Development Agreement

EXHIBIT "B" – Site Plans

MREP MULTI-FAMILY FLAGSTAFF - UNIT MIX

UNIT TYPE	DESCRIPTION	BUILDING LEVEL										TOTALS				
		NET SQ. FT.	GROSS SQ. FT.	1	2	3	4	5	6	7	8	9	10	NO.	%	
A-E	Efficiency	305	308	12	12	12	12	12	12	12	12	12	12	12	116	34.0%
A-S	Studio	449	449	5	5	5	5	5	5	5	5	5	5	5	5	16.5%
A-1	1Bd/1Bth	659	659	4	4	4	4	4	4	4	4	4	4	4	4	12.3%
B-1	2Bd/2Bth	971	971	0	0	0	0	0	0	0	0	0	0	0	0	0.0%
B-1a	2Bd/2Bth	1,067	1,067	4	4	4	4	4	4	4	4	4	4	4	4	12.3%
TH-1	2Bd/2Bth	1,200	1,200	6	6	6	6	6	6	6	6	6	6	6	6	18.2%
C-1	3Bd/3Bth	1,135	1,135	11	11	11	11	11	11	11	11	11	11	11	11	33.8%
D-1	4Bd/4Bth	1,307	1,307	12	12	12	12	12	12	12	12	12	12	12	12	37.2%
TOTALS				63	63	63	63	63	63	63	63	63	63	63	333	100%

AVERAGE UNIT SIZE (S.F.) 824



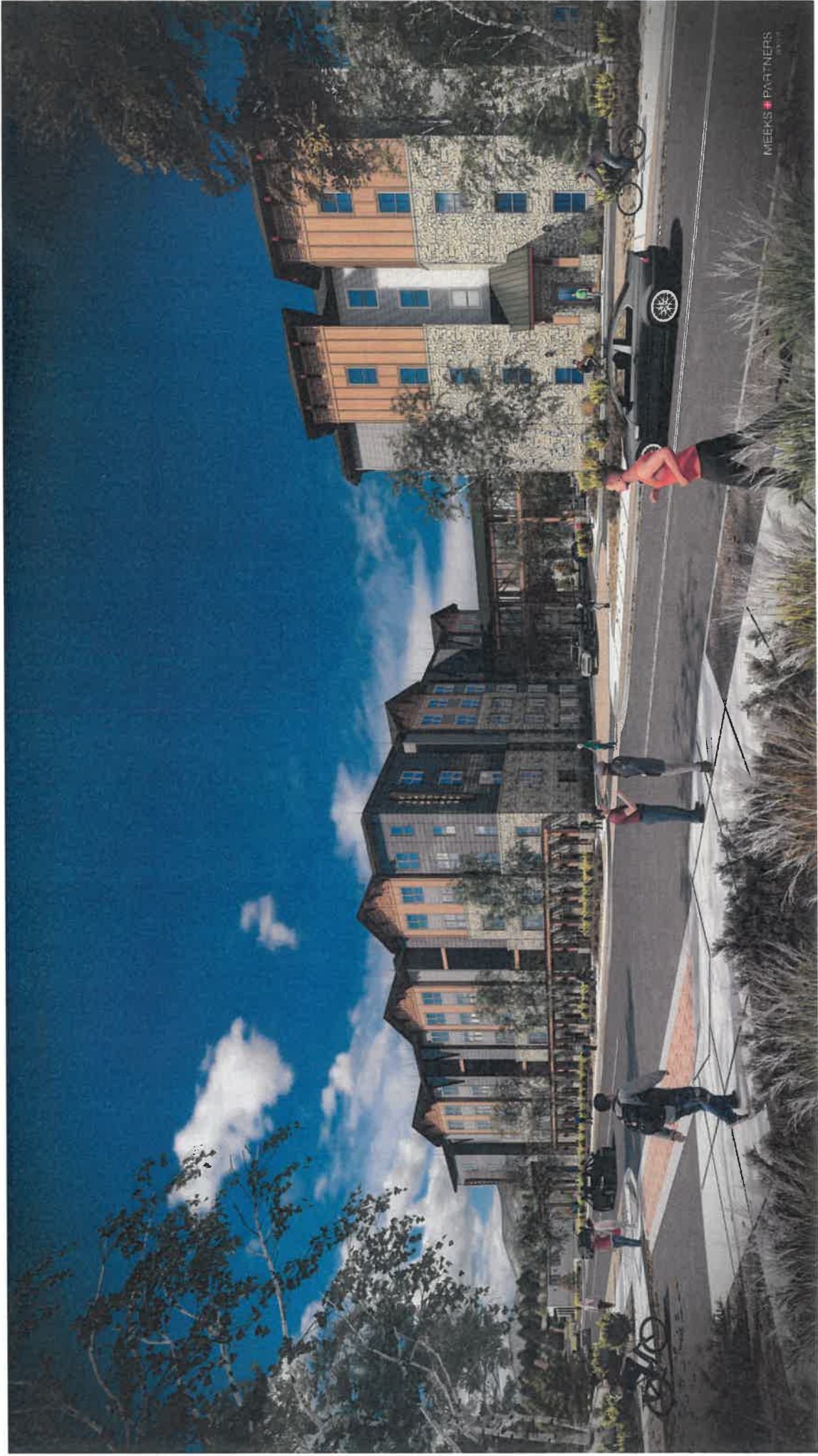
1 ARCHITECTURAL SITE PLAN 2
1"=40'-0"

SITE PLAN - MREP MULTI-FAMILY FLAGSTAFF

FLAGSTAFF, ARIZONA - MREP

MECKS PARTNERS
1000 Alameda Drive
Suite 300
Berkeley, CA 94704
415.863.1177

04.02.19
A-02
JOB NO. 10103



MEEKS PARTNERS
ARCHITECTS

McGrath Multi-Family Housing, West Elevation Perspective

MEEKS PARTNERS 2018

APRC MULTI-FAMILY FLAGSTAFF - UNIT MIX

UNIT TYPE	DESCRIPTION	UNITS		BUILDING LEVEL							TOTALS			
		NET SQ. FT.	GROSS SQ. FT.	1	2	3	4	5	No of Units	NET SQ. FT. PER UNIT TYPE	GROSS SQ. FT. PER UNIT TYPE	NO	%	
A0	Studio	448	448	0	1	2	2	2	2	7	3,143	3,143	7	2.9%
A1	1Bdr/1Bath	659	659	2	2	2	2	2	10	6,590	6,590	10	4.2%	
B1	2Bdr/2Bath	971	971	2	2	4	4	4	16	15,536	15,536	16	6.7%	
C1	3Bdr/3Bath	1,155	1,155	1	1	1	1	1	5	5,775	5,775	15	6.3%	
C1A	3Bdr/3Bath	1,155	1,155	2	2	2	2	2	10	11,550	11,550			
D1	4Bdr/4Bath	1,397	1,397	21	26	27	27	27	128	176,816	176,816			
D1A	4Bdr/4Bath	1,397	1,397	9	9	9	9	9	45	62,865	62,865			
D1B	4Bdr/4Bath	1,397	1,397	1	1	1	1	1	5	6,985	6,985	190	79.8%	
D1C	4Bdr/4Bath	1,397	1,397	1	1	1	1	1	5	6,985	6,985			
D1D	4Bdr/4Bath	1,441	1,441	0	1	2	2	2	7	10,087	10,087			
TOTALS				39	46	51	51	51	238	308,332	308,332	238	100%	
AVERAGE UNIT SIZE (S.F.)		1,298											08.23.18	

2 UNIT MIX



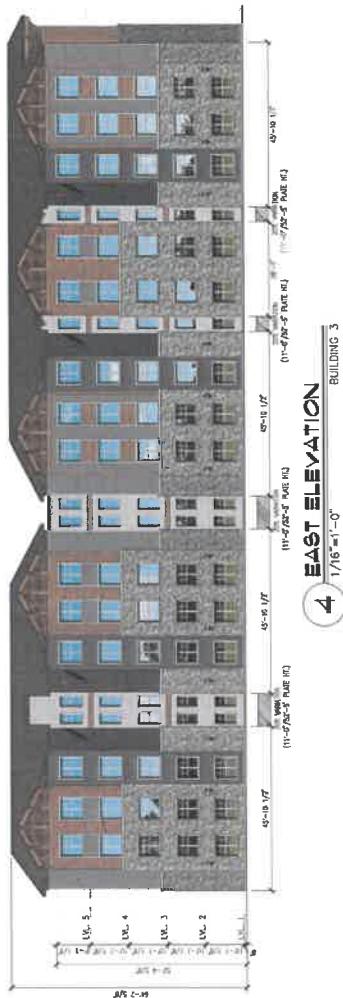
1 MAIN ELEVATION

BUILDING DATA - APRC MULTI-FAMILY FLAGSTAFF

MEEKS PARTNERS
 10000 N. Scottsdale Drive
 Suite 200
 Scottsdale, Arizona 85257
 480.343.7700
 MEK@MEK.COM

MATERIAL LEGEND

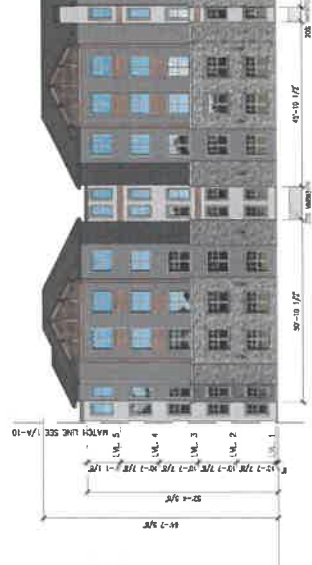
Window frame.....	ALMOND
Exterior brackets.....	SW 6133 DEEPER BROWN
Fascia & Panels.....	SW 7011 VAN DYKE BROWN
Roof composite.....	SW 6133 DEEPER BROWN
Roof metal.....	SW 6133 DEEPER BROWN
Metal Panels.....	SW 6133 DEEPER BROWN
STONE.....	SW 6539 SOOTHING WHITE
Trim.....	SW 6539 SOOTHING WHITE
Storefront.....	SW 7671 ON THE ROCKS
Siding 1.....	SW 4859 WINDY GRAY
Siding 2.....	SW 6133 DEEPER BROWN
Siding 3.....	SW 6133 DEEPER BROWN
Siding 4/ BAB.....	SW 6133 DEEPER BROWN
Siding (shingles).....	SW 6133 DEEPER BROWN
Painted Precast Conc.....	SW 6539 SOOTHING WHITE



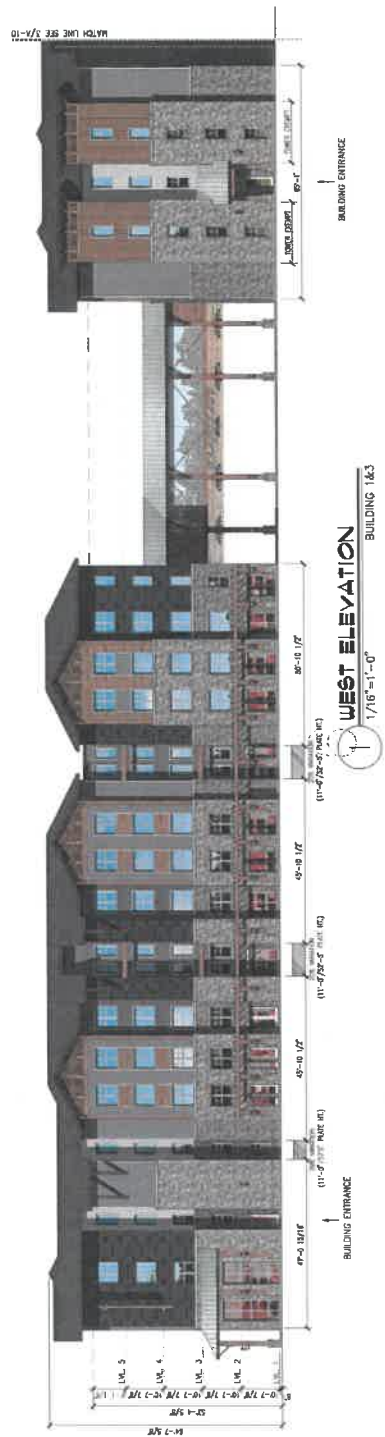
4 EAST ELEVATION
1/16"=1'-0"
BUILDING 3



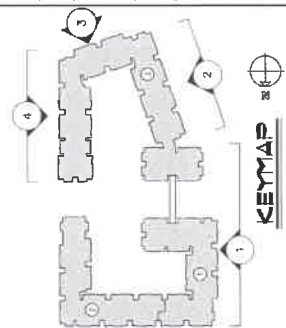
3 SOUTH ELEVATION
1/16"=1'-0"
BUILDING 3



2 WEST ELEVATION
1/16"=1'-0"
BUILDING 3



1 WEST ELEVATION
1/16"=1'-0"
BUILDING 1&2

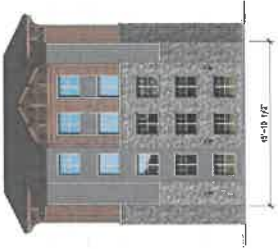


ELEVATIONS - APRC MULTI-FAMILY FLAGSTAFF
FLAGSTAFF, ARIZONA - APRC

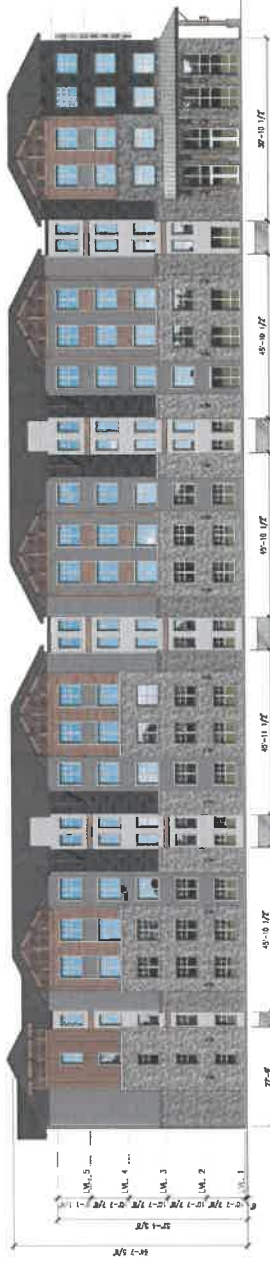
MEEKS PARTNERS A-13
18000 Maricopa Drive
Suite 100, Tempe, Texas 77078
281.888.8787
AQ 08.1901

MATERIAL LEGEND

Window frame.....	ALMOND
Exterior brackets.....	SW 6539 SOOTHING WHITE
Fascia & Panels.....	SW 7671 ON THE ROCK
Roof compansite.....	SW 7671 ON THE ROCK
Roof metal.....	SW 7671 ON THE ROCK
Metal Panels.....	SW 7671 ON THE ROCK
STONE.....	SW 6539 SOOTHING WHITE
Trim.....	SW 6539 SOOTHING WHITE
Storefront.....	SW 7671 ON THE ROCK
Siding 1.....	SW 7671 ON THE ROCK
Siding 2.....	SW 7671 ON THE ROCK
Siding 3.....	SW 6539 SOOTHING WHITE
Siding 4/ BAB.....	SW 6539 SOOTHING WHITE
Siding (shingles).....	SW 6539 SOOTHING WHITE
Painted Precast Conc.....	SW 6539 SOOTHING WHITE



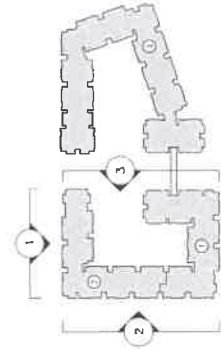
3 SOUTH ELEVATION
BUILDING 1
1/16" = 1'-0"



2 NORTH ELEVATION
BUILDING 2
1/16" = 1'-0"



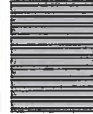
1 EAST ELEVATION
BUILDING 2
1/16" = 1'-0"



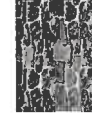
WOOD PLANK SIDING
SH027 INTERWOOD



GALVALUME CORRUGATED
METAL SIDING BY AVAS



OLD COUNTRY FIELDSTONE
BY CULTURED STONE



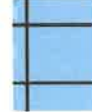
EXPOSED WOOD BEAMS &
WOOD PLANK SIDING
SH0513 SPICE CHEST



6X8X16 INTEGRAL COLOR MASONRY
"SOUTHWEST GOLD" W/
FOUNDERS FINISH BY SUPERLITE

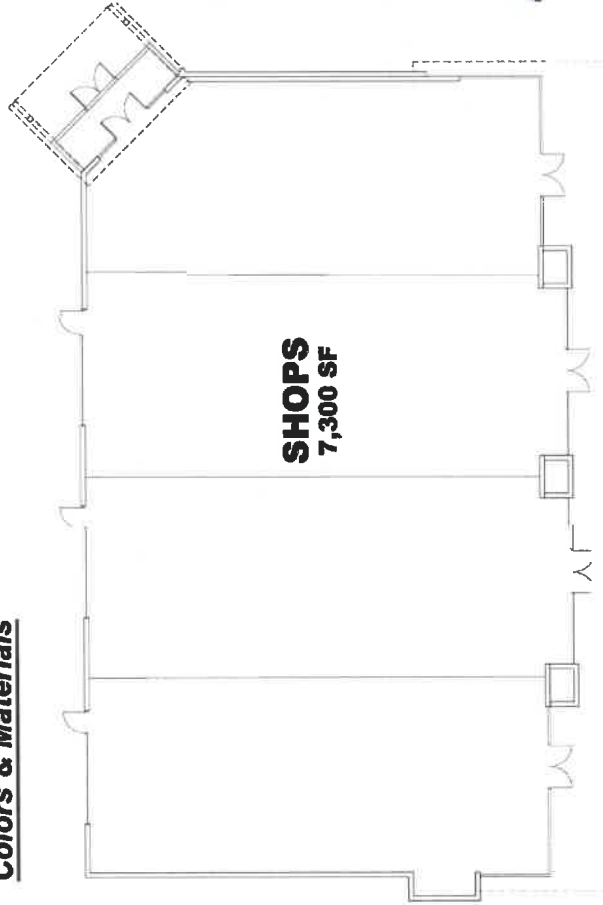


BLACK ANODIZED ALUM.
FRAMES W/ CLEAR INSULATED
LOW E GLAZING BY CLOUSTRILE



East Elevation

Colors & Materials



Floor Plan



North Elevation



S.E.C. SAWMILL AND BUTLER

FLAGSTAFF, AZ

07/18/18

PROJECT NO. 1806.00



VERTICAL

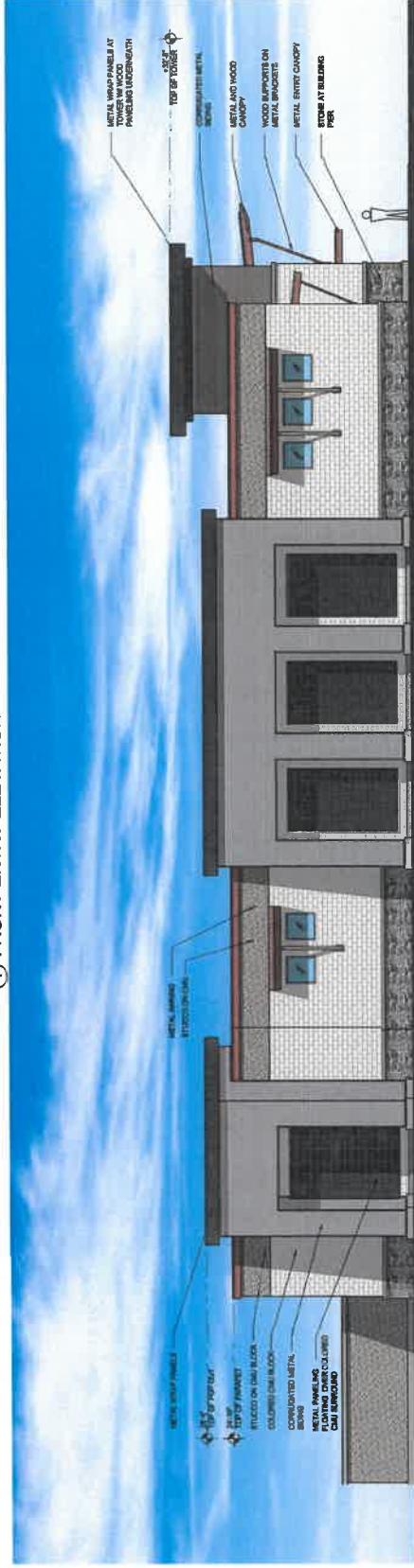
Architecture • Planning • Interior Design

4650 E. Cotton Center Boulevard Phoenix, AZ 85040
602.265.1000 www.verticaldesignstudio.com

Conceptual Commercial Elevations
Approved with Conditions, PZ-17-00089-02, 9/21/2018



① FRONT ENTRY ELEVATION SCALE: 1/8" = 1'-0"



② SIDE STREET ELEVATION SCALE: 1/8" = 1'-0"



Anchor

Conceptual Building Elevations
Flagstaff, Arizona

505 E. Washington St., Ste 200
Flagstaff, Arizona 86001
Phone: (928) 226-6266
www.accelerateddevelopment.com

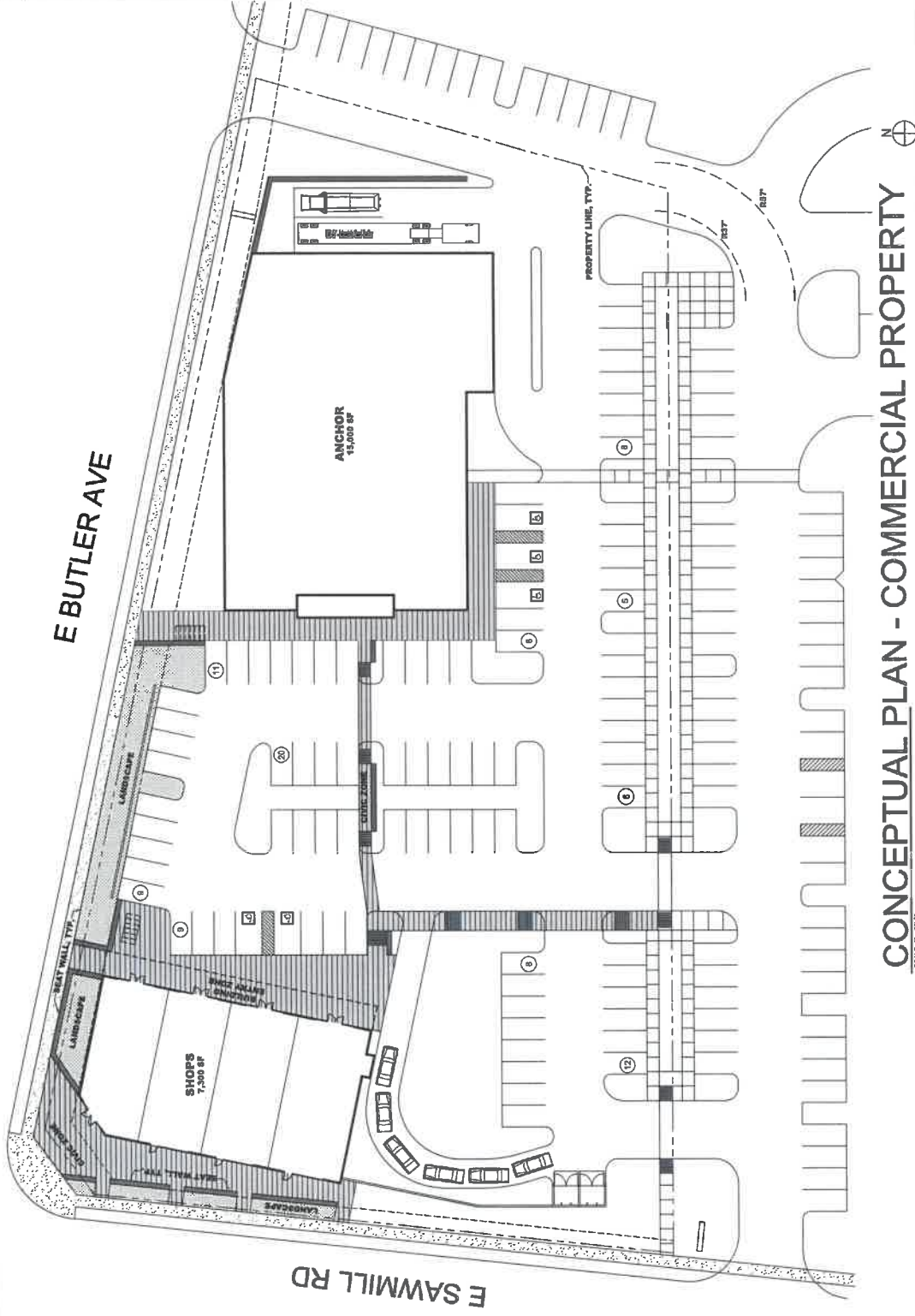
OWNERSHIP OF DESIGN, INSTRUMENTS OF SERVICE
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are the property of Accelerated Development Services
and no part of this design (concept or otherwise)
without compensation and be expressed in their permission
of Anchor Architecture and Interion, L.C. is prohibited and
shall remain the property of Anchor Architecture and Interion, L.C.



Development Agreement

EXHIBIT "C" – Conceptual Plan: Commercial Property

SITE DATA	
PARCEL NUMBER	: 104-00-005, 104-13-002B
SITE AREA	: 87,872 SF (2.24 AC)
ZONING	: TFC (PROPOSED)
ANCHOR	: 15,000 SF
PARKING REQUIRED GENERAL RETAIL 1000	: (15,000 SF) 50 STALLS
SHOPS	: 7,500 SF
PARKING REQUIRED RESTAURANT 1100 * 17 EMPLOYEE	: (2,000 SF) 20/17 * 27 STALLS
PARKING REQUIRED GENERAL RETAIL 1000	: (5,300 SF) 18 STALLS
TOTAL PARKING REQUIRED	: 95 STALLS
PARKING PROVIDED	: 95 STALLS
PARKING RATIO	: 4.31/1000
CIVIC SPACE (5.0% MINIMUM)	: 4,390 SF
BUILDING COVERAGE	: 23%
FLOOR AREA RATIO (FAR)	: 0.23



CONCEPTUAL PLAN - COMMERCIAL PROPERTY

SCALE 1" = 20'

MCGRATH MULTI-FAMILY HOUSING AND RETAIL

SEC SAWMILL & BUTLER, FLAGSTAFF, AZ

PROJECT NO.: 180901.00

Another Successful Joint Venture From:

WADSWORTH DEVELOPMENT GROUP

Accelerated DEVELOPMENT SERVICES

VERTICAL
Architectural Planning - Interior Design

4650 E. Cotton Center Boulevard Phoenix, AZ 85040
602.995.1000 www.verticalplanning.com

Development Agreement

EXHIBIT “D” – Phasing Plan

Development Agreement

EXHIBIT "E" – Affordability Plan

Exhibit E – Affordability Plan
McGrath Real Estate Partners

This Affordability Plan is referenced in the development agreement between McGrath Real Estate Partners and the City of Flagstaff, approved by Council through Resolution 2019-XX. This document can be modified only upon the express written agreement of the City’s Housing Director. The development is comprised of 327-unit multi-family units in two five-story buildings and 6 townhome style units, in which 10% (rounded up to 34) of the units will be designated as rent restricted for the Affordable Housing Program (the “Program”). This document serves to detail the requirements set forth in Section 5.3 and is referred to as “Exhibit E” of the Development Agreement. The Program will be run by the chosen property management company and overseen by the City of Flagstaff Housing Section.

Program Details

- 34 of the 333 units will be designated as Rent Restricted Units (RRUs)
- The maximum monthly rental price will be based on tenant income; no greater than 30% of tenant’s income will be spent on rent and basic utilities
- The maximum income served by the Program shall be 80% AMI
- Lease terms will be no less than nine months and not more than 12 months
- Notice of recertification will be required no more than 120 days prior to lease expiration. Annual income recertification shall occur at lease renewal. Any changes to household size and income shall be reported at lease renewal. Appropriate changes to the unit size will be determined by management, based on RRU availability.

