

ORDINANCE NO. 1517

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 PROPOSED NEW RENTAL COMMUNITY TO BE NAMED "THE RESIDENCES AT APACHE TRAIL" LOCATED ON THE PROPERTY DESCRIBED IN REZONING CASE P-21-68-PZ, A REQUEST BY SONOMA COMMUNITIES, REPRESENTED BY ADAM BAUGH OF WITHEY MORRIS, PLC, FROM GENERAL COMMERCIAL ("B-1") AND HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL ("RM-2") TO HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL BY PLANNED DEVELOPMENT ("RM-2/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the submitted planned development ("PD") plan proposes an approximate 201 lot residential rental community to be named "The Residences at Apache Trail," located at the southwest corner of E. Broadway Avenue and S. Tomahawk Road on an approximately 22 acre subject property; and

WHEREAS, on September 28, 2021, the Apache Junction planning and zoning commission voted 7-0 to recommend approval of rezoning case P-21-68-PZ, subject to the submitted conceptual PD plans and the conditions prescribed therein; and

WHEREAS, the city council hereby determines that the proposed PD rezoning request conforms to the Apache Junction General Plan, and 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

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

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcels of land legally described as:

That portion of the Northeast quarter of Section 28, Township 1 North, Range 8 East, Gila & Salt River Base and Meridian, Pinal County, Arizona, described as follows: Beginning at the Northeast corner of said Section 28; Thence South 89°48'23" West, along the North line of said Northeast quarter a distance of 420.00 feet; Thence departing said North line, South 12°15'34" West, a distance of 563.31 feet; Thence North 89°56'56" East, a distance of 540.10 feet, to the East line of said Northeast quarter; Thence North 00°03'04" West, along said East line, a distance of 551.40 feet to the Point of Beginning. Containing 264,418.65 square feet or 6.07 acres, more or less (also known as parcel 102-02-001B); and

That portion of the Northeast quarter of Section 28, Township 1 North, Range 8 East, Gila & Salt River Base and Meridian, Pinal County, Arizona, described as follows: Commencing at the Northeast corner of said Section 28; Thence South 89°48'23" West, along the North line of said Northeast Quarter, a distance of 420.00 feet to the Point of Beginning; Thence continuing along said North line, South 89°48'23" West, a distance of 1564.77 feet; Thence departing said North line, South 54°57'08" East, a distance of 1,531.36 feet; Thence North 35°02'52" East, a distance of 299.84 feet; Thence North 12°15'34" East, a distance of 654.13 feet to the Point of Beginning; Containing

729,321.97 square feet or 16.74 acres, more or less (also known as parcel 102-02-002B);

be and hereby is amended from General Commercial ("B-1") and High Density Multiple-Family Residential ("RM-2") to High Density Multiple-Family Residential by Planned Development ("RM-2/PD") subject to the following conditions of approval:

- 1) All the provisions of the Zoning Ordinance are applicable to this case.
- 2) The development shall reflect substantial compliance and consistency with the Planned Development presented with case P-21-68-PZ, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include general layout, elevations, lot sizes, setbacks, reduced rear setback of 10', public and private rights-of-way, easements and tracts, amenities (including proposed pool and clubhouse), perimeter and interior lot separation walls, model types, landscaping and other improvements.
- 3) All elevations shall include a uniform application of materials on all buildings. Different color palettes shall be used to differentiate and vary building elevations. Allocation of materials shall be consistent throughout the site.
- 4) Landscaping, screening and irrigation improvements, located within a minimum 10-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) Street improvements include, but are not necessarily limited to, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, landscaping and shall be required as part of this planned development project and subject to review and approval by the city engineer.

- 6) The developer shall meet the Traffic Impact Analysis, CLOMAR/LOMAR, drainage, and FEMA floodplain requirements, as outlined by the city engineer in the previously provided pre-application and review comments.
- 7) The proposed development will not be age-restricted.
- 8) 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, including but not limited to public art fees, shall be paid at the time of permit issuance. Development fees shall be paid on a per unit basis.
- 9) All common and 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.
- 10) 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.
- 11) A land division of the northern portion of the eastern parcel (102-02-001B), and subsequent lot combination of the newly created parcel and existing RM-2 zoned parcel (102-02-002B), shall be required.
- 12) Minor PD modifications or alterations of the approved architecture designs, floor plans, open space, unit mix, clubhouse location or development plan, shall be administratively reviewed and approved by the development services director or designee ("the director").
- 13) Major deviations or proposed changes from the original plans associated with this case will require a major PD amendment. The director shall interpret the proposed modification to be significant/major if, in the director's opinion, the modified project density (i.e., units per acre) is proposed to be increased by more than 10%, the

quality of project design is diminished, the types of proposed land uses are significantly altered and/or the overall character of the project is contrary to the intent and spirit of the original city council PD ordinance approval.

- 14) The developer will meet with the city to dedicate pieces of the land for trail use.

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 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:

RICHARD JOEL STERN
City Attorney