

City of Apache Junction



Development Services Department

Date: May 4, 2016

To: Planning and Zoning Commission Members

Through: Larry Kirch, Development Services Director

From: Rudy Esquivias, Senior Planner/Zoning Admin

Jesse Regnier, Planning Intern

Subject: May 10, 2016, P&Z Commission Public Hearing Item:

PZ-6-16 Superstition Commons/Duck, Planned Development Major Amendment (item continued from 4-26-16 meeting)

Update

Attached please find a complete copy of the staff report which was presented to you at your April 26 meeting. The Commission voted to continue this item to their meeting of May 10 because of several questions/issues which were raised by Commissioners and neighbors at the public hearing on the 26th. Staff has revised the recommended conditions of approval to try and address some of these items of concern.

Issues and Concerns Raised on April 26

Commissioners requested revised elevations to reflect that similar architectural detailing was going to be provided on the proposed two-story units as was provided on the one-story units. Attached, please find new exhibits; a photograph of an existing unit at Superstition Commons and a revised color elevation drawing dated 5-4-16. Staff has revised condition #2 (below) to specifically refer to the revised color elevations. Final review and quality check, of course, will occur when staff reviews the new construction drawings for the proposed two-story units at the time of permits submittal.

A representative for Golden Sun RV Resort to the west of Superstition Commons spoke with concerns about the drainage channel which traverses both properties, about items being tossed over the wall between the properties and about possible bright light issues emerging (letter also submitted). She stated that during one of the recent storm events, water came through with such a force that debris piled up the against the wrought iron barrier over the channel between the properties and knocked it down. Staff recommends new condition #5 to address this issue. We will also ask the City Engineer to attend the

Commission meeting to speak about this issue. With regard to residents/kids of Superstition Commons throwing toys and other things over the wall into Golden Sun, please see new condition #3 to try and mitigate this issue. Mr. Duck will also address this issue with the residents of Superstition Commons. Lastly, even though the city has a "dark skies" ordinance in general, we also recommend condition #6 to specifically address this item.

With regard to the privacy issue along the south property line between Superstition Commons and the Sunrise Subdivision, it is very difficult to find a solution that is going to satisfy everyone. However, conditions 3 and 4 try to address the privacy concern. The loss of views will probably occur whether 19-foot-high buildings or 25-foot-high buildings are constructed. Once again, we point out that two-story homes have already been allowed outright and constructed in the Sunrise Shadows, Terra Morado and Broadway San subdivisions which surround Superstition Commons. Mr. Duck is requesting to finish building out his development with similar two-story structures.

With regard to the issue of comparable appraisals and the financial issues of the subdivision, Mr. Duck will ask his appraiser to address this item with the Commission at their meeting on the 10th. Mr. Duck still contends that while comps for basement townhomes and basement single-family homes can be found, comps for four-plex basement townhome structures cannot be found.

Lastly, there was also a question about when the zoning sign was posted. Staff explained that the advertisement for the case, notices to surrounding property owners and the zoning sign posting were all done in a timely fashion, although the sign that was originally posted was smaller than our application form normally requests. Mr. Duck did replace the smaller sign with the proper 4' x 4' sign. Ironically, by continuing the public hearing, the 4' x 4' sign has now been up long enough to preclude the argument that a proper sign was not posted.

Planning Division Recommendation

Planning staff still generally supports the PD amendment request. However, to try and better address the concerns of surrounding property owners and for the Commission's consideration, we suggest that the proposed conditions of approval be clarified and expanded upon as listed under the recommended motion.

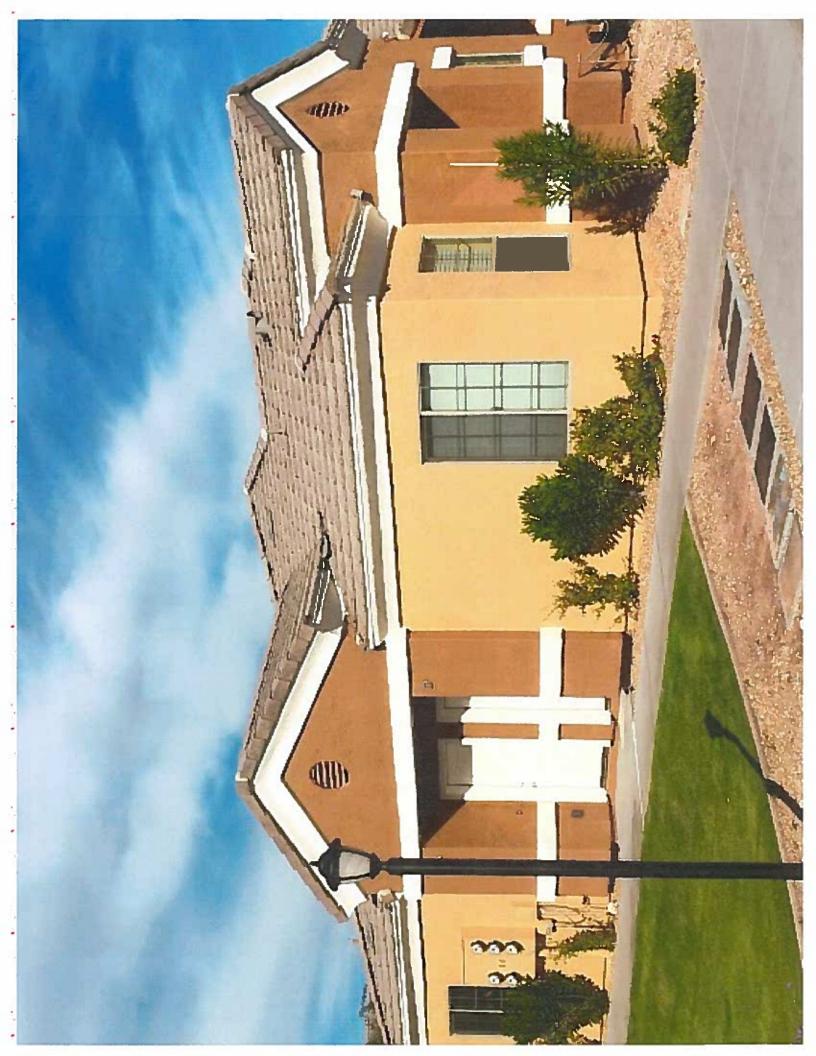
Recommended Motion

I move that the Planning and Zoning Commission recommend to the City Council the (APPROVAL/DENIAL) of case PZ-6-16, a Planned Development Major Amendment request for the Superstition Commons (formerly known as The Haystacks) +/-4.9-acre, RM-1/PD-zoned subdivision, to allow the last five buildings (or twenty townhomes), to be changed from basement homes to two-story homes, by amending Ordinance No. 1196 with additional conditions of approval as follows:

- 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 Residential Use Regulations and 1-5-2, Table 5-2 5-1 Residential Bulk Regulations (except as 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 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.

Attachments:

- Photo of existing model and revised elevation drawings
 Letter from owner of Golden Sun RV Park
 Letter from R. Klinger regarding police calls to property
 PZ Staff Report from April 26, 2016, public hearing with all attachments.



City of Apache Junction

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DEVELOPMENT SERVICES

BUILDING DIVISION





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Haystacks

















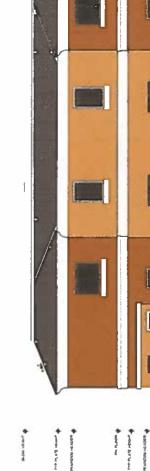






Semi Covered Patio with Pony Wall

RIGHT & LEFT SIDE ELEVATION



FRONT & REAR ELEVATION



April 18, 2016

City of Apache Junction

Department of Development Services

Attn: Mr. Jesse Regnier, Planner

300 E. Superstition Boulevard

Apache Junction, Arizona 85119

Re: PZ – 6 – 16 Request For Proposed Planned Development Amendment

Mr. Regnier:

I represent the owner of the Golden Sun RV Park, located immediately West of the subject parcel. I appreciate the time you spent with me on the afternoon of April 14, 2016, answering questions about the above-referenced project. My understanding is that a meeting before the Planning and Zoning Commission has been scheduled, for discussion of this proposal, on the evening of April 26, 2016. I will be unable to attend the meeting, and would appreciate your assistance in entering this letter into the public record for analysis by the Commission.

