



# *City of Apache Junction*

## *Development Services Department*



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

**DATE:** December 13, 2022

**CASE NUMBERS:** P-22-93-PZ "The Eagles - Rezoning"

**OWNERS:** The Lost Dutchman Aerie No. 3850

**APPLICANT:** Projects by Trinity, LLC, represented by Maxwell Mercer

**REQUEST:** Proposed Rezoning of approximately 1.49 acres from General Commercial ("B-1") and Industrial by Planned Development ("B-5/PD") to General Commercial by Planned Development ("B-1/PD") and a Minor General Plan Amendment from Industrial to Commercial

**LOCATION:** The property is generally located at the northeast corner of Southern Avenue and Coconino Drive

**GENERAL PLAN/  
ZONING DESIGNATION:** General Commercial (B-1) and Industrial (B-5)

**SURROUNDING USES:** North: Industrial (B-5)

East: General Commercial (B-1)

South: Medium Density Single-Family Detached Residential (RS-20)

West: General Commercial (B-1) and Industrial (B-5/PD)

#### **BACKGROUND**

The Superstition Villa Subdivision was established in 1964. The four (4) parcels in question, originally sixteen (16) 0.09 acre lots, had undergone a number of lot combinations throughout the

years. In the early 1980s, structures were built on three parcels, but the middle parcel has historically been vacant. In 1997, lots 380-391 were rezoned to CI-1/PD through Ordinance No. 984. In 2014, new district maps were created. The Lost Dutchman Aerie No. 3850 is requesting to rezone all four (4) parcels to B-1/PD facilitate a lot combination.

## **PROPOSALS**

P-22-93-PZ is a proposed Rezoning of four (4) parcels 102-22-384B, 102-22-387A, 102-22-3890, & 102-22-390A to B-1/PD, located at the northeast corner of Southern Avenue and Coconino Drive to facilitate a lot combination.

## **PLANNING STAFF ANALYSIS**

### *Relationship to General Plan:*

The subject site is designated by the city's General Plan as "Commercial" and "Light Industrial/Business Park and Industrial". The Commercial and Light Industrial/Business Park and Industrial designations represent areas where commercial and office areas close to major roadways intended to serve surrounding communities and areas where manufacturing is appropriate.

### *Zoning/Site Context:*

The approximate net 1.49-acre properties are privately-owned parcels surrounded by commercial properties in the north, east, west, and residential in the south.

### *Public Input:*

Neighborhood meeting notification letters were sent from the applicant to all property owners within a 300-foot radius. On May 18th, 2022, the applicant held an in-person neighborhood meeting, to which two (2) persons attended. One (1) resident was concerned that the fence between their properties would be removed and was supportive of the project knowing it would be kept. Please see final participation report for additional details (attached).

Staff received three residents at the Development Services' counter inquiring about the owner's plans with the property. They were informed of the future lot combination and that there were no plans to expand the use or develop additional structures at this time. The first resident was generally supportive of the proposed rezoning and two residents decided to visit The Eagles

to hear from them directly. Staff has not been updated on the visit or informed that there was one.

**GENERAL PLAN AMENDMENT FINDINGS OF FACT:**

In considering a plan amendment resulting from a proposed zoning map change, zoning code text change, general plan future land use map change, or general plan text change, the following criteria shall be evaluated:

- 1) Whether the amendment proposes a land use designation that the land use plan map does not adequately provide optional sites to accommodate.

Applicant's Response: No, the applicant has no optional sites besides those indicated in this application.

- 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 2020-2050 general plan.

Applicant's Response: Yes, rezoning the northern two (2) parcels from Industrial to Commercial, which will be consistent with the existing southern parcel where The Eagles currently operate. Rezoning will allow The Eagles to eventually renovate and improve the existing facility and property.

- 3) Whether the proposed amendment is justified by an error in the 2020-2050 general plan as originally adopted.

Applicant's Response: No.

- 4) Whether the proposed change is generally consistent with goals, objectives, and other elements of the 2020-2050 general plan.

Applicant's Response: Yes, it will allow the applicant to make internal and external improvements to the existing facility and property.

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

Applicant's Response: Yes, rezoning will remove the Industrial zoning to the northern two (2) parcels and replace it with Commercial.

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.
- b. Significantly reducing the housing to jobs balance in the planning area.
- c. Substantially decreasing existing and future water supplies.
- d. Replacing employment with residential uses.
- 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.
- f. Increasing traffic (without mitigation measures) on existing roadways beyond the planned level of service, and that negatively impact existing and planned land uses.
- g. Affecting the existing character (i.e., visual, physical, and functional) of the immediate area.
- h. Increasing the exposure of residents to aviation generated noise, safety and/or flight operations.
- i. Materially diminishing the environmental quality of the air, water, land, or cultural resources.
- j. Significantly altering recreational amenities such as open space, parks, and trails.

*Applicant's Response:* *The Eagles Fraternity Lost Dutchman have been established in this neighborhood since 1981. As previously noted, this application will remove the Industrial zoning and expand on the current zoning of Commercial. There is no current housing on parcels where the applicant is seeking rezoning. Once rezoned, this will allow the applicant to make improvements to the existing two (2) northern buildings and parcels.*

#### **PLANNING DIVISION RECOMMENDATION**

Staff is supportive of the proposed rezone request because of its conformance with the Zoning Ordinance and surrounding characteristics and existing uses.

#### **RECOMMENDED MOTION FOR REZONING**

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the approval of case P-22-93-PZ, a rezoning request by The Lost Dutchman Aerie No. 3850 (owner),

represented by Maxwell Mercer of Projects by Trinity, LLC (applicant), for a rezoning of four (4) parcels (102-22-384B, 102-22-387A, 102-22-3890, & 102-22-390A) approximately 1.49-acres from General Commercial ("B-1") and Industrial by Planned Development ("B-5/PD") to General Commercial by Planned Development ("B-1/PD") and a Minor General Plan Amendment from Industrial to Commercial to facilitate a lot combination, subject to the following conditions of approval:

- 1) The project shall be developed in accordance with the plans attached and associated with this case and all provisions of the Zoning Ordinance and City Codes applicable to this case.
- 2) Future development or expansions of the lots and/or existing buildings will trigger a five-foot (5') landscape strip along Coconino Drive and Southern Avenue.

*Erika Hernandez*

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Prepared by Erika Hernandez  
Associate Planner

Attachments:

Exhibit #1 - P-22-93-PZ Application  
Exhibit #2 - P-22-93-PZ Vicinity Map  
Exhibit #4 - P-22-93-PZ Final Participation Report