



City of Apache Junction

Development Services Department



Date: January 19, 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: January 19, 2021 City Council Public Hearing Item:
PZ-7-19 (Ordinance No. 1499), City initiated rezoning
of 978 E. Roosevelt St. (Item continued from Dec. 1
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"). In order to create a 2-lot land split, one being 1.25 acres on the west lot and 1.12 acres on the east lot, with reduced front setbacks.

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 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
- PZ Staff Report with attachments from December 8, 2020
- PZ Staff Report with attachments from November 10, 2020

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



Date: December 8, 2020

To: Planning and Zoning Commission

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

From: Kendra Ellner, Planning Intern

Subject: December 8, 2020, P&Z Public Hearing Item:
PZ-7-19, City initiated rezoning of 978 E. Roosevelt St.

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 Medium Density Single-Family Detached Residential by Planned Development ("RS-20/PD"). The rezoning is considered a Minor General Plan Amendment from Low Density Residential to Medium Density Residential and proposes to bring the property into conformance with the surrounding neighborhood including allowing for a land split and horse privileges on property.

Planning and Zoning Commission Recommendation

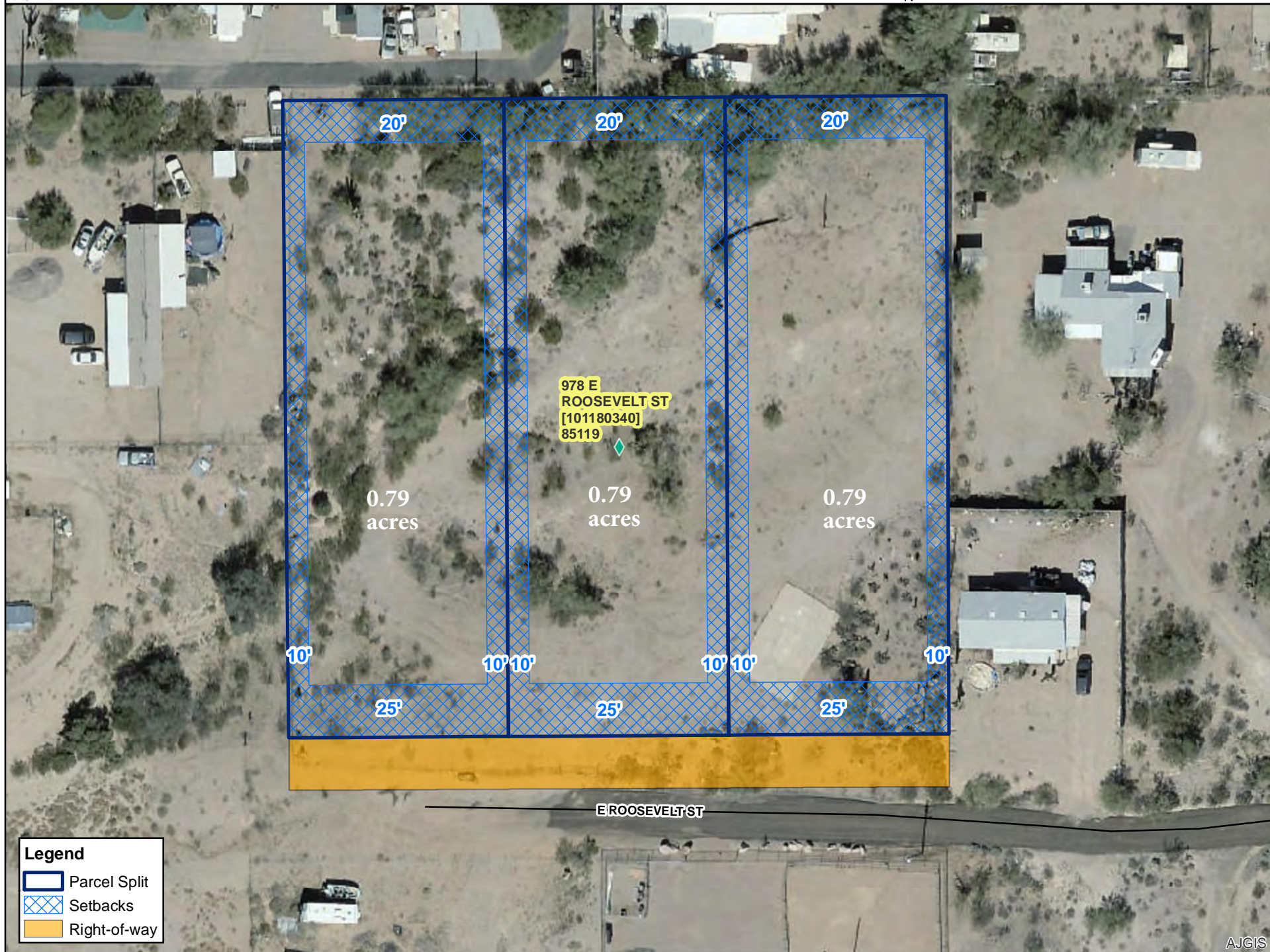
The Commission continued this case to December 8th, at their meeting of November 10, 2020 (planning staff report and exhibits attached). Staff was directed to come back with two additional lot split options: one showing the approximately 2.37 acre parcel to be split directly in half; and the other depicting a 1.25 acre split on the west side of the parcel and 1.12 acre lot on the east.

Staff Recommendation

Staff still recommends the approval of city-initiated rezoning case PZ-7-19 subject to the conditions found in the staff report. Because this case was advertised for the Council meeting of December 1st, the rezoning case was presented to Council. However, Council voted to continue the item to their meeting of January 19, 2021, in order to give the Commission the opportunity to formally make a recommendation on the case.




Attachments:

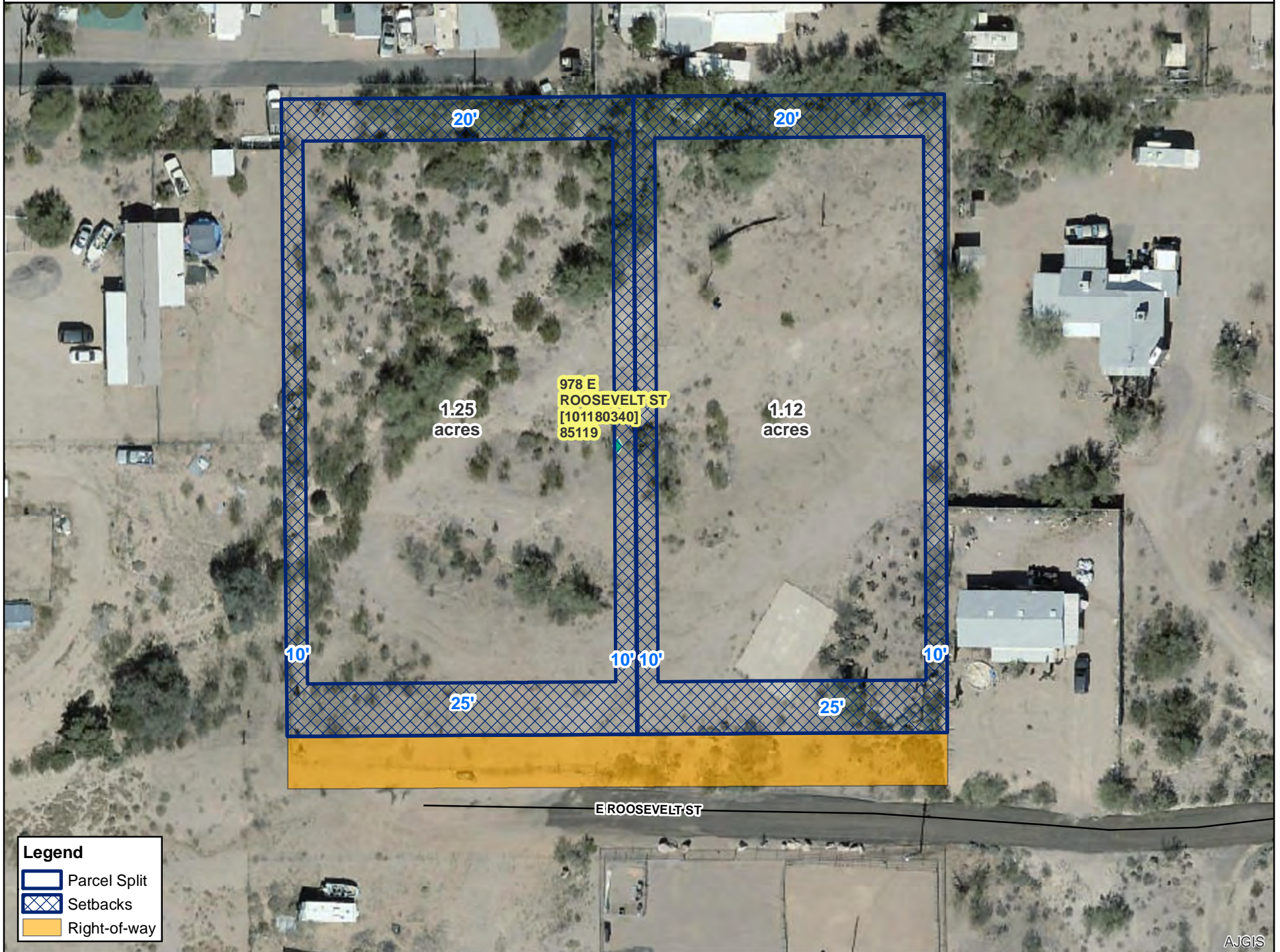
- Initial Proposal of 3-lot Land Split Exhibit
- Half and Half Land Split Exhibit
- East/West Land Split Exhibit
- PZ Staff Report from November 10, 2020, with all attachments.





Legend

-  Right-of-way
-  Setbacks
-  Parcel Split





City of Apache Junction

Development Services Department



PLANNING AND ZONING COMMISSION PUBLIC HEARING STAFF REPORT

DATE: November 10, 2020

CASE NUMBER: PZ-7-19

OWNERS/APPLICANTS: City of Apache Junction (owner/applicant)

REPRESENTATIVE: Kendra Ellner

REQUEST: Rezoning request from RS-GR (General Rural Low Density Single-Family Detached Residential) to RS-20 (Medium Density Single-Family Detached Residential). For the purpose of developing the property and splitting the parcel into 3 lots, each approximately +/- 34,485 sq. ft.

