



City of Apache Junction

Development Services Department



Date: April 20, 2016

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager
Larry Kirch, Development Services Director
Rudy Esquivias, Senior Planner/Zoning Admin.

From: Stephanie Bubenheim, Assistant Planner

Subject: May 3, 2016, City Council Public Hearing Item:
PZ-4-16 (Ordinance #1429) Major Planned Development
Amendment request by Sadie LaBerge at 351 North
Ironwood Drive.

Background

This is a major planned development amendment request by Sadie LaBerge, represented by Steven Bocker, for a B-1/PD (General Commercial District by Planned Development)-zoned, .41 acre property, located at 351 North Ironwood Drive (Pinal County APN 101-15-021B). The request is to establish an expanded palette of uses for future commercial development on the property, which was originally approved under case PZ-9-96 and Ordinance No. 961 for the use of a small bookstore.

Planning and Zoning Commission Recommendation

On April 12, 2016, the Planning and Zoning Commission held a public hearing regarding this request (P&Z staff report and exhibits attached). The Commission voted to recommend approval of the rezoning by a vote of 7 to 0, subject to all of Staff's recommended conditions. One neighbor expressed concern with commercial uses at the site that would not compliment the neighborhood and have negative impacts such as a car detail shop or medical marijuana sales. Car detailing and medical marijuana are not in the recommended palette of uses.

Attachments:

- Draft Ordinance No. 1429
- PZ Staff Report from April 12, 2016, with all attachments.

ORDINANCE NO. 1429

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A PLANNED DEVELOPMENT MAJOR AMENDMENT, CASE PZ-4-16, FOR A .41 ACRE, GENERAL COMMERCIAL DISTRICT BY PLANNED DEVELOPMENT ("B-1/PD")-ZONED PROPERTY, ORIGINALLY APPROVED BY ORDINANCE NO. 961, AND LOCATED AT 351 NORTH IRONWOOD DRIVE, TO ESTABLISH A PALLET OF USES FOR FUTURE COMMERCIAL DEVELOPMENT; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on October 15, 1996, the Mayor and City Council passed Ordinance No. 961, allowing the subject site to be rezoned from General Rural ("GR") to Neighborhood Commercial by Planned Development ("C-1/PD") to be redeveloped into a small bookstore; and

WHEREAS, the bookstore was never developed; and

WHEREAS, on May 6, 2014, pursuant to Ordinance No. 1402, the City adopted a new zoning ordinance and zoning district maps, effectively renaming the zoning district of the property from "C-1/PD" to "B-1/PD", but otherwise leaving Ordinance No. 961 in full force and effect; and

WHEREAS, on or about February 4, 2016, a new planned development amendment application was received, proposing to amend Ordinance No. 961 by expanding the allowable uses on the property; and

WHEREAS, on April 12, 2016, the Planning and Zoning Commission recommended approval of Case No. PZ-4-16 by a 7 to 0 vote, subject to conditions.

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

SECTION I IN GENERAL

That the planned development plan for the parcel of land legally described as:

Lot 4 block 2, Apache Addition Acres, according to book 5 of maps, page 32, records of Pinal County, Arizona; except the east 147.09 feet of the south 100 feet; and except the north 29.2 feet of said lot 4; and except the following described property deeded to the City of Apache Junction recorded as 1999-014448, described as follows: The west 17 feet of lot 4, block 2, Apache Addition Acres, according to book 5 of maps, page 32, records of Pinal County, Arizona; except the west 17 feet of the north 29.2 feet of said lot 4 (also known as Pinal County Assessor parcel 101-15-021B).

be and hereby is amended to allow an expanded palette of commercial uses on the property, subject to the following conditions of approval:

- 1) The pallet of uses permitted on the property will be based off the Non-Residential Use Regulations table from Apache Junction City Code, Volume 2, Section 1-5-3, and as further refined in scope in accordance with the list contained in case file PZ-4-16, agreed to by the applicants and staff.
- 2) Any future expansions or increases in intensity as determined by Development Services Staff may require additional property or building improvements.
- 3) Except as otherwise conditioned herein, all other provisions of Ordinance No. 961 are still in full force and effect.

SECTION II REPEALING ANY CONFLICTING ORDINANCES

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 _____, 2016.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2016.

JOHN S. INSALACO
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney