

ORDINANCE NO. 1501

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 CASE PZ-1-20, A REQUEST BY APACHE JUNCTION 772, LLC, REPRESENTED BY GREG LOPER, FROM BUSINESS PARK ("B-1") TO HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL BY PLANNED DEVELOPMENT ("RM-1/PD") AND APPROVING A MINOR GENERAL PLAN AMENDMENT CHANGING THE LAND USE DESIGNATION FROM LIGHT INDUSTRIAL/BUSINESS PARK AND INDUSTRIAL TO HIGH DENSITY RESIDENTIAL; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the submitted planned development ("PD") plan proposes a future 107-lot residential subdivision, located on the south-side of Old West Highway, east of Royal Palm Road and west of Tomahawk Road, tentatively called "Old West Highway Village," on an approximately 7.93-acre subject property ("the Property"); and

WHEREAS, the Property is designated "Light Industrial/Business Park and Industrial" by the city's general plan and the requested rezoning and planned development do not comply with the Light Industrial or Business Park designation and require a minor general plan amendment; and

WHEREAS, on January 12, 2021, the Apache Junction planning and zoning commission voted 4-3 to recommend denial of rezoning case PZ-1-20; and

WHEREAS, the city council hereby determines that the proposed PD 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.

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 property legally described as:

All that part of the East half of the Northwest quarter of the Northeast quarter AND all that part of the Northeast quarter of the Northeast quarter of Section 28, Township 1 North, Range 8 East of the Gila River Base and Meridian, Pinal County Arizona, lying South of the U.S. Highway 60, 70, 80 and 89;

Also known as parcels 102-03-3030, and 102-02-0050, located in the Northeast quarter Section 28, Township 1 North, Range 8 East, of the Gila and Salt River Base and Meridian, Apache Junction, Pinal County, Arizona;

be and hereby is amended from Business Park ("B-4") to High Density Multiple-Family Residential by Planned Development ("RM-1/PD"); and the general plan land use designation of the same properties be and hereby is amended from Light Industrial/Business Park and Industrial to High Density Residential subject to the following conditions of approval:

- 1) The property shall be developed in accordance with the plans and elevations attached and associated to this case and all the provisions of the zoning ordinance applicable to this case.
- 2) The preliminary and final plats shall reflect substantial compliance and consistency with the PD concepts presented with case PZ-1-20, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include general layout, lot sizes, setbacks, public and private rights-of-ways, easements and tracts, amenities, perimeter lot separation walls, model types, landscaping and other improvements.
- 3) The proposed development shall not be age restricted.

- 4) Parcels 102-03-3030 and 102-02-0050 shall be combined into one parcel, either through the platting process or a lot combination, prior to final plat.
- 5) Street improvements include but are not necessarily limited to, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, and landscaping shall be required as part of this PD project, and are subject to review and approval by the city engineer or his designee. Pedestrian connections to Old West Highway must be included as conceptually designed in the application documents.
- 6) Landscaping, screening and irrigation improvements shall be planted within a minimum 10-foot deep strip inside the net property line along the Old West Highway side of the property, and 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. A 6-foot-tall fence shall be constructed on the west and south boundaries of the property, with landscaping.
- 7) Mailboxes must be architecturally integrated within the site and compliment the building elevations.
- 8) Light poles shall not exceed 15-feet in height and all applicable city lighting ordinance standards shall be maintained.
- 9) Twenty-five percent (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 homeowners' association maintained areas.
- 10) Substantial amenities such as a community pool, tot lots, trails, ramadas, and like features must be included in the development and will be reviewed during the platting process.

- 11) As the time of final plat and improvement plans submittal, the developer shall also present colored elevations for the proposed development. Elevations shall incorporate at least three (3) material types and four-sided architecture.
- 12) Architecturally distinct doors and recessed windows will be required to provide high quality elevations.
- 13) All of the units on the west and south edges of the property (shown on the site plan as units 1-4, 35-38, 55-58, 74-77, and 85-107) shall be limited to the two-story version of the proposed building elevations.
- 14) 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.
- 15) 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.
- 16) The developer's engineer shall meet the civil engineering improvement plans and document requirements, as outlined in the previously provided pre-application and review comments and in accordance with the city's approved engineering standards that are in effect at the time of plan submittal.
- 17) Signing/stripping plans for Old West Highway will be required at the time of final plat submittal and should show existing signs, new locations of relocated existing signs or new signs, existing striping or modifications to the same, and new striping.
- 18) Fire safety measures are required for all townhomes and sprinkler systems or fire walls must be implemented to meet fire code standards set forth in adopted city codes. Dead-end streets may require additional fire hydrants.

19) Any major deviation or proposed changes from the original plans associated with this project will require a major PD amendment.

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 \_\_\_\_\_, 2021.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
WALTER "CHIP" WILSON  
Mayor

ATTEST:

\_\_\_\_\_  
JENNIFER PENA  
City Clerk

APPROVED AS TO FORM:

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RICHARD JOEL STERN  
City Attorney