



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION Public Hearing STAFF REPORT

DATE: February 16, 2016

CASE NUMBER: PZ-2-15

OWNERS: The Pueblo Home Owners Association

REPRESENTATIVES: City-initiated

REQUEST: City-initiated corrective rezoning from RVP (Recreational Vehicle Park) to RVP/PD (Recreational Vehicle Park by Planned Development) for a property which was inadvertently down-zoned with the adoption of new City zoning maps.

LOCATION: The Pueblo RV Resort, totaling approximately 20.0 acres, is located at the Southeast corner of South Idaho Road and East Southern Avenue.

**GENERAL PLAN/
ZONING DESIGNATION:** High Density Residential (maximum of 20 du/ac)); presently zoned RVP.

SURROUNDING USES: North: RV Park (zoned RVP/PD, Recreational Vehicle Park/Planned Development);
Northeast: Four-family homes (RM-2 zoned RM-2, High Density Multiple-Family Residential);
Northwest: B-1 (General Commercial);
South: RV Park (zoned RVP);
East: Single-family homes (zoned RS-GR, General Rural Low Density Single-Family Detached Residential);
West: Vacant land (zoned RS-20, Medium Density Single-Family Detached Residential).

BACKGROUND

Since the adoption of the City's new zoning code, it has come to the staff's attention that the subject property has the incorrect designation under the new code. When the new zoning maps and ordinance were adopted in May of 2014, the subject property was inadvertently rezoned from TH/PD (Trailer Homesite by Planned Development) to RVP (Recreational Vehicle Park). The property was historically zoned TH/PD for the purpose of accommodating site and building design flexibility, as well as a subdivision concept. The rezoning to RVP removed the site and building design flexibility of the property, allowed under the planned development. Staff proposed a City-initiated rezoning to RVP/PD (Recreational Vehicle Park by Planned Development) and on March 18, 2015, the Commission gave direction to staff to proceed.

PROPOSAL

This is a city initiated request to rezone the 228-space, +/- 20.0 acre property (Pinal County APNs 102-45-01 to -231) from RVP (Recreational Vehicle Park) to RVP/PD (Recreational Vehicle Park by Planned Development). Known as the Pueblo RV Resort, the property is located at 201 East Southern Avenue on the southeast corner of South Idaho Road and East Southern Avenue. The purpose of this rezoning request is to re-assign the appropriate zoning district to this long existing recreational vehicle subdivision, which was originally zoned as a planned development when it was constructed in 1985.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The General Plan designates the subject site High Density Residential (maximum of 20 du/ac). Properties within a ¼ mile radius of the site are designated the High Density Residential to the east and south, Community Commercial to the west, Medium Density Residential (maximum of 6 du/ac), and Light Industrial/Business Park to the northwest. The rezoning is appropriate given the existing land use and is in compliance with the General Plan.

Zoning/Site Context:

The proposed RVP/PD zoning is compatible with the RVP and RVP/PD uses to the north and south of the site, the RS-GR and RM-2 residential uses to the east, the vacant land RS-20 residential use to the west and the commercial B-1 use to the northwest.

Medium to higher density residential uses are preferred in this area and near commercial areas.

Planned Development Zoning:

Ordinance 199 amended the property's zoning district classification from GR General Rural to TH/PD Trailer Homesite by Planned Development. Ordinance 916, which was an amendment to the original ordinance, amended rear-yard setbacks. Interior lots of the project have six foot front and rear-yard setbacks, while exterior lots have six foot (6') front-setbacks and ten foot (10') rear-yard setbacks.

Infrastructure Improvements:

Any redevelopment on the site shall require the developers to dedicate and improve to the City Engineer's standards any necessary right of ways internal and external to the site. Said improvements may include but not necessarily be limited to the provision of curbs, gutters, sidewalks, driveways, streetlights, retention basins, extension of utility services including sewer, etc.

Public Input:

At this time staff has received three phone calls and one email concerning the rezoning. Each inquiry was regarding clarification of the rezoning and the differences between the zoning districts.

Planning Division Recommendation

Planning Staff offers the following Recommended Motion, to re-establish the RVP/PD zoning on the property, to accommodate site and building design flexibility, should the Commission wish to forward a recommendation of approval to the City Council.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the City Council the (APPROVAL/DENIAL) of rezoning case PZ-2-15, a city initiated rezoning request, for a rezoning of the Pueblo RV Resort's 20.0-acre property from RVP (Recreational Vehicle Park) to RVP/PD (Recreational Vehicle Park by Planned Development), subject to the following conditions of approval:

- 1.) The Pueblo RV Park be operated pursuant to the Apache Junction City Code, Volume II, Land Development Code, Chapter 1 Zoning Ordinance, Articles 1-9-3 and 1-4-3, and Ordinance Numbers 199 and 916.

Prepared by Jesse Regnier
Planning Intern

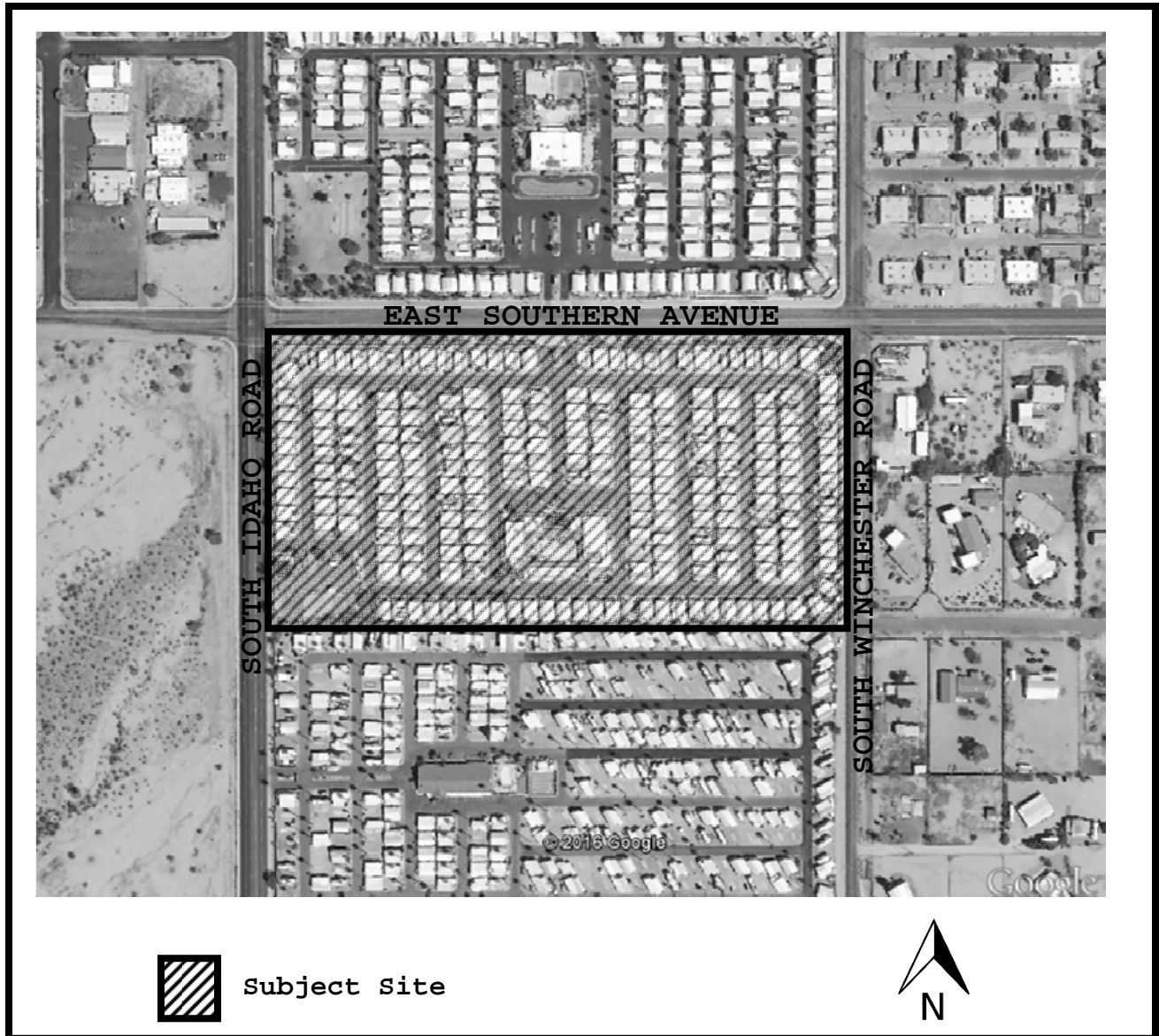
Attachments:

Exhibit #1 - Vicinity Map
Exhibit #1 - Aerial Map
Exhibit #2 - Site Plan Map for Pueblo RV Resort
Exhibit #3 - Ordinance No. 199
Exhibit #4 - Ordinance No. 916
Exhibit #5 - Apache Junction City Code Article 1-9-3
Exhibit #6 - Apache Junction City Code Article 1-4-3

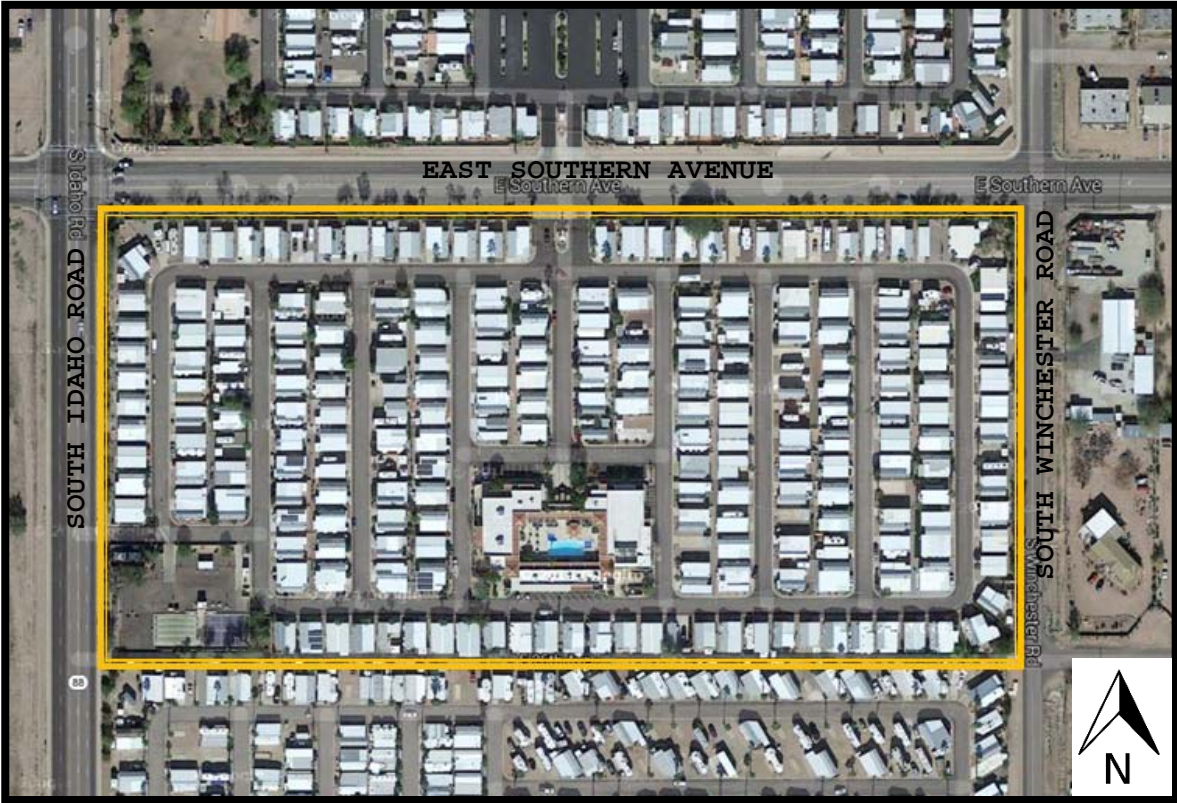
PZ-2-15

Vicinity Map

CITY INITIATED REZONING REQUEST FROM RVP (RECREATIONAL VEHICLE PARK)
TO RVP/PD (RECREATIONAL VEHICLE PARK BY PLANNED DEVELOPMENT)



Aerial Map

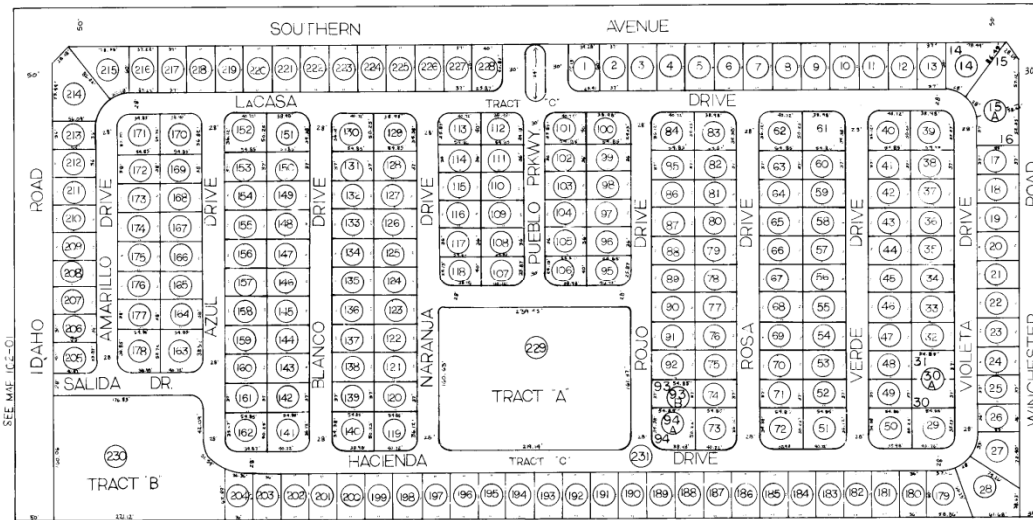


Pueblo RV Resort Site Plan

102 - 45

THE PUEBLO RV RESORT
CAB A - SLD 147

SEE MAP 102-05



SEC. 33 NW NW
TN. 01 N
RG. 08 E
SCALE 1"=100'

SEE MAP 102-21

SEE MAP 102-21

LEGEND
ALL INNER STREETS OF
SUBD IN TRACT 'C'
LOT NUMBERS AND PARCEL NUMBERS
ARE THE SAME.

ORDINANCE NO. 199

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-21-83 FROM GR GENERAL RURAL TO TH/PD TRAILER HOMESITE BY PLANNED DEVELOPMENT; REPEALING ANY CONFLICTING PROVISIONS; PROVIDING FOR SEVERABILITY; AND PROVIDING PENALTIES.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THAT:

SECTION I IN GENERAL

1. The zoning district classification on the Apache Junction, Arizona, Zoning Map for the parcel of land described as:

The North $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 33, Township 1 North, Range 8 East, Gila and Salt River Base and Meridian, Apache Junction, Pinal County, Arizona, with a metes and bounds description of the above-described parcel as follows:

Beginning at the Northwest corner of Section 33, Township 1 North, Range 8 East, Gila and Salt River Base and Meridian, thence North $89^{\circ} 59' 7''$ East, a distance of 1321.65 feet, along the North line of said Section 33 to the Northeast corner of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 33, thence South $00^{\circ} 04' 40''$ East, a distance of 659.50 feet to a point on the West line of the Northwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 33, thence South $89^{\circ} 59' 07''$ West, a distance of 1321.65 feet to a point on the West line of said Section 33, thence North $00^{\circ} 04' 40''$ West along the West line of said Section 33, a distance of 659.50 feet to the point of beginning.

be and hereby is amended by changing the zoning district classification from GR General Rural to TH/PD Trailer Homesite by Planned Development.

2. The approval of the zoning district classification incorporates, by reference, the preliminary approval of the Planned Development, including all materials and documents as submitted by the applicant, and the development of said property shall be in accordance with said Planned Development application conditions, provisions, and stipulations, and as provided in Article 33 of the Zoning Ordinance. The application includes the "Street Light Agreement," and, if executed as part of this application, the "Agreement for Maintenance of Landscaping Within City Rights-of-Way."
3. Applicant shall install, at his expense, fire hydrants as per approved plans of the Apache Junction Fire District for this Planned Development.
4. Applicant shall install, at his expense, off-site street improvements as set forth on the Planned Development plans in compliance with design details approved by the Director of Public Works.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this Ordinance, or any part of the code adopted herein by reference, 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.

SECTION IV PENALTY CLAUSE

Any person found guilty of violating any provision of this Ordinance, shall be punished by a fine not to exceed \$1,000.00 or imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Each day that a violation continues shall be a separate offense punishable as hereinabove described.

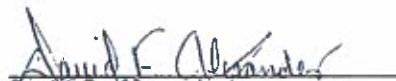
PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 17TH DAY OF JANUARY, 19 84.


Wendell J. Clarke
Mayor

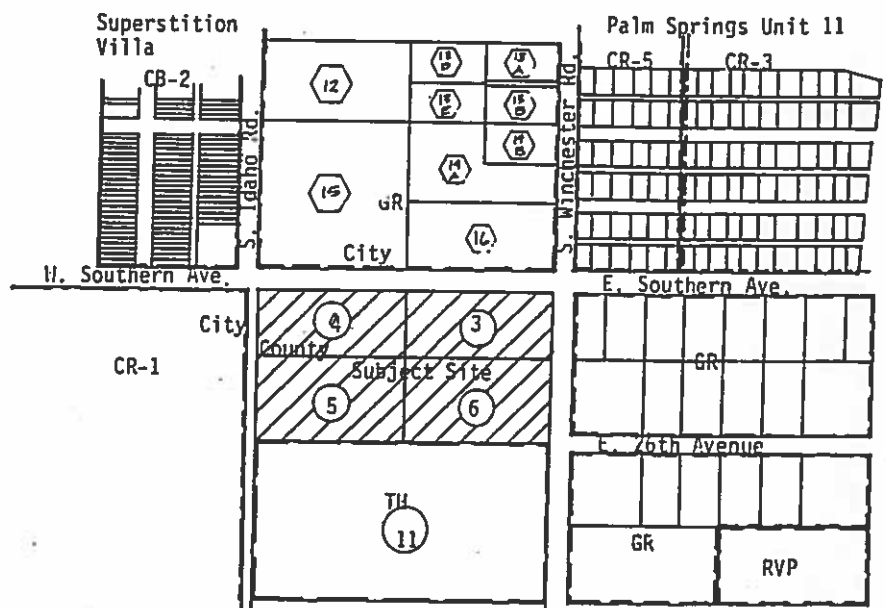
ATTEST:


Kathleen Connelly
City Clerk

APPROVED AS TO FORM:


David F. Alexander
City Attorney

PZ-21-83
(Proposed Ordinance No. 199)



○ Indicates Tax Parcel No. 102-21-

⬡ Indicates Tax Parcel No. 102-05-

▨ Indicates Area Proposed for Requested Rezoning from GR General Rural to TH/PD Trailer Homesite by Planned Development.

0 600 Feet



ORDINANCE NO. 916

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, REDUCING SETBACK REQUIREMENTS THROUGH A PLANNED DEVELOPMENT MAJOR AMENDMENT FOR PUEBLO R.V. RESORT SUBDIVISION BY AMENDING ORDINANCE NO. 199; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THAT:

SECTION I IN GENERAL

That Ordinance No. 199 be amended by adding paragraphs 5 and 6 to SECTION I to read as follows:

5. Rear-yard Setbacks:

- a. The lots interior to the project, abutting rear properties, lots numbered 29 through 178, shall have rear-yard setbacks of not less than six feet (6');
- b. The lots exterior to the project, abutting the boundary of the subdivision, lots numbered 1 through 28 and 179 through 228, shall have rear-yard setbacks of not less than ten feet (10').

6. Structures existing within the rear-yard setback, as described in paragraph 5 of SECTION I of this Ordinance, prior to the effective date of this Ordinance, shall be considered Illegal Nonconforming Structures; however, the City will not require them to be removed at this time. Upon removal of a structure from the setback area, regardless of the reason, it may not be replaced or rebuilt within the setback.

SECTION II REPEALING ANY CONFLICTING PROVISIONS

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the code adopted herein by reference 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 portion thereof.

APPROVED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE
JUNCTION, ARIZONA, THIS 1ST DAY OF NOVEMBER, 1994.

~SIGNED AND ATTESTED TO THIS 2ND DAY OF NOVEMBER, 1994.



JEAN PERKINS
Mayor

ATTEST:



KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:



GLENN GIMBUT
City Attorney

§ 1-9-3 STANDARDS FOR MANUFACTURED HOME PARKS AND/OR RECREATIONAL VEHICLE PARKS.

- (A) *Required zoning.* Parks that accommodate manufactured homes and RVs shall only be zoned MHP. Parks that accommodate only RVs shall only be zoned RVP.
- (B) *Limitation on RVs in MHP District.* No more than 30% of the park spaces/lots in a MHP zoned park may be used for RVs.
- (C) *Minimum park area.* Ten acres for both manufactured home and RV parks.
- (D) *Minimum park space size.* Two thousand square feet for RV park space and 3,500 square feet for manufactured home park space/lot (see Vol. II, § 1-9-4, Table 9-1).
- (E) *Minimum park space width.* Thirty feet for RV park space and 50 feet for manufactured home park space (see Vol. II, § 1-9-4, Table 9-1).
- (F) *Maximum height.* Fifteen feet for both RVs and manufactured homes.
- (G) *Minimum setbacks.* See Tables 5-2 or 9-1 (see §§ 1-5-2 and 1-9-4).
- (H) *Number allowed.* Only 1 RV or manufactured home shall be allowed on each approved park space/lot. No dwelling units of conventional construction shall be permitted on a park space/lot.
- (I) *Accessory structure standards.* Detached accessory structures shall be subject to the following standards:
- (1) *Minimum setbacks.* See Tables 5-2 or 9-1 (see §§ 1-5-2 and 1-9-4).
 - (2) *Height.* Fifteen feet maximum.
 - (3) *Easement areas.* No structures shall be located within a public utility easement or drainage easement area.
 - (4) *Design.* There are no design standards for accessory buildings in the MHP and RVP districts.
- (J) *Manager's office/residence.* A manager's office and community buildings shall be allowed as either conventional or modular construction.
- (K) *Community center.* Recreation and social centers may be used by residents for dancing, crafts, hobbies, games, child care, meetings, banquets, theatrical performances, movie viewing and similar entertainment uses. Such facilities shall be of conventional construction (i.e., not factory built).
- (L) *Outdoor recreational facilities.* Outdoor recreation facilities such as parks, swimming pools, ramadas, playground equipment, shuffleboard and tennis courts, putting greens, and similar recreational uses intended for use by the residents of the park shall be allowed.
- (M) *Ancillary retail sales, special events/activities intended for park residents only.* Park management shall apply for and obtain an AUP from the Zoning Administrator prior to conducting or allowing park sponsored and authorized ancillary retail sales (e.g., market days, craft/art sales, fundraisers and temporary food vendors) or special events/activities. If approved, the Zoning Administrator shall issue an AUP with written conditions of approval in accordance with the following:
- (1) All proprietors and vendors shall possess valid business licenses and permits as required by the City Code, and comply with required sales tax administration and collection processes.
 - (2) The application for an administrative permit shall contain a description of the retail sales activity, maximum number and type of vendors, days and hours of operation and a site plan illustrating the location and parking associated with the retail sales.
 - (3) All signs that describe or relate to ancillary retail activities shall not be visible from beyond the boundaries of the park.
 - (4) Ancillary retail sales shall be conducted indoors within the recreational/social center or outdoors within a common area.
 - (5) Parking for approved ancillary retail uses shall be accommodated within established and approved parking areas, or by on-street parking approved by the zoning administrator.
 - (6) Ancillary retail sales shall be directed to, and be for the benefit of, park residents and their guests only.

(7) *Ancillary retail sales* shall not exceed more than 3 days per week and shall operate between the hours of 7:00 a.m. to 10:00 p.m.

(8) The administrative permit may be valid for multiple events.

(9) Failure to comply with the conditions of approval established in the administrative permit may result in the revocation of the permit, and prohibition on issuing future ancillary retail sales permits to the park.

(N) *Ancillary retail sales, special events/activities intended for both park residents and non-park residents.* Special events and/or activities hosted or sponsored by the parks (e.g., concerts, fund raisers, lectures, seminars, workshops, educational classes, recreation, food/beverage sales, sporting events and meetings) or ancillary retail uses (e.g., restaurants, personal care services, specialty retail and professional offices) shall only be allowed subject to approval of a CUP or, if applicable, compliance with Vol. I, Chapter 8 of the City Code regarding special events.

(O) *Common use areas/structures.* Common-use laundry facilities, maintenance buildings, and security guard house shall be allowed subject to conventional construction design.

(P) *Required parking.* There shall be a minimum of one 9' x 20' paved parking space per park space. The required parking space may be covered; however the cover may not encroach into the setback area.

(Q) *Accessory parking.* Designated areas for boat and recreational vehicle storage which are used solely by the residents of the park shall be allowed, but shall not exceed 20% of the park's land area. Additionally, parking to accommodate recreation center use and park guests shall be required in accordance with Zoning Administrator review and approval of the number and location of parking spaces.

(R) *Private street widths.* Private streets developed within RV parks shall have a minimum width of 28 feet and a minimum turning radius of 22 feet.

(S) *Access.* Access to lots or spaces shall be from the interior of the park.

(T) *Screening walls.* Minimum 6 foot high solid screening walls shall be constructed around the perimeter of the manufactured home park and RV park. The portion of the wall(s) facing the public street shall be constructed as a decorative wall and all exterior wall surfaces shall be stained or colored with an earth tone approved by the Zoning Administrator.

(U) *Skirting.* A manufactured home and park model shall be skirted in a uniform manner if located within a park for 30 calendar days or more, but shall not be required to be attached to a permanent foundation.

(Ord. 1402, passed 5-6-2014)

Print

Apache Junction, AZ Land Development Code

§ 1-4-3 PLANNED DEVELOPMENT (PD) OVERLAY DISTRICT.

(A) *Intent and purpose.* The Planned Development Overlay District ("PD") is intended allow site and building design flexibility which may not otherwise be allowed through conventional base zoning. The intent of this district is to enable the following:

(1) Provide opportunity for mixed-use development that may include a combination of different dwelling types and/or a variety of land uses which complement each other and which are compatible with existing and proposed land uses in the vicinity.

(2) Promote the most appropriate land use.

(3) Facilitate adequate and economical provision of streets and utilities.

(4) Facilitate flexible building design, site design, and amenities that create a unique and more sustainable alternative to conventional development.

(B) *General provisions.* The PD overlay district may be used in conjunction with one or more base zoning districts. The Council's conditions of approval associated with adoption of a PD ordinance shall be memorialized in the PD ordinance and shall run with the land unless otherwise stated.

(C) *Development standards.*

(1) *Minimum site area.* There is no minimum site area for use of the PD overlay district.

(2) *Modified zoning and development standards.* Zoning and development regulations regarding setback, attached versus detached residences, building height, lot coverage, parking, lighting, landscaping and signage may be modified by the Council as conditions of the PD approval subject to the Council's determination of the following criteria:

(a) A better design can be achieved by not applying the strict provisions of the zoning district.

(b) Adherence to the strict provisions of the zoning district is not required in order to ensure health, safety and welfare of the inhabitants of the development.

(c) Adherence to the strict provisions of the zoning district is not required in order to ensure that property values of adjacent properties will not be reduced.

(3) *Land uses.* In approving a PD ordinance, the Council may restrict the types of uses otherwise allowed in the base zoning district by requiring a limited pallet of uses as a condition of approval.

(4) *Mixed-uses.* The Council may approve a PD ordinance that allows a mixture of multi-family residential and non-residential uses with modified zoning and development standards. Mixed-use development is intended to integrate office, commercial, recreational, civic,

institutional and/or residential uses to promote a broader range of service, employment and housing options.

(5) *Residential density.*

(a) Density (i.e., units per acre) for residential development shall not exceed the residential base district's maximum density identified in Tables 5-2 and 5-4 (see Vol. II, §§ 1-5-2 and 1-5-4), nor exceed densities provided in the General Plan's Land Use Plan Map.

(b) If the planned development is proposed for more than one zoning district, the number of allowable dwelling units must be separately calculated for each portion of the planned development that is in a separate zone, and must then be combined to determine the number of dwelling units allowable in the entire planned development.

(D) *Application and approval.* Requests for PD overlays shall follow the same procedures specified for zoning amendments in Vol. II, § 1-16-6. In addition, applications requesting PD overlays shall follow the same procedures specified for preliminary development review and approval in Vol. II, § 1-16-8.

(E) *PD plan changes.*

(1) Minor modifications or alterations of the approved PD development plan shall be reviewed and approved by the Director or designee. Major modifications or alterations require Council approval and shall be processed in accordance with Vol. II, § 1-16-6.

(2) The Director or designee shall interpret the proposed modification to be major if, in the Director's opinion, the modified project density (i.e., units per acre), setbacks or height is proposed to be increased by more than 10%, the quality of project design is diminished, the types of proposed land uses are significantly altered and/or the overall character of the project is contrary to the intent and spirit of the original City Council PD ordinance approval.

(F) *Phased development.* An approved development plan may be built in phases as part of the project's plan, if the construction and provision of all necessary elements, including parking, drainage, common open spaces, and public and recreational facilities, which are shown on the approved plan, proceed at a rate commensurate with the construction of buildings.

(G) *Dedication and maintenance of facilities.* The city may require, as a condition of approval, those portions of the tract under consideration be set aside, improved, conveyed or dedicated for the following uses:

(1) *Streets.* That the rights-of-way widths as designated on the city's Street Classification Plan be dedicated for streets and utility purposes. Other streets necessary for access or development of adjacent properties may also be required.

(2) *Easements.* That the owner shall grant to the city such easements as will be required to ensure the necessary and orderly extension of public utilities, including easements over all non-dedicated private streets over which the city may need ingress or egress for the purpose of protecting the health, safety and welfare of the public, and for the provision of municipal services.

(3) *Underground utilities.* All electric and telephone facilities, cable, streetlight wiring and other wiring, conduits and similar utilities and facilities shall be placed underground by the developer.

(4) *Recreation facilities.* The city may require that suitable area for parks and playgrounds be set aside, improved or permanently reserved for the public, owners, residents, employees or patrons of the development.

(H) *Transfer and assignments.* If, during any stage of the development, the property under application or any portion thereof is assigned to another, then the assignee shall be bound to the requirements and design of the approved development plan.

(I) *Revocation for non-compliance.* Failure to comply with the approved final development plan or any prescribed condition of approval shall constitute a violation of this Article. The Commission may, after giving notice, hold a public hearing and recommend revocation of a base zoning district to the City Council who may consider the recommendation and act in the same manner as in considering any zoning request.

(J) *Reversion.* Approval of rezoning constitutes authorization for the development of property under granted zoning. PD rezoning approval is valid for a period of 24 months from the date of the City Council decision or for the period of time approved by the City Council as a condition of rezoning. If approval expires prior to substantial development upon the rezoned property, the zoning may be subject to reversion to its former zoning classification.

(K) *Termination.* An approved planned development may not revert to any base district upon completion unless, and until, all requirements of the base district are satisfied. Should the applicant of an approved planned development wish to discontinue the planned development use upon completion, including the continuation of the Planned Development Zoning District designation, the process shall follow the procedure required for zoning amendments in Vol. II, § 1-16-6.

(Ord. 1402, passed 5-6-2014)