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April 15, 2026

Mr. Nicholas Leftwich
Principal Planner
Planning and Zoning Division
City of Apache Junction
300 E Superstition Blvd.
Apache Junction, AZ 85119

Re: Request to Amend the Conditions of Approval in Resolution 22-33/Ordinance No. 1526 for Property Located at the Southeast Corner of West Virginia Street and Rennick Drive to Facilitate a Workforce Housing Focused Multifamily Development

Mr. Leftwich:

On behalf of Banyan Residential, LLC (“**Banyan**”), I am pleased to submit this formal application requesting (i) the amendment of one (1) Condition of Approval and (ii) the removal of two (2) Conditions of Approval contained in Resolution No. 22-33, related to the rezoning approved by Ordinance No. 1526, for the property located at the southeast corner of West Virginia Street and Rennick Drive (Exhibit A), otherwise known as Pinal County Assessor (“PCA”) Parcel No. 101-131-08D (herein the “Site”).

A. Site Overview:

According to the PCA, the Site is approximately 7-acres in size and is currently zoned High Density Multiple-Family Residential (“RM-2”) per the City’s Zoning Map (Exhibit B). The General Plan future land-use designation of the Site is Downtown Mixed Use (Exhibit C).

The Site is currently undeveloped and vacant. The City’s Zoning Map shows that the properties north of the Site are zoned Medium Density Single-Family Detached Residential (“RS-20M”) and RM-2 (which is the same as Site). The property to the west is zoned RS-20M, the property to the east is zoned Manufactured Home Park (“MHP”) and Recreational Vehicle Park (“RVP”), and the property to the south is zoned Old West Commercial (“B-2”) (Exhibit B).

B. Proposed Development:

Consistent with the current zoning, Banyan proposes to develop the Site with a new multi-family development, focused on “workforce¹” appropriate rental rates. The proposed multifamily development consists of a total of 146 residential apartment style units at a density of 21.8 du/ac based on the gross Site area. Five (5) buildings are proposed with a mix of one bedroom, two bedroom, three-bedroom and four-bedroom units, providing a mix of housing types to meet modern rental market needs. The buildings themselves will be no greater than two stories at 27 feet in height (well below the 40 feet allowed in the

¹ See Section E below for details.

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zone). The building on the southeast corner of the Site is the primary resident amenity area and includes a management office, clubhouse, fitness area, pool and spa, cabanas, and barbecue areas. (Exhibit F)

The Proposed Site Plan is more intentional in design and remains consistent with the current applicable zoning standards. Following is a comparison table showing the development standards previously approved, those included in the new proposed Site Plan, and those permitted under the current applicable base zoning:

Development Standards	Approved Site Plan	Proposed Site Plan	Base Zoning (RM-2)²
Setbacks (min.)			
Front	20'	20'	20'
Side	10'	10'	10'
Rear	20'	20'	20'
No. of Units	124	146	147
Density (max.)	18 DU/AC	21.8 DU/AC	22 DU/AC
Height (max.)	30' (2 story)	27' (2 story)	40' (Up to 4 Stories)
Parking	236 (1.9 Spaces /DU)	248 (1.7 Spaces/DU)	328

For some case background, on September 20, 2022, the City Council approved Ordinance No. 1526 (Exhibit D) & Resolution 22-33 (Exhibit E), approving the rezoning of the Site from General Rural Low Density Single-Family Detached Residential (“RS-GR”) to RM-2 for the development proposed in case P-22-29-PZ. The approval of Resolution No. 22-33 was subject to the following ten (10) Conditions of Approval, with our request noted below each for reference:

1. *The project shall be developed in accordance with the plans approved and associated with case P-22-29-PZ and all provisions of the Zoning Ordinance and city codes applicable to this case.*

Request to modify Condition 1 to match current project proposal. See Section C of this Narrative.

2. *Landscape, screening and irrigation improvements, planted within a minimum 10-foot deep strip inside the net property line along the west and north perimeters of the property along the street frontages, 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*

² As per City of Apache Junction Zoning Ordinance Section 1-5-2 Table 5-2

1-8, Landscape Regulations. All required trees shall be 24" box and all required shrubs shall be 5-gallon in size.

No modifications requested.

3. *Street improvements including the installation of pavement, commercial driveway entrances and the provision of sidewalk, curb, gutter, scuppers as applicable, streetlights, undergrounding utilities as applicable, fire hydrants, landscaping shall be required as part of this project, and subject to review and approval by the City Engineer.*

No modifications requested.

4. *The proposed development will not be age-restricted.*

No modifications requested.

5. *All common areas and amenity areas within the proposed development and within the right-of-way immediately adjacent to the development, including perimeter walls and fences, and interior and exterior common area landscaping, shall be maintained in good condition at all times by the property owner.*

No modifications requested.

6. *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 permit issuance. Development fees shall be paid on a per unit basis.*

No modifications requested.

7. *The following right-of-way dedications shall be made:*

- a) *25 feet of right-of-way shall be dedicated on the south side of W. Virginia Street.*
- b) *A 20 foot by 20 foot triangular corner cut-off visibility triangle shall be dedicated as public right-of-way at the intersections of W. Virginia Street and N. Rennick Drive.*

No modifications requested.

8. *Parcels 101-13-1080 and 101-11-0210 shall be combined through the city's lot combination process.*

Since this is completed, we are requesting to delete Condition 8. See Section D of this narrative.

9. *The south 76' of Parcel No. 101-13-1080, which shall be rezoned to B-2 "Old West Commercial," shall be split off through a minor land division.*

Since this is completed, we are requesting to delete Condition 9. See Section D of this narrative.

10. *The subject property shall be substantially developed within two (2) years of the rezoning effective date of Ordinance No. 1526, with a possible one (1) year time extension at the discretion of the Development Services Director, or the development plan approval 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.*

No modifications requested.

The development proposed with Case No. P-22-29-PZ was approved contingent upon the abovementioned ten (10) conditions; however, the previous applicant, EcoVista Development LLC, has not pursued the proposed development, and as a result, the project proposed has not been constructed. Banyan now seeks to undertake development of the Site and utilize the property in a manner consistent with its prime location and prior approvals.

C. Amendment Request- Modification of Condition 1:

Banyan has undertaken a re-evaluation of the Site and proposes specific revisions to achieve a more energy-efficient, cohesive, and livable development pattern. Banyan's proposed site plan restructures the previously approved site plan (Exhibit G) to increase usable open space, improve internal vehicular circulation, and enhance overall Site functionality.

The previously approved Site Plan (Exhibit F) distributed 124 dwelling units across seventeen (17) separate buildings, resulting in an overly fragmented development pattern across the Site and creating a perception of increased Site coverage and density. As a result, the project was less attractive from a market perspective given complexity in construction, increased energy costs due to more exposed wall planes, and

carried a higher risk that units could be difficult to sell or lease, potentially affecting the overall financial viability of the project and leaving the risk of a prime Site being underutilized or, at worse, end up semi-vacant.

From a practical standpoint, with good design, the Site only requires a total of five (5) buildings to accommodate the proposed 146 dwelling units, thereby reducing building dispersion and creating larger, more contiguous areas of open space. This revised configuration improves pedestrian and vehicular circulation and establishes a clearer, more organized hierarchy across the Site, making it easier to navigate. By reducing the number of exposed exterior wall planes, the units are more energy efficient which reduces costs to future residents. In addition, the updated design utilizes building mass to screen views of surface parking areas and to better fit the emerging built form of the area.

Beyond the practical, there is the reality that seventeen (17) standalone buildings would increase the duplication of utility connections, service lines, and maintenance systems, making the project highly inefficient from a sustainability, maintenance, and cost standpoint. Because of all these reasons, it is appropriate to request to modify Condition 1, to allow Banyan to develop the Site as per their proposed plans, and change Condition 1 to the following:

*“The project shall be developed in accordance with the amended plans approved and associated with case **P-25-101-PDR** and all provisions of the Zoning Ordinance and city codes applicable to this case.”*

D. Removal of Conditions 8 & 9:

Based on our analysis of the Site’s parcel boundaries and review of the PCA GIS maps, the Site has been combined into a single parcel and no longer consists of two separate parcels as referenced in Condition 8. Accordingly, Condition 8 has been satisfied and is no longer applicable.

Similarly, Condition 9 required the southern seventy-six (76) feet of Parcel No. 101-13-1080 to be rezoned to B-2 and separated through a minor land division. This action has also been completed. Therefore, Banyan respectfully requests the removal of Conditions 8 and 9 from Resolution No. 22-33, as it is no longer applicable to the Site and its proposed development.

E. LIHTC Program:

The proposed development will utilize the Section 42 LIHTC (Low-Income Housing Tax Credit) program, which allows for offsetting the cost of market-rate housing for community residents who need it and qualify.

Banyan obtains and then sells federal tax credits to investors as part of their financing to develop the project. As a result, Banyan places a fifteen (15)-year restriction on rental rates, ensuring they are

affordable to families with household incomes averaging to 60% of the area median income (AMI). The LIHTC program is mainly utilized by residents that are seniors, people with disabilities, single parent households, community service job holders (police officers, teachers, firefighters), and younger individuals new to the workforce.

Rents are set annually by the Department of Housing and Urban Development (HUD). For example, the rental rates for this area in 2025 were between \$1,262 for a one (1) bedroom and \$1,953 for a four (4) bedroom, inclusive of utilities. Families must qualify to participate in the LIHTC program, which uses a sliding scale of maximum income based on household size. Note that the maximum income per unit is calculated at 1.5 persons per bedroom. For example, in 2025, a one (1) person household is limited to a maximum income of \$ 47,160 while a two (2) person household was limited to an income of \$ 53,820 or less. A household of three (3) is limited to \$ 60,600, and a household of four (4) is limited to \$ 67,320.

Banyan has developed two (2) workforce housing projects in Dallas and Austin. Their experience in the market-rate and workforce housing space gives them a strong understanding of tenant needs and enables them to deliver a higher-quality product than most affordable housing developers.

The long-term intent of the LIHTC program is to allow members of the community to save money for a few years to accumulate enough to move up to home ownership, which is challenging when a household is paying full market-rate rent. The Project's architecture is consistent with the surrounding area's design standards, such that from an aesthetics perspective, there will be no distinguishable difference between the Project and conventional market-rate development.

It's also important to note that Banyan typically retains ownership of their projects for approximately 10 + years. Banyan operates their projects by hiring a third-party general contractor and property management team. Using experienced third-party construction and property management teams with long track records in regulated affordable housing ensures higher build quality, stronger oversight, and long-term neighborhood stewardship than a newly created in-house operation. This long-term commitment results in a higher investment both in the initial build quality of the project, but also in the long-term maintenance which benefits Banyan, the residents, and the City.

F. Zoning Deviation Request:

As a LIHTC project, this development will provide housing exclusively to residents who qualify under for the program. Typical residents under this program would include seniors, people with disabilities, and lower income families, households who typically rely less on personal vehicles, have fewer vehicles per household and utilize public transportation at a higher rate and therefore do not require the same level of parking as market-rate developments.

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Providing parking at the base level required under the zoning ordinance, which is approximately 328 spaces, would result in the Site being overparked by at least 80 spaces, based on Banyan's experience operating similar projects. These excessive parking spaces would occupy approximately 23,000 square feet of land that would otherwise be unused, creating unnecessary heat island and stormwater runoff impacts, while also adding to the overall financial burden of the project. In addition, the discouragement of additional cars per household does reduce traffic impacts by reducing trips (for example, a two-person household carpooling to/from workplaces vs maintaining two separate automobiles). Accordingly, a zoning deviation is requested to allow a project of this nature to provide fewer parking spaces than required under RM-2 district. Below are the City's required Findings of Facts along with our responses on how each part is addressed by the project.

1. *Whether a better design can be achieved by not applying the strict provisions of the zoning district.*

Response: Yes, strict provisions would require Banyan to dedicate 23,000 square feet. of Site area to parking field, asphalt and necessary providing increased retention, which would go largely unused and create unnecessary heat island and stormwater runoff impacts. By allowing a zoning deviation/ parking reduction, the project can implement a more intentional site design and support the City in achieving its inclusionary housing and environmental stewardship goals.

2. *Whether adherence to the strict provisions of the zoning district is not required in order to ensure health, safety and welfare of the inhabitants of the development.*

Response: The requested parking reduction will not negatively affect the health, safety, or welfare of the residents. In fact, the zoning deviation will allow Banyan to develop the Site in a way that better meets the needs of its tenants, by providing more open space and reducing heat impacts from large parking lots.

3. *Whether adherence to the strict provisions of the zoning district is not required in order to ensure that property values of adjacent properties will not be reduced.*

Response: The proposed parking reduction will not negatively affect the valuation of the adjacent properties. In fact, the influx of families will likely increase the commercial demand in the area, thus increasing overall property values by increased economic activity from residents.

Additionally, Banyan's Proposed Site Plan is designed to provide a minimum of one covered parking space per unit as a corresponding offset to the requested parking reduction. In summary, the reduction in parking will "right-size" the parking areas to meet real world requirements of workforce families (lower car ownership per household), allowing for the Project to be economically viable (reducing construction and maintenance costs) and will not negatively impact surrounding properties.

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We are very excited to bring an opportunity for development of 152 workforce housing apartment homes to the City of Apache Junction. **Reduced to 146 units.**

We look forward to discussing the project with you at your next available meeting date. In the interim, please feel free to contact me should you have any questions.

Respectfully submitted,

Snell & Wilmer LLP



Noel J. Griemsmann, AICP
Senior Urban Planner

This application narrative is supported by the following documents:

- Exhibit A- Aerial Map
- Exhibit B- Zoning Map
- Exhibit C- General Plan Land Use Map
- Exhibit D- Ordinance No. 1526
- Exhibit E- Resolution 22-33
- Exhibit F- Proposed Site Plan
- Exhibit G- Approved Site Plan

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Exhibit A
Aerial Map



PROJECT DESCRIPTION	
APN	101-131-08D
SIZE (AC)	6.9
OWNER	PRESTIGE PARTNERS LLC
JURISDICTION	APACHE JUNCTION

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1 East Washington Street, Suite 2700, Phoenix, AZ 85004



NOT TO SCALE

SITE AERIAL MAP

BANYAN - APACHE JUNCTION APARTMENTS
 SEC of W VIRGINIA ST & N RENNICK DR, CITY OF APACHE JUNCTION

Exhibit:

Address:

Date:

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Exhibit B
Zoning Map



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NOT TO SCALE

ZONING MAP

BANYAN - APACHE JUNCTION APARTMENTS
 SEC of W VIRGINIA ST & N RENNICK DR, CITY OF APACHE JUNCTION

Exhibit:

Address:

Date:

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Exhibit C
General Plan



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LAND USE MAP

BANYAN - APACHE JUNCTION APARTMENTS
 SEC of W VIRGINIA ST & N RENNICK DR, CITY OF APACHE JUNCTION

Exhibit:

Address:

Date:

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Exhibit D

Ordinance No. 1526

ORDINANCE NO. 1526

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A REZONING AS DESCRIBED IN CASE P-22-29-PZ, AS REQUESTED BY ECOVISTA DEVELOPMENT, LLC, REPRESENTED BY BERRY RIDDELL, LLC; ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "LEGAL DESCRIPTIONS AND ZONING CONDITIONS OF CASE NO. P-22-29-PZ AUTHORIZED UNDER ORDINANCE NO. 1526" REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, EcoVista Development, LLC, represented by Elyse DiMartino of Berry Riddell, LLC, submitted for a rezoning to approve the use of a 124-unit apartment development tentatively known as "The Enclave on Rennick" on the properties described in this case P-22-29-PZ; and

WHEREAS, on August 9, 2022, the Apache Junction Planning and Zoning Commission held a public hearing and voted 5-1 to recommend approval of rezoning case P-22-29-PZ, subject to the conditions prescribed therein; and

WHEREAS, the city council hereby determines that the proposed rezoning request conforms to the general criteria as specified in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-1, Residential Use Regulations and Article 1-4: Zoning Districts; 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

1. That the rezoning as recommended by the planning and zoning commission for case P-22-29-PZ, is approved with conditions incorporated by reference in number 2 below.
2. That certain document entitled "Legal Descriptions and Zoning Conditions of Case No. P-22-29-PZ Authorized under Ordinance No. 1526," one paper copy and one electronic copy which are accessible on the city's website and filed in the office of the city clerk, which document was made a public record by Resolution No. 22-33 of the City of Apache Junction, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.

SECTION II REPEALING ANY CONFLICTING PROVISIONS:

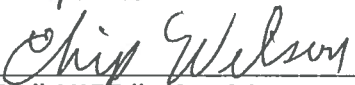
All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY:

If any section, subsection, sentence, phrase, clause or portion of this ordinance 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.

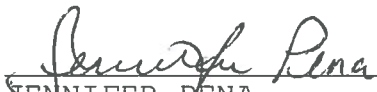
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 20TH DAY OF SEPTEMBER, 2022.

SIGNED AND ATTESTED TO THIS 20 DAY OF September, 2022.



WALTER "CHIP" WILSON
Mayor

ATTEST:



JENNIFER PENA
City Clerk

APPROVED AS TO FORM:



RICHARD JOEL STERN
City Attorney

Legal Descriptions and Zoning Conditions of Case
No. P-22-29-PZ Authorized under Ordinance No. 1526

A) The mayor and council passed Ordinance No. 1526 presented in Case P-22-29-PZ on September 20, 2022, which approves the rezoning of parcels 101-13-1080 and 101-11-0210 from RS-GR "General Rural Low Density Single-Family Detached Residential" to RM-2 "High Density Multiple-Family Residential" and B-2 "Old West Commercial." The portions of the property rezoned are legally defined as follows:

1. The southern 76' of Parcel 101-13-1080, which is rezoned to B-2 "Old West Commercial," is legally described as:

That portion of the North Half of Section 20, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

Commencing at the North quarter corner of said Section 20;

Thence South $00^{\circ}03'51''$ West (Basis of Bearings), along the North-South mid-section line of said Section 20, a distance of 1040.00 Feet to the Southeast corner of the Beaty Subdivision, according to Book 9 of Maps, Page 40;

Thence continuing along said North-South mid-section line South $00^{\circ}03'51''$ West, a distance of 868.53 Feet to a point, said point being the Point of Beginning.

Thence continuing along said North-South mid-section line South $00^{\circ}03'51''$ West, a distance of 76.00 Feet;

Thence North $89^{\circ}56'00''$ West, a distance of 310.25 Feet to the Easterly Right-Of-Way Line of Rennick Drive, according to said Beaty Subdivision;

Thence North $00^{\circ}03'51''$ East, along said Right-Of-Way line, a distance of 76.00 Feet;

Thence South $89^{\circ}56'00''$ East, a distance of 310.25 Feet to the Point of Beginning.

