

ORDINANCE NO. 1458

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 PROPERTIES DESCRIBED IN REZONING CASE PZ-5-17, A REZONING REQUEST BY SUPERSTITION MOUNTAINS COMMUNITY FACILITIES DISTRICT NO. 1 ("SMCFD"), REPRESENTED BY DARRON ANGLIN, FROM INDUSTRIAL ("B-5") AND GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") TO PUBLIC AND INSTITUTIONAL BY PLANNED DEVELOPMENT ("PI/PD") REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, Superstition Mountains Community Facilities District No. 1 ("SMCFD") was formed by the City of Apache Junction in July 1992, pursuant to Title 48, Chapter 4, Article 6 of the Arizona Revised Statutes, as a separate governmental entity, for the purpose of constructing sewer infrastructure and providing sewer service to residents; and

WHEREAS, the initial parcel of land (under Pinal County Assessor Parcel Number ("PCAPN") 104-07-005) was developed in 1995 with the initial SMCFD facility in January 1996 and was zoned Heavy Industrial ("CI-2"); and

WHEREAS, PCAPN 104-07-008 was acquired by SMCFD in January 2013 and was zoned General Rural ("GR"); and

WHEREAS, PCAPN 104-07-007 was acquired by SMCFD in March 2017 and was zoned General Rural ("GR"); and

WHEREAS, on May 6, 2014, pursuant to Ordinance No. 1402, the City adopted a new zoning ordinance and zoning district maps and the subject sites were given new zoning designations of B-5 for PCAPN 104-07-005 and General RS-GR for PCAPNs 104-07-007 and 104-07-008; and

WHEREAS, SMCFD desires legal zoning on all of its properties to prepare for future community growth and expansion; and

WHEREAS, on January 9, 2018, the planning and zoning commission, after an advertised public hearing, voted to recommend approval of rezoning case PZ-5-17 by a vote of 7 to 0; and

WHEREAS, the city council hereby determines that the proposed rezoning conforms to all of the general criteria as specified in the Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-3, Non-Residential Use Regulations, and Section 1-5-4. Non-Residential Bulk Regulations, and Section 1-4-3: Zoning Districts, Planned Development ("PD") District (except as otherwise conditioned herein).

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 parcels of land legally described as:

That part of the North half of Section 8, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona; Commencing at the Northwest corner of said Section 8; Thence S00°16'17"E along the West line of said North half, a distance of 27.53 feet to the Southerly line of the central Arizona aqueduct; Thence S65°28'32"E along said Southerly line distance of 932.02 feet to the East line of the West 847 feet of said North half and the true point of beginning; Thence continuing S65°28'31"E along said Southerly line a distance of 2000 feet; thence S00°16'17"E a distance of 760 feet; thence S73°42'40" a distance of 1888.95 feet; Thence N00°16'17"W along said East line

of the West 847 feet a distance of 2120 feet to the point of beginning (also known as Pinal County Assessor parcel number 104-07-005); and

A portion of the Section 8, Township 1 South, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona; Commencing at the Northwest corner of said Section 8, being a 3" Brass CAP Monument found in 2005 from the West one-quarter corner bears S00°16'17"E a distance of 2640.55 feet, being a GLO Monument found in 2005; Thence S00°16'17"E along said West line of said Section 8, a distance of 27.53 feet; Thence S65°29'13"E a distance of 2932.66 feet to the point of beginning; Thence S65°29'13"E a distance of 679.77 feet; Thence S46°14'48"E a distance of 451.86 feet; Thence N90°00'00"W a distance of 942.38 feet; Thence N00°14'31"W a distance of 594.53 feet to the true point of beginning (also known as Pinal County Assessor parcel number 104-07-007); and

A portion of the Northwest quarter of Section 8, Township 1 North, Range 8 East, Gila and Salt River Meridian, Pinal County, Arizona: commencing at a found 3-1/4" Pinal County brass cap flush accepted as the Northwest corner of said Section 8 from which a found 3-1/4" Pinal County brass cap flush accepted as the West quarter corner thereof bears thence S00°16'32"E, a distance of 2640.66 feet thence S00°16'32"E, a distance of 27.46 feet along the West line of the Northwest quarter of said Section 8 to the Southerly line of the CAP canal; thence leaving said West line S65°28'32"E, a distance of 580.92 feet along said Southerly line to the point of beginning; thence continue along said Southerly line S65°28'32"E, a distance of 352.49 feet; thence leaving said Southerly line S00°16'17"E, a distance of 2119.99 feet; thence N73°42'40"E, a distance of 1888.95 feet; thence S00°16'17"E, a distance of 574.80 feet; thence S89°46'08"W, a distance of 2135.61 feet; thence N00°16'17"W, a distance of 2319.91 feet to the point of beginning (also known as Pinal County Assessor parcel number 104-07-008);

be and hereby are amended from Industrial ("B-5") and General Rural Low Density Single-Family Detached Residential ("RS-GR") to Public and Institutional by Planned Development ("PI/PD") subject to the following conditions of approval:

- 1) The property owners shall proceed through the city and county lot combination processes within 6 months of zoning approval.
- 2) Any expansion into flood zone areas must be approved by the city's flood plain administrator/city engineer.
- 3) Any development of future structures is subject to applicable building permits and staff review for zoning compliance.
- 4) Subsequent to the acquisition of the entry parcel from Pinal County, at the entrance drive to the SMCDF property (intersection of S. Ironwood Drive and W. Guadalupe Avenue), on each side of the entry, SMCDF shall install six (6) 36" box trees, 24 5-gallon shrubs ½"-minus decompose granite groundcover and entry monummentation no taller than six feet high. The entry drive landscaping and monument improvements shall be contained within SMCDF's easement drive area, be designed by a landscape architect, use xeriscape plant materials, include irrigation and shall subject to city's development services department's review, input and approval, which approval may not be unreasonably withheld by city. SMCDF shall complete this landscaping no later than one year from the date of the entry parcel acquisition. All continuing expenses, water and maintenance costs associated therewith shall be paid by SMCDF.
- 5) SMCDF will create a natural barrier between the site and future neighborhoods, such barrier to be in the form of trees or natural landscaping to be agreed upon between the city and SMCDF.

- 6) Property owner/applicant shall maintain the property in accordance with state, federal and local regulations.

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 _____ DAY OF _____, 2018.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2018.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney