



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: April 12, 2016

CASE NUMBER: PZ-5-16

OWNERS: Gene Rodaway

APPLICANTS: Gene Rodaway represented by Leslie Cooke

REQUEST: Request to rezone Galen's Garden an existing 6 unit apartment rental property from RS-20M (Detached Single-family Residence Zone, Conventional or Manufactured Home permitted) to RM-1/PD (Multiple-family Residence Zone by Planned Development) for the purpose of correcting the zoning.

LOCATION: The property is located at 512-516 N. Valley Drive, north of Apache Trail; on two parcels 101-15-063 and 101-15-064.

**GENERAL PLAN/
ZONING DESIGNATION:** Medium Density Residential (maximum of 6 dwelling units per acre); presently zoned RS-20M.

SURROUNDING USES:

- North: Single-family residential lots (zoned RS-20M);
- South: Single-family residential lots (zoned RS-20M);
- East: Single-family residential lots (zoned RS-20M);
- West: Single-family residential lots (zoned RS-20M);

BACKGROUND

The subject property is located in one of the older parts of town in the Apache Addition Acres subdivision, the two parcels were originally Lot 21 of Block 2 but have since split into the two current parcels. The original zoning of this site was General Rural (GR) until the adoption of the new zoning code in May 2014 converting the zoning to RS-20M.

The buildings and use as a 6 unit apartment rental was established prior to the city adopting its original zoning ordinance in March of 1985. There are long existing legal nonconforming use and setback issues on this property. The nonconforming issues have constrained the current owner from making certain property improvements such as building additional carports for residents of the rental units and a laundry facility.

During the public hearings for the new zoning ordinance adoption, adopted in May of 2014, Mr. Gene Rodaway requested the City Council to correct the zoning on his property as part of the city wide changes. Council did not change the zoning on the property, but did direct staff to work with Mr. Rodaway within the context of a Planned Development Rezoning which would result in improvements to the property and neighborhood in general. If we could arrive at fair trade-offs for the improvement of the property, the Council also directed that this be a city-initiated rezoning.

PROPOSAL

The applicants are requesting a rezoning on the subject site, a combined 1.01 acre, two parcel property (Parcel APN 101-15-063; 101-15-064) from Single-family Residential (RS-20M) to Multiple-family Residential by Planned Development (RM-1/PD). Currently developed, this property is located at 512-516 N. Valley Drive, north of Apache Trail. The purpose of this rezoning is to correct the nonconforming issues and allow future improvements as designated on the site plan.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan

The General Plan designates the subject site Medium Density Residential (maximum of 6 dwelling units per acre). A request for multi-family zoning in an area designated for single-family is unusual, but the use already exists and technically, the density of the site is in compliance with the General Plan's maximum density allowance. The proposed rezoning does not support the General Plan.

Zoning/Site Context:

The proposed RM-1/PD zoning deviates from the surrounding single-family zoned properties immediately surrounding the site. However, the use of the property as a 6 unit apartment rental existed before the city adopted its first zoning ordinance in 1985. In order to make the property conforming and allow for future improvements, and improve the neighborhood in general, a rezoning to RM-1/PD will legitimize a long existing use that has become a part of the fabric of the neighborhood.

Planned Development Zoning:

After several meetings and e-mail exchanges, Planning Staff and the property owner formulated the attached site plan for the improvement of the property. The current setbacks of the two existing buildings will be accepted as shown on the site plan. As part of the city rezoning of the property from RS-20M to RM-1/PD, the owner will: provide added vegetation and permanently install the front fence as well as improve the front of the rental units with concrete pads and artificial turf. He proposes also to construct 6 carports with storage rooms as well as a laundry facility at the rear of the lot, and add four marked parking spaces on the west sides of the two existing buildings to meet the 10 needed parking spaces for a 6 unit rental property. Staff and the owners believe these are fair improvements which will benefit both the curb appeal of the rentals and the neighborhood in general.

Infrastructure Improvements:

The site is already served by utilities but is currently on septic. Staff and the property owner agreed that once the laundry facility is constructed the property will connect to sewer since it is available.

