

ORDINANCE NO. 1480

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 PROPERTY DESCRIBED IN REZONING CASE PZ-4-19, A REQUEST BY COLE VALLEY PARTNERS-APACHE JUNCTION HOLDING. LLC, FROM OLD WEST COMMERCIAL/PLANNED DEVELOPMENT (B-2/PD) TO A NEW OLD WEST COMMERCIAL/PLANNED DEVELOPMENT (B-2/PD); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the submitted planned development ("PD") plan proposes a Dutch Bros. Coffee Shop and facilitates future commercial development, on approximately 4.14-gross acres on subject properties, which is located in an area designated Downtown Mixed-Use ("DMU") by the city's General Plan and the said PD plan complies with the DMU designation; and

WHEREAS, on July 23, 2019, the Apache Junction Planning and Zoning Commission voted 7-0 to recommend approval of rezoning case PZ-4-19, subject to the submitted conceptual PD plans and the conditions 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 1-5-1, 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, 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 parcels of land legally  
described as:

PARCEL 1:

THAT PORTION OF TRACT "A", APACHE HOMES, RECORDED IN BOOK 8 OF  
MAPS, PAGE 5, RECORDS OF PINAL COUNTY, ARIZONA, LYING WITHIN A  
PORTION OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 1  
NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND  
MERIDIAN, PINAL COUNTY, ARIZONA, BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE NAIL MARKING THE CENTER OF SAID SECTION  
20, FROM WHICH A 1/2 INCH REBAR IN POTHOLE MARKING THE NORTH  
QUARTER CORNER OF SAID SECTION 20 BEARS NORTH 00 DEGREES 01  
MINUTE 18 SECONDS EAST 2,639.28 FEET;  
THENCE NORTH 89 DEGREES 53 MINUTES 11 SECONDS WEST 329.88 FEET  
ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER TO THE SOUTHERLY  
EXTENSION OF THE EAST LINE OF SAID TRACT "A";  
THENCE NORTH 00 DEGREES 00 MINUTES 02 SECONDS EAST 142.91 FEET  
ALONG SAID SOUTHERLY EXTENSION TO THE SOUTHEAST CORNER OF SAID  
TRACT "A";  
THENCE SOUTH 89 DEGREES 59 MINUTES 00 SECONDS WEST 302.85 FEET  
ALONG THE SOUTH LINE SAID TRACT "A" TO THE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 89 DEGREES 59 MINUTES 00 SECONDS WEST  
162.37 FEET ALONG SAID SOUTH LINE TO A 1/2 INCH REBAR WITH  
YELLOW PLASTIC CAP STAMPED 15337 MARKING THE SOUTHWEST CORNER OF  
SAID TRACT "A";  
THENCE NORTH 00 DEGREES 00 MINUTES 47 SECONDS EAST 274.79 FEET  
ALONG THE WEST LINE OF SAID TRACT "A";  
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 162.30 FEET;  
THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 274.74 FEET  
TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF TRACT "A", APACHE HOMES, RECORDED IN BOOK 8 OF MAPS, PAGE 5, RECORDS OF PINAL COUNTY, ARIZONA, LYING WITHIN A PORTION OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE NAIL MARKING THE CENTER OF SAID SECTION 20, FROM WHICH A 1/2 INCH REBAR IN POTHOLE MARKING THE NORTH QUARTER CORNER OF SAID SECTION 20 BEARS NORTH 00 DEGREES 01 MINUTE 18 SECONDS EAST 2,639.28 FEET;  
THENCE NORTH 89 DEGREES 53 MINUTES 11 SECONDS WEST 329.88 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT "A";  
THENCE NORTH 00 DEGREES 00 MINUTES 02 SECONDS EAST 142.91 FEET ALONG SAID SOUTHERLY EXTENSION TO THE SOUTHEAST CORNER OF SAID TRACT "A";  
THENCE SOUTH 89 DEGREES 59 MINUTES 00 SECONDS WEST 130.00 FEET ALONG THE SOUTH LINE SAID TRACT "A" TO A NAIL IN WASHER STAMPED 42137 AND THE POINT OF BEGINNING;  
THENCE CONTINUING SOUTH 89 DEGREES 59 MINUTES 00 SECONDS WEST 172.85 FEET ALONG SAID SOUTH LINE;  
THENCE NORTH 00 DEGREES 00 MINUTES 00 SECONDS WEST 274.74 FEET;  
THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS EAST 172.85 FEET TO THE WEST LINE OF THE EAST 130.00 FEET OF SAID TRACT "A";  
THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS WEST 274.69 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING.

PARCEL 3:

THAT PORTION OF TRACT "A", APACHE HOMES, RECORDED IN BOOK 8 OF MAPS, PAGE 5, RECORDS OF PINAL COUNTY, ARIZONA, LYING WITHIN A PORTION OF THE NORTHWEST QUARTER OF SECTION 20, TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A CONCRETE NAIL MARKING THE CENTER OF SAID SECTION 20, FROM WHICH A 1/2 INCH REBAR IN POTHOLE MARKING THE NORTH QUARTER CORNER OF SAID SECTION 20 BEARS NORTH 00 DEGREES 01 MINUTE 18 SECONDS EAST 2,639.28 FEET;  
THENCE NORTH 89 DEGREES 53 MINUTES 11 SECONDS WEST 329.88 FEET ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER TO THE SOUTHERLY EXTENSION OF THE EAST LINE OF SAID TRACT "A";  
THENCE NORTH 00 DEGREES 00 MINUTES 02 SECONDS EAST 442.91 FEET ALONG SAID EAST LINE TO THE NORTH LINE OF THE SOUTH 300.00 FEET OF SAID TRACT "A" AND THE POINT OF BEGINNING;  
THENCE SOUTH 89 DEGREES 59 MINUTES 00 SECONDS WEST 130.00 FEET ALONG SAID NORTH LINE TO A NAIL IN WASHER STAMPED 21773 ON THE WEST LINE OF THE EAST 130.00 FEET OF SAID TRACT "A";  
THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS WEST 25.31 FEET ALONG SAID WEST LINE;  
THENCE SOUTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 335.15 FEET TO THE WEST LINE OF SAID TRACT "A";  
THENCE NORTH 00 DEGREES 00 MINUTES 47 SECONDS EAST 207.56 FEET ALONG SAID WEST LINE TO A NAIL IN WASHER STAMPED 42137 MARKING THE NORTHWEST CORNER OF SAID TRACT "A";  
THENCE NORTH 89 DEGREES 58 MINUTES 43 SECONDS EAST 465.11 FEET ALONG THE NORTH LINE OF SAID TRACT "A" TO THE NORTHEAST CORNERS OF SAID TRACT "A";  
THENCE SOUTH 00 DEGREES 00 MINUTES 02 SECONDS WEST 182.39 FEET ALONG THE EAST LINE OF SAID TRACT "A" TO THE POINT OF BEGINNING.

be and hereby is amended from Old West Commercial/Planned Development (B-2/PD) to a new Old West Commercial/Planned Development (B-2/PD) subject to the following conditions of approval:

- 1) The project shall be developed in accordance with the plans attached and associated to this case and all the provisions of the Zoning Ordinance applicable to this case.
- 2) All buildings on the 4.14 acre site will be demolished and removed with the first phase of construction (Dutch Bros. Coffee).

- 3) Offsite half-street improvements include but are not necessarily limited to dedication of adjacent rights-of-way, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants and landscaping and shall be required as part of this planned development project, and subject to review and approval by the City Engineer.
- 4) Landscape, screening and irrigation improvements, 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. All required trees shall be 24" box and all required shrubs shall be 5-gallon in size.
- 5) All applicable permits shall be applied for and plans shall be designed to current City codes prior to any lot grading or construction on the lots. Inclusively, all applicable development fees shall be paid at the time of permit issuance.
- 6) The developer/applicant shall provide a cross-access agreement for the surrounding parcels.
- 7) The developer shall be responsible for the repair and maintenance of the shared drive-aisles adjacent to their site.
- 8) All mechanical equipment shall be screened and not be seen from any street on any of the four sides.
- 9) Future development shall be generally consistent in architecture, materials and colors with the Dutch Bros. Coffee development.

10) The uses allowed to locate shall be limited to the use normally allowed in the B-2 zoning district, except that the following uses shall not be permitted therein:

- a. Car, boat, recreational vehicle, motorcycle (etc.)dealerships or repair;
- b. Pawn shops;
- c. Storage and warehouse facilities;
- d. Check cashing establishments;
- e. Rescue missions, soup kitchens or homeless shelters;
- f. Outdoor display of merchandise;
- g. Taxicab stand, shuttle service or terminals;
- h. Mortuaries or crematories;
- i. Lodge, fraternal or civic assemblies;
- j. Auto/vehicle parts or accessory sales of any kind;
- k. RV Parks and/or campgrounds;
- l. Beer, wine and liquor sales;
- m. Used merchandise or second hand stores;
- n. Medical Marijuana Facilities;
- o. Swap meets and farmers markets;
- p. Blood banks;
- q. Tattoo services;
- r. And other uses similar to those listed above determined by the Zoning Administrator to be incompatible with the use of the overall property and which determination may be appealed to the Board of Adjustment by any aggrieved individual.

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, sub-section, 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