Unit Mix		
Unit Description	Designated for Program	Total in Project
efficiency	3	60
studio	6	28
1 br / 1 bath	9	28
2 br / 2 bath	9	71
2 br / 2.5 bath	1	6
3 br / 3 bath	6	66

Qualifications

All applicants interested in an RRU will be required to fill out the standard application, regardless as to whether their qualifications meet the income guidelines or not. The following information will be used to determine eligibility to lease a RRU:

Household Size * Student Status * Income * Assets *Screening Process

1. **Household Size.** A key component of the income qualifying process as shown on the income limits chart (attached), household size will be used to determine how many individuals will be residing in the unit, and how large of a unit the household requires.
2. **Student Status.** A household solely comprised of full-time students in most instances, will not qualify for the Program. Exceptions to this policy include:
 - The household consists of minor, dependent children in the legal custody of a student. Proof of custodial award may be required.
 - Household member participates in the Job Training Partnership Act (JTPA) program and can provide documentation and on-going participation.

Exhibit E – Affordability Plan

McGrath Real Estate Partners

- Part-time students qualify as long as they are employed more than 25 hours a week and provide verification of part-time student status (9 hours or less per semester).
 - A household whose occupants are all considered full time students (more than 10 hours per semester) may qualify if the following criteria are met and verified:
 - To be eligible for the Program, full time students living outside of their parents' or legal guardians' homes, must have established a separate household for at least one year prior to applying for the Program. Supporting evidence must be provided.
 - All occupants are employed a minimum of 25 hours per week.
 - All occupants have not been claimed as a dependent on their parents', guardians', or other's tax payer's income tax return for the duration of the last two years. Supporting tax returns of the applicants must be provided.
3. **Income.** All employed applicants over the age of 18 that live in the RRU must provide income verification. Applicants who qualify for the Program shall earn an income no greater than 80% of the Area Median Income (AMI). A standardized income verification formula must be used. Information and/or documentation may include:
- Front page of previous year's tax return
 - Last 6 weeks of pay stubs
 - Copies of awards, grants, or scholarships
 - Proof of child support
 - Social Security award letter
 - Self-employed will be asked to provide last 2 year's tax returns and 1099s. etc.
 - Third party verifications (faxed, emailed, or mailed)
 - Other required income information as deemed necessary from the management based on information provided in the application
4. **Assets.** Applicants will be asked to disclose total assets over \$5,000 or more. If the applicant sold a home or real property within the last 24 months, a copy of the closing statement must be provided. If the applicant has disposed of an asset through foreclosure or short sale within the last 24 months, documentation of said transaction must be provided.
5. **Screening Process.** Program applicants will be subject to the same background screening process as all other applicants. Unsatisfactory results from the screening process may lead to a denial if clarifying documentation cannot be provided.
6. Applicants that are currently enrolled in a federal housing subsidy program do not qualify for the Program. Households on the wait list for a Federal Housing Subsidy at the time of move in and who are activated off the wait list for a Federal Housing Subsidy while a participant in this Affordable Housing Program will be allowed to remain a participant until the household's current lease expires. The household must notify the Owner or their designee within 10 days of the award of the subsidy and provide documentation of said award.

Property Information

Commencing at issuance of Certificate of Occupancy, each building will have RRUs available for eligible Program tenants. The RRUs shall be scattered throughout the two buildings to the extent feasible, however, the location of each RRU does not have to be fixed. "Floating" units are permitted based on

Exhibit E – Affordability Plan

McGrath Real Estate Partners

applicant requests and unit availability. One RRU shall be located within the townhome style buildings. Additionally, it is acceptable if the initial unit mix identified in this document shifts slightly over time based on need and availability, so long as a maximum 80% AMI is served.

Affordable Unit Reporting

A property management company representing the Developer will monitor and administer the Program. The property management company will provide to the City of Flagstaff's Housing Section on a semi-annual basis the following information:

- List of RRU vacancies
- List of potential lease ups
- Name and household size of each RRU tenant
- Gross household income of all tenants residing in the RRUs
- Proof that the incomes served are no more than 80% AMI
- Notes about the status of renewals or any other issues being reviewed by property management
- Proof the RRU count is maintained at 34
- Location of RRUs
- Current waiting list and unit size requested

Advertising

If any vacancies are reported to City staff, the management shall also provide proof of the property's effort to advertise the availability of affordable units to qualified households.

Definitions

Affordable Housing: the national standard for housing affordability involves no greater than 1/3 of a household's gross income spent on rent or mortgage costs, including utilities.

Area Median Income (AMI): The median income of household Income limits are determined by HUD and updated annually. The City of Flagstaff Housing Section will supply the property management company with HUD's updated income limits annually.

Rent Restricted Unit (RRU): Any of the 34 designated units that house qualified applicants. The maximum monthly rental price for an RRU shall be no more than 30% of the qualifying household's monthly income.

Household: All the persons living in the unit more than 50% of the year. Household size is a key qualifying component for the Program. Building codes and Fair Housing standards shall be followed when placing a household of any size into a rent restricted unit.

Household Income: Total income received by all members of the household over the age of 18, including other forms of income based on information provided in the application. A standardized income calculation method shall be used.

US Department of Housing & Urban Development (HUD): Income limits for various federal housing programs are determined by HUD. 30%, 50%, 80% and 100% area median income categories are provided annually by HUD. The 60% income category is provided by Arizona Department of Housing

Exhibit E – Affordability Plan
McGrath Real Estate Partners

(ADOH). The Affordable Housing Program referred to in this document is not federally run. See income limit chart below for allowable incomes for the Program.

2019 Area Median Income Limits for Flagstaff

Household size	30%	50%	60%	80%	100%
1	\$16,050	\$26,750	\$32,100	\$42,800	\$53,500
2	\$18,350	\$30,600	\$36,720	\$48,900	\$61,200
3	\$21,330	\$34,400	\$41,280	\$55,000	\$68,800
4	\$25,750	\$38,200	\$45,840	\$61,100	\$76,400
5	\$30,170	\$41,300	\$49,560	\$66,000	\$82,600
6	\$34,590	\$44,350	\$53,220	\$70,900	\$88,700
7	\$39,010	\$47,400	\$56,880	\$75,800	\$94,800
8	\$43,430	\$50,450	\$60,540	\$80,700	\$100,900

Note: 30%, 50%, 80% and 100% income categories are provided by HUD. The 60% income category is provided by ADOH.

Development Agreement

EXHIBIT "F" – Zoning Ordinance

ORDINANCE NO. 2019-20

AN ORDINANCE AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 14.51 ACRES OF REAL PROPERTY LOCATED AT 825 AND 829 E. BUTLER AVE. ON PARCEL NUMBERS 104-13-002B AND 104-03-005B FROM LIGHT INDUSTRIAL (LI) AND HEAVY INDUSTRIAL (HI) TO 2.24 ACRES OF HIGHWAY COMMERCIAL (HC) AND 12.27 ACRES OF HIGH DENSITY RESIDENTIAL (HR), WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, McGrath Real Estate Partners, LLC (“the Applicant”), has applied for a Direct to Ordinance Zoning Map Amendment of approximately 14.51 acres of real property located within the City of Flagstaff, a legal description of which is provided in “**Exhibit A**” attached hereto and incorporated by this reference (“the Property”), from Light Industrial (LI) and Heavy Industrial (HI), for purposes of developing a multi-family residential and commercial project; 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, the Applicant conducted neighborhood meetings on April 24, 2018, July 30, 2018, and May 16, 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 Planning and Zoning Commission has formally considered the proposed Direct to Ordinance Zoning Map Amendment application, following proper notice and hearings on January 9, 2019, May 22, 2019, and May 29, 2019, and with the result that the Planning and Zoning Commission has recommended approval of the requested Zoning Map Amendment application, subject to the Applicant’s compliance with the following five conditions:

1. The applicant shall submit an application for Site Plan Minor Modification for review and approval by the Inter-Division Staff prior to submittal of civil engineering or building permits. The subject property must be developed in accordance with the approved Site Plan modification and the related conditions of approval.
2. For the commercial portion of the development, final architectural design and site layout will be reviewed and approved with a separate Site Plan submittal and will be in conformance with the approved Development Agreement and Zoning Map Amendment conditions.
3. All other requirements of the Zoning Code and other City codes, ordinances, and regulations, shall be met by the proposed development.
4. All terms, conditions, and restrictions detailed within the “McGrath Development Agreement” must be fully satisfied.

5. In the event that Certificate of Occupancy has not been granted on the improvements on the commercial parcel within six years from the date of this Agreement, after notification by certified mail to the owner and applicant who requested the rezoning, the City shall schedule a public hearing before City Council to take action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former classification.

WHEREAS, staff have recommended approval of the Direct to Ordinance Zoning Map Amendment application, subject to the conditions proposed by the Planning and Zoning Commission, 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 current Planning Division staff and all attachments to those reports, the Applicant's application, the narrative provided by the Applicant, and all statements made by the Applicant and its representatives or agents during the presentation to Council, and the Council finds that the proposed Direct to Ordinance 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 Light Industrial (LI) and Heavy Industrial (HI) to Highway Commercial (HC) and High Density Residential (HR) as set forth in "Exhibits A and B", attached hereto and incorporated by reference.

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 Development Agreement between the City of Flagstaff and the Applicant, approved by the City Council in Resolution No. 2019-02 on July 2, 2019.

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:

CONDITIONS:

1. The applicant shall submit an application for Site Plan Minor Modification for review and approval by the Inter-Division Staff prior to submittal of civil engineering or building permits. The subject property must be developed in accordance with the approved Site Plan modification and the related conditions of approval.
2. For the commercial portion of the development, final architectural design and site layout will be reviewed and approved with a separate Site Plan submittal and will be in conformance with the approved Development Agreement and Zoning Map Amendment conditions.
3. All other requirements of the Zoning Code and other City codes, ordinances, and regulations, shall be met by the proposed development.
4. All terms, conditions, and restrictions detailed within the "McGrath Development Agreement" must be fully satisfied.
5. In the event that Certificate of Occupancy has not been granted on the improvements on the commercial parcel within six years from the date of this Agreement, after notification by certified mail to the owner and applicant who requested the rezoning, the City shall schedule a public hearing before City Council to take action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former classification.

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 be 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
EXHIBIT 'A'
APN:104-03-005B & 104-13-002B
Ref No. #17113
5/1/2018

A portion of that parcel of land as described in Instrument Number 3229459, and as shown on Instrument Number 3788056, Official Records of Coconino County (herein referred to as R1), lying within the north half of Section 22, Township 21 North, Range 7 East, of the Gila and Salt River Meridian, Coconino County, Arizona, described as follows:

Parcel 1:

Commencing at the northeast corner of said parcel, from which the southeast corner of said parcel bears South 00°35'15" East, 1201.44 feet (Basis of Bearing, R1), said point being in common with the southerly Right-of-Way line of Butler Avenue as shown on R1, and the beginning of a non-tangent curve concave to the north, having a radius of 1402.01 feet, and being subtended by a chord which bears North 81°21'24" West, 48.55 feet;

Thence along westerly along said Right-of-Way line, and along said curve 48.55 feet through a central angle of 1°59'03" to the **TRUE POINT OF BEGINNING**;

Thence leaving said north line, South 9°22'03" West, 87.66 feet;

Thence South 15°09'19" West, 85.25 feet;

Thence North 89°59'57" West, 439.40 feet;

Thence North 5°55'05" East, 239.41 feet;

Thence North 53°51'24" East, 33.50 feet to a point on the southerly Right-of-Way line of Butler Avenue as shown on R1;

Thence easterly along said Right-of-Way line, South 78°12'18" East, 377.22 feet to the beginning of a curve concave to the north, having a radius of 1402.01 feet, and being subtended by a chord which bears South 79°12'52" East, 56.28 feet;

Thence continuing along said Right-of-Way line, 56.29 feet through a central angle of 2°18'01" to the **TRUE POINT OF BEGINNING**;

Containing 2.24 Acres, more or less.

Parcel 2:

Commencing at the northeast corner of said parcel, said point being in common with the southerly Right-of-Way line of Butler Avenue as shown on R1, and the **TRUE POINT OF BEGINNING**;

Thence along the east line of said parcel, South 00°35'15" East, 1201.44 feet (Basis of Bearing, R1), to the southeast corner of said parcel;

Thence along the south line of said parcel, South 89°31'12" West, 259.96 feet;

Thence continuing along said south line, South 89°28'31" West, 105.58 feet to the southwest corner of said parcel;

Thence along the west line of said parcel, North 18°51'21" West, 629.44 feet to a point on the easterly Right-of-Way line of Sawmill Road as shown on R1;

Thence continuing along said west line and along said Right-of-Way line, North 5°55'05" East, 451.06 feet;

Thence leaving said west line and said Right-of-Way line, South 89°59'57" East, 439.40 feet;

Thence North 15°09'19" East, 85.25 feet;

Thence North 9°22'03" East, 87.66 feet to a point on the southerly Right-of-Way line of Butler Avenue as shown on R1, said point being the beginning of a non-tangent curve concave to the north having a radius of 1402.01 feet and being subtended by a chord which bears South 81° 21'24" East, 48.55 feet;

Thence easterly along said Right-of-Way line, and along said curve 48.55 feet through a central angle of 1°59'03" to the **TRUE POINT OF BEGINNING**;

Containing 12.26 Acres, more or less.