2. The remainder of Parcel 101-13-1080 and Parcel 101-11-0210, which are rezoned to RM-2 "High Density Multiple-Family Residential," are legally defined as follows:

Remainder of Parcel 101-13-1080

That portion of the North half of Section 20, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

Commencing at the North quarter corner of said Section 20; Thence South $00^{\circ}03'51''$ West (Basis of Bearings), along the North-South mid-section line of said Section 20, a distance of 1040.00 feet to the Southeast corner of the Beaty Subdivision, according to Book 9 of Maps, page 40, said point being the Point of Beginning;

Thence continuing along said North-South mid-section line South $00^{\circ}03'51''$ West, a distance of 868.53 Feet;

Thence North $89^{\circ}56'00''$ West, a distance of 310.25 Feet to the Easterly Right-of-Way line of Rennick Drive, according to said Beaty Subdivision;

Thence North $00^{\circ}03'51''$ East, along said Right-of-Way line, a distance of 869.14 Feet to the Southerly Right-of-Way line of Virginia Street, according to said Beaty Subdivision;

Thence South $89^{\circ}49'14''$ East, along said Right-of-Way line, a distance of 310.25 Feet to the Point of Beginning; and

Parcel 101-11-0210

That portion of the North half of Section 20, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

Commencing at the North quarter corner of said Section 20; Thence South $00^{\circ}03'51''$ West (Basis of Bearings), along the North-South mid-section line of said Section 20, a distance of 1040.00 feet to the Southeast corner of the Beaty Subdivision, according to Book 9 of Maps, Page 40, said Point being the Point of Beginning;

Thence south $89^{\circ}37'09''$ East, a distance of 40.00 feet to the East line of the West 40 feet of the Northeast quarter of said Section 20;

Thence South $00^{\circ}03'51''$ West, along said East line, a distance of 775.47 feet;

Thence South 89°55'21" West, a distance of 40.00 feet to the North-South mid-section line said section 20;

Thence north 00°03'51" east, along said mid-section line a distance of 775.79 feet to the Point of Beginning.

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

1. The project shall be developed in accordance with the plans approved and associated with case P-22-29-PZ and all provisions of the Zoning Ordinance and city codes applicable to this case.
2. Landscape, screening and irrigation improvements, planted within a minimum 10-foot deep strip inside the net property line along the west and north perimeters of the property along the street frontages, 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 required trees shall be 24" box and all required shrubs shall be 5-gallon in size.
3. Street improvements including the installation of pavement, commercial driveway entrances and the provision of sidewalk, curb, gutter, scuppers as applicable, streetlights, undergrounding utilities as applicable, fire hydrants, landscaping shall be required as part of this project, and subject to review and approval by the City Engineer.
4. The proposed development will not be age-restricted.
5. All common areas and amenity areas within the proposed development and within the right-of-way immediately adjacent to the development, including perimeter walls and fences, and interior and exterior common area landscaping, shall be maintained in good condition at all times by the property owner.
6. 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 permit issuance. Development fees shall be paid on a per unit basis.

7. The following right-of-way dedications shall be made:
 - a) 25 feet of right-of-way shall be dedicated on the south side of W. Virginia Street.
 - b) A 20 foot by 20 foot triangular corner cut-off visibility triangle shall be dedicated as public right-of-way at the intersections of W. Virginia Street and N. Rennick Drive.
8. Parcels 101-13-1080 and 101-11-0210 shall be combined through the city's lot combination process.
9. The south 76' of Parcel No. 101-13-1080, which shall be rezoned to B-2 "Old West Commercial," shall be split off through a minor land division.
10. The subject property shall be substantially developed within two (2) years of the rezoning effective date of Ordinance No. 1526, with a possible one (1) year time extension at the discretion of the Development Services Director, or the development plan approval 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.

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Exhibit E

Resolution 22-33

RESOLUTION NO. 22-33

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, DECLARING AS A PUBLIC RECORD THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK AND ENTITLED "LEGAL DESCRIPTIONS AND ZONING CONDITIONS OF CASE NO. P-22-29-PZ AUTHORIZED UNDER ORDINANCE NO. 1526"; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Arizona Revised Statutes Annotated (hereinafter "A.R.S.") § 9-802 permits municipalities to enact the provisions of a code or public record in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text, and one paper copy is filed with the city clerk and an electronic copy is accessible on the city's website, with both made available for public use and inspection; and

WHEREAS, pursuant to A.R.S. §§ 9-801(1) and 9-802, such codes include zoning conditions approved in zoning case amendments; and

WHEREAS, city staff has identified such provisions herein, and it is the intent of the city to declare such documents and compilations as public records, on file in the office of the city clerk; and

WHEREAS, the documents include the legal descriptions for the parcels and conditions of approval for the rezoning approved in Case P-22-29-PZ, which case was presented to the planning and zoning commission on August 9, 2022 and forwarded with a vote of 5:1 for a recommendation of approval to council at its September 20, 2022 public hearing.

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

SECTION I IN GENERAL

1. That certain document entitled the "Legal Descriptions and Zoning Conditions of Case No. P-22-29-PZ Authorized under Ordinance No. 1526" of which at least one paper copy is on file with the city clerk and one electronic copy of which is accessible on the city's website (www.apachejunctionaz.gov), is hereby declared to be a public record, and shall be made available for public use and inspection.

SECTION II REPEALING ANY CONFLICTING PROVISIONS


All resolutions and parts of resolutions in conflict with the provisions of this resolution or any part of the codes adopted herein, are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY

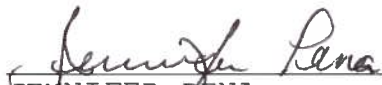
If any section, subsection, sentence, phrase, clause or portion of this resolution or any part of the codes or regulations adopted herein is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 20 DAY OF September, 2022.

SIGNED AND ATTESTED TO THIS 20 DAY OF September, 2022.


WALTER "CHIP" WILSON
Mayor

ATTEST:


JENNIFER PENA
City Clerk

APPROVED AS TO FORM:


RICHARD JOEL STERN
City Attorney

Legal Descriptions and Zoning Conditions of Case
No. P-22-29-PZ Authorized under Ordinance No. 1526

A) The mayor and council passed Ordinance No. 1526 presented in Case P-22-29-PZ on September 20, 2022, which approves the rezoning of parcels 101-13-1080 and 101-11-0210 from RS-GR "General Rural Low Density Single-Family Detached Residential" to RM-2 "High Density Multiple-Family Residential" and B-2 "Old West Commercial." The portions of the property rezoned are legally defined as follows:

1. The southern 76' of Parcel 101-13-1080, which is rezoned to B-2 "Old West Commercial," is legally described as:

That portion of the North Half of Section 20, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows.

Commencing at the North quarter corner of said Section 20;

Thence South $00^{\circ}03'51''$ West (Basis of Bearings), along the North-South mid-section line of said Section 20, a distance of 1040.00 Feet to the Southeast corner of the Beaty Subdivision, according to Book 9 of Maps, Page 40;

Thence continuing along said North-South mid-section line South $00^{\circ}03'51''$ West, a distance of 868.53 Feet to a point, said point being the Point of Beginning;

Thence continuing along said North-South mid-section line South $00^{\circ}03'51''$ West, a distance of 76.00 Feet;

Thence North $89^{\circ}56'00''$ West, a distance of 310.25 Feet to the Easterly Right-Of-Way Line of Rennick Drive, according to said Beaty Subdivision;

Thence North $00^{\circ}03'51''$ East, along said Right-Of-Way line, a distance of 76.00 Feet;

Thence South $89^{\circ}56'00''$ East, a distance of 310.25 Feet to the Point of Beginning.

2. The remainder of Parcel 101-13-1080 and Parcel 101-11-0210, which are rezoned to RM-2 "High Density Multiple-Family Residential," are legally defined as follows:

Remainder of Parcel 101-13-1080

That portion of the North half of Section 20, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

Commencing at the North quarter corner of said Section 20;

Thence South $00^{\circ}03'51''$ West (Basis of Bearings), along the North-South mid-section line of said Section 20, a distance of 1040.00 feet to the Southeast corner of the Beaty Subdivision, according to Book 9 of Maps, page 40, said point being the Point of Beginning;

Thence continuing along said North-South mid-section line South $00^{\circ}03'51''$ West, a distance of 868.53 Feet;

Thence North $89^{\circ}56'00''$ West, a distance of 310.25 Feet to the Easterly Right-of-Way line of Rennick Drive, according to said Beaty Subdivision;

Thence North $00^{\circ}03'51''$ East, along said Right-of-Way line, a distance of 869.14 Feet to the Southerly Right-of-Way line of Virginia Street, according to said Beaty Subdivision;

Thence South $89^{\circ}49'14''$ East, along said Right-of-Way line, a distance of 310.25 Feet to the Point of Beginning; and

Parcel 101-11-0210

That portion of the North half of Section 20, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona, described as follows:

Commencing at the North quarter corner of said Section 20;

Thence South $00^{\circ}03'51''$ West (Basis of Bearings), along the North-South mid-section line of said Section 20, a distance of 1040.00 feet to the Southeast corner of the Beaty Subdivision, according to Book 9 of Maps, Page 40, said Point being the Point of Beginning;

Thence south $89^{\circ}37'09''$ East, a distance of 40.00 feet to the East line of the West 40 feet of the Northeast quarter of said Section 20;

Thence South $00^{\circ}03'51''$ West, along said East line, a distance of 775.47 feet;

Thence South 89°55'21" West, a distance of 40.00 feet to the North-South mid-section line said section 20;

Thence north 00°03'51" east, along said mid-section line a distance of 775.79 feet to the Point of Beginning.

