

ORDINANCE NO. 1514

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 "RETAINED PROPERTY AT SUPERSTITION VISTAS" TO BE LOCATED ON THE PROPERTY DESCRIBED IN REZONING CASE P-21-51-MPC, A REQUEST BY THE ARIZONA STATE LAND DEPARTMENT, 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 "RETAINED 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 six (6) development units to facilitate the construction of a maximum of 16,430 new residential units and a maximum of 9,556,600 square feet of non-residential development generally bounded by Baseline Avenue to the Frye Road alignment and from Meridian Drive to the Central Arizona Project Canal totaling approximately 5,307 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-21-51-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 "Retained 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. 21-48, 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:

All of Sections 7, 28 and 29 and a portion of Sections 6, 8, 9, 16, 18, 21, 22, 27, 30, 31, 32, 33 and 34, Township 1 South, Range 8 East, of the Gila and Salt River Meridian, Pinal County, Arizona, more particularly described as follows:

BEGINNING at the northwest corner of said Section 6, a City of Apache Junction (CAP) aluminum cap flush, from which the west quarter corner of said Section 6, a 2 1/2-inch General Land Office (GLO) brass cap in handhole, bears South 00°38'16" East (basis of bearing), a distance of 2254.82 feet;
THENCE along the south line of Section 36, Township 1 North, Range 7 East, of the Gila and Salt River Meridian, South 89°46'09" East, a distance of 1045.52 feet, to the southwest

corner of Section 31, Township 1 North, Range 8 East, of the Gila and Salt River Meridian;

THENCE leaving said south line, along the south line of said Section 31, North 89°44'21" East, a distance of 2115.12 feet, to the westerly right-of-way line of the Central Arizona Project Canal, according to Record of Survey recorded in Fee No. 2010-061925 Pinal County Records (PCR);

THENCE leaving said south line, along said westerly right-of-way line, South 39°50'42" East, a distance of 2921.54 feet, to the east-west mid-section line of said Section 6;

THENCE leaving said westerly right-of-way line, along said mid-section line, South 89°48'14" West, a distance of 57.38 feet, to the northeast corner of the northwest quarter of the southeast quarter of said Section 6 and a point hereby designated as Point "A" for future reference in this description;

THENCE continuing South 89°48'14" West, a distance of 4950.03 feet, to the west quarter corner of said Section 6 and the east line of Section 1, Township 1 South, Range 7 East, of the Gila and Salt River Meridian;

THENCE leaving said mid-section line, along said east line, North 00°38'16" West, a distance of 2254.97 feet, to the POINT OF BEGINNING.

TOGETHER WITH:

COMMENCING at said Point "A";

THENCE along the east line of said northwest quarter of the southeast quarter, South 00°16'02" East, a distance of 9.34 feet, to said westerly right-of-way line and the POINT OF BEGINNING;

THENCE leaving said east line, along said westerly right-of-way line, South 39°49'39" East, a distance of 1011.54 feet;

THENCE South 39°49'37" East, a distance of 1061.71 feet, to the east line of said Section 6;

THENCE leaving said westerly right-of-way line, along said east line, South 00°15'20" East, a distance of 1036.61 feet, to the northeast corner of said Section 7;

THENCE leaving said east line, along the east line of said Section 7, South 00°16'28" East, a distance of 27.53 feet, to said westerly right-of-way line;

THENCE leaving said east line, along said westerly right-of-way line, South 65°29'23" East, a distance of 580.89 feet, to the northwest corner of that certain parcel of land recorded in Fee No. 2018-083654, PCR;

THENCE leaving said westerly right-of-way line, along the west line of said certain parcel of land, South 00°16'14" East, a

distance of 2319.90 feet, to the southwest corner of said certain parcel of land;
THENCE leaving said west line, along the south line of said certain parcel of land, North 89°46'12"
East, a distance of 2135.61 feet, to the southeast corner of said certain parcel of land;
THENCE leaving said south line, along the east line of said certain parcel of land, North 00°16'00" West, a distance of 740.95 feet;
THENCE leaving said east line, South 89°59'55" East, a distance of 942.40 feet, to said westerly right-of-way line;
THENCE along said westerly right-of-way line, South 46°10'37" East, a distance of 45.58 feet;
THENCE South 27°00'54" East, a distance of 2934.29 feet;
THENCE South 26°58'27" East, a distance of 377.46 feet;
THENCE South 34°18'04" East, a distance of 286.60 feet, to the east line of said Section 8;
THENCE leaving said east line, continuing South 34°18'04" East, a distance of 243.56 feet, to the south line of said Section 9;
THENCE leaving said south line, continuing South 34°18'04" East, a distance of 1162.72 feet;
THENCE South 31°46'47" East, a distance of 483.50 feet;
THENCE South 29°16'41" East, a distance of 2796.96 feet;
THENCE South 27°26'50" East, a distance of 546.31 feet, to the north-south mid-section line of said Section 16;
THENCE leaving said mid-section line, continuing South 27°26'50" East, a distance of 539.81 feet;
THENCE South 27°18'00" East, a distance of 556.20 feet;
THENCE South 27°15'55" East, a distance of 3619.06 feet;
THENCE South 20°48'28" East, a distance of 597.78 feet;
THENCE South 14°24'38" East, a distance of 919.93 feet;
THENCE South 14°23'11" East, a distance of 264.84 feet, to the east line of said Section 21;
THENCE leaving said east line, continuing South 14°24'22" East, a distance of 362.17 feet, to the south line of said Section 22;
THENCE leaving said south line, continuing South 14°24'08" East, a distance of 3133.90 feet;
THENCE South 11°47'35" East, a distance of 531.16 feet;
THENCE South 08°49'20" East, a distance of 861.62 feet;
THENCE South 08°53'59" East, a distance of 881.26 feet, to the south line of said Section 27;
THENCE leaving said south line, continuing South 08°55'40" East, a distance of 1058.68 feet;
THENCE South 08°51'12" East, a distance of 383.27 feet;
THENCE South 23°13'58" East, a distance of 384.55 feet;

