

ORDINANCE NO. 1436

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-9-16, A CITY-INITIATED CORRECTIVE REZONING FOR A PROPERTY OWNED BY ARISTEO AND MARBELLA TOVAR, FROM MEDIUM/HIGH DENSITY SINGLE-FAMILY RESIDENTIAL, CONVENTIONAL OR MANUFACTURED HOME PERMITTED ("RS-7M") TO GENERAL COMMERCIAL DISTRICT BY PLANNED DEVELOPMENT ("B-1/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the subject property has been developed as a commercial property with a structure on it, since prior to the city adopting its March 1985 Zoning Ordinance, pursuant to Ordinance No. 350; and

WHEREAS, pursuant to case PZ-2-95, Ordinance No. 927, at the request of previous owner Inus Holt, the property was rezoned from Trailer Homesite ("TH") to Neighborhood Commercial/Convenience District ("C-1"); and

WHEREAS, pursuant to case PZ-8-04, Ordinance No. 1207, at the request of the previous property owner Boyce Jasper, the property was conditionally rezoned from Neighborhood Commercial/Convenience District ("C-1") to Neighborhood Commercial/Convenience District by Planned Development ("C-1/PD"), to allow for an expansion of the commercial development; and

WHEREAS, pursuant to case PZ-5-05, Ordinance No. 1232, at the request of the previous property owner Boyce Jasper, the planned development was amended to repeal Ordinance No. 1207 and revise the pallet of commercial uses permitted on the property; and

WHEREAS, on May 6, 2014, pursuant to Ordinance No. 1402, the City adopted a new zoning ordinance and zoning district maps; and

WHEREAS, said new zoning district maps inadvertently rezoned the subject property from a commercial planned development zoning district to a single-family residential zoning district; and

WHEREAS, on August 16, 2016, the Apache Junction City Council directed staff to initiate a corrective rezoning for the property from "RS-7M" to "B-1/PD"; and

WHEREAS, on September 13, 2016, the Planning and Zoning Commission, after public hearing, voted to recommend approval of rezoning case PZ-9-16 by a vote of 6 to 0; and

WHEREAS, the City Council hereby determines that the proposed rezoning conforms to or will conform to all of the general criteria as specified in the Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Section 1-5-3, B-1 Non-Residential Use Regulations, and Section 1-4-3, Planned Development ("PD") District and the conditions of Ordinance No. 1232.

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:

That part of the West half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 30, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows: Beginning at the Southwest corner of said West half of the Northwest quarter of the Northwest quarter of the Northwest quarter, the true point of beginning: thence due east 144 feet; thence North 130 feet; thence due West 144 feet; thence due South 130 feet to the point of beginning; Except the west 50 feet thereof; Except all

beginning; Except the west 50 feet thereof; Except all oil and mineral rights as reserved in Deed recorded in Docket 247, Page 552, Official Records. (Pinal County Assessor parcel 102-33-020);

be and hereby is amended from Medium/High Density Single-Family Residential, Conventional or Manufactured Home Permitted ("RS-7M") to General Commercial District by Planned Development ("B-1/PD"), subject to the following conditions of approval:

- 1) All applicable conditions of Ordinance No. 1232 are still in full force and effect.
- 2) Any dead or overgrown plants must be replaced and the approved landscape plan from PZ-5-05 must be met within a period not exceeding 60 days or by Monday November 14<sup>th</sup>, 2016.

#### 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 20<sup>TH</sup> DAY OF SEPTEMBER, 2016.


SIGNED AND ATTESTED TO THIS 20<sup>TH</sup> DAY OF SEPTEMBER 2016.

  
JOHN S. INSALACO  
Mayor

ATTEST:

  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

 **9.20.16**  
RICHARD JOEL STERN  
City Attorney