



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: April 19, 2017

CASE NUMBER: PZ-1-17

OWNERS: Evelyn Subdivision Property
Owners/Residents

APPLICANTS: City-initiated

REQUEST: City-initiated corrective rezoning from RS-10 (Medium Density Single-Family Detached Residential; Conventional Home Permitted on 10,000 square foot minimum lots) to RS-5/PD (Medium High Density Single-Family Detached Residential by Planned Development; Conventional Home Permitted) for properties in the Evelyn Subdivision that have been incorrectly zoned dating back to the city's incorporation.

LOCATION: S. Main Drive between W. 1st Avenue and W. Broadway Avenue.

**GENERAL PLAN/
ZONING DESIGNATION:** Medium Density Residential; Maximum of 6 dwelling units/acre. Current zoning RS-10.

SURROUNDING USES: North: Commercial (zoned B-2; Old West Commercial);
South: Residential, Apache Villa Subdivision (zoned RS-7; Medium High Density Single-Family Residential);
East: Residential, Boila Tract Subdivision (zoned RS-10);
West: Residential, Hughes Place Subdivision (zoned RS-10)

BACKGROUND

Since the adoption of the city's new zoning ordinance, in May of 2014, staff has determined that Evelyn Subdivision has been given the wrong zoning designation. The properties have been incorrectly zoned dating back to the city's incorporation. The Evelyn Subdivision original plat dates back to May 19, 1948 (see Exhibit #5). Before the new zoning ordinance was adopted in May of 2014, the subdivision was zoned CR-3 (Medium Density Single-Family Residence Zone; Conventional Home Permitted). The CR-3 zoning district established a minimum lot size of 7,000 square feet for pre-existing subdivisions.

Under the new zoning ordinance, Evelyn Subdivision was rezoned to RS-10 (Medium Density Single-Family Detached Residential; Conventional Home Permitted). This zoning designation has a minimum lot size of 10,000 square feet, even though the majority of lots on the street are well less than 10,000 square feet (see Exhibits #3 and #4). Even under the old CR-3 zoning district, the lots did not meet the minimum lot size of 7,000 square feet.

Essentially, almost every lot is a non-conforming lot whether it was zoned CR-3, under the previous zoning ordinance, or RS-10. Over the years this has become problematic for owners wanting to do home additions and replacements because the lots were non-conforming and because of the inability to meet setbacks under the RS-10 zone (see Exhibit #2).

Staff offered to process a city-initiated corrective rezoning for Evelyn Subdivision, case PZ-1-17, and the neighborhood immediately to the west on S. Ocotillo Drive, Hughes Place, which is an older subdivision facing similar problems (see also case PZ-2-17). On January 17th, 2017, the City Council gave direction to staff to proceed with a city-initiated rezoning.

PROPOSAL

This is a city-initiated request to rezone the neighborhood on Main Drive between 1st Avenue and Broadway Avenue from RS-10 to RS-5/PD (Medium High Density Single-Family Detached Residential by Planned Development; Conventional Home Permitted). The RS-5/PD zoning district requires a minimum lot size of 5,000 square feet, a more suitable lot size requirement for the current lots in the subdivision. In Evelyn Subdivision many lots are approximately 6,000 square feet in size and do not meet the 10,000 square foot minimum requirement of the RS-10 zoning district. City staff is also including the Planned Development

Overlay which can allow greater flexibility in setbacks, lot size, and lot widths (see Exhibit #6).

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The General Plan designates the area Medium Density Residential (maximum 6 du/ac). The adjacent properties to the west, east and south are all zoned residential (see Exhibit #1). The rezoning is in compliance with the General Plan.

Zoning/Site Context:

The proposed RS-5/PD zoning is compatible with the subject properties on Main Drive. The original lot configurations on the Evelyn Subdivision recorded plat consisted of 50 feet wide by 135 feet deep lot sizes. Lots with multiple units or non-compliant unit types (manufactured homes, RV's, duplexes etc.), parcels that are smaller than the proposed minimum lot sizes, and setback encroachments for main structures and accessory structures will also need to be recognized and mitigated through the rezoning. All structures that are not meeting setbacks and properties with multiple dwelling units are considered non-conforming and are allowed to remain. Staff is encouraging owners to move structures out of setbacks. Any new structures must meet the proposed new setbacks. The purpose of correcting the zoning for this older neighborhood is to encourage future redevelopment of aging structures; this will help make the permit process easier for owners and contractors.

Public Input:

City staff conducted two Neighborhood Meetings, on January 25, 2017 and April 5, 2017, informing the property owners and residents of what the proposed rezonings for cases PZ-1-17 and PZ-2-17 hope to accomplish. Approximately 15 property owners were present at the first meeting with some concerns and questions of how the rezoning will affect current properties. Staff responded that the rezoning will not affect existing structures, only future construction and recommends that any existing structures in the proposed new setbacks be moved, but that the city will not require it. Staff informed the property owners that the property lines would not be altered as part of the rezoning.

The second neighborhood meeting was conducted on April 5th allowing the property owners to view the new proposed setbacks for RS-5/PD on large scale maps. Approximately eight residents from three different properties attended. Staff received several

phone calls from residents and neighbors in the 300 foot notification radius who requested a detailed explanation of the rezoning. A realtor selling a property wanted to ensure that we weren't rezoning the property to commercial. None of the inquiries, or the residents who attended the neighborhood meetings, have expressed opposition to the rezoning.

Planning Division Recommendation

Planning Staff recommends approval of the proposed rezoning. The neighborhood is within a redevelopment area with aging infrastructure that will soon need updating. The Planned Development Overlay is tailored to this subdivision in hopes to bring the neighborhood closer to conformance. The structures and units that will still be non-conforming under the RS-5/PD zoning district can remain.

Planning Staff offers the following Recommended Motion, to correct the zoning of Evelyn Subdivision to better suit the needs of lots and residents, 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-1-17, a city-initiated corrective rezoning request, for Evelyn Subdivision located on S. Main Drive between W. 1st Avenue and W. Broadway Avenue, from RS-10 (Medium Density Single-Family Detached Residential; Conventional Home Permitted) to RS-5/PD (Medium High Density Single-Family Detached Residential by Planned Development; Conventional Home Permitted), subject to the following conditions of approval:

1. The bulk regulations for RS-5 found in Apache Junction City Code, Volume II Land Development Code, Chapter 1: Zoning Ordinance, Article 1-5: Zoning and Use Regulations, Section 1-5-2 Residential Bulk Regulations, Table 5-2: Residential Bulk Regulations, shall be modified as depicted in Table 1 below to allow for 5 foot Minimum Interior Side Setbacks (Main Structure), 3 foot Minimum Side Setbacks (Accessory Structure > 120 square feet), 10 foot Minimum Rear Setbacks (Main Structure), and 3 foot Minimum Rear Setbacks (Accessory Structure > 120 square feet).

Table 1: Bulk Regulations

<i>USE TYPE</i>	Existing RS-5 Bulk Regulations	Proposed RS-5/PD Evelyn Subdivision Bulk Regulations*
Minimum Lot Area per Dwelling Unit	5,000 sf.	5,000 sf.
Maximum Density (Dwelling Units per Acre)	8.71 units/ac	8.71 units/ac
Minimum Development Area	N/A	N/A
Minimum Lot Width	50 ft.	50 ft.
Minimum Front Setback (Main Structure)	20 ft.	20 ft.
Minimum Front Setback (Accessory Structure)	20 ft.	20 ft.
Minimum Interior Side Setback (Main Structure)	7 ft.	5 ft.*
Minimum Street Side Setback (All Structures)	10 ft.	10 ft.
Minimum Side Setback (Accessory Structure > 120 sf.)	5 ft.	3 ft.*
Minimum Rear Setback (Main Structure)	15 ft.	10 ft.*
Minimum Rear Setback (Accessory Structure > 120 sf.)	5 ft.	3 ft.*
Maximum Lot coverage	60%	60%
Maximum Size for Accessory Structure	Limited to the floor area of the main building's first floor	
Maximum Height for Main Structure	30 ft.	30 ft.
Maximum Height for Accessory Structure > 120 sf.	15 ft.	15 ft.

**Modifications*

2. For any non-conforming lots or structures Apache Junction City Code, Volume II Land Development Code, Chapter 1: Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots shall apply.
3. On lots that are non-conforming with multiple units Apache Junction City Code, Volume II Land Development Code, Chapter 1: Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots shall apply.
4. A non-conforming use structure cannot expand beyond the 50% rule, as found in Apache Junction City Code, Volume II Land Development Code, Chapter 1: Zoning Ordinance, Article 1-2: Types of Uses, Section 1-2-5 Nonconforming Uses, Structures and Lots.
5. Rear property lines shall not be altered unless to follow original subdivision lot lines.
6. All regulations from the Apache Junction City Code, Volume II Land Development Code, Chapter 1: Zoning Ordinance, and Chapter 2: Subdivision Regulations shall apply to all lots in the subdivision.
7. All applicable permits shall be applied for and plans shall be designed to current city codes for any structures over 120 square feet and new homes or remodels.



Prepared by Lindsay Bresnahan
Planning Intern

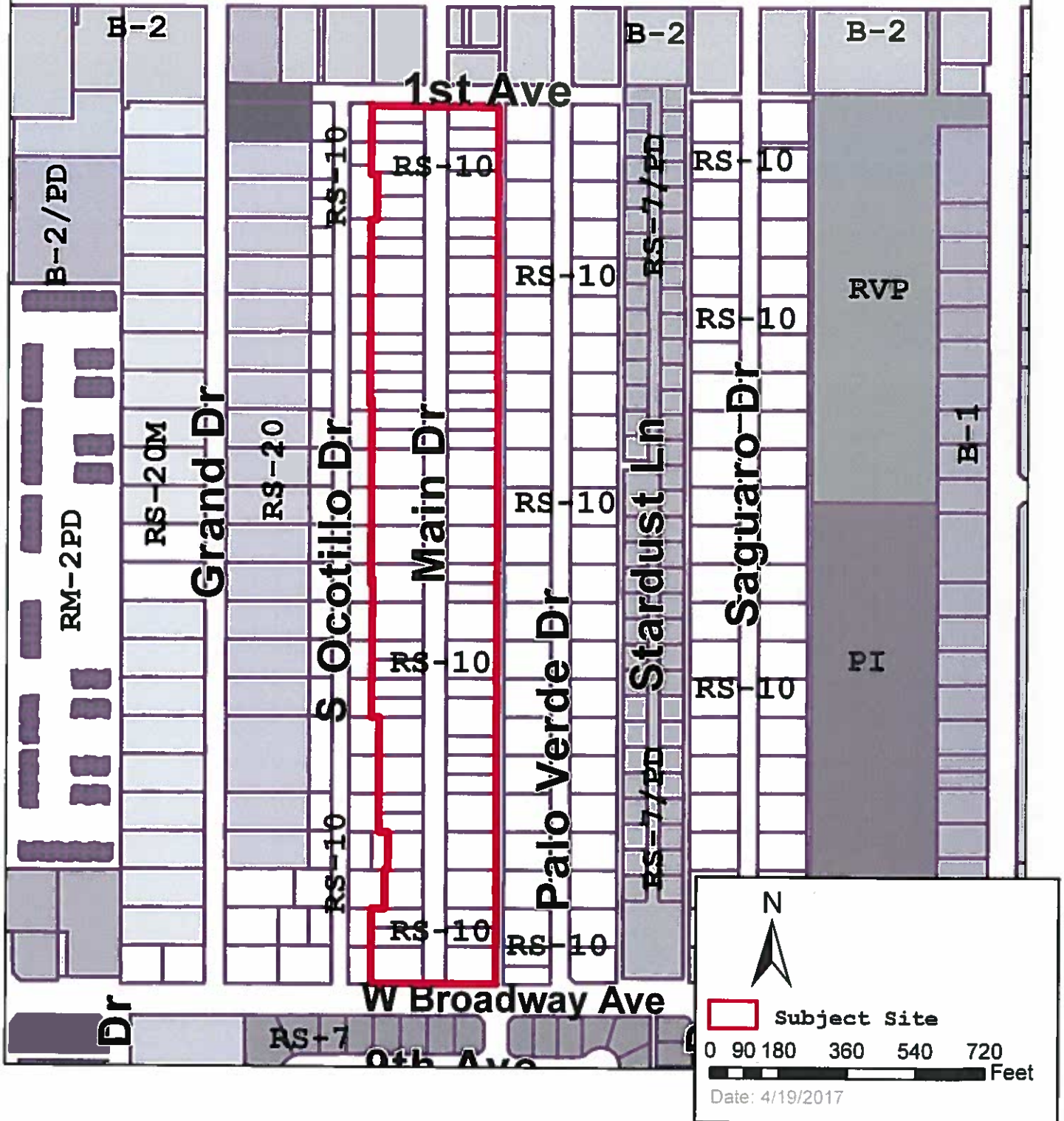
Attachments:

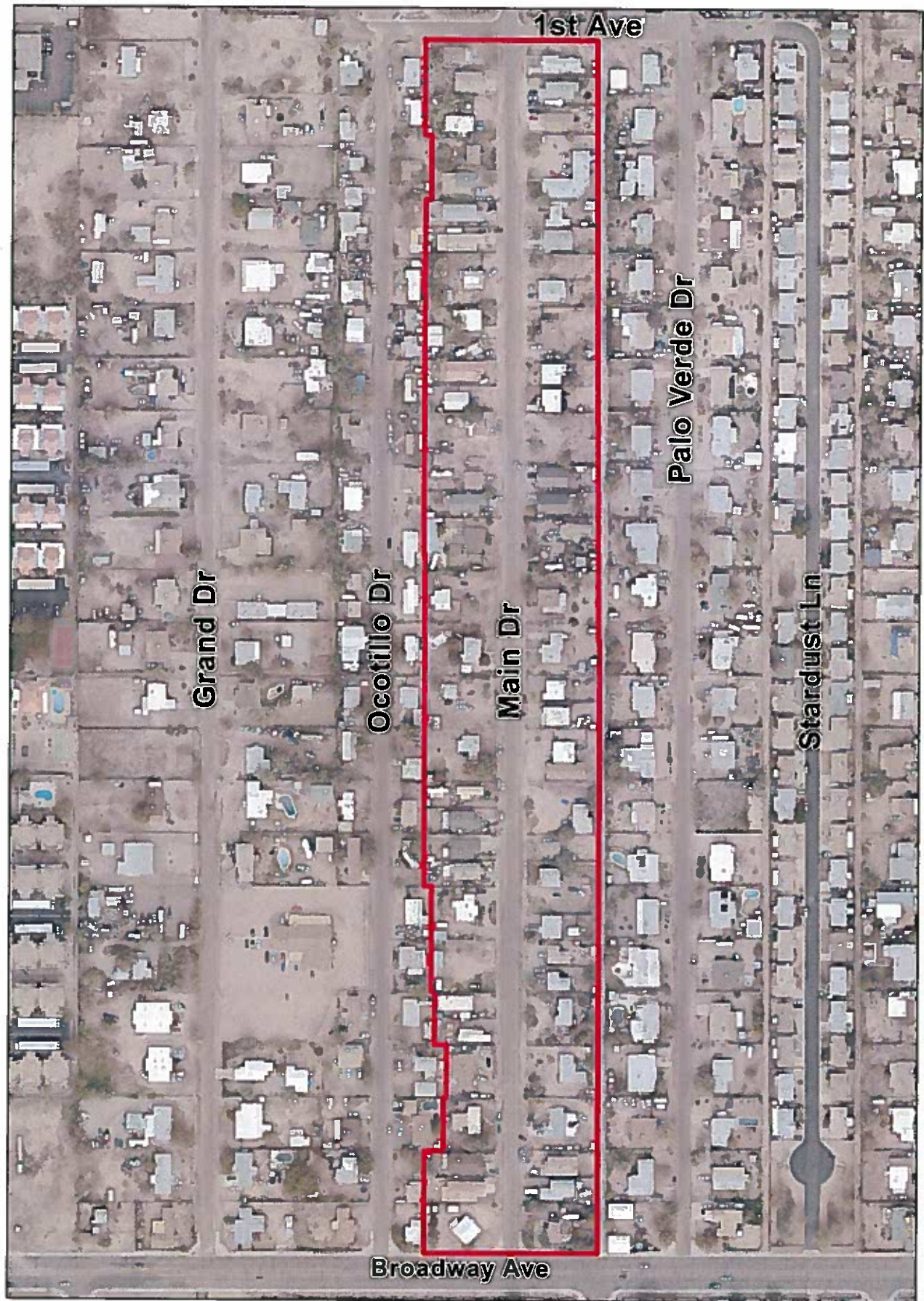
- Exhibit #1 - PZ-1-17 Evelyn Subdivision Vicinity Map
- Exhibit #2 - PZ-1-17 Aerial Map
- Exhibit #3 - Parcel Map #101-10_1
- Exhibit #4 - Parcel Map #101-10_2/2
- Exhibit #5 - Evelyn Subdivision Original Plat
- Exhibit #6 - Evelyn Subdivision RS-5/PD Proposed Setbacks Excerpts



Vicinity Map
Evelyn Subdivision
PZ-1-17

City-initiated corrective rezoning request from
RS-10 to RS-5/PD





Legend



Subject Site



PZ-1-17
Evelyn Subdivision
Aerial Exhibit



0 45 90 180 270 360 Feet

April 5 2017

BOOK - MAP

101-10_1

NW SE SEC. 19 T.01N. R.08E.

GRAND VIEW PLACE

BK 05 - PG 02

HUGHES PLACE

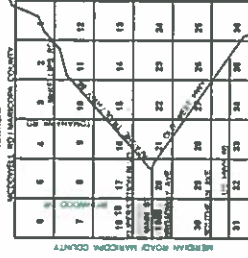
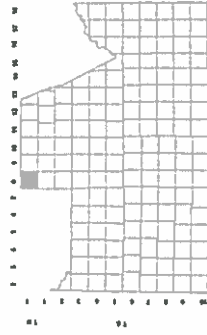
BK 06 - PG 21

EVELYN SUBDIVISION

BK 05 - PG 41

LOCAL FROM MAPS

AL



Revised: 4/27/2016

By: CM



PINAL COUNTY
Pinal County Assessor

Pinal County Assessor

THIS MAP DOES NOT REPRESENT A SURVEY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA DELINEATED HEREIN. EITHER EXPRESSED OR IMPLIED BY PINAL COUNTY OR ITS EMPLOYEES. THIS MAP IS COMPILED FROM OFFICIAL RECORDS, INCLUDING PLATS, SURVEYS, RECORDS OF DEEDS AND CONTRACTS, AND ONLY CONTAINS INFORMATION REQUIRED FOR THE PINAL COUNTY ASSESSOR'S OFFICE PURPOSES.

SEE MAP 101-03_1

APACHE TRAIL

1 ST AVE

OCOTILLO DR

MAIN DR

GRAND DR

GRAND VIEW PLACE

HUGHES PLACE

EVELYN SUBDIVISION

SEE MAP 101-09_1

SEE MAP 101-03_1

SEE MAP 101-03_1

SEE MAP 101-03_1

SEE MAP 101-03_1

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SEE MAP
101-10 1/2
GRAND VIEW PLACE
HUGHES PLACE
EVELYN SUBDIVISION

SEE MAP 101.07

SEE MAP 101-30

A map of Maricopa County, Arizona, showing a grid of sections. Section 19 is highlighted with a hatched pattern. The map is labeled with "MARICOPA COUNTY" at the bottom, and section numbers "18", "19", and "30" are visible. Directional labels "NW", "NE", "SW", and "SE" are also present.

EVELYN SUBDIVISION
BK.05 - PG.41

THE ORIGINAL PLAT OF THIS SUBDIVISION IS
ON FILE WITH THE PINAL COUNTY RECORDERS
OFFICE.



10-31-2006

-PIRIAL COUNTY ASSESSORS MAP

SEE BOOK 102

DEDICATION

STATE OF ARIZONA
COUNTY OF MARICOPA

KNOW ALL MEN BY THESE PRESENTS That Evelyn Senedick a single woman, owner of Lots 5 and 6, of Davis Tract, as recorded in Book 5 of Maps, at Page 26, Pinal County Records, has caused the premises to be surveyed and subdivided under the name of EVELYN SUBDIVISION and hereby publish this plat as and for the plat of said EVELYN SUBDIVISION, and hereby declare that said plat sets forth the location and gives the dimensions of the lots and streets constituting same and that each lot and street shall be known by the number or name given to each respectively on said plat, and I hereby dedicate to the public for use as such the streets as shown on said plat and included in the above described premises

IN WITNESS WHEREOF I hereunto set my hand and seal this 19 day of May, 1948

Evelyn Senedick
Evelyn Senedick

ACKNOWLEDGEMENT

STATE OF ARIZONA
COUNTY OF MARICOPA

On this, the 19 day of May, 1948, before me, the undersigned officer, personally appeared Evelyn Senedick, known to me to be the person whose name is subscribed to the accompanying instrument and acknowledged that she executed the same for the purpose therein contained

IN WITNESS WHEREOF I hereunto set my hand and official seal

My commission expires 12-31-50

Oliver Boyer
Notary Public

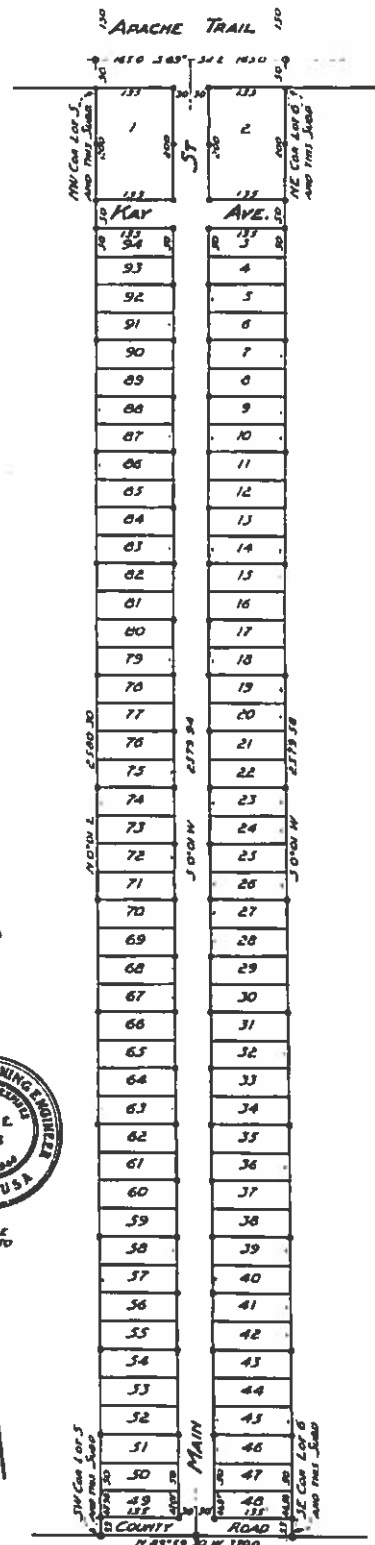
CERTIFICATE OF SURVEY

This is to certify that the survey and subdivision of the premises as described and plotted hereon was made under my direction by W.A. Short during May, 1948

Harry E. Jones
Registered Civil Engineer



SCALE
1" = 150'



STATE OF ARIZONA } ss
County of Pinal }
I, Sophie M. Smith, Recorder in and for the County of Pinal, State aforesaid, do hereby certify that the enclosed instrument was filed and recorded at request of