The Owner of the Golden Sun RV Park has the following concerns relative to this development:

- 1) During certain storm events experienced over the last several years, the storm water discharge system has focused an excessive volume of water to a wrought iron opening in our perimeter wall located near the Southeast corner of the RV Park. The developer does not routinely remove refuse from the storm water channel. As a result, the high volume of water forces debris against the wrought iron opening, blocking the free flow of water, and causing the wall to collapse into our property. This is a health and safety problem for our residents. I have attached a photograph of one such event. The Owner requests either that the applicant be required to modify the system to divert excess storm water to the municipal collection system, or install a trash collection device to prevent damage to the perimeter wall.
- 2) The approved site plan permitted an expanse of impervious surface (street and parking surfaces) along much of our common boundary. As the site has developed, this area has become an attractive play area for younger residents, who frequently throw toys and other materials over the common wall, and onto our perimeter lots. A number of the retiree residents of these lots have expressed frustration with the noise and materials being deposited onto their lots. Some who have previously expressed interest in leasing these lots, now wish to move elsewhere. This has an impact on the quiet enjoyment of our residents, and upon our income stream. The

Owner requests consideration in requiring the applicant to raise the elevation of the wall to a height of eight feet.



3) Following a neighborhood meeting, the applicant submitted an email memorandum to the City, suggesting an agreement to refrain from installing carriage or flood lights on the second story structures. While we favor this commitment, we also request a commitment to refrain from installing any street or parking area pole lighting that would direct glare over the perimeter wall and into our community.

Please extend our appreciation to the Planning and Zoning Commission representatives for their consideration of our requests.

Sincerely, Equity Lifestyle Properties Inc.

Scott Brown

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2016 HAY -2 PM 4: 41

4/28/2016

CITY OF APACHE JUNCTION To the City Council Members of Apache Junction,

I'm writing this letter to make you aware of a very serious situation we have in our community. We have a development of townhouses being built on the Southwest corner of Broadway and South San Marcos Drive.

The development at 854 S. San Marcos Dr. was started sometime around 2000. It is currently being built by Developer number six, I'm told. At this point, the Planning Department and the Zoning Commission are taking into consideration allowing the Developer to change the building design that was approved by the city council from two story basement townhouses to two-story above ground townhouses. Their reasoning is that the Builder has said he cannot afford to complete the development because he would only make \$10,000 per unit, of which each building has four units as opposed to \$20,000 - \$25,000 per unit if he doesn't have to pay to build the basements.

I do not believe that the charter of either department should be to help the Developer's profit margin. The vast majority of the units that have already been built are being rented as apartments as opposed to being sold.

This is where the even more serious situation starts that I spoke of at the beginning of this letter.

In the last three years within this existing complex alone the Police Department has responded to 73 calls and follow up visits. That is an average of 24 calls per year! At this time, only seven buildings have been completed two are under construction and are vacant and five more have yet to be built making a total of fourteen buildings. Each building will be home to four separate units.

If the remaining buildings are built and continue to be rented as apartments, I think it is safe to assume that the police calls may well double and perhaps even worse.

The last five buildings slotted to be built are the ones the developer wants to make two story above ground townhomes/apartments. Three of the last five will back up to our homes that make up the existing southern and southwestern border of planned development. None of us feel the Planning and Zoning Department should recommend this total design change to the members of the City Council. It is very

difficult to make our case when we only have five minutes to share all of the research we have gathered regarding this matter.

I believe the time we get at the City Council meeting is only three minutes.

None of the homeowners in our area were ever very happy with this type of development to begin with, but we all accepted the fact that two story basement townhouses had been approved by the city council many years ago. With the new information we have received from the Police Department on the number and nature of those calls that they have responded to - we would ask the city to halt all building at the Superstition Commons development until these buildings are no longer being rented or leased as apartments, and that the two-story above ground townhouses that were of concern to the city council, when the original developer proposed them not be allowed.