Public Input:

Please see the applicant's public participation plan attached. At the Commission's public hearing on April 12th, staff will

present the summary of comments received from interested citizens on the proposed plans.

Planning Division Recommendation

Planning Staff supports the rezoning proposed by Gene Rodaway for the subject site. Staff offers the following recommended conditions of approval for the Commission's consideration.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the City Council the (APPROVAL/DENIAL) of rezoning case PZ-5-16, a request by Gene Rodaway, represented by Leslie Cooke for a rezoning of Mr. Rodaway's property, a 1.01 acre two parcel site located at 512-516 N. Valley Drive from RS-20M (Detached Single-family Residence Zone, Conventional or Manufactured Home permitted) to RM-1/PD (Multiple-family Residence Zone by Planned Development), subject to the following conditions of approval:

- 1) Upon rezoning of the property, the site shall be developed in accordance with the submitted site plan within two years of the rezoning approval, or the zoning may be subject to reversion by legislative action of the City Council.
- 2) Upon rezoning of the property the two parcels 101-15-063 and 101-15-064 shall be combined and a single address will be assigned.
- 3) The front fence shall be permanently constructed.
- 4) All construction proposed on the property, including the installation of new signs, shall be subject to proper permits and inspections.
- 5) Upon construction of the laundry facility, the property shall connect to the sewer that is available.
- 6) A total of ten parking spaces must be designated to support the 6 unit apartment rentals.
- 7) The setbacks of the two existing buildings shall be permitted as shown on the site plan. Any future buildings shall follow current RM-1 zoning setbacks.

- 8) Any expansion to the number of rental units will be subject to a major planned development amendment and compliant with all other adopted City codes and ordinances, including but not necessarily limited to, the city's Zoning Ordinance, Engineering Guidelines and Landscape and Screening Requirements.


Prepared by Stephanie Bubenheim
Assistant Planner

Attachments:

- Exhibit #1 - PZ-5-16 Application
- Exhibit #2 - PZ-5-16 Vicinity Map
- Exhibit #3 - PZ-5-16 Aerial R.O.W Map
- Exhibit #4 - Site Plan
- Exhibit #5 - Public Participation Summary



EXHIBIT A: Planning and Zoning Application Form

Office Use Only: Filing Date _____
Staff _____
Fees Received _____
Case _____

TYPE OF APPLICATION

<input type="checkbox"/> Annexation	<input type="checkbox"/> Abandonment (Plat/Easement/ROW)	<input type="checkbox"/> Board of Adjustment
<input type="checkbox"/> Cargo Container Permit	<input type="checkbox"/> Certificate of Legal Nonconformity	<input type="checkbox"/> Conditional Use Permit
<input type="checkbox"/> Development Agreement	<input type="checkbox"/> Development Plan Review	<input type="checkbox"/> General Plan Amendment
<input type="checkbox"/> Lot Splits, Joins & Adjustments	<input type="checkbox"/> Ordinance Text Amendment	<input checked="" type="checkbox"/> Planned Development Rezoning
<input type="checkbox"/> Preliminary/Final Plat	<input type="checkbox"/> Preliminary Development Review	<input type="checkbox"/> Sign Permit
<input type="checkbox"/> Special Use Permit	<input type="checkbox"/> Temporary Use Permits	<input type="checkbox"/> Zoning Map Amendment
<input type="checkbox"/> Other _____		

SITE INFORMATION

SITE ADDRESS/LOCATION 512-516 NO. VALLEY DR. ASSESSORS PARCEL NUMBER 101-15-063 + 101-15-064
GROSS AREA: 1 ACRE NET AREA 43,560 SF EXISTING ZONING _____

BRIEF DESCRIPTION OF THE PROPOSED REQUEST:

THE PROPERTY, CURRENTLY IS NON-CONFORMING. THERE ARE SIX RENTAL UNITS ON THE PROPERTY

APPLICANT INFORMATION

Property Owner(s) GENE E. RODAWAY
Address 516 NO. VALLEY DRIVE APACHE JUNCTION, ARIZ 85126
Phone Number 303-437-1500 Fax Number _____ Email generodaway@hotmail.com

