

ORDINANCE NO. 1459

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 IN CASE PZ-6-17 FROM GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") AND INDUSTRIAL ("B-5") TO INDUSTRIAL BY PLANNED DEVELOPMENT ("B-5/PD") FOR THE PURPOSE OF DEVELOPING THE PROPERTY WITH A 90,000-SQUARE-FOOT INDOOR MANUFACTURING FACILITY; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the currently undeveloped subject property, located just north of the northwest corner area of S. Tomahawk Road and E. Baseline Avenue, consists of four (4) separate parcels, totaling approximately 8-acres; and

WHEREAS, the property owners and a new developer now wish to develop the property with a +/-90,000-square-foot indoor manufacturing facility, with room for possible future building expansion; and

WHEREAS, rezoning to a planned development district is required in order to accommodate the conceptual development plans, which include certain deviations from standard requirements including metal elevations and reduced parking; and

WHEREAS, on January 23, 2018, the Apache Junction Planning and Zoning Commission voted 6-0 to recommend approval of planned development rezoning case PZ-6-17, subject to the submitted conceptual planned development plans and the conditions of approval prescribed herein; and

WHEREAS, the city council hereby determines that the proposed planned development rezoning request conforms 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 1-5-3, Non-Residential Use Regulations and Article 1-4: Zoning Districts, Section 1-4-3, Planned Development ("PD") Overlay District (except as otherwise conditioned herein), including

integration with the surrounding neighborhood, adequate traffic accommodation, adequate public facilities, extension of infrastructure, and that the design and uses should result in enhancements to the social, built and natural environments in the City.

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

SECTION I IN GENERAL

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land legally described as:

The West half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 33, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, AZ, Except for the South 100 feet thereof (parcel #102-20-016A);

be and hereby is amended from General Rural Low Density Single-family Detached Residential ("RS-GR") to Industrial by Planned Development ("B-5/PD"); and

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcels of land legally described as:

The East half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 33, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, AZ, Except for the South 385 feet and the East 50 feet thereof (parcel #102-20-017C); and

The East half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 33, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, AZ, Except for the North 275 feet, the East 190 feet and the South 100 feet thereof (parcel #102-20-017D); and

The East half of the Southeast quarter of the Southeast quarter of the Southeast quarter of Section 33, Township 1

North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, AZ, Except for the North 275 feet, the West 140 feet, the East 50 feet and the South 100 feet thereof (parcel #102-20-017F);

be and hereby are amended from Industrial ("B-5") to Industrial by Planned Development ("B-5/PD") for the purpose of developing the combined properties described above with a +/-90,000-square-foot indoor manufacturing facility with room for future expansion, subject to the following conditions of approval:

- 1) The developers shall support and cooperate with the city, as needed, in its efforts to acquire S. Tomahawk Road for city right-of-way purposes.
- 2) If in the future, the developers/property owners should acquire the additional small parcels on the south side of the property, they shall dedicate to the city, 50' of right-of-way for E. Baseline Avenue as determined by the city engineer.
- 3) The manufacturing facility shall be designed in accordance with the conceptual drawings submitted with case PZ-6-17, including a stucco-style exterior treatment on the east and south sides of the building with adequate wrap-around extensions on the edges, with the building painted in varied desert tone colors, with covered parking against the building and other architectural treatments.
- 4) The final plan for the manufacturing facility shall reflect substantial compliance and consistency with the planned development concepts presented with case PZ-6-17, incorporated by reference herein and/or as otherwise reasonably modified to provide for best access, drainage and retention improvements, optimum neighborhood-compatibility layout, setbacks, public rights-of-ways, building massing, perimeter fencing and landscaping, and other improvements.
- 5) Approval of this rezoning is for a proposed indoor manufacturing facility. Future uses on the B-5/PD-zoned property shall include those uses normally allowed under the B-5 base zone, but shall not include the following

uses: manufactured/mobile home sales; semi-truck service or repair; RV or manufactured home parks; outdoor RV, boat or vehicle storage; commercial parking lots and garages; outdoor storage, assembly or repair businesses of any kind; rescue mission, soup kitchen or homeless shelter; medical marijuana uses; residential uses; other uses determined by the Zoning Administrator to be incompatible with the intent of the planned development zoning and/or neighborhood compatibility.

- 6) The indoor manufacturing facility shall be allowed a reduction in improved parking spaces. The final development plan for the facility shall include and identify an area on the property which may be used for future or overflow parking if needed. Said area may be required to be improved or at least treated for dust control, as determined by the Development Services Engineer.
- 7) Upon rezoning approval, the property owners shall proceed through the city's lot combination process to combine all of the rezoned properties into one tax parcel.
- 8) Street improvements along the property's S. Tomahawk Road frontage, such as extension of pavement and the provision of sidewalk, curb, gutter, streetlights, fire hydrants, landscaping, driveways, drainage improvements, the undergrounding of utility lines and other improvements as determined by the city engineer, shall be required as part of this planned development rezoning and be subject to final approval by the city engineer.
- 9) Landscape and screening improvements along the north, east, south and west 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, but shall also include a decorative 6 to 8-foot-tall masonry wall on the south side of the property, with an irrigated 10-foot-wide landscape strip planted outside the wall. All landscape and screening improvements shall be

perpetually owned, maintained and kept up in compliance with the city's codes by the property owners.

- 10) The developers of the property shall be responsible for properly applying for and obtaining all necessary permits for any off-site and on-site improvements or construction. All improvements shall be designed in compliance with city codes and standards in effect at the time. The developer shall also pay all applicable fees, including permit, plan review and development fees.
- 11) The B-5 Industrial base zoning district standards shall apply to all permanent buildings constructed on the site.
- 12) One 12-foot-high multi-tenant monument sign shall be allowed along the Tomahawk Road frontage. Said sign shall complement the architecture and color scheme of the building and shall be subject to Planning Staff review and approval.
- 13) Any request for deviation from the city's development standards or for uses determined by the Zoning Administrator to not be conducive to the site or to neighborhood compatibility shall require a separate planned development amendment, rezoning, landscape code appeal or conditional use permit process first, as may be appropriate.
- 14) The applicant will have five (5) years, from date of approval by the city council, to develop/expand the west side of the building. At the conclusion of the 5 year time period, if the applicant has not completed any expansion, the applicant will then proceed to complete the exterior siding that is in compliance with city codes or schedule a follow-up meeting with the planning and zoning commission to review any plans for growth/expansion.

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 6TH DAY OF FEBRUARY, 2018.

SIGNED AND ATTESTED TO THIS 6TH DAY OF FEBRUARY 2018.



JEFF SERDY
Mayor

ATTEST:



KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

 1.31.18

RICHARD JOEL STERN
City Attorney