

ORDINANCE NO. 1396

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 PZ-6-13, A REQUEST BY SUPERSTITION SPRINGS HOLDINGS, LLC, REPRESENTED BY KYLEIGH MERRITT, FROM LOCAL COMMERCIAL DISTRICT BY PLANNED DEVELOPMENT (C-2/PD) TO GENERAL COMMERCIAL DISTRICT BY PLANNED DEVELOPMENT (C-3/PD); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, pursuant to Ordinance No. 1252 (Case PZ-10-05), approved on November 15, 2005, the property was rezoned for a small medical clinic and two other commercial pads, but was never developed; and

WHEREAS, the conceptual Planned Development plan approved as part of Ordinance No. 1252 does not suit the current development plans and needs of the new owners and thus, a new development plan is needed; and

WHEREAS, on November 26, 2013, the Apache Junction Planning and Zoning Commission voted to recommend approval of rezoning case PZ-6-13 by a vote of 4-0, for the purpose of allowing the property to be developed with a medical and office complex on the south +/-1.6 acres and reserving the north +/-1 acre for a future commercial development, subject to certain conditions for both the current and future development of the property; and

WHEREAS, the City Council hereby determines that the proposed Planned Development Plan conforms to all of the general criteria as specified in Section 1-16-5 C-3 Local Commercial District and Section 1-19-9 General Criteria of the Planned Development Zoning District regulations of the City of Apache Junction Zoning Ordinance (except as otherwise conditioned herein), including compliance with the General Plan, integration with the surrounding neighborhood, adequate traffic accommodation, adequate public facilities, extension of infrastructure, and that the design and uses should result in enhancements to the social, built, and natural environments in the City.

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

SECTION I IN GENERAL

That the zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land legally described as:

The East 190.8 feet of the North 660 feet of the West 700 feet of the following described property:

The East half of the West half of the Southwest quarter and the East half of the West half of the West half of the Southwest quarter of Section 20, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona; Except any portion lying within the former US Highway 60 right-of-way (also known as Pinal County Assessor's Parcel No. 101-16-006D).

be and hereby is amended from Local Commercial District by Planned Development (C-2/PD) to General Commercial District by Planned Development (C-3/PD), subject to the following conditions of approval:

- 1) The property owners shall dedicate and improve any necessary rights-of-way on Gold Drive and Apache Trail, as required by the City Engineer and to the city's engineering standards and guidelines, prior to or at the time of improvement plans submittal for the Phase 1 and/or Phase 2 parts of the proposed development, as described in case file PZ-6-13 and incorporated by reference herein.
- 2) The medical and office complex, and future commercial pad shall be developed in accordance with the submitted concept plans incorporated by reference herein, to include but not be limited to, the proposed site plan and conceptual elevations and the proposed access configuration, except as otherwise conditioned herein.
- 3) Future uses on the C-3/PD-zoned property shall include those uses normally allowed under the C-3 base zone,

except for the following uses: pawn shop, tattoo and/or piercing establishment, outdoor storage business of any kind, taxi or shuttle business, convenience store, rescue mission, soup kitchen or homeless shelter, second-hand stores, used auto sales, auto or motorcycle repair shops, medical marijuana uses, other uses determined by the Zoning Administrator to be incompatible with a downtown-oriented neighborhood compatible environment.

- 4) The landscape plan for the entire property shall incorporate a similar plant palette to create a unifying landscape theme on both phases of the property. Said landscape improvements shall be in compliance with the city's Landscape and Screening Requirements, including the following additional requirements:
  - A) minimum 10-foot-wide landscape strips along the east and south boundaries of the property, wherein at least 50% of the required trees shall be 24" box trees and all of the shrubs shall be 5-gallon minimum in size;
  - B) at least 50% of the required trees along the property's Gold Drive and Apache Trail frontages shall be 24" box trees and all of the required shrubs shall be 5-gallon minimum in size;
  - C) the decomposed granite within any landscape strips or islands shall be 1" minus in size and of a color which complements the building colors;
  - D) 8-foot high masonry walls shall be required along the property's east and south boundaries (exclusive of the front yard setback areas of the project) to further buffer the proposed commercial uses from the adjacent residential uses.
- 5) As part of a comprehensive sign package, the Phase 1 and Phase 2 businesses shall be allowed to advertise on multi-tenant monument signs, one each, located on the Gold Drive and Apache Trail frontages. Said monument signs shall be of the same design and size, shall complement the architecture of the buildings, and shall be subject to Planning Staff review and approval.
- 6) At such time that a future business proposes to locate on the Phase 2 portion of the property, said business shall

be required to comply with all provisions of this Planned Development zoning approval, at a minimum to include the construction of on-site and off-site improvements as required by the city's Engineers, the limited uses and unifying signage and landscape improvements. Any future building shall incorporate the architectural design guidelines of the Downtown Overlay District Transitional Zone. Requested deviations from the provisions of this ordinance shall require a separate Planned Development amendment process.

- 7) The property may be developed in two phases as described in case file PZ-6-13, with the necessary public improvements to be constructed with each phase, except that the crosswalk shall be constructed with the Phase 1 portion of the project.
- 8) A separate commercial subdivision process shall be required should the developer desire to create units for individual sale after rezoning. It is the responsibility of the developer to develop the property with the appropriate infrastructure systems to facilitate a possible future subdivision, or else improvements may need to be retrofitted later for a subdivision project, at the developer's expense.
- 9) All development on the property is subject to proper permits and inspections, and compliance with all adopted City codes and ordinances.
- 10) The subject property shall be substantially developed within five (5) years of this Planned Development rezoning approval, 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 1-19 Planned Development Zoning District. For the purpose of this Planned Development approval, substantial development shall be evidenced by the construction and completion of at least three (3) buildings in the Phase 1 area.

#### 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 7<sup>TH</sup> DAY OF JANUARY, 2014.

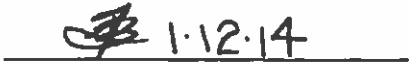
SIGNED AND ATTESTED TO THIS 14<sup>TH</sup> DAY OF JANUARY, 2014.

  
JOHN S. INSALACO  
Mayor

ATTEST:

  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

  
RICHARD JOEL STERN  
City Attorney

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