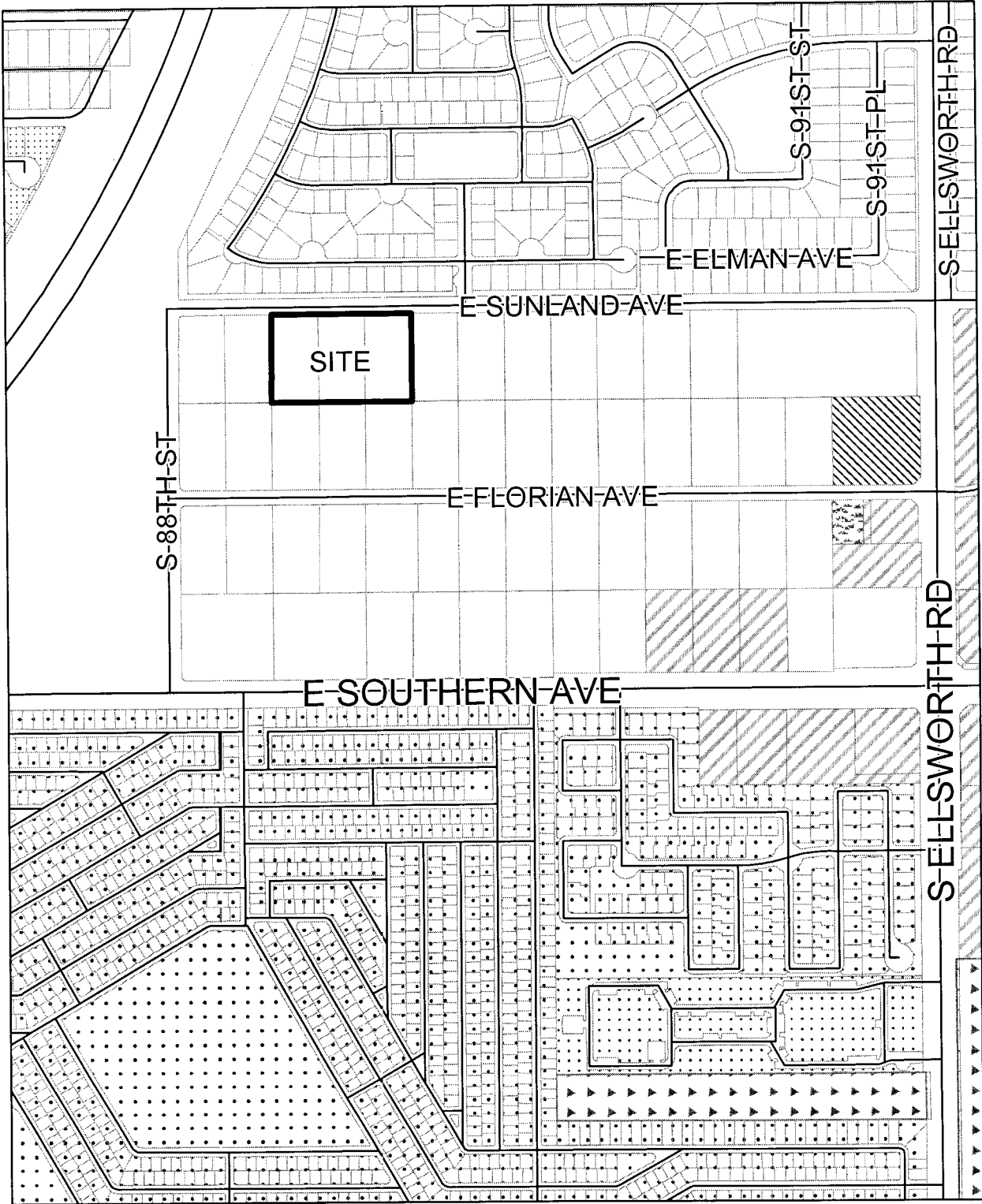


PLANNING AND ZONING VICINITY MAP



Z08-069

Z08-069

Z08-069

Z08-069

Z08-069



mesa az
Planning Hearing Officer

Case Information

CASE NUMBER: Z08-69
LOCATION/ADDRESS: 8911 East Sunland Ave, Mesa, AZ 85208
8837 East Sunland Ave, Mesa AZ, 85208
8825 East Sunland Ave, Mesa AZ, 85208

GENERAL VICINITY: North and west of Ellsworth Road and Southern Avenue
REQUEST: Rezone from Maricopa County R1-43 to City of Mesa R1-43

PURPOSE: This case involves the establishment of City zoning on recently annexed property.

COUNCIL DISTRICT: District 6
OWNERS: Stephen and Susan Hagerman, James and Jean Winters, James and Cynthia McClafferty

APPLICANT: City of Mesa
STAFF PLANNER: Kim Steadman

SITE DATA

PARCEL NUMBER: 218-49-003 B, 218-49-017, 218-49-018
PARCEL SIZE: 3.36± acres
EXISTING ZONING: Maricopa County Rural-43
GENERAL PLAN DESIGNATION: Low Density Residential 0-1
DENSITY: 0-1 du/ac
CURRENT LAND USE: Developed Residential Lots

SITE CONTEXT

NORTH: Existing Mobile Home Park, Maricopa County MDR 6-10
EAST: Existing Single Residences, Maricopa County R1-43
SOUTH: Existing Single Residences, Maricopa County R1-43
WEST: Existing Single Residences, Maricopa County R1-43

ZONING HISTORY/REALATED CASES

Nov 3, 2008 Annexation A07-33 adopted by Ordinance #4890 by the Mesa City Council

STAFF RECOMMENDATION: Approval with Conditions
PHO RECOMMENDATION: Approval with conditions. Denial
PROPOSITION 207 WAIVER SIGNED: Yes No

PROJECT DESCRIPTION/REQUEST

The City Council annexed this area on November 03, 2008. The annexation area consists of 3.36± acres and is developed as three residential lots. The applicants requested annexation to receive City of Mesa services.

In compliance with Section 9-471 of the Arizona Revised Statutes, the City of Mesa is required to establish City zoning on recently annexed land that is comparable to, but not more intense, than the existing zoning designation within Maricopa County immediately before annexation.

The land is zoned R1-43 in Maricopa County. Given this County zoning, the comparable zoning within the City of Mesa is R1-43.

CONFORMANCE WITH GENERAL PLAN

This request conforms to the adopted Mesa 2025 General Plan as it relates to the annexation of land adjacent to the City limits (objective LU-1.4). The Mesa 2025 General Plan designates this area as Low Density Residential 0-1. According to Table 2.2, *Correlation between Land Use and Zoning*, the proposed zoning classification does conform to the General Plan designation of Low Density Residential 0-1 du/ac.

PARCEL INFORMATION

Parcel Number	Acres	Conforming to R1-43	R1-43 Requirements
218-49-003 B	1.12	48,330 sq. ft. 160' X 301' As indicated by the Maricopa County 2008 Aerial, this lot meets the minimum setbacks and maximum roof area.	43,560 square feet in area 130' Min. Lot Width 30' Front Setback 10'/30' Side Setback 30' Rear Setback 20% Max Roof Area
218-49-017	1.12	48,426 sq. ft. 160' X 301' As indicated by the Maricopa County 2008 Aerial, this lot meets the minimum setbacks and maximum roof area.	43,560 square feet in area 130' Min. Lot Width 30' Front Setback 10'/30' Side Setback 30' Rear Setback 20% Max Roof Area
218-49-018	1.12	48,421 sq. ft. 160' X 301' As indicated by the Maricopa County 2008 Aerial, this lot meets the minimum setbacks and maximum roof area.	43,560 square feet in area 130' Min. Lot Width 30' Front Setback 10'/30' Side Setback 30' Rear Setback 20% Max Roof Area

STAFF ANALYSIS

Conclusions:

This zoning request, initiated by the City of Mesa, establishes the City zoning district comparable to the existing County R1-43 zoning. The parcel does conform to the minimum width and depth for R1-43. The lots are currently developed with a single family residence on each parcel. The land use conforms to the R1-43 zoning district. Staff recommends approval of this comparable zoning case subject to the following conditions.

Future development of these lots is subject to review of development per Zoning Ordinance requirements. Future review includes Plans Review through the Permit Process and all associated applications necessary for development.

CONDITIONS OF APPROVAL:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

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ORDINANCE NO. _____

AN ORDINANCE AMENDING SECTION 11-2-2 OF THE MESA CITY CODE, CHANGING THE ZONING OF CERTAIN PROPERTY DESCRIBED IN ZONING CASE Z08-69, ADOPTING AN OFFICIAL SUPPLEMENTARY ZONING MAP AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, AS FOLLOWS:

Section 1: That Section 11-2-2 of the Mesa City Code is hereby amended by adopting the Official Supplementary Zoning Map for Zoning Case (Z08-69), signed by the Mayor and City Clerk, which accompanies and is annexed to this ordinance and declared a part hereof.

Section 2: The Official Supplementary Zoning Map annexed hereto is adopted subject to compliance with the following conditions:

1. Compliance with all City development codes and regulations.
2. Future review of development per Zoning Ordinance requirements.

Section 3: PENALTY.

CIVIL PENALTIES:

Upon finding that a person is responsible for a civil violation of this Title, the Civil Hearing Officer shall impose a civil sanction of not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for each violation. In determining the appropriate sanction the Civil Hearing Officer may assess against the responsible party the City's personnel, mailing, and other costs incurred in investigating and hearing the case, not to exceed a maximum of five hundred dollars (\$500.00).

EACH DAY SEPARATE VIOLATION:

Each day in which a violation of this Title continues, or the failure to perform any act or duty required by this Title or by the Civil Hearing Officer continues, shall constitute a separate civil offense.

HABITUAL OFFENDER:

- A. A person who commits a violation of this Title after previously having been found responsible for committing three (3) or more civil violations of this Title within a twenty-four (24) month period – whether by admission, by payment of the fine, by default, or by judgment after hearing – shall be guilty of a criminal misdemeanor. The Mesa City Prosecutor is authorized to file a criminal misdemeanor complaint in the Mesa City Court against habitual offenders. For purposes of calculating the twenty-four (24) month period under this Subsection, the dates of the commission of the offenses are the determining factor.
- B. Upon conviction of a violation of this Section, the Court may impose a sentence of incarceration not to exceed six (6) months in jail; or a fine not to exceed two thousand five hundred dollars (\$2,500.00), exclusive of penalty assessments prescribed by law; or both such fine and imprisonment. The Court shall order a person who has been convicted of a violation of this

Section to pay a fine of not less than five hundred dollars (\$500.00) for each count upon which a conviction has been obtained. A judge shall not grant probation to or suspend any part or all of the imposition or execution of a sentence required by this Subsection except on the condition that the person pay the mandatory minimum fines as provided in this paragraph.

- C. Every action or proceeding under this Section shall be commenced and prosecuted in accordance with the laws of the State of Arizona relating to criminal misdemeanors and the Arizona Rules of Criminal Procedure.

PASSED AND ADOPTED by the City Council of the City of Mesa, Maricopa County, Arizona, this ____ day of _____, 2009.

