



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: September 7, 2016

CASE NUMBER: PZ-9-16

OWNERS: Aristeo & Marbella Tovar

APPLICANTS: City-initiated

REQUEST: City-initiated corrective rezoning from RS-7M (Medium/High Density Single-Family Detached Residential, Conventional or Manufactured Home Permitted) to B-1/PD (General Commercial Zone by Planned Development) for a property which was inadvertently incorrectly zoned with the adoption of new city zoning maps.

LOCATION: South of the southeast corner of S. Meridian Drive and W. Broadway Avenue; a +/- .28 gross acre parcel located at 1081 S. Meridian Drive, Pinal County Assessor parcel number 102-33-020.

**GENERAL PLAN/
ZONING DESIGNATION:** Medium Density Residential (maximum of 6 du/ac); presently zoned RS-7M.

SURROUNDING USES: North: Residential (zoned RS-7M);
South: Klahanne Manufactured Home Park (zoned MHP; manufactured home park);
East: Residential (zoned RS-7M);
West: Unincorporated Maricopa County, Desert Village Subdivision (zoned R1-8; single-family residential minimum 8,000 square feet per dwelling).

BACKGROUND

Under our new zoning ordinance, the property at 1081 S. Meridian Drive is currently zoned RS-7M (Medium/High Density Single-Family Detached Residential, Conventional or Manufactured Home Permitted). Before the new zoning ordinance was adopted in May of 2014, the property was zoned C-1/PD (Neighborhood Commercial/Convenience Zone by Planned Development). The property has been developed with commercial uses since prior to the city's March 1985 zoning ordinance. The property was first rezoned to a commercial district in 1995 under case PZ-2-95 and Ordinance No. 927. Ordinance No. 927 approved a rezoning from TH (Trailer Homesite) to C-1 (Neighborhood Commercial/Convenience Zone) to allow the use of a beauty shop on the property and resolve non-conforming use issues.

Under new ownership, the property underwent a second rezoning case, PZ-8-04 and Ordinance No. 1207, to include a planned development. Ordinance No. 1207 was approved in September of 2004 and re-designated the property from C-1 to C-1/PD. The planned development included a small courtyard office complex with a small pallet of office related uses permitted. Landscaping requirements, street improvements, a 6 foot high wall, and a private access way for the property east of the site to and from Meridian Drive were also included as part of the planned development. For reasons unknown the development plan fell through and the same owner/applicant later requested to abandon the approved planned development and propose a wider pallet of uses. Case PZ-5-05 and Ordinance No. 1232 were approved in June of 2005. Ordinance No. 1232 repealed Ordinance No. 1207 and established a wider pallet of uses that still met the requirements of low intensity neighborhood commercial. The Ordinance also approved any future expansion or reconstruction of the existing structure to require a major planned development amendment. The applicant was required to install a 3 foot high parking wall with landscaping and paved access from S. Meridian Drive which was done.

With the adoption of the city's new zoning ordinance and zoning district maps, the property was inadvertently rezoned to RS-7M, a zoning designation for residential lots with a minimum lot size of 7,000 square feet, instead of B-1/PD (the current equivalent to the C-1/PD zoning district); thus taking away the planned development, potential commercial development opportunities on the property, and making the existing business use on the property legal non-conforming. The property owners,

Aristeo and Marbella Tovar have given consent to rezone the property back to B-1/PD. On August 16th 2016, the City Council gave direction to staff to proceed with a city-initiated corrective rezoning for the property from RS-7M to its appropriate zoning of B-1/PD.

PROPOSAL

This is a city initiated request to rezone a +/- .28 gross acre property (Pinal County APN 102-33-020) from RS-7M (Medium/High Density Single-Family Detached Residential, Conventional or Manufactured Home Permitted) to B-1/PD (General Commercial Zone by Planned Development). The property is located at 1081 S. Meridian Drive, south of the southeast corner of S. Meridian Drive and W. Broadway Avenue. Currently operating on this property is American Family Insurance Agency. The purpose of this rezoning request is to re-assign the appropriate zoning district and re-establish the appropriate pallet of uses to this developed commercial property and future commercial development opportunity.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The General Plan designates the subject site Medium Density Residential (maximum 6 du/ac). The adjacent properties are all zoned residential. The intersection of S. Meridian Drive and W. Broadway Avenue is designated as a Community Commercial node in the General Plan. The subject property has accommodated commercial uses since prior to 1995 and has been part of amendments to past General Plans. Rezoning the property back to commercial would be considered a minor amendment to the General Plan, since the property is just over a quarter of an acre in size.

Planned Development Zoning:

Ordinance No. 1232 lists multiple uses permitted on the property acknowledging a low intensity neighborhood commercial pallet. Any future owner, tenant, or developer of the property must comply with this pallet of commercial uses. If a different type of use is requested on this site a major planned development amendment will be required. Another condition of Ordinance No. 1232 is any reconstruction or expansions of the existing structure on the property will require a major planned development amendment and the future developer must comply with our current development guidelines. The 3' high pony wall was

installed along with a paved entrance and landscaping per the approved landscape plan. The landscaping has since been neglected and needs to reflect the approved landscaping plan from case PZ-5-05.

Infrastructure Improvements:

Any redevelopment on the site shall require the developers to improve whatever necessary right-of-way improvements are still needed, as determined by the City Engineer. General property improvements may include, but not necessarily be limited to, the provision of curbs, gutters, sidewalks, commercial driveways, streetlights, fire hydrants, retention basins, drainage improvements, etc.

Zoning/Site Context:

The proposed B-1/PD zoning is appropriate for the existing business and is compatible with other properties along Meridian Drive that are developed with low intensity commercial uses. The current RS-7M zoning does not acknowledge the planned development that was approved for the property which includes a specific pallet of uses that are compatible with low intensity neighborhood commercial.

Public Input:

At this time staff has not received any inquiries concerning the rezoning.

PLANNING DIVISION RECOMMENDATION

Planning Staff recommends approval of the proposed rezoning and offers the following Recommended Motion to re-establish the B-1/PD zoning on the subject site for both the existing and future development of the property, 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-9-16, a city initiated corrective rezoning request for the property at 1081 S. Meridian Drive, owned by Aristeo and Marbella Tovar, from RS-7M (Medium/High Density Single-Family Detached Residential, Conventional or Manufactured Home Permitted) to B-1/PD (General Commercial Zone by Planned Development), subject to the following conditions of approval:

- 1) All applicable conditions of Ordinance No. 1232 are still in full force and effect.
- 2) Any dead or overgrown plants must be replaced and the approved landscape plan from PZ-5-05 must be met.



