

ORDINANCE NO. 1559

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED IN REZONING CASE P-23-112-PZ, A REQUEST BY GREG LOPER, REPRESENTING SM HOLDINGS LLC AND STORBAKKEN & SONS CONSTRUCTION INC., FROM GENERAL COMMERCIAL ("B-1") TO INDUSTRIAL ("B-5") AND A MINOR GENERAL PLAN AMENDMENT FROM COMMERCIAL TO LIGHT INDUSTRIAL/BUSINESS PARK AND INDUSTRIAL; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the subject property is generally located near the southeast corner Royal Palm Road and Old West Highway in Section 28; and

WHEREAS, on October 22, 2024, the Apache Junction planning and zoning commission recommended in a vote of 7:0 to approve rezoning case No. P-23-112-PZ to city council; and

WHEREAS, pursuant to A.R.S. § 9-462.01(J), the city council, before adopting any zoning ordinance or text amendment of general applicability, shall consider the probable impact the proposed zoning ordinance or text amendment would have on the cost to construct housing for sale or rent; and

WHEREAS, the city council has determined the adoption of this ordinance or text amendment will have no negative impact on the cost to construct housing for sale or rent as delineated under A.R.S. § 9-462.01(J).

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I            IN GENERAL

The zoning district classification on the zoning district map for the parcel of land legally described as:

That part of Tract A, Palm Springs, according to the records of Pinal County, Arizona, as recorded in Book 7 of Maps, Page 27, more particularly described as follows:

Parcel 1:

Beginning at the Northeast corner of Tract "A" of Palm Springs, a subdivision of record in the office of the county recorder of Pinal County, Arizona, in Book 7 of Maps, Page 27 thereof;

Thence South 0 Degrees, 00 Minutes 30 Seconds West along the East line of said Tract "A" 200 feet to the true point of beginning;

Thence South 0 Degrees 00 Minutes 38 Seconds West 80.00 feet;

Thence North 54 Degrees 52 Minutes 38 Seconds West 190.00 feet;

Thence North 0 Degrees 00 Minutes 30 Seconds East 80.00 feet;

Thence South 54 Degrees 52 Minutes 38 Seconds East 190.00 feet to the true point of beginning;

Parcel 2:

Beginning at the Northeast corner of Tract "A" of Palm Springs, a subdivision of record in the office of the county recorder of Pinal County, Arizona, in Book 7 of Maps, Page 27 thereof;

Thence South 0 Degrees 00 Minutes 30 Seconds West along the East line of said Tract "A", a distance of 280.00 feet to the true point of beginning;

Thence South 0 Degrees 00 Minutes 30 Seconds West 93.00 feet;

Thence South 44 Degrees 55 Minutes 30 Seconds West 7.07 feet;

Thence North 54 Degrees 52 Minutes 38 Seconds West 182.93 feet;

Thence North 0 Degrees 00 Minutes 30 Seconds East 103.00 feet;

Thence South 54 Degrees 52 Minutes 38 Seconds East 190.00 feet to the true point of beginning;

Parcel 3:

Beginning at the Northeast corner of Tract "A" of Palm Springs, a subdivision of record in the office of the county recorder of Pinal County, Arizona, in Book 7 of Maps, Page 27 thereof;

Thence South 0 Degrees 00 Minutes 30 Seconds West along the East line of said Tract "A", a distance of 373.00 feet;

Thence South 44 Degrees 55 Minutes 30 Seconds West 7.07 feet to the true point of beginning;

Thence South 44 Degrees 55 Minutes 30 Seconds West 7.07 feet to a point on the South line of said Tract "A";

Thence South 89 Degrees 52 Minutes 42 Seconds West along the said South line 145.42 feet;

Thence North 0 Degrees 00 Minutes 30 Seconds East 109.64 feet;

Thence South 54 Degrees 52 Minutes 38 Seconds East 182.93 feet to the true Point of beginning;

Parcel 4:

Beginning at the Northeast corner of said tract "A";

Thence North 54 Degrees 52 Minutes 38 Seconds West along the Southerly right-of-way of the State Highways 60, 70, 80 and 89, a distance of 190 feet;

Thence South 0 Degrees 30 Seconds West 200 feet;

Thence South 54 Degrees 52 Minutes 38 Seconds East 190 feet to a point on the West line of an alley;

Thence North 0 Degrees 30 Seconds East along said alley line 200 feet to the point of beginning;

APN: 102-03-136A;

be and hereby is amended from General Commercial ("B-1") to Industrial ("B-5"), and the general plan land use designation be amended from Commercial to Light Industrial/Business Park and Industrial, subject to the following condition of approval:

- 1) The project shall be improved in accordance with the plans approved and associated with this case and all provisions of the Zoning Ordinance and City codes applicable to this case.
- 2) 6' minimum opaque screen walls shall be installed in compliance to §1-6-3 Fences and Walls. Per code requirements, the front screen wall along Old West Highway shall be a decorative wall.
- 3) The driveway and driveway apron shall be an improved surface meeting the city's commercial driveway standards.

- 4) The proposed vehicle parking and circulation areas within the development shall be surfaced for dustproofing purposes to meet the city's requirements, as outlined in the City of Apache Junction Ordinance 1316.
- 5) The building's exterior shall be maintained to comply with general maintenance standards, including a repainting to repair the deterioration in desert/earth tone colors.
- 6) Landscaping, screening and irrigation improvements shall be provided in compliance with the city's landscape and screening requirements, which would include trees and shrubs on site, while the street frontage shall include vegetative ground cover (1-gallon minimum) and be covered with inorganic mulch such as crushed decorative rock, river run and/or boulders. An impervious weed barrier or pre-emergent chemical treatment shall be applied to the bare ground prior to the placement of inorganic ground cover materials. The trees along the Old West Highway frontage shall be a minimum of 36" box.
- 7) These required improvements shall be made and finished within 12 months of the zoning approval for case P-23-112-PZ.
- 8) property shall be developed in accordance with the plans associated with the case on file with the development services department as well as all applicable city zoning ordinances and other city codes.

SECTION II      REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III      PROVIDING FOR SEVERABILITY

If any section, subsection, sentence, phrase, clause 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.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2024.

\_\_\_\_\_  
WALTER "CHIP" WILSON  
Mayor

ATTEST:

\_\_\_\_\_  
JENNIFER PENA  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
RICHARD JOEL STERN  
City Attorney