

#32
MAY 14 2009



Chandler • Arizona
Where Values Make The Difference

MEMORANDUM

Planning and Development – CC Memo No. 09-045

DATE: APRIL 23, 2009

TO: MAYOR AND CITY COUNCIL

THRU: W. MARK PENTZ, CITY MANAGER
JEFF KURTZ, ACTING PLANNING & DEVELOPMENT DIRECTOR
KEVIN MAYO, ACTING PLANNING MANAGER

FROM: BILL DERMODY, SENIOR CITY PLANNER

SUBJECT: UP08-0070 BEVERLY ANN CARPENTER

Request: Extension of Use Permit approval to allow horses to be kept on two lots zoned Agricultural District (AG-1) that are less than 35,000 square feet in size and to allow accessory structures to remain on lots that lack a principal structure

Location: Southeast corner of El Alba Way and the Loop 101 Price Freeway, approximately ¼ mile north of Warner Road

Applicant: Beverly Ann Carpenter/Sandra Carpenter

RECOMMENDATION

The application requests extension of Use Permit approval to allow horses to be kept on two lots zoned Agricultural District (AG-1) that are less than 35,000 square feet in size and to allow accessory structures to remain on lots that lack a principal structure. Planning Commission and Staff, finding consistency with the General Plan, recommend approval subject to conditions.

BACKGROUND

The site received its initial Use Permit approval in December 2007 with a one (1) year time limit in order to allow evaluation of site maintenance and compliance with a prohibition on horse boarding or riding activities. The subject parcels are two of several freeway remnants located adjacent to the eastern sound wall along Price Road (Loop 101 Freeway) that were sold by ADOT after freeway construction to neighboring property owners in the unincorporated Caballos Ranchitos subdivision. The surrounding Caballos Ranchitos rural residential subdivision includes several lots with horses or other animals such as chickens.

The subject parcels, which were annexed in 1974, are a combined 25,201 square feet and are adjacent to an approximate 78,277 square foot unincorporated parcel at 2819 W. El Alba Way that includes a single family house. The owner of the adjacent property at 2819 W. El Alba Way bought the subject parcels from ADOT. In turn, she sold the properties to a relative, but continues to lease them for her use. There are generally two (2) and up to six (6) horses on the subject parcels, as well as several shade structures and corral fencing. City Code allows two (2) horses to be kept on every 35,000 square feet of land zoned AG-1—any amount of land under 35,000 square feet does not allow horses without a Use Permit.

The shade structures and corral fencing are considered to be “accessory structures” as defined by code. One accessory structure is allowed in the AG-1 district only if there is a primary residence on the property. In this case, there is no primary residence on the property. Therefore, Use Permit approval is required for the structures to remain. A variance was approved in December 2007 to allow the structures to encroach within the minimum setbacks from property lines.

DISCUSSION

Planning Commission and Staff find the proposed uses to be in keeping with the established rural residential nature of the neighborhood. Based on occasional Staff inspections and a lack of complaints from neighbors, the conditions of approval seem to have been abided by over the past year. Just as with the existing approval, Planning Commission and Staff recommend that horse boarding or riding lessons be forbidden unless first approved by a separate Use Permit.

PUBLIC/NEIGHBORHOOD NOTIFICATION

- This request was noticed according to the provisions of the City of Chandler Zoning Code.
- A neighborhood meeting was held on March 30, 2009 at the Chandler Library Sunset Branch. No citizens attended.
- At the time of this writing, Staff is not aware of any opposition to the request.

PLANNING COMMISSION VOTE REPORT

Motion to approve.

In Favor: 6 Opposed: 0 Absent: 1 (Rivers)

RECOMMENDED ACTION

Planning Commission and Staff, upon finding consistency with the General Plan, recommend approval of UP08-0070 BEVERLY ANN CARPENTER subject to the following conditions:

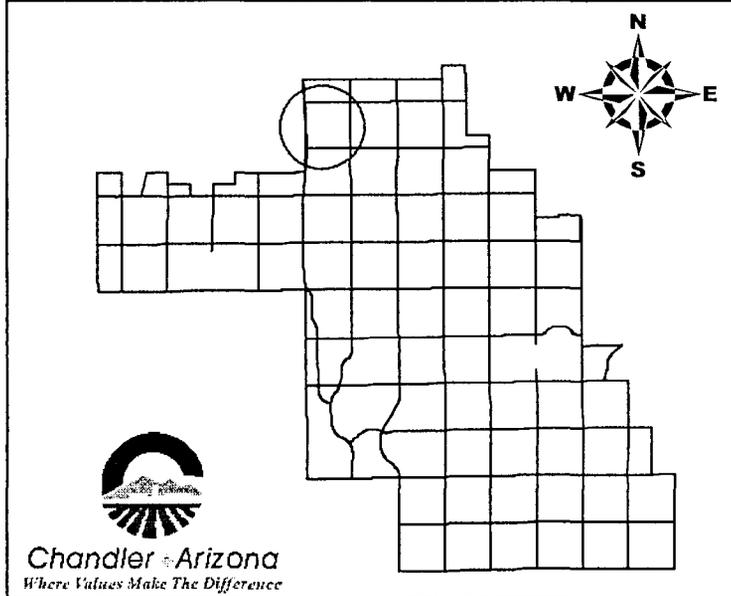
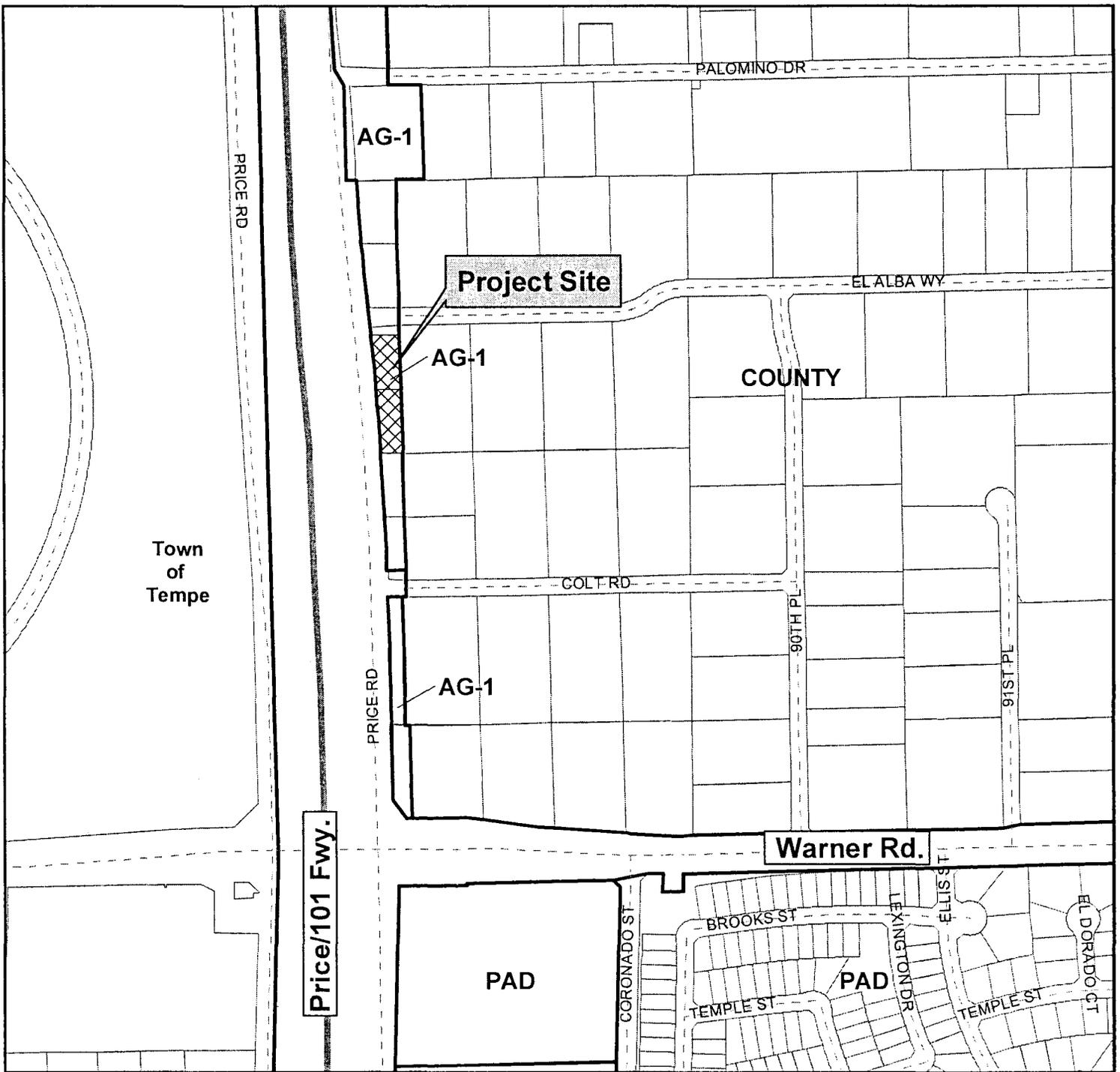
1. Expansion or modification of the use beyond approved exhibits shall void the Use Permit and require new Use Permit application and approval.
2. The number of horses kept on the subject properties shall be limited to six (6).
3. There shall be no horse boarding nor riding lessons unless and until first receiving separate Use Permit approval from the City of Chandler.
4. The site shall be maintained in a clean and orderly manner.

