

ORDINANCE NO. 1513

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 A NEW MASTER PLANNED COMMUNITY KNOWN AS THE "AUCTION PROPERTY AT SUPERSTITION VISTAS" TO BE LOCATED ON THE PROPERTY DESCRIBED IN REZONING CASE P-21-50-MPC, A REQUEST BY D.R. HORTON, REPRESENTED BY PATRICK BROWN, FROM GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") TO MASTER PLANNED COMMUNITY ("MPC"); ADOPTING BY REFERENCE THAT CERTAIN DOCUMENT FILED WITH THE CITY CLERK ENTITLED "AUCTION PROPERTY AT SUPERSTITION VISTAS, MASTER PLANNED COMMUNITY PLAN, AUGUST 30TH 2021"; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR PENALTIES.

WHEREAS, the submitted Master Planned Community ("MPC") plan proposes the development of two (2) development units to facilitate the construction of a maximum of 10,940 new residential units and a maximum of 443,400 square feet of non-residential development generally bounded by Elliot Avenue on the north to Ray Avenue on the south and from Meridian Drive on the west to the Idaho Road alignment on the east, totaling approximately 2,783 acres, in an area designated MPC by the city's general plan and said MPC plan complies with the MPC designation; and

WHEREAS, on September 14, 2021, the Apache Junction planning and zoning commission voted 6-0 to recommend approval of rezoning case P-21-50-MPC, subject to the submitted MPC plans and the conditions prescribed herein; and

WHEREAS, the city council hereby determines that the proposed MPC plan conforms to all of the general criteria as specified in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, and Article 1-4: Zoning Districts, 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

WHEREAS, pursuant to A.R.S. § 9-462.01 (J), the city council, before adopting any zoning ordinance or text amendment of general applicability, shall consider the probable impact the proposed zoning ordinance or text amendment would have on the cost to construct housing for sale or rent; and

WHEREAS, the city council has determined the adoption of this ordinance or text amendment will have no negative impact on the cost to construct housing for sale or rent as delineated under A.R.S. § 9-462.01(J).

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I IN GENERAL

1. That certain document entitled "Auction Property at Superstition Vistas, Master Planned Community Plan, August 30th, 2021", at least three paper copies are filed with the city clerk, or one paper copy and one electronic copy which are accessible on the city's website (www.apachejunctionaz.gov) and filed with the city clerk of the City of Apache Junction, which document was made a public record by Resolution No. 21-47, is hereby referred to, adopted and made a part hereof as if fully set out in this ordinance, pursuant to A.R.S. § 9-802.
2. The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcels of land legally described as:

Sections 17, 19 and 20, and a portion of Sections 18 and 30, Township 1 South, Range 8 East, of the Gila and Salt River Meridian, Pinal County, Arizona, more particularly described as follows:

BEGINNING at the southeast corner of Section 24, Township 1 South, Range 7 East, of the Gila and Salt River Meridian, a ½-inch rebar with no identification, from which the east quarter

corner of said Section 24, a 2 1/2-inch General Land Office (GLO) brass cap in handhole, bears North 00°38'07" West (basis of bearing), a distance of 2635.59 feet;
THENCE along the east line of said Section 24, North 00°38'07" West, a distance of 2635.59 feet, to said east quarter corner;
THENCE North 00°37'44" West, a distance of 2633.61 feet, to the southeast corner of Section 13, Township 1 South, Range 7 East, of the Gila and Salt River Meridian;
THENCE leaving said east line, along the east line of said Section 13, North 00°39'46" West, a distance of 2637.45 feet, to the east quarter corner of said Section 13;
THENCE North 00°37'58" West, a distance of 2637.66 feet, to the southeast corner of Section 12, Township 1 South, Range 7 East, of the Gila and Salt River Meridian;
THENCE leaving said east line, along the east line of said Section 12, North 00°39'09" West, a distance of 75.01 feet;
THENCE leaving said east line, South 89°37'08" East, a distance of 1403.26 feet, to a point of intersection with a non-tangent curve;
THENCE southerly along said non-tangent curve to the left, having a radius of 1057.78 feet, concave easterly, whose radius bears South 87°35'14" East, through a central angle of 04°03'48", a distance of 75.02 feet, to a point of intersection with a non-tangent curve;
THENCE easterly along said non-tangent curve to the left, having a radius of 10000.00 feet, concave northerly, whose radius bears North 00°22'43" East, through a central angle of 12°09'59", a distance of 2123.45 feet, to the beginning of a reverse curve;
THENCE easterly along said reverse curve to the right, having a radius of 10000.00 feet, concave southerly, through a central angle of 11°33'02", a distance of 2015.95 feet, to the north line of said Section 18 and the curves end;
THENCE along said north line, North 89°45'45" East, a distance of 703.03 feet, to the northwest corner of said Section 17;
THENCE leaving said north line, along the north line of said Section 17, North 89°45'04" East, a distance of 2642.33 feet, to the north quarter corner of said Section 17;
THENCE North 89°47'06" East, a distance of 2643.88 feet, to the northeast corner of said Section 17;
THENCE leaving said north line, along the east line of said Section 17, South 00°17'17" East, a distance of 2641.26 feet, to the east quarter corner of said Section 17;
THENCE South 00°17'39" East, a distance of 2641.38 feet, to the northeast corner of said Section 20;

THENCE leaving said east line, along the east line of said Section 20, South 00°16'25" East, a distance of 2640.88 feet, to the east quarter corner of said Section 20;
THENCE South 00°15'30" East, a distance of 2641.53 feet, to the southeast corner of said Section 20;
THENCE leaving said east line, along the south line of said Section 20, South 89°46'59" West, a distance of 2643.36 feet, to the south quarter corner of said Section 20;
THENCE South 89°48'18" West, a distance of 2643.78 feet, to the southeast corner of said Section 19;
THENCE leaving said south line, along the south line of said Section 19, South 89°44'56" West, a distance of 702.14 feet, to the beginning of a curve;
THENCE leaving said south line, westerly along said curve to the left, having a radius of 10000.00 feet, concave southerly, through a central angle of 11°16'39", a distance of 1968.29 feet, to the beginning of a reverse curve;
THENCE westerly along said reverse curve to the right, having a radius of 10000.00 feet, concave northerly, through a central angle of 11°56'03", a distance of 2082.89 feet, to the curves end;
THENCE North 89°35'40" West, a distance of 1421.78 feet, to the POINT OF BEGINNING.

Containing 121,230,851 square feet or 2,783.0774 acres, more or less.

Subject to existing right-of-ways and easements.

be and hereby is amended from General Rural Low Density Single-Family Detached Residential ("RS-GR") to Master Planned Community ("MPC") subject to the following conditions of approval:

1. The Auction Property shall be developed in accordance with the MPC, Development Unit Plan, Infrastructure Master Plans and the corresponding Development Agreement.
2. Street improvements include but are not necessarily limited to, the construction of new streets and street networks, extension of pavement and the provision of sidewalks, curb, gutter, traffic signals, streetlights, underground utilities, fire hydrants, landscaping and shall be required

as part of this project, and subject to review and approval by the city engineer.

3. All applicable permits shall be applied for and plans shall be designed to current city codes. Inclusively, all applicable development fees shall be paid at the time of permits issuance.
4. 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 applicable homeowners associations.
5. The developer's engineer shall meet the civil engineering improvement plans and document requirements, as outlined in the MPC plan and in accordance with the city's approved engineering standards that are in effect at the time of plan submittal.

SECTION II REPEALING ANY CONFLICTING PROVISIONS:

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference 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.

SECTION IV PROVIDING FOR PENALTIES:

Unless noted otherwise, any violation of any provisions adopted herein, shall be punishable as criminal or civil violations consistent with Apache Junction City Code, Volume II, Chapter 1: Zoning Ordinance, Article 1-1. Introductory Provisions, Section 1-1-7 General Penalty.

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:

RICHARD JOEL STERN
City Attorney