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RESOLUTION NO. 09-03-05

CASE NO. Z-08-02

**A RESOLUTION OF THE
GILA COUNTY BOARD OF SUPERVISORS
TO RE-ZONE
GILA COUNTY TAX ASSESSORS PARCEL 303-15-005B**

WHEREAS, the Gila County Planning and Zoning Commission, at a duly noticed public hearing held on February 19, 2009, recommended to the Board of Supervisors of Gila County, Arizona, that a zoning request, set forth in the attached Exhibit "A", be adopted as provided in Section 11-829, Arizona Revised Statutes; and

WHEREAS, after holding a public hearing as provided by law, the Board of Supervisors of Gila County, Arizona, is of the opinion that the adoption of such recommendation would be in the best interest of Gila County;

NOW, THEREFORE, BE IT RESOLVED that the Gila County Board of Supervisors, at a regularly scheduled and duly noticed public hearing did approve the zoning request set forth in the attached Exhibit "A."

Passed and adopted this March 17, 2009.

Gila County Board of Supervisors

By: Shirley L. Dawson
Shirley L. Dawson, Chairman

Approved as to form:

Bryan Chambers, Deputy County Attorney

ATTEST:

Steven L. Besich, Clerk of the Board

EXHIBIT "A" TO RESOLUTION 09-03-05
Case Number Z-08-02, Chamberlain Ranch LLC
Gila County Tax Assessor's Parcel 303-15-005B

LOCATION: The subject site is a 7 acre property In Section 20 of Township 10 1/2 North and Range 14 East of the Gila & Salt River Meridian. The subject site is approximately 6 miles east of the Christopher Creek community on Colcord Road. Legal Description: Lot 2 of Gila County Records Minor Land Division Plat 3589, being a 7.0197 acre private property.

REQUEST: A request to amend the Comprehensive Master Plan (Planning and Zoning Case #CPA-08-03) to allow greater density and to change the zoning from GU to R1L-D20 with a PAD overlay to add a Phase 2 development to the proposed Chamberlain Ranch Subdivision.

The Comprehensive Plan Amendment CPA-06-02 and rezoning request Z-06-06 were approved on November 28, 2006, by the Board of Supervisors for the 30 acre site east of the subject site. Now, the 30 acre site is intended as Phase 1 of the Chamberlain Ranch Subdivision and the 7 acre subject site is intended as Phase 2. Phase 1 would consist of lots 1 thru 44 and Tracts A thru E. Phase 2 would consist of lots 45 thru 50 and Tract F.

EXISTING LAND USE / BACKGROUND INFORMATION

A. The 7 acre subject site is undeveloped raw land and is on the west boundary of Homestead Entry Survey (HES) 467. Tonto National Forest is adjacent on the south and west property boundaries. To the north is a 3 acre parcel that was recently divided and sold from the subject site. To the east is the proposed Chamberlain Ranch Subdivision (Phase 1). The subject site is accessible by a rough dirt road.

B. Comprehensive Plan Amendment CPA-06-02 and rezoning request Z-06-06 were approved on November 28, 2006, by the Board of Supervisors for the 30 acre site east of the subject site. Now, the 30 acre site is intended as Phase 1 of the Chamberlain Ranch Subdivision and the 7 acre subject site is intended as Phase 2. Phase 1 would consist of lots 1 thru 44 and Tracts A thru E. Phase 2 would consist of lots 45 thru 50 and Tract F.

ZONING REQUIREMENTS FOR THE R1L-D20 DISTRICT

The applicant has requested a zoning change from the GU -- General Unclassified to R1L-D20 (1 dwelling per 20,000 sq. ft.). The R1L-D20 zoning would match the current zoning for the proposed Chamberlain Ranch Subdivision.

The zoning stipulations and provisions for the R1L-D20 (Residence One District Limited with a D20 Density) are as follows:

A. Height = 2 stories or 30', exceeding either requires a Conditional Use Permit
B. Front Yard = 20'
C. Rear Yard = 20'
D. Street Side of Corner Lot = 10'

E. Interior Side Yards = 7', 9' if vehicular access is needed
F. Distance between Buildings = 6'
G. Detached Accessory Buildings = same for front and side yards and 7' in rear
H. Minimum Lot Area = 20,000 square feet
I. Minimum Lot Width at Front Setback Line = 72'
J. Minimum Lot Depth = 120'
K. Maximum Building Coverage = 25% of gross lot area
L. Maximum Impervious Surface Coverage = 35% of gross lot area

The 'L' added to the R1 designation, 'limits' the single family dwelling type to "site-built" only and prohibits the use of manufactured homes and recreational vehicles as dwelling units. Please realize that factory build buildings, meeting the appropriate building codes, are considered as site-built even though they are assembled elsewhere.

These stipulations and provisions would be applicable to all the proposed subdivision lots on the subject site, unless the proposed 'PAD' setbacks are accepted. See the next report item V, D.

PAD OVERLAY DISTRICT AND IMPACTS TO THE R1L-D20 STANDARDS

A. This proposed PAD (Planned Area Development) overlay zoning plan would allow flexibility in lot size and shape to accommodate the topography. The main concern is the intermittent drainage way, part of upper watershed of Gordon Canyon Creek, which runs thru the middle of proposed Phase 1 and along the north boundary of proposed Phase 2. In proposed Phase 2, only lot 50 is directly affected by the drainage way and the associated floodway and floodplain.

B. All of the 6 proposed lots (45 thru 50) in Phase 2 are greater than the 20,000 square foot minimum. Lot 47 is the smallest at 30,954 square feet and lot 48 is the largest at 64,984 square feet. The average proposed lot size is 43,066 square feet. The reason for the requested zoning overlay is to match the zoning that has already been established for the "Phase 1" portion of this subdivision development.

C. All of the 6 proposed lots (45 thru 50) in Phase 2, except lot 50, which would be at the end of a cul-de-sac, would meet the width and depth requirements. As proposed lot 50 should have over 35' of frontage along the private roadway, no development issues are foreseen.

D. The proposed yard setbacks are different from the district standards. The side yards are proposed at 15' and the front and rear yards are proposed at 25'. Although proposed 'yard setbacks' could provide more privacy, they would also cause confusion. Building envelopes could be utilized on the Final Plat, however, building envelopes tend to make subdivision plats overly 'busy' and the information harder to visualize. It is suggested that the yard setbacks should remain the same as for the R1L-D20 district standards. If the 'setbacks' remain the same, then the PAD overlay zoning is only for addressing the size and shape of the proposed lots to accommodate the topography. The confusion, caused by conflicting information, would not be an issue.

Approved:

Tax parcel 303-15-005B shall be rezoned, from GU to R1L-D20 with a PAD overlay zoning to allow flexibility in the size and shape of the lots to accommodate the varied topography, with the following condition:

> A subdivision plat shall be submitted within 24 months of the approval date of the zoning change ordinance or resolution. If no subdivision plat has been submitted in the 24 month time frame, then the R1L-D20 with PAD zoning may be reverted back to GU at the discretion of the Board of Supervisors.