



City of Apache Junction

Development Services Department



Date: May 8, 2019

To: Honorable Mayor and City Council Members

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

From: Kelsey Schattnik, Planning Intern

Subject: May 21, 2019, City Council Public Hearing Item:
PZ-1-19 (Ordinance No. 1474) City-Initiated Rezoning
of Prickly Pear Recreational Vehicle Park

Background

This is a city initiated rezoning of the Prickly Pear RV Park from Recreational Vehicle Park ("RVP") to Old West Commercial by Planned Development ("B-2/PD") for the purpose of accommodating the non-conforming RV Park, removing the billboard located on the property, and to allow for potential future commercial redevelopment of the property.

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission public hearing was held on April 23, 2019 (planning staff report and exhibits attached). The Commission unanimously recommended approval of the rezoning (7-0). The attached ordinance represents staff's and the Commission's recommendation.

Staff Recommendation

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

Attachments:

- Draft Ordinance No. 1474
- PZ Staff Report from April 23, 2019, with all attachments.

ORDINANCE NO. 1474

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, AMENDING THE APACHE JUNCTION, ARIZONA, ZONING ORDINANCE, BY AMENDING THE ZONING DISTRICT MAP, CITY OF APACHE JUNCTION, ARIZONA, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PROPERTY DESCRIBED IN REZONING CASE PZ-1-19, A CITY-INITIATED REZONING, FROM RECREATIONAL VEHICLE PARK ("RVP") TO OLD WEST COMMERCIAL BY PLANNED DEVELOPMENT ("B-2/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the Prickly Pear Recreational Vehicle ("RV") Park is a substandard-sized nonconforming RV Park which is located on two parcels but functions as one park; and

WHEREAS, an unsightly billboard is located on the southeast corner of the property along W. Apache Trail and it is the city's desire to enhance the community's appearance as opportunities arise; and

WHEREAS, since 2016, the property owners and planning staff have been discussing the rezoning of the property for the purpose of future commercial redevelopment opportunities; and

WHEREAS, on January 22, 2019, the Apache Junction Planning and Zoning Commission gave direction to planning staff to proceed with a city-initiated rezoning for the property; and

WHEREAS, on April 23, 2019, the Apache Junction Planning and Zoning Commission voted unanimously (7-0) to recommend approval of rezoning case PZ-1-19, subject to the conditions prescribed herein.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF APACHE JUNCTION, ARIZONA, AS FOLLOWS:

SECTION I IN GENERAL

The zoning district classification on the Zoning District Map, City of Apache Junction, Arizona, for the parcels of land legally described as:

Parcel No. 1: Lots 6 and 8, Block 3, of amended plat of Newtown, according to the plat of record in the office of

the county recorder of Pinal County, Arizona, recorded in Book 5 of Maps, page 23A.

Except the east 17 feet of Lot 8, Block 3; and

Parcel No. 2: Lot 9, Block 3, of amended plat of Newtown, according to the plat of record in the office of the county recorder of Pinal County, Arizona, recorded in Book 5 of Maps, Page 23A.

Except the east 150 feet thereof;

be and hereby is amended from Recreational Vehicle Park ("RVP") to Old West Commercial by Planned Development ("B-2/PD") subject to the following conditions of approval:

- 1) The use of the RVP shall be allowed to continue as a non-conforming use. Three RV spaces shall be allowed to replace the apartments which were removed.
- 2) The lease of the billboard shall not be renewed at the end of its current term.
- 3) Future uses on the B-2/PD-zoned property shall include those uses normally allowed under the B-2 base zone, except for the following uses: pawn shop, tattoo and/or piercing establishment, storage businesses of any kind, taxi or shuttle business, convenience store, rescue mission, soup kitchen or homeless shelter, second-hand stores, used auto sales, auto or motorcycle repair shops, medical marijuana uses, or other uses determined by the zoning administrator to be incompatible with a retail/commercial/office strip center.
- 4) All development on the property is subject to proper permits and inspections, and compliance with all adopted city codes and ordinances, except as otherwise conditioned herein.
- 5) The owner of the property will take down and remove the billboard no later than October 31, 2019.
- 6) Failure to comply with condition no. 5 will result in planning staff bringing the case back to the Planning and Zoning Commission for further action.

SECTION II REPEALING ANY CONFLICTING PROVISIONS:

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III PROVIDING FOR SEVERABILITY:

If any section, subsection, 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 _____, 2019.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2019.

JEFF SERDY
Mayor

ATTEST:

KATHLEEN CONNELLY
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney



City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: April 23, 2019

CASE NUMBER: PZ-1-19

OWNERS: Charles Irion and Grant Stoaks

APPLICANTS: City-initiated

REQUEST: City-initiated rezoning from RVP (Recreational Vehicle Park) to B-2/PD (Old West Commercial by Planned Development)

LOCATION: Prickly Pear RV Park
1630 W. Apache Trail, Apache Junction, AZ

**GENERAL PLAN/
ZONING DESIGNATION:** Downtown Mixed Use; current zoning is RVP.

SURROUNDING USES: North: Residential and commercial (zoned RVP and B-1);
East: Commercial (zoned B-2 and B-2/PD);
South: Commercial (zoned B-2);
West: Residential (zoned RVP and RS-20M)

BACKGROUND

Prickly Pear RV park is located at 1630 W. Apache Trail, just west of Ironwood on the north side of Apache Trail, behind (west of) The Sandwich Shoppe and Paul's Insurance. Prickly Pear RV park sits on two parcels, #101020620 and #101020660, and is currently zoned RVP (Recreational Vehicle Park). There is also a billboard located on the southeast corner of the property along Apache Trail.

Staff has worked with the property owners over the last couple of years to improve conditions on the property and they are amenable to the rezoning.

Staff offered to process a City-initiated rezoning from RVP (Recreational Vehicle Park) to B-2/PD (Old West Commercial by Planned Development) and on January 22, 2019 the Planning and Zoning Commission gave direction to staff to proceed. See attached e-mail dated February 8, 2016.

PROPOSAL

This is a City-initiated request to rezone the Prickly Pear RV Park from RVP to B-2/PD. This rezoning will allow for future commercial redevelopment to improve the viability of the area, and result in the removal of the billboard. In exchange for the removal of the billboard, the city will allow the owners to add 3 RV spaces to replace the dilapidated apartments that were removed.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The subject site is designated by the city's General Plan as "Downtown Mixed Use". The adjacent properties are all zoned either residential or commercial. The rezoning is in compliance with the General Plan.

Zoning/Site Context:

The proposed B-2/PD zoning is compatible with the subject properties within the area.

Public Input:

We have received one phone call from a neighboring property owner, who did not object to the rezoning.

Planning Division Recommendation

Planning Staff recommends approval of the proposed rezoning. The change in zoning will accommodate the non-conforming RV Park, result in the removal of the billboard, allow the owner to recover 3 rental spaces, and allow for potential future commercial redevelopment of the property with uses appropriate to downtown.

Planning Staff offers the following Recommended Motion, to rezone the Prickly Pear RV Park, should the Commission wish to forward a recommendation of approval to the City Council.

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the City Council the (APPROVAL/DENIAL) of rezoning case PZ-1-19, a city-initiated rezoning request, for the Prickly Pear RV Park, from RVP (Recreational Vehicle Park) to B-2/PD (Old West Commercial by Planned Development), subject to the following conditions of approval:

- 1) The use of the RV Park shall be allowed to continue as a non-conforming use. Three RV spaces shall be allowed to replace the apartments which were removed.
- 2) The lease of the billboard shall not be renewed at the end of its current lease.
- 3) The use of the three additional RV spaces will not be permitted until a copy of the billboard lease is provided to the city.
- 4) Future uses on the B-2/PD-zoned property shall include those uses normally allowed under the B-2 base zone, except for the following uses: pawn shop, tattoo and/or piercing establishment, storage businesses of any kind, taxi or shuttle business, convenience store, rescue mission, soup kitchen or homeless shelter, second-hand stores, used auto sales, auto or motorcycle repair shops, medical marijuana uses, or other uses determined by the Zoning Administrator to be incompatible with a retail/commercial/office strip center.
- 5) All development on the property is subject to proper permits and inspections, and compliance with all adopted City codes and ordinances, except as otherwise conditioned herein.



Prepared by Kelsey Schattnik
Planning Intern

Attachments:

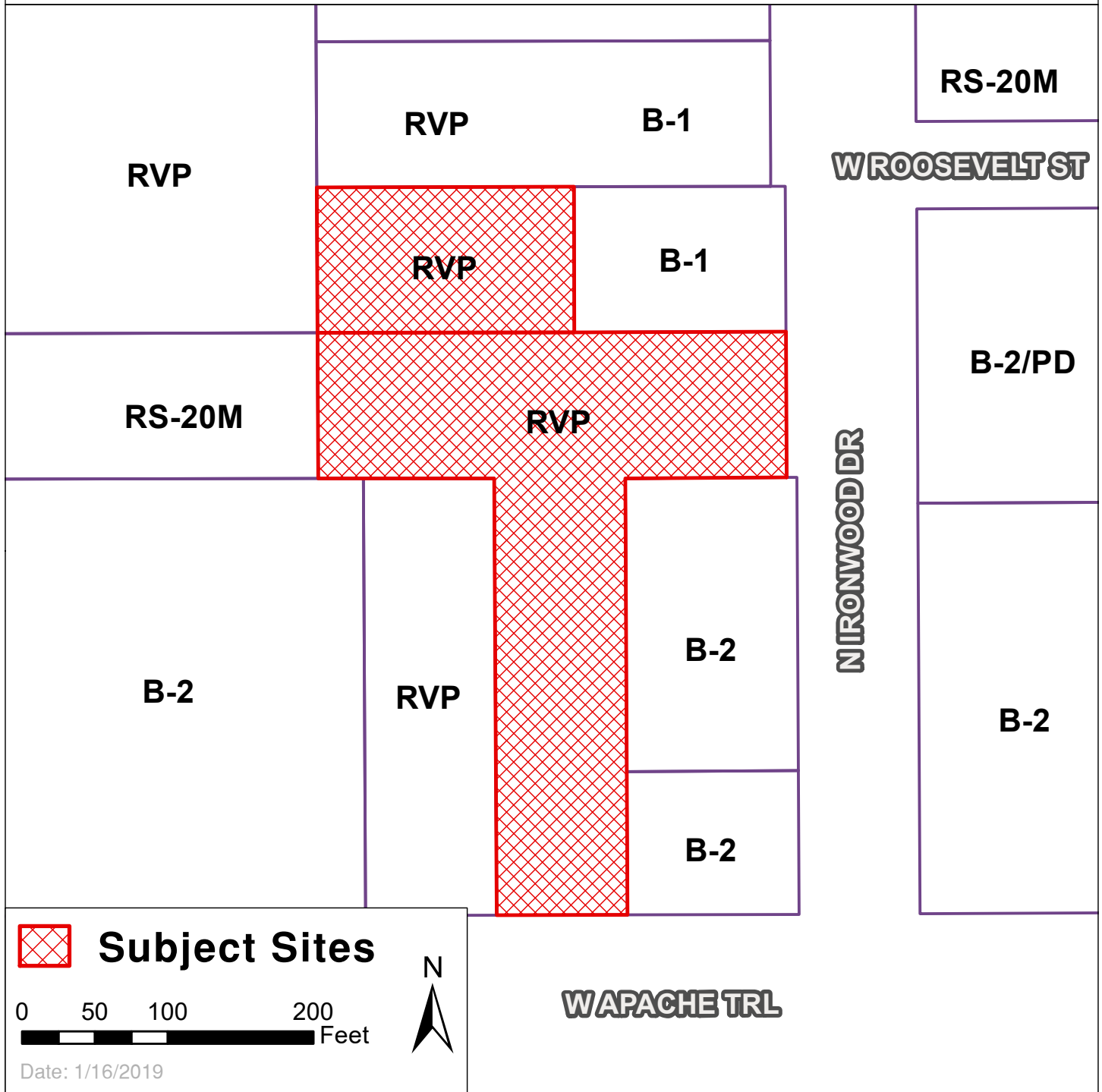
- Exhibit #1 - PZ-1-19 Vicinity Map
- Exhibit #2 - PZ-1-19 Aerial Map
- Exhibit #3 - Email with Grant Stoaks

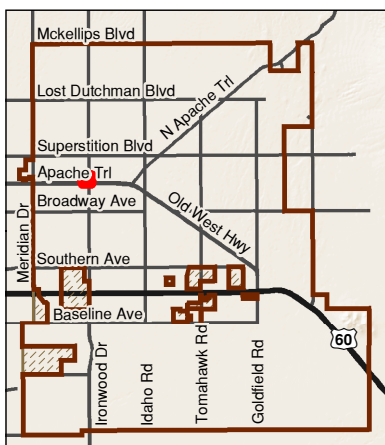


Vicinity Map

1630 W. APACHE TRAIL

CITY-INITIATED REZONING REQUEST FROM RVP
(RECREATIONAL VEHICLE PARK) TO B-2/PD
(OLD WEST COMMERCIAL/PLANNED
DEVELOPMENT OVERLAY)



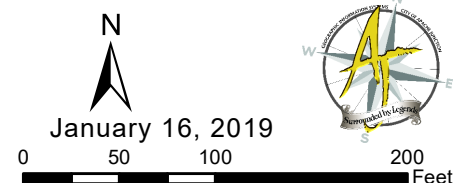


City of Apache Junction Aerial Map 1630 W. APACHE TRAIL

LEGEND

Subject Site

DISCLAIMER: This exhibit was produced without benefit of a field survey and is not intended to represent a survey document of any kind. Distances shown hereon are approximate. Parcel lines shown hereon are approximate and may not reflect the exact position or alignment of parcel lines, roadway center lines, or easement lines.



Rudy Esquivias

From: Rudy Esquivias
Sent: Monday, February 08, 2016 7:49 PM
To: Grant Stoaks (stoaks@cox.net)
Cc: Larry Kirch; Stephanie Bubenheim; Jesse Regnier; Dave Zellner
Subject: 1630 W. Apache Trail

Grant:

As follow-up to our meeting the other day, and after getting some support from higher up, here is what we propose. If the old apartment units in question are demolished, then unfortunately because of the city's current zoning and nonconforming use regulations, they could not be replaced, nor could three new RV spaces be placed there instead.

As an option, we offer you this: Planning staff would go to the Planning and Zoning Commission and ask that they give us direction to do a city-initiated rezoning. Our offer is to rezone your property to a commercial planned development zoning district, probably B-2/PD, with a palette of commercial uses for the future redevelopment of the property. You could continue to operate the RV park, and you would be allowed to add those three RV spaces you want under the PD zoning. In return, we will ask you to produce an accurate, professionally drawn site plan of the park and we will request that the lease on the billboard NOT be renewed and that it be taken down at the end of its current term in 2019. What do you think? Please let us know. Thanks.

Rudy Esquivias

Senior Planner/Zoning Administrator
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SERVICE OVER AND ABOVE THE REST

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