



City of Apache Junction

Development Services Department



Date: February 2, 2021

To: Honorable Mayor and City Council Members

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

From: Kendra Ellner, Planning Intern

Subject: February 2, 2021 City Council Public Hearing Item:
PZ-7-19 (Ordinance No. 1499), City initiated rezoning
of 978 E. Roosevelt St. (Item continued from Jan. 19,
2021, Council meeting)

Background

The 2.37 acre property being considered in this rezoning is located between N. Royal Palm Road and Cactus Road, on the North side of E. Roosevelt Street. The parcel is identified as Pinal County Tax Parcel No. 101-18-0340 and is proposed to be rezoned from General Rural Low Density Single-Family Detached Residential ("RS-GR") to General Rural Low Density Single-Family Detached Residential by Planned Development ("RS-GR/PD").

Planning and Zoning Commission Recommendation

The Planning and Zoning Commission public hearing was held on November 10, 2020, the Commission voted to continue the case to their Planning and Zoning Commission meeting of December 8, 2020 and requested staff to present additional exhibits in order to make a more informed decision. On Dec 8, staff returned with two additional lot split options that included one showing the approximately 2.37 acre parcel to be split directly in half; and the other depicting a 1.25 acre lot on the west side of the parcel and 1.12 acre lot on the east. The Planning and Zoning Commission voted to approve the rezoning request, from RS-GR to RS-GR/PD, with conditions reflected in the draft Ordinance #1499.

Neighboring property owners and local residents spoke at the public hearing. Specifically James Boerighter, who lives directly east of the subject property. His main concern was that he did not want any horses next to his property and that some additional clean-up may be necessary before selling the lots.

Staff Recommendation

Staff also recognizes that the various stakeholders have uncertainty and curiosity about this parcel. Therefore, Staff have provided additional zoning and lot configuration options to show the opportunities the parcel can possess (see parcel configuration exhibit). Even though this item was continued from the January 19, 2021 Council meeting, Staff still supports the commission recommendation and the approval of city-initiated rezoning case PZ-7-19 subject to the conditions found in draft Ordinance #1499.

Attachments:

- Ordinance No. 1499
- Additional Parcel Configurations Table

ORDINANCE NO. 1499

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-7-19, A PROPOSED REZONING FROM GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL ("RS-GR") TO GENERAL RURAL LOW DENSITY SINGLE-FAMILY DETACHED RESIDENTIAL BY PLANNED DEVELOPMENT("RS-GR/PD"); REPEALING ANY CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.

WHEREAS, the 2.37 acre property located between N. Royal Palm Road and N. Cactus Road on the north side of East Roosevelt Street, is currently designated "Low Density Residential" (1.25 acre minimum lots) by the city's general plan land use map; and

WHEREAS, the proposed rezoning represents a minor general plan amendment and would allow the creation of lots that reflect consistency with the character of the immediate neighborhood; and

WHEREAS, as part of this rezoning the city intends to split the parcel with a planned development overlay, allowing reduced front setback deviations to alleviate some of the topographical constraints and allow greater development opportunities; and

WHEREAS, the item was continued by the planning and zoning commission from November 10, 2020 to December 8, 2020; and

WHEREAS, on December 8, 2020 the Apache Junction planning and zoning commission voted 5:1 to recommend to council the approval of the rezoning case PZ-7-19 to RS-GR/PD (General Rural Low Density Single-Family Detached Residential By Planned Development) for the purpose of creating a 2-lot land split with one +/- 1.25 acre lot and another +/-1.12 acre lot under the conditions set forth in Section I below.

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:

The Southeast quarter of the Northwest quarter of the Southwest quarter of the Northeast quarter of Section 21, Township 1 North, Range 8 East of the Gila and Salt River Base and Meridian, Pinal County, Arizona;

EXCEPT the West 16.5 feet thereof; and

EXCEPT therefrom, all coal, oil, gas and other mineral deposits, as reserved in the Patent recorded in Docket 172, Page 368.

be and hereby is amended from General Rural Low Density Single-Family Detached Residential ("RS-GR") to General Rural Low Density Single-Family Detached Residential by Planned Development ("RS-GR/PD"), for the purpose of creating a 2-parcel land split, one being 1.25 and another 1.12 acres, subject to the following conditions of approval:

- 1) Following effective rezoning approval, city staff shall take all necessary steps to split property as conceptually approved.
- 2) Staff shall coordinate with the city engineer on any additional right-of-way or utility easement needs, including the dedication of the south 25 feet of the property for roadway and utility purposes.
- 3) City shall disclose to prospective buyers that additional property improvements and service extensions may be necessary upon purchase.
- 4) All applicable permits and development fees will be due at the time of development.
- 5) Horses shall only be allowed on the 1.25 acre lot, with an RS-GR/PD zoning to allow a 25-foot front setback; and the other conventional RS-GR setbacks of 40-foot rear and 20-foot sides.

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 _____, 2021.

SIGNED AND ATTESTED TO THIS _____ DAY OF _____, 2021.

Walter "Chip" Wilson
Mayor

ATTEST:

JENNIFER PENA
City Clerk

APPROVED AS TO FORM:

RICHARD JOEL STERN
City Attorney



City of Apache Junction
Development Services Department



Additional Parcel Configurations Table

Land Split	Acres	Rezoning	Horses
0	2.37	RS-GR	Y
3	0.79	RS-20	N
3	0.79	RS-20/PD	Y (2 Recommended)
2 (half-split)	1.18	RS-GR/PD	?
2 (west/east)	1.25 and 1.12	RS-GR/PD	Y for west lot / ? For east lot
0	2.37	RM-2 (multi-family)	N