



City of Apache Junction

Development Services Department



Date: April 20, 2016

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager
Larry Kirch, Development Services Director
Rudy Esquivias, Senior Planner/Zoning Admin.

From: Stephanie Bubenheim, Assistant Planner

Subject: May 3, 2016, City Council Public Hearing Item:
PZ-5-16 (Ordinance #1430) Rezoning request by Gene Rodaway for 512 and 516 North Valley Drive.

Background

This is a proposed rezoning request by property owner Gene Rodaway, represented by Leslie Cooke, for a 1.01-acre combined property located at 512 and 516 North Valley Drive from RS-20M (Medium Density Detached Single-family Residence Zone, Conventional or Manufactured Home Permitted) to RM-1/PD (High Density Multiple-family Residence Zone by Planned Development). The rezoning proposal seeks to properly zone to multiple family, a long existing 6 unit apartment rental property that has operated as a non-conforming use on two lots. The applicant had approached council about a corrective rezoning during the adoption of the city's new zoning ordinance and zoning maps. Council directed staff to work with the applicant on a city-initiated rezoning which would improve the property and the neighborhood in general.

Planning and Zoning Commission Recommendation

On April 12, 2016, the Planning and Zoning Commission held a public hearing regarding this request (P&Z staff report and exhibits attached). The Commission voted to recommend approval of the rezoning by a vote of 7 to 0, subject to all of Staff's recommended conditions. One neighbor expressed concern about future additional units and if the proposed carports would ever be turned into additional living spaces. Another neighbor voiced concerns about the maximum density as well as the property to the west that has multiple RV's parked and does not want the same to occur at the subject site. For the council's consideration, staff proposes that an additional condition can be added to address the neighbor's concern, as follows: "RV parking and/or storage will not be permitted on the property".

Attachments:

- Draft Ordinance No. 1430
- PZ Staff Report from April 12, 2016, with all attachments.

ORDINANCE NO. 1430

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 FOR THE PROPERTY DESCRIBED IN REZONING CASE PZ-5-16, AND LOCATED AT 512 AND 516 NORTH VALLEY DRIVE, APACHE JUNCTION, ARIZONA, A REQUEST BY GENE RODAWAY, REPRESENTED BY LESLIE COOKE, FROM MEDIUM DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL, CONVENTIONAL OR MANUFACTURED HOME PERMITTED ("RS-20M") TO HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL BY PLANNED DEVELOPMENT ("RM-1/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the subject site is a non-conforming property which has been used as a 6 unit apartment rental property prior to the city adopting its March 1985 Zoning Ordinance, pursuant to Ordinance No. 350; and

WHEREAS, during the public hearings conducted in 2014, in which the city was considering the adoption of a new zoning ordinance and zoning district maps, the property owner requested that the Apache Junction City Council correct the zoning on the property to multiple-family as part of the process; and

WHEREAS, the property owner requested the zoning correction so that the 6 unit apartment rental property would have proper zoning, which would then allow improvements to be made to the property, which could not be done as long as the property was non-conforming; and

WHEREAS, it has been the property owner's desire to continue operating the apartment rentals and make improvements to benefit the property and general neighborhood; and

WHEREAS, on May 5, 2014 the Apache Junction City Council adopted said new zoning ordinance and zoning district maps, and directed staff to work with the property owner on a city-initiated planned development rezoning of their property; and

WHEREAS, under the proposed High Density Multiple-Family Residential District by Planned Development zoning ("RM-1/PD"), the

property owner is agreeable to installing landscaping, constructing carports with storage rooms, a laundry room, and other improvements to North Valley Drive right-of-away, as well as a zoning condition which will require a new public hearing process if there is desire to construct additional rental units with or without deviations from the standard zoning requirements on the property in the future; and

WHEREAS, on April 12, 2016, the Planning and Zoning Commission voted to recommend approval of rezoning case PZ-5-16 by a vote of 7-0, subject to conditions; and

WHEREAS, the city council hereby determines that the proposed rezoning substantially conforms to all of the general criteria as specified in the Apache Junction City Code, Volume II, Land Development Code, Chapter 1, Zoning Ordinance, Section 1-4-1, Zoning Districts, and Section 1-4-3, Planned Development ("PD") District, including compliance with the general plan, 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 THE CITY 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:

Parcel No. 1

Lot 21, block 3, of Apache Acres Addition, correctly known as Apache Addition Acres, according to the plat of record in the office of the County Recorder of Pinal County Arizona, recorded in book 5 of maps, page 32; except the north 62.5 feet of the east 150 feet thereof (also known as Pinal County Assessor parcel 101-15-063); and

Parcel No. 2

The north 62.5 feet of the east 150 feet of lot 21, block 3, of Apache Acres Addition, correctly known as

Apache Addition Acres, according to the plat of record in the office of the County Recorder of Pinal County, Arizona, recorded in book 5 of maps, page 32 (also known as Pinal County Assessor parcel 101-15-064);

be and hereby is amended from Medium Density Single-Family Detached Residential, Conventional or Manufactured Home Permitted ("RS-20M") to High Density Multiple-Family Residential by Planned Development ("RM-1/PD"), subject to the following conditions:

- 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 Apache Junction 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.

SECTION II REPEALING ANY CONFLICTING ORDINANCES

All ordinances and parts of ordinances in conflict with the provisions of this ordinance or any part of the codes adopted herein by reference 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 codes or regulations 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 _____, 2016.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2016.

JOHN S. INSALACO
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney