



City of Apache Junction

Development Services Department



Date: May 3, 2017

To: Honorable Mayor and City Council Members

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

From: Lindsay Bresnahan, Planning Intern *LAB*

Subject: May 16, 2017, City Council Public Hearing Item:
PZ-1-17 (Ordinance #1447) City-Initiated Corrective
Rezoning of Evelyn Subdivision located on South Main
Drive between West 1st Avenue and West Broadway Avenue.

Background

This is a city-initiated corrective rezoning for Evelyn Subdivision, located on South Main Drive between West 1st Avenue and West Broadway Avenue. The request is to rezone the subdivision from RS-10 (Medium Density Single-Family Detached Residential; Conventional Homes Permitted on 10,000 square foot minimum lots) to RS-5/PD (Medium/High Density Single-Family Detached Residential by Planned Development; Conventional Homes Permitted on 5,000 square foot minimum lots) for properties in the Evelyn Subdivision that have been incorrectly zoned dating back prior to the city's incorporation.

Planning and Zoning Commission Recommendation

On April 25, 2017, 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, and an additional eighth condition that requires all current property owners to receive formal notification of the approved Ordinance, explanation of future construction requirements, and a map of their property with the new setbacks displayed, as outlined below. There were not any comments from the public. The conditions recommended by the Planning and Zoning Commission are as follows:

- 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 Bulk and Use Regulations, Section 1-5-2 Residential Bulk Regulations, Table 5-2

Residential Bulk Regulations, shall be modified as depicted below:

<u>Main Structure Setbacks</u>		<u>Accessory Structure Setbacks</u>	
Front	20'	Front	20'
Side	5'	Side	3'
Street Side	10'	Street Side	10'
Rear	10'	Rear	3'

- 2) For any nonconforming 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 nonconforming 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 nonconforming 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.
- 8) All of the current homeowners within the Evelyn Subdivision shall receive formal notice related to this rezoning, with explanation that will help them understand what they can and cannot do relative to any nonconformity, and that there are some limitations to what they can do.

Staff Recommendation

Staff recommends approval, subject to the eight conditions as recommended by the Planning and Zoning Commission.

Attachments:

- Draft Ordinance No. 1447
- PZ Staff Report from April 25, 2017, with all attachments.