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STAFF REPORT

Cases Numbers: GPA20-02 & ZON20-01

To: Honorable Mayor and City Council
Through: Rodolfo Lopez, Economic & Community Development Deputy Director
From: Ryan Wozniak, Senior Planner
Meeting Date: August 18, 2020

REQUESTS

PUBLIC HEARING: GPA20-02 O’Jon Terrace Apartments Minor General Plan Amendment: A request by Lesley Partch (architect) on behalf of Chrystal and Kent O’Jon to amend the General Plan Future Land Use Map of approximately 1.69 acres, from existing Employment (E) to High Density Residential (HDR) generally located east of Porter Road south of Honeycutt Road, Pinal County assessor number 510-71-018A. **Discussion and Action.**

ZON20-01 O’Jon Terrace Apartments Zone Change: A request by Lesley Partch (architect) on behalf of Chrystal and Kent O’Jon to rezone approximately 1.69 acres from existing General Business (CB-2) to High Density Residential (RH) generally located east of Porter Road south of Honeycutt Road, Pinal County assessor number 510-71-018A. **Discussion and Action.**

APPLICANT/OWNER

Kent & Chrystal O’Jon
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ARCHITECT

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COUNCIL PRIORITIES CONSIDERED

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

PROJECT DATA

Site Gross Acres	1.69 acres
Parcel #	To be assigned by Pinal County (status: pending); site is defined by newly formed Lot 2 of parent parcel 510-71-018A
Site Address	Addresses not yet assigned
Existing Site Use	Vacant
Proposed Site Use	Multi-Unit Residential with 4 buildings (2 phases)
Existing General Plan, Land Use	Employment (E)
Proposed General Plan, Land Use	High Density Residential (HDR)
Existing Zoning	General Business (CB-2)
Proposed Zoning	High Density Residential (RH)
Overlay Zoning	None
Dwelling Units	27 Units
Density	16 dwelling units/acre (du/ac)
Parking Required/Provided	50 55 parking spaces required / 55 provided

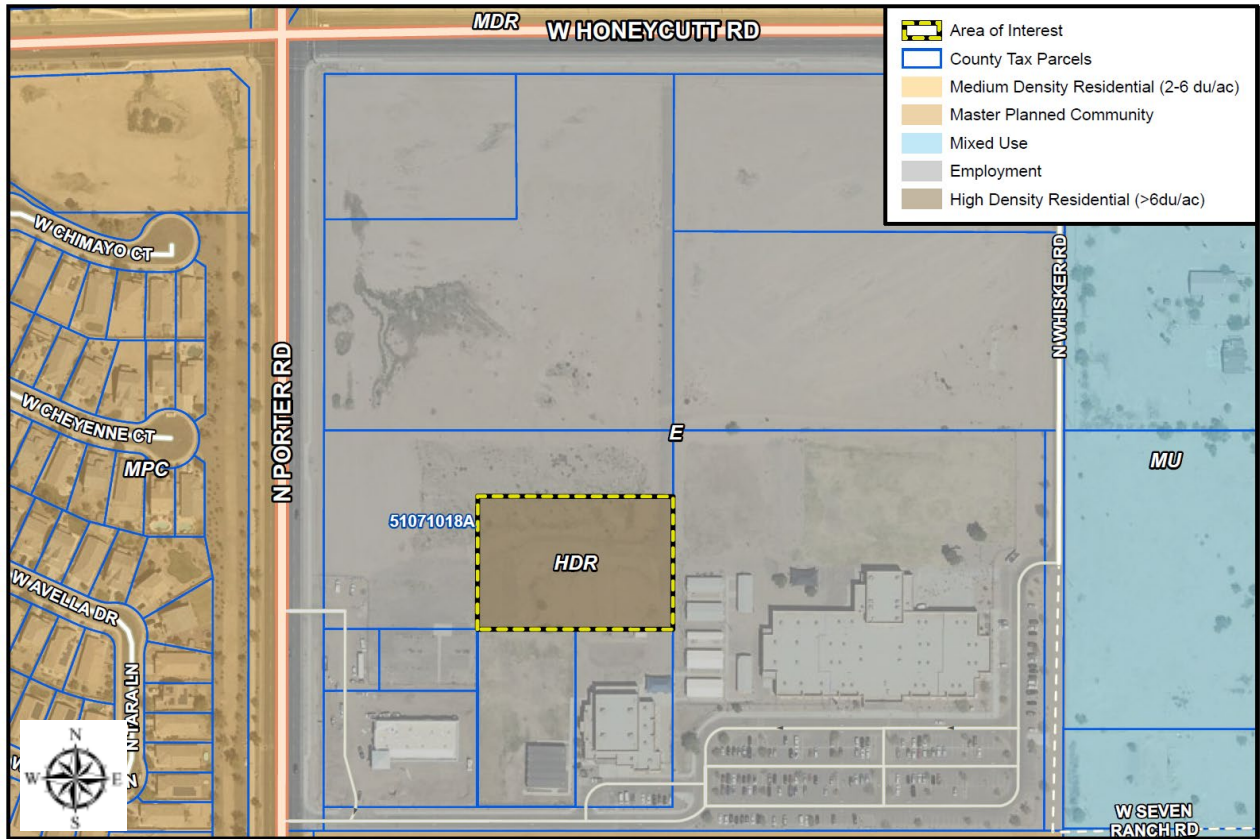
* See parking calculations in the Exhibit B, Site Plan, sheet SP1.

