

LEGAL DESCRIPTIONS AND ZONING CONDITIONS OF CASE  
NO. P-22-126-PZ (APPLICANT: WW CLYDE/BLOUNT  
CONTRACTING) AUTHORIZED UNDER ORDINANCE NO. 1535  
FOR A PLANNED DEVELOPMENT REZONING AND MINOR  
GENERAL PLAN AMENDMENT

- A) The mayor and council passed Ordinance No. 1535 on May 20, 2023, which approved the planned development rezoning of the approximately 15-acre WW Clyde/Blount Contracting property, located at the southeast corner of 12<sup>th</sup> Avenue and Vista Road, legally described as follows:

Parcel No. 1 (APN 103-19-021A), being rezoned from B-4/PD to B-4/PD:

The North half of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 27; and the Southeast quarter of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 1 North, Range 8 east of the Gila and Salt River Base and Meridian, Pinal County, Arizona; also known as Pinal County assessor parcel number 103-19-021A.

Parcel No. 2 (APN 103-19-023A), being rezoned from B-1 to B-4/PD:

The South half of the West half of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 1 North, Range 8 east, of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

Except the West 33 feet deeded to the City of Apache Junction, recorded in Docket 1322, Page 874; and

Except all coal, oil and minerals from said land as reserved in the Patent from the United States of America.

Parcel No. 3 (APN 103-19-0300), being rezoned from B-1 to B-4/PD:

The North half of the Southeast quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 1 North, Range 8 east of the Gila and Salt River Base and Meridian, Pinal County, Arizona; lying Northeasterly of the Highway;

Except all coal, oil and minerals from said land as reserved in the Patent from the United States of America.

Parcel No. 4 (APN 103-19-029D), being rezoned from B-1 to B-4/PD:

That portion of the South half of the Southeast quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 1 North, Range 8 east of the Gila and Salt River Base and Meridian, Pinal County, Arizona, lying North and East of the Highway Right of Way as shown in Resolution recorded January 5, 1962 in Docket 312, Page 359;

Except that portion conveyed to the City of Apache Junction in the Deed recorded in Docket 1341, Page 477, described as follows:

The North 33 feet and the East 33 Feet; and

Except commencing at the Northeast corner of the South half of the Southeast quarter of the Southwest Quarter of the Northwest quarter;

Thence South along the East line of the South half of the Southeast quarter of the Southwest quarter of the Northwest quarter, a distance of 53 feet to a point;

Thence west along a line parallel to and 53 feet distant to the North line of the South half of the Southeast quarter of the Southwest quarter of the Northwest quarter, a distance of 33 feet to the true point of beginning;

Thence North along a line parallel to and 33 feet distant to the East line of the South half of the Southeast quarter of the Southwest quarter of the Northwest quarter, a distance of 20 feet to a point;

Thence West along a line parallel to and 33 feet distant to the North line of the South half of the Southeast quarter of the Southwest quarter of the Northwest quarter, a distance of 20 feet to a point;

Thence proceeding in a Southeasterly direction to the true point of beginning; and

Except all coal, oil and minerals from said land as reserved in the patent from the United States of America.

Parcel No. 5 (APN 103-19-0550), being rezoned from B-1 to B-4/PD:

The North 33.00 FT of the South half of the Southeast quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 01 North, Range 08 east;

except any portion within the Old West Highway as recorded in Docket 312, 359 and the Wickiup Road Right of Way as recorded in Docket 1341, Page 447 Pinal County Recorder, AZ;

and including a portion of the South half of the Southeast quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 01 North, Range 08 East, described as follows: commencing at the Northeast corner of the said south half of the Southeast quarter of the Southwest quarter of the Northwest quarter of Section 27, thence South 53.00 FT thence west 33.00 ft to the point of beginning thence North 20.00 ft thence 20.00 ft Southeasterly back to the point of beginning, 11,607.00 sq ft, 0.27 acres.

B) The approval is subject to the following zoning conditions:

*STANDARD CONDITIONS*

- 1) The development shall reflect substantial compliance and consistency with the city's zoning ordinance and the planned development presented with the site plan in case P-22-126-PZ and P-22-128-DR, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include layout, elevations, setbacks, public and private rights-of-ways, perimeter walls, landscaping and other improvements.
- 2) Street improvements include but not necessarily limited to, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, landscaping shall be required as part of this planned development project, and subject to review and approval by the city engineer.
- 3) All applicable permits shall be applied for and plans shall be designed to current city codes prior to any lot grading or construction on the lots. Inclusively, all applicable

development fees, including public art fees, shall be paid at the time of first permit issuance.

