

ORDINANCE NO. 1439

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A PLANNED DEVELOPMENT MAJOR AMENDMENT, CASE PZ-10-16, FOR A 5.38-ACRE, OLD WEST COMMERCIAL BY PLANNED DEVELOPMENT ("B-2/PD")-ZONED PROPERTY, ORIGINALLY APPROVED BY ORDINANCE NO. 842 AND LOCATED AT 1477 W. APACHE TRAIL, BY AMENDING THE PLAN OF DEVELOPMENT FROM A PAD FOR RETAIL AND COMMERCIAL SHOPS TO A PAD FOR AN OUTDOOR STORAGE AND SALES YARD FOR A NEW SHOPPER'S SUPPLY BUSINESS; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on September 1, 1992, the mayor and city council of the City of Apache Junction ("city"), passed Ordinance No. 842, which rezoned a +/-10-acre site at the southeast corner area of W. Apache Trail and S. Ironwood Drive from General Rural ("GR") and General Business Zone ("CB-2") to General Commercial District by Planned Development ("C-3/PD") for the purpose of allowing a developer to consolidate properties and develop a retail shopping center, to include multiple store/shop spaces and a Mega Foods anchor store, subject to a conceptual site plan and conditions; and

WHEREAS, in accordance with Ordinance No. 842, only the original anchor store and one other parcel for an auto parts store were developed and not all of the parcels were ever consolidated into the planned development site, although surrounding on-site and off-site improvements were constructed; 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 most of the planned development property from "C-3/PD" to Old West Commercial by Planned Development ("B-2/PD"), but otherwise leaving Ordinance No. 842 in full force and effect; and

WHEREAS, pursuant to case PZ-10-16, a new property owner has acquired the former Mega Foods (later Food City) parcel (parcel number 101-16-019A) and the vacant parcel directly east of the old Mega Foods parcel (parcel number 101-16-019B) which was intended for retail shops; and said developer proposes to relocate a Shopper's Supply business in the old Mega Foods

building along with an outdoor storage and sales yard on part of said retail shops pad; and

WHEREAS, on October 25, 2016, the Apache Junction Planning and Zoning Commission voted 6-0 to recommend approval of planned development major amendment case PZ-10-16, 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 a planned development major amendment, amending the conditions of Ordinance No. 842, by adopting new conditions specifically for parcels 101-16-019A and 101-16-019B, in order to accommodate the new Shopper's Supply business and their appurtenant outdoor storage and sales yard, for the properties legally described as:

Pinal County, Arizona, Assessor parcels 101-16-019A and 101-16-019B, located in the northwest quarter of the northwest quarter 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 (a complete metes and bounds legal description is available at the Apache Junction Development Services Department, Planning Division);

be and hereby is approved, subject to the following conditions:

- 1) The permanent outdoor +/-80' wide by 148' long storage and sales yard for Shopper's Supply shall be developed in compliance with the site and elevation plans submitted with case PZ-10-16, to include an 8-foot-high decorative wrought iron fence with wrought iron roll gates on the north and south sides of the yard, an asphalt or concrete-surfaced yard and a new permanent shade canopy on the east side of the new Shopper's Supply Store.
- 2) The proposed exterior building improvements and the permanent outdoor sales yard improvements shall be constructed within six months of PD plan approval or by April 25, 2017. All improvements shall comply sub-

stantially with the elevation and site plan drawings submitted with case PZ-10-16.

- 3) All construction and improvements related to the interior and/or exterior remodeling of the building and/or the sales yard shall be properly permitted and inspected as appropriate, including the possible installation of outdoor propane dispensing tanks, the shade structure and dark sky compliant lighting per Zoning Ordinance Article 1-10 Outdoor Lighting Regulations.
- 4) The property owners/applicants shall also achieve the combination of parcels 101-16-019A and 019B through Pinal County's lot combination process prior to April 26, 2017.
- 5) Future uses on the B-2/PD-zoned property shall include those uses normally allowed under the B-2 base zone, except for the following uses: pawn shop; tattoo and/or piercing establishment; RV or boat storage or other types of outdoor storage businesses; taxi or shuttle business; rescue mission, soup kitchen or homeless shelter; second-hand stores; used auto sales; auto or motorcycle repair shops; marijuana uses; or other uses determined by the Zoning Administrator to be incompatible with a retail/commercial/office strip center development.
- 6) Building signs and proposed new monument signs shall comply with the city's Zoning Ordinance Article 1-11 Sign Regulations and shall complement the architecture of the building, including style, color and materials, and shall be subject to Planning Staff review and approval.
- 7) Other businesses proposing to locate on the east end of the shopper's Supply property 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 design concepts and landscape improvements. Any future building shall incorporate similar or compatible architectural styling as the other buildings in the development and the city's Commercial Design Guidelines. Requested deviations from the provisions of this

ordinance or B-2 zone standards shall require a separate Planned Development amendment process.

- 8) The property owners shall draft and/or update any shared retention, drainage, parking, cross access and common area maintenance agreements (including on-site and perimeter landscape maintenance), to be agreed upon and executed between the property owners of the Ironwood Crossings development.

## SECTION II. REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code 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 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 15<sup>TH</sup> DAY OF NOVEMBER, 2016.

SIGNED AND ATTESTED TO THIS 23<sup>RD</sup> DAY OF NOVEMBER, 2016.

John S. Insalaco  
JOHN S. INSALACO  
Mayor

ATTEST:

Kathleen Connelly  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

11-22-16  
RICHARD JOEL STERN  
City Attorney