Prepared by Stephanie Bubenheim
Assistant Planner

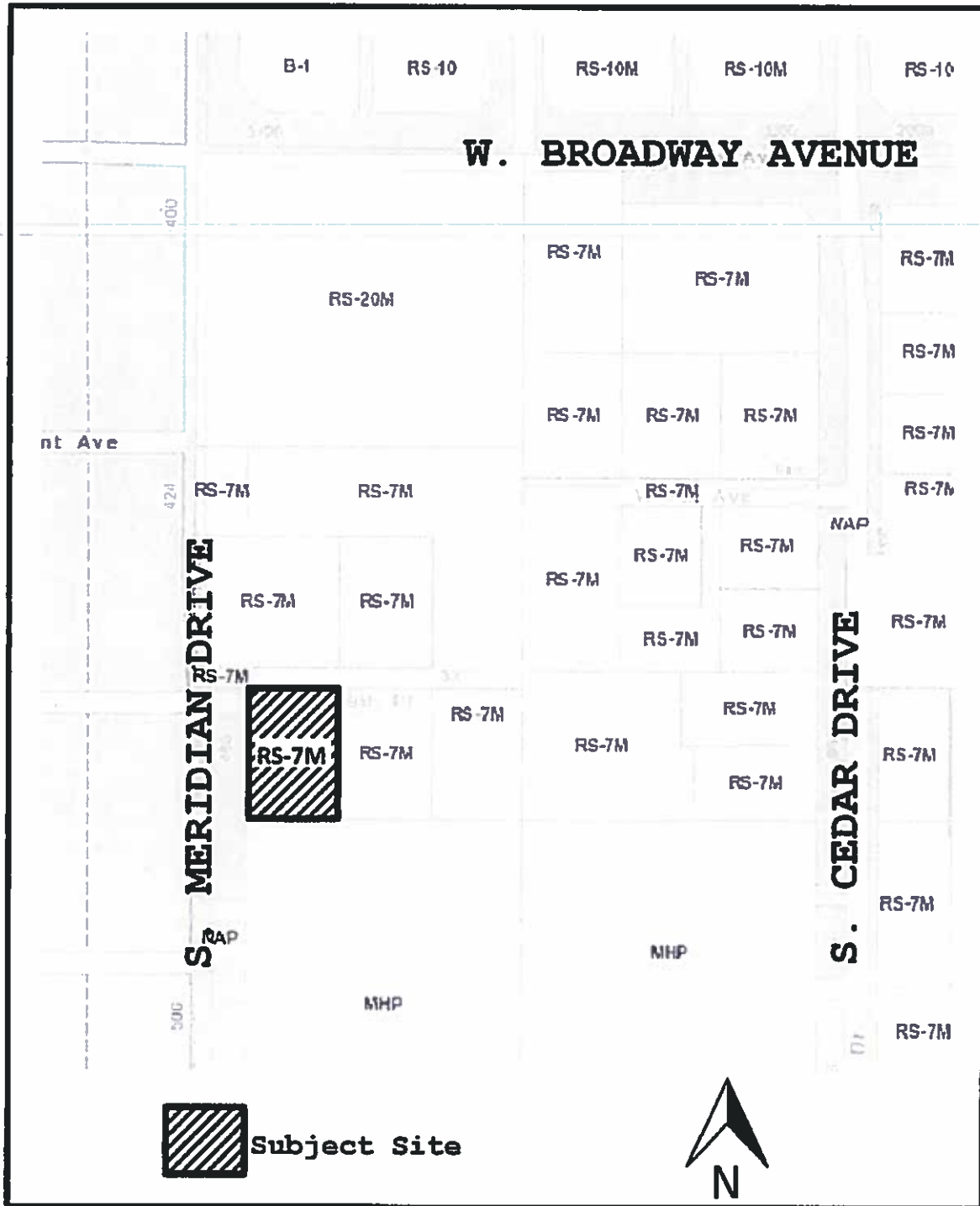
Attachments:

- Exhibit #1 - PZ-9-16 Zoning & Vicinity Map
- Exhibit #2 - Aerial Map
- Exhibit #3 - Assessor Parcel Map #102-33
- Exhibit #4 - Ordinance No. 927
- Exhibit #5 - Ordinance No. 1207
- Exhibit #6 - Ordinance No. 1232
- Exhibit #7 - Approved Landscape Plan PZ-5-05

PZ-9-16

Vicinity Map

CITY INITIATED REZONING REQUEST FROM RS-7M to B-1/PD





Google earth

feet
meters

400

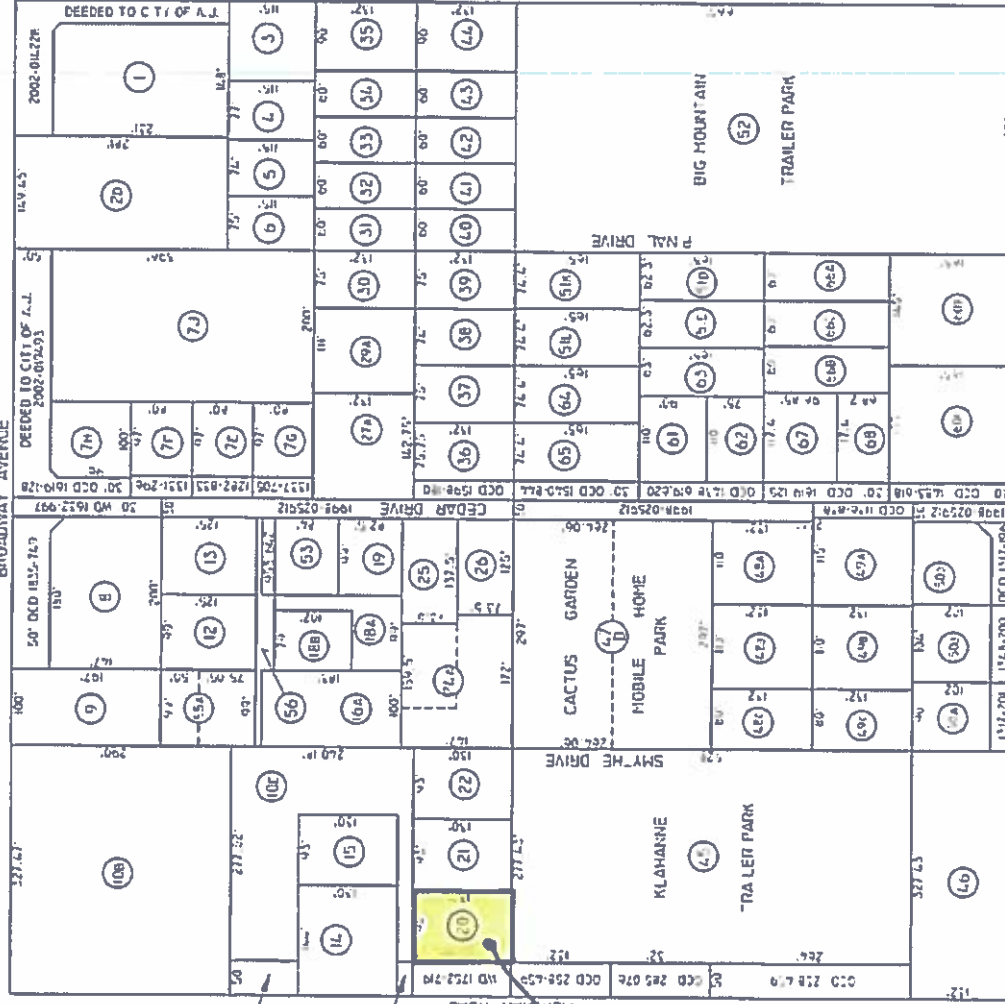
100



SUBJECT SITE

SEC. 30, NW, NW, TN.1N RG.8E
AKA LOT 1

SEE MAP 101-08
BROADWAY AVENUE



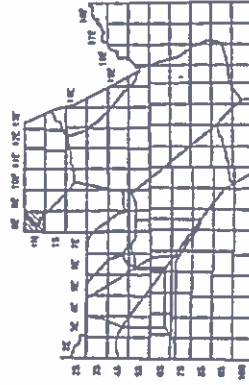
STATE OF ARIZONA
2001-032449

STATE OF ARIZONA
2001-032450

SUBJECT
SITE

102-33

LOCATION MAP



VICINITY MAP



9-3-2009
UPDATED BY YL

THIS MAP IS FOR INFORMATIONAL PURPOSES ONLY.
THE OFFICE WILL NOT ASSUME LIABILITY FOR
REPRESENTATION, WARRANTY OR ADEQUACY
OF THE INFORMATION CONTAINED HEREIN.
THE PINAL COUNTY COMMISSIONER'S OFFICE

PINAL COUNTY ASSESSORS MAP

SEE MAP 102-34
12TH AVENUE

ORDINANCE NO. 927

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 IN REZONING CASE PZ-2-95 FROM TH (TRAILER HOMESITE ZONE) TO C-1 (NEIGHBORHOOD COMMERCIAL/CONVENIENCE DISTRICT); 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

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

Part of the West half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 30, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Apache Junction, Pinal County, Arizona, more particularly described as follows:

BEGINNING at the Southwest corner of said West half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 30, the true point of beginning; thence due East 144 feet; thence due North 130 feet; thence due West 144 feet; thence due South 130 feet to the true point of beginning;

be and hereby is amended from TH (Trailer Homesite Zone) to C-1 (Neighborhood Commercial/Convenience District).

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, subsection, 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.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION,
ARIZONA, THIS 16TH DAY OF MAY, 1995.

