



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION Public Hearing STAFF REPORT

DATE: April 20, 2016

CASE NUMBER: PZ-6-16

OWNERS: Superstition Commons, LLC

REPRESENTATIVE: Charles Duck of Blackwing, LLC

REQUEST: Planned Development Major Amendment to change the last five buildings or twenty townhomes from single-story basement homes to two-story homes

LOCATION: The Superstition Commons (formerly known as the Haystacks), totaling approximately +/-4.9 acres, is located at Southwest corner of South San Marcos Drive and West Broadway Avenue

**GENERAL PLAN/
ZONING DESIGNATION:** Medium Density Residential (maximum of 6 du/ac); presently zoned RM-1/PD (High Density Multiple-Family Residential/Planned Development).

SURROUNDING USES: North and Northwest: Single-family homes (zoned RS-7/PD, Medium/High Density Single Family Detached Residential/Planned Development);
Northeast: Single-family homes (zoned RS-10/PD, Medium Density Single-Family Detached Residential);
South: Single-family homes (zoned RS-7, Medium/High Density Single-Family Detached Residential);
East: Single-family residences (zoned RS-7/PD, Medium/High Density Single-Family Detached Residential/Planned Development);
West: RV Park (zoned RVP, Recreational Vehicle Park).

BACKGROUND

In 2003, the original developers of this property began the process of rezoning and subdividing the property. On February 24, 2004, Ordinance 1196 amended the property's zoning district classification from CB-1 (Local Business Zone) to CR-4/PD (Multiple Family Residence Zone by Planned Development). On January 18th, 2005, Resolution No. 05-06 approved the final subdivision plat for the Haystacks, a townhomes style subdivision with four units per building pod and 56 total units.

Throughout the process, residents of the Golden Sun RV Resort to the west of the property expressed concerns that the original two-story townhome design would block Golden Sun RV Resort resident's views of the Superstition Mountains. To mitigate the neighbors' concerns, the developer agreed to build the townhomes one-story above ground with full livable basements.

After the first several basement townhome buildings were constructed, it became clear to the developers that the basements were too costly to construct and the units were less marketable than comparable two-story units. The current developer, Mr. Charles Duck of Blackwing, LLC, has requested to amend the original Planned Development in order to build two-story townhomes to a height of 25 feet in order to make the development profitable.

PROPOSAL

This is a request for a proposed Planned Development Major Amendment of the Superstition Commons (formerly known as the Haystacks), a +/-4.9 acre subdivision, located at 854 South San Marcos Drive on the southwest corner of South San Marcos Drive and West Broadway Road. The purpose of this Planned Development Amendment request is to change the last five buildings (buildings 10 through 14) or twenty townhomes from basement homes to two-story homes. The current buildings are 18 feet tall plus one foot above grade, totaling 19 feet in height. The proposed two-story buildings would be six feet taller as they will be built at ground level to a height of 25 feet.

The property's zoning district, RM-1/PD, allows a building height up to 35 feet. Mr. Duck's proposed amendment is a full 10 feet less than the maximum allowed height within this district. Additionally, the properties to the north, east, and south are located in zoning districts RS-7, RS-7/PD, and RS-

10/PD, which all allow a maximum height of 30 feet. The property to the west is zoned RVP and has a maximum height of 15 feet.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The General Plan designates the subject site Medium Density Residential (maximum of 6 du/ac). Properties within a ¼ mile radius of the site are designated as Medium Density Residential. The City's former CB-1 zoning allowed multi-family uses outright. A PD zoning was needed to accommodate the townhomes concept. The original rezoning, therefore, was determined to not conflict with the General Plan.

Zoning/Site Context:

The current RM-1/PD zoning, at the intersection of a section line and mid-section line roads is compatible with the RS-7 uses to the south, the RS-7/PD and RS-10/PD uses to the north, the RS-7/PD uses to the east. The RVP use to the west is actually constructed at a higher density than other developments in the area.

Planned Development Zoning:

On February 24, 2004, Ordinance 1196 amended the property's zoning district classification from CB-1 (Local Business Zone) to CR-4/PD (Multiple Family Residence Zone by Planned Development). This zoning district name was changed to RM-1/PD (High Density Multiple Family Residence Zone by Planned Development) in 2014 when the City updated its zoning ordinance. On January 18th, 2005, Resolution No. 05-06 approved the final subdivision plat for the Haystacks 4.9 gross acres.

Infrastructure Improvements:

Any redevelopment on the site shall require the developers to dedicate and improve to the City Engineer's standards any necessary right of ways adjacent to the site. Said improvements may include but not necessarily be limited to the provision of curbs, gutters, sidewalks, driveways, streetlights, retention basins, extension of utility services including sewer, etc. Most, if not all, of the off-site improvements have already been installed.

Public Input:

Mr. Charles Duck of Blackwing, LLC hosted a Neighborhood Meeting at Superstition Commons (854 South San Marcos Drive) at 6:00 p.m. on April 4th, 2016. Six individuals who live to the south

of the community attended the meeting. The neighbors concerns included:

1. Superstition Commons home owners looking in their backyards.
2. Property value concerns.
3. Flood lights shining in their back yards.

Mr. Reginald Kollinger of 820 West 10th Avenue requested a Protest Petition from the Development Services Department. Mr. Kollinger believes the City's zoning ordinance is inconsistent with the General Plan, which states on page 27 that the City's policy objective is to "protect scenic lines-of-sight (view sheds)". Mr. Kollinger believes that two-story buildings, which are allowed in most zoning districts, should not be allowed due to the policy objective in the General Plan. Mr. Kollinger was also concerned with the neighbors being able to look into his backyard from their second-story windows.

