

RESOLUTION NO. 25-19

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A CONDITIONAL USE PERMIT IN CASE NO. P-24-104-CUP REQUESTED BY WOLFF ENTERPRISES III, LLC, REPRESENTED BY GILBERT BLILIE PLLC, FOR A 336-UNIT THREE-STORY RESIDENTIAL RENTAL COMMUNITY ON PROPERTY ZONED CITY CENTER ("B-3").

WHEREAS, a conditional use permit ("CUP") application was submitted on October 31, 2024, to the planning division of the City of Apache Junction ("City"), by Wolff Enterprises III, LLC ("Developer"), requesting approval of a CUP to permit the land use of a 336-unit three-story residential rental community, as described in the materials submitted with case file no. P-24-104-CUP and as otherwise conditionally approved herein, for the property which is legally described below:

Parcel 101-11-005A:

A parcel lying in the east half of section 20, township 01 north, range 08 east, Pinal County, Arizona, as shown in record of survey 2014-026466 and a portion of an abandoned right-of-way more particularly described as: commencing at the east quarter corner of said section 20, thence north 1348.27 feet, thence west 326.55 feet to the point of beginning, thence south 228.66 feet, thence south 37 degrees west 97.56 feet, thence north 305.69 feet, thence east 60.00 feet to the point of beginning, 16,031.00 square feet, 17.87 acres.

WHEREAS, on April 8, 2025, after holding a public hearing on the application and hearing public testimony, the planning and zoning commission voted 5:2 to deny the requested CUP; and

WHEREAS, on April 23, 2025, pursuant to the Apache Junction City Code ("A.J.C.C."), Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-12 (D)(7), Developer timely submitted to the planning division a formal city council appeal of the planning and zoning commission's decision; and

WHEREAS, on June 17, 2025, the city council held a public hearing on the application and heard public testimony.

NOW, THEREFORE, BE IT RESOLVED by the mayor and city council that the planning and zoning commission's April 8, 2025 decision is OVERRULED, and consequently the CUP request is GRANTED, as the proposed use, the manner of its conduct and any structures built on the property, will not be detrimental to persons residing or working in the area, to adjacent property, to the neighborhood or the public welfare in general based on the factors set forth in the A.J.C.C., Vol. II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-16: Administration, § 1-16-12 (D) (3), subsections (a) through (g);

AND FURTHER RESOLVED, that the following conditions apply to this CUP approval:

- 1) The project shall be developed in accordance with the plans attached and associated with case P-24-104-CUP, associated Design Review Case No. P-24-103-DR, and all the provisions of the zoning ordinance and city codes applicable to this case.
- 2) The proposed development will not be age-restricted.
- 3) Landscape, screening and irrigation improvements, planted within a minimum 10-foot deep strip inside the net property line along the west perimeter of the property along N. Plaza Drive shall be provided in compliance with City's landscape and screening requirements contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-8: Landscape Regulations. All required trees shall be 24" box and all required shrubs shall be 5-gallon in size.
- 4) Landscape and irrigation improvements that are located within the Plaza Drive and Apache Trail right-of-way must comply with City's Public Works requirements including the spacing away from streetlights. Maintenance, replacement, and possible relocation of the landscaping within the adjacent right-of-way shall remain the responsibility of the property owner and their successors per the standards

contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-8: Landscape Regulations.

- 5) All applicable permits shall be applied for and plans shall be designed to current city codes prior to any lot grading or construction.
- 6) Developer's engineer shall meet the civil engineering improvement plans and document requirements, as outlined in the previously provided pre-application and review comments and in accordance of City's approved engineering standards that are in effect at the time of plan submittal.
- 7) All common and amenity areas within the proposed development, including perimeter walls and fences, and interior and exterior common area landscaping, shall always be maintained in good condition by Developer, the property owner and their successors, or designated property management company.
- 8) Developer shall work with the local U.S. Post Office to determine whether the existing chain link fencing located on the northern property line can be removed and replaced with an alternate fencing material, such as wrought iron view fencing.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS _____ DAY OF _____, 2025.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____ 2025.

WALTER "CHIP" WILSON
Mayor

ATTEST:

YVETTE MCKINNEY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney