

**ORDINANCE NO. 2023-22**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF FLAGSTAFF, AMENDING THE FLAGSTAFF ZONING MAP TO REZONE APPROXIMATELY 13.01 ACRES OF REAL PROPERTY GENERALLY LOCATED AT 2445 SOUTH WOODY MOUNTAIN ROAD, APN 112-01-712, FROM THE RURAL RESIDENTIAL (RR) ZONE 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, VP 66 & Woody Mountain LLC (“Owner”) is the owner of approximately 13.01 acres of real property generally located at 2445 S Woody Mountain Road (the “Property”); and

WHEREAS, the Owner has submitted an Annexation application to annex a portion of the Property into the City of Flagstaff corporate boundaries further described in Ordinance 2023-21; and

WHEREAS, the Owner has applied for a Direct to Ordinance Zoning Map Amendment to rezone approximately 13.01 acres of the 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 with a Resource Protection Overlay (RPO) to the High Density Residential (HR) zone with a Resource Protection Overlay (RPO) for purposes of developing a 214-unit, multi-family residential development; and

WHEREAS, the Applicant conducted two neighborhood meetings on December 12, 2022 and February 6, 2023 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 Direct to Ordinance Zoning Map Amendment application, following proper notice and a hearing on July 26, 2023, 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 Direct to Ordinance Zoning Map Amendment application, subject to the conditions, 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 development of the Property will be controlled by the conditions of approval of the Direct to Ordinance Zoning Map Amendment application, the Annexation application, Ordinance No. 2023-22, the Development Agreement, other relevant provisions of the Zoning Code, and various other City codes regulating the development of 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 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 Rural Residential (RR) zone within the Resource Protection Overlay (RPO) zone to the High Density Residential (HR) zone within the RPO zone as set forth in Exhibit A, attached hereto and incorporated by reference.

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 June 30, 2023. 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 site plan shall be amended to remove the gates shown on the site plan at the internal drives near the entrance at the clubhouse. The emergency access only gate at W Route 66 shall remain.
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 "LIV Timber Sky 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 RR zone in accordance with A.R.S. § 9-462.01

SECTION 7. That this Ordinance shall only take effect if the associated annexation application is approved and the annexation becomes effective.

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 sixty (60) days following adoption by the City Council.

PASSED AND ADOPTED by the City Council of the City of Flagstaff this 3rd day of October, 2023.

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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