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

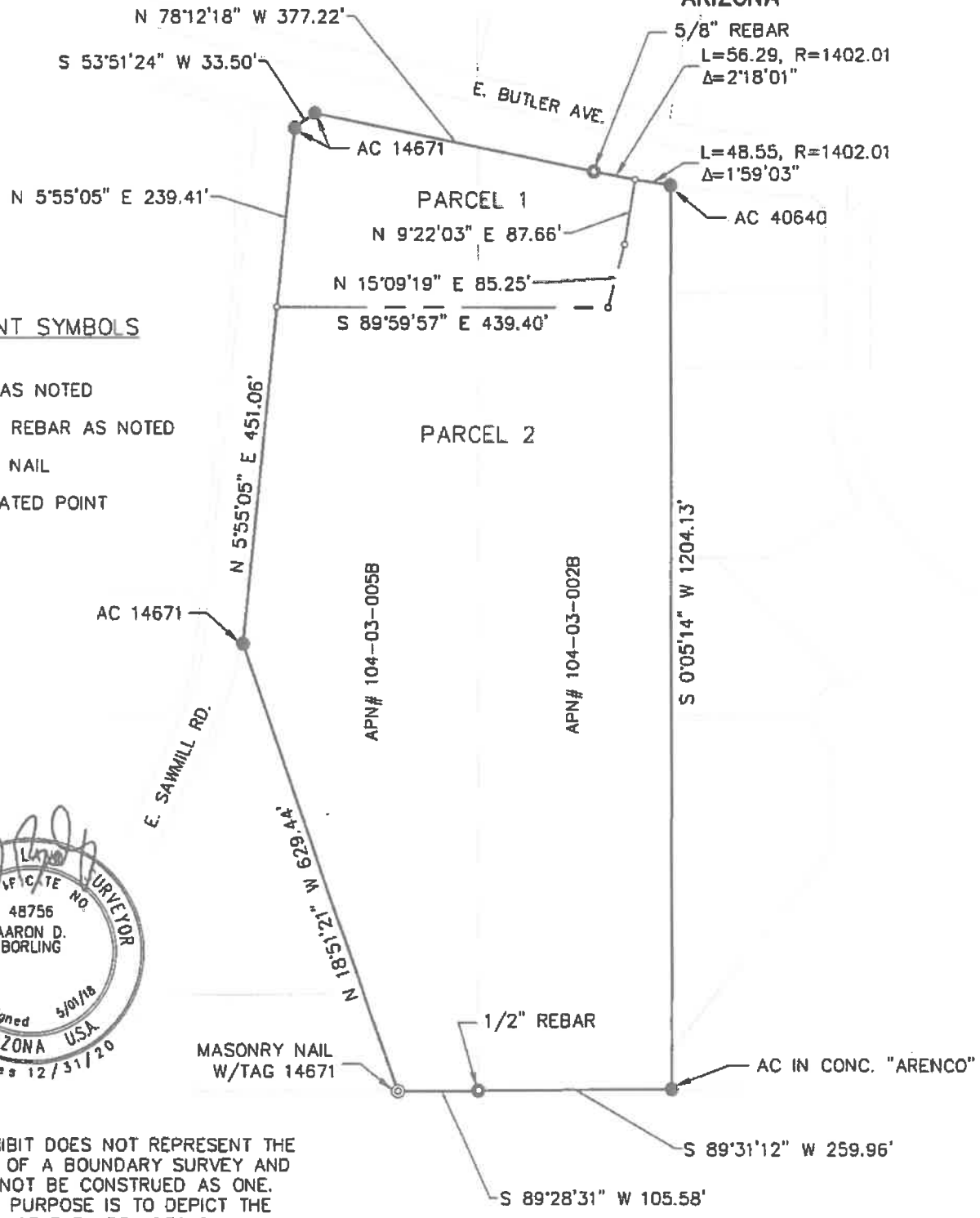
This legal description was prepared by Aaron D. Borling, RLS 48756, on behalf of and at the request of Shephard-Wesnitzer, Inc., Flagstaff, AZ.



PLOTTED: May 01, 2018-10:49am
 FILE: P:\2017\17113\Survey\Lego\Descriptions\EXHIBIT A.dwg MJR-C3D-17

EXHIBIT 'A'

A PORTION OF SECTION 22, TOWNSHIP 21 NORTH, RANGE 7 EAST, GILA AND SALT BASE AND MERIDIAN, COCONINO COUNTY, FLAGSTAFF, ARIZONA



MONUMENT SYMBOLS

- REBAR AS NOTED
- CAPPED REBAR AS NOTED
- ⊙ SURVEY NAIL
- CALCULATED POINT



NOTE:
 THIS EXHIBIT DOES NOT REPRESENT THE RESULTS OF A BOUNDARY SURVEY AND SHOULD NOT BE CONSTRUED AS ONE. ITS SOLE PURPOSE IS TO DEPICT THE LOCATION OF THE AREA DESCRIBED.

SWI
 Shephard Wesnitzer, Inc. www.swiaz.com

110 W. Dale Avenue
 Flagstaff, AZ 86001
 928.773.0354
 928.774.8934 fax

JOB NO. 17113
 DATE 5-1-2018
 SCALE 1"=200'
 DRAWN MJR
 DESIGN
 CHECKED ADB

ASSET PLUS

FLAGSTAFF, ARIZONA

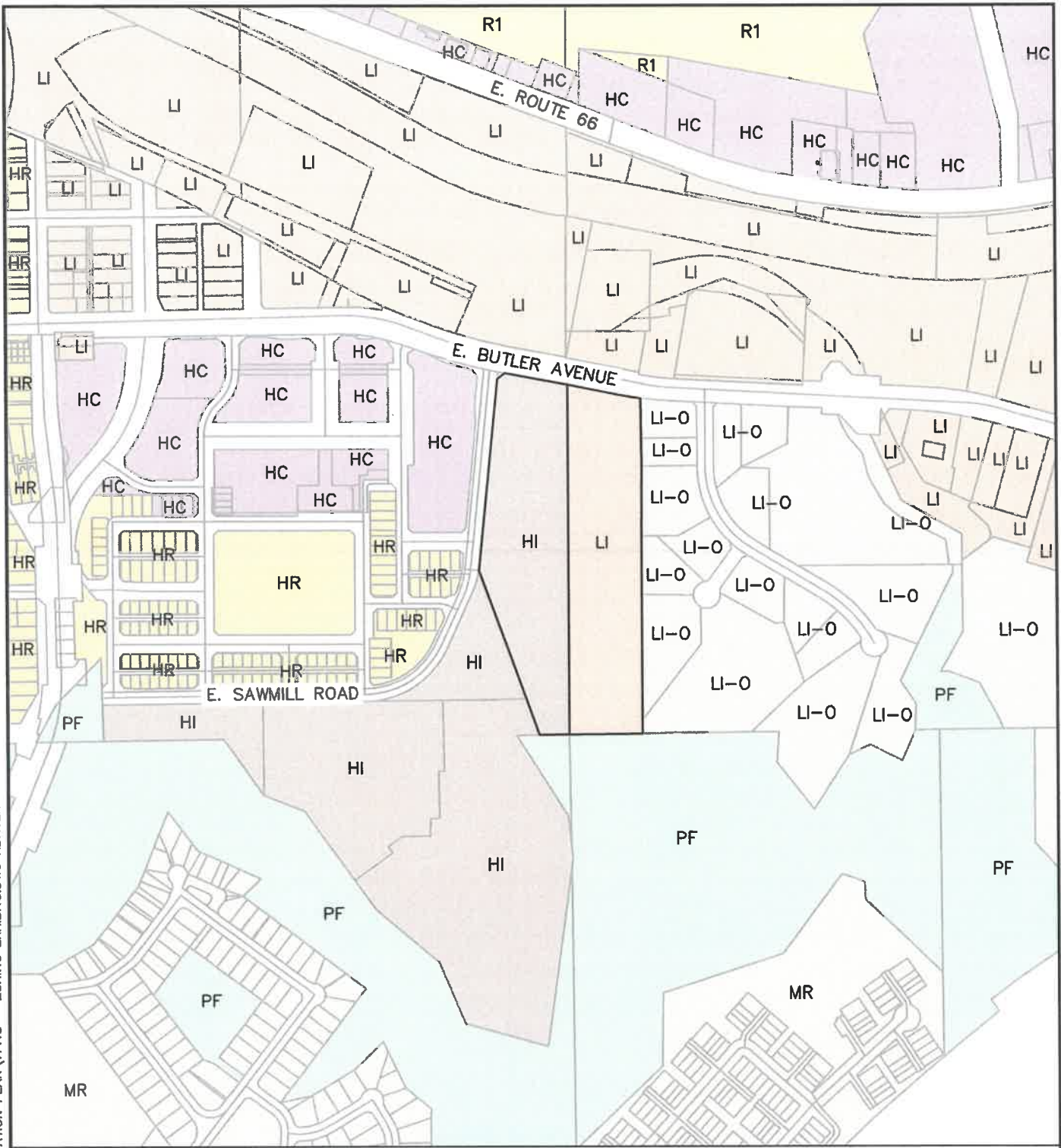
LEGAL EXHIBIT "A"

