CITY OF FLAGSTAFF STAFF SUMMARY REPORT

To:

The Honorable Mayor and Council

From:

Vince Knaggs, Planning Development Manager

Planning and Development Services Section

779-7631, Ext. 7356

Date:

May 4, 2010

Meeting Date:

May 18, 2010

TITLE: CONSIDERATION OF ORDINANCE NO. 2010-15 AN ORDINANCE REZONING A .71-ACRE PARCEL LOCATED AT 1688 EAST ROUTE 66 FROM RR, RURAL RESIDENTIAL ZONING DISTRICT, TO C3-E, HIGHWAY COMMERCIAL ZONING DISTRICT ESTABLISHED.

RECOMMENDED ACTION:

Meeting of May 18, 2010:

Read Ordinance No. 2010-15 for the first time by title

Meeting of June 1, 2020:

Read Ordinance No. 2010-15 for the final time.

Adopt Ordinance No. 2010-15.

ACTION SUMMARY:

The Flagstaff Planning and Zoning Commission conducted a public hearing to consider this rezoning request at its regular meeting of April 14, 2010. At the conclusion of the public hearing, the Planning and Zoning Commission voted unanimously (7-0) to forward the rezoning request to the City Council with a recommendation for approval subject to the following condition as clarified by staff;

Development of the Subject Property shall be governed by the City's codes, ordinances, regulations, rules, guidelines and policies controlling permitted uses of the Subject Property, intensity of uses, design review guidelines, property development standards, Engineering, Design and Construction Standards and Specifications, Storm Water Management Design Manual, as well as the off-site and on-site public improvements that are in existence at the time of development, except as otherwise expressly set forth in the "Development and Disposition Agreement [Ponderosa Parkway Project] Ordinance No. 2009-39," recorded as Instrument No. 3546724, Official Records of Coconino County, Arizona.

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Rezonings are adopted by the City Council by ordinance. If adopted, this ordinance will allow for the proposed rezoning of a .71-acre parcel located at 1688 East Route 66.

DISCUSSION:

Background/History:

The background and history regarding the requested rezoning were addressed in the May 4, 2010 public hearing staff report to the City Council, which included the rezoning report to the Planning and Zoning Commission.

Key Considerations:

Key considerations regarding the requested rezoning were addressed in the May 4, 2010 public hearing staff report to the City Council, which included the rezoning report to the Planning and Zoning Commission.

Community Benefits and Considerations:

Community benefits and considerations regarding the requested rezoning were addressed in the May 4, 2010 public hearing staff report to the City Council, which included the rezoning report to the Planning and Zoning Commission.

Community Involvement:

Community Involvement regarding the requested rezoning was addressed in the May 4, 2010 public hearing staff report to the City Council, which included the rezoning report to the Planning and Zoning Commission.

Financial Implications:

In November 2006, Arizona voters approved passage of Proposition 207, the Private Property Rights Protection Act, codified in A.R.S §§ 12-1131 through 12-1138, (the "Act") which allows a property owner to seek compensation if any land-use law enacted after the date property is transferred to the owner reduces the fair market value of that property. The Act specifically recognizes that private property owners can enter into agreements with political subdivisions to waive any claim for diminution in value of property. The League of Arizona Cities and Towns has issued a set of implementation guidelines for the Act which recommends that prior to adoption of any change in the city's land use laws at the request of a property owner, that the City obtain from the requesting property owner a waiver of any right to compensation under the Act.

Staff recommends that the City Council require the landowners to sign a waiver of any Proposition 207 claims as a condition of rezoning. Staff will prepare a resolution approving an agreement for waiver of claims for diminution in value to real property resulting from the proposed rezoning for consideration by the City Council in conjunction with the final reading and adoption of this ordinance.

Options and Alternatives:

The City Council may grant the rezoning request as recommended by the Planning and Zoning Commission and staff, remove, modify or attach conditions to the rezoning request, or deny the rezoning request.

Attachments/Exhibits:

Ordinance No. 2010-15

Department Head (Acknowledgment that all reviews have been completed and required approvals initialed below.)

