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**STAFF ANALYSIS**

**Cases Numbers: GPA19-04 and ZON19-10**

To: Honorable Mayor and City Council  
Through: Rodolfo Lopez, Economic & Community Development Deputy Director  
From: Ryan Wozniak, Senior Planner  
Meeting Date: April 21, 2020

**REQUESTS**

**GPA19-04 MC Estates Minor General Plan Amendment:** A request by Duane Rudnick (owner) to amend the General Plan Future Land Use Map of approximately four (4) acres, Pinal County parcel number 510-12-017D, from existing Medium Density Residential (M) to Commercial (C) generally located west of Porter Road north of Farrell Road, property address 42326 W. Farrell Road. **Discussion and Action.**

**ZON19-10 MC Estates Zoning Map Amendment:** A request by Duane Rudnick (owner) to rezone approximately four (4) acres, Pinal County parcel number 510-12-017D, from existing General Rural (GR) to General Commercial (GC) generally located west of Porter Road north of Farrell Road, property address 42326 W. Farrell Road. **Discussion and Action.**

**APPLICANT**

Duane Rudnick, Owner  
3916 N. Potsdam Avenue, APT 2623  
Sioux Falls, SD 57104  
  
Phone: 701 - 226 - 6344  
Email: [dmkrudnick@hotmail.com](mailto:dmkrudnick@hotmail.com)

**ARCHITECT**

Michael Keltz  
RKA Architects, Inc.  
2233 E. Thomas Road  
Phoenix, AZ, 85016

**COUNCIL PRIORITIES CONSIDERED**

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

**PLANNING & ZONING COMMISSION RECOMMENDATIONS**

On March 9, 2020, the Planning & Zoning Commission recommended:

- 7-0 Approval with Conditions for GPA19-04 MC Estates Minor General Plan Amendment
- 7-0 Approval with Conditions for ZON19-10 MC Estates Zoning Map Amendment

**PROJECT DATA**

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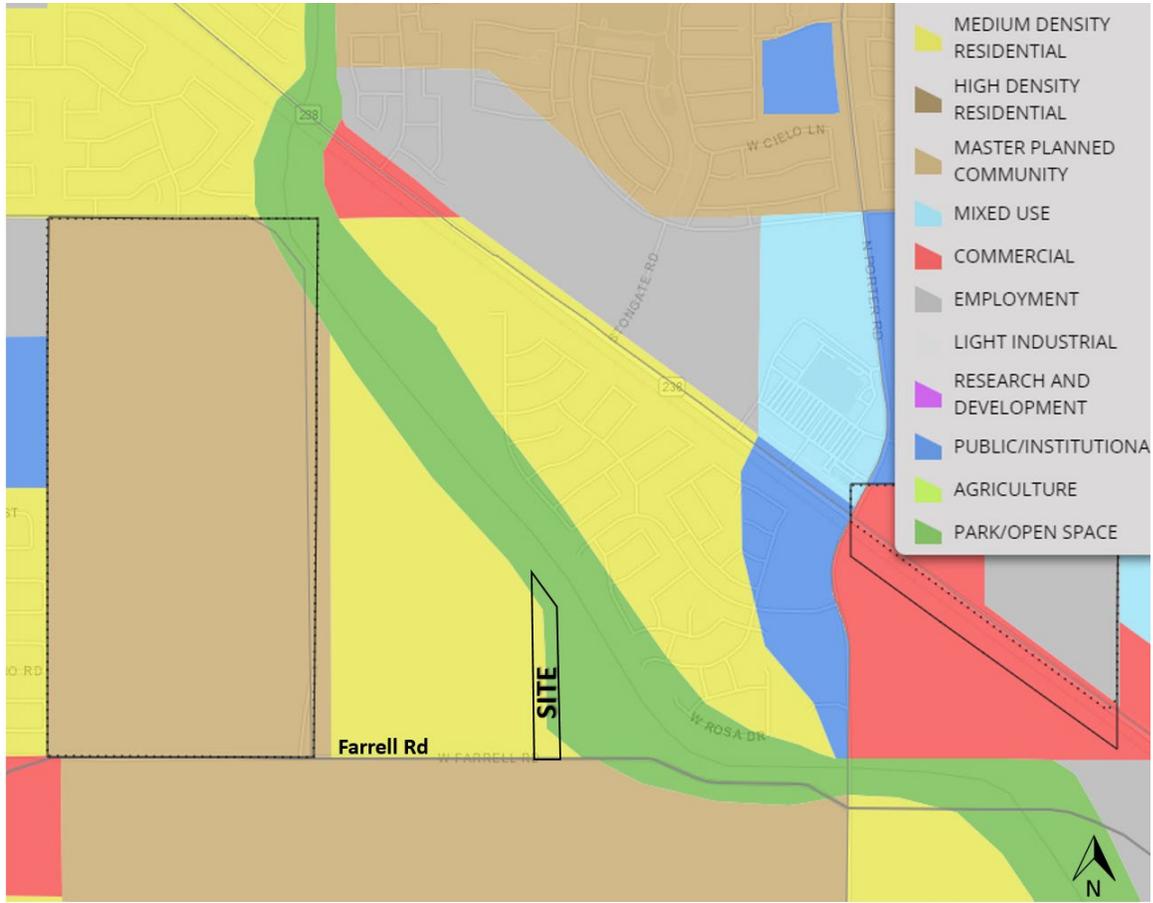
Site Gross Acres	4 acres
Parcel #	510-12-017D
Site Address	42326 W. Farrell Road
Existing Site Use	Abandoned Residence
Proposed Site Uses	Community Assembly / Personal Storage / Hobby Shops
Existing General Plan, Land Use	Medium Density Residential - MDR
Proposed General Plan, Land Use	Commercial – C ( <i>GPA19-04</i> )
Existing Zoning	General Rural – GR
Proposed Zoning	General Commercial – GC ( <i>ZON19-10</i> )
Overlay Zoning	None
Storage/Garage Units	32 Units / 54,395 sq. ft. building
Community Assembly	1 Clubhouse / 1,496 sq. ft. building
Parking Required/Provided	12 for the Clubhouse + 60 for Personal Storage/5 marked spaces (many more implied + garaged)*

\* Interpretation and Condition of Approval applied to DRP20-03, Approved with Conditions by the Planning & Zoning Commission on March 9, 2020.

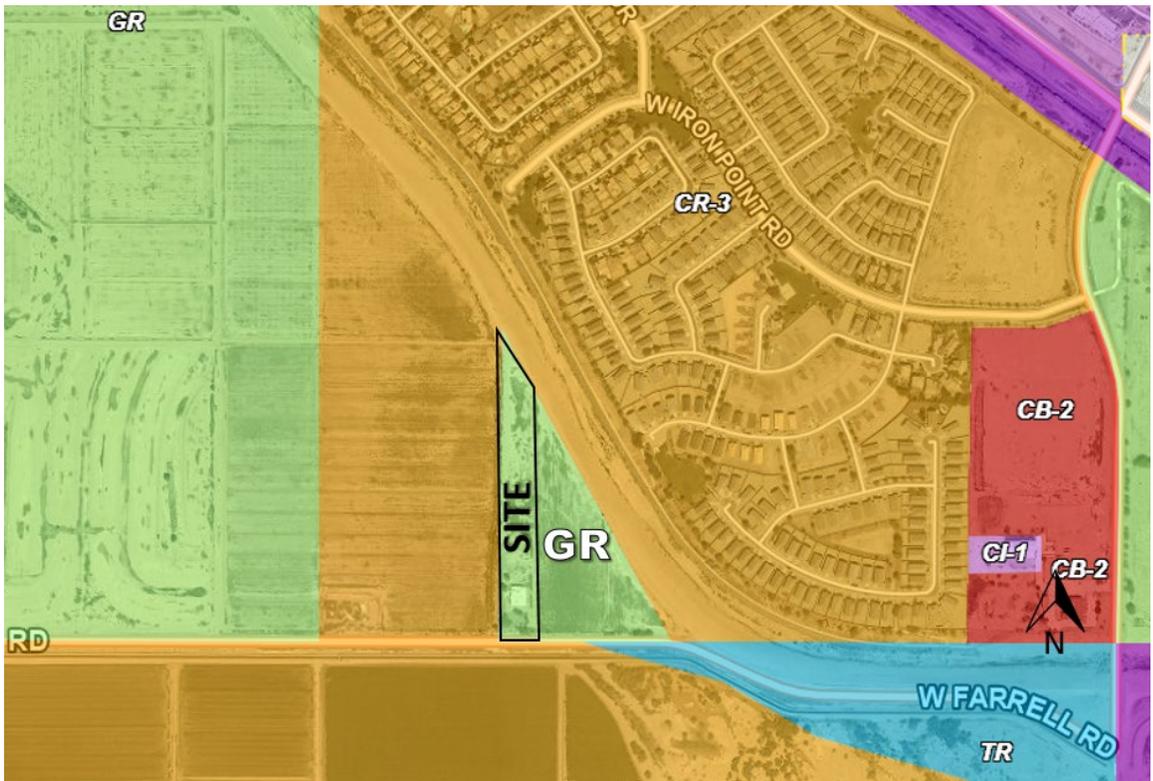
Surrounding Zoning/Use:

Direction	General Plan Land Use	Existing Zoning	Existing Use
North	Medium Density Residential (MDR)	CR-3 PAD	Single Family Residential
East	Open Space	GR	Vacant
South	Master Planned Community (MPD)	CR-3 PAD	Single Family Residential
West	MDR	CR-3 PAD	Single Family Residential

General Plan Future Land Use Map (Existing)



Zoning Map (Existing)



## HISTORY SUMMARY

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- General Rural (GR) is a Zoning District that dates back to the previous Zoning Code the City adopted from Pinal County as a model of the code in place at the time of the City's incorporation.
- Best records indicate the property was last zoned under the County's jurisdiction.

## ANALYSIS

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The applicant is requesting:

1. A Minor General Plan Amendment to the Future Land Use Map from Medium Density Residential (MDR) to Commercial (C).
2. A rezone from General Rural (GR) Zoning to General Commercial (GC). 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 32 Personal Storage Units / Garage Units and 1,500 square feet of clubhouse, with site improvements and architecture consistent with the exhibits.

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 Attachment A for the project narrative for thorough descriptions of the proposals to that met staff's satisfaction for clarity and completeness. Within the narrative, the unique description of the land use reads: *The proposed use of this new 4 acre development will be for 32 units of high-end condominium recreation vehicle storage. Each individual condo storage unit shall have its own roll up garage door and an individual man door. These are intended as "Man Caves" that the recreation vehicle owner can use as a place to securely store their RV out of the sun, and as a gathering place for relaxation and the company of fellow RVers. To accommodate the owner's gathering needs for special occasions with family and friends, there will also be a very small (1,500 sqft) clubhouse \ meeting room on this property.* This has been further explained as offering for-sale units with a condominium ownership structure to the members of the proposed MC Estates.

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 Residential to Proposed Designation of Commercial, which set the trigger (or threshold) at 80 acres, where as this proposal is below the trigger at 4 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 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 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 GPA19-04 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) to a Zoning District. Under the Land Use Element, Table 8 – Land Use Designations lists the Future Land Use Designations with the corresponding Zoning Districts suited. With Commercial (C) designation, the General Commercial (GC) District is listed as an allowable potential zone. The GC Zone is defined within the Zoning Code under Article 203; therein lists land use permissions and development standards. Table 203.02, for the GC District, lists:

- Personal Storage as allowable with an Administrative Use Permit (“A”), that requires additional regulations of Section 410.22 under the Standards for Specific Uses.
- Community Assembly as Permitted (“P”), and requires additional regulations of Section 410.07 under Standards for Specific Uses.
- And while Hobby Shops is not a listed use, it is far less intensive than either a Minor Auto Repair which could also be permitted within a GC Zone (however, it too would trigger many additional regulations).

Development Standards of the GC District allow the dimensional standards of the proposal. A list of additional standards are listed below and apply to the specific proposal details the the Design Review Permit (DRP20-03):

- A. Street-facing setbacks provide landscape, however the Farrell Road alignment is also planned for a high-capacity regional transportation route. The regional transportation need takes priority.
- B. Parking is screened, as is the entire site frontage as well as the landscape buffer along the west property line.
- C. Building design is quite harmonious, especially given the different programs of the buildings on-site.
- D. Ground-floor transparency standards are not applied to this use. This requirement is Waived by the Zoning Administrator.
- E. Outdoor living areas do not apply to the GC District.
- F. Pedestrian access is planned to connect to Farrell Road and an easement shall be provided during platting to establish connection to a future trail system in the adjacent wash.
- G. Private storage requirements do not apply to the GC District.
- H. Transition standards have been applied to ensure the building setback meets the code. A Waiver (WR19-02) has been granted by the Zoning Administrator to reduce the width of the landscape buffer (25-feet by code) by the 10% allowable by administrative authority, due to the lot configuration being very long and narrow and the additional challenge that presents to any development proposal.

Photometric plans show adequate lighting per code, including the light provided that may be temporary in nature.

On-site parking requirements are met when some consideration for how the site will actually be used, additional precautions will be applied to provide a fire lane when reviewing the on-site improvement permit. The site has ample pavement for parking and manuvuering. There is over 900 linear feet of building with implied parking in front of each Recreational Vehicle Condo/Garage Unit. That is approximately 100 spaces outside the garages along with the spaces within the garages themselves. Applying the parking regulations requires Zoning Administrator’s discretion to use professional judgement in this unique proposal.

**A condition of approval** has been provided to reinforce this requirement.

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.

**CITIZEN PARTICIPATION:**

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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 C for Citizen Participation Report).

- Feb 4, 2020 - Notification letters sent
- Feb 3, 2020 - Legal notice published (newspaper)
- Feb 3, 2020 - Sign posted posted
- Feb 20, 2020 - Neighborhood Meeting held

**PUBLIC COMMENT:**

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Staff had receive one letter for public comment record at the time of writing this report. It is also included in the Public Participation Report (letter by the Woodens @ 16880 N. Rosa Dr.).

**GPA19-04 MINOR GENERAL PLAN AMENDMENT FINDINGS:**

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

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

*Staff Analysis: A transition between medium density to commercial uses is improved with the landscape buffer by code. Additionally, the storage/garage units are located as far to the east as the property allows.*

**Goal E2.1: Develop an efficient and safe transportation system providing multi-modal connectivity to other cities and regions.**

*Staff Analysis: The applicant has made accommodations to provide the 100-foot dedication half-street planned for the regional transportation route planned along Farrell Road. Dedication will be required at the time of approving a final plat. A **condition of approval** has provided this assurance.*

**ZON19-10 ZONING MAP AMENDMENT REQUIRED FINDINGS:**

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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 GC adheres to the General Plan’s future land use designation, pending approval of the Commercial (C) 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 commercial development in support of providing diverse*

*uses throughout the City for a complete range of local business opportunities meeting residence needs locally.*

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:**

The Planning and Zoning Commission recommends approval of **cases GPA19-04 and ZON19-10** subject to the conditions of approval stated in this staff report, and as amended by the Planning and Zoning Commission. Each case will require an independent motion by the Commission:

1. To comply with the use proposal of DRP20-03, the applicant will require a final plat with recorded Covenants, Conditions & Restrictions (CC&Rs) for the management of the condominium and common area ownership proposal. The plat shall define a 20' trail easement along the northern boundary adjacent to the wash with a planned pedestrian connection and have the required dedication for the regional transportation facility along Farrell Road as much as 100-feet from centerline in compliance with the City's Area Transportation Plan.
2. Construction of the project shall be in conformance to the exhibits submitted with this Development Review Permit (DRP20-03) application for site plan, elevations, photometric and landscape plans, and as amended by the Planning and Zoning Commission.
3. 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.
4. 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.
5. Pedestrian walkways connecting the site to Farrell Road are required along the driveway entry as well as an additional walkway to the north connecting to the wash trail easement are required and will be enforced in the review and approval of the on-site improvement permit.
6. The development shall be responsible for any offsite and onsite improvements identified by the City's Engineering Department.
7. Prior to the City Council approval of the ZON19-10, the applicant shall submit to the city a signed waiver pursuant to Proposition 207 as applicable.
8. 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 implied parking areas fronting the storage/garage units.
9. 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.
10. 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.

11. 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.
12. The applicant/property owner shall have met and complied with all applicable fire codes under the IFC 2012, including amendments, as well as related National Fire Protection Agency (NFPA) guidelines, to the satisfaction of the Maricopa Fire Department.
13. Prior to issuance of Certificate of Occupancy, site inspections will be required and approved by relevant City Departments (Fire, Building Safety, Engineering and Planning).
14. 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.
15. The site's future monument sign for DRP20-03 is not included with this review. Future sign concepts shall be reviewed and approved by separate Sign Permit.

**ATTACHMENTS:**

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Exhibit A: Narrative (Serves GPA19-04, ZON19-10)

Exhibit B.1: GPA19-04 Future Land Use Change Map & Ex. B.2 ZON19-10 Zone Change Map

Exhibit C: Citizen Participation Report

Exhibit D: Site Plan with Landscaping Plan (Reerence only, Approved with Conditions per DRP20-03 by the Planning & Zoning Commission).

-- End of staff report --