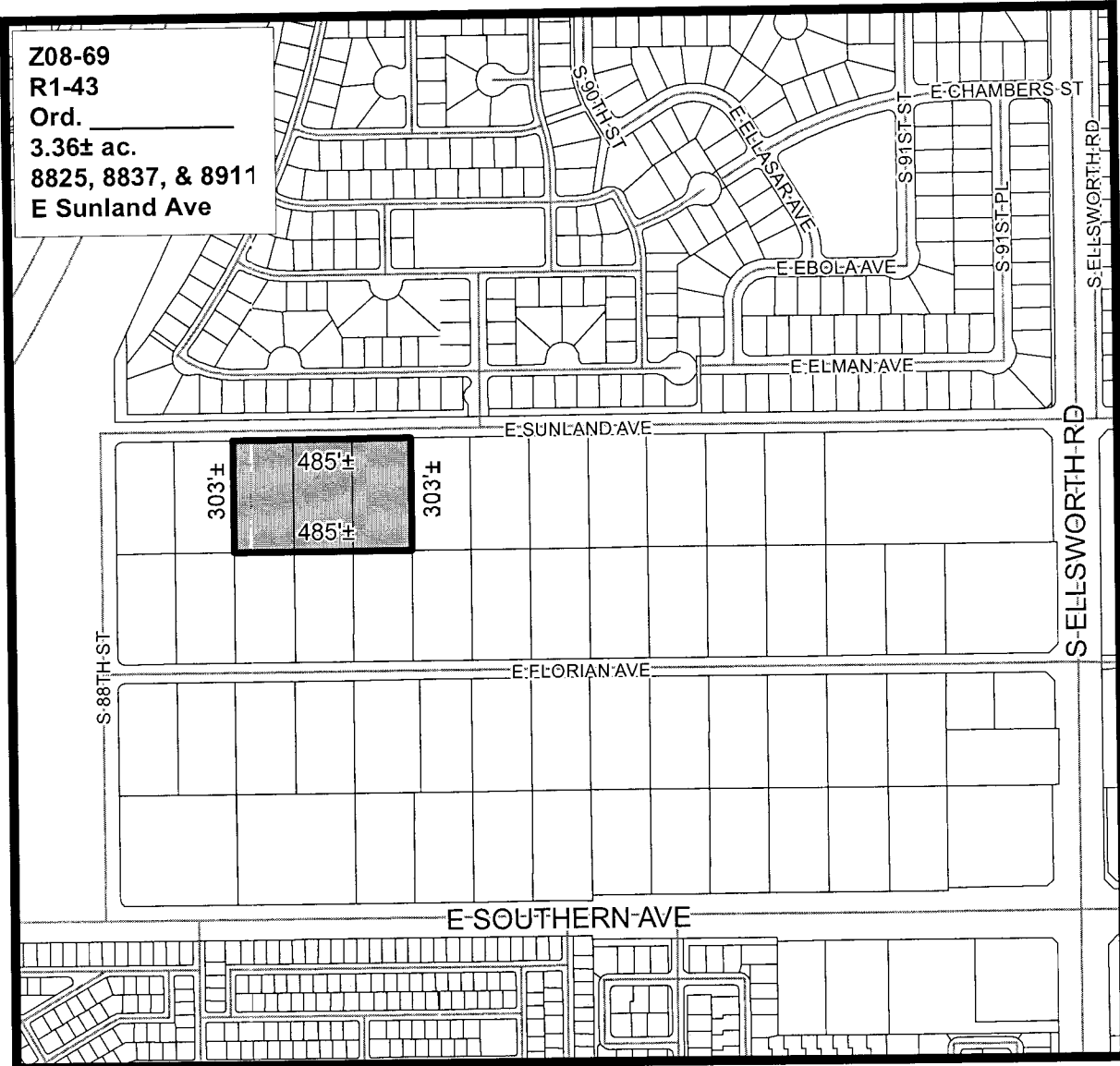
APPROVED:

Mayor

ATTEST:

City Clerk

**OFFICIAL SUPPLEMENTARY ZONING MAP
AMENDING THE CITY OF MESA ZONING MAP**



Please be advised that the attached zoning changes were approved by the Mesa City Council on _____, 2009 by Ordinance # _____. If you have any questions concerning these changes, contact the City of Mesa Planning Division at 480-644-2385.

_____ **ATTEST:** _____ **DATE:** _____
MAYOR **CITY CLERK**