



City of Apache Junction

Development Services Department



Date: November 7, 2023 City Council

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager
Rudy Esquivias, Development Services Director
Sidney Urias, Planning Manager

From: Nicholas Leftwich, Planner

Subject: November 7, 2023 City Council Item, Reso. No. 23-34:
P-21-98-SD Consideration of "Old West Highway Village"
Preliminary Plat Extension.

Summary

Greg Loper, representing the development and ownership group Galileo Capital Partners has requested a preliminary plat extension for case P-21-98-SD, the Old West Highway Village preliminary subdivision plat, which would extend the preliminary plat approval previously granted in November 2022 through Resolution 22-42 for another 12 months.

Preliminary plat approval constitutes authorization for the subdivider to proceed with preparation of the final plat and the engineering plans and specifications for public improvements and site development. Staff has been coordinating with the applicant regarding the preparation and submittal of the final plat and civil improvement plans of the subdivision throughout the year, but the applicant has requested more time to finish preparing their submittal.

Staff Recommendation

The Apache Junction City Code, Volume II: Land Development Code, Chapter 2: Subdivision and Minor Land Division Regulations, Article 2-2: Platting Procedures and Requirements, § 2-2-4 Preliminary Plat allows that a time extension for an additional 12 months may be granted by the City Council if there had been no change in the city's policies or regulations which would affect the subdivision. As there has been no change to the city's subdivision standards in this time and the applicant still expresses the intent that the subdivision be designed and developed per the previously approved plans, staff recommends the approval of the preliminary plat extension through Resolution 23-34.

Attached:

- Resolution No. 22-42 (Preliminary Plat Approval)
- Draft Resolution No. 23-43 (Proposed Extension)
- P-21-98-PZ Preliminary Plat Extension Request Letter

RESOLUTION NO. 22-42

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A PRELIMINARY SUBDIVISION PLAT FOR THE "OLD WEST HIGHWAY VILLAGE" SUBDIVISION, IN CASE P-21-98-SD, REQUESTED BY GALILEO CAPITAL PARTNERS, REPRESENTED BY GREG LOPER.

WHEREAS, the subdivider in Case P-21-98-SD proposes to subdivide Pinal County Assessor parcel numbers 102-03-3030 and 102-02-0050, approximately 7.7 net acres, located south of Old West Highway, between South Royal Palm Road and South Tomahawk Road, (collectively, the "subject property"), into approximately one-hundred-six (106) residential lots for a single-family homes subdivision to be called "Old West Highway Village," pursuant to Arizona Revised Statutes ("ARS") Title 9, Chapter 4, Article 6.2, and pursuant to the 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, Section 1-4-3, Planned Development ("PD") Overlay District, and Chapter 2: Subdivision Regulations; and

WHEREAS, on September 27, 2022, the planning and zoning commission held a public hearing regarding the preliminary plat for case P-21-98-SD and recommended approval by a vote of 6-0, subject to conditions; and

WHEREAS, the council finds this preliminary subdivision plat to be in compliance with the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance and Chapter 2: Subdivision Regulations, and the conditions of approval adopted in Ordinance No. 1501 in rezoning case PZ-1-20; and

WHEREAS, the property proposed to be platted is legally described as follows:

All that part of the East half of the Northwest quarter of the Northeast quarter AND all that part of the Northeast quarter of the Northeast quarter of Section 28, Township 1 North, Range 8 East of the Gila River Base and Meridian, Pinal County Arizona, lying South of the U.S. Highway 60, 70, 80 and 89;

Also known as parcels 102-03-3030, and 102-02-0050, located in the Northeast quarter Section 28, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Apache Junction, Pinal County, Arizona;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Apache Junction, Arizona, that:

The preliminary subdivision plat for Old West Highway, case P-21-98-SD, is approved subject to the following conditions:

- 1) The project shall be developed in accordance with and in compliance to the plans attached and associated to this case and the planned development rezoning case PZ-1-20 and all the provisions of the Zoning Ordinance applicable to this case.
- 2) All conditions of approval of Ordinance No. 1501 as approved pursuant to the planned development major rezoning case PZ-1-20 and the zoning standards of this RM-1/PD-zoned property shall govern the design and subsequent improvements of the Final Subdivision Plat.
- 3) Within one year of Preliminary Subdivision Plat approval, the developer shall submit for formal review, the Final Subdivision Plat and improvement plans for the proposed subdivision. Said final plat and improvement plans shall reflect substantial compliance with the preliminary plat insofar as general layout, number of lots, location of natural and man-made amenity features and areas, and internal and external streets and connectivity.
- 4) The homeowners association through the Conditions, Covenants and Restrictions (CC&Rs) for Old West Highway Village shall also include provisions to address and specify that the homeowners association is perpetually responsible for the maintenance and upkeep of all common areas and facilities, drainage and retention areas, fencing and landscape improvements, both internal and along the outside perimeter of the subdivision.

If the homeowners association has become defunct or dissolved in violation of the CC&Rs, the landscaping,

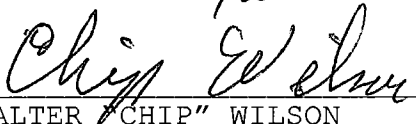
drainage/retention areas, and amenities shall be perpetually maintained at all times by joint responsibility of the property owners of all one-hundred-six (106) lots.

If at any time it is reasonably determined by the City that the landscaping, drainage/retention areas, or amenity areas are not being properly maintained, the City shall have the right, but not the obligation, to cause such maintenance to be performed after proper notice is provided to the property owners. If the City elects to perform such work, it shall bill the property owners the cost of such work. Failure to pay shall result in a lien being placed on the property.


- 5) The developer shall work with and coordinate separately with all known utility companies which serve Apache Junction, to provide necessary services to the site and to relinquish and/or relocate any utility easements as needed, prior to or upon final plat approval.
- 6) The developer's engineer shall meet the civil engineering improvement plans and document requirements in accordance of the city's approved engineering standards that are in effect at the time of plan submittal.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 1ST DAY OF NOVEMBER, 2022.


SIGNED AND ATTESTED TO THIS 1 DAY OF November, 2022.


WALTER "CHIP" WILSON
Mayor

ATTEST:


JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

 10.27.22
RICHARD J. STERN
City Attorney