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

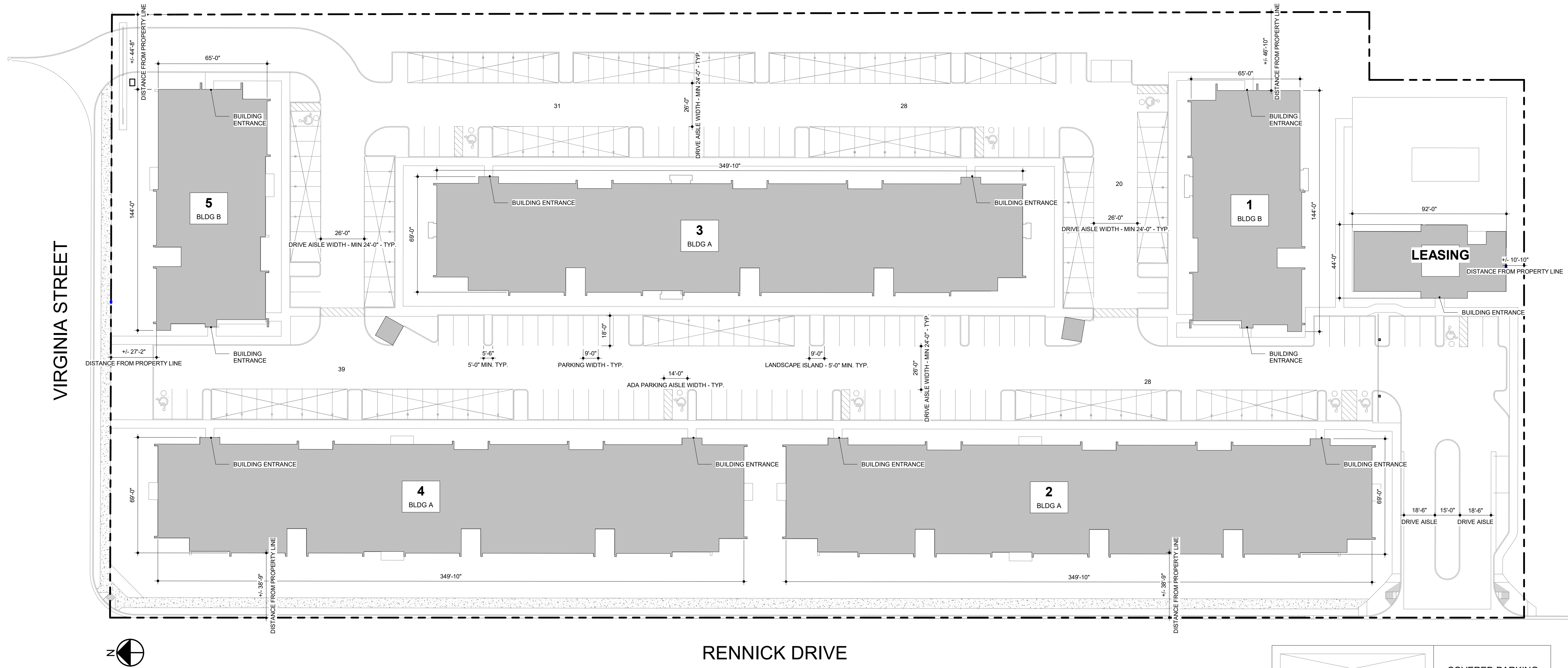
1. The project shall be developed in accordance with the plans approved and associated with case P-22-29-PZ and all provisions of the Zoning Ordinance and city codes applicable to this case.
2. Landscape, screening and irrigation improvements, planted within a minimum 10-foot deep strip inside the net property line along the west and north perimeters of the property along the street frontages, 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 required trees shall be 24" box and all required shrubs shall be 5-gallon in size.
3. Street improvements including the installation of pavement, commercial driveway entrances and the provision of sidewalk, curb, gutter, scuppers as applicable, streetlights, undergrounding utilities as applicable, fire hydrants, landscaping shall be required as part of this project, and subject to review and approval by the City Engineer.
4. The proposed development will not be age-restricted.
5. All common areas and amenity areas within the proposed development and within the right-of-way immediately adjacent to the development, including perimeter walls and fences, and interior and exterior common area landscaping, shall be maintained in good condition at all times by the property owner.
6. 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 permit issuance. Development fees shall be paid on a per unit basis.

7. The following right-of-way dedications shall be made:
 - a) 25 feet of right-of-way shall be dedicated on the south side of W. Virginia Street.
 - b) A 20 foot by 20 foot triangular corner cut-off visibility triangle shall be dedicated as public right-of-way at the intersections of W. Virginia Street and N. Rennick Drive.
8. Parcels 101-13-1080 and 101-11-0210 shall be combined through the city's lot combination process.
9. The south 76' of Parcel No. 101-13-1080, which shall be rezoned to B-2 "Old West Commercial," shall be split off through a minor land division.
10. The subject property shall be substantially developed within two (2) years of the rezoning effective date of Ordinance No. 1526, with a possible one (1) year time extension at the discretion of the Development Services Director, or the development plan approval 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.

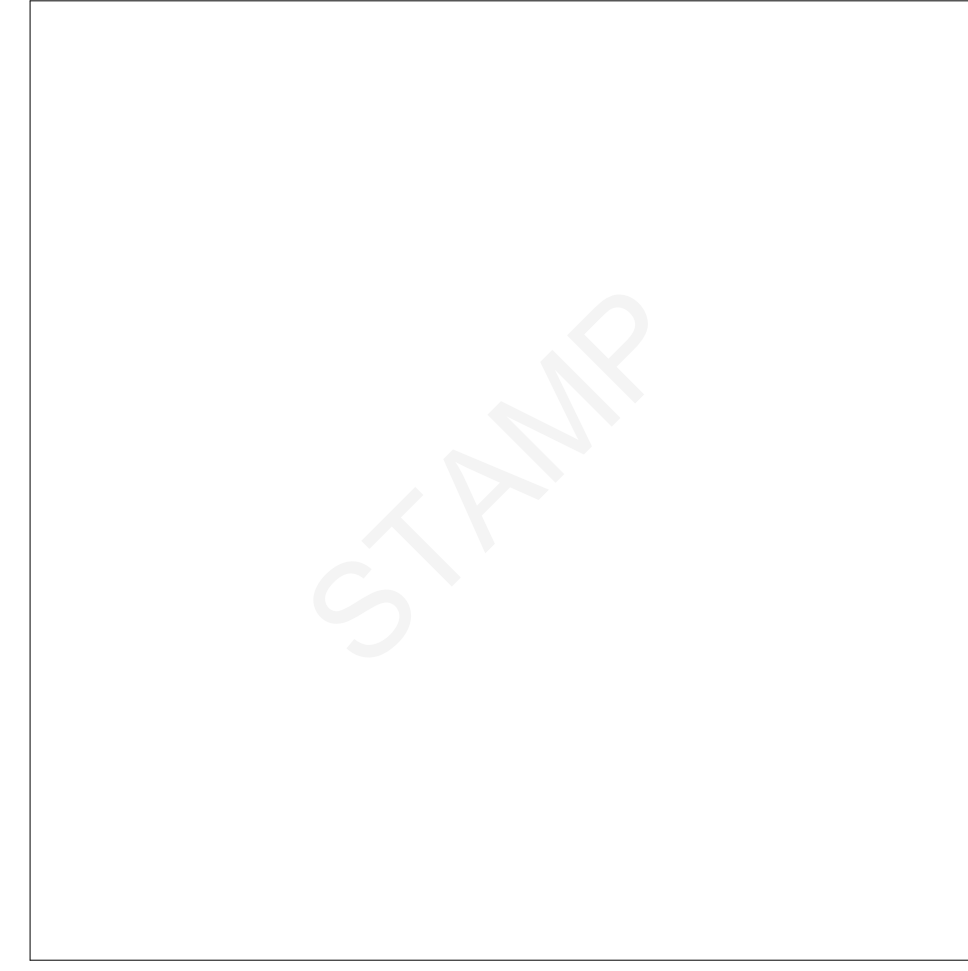
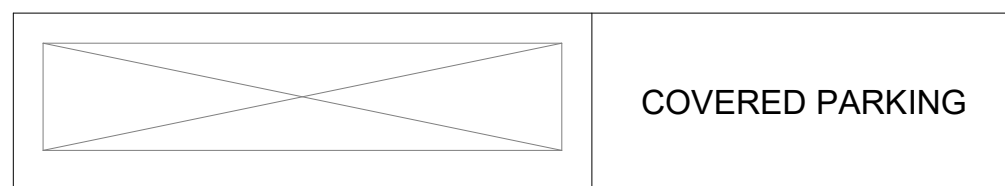
SNELL & WILMER

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Exhibit F
Proposed Site Plan



2 ARCHITECTURAL SITE PLAN - SD
 1/32" = 1'-0"



APACHE JUNCTION

APACHE JUNCTION, ARIZONA
 PRELIMINARY SITE PLAN | 04/15/26 | KA# 225084

A01



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BASE INFORMATION

CONTACT INFORMATION

OWNER
 BANYAN INTERESTS, LLC
 2801 E CAMELBACK RD STE 450
 PHOENIX, AZ 85016
 240.620.6298
 MFRIEDMAN@BANYANRES.COM

PLANNER/ARCHITECT
 KEPHART
 901 E MADISON STREET
 PHOENIX, AZ 85034
 480.270.3031
 ANDYN@KEPHART.COM

RESUBMITTAL RESPONSE: IN RESPONSE TO THE LAST COMMENTS RECEIVED WE HAVE REVIEWED THE BUILDING ELEVATIONS AND HAVE AMENDED/ADDED THE FOLLOWING DESIGN CONSIDERATIONS.

WE HAVE REVISED THE BUILDING DESIGN TO OVERALL MORE CLOSELY RELATE TO THE TRADITIONAL ARCHITECTURE IN THE SOUTHWEST, ARIZONA SPECIFICALLY, AND APACHE JUNCTION IN PARTICULAR.

WE BEGAN BY CONDUCTING WHAT WE CALL A SITE STORY CONSISTING OF A STUDY OF APACHE JUNCTION, ITS HISTORY, AND THE VERNACULAR AND CONTEMPORARY ARCHITECTURE FOUND THERE. OUR REVISED DESIGN ADAPTS THE TRADITIONAL FORMS OF APACHE JUNCTION (AND GENERALLY ARIZONA) IN A MODERN WAY, UTILIZING THEM TO CREATE A 21ST CENTURY ARCHITECTURE.

