



## Report to the Planning and Zoning Commission

Prepared by the Maricopa County Planning and Development Department

---

|                             |  |
|-----------------------------|--|
| <b>Case:</b>                | Z2022122 – Gross Voluntary Rezone  |
| <b>Hearing Date:</b>        | July 21, 2022  |
| <b>Supervisor District:</b> | 1  |
| <b>Applicant/Owner:</b>     | Holly Gross  |
| <b>Request:</b>             | Request for Commission initiation, and rezone from R1-35 RUPD to Rural-43 RUPD   |
| <b>Site Location:</b>       | APN 304-89-048V @ 18820 E Lawndale Pl. - Generally located 1,140 feet south of the SEC of Riggs Rd. and Mandarin Dr. in the Queen Creek / Chandler Heights area. |
| <b>Site Size:</b>           | 48,136 sq. ft. (1.10 acres)  |
| <b>Density:</b>             | N/A  |
| <b>County Island:</b>       | Yes (Town of Queen Creek, Town of Gilbert, Gila River Native American Community)   |
| <b>County Plan:</b>         | Queen Creek Area Plan – Suburban Residential (0-2 du/ac)   |
| <b>Municipal Plan:</b>      | Town of Gilbert – San Tan Character Area (0-1 du/ac)   |
| <b>Municipal Comments:</b>  | None   |
| <b>Support/Opposition:</b>  | None received to date  |
| <b>Recommendation:</b>      | <b>Initiate</b> and <b>Approve</b> with condition  |

## Project Summary:

1. 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 approximately 1,280 acres north of Hunt Hwy. between 172<sup>nd</sup> St. and Sossaman Rd. in the Chandler Heights area. This rezone was initiated by the Commission on behalf of a grass roots 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 desired uses per the Rural-43 zoning district, such as the keeping of farm animals, 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; 172<sup>nd</sup> 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:.

| <b>Development Standard</b>     | <b>Existing R-4</b> | <b>Proposed Rural-43 RUPD (Z2005006)</b>  |
|---------------------------------|---------------------|---|
| 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 |

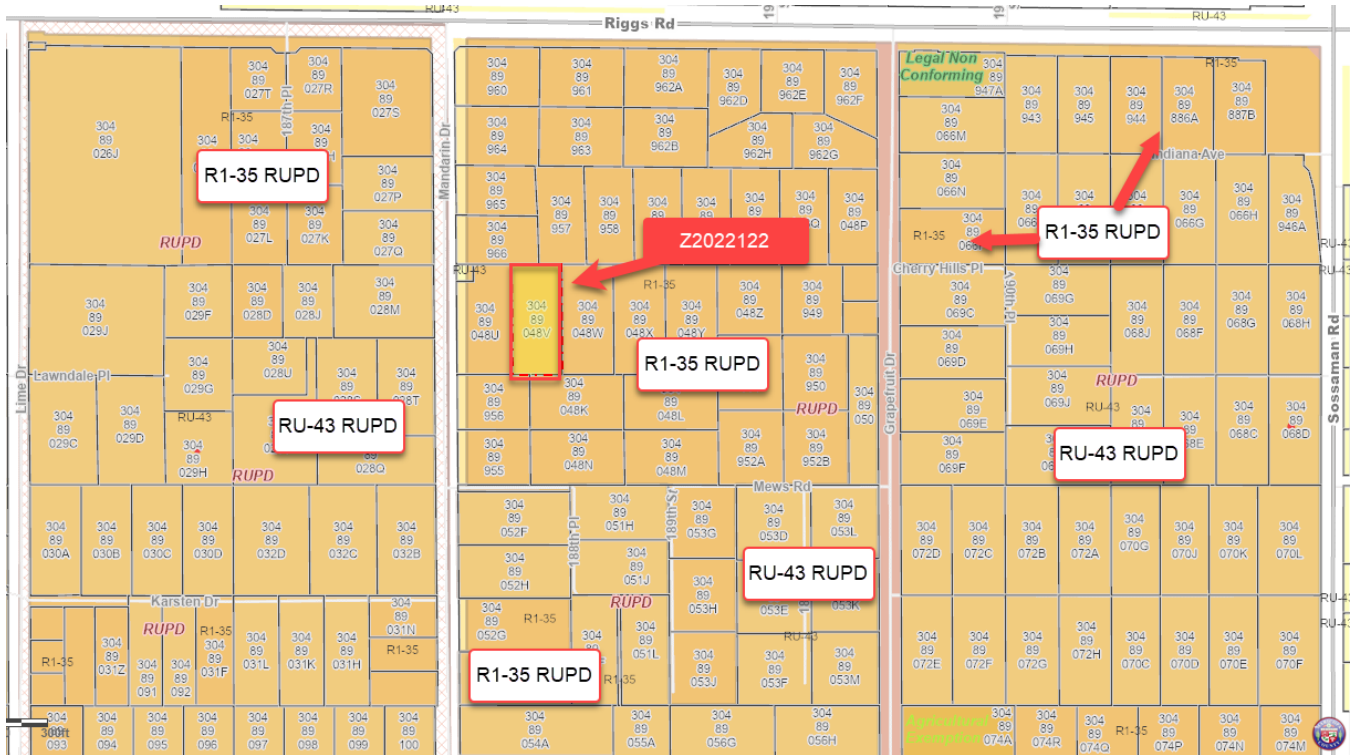
**Existing On-Site and Adjacent Zoning / Land Use:**

- 2. On-site: R1-35 RUPD / single-family (Gross) residence
- North: R1-35 RUPD/ single-family residences, then Indiana Ave. &
- South: R1-35 RUPD / single-family residences
- East: R1-35 RUPD / single-family residence
- West: R1-35 RUPD / single family residence then Mandarin Dr then RU-43 RUPD (same as requested zone)

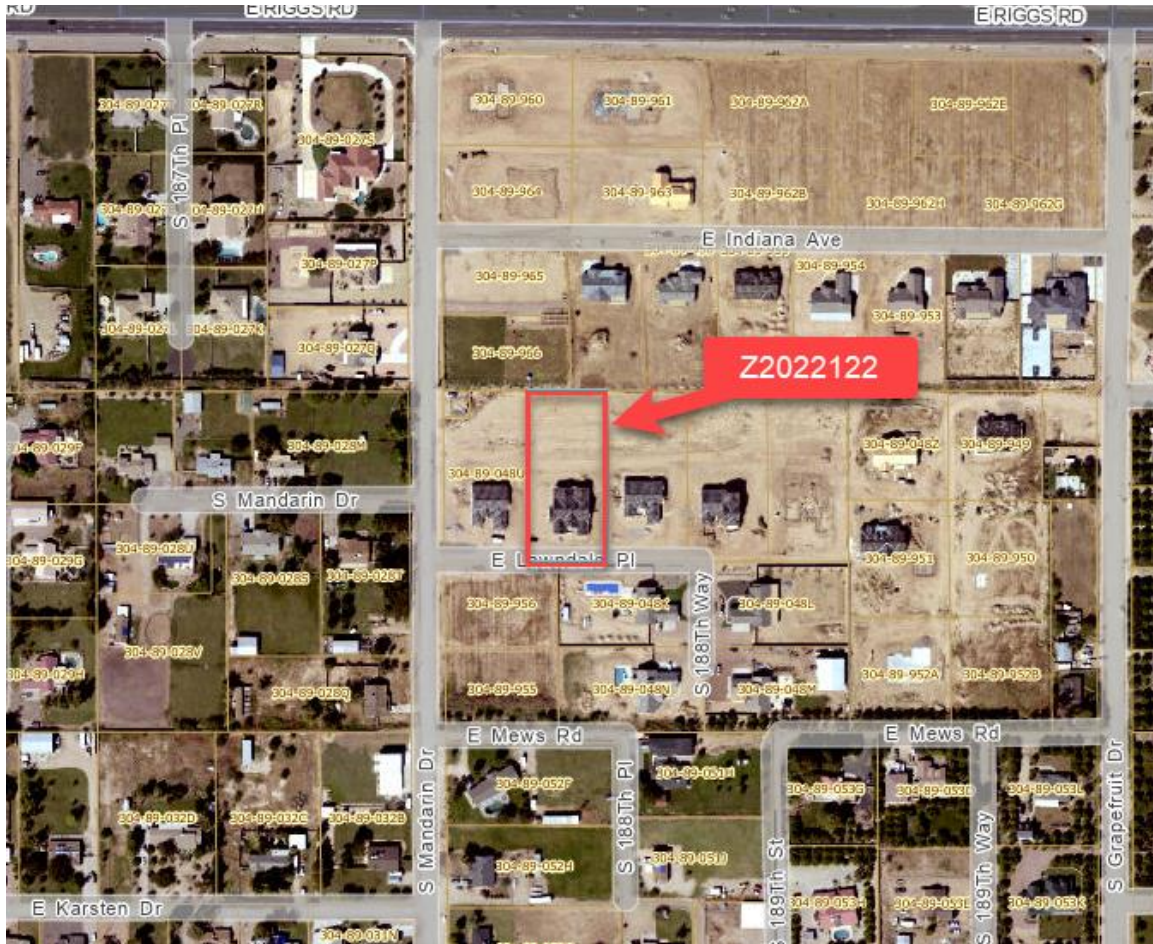
**Utilities and Services:**

- 3. Water: Chandler Heights Irrigation District
- Wastewater: Septic
- School District: Chandler Unified School District
- Fire: Gilbert County Island Fire District
- Police: MCESD

**Site and Surrounding Zoning**

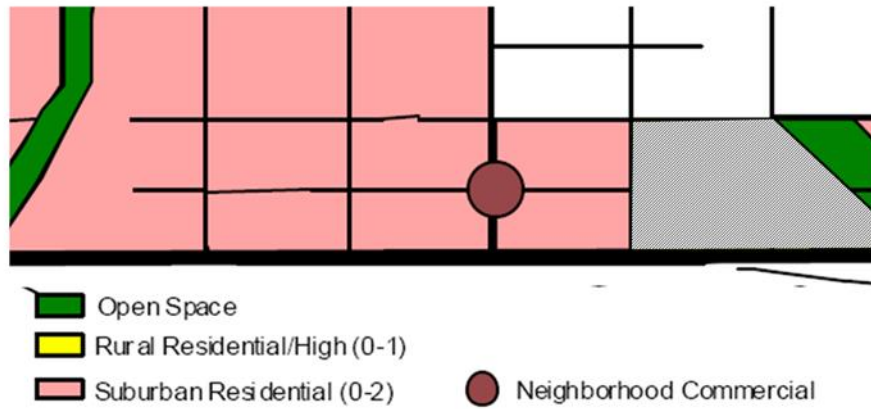


## 2022 Aerial Photo of Site and Surrounding Parcels



### Adopted Plans:

4. **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 both 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.
5. **Queen Creek Area Plan:** The Queen Creek Area Plan was adopted April 6, 1992. The last revision was on June 1, 1996. It identifies the Chandler Heights area for Suburban Residential development of (0-2 d.u./ac.) with a Neighborhood Commercial node at the intersection of Power Rd. & San Tan Blvd. The excerpted County Area Plan future land use map is illustrated on the next page. Note Chandler Heights and the surrounding region.



## Queen Creek Land Use Plan



Adopted: 4/6/92  
Revised: 6/1/96



Maricopa County Planning & Development Department

- Town of Gilbert General Plan:** The Gilbert General Plan was approved by voters on November 6, 2001. It was amended by the Town Council on January 20, 2004. The Gilbert General Plan covers that portion of Chandler Heights bounded by 172nd St. on the west, Riggs Rd. on the north, Recker Rd. on the east, and Hunt Hwy. on the south. It designates this area for low density Residential uses of 0-1 d.u./ac. The proposed Rural-43 RUPD zoning would be more in line with this land use designation than is the current R-4 zoning.
- 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:

- Staff posted the site July 11, 2022. Staff received two telephone calls from adjacent property owners expressing interest in doing the same for their property. No objections to this request were expressed during these calls.

### Outstanding Concerns from Reviewing Agencies:

- N/A

### Staff Analysis:

- This case, Z2022122, is a voluntary rezone from R1-35 RUPD to Rural-43 RUPD as permitted by rezoning 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 rezoning 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 farm 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 Chandler Heights region. 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, which can be problematic. 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; 172<sup>nd</sup> 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. Although the staff recommendation is for Approval consistent with the stipulations related to the Z2005006, 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 R1-35 RUPD. Importantly, all lots along this segment of Lawndale Pl. have been developed or are being developed for single-family residences on acre sized lots. The character of development for the immediate neighborhood of Lawndale Pl. is single-family residential as opposed to the residential agrarian nature of the requested Rural-43 RUPD zoning, similar to the properties west of Mandarin Dr. zoned RU-43 RUPD. Opponents of similar voluntary rezones in the past have indicated potential adverse impacts to the immediate surrounding residences due to the allowed rural uses provided by the Rural-43 RUPD zoning.
14. The following aerial photograph show the developing streetscape. There are about 4 lots fronting this segment of Lawndale Pl. and all are developed with single-family homes or have single-family homes under construction. Despite being unregulated land divisions, the development has the appearance of a residential subdivision with similar lot layouts and architectural styles for all of the homes.

