

	<b>Planning and Zoning Commission</b>  <b>STAFF REPORT</b>	<b>AGENDA</b>  # _____
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**TO:** CASA GRANDE PLANNING AND ZONING COMMISSION  
**FROM:** Keith Newman, City Planner  
**MEETING DATE:** October 3, 2013

**REQUEST**

**Request by the City of Casa Grande** for the following land use approval located at the Acacia Landing and Silverhawk subdivisions, Casa Grande, AZ 85122:

**DSA-13-00125: Zone Change** from R-3 (Multi-Family Residential) to R-1a (Single Family Residential).

**APPLICANT/OWNER**

<p><b><u>Applicant</u></b>  City of Casa Grande Planning Dept.  510 E. Florence Blvd.  Casa Grande, AZ 85122  P: 520-421-8630</p>	<p><b><u>Owner</u></b>  N/A</p>
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**HISTORY**

- December 18, 1989: Ordinance # 1178.24 was adopted by the Mayor and City Council adding single family residential as a permitted use in the R-3 Zoning District. (See Exhibit B)
- March 20, 2000: The Final Plat for Acacia Landing was approved by the Mayor and City Council.
- June 5, 2000: The Final Plat for Silverhawk was approved by the Mayor and City Council.
- April 2, 2001: Ordinance # 1397.17.28 was adopted by the Mayor and City Council eliminating single family residential as a permitted use in the R-3 Zoning District. (See Exhibit C)

**PROJECT DESCRIPTION**

<b>Site Area</b>	93 acres
<b>Current General Plan 2020 Land Use</b>	<i>Neighborhoods</i>
<b>Existing Zoning</b>	R-3 (Multi-Family Residential)
<b>Proposed Zoning</b>	R-1a (Single Family Residential)

## Surrounding Land Use and Zoning

Direction	General Plan 2020 Designation	Existing Zoning
North	<i>Neighborhoods</i>	R-1 (Single Family Residential) and PAD (Planned Area Development)
South	<i>Neighborhoods</i>	R-3 (Multi-Family Residential), B-2 (General Business) and PAD
East	<i>Neighborhoods</i>	PAD (Planned Area Development)
West	<i>Neighborhoods</i>	R-1 (Single Family Residential)

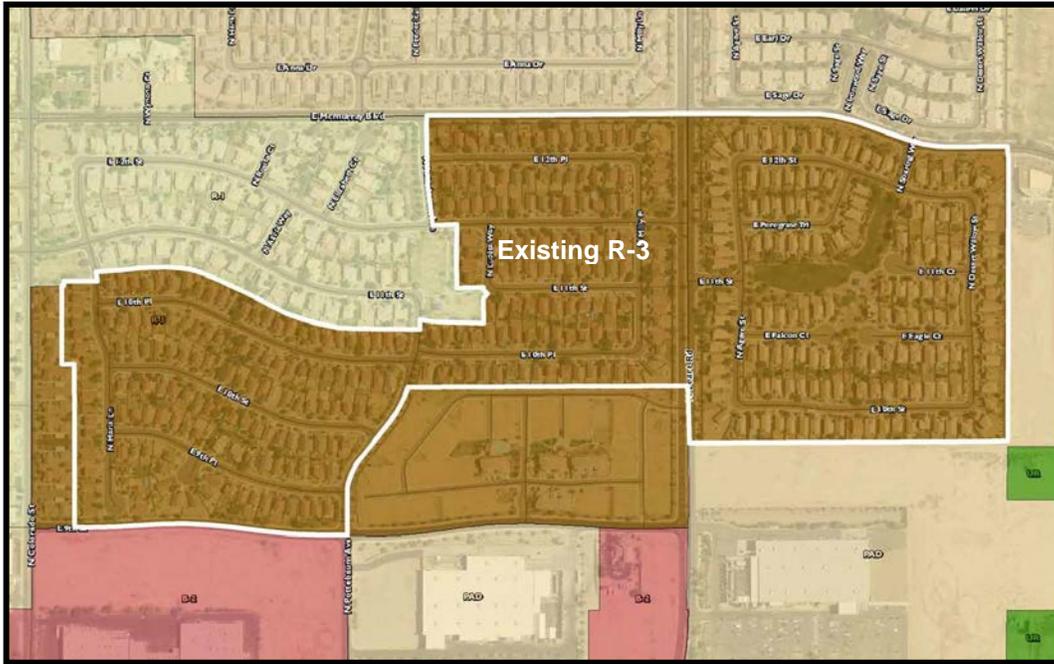
### General Discussion:

The City of Casa Grande is requesting to re-zone a portion of the Acacia Landing Subdivision and the entire Silverhawk Subdivision from R-3 (Multi-Family Residential) to R-1a (Single Family Residential) (See Exhibit A). The total area of the City Initiated zone change consists of approximately 93 acres in size and contains 425 existing homes (267 in Acacia Landing and 158 in Silverhawk). The lot sizes range from 5,000 square feet to 5,500 sq. ft. in Acacia Landing and 5,500 to 7,100 in Silverhawk.

The reason for the zone change is due to the fact that these subdivisions were approved and the single family homes constructed at a point in time when single family homes were allowed, along with multi-family apartments in the R-3 Zoning District. However, in 2001 the City amended the Zoning Code removing single family homes as a permitted use within the R-3 Zoning District. As a result, today only multi-family uses (i.e., apartments, condominiums, etc.) are allowed within the R-3 Zone District. Accordingly, all of the existing single family homes in these subdivisions are technically classified as legal non-conforming uses. Per City Code section 17.64.010 (D), current homes can remain for the life of the structure but could not be reconstructed if they were to be destroyed by fire or other causes.

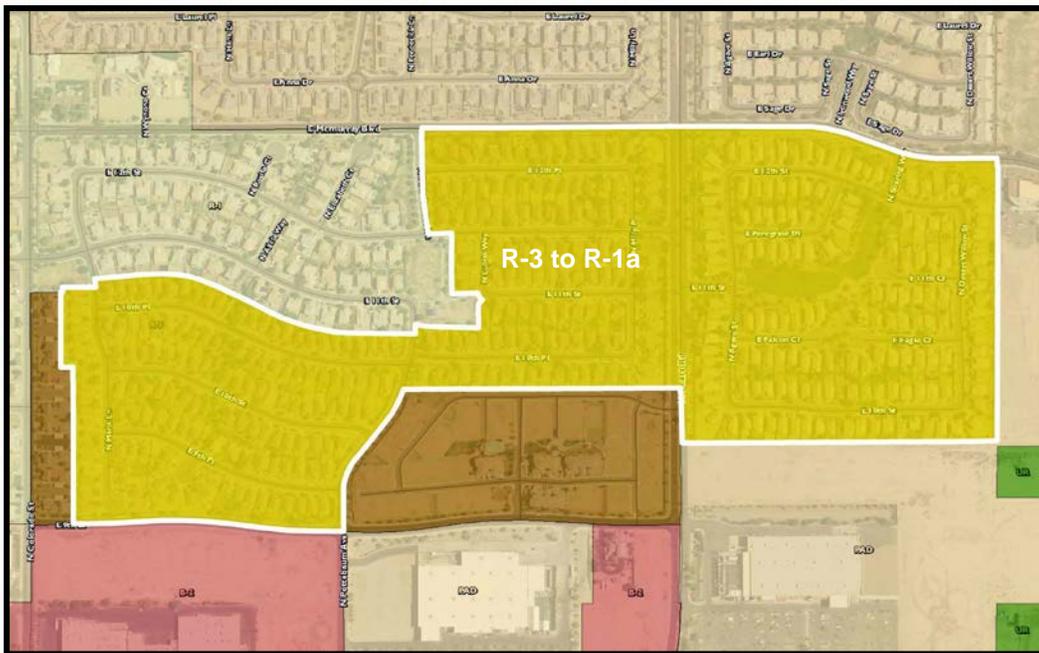
To rectify this situation, the City of Casa Grande is proposing a City-Initiated zone change for both neighborhoods from R-3 to R-1a. The R-1a zone district allows single family homes as a permitted use with a minimum lot size of 5,000 sq. ft. If this zone change is approved, single family homes located within the Acacia Landing and Silverhawk subdivisions will become legal conforming uses and will be in compliance with zoning.

## Existing Zoning



In addition to the required public notification process City Staff sent a letter to all affected property owners explaining the proposed request and invited them to a neighborhood meeting which was held September 25, 2013. City staff feels that all property owner concerns have been addressed and that the elimination of the current illegal non-conforming status of all properties will be a benefit to the entire community.

## Proposed Zoning





<b>PUBLIC NOTIFICATION/COMMENTS</b>
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**Notification**

Public hearing notification efforts for this request meet the requirement set out by City Code:

- A notice was published in the Casa Grande Dispatch on September 17, 2013
- A notice was sent to all property owners within 300 ft. of the site on September 18, 2013.
- A notice of the rezoning was sent to approximately 400 existing property owners within the rezoning area on September 19, 2013.
- Staff held a neighborhood meeting in which all impacted property owners were invited on September 25, 2013.
- A public hearing sign was posted on the site on September 19, 2013.

**Inquiries/Comments**

N/A

<b>STAFF RECOMMENDATION</b>
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Staff recommends the Commission forward a favorable recommendation to City Council for **DSA-13-00125, Zone Change** from R-3 (Multi-family Residential Zone) to R-1a (Single Family Residential Zone) for a portion of the Acacia Landing Subdivision and for the entire Silverhawk Subdivision.

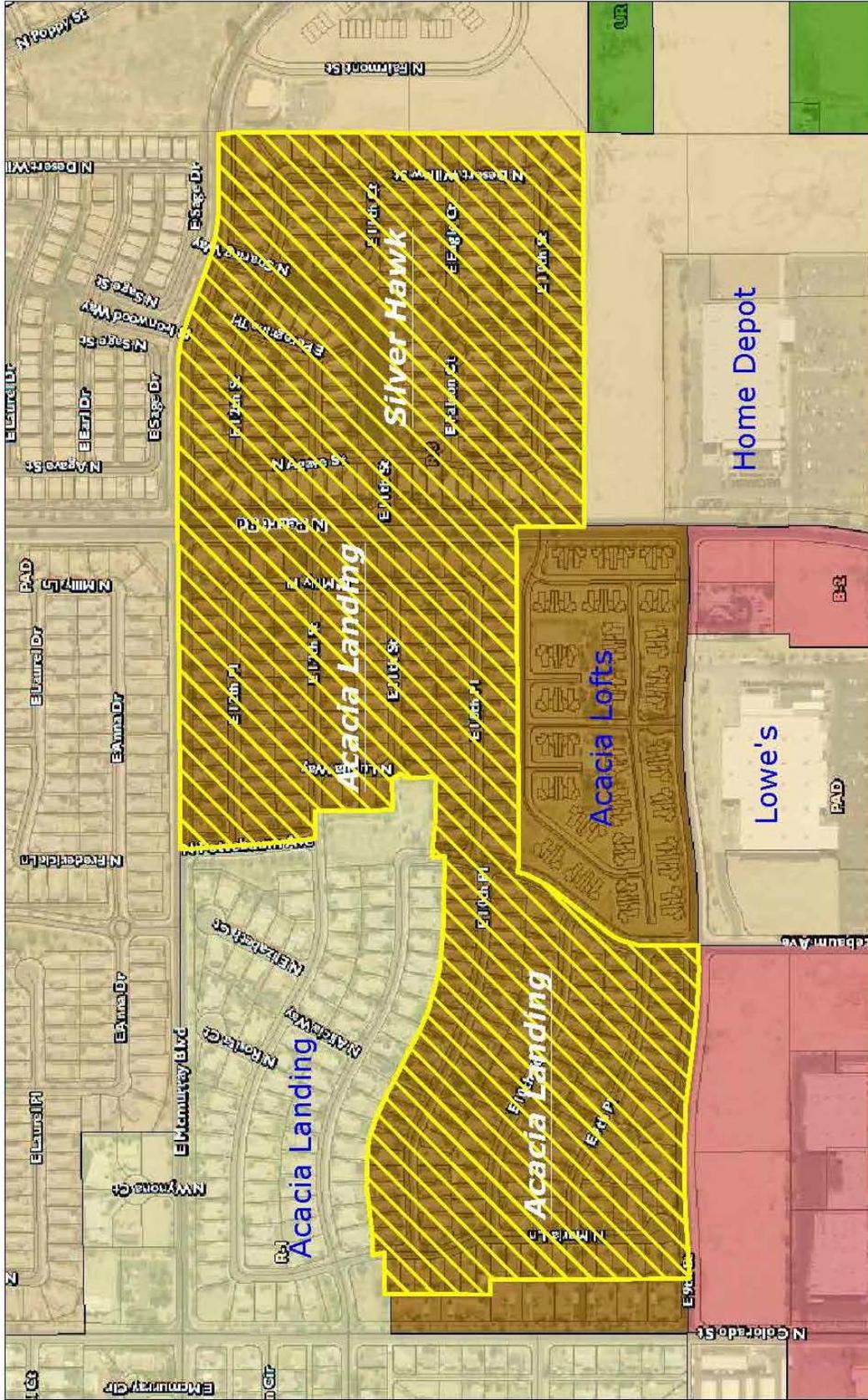
**Exhibits:**

Exhibit A- Zone Change Exhibit

Exhibit B- Ordinance allowing Single Family Residential as a permitted use in R-3

