



TOWN OF  
**QUEEN CREEK**  
 ARIZONA

**TO:** PLANNING & ZONING COMMISSION

**THROUGH:** BRETT BURNINGHAM, DEVELOPMENT SERVICES DIRECTOR

**FROM:** ERIK SWANSON, PLANNING ADMINISTRATOR

**RE:** PUBLIC HEARING AND POSSIBLE ACTION ON P22-0148 SOSSAMAN LEGADO ESTATES PAD REZONE. A REQUEST TO REZONE APPROXIMATELY 300 ACRES FROM R1-12, R1-15, R1-18, R1-35, R1-43, AND PRC TO C-1, MDR, R1-5, R1-7, R1-9, R1-12 AND R1-18 WITH A PAD OVERLAY, FOR THE DEVELOPMENT OF A MASTER PLANNED COMMUNITY. THE SUBJECT SITE IS LOCATED AT THE SOUTHEAST CORNER OF POWER AND OCOTILLO ROADS.

**DATE:** October 11, 2023

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**Suggested Action:**

Staff recommends approval of P22-0148, Sossaman Legado Estates PAD Rezone, subject to the Conditions of Approval outlined in the staff report.

**History:**

June 19, 1989: Maricopa Board of Supervisors approved the Development Master Plan for Sossaman Estates, an 882 acre project, with 3,855 units at a density of 5.3 du/ac

September 1989: Town of Queen Creek incorporated the subject site.

December 15, 1999: The Town Council approved Ordinance 177-99, RZ03-99 Sossaman Estates Planned Area Development PAD for approximately 1,159 acres, under which the subject property received its current zoning districts of PRC, R1-9, R1-12, R1-35, and R1-43.

May 15, 2018: Queen Creek voters ratified the Town of Queen Creek 2018 General Plan, updating the Land Use designations on the property to Open Space, Neighborhood, and Commercial.

**Project Information:**

Project Name: Sossaman Legado Estates PAD Rezone

- Site Location: Southeast corner of Power and Ocotillo roads extending east to Sossaman Road and south to the Sonoqui Wash
- General Plan Designation: Growth Node; Commercial at the southeast corner of Power and Ocotillo Roads (appx. 24 acres), Neighborhood for the remainder of the site
- Current Zoning: R1-12, R1-15, R1-18, R1-35, R1-43, and PRC
- Proposed Zoning: C-1, MDR, R1-5, R1-7, R1-9, R1-12 and R1-18 with a PAD Overlay
- Surrounding Zoning:
  - North: Ocotillo Road, R1-7 and R1-12 (Sossaman Estates), R1-7 and R1-9 (Legado Estates) north of Ocotillo Road
  - East: Sossaman Road, R1-18 (Queen Creek Ranchettes) and R1-43 (Princessa Ranchitos) east of Ocotillo Road
  - South: R1-43 (Rancho Jardines), Ben Franklin Charter School (southwest corner)

- West: Power Road, C-1, MDR, R1-5, Auxier Elementary School east of Power Road
- Gross Acreage: 297 acres total; 274 net acres (Residential), 16 net acres (Commercial)
- Total Lots: 656 single-family dwelling units
- Proposed Density: 2.39 du/ac (excluding Assisted Living)

### **Discussion:**

#### **Background**

This is a request to rezone approximately 300 acres from R1-12, R1-15, R1-18, R1-35, R1-43, and PRC to C-1, MDR, R1-5, R1-7, R1-9, R1-12 and R1-18 with a PAD Overlay, for the development of a master planned community. The subject site is located at the southeast corner of Power and Ocotillo roads and extends east to Sossaman Road and south to the Sonoqui Wash. The subject site is bounded by Ocotillo Road on the north, Sossaman Road along the east, the Rancho Jardines neighborhood and Ben Franklin Charter School along the south, and Power Road along the west. The subject site is designated in the General Plan as Commercial at the immediate southeast corner of Power and Ocotillo roads, with a Neighborhood designation on the remainder of the site. The subject site, along with the Sossaman Farms West (3.9 up to 5.2 du/ac; development west of Power Road) and Legado Estates (2.2 du/ac; development north of Ocotillo Road approximately one-half (eastern portion) of the subject site) are designated as a Growth Node within the General Plan. Residential development with varying zoning districts surround the subject area on all sides.

The subject site, along with the Legado Estates and Sossaman Farms communities were zoned in 1999, with Legado Estates receiving a PAD amendment in 2015 to reorganize the various zoning designations, however maintaining the same districts of R1-7, R1-9 and R1-12. At the time of the 1999 rezoning, the subject site was given the current zoning designations of R1-12, R1-15, R1-18, R1-35, and R1-43 (this was provided on the southern boundary adjacent to Rancho Jardines and was not zoned R1-43 as part of the application, but rather was excluded as part of the zoning efforts and maintained the R1-43 designation as provided upon annexation into the Town). Additionally, the proposed commercial corner was also excluded from the 1999 rezoning effort.

#### **Site Layout**

At the immediate southeast corner of Power and Chandler Heights roads, the applicant is proposing an approximate 7-acre, C-1 (Light Commercial) commercial corner (Parcel G). Plans for the site layout and architecture have not been provided, and will be reviewed during a future submittal. Directly east of the proposed commercial corner is proposed an approximate 9-acre C-1 parcel, however through the PAD process is proposed as an Assisted Living Facility (Parcel G). Plans for site layout and architecture have not been provided, and will be reviewed during a future submittal. East of the commercial parcels is a gated, single-family MDR development (Parcel F) that is proposed as 50'x100' "villas" on 168 individual lots. The intent of the MDR development is to provide a residential enclave where all outdoor amenities are provided including a clubhouse, fitness center, and lake, giving residents the ability to "lock and leave" without the requirement for exterior maintenance of yards, etc. East of the MDR development is the gated, 27-lot, custom, R1-18 community (Parcel A). While the underlying zoning is R1-18, each lot is a minimum of 35,000 square feet. Separating these parcels from the remainder of the development is the Sonoqui Wash and a large open space area bifurcating the custom lots from the remaining parcels by a 150' linear park.

Parcels B, C, and D are proposed as R1-7, R1-12, and R1-9, respectively, however all lots are oversized from their respective zoning districts. Parcel B (R1-7) provides 83 lots on oversized 65'x130' (8,450) square foot lots. Furthermore, Parcel B is proposed as single-story only. Through the PAD process, the applicant is proposing a lot coverage of 55%, which is a 10% increase from the zoning standards. Given the oversized lots, and single-story restriction, Staff has no concerns with the increase in lot coverage. Parcel C (R1-12) provides 70 oversized lots with average lot size of 100'x150' (15,000) square foot lots. Within the R1-12 parcel, the southern row of 20 lots north of the Rancho Jardines community are proposed at 20,000 square foot lots. In addition to the oversized lots, a 30' landscaped buffer is proposed to provide further separation and buffering from the R1-43 lots south of the community. Parcel D (R1-9) proposes 88 lots, with an average lot size of 10,400 square feet. Parcel E (R1-5) is located at the southwest corner of the subject site and is proposing 220 lots with an average lot size of 50'x115' (5,750) square feet. It is important to note that the applicant has stated

that the perimeter lots along the east side of Parcel E will be single-story restricted.

Access to the master-planned community is provided along Ocotillo Road at two locations for the single-family residential portions (Parcels A, B, and D) of the development. The main entrance into the development on Ocotillo Road is aligned with the Legado community on the north side of Ocotillo Road. A second access point is provided on Ocotillo Road for the single-family, MDR, enclave development (Parcel F). Primary access for the R1-7 (Parcel B) and R1-12 (Parcel C) portions of the community are provided off of Sossaman Road with additional access points connecting to the main entrance off of Ocotillo Road. Two access points for the R1-5 (Parcel E) parcel are provided off of Power Road. It is important to note that all of the residential parcels, with the exception of Parcel E (R1-5) are gated.

Access points for the commercial corner and assisted living components of the development will be determined at the time of Site Plan submittal and will meet all Town design standards; conceptual locations are provided at this time for reference. The proposed Site Plans will be required to be in conformance with all applicable Town Codes including the General Plan, Zoning Ordinance, Design Standards including those for parking, open space, and building elevations as well as be in general conformance with the details provided with this case.

### **Landscaping, Walls, and Open Space**

In total, the development proposes approximately 80 acres of open space through the use of trails, pocket parks, lakes, and linear parks. Included in this total is 14 acres of the Sonoqui Wash. It is important to note that development team will be providing a 10'-wide multi-purpose trail along the three arterial street frontages, and connecting the Legado community to the Sonoqui Wash. This connection to the Sonoqui Wash will complete the 11-mile trail system connecting the Queen Creek and Sonoqui Washes. The multi-purpose trail is designed to accommodate a variety of users including pedestrians, bicyclists, and equestrians. An existing paved trail runs the length of the Sonoqui Wash along the southern boundary of the wash. Additionally, an equestrian trail is provided within the wash itself. The development team is working with Town Staff for the design and construction of a HAWK signal on Ocotillo Road that will allow users of the trail system to connect to both the Queen Creek and Sonoqui washes through the Legado community north of the development.

Provided as Appendices to the Narrative are a number of "Character Area" exhibits that provide general design and direction for the future developers of the community. With the first builder, theming will be solidified for the perimeter walls, community amenities, landscaping theming, and signage will be provided.

### **Deviations**

As part of the Rezoning request, the applicant is requesting five deviations from the Zoning Ordinance Development Standards that are requests to lot coverage, lot dimensions, and setbacks.

#### **R1-5 (Parcel E) Deviations:**

Reduce the rear setback for encroachments. The request is to reduce the rear setback for livable and patios from 15' to 10' on single-story homes, and to reduce the rear setback for livable and patios from 20' to 15' on two-story homes. It is important to note that the lot depth of the R1-5 parcel has been increased from 100' to 115' and will provide a minimum lot size of 5,750 sq. ft. versus 5,000 sq. ft. as required by the Zoning Ordinance.

#### **R1-7 (Parcel B) Deviations:**

Reduce the rear setback for encroachments. The request is to reduce the rear setback of 25' to 15'. Reduce minimum lot width. The request is to reduce the minimum lot width from 70' to 65'. It is important to note that the lot depth of the R1-7 parcel has been increased from 100' to 130' and that the lot square footage has been increased to 8,450 sq. ft. versus 7,000 sq. ft. as required by the Zoning Ordinance. The request is to increase lot coverage from 40% (45% with qualifying front porch) to 55%. It is important to note that the applicant is proposing all single-story homes for Parcel B.

#### **R1-9 (Parcel D) Deviations:**

Reduce minimum lot width. The request is to reduce the minimum lot width from 90' to 80'. It is important to note that the lot depth of the R1-9 parcel has been increased from 100' to 130' and that the lot square footage has been increased to 10,400 sq. ft. versus 9,000 sq. ft. as required by the Zoning Ordinance.

R1-18 (Parcel A) Deviations:

Reduce minimum lot width. The request is to reduce the minimum lot width from 120' to 100'. It is important to note that the lot square footage has been increased to 35,000 sq. ft. versus 18,000 square feet as required by the Zoning Ordinance.

Planning Staff supports the proposed deviations.

**Public Participation:**

Given the scale of the proposed project, the applicant has conducted two neighborhood meetings. **September 13, 2022:** Approximately 46 neighbors attended the meeting. There were a number of items raised and expressed including:

- Density
- Water Rights
- Change in plans from previous years
- Concerns with encroachment and complaints regarding animals/use of land (R1-43 lots)

Following the neighborhood meeting, Staff met with the development team to discuss the project and the received comments. Staff provided direction to the design team to increase the lot sizes for those lots backing up to Via del Jardin to provide a greater transition. The design team modified the southern row of R1-15 (15,000 sq. ft.) lots, increasing them to a minimum of 20,000 sq. ft. lots. In addition to the larger lots, the developer will be required to improve the northern half of Via del Jardin which will provide a 70' right-of-way. In addition to the right-of-way, a 30' landscape setback will be provided along the roadway, providing a separation of 100' from property line to property line.

**April 25, 2023:** Approximately 20 neighbors attended the meeting. There were a number of items raised and expressed including:

- density; should remain as the existing zoning districts
- traffic generation
- street alignments
- proposed commercial uses
- timeline of construction

As of the writing of this memo, Staff has received 5 emails and 3 phone calls regarding the request. All correspondences stated opposition to the request. The emails are attached for reference.

**Analysis:**

**General Plan Review:**

As previously mentioned, the General Plan has two underlying designations for the subject site including Commercial at the immediate southeast corner of Power and Ocotillo roads, with Neighborhood on the remaining acreage. Additionally, there is a Growth Area Overlay for the entire subject site. Per the General Plan, the Growth Area Overlay "provides guidance for areas where new development is needed to accommodate future population." The Growth Area Element provides the specific goal to "Plan for and prepare to guide development within growth areas." The request is consistent with the General Plan.

**Zoning Review:**

The proposed development seeks to Rezone the subject site from R1-12, R1-15, R1-18, R1-35, R1-43, and PRC to C-1, MDR, R1-5, R1-7, R1-9, R1-12 and R1-18 with a PAD Overlay, for the development of a master planned community. As previously mentioned there are a number of deviations proposed to adopted Development Standards, however there are also a number of increases to the standard

Development Standards that exceed the standards.

**Adequate Public Facilities:**

In accordance with Article 5.1 (Adequate Public Facilities) provision of the Zoning Ordinance, the applicant has provided information regarding the project's potential impact on public facilities. Staff's review of those reports indicates that adequate public facilities will be provided by the project.

**Engineering, Utilities, and Traffic Review:** The Engineering, Traffic, and Utilities Divisions have been involved throughout the review of the request. Conditions of Approval have been added accordingly for any applicable items.

