



Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

Case: Z2021010 - Lucero Property

Hearing Date: March 11, 2021

Supervisor District: 1

Applicant: Maricopa County Planning & Zoning Commission

Owners: Benjamin Lucero & Roseanne Lucero

Request: Request for Commission initiation, and rezone from R-4 to Rural-43 RUPD

Site Location: Generally located south of the southwest corner of Riggs Rd & Valencia Ave, in the Queen Creek area

Site Size: Approx. 0.99 Acres

Density: N/A

County Island: Yes

County Plan: Queen Creek Area Plan – Suburban Residential (0-2 du/ac)

Municipal Plan: Queen Creek - Rural

Municipal Comments: None

Support/Opposition: None

Recommendation: **Initiate** and **Approve** with conditions

Project Summary:

1. The subject property is approximately 1.15 acres with one single-family residence built in 1995 on the parcel. There are no active violations on the site and no outstanding building permits or fees owed on record. The property owner seeks Rural-43 RUPD zoning as previously approved for large parts of the Chandler Heights area.
2. On May 3, 2006, the Board of Supervisors (BOS) approved case Z2005006 that voluntarily rezoned properties from R-5, R-4 & R1-35 to Rural-43 RUPD for a max. of 1,280 acres north of Hunt Hwy. between 172nd St. and Sossaman Rd. in the Chandler Heights area. This rezone was initiated by the Commission on behalf of a citizen group known as the Chandler Heights Community Organization (now dissolved) and participating property owners. At the time 671 out of 982 potential parcels were voluntarily rezoned representing 68% of the community. The community and applicant desired uses per the Rural-43 zoning district but to maintain more liberal development standards akin to the current and predominant R-4 zoning.

The BOS approved Z2005006 subject to conditions 'a' – 'k', as follows:

- 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 #Z2005006)" 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.
- 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:
 - The average lot area per dwelling unit shall be 43,560 sq. ft.
 - 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:.

Development Standard	Existing R-4 Development Standards	Proposed Rural-43 RUPD Development Standards (Z2005006)
Avg. Lot Area/D.U.	2,000 sq. ft.	43,560 sq. ft.
Min Lot Area	6,000 sq. ft.	35,000 sq. ft.
Min. Lot Width	60'	120'
Max. Lot Coverage	60%	20%
Min. Distance Between Buildings	10'	15'
Min. Front Setback	20'	20'
Min. Rear Setback	25'	25'
Min. Side Setback	5'	5'
Min. Street-Side Setback	10'	10'
Max. Building Height	40' (3 stories)	30' (2 stories)
Off-Street Parking	2 / d.u.	2 / d.u.
Signs	Same as Rural-43	Same as Rural-43
Uses	Same as R1-35	Same as Rural-43
Accessory Dwelling Units	Same as R1-35	One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system

Existing On-Site and Adjacent Zoning / Land Use:

- 3. On-site: R-4 / Single family residence
- North: Rural-43/Single family residence
- South: R-4 /Single family residence
- East: Rural-43 /Single family residence
- West: Valencia Ave then R-4 / Single Family Residence

Utilities and Services:

- 4. Water: Chandler Heights Irrigation District
- Wastewater: Septic
- School District: Chandler Unified School District
- Fire: Queen Creek County Island Fire District
- Police: MCSO

Adopted Plans:

- 5. **Maricopa County “Vision 2030” Comprehensive Plan:** The Comprehensive Plan designates the Chandler Heights area as being within the County’s Queen Creek Area Plan, and portions within the Town of Gilbert General Plan and Town of Queen Creek General Plan. The area west of Recker Rd. is with the Town of Gilbert’s municipal planning area, and to the east is within the Town of Queen Creek’s municipal planning area.
- 6. **Queen Creek Area Plan:** The Queen Creek Area Plan was adopted April 6, 1992. The last revision was in 2018. It identifies the Chandler Heights area for Suburban Residential development of (0-1 d.u./ac.) with a Neighborhood Commercial node at the intersection of Power Rd. & E Riggs Rd. The proposed Rural-43 RUPD zoning is more consistent with the plan than is the current R-4.
- 7. **Town of Queen Creek General Plan:** The Town Council adopted the Queen Creek General Plan on May 15, 2002. It identifies the Chandler Heights area for Suburban Residential development of 0-2 d.u./ac. It designates this entire area for Very Low Density Residential uses of 0-1 d.u./ac. The proposed Rural-43 RUPD zoning is in concert with the Queen Creek General Plan.

