



City of Apache Junction
Development Services Department



Date: November 8, 2017

To: Honorable Mayor and City Council Members

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

From: Rudy Esquivias, Senior Planner/Zoning Admin.

Subject: November 21, 2017, City Council Public Hearing Item:
Ordinance #1456 (PZ-3-17 Cochrane/McGavin Rezoning)

Proposal

Case PZ-3-17 is a request by Steve Cochrane (owner) and George McGavin and Linda Pearson (applicants), represented by Kevin McDougall (project engineer), to rezone a vacant +/-16.87 acre property, located at the northeast corner area of US60 and S. Tomahawk Road from RS-20/PD (Medium Density Single-family Detached Residential by Planned Development) to B-1/PD (General Commercial District by Planned Development), for the purpose of developing approximately 4 acres of the property with commercial opportunity pads and approximately 12 acres with a KOA-style campground. This property has previously been the subject of an economic development agreement with the city and a city-initiated rezoning, which gave the property its current equivalent zoning of RS-20/PD.

The applicants propose a +/-130 space KOA or KOA-style campground development with amenities and which is proposed to be constructed with "KOA Holiday Brand" standards, as described in the attached materials. There are no current prospective developers for the commercial pads.

Planning and Zoning Commission Recommendation

On October 24, 2017, the Planning and Zoning Commission held a public hearing regarding case PZ-3-17 (P&Z staff report and exhibits attached). The Commission voted 5-1 to recommend approval of the PD rezoning request subject to the conditions negotiated by staff and the developers on the day of the P&Z meeting, as reflected in the attachment (shown with strike-throughs and highlights) titled "PZ-3-17 Conditions of Approval Recommended by P&Z Commission - Oct. 24, 2017". No one from the audience spoke at the public hearing and the developers did not express any opposition to the revised conditions presented.

Planning & Zoning – Building & Safety – Revenue Development

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City Council Work Session

At the Council work session on November 6, planning staff presented the rezoning case and the Commission recommendation. Earlier that day, staff had received information that the applicants had communicated to city representatives that they wanted some of the conditions changed and/or simply deleted. Of particular concern for staff was that the developer asked that conditions 9 and 10 be deleted. Staff advised Council that the deletion of conditions 9 and 10 would result in the campground really being just another RV park. A couple of Councilmembers opined that they wanted ALL of the conditions, as recommended by staff and P&Z, to stay in place.

Attached please find proposed Ordinance No. 1456, which reflects the Planning and Zoning Commission recommendation. If the applicants truly desire that some of the conditions be changed, although they did not express these concerns at the P&Z hearing, then perhaps the case should be referred back to Commission, so that the Commissioners can deliberate on the true proposal and intent of the developer. The Council has the following options:

- 1) Approve Ordinance No. 1456 as recommended by the Commission;
- 2) Approve Ordinance No. 1456, but with changes requested by the applicants on the night of the Council public hearing;
- 3) Refer the rezoning request back to the Commission with the applicant's requested changes, for a new recommendation;
- 4) Deny the rezoning.

Attachments:

- Proposed Ordinance No. 1456
- PZ-3-17 Conditions of Approval Recommended by P&Z Commission - Oct. 24, 2017;
- PZ Staff Report from October 24, 2017, with attachments;
- KOA Brand Positioning Criteria 2015 (booklet);

ORDINANCE NO. 1456

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION IN CASE PZ-3-17 FROM MEDIUM DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL BY PLANNED DEVELOPMENT ("RS-20/PD") TO GENERAL COMMERCIAL DISTRICT BY PLANNED DEVELOPMENT ("B-1/PD") FOR THE PURPOSE OF DEVELOPING THE PROPERTY WITH COMMERCIAL PADS AND A KAMPGROUNDS OF AMERICA ("KOA")-STYLE CAMPGROUND; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the subject property consists of one (1) 16.87-acre parcel which is currently undeveloped; and

WHEREAS, said property was previously the subject of a Pre-annexation and Economic Development Agreement with the city, which sought to: increase sales tax revenue; create and retain jobs; encourage the development of nearby properties for retail purposes; redirect the public's retail expenditures to businesses inside the city; enhance the safety of roadways in the area; enhance the safety of pedestrians with lighting and sidewalk improvements; and

WHEREAS, under the Pre-annexation and Economic Development Agreement both the city and the owners were subject to certain obligations, among those being a city-initiated rezoning of the property to TH/PD and the owners' allowance of a sewer line and easement across the property, both of which were accomplished; and

WHEREAS, said agreement expired on January 1, 2015, before the remainder of the obligations and goals for the property could be realized, although the city's desires for the eventual development of the property still remain relevant; and

WHEREAS, the property owners and a new developer now wish to develop the property with commercial opportunity pads on no less than four acres and a KOA-style campground on the remainder of the property; and

WHEREAS, a rezoning to a planned development district is required in order to accommodate the conceptual development plan; and

WHEREAS, on October 24, 2017, the Apache Junction Planning and Zoning Commission voted 5-1 to recommend approval of planned development rezoning case PZ-3-17, subject to the submitted conceptual planned development plans and the conditions of approval prescribed herein; and

WHEREAS, the city council hereby determines that the proposed planned development rezoning request conforms to all of the general criteria as specified in Apache Junction City Code, Volume II, Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning Bulk and Use Regulations, Section 1-5-3, Non-Residential Use Regulations and Article 1-4: Zoning Districts, Section 1-4-3, Planned Development ("PD") Overlay District (except as otherwise conditioned herein), including integration with the surrounding neighborhood, adequate traffic accommodation, adequate public facilities, extension of infrastructure, and that the design and uses should result in enhancements to the social, built and natural environments in the City.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL 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 North half of the Southwest quarter of the Northwest quarter of Section 34, Township 1 North, Range 8 East Gila of the Salt River Base and Meridian, Pinal County, AZ; Except for the West 369.78 feet of the South 330 feet thereof; and Except for the West 50 feet thereof (also known as Pinal County Assessor parcel number 103-22-004A).

be and hereby is amended from Medium Density Single-family Detached Residential by Planned Development ("RS-20/PD") to General Commercial District by Planned Development ("B-1/PD"),

ORDINANCE NO. 1456

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for the purpose of developing the property with commercial pads and a KOA-style campground, subject to the following conditions of approval:

- 1) The property owners shall dedicate all necessary rights-of-way and cutoff corners as determined by the city engineer, including the west 50 feet of the gross property for S. Tomahawk Road.
- 2) Street improvements along the property's S. Tomahawk Road frontage, such as extension of pavement and the provision of sidewalk, curb, gutter, streetlights, fire hydrants, landscaping, driveways, drainage improvements, the undergrounding of utility lines and other improvements as determined by the city engineer, shall be required as part of this planned development rezoning and be subject to final approval by the city engineer.
- 3) The developers of the property shall be responsible for properly applying for and obtaining all necessary permits for any off-site and on-site improvements or construction. All improvements shall be designed in compliance with city codes and standards in effect at the time. The developer shall also pay all applicable fees, including permit, plan review and development fees.
- 4) The B-1 General Commercial base zoning district standards shall apply to all permanent buildings constructed on the site. No metal-sided buildings larger than 120-square feet, including campground storage or maintenance buildings, shall be allowed.
- 5) The final plan for the campground development shall reflect substantial compliance and consistency with the planned development concepts presented with case PZ-3-17, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include general layout, setbacks, public and private rights-of-ways, easements and tracts, building massing, amenities, perimeter fencing and landscaping, and other improvements.

- 6) The property owners/developers shall work with and coordinate with the property owners at the northeast corner of US60 and S. Tomahawk Road to construct a shared private entrance road or public street, from Tomahawk Road to the east boundary line of the commercial pads area. If a public street, it shall be constructed in compliance with the city's engineering standards. If a private road, it shall be constructed in compliance with the city's standards for private streets contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-7 Parking, Loading and Circulation Regulations, Section 1-7-6 Private Street Standards. These improvements may be phased to provide access into the campground first and later to the commercial pads.
- 7) Landscape and screening improvements along the west, north, east and south perimeters of the proposed campground shall be provided in compliance with the city's landscape and screening requirements contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-8 Landscape Regulations, but shall also include a decorative 6 to 8-foot-tall masonry wall along Tomahawk Road (exclusive of driveways) and US60, with 10-foot-wide landscape strips planted outside the walls. A minimum 6-foot-tall masonry wall shall also be constructed between the east boundary of the commercial pads area and the campground. The fence on the north side of the "common driveway" identified on the conceptual plan may be wrought iron. In no case shall any perimeter fencing be chain link or wood, or contain barbed or razor wire. The commercial pads area shall not require landscape and screening improvements until such time as it is proposed to be developed. All landscape and screening improvements shall be perpetually owned, maintained and kept up in compliance with the city's codes by the property owners.
- 8) The campground shall be designed in accordance with the standards of the company lending its name to the campground. Additionally, in accordance with this planned development approval, the final development plan for the campground shall also include the following:

clubhouse or office building in compliance with the city's commercial design guidelines; swimming pool which complies with KOA's "Holiday" brand criteria; spa or "Jacuzzi" which complies with KOA's "Holiday" brand criteria; children's playground; centrally and/or conveniently located public restrooms, showers, laundry facility and barbeque grills; some sidewalks for pedestrian comfort and connectivity; pedestrian access to the "dog run"/open space area on the east side of the development; on-site retention basins; other recreational amenities and features as depicted on the conceptual plan submitted with case PZ-3-17.

- 9) In order to maximize the potential of the campground as a welcoming tourist and visitor family experience, the campground shall not be age-restricted. Furthermore, not more than 25% of the lots may be offered as year-round rentals; exclusive of the year-round rental lots, no campers shall be allowed to stay on any one space more than six continuous months; no more than 15% of the lots shall be developed with uniform, modular, wood-cabin-style structures, which may also be offered for year-round rentals, installed or constructed by the developer; tent camping spaces shall be offered in compliance with KOA's "Holiday" brand criteria (no sewer to these lots).
- 10) Exclusive of the "cabin" structures and the "RV Patio Sites" improvements (described in the KOA Holiday Brand Positioning Criteria booklet submitted with the application) constructed or installed by the developer as described above, no rental lots shall otherwise accept or allowed to be constructed/improved by renters with park model trailers, mobile homes, HUD-certified manufactured homes, factory-built units, tiny houses, storage sheds, carports, "Arizona" rooms or screen rooms, or other free-standing buildings; nor shall they be used for RV, boat or other storage purposes.
- 11) Unobstructed right of ingress and egress shall be provided at all times to city personnel, including police, fire, emergency and utility service providers.

- 12) In order to help create a commercial, retail, hospitality-oriented and/or office development opportunity on the four-acre commercial pads area, future uses on the B-1/PD-zoned property may include those uses normally allowed under the B-1 base zone, especially restaurant, retail, convenience, medical and other visitor-friendly uses, but shall not include the following uses: manufactured/mobile home sales; semi-truck service or repair; pawn shop; tattoo and/or piercing establishment; massage establishment; swap meet; RV or manufactured home parks; RV, boat or vehicle storage; horse boarding or riding stables; contractor yard; commercial parking lots and garages; outdoor storage, assembly or repair businesses of any kind; general warehouse and mini-storage warehouses; taxi or shuttle business; rescue mission, soup kitchen or homeless shelter; second-hand or used merchandise stores; used auto sales; medical marijuana uses; single-family and other residential uses; other uses determined by the Zoning Administrator to be incompatible with the intent of the planned development zoning.
- 13) Future land divisions of the re-zoned property which result in 4 or more lots being created, shall require the owners to proceed through a subdivision process. However, if at that time the campground has already been developed and substantial improvements provided therein, the city may waive the preliminary plat process and allow the developers to proceed directly to a final plat and improvement plans approval process.
- 14) Any request for deviation from the city's development standards or for uses determined by the Zoning Administrator to not be conducive to creating a commercial, retail, office opportunity as described herein shall require a separate planned development amendment, rezoning, landscape code appeal or conditional use permit process first, as may be appropriate.
- 15) Future businesses on the planned development site shall be allowed to advertise on multi-tenant signs. One 12-foot-high multi-tenant monument sign shall be located

along the Tomahawk Road frontage; and one multi-tenant freeway sign (25' feet above adjacent freeway grade, measured at the top of the sign) shall be located along the US60 frontage. Said signs shall complement the architecture of the buildings, and shall be subject to Planning Staff review and approval.