THENCE South 23°10'08" East, a distance of 936.25 feet, to the east-west mid-section line of said Section 34;
THENCE along said mid-section line, South 89°48'20" West, a distance of 1955.24 feet, to the east quarter corner of said Section 33;
THENCE leaving said mid-section line, along the east-west mid-section line of said Section 33, South 89°44'49" West, a distance of 5282.94 feet, to the east quarter corner of said Section 32;
THENCE leaving said mid-section line, along the east-west mid-section line of said Section 32, South 89°48'56" West, a distance of 5284.62 feet, to the east quarter corner of said Section 31;
THENCE leaving said mid-section line, along the east-west mid-section line of said Section 31, South 89°47'00" West, a distance of 5283.44 feet, to the east line of Superstition View Ranchettes, recorded in Book 9, page 41, PCR;
THENCE leaving said mid-section line, along said east line, North 00°12'47" West, a distance of 2638.28 feet, to the northeast corner of said Superstition View Ranchettes;
THENCE leaving said east line, along the north line of said Superstition View Ranchettes, South 89°45'36" West, a distance of 838.80 feet, to the east line of Section 25, Township 1 South, Range 7 East, of the Gila and Salt River Meridian;
THENCE leaving said north line, along said east line, North 00°37'47" West, a distance of 2276.54 feet, to the east quarter corner of said Section 25;
THENCE North 00°37'36" West, a distance of 2634.62 feet, to the northeast corner of said Section 25;
THENCE leaving said east line, South 89°35'40" East, a distance of 1421.78 feet, to the beginning of a curve;
THENCE easterly along said curve to the left, 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 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°16'39", a distance of 1968.29 feet, to the north line of said Section 30 and the curves end;
THENCE along said north line, North 89°44'56" East, a distance of 702.14 feet, to the northwest corner of said Section 29;
THENCE leaving said north line, along the north line of said Section 29, North 89°48'18" East, a distance of 2643.78 feet, to the north quarter corner of said Section 29;
THENCE North 89°46'59" East, a distance of 2643.36 feet, to the southwest corner of said Section 21;

THENCE leaving said north line, along the west line of said Section 21, North 00°15'30" West, a distance of 2641.53 feet, to the west quarter corner of said Section 21;

THENCE North 00°16'25" West, a distance of 2640.88 feet, to the southwest corner of said Section 16;

THENCE leaving said west line, along the west line of said Section 16, North 00°17'39" West, a distance of 2641.38 feet, to the west quarter corner of said Section 16;

THENCE North 00°17'17" West, a distance of 2641.26 feet, to the southeast corner of said Section 8;

THENCE leaving said west line, along the south line of said Section 8, South 89°47'06" West, a distance of 2643.88 feet, to the south quarter corner of said Section 8;

THENCE South 89°45'04" West, a distance of 2642.33 feet, to the southeast corner of said Section 7;

THENCE leaving said south line, along the south line of said Section 7, South 89°45'45" West, a distance of 703.03 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°33'02", a distance of 2015.95 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 12°09'59", a distance of 2123.45 feet, to a point of intersection with a non-tangent curve;

THENCE northerly along said non-tangent curve to the right, having a radius of 1057.78 feet, concave easterly, whose radius bears North 88°20'58" East, through a central angle of 04°03'48", a distance of 75.02 feet, to a point of intersection with a non-tangent line;

THENCE North 89°37'08" West, a distance of 1403.26 feet, to the east line of Section 12, Township 1 South, Range 7 East, of the Gila and Salt River Meridian;

THENCE along said east line, North 00°39'09" West, a distance of 2562.61 feet, to the east quarter corner of said Section 12;

THENCE North 00°39'54" West, a distance of 2638.07 feet, to the southeast corner of said Section 1, Township 1 South, Range 7 East of the Gila and Salt River Meridian;

THENCE along the east line of said Section 1, North 00°37'57" West, a distance of 398.31 feet, to the southwest corner of said Section 6;

THENCE leaving said east line, along the south line of said Section 6, North 89°47'38" East, a distance of 3612.04 feet, to the south quarter corner of said Section 6;

THENCE leaving said south line, along the north-south mid-section line of said Section 6, North 00°15'48" West, a distance of 1321.54 feet, to the northeast corner of GLO Lot 14, in said Section 6;

THENCE leaving said mid-section line, along the south line of the northwest quarter of the southeast quarter said Section 6, North 89°47'30" East, a distance of 1320.75 feet, to the southeast corner of said northwest quarter of the southeast quarter;

THENCE leaving said south line, along the east line of said northwest quarter of the southeast quarter, North 00°16'01" West, a distance of 1311.99 feet, to the POINT OF BEGINNING.

Containing 231,179,791 square feet or 5,307.1577 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 Retained 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