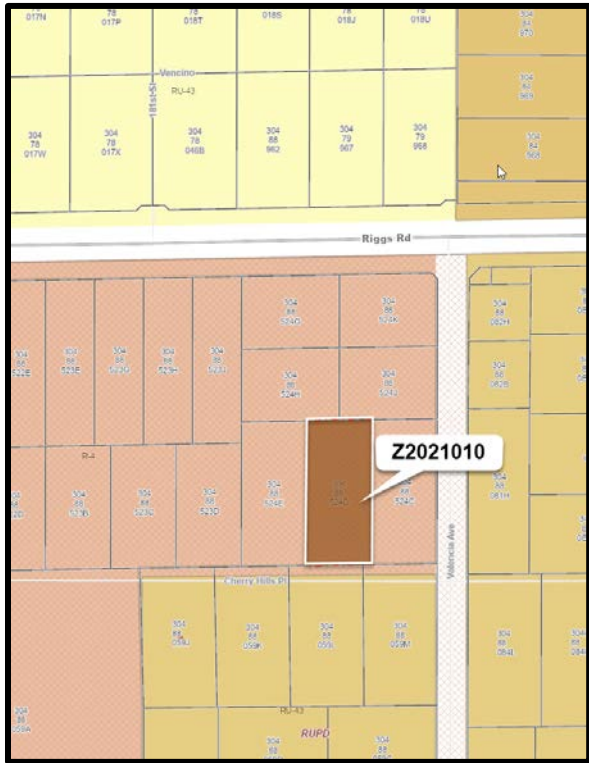
Public Participation Summary:

- 8. A notice of public hearing was posted at the site on by staff of the Maricopa County Planning and Development Department. There has been no opposition or support received for the proposed rezone.

Outstanding Concerns from Reviewing Agencies:

- 9. Reviewing agencies have raised no objections to the proposed project.

Site and Surrounding Zoning



2020 Aerial Photo



Staff Analysis:

10. This case, Z2021010, is a commission-initiated voluntary rezone from R-4 to Rural-43 RUPD related to case Z2005006. Chandler Heights is characterized by a low density mix of housing scattered amongst tracts of irrigated farmland, including some orchards, and range. Chandler Heights is an agrarian community with a long history of farming and ranching. Large tracts remain undeveloped and void of buildings. The reason for the Z2005006 rezoning was to replace the urban density residential zoning that covers a large swath of the community and replace it with a rural zoning category more appropriate for the community. The Rural-43 RUPD zoning permits the keeping of animals but recognizes the more flexible development standards as a legacy of the historic urban zoning in this semi-rural community.
11. The proposed rezoning is in concert with land use development patterns of the area. The proposed rezoning is in concert with applicable land use plans. Condition 'c' of Z2005006 approved by the BOS on 5/3/06 indicated that future parcels may voluntarily seek to rezone the Chandler Heights Rural-43 RUPD zoning per Z2005006. It is appropriate to ameliorate the checkerboard pattern of R-4 zoning in this area.
12. Zoning case Z2005006 resulted in a checkerboard patterns between the Rural-43 RUPD and R-4 zoning, being recognized problematic, but preferred to the region's predominant R-4 multi-family residential zoning. Per condition 'c' of Z2005006: *"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."*
13. The staff recommendation is for approval consistent with the stipulations related to the Z2005006 Chandler Heights Rural-43 RUPD which included condition 'c' noted below, staff must point out a concern with the subject request. The applicant has come in requesting the rezoning of a single parcel surrounded by parcels zoned R-4. Importantly, all lots along this segment of Cherry Hills Pl have been developed or are being developed for single-family residences on large lots. The character of development for the immediate neighborhood is single-family residential as opposed to the multi-family residential of current R-4 zoning or the residential agrarian nature of the requested Rural-43 RUPD zoning. There is no known opposition.

Recommendation:

14. Staff recommends the Commission motion to **initiate** and **approve** case **Z2021010** subject to condition 'a':
 - a. Subject to all conditions of case Z2005006, including the following Rural-43 RUPD development standards:
 1. Average lot area per dwelling unit: 43,560 sq. ft.
 2. Minimum lot area: 35,000 sq. ft.
 3. Minimum lot width: 120'
 4. Maximum lot coverage: 20%
 5. Minimum Distance between buildings: 15'
 6. Minimum Front setback: 20'

7. Minimum Rear setback: 25
8. Minimum Side setback: 5'
9. Minimum Street-side setback: 10'
10. Maximum building height: 30'
11. Accessory Dwelling Units: One (1) secondary dwelling unit allowed with MCESD approval of liquid waste disposal system.

Presented by: Warren Rivera, Planner
Reviewed by: Matthew Holm, Planning Supervisor

Attachments: Case Map (1 page)
Posting Certification (1 page)