



# *City of Apache Junction*

## *Development Services Department*



Date: March 17, 2020

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: March 17, 2020, City Council Public Hearing Item:  
PZ-2-20 (Ordinance No. 1489) City-Initiated Corrective  
Rezoning of lots 1-8 and lots 17-23 of the  
Superstition Villa Subdivision.

### Background

This is a city-initiated corrective rezoning of 15 lots from RS-7 (Medium/High Density Single-Family Detached Residential) to RM-1 (High Density Multiple-Family Residential) for the purpose of re-aligning the zoning designation with the subject site's current and historic land use. These properties had inadvertently and incorrectly been zoned to RS-7, 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 February 25, 2020 (planning staff report and exhibits attached). The Commission unanimously recommended approval of the rezoning in a vote of 7-0. The attached ordinance represents staff's and the Commission's recommendation.

### Staff Recommendation

Staff recommends approval of the rezoning.

### Attachments:

- Draft Ordinance No. 1489
- PZ Staff Report from February 25, 2020, with all attachments.

ORDINANCE NO. 1489

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-2-20, A CITY-INITIATED REZONING, FROM MEDIUM/HIGH DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-7") TO HIGH DENSITY MULTIPLE-FAMILY RESIDENTIAL ("RM-1"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, prior to 2014, the zoning designation for the fifteen (15) lots legally described as lots 1-8 and lots 17-23 of the Superstition Villa Subdivision located at W. 16<sup>th</sup> Avenue and S. San Marcos Drive was the Multiple Family Residence ("CR-5") designation, a former zoning district that allows multiple family residences; 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/High Density Single-Family Detached Residential ("RS-7") which prohibits the land use of multiple family residences; and

WHEREAS, staff observed that all fifteen (15) lots consist of multiple family residences that were allowed and constructed under the former CR-5 regulations; and

WHEREAS, the property is currently considered non-conforming and property owners are unable to develop or utilize their properties in accordance with former CR-5 regulations under the current RS-7 zoning designation; and

WHEREAS, on January 14, 2020, the Apache Junction Planning and Zoning Commission recommended the rezoning be initiated; and

WHEREAS, on February 25, 2020, the Apache Junction Planning and Zoning Commission unanimously recommended approval to the city council of rezoning case PZ-2-20.

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  
for the parcels of land legally described as:

Lots 1-8 and Lots 17-23 of SUPERSTITION VILLA, according to  
the plat of record in the office of the county recorder of  
Pinal County, Arizona, recorded in Book 12 of Maps, Page 39  
and re-dedicated in Docket 430, page 600,

be and hereby is amended from Medium/High Density Single-Family  
Detached Residential ("RS-7") to High Density Multiple-Family  
Residential ("RM-1").

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 \_\_\_\_\_, 2020.

SIGNED AND ATTESTED TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
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:** February 25, 2020

**CASE NUMBER:** PZ-2-20, "City Initiated Rezoning of lots 1-8 and lots 17-23 of the Superstition Villa Subdivision"

**APPLICANT:** City of Apache Junction,  
Staff Initiated Rezoning

**REQUEST:** Proposed corrective rezoning of 15 lots from RS-7 (Medium/High Density Single-Family Detached Residential) to RM-1 (High Density Multiple-Family Residential) for the purpose of re-aligning the zoning designation with the subject site's current and historic land use.

**LOCATION:** The properties are located along the south side of 16<sup>th</sup> Avenue between S. San Marcos Drive and S. Plaza Drive consisting of lots 1-8 and lots 17-23 of the Superstition Villa Subdivision.

**GENERAL PLAN/  
ZONING DESIGNATION:** Medium Density Residential/ RS-7  
(Medium/High Density Residential)

**SURROUNDING USES:** North: Residential Lots, zoned RS-7;  
Roadhaven Resort, zoned RVP/PD;  
and an Apache Junction Water Utilities facility, zoned PI.

South: Residential Lots, zoned RS-7 & RM-2

East: Residential Lots, zoned RS-7

West: Residential Lots, zoned RS-7/PD

“City Initiated Rezoning of lots 1-8 and lots 17-23 of the Superstition Villa Subdivision”  
Case PZ-2-20

February 25, 2020 Planning and Zoning Commission Staff Report

## **BACKGROUND**

The proposed request affects fifteen (15) multi-family residential properties that are currently zoned RS-7 (Medium/High Density Single-Family Detached Residential) which is a zoning district that prohibits multi-family housing such as duplexes or multiplexes. Under the current RS-7 zoning designation, every housing structure in this area would be considered non-conforming. However, all of these structures were built when the zoning for this area was the CR-5 "Multiple Family Residence" zoning designation under the city's pre-2014 zoning ordinance and maps.

This zoning conflict was recently brought to the attention of the Staff and creates conflicts regarding the usage and permitting of these properties. Staff seeks to remedy these issues through the rezoning of these properties to the original multi-family residential zoning designation.

On January 14, 2020, 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-2-20 is a corrective rezoning of 15 lots from RS-7 (Medium/High Density Single-Family Detached Residential) to RM-1 (High Density Multiple-Family Residential).

## **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 area is less than four (4) acres total in size and thus does not require a major general plan amendment.

### *Zoning/Site Context:*

The fifteen (15) privately owned multi-family residential properties are primarily surrounded by residential land on all sides, with the Roadhaven RV Park and an Apache Junction Water Utilities Facility to the north, across 16<sup>th</sup> Avenue. As the current RS-7 zoning designation only allows single-family

“City Initiated Rezoning of lots 1-8 and lots 17-23 of the Superstition Villa Subdivision”  
Case PZ-2-20

February 25, 2020 Planning and Zoning Commission Staff Report

residences and prohibits multi-family residences, the properties are non-compliant with zoning standards. This rezoning will largely correct that situation.

*Public Input:*

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 one hundred thirty-seven (137) letters.

Staff has received one comment from a property owner south of the subject site who expressed concern that the re-zoning would allow the development of high-rise apartments on these properties, which the caller considered uncharacteristic of the area.

**FINDINGS OF FACT**

Prior to 2014, the zoning designation for the fifteen (15) lots in question was CR-5 (Multiple Family Residence), which authorized the multi-family residences. However, when the city adopted a new zoning ordinance and zoning district maps in 2014, the subject properties were incorrectly given the new zoning designation of RS-7 (Medium/High Density Single-Family Detached Residential) which is an incompatible zoning designation due to its single-family residence requirements.

Both the current and historic land use of this property is multi-family residential, and the application of the current RS-7 Single Family Residential zoning designation was an oversight of the 2014 city-wide zoning changes.

**PLANNING DIVISION RECOMMENDATION**

Planning Staff recommends the approval of the proposed corrective rezoning for the purpose of correcting a zoning district containing regulations conflicting with both the present and historic land use of the affected properties.

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

**RECOMMENDED MOTION FOR PLANNED DEVELOPMENT REZONING**

““City Initiated Rezoning of lots 1-8 and lots 17-23 of the Superstition Villa Subdivision”

Case PZ-2-20

February 25, 2020 Planning and Zoning Commission Staff Report

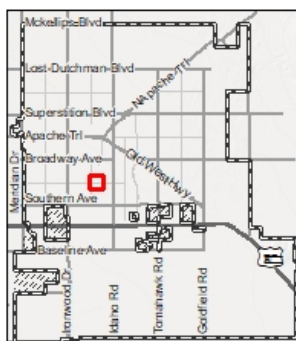
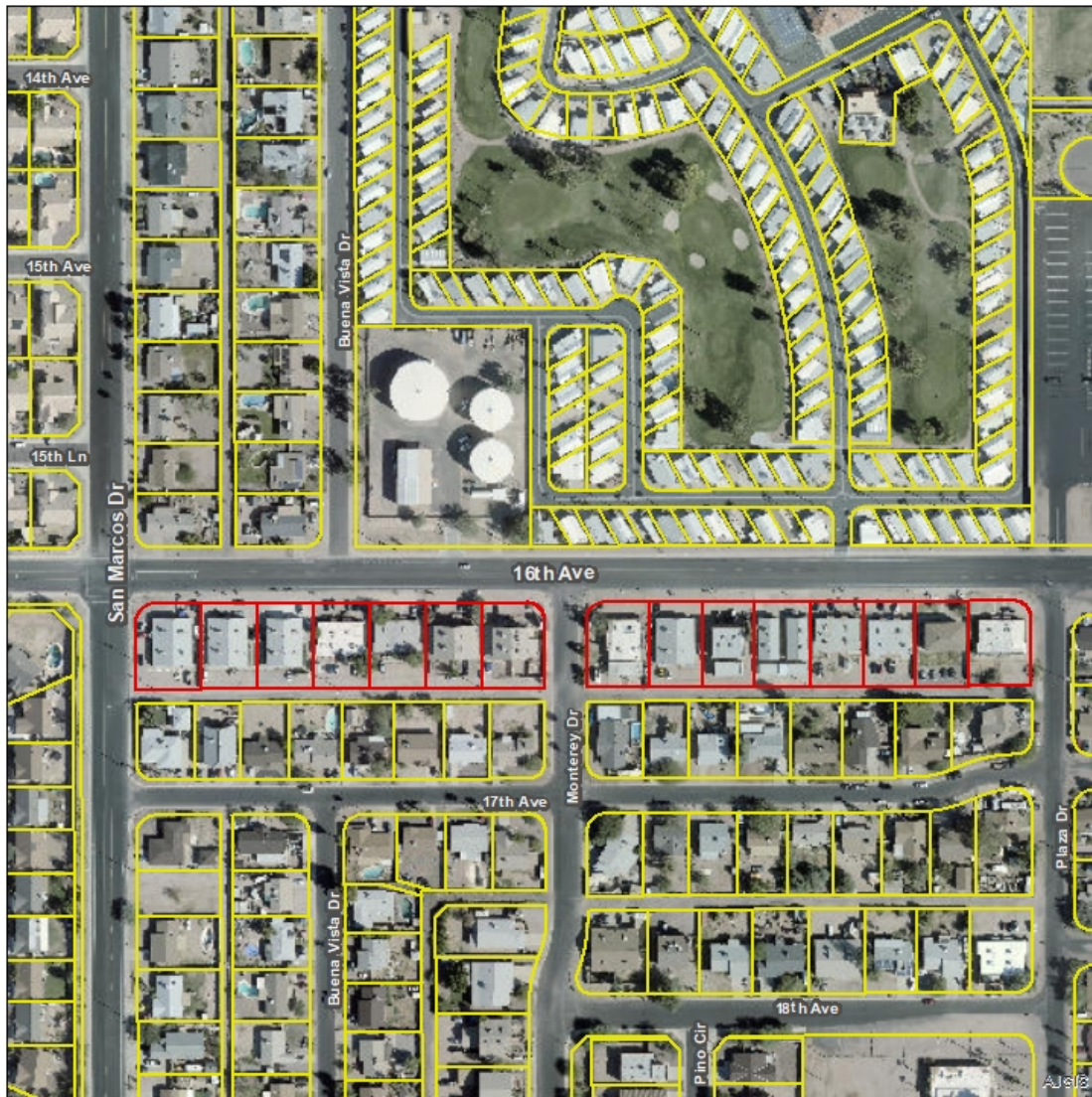
I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of the rezoning case PZ-2-20, a city-initiated request to rezone lots 1-8 and lots 17-23 of the Superstition Villa Subdivision from RS-7 (Medium/High Density Single-Family Detached Residential) to RM-1 (High Density Multiple-Family Residential).

Nick Leftwich

Prepared by Nicholas Leftwich  
Planning Intern

Attachments:

Exhibit #1 - PZ-2-20 Aerial Exhibit  
Exhibit #2 - PZ-2-20 Vicinity Exhibit  
Exhibit #3 - PZ-2-20 Existing Zoning Map



**City of Apache Junction**  
**Aerial Exhibit**  
**16th Ave and San Marcos Rezoning**

**LEGEND**

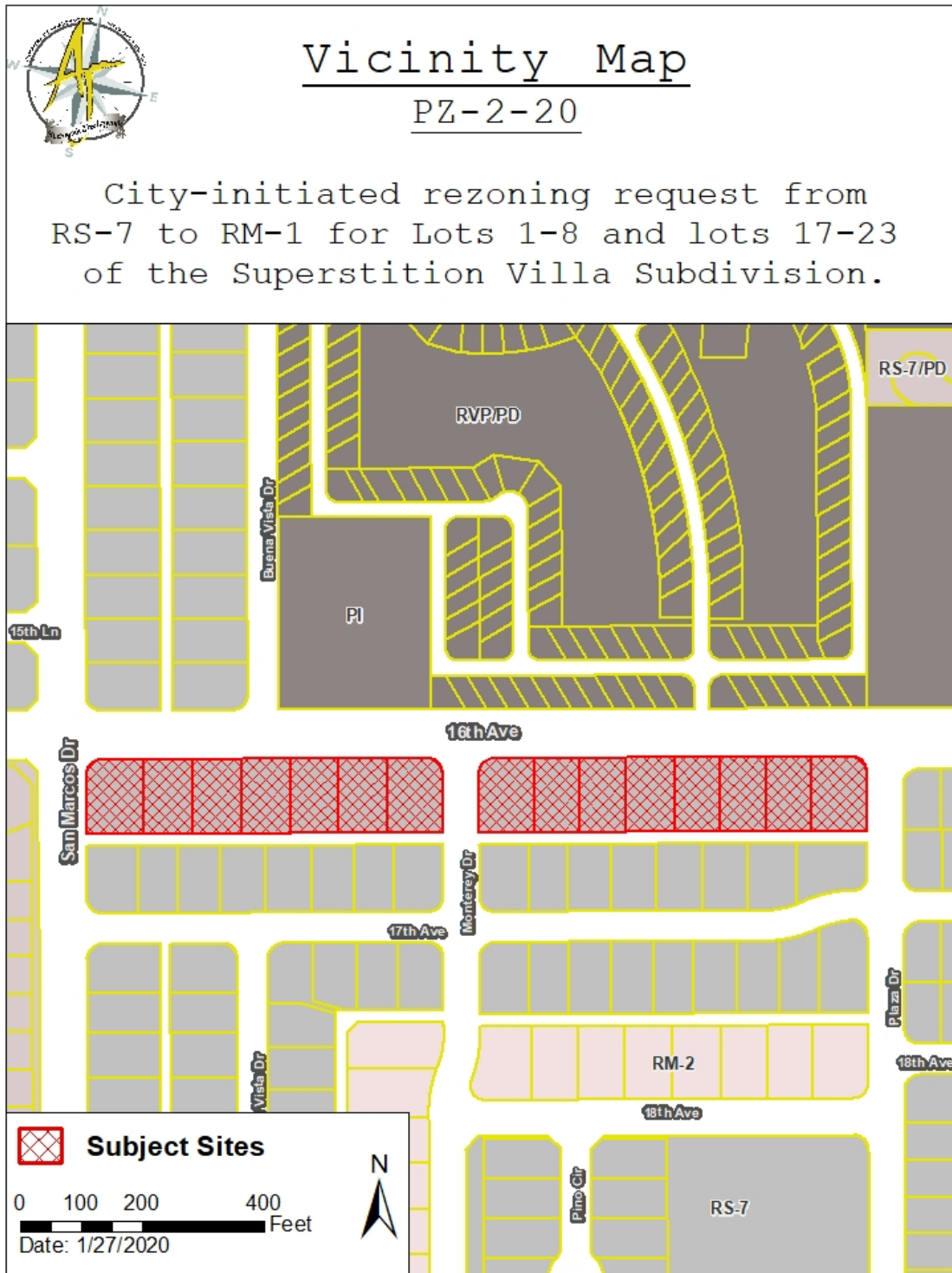
□ Subject Site    □ Parcel

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.



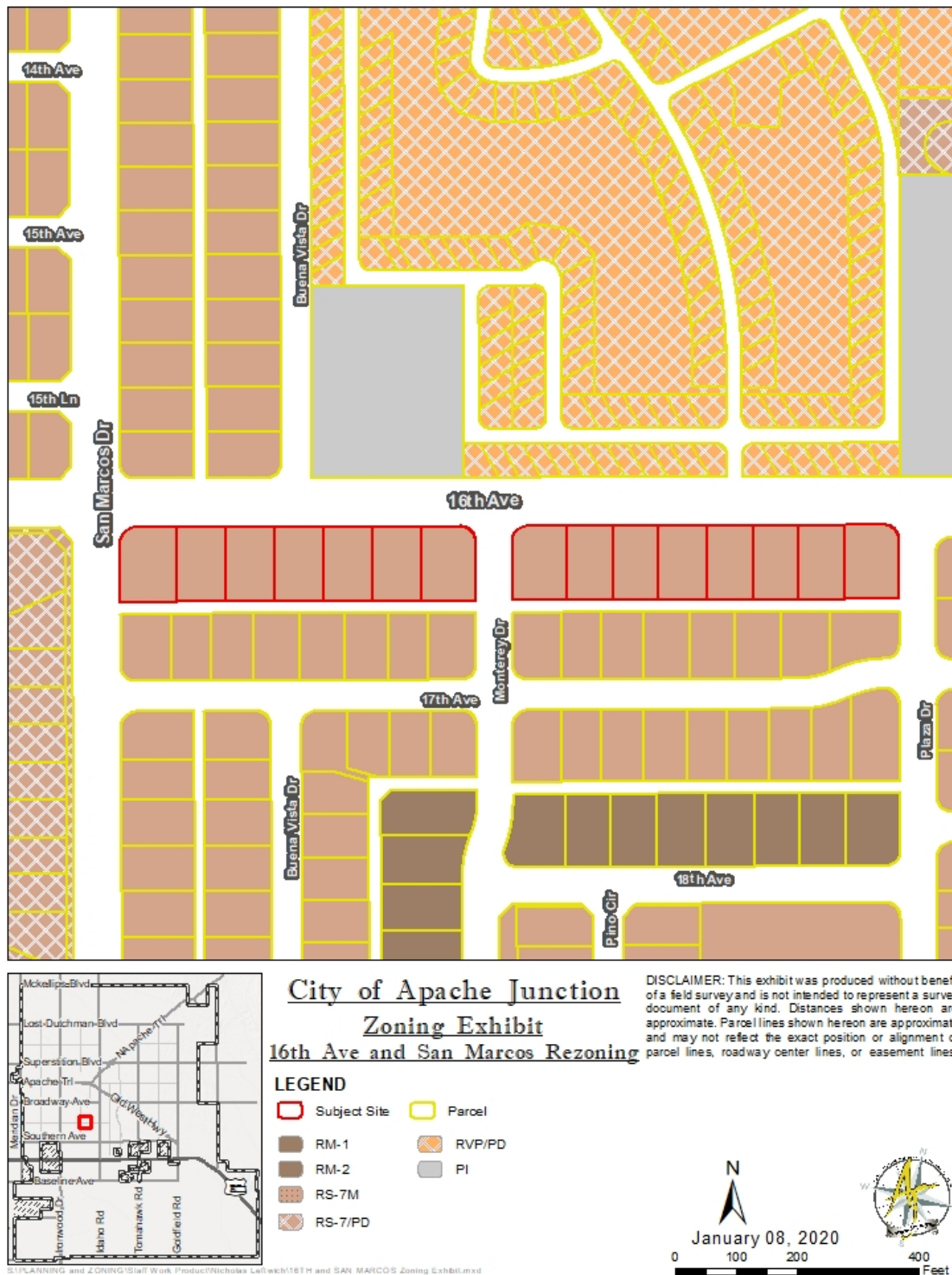
3/14/2019 10:00 AM and 2/20/2020 Staff Work Product/Nochesa Leitch/16TH and SAN MARCOS Aerial Exhibit.mxd

“City Initiated Rezoning of lots 1-8 and lots 17-23 of the Superstition Villa Subdivision”  
Case PZ-2-20  
February 25, 2020 Planning and Zoning Commission Staff Report



“City Initiated Rezoning of lots 1-8 and lots 17-23 of the Superstition Villa Subdivision”  
Case PZ-2-20

February 25, 2020 Planning and Zoning Commission Staff Report



“City Initiated Rezoning of lots 1-8 and lots 17-23 of the Superstition Villa Subdivision”  
Case PZ-2-20  
February 25, 2020 Planning and Zoning Commission Staff Report