**Conditions of Approval:**

1. This project shall be developed in accordance with the plans attached to this case and all the provisions of the Zoning Ordinance applicable to this case.
2. Future Preliminary Plat and Site Plan applications will be required for review and approval. Each application will demonstrate compliance with its corresponding standards per the Town's Zoning Ordinance and Design Standards.
3. The Town requires all poles less than 69kV to be relocated underground. SRP may require easements outside of Public Right-of-Way. The applicant shall contact SRP for specific requirements that they may have in addition to the Town requirements.
4. Full ½ street improvements including all related sidewalk, curb and gutter, streetlights, landscaping, applicable water and sewer lines, landscaped medians, drainage facilities, and power pole relocation shall be designed and constructed for Power Road, Ocotillo Road, Via Del Jardin, and 186th Street.
5. Provide bank stabilization for the Sonoqui Wash within the limits of the project. Bank stabilization shall be designed as part of the drainage report.
6. For offsite public improvements the Town requires cash, irrevocable letter of credit (IRLOC), or a bond to cover the costs for construction assurance. The IRLOC and bond are required to be approved by the Town Attorney. The assurance amount shall be determined by an engineer's estimate during the construction document review phase. Construction assurance shall be deposited with the Town prior to any permits being issued.
7. For onsite public improvements the Town requires cash, irrevocable letter of credit (IRLOC), a bond to cover the costs for construction assurance, or signed Certificate of Occupancy Hold Agreement. The IRLOC and bond are required to be approved by the Town Attorney. The assurance amount shall be determined by an engineer's estimate during the construction document review phase. Construction assurance shall be deposited with the Town prior to any permits being issued.
8. The Developer of Legado Estates shall be responsible to design and construct a HAWK signal on Ocotillo Road as part of the Ocotillo Road improvements. The Town has collected a cash deposit from the developer to the north for their share of the signal. The cash deposit from the developer to the north will be given to the developer of Legado Estates to use towards the design and construction of the full HAWK signal.
9. SRP Power – The applicant shall contact SRP for specific requirements that they may have in addition to the Town requirements. The Town requires all poles less than 69kV to be relocated underground. SRP may require easements outside of Public Right-of-Way.
10. The developer shall coordinate and obtain approval from the Queen Creek Irrigation District including any required approvals from the Federal Bureau of Reclamation for any and all work within the existing 50 foot Bureau of Reclamation Easement.

11. The proposed linear park & trail, centralized park, and all amenities from Ocotillo Road extending all the way to the Sonoqui Wash shall remain accessible in perpetuity to all residents of the Town of Queen Creek.
12. The design of all pedestrian and multiuse trail crossings shall be incorporated into the design of the Preliminary and Final Plats to ensure adequate safety.
13. Mechanical equipment, electrical meter and service components, and similar utility devices, whether ground level, wall mounted, or roof mounted, shall be screened and painted to match the main color of the building or to blend in with adjacent landscaping.
14. The developer is responsible for installing and maintaining all landscaping within the public right-of-way including all median landscaping within the arterial, collector, and local roads.
15. The developer shall submit an Engineers Cost Estimate for all onsite public improvements and offsite public improvements. All Engineers Cost Estimates are required to be submitted to the Town during the Final Plat review phase of the project.
16. All construction documents submitted to the Town for review during the final plat review phase shall be in accordance with Town Ordinances, Town checklists, Town design standards & guidelines, and requirements, except as superseded by these conditions of approval.
17. All utility and irrigation conflicts shall be resolved prior to recordation of the Final Plat including any relocations, removals, or easement abandonment.
18. If warranted, the developer will be responsible for their proportional share of a traffic signal Ocotillo Road. Traffic signal warrant shall be determined via a TIA at the time of subsequent Preliminary Plat submittals.
19. The eastern lots in Parcel E along 186th Street shall be restricted to single-story.
20. All homes within Parcel B (R1-7) shall be restricted to single-story.
21. Parcel A (R1-18) shall be restricted to custom homes.
22. The landscaping in all open-spaces and rights-of-way shall be maintained by the adjacent property owner or property owners' association.
23. The same elevation shall not be built side-by-side or directly across the street from one another.
24. Prior to the time of making any lot reservations or subsequent sales agreements, the homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's, and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

**Attachment(s):**

1. [Aerial Exhibit.pdf](#)
2. [General Plan Exhibit.pdf](#)
3. [Current Zoning Map Exhibit.pdf](#)
4. [Proposed Zoning Map.pdf](#)

5. Legado Estates - Site Plan.pdf
6. Legado Estates - Circulation Plan.pdf
7. Legado Estates Project Narrative.pdf
8. Emails - Complete.pdf