



# *City of Apache Junction*

## *Development Services Department*



Date: August 19, 2020

To: Honorable Mayor and City Council Members

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

From: Kelsey Schattnik, Planner

Subject: September 1, 2020, City Council Public Hearing Item:  
PZ-7-20 (Ordinance No. 1495) City-Initiated Rezoning  
of 151 and 183 N. Palo Verde Drive

### Background

PZ-7-20 is a city initiated corrective rezoning of 151 N. Palo Verde Drive (101-02-1170) and 183 N. Palo Verde Drive (101-02-116C) of the Newtown Subdivision from Medium Density Single-Family Detached Residential ("RS-10M") to High Density Multiple-Family Residential ("RM-2"), which allows the land usage of multi-family housing as intended by the original zoning designation.

### Planning and Zoning Commission Recommendation

The Planning and Zoning Commission public hearing was held on August 11, 2020 (planning staff report and exhibits attached). The Commission unanimously recommended approval of the rezoning. The attached ordinance represents staff's and the Commission's recommendation.

### Staff Recommendation

Staff recommends approval of city-initiated rezoning case PZ-7-20.

### Attachments:

- Draft Ordinance No. 1495
- PZ Staff Report from August 11, 2020, with all attachments.

ORDINANCE NO. 1495

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-7-20, A CITY-INITIATED REZONING OF 151 AND 183 N. PALO VERDE DRIVE, FROM MEDIUM DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-10M") TO HIGH DENSITY MULTIPLE FAMILY RESIDENTIAL ("RM-2"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the City of Apache Junction (the "City") was incorporated in November of 1978 and the zoning that was applied to the parcels at 151 and 183 N. Palo Verde Drive at that time was ("CR-5"); and

WHEREAS, on May 6, 2014, pursuant to Ordinance No. 1402, the City 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-10M"); and

WHEREAS, the incorrect zoning was brought to the attention of staff when the current property owners inquired about the zoning of their property; and

WHEREAS, on April 14, 2020, the planning and zoning commission gave direction to planning staff to proceed with a city-initiated rezoning for the subject properties; and

WHEREAS, on August 11, 2020, the planning and zoning commission unanimously recommended approval of rezoning case PZ-7-20 to the city council.

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 1:

The South 64.67 feet of the West half of Lot 4, Block 2, 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 (also known as parcel 101-02-1170);

EXCEPT the West 2.5 feet thereof;

Parcel 2:

The West half of Lot 4, Block 2, of NEWTOWN AMENDED SUBDIVISION, according to the plat of record in the office of the County Recorder of Pinal County, Arizona, in Book 5 of Maps, Page 23-A;

EXCEPT the South 64.67 feet thereof; and

EXCEPT the West 2.5 feet thereof; and

The South 32.67 feet of the West half of Lot 5, Block 2, of NEWTOWN AMENDED SUBDIVISION, according to the plat of record in the office of the County Recorder of Pinal County, Arizona, in Book 5 of Maps, Page 23-A;

EXCEPT the West 2.5 feet thereof (also known as parcel 101-02-116C);

be and hereby is amended from Medium Density Single-Family Detached Residential ("RS-10M") to High Density Multiple Family Residential("RM-2").

## 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 PENA  
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:** August 11, 2020

**CASE NUMBER:** PZ-7-20, "City Initiated Rezoning of 151 N. Palo Verde Dr. and 183 N. Palo Verde Dr. of the Newtown Subdivision"

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

**REQUEST:** Proposed corrective rezoning of 151 and 183 N. Palo Verde Dr. from Medium Density Single-Family Detached Residential ("RS-10M") to High Density Multiple-Family Residential ("RM-2") to allow the usage of multi-family housing as intended by the original zoning designation.

**LOCATION:** The two properties are located along the east side of Palo Verde Dr. just north of Apache Trail in the Newtown Subdivision.

**GENERAL PLAN/  
ZONING DESIGNATION:** Downtown Mixed-Use/ RS-10M (Medium Density Single-Family Detached Residential)

**SURROUNDING USES:** North: Residential Lots, zoned RS-10M;  
South: Commercial Lots, zoned B-2;  
West: Residential Lots, zoned RS-10M and RVP;  
East: Residential Lots, zoned RS-10M.

#### BACKGROUND

The properties being considered in this rezoning are located just north of Apache Trail, on the east side of Palo Verde Drive. The parcels are known as Pinal County Tax Parcels No. 101-02-1170 (151 N. Palo Verde) and 101-02-116C (183 N. Palo Verde).

Prior to 2014, the zoning designation for the two parcels in question was Multiple Family Residence ("CR-5"), which allowed for the apartments that were developed on these two properties. 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 Medium Density Single-Family Detached Residential ("RS-10M") which is an incompatible zoning designation due to its single-family residence requirements.

This zoning conflict was recently brought to the attention of the staff and creates potential nonconformity problems in continuing the current and formerly authorized usage of this property.

On March 14, 2020, Staff brought the matter to the Planning and Zoning Commission and received direction to initiate a corrective rezoning.

### **PROPOSAL**

PZ-7-20 is a city initiated corrective rezoning of 151 N. Palo Verde Drive (101-02-1170) and 183 N. Palo Verde Drive (101-02-116C) of the Newtown Subdivision from Medium Density Single-Family Detached Residential ("RS-10M") to High Density Multiple-Family Residential ("RM-2"), which allows the land usage of multi-family housing as intended by the original zoning designation.

### **PLANNING STAFF ANALYSIS**

#### *Relationship to General Plan:*

The subject site is designated by the city's General Plan as "Downtown Mixed-Use." The proposed use is consistent with the General Plan.

#### *Zoning/Site Context:*

The two (2) privately owned multi-family residential properties are primarily surrounded by residential land. RS-10M zoned single-family residential properties to the north and east, Pleasant Acres RV Park to the west, and an apartment complex, zoned "B-1", to the south.

#### *Public Input:*

Public hearing notification letters noting the time, place, and proposed request were sent by staff to all property owners within a 300-foot radius of the subject site.

Staff has not received any comments regarding the rezoning request.

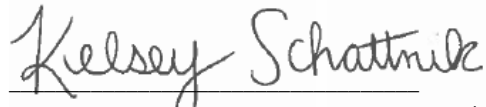
**PLANNING DIVISION RECOMMENDATION**

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**

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL/DENIAL) of the rezoning case PZ-7-20, a city-initiated request to rezone 151 and 183 N. Palo Verde Dr. of the Newtown Subdivision from Medium Density Single-Family Detached Residential ("RS-10M") to High Density Multiple-Family Residential ("RM-2").

A handwritten signature in dark ink that reads "Kelsey Schattnik". The signature is written in a cursive, flowing style. Below the signature is a horizontal line.

Prepared by Kelsey Schattnik  
Planner

Attachment:  
Exhibit #1 - PZ-7-20 Vicinity Exhibit



# Vicinity Map

## PZ-7-20

City-Initiated Rezoning Request from Medium Density Single-Family Detached Residential ("RS-10M") to High Density Multiple-Family Residential ("RM-2").

