



City of Apache Junction
Development Services Department



Date: April 3, 2019

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager
Larry Kirch, Development Services Director

From: Rudy Esquivias, Senior Planner/Zoning Admin.

Subject: April 16, 2019, City Council Public Hearing Item:
PZ-4-18 (Ord. No. 1471) Rezoning Request by Noel/
Beeson

Summary

Attached please see the staff report and exhibits presented to the planning and zoning commission at their public hearing on April 9, for proposed rezoning case PZ-4-18, a request by Jennifer Layton Noel and Kelly Layton Beeson, represented by Randy Carter of Sketch Architecture Company, to rezone a 7.5 acre property at the southeast corner of S. Vista Road and E. 12th Avenue from RS-GR (General Rural Low Density Single-family Detached Residences) to B-4/PD (Light Industrial/Business Park by Planned Development) for the purpose of developing a business park with 10 buildings, each 9600 square feet in size, with up to three suites each, most with yards, for various business tenants.

The commission's recommendation from their April 9 hearing, will be presented to the council verbally and the draft ordinance will be updated for the council meeting of April 16.

ORDINANCE NO. 1471

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-4-18 FROM GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENCES ("RS-GR") TO LIGHT INDUSTRIAL/BUSINESS PARK BY PLANNED DEVELOPMENT ("B-4/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the approximately 7.5-gross-acres undeveloped property is located at the southeast corner of S. Vista Road and E. 12th Avenue; and

WHEREAS, said property was previously occupied by a nonconforming auto-wrecking business, which has now been cleared and removed from the site; and

WHEREAS, the new property owners now wish to rezone and develop the site with a rental or condominium suites business park for multiple business tenants; and

WHEREAS, on April 9, 2019, the City of Apache Junction Planning and Zoning Commission held a public hearing and voted to recommend (approval/denial) of planned development rezoning case PZ-4-18 by a vote of ____ to ____, and subject to the conditions of approval prescribed herein; and

WHEREAS, the Apache Junction 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 North half of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 27; and the Southeast quarter of the Northeast quarter of the Southwest quarter of the Northwest quarter of Section 27, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; also known as Pinal County assessor parcel number 103-19-021A;

be and hereby is amended from General Rural Low Density Single-family Detached Residences ("RS-GR") to Light Industrial/Business Park by Planned Development ("B-4/PD") in basic compliance with the conceptual development plans submitted with case PZ-4-18; 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 1-14, Engineering Standards.

The above codes and development standards must be adhered to except as otherwise conditioned herein.

- 2) Applicants shall comply with the conceptual development plans (site plan and elevation plans) as described in the project narrative and as shown on the drawings submitted with case PZ-4-18 and date stamped March 20, 2019.
- 3) 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 33 feet of the gross property for S. Vista Road; the north 33 feet of the gross property for E. 12th Avenue; and the east 33 feet of the gross property for S. Wickiup Road. Said rights-of-way and other improvements shall be constructed as detailed in the city engineer's comments dated March 25, 2019, contained in case file PZ-4-18.
- 4) 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.
- 5) All street frontage landscaping shall be completed prior to building occupancy.
- 6) Retention basins shall be a maximum 4 to 1 slope when adjacent to public right-of-way or pedestrian walkways.
- 7) Building mounted and monument signs shall be architecturally compatible with the building architecture, shall be properly permitted and be consistent with the city's sign code.
- 8) Maximum building heights for main buildings 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.

- 9) A decorative masonry screen wall ("pony wall") shall be constructed along 12th Avenue to screen the row of parking spaces which face the street. Properly permitted, decorative, 8-foot-tall masonry screen walls shall be provided on the east sides of the yards behind buildings 6, 7, 8 and 9.
- 10) No yards shall have materials stacked or stored higher than the height of the walls. No yards or buildings shall be supplemented with visible concertina or razor wire.
- 11) 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, including sewer and water hookup. 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.
- 12) Developers shall identify on all site plans accommodations for motorcycle parking and bicycle racks.
- 13) The permitted uses in B-4/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;
Cemeteries & crematories;
Commercial parking lots & garages;
Oil & gas extraction;
Bus transportation terminal;
Payday loan or check-cashing business;
Schools, except for technical, vocational or trade schools;
Psychiatric & substance abuse services;
Nursing & residential care;
Rooming & boarding houses;
Group homes;
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 yard by itself, not as part of an on-site business;
Community food & relief services;
Use vehicle sales;
Any residential uses;
Government offices & courts;
Crop production;
Solar farm;
Recycling & drop-off centers.
Semi-truck stop;
Mining;
Quarrying;
Animal slaughtering;
Petroleum & coal products manufacturing;
Chemical manufacturing;
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;
Public outdoor music festivals;
Water & sewerage systems/facilities;
Foundries;
Air transportation terminal.

- 14) Any future land divisions and/or subdivision of the rezoned property which results in 4 or more lots, or individual suites for sale being created, shall require the owners to proceed through a subdivision process.
- 15) 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, light industrial, 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.

- 16) Developers shall coordinate with the utility companies to relinquish easement rights within internal federal patented easement strips.

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 _____, 2019.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2019.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney