

Attachment E - Planning Commission Summary

REPORT OF PLANNING COMMISSION ACTION

February 7, 2019

* Revised February 14, 2019

ITEM NO: 10	
	DISTRICT NO.: 6
SUBJECT:	
Application #:	Z-81-18-6
Location:	Approximately 320 feet west of the northwest corner of 22nd Place and Rovey Avenue
From:	RE-35
To:	R1-18 and RE-35
Acreage:	12.00
Proposal:	Single-Family Residential
Applicant:	Brennan Ray, Burch and Cracchiolo, P.A.
Owner:	* Rocky Acres 6204, LLC, et al.
Representative:	Brennan Ray, Burch and Cracchiolo, P.A.

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Camelback East 1/8/2019 Approval, per the staff recommendation. Vote: 10-2.

* Planning Commission Recommendation: Approval, per the Addendum A Staff Report, with additional stipulations as read into the record.

Motion Discussion: Mr. Glenn asked Mr. Ray if the applicant is willing to stipulate to a 70-foot setback from the south property line.

Mr. Ray said that the building envelope right now calls for 60 feet, and would agree to a building setback of 60 feet.

Mr. Glenn asked Mr. Ray if he would agree to a stipulation of a 65-foot setback from the south property line.

Mr. Ray agreed to the 65-foot setback.

Chairman Johnson asked if Mr. Ray and his client would be willing to meet with Mr. Dell'Artino to discuss his concerns with the project before the City Council hearing.

Mr. Ray replied that he would be happy to meet with Mr. Dell'Artino.

Chairman Johnson stated that this was a very challenging case that required compromise and that he is happy to help be involved in future discussion with the applicant and neighbors before the City Council hearing.

Commissioner Shank agreed with Chairman Johnson that this was a difficult case to hear, but decided to vote in favor of the rezoning because the 1978 agreement allows for one single-family detached house to be built on the tract and that a house would be preferable to a clubhouse in terms of noise and view.

Chairman Johnson and Commissioner Shank thanked all of the neighbors for coming out to voice their opinions. Chairman Johnson closed the discussion for a vote on the motion on the table.

Motion details: Commissioner Shank made a MOTION to approve Z-81-18-6, per the Addendum A Staff Report, with an additional stipulation as read into the record and an additional stipulation of an addition of a 60-foot setback from the south property line.

Maker: Shank
Second: Heck
Vote: 8-0 (Wininger recused)
Absent: None
* Opposition Present: Yes

Findings:

1. The proposal is consistent with the General Plan Land Use Map designation.
2. The proposed rezoning will allow for the conversion of an underutilized open space area.
3. As stipulated, the subdivision will be compatible with the surrounding neighborhood.

Stipulations:

1. The development shall be limited to a maximum of 14 lots within the R1-18 zoning area and a maximum of 1 lot within the RE-35 zoning area.
2. The primary structure located on the RE-35 lot shall be limited to a maximum of 1-story and 25 feet in height.
3. The R1-18 ~~entire development~~ REZONING AREA shall be subject to the perimeter standards for the RE-35, Planned Residential Development option, as approved by the Planning and Development Department. This stipulation does not affect the applicability of existing variances/use permits, nor does it preclude a property owner from pursuing a variance/use permit through the Zoning Adjustment public hearing process.
4. THE RE-35 REZONING AREA SHALL BE SUBJECT TO THE RE-35, SUBDIVISION DEVELOPMENT OPTION, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. THIS STIPULATION DOES NOT PRECLUDE A PROPERTY OWNER FROM PURSUING A VARIANCE/USE PERMIT THROUGH THE ZONING ADJUSTMENT PUBLIC HEARING PROCESS.

- 4.5. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
- * 6. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. THE WAIVER SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING APPLICATION FILE FOR RECORD.
7. THERE SHALL BE A 60-FOOT SETBACK FROM THE SOUTH PROPERTY LINE.

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