

ORDINANCE NO. 1518

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 HAVENLY SUPERSTITION" LOCATED ON THE PROPERTY DESCRIBED IN REZONING CASE P-21-73-PZ, A REQUEST BY KEYSTONE HOMES, REPRESENTED BY BRENNAN RAY OF BURCH & CRACCHIOLO, FROM GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") 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 by Keystone Homes (the "Developer") proposes an approximate 166 unit residential rental community to be named "The Havenly Superstition," located at the southwest corner of East Superstition Boulevard and North Royal Palm Road on an approximately 14.77 acres; and

WHEREAS, on September 28, 2021, the Apache Junction planning and zoning commission (the "commission") considered the case and continued it to November 23, 2021 to give time to the Developer to conduct a traffic impact analysis; and

WHEREAS, on November 23, 2021, the commission voted 4-3 to recommend approval of rezoning case P-21-73-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 2020 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:

The West half of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, except the portion conveyed in certain warranty deed recorded as 2017-004234, of official records; and

The North half of the Southeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona; and

The East half of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 21, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona

be and hereby is amended from General Rural Low Density Single-Family Detached Residential ("RS-GR") to High Density Multiple-Family Residential by Planned Development ("RM-2/PD") subject to the following conditions of approval:

STANDARD CONDITIONS

- 1) The development shall reflect substantial compliance and consistency with the city's Zoning Ordinance and the Planned Development presented with the site plan dated 10/28/21 in case P-21-73-PZ, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include general layout, elevations, lot sizes, setbacks deviations, public and private rights-of-ways, pedestrian trails, amenities, perimeter and interior lot separation walls, model types, landscaping and other improvements.
- 2) Landscape, screening and irrigation improvements, planted within a minimum 10-foot deep strip inside the net property line (but outside of required walls) along the west, north, and east 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 as part of said screening. Landscaping around the exterior perimeter, horse trail area, shall be horse-plant friendly.
- 3) The developer's engineer shall meet the civil engineering improvement plans and document requirements, as outlined in the previously provided pre-application review comments dated 5/13/21 (P-21-39-PDR) and in accordance with the city's approved engineering standards that are in effect at the time of plan submittal.
- 4) Street improvements shall include, but are not necessarily limited to, extension of pavement, sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, landscaping, all of which are subject to review and approval by the city engineer.

- 5) The following right-of-way dedications shall be made:
 1. Along the north side of the property, the south 50 feet of East Superstition Boulevard shall be dedicated as public right-of-way.
 2. A 20 foot by 20 foot triangular corner cut-off visibility triangles at the intersections of Superstition/Colt and Superstition/Royal Palm.
 3. The west 25 feet of the property for North Colt Road.
 4. The east 40 feet of the property for North Royal Palm Road.
- 6) The proposed development will not be age-restricted.
- 7) All common and amenity areas within and immediately adjacent to the proposed development, including perimeter walls and fences, and interior and exterior common area landscaping, shall be maintained in good condition at all times by the property owner and its successors and assigns.
- 8) Any major deviation or proposed changes from the original plans associated with this case will require a major PD amendment.

PROJECT-SPECIFIC CONDITIONS

- 9) A 10 foot paseo or trail path connecting this development and the greater neighborhood to the emerging downtown developments planned to the west of this property shall be provided within the open space along the southern property line.
- 10) The minimum front setback and the minimum rear setback for main structures shall be reduced from 20 feet to 10 feet.
- 11) Upon approval of the rezoning, the three parcels, 101-19-002B, 101-19-0010, and 101-19-0080, shall be combined through the city's lot combination process.
- 12) Prior to execution of any lease, prospective tenants shall provide given written disclosure in their lease and in a separately signed disclosure statement for the signature of each buyer, acknowledging that the development is located adjacent to or nearby existing

ranchette(s); that such uses are legal and should be expected to continue indefinitely; and animal privilege properties that may cause adverse noise, odors, and other externalities. This responsibility for notice rests with the developer and shall not be construed as an absolute guarantee by the City of Apache Junction for receiving such notice.

- 13) All leases at the development shall provide that all questions, concerns, complaint any tenant may have about the existing ranchette, animal privilege, and agricultural properties shall be solely directed to the property manager or owner of the development and not to the City of Apache Junction or any neighbors. All leases shall also provide that it shall be within the sole and absolute discretion of the property manager or owner of the development (and not the tenant) to determine (after the manger/owner's due consideration of all related acknowledgements and disclosures that are required by the Zoning Conditions of Approval and consideration of all information known to the manager/owner) whether or not, when, and how to communicate any tenants' questions, concerns, or complaints.
- 14) All multi-use trails shall be maintained in a clean and orderly manner.

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.

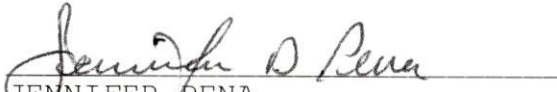
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 7 DAY OF December, 2021.

SIGNED AND ATTESTED TO THIS 7 DAY OF December, 2021.



WALTER "CHIP" WILSON
Mayor

ATTEST:



JENNIFER PENA
City Clerk

APPROVED AS TO FORM:



11.24.21
RICHARD JOEL STERN
City Attorney