

ORDINANCE NO. 1565

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-25-11-PZ, REQUEST BY SUNDT CONSTRUCTION, INC., REPRESENTED BY BRENNAN RAY OF RAY LAW FIRM, FROM GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") TO INDUSTRIAL BY PLANNED DEVELOPMENT ("B-5/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the subject property is generally located near the northwest corner of Cactus Road and Auto Center Drive in Section 33; and

WHEREAS, on June 24, 2025, the Apache Junction planning and zoning commission recommended in a vote of 5:0 to approve rezoning case No. P-25-11-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:

Parcel 1 (102-20-008C): The West half of the Northwest quarter of the Southeast quarter of Section 33, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

Except any portion, thereof, lying within the right-of-way of the Superstition Freeway (U.S. Highway 60); and

Except the West 60 feet, thereof, which was conveyed to the State of Arizona in Warranty Deeds recorded November 28, 1988 in Docket 1569, Page 223 and Docket 1569, Page 225, records of Pinal County Arizona.

Parcel 2 (102-20-008A): The East half of the Northwest quarter of the Southeast quarter of Section 33, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

Except any portion, thereof, lying within the right-of-way of the Superstition Freeway (U.S. Highway 60); and

Except that portion which was conveyed to the City of Apache Junction, an Arizona municipal corporation in Warranty Deed recorded April 16, 2002, in Recording No. 2002-0019494, records of Pinal County, Arizona, described as follows:

Beginning at the most Southeasterly corner of the parcel of land described above;

Thence Westerly, along the South line of said parcel of land, 40.00 feet;

Thence Northerly and parallel to the East line of said parcel of land, 623.50 feet, more or less;

Thence Northwesterly, 25.46 feet to a point which is 36.50 feet South of the South line of the North half of said parcel of land and being 58.00 feet from the East line of said parcel of land;

Thence Northerly, 80.00 feet;

Thence Easterly, 18.00 feet to a point which is 40.00 feet East of the East line of said parcel of land and being 43.50 feet North of the South line of the North half of said parcel of land;

Thence Southerly, 43.50 feet to a point on the South line of the North half of said parcel of land;

Thence Easterly, 40.00 feet to the intersection of the South line of the North half of said parcel of land and the East line of said parcel of land;

Thence Southerly, 660.00 feet, more or less to the point of beginning.

be and hereby is amended from General Rural Low Density Single-Family Detached Residential "RS-GR" to Industrial by Planned Development "B-5/PD", subject to the following condition of approval:

- 1) The development shall reflect substantial compliance and consistency with the city's zoning ordinance and the planned development plans presented in case P-25-11-PZ, incorporated by reference herein, and as otherwise specified through these conditions of approval.
- 2) The maximum building height shall be 45'.
- 3) The building architecture of any future phases or expansion shall be architecturally consistent with the presented conceptual architecture approved in case P-25-11-PZ and the associated site plan and design review case P-25-12-DR.
- 4) The north tree line along the US 60 Right-of-Way shall consist of 36" box trees to provide greater buffering of the site.
- 5) Appropriate dedications of public right-of-way shall be made as required by the city engineer during the civil review process of construction plans.
- 6) All applicable permits shall be applied for and plans shall be designed to current city codes. Inclusively, all applicable development fees, including public art fees, shall be paid at the time of permit issuance.
- 7) Major deviations or proposed changes from the original plans associated with this case will require a major planned development amendment. The development services 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.

## 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 \_\_\_\_\_, 2025.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

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

ATTEST:

\_\_\_\_\_  
EVIE MCKINNEY  
City Clerk

APPROVED AS TO FORM:

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