



City of Apache Junction

Development Services Department



CITY COUNCIL PUBLIC HEARING STAFF MEMO

Date: May 8, 2024

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager
Rudy Esquivias, Development Services Director
Sidney Urias, Planning Manager

From: Kelsey Schattnik, Senior Planner

Case
Numbers: P-23-63-PZ & P-23-64-GPA

Subject: May 21, 2024, City Council Public Hearing:

P-23-63-PZ: Proposed Rezoning of approximately 18 acres from General Commercial by Planned Development ("B-1/PD") (Ordinance No. 1144) and B-1/PD (Ordinance No. 1146) to High Density Multiple-Family Residential by Planned Development ("RM-2/PD")

P-23-64-GPA: Proposed Major General Plan Amendment to redesignate approximately 18 acres from Commercial to High Density Residential

Summary

P-23-63-PZ Is a Planned Development (PD) Rezoning request by Greg Davis with Iplan Consulting, representing the property owner, Jason Barney with Olsen Recker/Guadalupe Properties LLC, to rezone approximately 18 acres from General Commercial by Planned Development ("B-1/PD") (Ordinance No. 1144) and B-1/PD (Ordinance No. 1146) to High Density Multiple-Family Residential by Planned Development ("RM-2/PD") near the southeast corner of the US-60 and Goldfield Road. The subject site is proposed to be developed with approximately 271 rental units to be known as Silveray on Goldfield.

P-23-64-GPA Is a proposed Major General Plan Amendment of APNs 103-01-0110, 103-01-0130, 103-01-0140, 103-01-0150, 103-01-0160, 103-01-0170 and 103-01-0180, located near the southeast corner of Goldfield Rd. and US-60, from Commercial to High Density Residential (40 du/ac).

Planning & Zoning Commission Hearing and Recommendation

Due to the requirements for a Major General Plan Amendment, the Planning and Zoning Commission held two (2) public hearings for these cases. The General Plan requires that these meetings be held in two (2) different locations.

The Planning and Zoning Commission held the first public hearing for P-23-63-PZ & P-23-64-GPA on March 26, 2024 in the Superstition Fire and Medical District's Board Room located at 565 N. Idaho Road. Please see the attached staff report and exhibits presented to the Planning and Zoning Commission.

At this meeting, Staff made a presentation and introduced the preliminary recommended conditions of approval for the Planned Development Rezoning and Major General Plan Amendment. The applicant also made a presentation and answered questions asked by the Commission.

Eight (8) residents of Golden Vista Resort spoke during the meeting. Their primary concerns included:

1. The two-story height of the development
2. Water pressure concerns
3. Increased density
4. Property value concerns
5. Maintaining commercial land
6. Increased traffic

The Planning and Zoning Commission held a second public hearing for P-23-63-PZ & P-23-64-GPA on April 23, 2024. Both Staff and the applicant gave a presentation. Please see the attached staff report and exhibits presented to the Planning and Zoning Commission.

Five (5) residents spoke during the meeting. Their primary concerns included:

1. The two-story height of the development
2. The desire for commercial development at this site.
3. Increased density.

Ultimately, the Planning and Zoning Commission voted 4-3 to recommend approval of P-23-63-PZ & P-23-64-GPA, subject to the conditions of approval that were recommended in the Staff Report, dated April 23, 2024, with the elimination of Project Specific Condition Numbers 1 & 2.

Project Specific Condition No. 1 would have required the developer to reserve 5 acres on the north side of Resort Boulevard to remain commercial. Project Specific Condition No. 2 provided a list of General Commercial Uses that would not be permitted.

The commissioners who voted in favor of the proposed development discussed the following:

1. The benefit of developing a historically vacant property.
2. The benefit of adding additional rooftops.
3. Whether this site is viable for commercial use and noted that the approved development plan has been in existence for 20+ years and has yet to be developed.
4. Recent trends of commercial development.
5. Not wanting to keep commercial property that may never develop.

The commission members who voted against the proposal discussed:

1. The desire of an ownership product at this site as opposed to a rental product.
2. The lack of desire to continue changing the voter approved General Plan.
3. The concern of changing commercial to residential.
4. Concerns regarding the lack of affordability with market rate housing.

Staff Recommendation

Staff is recommending approval of cases P-23-63-PZ and P-23-64-GPA subject to the full list of conditions found within the Planning and Zoning Commission staff report, including project specific conditions 1 and 2, which are described below:

- 1) Lot Numbers 1, 3, 4 and 5 of the existing Superstition Falls Subdivision shall remain zoned General Commercial by Planned Development ("B-1/PD").
- 2) The permitted uses in the B-1 zoning district shall be those which are permitted by Zoning Ordinance, Article 1-5, § 1-5-3: Non-Residential Use Regulations, except that the following uses shall not be permitted herein:

Motor vehicle dealer (new or used vehicles; and similar uses);
Thrift store/used merchandise sales;
Medical marijuana facilities and dual licensees;
Swap meets;
Tattoo and/or piercing services;
Death care services/funeral homes;
Commercial parking lots and garages;
Check cashing stores;
Psychiatric and substance abuse facilities;
Nursing and residential care facilities;
Homeless shelter;
Community food and relief services;
Commercial equestrian boarding, rentals, arenas and academies;
Cemeteries/mausoleum;

Scenic and sightseeing terminal/parking;
Assisted living facility;
Group care home;
Multi-family residential (including apartments,
condominiums or townhouses);
Similar uses designated by the Development Services
Director not conducive to the City's and community's goals
and objectives for successful community commercial
development.

City Council Work Session - May 6, 2024

On May 6, 2024, the City Council reviewed cases P-23-63-PZ and P-23-64-GPA at a work session. This item was for presentation and discussion only. The Council primarily had questions regarding the proposed size and location of commercial zoning being recommended by Staff, why Pinal County was opposed to the General Plan Amendment, and details as to why surrounding residents were opposed to the project.

Major General Plan Amendment

Please note that a major general plan amendment requires a 2/3 majority vote (5 out of 7) of the Council for approval. If the general plan amendment is not approved, the rezoning case cannot be approved.

Three motions are required:

- Major General Plan Amendment (Resolution No. 24-09)
- Planned Development Rezoning (Ordinance No. 1547 and Resolution No. 24-08)

Attached:

- Planning and Zoning Commission Staff Reports and attachments (March 23, 2024 & April 23, 2024)
- Resolution No. 24-09
- Ordinance No. 1547
- Resolution No. 2408