- 16) Final plans for the development shall incorporate, for the city's emerging multi-use trail system, a public easement for ingress and egress on the east side of the project.
- 17) The campground shall be designed and constructed to meet KOA's "Holiday Brand" standards. If KOA does not partner with the developer in the development of the campground, the developer shall still develop the lots with "Holiday Brand"-style amenities and qualities.

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, subsection, 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 _____, 2017.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2017.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney

PZ-3-17 CONDITIONS OF APPROVAL RECOMMENDED BY
PLANNING & ZONING COMMISSION- OCT. 24, 2017
(Changes shown in strike-throughs and high-lights)

Standard Conditions:

- 1) The property owners shall dedicate all necessary rights-of-way and cutoff corners as determined by the city engineer, including the west 50 feet of the gross property for S. Tomahawk Road.
- 2) Street improvements along the property's S. Tomahawk Road frontage, such as extension of pavement and the provision of sidewalk, curb, gutter, streetlights, fire hydrants, landscaping, driveways, drainage improvements, the undergrounding of utility lines and other improvements as determined by the city engineer, shall be required as part of this planned development rezoning and be subject to final approval by the city engineer.
- 3) The developers of the property shall be responsible for properly applying for and obtaining all necessary permits for any off-site and on-site improvements or construction. All improvements shall be designed in compliance with city codes and standards in effect at the time. The developer shall also pay all applicable fees, including permit, plan review and development fees.
- 4) The B-1 General Commercial base zoning district standards shall apply to all permanent buildings constructed on the site. No metal-sided buildings larger than 120-square feet, including campground storage or maintenance buildings, shall be allowed.
- 5) The final plan for the campground development shall reflect substantial compliance and consistency with the planned development concepts presented with case PZ-3-17, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include general layout, setbacks, public and private rights-of-ways, easements and tracts, building massing, amenities, perimeter fencing and landscaping, and other improvements.

Project Specific Conditions:

- 6) The property owners/developers shall work with and coordinate with the property owners at the northeast corner of US60 and S. Tomahawk Road to construct a shared private entrance road or public street, from Tomahawk Road to the east boundary line of the commercial pads area. If a public street, it shall be constructed in compliance with the city's engineering standards. If a private road, it shall be constructed in compliance with the city's standards for private streets contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-7 Parking, Loading and Circulation Regulations, Section 1-7-6 Private Street Standards. These improvements may be phased to provide access into the campground first and later to the commercial pads.
- 7) Landscape and screening improvements along the west, north, east and south perimeters of the proposed campground shall be provided in compliance with the city's landscape and screening requirements contained in Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Article 1-8 Landscape Regulations, but shall also include a decorative 6 to 8-foot-tall masonry wall along Tomahawk Road (exclusive of driveways) and US60, with 10-foot-wide landscape strips planted outside the walls. A minimum 6-foot-tall masonry wall shall also be constructed between the east boundary of the commercial pads area and the campground. The fence on the north side of the "common driveway" identified on the conceptual plan may be wrought iron. In no case shall any perimeter fencing be chain link or wood, or contain barbed or razor wire. The commercial pads area shall not require landscape and screening improvements until such time as it is proposed to be developed. All landscape and screening improvements shall be perpetually owned, maintained and kept up in compliance with the city's codes by the property owners.
- 8) The campground shall be designed in accordance with the standards of the company lending its name to the campground. Additionally, in accordance with this planned development approval, the final development plan for the campground shall also include the following: clubhouse or office building in compliance with the city's commercial design guidelines; ~~minimum 1000-~~

~~square-foot~~ swimming pool which complies with KOA's "Holiday" brand criteria; ~~minimum 90 square-foot spa or "Jacuzzi" which complies with KOA's "Holiday" brand criteria;~~ children's playground; centrally and/or conveniently located public restrooms, showers, laundry facility and barbeque grills; some sidewalks for pedestrian comfort and connectivity; pedestrian access to the "dog run"/open space area on the east side of the development; on-site retention basins ~~(no co-mingling of off-site and on-site flows)~~; other recreational amenities and features as depicted on the conceptual plan submitted with case PZ-3-17.

- 9) In order to maximize the potential of the campground as a welcoming tourist and visitor family experience, the campground shall not be age-restricted. Furthermore, not more than 25% of the lots may be offered as year-round rentals, ~~and these lots shall be located along the north side of the development next to the existing mobile home park;~~ exclusive of the year-round rental lots, no campers shall be allowed to stay on any one space more than six continuous months; ~~no less more~~ than 15% of the lots shall be developed with uniform, modular, wood-cabin-style structures, which may also be offered for year-round rentals, installed or constructed by the developer; ~~no less than 15% of the lots shall be reserved for tent camping only spaces shall be offered in compliance with KOA's "Holiday" brand criteria (no sewer to these lots and to be located at the southeast corner area of the campground).~~
- 10) Exclusive of the "cabin" structures and the "RV Patio Sites" improvements (described in the KOA Holiday Brand Positioning Criteria booklet submitted with the application) constructed or installed by the developer as described above, no rental lots shall otherwise accept or allowed to be constructed/improved by renters with park model trailers, mobile homes, HUD-certified manufactured homes, factory-built units, tiny houses, storage sheds, carports, "Arizona" rooms or screen rooms, or other free-standing buildings; nor shall they be used for RV, boat or other storage purposes.
- ~~11) The owners and/or operators of the campground agree to waive confidentiality under A.R.S. Title 42, so that city staff can review taxable activities (including incidental sale of retail products) at the campground.~~

- 12) Unobstructed right of ingress and egress shall be provided at all times to city ~~and other~~ personnel, including police, fire, emergency and utility service providers.
- 13) In order to help create a commercial, retail, hospitality-oriented and/or office development opportunity on the four-acre commercial pads area, future uses on the B-1/PD-zoned property ~~shall~~ may include those uses normally allowed under the B-1 base zone, especially restaurant, retail, convenience, medical and other visitor-friendly uses, but shall not include the following uses: manufactured/mobile home sales; semi-truck service or repair; pawn shop; tattoo and/or piercing establishment; massage establishment; swap meet; RV or manufactured home parks; RV, boat or vehicle storage; horse boarding or riding stables; contractor yard; commercial parking lots and garages; outdoor storage, assembly or repair businesses of any kind; general warehouse and mini-storage warehouses; taxi or shuttle business; rescue mission, soup kitchen or homeless shelter; second-hand or used merchandise stores; used auto sales; medical marijuana uses; single-family and other residential uses; other uses determined by the Zoning Administrator to be incompatible with the intent of the planned development zoning.
- 14) Future land divisions of the re-zoned property which result in 4 or more lots being created, shall require the owners to proceed through a subdivision process. However, if at that time the campground has already been developed and substantial improvements provided therein, the city may waive the preliminary plat process and allow the developers to proceed directly to a final plat and improvement plans approval process.
- 15) Any request for deviation from the city's development standards or for uses determined by the Zoning Administrator to not be conducive to creating a commercial, retail, office opportunity as described herein shall require a separate planned development amendment, rezoning, landscape code appeal or conditional use permit process first, as may be appropriate.
- 16) Future businesses on the planned development site shall be allowed to advertise on multi-tenant signs. One 12-

foot-high multi-tenant monument sign shall be located along the Tomahawk Road frontage; and one multi-tenant freeway sign (25' feet above adjacent freeway grade, measured at the top of the sign) shall be located along the US60 frontage. Said signs shall complement the architecture of the buildings, and shall be subject to Planning Staff review and approval.

- 17) Final plans for the development shall incorporate, for the city's emerging multi-use trail system, a public easement for ingress and egress on the east side of the project.
- 18) The campground shall be designed and constructed to meet KOA's "Holiday Brand" standards. If KOA does not partner with the developer in the development of the campground, the developer shall still develop the lots with "Holiday Brand"-style amenities and qualities.