



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

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| Case: | Z2019142 - Sonterra Modification of Condition |
| Hearing Date: | January 30, 2020 |
| Supervisor District: | 1 |
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| Applicants: | Warren Petersen, VIP Custom Homes, LLC and Rhonda Hertz |
| Owners: | VIP Custom Homes, LLC and Rhonda Hertz |
| Request: | Modification of condition to raise maximum lot coverage to 25% in the Rural-43 RUPD Zoning District |
| Site Location: | Generally located at the SEC of Riggs Road and Tangelo Avenue in the Queen Creek area. |
| Site Size: | Approximately 21 acres |
| Density: | Less than 1.0 d.u./ac |
| County Island: | (Yes) Queen Creek Municipal Planning Area |
| County Plan: | Queen Creek Area Plan - Suburban Residential (0-2 d.u./ac) |
| Municipal Plan: | Town of Queen Creek (0-1 d.u./ac) |
| Municipal Comments: | None |
| Support/Opposition: | None |
| Recommendation: | Approve with conditions |

Project Summary:

1. VIP Custom Homes, LLC has requested the modification of a single condition included as part of the approved RUPD stipulations in rezoning case Z2005006. The applicant seeks to increase the maximum lot coverage from 20% to 25%. This will be consistent with the current standard of the base zoning district. The subject property is located at the southeast corner of Riggs Road and Tangelo Avenue. The property sits on the border of the Towns of Gilbert and Queen Creek.
2. The requested condition modification is in response to a change made in the Maricopa County Zoning Ordinance increasing the maximum lot coverage in a Rural-43 district to 25% (TA2012033). The request is consistent with the permitted lot coverage in the Maricopa County Zoning Ordinance. The ordinance was amended subsequent to original approval of Sonterra's Rural-43 RUPD zoning district. Additionally, the applicant states in the narrative that the change will allow for additional diversity and beauty in the neighborhood.
3. There are twenty (20) parcels that are eligible for the modification of the condition comprising approximately 21 acres of land area. Eighteen (18) of these parcels are owned by the original applicant, VIP Custom Homes, LLC. The other two (2) properties are owned by Rhonda Hertz and Jim and Viridiana Pace, respectively. VIP Custom Homes has successfully secured an application from Rhonda Hertz. Jim and Viridiana Pace did not submit an application form to be included in the condition modification.
4. Existing language of Z2005006 condition 'd'.
 - d. Development and use within the Rural-43 RUPD zoning district shall comply with the site plan and narrative report entitled "Site Plan (Project Name: Chandler Heights RUPD Case #Z-2005006)" consisting of 16 pages including exhibits and sections under different title pages dated January 1, 2006, except that revised exhibits are dated (as of) April 24, 2006, except as modified by the following stipulations.

Proposed modification of condition 'd' with new language shown as underlined and bold. Staff notes that the original approved narrative report with Z2005006 will remain as the original approved document. The change to condition 'd' will only reference the requested modification of condition to address only maximum lot coverage.

- d. Development and use within the Rural-43 RUPD zoning district shall comply with the site plan and narrative report entitled "Site Plan (Project Name: Chandler Heights RUPD Case #Z-2005006)" consisting of 16 pages including exhibits and sections under different title pages dated January 1, 2006, except that revised exhibits are dated (as of) April 24, 2006, except as modified by the following stipulations. **Development of the site shall also be in conformance with the modification of conditions Narrative Report entitled, 'Narrative of Request for Zone Change Modification of Condition for Sonterra', consisting of 7 pages dated December 6, 2019 and stamped received December 9, 2019.**
5. Existing language of Z2005006 condition 'k'.

- k. Any subdivision plat within the Rural-43 zoning district shall include the following RUPD Chart:

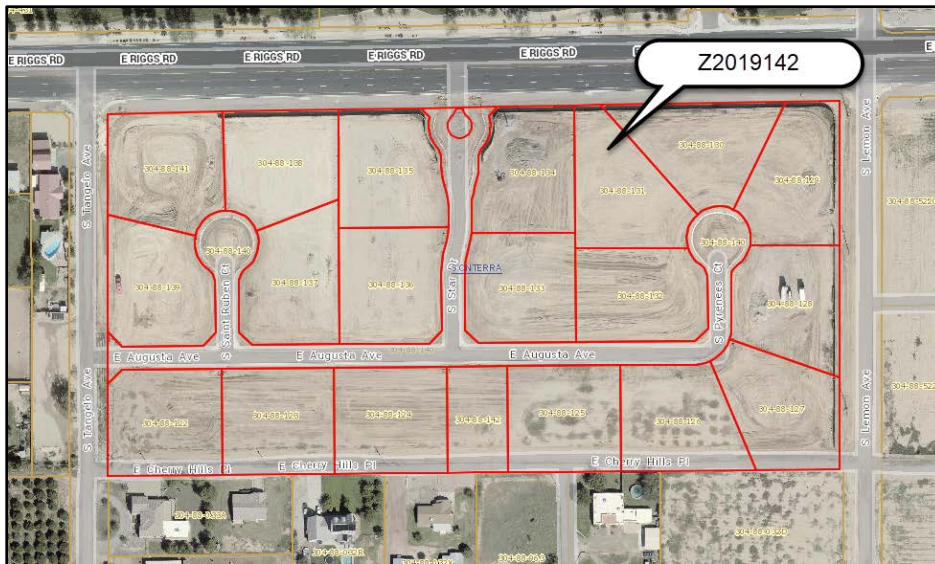
4. Max. Lot Coverage: 20%

Proposed modification of condition 'k' with new language as underlined and bold with removed language shown struck through. This condition would amend the maximum lot coverage to 25%.

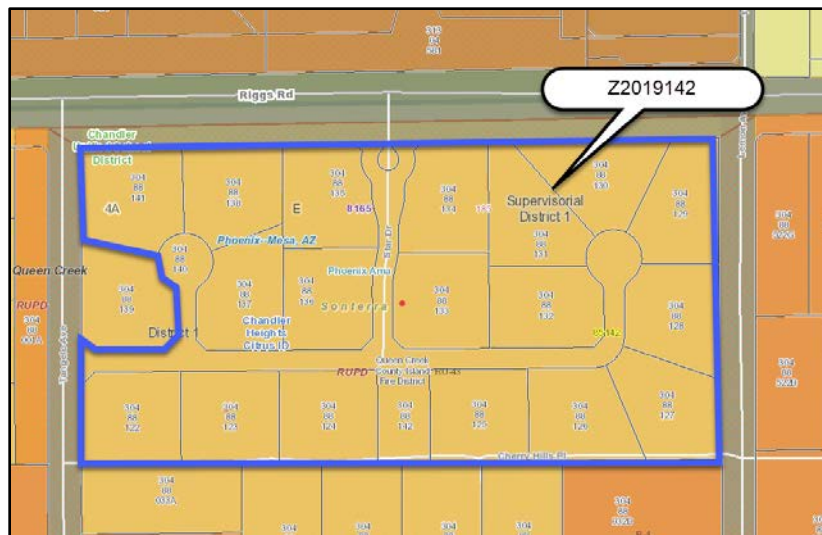
- k. Any subdivision plat within the Rural-43 zoning district shall include the following RUPD Chart:

4. Max. Lot Coverage: ~~20%~~ **25%**

Exhibit 1 - 2019 Aerial Map



Rural-43 RUPD District and Surrounding Zoning Districts



Existing On-Site and Adjacent Zoning / Land Use:

- 6. On-site: Rural-43 RUPD / Residential
- North: Town of Gilbert SF-35, SF-15, PF/I / Residential & Public Facilities
- South: Rural-43 RUPD, R-4 / Residential
- East: R-4 / Residential
- West: R-4 RUPD / Residential

Utilities and Services:

- 7. Water: Chandler Heights Citrus Irrigation & Water District
- Wastewater: Septic
- School District: Chandler Unified School District
- Fire: Queen Creek
- Police: MCSO

Right-of-Way:

- 8. 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 | Existing Classification |
|-------------|-------------------------|-------------------------|--------------------------|
| Riggs Road | 75' | 75' | Rural Principal Arterial |

Adopted Plans:

- 9. **Queen Creek Area Plan** (Revised: 1996): This plan identifies the subject area as a suburban residential area (0-2 d.u./ac).
- 10. **Town of Queen Creek General Plan** (Adopted: 2018): This plan identifies the subject parcels as a rural residential area (0-1 d.u./ac) and does not identify the area as a "growth" area for the city.

Public Participation Summary:

- 11. The applicant has complied with the Maricopa County Citizen Review Process with the required posting of the site and notification by first class mail to adjacent property owners within 300' of the subject parcel and interested parties. Additionally, the applicant has made every effort to contact two owners (Rhonda Hertz and Jim and Viridiana Pace) in the subdivision to include them as part of the application. Both owners have signed application forms to be included for the condition modification.

Outstanding Concerns from Reviewing Agencies:

- 12. N/A

Staff Analysis:

13. Staff is supportive of the request to increase maximum lot coverage to 25% from 20% as the request is consistent with Section 503.5 of the Maricopa County Zoning Ordinance. Due to the Board of Supervisors approval of the RUPD in Z2005006, the maximum lot coverage was set at 20%. The change would increase maximum lot coverage to 25% as established in TA2012033. Staff believes that the applicant has acted in good faith to notify nearby owners of the proposed change and to provide ample opportunity to make comments.

Recommendation:

14. For the reasons outlined in this report, staff recommends the Commission motion for **approval**, subject to conditions 'a' – 'm':
 - a. Case Z2005006 shall rezone parcels from R1-35 and R-4 to Rural-43 RUPD as indicated on the zoning exhibit entitled "Proposed Zoning Boundary Map (Project Name: Chandler Heights RUPD, Case Number: Z2005006)" and dated (as of) April 24, 2006, except as modified by the following stipulations.
 - b. Only parcels for which written property owner authorization has been received from the property owner of record shall be considered to be rezoned from R1-35 and R-4 to Rural-43 RUPD as per case Z2005006.
 - c. In the event that property owners within the perimeter boundary shown on the zoning exhibit referenced in stipulation 'a' (Hunt Hwy. on the south; 172nd St., San Tan Blvd., and Recker Rd. on the west, Riggs Rd. on the north, and Sossaman Rd. on the east) wish to rezone their individual parcels from R1-35 and R-4 to Rural-43 RUPD with the same RUPD standards to apply, the Commission shall initiate a rezone on their behalf.
 - d. Development and use within the Rural-43 RUPD zoning district shall comply with the site plan and narrative report entitled "Site Plan" (Project Name: Chandler Heights RUPD Case #Z-2005006)" consisting of 16 pages including exhibits and sections under different title pages dated January 1, 2006, except that revised exhibits are dated (as of) April 24, 2006, except as modified by the following stipulations. Development of the site shall also be in conformance with the modification of conditions Narrative Report entitled "Narrative of Request for Zone Change Modification of Condition for Sonterra", consisting of 7 pages, dated December 6, 2019 and stamped received December 9, 2019.
 - e. The use regulations, height regulations, parking regulations and sign regulations of the Rural-43 RUPD zoning district are the same as the Rural-43 zoning district.
 - f. The yard regulations of the Rural-43 RUPD zoning district are the same as the R-4 zoning district.
 - g. The intensity of use regulations of the Rural-43 RUPD zoning district are the same as the R1-35 zoning district except that:

- i. The average lot area per dwelling unit shall be 43,560 sq. ft.
 - ii. The minimum lot width shall be 120'.
- h. Any parcel rezoned under case Z2005006 that is substandard or otherwise nonconforming in regard to the Rural-43 RUPD zoning district must document Legal Non-Conforming (LNC) status with the Planning & Development Department. It is the responsibility of the property owner to document LNC status.
- i. There shall be no relief granted to the development standards of the Rural-43 RUPD development standards except with Variance approval by the Board of Adjustment.
- j. Secondary dwelling units (guest homes, casitas, etc.) shall be allowed in the Rural-43 RUPD zoning district with demonstration of adequate liquid waste disposal at the discretion of the Environmental Services Department.
- k. Any subdivision plat within the Rural-43 zoning district shall include the following RUPD Chart:
 - 1. Avg. Lot Area / D.U.: 43,560 sq. ft.
 - 2. Min. Lot Area: 35,000 sq. ft.
 - 3. Min. Lot Width: 120'
 - 4. Max. Lot Coverage: 25%
 - 5. Min. Distance Between Buildings: 15'
 - 6. Min. Front Setback: 20'
 - 7. Min. Rear Setback: 25'
 - 8. Min. Side Setback: 5'
 - 9. Min. Street-Side Setback: 10'
 - 10. Max. Building Height: 30' (2 stories)
 - 11. Off-Street Parking: 2 / d.u.
 - 12. Signs: Same as Rural-43
 - 13. Uses: Same as Rural-43
 - 14. Accessory Dwelling Units: One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system
- l. Noncompliance with any Maricopa County Regulation shall be grounds for initiating a revocation of this Zone Change Modification of Condition as set forth in the Maricopa County Zoning Ordinance.
- m. 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 the 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: Adam Cannon, Planner
Reviewed by: Matthew Holm, AICP, Planning Supervisor
Attachments: Case Map (1 page)
Site Plan (reduced 8.5"x11", 1 page)
Narrative Report (8 pages)
DPR comments (1 page)
MCESD comments (1page)