



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.

From: Suleima Barrera, Planning Intern S.B.

Subject: May 16, 2017, City Council Public Hearing Item:
PZ-2-17 (Ordinance #1448) City-Initiated Corrective
Rezoning of Hughes Place Subdivision located on South
Ocotillo Drive between West 1st Avenue and West
Broadway Avenue.

Background

This is a city-initiated corrective rezoning for Hughes Place Subdivision, located on South Ocotillo Drive between West 1st Avenue and West Broadway Avenue. The request is to rezone all 48 lots in the subdivision 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 on 5,000 square foot lots). These properties 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 6 to 1, subject to all of Staff's recommended conditions, as well as an added 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 was one member of the public who spoke out in favor of the rezoning. There was discussion about the size of the properties and parking within the street right-of-way becoming an issue, but no motion was proposed. The conditions recommended by 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	8'	Front	8'
Side	3'	Side	3'
Street Side	10'	Street Side	10'
Rear	3'	Rear	3'

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.
8. The following lots less than 5,000 square feet (the minimum square footage) shall be in conformance, but cannot become smaller.

<u>Parcel Number</u>	<u>Square Footage</u>
101-10-106	3,049.2
101-10-104	4,356
101-10-103	4,356
101-10-061	3,484.8
101-10-035A	3,920.4

9. The property owners of those properties located in the Hughes Place Subdivision shall receive a notice about the zoning changes, but also the fact that they are nonconforming in their current circumstances and so they can have an understanding that there are limitations to what they can do relative to their property.

Staff Recommendation

Staff recommends approval, subject to the nine conditions as recommended by the Planning and Zoning Commission. Based on the Commission discussion and concern, Planning Staff also recommends a tenth condition that no required parking spaces be allowed in the right of way. City staff analyzed the issue, and felt it should be included as part of the conditions of approval. We recommend the following condition be added:

10. No required parking spaces shall be allowed in the right-of-way.

Attachments:

- Draft Ordinance No. 1448
- PZ Staff Report from April 25, 2017, with all attachments.