Exhibit C- Ordinance removing Single Family Residential as a permitted use in R-3

Exhibit A – Zone Change Exhibit



**Site Info:**  
 Current Zoning: R-3    Site Area: = 93 Acres  
 Proposed Zoning: R-1a    APN: N/A  
 General Plan: Neighborhoods



Exhibit B- Ordinance allowing Single Family Residential as a permitted use in R-3

ORDINANCE NO. 1178.24

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, AMENDING ZONING ORDINANCE NO. 1178, AS AMENDED, BY AMENDING SECTION 4.3, PERMITTED USES BY ZONE AND SECTION 5.5.7 A. SETBACKS, YARDS, AND HEIGHTS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, as follows:

Section 1. Authorization for Amendment

The Mayor and Council hereby authorize the amendment of Section 4.3, Permitted Uses by Zone, and Section 5.5.7 A. Setbacks, Yards, and Heights (R-3 zoning).

Section 2. Authorization for Addition

The Mayor and Council hereby authorize the following additions:

Section 4.3.1 Residential Zone Uses, A. Principally Permitted Uses is hereby amended to include Single-family dwelling units as a principally permitted use in an R-3 zone.

Section 5.5.7 Setbacks, Yards, and Heights, is hereby amended to establish setbacks for Single Family Structures in R-3 zoning as follows: 20' front, 10' interior side (No side yards shall be less than five feet; at least one side yard shall be ten feet), 20' corner side, 20' rear.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this 18th day of December, 1989.

ATTEST:

Nelda M. Donahue  
City Clerk

James B. Ken  
Mayor

APPROVED AS TO FORM:

W. J. Ken  
City Attorney

Exhibit C- Ordinance removing Single Family Residential as a permitted use in R-3

AN ORDINANCE OF THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, AMENDING TITLE 17, CHAPTER 20, OF THE CASA GRANDE MUNICIPAL CODE, RELATING TO PRINCIPALLY PERMITTED USES; PRESERVING RIGHTS AND DUTIES THAT HAVE ALREADY MATURED AND PROCEEDINGS THAT HAVE ALREADY COMMENCED THEREUNDER; ESTABLISHING SEVERABILITY OF COMPONENTS OF ORDINANCE; AND ESTABLISHING AN EFFECTIVE DATE THEREOF.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CASA GRANDE, ARIZONA, as follows:

**SECTION 1. Amendment and Effective Date**

Chapter 16 of Title 17, Casa Grande Municipal Code, regarding principally permitted uses for the R-3 Residential zoning classification, is hereby amended to read as set forth in Exhibit A which is attached hereto and incorporated herein by this reference, and is effective as of May 2, 2001.

**SECTION 2: Rights and Duties Matured**

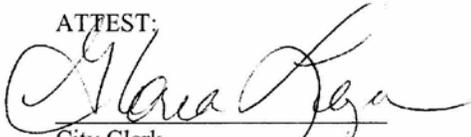
The amendment of the Chapter 16 of Title 17 of the Casa Grande Municipal Code, effective as of May 2, 2001, does not affect the rights and duties that matured or penalties that were incurred and proceedings that were begun before the effective date thereof.

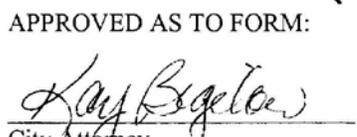
**SECTION 3: Severability**

If any section, subsection, sentence, clause, phrase or portion of this chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions thereof.

PASSED AND ADOPTED by the Mayor and Council of the City of Casa Grande, Arizona, this 2<sup>nd</sup> day of April, 2001.

  
\_\_\_\_\_  
Mayor

ATTEST:  
  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:  
  
\_\_\_\_\_  
City Attorney

Removal of SFD in R-3