



City of Apache Junction

Development Services Department



Date: May 4, 2016

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager
Larry Kirch, Development Services Director

From: Rudy Esquivias, Senior Planner/Zoning Admin.
Jesse Regnier, Planning Intern

Subject: May 16, 2016, City Council Work Session Item and
May 17, 2016, City Council Public Hearing Item:
PZ-6-16 (Ordinance No. 1431) Superstition Commons LLC/
Charles Duck, Planned Development Major Amendment

Proposal

The new owners of Superstition Commons Townhomes Subdivision (formerly "The Haystacks") at 854 S. San Marcos Drive, represented by Charles Duck, are requesting a planned development major amendment to be allowed to construct the remaining five buildings (buildings 10 through 14) in the subdivision as 25-foot-high two-story buildings, instead of the 19-foot-high one-story basement buildings that are required now under their existing RM-1/PD zoning, approved by Ordinance No. 1196. The owners contend that the lack of comparable appraisals has made it very difficult to properly value and price their townhome units, which are constructed as four-plex single-story buildings, but with basements (one story underground, one story above).

Planning and Zoning Commission Hearings

The Commission heard this case on April 26, 2016. There were many neighbors of the property who attended the meeting and several spoke in opposition to the request, raising issues and concerns about the proposal. The Commissioners voted to continue the public hearing to their meeting on May 10, so that staff and the developer could come back and respond to some of the concerns which were raised. For that reason, as of the writing of this memo, the Commission recommendation has not been made. Staff will present the Commission recommendation to the City Council at their work session on May 16. Please see the staff report which was presented to P&Z on April 26, as well as the follow-up report which will be presented to them on May 10.

City Council Work Session and Public Hearing

Under Development Services' new more expedited case processing schedule (for simpler cases), this case was originally proposed to be presented to Council at a single public hearing, instead of a work session for discussion purposes and then two weeks later for public hearing and decision. However, because of the concerns which have emerged from the neighborhood, staff determined that a work session with Council perhaps was in order. To try and keep the applicant on track with the original schedule and even with the Commission's continued hearing, staff is taking the request to Council on consecutive nights, which is unusual.

Proposed Ordinance

Attached draft Ordinance No. 1431 reflects staff's recommended conditions of approval at this point. At their work session on May 16, staff will provide the Councilmembers with an updated ordinance reflecting the P&Z Commission's recommendation from the May 10 hearing.

Attachments:

- Draft Ordinance No. 1431
- PZ staff report update from May 10, 2016, hearing, with supplemental attachments
- PZ staff report from April 26, 2016 public hearing with all original attachments

ORDINANCE NO. 1431

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A PLANNED DEVELOPMENT MAJOR AMENDMENT, CASE PZ-6-16, FOR A +/-5 GROSS ACRES, RM-1/PD (HIGH DENSITY MULTI-FAMILY RESIDENTIAL BY PLANNED DEVELOPMENT)-ZONED TOWNHOMES SUBDIVISION KNOWN AS "SUPERSTITION COMMONS" (FORMERLY "THE HAYSTACKS"), APPROVED BY ORDINANCE NO. 1196 AND LOCATED AT 854 S. SAN MARCOS DRIVE, BY AMENDING THE DEVELOPMENT PLAN TO ALLOW AN INCREASE IN BUILDING HEIGHT FROM 19 FEET TO 25 FEET, FOR THE REMAINING FIVE BUILDINGS; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on April 6, 2004, Ordinance No. 1196 was passed and adopted by the Mayor and City Council, approving a rezoning and a planned development plan for the proposed Haystacks Subdivision; and

WHEREAS, on December 6, 2005, Resolution No. 05-26 was passed and adopted by the Mayor and City Council, approving the final plat for the Haystacks Subdivision; and

WHEREAS, the subject property is a platted subdivision with a private driveway and common area amenities, consisting of 56 townhome units constructed in a series of fourteen four-plex structures, of which buildings 10 through 14 (units 37 through 56) have yet to be constructed; and

WHEREAS, on June 5, 2014, the city's new zoning ordinance and zoning district maps became effective, renaming the zoning district of the property from "CR-4/PD" (Multi-family Residence Zone by Planned Development) to "RM-1/PD" (High Density Multi-family Residential by Planned Development), but otherwise still leaving all of the planned development conditions prescribed by Ordinance No. 1196 in full force and effect; and

WHEREAS, over the years the subject property has changed ownership several times, with Superstition Commons LLC, represented by Charles Duck, being the current ownership entity, who also changed the name of the development from "The Haystacks" to "Superstition Commons"; and

WHEREAS, the new owners of the remaining lots of the Superstition Commons property have requested, through case PZ-6-16, a planned development major amendment to construct the remaining buildings as two-story 25-foot-high buildings instead of the 19-foot-high basement unit buildings in order to mitigate (they contend) the difficulty of getting comparable appraisals and construction values, along with all previously approved features and amenity areas; and

WHEREAS, on May 10, 2016, the Apache Junction Planning and Zoning Commission voted _____ to recommend approval/denial of planned development major amendment case PZ-6-16, amending Ordinance No. 1196 by adding new conditions of approval as listed herein, in order to accommodate the request and allow for the timely completion of the infill subdivision property, as described herein and in case file PZ-6-16; and

WHEREAS, the City Council hereby determines that the proposed planned development major amendment conforms to the general regulations as specified in Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-5 Zoning and Bulk Use Regulations, Sections 1-5-1, Table 5-1 Residential Use Regulations and 1-5-2, Table 5-2 Residential Bulk Regulations (except as otherwise conditioned herein), Section 1-4-3 Planned Development District and applicable provisions of Ordinance No. 1196.

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

SECTION I IN GENERAL

That a planned development major amendment, adding conditions of approval to Ordinance No. 1196 as listed herein, to allow buildings 10 through 14 (units 37 through 56) at Superstition Commons (formerly "The Haystacks"), to be constructed at a height of 25 feet, for the parcels of land legally described as:

Buildings 10 through 14 (units 37 through 56), of The Haystacks, a residential subdivision recorded in Cabinet F, Slide 158, Pinal County Recorder's Office,

and generally located in the East half 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;

be and hereby is approved, subject to the following conditions of approval:

- 1) Superstition Commons (formerly "The Haystacks") shall be operated pursuant to Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-5 Zoning and Bulk Use Regulations, Sections 1-5-1, Table 5-1 Residential Use Regulations and 1-5-2, Table 5-2 Residential Bulk Regulations (except as otherwise conditioned herein), Section 1-4-3 Planned Development District and applicable provisions of Ordinance No. 1196.
- 2) Buildings 10 through 14 (units 37 through 56) shall be constructed in substantial compliance with the conceptual elevation drawings dated May 4, 2016, contained in case file PZ-6-16, to be no taller than 25 feet.
- 3) The developer shall construct an eight-foot-high masonry wall, particularly on the west and south boundaries of the subdivision property.
- 4) The landscape plans of the property shall be revised to show alternating 24"-box and 36"-box trees, planted 20-feet apart from east to west, inside the property line along the south boundary of the property.
- 5) The property owners and/or the Homeowners Association of the Superstition Commons development shall regularly maintain the drainage channel through the property to keep it free of silt, weeds and debris, as well as maintain all other common areas, amenities and landscaping.
- 6) All outdoor lighting at Superstition Commons, including parking lot lights shall be in compliance with the city's Zoning Ordinance, Article 1-10 Outdoor Lighting Regulations.

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 _____ DAY OF _____, 2016.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2016.

JOHN INSALACO
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney