



City of Apache Junction
Development Services Department



PLANNING AND ZONING COMMISSION
PUBLIC HEARING STAFF REPORT

DATE: October 22, 2024

CASE NUMBER: P-23-112-PZ

OWNERS: SM Holdings LLC / Storbakken & Sons Construction Inc.

APPLICANT: Greg Loper, on behalf of Storbakken & Sons Construction, Inc.

REQUEST: Proposed rezoning of 991 E. Old West Highway, approximately 1.6 acres currently zoned General Commercial ("B-1") to Industrial ("B-5") and a Minor General Plan Amendment from Commercial to Light Industrial/Business Park and Industrial

LOCATION: APN 102-03-136A, generally located near the southeast corner Royal Palm Road and Old West Highway in Section 28

GENERAL PLAN DESIGNATION: Commercial

SURROUNDING USES: North: General Commercial by Planned Development (B-1)
East: High Density Multiple-Family Residential by Planned Development (RM-1/PD)
South: Medium Density Single-Family Detached Residential (RS-10)
West: High Density Multiple-Family Residential (RM-2)

BACKGROUND

According to the Pinal County Assessor, the building on the property was constructed as an automobile service garage in 1953. The property maintained this use until about 2016, with Arizona Tiremen Services as the last automobile servicer and a tire sales store. After the property closed for automobile services it was used as a contractor's yard and office from about 2018 to 2021, at which point the current owner SM Holdings LLC purchased the property to use for their business, Storbakken & Sons Construction Inc., a construction and contractor's business with



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limited outdoor storage of business materials, truck and heavy equipment parking, and limited maintenance of their own business vehicles.

Truck staging, outdoor storage, and heavy equipment maintenance use of this property are not a permitted use under the B-1 "General Construction" zoning designation, and this zoning issue came to the notice of the city in 2023. At this point Staff contacted the property owners and business representatives and informed them of the zoning violation and the need to correct the issue, and the options to do so, including a possible rezoning to an appropriate zoning district for the described uses.

PROPOSALS

P-23-112-PZ is a proposed Rezoning requested by Greg Loper on behalf of Storbakken & Sons Construction Inc. to rezone approximately 1.6 acres located near the southeast corner of Royal Palm Road & Old West Highway (APN 102-03-136A) from General Commercial ("B-1") to Industrial ("B-5") to allow for the continued use of a construction business comprising a contractor's office, shop and indoor/outdoor storage with construction truck parking.

No deviations to the Apache Junction Zoning Ordinance are requested at this time.

PLANNING STAFF ANALYSIS

Relationship to General Plan:

The subject site is currently designated by the City's general plan as "Commercial". Commercial represents commercial and office areas with convenient access to major roadways that are close to residential areas, intended to serve the surrounding community consisting of general retail, restaurants, department chain stores, grocery stores, and professional offices.

The applicant's business operations are more appropriate to the Light Industrial/Business Park and Industrial, which they request a minor General Plan Amendment to amend the Land Use Map to match. This land use designation is present further south and east along Old West Highway. This designation is for light and heavy industrial, professional offices, warehouses and other similar uses, per the General Plan.

Zoning/Site Context:

The approximate 1.6 acre property is a privately owned parcel surrounded by commercial to the north, multi-family to the west (Sonoma Apartments) and east (the under development Old West Highway Village), the Palm Springs single-family residential neighborhood to the south.



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Public Input:

Neighborhood meeting notification letters were sent to property owners within a 500-foot radius, per the expanded notification radius required by the requirements of the Apache Junction Zoning Ordinance §1-16-6(5) Mailing notice for Zoning Map amendments. On June 25, 2024, the applicant held a neighborhood meeting in-person at the Apache Junction Multi-Generational Center, to which no one attended.

FINDINGS OF FACT FOR MINOR GENERAL PLAN AMENDMENT

As required by the Apache Junction General Plan, a Minor General Plan Amendment request may be approved by the City Council after consideration has been given to specific criteria. The criteria are 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: *Within the area of this request, there are NOT available locations that provide the required Industrial land use designation and meet the criteria necessary for this business to successfully operate, the most notable being outstanding access for the greater Apache Junction and eastern Maricopa County and Pinal County area.*

In addition, through a mistake caused by their realtor, they already own 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 2020-2050 General Plan.

