City of Apache Junction
Development Services Department

DATE: May 1, 2018

MEMO TO: Board of Adjustment and Appeals

THROUGH: Larry Kirch, Development Services Director

FROM: Rudy Esquivias, Senior Planner/Zoning Admin.

SUBJECT: May 7, 2017, Public Hearing Item: Case BA-4-17, Appeal of Zoning Administrator's decision by Fast Micro LLC (continued from 3-12-18 BOAA meeting)

Appeal Request

Fast Micro LLC (property owner), represented by Joel Kaplan and Attorney Eric Jackson, requests an appeal of the Zoning Administrator's decision, challenging the Zoning Administrator's May 4, 2017, decision of denial of lawful nonconforming rights for four recreational vehicle ("RV") rental spaces on a RS-20M (Medium Density Single-family Detached Residential)-zoned property located at 529 N. Gold Drive. Mr. Kaplan contends that the property does have rights for four RV rental spaces in addition to a duplex, a triplex and a mobile home currently existing on the property.

Continuance Requests

Case BA-4-17 was originally scheduled for the December 11, 2017, Board meeting. Board members have the staff report from December 11 and the numerous exhibits (108 pages of exhibits) that were attached to it. (For the purpose of this update memo and new information/exhibits attached hereto being presented to the Board, "new" exhibits will be referred to as pages N1, N2, N3, etc.) Shortly before the December Board meeting, Mr. Kaplan hired attorney Rod Jarvis to represent him in the case. However, Mr. Jarvis suggested to Mr. Kaplan that he request a continuance of the case for a couple of months, so that the CR-5 zoning issues could be addressed by an attorney other than himself. On the day of December 11, Mr. Kaplan requested a continuance. The Board continued the case to their meeting of March 12, 2018. Between the December meeting and about a week before the March 12 meeting, there was virtually no correspondence between staff, Mr. Kaplan or his attorney.

Then, about a week before the Board's March meeting, city legal and planning staff were contacted by attorney Eric Jackson, who suggested another continuance (see exhibit N1) so that he, Mr. Kaplan and staff could get together and try to find a resolution to the matter or explore other alternatives. A meeting between staff and Mr. Jackson was also scheduled for March 28. On March 12, the Board voted to continue case BA-4-17 to May 7.

New Information

At the meeting of March 28, Mr. Jackson informed staff that he had spoken with Mr. Millett, who originally rezoned the property to CR-5 (Multiple-family Residence Zone) back in 1984; and that Mr. Millett stated that it was always his intention to install RVs, not build apartments, on the property as part of the rezoning and that staff knew about it. Planning staff mentioned that we were also still in touch with the planner who handled the case back in 1984 and that we would reach out to him, as well as do additional research on the 1984 public hearings. Staff stated that to the best of their knowledge, never in the history of the city was the CR-5 zone used to accommodate additional mobile homes or RV spaces on a property. See Mr. Jackson's April 12 letter to Mr. Stern, regarding his contact with Mr. Millett (exhibits N2 - N10).

With regard to other possible alternatives, Mr. Jackson also enquired about a possible rezoning of the property. Staff responded that we would not be supportive of a spot zoning proposal to create a uniquely zoned property that included a mix of housing types that would not be allowed anywhere else in the city, even under a planned development designation (see N11 - N13). Around this same time, staff also purchased clearer, electronic aerial map files from the same company that produced aerial maps for the city back in March of 1985. In staff's opinion, no credible evidence emerged that proved RVs were present on the property back in 1985. The applicants still argue the opposite.

Please also see exhibits N14 - N42, staff's query to former city planner Jim Nakagawa regarding the case that he handled back in 1984. We asked Mr. Nakagawa if the CR-5 zone was ever used to legitimize the mixing of various types of conventional residential structures with mobile homes on a property; and if the CR-5 zone was ever used to allow a person to add more MH or RV spaces

on a property that already had other residential units on it. Mr. Nakagawa's answer is contained in Mr. Stern's e-mail of April 20 (N43 - N45). The answer was 'no'; that is not what the CR-5 zone was used for. Mr. Millett's recollection to the contrary, staff believes, is either erroneous or Mr. Millett had a gross misunderstanding of what the old CR-5 zone allowed.

Mr. Jackson's letter dated April 30 (N46 - N47) again tries to convince staff that there are images in the aerial photos which prove the presence of RVs on the property back in 1985 (Mr. Kaplan will present said photos to the Board at their meeting). Staff respectfully disagrees. We do not see what they think they see.

Lastly, in Mr. Millett's letter dated February 13, 1984 (N19), he appears to complain that the area has "clusters of old trailers and houses……most of which are rentals", and that rezoning to CR-5 "will encourage new improvements which are greatly needed in this area". Yet, in the end his solution was to do more of the same? And that was his intent all along and staff knew about it? It also needs to be mentioned that staff has discovered absolutely no evidence that Mr. Millett ever applied for the proper permits to install electric pedestals for the RV spaces. How septic waste from these units was handled is also unknown. And, there is no evidence that a proper business license was ever obtained to operate residential rentals in the city.

Planning Division Conclusion and Recommendation

It is planning staff's opinion that the evidence submitted and discovered relative to the RV spaces on the property, reveals that the spaces were installed illegally, in contravention to the approved zoning in effect on the property in 1985; and that no definitive evidence has been submitted proving that one, much less four RV spaces, legal or otherwise, existed on the property prior to the adoption of the city's March 1985 zoning ordinance for the purpose of proving grandfather/legal non-conforming rights on the property. Therefore, the Planning Division recommends denial of this appeal request.

The Board is respectfully reminded that they must cite findings of fact to support their decision of approval or denial. Please note that a decision of *denial* of the appeal request means that

the Board supports the Zoning Administrator's decision; a decision of *approval* of the appeal request means that the Board agrees with the applicant and thereby grants him the right to have four rental spaces for RVs on the property, in addition to the other already recognized nonconforming residential units. If the Board desires to approve the applicant's appeal request, they may also do so with conditions.

RECOMMENDED MOTION

I move that case BA-4-17, an appeal to the Board of Adjustment and Appeals, by Fast Micro LLC (property owner), represented by Joel Kaplan, requesting an appeal of the Zoning Administrator's decision of denial of lawful nonconforming rights for four recreational vehicle ("RV") rental spaces on a RS-20M (Medium Density Single-family Detached Residential)-zoned property located at 529 N. Gold Drive (parcel #101-15-050), be **(APPROVED/DENIED)** subject to the following findings of fact:

Findings of Fact:

1. The applicant **(has/has not)** presented satisfactory evidence that the four RV spaces on the property were lawfully established prior to the adoption of the city's March 7, 1985 zoning ordinance.

2. The applicant **(has/has not)** satisfied the burden of proof for the appeal request that the Zoning Administrator's decision should be overturned.

Conditions of Approval (only if appeal is approved):

1. _____

2. _____

[Any person aggrieved by any decision of the Board of Adjustment may at any time within thirty days of said decision file a complaint for special action in Superior Court to review any Board decision pursuant to ARS § 9-462.06.]

Attachments:

- March 7, 2018 continuance request (page N1)
- April 12, 2018 letter from Jackson re: contact with Millett (N2-N10)
- April 18, 2018 e-mail re: rezoning question & new aerial (N11-N13)
- April 18, 2018 staff e-mail query to Nakagawa (N14-N42)
- April 20, 2018 e-mail re: Nakagawa's response (N43-N45)
- April 30, 2018 letter from Jackson re: last appeal to staff (N46-N47)
- BA-4-17 December 11, 2017, public hearing report and exhibits (kept by Board Members after 3-12-18 meeting)

NI

ADAM M. ASHBY
SUSAN B. COURT
JOHN K. DOSDALL
TIMOTHY W. DURKIN
JARED E. EVERTON
ROGER R. FOOTE
JEREMY S. GEIGLE
NATHANIEL J. HILL†
RYAN K. HODGES

JACKSONWHITE
ATTORNEYS AT LAW
A Professional Corporation

ERIC M. JACKSON‡
COLTON B. JOHNSTON
ERIC K. MACDONALD
JON M. MCAVOY
ANTHONY H. MISSELDINE
MICHAEL R. PRUITT
DAVID L. WEED
ASHELEE J. WEEKS
R. TYLER WHITE
RICHARD A. WHITE

†Also Licensed in California

‡Also Licensed in Utah

March 7, 2018

R. Joel Stern
City Attorney
City of Apache Junction
Via Email Only – jstern@ajcity.net

RE: Fast Micro Application

Dear Mr. Stern,

On behalf of Fast Micro, Inc., and Joel Kaplan we respectfully request a continuance of matter 17-517 case BA-4-17 which is presently scheduled for March 12, 2018 before the Board of Adjustment. We confirm that are scheduled to meet with you and staff on March 28, 2018 at 3:30 p.m. to discuss a resolution of this matter. The continuance of the hearing before the board will need to be long enough to explore resolution.