**Aerial Photographs looking east along the 18000 block of E. Lawndale Pl.**  
Photograph date 9/30/21



**Recommendation:**

15. Staff recommends the Commission motion to **initiate** and **approve** case **Z2022122** 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:  
Reviewed by:

Daniel Johnson, Planner  
Darren V. Gerard, AICP, Planning Division Manager

Attachment:

Case Map (1 page)  
Application (1 page)





|  |   |                  |
|--|---|------------------|
| Application Name: Gross Property Voluntary Rezone CHCT     |   |                  |
| Legal Description<br>T02GR0+E 031Z                         |   |                  |
| Applicant<br>Holly Gross                                   | Applicant Phone/Email<br>602+1+ 4--1<br>h2photography.com | Z2022122         |
| Case Address<br>1, 20 E LAWNDALE R<br>BUENA VISTA AZ, 5142 | Parcel Primary: 304, -04, V                               |                  |
|  |   | App scale 1: ,02 |

Superjisor District No"

ZONE CHANGE TO RURAL-43 RUPD PER Z2005006



# Planning & Development Department

ALL FEES ARE DUE AT TIME OF APPLICATION AND ARE NON-REFUNDABLE

## ZONE CHANGE APPLICATION

|   |   |
|---|---|
| <b>REQUEST</b>  |   |
| Project Name  | Gross Property Voluntary Rezone               |
| Description of Request:   | Rezone from R1-35 to RU-43                    |
| Existing Use of Property:   | Residential                                   |
| Existing Zoning District:   | R1-35 RUPD                                    |
| Requested Zone Change :   | RU-43 RUPD                                    |
| Related Case Numbers: (List <b>V#</b> if site is subject to code violation)   | Z 2005006                                     |
| <b>PROPERTY INFORMATION</b>   |   |
| Address (if known):   | 18820 E Lawndale Place, Queen Creek, AZ 85142 |
| General Location (include nearest city/town):   | Queen Creek/Chandler Heights - NO CITY/TOWN   |
| Size in Acres:  | 1.1050505                                     |
| Square Feet:  | 48136   |
| Legal Description   | Section: 31 Township: 2S Range: 7E            |
| Assessor's Parcel Number(s):  | 304-89-048V                                   |
| Subdivision Name (if applicable):   | CHANDLER HEIGHTS CITRUS TRACT UNIT 3127       |
| <b>OWNER'S AUTHORIZED AGENT INFORMATION</b>   |   |
| Name:   | Contact:                                      |
| Address:  |   |
| City:   | State:  |
| Phone #:  | Fax #:  |
|   | Email:  |
| <b>PROPERTY OWNER INFORMATION</b>   |   |
| Name:   | Contact: Holly                                |
| Address:  | 18820 E Lawndale Place                        |
| City:   | Queen Creek                                   |
| State:  | Arizona                                       |
| Zip:  | 85142   |
| Phone #:  | (602) 717-4991                                |
| Fax #:  |   |
| Email:  | H2photo@gmail.com                             |
| <b>PROPERTY OWNER AND OWNER'S AGENT AUTHORIZATION</b>   |   |
| I (property owner) Holly & Mike Gross authorize (owner's agent) _____ to file this application on all matters relating to this request with Maricopa County. By signing this form as the property owner I hereby agree to abide by any and all conditions that may be assigned by the Maricopa County Board of Supervisors, Maricopa County Planning and Zoning Commission, or Maricopa County Planning and Development Department staff as applicable, as part of any approval of this request, including conditions, development agreements, and/or any other requirement that may encumber or otherwise affect the use of my property.   |   |
| <b>PROPOSITION 207 WAIVER</b>   |   |
| The property owner acknowledges that the approval being sought by this application may cause a reduction in the existing rights to use, divide, sell or possess the private property that is the subject of this application. The property owner further acknowledges that it is the property owner who has requested the action sought by the filing of this application. Therefore, with full knowledge of all rights granted to the property owner pursuant to A.R.S. §12-1132 through 1138, the property owner does hereby waive any and all claims for diminution in value of the property with regard to any action taken by Maricopa County as result of the filing of this application. |   |
| Property Owner Signature:   | Date: 3/17/2022                               |
| <b>VERIFICATION OF APPLICATION INFORMATION</b>  |   |
| I certify that the statements in this application and support material are true. Any approvals or permits granted by Maricopa County in reliance upon the truthfulness of these statements may be revoked or rescinded.   |   |
| Owner or Authorized Agent Signature:  | Date: 3/17/2022                               |
| <b>CASE INACTIVITY</b>  |   |
| Cases which are not active within six (6) months will be considered inactive and closed by staff. A letter addressing the inactivity will be sent to the owner's authorized agent or property owner with notification of the case to be closed within thirty (30) days. To pursue entitlement after the closing of the case, a new application and associated fees will need to be filed.   |   |