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**STAFF REPORT**

**Cases Numbers: GPA22-05 & PAD22-05**

To: Honorable Mayor and City Council  
Through: Richard Williams, Development Services, Planning Manager  
From: Derek Scheerer, Development Services, Planner II  
Meeting Date: May 17, 2022

**REQUESTS**

**PUBLIC HEARING: GPA22-05 Home at Maricopa Minor General Plan Amendment:** A request by Don Leake of Shelter Asset Management, on behalf of property owner El Dorado 27, LLC, to amend approximately 25.3 acres of the General Plan Future Land Use Map, a portion of Pinal County parcel number 510-30-002C and parcel 510-30-002F, from existing Public/Institutional (P) and Mixed Use (MU) to Mixed Use (MU) located at the northeast corner of N. Porter Road and W. Applegate Road, just north of Maricopa-Casa Grande Hwy. **Discussion and Action.**

**PUBLIC HEARING: PAD22-05 Home at Maricopa Zoning Map Amendment:** A request by Don Leake of Shelter Asset Management, on behalf of property owner El Dorado 27, LLC, to rezone approximately 25.3 acres, a portion of Pinal County parcel number 510-30-002C and parcel 510-30-002F, from existing Light Industry & Warehouse (CI-1) to Planned Area Development (PAD) located at the northeast corner of N. Porter Road and W. Applegate Road, just north of Maricopa-Casa Grande Hwy. **Discussion and Action.**

**APPLICANT**

Shelter Asset Management  
Developer  
Contact: Don Leake  
7150 East Camelback Rd. Ste 402  
Scottsdale, AZ 85251  
  
Phone: 480-252-6544  
Email: [don.leake@shelterasset.com](mailto:don.leake@shelterasset.com)

**PROPERTY OWNER**

El Dorado Porter 27 LLC  
8501 N Scottsdale Rd. Ste 120  
Scottsdale, AZ 85253

**COUNCIL PRIORITIES CONSIDERED**

- Quality of Life
- Economic Sustainability
- Managing the Future
- Public Safety

**PROJECT DATA**

Site Gross Acres	25.3 acres
Parcel #	510-30-002F and a portion of 510-30-002C
Site Address	N/A
Site Use	Vacant Land, not previously developed
Existing General Plan, Land Use	Public/Institutional – P Mixed Use MU
Proposed General Plan, Land Use	Mixed Use – MU
Existing Zoning	Light Industry & Warehouse – CI-1
Proposed Zoning	Planned Area Development – PAD
Overlay Zoning	None
Total Dwelling Units	536 (mix of one-, two-, & three-bedroom units)
Proposed Density*	28.5 Dwelling Units per Net Acre (DU/acre)
Allowed Density, per PAD	21.6 DU/acre (net acre, per code)
Parking Required/Provided	843-1,054/918 spaces (Parking reduction requested through the Sustainability Reduction incentive for a 20% reduction).

Surrounding Zoning/Use:

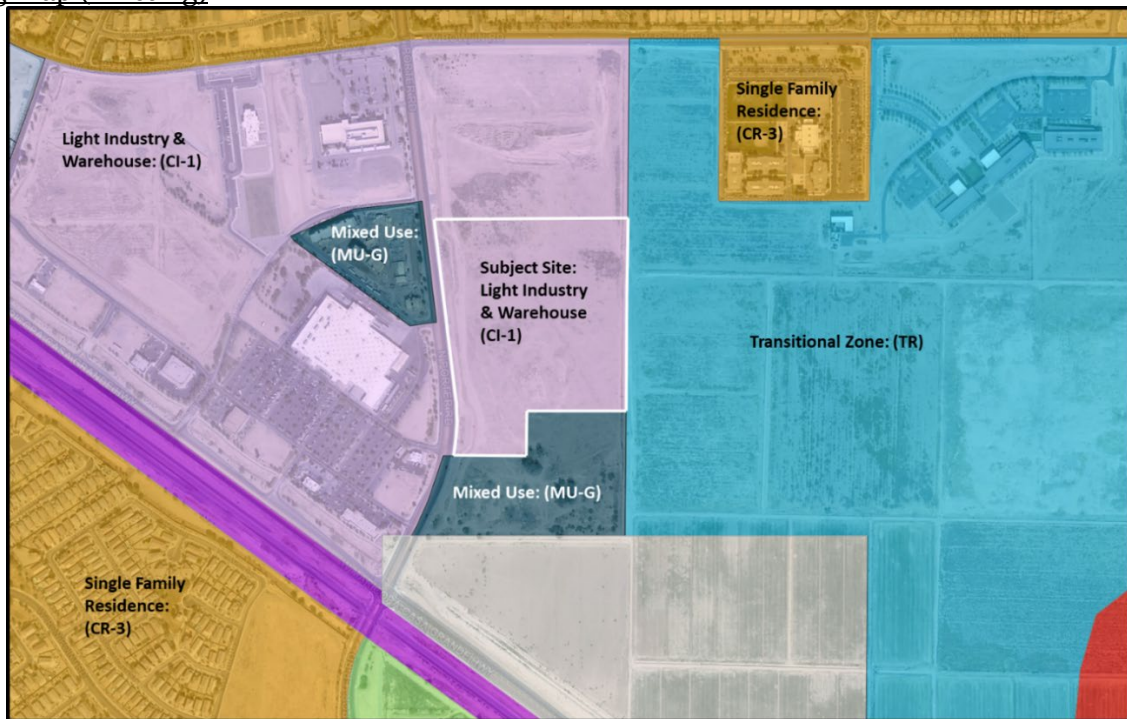
Direction	General Plan Land Use	Existing Zoning	Existing Use
North	Public/Institutional (P) – Mixed Use (MU)	Light Industry & Warehouse (CI-1)	Vacant
East	Public/Institutional (P)	Transitional (TR)	Vacant
South	Mixed Use (MU)	Mixed Use (MU-G)	Multi-family (under construction)
West	Mixed Use (MU)	Light Industry & Warehouse (CI-1) and Mixed Use (MU-G)	Commercial/Residential

General Plan Future Land Use Map (Existing)





### Zoning Map (Existing)



### HISTORY SUMMARY

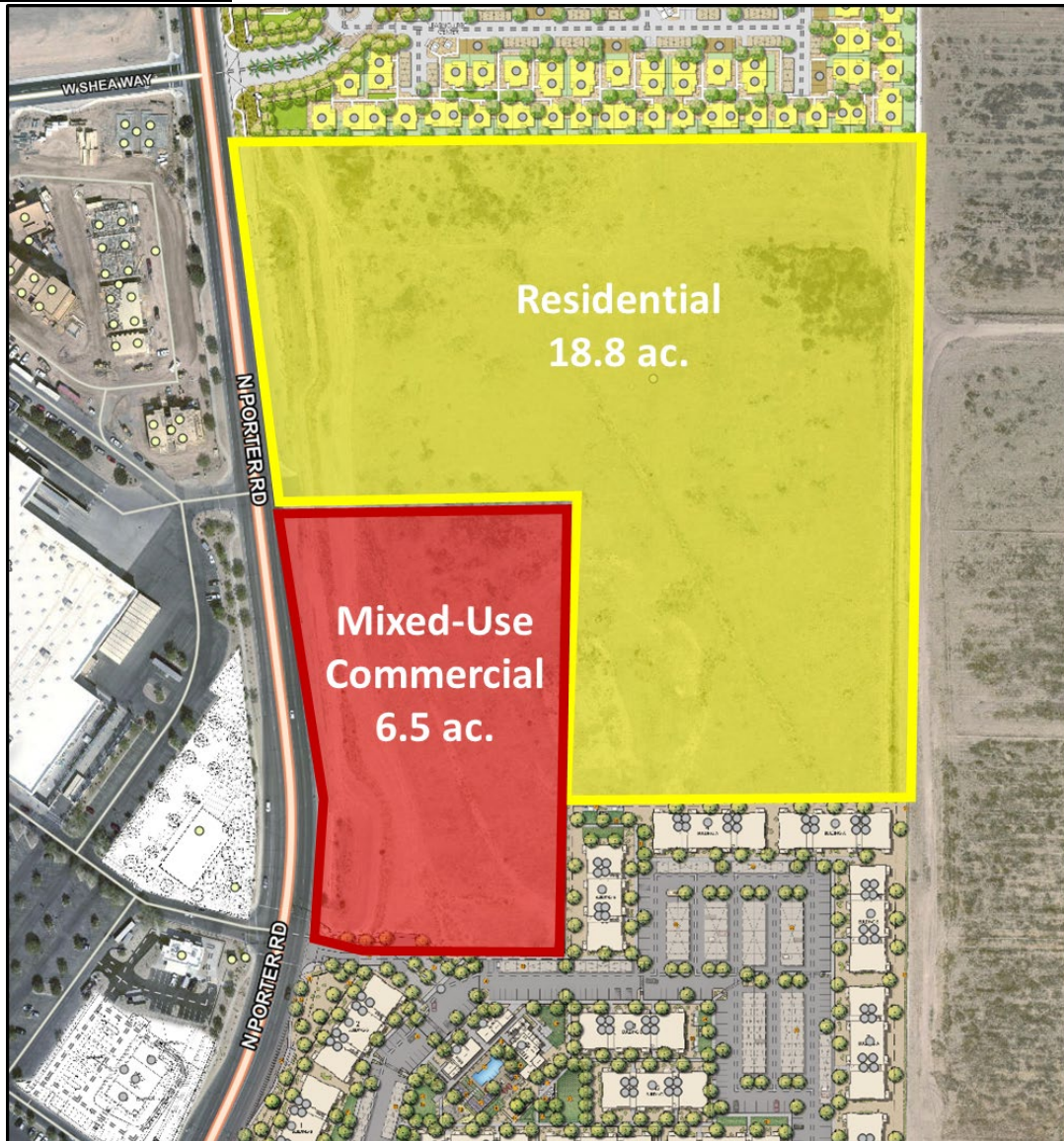
- 1963- Property zoned CI-2 by Pinal County zoning case PZ-7-63
- 2003- Property zoned CI-1 by Pinal County zoning case PZ-017-03, PZ-PD-017-03

