



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2018124 – Laborde Property

Hearing Date: January 17, 2019

Supervisor District: 2

Applicant: Karen Nabity

Owner: Lucie E. Laborde Living Trust / Lucie Laborde

Request: Zone change from Rural-190 to Rural-43

Site Location: Approx. 300' south of southeast corner of 144th St. and Cavedale Dr. in the Rio Verde area

Site Size: Approx. 2.5 acres

Density: 0.4 du/ac

County Island: No

County Plan: Rio Verde Foothills Area Plan – Rural Densities (0 – 1 d.u./ac.)

Municipal Plan: N/A

Municipal Comments: None received to date

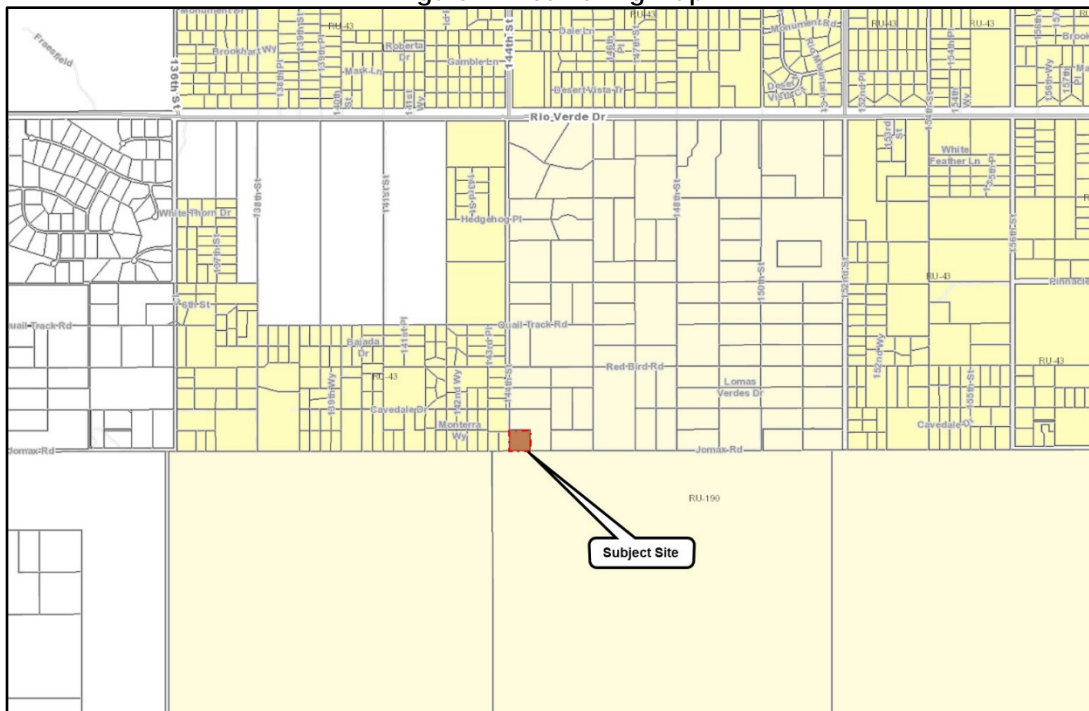
Support/Opposition: Five (5) emailed letters of opposition

Recommendations: **Approve** with conditions

Project Summary:

1. This request is for a zone change from Rural-190 to Rural-43 of 2.5 acres located approximately 300' south of the southeast corner of 144th Street and Cavedale Dr. in the Rio Verde area. The applicant proposes to develop the site with a single-family residence as represented in the zoning exhibit and narrative submitted in the application. Per the standards of the Rural-190 district, the subject site is required to have a minimum of approx. 4.36 acres for single-family development. The applicant does not propose to waive any of the base standards of the proposed Rural-43 district.
2. The subject site, APN 219-39-032A, consists of 2.5 ac. of currently undeveloped native land. The site was created in 2001 through a lot combination of former parcels 219-39-031 (0.04 ac.) and 219-39-032 (2.46 ac.), which were created in 1986 through a lot split from an unknown larger parcel. The site is located on the border of a large section of sporadically developed Rural-190 zoned property that extends from 144th Street on the west to 152nd Street on the east, and Rio Verde Drive on the north to the Jomax Road alignment on the south. The area south of the Jomax Road alignment is the McDowell Mountain Regional Park. The subject site abuts the park. The area's zoning is shown in the zoning map below.

Figure 1. Area Zoning Map



Existing On-Site and Adjacent Zoning / Land Use:

3. On-site: Rural-190/ natural desert
 North: Rural-190/ natural desert
 South: Rural-190/ natural desert
 East: Rural-43/ natural desert
 West: Rural-190/ natural desert

Utilities and Services:

- 4. Water: Well
- Wastewater: On-site septic
- School District: Cave Creek Unified School District
- Fire: Rio Verde Fire District

Right-of-Way:

- 5. The following table includes existing and proposed half-width right-of-way and the future classification based upon the Maricopa County Department of Transportation (MCDOT) Major Streets and Routes Plan.

Street Name	Half-width Existing R/W	Half-width Proposed R/W	Future Classification
144 th Street	None	None	Major Collector 40' half-width dedication to be required
Jomax Road	None	None	Major Collector 40' half-width reserve to be required

Adopted Plan:

- 6. **Rio Verde Foothills Area Plan:** designates the subject site as Rural Densities (0 -1 d.u./ac.) The area between the section line roads of 144th Street, 152nd Street, Rio Verde Drive, and the Jomax Road alignment was originally zoned Rural-190, in contrast to the surrounding Rural-43 zoning, to establish an area for larger lot development geared towards horse property agricultural/residential use. However, the Rio Verde Foothills Area Plan does not necessarily reflect this density designation and permits residential development of up to 1 du/ac. The proposed rezone complies with the Area Plan designation for the site.

Public Participation Summary:

- 7. The applicant complied with the requirements for posting the property with the public hearing dates. Staff sent notification cards to all property owners within 300' of the subject site including all properties within the subject site regarding the request. As of the writing of this report staff has received five (5) emailed letters of opposition to the request from neighboring property owners. Opposition to the request focuses on the possible increase in densities from 1:5 du/ac district to 1:1 du/ac and increased traffic on 144th Street that the proposed rezone would allow. The letters are attached to this report.

Outstanding Concerns from Reviewing Agencies:

- 8. County reviewing agencies have no objection to the proposed rezone. At the time of development, the applicant will have to dedicate right-of-way for the section line street of 144th Street if the applicant does not seek a right-of-way reduction waiver from the Maricopa County Department of Transportation (MCDOT). MCDOT does not request right-of-way dedications with rezone applications. It should be noted that although a right-of-way dedication for Jomax Road will not be required a zoning setback will be required unless a right-of-way reduction waiver is granted.

Staff Analysis:

9. The proposed rezone is a result of the applicant wanting to develop the site with a single-family residence where one is not permitted under the current zoning classification due to the site's lot area. The proposed development will be located in the middle of the property, which will hamper any future division of the site into another developable site.
10. The size of the subject site is a result of poor lot splitting in the 1980's, which created lots that were too small for development in the Rural-190 district. Subsequent to the lot split, a previous owner attempted to assemble two parcels into a single lot that closer met the requirements of the district, but was still approximately half the required size.
11. Although the area where the site is located is a part of a larger area zoned Rural-190, the proposed rezone complies with the future land use designation of the Rio Verde Foothills Area Plan. As the property is located adjacent to Rural-43 zoned property, the rezone would not constitute a spot zone but would be an extension of the area's Rural-43 zoned lands. County reviewing agencies have no objection to the proposed rezone.

Recommendation:

12. For the reasons outlined in this report, staff recommends the Commission motion for **Approval** of Z2018124, subject to conditions 'a' – 'c'.
 - a. Development of the site shall be in general conformance with the Narrative Report entitled "Laborde Property Narrative", consisting of 2 pages, undated, and stamped received November 7, 2018, except as modified by the following conditions.
 - b. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change as set forth in the Maricopa County Zoning Ordinance.
 - c. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the Zone Change. The Zone Change enhances the value of the property above its value as of the date the Zone Change is granted and reverting to the prior zoning results in the same value of the property as if the Zone Change had never been granted.

Presented by:
Reviewed by:
Attachments:

Derek Scheerer, Planner
Matt Holm, AICP, Comprehensive Planning Supervisor
Case Map (1 page)
Vicinity Map (1 page)
Zoning Exhibit (1 page)
Narrative Report (2 pages)
MCESD comments (1 page)

Engineer Review comments (1 page)
Letters of Opposition (8 pages)

Enclosures:

N/A