Applicant Response: *The requested Amendment does constitute an overall improvement to the General Plan by supporting the use of a Property that otherwise has a long history of inactivity and vacancies.*

The requested Minor General Plan Amendment is also consistent with the overall intent of the General Plan, particularly in regard to the Goals of the Economic Development, Growth Area, Cost of Development and Land Use elements of the adopted General Plan.

3. Whether the proposed amendment is justified by an error in the 2020-2050 General Plan as originally adopted.

Applicant Response: *To the best of our knowledge, there is not a specific error in the adopted General Plan other than the land use designation itself.*



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

Applicant Response: As noted above, the request is consistent with a number of the Goals of the General Plan related to the Economic Development, Growth Area, Cost of Development and Land Use elements of the adopted General Plan. Highlights of these include the following:

Economic Development Element:

- Goal 5.1 - Attract all quality private investment that will add value and bring diversification to current and future residents of Apache Junction as a great place to live, work and play.
- Goal 5.6 - Continue to strengthen and advocate for economic development opportunities that considers current conditions, existing needs, business threats and opportunities, and solution-oriented deliverables that will strengthen existing businesses.

Growth Area Element:

- Goal 9.1 - Increase the city's financial sustainability.
- Goal 9.3 - Encourage infill development.

Cost of Development Element:

- Goal 10.5 - Ensure that new development pays its fair and proportional share of the cost of additional public facility and service needs.
- Goal 10.6 - Relate infrastructure investment and land use decisions to municipal economic sustainability.

Land Use Element:

- Goal 11.2 - Provide a balance of uses throughout the community.

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

Applicant Response: As noted several times throughout this Project Narrative, the Property has seen a number of unsuccessful businesses and intermittent vacancies over the years, especially once the Superstition Freeway diverted "through" traffic from Old West Highway. Part of that reason is that the Property is one of a large number of commercially zoned and (was) vacant/underutilized. In addition, this particular site does not have great visibility nor is it located at a major intersection where commercial viability is enhanced. Lastly, the limited frontage and existence of developed residential uses properties on either side



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prohibit the expansion of the Property to a greater size that might also enhance its commercial viability.

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 proposed Minor General Plan Amendment does not significantly alter the land use patterns of the area. Additionally, the Property is not located in an established neighborhood which has largely land-locked (no ability to expand) residential uses on all sides.*

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

Applicant Response: *The request will have the opposite effect by enhancing the job balance within Apache Junction.*

c. Substantially decreasing existing and future water supplies.

Applicant Response: *The use of the property utilizes very little water; primarily water is only used for restroom facilities and the occasional cleaning of equipment.*

d. Replacing employment with residential uses.

Applicant Response: *This request also has the opposite effect by adding employment 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.

Applicant Response: *The use has virtually no impact on existing infrastructure or municipal services. This can be measured today and verified by City of Apache Junction staff as the business has been in operation for approximately 3+ years.*

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 use also has virtually no traffic impacts. This can also be measured today and confirmed by City of Apache Junction staff as the business has been in operation for approximately 3+ years.*



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

Applicant Response: *The use utilizes an existing, approximately 70-year-old building that has largely been vacant and/or underutilized for the past 30+ years. Storbakken and Sons has already - at their own financial risk - completed various property improvements and will provide more enhancement should these entitlement requests be approved.*

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

Applicant Response: *Storbakken and Sons has no aviation or aerial components to their operations.*

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

Applicant Response: *The Storbakken and Sons operation does not adversely affect 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: *Finally, the Storbakken and Sons operation does not significantly alter, nor affect, recreational amenities. In addition, the Storbakken & Sons business also furthers a number of the goals and policies of the Old West Highway Redevelopment Area Plan.*

PLANNING DIVISION RECOMMENDATION

As this rezoning has been requested to amend the zoning designation from B-1 "General Commercial" to B-5 "Industrial" to comply with the zoning land use requirements and remedy the issue of the non-conforming use, staff is supportive of this rezoning as a means of correcting the zoning violation and using the opportunity to improve the property and bring it into compliance with modern codes and requirements.

To this end, Staff recommends the requirement of several improvements in order to meet current Zoning Ordinance standards, as noted here:

Screen Walls: Per § 1-8-6 LANDSCAPE STANDARDS, (B) Screening. (1) *Screen walls for side and rear property lines:* Where industrial or commercial development is proposed to be located adjacent to an existing or future residential property, screening walls shall be required in accordance with Vol. II, § 1-6-3, Table 6-2.



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Per § 1-6-3 FENCES AND WALLS, the side and rear walls at the perimeter of the site shall be 6' minimum opaque walls painted or stained with desert/earth tone colors. The front fence shall also be replaced by a decorative wall compliant with code requirements.

It would be required that the walls may be secured with security wall spikes or equivalent security features, but shall not use barbed wire or concertina razor wire. If there is any wire used, it would need to be internal to the site and not visible from the public right of way. This front screen wall is generally required to be an opaque decorative wall to screen storage or vehicle parking from the public right of way, so further upgrade to the wall may still be required.

Driveway and Driveway Apron: The driveway and driveway apron shall be an improved surface, not just decomposed granite or gravel.

Dustproof Surfacing: The proposed vehicle parking and circulation areas within the development shall be surfaced for dustproofing purposes to meet the city's requirements, as outlined in the City of Apache Junction Ordinance 1316.

Building Elevations: As no change to the structures on site is proposed, there is nothing new being required architecturally, but to comply with general maintenance standards, we recommend that the building be repainted as the paint is deteriorating and chipped away in several places. Per our design standards, the new paint coat should be desert/earth tone colors. The awnings and pole out front should be painted as well to eliminate the blue for consistent earth tone colors as well.

Landscaping: The site does not currently provide any screening landscaping along Old West Highway, which is required per Zoning Ordinance, Article 1-8, Landscape Regulations.

Landscaping, screening and irrigation improvements shall be provided in compliance with the city's landscape and screening requirements, which would include trees and shrubs on site, while the street frontage shall include vegetative ground cover (1-gallon minimum) and be covered with inorganic mulch such as crushed decorative rock, river run and/or boulders. An impervious weed barrier or pre-emergent chemical treatment shall be applied to the bare ground prior to the placement of inorganic ground cover materials. The trees along the Old West Highway frontage shall be a minimum of 36" box.

(Note: The Zoning Ordinance § 1-8-6 Landscape Standards only requires 24" box trees, but we recommend that the trees along the Old West Highway frontage be planted in the 36" box size instead of the listed 24" to provide additional screening standard for industrial uses.)



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Public Works Improvements: To the extent required by Public Works, street improvements along Old West Highway shall be installed, including but not necessarily limited to, extension of pavement and the provision of sidewalk, curb, gutter, streetlights, underground utilities, fire hydrants, subject to review and approval by the city engineer.

Lighting: All outdoor lighting shall be dark sky compliant.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the approval of case P-23-112-PZ, a rezoning request by SM Holdings LLC / Storbakken & Sons Construction Inc. (owner/operator), represented by Greg Loper (applicant), for a rezoning of approximately 1.6 acres at 991 E. Old West Highway, APN 102-03-136A from General Commercial ("B-1") to Industrial ("B-5") to approve the use of use of a construction business comprising a contractor's office, shop and indoor/outdoor storage with construction truck parking, subject to the following conditions of approval:

- 1) The project shall be improved in accordance with the plans approved and associated with this case and all provisions of the Zoning Ordinance and City codes applicable to this case.
- 2) 6' minimum opaque screen walls shall be installed in compliance to §1-6-3 Fences and Walls. Per code requirements, the front screen wall along Old West Highway shall be a decorative wall.
- 3) The driveway and driveway apron shall be an improved surface meeting the city's commercial driveway standards.
- 4) The proposed vehicle parking and circulation areas within the development shall be surfaced for dustproofing purposes to meet the city's requirements, as outlined in the City of Apache Junction Ordinance 1316.
- 5) The building's exterior shall be maintained to comply with general maintenance standards, including a repainting to repair the deterioration in desert/earth tone colors.
- 6) Landscaping, screening and irrigation improvements shall be provided in compliance with the city's landscape and screening requirements, which would include trees and shrubs on site, while the street frontage shall include vegetative ground cover (1-gallon minimum) and be covered with inorganic mulch such as crushed decorative rock, river run and/or boulders. An impervious weed barrier or pre-emergent chemical treatment shall be applied to the bare ground prior to the placement of inorganic ground cover materials. The trees along the Old West Highway frontage shall be a minimum of 36" box.
- 7) These required improvements shall be made and finished within 12 months of the zoning approval for case P-23-112-PZ.



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Nick Leftwich

Prepared by Nick Leftwich
Planner

Attachments:

- Exhibit #1: P-23-112-PZ Project Narrative
- Exhibit #2: P-23-112-PZ Site Plan
- Exhibit #3: P-23-112-PZ Vicinity Map
- Exhibit #4: P-23-112-PZ Public Participation Report