

ORDINANCE NO. 1535

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A REZONING AND MINOR GENERAL PLAN AMENDMENT AS DESCRIBED IN CASE P-22-126-PZ, AS REQUESTED BY WW CLYDE/BLOUNT CONTRACTING; ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT TITLED "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" ; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the WW Clyde/Blount Contracting subject site is comprised of five (5) parcels: Pinal County APNs 103-19-021A, 103-19-023A, 103-19-0300, 103-19-029D, and 103-19-0550; and

WHEREAS, Blount Contracting first established their contracting business at 1353 S. Vista Road on APN 103-19-023A in 2015; and

WHEREAS, the approximately 7.5-acres undeveloped property located on APN 103-19-021A at the southeast corner of S. Vista Road and E. 12th Avenue was rezoned in 2019 to B-4/PD through Case No. PZ-4-18 (Ordinance No. 1471) to allow a commercial condominium; however, the parcel was not developed as intended; and

WHEREAS, after a business merger in 2020, WW Clyde/Blount Contracting formally applied to rezone all five (5) parcels to construct a new, additional office building and to allow the outdoor storage and maintenance of construction equipment onsite; and

WHEREAS, on May 9, 2023, the Apache Junction planning and zoning commission voted 5-2 to recommend approval of rezoning case P-22-126-PZ; 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); and

WHEREAS, A.R.S. § 9-802 permits municipalities to enact the provisions of a code or public record theretofore in existence without setting forth such provisions in full text as long as the adopting ordinance is published in full text and at least one paper copy of the code changes or public record are filed in the office of the clerk of the municipality and an electronic copy is accessible on the city's website and made available for public inspection.

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

SECTION I IN GENERAL

1. That the planned development rezoning and minor general plan amendment, as recommended by the city council in case P-22-126-PZ, is approved with conditions incorporated by reference in section 2 below.
2. That certain document entitled "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", one paper copy filed in the office of the city clerk and one electronic copy accessible on the city's website, with such document declared a public record by Resolution No. 23-13 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 or any part of the codes adopted herein by reference 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 codes or regulations 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 _____, 2023.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2023.

WALTER "CHIP" WILSON
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney