



City of Apache Junction
Development Services Department



**PLANNING AND ZONING COMMISSION
PUBLIC HEARING STAFF REPORT**

DATE: February 27, 2024

TO: Planning and Zoning Commission

THROUGH: Rudy Esquivias, Development Services Director
Sidney Urias, Planning Manager

FROM: Nicholas Leftwich, Planner

CASE NUMBER: P-23-119-PZ

OWNER: Longmire Family Trust
PO Box 759
Willcox, AZ 85644

APPLICANT: Frances McGregor, Phoenix Metro Towing
Represented by Alex Hayes of Withey Morris
Baugh, PLC

REQUEST: Proposed planned development rezoning of approximately 5 gross acres currently zoned General Rural Low Density Single-Family Detached Residential ("RS-GR") and Industrial by Planned Development ("B-5/PD") to Industrial by Planned Development ("B-5/PD") with a new planned development overlay to authorize the development a towing company office and tow yard.

LOCATION: The subject site is located near the northwest corner of Baseline Avenue & Tomahawk Road
(APN 102-20-014C & 102-20-014D)

**GENERAL PLAN/
ZONING DESIGNATION:** Commercial / General Rural Low Density Single-Family Detached Residential "RS-GR"

and Industrial by Planned Development "B-5/PD"

SURROUNDING USES:

North: Quail Run Manufactured Home Park, zoned "MHP";

South: Vacant State Land, zoned "RS-GR";

East: Vacant Parcels, zoned Industrial by Planned Development "B-5/PD";

West: Cooper's Sewer & Drain Inc., zoned Industrial "B-5" and a Pinal County island Industrial Park zoned CI-1 (County Industrial zoning).

BACKGROUND

Parcels 102-20-014C & 102-20-014D are located approximately six-hundred-ten feet (610') from the northwest corner of Baseline Avenue & Tomahawk Road and are vacant, undeveloped properties.

Originally both parcels were one combined parcel, but in 1989 the City annexed, rezoned, and acquired the south one hundred (100') of properties along Baseline between Tomahawk and Royal Palm in order to establish the right-of-way for Baseline Avenue. It was later determined that only the south fifty feet (50') of this area was required, and the remaining north fifty feet (50') was vacated and returned to private ownership, resulting in the creation of Parcel 102-20-014D. Although Parcel 102-20-014D has an existing Planned Development (PD) Rezoning, there is no established development plan and this proposed zoning action would replace the current PD with a new Ordinance.

PROPOSALS

P-23-119-PZ is a proposed planned development rezoning of approximately 5 gross acres currently zoned General Rural Low Density Single-Family Detached Residential ("RS-GR") and Industrial by Planned Development ("B-5/PD") to Industrial by Planned Development ("B-5/PD") with a new planned development overlay to authorize the development a towing company office and tow yard.

The applicant proposes two buildings, a 11,800 square foot office building and a 6,400 square foot building to be used for

fleet maintenance of the company vehicles. The rear half of the property would be an impound tow yard, proposed to be screened by a ten foot (10') wall.

PLANNED DEVELOPMENT REQUEST

The applicant requests the use of a planned development to authorize the use of the office, vehicle maintenance building, and outside storage yard. In the B-5 zoning district, truck maintenance & servicing and outside storage requires the approval through either a Conditional Use Permit or through stated approval in a Planned Development (PD) ordinance, and as the property required a rezoning already the approval of this development plan is also requested through a PD at this time.

The applicant has also requested the approval of the use of a ten foot (10') perimeter wall, proposed would be located on the side and rear property lines. The city fence and wall regulations generally limit walls at the front of the property to eight feet (8') in height and require that a wall over eight feet (8') would be placed at least ten feet (10') into the side and rear property lines. Staff supports this request as a matter of providing superior screening to the property than the basic standard generally enables.

No deviation to the zoning land use or bulk regulations is requested in this proposal.

PLANNING STAFF ANALYSIS

Relationship to General Plan:

The subject site is designated by the city's General Plan as "Commercial", while bordered by the "Light Industrial/ Business Park and Industrial" land use designation on the east and west, the "High Density Residential" Land Use Designation to the north and the "Master Planned Community" to the south.

The "Commercial" General Plan land use designation is generally designed for office, restaurant, retail, service industry type land uses, but although the proposed office would fit within this land use designation the tow yard is a more industrial-type use, which is further enforced in the zoning district requirements. Due to this, in order to facilitate this development request a Minor General Plan Amendment to modify the land use designation of the subject property from "Commercial",

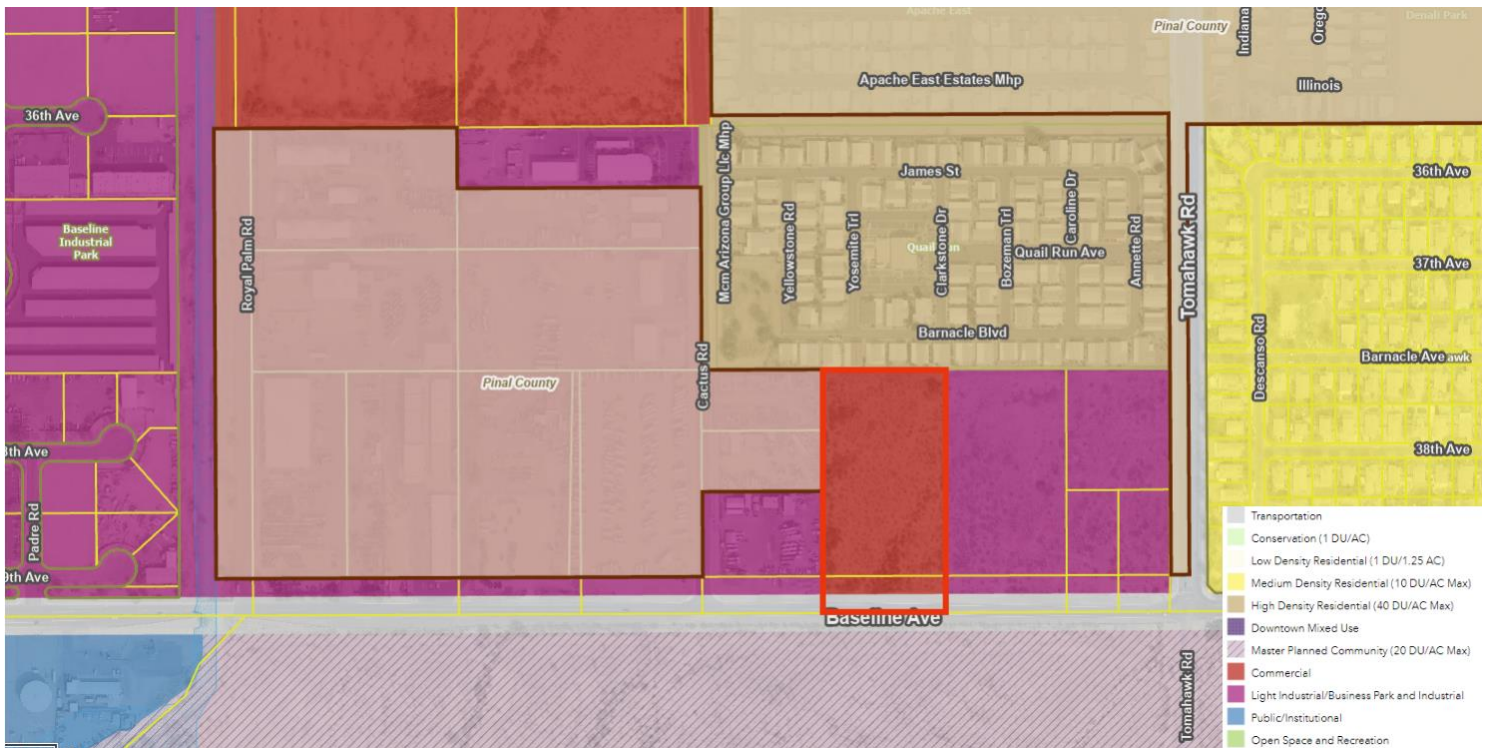
to "Light Industrial/ Business Park and Industrial" is required and requested.

In Staff's analysis of this location and the proposal, Staff believes this proposed development plan utilizes a historically vacant property in a manner that complies with the General Plan by meeting the following General Plan Goals & Policies:

- Policy 5.1.1 - Strategically identify infill opportunity sites that can accommodate office, industrial, entertainment, retail, and housing and mitigate barriers to development.
- Policy 5.1.4 - Policy: Encourage the protection and expansion of the land designated in the general plan specifically for employment and ensure they are preserved along transportation corridors or in prime business cluster locations that will maximize the impact and economic potential for those businesses and employment centers. Discourage any uses that bring little or no value to the community (such as RV Parks, RV storage, mini-storage lots and seasonal residential units).

If the subject proposal were only a tow yard, Staff would not generally recommend in favor of a new tow yard per the general policies discouraging space-intensive uses that are not activity centers or economic drivers. The applicant's proposal addresses these concerns and the general plan policies by allocating a significant area to include an office and shaping the proposal to preserve employment opportunities within the city. The proposal develops a vacant site with landscaping, screening for the tow yard, and buildings compliant with our design standards, overall offering an improvement to the property.

Furthermore, as the applicant's current primary business location within the city is located along Apache Trail, centering their operations and facilities in an industrial area keeps like-uses clustered and reduces the focus and intensity of their operations along our main economic corridor.

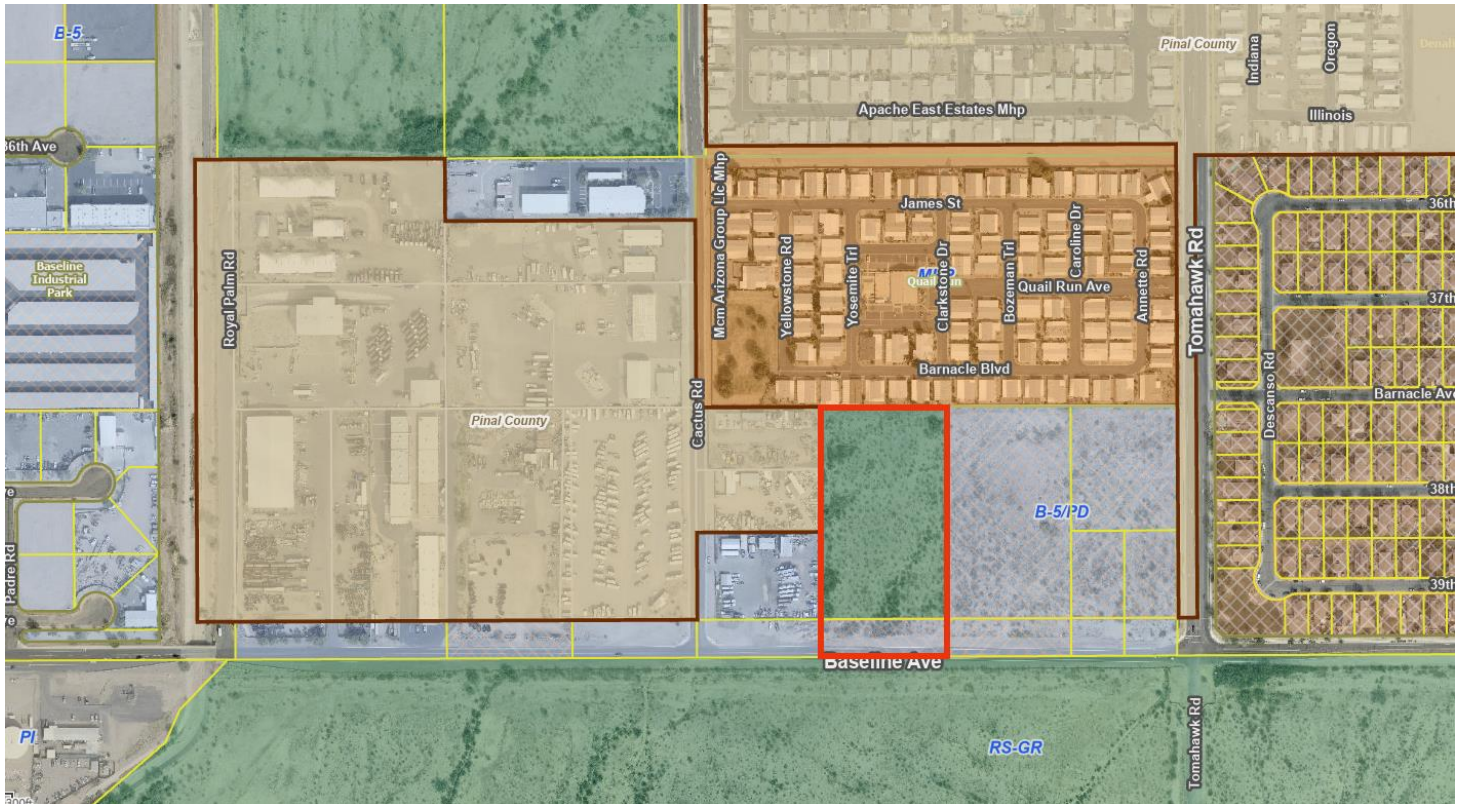


Zoning/Site Context:

The subject property is surrounded by several different uses, as noted:

- To the north of the property is Quail Run, a manufactured home community zoned "MHP".
- To the south of the property is vacant state land zoned "RS-GR" General Rural Low Density Single-Family Detached Residential, but which is designated by the general plan to be allocated for future master planned communities, within which the land use and zoning will be determined per the needs of the development;
- To the east of the property are vacant "B-5/PD" Industrial by Planned Development parcels that were rezoned and approved for a manufacturing facility
- To the west of the property is the septic system service company Cooper's Sewer & Drain Inc., zoned "B-5" Industrial, as well as some storage yards located in the Pinal County island zoned for industrial purposes (County Zoning CI-1);

The property's existing adjacent uses and position near existing and planned uses have been taken into account in making Staff's recommendation.



Infrastructure & Site Improvements:

The applicant will be required to connect to all necessary services, including electricity through SRP, water through the Apache Junction Water District, and sewer connections. The necessary infrastructure already exists adjacent to the site.

All other necessary and required on-site and off-site improvements, including retention basins, dust-proof surfacing, perimeter walls, and landscape buffers will be built at the time of development.

Public Input:

The applicant sent out neighborhood meeting notification letters to the property owners within a five-hundred (500') radius, per the requirements of an "Industrial" B-5 rezoning, notifying neighbors of the proposed development and providing them contact information to learn more about the project. The advertised

neighborhood meeting was held at the Central Arizona College, 805 N. Idaho Road, advertised for Monday, January 22, 2024 at 6:00 PM. No neighbors attended to express any comments regarding the development. The applicant's Public Participation Plan Report has been included as Exhibit #7.

Staff have not received any comments via phone or e-mail regarding the proposed development at the time of this staff report.

FINDINGS OF FACT FOR PLANNED DEVELOPMENT REZONING

As required by the Apache Junction Zoning Ordinance, a Planned Development request may be approved by the City Council after consideration has been given to three different criteria. The criteria is outlined in the text below:

1. That a better design cannot be achieved by applying the strict provisions of the underlying zoning district.

Applicant Response: Development of the Project shall conform to the standards set forth in the B-5 Zoning District of the Apache Junction Zoning Ordinance and the standards set forth in this PD Amendment.

2. That strict adherence to the provisions of the zoning ordinance is not required in order to ensure the health, safety and welfare of the inhabitants of the proposed development.

Applicant Response: Developing the Property per our proposal will provide additional support to the city as the area continues to grow. Rezoning the Property will not jeopardize the health, safety, and welfare of surrounding inhabitants. In fact, approval of our request will allow for a better use of the Site that aligns with existing use of surrounding developments.

3. That strict adherence to the ordinance is not required to ensure that property values of adjacent properties will not be reduced.

Applicant Response: The proposal will not alter the existing land use patterns since the activity along Baseline Road is

industrial in this area. Rezoning the Property will not jeopardize the health, safety, and welfare of surrounding inhabitants. In fact, approval of our request will allow for a better use of the Site that aligns with existing use of surrounding developments.

FINDINGS OF FACT FOR MINOR GENERAL PLAN AMENDMENT

As required by the Apache Junction General Plan, a Minor General Plan request may be approved by the City Council after consideration has been given to specific criteria. The criteria is outlined in the text below:

1. Whether the amendment proposes a land use designation that the Land Use Plan Map does not adequately provide optional sites to accommodate.

Applicant Response: *The GPA provides a more appropriate land use designation for this property given the industrial designations on both sides of the Property.*

2. Whether the amendment constitutes an overall improvement to the General Plan, will not solely benefit a particular landowner or owners at a particular point in time, and is consistent with the overall intent of the 2010 General Plan.

Applicant Response: *This amendment is a solution for the broader area because it brings this site into greater compatibility with the surrounding land use plan and is more consistent with the nature of the overall industrial area along the arterial street frontage.*

3. Whether the proposed amendment is justified by an error in the 2010 General Plan as originally adopted.

Applicant Response: *It is unknown whether an error exists in the General Plan Map, but it is very unusual for commercial zoning to be oddly placed between industrial designated properties, without any adjoining commercial areas. It appears similar to spot-zoning which is improper. The GPA will correct the map to be more consistent with the expected and established industrial land use pattern.*

4. Whether the proposed change is generally consistent with goals, objectives, and other elements of the 2010 General Plan.

Applicant Response: *The GPA is proper because it removes an oddly placed commercial designation which does not make sense given its mid-block location and lack of any adjoining Commercial uses or land use designations. Accordingly, the minor GPA will actually bring this site into greater compatibility with the surrounding land use plan and is more consistent with the nature of the overall area along the arterial street frontage.*

5. Whether the proposed change is justified by a change in community conditions or neighborhood characteristics since adoption of the Plan.

Applicant Response: *The proposed change is consistent with the evolving development pattern in this area of the community and ultimately brings the site into greater compatibility with the surrounding land use plan.*

6. Whether the amendment will adversely impact a portion of, or the entire community by:

- a. Significantly altering acceptable existing land use patterns, especially in established neighborhoods.

Applicant Response: *The GPA will not alter the existing land use patterns since the activity along Baseline Road is industrial in this area.*

- b. Significantly reducing the housing to jobs balance in the Planning Area.

Applicant Response: *This will improve the housing to job balance since it will allow new employment, retain an existing business, and allow room for expansion.*

- c. Substantially decreasing existing and future water supplies.

Applicant Response: *: The GPA will have no noticeable impact on water supplies, especially since most of the site is reserved for outdoor vehicle storage, which is not a water intensive use.*

d. Replacing employment with residential uses.

Applicant Response: *Not applicable.*

e. Requiring additional and more expensive improvements to infrastructure systems and/or proximity to municipal facilities and/or services than are needed to support the prevailing land uses and which, therefore, may impact the level of service for existing and proposed developments in other areas.

Applicant Response: *The infrastructure is already in place to serve the proposed development without triggering significant upsizing of municipal facilities or impacting levels of service.*

f. Increasing traffic (without mitigation measures) on existing roadways beyond the planned level of service, and that negatively impact existing and planned land uses.

Applicant Response: *The development will add new offsite improvements that will improve Baseline Road without negatively impacting the existing uses, particularly because it is consistent with the industrial uses planned and existing around the site.*

g. Affecting the existing character (i.e., visual, physical and functional) of the immediate area.

Applicant Response: *his amendment is a solution for the broader area because it brings this site into greater compatibility with the surrounding land use plan and is more consistent with the nature of the overall industrial area along the arterial street frontage.*

h. Increasing the exposure of residents to aviation generated noise, safety and/or flight operations.

Applicant Response: *Not applicable.*

i. Materially diminishing the environmental quality of the air, water, land, or cultural resources.

Applicant Response: *The development is a low-intensity industrial use with no manufacturing or operations that diminish the environmental quality of the air, water, land, or cultural resources.*

- j. Significantly altering recreational amenities such as open space, parks, and trails.

Applicant Response: *The use is located within an existing industrial area. Thus, the development has no impact on recreational amenities such as open space, parks, and trails.*

PLANNING DIVISION RECOMMENDATION

In review of the project proposal, the conditions and context of the subject site, Staff is supportive of the proposed rezoning by planned development P-23-119-PZ and respectfully recommends to the Commission a favorable recommendation to the City Council, subject to the conditions of approval noted below. As always, Commissioners may recommend changes or additional conditions which they feel will improve the development plan.

RECOMMENDED MOTION FOR PLANNED DEVELOPMENT REZONING

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the approval of planned development rezoning case P-23-119-PZ, a request by Frances McGregor, Phoenix Metro Towing to rezone Parcels 102-20-014C & 102-20-014D, located near the northwest corner of Baseline Avenue Boulevard and Tomahawk Road, from General Rural Low Density Single-Family Detached Residential ("RS-GR") and Industrial by Planned Development ("B-5/PD") to Industrial by Planned Development ("B-5/PD") with a new planned development overlay to authorize the development an office and tow yard, subject to the following conditions of approval:

- 1) The development shall reflect substantial compliance and consistency with the city's zoning ordinance and the planned development plans presented in case P-23-119-PZ, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include layout, elevations, setbacks, public and private rights-of-ways, perimeter walls, landscaping and other improvements.

- 2) The building architecture of any future phases shall be architecturally consistent with the presented conceptual architecture approved in case P-23-119-PZ.
- 3) The front decorative screen wall must architecturally complement the approved building architecture. All other opaque screens wall located at the side and rear must at minimum be painted or stained with an earth tone color.
- 4) Street improvements on East Baseline Avenue including but not necessarily limited to the extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, and landscaping shall be required as part of this planned development project, and subject to review and approval by the city engineer.
- 5) All applicable permits shall be applied for and plans shall be designed to current city codes. Inclusively, all applicable development fees, including public art fees, shall be paid at the time of permit issuance.
- 6) Major deviations or proposed changes from the original plans associated with this case will require a major planned development amendment. The Director or their designee shall interpret the proposed modification to be significant/major if, in the Director or Designee's opinion, 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.
- 7) All perimeter walls/fences, and interior/exterior landscaping within and immediately adjacent to the proposed development, shall be owned and maintained in good condition at all times by the property owners. The developer may secure the walls with security wall spikes or equivalent security features, but barbed wire or concertina razor wire shall not be placed on top of the fence or be visible from the public right-of-way.
- 8) The proposed vehicle impound storage areas within the development shall be ground surfaced for dustproofing purposes to meet the city's requirements, as outlined in the attached City of Apache Junction Ordinance 1316.

- 9) After the rezoning, the lots APN 102-20-014C & 102-20-014D shall be combined through the city's lot combination process.
- 10) Impounded vehicles shall not be stacked on top of each other such that they are visible from the public right-of-way. Storage shall not be visible from the public right-of-way.

Nick Leftwich

Prepared by Nicholas Leftwich
Planner

Attachments:

- Exhibit #1 - Project Narrative
- Exhibit #2 - Proposed Site Plan, dated October 17, 2023
- Exhibit #3 - Aerial Map
- Exhibit #4 - Proposed Landscape Plan
- Exhibit #5 - Proposed Elevations
- Exhibit #6 - Proposed Lighting Plan
- Exhibit #7 - Public Participation Report