Surrounding Zoning/Use:

Direction	General Plan Land Use	Existing Zoning	Existing Use
North	Employment (E)	General Business (CB-2)	Vacant
East	Employment (E)	General Business (CB-2)	Charter School
South	Employment (E)	General Business (CB-2)	Charter School
West	Employment (E)	General Business (CB-2)	Vacant



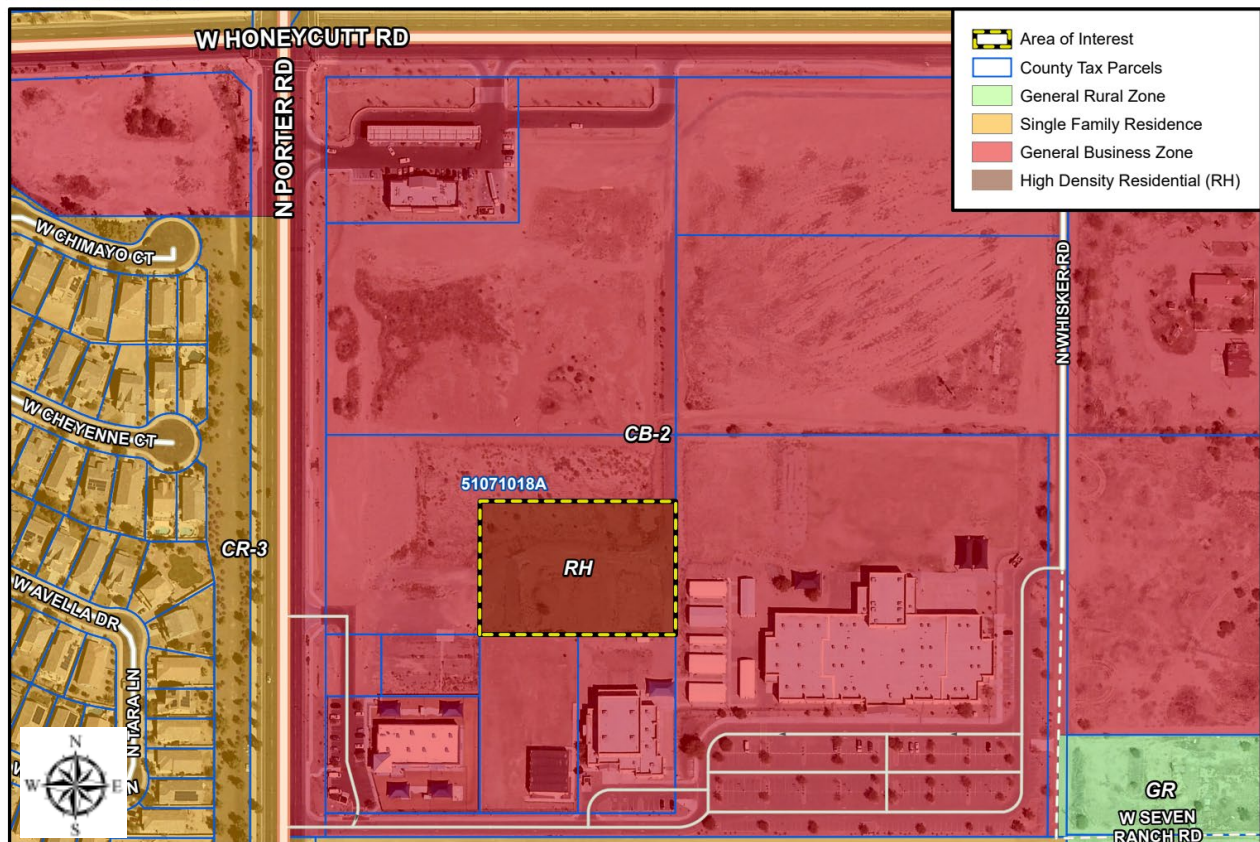
GPA20-02 Proposed



Information shown on this map is for general reference and should be verified using recorded documents. It should not be used to replace a site survey.



ZON20-01 Proposed



Information shown on this map is for general reference and should be verified using recorded documents. It should not be used to replace a site survey.

HISTORY SUMMARY

- 2008/2009: Rezone from General Rual (GR) Zone to General Business (CB-2) Zone was approved per case ZON08.04 and recorded as Ordinance No. 09-01 for approximately 57 acres within the Seven Ranches planning area, including parcel number 510-71-018A, within the City Limits.
- 2020: A Minor Land Division (case # LOT20-04) was processed in May 2020 to create Lot 2 from the parent parcel 510-71-018A, recorded with Pinal County per Fee # 2020-051641 (new parcel number: pending).

ANALYSIS

The applicant is requesting:

1. A Minor General Plan Amendment to the Future Land Use Map from Employment (E) to High Density Residential (HDR).
2. A rezone from General Business(CB-2) Zoning to High Density Residential (RH). This zone change request will allow the applicant to pursue a Development Review Permit requiring site plan and architectural reviews to comply with the City of Maricopa Zoning Code.
3. A Major Development Review Permit for 27 dwelling units, with site improvements and architecture consistent with the exhibits. The 27 dwelling units and associated site improvement requirements are proposed to be constructed in 2 phases.

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.

Refer to Exhibit A for the project narratives for thorough descriptions of the proposals to that met staff’s satisfaction for clarity and completeness. Within the narratives, the description and rationale of the land use change reads: *We believe this request for high density residential is appropriate for this location due to its proximity to adjacent commercially zoned property that will likely be developed in the near future with neighborhood services, office uses including medical, and light manufacturing, and warehouse uses. These types of uses will be compatible with apartment living and provide nearby services and employment opportunities to the residents. Also, the Central Arizona College campus is located 1.5 miles to the southeast, a short bicycle ride away from the proposed new apartments.*

The considerations for the General Plan Land Use Map Amendment consider the Plan Administration section of the General Plan itself. Criteria include the (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 Commercial to Proposed Designation of Any Residential, which set the trigger (or threshold) at 40 acres, where as this proposal is below the trigger at approximately 1.69 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 this criteria, staff classifies the proposed General Plan Land Use Map Amendment as Minor. The application was submitted 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 made to City Council, holding a Public Hearing before 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 will be listed under the GPA20-02 Minor General Plan Amendment Findings later in this report.

With a favorable recommendation for the General Plan Land Use Map Amendment, the Commission can consider the concurrent Zoning Map Amendment (rezone). Under the Land Use Element, Table 8 – Land Use Designations lists the Future Land Use Designations with the corresponding Zoning Districts suited. With High Density Residential (HDR) designation, the High Density Residential (RH) District is listed as an allowable potential zone. The RH Zone is defined within the Zoning Code under Article 202; therein lists land use permissions and development standards. Table 202.02 Land Use Regulations, for the RH District, lists Multiple Unit Dwelling as Permitted (P).

Development Standards of the RH District allow the dimensional standards of the proposal per Table 202.04 Development Standards. A list of additional standards are listed below and apply to the specific proposal details the the Development Review Permit (DRP20-07) approved by Planning & Zoning Commission, but pending approval of GPA20-02 and ZON20-01 by City Council:

- A. Building Separation of 10 feet.
- B. Building Articulation meets projections and recesses with variable roof form with changes in façade faces and roof line interest.
- C. Building Entrances do not have a public ROW to orient to, but do provide ground floor entry to every unit.
- D. Surface parking is located more than 40 feet from a public street, is well screened, and dispersed throughout the site with covers and landscaping.
- E. Outdoor living areas exceed the code provisions by providing a private outdoor space for every unit (exceeding the 35% standard per code). Common space is found in spaces between buildings suitable for small social gatherings in scale with the small footprint of the project. Furthermore, the code provides credits toward shared open space when private outdoor space is provided.
- F. Pedestrian access is planned to connect to Porter Road and shared walkways throughout the project meet the 6-foot wide standard..
- G. Private storage requirements are met internal to the units.
- H. Shared Amenities. Due to the scale of this proposal, and the design exceeds the minimum of private outdoor living area, each unit has the opportunity to entertain. Further, if small gatherings are desired, there are spaces in the Southeast and Northeast portions of the site that meet the dimensional requirements for day-time gathering areas.

Photometric plans show adequate lighting per code, including the light provided along the site’s access easement.

On-site parking requirements are met and exceeded without going over the code’s parking maximum. Parking calculations are provided in the Site Plan (sheet SP1) of Exhibit B.

The proposal does not appear to impose any risk to violating the performance standards in place for nuisance control. However, if such nuisances are encountered, the City will enforce the authority provided by code. A condition has been provided to clarify this authority.

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, Rezoning, and Development Review Permit as required per the city’s Zoning Code. The Public Participation Plan included a neighborhood meeting, notification letters to all property owners within 300 feet of the subject area, public notice signs within the subject area, and legal notices in the local newspaper circulator. A timeline of the participation event is shown below (refer to Exhibit E for Citizen Participation Report).

- June 20, 2020 - Notification letters sent
- June 23, 2020 - Legal notice published (newspaper)
- June 22, 2020 - Sign posted posted
- July 7, 2020 - Neighborhood Meeting held
- July 27, 2020 - Public Hearings at Planning & Zoning Commission

PUBLIC COMMENT:

Staff received no comments from the public about this project from the public.

GPA20-02 MINOR GENERAL PLAN AMENDMENT FINDINGS:

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

Goal B1.4: Minimize conflicts between land uses.

Staff Analysis: The high density development is small in scale and is surrounded by the charter school and future commercial uses generating (or to generate) their own respective impacts. Impacts to the surrounding areas should be minimal, and traffic impact statement prepared by Southwest Traffic Engineers has been approved by the City Engineer.

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

Staff Analysis: Housing diversity is improved in both dwelling type and density with the proposal. The Housing Needs Assessment and Housing Plan was completed in July 2018 defining the need for rental housing was in high demand and short supply. 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 land use supports neighborhood retail (p. 16)

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

Staff Analysis: Providing adequate and safe walkway to Porter Road and future commercial, as the proposal will do demonstrate compliance with this goal.

ZON20-01 ZONING MAP AMENDMENT REQUIRED FINDINGS:

As required by Sec. 509.14 of the City’s Zoning Code, the Planning & Zoning Commission shall make 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 RH adheres to the General Plan’s future land use designation, pending approval of the High Density Residential (HDR) 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 its development plan for a proposed residential development in support of providing diverse housing throughout the City for a complete range of housing opportunities meeting residence needs locally and support employer needs for a diverse talent pool.

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.

DPR20-07 MAJOR DEVELOPMENT REVIEW REQUIRED FINDINGS:

[DRP20-07 is for reference only, this case has been approved by the Commission pending GPA20-02 & ZON20-01 approval by Council]

As required by Sec. 505.07 of the City’s Zoning Code, the Planning & Zoning Commission shall make the following findings in their review and decision of DPR20-07:

1. The overall design of the project, including its scale, massing, site plan, exterior design, and landscaping, will enhance the appearance and features of the project site and surrounding natural and built environment.

Staff Analysis: The proposal conforms with the intent of the RH Zoning District, fulfilling a variety of benefits well under the allowable building height, and is functionally compatible with the surrounding natural and built environment.

2. The project site plan is appropriate to the function of the project and will provide a suitable environment for occupants, visitors, and the general community.

Staff Analysis: The proposal meets the intent of a multiple unit residential community while exceeding standards for private outdoor space, parking, lighting, and site design.

3. Project details, colors, materials, and landscaping, are internally consistent, fully integrated with one another, and used in a manner that is visually consistent with the proposed architectural design.

Staff Analysis: The elevations and color combinations appear consistent for a uniform project with façade variety of materials, articulation, and roof line variety. The site improvements distribute parking and landscaping appropriately around the site limits. See Exhibit C for rendered elevations of the proposal. See Exhibit D for Landscape Plans.

4. The project is compatible with neighboring development by avoiding big differences in building scale and character between developments on adjoining lots in the same Zoning District and providing a harmonious transition in scale and character between different Districts.

Staff Analysis: Transitions from school site and planned commercial uses are compatible with multiple unit residential development with building heights comparable with the development standards of adjacent properties.

5. The project contributes to the creation of a visually-interesting built environment that includes a variety of building styles and designs with well-articulated structures that present varied building facades, rooflines, and building heights within a unifying context that promotes increased pedestrian activity and compatibility among neighboring land uses within the same or different Districts.

Staff Analysis: The variety of façade materials and colors provide interest on vertically articulated structures and are consistent across the four (4) proposed buildings. Roof lines provide vertical articulation and variety between single-story and two-story options. Pedestrian connectivity out to Porter Road will connect residents to the surrounding context with access to school, child care, and future commercial uses.

CONCLUSION:

The Planning & Zoning Commission recommends approval of **cases GPA20-02 and ZON20-01**, subject to the conditions of approval stated in this staff report, and as amended by the Planning and Zoning Commission:

1. Construction of the project shall be in significant conformance to the exhibits submitted with this Development Review Permit (DPR20-07) application for site plan, elevations, photometric and landscape plans, and as amended by the Planning and Zoning Commission. Construction and site improvement requirements will need to follow the approved phasing plan.
2. In accordance to Section 505.09 of the City’s adopted Zoning Code, the Development Review Permit shall expire if a building permit has not been issued within two years of the date of Planning and Zoning Commission approval. A one-time extension may be approved by the Planning and Zoning Commission, upon recommendation by the Zoning Administrator after a completed application to extend, and fee is submitted.
3. Future modifications of the existing plans, if any, shall be subject to set procedures within the City’s Zoning Code and other adopted policy documents at the time of the request.
4. Pedestrian walkway connecting the site to Porter Road are required along the driveway entry is required and will be enforced in the review and approval of the improvement permit.
5. The development shall be responsible for any offsite and onsite improvements identified by the City’s Engineering Division. Development Review Permit exhibits are reviewed as preliminary plans, not intended for construction.
6. Prior to the City Council approval of the ZON20-01, the applicant shall submit to the city a signed waiver pursuant to Proposition 207 as applicable.
7. Prior to the approval of a Building Permit, the applicant shall coordinate with the requirements of a fire lane, including pavement markings, signage, etc. in coordination with improvement plans.
8. Prior to beginning of site construction, or issuance of any building permit, a consent letter from the State Historic Preservation Office (SHPO) is obtained for archaeological and historical preservation information.

9. Human remains and artifacts have been found in the Maricopa area. “Public law 101-601, Native American Graves Protection and Repatriation Act” and “Public law 41-865 disturbing human remains or funerary objects; rules; violation; classification; definitions”, A person can be guilty of a class 5 felony if he/she intentionally possess, sells or transfers any human remains or funerary objects that are excavated or removed. In the event that human remains and/or artifacts are discovered during construction, Ak-Chin has requested that the developers stop immediately and contact the Ak-Chin Cultural Resources Office before any further construction continues.
10. The development and operation of the proposal shall be in accordance with all applicable Arizona Department of Environmental Quality (ADEQ) requirements, if applicable, and other regulatory agencies rules and regulations.
11. The applicant/property owner shall have met and complied with all applicable fire codes under the IFC 2018, including amendments, as well as related National Fire Protection Agency (NFPA) guidelines, to the satisfaction of the Maricopa Fire Department.
12. Prior to issuance of Certificate of Occupancy, site inspections will be required and approved by relevant City Departments (Fire, Building Safety, Engineering and Planning).
13. Prior to issuance of the final Certificate of Occupancy, the applicant shall submit and secure all required applications, plans supporting documents submittals, approvals and permits from the applicable federal, state, county and any other agencies as applicable.
14. The elevations for DPR20-07 is does not approved the sign concept therein. Future sign concepts shall be reviewed and approved by separate Sign Permit reviewed and approved administratively in accordance with the Zoning Code, Article 409.
15. The performance standards of the Zoning Code, Article 408, apply to all land uses in the City and the management of the property will be held to these standards of compliance for nuisances, hazards, or objectionable conditions.

ATTACHMENTS / EXHIBITS:

Exhibit A: Combined Narratives (Serves GPA20-02, ZON20-01, and DPR20-07)

Exhibit B: Site Plans (by phase)

Exhibit C: Elevations

Exhibit D: Landscape Plans (by phase)

Exhibit E: Citizen Participation Report

Exhibit F: General Plan Land Use Change Map & Zone Change Map

-- End of staff report --