

ORDINANCE NO. 1481

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 THE PLANNED DEVELOPMENT REZONING AMENDMENT CASE PZ-3-19, A REQUEST BY ANDY JOCHUMS, REPRESENTED BY BEUS GILBERT PLLC, AMENDING 2.66 ACRES ZONED GENERAL COMMERCIAL/PLANNED DEVELOPMENT (B-1/PD); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the submitted planned development ("PD") plan proposes a carwash user on the southern half of the 2.66 acres, which is located in an area designated Community Commercial by the city's general plan (northwest corner of Baseline Avenue and Ironwood Drive) and the said PD plan complies with the Community Commercial designation; and

WHEREAS, on August 27, 2019, the Apache Junction Planning and Zoning Commission voted 7-0 to recommend approval of rezoning case PZ-3-19, subject to the submitted conceptual PD plans and the conditions prescribed herein; and

WHEREAS, the city council hereby determines that the proposed planned development amendment 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.

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 THE SOUTHEAST QUARTER OF SECTION 31, TOWNSHIP 1 NORTH, RANGE 8 EAST OF THE GILA AND SALT RIVER BASE AND MERIDIAN, PINAL COUNTY, ARIZONA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST QUARTER CORNER OF SAID SECTION 31, FROM WHICH THE EAST QUARTER CORNER BEARS NORTH 00°16'51" WEST, A DISTANCE OF 2640.63 FEET; THENCE NORTH 00°16'51" WEST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER, A DISTANCE OF 291.06 FEET; THENCE SOUTH 89°43'09" WEST, A DISTANCE OF 85.00 FEET TO THE WEST RIGHT OF WAY LINE OF IRONWOOD DRIVE AND THE POINT OF BEGINNING; THENCE DEPARTING SAID RIGHT OF WAY, SOUTH 89°45'30" WEST, A DISTANCE OF 342.78 FEET; THENCE NORTH 00°16'28" WEST, A DISTANCE OF 338.30 FEET; THENCE NORTH 89°45'30" EAST, A DISTANCE OF 342.75 FEET, TO THE SAID WEST LINE; THENCE SOUTH 00°16'51" EAST ALONG SAID WEST LINE A DISTANCE OF 338.30 FEET TO THE POINT OF BEGINNING.

Be and hereby is amended 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) The property owners shall dedicate and improve any necessary rights-of-way on Ironwood Drive and conduct any off and onsite improvements, as required by the city engineer, in accordance with the city's Engineering Guidelines for the property.

- 3) 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.
- 4) 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.
- 5) All mechanical equipment shall be screened and not be seen from any street on any of the four sides.
- 6) The future monument sign shall complement the architecture of the buildings, including style, color and materials, and shall be subject to planning staff review and approval.
- 7) A separate commercial subdivision process shall be required should the developer desire to create units for individual sale after rezoning. It is the responsibility of the developer to develop the property with the appropriate infrastructure facilities for a possible future subdivision, or else improvements may need to be retrofitted later for a subdivision project, at the developer's expense.

- 8) The uses allowed to locate shall be limited to the use normally allowed in the B-1 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;

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