

ORDINANCE NO. 1524

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A PLANNED DEVELOPMENT MAJOR AMENDMENT TO AMEND ORDINANCE NO. 1132 TO MODIFY THE CONCEPTUAL PLAN PREVIOUSLY APPROVED IN CASE PZ-03-00 AND ESTABLISH A NEW PLANNED DEVELOPMENT PLAN FOR A TOWNHOME SUBDIVISION TENTATIVELY KNOWN AS "GOLDFIELD ESTATES," AS DESCRIBED IN CASE P-21-94-PZ, AS REQUESTED BY BFG GROUP, LLC; ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "LEGAL DESCRIPTIONS AND ZONING CONDITIONS OF CASE NO. P-21-94-PZ AUTHORIZED UNDER ORDINANCE NO. 1524 FOR THE PLANNED DEVELOPMENT MAJOR AMENDMENT OF ORDINANCE NO. 1132" REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on June 20, 2000, the Mayor and City Council approved Ordinance No. 1132 to rezone the four parcels identified in case PZ-03-00, located directly west of S. Goldfield Road and north of the US-60 Highway, from GR (General Rural) to C-3/PD (General Commercial by Planned Development) for the purpose of consolidating and developing the four parcels into a commercial shopping and service area; and

WHEREAS, the approved conceptual plan has remained undeveloped and the parcels have remained vacant and underutilized; and

WHEREAS, the BFH Group, LLC, represented by David Bohn, submitted for a planned development ("PD") major amendment to amend Ordinance No. 1132 to modify the PD conceptual plan previously approved and establish a new PD plan to approve the use of a 209-lot townhome subdivision tentatively known as "Goldfield Estates" on the properties described in this case P-21-94-PZ and in case P-21-95-PZ; and

WHEREAS, on April 26, 2022, the Apache Junction Planning and Zoning Commission held a public hearing and voted 7-0 to recommend approval of planned development amendment case P-21-94-PZ, subject to the conditions prescribed therein; and

WHEREAS, the city council hereby determines that the proposed PD amendment request conforms to the Apache Junction General Plan, and to all 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, Section 1-4-3, Planned Development ("PD") Overlay District; 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 planned development major amendment for Ordinance No. 1132 in case P-21-94-PZ, as recommended by the planning and zoning commission, 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-21-94-PZ Authorized under Ordinance No. 1524 for the Planned Development Major Amendment of Ordinance No. 1132," 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. 22-20 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 _____ DAY OF _____, 2022.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 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-21-94-PZ Authorized under Ordinance No. 1524
for the Planned Development Major Amendment of
Ordinance No. 1132.

- A) The mayor and council passed Ordinance No. 1524 on May 17, 2022, which approved the planned development major amendment to amend Ordinance No. 1132 to modify the conceptual plan previously approved in Case PZ-03-00 and establish a new planned development plan for a townhome subdivision tentatively known as "Goldfield Estates," and legally described as follows:

Parcel 103-23-0200

The Northwest quarter of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; and

Parcel 103-23-032A

The Southeast quarter of the Northwest quarter of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

Except that portion thereof which lies Southeasterly of the following described line:

Beginning at the Northeast corner of said Section 34;

Thence South 00 degrees 03 minutes 52 seconds East along the East line thereof, a distance of 1486.89 feet;

Thence South 63 degrees 23 minutes 33 seconds West, a distance of 1108.18 feet to the point of ending at the Southwest corner of the Southeast quarter of the Northwest quarter of said Section 34; and

Parcel 103-23-033A

The Southwest quarter of the Northeast quarter of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

Except that portion which lies Southeasterly of the following described line:

Beginning at the Northeast corner of said Section 34;

Thence South 00 degrees 03 minutes 52 seconds East along the East line thereof, a distance of 1486.89 feet;

Thence South 63 degrees 23 minutes 33 seconds West, a distance of 1000 feet to the point of ending;

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

- 1) The project shall be developed in accordance with the plans and elevations associated to case P-21-94-PZ and all the provisions of the Zoning Ordinance 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, north, and south street-facing perimeters of the property, 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 at least 24" box and all required shrubs shall be at least 5-gallon in size.
- 3) The proposed development will not be age-restricted.
- 4) Street improvements include but not necessarily limited to, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, landscaping shall be required as part of this planned development project, and subject to review and approval by the City Engineer.
- 5) The following right-of-way dedications shall be made:
 - a) A 20 foot by 20 foot triangular corner cut-off visibility triangle shall be dedicated as public right-of-way at the intersections of Starr Road and 28th Avenue.
 - b) 30 feet of right-of-way shall be dedicated on the south side of 28th Avenue.
 - c) 30 feet of right-of-way shall be dedicated on the east side of Starr Road.
- 6) All common areas and amenity areas within and immediately adjacent to the proposed development, including perimeter walls and fences, and interior and exterior common area landscaping, shall be maintained in good condition at all times and in perpetuity by the homeowners association.
- 7) Any major deviation or proposed changes from the original plans associated with this case will require a major PD

amendment.

- 8) To ensure a high architectural standard that enhances the neighborhood, the proposed buildings shall meet Apache Junction's Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-13: Design Standards. The development must undergo a site plan and design review in order to receive design approval prior to construction permit approval. Final elevations shall resemble the elevations approved by the Planning and Zoning Commission and City Council in P-21-94-PZ but further architectural treatment may be required.
- 9) 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 shall be paid at the time of permit issuance for each row grouping of townhomes.
- 10) 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.
- 11) Other than the portion to be dedicated to the city as right-of way, all Federally Patented Easements located within the development site shall be extinguished through both the city and the utility companies' extinguishment procedures. No construction can be permitted within active easements.