WE EXPLORED UTILIZING: HOODED WINDOWS, BATTERED WALLS, ARTICULATED PARAPETS, CELEBRATED OVERFLOW SCUPPERS, HISTORIC AND TRADITIONAL DESERT COLORS AND STUCCO FINISHES, ALL IN SUPPORT OF A TIMELESS AND ULTIMATELY MODERN SOLUTION UTILIZING AN ADAPTATION OF VERNACULAR DESERT ARCHITECTURE.

PRELIMINARY SITE PLAN INFORMATION

ZONING SUMMARY:

EXISTING ZONING AND DEVELOPMENT STANDARDS - RM2

DEVELOPMENT SUMMARY:

PROPOSED DENSITY - 146 DWELLING UNITS / 6.7 NET ACRES = 21.8 DU/AC

TOTAL BUILDING SF:

BUILDING A	42,850 SF	1 BED	44
BUILDING B	16,888 SF	2 BED	48
BUILDING C	3,263 SF	3 BED	48
		4 BED	12
63,001 GROSS SF		146 TOTAL UNITS	

LOT COVERAGE CALCULATIONS:

FIRST FLOOR BUILDING A FOOTPRINT	21,425 SF
FIRST FLOOR BUILDING B FOOTPRINT	8,444 SF
CLUBHOUSE FOOTPRINT	3,263 SF
TOTAL FOOTPRINT(MULTI-FAMILY AND CLUBHOUSE)	~77,759 SF(27%)
LANDSCAPE FOOTPRINT	~92,542 SF(31%)
PAVEMENT FOOTPRINT	~121,323 SF(42%)

USABLE OPEN SPACE
 REQUIRED 50%
 PROVIDED 59%

LEGAL DESCRIPTION:

THAT PORTION OF THE NORTH HALF OF SECTION 20, TOWNSHIP 01 NORTH, RANGE 08 EAST, PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:
 COMMENCING AT THE NORTH QUARTER CORNER OF SAID SECTION 20, THENCE SOUTH 1040.00 FEET TO THE POINT OF BEGINNING, THENCE EAST 40.00 FEET, THENCE SOUTH 775.47 FEET, THENCE WEST 40.00 FEET, THENCE SOUTH 92.74 FEET, THENCE WEST 310.25 FEET, THENCE NORTH 869.14 FEET, THENCE EAST 310.25 FEET TO THE POINT OF BEGINNING. 300.581 SQUARE FEET, 6.90 ACRES.

PROJECT DESCRIPTION:

FIVE BUILDINGS WITH TWO LEVELS MULTI-FAMILY AND SURFACE PARKING, DETACHED CLUBHOUSE.

STRUCTURES:

BUILDING ENTRANCES - REFERENCE LEGEND OVERHANGS AND CANOPIES - REFERENCE ARCHITECTURE ELEVATIONS

BUILDING HEIGHT:
 2 STORIES / 27'-5" TO TOP OF PARAPET.
 CLUBHOUSE HEIGHT:
 18'-1 1/8"

TRAFFIC / PARKING:

146 UNITS = 328 SPACES REQUIRED
MAX ALLOWED = N/A
SURFACE PARKING PROPOSED (9'X18')
OPEN 238
ACCESSIBLE 10
COVERED 146
TOTAL 248 SPACES

BICYCLE PARKING
 32 SPACES REQUIRED
 32 SPACES PROVIDED

UTILITIES:

FOR LOCATIONS OF EXISTING AND PROPOSED UTILITIES PLEASE SEE CIVIL SHEETS U04 AND U05.