SIGNED AND ATTESTED TO THIS 22ND DAY OF MAY, 1995.



JEAN PERKINS
Mayor

ATTEST:



KATHLEEN CONNELLY
City Clerk


Deputy Clerk

APPROVED AS TO FORM:



GLENN J. GIMBUT
City Attorney

ORDINANCE NO. 1207

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 IN REZONING CASE PZ-8-04 FROM C-1 (NEIGHBORHOOD COMMERCIAL/CONVENIENCE DISTRICT) TO C-1/PD (NEIGHBORHOOD COMMERCIAL/CONVENIENCE DISTRICT BY PLANNED DEVELOPMENT); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on June 22, 2004, the Apache Junction Planning and Zoning Commission, voted 5 to 0 (unanimously) to recommend approval of the request for rezoning, Case PZ-8-04, to change the zoning district classification from C-1 (Neighborhood Commercial/Convenience District) to C-1/PD (Neighborhood Commercial/Convenience District by Planned Development).

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

SECTION 1: IN GENERAL

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land legally described as:

Part of the West half of the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 30, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona, more particularly described as follows:

Beginning at the Southwest corner of above, the true point of beginning; thence due East 144 feet; thence North 130 feet; thence due West 144 feet; thence due South 130 to the point of beginning; except the West 50 feet thereof;

be and hereby is amended from C-1 (Neighborhood Commercial/Convenience

District) to C-1/PD (Neighborhood Commercial/Convenience District by Planned Development). subject to the following stipulations:

- 1) That the proposed development be similar to the conceptual site plan submitted with the application in Case PZ-8-04. The office use, building design, materials, massing, and the courtyard concept shall be included in the final building design.
- 2) The following uses shall be allowed on the subject site: administrative and professional services, business support services, insurance and real estate services, medical services, professional/semi-professional offices, or similar. No other uses are permitted
- 3) The entrance driveways may be located within 16 feet of the property line. The north access way shall be 20 feet minimum in width to provide access for fire equipment to the rear of the property.
- 4) The private access way on the site's northern boundary shall be surfaced with asphalt extending from Meridian Drive to the eastern edge of the property.
- 5) The final project design will provide for no less than 11 parking spaces.
- 6) The site shall be screened on the north, east, and south with a 6 foot high masonry wall. The wall shall be stuccoed and painted to complement the main building.
- 7) Landscaping shall be provided in all areas shown in the concept plan, with plant counts that meet the minimums required. The east and south 10 foot landscaped yard requirements are waived. The number of plants that would be required within the deleted 10 foot areas shall be reasonably accommodated with the planters and/or shall be provided elsewhere on the site. All mature trees (24 inch box) and shrubs (5 gallon) shall be provided. Front-yard retention will be allowed.

- 8) Prior to any development on the site, the developers shall dedicate and improve, to the City Engineer's standards, any necessary rights-of-way; both internal and external to the site. Said improvements may include, but are not necessarily limited to, the provision of curbs, gutters, sidewalks, driveways, streetlights, and retention basins.
- 9) Any use or development of said property may be conditioned upon the provision of public improvements, a decorative masonry perimeter wall, and landscaping in accordance with the provisions of the Landscape and Screening Requirements. The provisions of the Uniform Building Code and all other City codes, policies, guides, and standards shall apply and control all design and construction of improvements.
- 10) Any future developers shall pay all applicable development fees prior to the issuance of building permits.
- 11) All construction shall be done in compliance with all applicable codes and ordinances, including the City of Apache Junction Zoning Ordinance, the Uniform Building Code, and the Uniform Fire Code (including, but not limited to, the provision of sufficient fire apparatus access roads, the marking of fire lanes, and the provision of adequate water supplies, sprinkler systems, and fire hydrants).
- 12) The requirement to install a street light and the requirement to underground the existing utility lines along Meridian Drive is waived for this project.

SECTION II: REPEALING ANY CONFLICTING PROVISIONS


All ordinances and parts of ordinances in conflict with the provisions of this ordinance 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 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.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE
JUNCTION, ARIZONA. THIS 7TH DAY OF SEPTEMBER, 2004.

