



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: August 22, 2017

CASE NUMBER: PZ-13-16/SD-1-16

REQUEST: To rezone the existing Boardwalk Estates Manufactured Home Park from MHP (Manufactured Home Park) to RS-7M/PD (Medium/High Density Single-family Detached Residences, Conventional or Manufactured Homes, by Planned Development).

APPLICANT: MHP #7 LLC, Keith VanderHout, President.

LOCATION: The +/-20 acre subject site is located at 2200 N. Delaware Drive (Assessor parcel #100-33-016A).

REPRESENTATIVES: Charles Huellmantel and Lauren Proper Potter of Huellmantel and Affiliates.

**GENERAL PLAN/
ZONING DISTRICT:** Designated "Low Density Residential"/Zoned MHP

**SURROUNDING
LAND USES:**

- NORTH: Vacant State Trust and BLM lands (zoned RS-54/PD)
- SOUTH: Single-family residential properties (zoned RS-GR)
- EAST: Single-family residential properties (zoned RS-GR and RS-20M)
- WEST: Single-family residential properties (zoned RS-GR)

BACKGROUND

The 20-gross-acres subject site at the southwest corner of W. Lost Dutchman Boulevard and N. Delaware Drive was originally zoned TH (Trailer Homesites) by Pinal County prior to the city's incorporation (see zoning and aerial exhibits attached). The city's old zoning ordinance TH zone allowed for a property to be developed with either: 1) a manufactured home or RV rental-space park on a minimum property size of 10 gross acres; or 2) with a

Planning & Zoning – Building & Safety – Revenue Development

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conventional or manufactured homes subdivision with 8,000 square-foot minimum lots; or 3) the property could have been parceled off through a series of land splits for 20,000 square-foot minimum lots for either conventional or manufactured homes.

The property sat undeveloped for many years. Then in 1999, the property owners proposed a development plan for a family-friendly, manufactured homes ("MH") rental-space park. In 2000-2001, construction of the MH park began. Because the property was already zoned to be a MH park, all the developers had to do was comply with the city's minimum TH development standards at the time. Street improvements were constructed along W. Foothill Street, but it is unclear why street improvements were not provided on Lost Dutchman or Delaware at the time--possibly because half-width dedications of 50' and 40', respectively, could not be required if the property was simply being developed under the existing zoning entitlement. Perimeter landscaping and perimeter masonry screen walls were constructed on the north, east and south sides of the property. A chain link fence and a drainage channel were constructed the west side of the property, within Boardwalk Estates' half of the N. Desert View Drive alignment.

The property has operated as a family friendly rental-space park for +/-27 years. Other amenities in the park include a centrally located clubhouse, a swimming pool and a playground.

With the adoption of the city's new zoning ordinance and zoning districts map in 2014, the name of the zoning on the property changed from TH to MHP, but the zoning standards are basically the same as they were before.

PROPOSAL

The property owners are seeking to rezone the property from MHP to RS-7M/PD for the purpose of converting the existing park from a rental-space community to a platted subdivision with individually owned lots (see applicant's narrative and exhibits).

Unlike the old TH zone, the MHP zone does not lend itself to manufactured home subdivisions. The RS-7M zone is the zoning district which could allow a manufactured homes subdivision with 7,000 square foot minimum lots. Because the applicants are not proposing to change the existing development plan of the park and wish to sell off the existing lots as is, thus not providing any lots (except 1) that meet the 7,000 square foot minimum lot

size, a planned development zoning designation is needed. Furthermore, concurrent with this rezoning request, the property owners are also processing their final plat drawings and improvement plans (at risk) for their proposed subdivision. For the purpose of this rezoning request, the proposed plat acts as the planned development ("PD") plan for the proposed subdivision.

PLANNING DIVISION ANALYSIS OF PROPOSAL

General Plan:

Staff mentioned that the city's 2010 General Plan currently shows the site and the general area surrounding the site, designated as low density residential. If the 20-acre property had remained undeveloped and this request was being made today, the general plan would not have allowed a medium to high density subdivision in this area, not without a major amendment to the general plan being successfully processed first. However, the existing development, approved under inherited zoning and under previous general plans is already in place. The applicants do not propose to expand or increase the intensity of what is already constructed. Therefore, a general plan major amendment process was not required.

Foregoing the Preliminary Plat Process:

Since the property is already developed and because the applicants are not proposing to change the layout of the existing development, they were not required to go through a preliminary plat process. The Planning and Zoning Commission has the authority to make recommendations on rezoning and pre-plat requests. In this case, the Commission will be asked to make a recommendation on the rezoning, with the proposed plat acting as the PD plan (as mentioned above); and the City Council will make the final decision on the rezoning and the concurrent final plat (SD-1-16).

Planned Development Deviations Requested:

Please see the comparison table below, which compares the existing MHP zone, normal RS-7M standards and the RS-7M/PD standards being requested. Like with any planned development rezoning proposal, especially where significant deviations from standard zoning are being requested as part of the development plan, the city can request trade-offs in exchange for the special planned development standards being proposed.

Dev. Standard	MHP Zone	RS-7M	RS-7M/PD Prop.
Min lot size	3,111 sq.ft.*	7,000 sq.ft.	3500 sq.ft.
Min width	50'	60'	39'
Front Setback	8'	20'	5'
Side SB	5'	7'	5'
Street Side SB	8'	10'	5'
Rear SB	5'*	20'	5'
Height	15' pk of roof	30' pk of roof	30' pk of roof
Lot coverage	NA	50%	50%
Density	14 du/ac	6.22 du/ac	5.75 du/ac
No. of lots	(varies/acreage)	(varies/acreage)	115
Priv. Streets	yes	no	yes
Gated	(varies)	no	no
Access points	(varies)	(varies)	1
Parking min.	1 per lot	2 per lot	1 per lot
-Tandem ok	NA	no	NA
-On street	(guest prkg +)	yes	only by c-hous
Rec amenities	usually	not req'd.	yes**

(*The new zoning ordinance shows discrepancies between Table 5-2 [attached] and Sec. 1-9 MH & RV Park Standards; staff applies the less restrictive of the two. **Existing recreational amenities include a clubhouse, swimming pool and playground.)

Preliminary Conclusions:

Planned Development deviations requested mostly relate to lot sizes, lot widths and setbacks. Most of the lots are actually larger than 4,000 square feet in size. Twelve of the lots fall below 4,000 square feet. The city has approved planned development subdivisions in the fairly recent past with lots sizes in a similar range, such as Arizona Goldfield and Villagio, but those developments were for one and two-story conventional homes with a variety of home models and internal amenities. The city has never approved an MH subdivision with MH park standards. As shown in a couple of the proposed standards above, in this case the applicants are asking for a subdivision which has less restrictive standards than even a rental space MH park. For example, 5-foot front and street side-yard setbacks are proposed, instead of the normally required 8-foot; and a 30-foot building height is requested instead of the normal 15-foot.

The subdivider will also be required to construct off-site street improvements as requested by the City Engineer, including the dedication, widening and improvement of their half of Lost Dutchman Boulevard and Delaware Drive, possibly to include asphalt, sidewalk, curb, gutter, street-lights, and fire

hydrants. The internal private streets do not meet the city's construction standard for public streets; and therefore, will need to be privately owned and maintained by a homeowners association ("HOA") in perpetuity. Of course, as part of the proposed subdivision approval, an HOA will also need to be formed. All internal and perimeter landscape and screening improvements will also need to be HOA-maintained.

PUBLIC NOTICE

The rezoning case was advertised for the Planning and Zoning Public Hearing of August 22, 2017, and letters were mailed to all property owners within 300 feet of the site. The site was also posted. The applicants conducted their own neighborhood outreach meeting on August 2. They informed us that no one showed up to their neighborhood meeting. Staff has not received any inquiries about the proposed rezoning thus far.

P&Z COMMISSION DISCUSSION MEETING ON AUGUST 8

At the Commission meeting on August 8, the Commissioners had some comments and questions about the proposal (see attached e-mail correspondence between staff and applicants dated August 10, 2017). Commissioners asked the following questions:

- 1) Are the owners going to make people move, such as the ones who do not desire or can't afford to purchase their lots?
- 2) What percentage of renters are winter visitors versus permanent residents?
- 3) What percentage of people own their own mobile homes in the park? Are the rest renting mobile homes from the owners?
- 4) Did the owners inform all of their residents about these proposed changes for the park (rezoning and plat)?
- 5) Why do they need a 30-foot building height?
- 6) Will stick-built homes be built on any of these lots?

Some of the above questions have been answered by the applicants. The applicant's narrative states that no one would be required to move, that they could continue renting if they want. Staff was also informed that all of the renters have been notified of the proposed rezoning and plat. The park representative also mentioned that the 30-foot height was simply left in as one of the RS-7M standards, but that they do not need or desire 30-foot buildings. As of the writing of this staff

report, we are still waiting for written responses to the above questions and hope to have those for the Commission on the 22nd.

PLANNING DIVISION COMMENTS AND RECOMMENDATION

Planning staff has discussed possible conditions of approval with Ms. Proper-Potter. We are in agreement with most of the conditions enumerated below, but not all. Specifically, the owners prefer: to not construct a wall on the west side of the property (condition #7); prefer a 15-year age limit instead of 10, for replacement manufactured homes going into the subdivision (#8); prefer the setbacks as requested in their narrative (#11); and prefer to not be given the task of identifying which lots have setback violations and unpermitted structures (#12).

The reasons staff is requesting these items are because: in Apache Junction, perimeter screen walls are a standard requirement for MH parks as well as planned development subdivisions (especially if the subdivision has private streets and private amenities), the park was built with a wall on three sides and staff is asking for the completion of the wall on the remaining side as part of a PD rezoning and subdivision proposal trade-off, except of course, where drainage needs to be accommodated; by requiring that replacement homes going into the subdivision not be older than 10 years at the time of replacement, a certain higher quality of housing and renewal can be better maintained in the subdivision; staff sees no reason why replacement homes could not meet the standard MH park setbacks which should have been observed all along and which should not be problematic as these are decent size lots by mobile home park standards; and lastly, staff is asking for the owners' help in identifying non-compliant lots so that individuals will not be surprised about violations which need to be corrected before new permits can be issued, otherwise the entire burden falls on city staff.

Staff would not likely recommend approval of a similar proposal if it was being made today on undeveloped property. And we have some concerns about whether or not an HOA will be able to handle all of the financial responsibilities in the maintenance of private streets, common area amenities and perimeter screening and landscape improvements. However, as stated, this development already exists and staff is in favor of promoting and establishing opportunities for permanent residents, especially families. Therefore, staff recommends approval of this rezoning and plat request, subject to the recommended conditions of approval under the recommended motion.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of planned development rezoning case PZ-13-17, a request by MHP #7 LLC, Keith VanderHout, President, represented by Charles Huellmantel and Lauren Proper-Potter of Huellmantel and Affiliates, to rezone an existing 20-gross-acres manufactured home park called Boardwalk Estates, from MHP (Manufactured Home Park) to RS-7M/PD (Medium/High Density Single Family Detached Residences, Conventional or Manufactured Homes by Planned Development), so that the property can then be platted into a 115-lot manufactured homes subdivision, subject to the following recommended conditions:

- 1) The property owners shall dedicate all necessary adjacent rights-of-way and cutoff corners as determined by the City Engineer, including 33 feet for N. Desert View Drive on the west side of the property, 50 feet for W. Lost Dutchman Boulevard on the north side of the property, 40 feet for N. Delaware Drive on the east side of the property and 33 feet for W. Foothill Street on the south side of the property.
- 2) Street improvements along the property's W. Lost Dutchman Boulevard and N. Delaware Drive frontages, such as extension of pavement and the provision of sidewalk, curb, gutter, streetlights, fire hydrants, landscaping, drainage improvements, etc. (as depicted in paving plans dated April 10, 2017, and streetlight plans dated April 25, 2017, approved by the City Engineer), normally required for new residential subdivisions, shall be required as part of this planned development rezoning and be subject to final approval by the City Engineer.
- 3) The current property owner shall draft legal documents to establish a Homeowners Association ("HOA") for Boardwalk Estates, to include a set of Conditions, Covenants and Restrictions which require current and future property owners to adhere to all zoning, plat and other requirements, and which set forth the perpetual obligation of the HOA to financially contribute to the maintenance of all community areas such as private roads, pools, playground and recreational areas.

- 4) Existing landscaping on the north, east and south perimeters of the property, including any landscaping located in the right of way between the property wall and current or future street structures, shall continue to be provided, maintained in good condition at all times and replaced as needed by the property owners and eventually, by the Boardwalk Estates HOA. Landscape maintenance includes replacement of plants, decomposed granite, irrigation lines, meters, backflow preventers, etc., as needed.
- 5) From time to time, as plants around the perimeter of the property are damaged, die and/or otherwise need to be replaced, such plants shall be replaced with similar xeriscape plants. All replacement trees shall be 24" box in size and all replacement shrubs shall be 5-gallon shrubs.
- 6) The clubhouse, swimming pool, playground, retention basin, perimeter screen wall, trash enclosures, west side drainage channel, interior streets and curbing, and other common area amenity features and areas shall also be maintained in perpetuity by the property owners and/or the future HOA.
- 7) As part of this planned development rezoning approval, the current property owners shall replace the existing chain link fence on the west side of the property with a five to six-foot tall masonry wall, except for where the east-west internal drainage channel transitions into the north-south drainage channel. An access gate shall continue to be provided in said area, for the continued HOA access and maintenance of the drainage channel along said west side.
- 8) New or replacement manufactured homes going into Boardwalk Estates shall not be older than 10 years at the time of installation.
- 9) Individual property owners shall be responsible for properly obtaining applicable permits for any construction or improvements, designed to current city codes, prior to any construction on the lots and/or installation of manufactured homes and any appurtenant awnings, carports, additions, storage sheds or other items/structures which require permits.

- 10) Permits for any construction or improvements to any common area amenities shall be applied for by the property owners or the HOA.
- 11) Zoning standards for homes and detached accessory structures larger than 120 square feet in Boardwalk Estates shall be as follows:
 - a) Front yard: 8 feet (the narrow, street fronting side of each lot shall be considered the front yard for setback purposes; no lot shall have its front yard on a north or south side);
 - b) Interior Side Yard: 5 feet;
 - c) Street Side yard: 8 feet (except that lot numbers 8, 9, 29, 30, 47, 48, 65, 83, 103 and 104 may not encroach into the 66-foot-wide federally patented easement which runs east-west through the center of Boardwalk Estates, unless said easement is first relinquished for public roadway and utility purposes);
 - d) Rear Yard: 5 feet;
 - e) Maximum Building Height: 20 feet;
 - f) Minimum setbacks shall be measured from a property line to the nearest building wall or face of post of an awning; an overhang of 18 inches is allowed;
 - g) All lots shall be single-family residential lots only.
- 12) The property owners shall work with the city to identify and inform renters/future owners of all lots which may have setback encroachments and/or unpermitted structures. Existing buildings and structures which have been constructed without permits and/or which are in violation of the zoning standards enumerated above must be brought into compliance at time of building permit application, before any new permits can be issued.
- 13) Boardwalk Estates shall remain a family-friendly community. At no time shall the subdivision become an age-restricted development.
- 14) Unobstructed right of ingress and egress shall be provided at all times to Boardwalk Estates residents, city and other personnel, including police, fire, emergency and utility service providers.

- 15) The final plat for Boardwalk Estates shall reflect substantial compliance and consistency with the Planned Development concepts presented with case PZ-13-16, incorporated by reference herein, and as otherwise specified through these conditions of approval, to include general layout, setbacks, public and private rights-of-ways, easements and tracts, building massing, amenities, perimeter fencing and landscaping, and other improvements.

Prepared by:



Rudy Esquivias
Senior Planner/Zoning Administrator

Attachments:

- E-mail requesting responses to Commissioner questions dated 8-10-17
- PD Rezoning application
- Zoning, Aerial and Neighborhood Aerial exhibits
- Project Narrative
- Public Participation Plan
- Residential Zoning Table 5-2
- Current Boardwalk Estates MH Park Plan
- Plat/Plan Exhibits