### SUBJECT SITE





Proposed Land Use of Site



**ANALYSIS**

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The applicant is requesting:

1. A Minor General Plan Amendment to the Future Land Use Map from Public/Institutional (P) and Mixed Use (MU) to Mixed Use (MU).
2. A rezone from Light Industry & Warehouse (CI-1) zoning to Planned Area Development (PAD). This zone change request will allow the applicant to pursue a Development Review Permit (DRP) requiring site plan and architectural reviews to comply with the PAD. A DRP will be presented to Planning and Zoning Commission at their May 9, 2022 meeting for the proposed multi-family residential portion of the project.

Each request builds upon land use and development entitlements to make the proposal possible. Each approval is dependent upon the subsequent approval. The development proposal cannot move ahead without the rezoning, nor can the rezoning move ahead without the approval of the General Plan Land Use change.

Home at Maricopa is a proposed mixed-use project that permits uses such as multi-family residential, and mixed-use that could include future commercial and/or industrial. The proposed development of the site will occur in six (6) phases as illustrated in the PAD Narrative Booklet. For phases one (1) through five (5), the applicant is proposing an innovative multi-family development consisting of six (6) four and five story multi-family buildings with a centralized amenity package that will be presented to the Commission under Development Review Permit DRP22-07 at a later date. The proposed multi-family buildings are being reviewed under and shall meet the City's Multi-Family Residential Guidelines. Phase six (6), the future commercial and/or industrial portion of the project, will be submitted to the City under another Development Review Permit application by the owner/developer of the commercial lot. Staff is not aware of a development timeline for the commercial lot.

The project and applications are part of a larger 60-acre series of developments of varying multi-family and commercial developments (The Rev at Porter and Copa Flats) located along the eastern portion of Porter Rd. between Bowlin Rd. and Maricopa-Casa Grande Hwy. Exhibit A, the Project Narrative and PAD Booklet, provides a thorough description of the two proposals (GPA22-05, PAD22-05) and the development standards proposed for the site. These standards have been determined to have met Staff's satisfaction for clarity and completeness. Within the Narrative, rationale for the change of land use reads: *The proposed mixed-use project will add another multi-family community to the area along with an integrated commercial/office/light industrial development. These projects fit well into this part of the City as there is already significant development in the area that will serve this project as well as benefit from the additional families and commercial activity that results.*

Amending the General Plan Land Use Map Amendment require consulting the Plan Administration section of the General Plan. Criteria include the following:

- (1) number of acres for land use change and/or
  - (2) the capital cost burdens to the City when classifying an amendment as either Major or Minor.
1. Proposed land use changes that do not meet or exceed the thresholds of a Major Plan Amendment (as defined in Table 1 – Major Plan Amendment Land Use Criteria within City Limits) are defined as Minor. This proposal, refers to the line for current designation of Public/Institutional to proposed designation of Mixed Use, which set the trigger (or threshold) at 40 acres, whereas this proposal is below the trigger at 25.3 acres.
  2. Infrastructure Criteria is also listed as an independent consideration to acreage. The context of the site requires no expansion of infrastructure that warrants costly capital improvements.

