



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: August 26, 2025

CASE NUMBER: P-24-114-PZ

OWNER/APPLICANT: Hermelinda Properties LLC / Hermelinda Pando

REQUEST: Proposed Rezoning by Planned Development of Parcel 101-02-0050, approximately .62 net acres currently zoned Medium Density Single-Family Detached Residential (RS-10M) to High Density Multiple-Family Residential by Planned Development (RM-1/PD) and a Minor General Plan Amendment from Medium Density Residential to High Density Residential

LOCATION: 282 N. Palo Verde Drive, APN 101-02-0050, located near the northwest corner of Gregory Street and Palo Verde Drive

GENERAL PLAN DESIGNATION: Medium Density Residential

SURROUNDING USES:

North: Desert Chapel United Methodist Church, zoned General Rural Low Density Single-Family Residential

East: Medium Density Single-Family Detached Residential (RS-10M) properties

South: Medium Density Single-Family Detached Residential (RS-10M) properties

West: Medium Density Single-Family Detached Residential (RS-10M) properties, including a legal non-conforming RV Park

BACKGROUND

The subject property, 282 N. Palo Verde Drive (APN 101-02-0050), is a .62 net acre parcel currently zoned Medium Density Single-Family Detached Residential ("RS-10M") developed with 5 leased-residential units (Units A-E) on the property, which are owned and managed by Hermelinda Properties LLC. The current RS-10M zoning of the property only allows for one single-family residence, however in 2021 the property owner at the time applied for legal non-conforming status by providing documentation establishing that the construction and usage of the



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buildings on the property predated these city zoning standards and is permitted to continue usage as noted.



The documentation provided included the Pinal County tax assessment of the property noting that Unit A was constructed in 1934, originally as a single-family home, while the two duplexes (Units B & C and Units D & E) were both constructed in 1950, all predating the city's zoning standards adopted in 1985 and the city incorporation in 1978.

PROPOSALS

P-24-114-PZ is a proposed rezoning requested by Hermelinda Pando of Hermelinda Properties LLC to rezone 282 N. Palo Verde Drive (Parcel 101-02-0050), approximately .62 net acres, from Medium Density Single-Family Detached Residential (RS-10M) to High Density Multiple-Family Residential by Planned Development (RM-1/PD) to resolve the existing legal non-conformity of multi-family duplexes on a single family residential property and allow for the construction of a new fourplex to replace Unit A, the west building on the property.

The Planned Development (PD) has been requested to provide zoning deviations to building setbacks to the rear and side minimum building setbacks. A reduction of the rear setback from twenty feet (20') to ten feet (10') has been requested to provide more space for parking and circulation within the site, while a reduction of the side setback from five feet (5') to ten feet (10') is requested in order to bring the existing buildings into zoning compliance, as they are only five feet (5') away from the north property line. While the duplexes' legal non-conforming status allows the buildings to continue their usage as constructed, it does currently limit repair and remodel work.

To facilitate the rezoning of the property, a Minor General Plan Amendment to the General Plan Future Land Use map of the property is



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also proposed to change the designation from Medium Density Residential to High Density Residential.

PLANNING STAFF ANALYSIS

Zoning/Site Context:

The subject property is primarily surrounded by Medium Density Single-Family Detached Residential (RS-10M) properties, however to the west of the property is a non-conforming RV park (Rex's Mobile Park), and to the north of the subject site is the Desert Chapel United Methodist Church on an "RS-GR" lot.

Further south on Palo Verde Drive is another RV park (Pleasant Acre RV Park), as well as some "RM-2" High Density Multiple Family Residential zoned four-plex properties, before the "B-2" Old West Commercial along Apache Trail.





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Staff finds that the proposed rezoning to "RM-1" High Density Multiple Family Residential is not wholly consistent with the land use pattern of the surrounding neighborhood, but do find that it is not completely out of character either, especially within the 75-year context of this property's continued usage as a multi-family residential property and the adjacent RV parks.

Relationship to General Plan:

The subject site is currently designated by the Apache Junction General Plan land use map as "Medium Density Residential" which accommodates up to 10 dwelling units an acre. As the proposed density is 12.92 dwelling units an acre (8 units on .617 net acres) this proposed development requires a General Plan Future Land Use Map Minor Amendment.



LEGEND

| | |
|---|----------------------|
| Downtown Planning Area | Downtown Mixed Use |
| General Plan 2020 Land Use | Commercial |
| Floodplain Overlay | Public/Institutional |
| Conservation (1 DU/AC) | Transportation |
| Low Density Residential (1 DU/1.25 AC) | |
| Medium Density Residential (10 DU/AC Max) | |
| High Density Residential (40 DU/AC Max) | |



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In considering the context of this site staff finds the land use pattern to be primarily Medium Density Residential, however there are several nearby instances of High Density Residential.

Public Input:

Neighborhood meeting notification letters were sent to property owners within a 300-foot radius, per the requirements of the Apache Junction Zoning Ordinance §1-16-6(5) Mailing notice for Zoning Map amendments.

The applicant held their neighborhood meeting on Monday, February 10, 2025, at the Apache Junction Multi-Generational Center, which was attended by two people other than the applicant's team and city staff: one neighbor owning property directly west of the subject site and one tenant of the existing duplexes. In the meeting, these guests expressed concerns regarding screening, parking, and building height, but generally expressed support.

To address the concerns expressed, the applicant updated their site plans to include an 8' wall along the border of their property, and removed one unit from the proposed new building (From 5 to 4 units) in order to make sure the site met the city's minimum parking standards and better fit within the density of the neighborhood (downgrading the proposed rezoning development from the "RM-2" 22 dwelling units an acre maximum to the "RM-1" 13 dwelling units and acre maximum). It was also confirmed that development is only planned for a single-story building.

FINDINGS OF FACT FOR PLANNED DEVELOPMENT REZONING

As required by the Apache Junction Zoning Ordinance, a Planned Development request may be approved by the City Council after consideration has been given to three different criteria. The criteria and applicant responses are outlined in the text below:

1. Whether a better design cannot be achieved by applying the strict provisions of the underlying zoning district.

Applicant Response: The planned development approach allows for a balanced, functional design that integrates well with the neighborhood while optimizing property use.

2. Whether strict adherence to the provisions of the zoning ordinance is not required in order to ensure the health, safety and welfare of the inhabitants of the proposed development.

Applicant Response: The new building will comply with modern building codes, ensuring the health and safety of future residents



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and neighboring community members.

3. Whether strict adherence to the ordinance is not required to ensure that property values of adjacent properties will not be reduced.

Applicant Response: By introducing quality housing options and enhancing the area's visual appeal, this development is expected to support or increase nearby property values.

FINDINGS OF FACT FOR MINOR GENERAL PLAN AMENDMENT

As required by the Apache Junction General Plan, a Minor General Plan request may be approved by the City Council after consideration has been given to specific criteria. The criteria is outlined in the text below:

1. Whether the amendment proposes a land use designation that the Land Use Plan Map does not adequately provide optional sites to accommodate.

Applicant Response: Yes, the amendment will allow for higher-density residential development, which the current plan doesn't fully accommodate.

2. Whether the amendment constitutes an overall improvement to the General Plan, will not solely benefit a particular landowner or owners at a particular point in time, and is consistent with the overall intent of the 2010 General Plan.

Applicant Response: Yes, the amendment supports the city's goal of providing more diverse housing options and is not just for the benefit of one landowner.

3. Whether the proposed amendment is justified by an error in the 2010 General Plan as originally adopted.

Applicant Response: No, there is no error in the General Plan. The change is needed to allow higher-density housing. (Allow more housing.)

4. Whether the proposed change is generally consistent with goals, objectives, and other elements of the 2010 General Plan.

Applicant Response: Yes, it aligns with the General Plan's objectives for providing more housing options and supporting sustainable development.

5. Whether the proposed change is justified by a change in community conditions or neighborhood characteristics since adoption of the Plan.



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Applicant Response: Yes, there has been an increase in population and housing demand, which justifies the need for higher-density residential development.

6. Whether the amendment will adversely impact a portion of, or the entire community by:

a. Significantly altering acceptable existing land use patterns, especially in established neighborhoods.

Applicant Response: No, the development will fit well with the surrounding mixed residential area.

b. Significantly reducing the housing to jobs balance in the Planning Area.

Applicant Response: No, it will provide more housing close to local jobs.

c. Substantially decreasing existing and future water supplies.

Applicant Response: No, water supply will not be significantly affected.

d. Replacing employment with residential uses.

Applicant Response: No, the site is already residential, so it's not replacing any employment areas.

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.

Applicant Response: No, this project should not require expensive upgrades to things like roads, water, or sewer systems. The existing infrastructure in the area is enough to support the new apartments.

f. Increasing traffic (without mitigation measures) on existing roadways beyond the planned level of service, and that negatively impact existing and planned land uses.

Applicant Response: No, traffic impact will be minimal.

g. Affecting the existing character (i.e., visual, physical and functional) of the immediate area.



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Applicant Response: No, the development will blend with the existing neighborhood character.

- h. Increasing the exposure of residents to aviation generated noise, safety and/or flight operations.

Applicant Response: No, the site is not near an airport or flight path.

- i. Materially diminishing the environmental quality of the air, water, land, or cultural resources.

Applicant Response: No, the project will comply with environmental regulations.

- j. Significantly altering recreational amenities such as open space, parks, and trails.

Applicant Response: No, the project will not affect recreational amenities.

PLANNING DIVISION RECOMMENDATION

To assess the appropriateness of this rezoning request, Staff found it necessary to determine if the proposed development would be detrimental to the neighborhood and if the proposed development would be an improvement to the site. In consideration of the provided information, Staff finds that the proposed development does not pose a negative impact to the neighborhood and is not a significant change from the existing land use, and that the development would facilitate the improvement of the property by seeing the construction of better facilities, landscaping, parking, and site amenities.

Staff have worked with the applicant in order to further mitigate concerns, such as the use of an 8' wall to screen the property and the reduction of units to meet the lower density of "RM-1" (13 dwelling units an acre maximum) from the previously proposed "RM-2" (22 Dwelling Units an acre maximum). The applicant has been cooperative in these matters and in working to address neighborhood comments.

In review of the project proposal, the conditions and context of the subject site, Staff is supportive of the proposed rezoning by planned development P-24-114-PZ and respectfully recommends to the Commission a favorable recommendation to the City Council, subject to the conditions of approval noted below. As always, Commissioners may recommend changes or additional conditions which they feel will improve the development plan.



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RECOMMENDED MOTION FOR PLANNED DEVELOPMENT REZONING

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the approval of case P-24-114-PZ, a rezoning request by Hermelinda Pando of Hermelinda Properties LLC to rezone 282 N. Palo Verde Drive, Parcel 101-02-0050, approximately .62 net acres, from Medium Density Single-Family Detached Residential (RS-10M) to High Density Multiple-Family Residential by Planned Development (RM-1/PD) and approve a minor general plan amendment from Medium Density Residential to High Density Residential, subject to the following conditions of approval:

1. The project shall be developed in accordance with the plans approved and associated with case P-24-114-PZ and all provisions of the Zoning Ordinance and city codes applicable to this case.
2. Eight foot (8') tall opaque screen walls shall be installed along the north, west and south property borders as proposed in the P-24-114-PZ site plan.
3. All applicable permits shall be applied for, and plans shall be designed to current city codes prior to construction.
4. The minimum side setback shall be reduced to five feet (5'). The minimum rear setback shall be reduced to ten feet (10').
5. The existing duplexes shall also be kept in proper repair and upkeep, and shall be painted to complement the new building and refresh the appearance with the improvement of the rest of the property.

Nick Leftwich

Prepared by Nick Leftwich
Senior Planner

Attachments:

- Exhibit #1: P-24-114-PZ Project Narrative
- Exhibit #2: P-24-114-PZ Site & Building Plans
- Exhibit #3: P-24-114-PZ Aerial Map
- Exhibit #4: P-24-114-PZ Public Participation Report