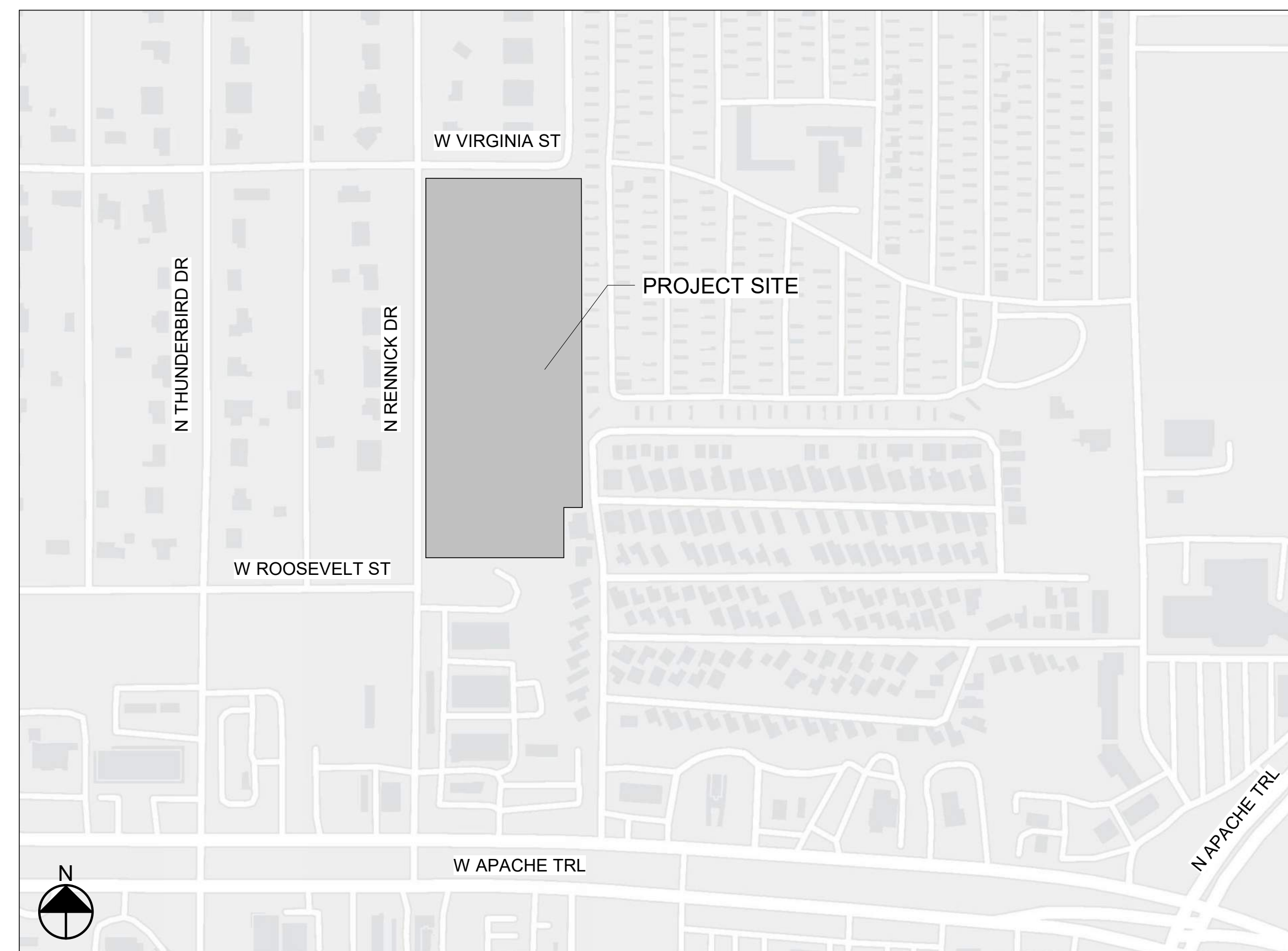
PRELIMINARY BUILDING INFORMATION

APARTMENTS

TOTAL SF	59,738 SF
PRELIMINARY CONSTRUCTION TYPE	TYPE V-A
PROPOSED SPRINKLERS	NFPA 13R

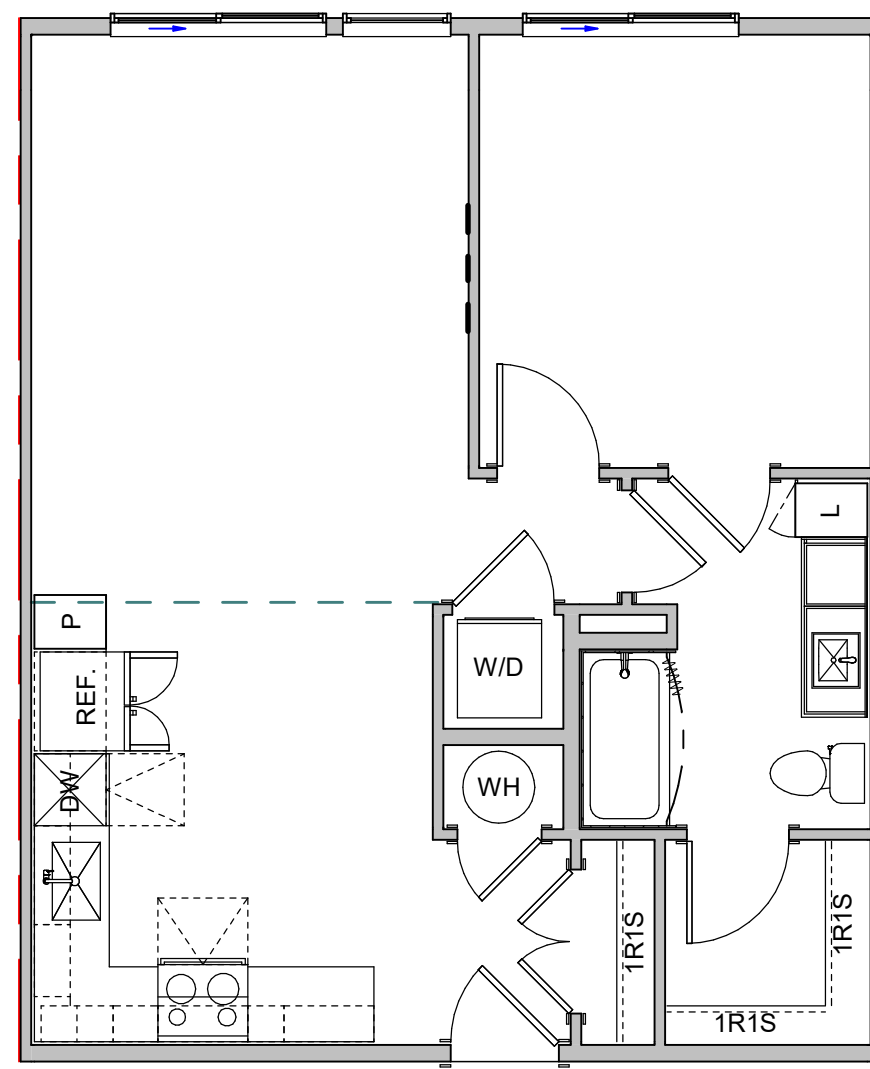
CLUBHOUSE

TOTAL SF	3,263 SF
PRELIMINARY CONSTRUCTION TYPE	TYPE V-B
PROPOSED SPRINKLERS	NS

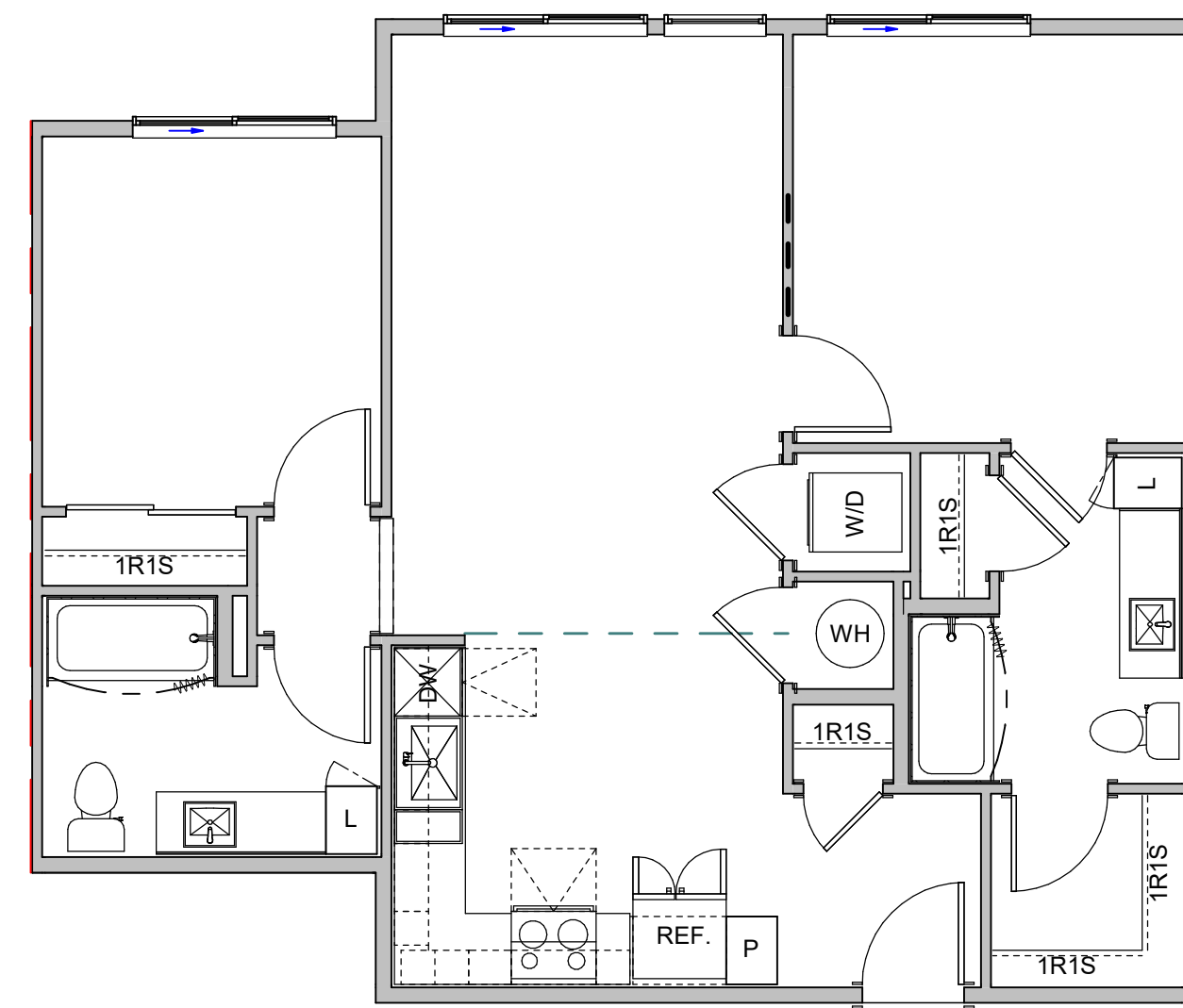


VICINITY MAP
 NTS

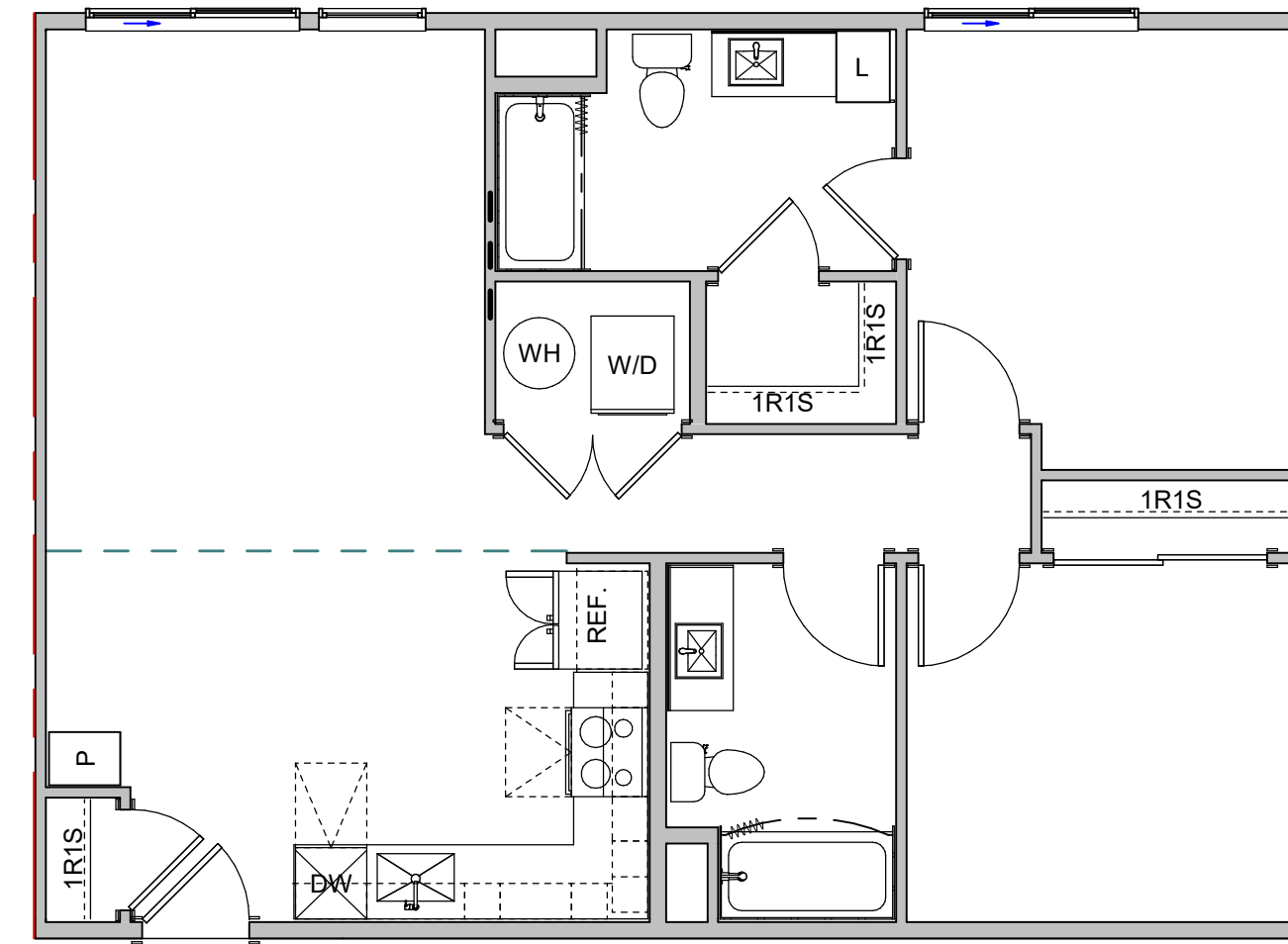




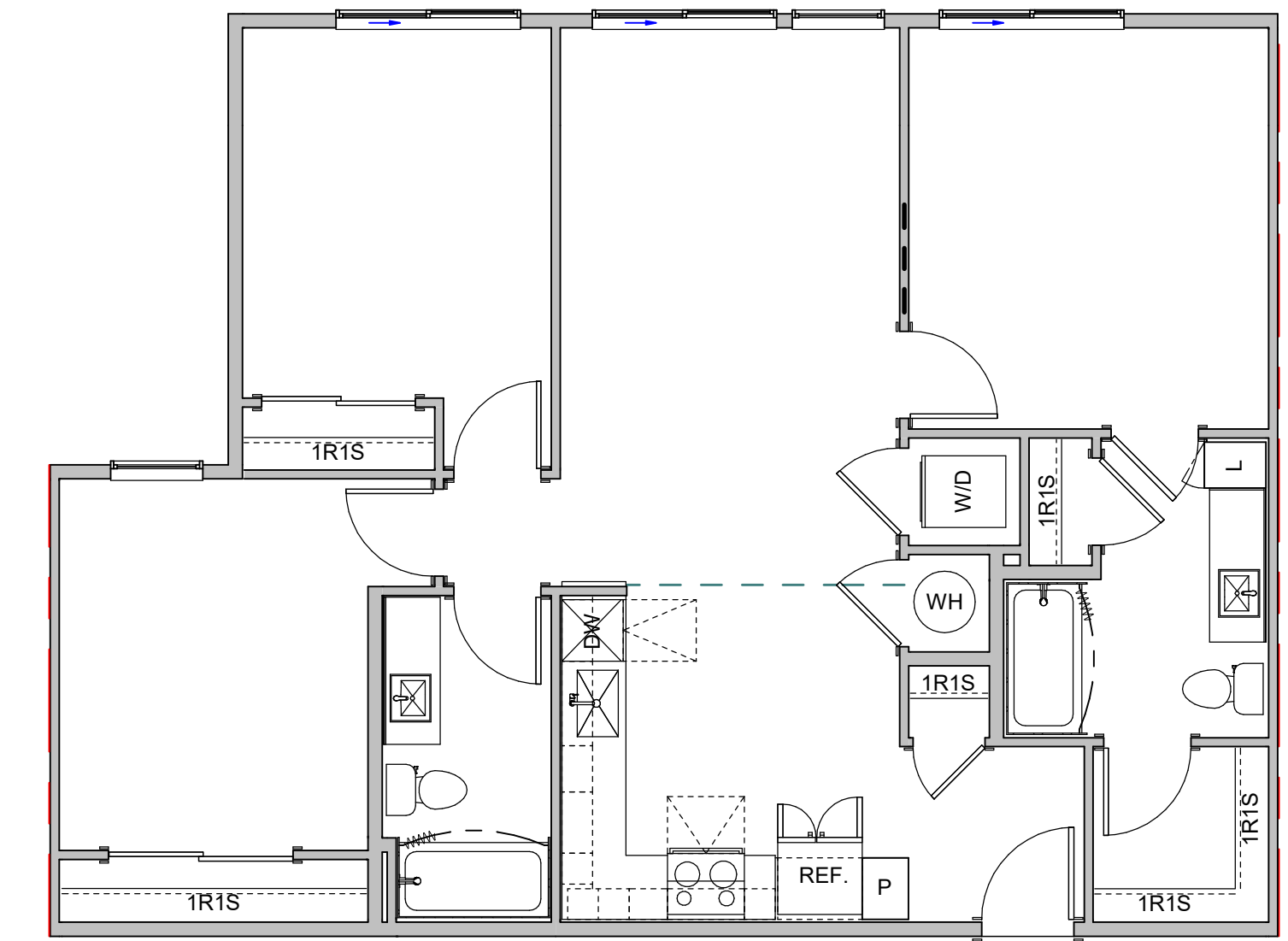
UNIT A1 PLAN



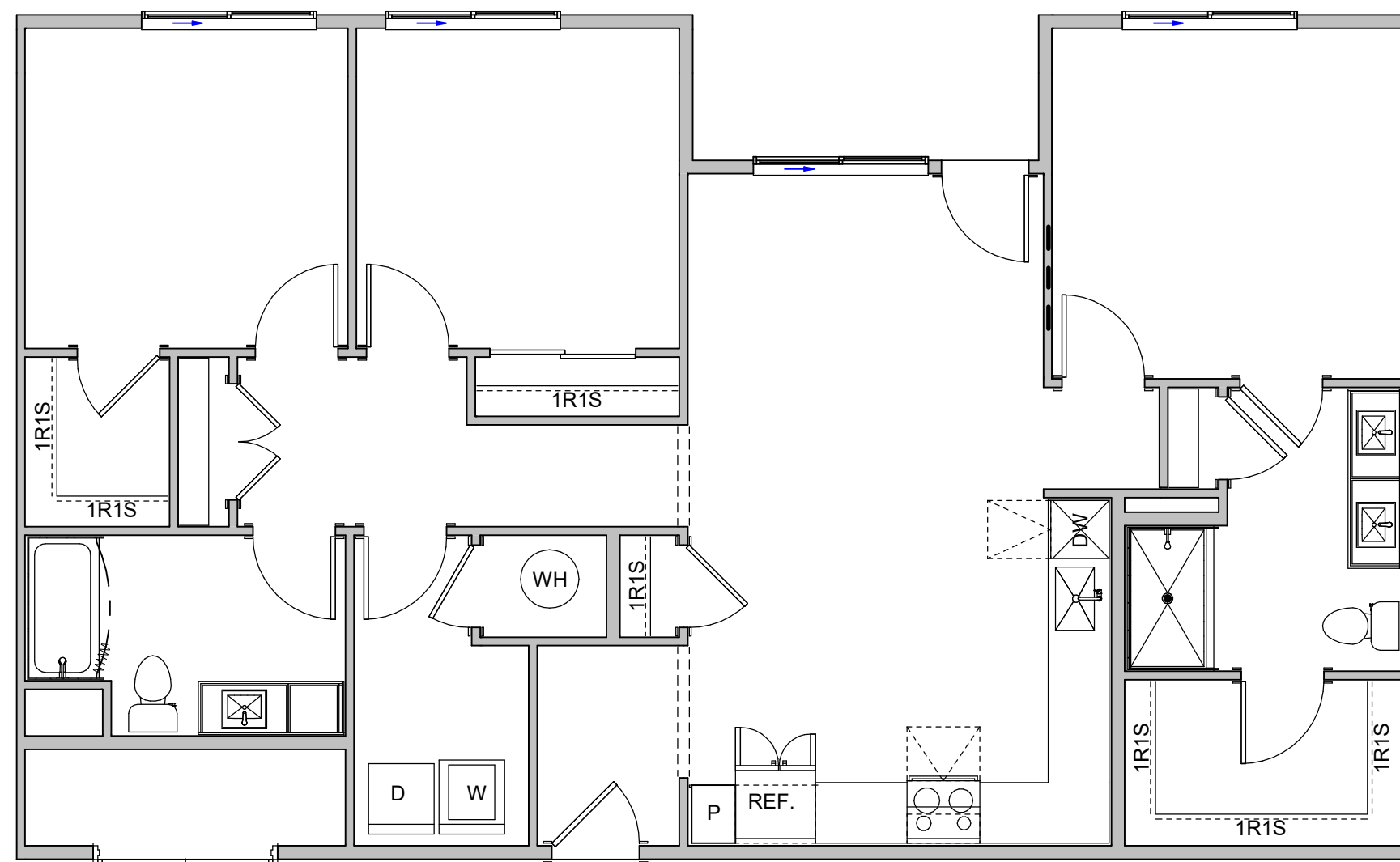
UNIT B1 PLAN



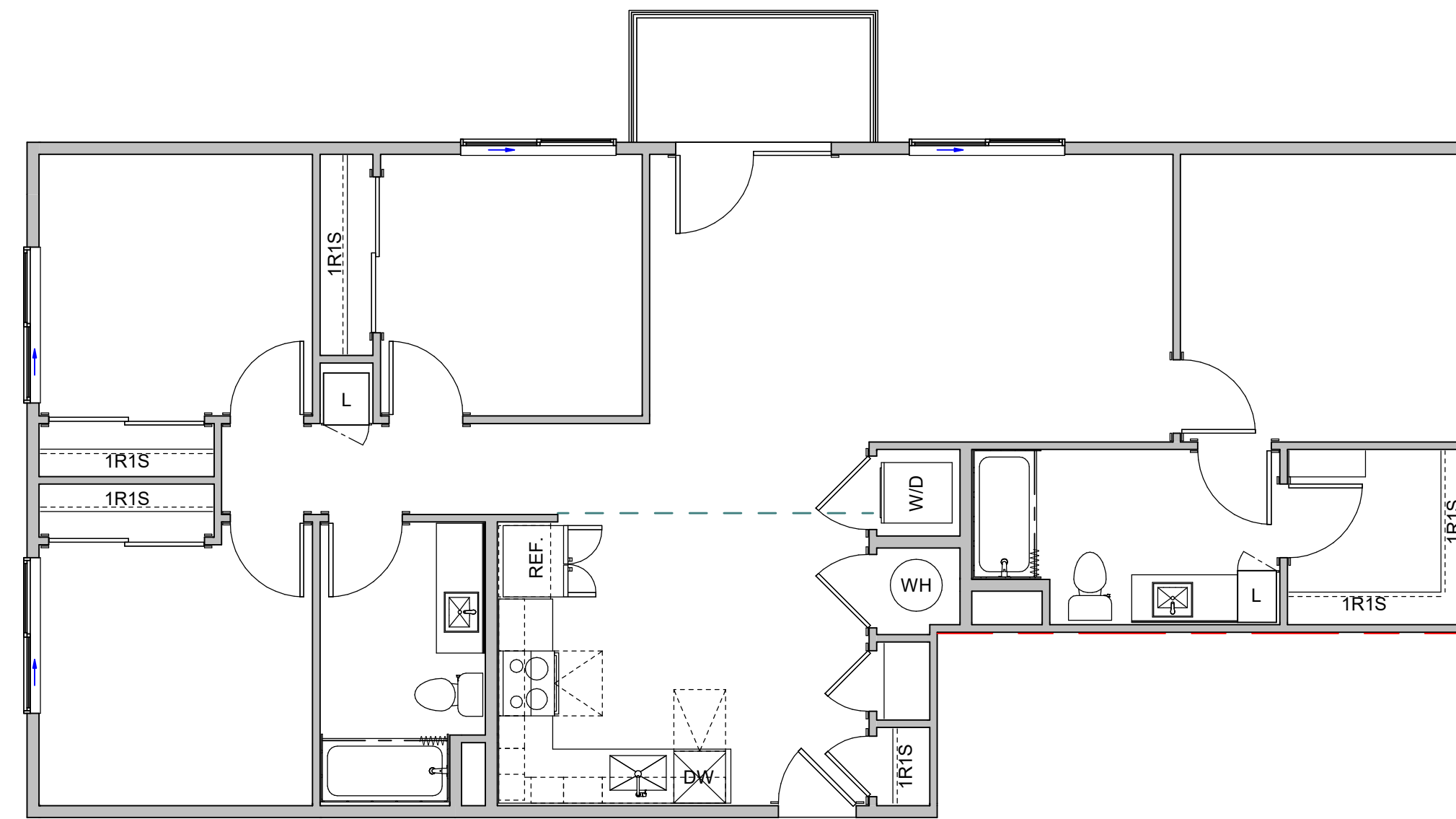
UNIT B2 PLAN



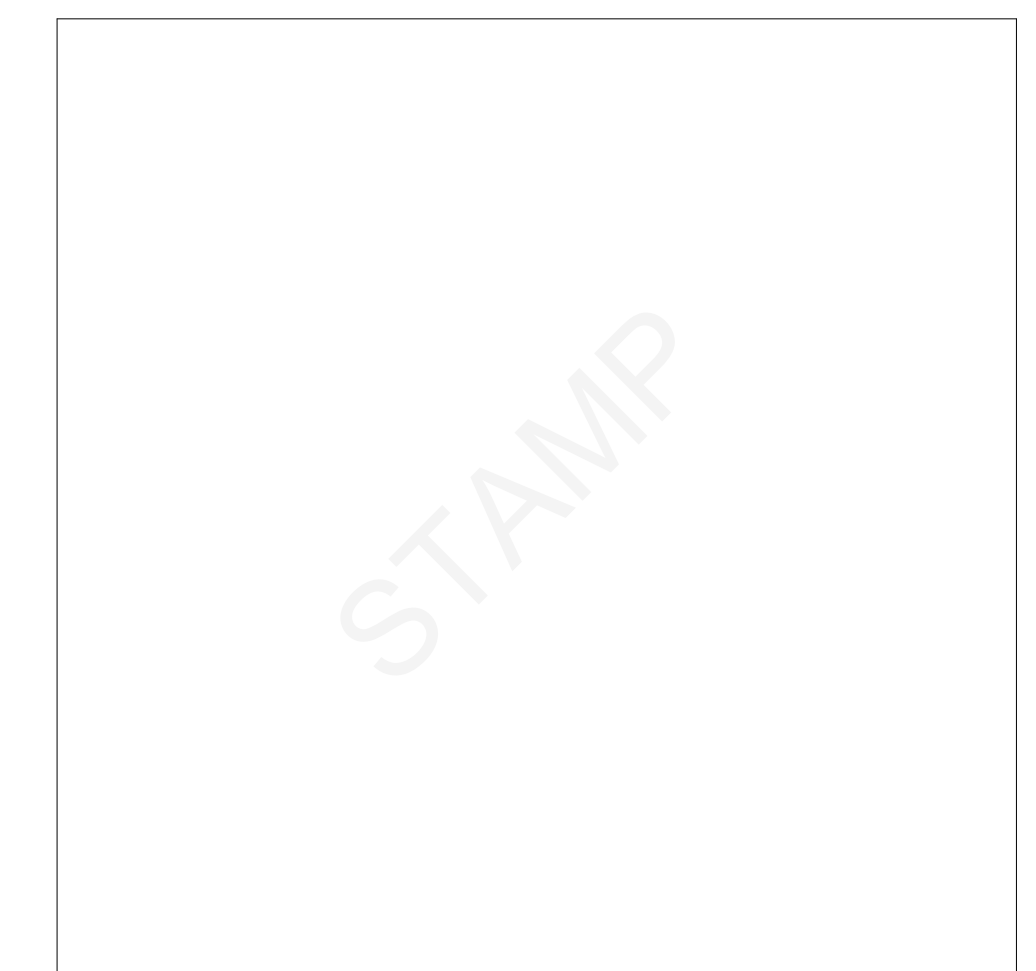
UNIT C1 PLAN



UNIT C2 PLAN



UNIT D1 PLAN



APACHE JUNCTION

APACHE JUNCTION, ARIZONA

UNIT PLANS | 04/15/26 | KA# 225084

A04



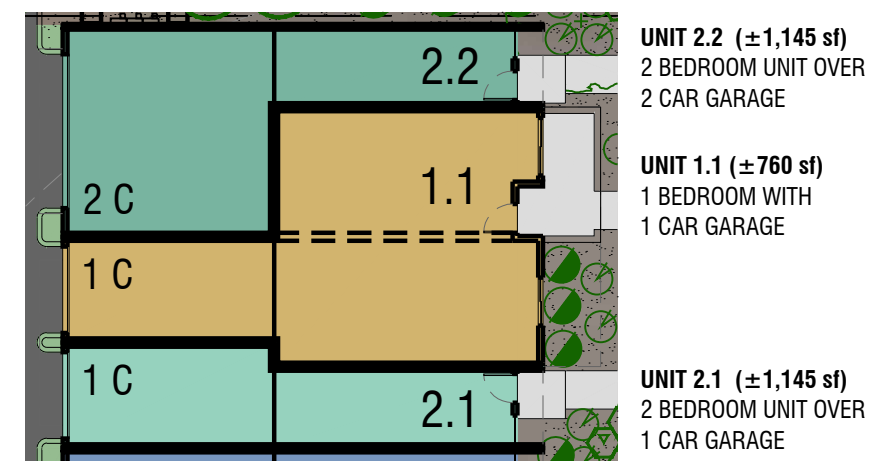
SNELL & WILMER