Applicant Contact Person/Project Manager Gene E Rodaway
Address 516 N. Valley Drive Apache Junction, Arizona 85120
Phone Number 303-437-1500 Fax Number _____ Email generodaway@hotmail.com

Architect/Engineer _____
Address _____
Phone Number _____ Fax Number _____ Email _____

OWNERS SIGNATURE: Gene E. Rodaway DATE: 04 Feb 2016

EXHIBIT B
PROPERTY OWNER CERTIFICATION FORM

I/We certify that:

I/We are the owner(s) of the property described in this application for rezoning and have submitted copies of deeds or title reports as proof of ownership.

I/We have read the application instructions and have truthfully completed this application. I/We understand that the City has the option of either approval or denial of this request following conduct of a Public Hearing.

I/We, being the owner(s) of the property in this application, have appointed _____ as my/our representative agent. I/We have authorized him/her to do whatever is necessary to have this request considered favorably by the City of Apache Junction and agree that all correspondence relation to this matter should be delivered to him/her.

PLEASE PRINT

Property Owner GENE E. RODAWAY *Gene E. Rodaway*
Address 516 NORTH VALLEY DRIVE^{#1} APACHE JUNCTION, ARIZ 85120
Phone Number 303.437.1500 Fax Number _____ Email gerodaway@jblmud.com

Property Owner _____

Address _____

Phone Number _____ Fax Number _____ Email _____

Property Owner _____

Address _____

Phone Number _____ Fax Number _____ Email _____

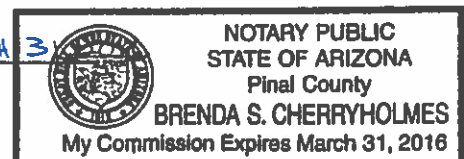
— STATE OF ARIZONA)
)
COUNTY OF PINAL)

The foregoing instrument was acknowledged before me this 16th day of FEBRUARY, 2016.

