

ORDINANCE NO. 1463

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-2-18 FROM GENERAL COMMERCIAL DISTRICT BY PLANNED DEVELOPMENT ("B-1/PD") TO LIGHT INDUSTRIAL/BUSINESS PARK BY PLANNED DEVELOPMENT ("B-5/PD") FOR 50 ACRES OF A 78-ACRE PROPERTY AND AMENDING THE DEVELOPMENT PLAN FOR THE REMAINING 28 ACRES; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the approximately 78-acre undeveloped property is located at the southeast corner of US60 and S. Idaho Road and is being rezoned concurrently with general plan amendment case GPA-1-18; and

WHEREAS, said property was previously rezoned under case PZ-2-07, Ordinance No. 1313, which proposed a planned development retail and commercial power center with major and minor tenant spaces and commercial pad opportunities, but was ultimately not developed because of an economic downturn; and

WHEREAS, new property owners, Amerco Real Estate Company, working together with city economic development and development services staff now wish to rezone a majority of the property for light industrial development opportunities, more in line with current economic trends and market demands; and

WHEREAS, on August 28, 2018, and September 11, 2018, the City of Apache Junction Planning and Zoning Commission held public hearings on the rezoning and general plan amendment cases; and on September 11, 2018, voted to recommend (approval/denial) of planned development rezoning case PZ-2-18 by a vote of \_\_\_\_ to \_\_\_\_, and subject to 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 Southwest quarter of Section 33, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; EXCEPT for any portion of said property lying northerly and westerly of the south right-of-way line of US60; and EXCEPT for the West 648.83 feet of the South 1871.91 feet thereof (a complete metes and bounds legal description of the property is available at the City of Apache Junction Development Services Department, Planning Division office);

be and hereby is amended from General Commercial District by Planned Development ("B-1/PD") to Light Industrial/Business Park by Planned Development ("B-5/PD"); and that the development plan for the remaining portion of the 78-acre property be amended for a smaller retail and commercial shopping center in basic compliance with the conceptual development plan submitted with case PZ-2-18; subject to the following conditions of approval:

- 1) The design of all buildings and landscape features shall be in compliance with all applicable City of Apache Junction codes and development guides including, but not limited to:
  - a. Zoning Ordinance, Article 1-4, Section 1-4-3: Planned Development (PD) Overlay District;
  - b. Zoning Ordinance, Article 1-5, Sections 1-5-3 & 1-5-4: Non-residential Use Regulations & Nonresidential Bulk Regulations;

- c. Zoning Ordinance, Article 1-7, Parking, Loading and Circulation Regulations;
- d. Zoning Ordinance, Article 1-8, Landscape Regulations;
- e. Zoning Ordinance, Article 1-10, Outdoor Lighting Regulations;
- f. Zoning Ordinance, Article 1-11, Sign Regulations;
- g. Zoning Ordinance, Article 1-12, Flood Plain Management & Storm Water Regulations;
- h. Zoning Ordinance, Article 1-13, Design Guidelines;
- i. Zoning Ordinance, Article 1-14, Engineering Standards.

The above codes and development standards must be adhered to except as otherwise conditioned herein. The city's Design Guidelines for commercial buildings shall also apply to industrial buildings. No metal-sided buildings larger than 120-square feet shall be allowed, with exceptions for bay doors.

- 2) Applicants shall comply with the conceptual development plans as described in the project narrative and as shown on the drawings submitted with cases GPA-1-18 and PZ-2-18, except that the conceptual site plans for Retail Areas A and B, and Industrial Area 2 shall be more fully developed and/or proposed for subdivision at such time as development projects are proposed.
- 3) All future pads and shops in Retail Areas A and B shall be architecturally compatible within any anchor tenants.
- 4) Upon rezoning approval, property owners shall dedicate to the city all necessary rights-of-way and cutoff corners as determined by the city engineer, including: the west 75 feet of the gross property for S. Idaho Road; the south 50 feet of the gross property for E. Baseline Avenue; the east 30 feet of the gross property for S. Winchester Road; and at minimum, a 50 foot wide right-of-way for E. 34<sup>th</sup> Avenue from Idaho Road to Winchester Road.
- 5) Street improvements along the property's adjacent and interior roadways identified in #1 above, including but not limited to, the extension of pavement, the provision of sidewalk, curb, gutter, streetlights, fire hydrants, driveways, drainage improvements, the undergrounding of

utility lines, acceleration/deceleration lanes, and other improvements as determined by the city engineer, shall be constructed as part of this planned development rezoning and be subject to final approval by the city engineer.

- 6) Street improvements may be phased in as development occurs on the property and/or at the time that all or parts of the property are subdivided. However, all half-street improvements shall be constructed on Idaho Road from US60 to Baseline Avenue; and full width street improvements for E. 34<sup>th</sup> Avenue from Idaho Road to Winchester Road shall be constructed as part of first phase development, concurrent with the U-Haul facility. All street improvements and street frontage landscaping applicable to Industrial Area I shall be completed prior to building occupancy. Remaining street improvements and street frontage landscaping will be completed by future developers prior to building occupancy.
- 7) Retention basins shall be a maximum 4 to 1 slope when adjacent to public right-of-way or pedestrian walkways.
- 8) Building mounted, monument, and freeway signs shall be incorporated into and/or designed to complement architectural styles of the buildings and be consistent with the sign code. For anchor tenants (100,000 square feet or more) the maximum sign area for an exterior mounted sign shall not exceed 350 square feet. For minor tenants the maximum sign area for front elevation mounted signs shall not exceed 150 square feet; the maximum size of a sign for rear and side elevations shall not exceed 100 square feet each. All signs mounted on rear elevations facing U.S. highway 60 shall be mounted at the same height. Monument signs fronting on Idaho, Baseline, Winchester or any interior streets, shall consist of low-profile monument signs and only one double-sided monument sign, which may be a multi-tenant sign in the case of a shopping center or an industrial park, shall be allowed per driveway entrance. Industrial Areas 1 and 2 shall be allowed a double-sided, multi-tenant freeway sign, located on the north portions of the properties, east of Idaho Road, the final design of which shall be subject to planning staff review and approval.

- 9) Maximum building heights for main buildings shall not exceed forty feet (45') as measured from the finished floor to the peak of the roof for B-5/PD zoned areas. B-1/PD areas will adhere to the maximum height designated in Zoning Ordinance Article 1-5, Section 1-5-4: Non-Residential Bulk Regulations. Accessory buildings are limited to standard height requirements for accessory buildings.
- 10) All cart storage corrals located in the parking lots of Retail Areas A and B shall be buffered on each side with a 4-½ foot wide landscape planter.
- 11) Applicants/developers agree to contribute to the costs of any necessary traffic signals to be installed along Idaho Road and Baseline Avenue, to be negotiated with the city engineer.
- 12) 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. Developers shall also pay all applicable fees, including permit, plan review and development fees.
- 13) Developers shall identify on all site plans accommodations for motorcycle parking and bicycle racks.
- 14) The permitted uses in B-1/PD zoning district shall be those which are permitted by Zoning Ordinance, Article 1-5, Section 1-5-3: Non-residential Use Regulations, except that the following uses shall **not** be permitted herein:

Medical marijuana facilities;  
Homeless shelter;  
Tattoo and/or piercing services;  
Death care services;  
Cemeteries & crematories;  
Commercial parking lots & garages;  
Oil & gas extraction;  
Contractor's office, shop and/or storage (indoor and/or outdoor);

Bus transportation terminal;  
Religious & fraternal organizations;  
Payday loan or check-cashing business;  
Laundromat or dry cleaning business;  
General Automotive repair;  
Auto Body shop;  
Motorcycle repair;  
Vehicle renting & leasing;  
Schools;  
Psychiatric & substance abuse services;  
Nursing & residential care;  
Rooming & boarding houses;  
Group homes;  
Animal hospitals & kennels;  
Social advocacy, human rights, conservation, business &  
professional, labor, political organizations;  
Manufactured home & RV sales;  
Semi-truck service or repair;  
Massage services;  
Swap meet;  
Manufactured home or RV parks or campgrounds;  
RV, boat, or vehicle storage;  
Horse boarding or riding stables;  
Outdoor storage, assembly or repair businesses;  
General Warehouse or mini-storage;  
Taxi or shuttle businesses;  
Community food & relief services;  
Second-hand or used merchandise sales;  
Use vehicle sales;  
Any residential uses;  
Government offices & courts;  
Newspaper, periodical & book publishing;  
Cleaning, landscaping & extermination services;  
Crop production;  
Solar farm;  
Recycling & drop-off centers.

- 15) The permitted uses in B-5/PD zoning district shall be those which are permitted by Zoning Ordinance, Article 1-5, Section 1-5-3: Non-residential Use Regulations, except the following uses shall not be permitted herein:

Semi-truck stop;  
Medical marijuana facilities;

Cemeteries & crematories;  
Commercial parking lots & garages;  
Oil & gas extraction;  
Mining;  
Quarrying;  
Animal slaughtering;  
Petroleum & coal products manufacturing;  
Chemical manufacturing;  
Contractor's office, shop and/or storage (indoor and/or outdoor);  
Truck transportation terminal;  
Bus transportation terminal;  
Tow truck parking & storage;  
Beef, dairy, sheep, goat & hog production;  
Poultry & egg production;  
Waste tire collection and/or storage;  
Adult oriented uses;  
Manufactured home sales;  
Schools, except for trade & technical schools;  
Public recreation facilities;  
Public outdoor music festivals;  
Social advocacy, human rights, conversation, business & professional, labor, political organizations;  
Horse boarding or riding stables;  
Government offices & courts;  
Water & sewerage systems/facilities;  
Foundries;  
Air transportation terminal;  
RV, boat, or vehicle storage;  
Outdoor storage yard by itself;  
Outdoor storage of equipment or materials for more than 180 days incidental to established building and principal use;  
Recycling and drop-off centers;  
Crop production.

- 16) Future land divisions of the rezoned properties which result in 4 or more lots being created, shall require the owners to proceed through a subdivision process.
- 17) Any request for deviation from the city's development standards or for uses determined by the Zoning Administrator to not be conducive to creating a commercial,

retail, office opportunity as described herein shall require a separate planned development amendment, rezoning, landscape code appeal or conditional use permit process first, as may be appropriate.

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

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