PROPOSED MOTION

Move to approve UP08-0070 BEVERLY ANN CARPENTER Use Permit to allow horses to be kept on two lots zoned Agricultural District (AG-1) and to allow accessory structures to remain on lots that lack a principal structure within an Agricultural (AG-1) zoning district subject to the conditions recommended by Planning Commission and Staff.

Attachments

1. Vicinity Map
2. Applicant Narrative
3. Site Plan
4. Applicant Photograph

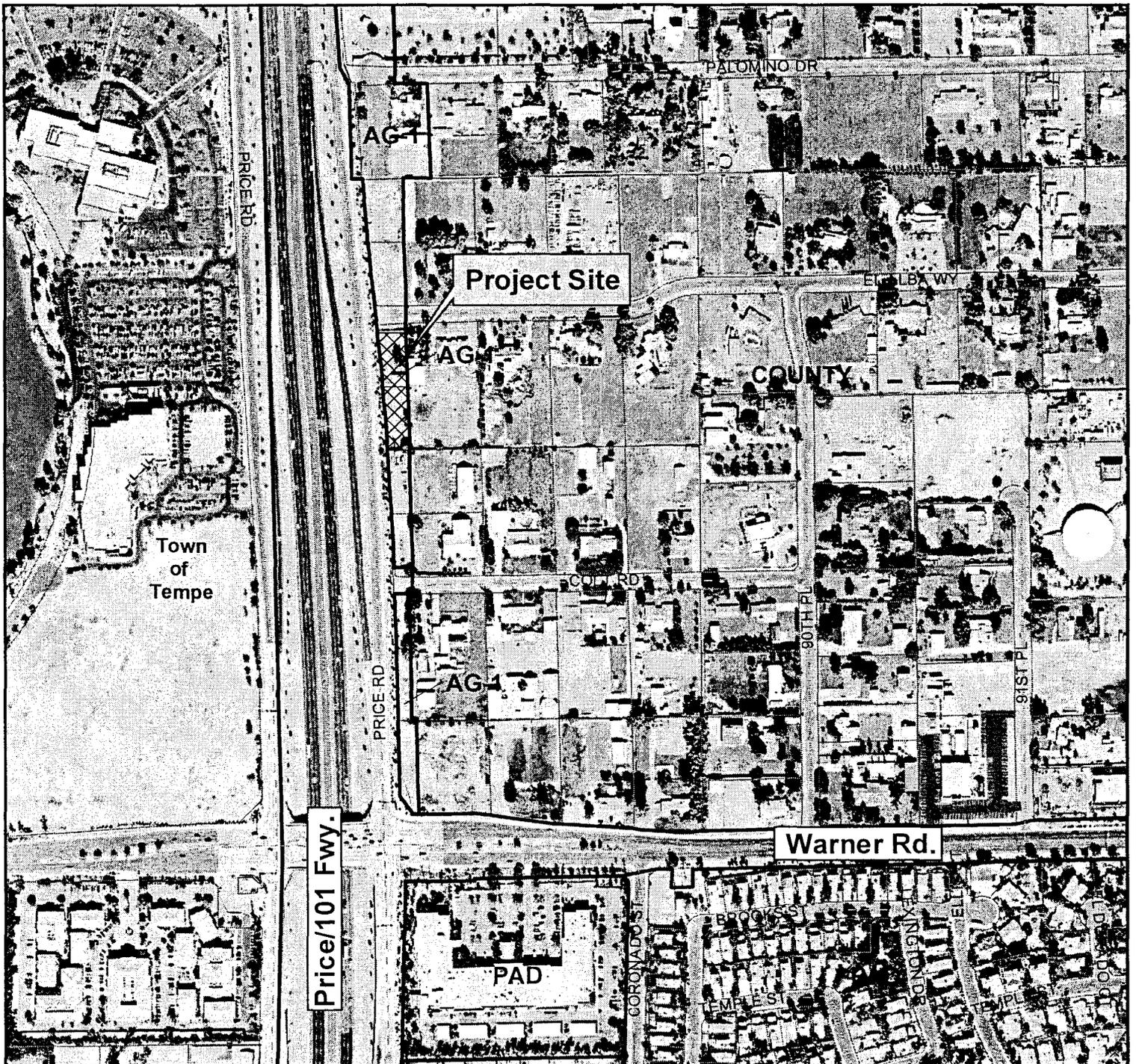


Vicinity Map

UP08-0070

Beverly Ann Carpenter

CITY OF CHANDLER 12/26/2008



Price/101 Fwy.

Warner Rd.

Project Site

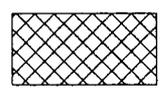
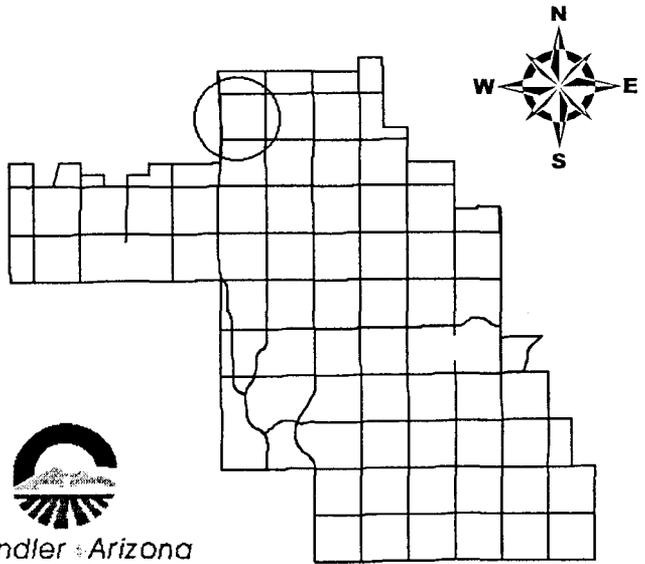
Town of Tempe

AG-1

AG-1

PAD

Vicinity Map



UP08-0070

Beverly Ann Carpenter

Written Narrative – Beverly Ann Carpenter

Purpose – Common sense, responsible and personal use of the property including the caring and keeping of livestock, and riding of horses.

