

**ORDINANCE NO. 2019-09**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 3.34 ACRES OF REAL PROPERTY LOCATED AT 1831 N JASPER DRIVE ON PARCEL NUMBER 101-46-012A FROM RESEARCH AND DEVELOPMENT ("RD") TO COMMUNITY COMMERCIAL ("CC"), WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AND ESTABLISHING AN EFFECTIVE DATE.**

**RECITALS:**

WHEREAS, Buron Inc. (the "Applicant"), applied for a Zoning Map Amendment for approximately 3.34 acres of land located at 1831 N. Jasper Drive, Flagstaff, Arizona, a legal description of which is provided in Exhibit "A" attached hereto ("the Property"), to amend the zoning of the Property from Research and Development (RD) zone to Community Commercial (CC) zone for the purpose of developing a congregate care facility; and

WHEREAS, the Applicant conducted a neighborhood meeting on November 14, 2018, to discuss the proposed Zoning Map Amendment with the surrounding community, as required by Section 10-20.30.060 of the Flagstaff Zoning Code. The second neighborhood meeting was waived by the Planning Director as low community turn-out and no opposition to the proposed development was or has been voiced by the public; and

WHEREAS, the Planning and Zoning Commission has formally considered the present Zoning Map Amendment application following proper notice and two (2) public hearings, in accordance with the City of Flagstaff Zoning Code section 11-10.20.020.B.4 and 10-20.50.040.H.1, on March 13, 2019 and again on March 27, 2019, and has recommended approval of the requested Zoning Map Amendment, 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, subject to the conditions proposed by staff, as set forth below, and the Council has considered the conditions and has found them 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 condition 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 Zoning Map Amendment requested in the application is consistent with and conforms to the goals of the General Plan and the McMillan Mesa Village Specific Plan.

SECTION 3. The Zoning Map 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 and the McMillan Mesa Village Specific 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 Research and Development (RD) zone to the Community Commercial (CC) zone, as depicted in Exhibit "A", 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. The Zoning Map Amendment is further conditioned upon the Applicant's satisfaction of the following conditions proposed by the Planning and Zoning Commission:

1. The subject property must be developed in accordance with the approved site plan (PZ-18-00061-02) and the conditions of approval dated February 26, 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. All other requirements of the Zoning Code and other City codes, ordinances and regulations, shall be met by the proposed development.
3. All other terms, conditions, and restrictions detailed within the "McMillan Mesa Specific Plan Development Agreement" must be fully satisfied.

SECTION 8. 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 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 7th day of May, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
CITY ATTORNEY

Exhibit "A"

Legal Description of Property