We feel that the Planning Department has chosen to ignore the city's general plan by using the P. D. (Planned Development) in the zoning ordinance. By using this language they allowed two-story single family homes to be built to the North and East of this development, which have totally destroyed our views of both Four Peaks and The Superstition Mountains. And if you have not read the language in the P.D. ordinance which starts on page thirty, you may be very surprised at what it allows the planning department to do.

One example for you is that it allows them to ignore all the regulations that everyone else in the city has to follow. Remember, this is just one example, there are many more. Please read and think of the implications that this language could and has had.

I have a great deal more research I have gathered during my quest to protect mine and my family's privacy. I would more than happy to share this with you, if any of you are interested. I totally understand that you are all busy people, and that the chances all of you all having read the zoning ordinances would be slim to none. After all, that's why we have a Planning Department, right? I would only caution you that the information you get from the Planning and Zoning Departments is the Reader's Digest version and that it may be a bit biased based on their recommendation.

Please try to do something about the clientele that this development has obviously attracted, and the apparent crimes near our neighborhood. And please, please do not allow our privacy to be invaded by allowing the two- story above ground

townhouses to be built in this development. Our views and our property values have already been destroyed because of what's going on in our backyards. Please stop this craziness.

Thank you.

Sincerely,

R. Klinger

P.S. Please view the video of the first public hearing that was held April 26th, 2016.

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150303002	03/25/2015 (6:36)		SUSP VEHICLE	1p2	854 S SAN MARCOS DR		Phone	С	2
<u>150301201</u>	03/10/2015 (18:56)		SUSP ACTIVIT	2P1	854 S SAN MARCOS DR		Phone	С	2
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160303799	03/29/2016 (14:59)		REPO/IMPOUND	DIS12	854 S SAN MARCOS DR		Phone	С	3
160302303	03/18/2016 (14:35)	40.75	THEFT IDENTI	2P4	854 S SAN MARCOS DR	4B	Walk-in	С	3
160300498	03/04/2016 (17:42)		WELFARE CK	2P10	854 S SAN MARCOS DR		Phone	С	2
60102042	01/17/2016 (13:45)		CIVIL MATTER	2P1	854 S SAN MARCOS DR	4B	Walk-in	С	3
60101470	01/13/2016 (1:45)		REPO/IMPOUND	DISP1	854 S SAN MARCOS DR	3D	Phone	С	3
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150800607 08/05/2015 EXTRA PATROL 3p1 854 S SAN MARCOS DR Phone C	3
150700793 07/07/2015 CITY CODE VI 3P2 854 S SAN MARCOS DR Phone C	3
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151201434	12/12/2015 (20:37)		CUST INTERFE	3P2	854 S SAN MARCOS DR	B1	Phone	С	2
151200206	12/02/2015 (18:57)		WELFARE CK	2P3	854 S SAN MARCOS DR	В	911	С	2
151102407	11/21/2015 (15:24)	A P	COURT OR VIO	2P1	854 S SAN MARCOS DR	4D	Phone	С	2
151101075	11/09/2015 (22:00)	W11	ATL	3P2	854 S SAN MARCOS DR	4C	Radio	С	3
151100411	11/04/2015 (6:16)		REPO/IMPOUND	DIS12	854 S SAN MARCOS DR		Phone	С	3
151002592	10/22/2015 (13:09)		ASSIST AGENC	1P1	854 S SAN MARCOS DR	2B	Phone	С	2
51000762	10/07/2015 (13:44)		SUPP	TM4	854 S SAN MARCOS DR		Radio	С	3
51000535	10/05/2015 (13:58)		CHILD ABUSE	2P1	854 S SAN MARCOS DR	4D	Walk-in	C	1
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140301898	03/15/2014 (16:43)		SUSP ACTIVIT	2P1	854 S SAN MARCOS DR	4D	911	С	2
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140602043	06/15/2014 (18:36)		INJURED PERS	2P2	854 S SAN MARCOS DR	1C	911	С	1
140600319	06/03/2014 (11:30)		UNLAW USE/VE	1P2	854 S SAN MARCOS DR	2C	Phone	С	2
140503297	05/26/2014 (1:45)		INFO GENERAL	3P1	854 S SAN MARCOS DR	2D	Phone	С	3
140503287	05/26/2014 (0:05)		SUICIDE THRE	3P1	854 S SAN MARCOS DR	2D	911	С	1
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140500194	05/02/2014 (18:57)		SUSP ACTIVIT	K13	854 S SAN MARCOS DR	2D	911	С	2
140500110	05/01/2014 (21:07)		FOLLOWUP	3P1	854 S SAN MARCOS DR	1C	Radio	С	3
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140902946	09/23/2014 (19:23)		URINAT PUBLI	2p4	854 S SAN MARCOS DR		Phone	С	3
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140900027	09/01/2014 (5:13)		ASSIST AGENC	3P3	854 S SAN MARCOS DR		Phone	С	2
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130801032	08/10/2013 (16:10)		INFO GENERAL	2P1	854 S SAN MARCOS DR	2A	Walk-in	С	3
130800825	08/08/2013 (17:11)		WARRANT AJ	2R1	854 S SAN MARCOS DR		Phone	С	2
130702629	07/28/2013 (8:14)		SUSP VEHICLE	1P2	854 S SAN MARCOS DR		Radio	С	2
130601948	06/20/2013 (15:02)		SUSP PERSON	2R1	854 S SAN MARCOS DR	D1	Phone	С	2
130601658	06/17/2013 (21:39)	CITIZEN	SUSP ACTIVIT	3P2	854 S SAN MARCOS DR		911	с	2
130400447	04/05/2013 (5:25)		PROWLER	3P3	854 5 SAN MARCOS DR	1	911	С	1
130202012	02/18/2013 (19:29)	CONTRACTOR AND ADDRESS.	SUSP ACTIVIT	2p1	854 S SAN MARCOS DR		911	С	2
			K	1 1 2 of	2				