Sincerely,

Eric M. Jackson
For the Firm

EMJ/jpo
F:\DEF\Fast Micro\Communication\Stern 030718.docx

480.464.1111
Toll Free 800.243.1160
Fax 480.464.5692

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E-Mail: firm@jacksonwhitelaw.com
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www.arizonaseniorlaw.com

(N2)

ADAM M. ASHBY
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R. TYLER WHITE
RICHARD A. WHITE

†Also Licensed in California

‡Also Licensed in Utah

April 12, 2018

R. Joel Stern
City Attorney
City of Apache Junction
Via Email Only – jstern@ajcity.net

RE: Fast Micro Application

Dear Mr. Stern,

I finally caught up with Dan Millett again after having spoken with him a couple of weeks ago. I provided Mr. Millett with copies of the documents he filed with the City of Apache Junction for a change of zoning and Apache Junction's response, to enhance his recollection of the matter at issue. I have enclosed the documents I have presented him with. He is amenable to discussing the matter with you and your staff and me and Mr. Kaplan. Because his office is closer to mine, he would prefer coming to my office and engaging in that conversation by telephone. I am available most of next week and some of the week after to schedule a telephonic meeting so that we may speak with him together and have him answer whatever questions we may have. I am available Monday afternoon (April 16), all of Tuesday (April 17), Wednesday (April 18) afternoon, all of Thursday (April 19) up until 3:30 p.m. and all of Friday (April 20) next week. During the following week I am available all day April 23, the afternoon of April 24, the morning until 11:00 a.m. on the 25th and after 1:30 p.m. in the afternoon on the 25th. Please meet with Larry and Rudy or whomever else you need to and let me know which of those dates are available. Please give me the dates and the priority of your preference so that I can then schedule with Dan Millett. I will have Mr. Millett and Mr. Kaplan come to my office where I can initiate the telephonic conference.

Again, I want to thank you for the opportunity to meet with you a couple of weeks ago at the Development Office. I look forward to any thoughts you may have to resolve the matter and look forward to hearing from with regard to any discussions you may have had with the employees who were present in 1984 when Mr. Millett made his application. Again, we want you know we are interested in resolving this matter.

Sincerely,

Eric M. Jackson
For the Firm

EMJ/jpo
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480.464.1111
Toll Free 800.243.1160
Fax 480.464.5692

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Offices in Mesa & Peoria • Serving Clients Throughout Arizona

E-Mail: firm@jacksonwhitelaw.com
www.jacksonwhitelaw.com
www.arizonaseniorlaw.com

(N3)

MILLETT MANOR INC.
65 SOUTH MESA DRIVE
MESA, ARIZONA 85202

February 13, 1984

CITY OF APACHE JUNCTION
1001 NORTH IDAHO
APACHE JUNCTION, ARIZONA 85220

ATTENTION: ZONING ADMINISTRATOR
MR. LEO FRAZIER JR.

Dear Sir:

We are requesting rezoning of the property located at 529 N. Gold Drive, also known as Lot 8, Block 3, APACHE ADDITION ACRES, according to Book 5 of Maps, page 32, records of Pinal County, Arizona.

We request that this property be rezoned from GR (general rural) to CR-5 to conform to the surrounding usage of the area. Currently, there are clusters of old trailers and houses on the lots in this area, most of which are rentals. By rezoning to CR-5, this will zone the property to its present use and will encourage new improvements which are greatly needed in this area. This request will compliment your master plan of this area which is High Density Opportunity.

Sincerely,

Daniel G. Millett

Daniel G. Millett
Vice-President

DGM/khg

(N4)

City of Apache Junction

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

March 28, 1984

Approver for Agenda KC

	Date	Item #
First Reading	4/17/84	7
Second Reading	5/1/84	20
✓ Public Hearing		
___ Old Business		
___ New Business		
✓ Consent Agenda		

MEMORANDUM TO: THE HONORABLE MAYOR AND CITY COUNCIL

THROUGH: MICHAEL J. McNULTY, CITY MANAGER/ ACTING PLANNING DIRECTOR

FROM: JIM NAKAGAWA, ASSOCIATE PLANNER

SUBJECT: REQUEST FOR AGENDA ITEM
PZ-9-84 (PROPOSED ORDINANCE NO. 262)

APRIL 17, 1984 - PUBLIC HEARING AND FIRST READING
MAY 1, 1984 - SECOND READING AND CONSIDERATION

Project Description

Rezoning case No. PZ-9-84, Proposed Ordinance No. 262, is a request by the applicants Millett Manor, Inc. to rezone their property from GR General Rural to CR-5 Multiple Residence Zone. The site is a developed one-acre parcel located at 529 North Gold Drive on the east side of Gold Drive, about 800 feet south of Superstition Boulevard in Section 20. It is designated Medium/High Density Opportunity on the General Plan. Surrounding land uses include apartments, a house, and a mobile home.

Development Coordinating Committee (DCC) Comments

The DCC had no objections to the rezoning noting that it would be consistent with the Medium/High Density Opportunity General Plan designation for the site.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission at their regular meeting of March 27, 1984, after public hearing, voted to approve the following motion: (M/S Vehon/Conway 6-0-0)

"BE IT RESOLVED by the Planning and Zoning Commission of the City of Apache Junction, Arizona, that rezoning case PZ-9-84, also known as Proposed Ordinance No. 262, application of Millett Manor, Inc. for their property described as, a matter of public record, requesting rezoning from GR General Rural to CR-5 Multiple Residence Zone, that the Commission recommends to the Apache Junction City Council the approval of said application.

The reasons for this recommedation are:

1. The request would allow this lot to meet the General Plan designation which allows medium/high density for this site.

2. It would be compatible with the other multi-family uses surrounding the site."

Recommended Motion

See attached.

JAN:mas

(N6)

CITY OF APACHE JUNCTION, ARIZONA
REZONING APPLICATION

1. I/We hereby request a change of zoning classification:
   Parcel 1 From: GR To: CR-5
   Parcel 2 _____ _____
   Parcel 3 _____ _____
2. I am requesting this rezone by [X] Petition and Consent [ ] Commission Initiative
3. What is the General Plan designation for the site? High density opportunity.
4. Size of the subject property: .949 Acres/41,300 S.F. [acres] [square feet]
5. How is the property currently developed? 6 apartment rentals
6. What are the adjacent land uses?
   North: Home
   South: Trailer
   East: 8 Unit Apartment Complex
   West: 6 Unit Apartment REntal (houses & trailer)
7. What other application are you filing in conjunction with this rezone (subdivision, road abandonment, etc.)? NONE
8. The legal description of the property proposed to be rezoned:
   Lot 8, Block 3, APACHE ADDITION ACRES, according to Book 5 of Maps, page 32, records of Pinal County, Arizona

   Section 20, Township 1 North, Range 8 East, Gila and Salt River Base and Meridian, Apache Junction, Pinal County, Arizona.
9. Why are you requesting this rezoning? To properly zone this property to the existing and surrounding usage of the area, which is now in the High Density Opportunity General Plan. We plan to add some additional units which will greatly improve the area.

(Please complete reverse side)

FOR OFFICE USE ONLY

Case No. PZ-9-84 Proposed Ordinance No. 262
Date Filed 2-14-84 Application received by JAN
Receipt No. P0229 Fee Amount 100.-

11/83

(N7)

10. I/We hereby certify that:

a. (I am)(We are) the owners of the property described in this application for rezoning and have attached copies of deeds, title reports, or other documents as proof of ownership.
b. I/We have truthfully completed this application for rezoning.
c. I/We understand the filing fees to be non-refundable, the rezoning process to involve public hearings before the Planning and Zoning Commission and the City Council, and action to approve or disapprove our request is discretionary.
d. I/We understand in order to obtain approval of this rezone we may be requested to dedicate portions of our property for public roadway and associated purposes.
e. I/We being the owners of the property in this rezoning application have appointed DAN MILLETT named below as our representative in this rezoning application and have authorized him to do anything whatsoever necessary to have the rezoning considered favorably by the City of Apache Junction.

(1) MILLETT MANOR, INC. (print owner's name) — Edward L. Millett v.p. (signature)
65 SOUTH MESA DRIVE (address)
MESA, ARIZONA 85202 — 834-0406 (phone)

(2) _____ (print owner's name) — _____ (signature)
_____ (address)
_____ — _____ (phone)

(3) _____ (print owner's name) — _____ (signature)
_____ (address)
_____ — _____ (phone)

STATE OF _____)
COUNTY OF _____) SS.

The foregoing instrument was acknowledged before me this _____ day of _____, 19___,

by: _____

_____ Notary Public

(My commission expires: _____)

11. I hereby certify that I have been appointed by the property owners in this rezoning application as their representative and that they have requested that all correspondence in this matter be mailed to me.

DAN MILLETT (print representative's name) — Daniel L. Millett (signature)
65 SOUTH MESA DRIVE (mailing address) — 834-0406 (phone)
MESA, ARIZONA 85202

STATE OF ARIZONA)
COUNTY OF Maricopa) SS.

The foregoing instrument was acknowledged before me this 10th day of February, 1984,

by: DAN MILLETT

Karen L. Thomas Notary Public

(My commission expires: Nov. 1, 1985)

(N8)

AFFIDAVIT OF DAN MILLETT OF MILLETT MANOR, INC

On Jan 25, 1984 Millett Manor Inc purchased 529-535 N Gold Dr., Apache Junction, AZ. I, Dan Millett, was the president of Millett Manor , Inc. I am a local real estate broker in the east valley. I have visited the property recently. At the time of purchase there was a manufactured home on the property that is still there. There was a structure in the front and a structure in the south rear. There was also a trailer in the rear.

Shortly after purchase I had an electric company install several pedestals. Each one contained a meter. They were all being sub metered from the main meter in the rear. The manufactured home was wired directly into the pedestal, as it was when I visited the property, by the electrical contractor.

I also installed eleven postal boxes across the street.

Soon thereafter Millett Manor, Inc rented trailer spaces to numerous individuals.

When the property was sold in 1989 all the trailer spaces were rented. This included the trailer still on the property as well as the manufactured home.

