



# City of Apache Junction

## Development Services Department



### PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

**DATE:** June 27, 2023

**TO:** Planning and Zoning Commission

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

**FROM:** Nicholas Leftwich, Planner

**CASE NUMBER:** P-22-130-PZ

**OWNER:** Wayne Ness,  
C/o Berth C Ness Revocable Trust  
2103 E Norcroft St  
Mesa, AZ 85213

**APPLICANT:** John Fox - William Seymour Co, Inc

**REQUEST:** Proposed planned development rezoning of approximately .92 net acres currently zoned "RS-20" (Medium Density Single-Family Detached Residential) to "RM-2/PD" (High Density Multiple-Family Residential by Planned Development) to facilitate a 16-unit two-story duplex community.

**LOCATION:** The subject site is located at the southwest corner of W. Superstition Boulevard and N. Plaza Drive, Parcel 101-11-003B.

**GENERAL PLAN/  
ZONING DESIGNATION:** Downtown Mixed Use / Medium Density Single-Family Detached Residential ("RS-20")

**SURROUNDING USES:** North: Green Nugget RV Storage, zoned "B-1" General Commercial;

South & West: Lost Dutchman RV Resort, zoned RVP;

East: Horizon Health & Wellness, zoned "B-3" City Center;

### **BACKGROUND**

Parcel 101-11-003B is located at the southwest corner of W. Superstition Boulevard and N. Plaza Drive and has been zoned for residential use for a single home as a Medium Density Single-Family Detached Residential ("RS-20") property. As the property is surrounded by commercial uses and bordered by an RV park, no house has been built here and the property has remained undeveloped, with minor adjacent street improvements that the city has constructed along N. Plaza Drive.

### **PROPOSALS**

P-22-130-PZ is a proposed Planned Development Rezoning of parcel 101-11-003B, from "RS-20" Medium Density Single-Family Detached Residential to "RM-2/PD" High Density Multiple-Family Residential by Planned Development to facilitate a 16-unit two-story duplex community.

The subject area consists of approximately .92 net acres, upon which sixteen (16) units are proposed, resulting in a density of approximately 17.4 units per acre, which is within the maximum density permitted in the "RM-2" High Density Multiple-Family Residential zone of twenty-two (22) units per acre. The development plan proposes eight (8) two-story buildings, with two (2) two-bedroom units in each building.

There are thirty-six (36) proposed parking spots, with one garage parking space allotted for each unit, and the other eighteen (20) parking spaces being an uncovered space. Four (4) of these spaces are guest spaces provided beyond the minimum resident parking requirement.

Access into the community is proposed only on N. Plaza Drive, as driveway access cannot be permitted onto W. Superstition Boulevard, a main arterial, so close to an intersection. On-site amenities consist of patio spaces with picnic tables.

## **PLANNED DEVELOPMENT REQUEST**

As defined by the Apache Junction Zoning Ordinance, Planned Development Overlay Districts ("PD") are intended to allow site and building design flexibility which may not otherwise be allowed through conventional base zoning. The applicant has requested the use of a PD to apply two deviations to the typical RM-2 Bulk Standards have been requested, and one deviation to the landscape standards, as noted:

- A reduction of the Minimum Front Building Setback from twenty feet (20') to ten feet (10').
- A reduction of the Minimum Rear Building Setback from twenty feet (20') to ten feet (10').
- The Zoning Ordinance Landscape Regulations require a ten foot (10') landscape strip shall be provided within the property lines, however the applicant is requesting that their street frontage landscaping shall be placed within the approximately thirteen foot (13') area between the property line and the edge of the sidewalk along W. Superstition Boulevard and the approximately eleven foot (11') area between the property line and the edge of the sidewalk along N. Plaza Drive.

## **PLANNING STAFF ANALYSIS**

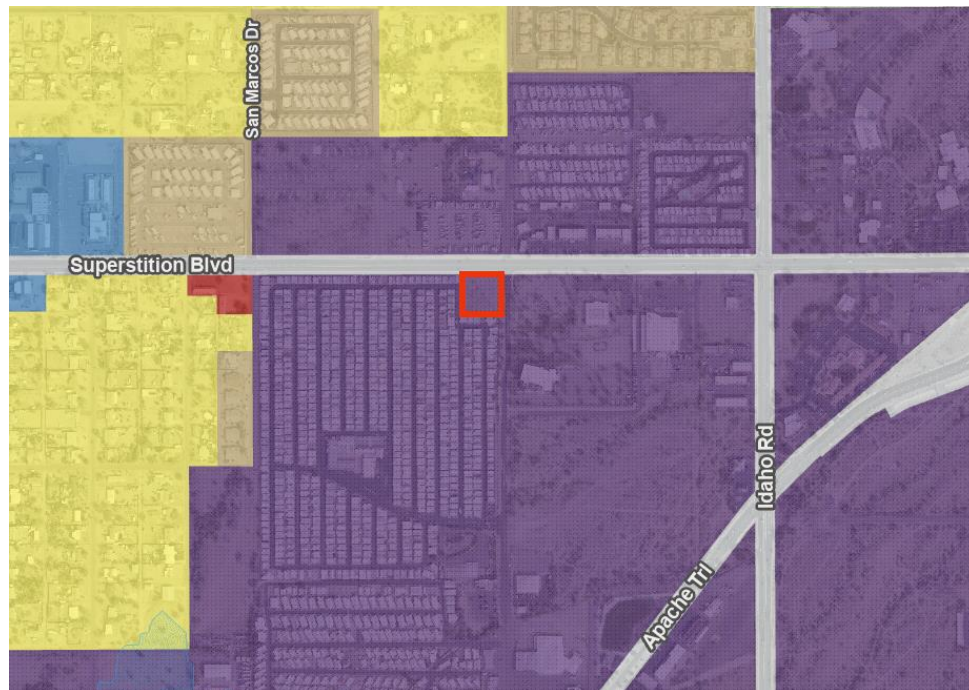
### *Relationship to General Plan:*

The subject site is designated by the city's General Plan as part of the "Downtown Redevelopment Area", and is categorized for "Downtown Mixed Use," which supports residential densities between 10 dwelling units per acre to 40 dwelling units per acre. The proposed density of 17.4 units per gross acre complies with this General Plan designation and does not require a General Plan Amendment.

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:

- Goal 3.2 - Diversify housing stock and neighborhoods by incorporating a variety of housing types and associated values to allow for a diverse demographic of residents.
- Goal 3.4 - Incorporate sustainable practices in all housing development.

- Goal 4.8 - Discourage single-family residential development within the downtown core and encourage high-density development downtown.
- Goal 9.2 - Plan for an appropriate geographic mix of residential, commercial and recreational uses in the downtown.
- Goal 9.3 & 11.3- Encourage infill development with a variety of housing types.
- Goal 11.2 - Provide a balance of uses throughout the community.
- Goal 11.3 - Provide high-density multi-family housing within the downtown area.



#### *Zoning/Site Context:*

The subject properties are surrounded by commercial uses, and an RV park.

- To the north of the property is the Green Nugget RV Storage, zoned "B-1" General Commercial, which also contains a small nursery on the west side of the property. Across N. Plaza Drive, to the northeast, is the Arroyo Hermosa Mexican Village commercial strip center, which has office, service, and restaurant uses.
- To the south & west of the property is the Lost Dutchman RV Resort, zoned Recreational Vehicle Park "RVP," which has a comparable density of 17.9 units per acre;

- To the east of the property is the Horizon Health & Wellness center, zoned "B-3" City Center;

The property's surrounding uses, location in the Downtown Mixed Use area, and the uncharacteristic context for a single-family residential property have been taken into account in making staff's recommendation.



#### *Infrastructure & Site Improvements:*

The applicant will be required to connect the units to all necessary services, including electricity through SRP, water through the Arizona Water Company, and sewer connections.

All other necessary and required on-site and off-site improvements, including retention basins, perimeter walls, amenities 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 300-foot radius, notifying neighbors of the proposed development and providing them contact information to learn more about the project. The advertised

neighborhood meeting was held at a local nearby restaurant as advertised on Saturday May 20, 2023 at 11:30 AM. 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: This project fits the intent by promoting the most appropriate land use, and facilitating flexible building design, site design, and amenities. A better design is achieved by not applying the strict provisions of the zoning district. The deviation to the RM-2 Zone district are as follows:*

- *Front Setback 10ft. (shown) vs 20ft. (required)*
- *Rear Setback 10ft. (shown) vs 20ft. (required)*

*This is a better design outweighing the deviation to the RM-2 requirements as follows:*

- *Maximum Density 17.4 units/ac (shown) vs 22 units/ac (allowed)*
- *Onsite parking spaces 18 (shown) vs (16 required)*
- *Additional offsite parking is available as developed by the City of Apache Junction for the use allowed to the general public.*

**Planning Division Note:** The applicant indicates that reducing the setbacks allowed them to increase the density to reach the higher density goals of the Downtown Mixed Use area, while still providing more parking than the minimum requirement. They also note that the plan to utilize the off-site on-street parking along N. Plaza Drive, however this cannot be included in the applicant's parking requirement, as they must be self-sufficient within their own site.

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: *The two minor deviations to the RM-2 Zoning ordinance will not affect the health, safety, and welfare of the inhabitants of the development.*

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 two minor deviations to the R-2 Zoning ordinance will not reduce the property values of adjacent properties. Adjacent to this development is a mobile home park, and rehabilitation center, both vastly different uses to this site. New construction always enhances the neighborhood.*

#### **PLANNING DIVISION RECOMMENDATION**

In review of the project proposal, the conditions and context of the subject site, the General Plan land use designation, and the need for downtown housing, Staff is supportive of the proposed rezoning P-22-130-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**

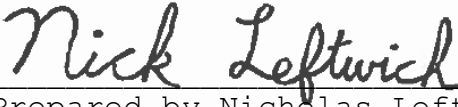
I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the approval of planned development rezoning case P-22-130-PZ, a request by John Fox of William Seymour Co, Inc. to rezone Parcel 101-11-003B, located at the southwest corner of W. Superstition Boulevard and N. Plaza Drive, from "RS-20" Medium Density Single-Family Detached Residential to "RM-2/PD" High Density Multiple-Family Residential by Planned Development, to facilitate a 16-unit two-story duplex community, subject to the following conditions of approval:



- 1) The project shall be developed in compliance with the plans attached and associated with case P-22-130-PZ and all the provisions of the zoning ordinance and city codes applicable to this case.
- 2) The proposed development will not be age-restricted.
- 3) The minimum front setback and the minimum rear setback for main structures shall be reduced from 20 feet to 10 feet.
- 4) Landscape, screening and irrigation improvements along W. Superstition Boulevard and N. Plaza Drive are permitted to be located outside of the property line to provide enough property depth for the proposed building arrangement. These landscape, screening and irrigation improvements that are located within the W. Superstition Boulevard right-of-way and N. Plaza Drive right-of-way must comply with the Apache Junction Public Works requirements including the spacing away from streetlights. Maintenance, replacement, and possible relocation of the landscaping within the adjacent right-of-way shall remain the responsibility of the property owner and their successors per the standards 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 at least 24" box and all required shrubs shall be at least 5-gallon in size.
- 5) All applicable permits shall be applied for, and plans shall be designed to current city codes prior to any lot grading or construction.
- 6) The developer's engineer shall meet the civil engineering improvement plans and document requirements in accordance with the city's approved engineering standards that are in effect at the time of plan submittal. All off-site improvements shall be compliant with the requirements of the City of Apache Junction Public Works Department.
- 7) All common and amenity areas within the proposed development, including perimeter walls and fences, and interior and exterior common area landscaping, shall be owned and maintained in good condition at all times by the developer or owner of the community or property management company.



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Prepared by Nicholas Leftwich  
Planner

Attachments:

Exhibit #1 - Project Narrative	
Exhibit #2 - Proposed Site Plan, dated May 19, 2023	An updated site plan dated July 16, 2023 has been provided.
Exhibit #3 - Aerial Map	
Exhibit #4 - Proposed Landscape Plan	
Exhibit #5 - Proposed Elevations	
Exhibit #6 - Proposed Floor Plans	Updated floor plans dated July 16, 2023 has been provided.
Exhibit #7 - Public Participation Report	