CAD Calls Search CAD Person Search DR Search Daily Communications

Search Active Calls

Date Received: Start MM/DD/YYY HH:MM	01/01/2013 0:01	Date Received: End MM/DD/YYY HH:MM	12/30/2013 23:59
First Unit		Priority	Select Value 🗸
Caller Name		Complaint	
		Narrative	and .
Cali Number		Call Status	Select Value 🗸
Actual Incid Location	854 S San Marcos dr	Actual Incid Apartment	City:
Records per page	Select Value 🗸	How Received	Select Value 🗸
Clear			. Search

Please Read: Fill above, Click the <<Search Button>> above, THEN Select One of these: Send to Excel 804 OCA Summary

ATL

List of Active Calls

Total Records: 18

<u>130801459</u>

(16:26)

TOOBI NECURUS. 10									
Call Number	Received	Caller Name	Complaint	First Unit	Location	Apt	How Received	Call Status	Priority
131202026	12/18/2013 (17:30)		JUV DISTURBA	2R1	854 S SAN MARCOS DR	2D	911	С	2
131001742	10/17/2013 (9:05)		CIVIL MATTER	1p1	854 S SAN MARCOS DR	С	Walk-in	С	3
131001651	10/16/2013 (15:49)		CIVIL MATTER	2p10	854 S SAN MARCOS DR		Walk-in	С	3
130902921	09/28/2013 (13:30)		CIVIL MATTER	2P10	854 S SAN MARCOS DR	С	Walk-in	С	3
130902826	09/27/2013 (17:57)		FOLLOWUP	2P3	854 S SAN MARCOS DR		Radio	С	3
130902734	09/26/2013 (19:01)		DOM VIOL	2P1	854 S SAN MARCOS DR	С	Phone	С	1
130902463	09/24/2013 (13:09)		REPO/IMPOUND	DIS22	854 S SAN MARCOS DR		Phone	с	3
130901156	09/12/2013 (11:58)		SUSP VEHICLE	1p4	854 S SAN MARCOS DR		Phone	С	2
30801551	08/15/2013 (9:42)		WARRANT AJ	(II	854 S SAN MARCOS DR	2A	Phone	С	2
30801459	08/14/2013		ΔΤΙ		854 S SAN	34	Dadia		

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MARCOS

DR

С

Radio

2A