

**ORDINANCE NO. 2022-05**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 13.49 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 5531 EAST CORTLAND BOULEVARD, APN 113-37-001E, FROM THE HIGHWAY COMMERCIAL (HC), LIGHT INDUSTRIAL-OPEN (LI-O), AND RESEARCH AND DEVELOPMENT (RD) ZONES WITH A RESOURCE PROTECTION OVERLAY (RPO) TO THE HIGH DENSITY RESIDENTIAL (HR) ZONE WITH A RESOURCE PROTECTION OVERLAY (RPO), PROVIDING FOR SEVERABILITY, AUTHORITY FOR CLERICAL CORRECTIONS, AND ESTABLISHING AN EFFECTIVE DATE**

**RECITALS:**

WHEREAS, Miramonte Holdings, LLC., (“the Applicant”), has applied for a Concept Zoning Map Amendment to rezone approximately 13.49 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 Highway Commercial (HC), Light Industrial-Open (LI-O), and Research and Development (RD) zones with a Resource Protection Overlay (RPO) to the High Density Residential (HR) zone with a Resource Protection Overlay (RPO) for the purpose of developing a 139-unit multifamily residential development; and

WHEREAS, the Applicant conducted a neighborhood meeting on August 26, 2021 to discuss the proposed Zoning Map Amendment with the surrounding community, as required by Section 10-20.50.40 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 February 23, 2022, and has recommended approval of the requested Zoning Map Amendment application, subject to the Applicant’s compliance with a certain condition 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 Council has considered the conditions recommended by the Planning and Zoning Commission and has found them to be appropriate for the Property; 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 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 from the Highway Commercial (HC), Light Industrial-Open (LI-O), and Research and Development (RD) zones with a Resource Protection Overlay (RPO) to the High Density Residential (HR) zone with a Resource Protection Overlay (RPO) as set forth in Exhibit A, attached hereto and incorporated by reference.

SECTION 6. The Zoning Map Amendment is conditioned on compliance with the Development Agreement between the City of Flagstaff and the Applicant, approved by the City Council concurrently on March 15, 2022 and that should that Development Agreement not be approved and executed this Ordinance becomes null and void.

SECTION 7. That the Zoning Map Amendment be further conditioned upon the Applicant's satisfaction of the following condition:

**CONDITION:**

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 September 29, 2021, except as modified herein.
2. Development of the HR zone shall be limited to the number of units (139) identified in the concept zone plan and used for the preparation of all impact analysis, except that a 10% increase or decrease in the total number of units identified in the concept zone plan may be approved administratively.
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 "The Lofts at Continental Development Agreement" must be fully satisfied.
5. 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 Highway Commercial, Light Industrial-Open, and Research and Development 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 15th day of March, 2022.

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MAYOR

ATTEST:

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CITY CLERK

APPROVED AS TO FORM:

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CITY ATTORNEY

Exhibits:  
Legal Description