



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: September 11, 2018

CASE NUMBERS: GPA-2-18

OWNERS/APPLICANTS: McMillan Manufactured Home Development Company LC and Lennar Homes

REPRESENTATIVE: Ralph Pew, Pew and Lake PLC

REQUEST: A proposed general plan land use plan map amendment to redesignate an approximately 38-acre property from Community Commercial to Medium Density Residential.

LOCATION: The property is located at the southwest corner area of E. Old West Highway and S. Goldfield Road.

**GENERAL PLAN/
ZONING DESIGNATION:** Community Commercial opportunity area; currently zoned B-1 (General Commercial) with no proposed plan of development.

SURROUNDING USES:

- North: Mountain View Lutheran Church, Crossroads Southern Baptist Church and single family residences (zoned PI/PD, PI and RS-GR, respectively);
- South: Vacant residential and business properties (zoned RS-GR and B-1/PD respectively);
- East: Vacant property owned by ADOT;
- West: Various residential properties in a Pinal County island (zoned RS-GR).

BACKGROUND

The subject property was rezoned from TH (Trailer Homesites Zone) to C-2 (Local Commercial District) back in June of 2000. See Ordinance No. 1118 and site map attached. The city had just adopted a new general plan in 1999 and the property was given a designation of "Retail-Employment", which was one of the precursors to what our current general plan would call "Community Commercial". Even back in 1999, the city was trying to create a more diverse housing stock and limit the development of more manufactured home parks. The subject property was viewed as an important gateway property that should be rezoned and reserved for commercial, retail and employment opportunities. The city worked with Mr. McMillan to process a city-initiated rezoning for his property, to a commercial zoning district that would help to entice said desired development, furthering the goals of the 1999 general plan.

Unfortunately, adequate infrastructure such as sewer and a properly looped water system have been very slow to reach the property and various developers over the years have not been willing to finance the costs of providing those types of improvements. Thus, Mr. McMillan has held the property for many years, with occasional inquiries, but no serious proposals until now.

The city's adoption of a new zoning ordinance and maps in 2014 renamed the zoning district of the property to B-1, but with no conceptual development plan for the property since it is not zoned planned development.

PROPOSAL

GPA-2-18 is a proposed land use map amendment to the city's general plan, to redesignate the +/-38-acre property from Community Commercial to Medium Density Residential. If successful, Lennar Homes plans to rezone the property most likely to a RS-5/PD zoning district, to develop approximately 178 lots for single family conventional homes. Lennar estimates their target market to be young families and empty nesters, but this will not be an age restricted community.

See GPA application, project narrative and conceptual site plan provided.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The subject site is designated by the city's General Plan as a "Community Commercial" opportunity area, which normally accommodates B-1, B-2 or B-3 zoned properties. While multi-family uses may be allowed in the city's commercial zoning districts, subject to approval of a conditional use permit, single-family residential uses are not allowed in any of the commercial zones.

The general plan amendment is required because the applicant's wish is to rezone more than 10 acres of property from commercial to residential in the future. The city's general plan defines a major amendment as a change in land use designation for a property 10 acres or larger in size. While the city held out hope for many years that this property would be developed with commercial uses, the decline in brick and mortar retail development and other factors perhaps points to a change in direction for this property. We note that there are still some commercial zoned properties to the south and north of the subject site which could accommodate future neighborhood services and convenience types of businesses on smaller properties.

Zoning/Site Context:

The site has ideal access to the freeway just to the south, as well as to downtown on its north side. The property is bounded by Starr Road on the west, a local collector street; Southern Avenue on the north, a major arterial, although it is minimally improved in this area; 28th Avenue on the south, another minor collector; and Goldfield Road on the east which connects to Old West Highway, both major thoroughfares and freeway access roads.

The developers will be required to improve adjacent streets as determined by the city engineer, as well as internal streets. The subsequent planned development rezoning and subdivision platting processes will provide the city engineer, working together with the developer's engineers, the opportunity to determine the ideal access points in and out of the proposed development.

Planned Development Zoning:

Although there is not a concurrent rezoning case yet in process with this GPA request, staff anticipates a submittal soon, perhaps even before the GPA is decided. The conceptual plan can

be realized with a proposed RS-5/PD rezoning, with normal trade-offs for any requested PD zoning deviations.

Infrastructure Improvements:

The developers of the property will need to extend all necessary services to the site. Nearby Sewer District and Apache Junction Water District facilities are already being investigated, according to the narrative. SRP, Century Link, Southwest Gas and cable communication facilities will likely also need to be extended. Lennar representatives have revealed that the homes will also offer modern technology amenities, such as automated computer control features through Aleska. Surrounding streets may require widening, sidewalk, curbing, gutters, streetlights, fire hydrants, drainage and other improvements. Of course, all other necessary on-site and off-site improvements, including community amenities, retention basins, accessible routes, landscape buffers, etc., will also need to be provided at the time of development.

Criteria for General Plan Amendments:

As part of a general plan amendment application, the city asks an applicant to address how their proposal satisfies the criteria for a major amendment request. Mr. Pew adequately addresses the general plan amendment criteria in the submitted application materials. The city would have preferred to see the site develop with commercial and employment uses as envisioned by the 1999 General Plan, but other challenges, the site's remoteness and the lack of development of other higher intensity uses in the area makes 38 acres of commercial apparently unfeasible. Planning staff has no conflicts with the applicant's rationale for the major amendment and we will continue to work with them to realize a quality residential development that will hopefully also spark other commercial and medium density conventional home development in the general area. Staff's own assessment of the criteria is that the proposed amendment:

- 1) Proposes a land use designation that the land use plan map does not adequately provide optional sites to accommodate;
- 2) Constitutes an overall improvement to the general plan and is not solely for the benefit of a particular land owner at a particular point in time, and is consistent with the overall intent of the 2010 General Plan;
- 3) Is justified by an error in the 2010 General Plan, in that a lot of vacant land in the city is already zoned

Commercial and this property has been especially difficult to develop commercially because of its remote location;;

- 4) Is generally consistent with goals, objectives and other elements of the 2010 General Plan;
- 5) Is justified by a change in community conditions or neighborhood characteristics since adoption of the plan;
- 6) Will not adversely impact a portion of, or the entire community by:
 - a) significantly altering acceptable existing land use patterns, especially in established neighborhoods;
 - b) significantly reducing the housing to jobs balance in the planning area;
 - c) substantially decreasing existing and future water supplies;
 - d) replacing employment with residential uses;
 - e) requiring additional and more expensive improvements to infrastructure systems and/or proximity to municipal facilities and/or services than are needed to support the prevailing land uses and which, therefore, may impact the level of service for existing and proposed developments in other areas;
 - f) increasing traffic (without mitigation measures) on existing roadways beyond the planned level of service, and that negatively impact existing and planned land uses;
 - g) affecting the existing character (i.e., visual, physical and functional) of the immediate area;
 - h) increasing the exposure of residents to aviation generated noise, safety and/or flight operations;
 - i) materially diminishing the environmental quality of the air, water, land, or cultural resources; and
 - j) significantly altering recreational amenities such as open space, parks and trails.

Public Input:

As is required by law for general plan amendment requests, the city sent out a request for comments to numerous agencies at least 60-days prior to the advertisement of the public hearings. The due date for comments was August 13. The applicants conducted a citizen participation outreach meeting on August 7, 2018, and their summary report is attached hereto. The GPA case was also advertised in the appropriate newspaper and individual notices were sent to property owners within 300 feet of the property, informing them of the public hearing dates. As of the writing of this report, staff has received one phone call from a

nearby property owner who received a public hearing notice, Mr. Tom Goscicki, who expressed his support for the GPA. ADOT also sent an e-mail informing us that the parcel's proximity to US60 will have an impact on highway access control. They request that the developer contact them to inquire of the need for an access permit and to ascertain if a traffic study will be needed.

DISCUSSION MEETINGS:

Staff took McMillan/Lennar's GPA request to the commission for discussion on August 14 and to the city council for discussion on August 20. Commissioners and councilmembers had generally positive comments about the proposal, and were pleased about the extension of the infrastructure to the area. Some hoped that this development would spark the development of the nearby commercial zoned properties, and perhaps even bring about the attrition of ADOT's dirt stockpile lot to the east of the site. Members also asked for clarification on what types of buyers Lennar was hoping to attract and expressed that they did not wish to see the property developed as an age-restricted community.

PUBLIC HEARING ON AUGUST 28, 2018

At the public hearing on August 28th, Mr. Pew presented the case for McMillan and Lennar. He mentioned that the property owner has held the site for many years, but that commercial development has not come forth. They ask for the commission's support for a residential development. Commissioners expressed concerns about access to and from the property, that they did not want to see a right-out only that would take people out of town. Mr. Pew stated that access details have yet to be worked out, but that they also wanted a full access intersection. One resident spoke at the public hearing and had a question/concern about possible 2-story homes next to the 1-story neighborhood to the west of the site. Staff informed the gentleman (between cases) that conditions mitigating 1-storey vs. 2-storey could be worked out later during the rezoning and platting processes.

PLANNING DIVISION RECOMMENDATION

The planning division recommends approval of case GPA-2-18, to redesignate the +/-38 acre property from Community Commercial to Medium Density Residential. Although we would have liked to see the property develop with commercial, retail and/or employment

uses, perhaps the reality of the far east location of the property, coupled with the fact that state land property to the northeast of the site is probably not going to develop anytime soon, perhaps it is time to consider another more viable use for the site, that being more new modern homes for today's families. The planning division looks forward to working with Lennar on their forthcoming rezoning and preliminary plat submittals.

RECOMMENDED MOTION FOR GPA-2-18

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of general plan amendment case GPA-2-18, a request by McMillan Manufactured Home Development Company L.C., represented by Ralph Pew, to redesignate an approximately 38-acre property, located at the southwest corner of S. Goldfield Road and E. Old West Highway, from "community commercial" to "medium density residential", for the purpose of facilitating a subsequent rezoning and platting process for a conventional single-family homes, non-age-restricted neighborhood.



Prepared by Rudy Esquivias
Senior Planner/Zoning Administrator

Attachments:

- Exhibit #1 - Current Ord. #1118 and site exhibit
- Exhibit #2 - GPA-2-18 application
- Exhibit #3 - GPA narrative report
- Exhibit #4 - Public Participation Plan
- Exhibit #5 - Traffic Impact Statement
- Exhibit #6 - Conceptual Site Plan
- Exhibit #7 - Site Survey
- Exhibit #8 - Public Participation Summary Report