DEED ATTACHED AS EXHIBIT

Under penalty of perjury, I attest to the above.

Dan Millett

Dan Millett

Date

3/15/17

STATE OF AZ
COUNTY OF MARICOPA

I Daniel Millett a notary for the State Of AZ do hereby attest to the signature of Dan Millet who is known to me

Barry A Spath
Notary

3-15-2017
Date

OFFICIAL SEAL
BARRY A. SPATH
NOTARY PUBLIC - State of Arizona
MARICOPA COUNTY
My Comm. Expires Sept. 4, 2018

(N9)

Rudy Esquivias

From: Bob Mayes
Sent: Thursday, March 05, 2015 5:16 PM
To: Rudy Esquivias; Larry Kirch; Dennis Dixon; Tracy Post
Cc: 'Miller Randy G'
Subject: 529 and 535 N. Gold Dr./Application for Legal Non-Conforming property

I had met with Randy Miller, Designer with SRP and spoke of my concerns that this property may have added RV spaces.

The electric panel that has the meter was designed only for a Trailer originally in 1968 per SRP records. This is not a master meter. Work was done on the transformer in 1978 and 1991 with no revamps since 2004.

They did not put the tag on the panel. This would have been done by the person(s) doing the work on the customers side.

There is a letter dated April 26th, 2013 from SRP showing the installation April 1, 1968. It does not show Master Meter. The other 2 letters from SRP show they are a Master meter.

I also have researched our Tidemark and see no permits applied for, approved or inspections related to the electrical pedestals on the customers side.

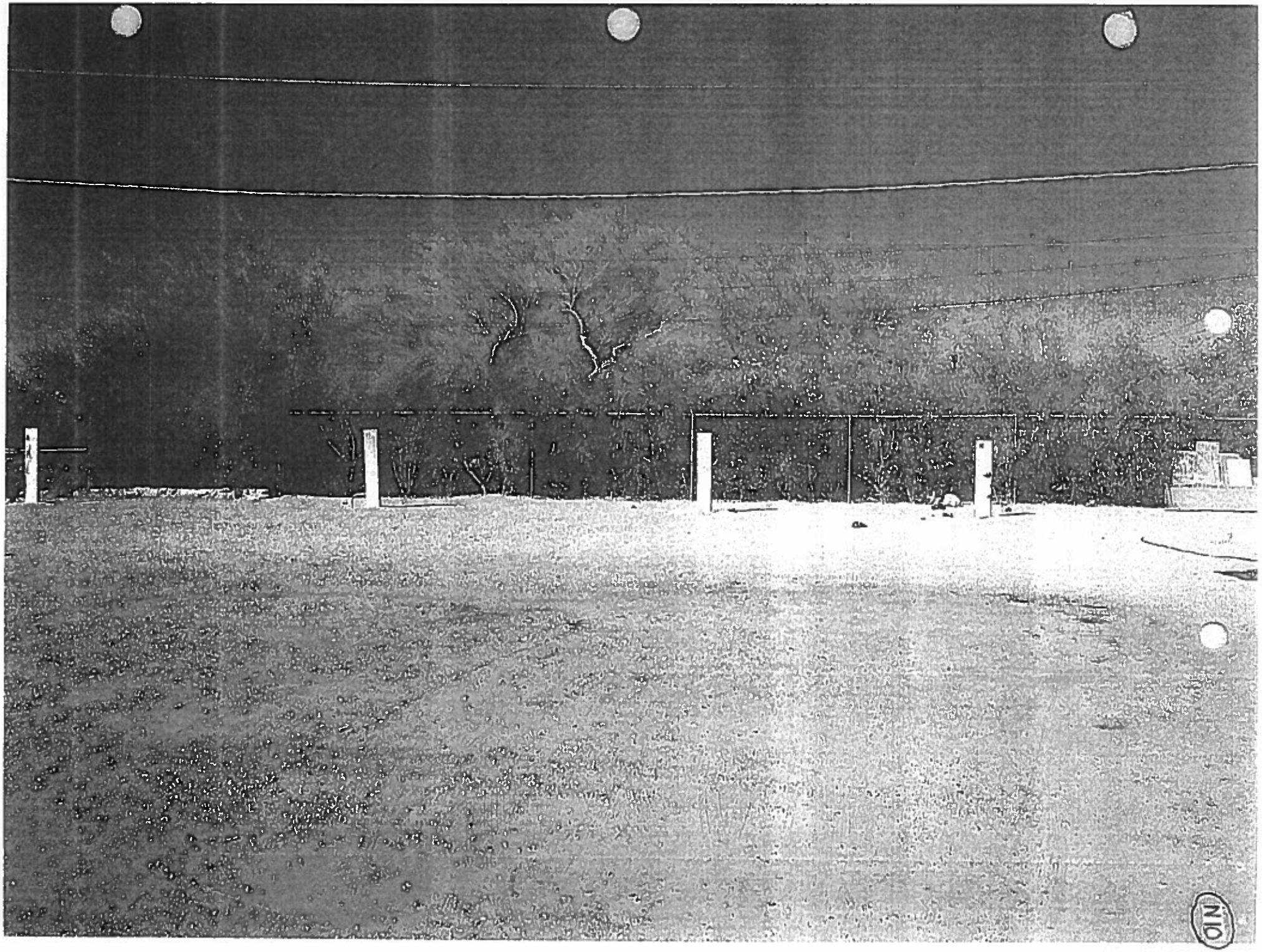
Pinal County Assessor's Office Mobile home Division had not record of the extra units when I called. No these may have been installed prior to the new owners. One MLS information that was provided to me shows a listing for 10 spaces then the next one clearly shows 11. So even the new owners have added a space.

The March 7th 1985 aerial does not show any RV units. Mr. Frye seems to think there may be a shadow of one or two units. I did show him the aerial. Based on what I see. I do not think these are legal spaces.

If you have any questions, please ask.

Robert Mayes, Abatement Coordinator
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-5085
bmayes@ajcity.net
Service Over and Above the Rest

Starting July 18th, 2011
New Office Hours
Monday – Thursday, 7:00 am – 6:00 pm, Closed on Fridays



(NII)

Rudy Esquivias

From: Joel Stern
Sent: Wednesday, April 18, 2018 2:12 PM
To: ejackson@jacksonwhitelaw.com
Subject: 535 N Gold Dr Old vs New
Attachments: 535_N_GOLD_DR_OLDvsNEW.pdf

E:

See attached. Larry indicated this proves nothing was on the property in 1985 and that the materials will be presented to the BOA if you still desire to proceed on May 7th. He also indicated that his department is unable to support any spot zoning (i.e.: allowing RV rentals on a residential MH-zoned parcel). I do not know how else to characterize any proposal that allows RV rentals on this particular parcel based on its current zoning designation and the surrounding property zoning designations. In other words, how can this property be rezoned for such use even with planned development conditions?

R. Joel Stern

City Attorney
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119

(480) 474-5105

-----Original Message-----
From: Larry Kirch
Sent: Monday, April 16, 2018 5:44 PM
To: Rudy Esquivias <resquivias@ajcity.net>; Joel Stern <jstern@ajcity.net>
Subject: FW: 535 N Gold Dr Old vs New

Rudy, Joel,

I have been having discussions with JC our GIS Coordinator about the source of the city's 1985 aerial photography. JC was able to contact the company in Scottsdale, AZ that did the aerial project for the city. JC was able to purchase via CD/ROM rectified aerials from the March 14 (I believe), 1985 (at a very reasonable cost). The aerials cover nearly all the city in four "tiles." The firm has established the date of the picture. As you can see, the same photo on the right is from our mylars and the one on the left is the clearer rectified photo.

(N12)

I believe this information puts to rest the idea that there was anything on the subject property in March of 1985. You indicated this information should be presented to Mr. Kaplan and his legal counsel at the upcoming meeting.

Thanks,
Larry
From: Joseph Kliner
Sent: Monday, April 16, 2018 5:27 PM
To: Larry Kirch <lkirch@AJCity.Net>
Subject: 535 N Gold Dr Old vs New

Here is the old vs new image.

Joseph C. Kliner

GIS Coordinator

City of Apache Junction

300 E. Superstition Blvd.

Apache Junction, Arizona 85119

480-474-8518

jkliner@ajcity.net <mailto:jkliner@ajcity.net>

Service Over and Above the Rest

Monday – Thursday, 7:00am – 6:00pm

N13

N14

Rudy Esquivias

From: Rudy Esquivias
Sent: Wednesday, April 18, 2018 5:11 PM
To: Jim Nakagawa (jnakagawa@imperialbeachca.gov); James Nakagawa (jnakagawa@icloud.com)
Cc: Larry Kirch
Subject: Old 1984 Apache Junction zoning case
Attachments: PZ-9-84 staff report to P&Z.pdf; PZ-9-84 staff report to CC.pdf; Excerpts from '84 & '85 ZOs.pdf; Excerpts from 4-17-84 & 5-1-84 CC minutes.pdf; PZ-9-84 approval letter & Ord 262.pdf; 1985 aerial image of 529 N Gold.pdf

Hi Jim:

I hope these days find you well. I hesitate to take up your time with old AJ history, bit I am writing to ask you if you remember any details about the attached zoning case and related information, that you handled way back when. This relates to a board of adjustment case that we are currently processing.

Please review the attached material. It involved a request by a gentleman named Dan Millett who processed a rezoning for his property on N. Gold Drive, between W. Apache Trail and W. Superstition Boulevard, from GR (General Rural) to CR-5 (Multiple Residence Zone). The property (located in the center of the attached image from the city's 1985 aerial map) was already partially developed with: a duplex (SE corner of property); a triplex (center of property); and an old mobile home (NW of the triplex) which was situated over a small contained wash on the property.

I have two simple questions. Back in 1984, was the CR-5 zone sometimes used to allow or legitimize the mixing of conventional residential units (single and/or multi-family) and mobile homes? Secondly, could a rezoning to CR-5 also be used to allow a person to add more mobile home or RV units to a property which already contained other various residential structures?

I appreciate any insight you can share or recall on this Jim. If it just doesn't ring a bell, that's ok too. Thanks Jim, and I'll see at the next national convention—hopefully. ☺

Rudy Esquivias
Senior Planner/Zoning Administrator
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-2645
resquivias@ajcity.net
SERVICE OVER AND ABOVE THE REST

(Development Services Department office hours: Monday through Thursday from 7:00am to 6:00pm, closed Fridays and Holidays.)

(N15)

Item #9

City of Apache Junction

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

March 22, 1984

MEMORANDUM TO: PLANNING AND ZONING COMMISSION

THROUGH: MICHAEL J. McNULTY, CITY MANAGER/
ACTING PLANNING DIRECTOR

FROM: JIM NAKAGAWA, ASSOCIATE PLANNER

SUBJECT: REQUEST FOR AGENDA ITEM - MARCH 27, 1984
PZ-9-84 (PROPOSED ORDINANCE NO. 262)

Project Description

Rezoning case No. PZ-9-84, Proposed Ordinance No. 262, is a request by the applicants Millett Manor, Inc. to rezone their property from GR General Rural to CR-5 Multiple Residence Zone. The site is a developed one-acre parcel located at 529 North Gold Drive on the east side of Gold Drive, about 800 feet south of Superstition Boulevard in Section 20. It is designated Medium/High Density Opportunity on the General Plan. Surrounding land uses include apartments, a house, and a mobile home.

Development Coordinating Committee (DCC) Comments

The DCC had no objections to the rezoning noting that it would be consistent with the Medium/High Density Opportunity General Plan designation for the site.

Recommended Motion

See attached.

JAN:mas

(N16)

RECOMMENDED MOTION

BE IT RESOLVED by the Planning and Zoning Commission of the City of Apache Junction, Arizona that rezoning case PZ- 9-84, also known as Proposed Ordinance No. 262, application of Millett Manor, Inc. for their property described as, a matter of public record,

requesting rezoning from GR General Rural
to CR-5 Multiple Residence Zone

that the Commission recommends to the Apache Junction City Council the (approval) (denial) of said application.

Any stipulations or recommendations are:

The reasons for this recommendation are:

Motion: _____

Second: _____

Vote: _____

(N17)

CITY OF APACHE JUNCTION, ARIZONA
REZONING APPLICATION

1. I/We hereby request a change of zoning classification:
   Parcel 1 From: GR To: CR-5
   Parcel 2 _____ _____
   Parcel 3 _____ _____
2. I am requesting this rezone by [X] Petition and Consent [X] Commission Initiative
3. What is the General Plan designation for the site? High density opportunity.
4. Size of the subject property: .949 Acres/41,300 S.F. [acres] [square feet]
5. How is the property currently developed? 6 apartment rentals
6. What are the adjacent land uses?
   North: Home
   South: Trailer
   East: 8 Unit Apartment Complex
   West: 6 Unit Apartment REntal (houses & trailer)
7. What other application are you filing in conjunction with this rezone (subdivision, road abandonment, etc.)? NONE
8. The legal description of the property proposed to be rezoned:
   Lot 8, Block 3, APACHE ADDITION ACRES, according to Book 5 of Maps, page 32, records of Pinal County, Arizona
   Section 20, Township 1 North, Range 8 East, Gila and Salt River Base and Meridian, Apache Junction, Pinal County, Arizona.
9. Why are you requesting this rezoning? To properly zone this property to the existing and surrounding usage of the area, which is now in the High Density Opportunity General Plan. We plan to add some additional units which will greatly improve the area.

(Please complete reverse side)

FOR OFFICE USE ONLY

Case No. PZ-9-84 Proposed Ordinance No. 262
Date Filed 8-14-84 Application received by JAN
Receipt No. P02229 Fee Amount 100.—

11/83

N18

10. I/We hereby certify that:

a. (I am)(We are) the owners of the property described in this application for rezoning and have attached copies of deeds, title reports, or other documents as proof of ownership.
b. I/We have truthfully completed this application for rezoning.
c. I/We understand the filing fees to be non-refundable, the rezoning process to involve public hearings before the Planning and Zoning Commission and the City Council, and action to approve or disapprove our request is discretionary.
d. I/We understand in order to obtain approval of this rezone we may be requested to dedicate portions of our property for public roadway and associated purposes.
e. I/We being the owners of the property in this rezoning application have appointed DAN MILLETT named below as our representative in this rezoning application and have authorized him to do anything whatsoever necessary to have the rezoning considered favorably by the City of Apache Junction.

(1) MILLETT MANOR, INC.
(print owner's name)
Edward G. Millett V.P.
(signature)
65 SOUTH MESA DRIVE
(address)
MESA, ARIZONA 85202
834-0406
(phone)

(2) _____
(print owner's name)
_____
(signature)
_____
(address)
_____
(phone)

(3) _____
(print owner's name)
_____
(signature)
_____
(address)
_____
(phone)

STATE OF _____)
COUNTY OF _____) SS.

The foregoing instrument was acknowledged before me this _____ day of _____, 19___,

by: _____

(My commission expires: _____)

_____
Notary Public

11. I hereby certify that I have been appointed by the property owners in this rezoning application as their representative and that they have requested that all correspondence in this matter be mailed to me.

DAN MILLETT
(print representative's name)
Daniel G. Millett
(signature)
65 SOUTH MESA DRIVE
(mailing address)
834-0406
(phone)
MESA, ARIZONA 85202
_____

STATE OF ARIZONA)
COUNTY OF Maricopa) SS.

The foregoing instrument was acknowledged before me this 10th day of February, 1984,

by: DAN MILLETT

(My commission expires: Nov. 1, 1985)

Karen L. Murray
Notary Public

(N19)

MILLETT MANOR INC.
65 SOUTH MESA DRIVE
MESA, ARIZONA 85202

February 13, 1984

CITY OF APACHE JUNCTION
1001 NORTH IDAHO
APACHE JUNCTION, ARIZONA 85220

ATTENTION: ZONING ADMINISTRATOR
MR. LEO FRAZIER JR.

Dear Sir:

We are requesting rezoning of the property located at 529 N. Gold Drive, also known as Lot 8, Block 3, APACHE ADDITION ACRES, according to Book 5 of Maps, page 32, records of Pinal County, Arizona.

We request that this property be rezoned from GR (general rural) to CR-5 to conform to the surrounding usage of the area. Currently, there are clusters of old trailers and houses on the lots in this area, most of which are rentals. By rezoning to CR-5, this will zone the property to its present use and will encourage new improvements which are greatly needed in this area. This request will compliment your master plan of this area which is High Density Opportunity.

Sincerely,

Daniel G. Millett

Daniel G. Millett
Vice-President

DGM/khg

(NZO)

ORDINANCE NO. 262

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-9-84 FROM GR GENERAL RURAL TO CR-5 MULTIPLE RESIDENCE ZONE; 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 Apache Junction, Arizona, Zoning Map for the parcel of land described as:

Lot 8, Block 3, Apache Addition Acres, according to Book 5 of Maps, Page 32, records of Pinal County, Arizona;

be and hereby is amended by changing the zoning district classification from GR General Rural to CR-5 Multiple Residence Zone.

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, sub-section, 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 _____ DAY OF _____, 19____.

_____
Wendell J. Clarke
Mayor

ATTEST:

_____
Kathleen Connelly
City Clerk

APPROVED AS TO FORM:

_____
David F. Alexander
City Attorney

(N21)

City of Apache Junction
DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

March 28, 1984

Approver for Agenda KC

	Date	Item #
First Reading	4-17-84	7
Second Reading	5/1/84	20

✓ Public Hearing
___ Old Business
___ New Business
✓ Consent Agenda

MEMORANDUM TO: THE HONORABLE MAYOR AND CITY COUNCIL

THROUGH: MICHAEL J. McNULTY, CITY MANAGER/ ACTING PLANNING DIRECTOR

FROM: JIM NAKAGAWA, ASSOCIATE PLANNER

SUBJECT: REQUEST FOR AGENDA ITEM
PZ-9-84 (PROPOSED ORDINANCE NO. 262)

APRIL 17, 1984 - PUBLIC HEARING AND FIRST READING
MAY 1, 1984 - SECOND READING AND CONSIDERATION

Project Description

Rezoning case No. PZ-9-84, Proposed Ordinance No. 262, is a request by the applicants Millett Manor, Inc. to rezone their property from GR General Rural to CR-5 Multiple Residence Zone. The site is a developed one-acre parcel located at 529 North Gold Drive on the east side of Gold Drive, about 800 feet south of Superstition Boulevard in Section 20. It is designated Medium/High Density Opportunity on the General Plan. Surrounding land uses include apartments, a house, and a mobile home.