In accordance with these criteria, Staff classifies the proposed General Plan Land Use Map Amendment as Minor. The application was made with a Public Participation Plan that met state statutes and the standards prescribed within the Zoning Code, as outlined later in this report. The remaining public process includes holding a public hearing before the Planning & Zoning Commission, a recommendation by the Commission to the City Council, holding a Public Hearing before the City Council, and a decision by City Council. A recommendation should be made as to whether the amendment achieves, on balance, the goals and objectives as defined within the text of the General Plan Elements. A review of the goals and objectives are listed under the GPA22-05 *Minor General Plan Amendment Findings* section of this Staff Report.

With a favorable recommendation for the General Plan Land Use Map Amendment, the Council can consider the concurrent Zoning Map Amendment (rezone). Under Section B. Land Use Elements, subsection D. Land Use Plan – Land Use Designations of the City's General Plan, future land use designations are listed. The Mixed-Use land use designation states that “the Mixed Use designation is intended to foster creative design for developments that desire to combine commercial, office and residential components.” The Planned Area Development (PAD) zone is defined within the Zoning Code under Chapter 18.60.010 states that “the specific purpose of the Planned Area Development

(PAD) District is to provide opportunities for creative and flexible development approaches that accommodate, encourage, and promote innovatively designed developments involving a mixture of residential and/or nonresidential land uses not prescribed within the zoning districts of the city.”

The PAD standards proposed by the applicant closely follow the standards of the General Mixed-Use (MU-G) district with several variations that provide a unique PAD zoning district tailored to the proposed development of the site. Several of the proposed variations are listed below followed by a rationale for the deviations. The full set of proposed standards for the PAD are depicted in Exhibit A, Project Narrative and PAD Booklet.

Use	District		
	MU-G	PAD Residential	PAD Non-Residential
<b>Lot and Density Standards</b>			
Maximum Density (units/net acre)	30	28.5*	20*
Maximum Floor Area Ratio (FAR)	1.2	0	1.2
<b>Building Form and Location</b>			
Maximum Building Height (ft.)	40	70	40
Minimum Building Height (stories)	2	1	1
First Floor Ceiling Height, Nonresidential Uses (ft. clear)	12	-	12
<b>Minimum Setbacks (ft.)</b>			
Front	10	20/10	20/10
Interior Side, Residential Uses Only	5	-	-
Interior Side	0	-	-
Side, Perimeter	-	20/10	20/10
Side, Internal Building Separation	-	20/10	20/10
Street Side	10	-	-
Rear	20	20/10	20/10
Maximum Front Setback (ft.)	20	-	-
Maximum Setbacks	-	n/a	n/a
<b>Other Standards</b>			
Amount of Parking (Required / Provided)	-	843-1054 / 918	Y
Outdoor Living Area (s/f per unit)	120	60	-
Outdoor Storage	N	-	-
Transitions	Y	-	-
Amount of Parking, Non-residential uses must comply with the City Code require parking ratio based on a GROSS AREA calculation with the ability to exceed that amount by up to TWENTY PERCENT (20%)			

Under Section 18.60.040.A Residential Unit Densities of the Zoning Code, land use and development regulations for the PAD zone “shall not exceed the maximum number permitted by the general plan density for the total area of the planned area development designated for residential use.” The General Plan does not specify density limitations specifically for PAD zones but restricts density under the Mixed Use (MU) land use designation to 6-18 du/ac. This limitation is inconsistent with densities permitted by-right under the Zoning Code for land uses permitted within the MU land use areas. Examples of this are the Residential High Density (RH) zoning district, which permits 24 du/ac, and the General Mixed Use Zone (MU-G) zoning district which permits 30 du/ac. Additionally, the General Plan limits residential density in High Density Residential (HDR) land use areas to 6-18 du/ac, which conflicts with the RH zoning district.

Although the proposal exceeds the maximum permitted density for the PAD zone, as noted above, staff finds that the proposed density of 28.5 du/ac, which falls in between the RH and MU-G zones, is appropriate and consistent for the proposed development type of four (4) to five (5) story residential structures that are unprecedented in the City. Staff is cognizant to the fact that as the City further develops, a variety of uses and building types that are not currently distinguished in the Zoning Code will have to be accommodated and that the PAD zone is the mechanism where such accommodations can be made until the General Plan and Zoning Code are updated to match these evolving development patterns.

To accommodate the increase in density, without sacrificing open space and amenities, the applicant proposes an increase of the permitted maximum building height from the Mixed Use base zone maximum of 40’ to 70’. (It should be noted that the proposed maximum top of roof height in DRP22-07 is 54’ while the proposed 70’ maximum height in the PAD is to accommodate building apparatus.) To offset the perceived appearance of the height increases, the taller buildings have been setback further into the site. This setback additionally allows for the clustering and centralization of the proposed amenities so that their proximity to all residential buildings is increased for better universal access.

As an off-set to the proposed deviations from base zone standards, the applicant proposes a robust amenity package for the residential portion of the PAD. The amenities provided, as indicated in the DRP submittal that will soon follow, include the following:

- Lap pool
- Wading pool
- Jacuzzi/spa
- Sundecks with cabanas
- Ramada shade structures
- Outdoor kitchen/BBQ area
- Turf sports lot
- Shuffleboard and tetherball courts
- Tot lot with play equipment
- Pickleball court
- Bocce Ball court
- Cornhole court
- Split Dog park w/sun shade and wash stations (large/small breed)
- Three (3) large turf play/recreation areas
- Clubhouse
- Over requirement landscaped common open space

**CITIZEN PARTICIPATION:**

Prior to recommending approval of the rezoning, the applicant submitted a public participation plan to demonstrate the materials used to inform surrounding property owners of the proposed Minor General Plan Amendment and Rezoning as required per the city’s Zoning Code. The Public Participation Plan included a neighborhood meeting, notification letters sent to all property owners within 600 feet of the subject site, a public notice sign within the subject site, and a legal notice published in the local newspaper circulator. A timeline of the participation is shown below (refer to Exhibit B for Citizen Participation Report).

- Mar. 24, 2022 - Notification letters sent



- Mar. 24, 2022 - Legal notice published (newspaper)
- Mar. 24, 2022 - Sign posted posted
- Apr. 8, 2022 - Neighborhood Meeting held
- April 25, 2022 - Public Hearings at Planning and Zoning Commission

**PUBLIC COMMENT:**

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Staff has not receive any public comment record at the time of writing this report.

However, at the presentation of the Development Review Permit (DRP22-07), for the multi-family portion of the proposed PAD, during the Planning and Zoning Commission’s May 9, 2022 meeting, members of the public presented themselves and their opposition to the rezone proposal. Public opposition was centered on the increased growth of multi-family residences/developments in the vicinity and the traffic impact those developments will have for the City and more specifically the immediate area around Porter Road and Bowlin Road/W Alan Stephens Parkway. At the meeting, the Planning and Zoning Commission took comments on the opposition to the rezone and reminded the public that the DRP was before them and not the rezone, which was heard at their previous April 25, 2022 meeting. The project applicant offered clarification for the Commission and the public on how City Staff (City Engineer) and the project designers worked through the required Traffic Impact Analysis (TIA) for the PAD and overall ultimate project development. In the TIA, a data-based approach was used to analyze the traffic demands for all existing and entitled developments in the area and not just the subject site.

**GPA22-05 MINOR GENERAL PLAN AMENDMENT FINDINGS:**

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As required by the General Plan, the following goals and objectives are of consideration:

**Goal B1.3: Encourage mixed-use development.**

*Staff Analysis: The proposed change from Public/Institution to Mixed Use is consistent with the intent of Goal B1.3 of the General Plan. The proposed development plan for the site is consistent with the Mixed Use policies with providing multi-family and commercial component within the overall development site.*

**Goal B1.4: Minimize conflicts between land uses.**

*Staff Analysis: The proposed change from Public/Institution to Mixed Use is consistent with the development of the area and this identified Growth Area. The mixed-use designation will allow for additional commercial/retail in the area. Additionally, the proposed change will clean up the Future Land Use Map where the current land use divisions bisect the proposed lot being created by the applicant.*

**Goal B2.1.5: Encourage certain areas of the City to rezone to mixed-use to permit higher density housing consistent with Master Plans, Strategic Plan, and the Village Center planning concept.**

*Staff Analysis: The proposed PAD zoning of the site allows for a higher density housing product consistent with the intent of the Mixed Use designation of the City’s General Plan. The City Housing Plan has similarly identified a need for more diverse housing stock to be utilized by the citizens of Maricopa.*



**Goal B2.2: Assure the development of a diverse housing stock in both dwelling type and density.**

MU (Mixed Use) 6 - 18, HDR (High Density Residential) 6 - 18

*Staff Analysis: The proposed housing unit diversity expands upon and improves the dwelling unit type and density offerings for the City. The residential component of the project will provide a mix of one-, two-, and three-bedroom units that will serve a variety of family units at various income levels. The proposed density, although slightly greater than what is permitted, is an extension of the development pattern for the area and the City at-large in both dwelling type and density with the proposal.*

**Goal E3.1: Create safe and functional pedestrian ways and bicycle routes as an alternative mode of travel throughout Maricopa.**

*Staff Analysis: The proposal provides adequate and safe pedestrian interconnections between the proposed residential and commercial portions of the project area as well as to Porter Rd. with its connectivity to the commercial. As such, the proposal demonstrates compliance with this goal.*

**Housing Element: A Housing Needs Assessment study is necessary to clearly define areas of need and implementation plan to expand housing options in Maricopa.**

*Staff Analysis: The Housing Needs Assessment and Housing Plan was completed in July 2018. The Assessment noted that the need for rental housing was in high demand within the City with limited access to rental units. More than 99% of the housing stock consists of single-family, detached homes (p. 11). This is comparatively over-represented in comparison to the Phoenix MSA where only 65% of housing stock consists of single-family, detached homes (p. 12). To accommodate the next 10 years of growth, approximately 22,000 new buyers and renters will not be interested in single family homes (p. 16). Additionally, the benefits of higher density housing adjacent to commercial/mixed use land uses supports neighborhood retail (p. 16), which is a component of the overall development proposal for the subject site. As such, the proposal meets the Housing Needs Assessment and Housing Plan Goals (p.77) numbers (1) by proposing a well-built, well-designed housing product (DRP22-07); (2) by providing various housing options for all stages of life; and (4) by encouraging walkability, increasing access to jobs, shopping, and other amenities.*

**PAD22-05 ZONING MAP AMENDMENT REQUIRED FINDINGS:**

As required by Sec. 509.14 of the City's Zoning Code, the Planning & Zoning Commission made the following findings in their recommendation to the City Council:

1. The amendment is consistent with the General Plan;

*Staff Analysis: The proposed zone change to PAD adheres to the General Plan's future land use designation, pending approval of the Mixed-Use designation.*

2. Any change in District boundaries is necessary to achieve the balance of land uses desired by the City, consistent with the General Plan, and to increase the inventory of land within a given Zoning District; and

*Staff Analysis: The zone change amendment will allow the applicant to continue their development plan along Porter Road for a proposed mixed-use residential development in support of the housing plan's goal to diversify the housing options within the City.*

3. The amendment will promote the growth of the City in an orderly manner and protect the public health, safety, peace, comfort and general welfare.

**Staff Analysis:** *The zone change will not impact the health, safety and general welfare of the area and will promote growth in an orderly manner.*

**CONCLUSION:**

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The Planning and Zoning Commission recommended **approval** of **cases GPA22-05 and PAD22-05 Home at Maricopa**, subject to the conditions of approval stated in this staff report, and as amended by the Planning and Zoning Commission.

1. The applicant shall continue with the development process of submitting a Development Review Permit as prescribed within the City's Zoning Code.
2. This project is within the City of Maricopa Regional Transportation Plan boundaries. As such, improvements shall be made per the accepted Traffic Impact Analysis in adherence to the Regional Transportation Plan and accepted by the City Engineer.
3. Prior to issuance of the final Certificate of Occupancy, the applicant shall submit and secure a Minor Land Division to create the new parcel. This will also be required for the Zoning Map and General Plan Map amendments.
4. Prior to the City Council approval of the PAD22-05, the applicant shall submit to the city a signed waiver pursuant to Proposition 207 as applicable.
5. Any amendments to the PAD District shall be processed in accordance with Section 18.180.060 of the City's Zoning Code.
6. All zoning and development standards not expressly enumerated within this PAD shall comply with the applicable standards delineated in the City's Zoning Code.

**ATTACHMENTS:**

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**Exhibit A:** GPA22-05 & PAD22-05 Narrative and PAD Book

**Exhibit B:** Citizen Participation Report

**Exhibit C:** Conceptual Site Plan combined with Landscaping Plans

**Exhibit D:** Conceptual Rendered Elevations

-- End of staff report --