INITIALS	RESPONSIBILITY	DATE	INITIALS	RESPONSIBILITY	DATE
+ml	BIDS/PURCHASES GRANTS LEGAL	5/4/10		FINANCE/BUDGET CONTRACTS IGAS PLANNING & DEV SERVICES	5/4/10
DATE OF COU	NCIL APPROVAL:				/ /

ORDINANCE NO. 2010-15

AN ORDINANCE REZONING A .71 ACRE PARCEL LOCATED AT 1688 EAST ROUTE 66 FROM RR, RURAL RESIDENTIAL ZONING DISTRICT, TO C3-E, HIGHWAY COMMERCIAL ZONING DISTRICT ESTABLISHED.

WHEREAS, the applicant has applied for a rezoning of .71 acres of land located at 1688 East ROUTE 66, City of Flagstaff, Arizona (hereinafter referenced as "Subject Property"), a legal description of which is designated Exhibit A, attached to and made a part hereof, from RR, Rural Residential Zoning District, to C3-E, Highway Commercial Zoning District Established; and

WHEREAS, the Council of the City of Flagstaff ("Council") finds that the applicant has complied with Section 10-10-004-0007 of the Land Development Code by virtue of having paid the required fee and having supplied the required documentation; and

WHEREAS, the Planning and Zoning Commission has formally considered the present rezoning application following proper notice and hearing on April 14, 2010, and has recommended approval of the requested rezoning application, subject to a certain condition set forth below in Section 1, as clarified by staff; and

WHEREAS, the Council has read and considered the staff reports prepared by the Planning and Development Services Section and has considered the narrative prepared by the applicant; and

WHEREAS, the staff has recommended approval of the rezoning application, subject to the condition recommended by the Planning and Zoning Commission, as clarified by staff, set forth below, and the Council has considered the condition and has found it to be appropriate for the development of the Subject Property; and

WHEREAS, the Council finds that the applicant's proposed zoning change for the Subject Property as set forth in this Ordinance would be consistent with and conform to the land use category established under the Flagstaff Area Regional Land Use and Transportation Plan; and

WHEREAS, the Council finds that the proposed rezoning with condition would not be detrimental to the uses of adjoining parcels or to other uses within the vicinity;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FLAGSTAFF AS FOLLOWS:

SECTION 1. That the Subject Property be rezoned from RR, Rural Residential Zoning District to C3-E, Highway Commercial Zoning District Established, subject to the following condition:

Development of the Subject Property shall be governed by the City's codes, ordinances, regulations, rules, guidelines and policies controlling permitted uses of the Subject Property, intensity of uses, design review guidelines, property development standards, Engineering, Design and Construction Standards and Specifications, Storm Water Management Design Manual, as well as the off-site and on-site public improvements that are in existence at the time of development, except as otherwise expressly set forth in the "Development and Disposition Agreement [Ponderosa Parkway Project] Ordinance No. 2009-39," recorded as Instrument No. 3546724, Official Records of Coconino County, Arizona.

PASSED AND ADOPTED by the Ci Flagstaff this day of	ity Council and approved by the Mayor of the City of, 2010.
	MAYOR
	MAYOR
ATTEST:	
	<u>. </u>
CITY CLERK	
APPROVED AS TO FORM:	
CITY ATTORNEY	

Exhibit A

(Description)

Following is a description of a parcel of land which is a portion of the parcels of land described as Parcel 1 and Parcel 3 in Docket 1827, Page 471, of the records of the Coconino County Recorder's Office. The parcel of land is located in the northwest 1/4 of Section 23 and the southwest 1/4 of Section 14, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona. (Note: All references to recorded instruments refer to the records of the Coconino County Recorder's Office.)

The parcel of land is more particularly described by metes and bounds as follows:

COMMENCING at the northwest corner of Section 23, monumented with an USDI/BLM brass cap, dated 1981. From which point the west 1/4 corner of Section 14, monumented with a 3 inch aluminum cap, LS 26406, bears North 01°35'29" West, 2720.59 feet (Basis of Bearings for this description):

THENCE North 88°39'25" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcels of land described in Instrument No. 3101540 and Instrument No. 3086724 and along the south line of the parcel of land described in Instrument No. 3469519, 375.60 feet to the southeast corner of the parcel of land described in Instrument No. 3469519 and to the southwest corner of the parcel of land described as Parcel 1 in Instrument No. 3478120, monumented with a nail in concrete;

THENCE North 88°40'08" East along the north line of the northwest 1/4 of Section 23, and along the north line of the parcel of land described in Instrument No. 3086724 and along the south line of Parcel 1(Instrument No. 3478120), 123.29 feet to the northeast corner of Instrument No. 3086724 and to the northwest corner of the parcel of land described in Docket 2035, Page 813, monumented with a 3/4 inch iron pipe;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2035, Page 813, 111.28 feet to the southwest corner of the parcel of land described in Docket 2035, Page 813 and to the northwest corner of the parcel of land described in Docket 2072, Page 530;

THENCE South 18°35'16" East along the east line of the parcel of land described in Instrument No. 3086724 and along the west line of the parcel of land described in Docket 2072, Page 530, 140.00 feet to the north line of the 105 foot wide right of way for Route 66, monumented with a 5/8 inch rebar with aluminum cap marked ARENCO LS13010;

THENCE North 71°20'15" East along the south line of the parcel of land described in Docket 2072, Page 530, and along the north right of way line of Route 66, 100.50 feet to southeast corner of the parcel of land described in Docket 2072, Page 530 and to the southwest corner of the parcel of land described in Docket 1108, Page 138, monumented with a scribed X in concrete;

THENCE North 71°20'15" East, along the south line of the parcel of land described in Docket 1108, Page 138 and along the north right of way line of Route 66, 108.53 feet to the southeast corner of the parcel of land described in Docket 1108, Page 138 and to the southwest corner of the parcel of land described as Parcel 3 in Docket 1827, Page 471, monumented with a scribed X in concrete:

THENCE North 71°20'15" East, along the south line of Parcel 3 (Docket 1827, Page 471) and along the south line of the parcel of land described as Parcel 1 in Docket 1827, Page 471 and along the north right of way line of Route 66, 126.70 feet to the southeast corner of Parcel 1 (Docket 1827, Page 471) and to the southwest corner of the parcel of land described as Parcel 3 in Instrument No. 3227936:

THENCE North 18°35'24" West along the west line of Parcel 3 (Instrument No. 3227936) and along the east line of Parcel 1 (Docket 1827, Page 471), 16.00 feet to the **TRUE POINT OF BEGINNING** of this description;

THENCE South 71°20'15" West parallel with and 16.00 feet north of the north right of way line of Route 66, 97.50 feet;

THENCE North 57°53'12" West, 42.26 feet to a non-tangent curve whose radius point bears North 78°56'38" East;

THENCE northerly along a curve to the right having a radius of 742.50 feet and a central angle of 9°34'24", an arc distance of 124.06 feet (chord bearing North 06°16'10" West, chord distance 123.92 feet);

THENCE North 01°28'58" West, 142.83 feet;

THENCE northerly along a curve to the right having a radius of 300.43 feet and a central angle of 17°54'18", an arc distance of 93.88 feet.(chord bearing North 07°28'11" East, chord distance 93.50 feet);

THENCE northerly along a curve to the right having a radius of 765.00 feet and a central angle of 1°57'22", an arc distance of 26.12 feet (chord bearing North 17°24'01" East, chord distance 26.12 feet) to the west line of the parcel of land described in Instrument No. 3385837 and to the west line of Parcel 1(Docket 1827, Page 471);

THENCE South 18°16'17" East along the west line of the parcel of land described in Instrument No. 3385837 and along the east line of Parcel 1(Docket 1827, Page 471), 110.77 feet to the southwest corner of the parcel of land described in Instrument No. 3385837 and to the northwest corner of the parcel of land described as Parcel 3 (Instrument No. 3227936), monumented with a 4"x4" concrete post;

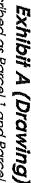
THENCE South 18°35'24" East along the west line of Parcel 3 (Instrument No. 3227936) and along the east line of Parcel 1 (Docket 1827, Page 471), 284.51 feet to the TRUE POINT OF BEGINNING of this description.

The above described parcel of land contains 0.71 acres, more or less.

For a drawing of the parcel described above, see **Exhibit A** (**Drawing**), which by this reference is made part of this description.

Land Transfer - City of Flagst	aff to Nemec
Descriptive Title	ACCEPTED AGSTAFF CITY OF FLAGSTAFF
_03-09012	ENGINE 3.36
City File No.	DATE DATE





RAD1 RADIAL BEARING TABLE N78°56'38"E

A portion of the parcels of land described as Parcel 1 and Parcel 3 in Docket 1827, Page 471. Located in the Southwest 1/4 of Section 14 and the Northwest 1/4 of Section 23, Township 21 North, Range 7 East, Gila and Salt River Baseline and Meridian, Coconino County, Arizona.