Development Coordinating Committee (DCC) Comments

The DCC had no objections to the rezoning noting that it would be consistent with the Medium/High Density Opportunity General Plan designation for the site.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission at their regular meeting of March 27, 1984, after public hearing, voted to approve the following motion: (M/S Vehon/Conway 6-0-0)

"BE IT RESOLVED by the Planning and Zoning Commission of the City of Apache Junction, Arizona, that rezoning case PZ-9-84, also known as Proposed Ordinance No. 262, application of Millett Manor, Inc. for their property described as, a matter of public record, requesting rezoning from GR General Rural to CR-5 Multiple Residence Zone, that the Commission recommends to the Apache Junction City Council the approval of said application.

The reasons for this recommedation are:

1. The request would allow this lot to meet the General Plan designation which allows medium/high density for this site.

2. It would be compatible with the other multi-family uses surrounding the site."

Recommended Motion

See attached.

JAN:mas

(N23)

RECOMMENDED MOTION

ORDINANCE NO. 262

BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THAT IN ZONING CASE PZ-9-84, application of Millett Manor, Inc.,

ALSO KNOWN AS ORDINANCE NO. 262,

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-9-84 FROM GR GENERAL RURAL TO CR-5 MULTIPLE RESIDENCE ZONE; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY;

BE AND HEREBY IS APPROVED AND ADOPTED.

THE FOLLOWING STIPULATIONS OR CONDITIONS ARE HEREBY REQUIRED AS CONDITIONS PRECEDENT TO REZONING APPROVAL.

BE IT FURTHER RESOLVED THAT THE REASONS FOR APPROVAL OF THIS MOTION ARE:

OPTIONAL CHOICES

a. "Those reasons as set forth by the Planning and Zoning Commission which are hereby adopted by reference."

b. (Council may wish to use only one of the Commission's reasons. If this is the case, you will have to read those specific reasons.)

c. (Council may wish to use all new reasons or other reasons in addition to the above. If this is the case, you will have to read them and you are requested to write them out for the City Clerk.)

(N24)

ORDINANCE NO. 262

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-9-84 FROM GR GENERAL RURAL TO CR-5 MULTIPLE RESIDENCE ZONE; 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 Apache Junction, Arizona, Zoning Map for the parcel of land described as:

Lot 8, Block 3, Apache Addition Acres, according to Book 5 of Maps, Page 32, records of Pinal County, Arizona;

be and hereby is amended by changing the zoning district classification from GR General Rural to CR-5 Multiple Residence Zone.

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, sub-section, 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 _____ DAY OF _____, 19____.

_____
Wendell J. Clarke
Mayor

ATTEST:

_____
Kathleen Connelly
City Clerk

APPROVED AS TO FORM:

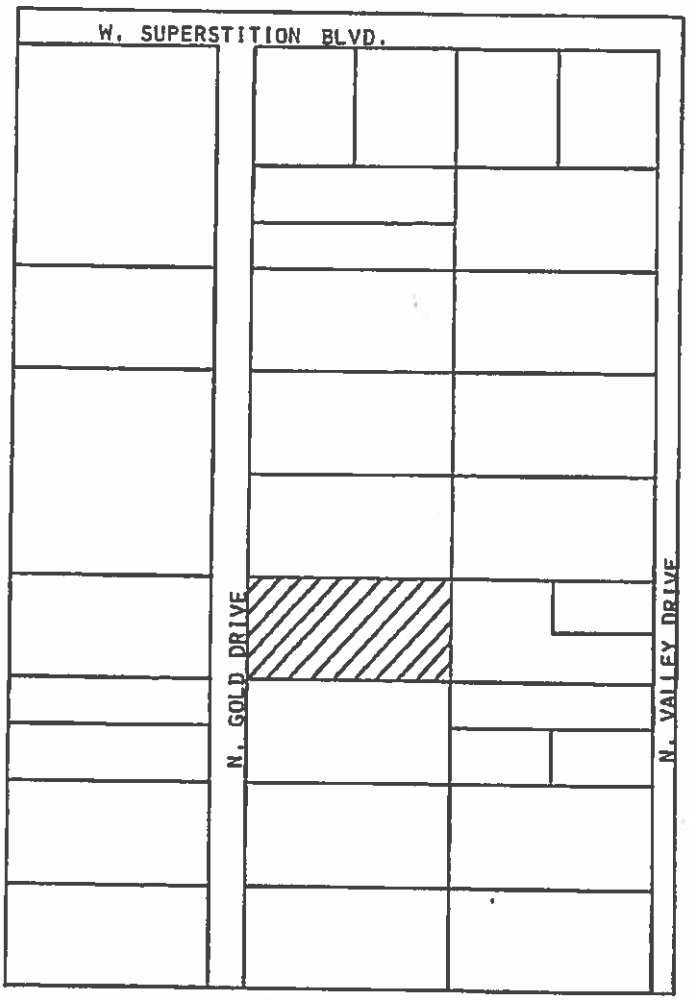
David F. Alexander
City Attorney

N25

PZ-9-84

PROPOSED ORDINANCE NO. 262

PROPOSED REZONE FROM (GR) GENERAL RURAL TO (CR-5) MULTIPLE RESIDENCE



RIGHT OF WAY/PROPERTY LINES

SUBJECT SITE

LIMITS OF ZONING (REMAINDER IS GENERAL RURAL)

N

SCALE: 1"=200'

(N26)

EXCERPT FROM 1984 ZONING ORDINANCE

SEC. 1002 MAXIMUM BUILDING HEIGHT: Two stories or 30 feet.

SEC. 1003 MINIMUM LOT AREA: 12,000 square feet.

SEC. 1004 MINIMUM LOT WIDTH: 60 feet.

SEC. 1005 MINIMUM AREA PER DWELLING UNIT: 12,000 square feet.

SEC. 1006 MINIMUM FRONT YARD: 25 feet.

SEC. 1007 MINIMUM SIDE YARDS: 10 feet each.

SEC. 1008 MINIMUM REAR YARD: 25 feet.

SEC. 1009 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS: 20 feet except as required in Section 2310 for a rear dwelling.

SEC. 1010 DETACHED ACCESSORY BUILDINGS:

a. Permitted coverage: One-third of the total area of the rear and side yards.

b. Maximum height: 20 feet.

c. Minimum distance to main building: Seven feet.

d. Minimum distance to front lot line: 60 feet.

e. Minimum distance to side and rear lot lines: four feet if building is not used for poultry or animals; 50 feet if building is used for poultry or animals.

ARTICLE 11

CR-3 SINGLE RESIDENCE ZONE:

SEC. 1101 USES PERMITTED:

a. One-family dwelling.

b. Public park, public or parochial school.

c. Church, providing the minimum off-street parking requirements, as set forth in Article 21, Section 2102-e are met.

d. Transitional use where side of lot abuts a business or industrial zone. Any residential use permitted in the CR-4 zone, including CR-4 area and yard requirements, provided such use extends not more than 120 feet or two lots, whichever is the lesser from the zone boundary.

e. A trailer for not more than 90 days during construction of a residence on the same premises which period may be extended for an additional period of 90 days upon application to the Zoning Administrator.

f. Agriculture and horticulture, flower and vegetable gardening, nursery or greenhouse used only for propagation and culture and not for retail sales.

g. Home occupation.

h. Accessory building or use.

i. Temporary real estate office, subject to the conditions set forth in Sub-section 601-p of this Ordinance.

SEC. 1102 MAXIMUM BUILDING HEIGHT: Two stories or 30 feet.

SEC. 1103 MINIMUM LOT AREA: 7000 square feet.

SEC. 1104 MINIMUM LOT WIDTH: 60 feet.

SEC. 1105 MINIMUM AREA PER DWELLING UNIT: 7000 square feet.

SEC. 1106 MINIMUM FRONT YARD: 20 feet.

SEC. 1107 MINIMUM SIDE YARDS: Eight feet each.

SEC. 1108 MINIMUM REAR YARD: 25 feet to the rear lot line.

SEC. 1109 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS: 16 feet, except as required in Section 2310 for a rear dwelling.

SEC. 1110 BUILDABLE AREA: Not to exceed 40% of the lot, including all structures, except swimming pools.

SEC. 1111 ACCESSORY BUILDINGS:

a. Maximum height: 20 feet.

b. Minimum distance to main building when detached: Seven feet.

c. Minimum distance to front lot line when detached: 50 feet.

d. Minimum distance to side lot lines: Eight feet.

e. Minimum distance to rear lot line: 15 feet, except that no minimum distance shall be required where the rear wall is of masonry construction with no openings, such wall extending at least 24 inches above the roof of the accessory building and whose total height is not over 12 feet above grade.

f. Accessory buildings shall be detached from the main building except that they may be attached by means of an unenclosed structure that has only one wall not over six feet high which shall be placed on only one side of the structure.

ARTICLE 12

CR-4 MULTIPLE RESIDENCE ZONE:

SEC. 1201 USES PERMITTED:

a. Any use permitted in the CR-3 zone.

b. Duplex dwelling.

c. Multiple dwelling for not more than four families.

d. Dwelling group consisting of permitted dwelling types in this zone.

e. Transitional use where side of lot abuts a business or industrial zone: Any residential use permitted in the CR-5 zone including CR-5 area and yard requirements, provided such use extends not more than 120 feet or two lots, whichever is the lesser, from the zone boundary.

f. Hospital, clinic, dispensary or sanitorium, subject to the conditions set forth in Sub-section 601-m of this Ordinance.

SEC. 1202 MAXIMUM BUILDING HEIGHT: Two stories or 30 feet.

SEC. 1203 MINIMUM LOT AREA: 7,000 square feet.

SEC. 1204 MINIMUM LOT WIDTH: 60 feet.

SEC. 1205 MINIMUM LOT AREA PER DWELLING UNIT: 3,500 square feet.

SEC. 1206 MINIMUM FRONT YARD: 25 feet.

SEC. 1207 MINIMUM SIDE YARDS: Eight feet each.

SEC. 1208 MINIMUM REAR YARD: 35 feet.

SEC. 1209 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS: 16 feet.

SEC. 1210 DETACHED ACCESSORY BUILDINGS:

a. Permitted coverage: 30% of the minimum rear yard area plus 50% of any additional space in the rear of the principal building.

b. Maximum height: 20 feet.

c. Minimum distance to main building: Seven feet.

d. Minimum distance to front lot line: 60 feet.

e. Minimum distance to side lot lines: Four feet.

f. Minimum distance to rear lot line: Four feet if building is not used for poultry or animals; 15 feet if building is used for poultry or animals.

ARTICLE 13

CR-5 MULTIPLE RESIDENCE ZONE:

SEC. 1301 USES PERMITTED:

a. Any use permitted in the CR-3 and CR-4 zone.

b. Multiple dwelling for any number of families.

c. Boarding or rooming house for any number of guests, but not primarily for transients.

d. Transitional use where side of lot abuts a business or industrial zone: Any residential use permitted in the TR zone including TR area and yard requirements, provided such use extends not more than 120 feet or two lots, whichever is the lesser, from the zone boundary.

SEC. 1302 MAXIMUM BUILDING HEGIHT: Two stories or 30 feet.

SEC. 1303 MINIMUM LOT AREA: 7,000 square feet.

SEC. 1304 MINIMUM LOT WIDTH: 60 feet.

SEC. 1305 MINIMUM LOT AREA PER DWELLING UNIT: 2,000 square feet.

SEC. 1306 MINIMUM FRONT YARD: 25 feet.

SEC. 1307 MINIMUM SIDE YARDS: 7 feet each.

SEC. 1308 MINIMUM REAR YARD: 35 feet.

SEC. 1309 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS: 14 feet.

SEC. 1310 DETACHED ACCESSORY BUILDINGS:

a. Permitted coverage: 35% of the minimum rear yard area plus 50% of any additional space in the rear of the principal building.

b. Maximum height: 20 feet.

c. Minimum distance to main building: Seven feet.

d. Minimum distance to front lot line: 60 feet.

e. Minimum distance to side lot lines: Four feet.

f. Minimum distance to rear lot line: Four feet if building is not used for poultry or animals; 15 feet if building is used for poultry or animals.

ARTICLE 14

TR TRANSITIONAL ZONE:

SEC. 1401 USES PERMITTED:

a. Any use permitted in the CR-3, CR-4 and CR-5 zones.

b. Tourist court or hotel, together with the following accessory uses located on the premises and having no exterior entrance closer than 100 feet to a public street:

Retail Shops
Personal Services
Recreational Facilities
Restaurant
Beverage Service

N31

EXCERPT FROM 1985 ZONING ORDINANCE

SECTION 15.0400 CR-3 SINGLE FAMILY RESIDENCE ZONE

Section 15.0401 USES PERMITTED

a. One-family dwelling.

b. Public park, public or parochial school.

c. Church.

d. Transitional use where side of lot abuts a business or industrial zone. Any residential use permitted in the CR-4 Zone, including CR-4 area and yard requirements, provided such use extends not more than 120 feet or two (2) lots, whichever is the lesser from the zone boundary.

e. A trailer for not more than ninety (90) days during construction of a residence on the same premises, which period may be extended for an additional period of ninety (90) days upon application to the Zoning Administrator.

f. Agricultural and horticultural, flower and vegetable gardening, nursery or greenhouse used only for propagation and culture and not for retail sales.

g. Home occupation.

h. Accessory building or use.

i. Temporary real estate office.

Section 15.0402 MAXIMUM BUILDING HEIGHT

Two (2) stories or thirty feet (30').

Section 15.0403 MINIMUM LOT AREA

7,000 square feet.

Section 15.0404 MINIMUM LOT WIDTH

Sixty feet (60').

Section 15.0405 MINIMUM AREA PER DWELLING UNIT

7,000 square feet.

(N32)

Section 15.0406 MINIMUM FRONT YARD

Twenty feet (20').

Section 15.0407 MINIMUM SIDE YARDS

Eight feet (8') each.

Section 15.0408 MINIMUM REAR YARD

Twenty-five feet (25') to the rear lot line.

Section 15.0409 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS

Sixteen feet (16'); except as required in Section 6.0109 for a rear dwelling.

Section 15.0410 BUILDABLE AREA

Not to exceed forty percent (40%) of the lot, including all structures; except swimming pools.

Section 15.0411 ACCESSORY BUILDINGS

a. Maximum height: twenty feet (20').

b. Minimum distance to main building when detached: seven feet (7').

c. Minimum distance to front lot line when detached: fifty feet (50'); except that a detached garage for the parking of automobiles shall have a minimum distance from the front lot line of twenty feet (20').

d. Minimum distance to side lot lines: eight feet (8').

e. Minimum distance to rear lot lines: four feet (4') if building is not used for poultry or animals; fifteen feet (15') if building is used for poultry or animals.

f. Accessory buildings shall be detached from the main building; except that they may be attached by means of an unenclosed structure that has only one (1) wall not over six feet (6') high which shall be placed only on one side of the structure.

(N33)

SECTION 15.0500 CR-4 MULTIPLE FAMILY RESIDENCE ZONE

Section 15.0501 USES PERMITTED

a. Any use permitted in the CR-3 Zone.

b. Duplex dwelling.

c. Multiple dwelling for not more than four (4) families.

d. Dwelling group consisting of permitted dwelling types in this Zone.

e. Transitional use where side of lot abuts a business or industrial zone. Any residential use permitted in the CR-5 Zone, including CR-5 area and yard requirements, provided such use extends not more than 120 feet or two (2) lots, whichever is the lesser from the zone boundary.

f. Hospital, clinic, dispensary, or sanatorium.

Section 15.0502 MAXIMUM BUILDING HEIGHT

Two (2) stories or thirty feet (30').

Section 15.0503 MINIMUM LOT AREA

7,000 square feet.

Section 15.0504 MINIMUM LOT WIDTH

Sixty feet (60').

Section 15.0505 MINIMUM LOT AREA PER DWELLING UNIT

3,500 square feet.

Section 15.0506 MINIMUM FRONT YARD

Twenty-five feet (25').

Section 15.0507 MINIMUM SIDE YARDS

Eight feet (8') each.

Section 15.0508 MINIMUM REAR YARD

Thirty-five feet (35').

Section 15.0509 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS

Sixteen feet (16').

Section 15.0510 DETACHED ACCESSORY BUILDINGS

a. Permitted coverage: thirty percent (30%) of the minimum rear yard area, plus fifty percent (50%) of any additional space in the rear of the principal building.

b. Maximum height: twenty feet (20').

c. Minimum distance to main building: seven feet (7').

d. Minimum distance to front lot line: sixty feet (60').

e. Minimum distance to side lot lines: four feet (4').

f. Minimum distance to rear lot line: four feet (4') if building is not used for poultry or animals; fifteen feet (15') if building is used for poultry or animals.

SECTION 15.0600 CR-5 MULTIPLE FAMILY RESIDENCE ZONE

Section 15.0601 USES PERMITTED

a. Any use permitted in the CR-3 and CR-4 zones.

b. Multiple dwelling for any number of families.

c. Boarding or rooming house for any number of guests, but not primarily for transients.

d. Transitional use where side of lot abuts a business or industrial zone, including TR area and yard requirements, provided such use extends not more than 120 feet or two lots (2), whichever is the lesser, from the zone boundary.

Section 15.0602 MAXIMUM BUILDING HEIGHT

Two (2) stories or thirty feet (30').

N35

Section 15.0603 MINIMUM LOT AREA

7,000 square feet.

Section 15.0604 MINIMUM LOT WIDTH

Sixty feet (60').

Section 15.0605 MINIMUM LOT AREA PER DWELLING UNIT

2,000 square feet.

Section 15.0606 MINIMUM FRONT YARD

Twenty-five feet (25').

Section 15.0607 MINIMUM SIDE YARDS

Seven feet (7') each.

Section 15.0608 MINIMUM REAR YARD

Thirty-five feet (35').

Section 15.0609 MINIMUM DISTANCE BETWEEN MAIN BUILDINGS

Fourteen feet (14').

Section 15.0610 DETACHED ACCESSORY BUILDING

a. Permitted coverage: thirty-five percent (35%) of the minimum rear yard area, plus fifty percent (50%) of any additional space in the rear of the principal building.

b. Maximum height: twenty feet (20').

c. Minimum distance to main building: seven feet (7').

d. Minimum distance to front lot line: sixty feet (60').

e. Minimum distance to side lot line: four feet (4').

f. Minimum distance to rear lot line: four feet (4') if building is not used for poultry or animals; fifteen feet (15') if building is used for poultry or animals.

Councilman Taylor asked if Mr. Hubbard has done similar construction prior to this.

Mr. Hubbard stated that he had developed for Riviera Capital in Tempe, Mesa, and Chandler.

Mayor Clarke asked if there was anyone wishing to speak in favor of or in opposition to the application. There being no one wishing to address the Council, Mayor Clarke called upon the Associate Planner for recommendations.

Mr. Nakagawa stated that the Development Coordinating Committee and the Planning and Zoning Commission have no objections with stipulations of dedication of rights-of-way.

Mayor Clarke closed the hearing to the public and called upon the City Clerk to read Ordinance No. 261, by title only for the first reading.

City Clerk Kathleen Connelly read as follows:

ORDINANCE NO. 261, AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-8-84 FROM GR GENERAL RURAL TO CR-5 MULTIPLE RESIDENCE ZONE; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

PROPOSED ORDINANCE NO. 262, PZ-9-84
MILLETT MANOR, INC. (First Reading)

Mayor Clarke opened the hearing to the public.

Mr. Nakagawa briefed the Council on the request for rezoning from GR General Rural to CR-2 Multiple Residence Zone, located at 529 North Gold Drive on the east side of Gold Drive, about 800 feet south of Superstition Boulevard in Section 20.

Mr. Dan Millett, 65 South Mesa Drive, Mesa, representing Millett Manor, Inc., requested approval of the rezoning.

Councilman Damiano asked if these improvements would be single story.

Mr. Millett stated that they would be single story.

Councilman Shanks commented that the improvements were already apparent.

Mayor Clarke asked if there was anyone who wished to speak in favor of or in opposition to the rezoning. There being no one wishing to address the Council, Mayor Clarke called upon the Associate Planner for recommendations.

Mr. Nakagawa stated that the Development Coordinating Committee has no objections and the Planning and Zoning Commission recommends approval of the request.

Mayor Clarke closed the hearing to the public, and called upon the City Clerk to read Ordinance No. 262, by title only for the first reading.

City Clerk Kathleen Connelly, read as follows:

ORDINANCE NO. 262, AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-9-84 FROM GR GENERAL RURAL TO CR-5 MULTIPLE RESIDENCE ZONE; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

Mayor Clarke recessed the meeting.

Mayor Clarke reconvened the meeting.

OLD BUSINESS

PROPOSED ORDINANCE NO. 219, PZ-32-83
RANDALL INDUSTRIES (Second Reading)
(Continued Item)

City Manager McNulty explained that the representing Attorney Martin T. Jones has sent a letter requesting a further continuance of this rezoning application.

Councilman Shanks stated that the emotionalism has depleted and the facts of this rezoning case are becoming more apparent, so one more continuation would be beneficial.

Councilman Shanks MOVED THAT BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THAT PROPOSED ORDINANCE NO. 219, PZ-32-83, BE GRANTED A LAST CONTINUANCE UNTIL THE REGULAR COUNCIL MEETING OF MAY 1, 1984.

Councilman Steelsmith seconded the motion.

VOTE: Unanimous

The motion carried.

FINAL SUBDIVISION PLAT APPROVAL,
SUPERSTITION MOUNTAIN RESORT,
W & S PROPERTIES

Mr. Nakagawa briefed the Council on the final plat approval request by W and S Properties for Superstition Mountain Resort, formerly named Superstition Shadows Travel Trailer Resort, which submitted the related preliminary Planned Development and was approved by the Council on November 1, 1983.

Councilman Damiano MOVED THAT BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THAT THE FINAL PLAT FOR SUPERSTITION MOUNTAIN RESORT, SD-3-83, BY W AND S PROPERTIES, BE AND HEREBY IS GRANTED, WITH THE FOLLOWING STIPULATIONS OR CONDITIONS AS CONDITIONS PRECEDENT TO APPROVAL:

Attorney Bill Warren
1548 E. Hale
Mesa, Arizona

Mr. Guy Ridenhour
1975 W. Shiprock
Apache Junction, Arizona 85220

Ms Patricia Ellen Gunn
102 S. Ironwood Drive #63
Apache Junction, Arizona 85220

Mr. Eugene Coleman
220 N. Starr Road
Apache Junction, Arizona 85220

Ms Lois Porter
1092 E. Broadway
Apache Junction, Arizona 85220

Ms Doris Manry
1126 S. Palo Verde Drive
Apaache Junction, Arizona 85220

ACCEPTANCE OF AGENDA

Vice Mayor Eidson MOVED THAT BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THAT THE AGENDA BE ACCEPTED AS PRESENTED.

Councilman Steelsmith seconded the motion.

VOTE: Unanimous

The motion carried.

ACCEPTANCE OF CONSENT AGENDA

Councilman Damiano MOVED THAT BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THAT THE CONSENT AGENDA BE ACCEPTED AS PRESENTED, AFTER DELETING ITEM "C" AND PLACING IT UNDER "OLD BUSINESS".

BE IT FURTHER RESOLVED THAT THE CONSENT AGENDA ITEMS A: PROPOSED ORDINANCE NO. 247, PZ-53-83, APPLICATION BY KEITH AND KATHRYN STACHAR TO REZONE 0.9 ACRE PARCEL, LOCATED AT THE SOUTHWEST CORNER OF GREASEWOOD STREET AND DESERT VIEW DRIVE IN SECTION 18, FROM GR GENERAL RURAL TO TRAILER HOMESITE ZONE (TH); B: PROPOSED ORDINANCE NO. 260, PZ-7-84, APPLICATION BY AGNES CAMILLERI THROUGH HUBBARD CONSTRUCTION, INC., TO REZONE 2.86 ACRE PARCEL, LOCATED ON NORTHEAST CORNER OF SUPERSTITION BOULEVARD AND DELAWARE DRIVE IN SECTION 18, FROM GR GENERAL RURAL TO CR-5 MULTIPLE RESIDENCE ZONE; D: PROPOSED ORDINANCE NO. 262, PZ-9-84, APPLICATION BY MILLETT MANOR, INC., TO REZONE ONE-ACRE PARCEL, LOCATED AT 529 NORTH GOLD DRIVE ON EAST SIDE OF GOLD DRIVE, ABOUT 800 FEET SOUTH OF SUPERSTITION BOULEVARD IN SECTION 20, FROM GR GENERAL RURAL TO CR-5 MULTIPLE RESIDENCE ZONE; E: ACCEPTANCE OF MINUTES FROM SPECIAL MEETING APRIL 9, 1984; F: ACCEPTANCE OF MINUTES FROM REGULAR MEETING OF APRIL 17, 1984, BE AND HEREBY ARE ACCEPTED AS PRESENTED.

Councilman Hill seconded the motion.

VOTE: Unanimous

The motion carried.

N39

City of Apache Junction

May 2, 1984

Dan Millett
65 South Mesa Drive
Mesa, ARizona 85202

RE: PZ-9-84 (Proposed Ordinance No. 262)

Dear Mr. Millett:

This letter is to advise you that the Apache Junction City Council at their regular meeting of May 1, 1984, voted to approve your above-referenced rezoning request. The effective date of the Ordinance establishing the rezoning is June 1, 1984.

Sincerely,

Kathleen Connelly

Kathleen Connelly
City Clerk

KC:mas

xc: City Clerk
Case File

(N40)

ORDINANCE NO. 262

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, PINAL COUNTY, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA ZONING ORDINANCE BY AMENDING THE ZONING MAP CHANGING THE ZONING DISTRICT CLASSIFICATION IN REZONING CASE PZ-9-84 FROM GR GENERAL RURAL TO CR-5 MULTIPLE RESIDENCE ZONE; 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 Apache Junction, Arizona, Zoning Map for the parcel of land described as:

Lot 8, Block 3, Apache Addition Acres, according to Book 5 of Maps, Page 32, records of Pinal County, Arizona;

be and hereby is amended by changing the zoning district classification from GR General Rural to CR-5 Multiple Residence Zone.

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, sub-section, 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 1ST DAY OF MAY, 19 84.

Wendell J. Clarke
Mayor

ATTEST:

Kathleen Connelly
City Clerk

APPROVED AS TO FORM:

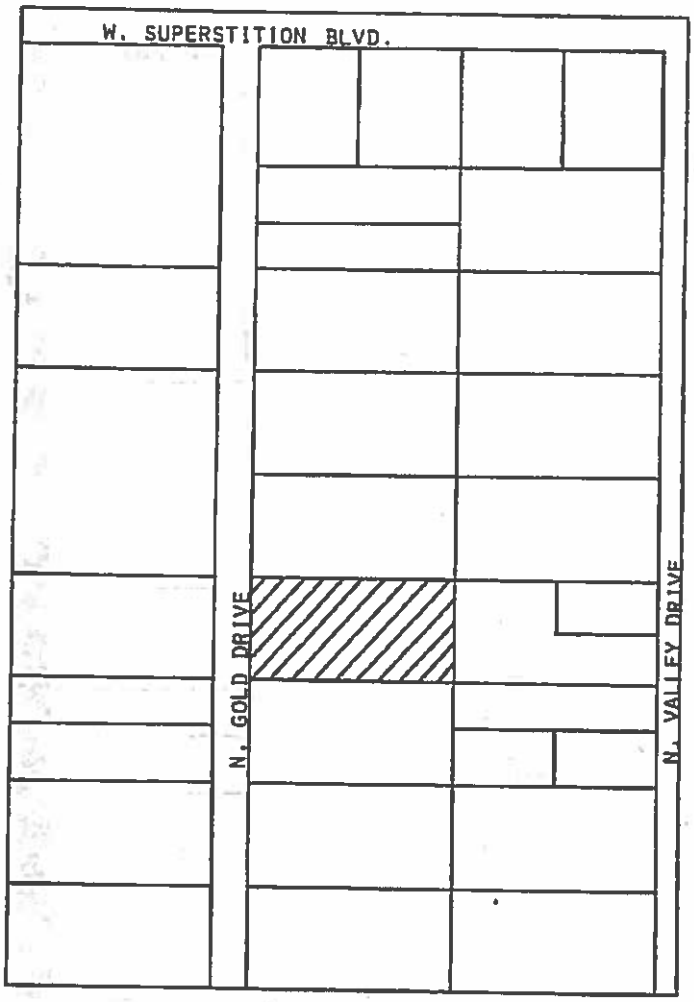
David F. Alexander
City Attorney

(N41)

PZ-9-84

PROPOSED ORDINANCE NO. 262

PROPOSED REZONE FROM (GR) GENERAL RURAL TO (CR-5) MULTIPLE RESIDENCE



RIGHT OF WAY/PROPERTY LINES

SUBJECT SITE

N

LIMITS OF ZONING (REMAINDER IS GENERAL RURAL)

SCALE: 1"=200'

N42

(N43)

Rudy Esquivias

From: Joel Stern
Sent: Friday, April 20, 2018 6:22 PM
To: ejackson@jacksonwhitelaw.com
Subject: Kaplan Property

E:

I have had some communication from staff on this matter. Staff indicates the zoning is RS-20M. It is a legal non-conforming use (with two Letters of Lawful Nonconformity). If all three structures were unfortunately to be removed by fire, floods, locusts and the like, up to one manufactured home (with a HUD Sticker, post 1976) could be installed. The zoning does not have a commercial feature.

