

ORDINANCE NO. 1473

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-5-18, A REQUEST BY MCMILLAN MANUFACTURED HOME DEVELOPMENT CO. LLC AND LENNAR HOMES, REPRESENTED BY RALPH PEW OF PEW AND LAKE, FROM GENERAL COMMERCIAL (B-1) TO MEDIUM/HIGH DENSITY SINGLE-FAMILY DETACHED CONVENTIONAL RESIDENCES BY PLANNED DEVELOPMENT (RS-5/PD); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the submitted planned development ("PD") plan and preliminary plat proposes a future +/-179-lot single-family homes subdivision, tentatively called Goldview, on approximately 38-gross acres subject property, which is located in an area designated Medium Density Residential ("MDR") by the city's General Plan and said PD plan complies with the MDR designation; and

WHEREAS, on April 23, 2019, the Apache Junction Planning and Zoning Commission voted 7-0 to recommend approval of rezoning case PZ-5-18, 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 the parcel of land legally described as:

A parcel of land in the Northeast half of the Northeast quarter of Section 34, Township 1 North, Range 8 East, lying southwest of the Right-of-way line of US HWY 60-80-89 exactly 50' thereof Section 34, Township 1 North, Range 8 East. The property is also known as Pinal County Assessor Parcel #103-23-002A;

be and hereby is amended from General Commercial (B-1) to Medium/High Density Single-family Detached Conventional Residences by Planned Development (RS-5/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) The proposed development will not be age restricted.
- 3) In lieu of the required offsite half-street improvements for Southern Avenue fronting the project, the developer shall design and install road improvements from the intersection of Starr Road and Southern Avenue north within the Starr Road right-of-way to Old West Highway. The City of Apache Junction shall acquire the Right-of-way necessary for such improvements. Street improvements include but not necessarily limited to, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, landscaping 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, planted within a minimum 15-foot deep strip inside the net property line (but outside of required walls) along the 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. All required trees shall be 24" box and all required shrubs shall be 5-gallon in size and a decorative 6-foot-tall fence shall be constructed.

- 5) 25% of the internal open space shall be usable open space and recreational amenities shall be provided in compliance with the city's Parks and Recreation standards for HOA maintained areas and as illustrated in the planned development plan.
- 6) As the time of final plat and improvement plans submittal, the developer shall also present at least 5 home models with three elevation options each, 1 and 2-story homes, ranging from 1,952 to 2,580 square feet in size. All models shall include architectural treatments on all four sides of the homes so as to preclude flat or blank facades, including pop-outs and roofline and color variations to add visual interest. All homes shall have ground-mounted air conditioning/HVAC units. All homes shall provide two-car enclosed garages and front yard xeriscape landscape packages. The developer shall also provide a lot fit analysis showing which models will fit on which lots, including awnings, porches, patios, etc., within the setback requirements.
- 7) 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 permits issuance on a per-unit basis.
- 8) The preliminary and final plats shall reflect substantial compliance and consistency with the Planned Development concepts presented with case PZ-5-18, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include general layout, lot sizes, setbacks (10' front to home/18' front to garage, 10' rear, 5' sides),

public and private rights-of-ways, easements and tracts, amenities, perimeter and interior lot separation walls, model types, landscaping and other improvements.

- 9) All common areas, amenity areas, and tracts within and immediately adjacent to the proposed development, including perimeter walls and fences, and interior and exterior common area landscaping, shall be owned and maintained in good condition at all times by the owners or homeowners association of the proposed subdivision.

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