LOCATION: The property, totaling approximately 2.37 acres, is located between Royal Palm Road and Cactus Road, on the North side of E. Roosevelt Street.

**GENERAL PLAN/
ZONING DESIGNATION:** Low density residential opportunity area.

SURROUNDING USES:

- North: The Foothills Mobile Home Park (RS-GR); Superstition Skies Restaurant (RM-2)
- South: Two Single-Family Parcels (RS-GR);
- East: Single-Family home and duplex (RM-2)
- West: Two Single-Family Parcels (RS-GR)

BACKGROUND

In July of 2019, Development Services Staff sought direction to staff from the Commission to process a city initiated rezoning after the City acquired this land as a donation from the former owners in 2016. This parcel had a history of neighborhood complaints and code compliance issues. It was often occupied by vagrants and trespassers while the owners of the property lived in Germany. The City was notified of these issues by the neighbors and were able to remove the trespassers and their assembled structures with the property owner's cooperation. Following these events, the owner did not wish to deal with the parcel any further and thus donated it to the city.

The City received approval from the Commission on July 23, 2019 to proceed with the requested city initiated rezoning and a parcel land split. The parcel is currently zoned RS-GR (General Rural Low Density Single-Family Detached Residential); the minimum lot size is 1.25 gross acres (54,450 sq. ft.).

PROPOSAL

In order to properly rezone and split the parcel and to keep the new lot sizes in conformance with the recommended zoning, staff was originally seeking approval to rezone the property to RS-20 (Medium Density Single-Family Detached conventional homes/ 20,000 sq. ft. minimum lots). If approved, the rezoning will be followed by a 3-lot land split, creating lots of approximately 34,485 sq. ft. each.

Staff believes the rezoning will provide for the highest and best use of the property and the City will eventually sell the new parcels. The Commission has consented that Planning Staff take all necessary actions to meet the legal requirements set forth in state law regarding notification of this pending action. Staff believe the rezoning and land split of this property would designate a compatible land use pattern for the area and provide new owners the opportunity to build three new homes.

More recent and timely topographical information (see Exhibit #7), about the property has led the staff to recommend rezoning to RS-20/PD instead, for reasons explained below.

PLANNING STAFF ANALYSIS AND FINDINGS

Relationship to General Plan:

The subject site is designated by the City's General Plan as a "Low Density Residential" opportunity area, normally characterized by 1.25 acre single-family lots. Because this rezoning proposes lots smaller than 1.25 acres, but does not include an area larger than 10 acres, the rezoning is considered a minor General Plan amendment. The proposed rezoning, however, is in character with the development of the neighborhood with regard to varying lot sizes and uses in the area.

Zoning/Site Context:

Residential developments exist to the north, south, east and west of the site including a small mobile home park property at the northwest corner. The parcels to the south and west are still zoned RS-GR, but there is also designated RM-2 High-density residential directly to the east. The proposal is to rezone and split a vacant low density parcel into 3-medium density parcels. In essence, a parcel split should allow additional single-family development and create a variety of land uses in the surrounding residential neighborhoods.

The site is less than a mile from downtown. Quick access to Old West highway and N. Apache Trail will support the growing density and economic activity of Apache Junction where the City is trying to create a cohesive and vibrant community.

Planned Development Zoning:

Because of the site's undulating topography and tributary washes; and because of the character of the greater surrounding neighborhood including many horse properties; staff proposes that the rezoning be to RS-20 by Planned Development (RS-20/PD). Furthermore, as planned development deviations, staff recommends setbacks of 20-foot front and rear; and that 2 horses per lot be allowed.

Infrastructure Improvements:

Currently there are some utility services on the site that haven't been utilized in over a year. If the land is to be sold and developed, new owners will need to contact utility providers to bring additional services to the site. Further improvements to the site, such as grading have been discussed with Public Works, and proposed listing of the parcels will follow the rezoning and land split.

Public Input:

The City sent the required documentation and posted signage to inform the residents within 300-ft on October 19, 2020 and newspaper display advertising on October 24, 2020. Staff received two questions via telephone from one neighboring property-owner. They were generally in favor of the rezoning but had a concern about the quality of the roadway and wondered if the City would be doing additional road improvements. Currently the site is accessed from Cactus Road and is partially improved with chip seal. Extension to Royal Palm is currently under discussion internally.

The other question was about how the property is going to get access to utility services. Planning staff is working with the Water District on the possibility of infrastructure improvements to the site, which will eventually be served by AZ Water Co.

PLANNING DIVISION RECOMMENDATION

The Planning Division recommends approval of the rezoning request, from RS-GR to RS-20/PD, with conditions as listed under the recommended motion below:

RECOMMENDED MOTION

I move that the Planning and Zoning Commission recommend to the Apache Junction City Council the (APPROVAL) of rezoning case PZ-7-19, a request by the City of Apache Junction(owner/applicant), represented by Kendra Ellner, to rezone a +/-2.37 acre property located between N. Royal Palm Road and N. Cactus Road, on the North side of E. Roosevelt Street from RS-GR (General Rural Low Density Single-Family Detached Residential) to RS-20/PD (Medium Density Single-Family Detached Residential by Planned Development), for the purpose of creating an opportunity for a 3-parcel land split under the following conditions:

- 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) The RS-20/PD zoning shall allow setbacks of 20-foot front and rear yards and 10-foot side yards; and 2 horses shall be allowed on each lot.

Kendra Ellner

Prepared by Kendra Ellner
Planning Intern

Attachments:

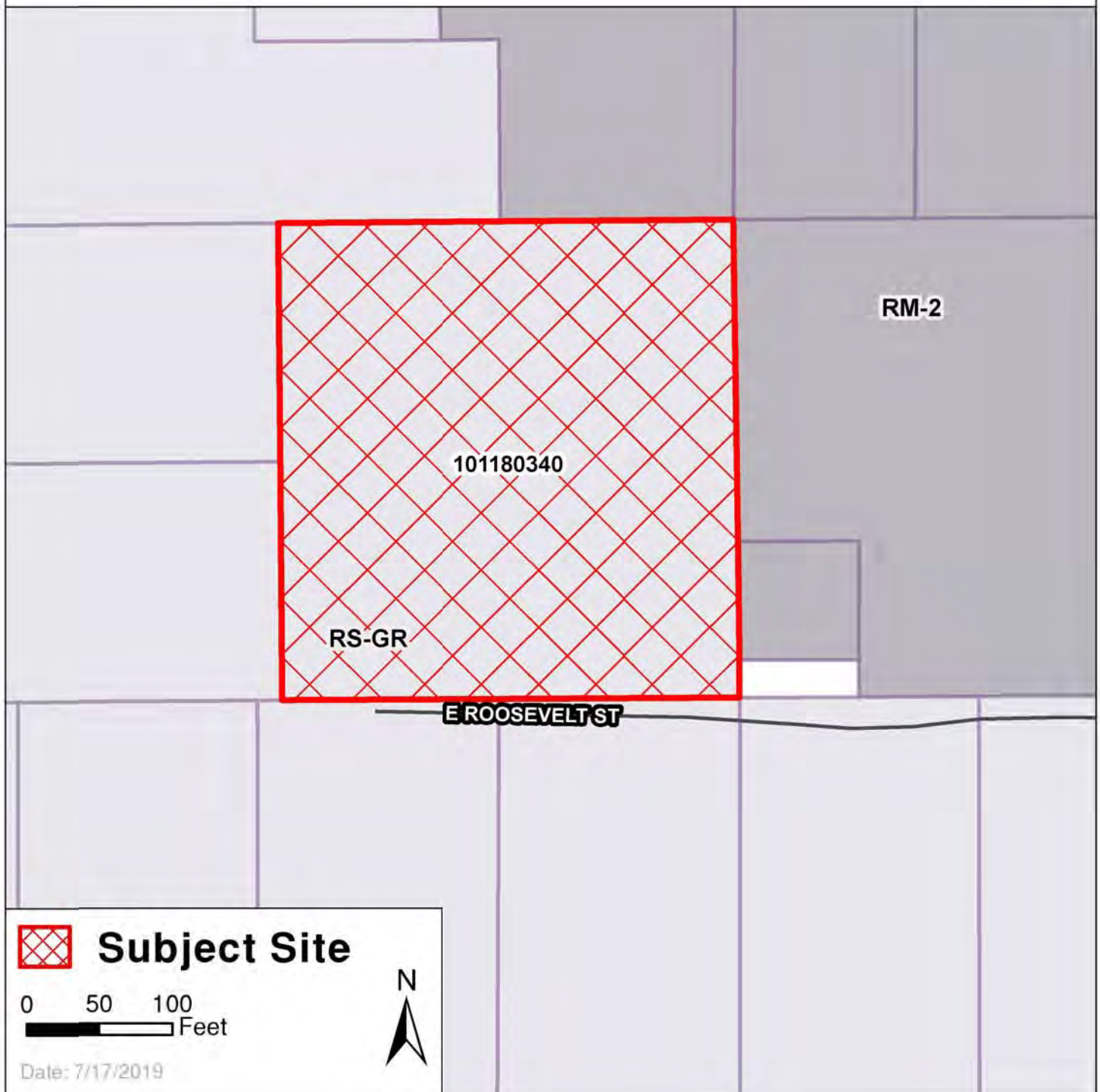
- Exhibit #1 - Vicinity Map
- Exhibit #2 - Aerial Map
- Exhibit #3 - Zoning Map
- Exhibit #4 - General Plan Future Land use area map
- Exhibit #5 - Conceptual Land Split Map
- Exhibit #6 - Conceptual Net Area Diagram
- Exhibit #7 - Topography Map



Vicinity Map

PZ-7-19

City-initiated rezoning request from
RS-GR to RS-20 for 978 E Roosevelt St.





Project: 978 E. Roosevelt
Apache Junction, AZ 85119
Parcel: 101180340

E ROOSEVELT ST



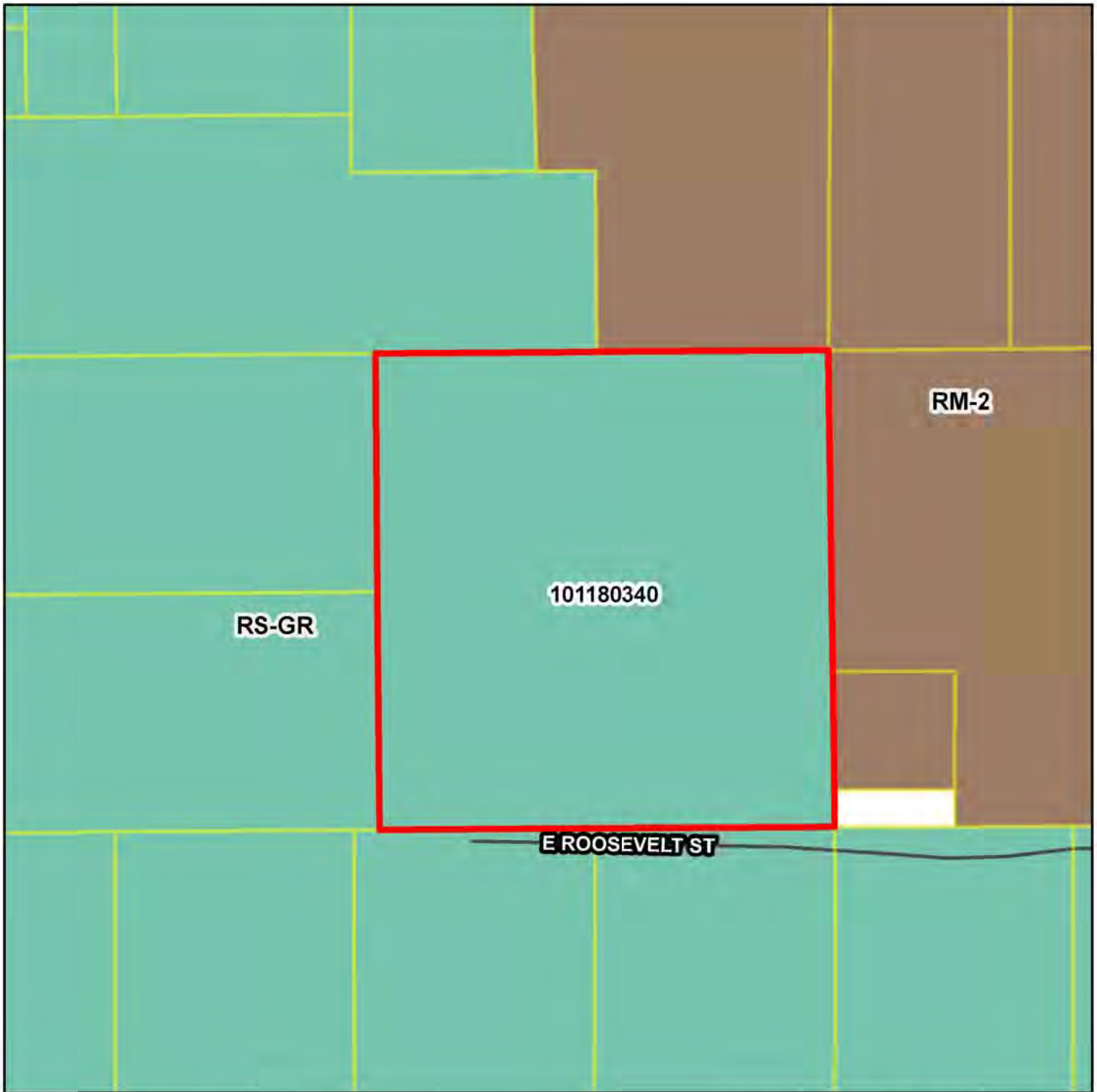
City of Apache Junction PZ-7-19 Aerial Exhibit

LEGEND

Subject Site 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.





City of Apache Junction PZ-7-19 Zoning Exhibit

LEGEND

Subject Site Parcels

Zoning Districts

RM-2
 RS-GR

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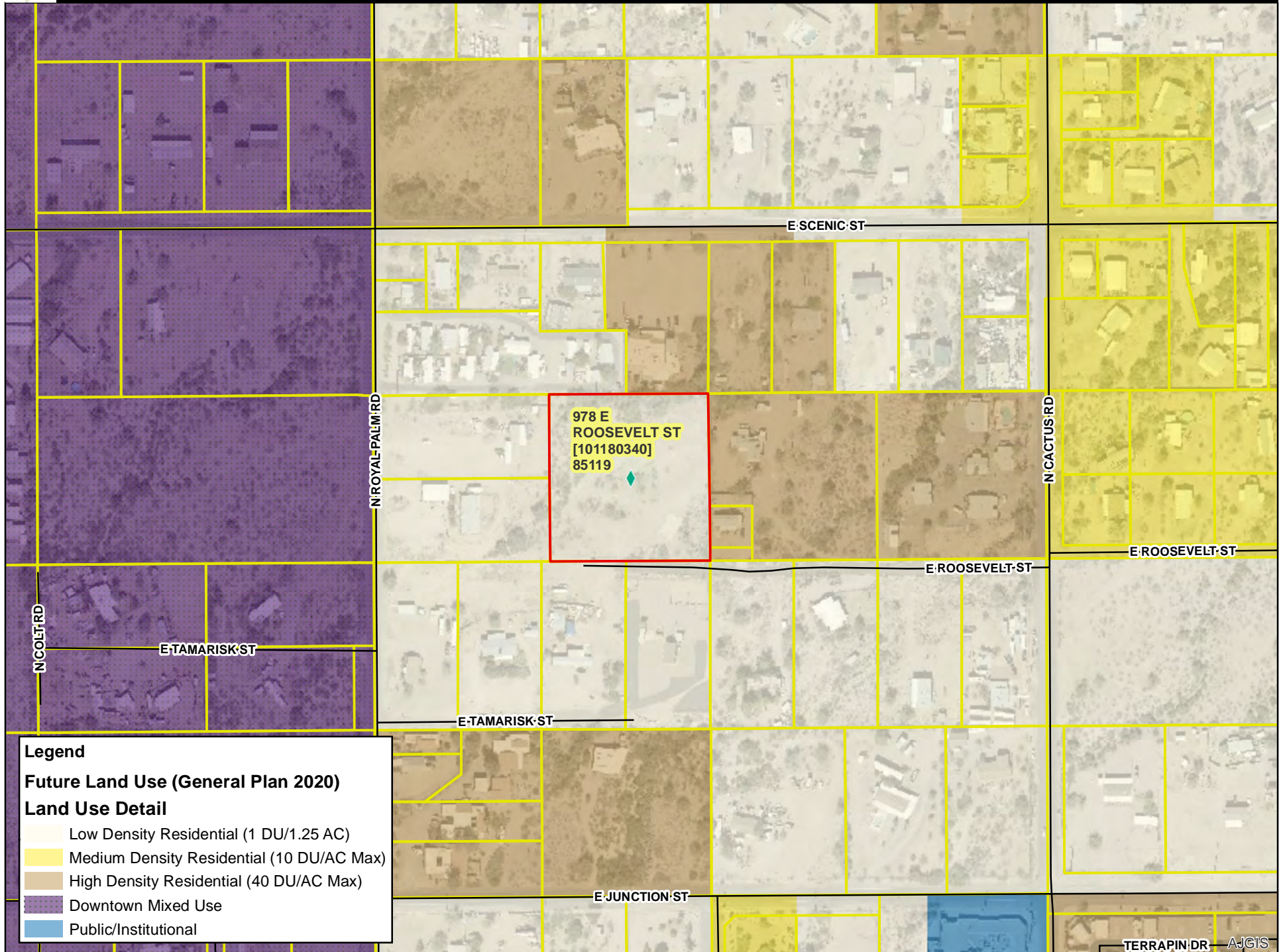
978 E. ROOSEVELT ST



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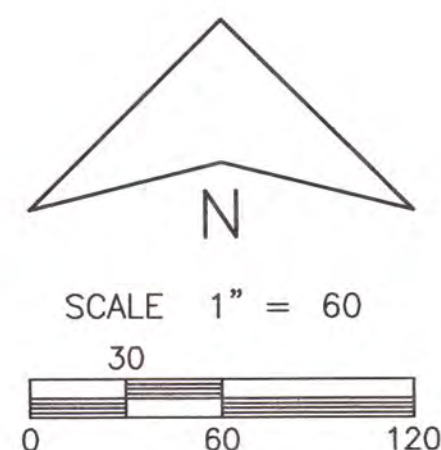
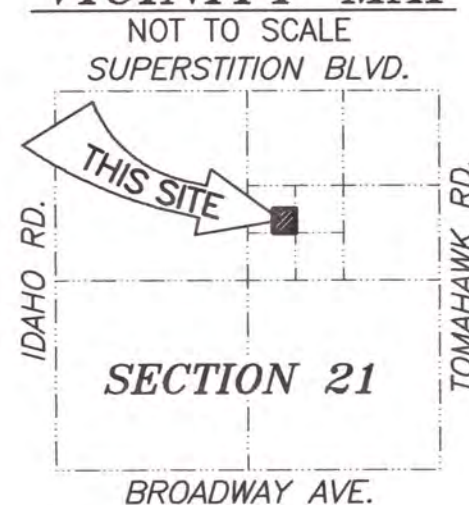
285

570
Feet



DISCLAIMER: This map was produced without benefit of a field survey and is not the intended use. The use of this map is for informational purposes only and the City of Apache Junction makes no warranty, expressed or implied, regarding the reliability of the information provided.

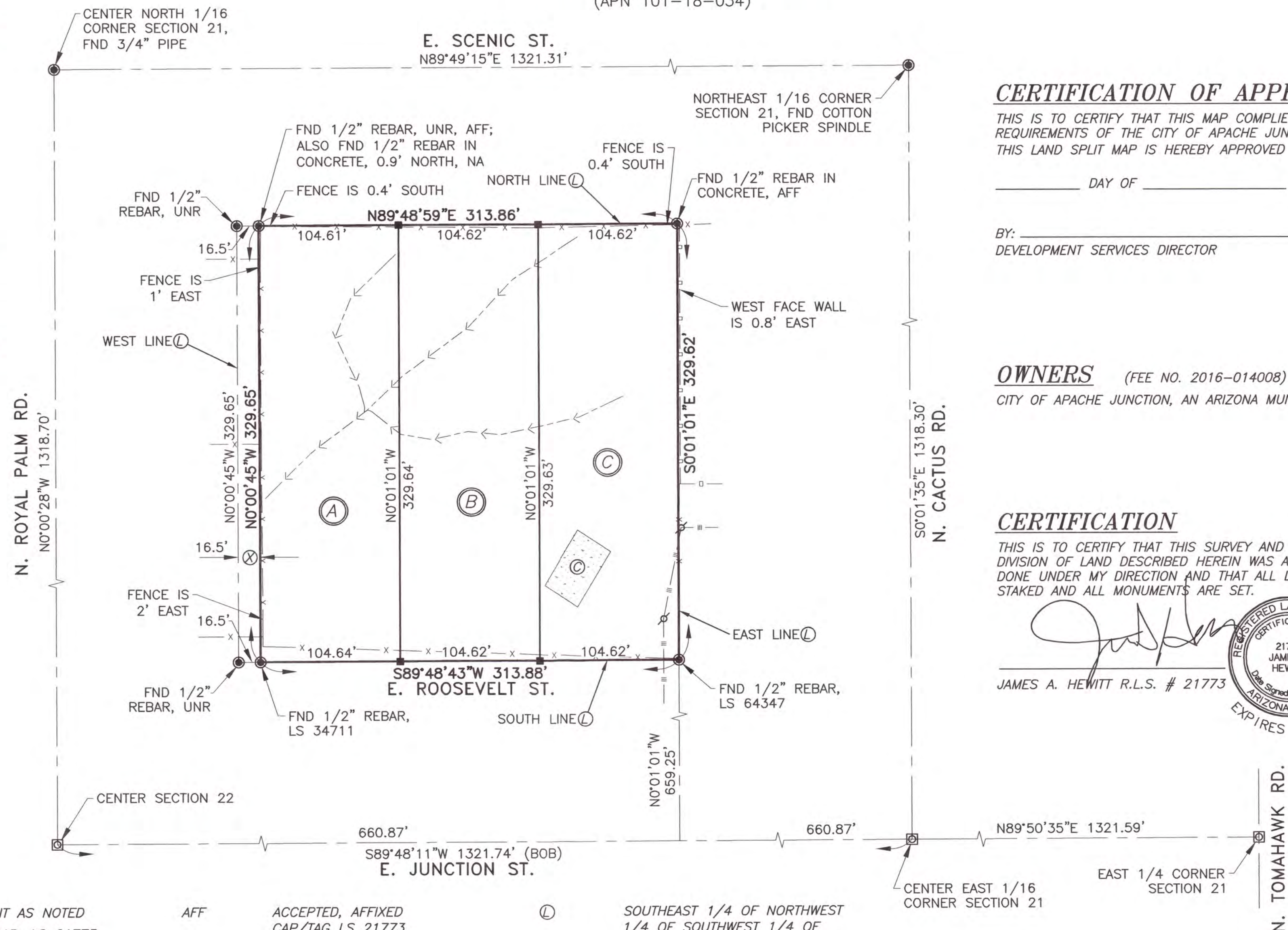
VICINITY MAP



APACHE JUNCTION LAND SPLIT MAP LSM-

A PORTION OF THE NORTHEAST 1/4 OF
SECTION 21, T.1N., R.8E., G.&S.R.B.&M.
PINAL COUNTY, ARIZONA

(APN 101-18-034)



LEGEND

●	FND MONUMENT AS NOTED	AFF	ACCEPTED, AFFIXED	⊙	SOUTHEAST 1/4 OF NORTHWEST
■	SET 1/2" REBAR, LS 21773	∅	CAP/TAG LS 21773	⊗	1/4 OF SOUTHWEST 1/4 OF
⊠	FND BRASS CAP IN HAND HOLE	— — — — —	UTILITY POLE	⊘	NORTHEAST 1/4 OF SECTION 21
FND	FOUND	— — — — —	OVERHEAD UTILITY WIRES	⊙	EXCEPTION TO SUBJECT PARCEL
UNR	CAP/TAG UNREADABLE	— — — — —	BLOCK WALL	⊘	PER FEE NO. 2016-014008
BOB	BASIS OF BEARINGS	— — — — —	FENCE	⊙	CONCRETE SLAB
APN	ASSESSOR'S PARCEL NUMBER	— — — — —	APPROXIMATE FLOW LINE OF	⊙	SPLIT PARCEL LETTER DESIGNATION
NA	NOT ACCEPTED	— — — — —	WASH (AND DIRECTION OF FLOW)		

CERTIFICATION OF APPROVAL:

THIS IS TO CERTIFY THAT THIS MAP COMPLIES WITH THE
REQUIREMENTS OF THE CITY OF APACHE JUNCTION; AND THAT
THIS LAND SPLIT MAP IS HEREBY APPROVED ON THIS

DAY OF 2020.

BY: _____
DEVELOPMENT SERVICES DIRECTOR

OWNERS

(FEE NO. 2016-014008)
CITY OF APACHE JUNCTION, AN ARIZONA MUNICIPAL CORPORATION

CERTIFICATION

THIS IS TO CERTIFY THAT THIS SURVEY AND THE MAP OF
DIVISION OF LAND DESCRIBED HEREIN WAS ACCURATELY
DONE UNDER MY DIRECTION AND THAT ALL LOTS ARE
STAKED AND ALL MONUMENTS ARE SET.