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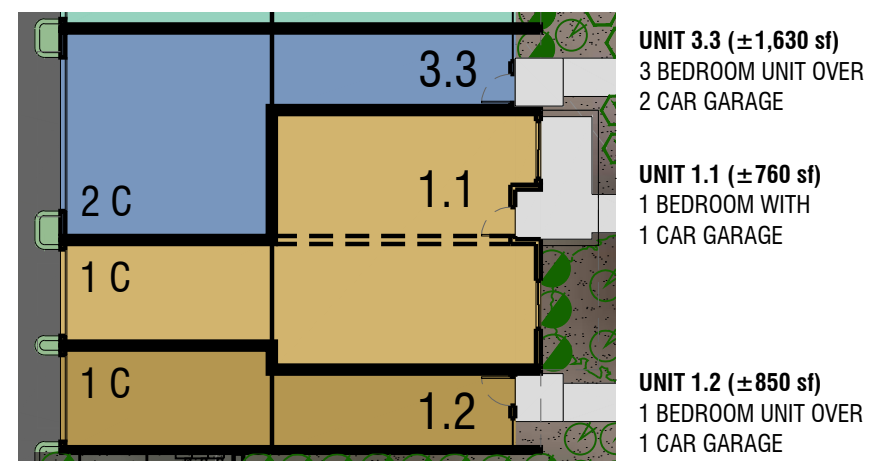
Exhibit G
Approved Site Plan

TYPICAL UNIT TYPE DESIGNATIONS

BUILDING MODULE 1



BUILDING MODULE 2



PARKING

TOTAL PARKING: 223 SP REQUIRED, 236 SP PROVIDED
STALL SIZE: 90' x 18' / PARALLEL: 9' x 22'
LOADING ZONE 12x35': 1 REQUIRED, 1 PROVIDED

	REQUIRED	PROVIDED
1 BEDROOM:	51 X 1.50	77 SP
2 BEDROOM:	58 X 2.00	116 SP
3 BEDROOM:	15 X 2.00	30 SP
TOTAL	223	223

ASSIGNED PARKING SPACES:

- THE (26) ON-SITE PARKING SPACES REQUIRED FOR THE ONE BEDROOM UNITS WILL BE MARKED ON EACH STALL AS RESERVED FOR "TENANT PARKING".
- THE (30) ON-SITE PARKING SPACES FOR THE 2ND PARKING SPACE FOR THE (30) 2.1 BEDROOM UNITS WHICH HAVE A ONE CAR GARAGE, WILL BE ASSIGNED TO EACH OF THOSE UNITS BY A UNIT NUMBER ON THE STALL, AND BE THE CLOSEST PARKING SPACE TO EACH OF THOSE UNITS.
- VISITOR PARKING SPACES WILL BE DISPERSED THROUGHOUT THE SITE AND MARKED "VISITOR".

SITE DATA

GROSS SITE AREA: ±300,570 SF (6.90 AC - AFTER LOT SPLIT)
NET SITE AREA: ±291,800 SF (6.70 AC)
CURRENT ZONING: RS-GR
PROPOSED ZONING: RM-2
SETBACKS (BSL): 20' FRONT & REAR, 10' SIDE INTERIOR & STREET
BUILDING HEIGHT: 35' ALLOWED IN CURRENT ZONING, 30' PROPOSED
NO. OF STORIES: 2
DWELLING UNITS (DU): 124
DENSITY: 18 DU/AC (GROSS SITE AREA)
LOT COVERAGE: 50% ALLOWED, ±38% PROPOSED (±110,511 SF)
AMENITIES: OFFICE, CLUB, POOL, SPA, OUTDOOR KITCHEN

UNIT MIX

BUILDING TYPES	1 BED	2BED	3BED	TOTAL
6.1 - (5) 6 UNIT	(2) 10	(4) 20	(0) 0	30
6.2 - (4) 6 UNIT	(3) 12	(2) 8	(1) 4	24
7.A - (1) 7 UNIT	(1) 1	(2) 2	(4) 4	7 (3 ADA UNITS)
9 - (7) 9 UNIT	(4) 28	(4) 28	(1) 7	43
TOTAL UNITS	51	58	15	124
	41%	47%	12%	

