



City of Apache Junction

Development Services Department



Date: December 3, 2019

To: Honorable Mayor and City Council Members

Through: Bryant Powell, City Manager
Larry Kirch, Development Services Director
Rudy Esquivias, Planning Manager/Zoning Administrator

From: Nicholas Leftwich, Planning Intern

Subject: December 3, 2019, City Council Public Hearing Item:
PZ-9-19 (Ordinance No. 1479) City-Initiated Corrective
Rezoning of the "Ironwood, Gold, Greasewood and
Roundup" neighborhood.

Background

This is a city-initiated corrective rezoning for the "Ironwood, Gold, Greasewood and Roundup" Neighborhood. This request is to rezone the twenty two (22) residential properties comprising ten (10) acres from RS-20M (Medium Density Single-Family Detached Residential; 20,000 square foot minimum lot size) to RS-10M (Medium Density Single-Family Detached Residential; 10,000 square foot minimum lot size). These properties had inadvertently and incorrectly been zoned to RS-20M, dating back to the City's adoption of its new zoning ordinance in 2014.

Planning and Zoning Commission Recommendation

A Planning and Zoning Commission public hearing was held on November 12, 2019 (planning staff report and exhibits attached). The Commission unanimously recommended approval of the rezoning. The vote was 6-0, accounting for the absence of Commissioner Howard. The attached ordinance represents staff's and the Commission's recommendation.

Staff Recommendation

Staff recommends approval, subject to the conditions found in the staff report.

Attachments:

- Draft Ordinance No. 1484
- PZ Staff Report from November 12, 2019, with all attachments.

ORDINANCE NO. 1484

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 PROPERTIES DESCRIBED IN REZONING CASE PZ-9-19, A CITY-INITIATED REZONING, FROM MEDIUM DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL "RS-20M" TO MEDIUM DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL "RS-10M"; REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, prior to 2014, the zoning designations for this approximately ten (10) acre area bounded by N. Ironwood Drive, N. Gold Drive, W. Roundup Street, and W. Greasewood Street (legally described in Section I below) were the Single Family Residence Zone/ Manufactured Homes "CR-2MH" and Trailer Homesite Zone "TH", former zoning districts with minimum lot sizes of 11,000 square feet and 8,000 square feet, respectively; and

WHEREAS, on May 6, 2014, pursuant to Ordinance No. 1402, the Apache Junction City Council adopted a new zoning ordinance and zoning district maps, and the subject properties were inadvertently given a new zoning designation of Medium Density Single-Family Detached Residential "RS-20M" which mandates minimum lot sizes of 20,000 square feet; and

WHEREAS, property owners have voiced concerns regarding the inability of developing and utilizing their properties in accordance with former CR-2MH and TH regulations versus the current RS-20M zoning designation; and

WHEREAS, staff observed that thirteen (13) lots of the original twenty two (22) lots have a lot size below the current minimum lot size of 20,000 square feet; and

WHEREAS, on September 24, 2019, the Apache Junction Planning and Zoning Commission recommended the rezoning be initiated; and

WHEREAS, on November 12, 2019, the Apache Junction Planning and Zoning Commission voted to recommended approval of rezoning case PZ-9-19, in a vote of 6 to 0, 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:

The Northwest quarter of the Southwest quarter of the Southwest quarter of Section 17. Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County AZ; also known as Pinal County Assessor parcels 100-30-022G, 022C, 022D, 022F, 022E, 022B, 022H, 023H, 022J, 023K, 023L, 023M, 023N, 0470, 0460, 085A, 0770, 0860, 0870, 088B, 0890, and 0900, be and hereby is amended from Medium Density Single-Family Detached Residential "RS-20M" to Medium Density Single-Family Detached Residential "RS-10M", subject to the following conditions of approval:

- 1) The property owners shall dedicate the 33-foot wide federally patented easements on their properties as right-of-way to the City of Apache Junction, along the bordering street fronts (Greasewood Street, Ironwood Drive, Roundup Street or Gold Drive) as applicable.
- 2) Any lots which may result in a minimum lot size of less than 10,000 net square feet after right-of-way dedications shall be considered lawful non-conforming lots for zoning purposes.

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:

JENNIFER PEÑA
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: November 12, 2019

CASE NUMBER: PZ-9-19, "City Initiated Rezoning of Ironwood, Gold, Greasewood and Roundup"

APPLICANT: City of Apache Junction, Staff Initiated Rezoning

REQUEST: Proposed corrective rezoning of an approximately ten (10) acre neighborhood from RS-20M (Medium Density Single-Family Detached Residential) to RS-10M (Medium Density Single-Family Detached Residential) for the purpose of applying a zoning district that more accurately accommodates existing lot sizes, setbacks, and other bulk zoning issues.

LOCATION: The properties are located in the neighborhood block bounded by N. Ironwood Drive, N. Gold Drive, W. Roundup Street, and W. Greasewood Street, consisting of parcels 100-30-022G, 022C, 022D, 022F, 022E, 022B, 022H, 023H, 022J, 023K, 023L, 023M, 023N, 0470, 0460, 085A, 0770, 0860, 0870, 088B, 0890, 0900.

**GENERAL PLAN/
ZONING DESIGNATION:** Medium Density Residential/ RS-20M (Medium Density Single-Family Detached Residential)

SURROUNDING USES: North: Residential Lots, zoned RS-20M and RS-GR

South: Residential Lots, zoned RS-GR

East: Residential Land, zoned RS-20M

West: Residential Land, zoned RS-7M/PD
and RS-GR

BACKGROUND

The proposed request affects twenty two (22) residential properties that are currently zoned RS-20M (Medium Density Single-Family Detached Residential) which requires a minimum lot size of 20,000 square feet. Prior to the city adopting its new zoning ordinance and maps in 2014, this neighborhood had been more appropriately zoned CR-2MH and TH, which were former zoning districts that allowed for lot sizes as small as 11,000 square feet and 8,000 square feet, respectively. The 2014 rezoning inadvertently rezoned the neighborhood to 20,000 square foot lots.

One of the property owners located within the area voiced concern that the current zoning was too restrictive and that the current zoning designation does not match the circumstances of the neighborhood. Staff observations found that this was true and that the current zoning regulations were restrictive on a majority of the subject properties. On September 24, 2019, Staff brought the matter to the Planning and Zoning Commission in order to receive direction regarding the correction of this issue and received direction to initiate a corrective rezoning.

PROPOSAL

PZ-9-19 is a corrective rezoning of ten (10) acres from RS-20M (Medium Density Single-Family Detached Residential; 20,000 square foot minimum lot size) to RS-10M (Medium Density Single-Family Detached Residential; 10,000 square foot minimum lot size).

PLANNING STAFF ANALYSIS

Relationship to General Plan:

The subject site is designated by the city's General Plan as "Medium Density Residential (MD)." The rezoning does not conflict with the General Plan's Medium Density Residential designation and will further facilitate this land usage.

Infrastructure Improvements:

Planning staff is requesting that the existing Federally Patented Easements located on thirteen (13) of the properties along Ironwood Drive, Gold Drive, Roundup Street, and Greasewood Street be dedicated as City of Apache Junction right-of-way.

Zoning/Site Context:

The ten (10) acre site is comprised of twenty two (22) privately owned residential properties surrounded by residential land on all sides. Most of the lots are less than 20,000 square feet in size, thus making them non-compliant with zoning standards. This rezoning will largely correct that situation.

Public Input:

On August 5, 2019, staff sent a letter to the property owners located within this block that notified them of the possibility of rezoning, explained the process, invited them to a neighborhood meeting, and asked for comments. On September 4, 2019, staff held a neighborhood meeting at the Apache Junction Multi-Generational Center where two property owners attended to ask questions. They shared their support for the rezoning. Staff also discussed the issue of possible right-of-way dedications of the existing Federally Patented Easements located on thirteen (13) of the properties as part of the rezoning. The neighbors, which both owned one of those properties, did not express concern.

After receiving direction to initiate a rezoning of the subject site from the Planning and Zoning Commission on September 24, 2019, on October 3, 2019, Staff mailed a letter to the twelve (12) property owners who would be asked to dedicate the Federally Patented Easement on their property as right-of-way (two of the thirteen properties shared the same owner). This letter explained the rezoning and the standard practice of requiring the dedication of right-of-way, as well as explaining how that would affect each of their properties. Two property owners have responded to the letter. One property owner called to clarify the process of right-of-way dedication and asked what difference it would make for his property. He did not have any problem with the dedication or rezoning. The other property owner called to express that he and his wife do not wish to dedicate right-of-way. In the conversation with him the rezoning was explained and he was given notice of the public hearing in order to voice his concerns or ask questions.

On October 23, 2019, public hearing notification letters were sent by Staff to all property owners within the affected area as well as property owners within a 300-foot radius, for a total of fifty-five letters.

Staff has not received any further comments regarding the rezoning request.

FINDINGS OF FACT

The subject site consists of twenty two (22) residential properties that are currently zoned RS-20M which requires a minimum lot size of 20,000 square feet. Prior to 2014, the zoning for area in question was CR-2MH and TH, which were former zoning districts that allowed for lot sizes as small as 11,000 square feet and 8,000 square feet, respectively. When the city adopted a new zoning ordinance and zoning district maps in 2014, the subject properties were given the new zoning designation of RS-20M (Medium Density Single-Family Detached Residential), which matched the General Plan designation but did not take into account the many lot divisions that had occurred over time which produced lots sizes that did not meet the RS-20M standards.

Staff observations found that many of the parcels in this neighborhood were much less than the minimum lot size and were burdened by the zoning regulations intended for larger lots. Of the 22 lots, thirteen (13) lots have a lot size below the current minimum lot size of 20,000 square feet. Additionally, owners of the larger lots are unable to further divide their parcels into smaller lots under the current standards, which is an issue Staff has received a complaint about from one of the property owners.

PLANNING DIVISION RECOMMENDATION

Planning Staff recommends the approval of the proposed corrective rezoning, subject to conditions, for the purpose of applying a zoning district to the affected properties that more accurately accommodates existing lot sizes, setbacks, and other bulk zoning issues.

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

RECOMMENDED MOTION FOR PLANNED DEVELOPMENT REZONING

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of planned development rezoning case PZ-9-19, a city-initiated request to rezone the 10 acre area bounded by N. Ironwood Drive, N. Gold Drive, W. Roundup Street, and W. Greasewood Street, from RS-20M (Medium Single-Family Detached Residential) to RS-10M (Medium Single-Family Detached Residential), subject to the following condition:

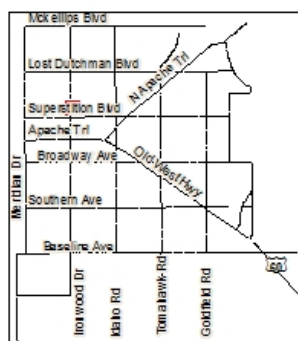
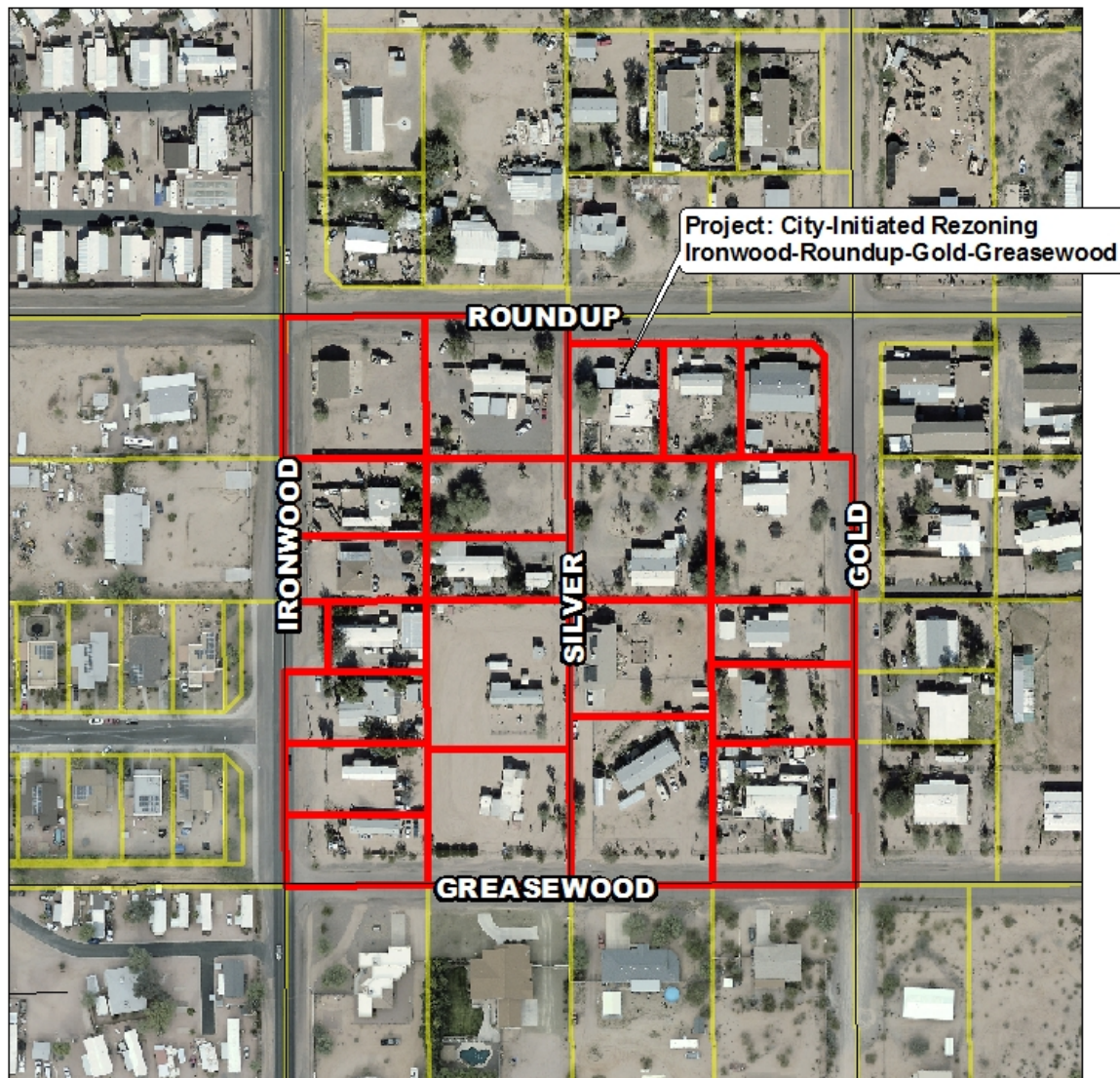
- 1) Property owners shall dedicate the 33-foot wide Federally Patented Easement on their properties as right-of-way to the City of Apache Junction, along the bordering street fronts (Greasewood Street, Ironwood Drive, Roundup Street or Gold Drive) as applicable.
- 2) Any lots which may result in a minimum lot size of less than 10,000 net square feet after right-of-way dedications shall be considered lawful non-conforming lots for zoning purposes.



Prepared by Nicholas Leftwich
Planning Intern

Attachments:

Exhibit #1 - PZ-9-19 Aerial Exhibit
Exhibit #2 - PZ-9-19 Vicinity Exhibit
Exhibit #3 - PZ-9-19 Existing Zoning Map
Exhibit #4 - PZ-9-19 Proposed Zoning Map
Exhibit #5 - Aerial Image showing Right-of-Way status of dedications

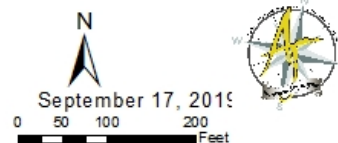


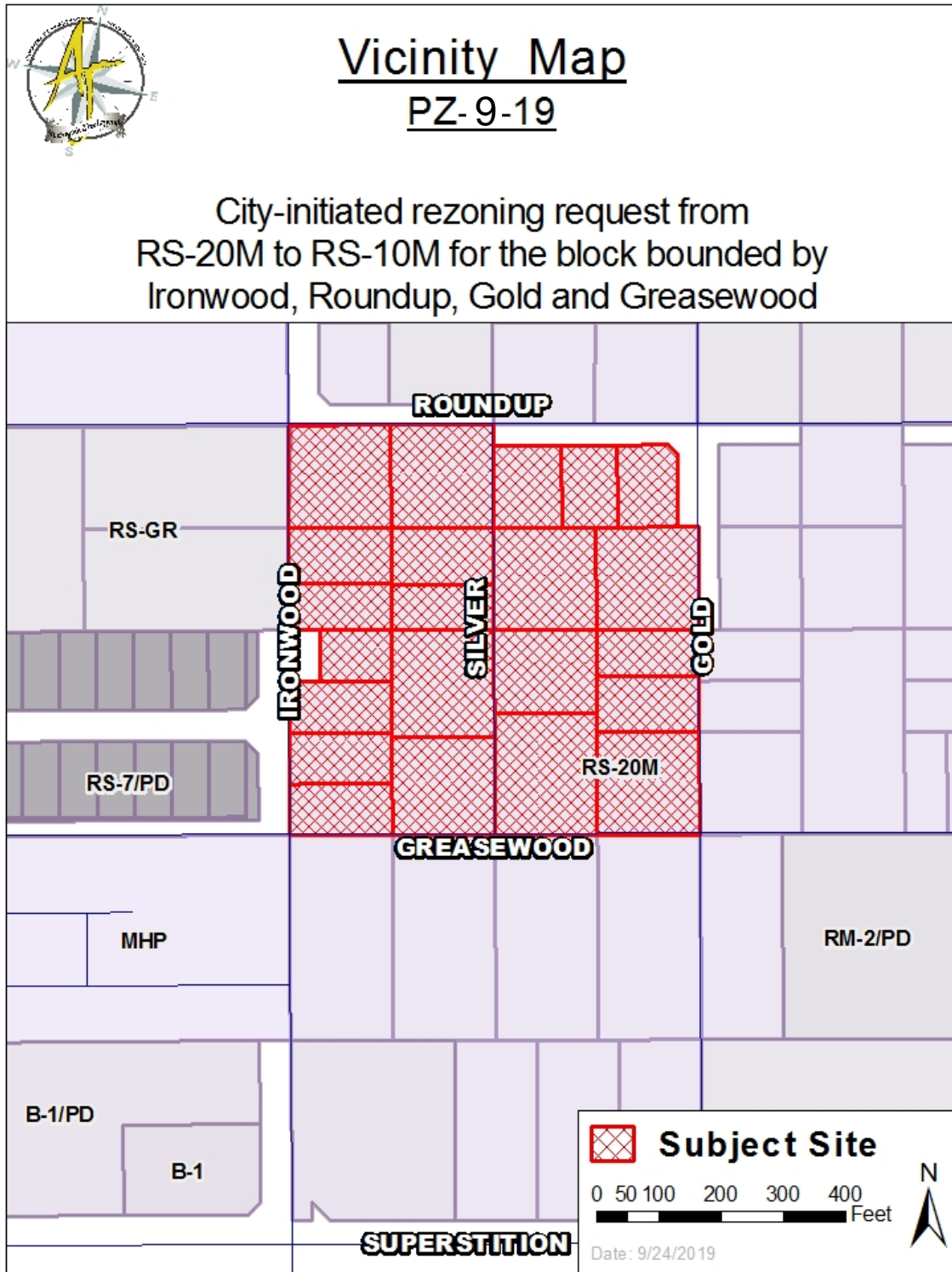
City of Apache Junction
Ironwood-Roundup-
Gold-Greasewood
Aerial Exhibit

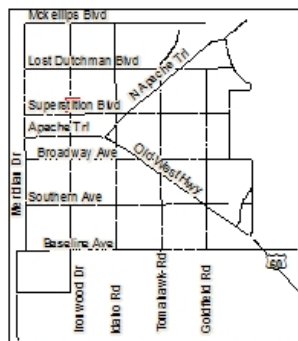
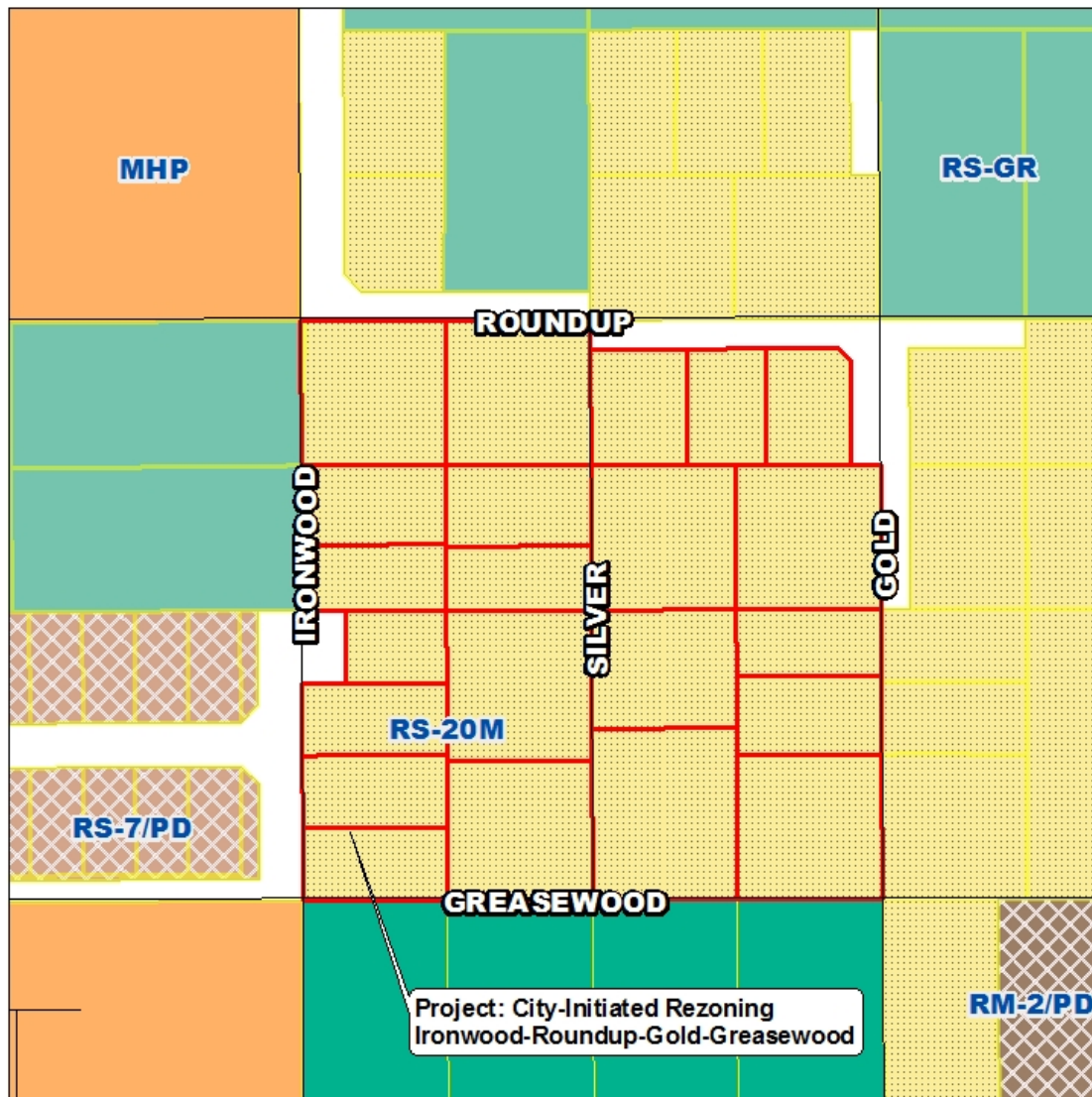
LEGEND

Subject Properties Parcels

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.







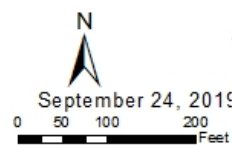
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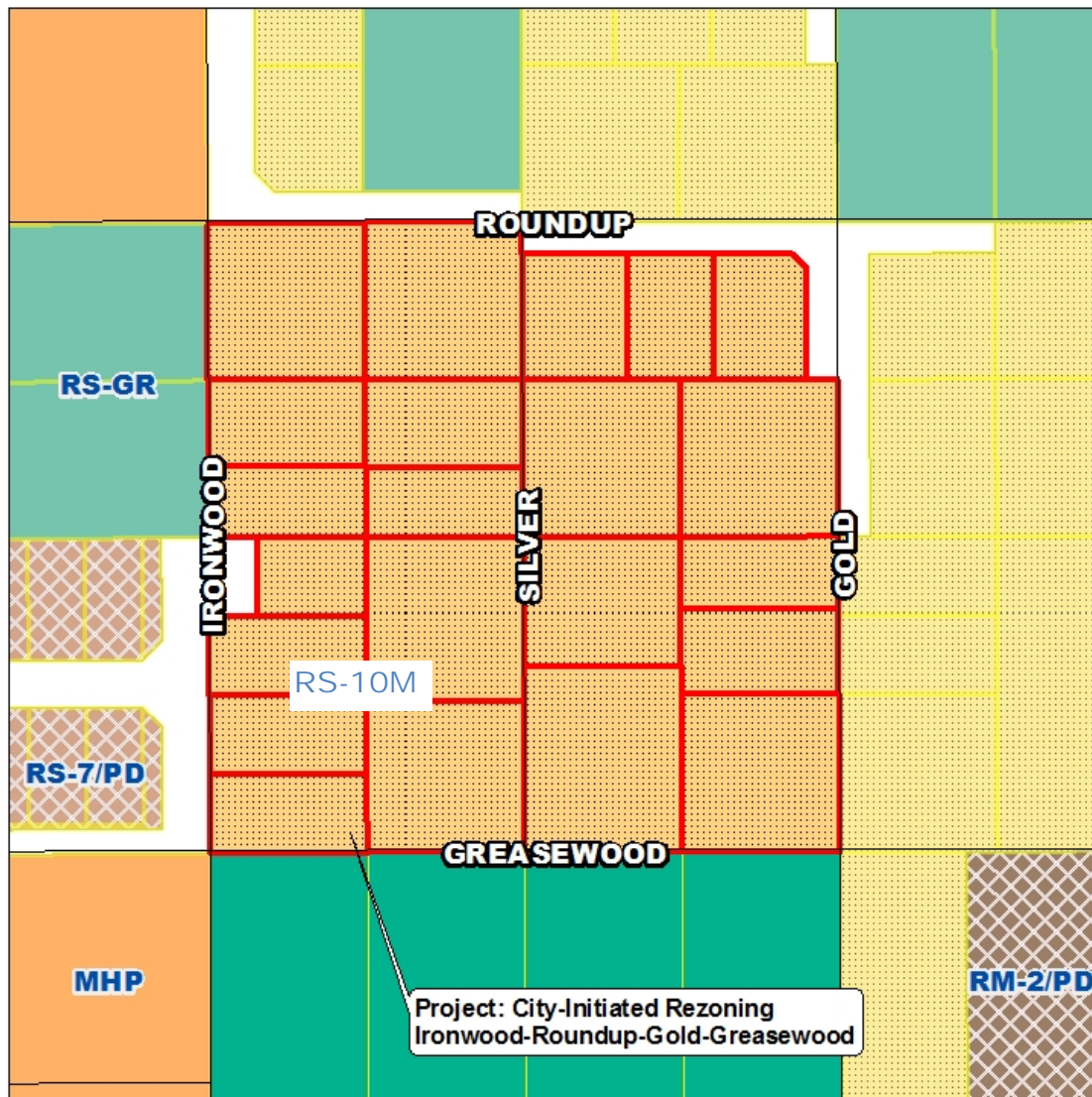
City of Apache Junction PZ-9-19 Aerial Exhibit

LEGEND

PZ_IRGG_19_Parcel Subject Site Parcels

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City of Apache Junction PZ-9-19 Aerial Exhibit

LEGEND

PZ_IRGG_19_Parcel Subject Site Parcels

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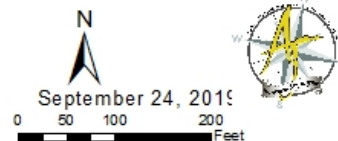




Exhibit 5. Dark green represents City Dedicated Right-of-Way, Light green represents the Federally Patented Easements that are required to be dedicated.