ORDINANCE NO. 1525

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 OF THE APPROXIMATELY 7.5 ACRES DESCRIBED IN REZONING CASE P-21-95-PZ, A REQUEST BY BFH GROUP, LLC, FROM GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") TO GENERAL COMMERCIAL BY PLANNED DEVELOPMENT ("B-1/PD") AND APPROVING A MINOR GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL, FOR THE DEVELOPMENT OF A PROPOSED TOWNHOME COMMUNITY TENTATIVELY KNOWN AS "GOLDFIELD ESTATES"; ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT ENTITLED "LEGAL DESCRIPTIONS AND ZONING CONDITIONS OF CASE NO. P-21-95-PZ AUTHORIZED UNDER ORDINANCE NO. 1525" REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the BFH Group, LLC, represented by David Bohn, submitted for a rezoning by planned development ("PD") to establish a PD conceptual plan and approve the use of a 209-lot townhome subdivision tentatively known as "Goldfield Estates" on the properties described in this case P-21-95-PZ and in case P-21-94-PZ, located at the northwest corner of S. Goldfield Road and the US-60 Highway; and

WHEREAS, on April 26, 2022, the Apache Junction Planning and Zoning Commission held a public hearing and voted 7-0 to recommend approval of the rezoning by planned development case P-21-95-PZ, and the minor general plan amendment to the same properties, subject to the conditions prescribed therein; and

WHEREAS, the city council hereby determines that the proposed PD rezoning request conforms to the Apache Junction General Plan, and to all of 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, Section 1-4-3, Planned Development ("PD") Overlay District; and

WHEREAS, the properties are designated "Medium Density Residential" by the general plan and the requested rezoning by

planned development requires a minor general plan amendment to designate the properties "Commercial;" and

WHEREAS, the city council hereby determines that the proposed minor general plan amendment meets the amendment criteria contained in the Apache Junction General Plan 2020-2050, Chapter 13: Amending the General Plan as identified through the findings of fact; 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 by planned development case P-21-95-PZ and the accompanying minor general plan amendment, as recommended by the planning and zoning commission, 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-21-95-PZ Authorized under Ordinance No. 1525," 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. 22-21 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 _____ DAY OF _____, 2022.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 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-21-95-PZ authorized under Ordinance No.
1525.

- A) The mayor and council passed Ordinance No. 1525 on May 17, 2022, which approved the rezoning by planned development case P-21-95-PZ to change the zoning district classification from General Rural Low Density Single-Family Detached Residential ("RS-GR") to General Commercial by Planned Development ("B-1/PD") and approved a minor general plan amendment changing the land use designation from Medium Density Residential to Commercial, for the development of a proposed townhome community tentatively known as "Goldfield Estates," for the parcels legally described as follows:

Parcel 103-23-0220

The Northwest quarter of the Northwest quarter of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Pinal County, Arizona; and

Parcel 103-23-021A

The West half of the Northeast quarter of the Northwest quarter of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; and

Parcel 103-23-021B

The East half of the Northeast quarter of the Northwest quarter of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; and

Parcel 103-23-031B

The North half of the Southwest quarter of the Northwest quarter of the Southeast quarter of the Northeast quarter of Section 34, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; and

Parcel 103-23-031A

The South half of the Southwest quarter of the Northwest quarter of the Southeast quarter the Northeast quarter of

Section 34, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

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

- 1) The project shall be developed in accordance with the plans and elevations associated to case P-21-94-PZ and all the provisions of the Zoning Ordinance 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, north, and south street-facing perimeters of the property, 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 at least 24" box and all required shrubs shall be at least 5-gallon in size.
- 3) The proposed development will not be age-restricted.
- 4) Street improvements include but not necessarily limited to, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, landscaping shall be required as part of this planned development project, and subject to review and approval by the City Engineer.
- 5) The following right-of-way dedications shall be made:
 - a) A 20 foot by 20 foot triangular corner cut-off visibility triangle shall be dedicated as public right-of-way at the intersections of Starr Road and 28th Avenue.
 - b) 30 feet of right-of-way shall be dedicated on the south side of 28th Avenue.
 - c) 30 feet of right-of-way shall be dedicated on the east side of Starr Road.
- 6) All common areas and amenity areas within and immediately adjacent to the proposed development, including perimeter walls and fences, and interior and exterior common area landscaping, shall be maintained in good condition at all times and in perpetuity by the homeowners association.
- 7) Any major deviation or proposed changes from the original plans associated with this case will require a major PD amendment.

- 8) To ensure a high architectural standard that enhances the neighborhood, the proposed buildings shall meet Apache Junction's Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-13: Design Standards. The development must undergo a site plan and design review in order to receive design approval prior to construction permit approval. Final elevations shall resemble the elevations approved by the Planning and Zoning Commission and City Council in P-21-94-PZ but further architectural treatment may be required.
- 9) 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 shall be paid at the time of permit issuance for each row grouping of townhomes.
- 10) 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.
- 11) Other than the portion to be dedicated to the city as right-of way, all Federally Patented Easements located within the development site shall be extinguished through both the city and the utility companies' extinguishment procedures. No construction can be permitted within active easements.
- 12) A minor general plan amendment is hereby approved, redesignating the west 7.5 gross acres as described in case P-21-95-PZ, from Medium Density Residential to Commercial.