Evelyn Senedick

on the 19th day of May

A.D. 1948, at 1:00

o'clock P.M. in Book No. 5

Page 1

Witness my hand and official seal the day and date first above written

Sophie M. Smith
Recorder

Edna M. Smith
Deputy

EVELYN SUBDIVISION

A SUBDIVISION OF LOTS 5 & 6, DAVIS TRACT,
BEING PART OF THE SE 1/4, SECTION 19, T1N, R8E

PINAL COUNTY, ARIZONA

SURVEY N° 48505

By HARRY E. JONES

5-41

Evelyn Subdivision RS-5/PD Proposed Setbacks Excerpt

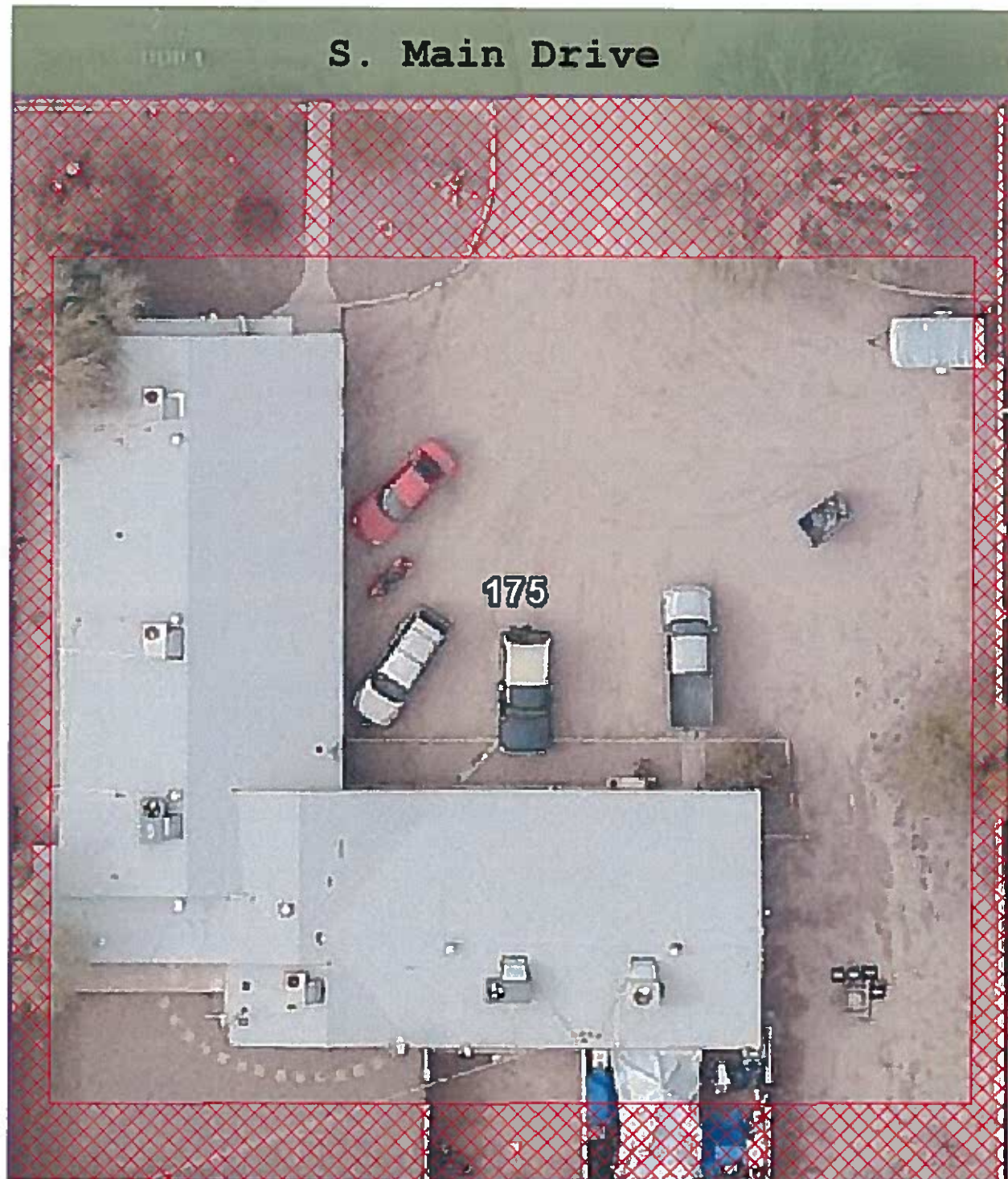


W. Broadway Avenue

S. Main Drive

Evelyn Subdivision
RS-5/PD Proposed Setbacks Excerpt

101-10-009



Evelyn Subdivision
RS-5/PD Proposed Setbacks Excerpt

101-10-016



Evelyn Subdivision
RS-5/PD Proposed Setbacks Excerpt

101-10-044



S. Main Drive