Additionally, Mr. Kollinger believed that Mr. Duck had not followed the Neighborhood Meeting Notification requirements listed in the City's Code Article 1-16-7, which states that at least 10 calendar days prior to the neighborhood meeting, the applicant shall provide notification to the affected neighbors." The letter was dated March 26th, 2016, 10 days prior to the April 4th meeting; however, Mr. Kollinger did not receive the letter until March 30th.

Four Protest Petitions have been submitted to the Development Services Department as of April 18, 2016. (Protest provision from zoning ordinance and completed petitions attached).

The Development Services Department staff appreciates the concerns of the neighbors; however, we also note that the buildings will be set back 25 feet from the property boundary, the developer will construct an eight foot high masonry boundary wall, and will plant 24 inch and 36 inch box trees (50% of each size) planted every 20 feet.

Planning Division Recommendation

The economic downturn had the affect of putting several approved subdivisions in the city "on hold", Haystacks being one of them. The City is excited about several subdivisions coming back to life and being built out. We continue to support quality infill development and permanent family housing in the community. Therefore, for the purpose of helping the developer complete the

project, we support the request subject to the recommended conditions under the Recommended Motion.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the City Council the (APPROVAL/DENIAL) of rezoning case PZ-6-16, a Planned Development Major Amendment of the Superstition Commons' (formerly known as the Haystacks) +/-4.9 acre subdivision, to change the last five buildings or twenty townhomes from basement homes to two-story homes, subject to the following conditions of approval:

- 1.) Superstition Commons be operated pursuant to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Section 1-5-1 residential Use Regulations and Section 1-4-3 Planned Development ("PD") District, and applicable provisions of Ordinance Number 1196 and Resolution No. 05-06.
- 2.) That buildings 10 through 14 be constructed in accordance with the concept drawings submitted with case PZ-6-16.
- 3.) That the developer will construct an eight foot high masonry boundary wall, particularly on the south boundary of the property, and will plant 24 inch and 36 inch box trees (50% 24 inch and 50% 36 inch) every 20 feet along the south boundary.

Prepared by Jesse Regnier
Planning Intern

Attachments:

- Exhibit #1 - Aerial Map
- Exhibit #2 - Conceptual Site Plan Map for Superstition Commons
- Exhibit #4 - Revised Conceptual Elevations
- Exhibit #5 - Conceptual Landscape Plan
- Exhibit #6 - Neighborhood Meeting Summary and Developer Email to Neighbors
- Exhibit #7 - City Code Volume II, Chapter 1, Article 1-16-6 Protest Petitions
- Exhibit #8 - Completed Protest Petitions
- Exhibit #9 - Ordinance No. 1196
- Exhibit #10 - Resolution No. 05-06

