

ORDINANCE NO. 2021-01

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 23.08 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 2701 S WOODY MOUNTAIN ROAD, A PORTION OF APN 112-01-019 FROM THE RURAL RESIDENTIAL (RR) ZONE TO THE MEDIUM DENSITY RESIDENTIAL (MR) ZONE WITH CONDITIONS; PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE

RECITALS:

WHEREAS, Vintage Partners, LLC (“the Applicant”), has applied for a Concept Zoning Map Amendment to rezone approximately 23.08 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 the Rural Residential (RR) zone to the Medium Density Residential (MR) zone for purposes of developing a multi-family residential development with a maximum of 208 dwelling 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, the Applicant conducted neighborhood meetings on September 21, 2020 and October 5, 2020 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 Concept Zoning Map Amendment application, following proper notice and a hearing on January 13, 2021, and has recommended approval of the requested Zoning Map Amendment 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, Planning and Zoning Commission has recommended approval of the Concept 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 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 Rural Residential (RR) to Medium Density Residential (MR) as set forth in Exhibit A, attached hereto and incorporated by reference.

SECTION 6. That the Zoning Map Amendment be conditioned on compliance with the Development Agreement between the City of Flagstaff and the Applicant, approved by the City Council through Resolution No. 2021-06 on February 16, 2021 and that should that Development Agreement not be approved and executed that this Ordinance become null and void.

SECTION 7. 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 subject property shall be developed in substantial conformance with the concept zoning plan and project narrative including but not limited to the density and intensity and general layout approved by the Inter-Division Staff (IDS) on December 23, 2020 with this request except as modified herein.
2. Development of the MR zone shall be limited to the number of units (208) identified in the concept zone plan and used for the preparation of all impact analysis. There shall be no more than a 10% decrease in the total number of units identified in the concept zone plan.
3. There shall be a minimum of 13 units per net acre within the Urban Activity Center designated portion of the property. Net density will not include civic space areas, open space areas or dedicated right-of-way. All units will be counted toward this density.
4. The civic space area as shown on the Concept Zone Plan shall be a high-quality public amenity as determined by the Comprehensive Planning Manager. The area as shown shall not have a depth greater than 3 feet from the adjacent grade.

- ~~5. Vehicular and pedestrian cross access shall be preserved between the proposed residential land use within the MR zone and the future development located on the remainder of the parcel to the north. Access shall be provided at the time of development of the property to the north. The applicant can decide the location of the cross access, but the access does need to be provided with future site planning submittals.~~
6. All fencing shown along either Woody Mountain Road or McAllister Ranch Road shall be located outside of the required setback for that street frontage. Breaks in the fencing shall be provided to allow pedestrian and bicycle access to the adjacent FUTS/sidewalk at several points along both frontages in addition to vehicular driveway locations. Final pedestrian and bicycle connections shall be determined at the site plan review.
7. The front façades of the single-family 3-bedroom (two-story) units shall be redesigned to have front doors, fenestration, and porches that better incorporate walkable urban design principles and the design traditions of Flagstaff. Staff will approve an updated design at Site Plan. Comprehensive Planning review of Site Plan will be required to ensure compliance with this condition.
8. The Developer shall meet all City of Flagstaff storm water, pre vs post retention, peak flow mitigation, Low Impact Development, and rainwater harvesting requirements per the approved drainage report and approved civil construction plans as required to ensure no additional impacts to nearby downstream properties subject to frequent flooding. Pre vs post retention shall be volumetric retention for the 100-year, 24-hour storm event is required in lieu of a Drainage Impact Analysis.
9. All other requirements of the Zoning Code and other City codes, ordinances, and regulations shall be met by the proposed development.
10. All terms, conditions, and restrictions detailed within the "Sky Cottages at Timber Sky Development Agreement" must be fully satisfied, notwithstanding any expiration or termination of the Agreement.
11. In the event the property is rezoned and the applicant 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 classification of Rural Residential (RR) 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 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. Effective Date

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 16th day of February, 2021.

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

Exhibits:
Legal Description