Structures are in place (partially since 1974) to house as many as 6 horses and have been approved with a variance. The actual number of animals on the property at any time varies because they are rotated around a few properties to manage the growth of grasses on a day to day basis. The structures are for housing and shelter of livestock, including horses, and storage of equipment and feed to properly care for and manage the animals and the land, and for riding and enjoyment of the horses. Simple, modular, fire-proof metal shelter and shades that are clamped and screwed together for the animals' proper care, storage of feed and equipment, and metal fencing that is clamped together and braced to the ground with metal T-posts to properly contain and manage the animals and the land.

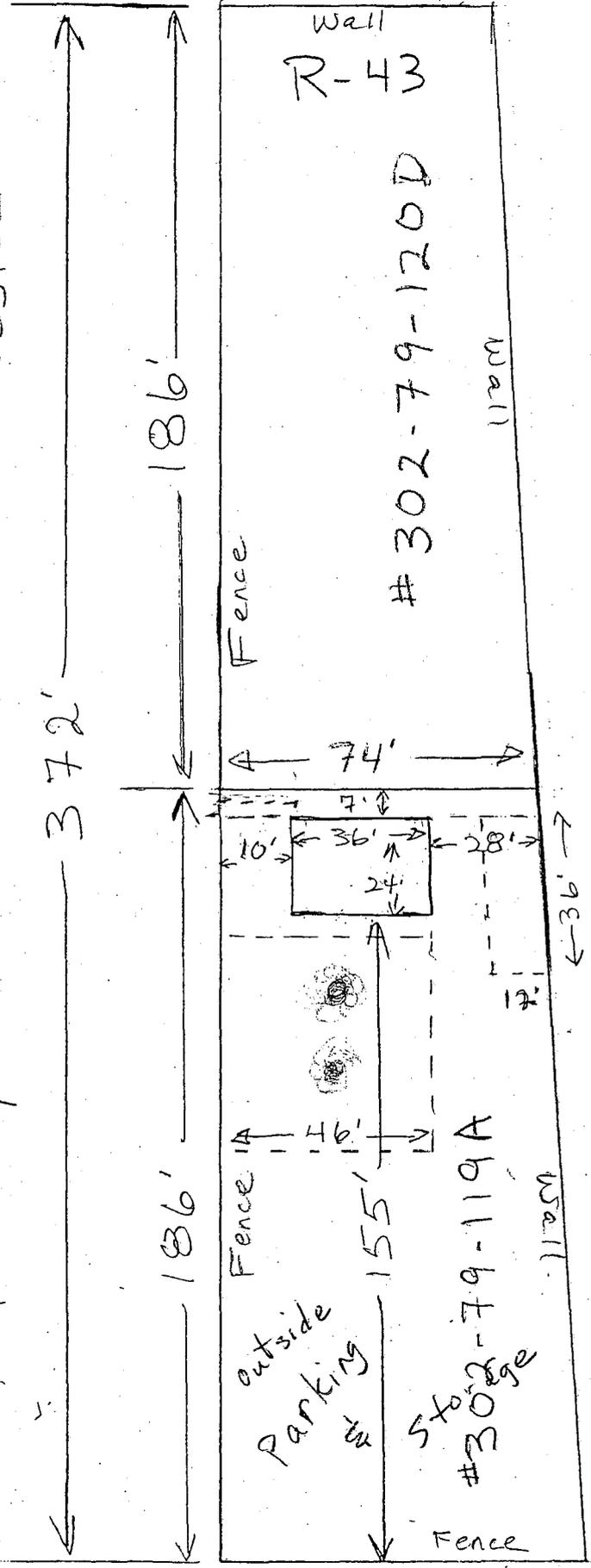
Common sense, responsible and personal use of the property including the keeping of livestock, and riding of horses, ministry and community service is desired, as zoned and is normal to the neighborhood, as it has been used for 30 plus years.

MINISTRY

Maricopa County Rural 43 Home with Livestock

R-43

Ag-1



R-43

88' Ag-1

El Alba Way R-43

Appendix A / Fig. 1

Existing

All units are in feet

Drawing created by Sandra Carpenter-Dixon

July 2, 2006

= Tree

--- = Interior Fence

1/4" = 1 Foot

101 Freeway