Brenda S. Cherryholmes

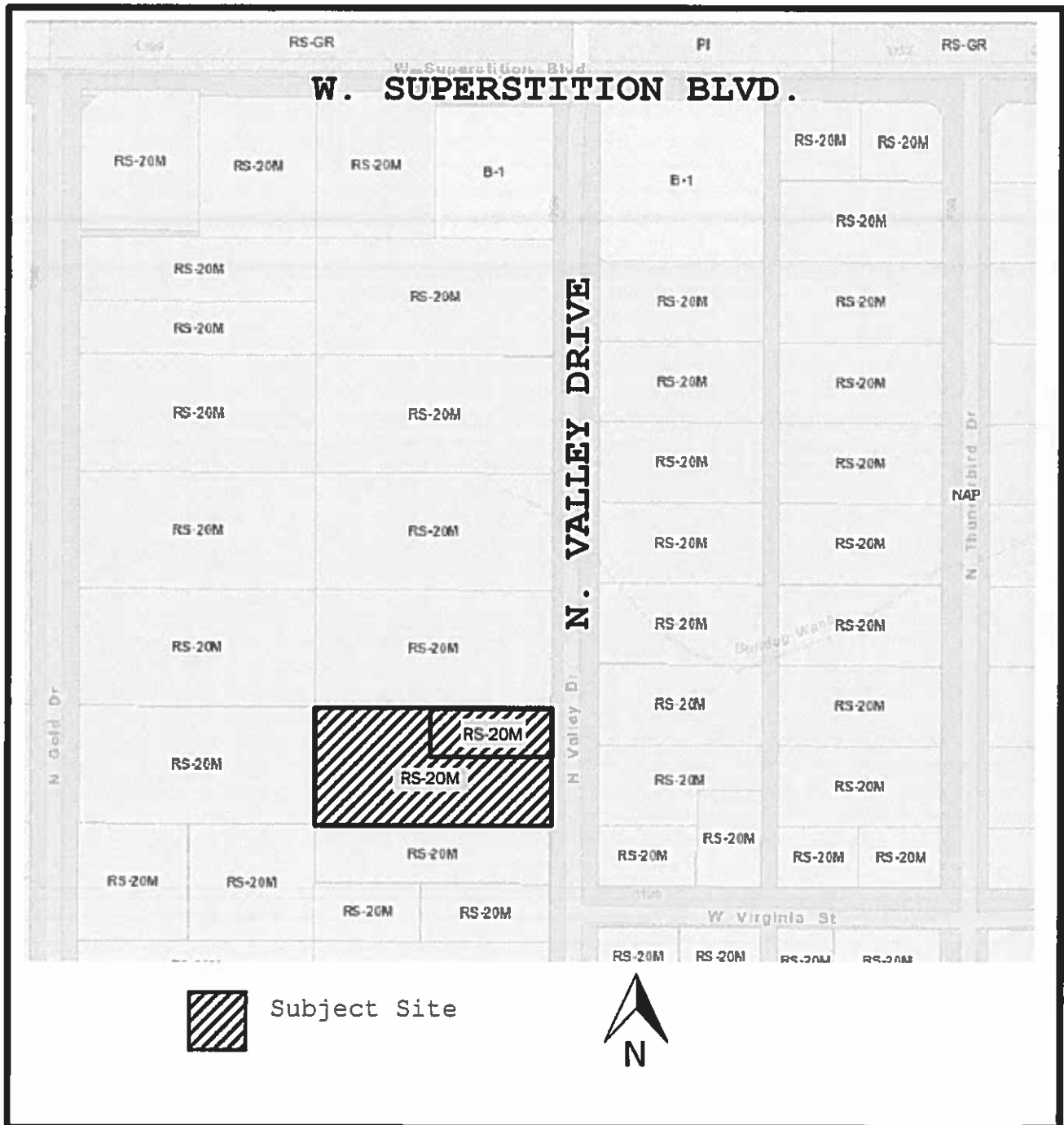
Notary Public

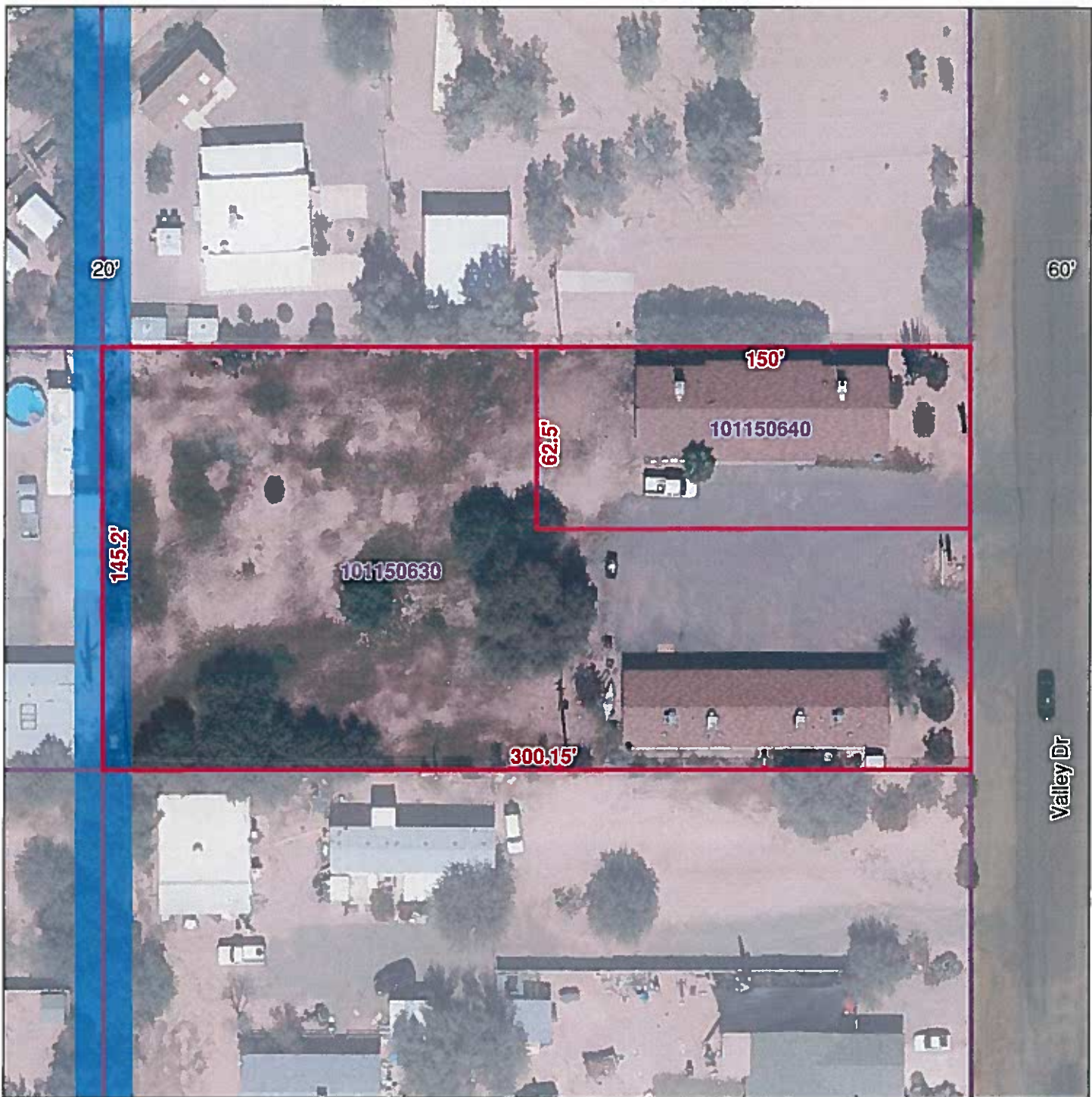
My Commission Expires: MARCH 31



PZ-5-16

Vicinity Map





City of Apache Junction ROW Exhibit

LEGEND

- 512/516 N. Valley Dr.
- Parcel
- ROW - Dedicated
- Easement - Utility

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon were provided by Pinal County and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.

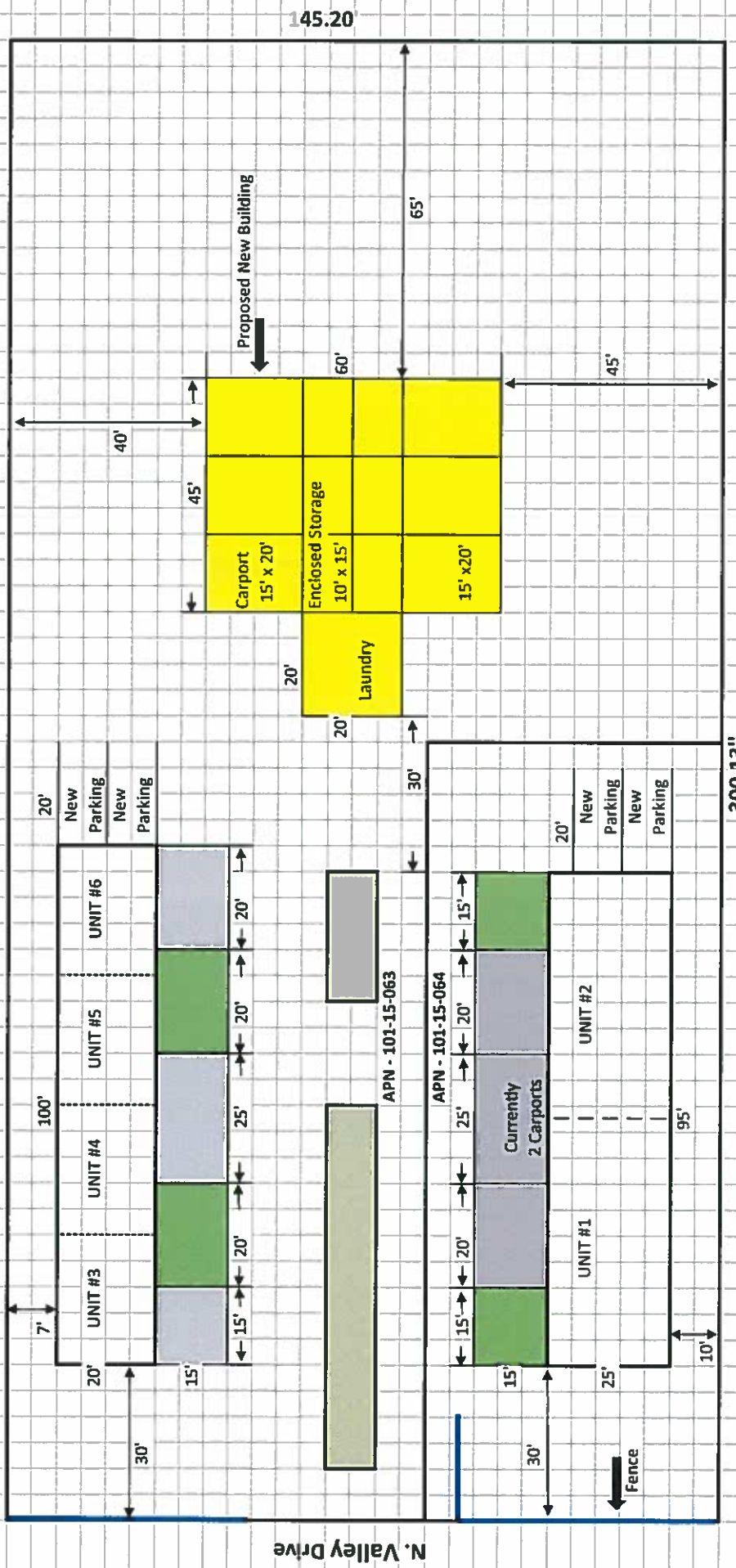


March 31, 2016



Created By: Joseph Kilnor, GIS Specialist

PZ-5-16 Site Plan



GENE E. RODAWAY
516 North Valley Drive #1
Apache Junction, Arizona 85120

11 March 2016

Neighbors:

Dear Neighbor,

This will have been the second letter I will have sent announcing that the city has requested that I request a re-zoning for my property at the above address.

None of you responded negatively to my first letter. Therefore, I am guessing that none of you will have any objections to the re-zoning. The property is zoned as a single family zone at this time and it had been a multiple unit property prior to the time the city annexed it. Therefore, the current zoning was Grandfathered in. However, it would be best if it were zoned properly.

There will be a relatively large sign that will go up on the property in the very near future. In fact, it may have been erected prior to your receiving this letter.

A neighborhood meeting is required prior to the Commission Meeting on 12 April 2016 and the City Council Meeting on 3 May 2016. Therefore, I have chosen the 25th of March for our neighborhood meeting. I am hoping that I can make it a little party kind of meeting and get to know some of you if you are able to come. I will send a post-card informing you where and what time on the 25th of March that we may meet.

Best regards,

Gene E. Rodaway

GENE E. RODAWAY
516 NORTH VALLEY DRIVE #1
APACHE JUNCTION, ARIZONA 85120

02 April 2016

Stephanie Bubenheim

City of Apache Junction, Arizona.

Dear Stephanie,

I held a meeting with those who elected to attend it at Cowboys UP there in Apache Junction regarding the proposed re-zoning of my lots. There were just two people who showed up. They were: Dawn Collins and Susan Hurst.

Neither of these two people had any objections to the re-zoning, but were curious relative to what I might intend to build on the lot in the future. They had no problem with the proposed new car-ports. However, did express some concern over the possibility of adding a lot more rental units.

I told them, there sure was no intention of adding any at this point in time, and probably not in the future. The maximum number of units that would fit well on the property if that did become a desire, would be three units.

That was about it, a very congenial meeting and we had some great food and drinks.

Gene E. Rodaway

NEIGHBORHOOD

RE-ZONING MEETING

21 MARCH 2016

COWBOY UP RESTAURANT

6:00 P.M. – 1800 HOURS

PLEASE JOIN ME

GENE E. RODAWAY

RE-ZONING MEETING

21 MARCH 2016

COWBOY UP RESTAURANT

6:00 P.M. – 1800 HOURS

PLEASE JOIN ME

GENE E. RODAWAY