- 4) All perimeter walls/fences, and interior/exterior landscaping within and immediately adjacent to the proposed development, shall be owned and maintained in good condition at all times by the property owners.
- 5) The developer's engineer shall meet the civil engineering improvement plans and document requirements, as outlined in the previously provided pre-application and rezoning review comments and in accordance of the city's approved engineering standards that are in effect at the time of plan submittal.
- 6) Major deviations or proposed changes from the original plans associated with this case will require a major planned development amendment. The Director or their designee shall interpret the proposed modification to be significant/major if, in the Director or Designee's opinion, the quality of project design is diminished, the types of proposed land uses are significantly altered and/or the overall character of the project is contrary to the intent and spirit of the original City Council PD ordinance approval.
- 7) The subject property shall be substantially developed within two (2) years of the rezoning effective date of Ordinance No. 1535, with a possible one (1) year time extension at the discretion of the Development Services Director, or the plan may be subject to reversion by City Council legislative action pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 1-16 Administration, Section 1-16-6(H)(1)(b). For the purpose of this rezoning approval, substantial development shall be evidenced by application for, and receipt of, valid building permits for architecture, all necessary on-site and off-site engineering, and site grading.

#### *PROJECT SPECIFIC CONDITIONS*

- 1) A lot combination of parcels 103-19-021A, 103-19-023A, 103-19-0300, 103-19-029D and 103-19-0550 shall be completed and recorded prior to the issuance of building permits.

- 2) The existing utility easements located within the extinguished Federally Patented Easements that run north/south through the center of the property shall be extinguished prior to the issuance of building permits for the new office building. All additional utility easements shall be extinguished prior to the issuance of building permits for structures proposed within an existing utility easement.
- 3) The existing Federally Patented Easements along Vista Road, 12<sup>th</sup> Avenue, and Wickiup Road shall be dedicated to the City as requested by the City Engineer.
- 4) A right-turn deceleration lane shall be provided along Old West Highway as shown on the site plan and requested by the City Engineer.
- 5) The lease of the existing billboard along Old West Highway shall not be renewed at the end of its current term.
  - a. Applicant or their representative or successor in interest shall provide to billboard Lessee by certified return receipt 1st class US Mail or registered mail Notice of Termination of Lease no later than December 1, 2023 with the Termination of the Lease being effective on March 17, 2024.
  - b. Applicant shall also provide the Development Services Department with a copy of this notice. Applicant in this notice shall also state that the billboard located on Pinal County Assessor Parcel #103-19-03006 shall be removed in its entirety, inclusive of all support structures, illumination facilities and connections, service ladders and appurtenances and ancillary equipment, no later than March 31, 2024.
- 6) A minimum 8' high, decorative wall shall be installed around the site as depicted on the site plan provided in Case No. P-22-126-PZ.
- 7) A maximum of five (5) cargo containers shall be allowed on the property for the permanent storage of equipment and materials onsite. All cargo containers must be painted a consistent desert tone color, remain rust free, meet setback requirements, and be located behind the proposed 8' wall. A request for additional containers shall require an

administrative review and approval by the Development Services Director or Designee.

- 8) Standard hours of operation shall be limited from 6am-7pm. All routine outdoor maintenance of vehicles and equipment onsite shall only be performed during standard business hours. Any business conducted outside of standard business hours shall ensure compliance with Apache Junction City Code, Volume I, Code of Ordinances, Chapter 11, Noise.
- 9) All outdoor storage of materials, equipment, and vehicles (with the exception of personal vehicles parked by staff in designated parking spaces) shall be properly screened from all dedicated right-of-way and remain behind the 8' perimeter wall. The stacking of materials shall not exceed 8' in height.
- 10) All equipment and vehicles expected to be used/moved onsite and outside of standard business hours shall be staged by end of business the previous day in a way that eliminates the backward motion of vehicles and equipment.
- 11) The proposed fuel station shall be located in the location as shown on the site plan submitted to Staff on 3/22/23.
- 12) All outdoor lighting shall be dark sky compliant and installed in the locations proposed on the Photometric Plan provided to Staff on 3/22/23.
- 13) Landscaping, planted within a minimum 10-foot-deep strip inside the net property line (but outside of required walls) along the perimeters of the property. Screening and irrigation improvements shall be provided in compliance with the 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 trees shall be a minimum of 36" box.