PZ-6-16

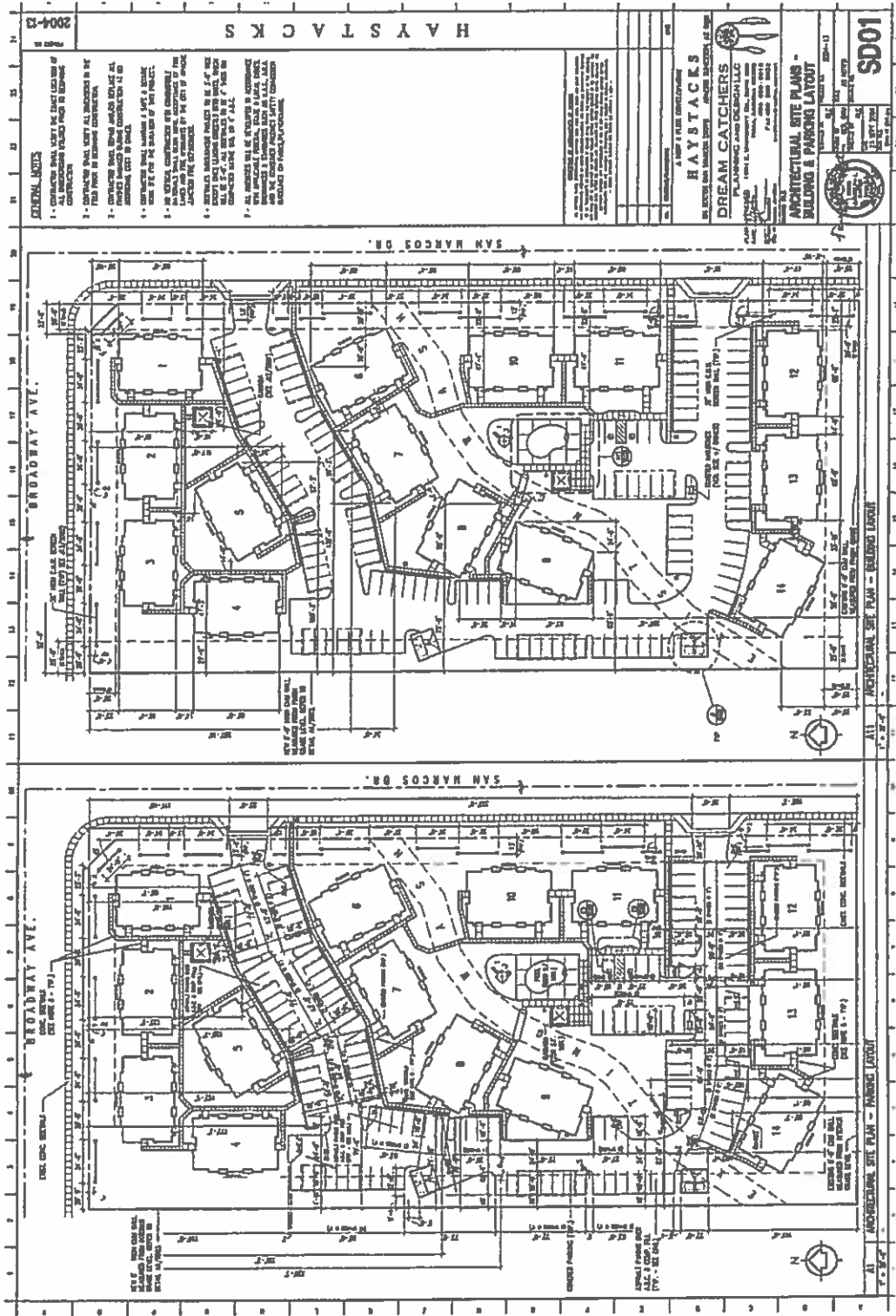
Aerial Map

PLANNED DEVELOPMENT AMENDMENT REQUEST TO CHANGE THE LAST FIVE BUILDINGS OR TWENTY TOWNHOMES FROM BASEMENT HOMES TO TWO-STORY HOMES



Subject Site





- GENERAL NOTES**
- 1. CONSTRUCTION SHALL VERIFY THE EXISTING LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.
 - 2. CONSTRUCTION SHALL VERIFY THE EXISTING LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.
 - 3. CONSTRUCTION SHALL VERIFY THE EXISTING LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.
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 - 8. CONSTRUCTION SHALL VERIFY THE EXISTING LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.
 - 9. CONSTRUCTION SHALL VERIFY THE EXISTING LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.
 - 10. CONSTRUCTION SHALL VERIFY THE EXISTING LOCATION OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION.

HAYSTACKS

HAYSTACKS
DREAM CATCHERS
PLANNING AND DESIGN, LLC
1001 E. UNIVERSITY AVE. SUITE 100
SAN MARCOS, CA 92069
TEL: 760.343.1111
WWW.HAYSTACKSDREAMCATCHERS.COM

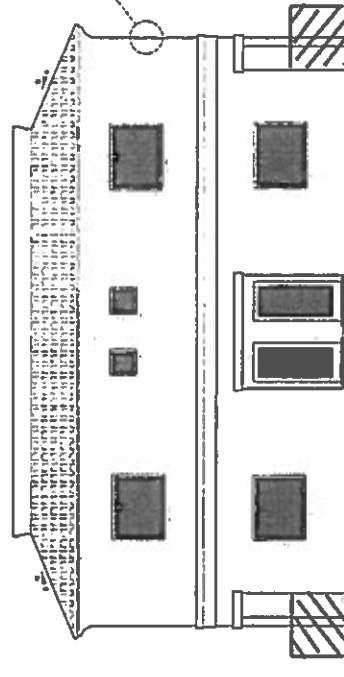
ARCHITECTURAL SITE PLAN - BUILDING LAYOUT

SD01

2004-13

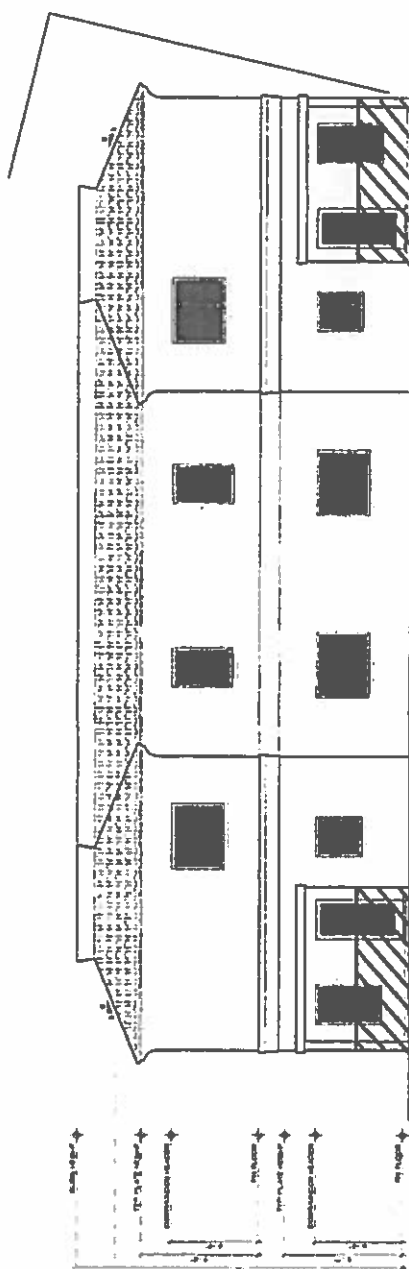
ELEVATION NOTES

1. All exterior walls to be finished with stucco.
2. All windows to be finished with white painted wood.
3. All doors to be finished with white painted wood.
4. All exterior doors to be finished with white painted wood.
5. All exterior walls to be finished with stucco.
6. All windows to be finished with white painted wood.
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17. All exterior walls to be finished with stucco.
18. All windows to be finished with white painted wood.
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20. All exterior doors to be finished with white painted wood.

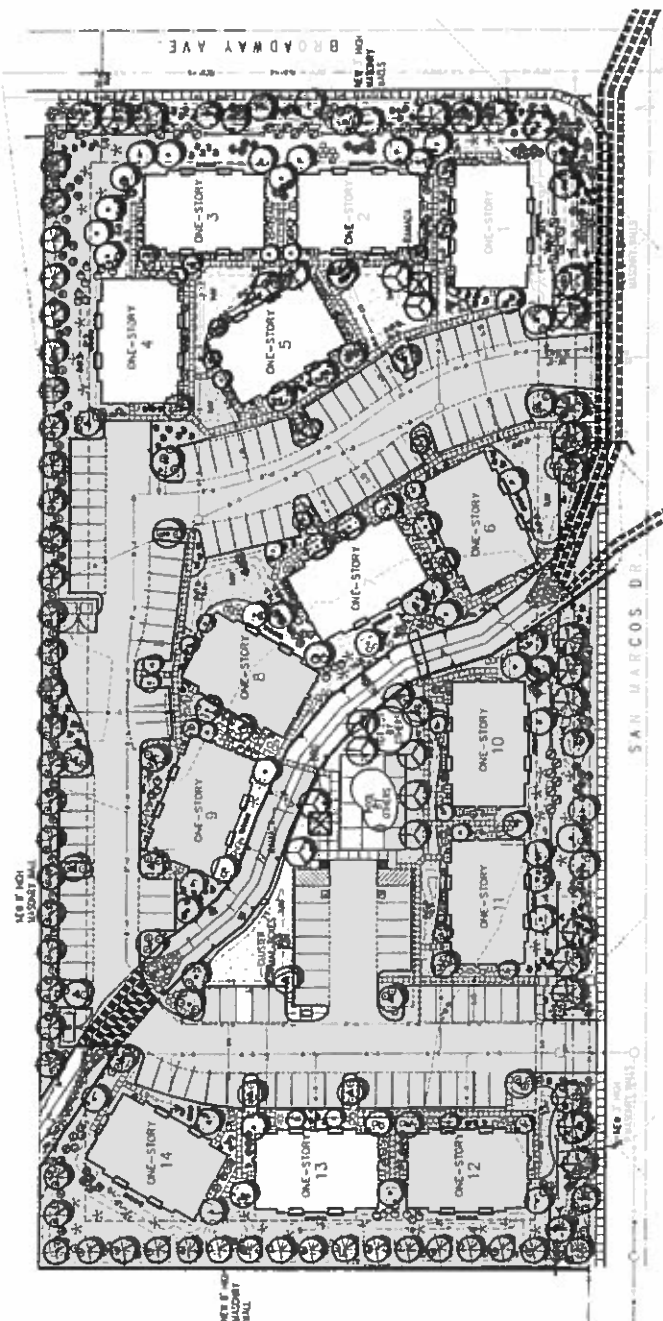


RIGHT & LEFT SIDE ELEVATION
SCALE: 1/4" = 1'-0"

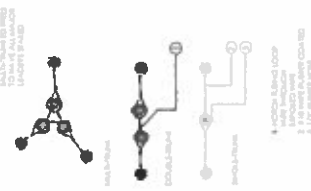
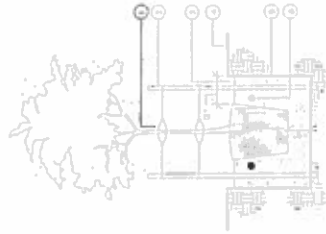
Semi Covered Patio with Pony Wall



FRONT & REAR ELEVATION
SCALE: 1/4" = 1'-0"



LANDSCAPE PLAN

[illegible][illegible]

T.J. McQUEEN & ASSOCIATES, INC.
LANDSCAPE ARCHITECTURE
URBAN DESIGN
911E PLANNING
1121 East Main Street, Suite 210
Phoenix, AZ 85001
Phone: (602) 255-3320
Fax: (602) 255-3320
E-mail: tmcqueen@tjma.net

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TF **TG** **TH** **TI** **TJ** **TK** **TL** **TM** **TN** **TO** **TP** **TQ**

Jesse Regnier

From: Blackwing [blackwingrealestate@gmail.com]
Sent: Tuesday, April 05, 2016 12:28 PM
To: Jesse Regnier
Subject: Re: Planned Development Amendment
Attachments: unknown.jpg; ATT00001.txt; Sign in sheet.pdf; ATT00002.txt

Dear Planning & Zoning Dept. - Apache Junction,

I am sending this letter to inform you of the outcome of the neighborhood meeting on April 4th, 201 at 6:00pm. I have attached a list of attendees. All attendees lived on the south end of the community in the adjacent homes that are contiguous to the property. I have attached their contact information to this email.

During the meeting I explained the intent of the developer to simply increase the height of the homes by approximately 7 feet. changing the basement homes to traditional 2 story homes. Showed them the elevations.

Their concerns were as follows.

1. Our home owners looking in their backyards.
2. Property value concerns.
3. Flood lights shining in their back yards.

I informed them I was there to inform them of the proposed changes and they would be able to voice their concerns to the planning and zoning department and city representatives on April 26th and they would be getting invites to that meeting.

Warmest Regards,



Superstition
Commons

An Invitation For You...

March 26th, 2016

Dear Neighbor,

According to public record your residence is within 300 feet of our town home construction project, We as the developer have elected to rezone a part of the community into 2 story town homes from basement town homes on the last 5 buildings. In order to perform the zoning we are required to have a neighborhood meeting to hear your concerns as neighbors and report them back to the city planners prior to the city council meetings.

Since we are not making major changes other than the height of the buildings going from 18 feet to 25 feet, we have decided to have a quick get together at the community to show you what buildings will be affected and where they are. We will be meeting at the South end of the community under the new carport. Look for the red canopy. The address is 854 S San Marcos Dr. Apache Junction, AZ 85120.

With that being said you are cordially invited to a neighborhood meeting on April 4th 2016 at 6:00pm to discuss the merits of the changes.

If you cannot attend and have questions please direct them in the form of an email to info@superstitioncommons.com.

We look forward to meeting you and hearing your concerns.

Warmest Regards,

Charles Duck
VP Development
Superstition Commons, LLC

Jesse Regnier

From: CD Main Biz [cduck.re@gmail.com]
Sent: Wednesday, April 06, 2016 8:39 AM
To: Jesse Regnier
Subject: Fwd: Superstition Commons - Rezoning Metting

Jesse,

Below is a copy of the email follow up I sent to the 3 people that gave me their email addresses.

Charles Duck

Begin forwarded message:

From: CD Main Biz <cduck.re@gmail.com>
Subject: Superstition Commons - Rezoning Metting
Date: April 5, 2016 at 8:38:08 AM MST
To: reko1954@gmail.com

Hi All,

I first wanted to thank you all for coming this evening and taking the time to voice your concerns. I do understand some of your concerns and am going to give some response that will be provided to the city.

The first concern was someone looking into your back yards, the question was posed what are the setbacks. The setbacks are a minimum of 25 feet. Making it very difficult to see in your back yards. Although I understand the concern. Cities around the country have 2 story homes backed up to single story homes, this is a common occurrence nation wide.

I was asked what I thought of the affect on property values. I gave an answer in my opinion and was immediately rebuffed. So here are my thoughts on the matter. Your values are based on appraisals. Whatever you decide to sell your homes for in the coming years, you will take the comps of surrounding homes and come up with a value for you to list it for. When you get an offer an appraisal will be done by the buyer's bank. That appraisal is based off of market factors and are mostly based off of closed sales in the area of comparable homes. This is what I can also add, the homes we are selling have no comparable basis to your single family homes. The zoning is done the homes will be there at some point. Be it 2 story or basement. That is a factor already of purchase. The 2 story homes will have higher value and increase the overall value of the neighborhood. While the community located where it is might have bearing to some buyers, which by the way already exists. It was a question for Mike Gassaway when he recently purchased.

One issue raised was flood lights, we are following all development guidelines the parking lot lighting and a few interior low pole lights are to be installed, no flood lights or carriage lights are on any of the homes.

We will be sending our findings to the city and look forward to seeing you at the public hearings.

Warmest Regards,

Charles E. Duck

Superstition Commons, LLC
(480) 256- 9198

Charles E. Duck
Blackwing, LLC
Development/Construction/Management
(480) 720-5187

NAME MIKE GASSAWAY
ADDRESS 842 W. 10th Ave
CITY Apache Junction STATE AZ ZIP 85120

NAME GREGG CUNNINGHAM
ADDRESS 846 W 10th Ave
CITY Apache Junction STATE AZ ZIP 85120

NAME David G Amaral
ADDRESS 860 West 10th Avenue
CITY Apache Junction STATE AZ ZIP 85120

NAME REGINA KOLLINGER
ADDRESS 820 W. 10th. AVE.
CITY APACHE Jct. STATE AZ ZIP 85120

NAME Karen & David Amaral
ADDRESS 860 W 10th Ave
CITY Apache Jct STATE AZ ZIP 85120
EMAIL kamaral1@msn.com PHONE 480-671-2725

SIGN IN AND ATTENDANCE

SUPERSTITION COMMONS
REZONING MEETING

APRIL 4TH, 2016
6:00PM

NAME DJ WALLIN

ADDRESS 878 W. 10TH AVE

CITY APACHE JCT STATE AZ ZIP 85120-7000

DWAEGALE @ AOL.COM

Tenant

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

NAME _____

ADDRESS _____

CITY _____ STATE _____ ZIP _____

EMAIL _____ PHONE _____

veko1954@gmail.com

(J) *Protests against Zoning Map amendment.*

(1) If the owners of 20% or more either of the area of the lots included in a proposed Zoning Map amendment, or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots, file a protest in writing against a proposed amendment, it shall not become effective except by the favorable vote of 3/4 of all members of the Council. If any members of the Council are unable to vote on such a question because of a conflict of interest, the required number of votes for passage of the question shall be 3/4 of the remaining membership of the Council, provided that such required number of votes shall in no event be less than a majority of the full membership of the legally established Council.

(2) Protests shall be filed with the Development Services Department no later than 5:00 p.m. on the Wednesday preceeding the Council meeting, or the following day if Wednesday is a holiday where City Hall is closed.

(K) *Effective date.* A decision by the Council involving rezoning of land which is not owned by the city and which changes the Zoning Map classification of such land may not be enacted as an emergency measure and such change shall not be effective for at least 30 days after final approval of the change in classification by the Council.

(L) *Consistency with the General Plan.* All Zoning Map amendments or Zoning Code text amendments adopted under this article shall be consistent with and conform to the adopted General Plan of the city. In the case of uncertainty in construing or applying the conformity of any part of a proposed amendment to the adopted General Plan of the city, the proposed amendment shall be construed in a manner that will further the implementation of, and not be contrary to, the goals, policies and applicable elements of the General Plan. An amendment conforms to the General Plan if it proposes land uses, densities or intensities within the range of identified uses, densities and intensities of the Land Use Element of the General Plan.

(M) *Filing fees.* Application fees for amendments to the Zoning Code regulations or the Zoning Maps shall be in accordance with Apache Junction City Code, Vol. I, Chapter 4.

(Ord. 1402, passed 5-6-2014)

PROTEST PETITION

Completed, notarized form must be received by the Planning Department, City of Apache Junction, 300 E. Superstition Boulevard, Apache Junction, Arizona, 85219, no later than 5:00 p.m. on the Tuesday, one week before the City Council meeting, at which the City Council will vote on the proposed amendment. DO NOT return form to the City Council.

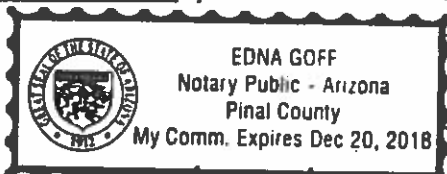
ALL persons having an ownership interest in the parcel(s) listed below must sign this petition.

- A. We hereby protest rezoning case PZ- 6-16 where a zone change is proposed from PID AMENDMENT to 854 S. SAN MARCOS DR. at (location).
- B. We certify that we are the real property owners of the lots included in the proposed change or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots.
- C. We have read Zoning Ordinance Section 1-16-6(J) which is printed on the reverse side of this petition.
- D. We understand that if we own the property as joint tenants, both husband and wife must sign. If we are contract buyers, both buyers and sellers must sign. If we are partners, all general partners must sign.
- E. We are protesting this rezoning for the following reasons:
1. THE RESIDENTS OF THE NEIGHBORING SUBDIVISIONS/RV PARK ALREADY
 - & WERE SUCCESSFUL IN HAVING TWO STORY ABOVE GROUND BUILDINGS DENIED.
 2. NO COMPARABLES IN THE CITY TO DETERMINE PROPERTY VALUE/ABILITY TO SELL
 3. THE PROPOSED ABOVE GROUND DESIGN IS DEFINITELY NOT A BETTER DESIGN.
 4. IT IS MEANT ONLY TO ALLOW THE PROJECT TO BE BUILT OUT AND TO
 - ALLOW THE DEVELOPER TO PUT MORE MONEY IN HIS POCKET.
 - (PLEASE SEE ATTACHMENT)

NAME (PRINTED)	SIGNATURE	COUNTY ASSESSOR'S BOOK - MAP PAGE - PARCEL NO.
1. <u>REGINALD KOLLINGER</u>	<u>Reginald Kollinger</u>	<u>102 - 59 - 0250</u>
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____

STATE OF Arizona)
COUNTY OF Pinel) SS.

This instrument was acknowledged before me this 14th day of April, 2016,
by Reginald Kollinger



Edna Goff
NOTARY PUBLIC

MY COMMISSION EXPIRES: December 20, 2018

STATE OF _____)
COUNTY OF _____) SS.

This instrument was acknowledged before me this _____ day of _____, 20____,
by _____

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____

PROTEST PETITION

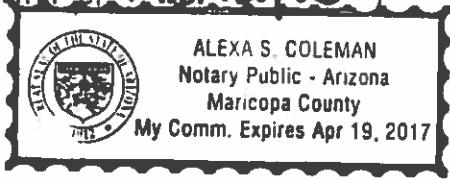
Completed, notarized form must be received by the Planning Department, City of Apache Junction, 300 E. Superstition Boulevard, Apache Junction, Arizona, 85219, no later than 5:00 p.m. on the Tuesday, one week before the City Council meeting, at which the City Council will vote on the proposed amendment. DO NOT return form to the City Council.

ALL persons having an ownership interest in the parcel(s) listed below must sign this petition.

- A. We hereby protest rezoning case PZ- 6-16 where a zone change is proposed from _____ to _____ at 854 S. SAN MARCOS DR. (location)
PD AMENDMENT
- B. We certify that we are the real property owners of the lots included in the proposed change or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots.
- C. We have read Zoning Ordinance Section 16-6(J) which is printed on the reverse side of this petition.
- D. We understand that if we own the property as joint tenants, both husband and wife must sign. If we are contract buyers, both buyers and sellers must sign. If we are partners, all general partners must sign.
- E. We are protesting this rezoning for the following reasons:
 - 1. Do not want a two story Multi-family Dwelling
 - 2. Directly behind our home.
 - 3. _____
 - 4. _____
 - 5. _____

NAME (PRINTED)	SIGNATURE	COUNTY ASSESSOR'S BOOK - MAP PAGE - PARCEL NO.
1. <u>Mike Gassaway</u>	<u>[Signature]</u>	<u>102 - 59 - 0240</u>
2. <u>Ayesha Gassaway</u>	<u>[Signature]</u>	<u>102 - 59 - 0240</u>
3. _____	_____	_____
4. _____	_____	_____

STATE OF Arizona)
COUNTY OF Maricopa) SS.

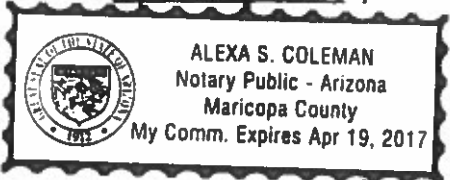


This instrument was acknowledged before me this 11th day of April, 2016,
by Michael Gassaway

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: Apr. 19. 2017

STATE OF Arizona)
COUNTY OF Maricopa) SS.



This instrument was acknowledged before me this 11th day of April, 2016,
by Ayesha Gassaway

[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: Apr. 19. 2017

PROTEST PETITION

Completed, notarized form must be received by the Planning Department, City of Apache Junction, 3000 E. Superstition Boulevard, Apache Junction, Arizona, 85219, no later than 5:00 p.m. on the Tuesday, one week before the City Council meeting, at which the City Council will vote on the proposed amendment. DO NOT return form to the City Council.