SIGNED AND ATTESTED TO THIS 16TH DAY OF SEPTEMBER, 2004.


DOUGLAS COLEMAN
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:


9-10-04
RICHARD J. STERN
City Attorney

ORDINANCE NO. 1232

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, APPROVING A PLANNED DEVELOPMENT MAJOR AMENDMENT, CASE PZ-5-05, A REQUEST BY E. BOYCE JASPER TO AMEND THE PLAN OF DEVELOPMENT BY ABANDONING THE EXISTING PLAN IN CASE PZ-8-04, BY REPEALING ORDINANCE NO. 1207 AND PROVIDING FOR A LIMITED USE PALLET PENDING FUTURE DEVELOPMENT; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, on September 7, 2004, the Apache Junction City Council, after review and a recommendation for approval by the Planning and Zoning Commission, approved the request for rezoning, Case PZ-8-04, to change the zoning district classification from C-1 ("Neighborhood Commercial/Convenience District") to C-1/PD ("Neighborhood Commercial/Convenience District by Planned Development") for a specific office development, subject to conditions of development; and

WHEREAS, the property owner of the subject parcel has since abandoned the office development plan and is seeking to sell the property to others "as-is"; and

WHEREAS, the Apache Junction Planning and Zoning Commission held a public hearing on Case PZ-5-05 on April 26, 2005, and voted to recommend approval of this request by a 6 to 0 vote.

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

SECTION 1: IN GENERAL

- A) Ordinance No. 1207 is hereby repealed.
- B) The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcel of land legally described as:

Part of the West half of the Northwest quarter of
The Northwest quarter of the Northwest quarter of

Section 30. Township 1 North. Range 8 East of the
Gila and Salt River Base and Meridian. Pinal County.
Arizona. more particularly described as follows:

Beginning at the Southwest corner of above.
the true point of beginning; thence due East
144 feet; thence North 130 feet; thence due
West 144 feet; thence due South 130 to the
point of beginning; except the West 50 feet
thereof.

Be and hereby is amended from C-1 to C-1/PD. subject to the following
stipulations:

- 1) The following are the only permitted uses of the subject
parcel:

Administrative services for nonprofit organizations
Cultural exhibits and library services
Religious assembly
Administrative and professional services, business
support services, including mimeographing and
publication, but excluding printing
Convenience sale
Food and beverage retail sales
Insurance and real estate services
Medical services
Office: business, professional, or semi-professional
Apparel repair or alteration
Arts or crafts: instruction or studio, excluding
on-site welding or kiln
Barber or beauty shop
Catering services
Custom dressmaking, millinery, hemstitching, or pleating
Custom weaving or mending
Dog grooming
Retail sales
Antique store
Apparel store
Art, needlework, or hand weaving establishment
Bakery

Bicycle shop, excluding motorcycle repair or sales
Dealer in coins, stamps, or similar collector's items
Delicatessen store
Dry goods or notions store
Florist shop
Gift, curio, novelty, toy or hobby shop
Grocery, fruit or vegetable store
Hardware store
Jewelry store, including repair
Leather goods store
Photographic studio, including supplies
Shoe store, including repair
Sporting goods
Tailor Shop

- 2) The existing structure can be utilized as is, where is. Any future expansion or reconstruction of the building shall require a major planned development amendment.
- 3) The property owner shall install a three foot (3') high wall along Meridian Road to screen the view of the parking area from the public right-of-way, provide a paved access way from the street to the parking area, and shall landscape the frontage in-front of the wall on Meridian in full compliance with the City's landscaping and screening code.

SECTION II: REPEALING ANY CONFLICTING PROVISIONS


All ordinances and parts of ordinances in conflict with the provisions of this ordinance 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 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.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 21ST DAY OF JUNE, 2005.


SIGNED AND ATTESTED TO THIS 28TH DAY OF JUNE, 2005.


DOUGLAS COLEMAN
Mayor

ATTEST:


KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

 6.21.05
RICHARD J. STERN
City Attorney

Approved Landscape Plan PZ-5-05