JAMES A. HEWITT R.L.S. # 21773

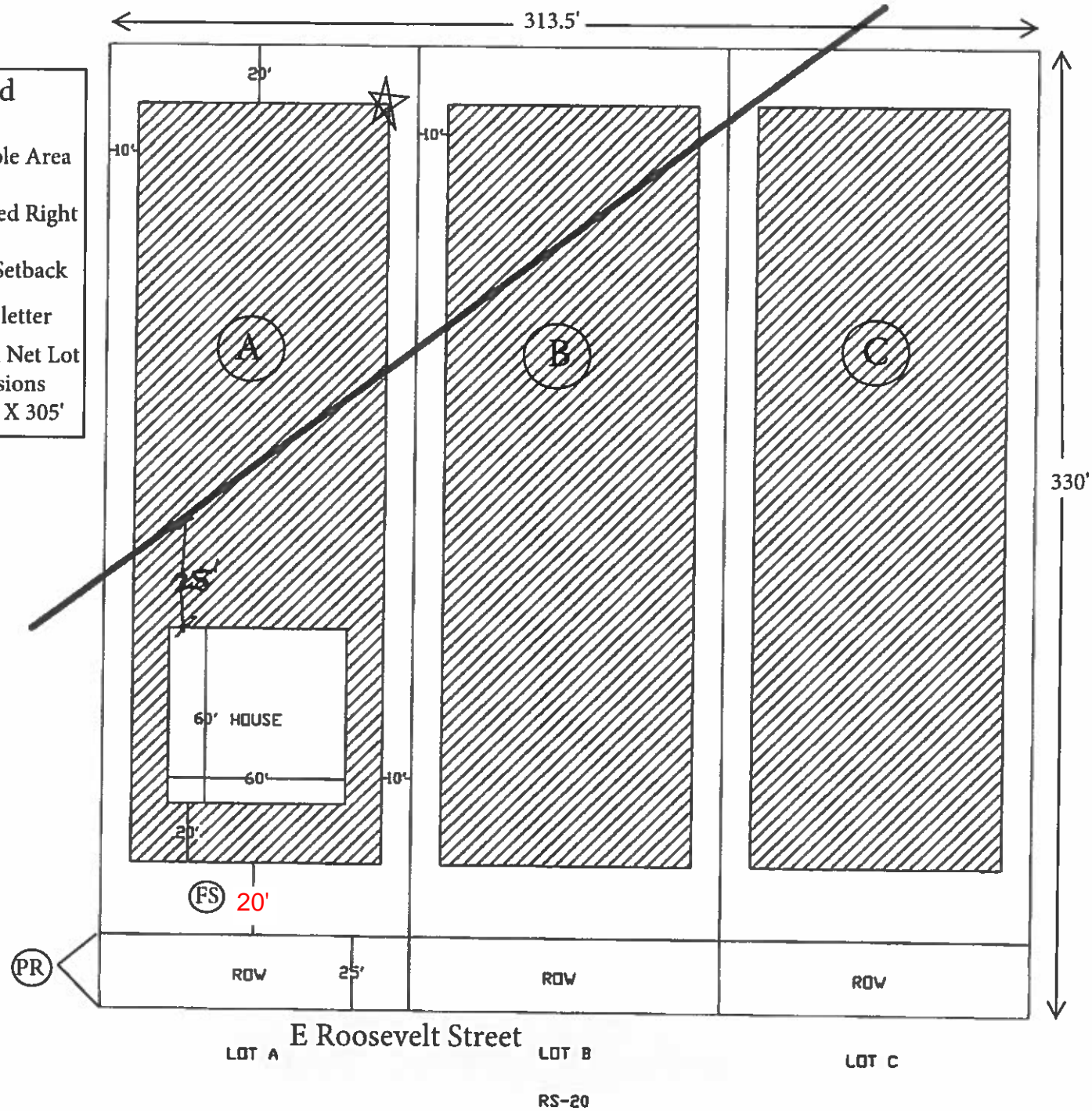
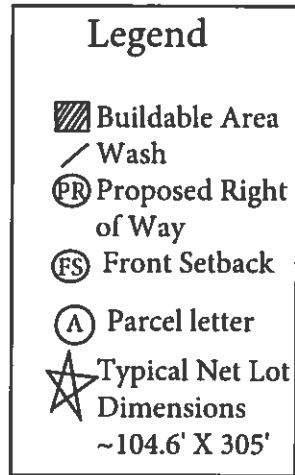
REGISTERED LAND SURVEYOR
CERTIFICATE NO. 21773
JAMES A. HEWITT
Date Signed 5-11-20
ARIZONA U.S.A.
EXPIRES 3-31-21

ABILITY LAND SURVEYING, INC.

185 SOUTH MOUNTAIN VIEW ROAD
APACHE JUNCTION, ARIZONA 85119
PH 480-982-0413

SHEET NO.
1 OF 2
DATE
5/20
JOB NO.
20-0305

PZ-7-19 Conceptual Net Area Diagram



978 E Roosevelt St