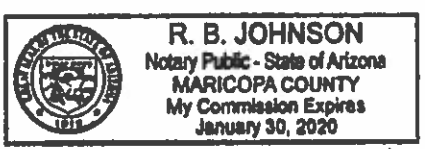
ALL persons having an ownership interest in the parcel(s) listed below must sign this petition.

- A. We hereby protest rezoning case PZ- 6-16 where a zone change is proposed from PD AMENDMENT to at 854 S. SAN MARCOS DR. (location)
- B. We certify that we are the real property owners of the lots included in the proposed change or of those immediately adjacent in the rear or any side thereof extending 150 feet therefrom, or of those directly opposite thereto extending 150 feet from the street frontage of the opposite lots.
- C. We have read Zoning Ordinance Section 1-16-6(J) which is printed on the reverse side of this petition.
- D. We understand that if we own the property as joint tenants, both husband and wife must sign. If we are contract buyers, both buyers and sellers must sign. If we are partners, all general partners must sign.
- E. We are protesting this rezoning for the following reasons:
 - 1. Privacy & Views are compromised
 - 2. Re-sale Ability lowered for our home -
 - 3. Zoning -
 - 4. Approval of this building complex was voted by all affected to be only one level/basements
 - 5. TRANSFER & ASSIGNMENTS - Assignee should be bound to the requirements & design of the approved development plan

NAME (PRINTED)	SIGNATURE	COUNTY ASSESSOR'S BOOK - MAP PAGE - PARCEL NO.
1. <u>Karen L. Amaral</u>	<u>Karen L. Amaral</u>	<u>102 - 59 - 0230</u>
2. <u>David G. Amaral</u>	<u>David G. Amaral</u>	<u>102 - 59 - 0230</u>
3. <u> </u>	<u>Karen L. Amaral</u>	<u> </u>
4. <u> </u>	<u>David G. Amaral</u>	<u> </u>

STATE OF Arizona)
COUNTY OF Pinal) SS.

This instrument was acknowledged before me this 11th day of April, 2016, by Karen L. Amaral

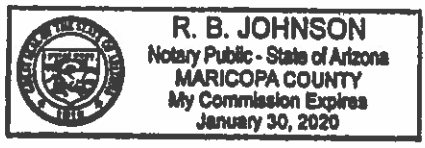


[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: 1/30/2020

STATE OF Arizona)
COUNTY OF Pinal) SS.

This instrument was acknowledged before me this 11th day of April, 2016, by David G. Amaral



[Signature]
NOTARY PUBLIC

MY COMMISSION EXPIRES: 1/30/2020

NOTICE PETITION

Completed, notarized form must be received by the Planning Department, City of Apache Junction, 300 E. Superstition Boulevard, Apache Junction, Arizona, 85219, no later than 5:00 p.m. on the Tuesday, one week before the City Council meeting, at which the City Council will vote on the proposed amendment. Do not return form to the City Council.

All persons having an ownership interest in the parcel(s) listed below must sign this petition.

- A. We hereby protest, regarding case #1-6-16 where a lease change is proposed to 854 S. SAN MARCOS DR. (location)
- B. PD AMENDMENT
- C. We certify that as owners of the real property, owners of the lots included in the proposed amendment, we have a direct and immediate interest in the fact of any such amendment being adopted, and we have the right to be heard on the subject of the proposed amendment, and we have the right to be heard on the subject of the proposed amendment.
- D. We have read zoning Ordinance Section 1-16-01, which is related on the reverse side of this petition.
- E. We understand that if we own the property as joint tenants, both husband and wife must sign. If we are contract buyers, both buyers and sellers must sign. If we are partners, all general partners must sign.
- F. We are presenting this recording for the following reasons:
1. property value
 2. view obstruction
 3. privacy
 - 4.
 - 5.

NAME (PRINTED)	SIGNATURE	COUNTY ASSESSOR'S BOOK - MAP PAGE - PARCEL NO.
1. Cyndi Cunningham		102 - 59 - 0210
2. Gregg Cunningham		102 - 59 - 0210
3.		
4.		

STATE OF WA
COUNTY OF Pima
Notary Public
State of Washington
STEPHEN A FANELLI
My Appointment Expires Oct 7, 2017

This instrument was acknowledged before me this 17th day of April, 2016
by Cynthia Cunningham

NOTARY PUBLIC

COMMISSION EXPIRES: 10/7/17

STATE OF WA
COUNTY OF Pima
Notary Public
State of Washington
STEPHEN A FANELLI
My Appointment Expires Oct 7, 2017

This instrument was acknowledged before me this 17th day of April, 2016
by Gregg Cunningham

NOTARY PUBLIC

COMMISSION EXPIRES: 10/7/17

ORDINANCE NO. 1196

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF APACHE JUNCTION, ARIZONA, AMENDING THE CITY OF APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-16-03 FROM CB-1 (LOCAL BUSINESS ZONE) TO CR-4/PD (MULTIPLE FAMILY RESIDENCE ZONE BY PLANNED DEVELOPMENT); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on February 24, 2004, the Apache Junction Planning and Zoning Commission voted 5 to 2 to recommend approval of the Planned Development rezoning request, case PZ-16-03; and

WHEREAS, the Commission's recommendation contained conditions which the City Council hereby determines to provide greater flexibility in land use and encourages a more creative design compatible with existing and proposed land uses in the vicinity of the property in question; and

WHEREAS, the proposed rezoning, subject to the conditions set forth herein, enables the use and integration of contemporary land planning principles in such a manner to promote its most appropriate use, and further allows diversification in the relationship of various uses, structures, and spaces.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I: IN GENERAL

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land legally described as:

The East half of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 29, Township One North, Range Eight East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

be and is hereby amended from CB-1 (Local Business Zone) to CR-4/PD (Multiple Family Residence Zone by Planned Development), subject to the following stipulations:

- 1) The final Planned Development plan and future subdivision plans shall conform substantially with the submitted and approved preliminary Planned Development concept plan, including, but not limited to, such items as setbacks, lot and street layout, open space configuration, recreational amenities, landscape concept, and building elevations, except as otherwise conditioned herein.
- 2) The final Planned Development plan shall exceed the minimum required landscaping, usable open-space and play stations, as to be determined by the City's Parks and Recreation Department.
- 3) The developer shall provide a pool with a water area of no less than 600 square feet, two-256 square foot ramadas with barbeque grill and tot-lot with play equipment and useable area of no less than 800 square feet.
- 4) The property owners shall improve to the City Engineer's standards any necessary portions of right-of-way abutting the site. Said improvements may include, but not necessarily be limited to, the provision of curbs, gutters, sidewalks, driveways, streetlights, retention basins, etc.
- 5) The property shall be developed within 24 months of rezoning approval or else the zoning may be subject to reversion to its former classification by City Council legislative action, pursuant to Arizona Revised Statutes Annotated ("A.R.S") § 9-462.01.
- 6) Within one year of the preliminary Planned Development Plan approval, the applicants shall submit for formal review, a preliminary subdivision plat for the proposed development.
- 7) Along the southern and western property line, a decorative masonry wall, a minimum of eight feet in height as measured from interior grade level, shall be installed along with a

minimum ten foot (10') landscape strip, planted with one 24 inch box tree every twenty linear feet.

- 8) All required trees in street fronting landscape areas shall be 24-inch box in size.
- 9) The developer shall provide one uncovered and one covered parking space per dwelling unit and an additional 14 to 16 guest parking spaces.
- 10) Any use or development of said property may be conditioned upon the provision of public improvements, a decorative masonry perimeter wall and landscaping in accordance with the provisions of Article 19 of the Zoning Ordinance.
- 11) All construction shall be done in compliance with all applicable codes and ordinances, including the City of Apache Junction Zoning Ordinance, the Uniform Building Code and the Uniform Fire Code (including, but not limited to the provision of sufficient fire apparatus access roads, the marking of fire lanes and the provision of adequate water supplies, sprinkler systems and fire hydrants).
- 12) Upon the formation of an owners association, said owners association will provide the City of Apache Junction with a complete and accurate copy of the accepted Codes, Covenants and Restrictions as part of the preliminary plat submittal.
- 13) The Developers shall pay all applicable development fees prior to the issuance of building permits.

SECTION II: REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

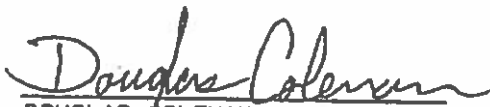
SECTION III: PROVIDING FOR SEVERABILITY

If any section, sub-section, sentence, phrase, clause or portion of this ordinance, or any part of the code adopted herein by reference, is

for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 6TH DAY OF APRIL, 2004.

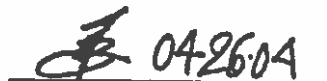
SIGNED AND ATTESTED TO THIS 26TH DAY OF APRIL, 2004.


DOUGLAS COLEMAN
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:


RICHARD JOEL STERN
City Attorney

RESOLUTION NO. 05-06

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING THE PRELIMINARY SUBDIVISION PLAT FOR THE HAYSTACKS, CASE SD-7-03, BY SCOTT STANLEY, ON BEHALF OF JOHN BELLEROSE OF BIG INVESTMENTS 01, LLC.

WHEREAS, the sub-divider in case SD-7-03 proposes to subdivide 4.9 gross acres legally described as the East half of the Northeast quarter of the Northeast quarter of the Northwest quarter of Section 29, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, into 56 town-home style residential lots pursuant to Arizona Revised Statutes ("A.R.S."), Title 9, Chapter 4, Article 6.2, and pursuant to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Article 19, Planned Development Zoning District, and Chapter 2, Subdivision Regulations; and

WHEREAS, on April 6, 2004, the Mayor and City Council of the City of Apache Junction approved Ordinance No. 1196 which rezoned the subject property from CB-1 (Local Business Zone) to CR-4/PD (Multiple Family Residence Zone by Planned Development) by a vote of 7 to 0; and

WHEREAS, on February 25, 2003, the Planning and Zoning Commission held a public hearing regarding the preliminary plat for Case SD-7-03 and unanimously recommended approval by a vote of 6 to 0 (Commissioner Gifford absent); and

WHEREAS, this City Council finds this final subdivision plat to be in compliance with the Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance and Chapter 2, Subdivision Regulations, and Ordinance No. 1196, which authorized the preliminary plan for the property.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and City Council of the City of Apache Junction, Arizona, that:

- 1) All stipulations of Ordinance No. 1196 are in full force

and effect and shall govern the design of the final subdivision plat and construction of improvements.

- 2) Within one year of Preliminary Plat approval, the applicants shall submit for formal review a final subdivision plat for the proposed development.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 18TH DAY OF JANUARY, 2005.

SIGNED AND ATTESTED TO THIS 18TH DAY OF JANUARY, 2005.


DOUGLAS COLEMAN
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:


RICHARD J. STERN
City Attorney