As you may remember, we also discussed at our last meeting Rudy was going to reach out to the planner who handled the 1984 rezoning matter. His name is Jim Nakagawa and he currently works in CA. Here is the string of pertinent emails (please note I will send you the attachments to the 1984 rezoning case in a separate email):

-----Original Message-----
From: Rudy Esquivias
Sent: Thursday, April 19, 2018 12:29 PM
To: 'Jim Nakagawa'
Cc: Larry Kirch <lkirch@AJCity.Net>; Joel Stern <jstern@ajcity.net>
Subject: RE: Old 1984 Apache Junction zoning case

Jim, thank you for your expedient response. I did not think that the CR-5 zone would have been used to allow installation of RV spaces instead of apartments, even back in 1984. Thanks for confirming that.

From: Jim Nakagawa
Sent: Thursday, April 19, 2018 11:36 AM
To: Rudy Esquivias; James Nakagawa
Cc: Larry Kirch
Subject: RE: Old 1984 Apache Junction zoning case

Rudy,

This case seems to bring back some memories. It was one of my earlier rezoning cases when Joe Gero and Ray Nielsen left and before Chuck Newcomer came on board. The GR zone allowed for mobile homes. The CR-5 rezone at the time made sense since the general plan designated the area as medium/high density opportunity. Problem was, "opportunity area" wasn't very well defined. The intent was for the applicant to build apartment units which is what the CR-5 zone was intended for. It was not to allow manufactured or mobile homes or RV units. I thought the owner vested the rezoning by building apartments. Back then, though, development was constrained due to the lack of a sewer and treatment system. ADEQ began to tighten up on groundwater contamination standards. Judging from the current aerial photos, I'm surprised that more development hasn't happened yet in the area now that a sewer system is available.

I expected similar rezonings to follow. If I had it to do over again, I would have recommended conditional zoning (although I don't know if it would have been legal in Arizona at the time). I would have recommended a neighborhood area or specific plan stipulation for a broad area along with the condition of installing required public improvements (including drainage). Our impact fee ordinance was developed much later.

N44

Jim Nakagawa, AICP
City Planner
Community Development Department
City of Imperial Beach
825 Imperial Beach Blvd.
Imperial Beach, CA 91932
(619) 628-1355 direct | (619) 424-4093 fax

From: Rudy Esquivias [mailto:resquivias@ajcity.net]
Sent: Wednesday, April 18, 2018 5:11 PM
To: Jim Nakagawa
Cc: Larry Kirch <lkirch@AJCity.Net <mailto:lkirch@AJCity.Net> >

Subject: Old 1984 Apache Junction zoning case

Hi Jim:

I hope these days find you well. I hesitate to take up your time with old AJ history, but I am writing to ask you if you remember any details about the attached zoning case and related information, that you handled way back when. This relates to a board of adjustment case that we are currently processing.

Please review the attached material. It involved a request by a gentleman named Dan Millett who processed a rezoning for his property on N. Gold Drive, between W. Apache Trail and W. Superstition Boulevard, from GR (General Rural) to CR-5 (Multiple Residence Zone). The property (located in the center of the attached image from the city's 1985 aerial map) was already partially developed with: a duplex (SE corner of property); a triplex (center of property); and an old mobile home (NW of the triplex) which was situated over a small contained wash on the property.

I have two simple questions. Back in 1984, was the CR-5 zone sometimes used to allow or legitimize the mixing of conventional residential units (single and/or multi-family) and mobile homes? Secondly, could a rezoning to CR-5 also be used to allow a person to add more mobile home or RV units to a property which already contained other various residential structures?

I appreciate any insight you can share or recall on this Jim. If it just doesn't ring a bell, that's ok too. Thanks Jim, and I'll see at the next national convention—hopefully.

Rudy Esquivias
Senior Planner/Zoning Administrator
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119
480-474-2645

resquivias@ajcity.net <mailto:resquivias@ajcity.net>

R. Joel Stern

City Attorney
City of Apache Junction
300 E. Superstition Blvd.
Apache Junction, AZ 85119

N45

(480) 474-5105

(N46)

ADAM M. ASHBY
SUSAN B. COURT
JOHN K. DOSDALL
TIMOTHY W. DURKIN
JARED E. EVERTON
ROGER R. FOOTE
JEREMY S. GEIGLE
NATHANIEL J. HILL†
RYAN K. HODGES

JACKSONWHITE
ATTORNEYS AT LAW
A Professional Corporation

ERIC M. JACKSON‡
COLTON B. JOHNSTON
ERIC K. MACDONALD
JON M. MCAVOY
ANTHONY H. MISSELDINE
MICHAEL R. PRUITT
DAVID L. WEED
ASHELEE J. WEEKS
R. TYLER WHITE
RICHARD A. WHITE

†Also Licensed in California

‡Also Licensed in Utah

April 30, 2018

R. Joel Stern
City Attorney
City of Apache Junction
Via Email Only – jstern@ajcity.net

RE: Fast Micro Application

Dear Mr. Stern,

In our face to face meetings, and again on our telephonic conference, you confirmed that if Fast Micro could show a history of use of the northeast corner on its property at 529 Gold Drive, Apache Junction, Arizona for trailers, its Application for Non-Conforming Use to allow trailers would be approved. With that understanding, please consider this letter and its contents in supplement to Fast Micro's Application for Non-Conforming Use to permit trailers and RVs to be situated on the above referenced property. I have attached hereto the following aerial photographs, some of which Mr. Kaplan of Fast Micro has already provided and one recently provided by showing a side by side new and old aerial view.

1. New / Old view;
2. 1984 aerial;
3. 3/13/1985 aerial;
4. 1985 aerial image, Fuller later in 1985;
5. 6/5/1986 aerial survey; and
6. 3/12/1987 aerial survey.

First, Mr. Kaplan, using the new/old and other aerials by extrapolation, calculated the images situated in the northeast corner of the property. The image measures 24.5 feet by 7 feet, the size of a 5th wheel or travel trailer.

Mr. Kaplan has advocated that there are two units situated on the northeast corner of the property shown in the new/old aerial comparison and on the other aerials.

The 1984 aerial has a large image in that same corner, suggesting multiple units.

The 3/13/1985 aerial clearly shows at least two images, which are similar or equal to the size of a 5th wheel or travel trailer.

480.464.1111
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(N47)

Your staff suggests the images may be concrete slabs or some other structure. However, a view of the 6/5/1986 aerial strike at the credibility of that hypothesis. In the 1986 aerial, anything resembling a concrete slab or other structure has been removed. The only image that remains is unmistakably a vehicle. There is not evidence that the suggested slab was removed, and Dan Millett would testify that he never removed a slab.

The 3/12/1987 aerial shows at least one trailer situated on the northeast corner of the property in a different direction than the trailer appearing on the aerials of earlier years. Aerials of later years show clearly a greater number of trailers situated on the northeast corner of the property.

In addition to the foregoing, Dan Millett will testify that he intended to maintain trailers, including RVs on the northeast portion of the property when he filed his Application with the City in 1984 and shared in his plan with staff. Staff recommended that zoning be changed from GR to CR-5 and Mr. Millett filed the necessary application per staff recommendation. The Application was approved by the council.

Staff suggests that Mr. Millett has proposed building apartments on the property, but Mr. Millett denies that. In fact, this property will not accommodate what staff now suggests.

Staff supports his position by pointing to the dialog between Mr. Millet and a council member, wherein Mr. Millett was asked of the units to be placed on the property would be single story. Mr. Millett answered that, of course they would.

In summary, the aerials, the affidavits already submitted, and the represented testimony of Dan Millett all support Fast Micro's Application.

We ask staff to reconsider its present stance and we invite concessions leading to an acceptable resolution of this matter.

Because I will be in trial all this week, I ask that you allow Mr. Kaplan to deliver the hard copies to you of what is attached, and if you are available, to allow him to walk through the aerials presented. You have my consent and encouragement to discuss the aerials with him outside of my presence.

Again, I thank you for your interest in this matter.

Sincerely,

Jennifer Combs for

Eric M. Jackson
For the Firm

dictated but not read

EMJ/jpo
F:\DEF\Fast Micro\Communication\Stern 043018.docx