SHEET
3
 OF 3











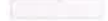

EXHIBIT B

PLOTTED: Dec 18, 2018--10:19am

FILE: P:\2017\17113\DRAWINGS\CITIZEN PARTICIPATION PLAN\17113 - ZONING EXHIBITS.DWG KBAYER



ZONING LEGEND

	HI	HEAVY INDUSTRIAL		R1	SINGLE FAMILY RESIDENTIAL
	LI	LIGHT INDUSTRIAL		MR	MEDIUM DENSITY RESIDENTIAL
	LI-O	LIGHT INDUSTRIAL		HR	HIGH DENSITY RESIDENTIAL
	PF	PUBLIC FACILITY		ER	ESTATE RESIDENTIAL
	HC	HIGHWAY COMMERCIAL		PROPOSED REZONE PROPERTY	
	CC	COMMUNITY COMMERCIAL		EXISTING PROPERTY LINE	



110 W. Dale Avenue
Flagstaff, AZ 86001
928.773.0354
928.774.8934 fax
www.swiaz.com

JOB NO. 17113
DATE DEC 18
SCALE 1" = 500'
DRAWN KMB
DESIGN KMB
CHECKED SCI

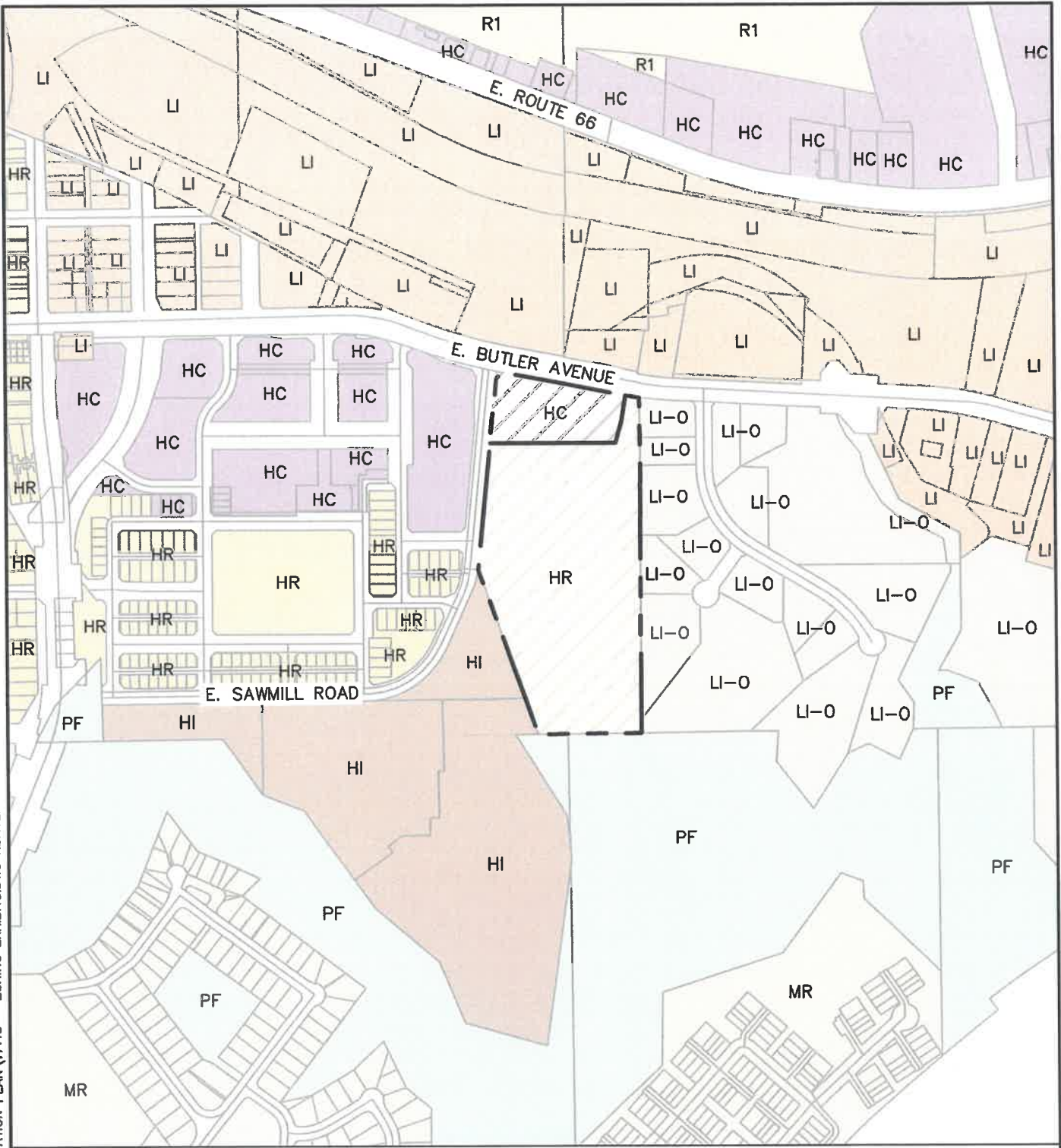
McGRATH MULTI-FAMILY HOUSING & RETAIL

FLAGSTAFF ARIZONA

ZONING EXHIBIT - EXISTING

SHEET
1
OF 2

PLOTTED: Dec 18, 2018-10:19am



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ZONING LEGEND

	HI	HEAVY INDUSTRIAL		MR	MEDIUM DENSITY RESIDENTIAL
	LI	LIGHT INDUSTRIAL		HR	HIGH DENSITY RESIDENTIAL
	LI-O	LIGHT INDUSTRIAL		HC	PROPOSED HIGHWAY COMMERCIAL
	PF	PUBLIC FACILITY		HR	PROPOSED HIGH DENSITY RESIDENTIAL
	HC	HIGHWAY COMMERCIAL			PROPOSED REZONE PROPERTY
	R1	SINGLE FAMILY RESIDENTIAL			EXISTING PROPERTY LINE



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SCALE 1" = 500'
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McGRATH MULTI-FAMILY HOUSING & RETAIL

FLAGSTAFF ARIZONA

ZONING EXHIBIT - PROPOSED

SHEET

2

OF 2

Shephard & Wesnitzer, Inc.