

## Attachment B

### REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Bradley Wylam, Planner I, Assisting

May 18, 2022

ITEM NO: 1

DISTRICT 3

SUBJECT:

Application #: PHO-1-22--Z-64-87-2(3)  
Location: Southwest corner of 19th Avenue and Sunnyside Avenue  
Zoning: R-4A  
Acreage: 11.50  
Request: 1) Modification of Stipulation 1 regarding general  
conformance with the plans dated January 22, 1987.  
Applicant: 19th & Cactus OZB Company LLC  
Owner: Kingdom in the Valley Christian Church  
Representative: Law Office of David Cisiewski

#### **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with a modification and additional stipulations.

Village Planning Committee (VPC) Recommendation: The North Mountain Village Planning Committee opted not to hear this request.

#### **DISCUSSION:**

David Cisiewski, representative, introduced the subject site and surrounding uses. He provided an overview of the original rezoning case and noted that the stipulated site plan depicted a church on the northern portion of the subject site. He stated that a multifamily residential development is proposed for the southern portion of the site consisting of 114 units at a density of approximately 30.3 dwelling units per gross acre. He stated that the development would consist of 3 buildings with a maximum height of three-stories and 40-feet in height. He noted that the development would be gated, and amenities would include a pool, fitness center, and clubhouse/ leasing office. He stated that the development would be compatible with the surrounding area and would provide diverse housing options.

Rachel Valdez, resident of the neighborhood to the west of the subject site, noted concerns regarding potential impacts to view corridors to the mountains to the east, parking concerns, and potential traffic impacts for the neighborhoods to the west.

Michael Simmons asked whether Section 8 housing or a homeless shelter would be part of the proposed development. He noted that he would be in opposition to the request if the site was developed with those uses.

David Cisiewski stated that the proposed site plan is overparked with 153 parking spaces, where 132 are required, which would help alleviate parking concerns for the community. He stated that the sight lines to the mountains to the west would be minimally impacted due to the increased building setback from the western property line and the location of the buildings, which are centered on the site. He noted that the closest building to the western property line is set back approximately 80 feet due to the parking area that acts as a buffer. He stated that the development would not be used for Section 8 housing and would be advertised at market rate. He noted the development will provide studio, one-bedroom, and two-bedroom units. He stated that this would also not be used as a homeless shelter.

Adam Stranieri, Planning Hearing Officer, stated that the North Mountain Village Planning Committee opted not to hear the case and no public correspondence was submitted prior to the hearing. He stated that the Street Transportation Department recommended an additional stipulation to require that the developer install a detached sidewalk and landscape strip along 19th Avenue and that this is recommended to be added. He stated that the site has been identified as archaeologically sensitive and that three additional stipulations are recommended to address related requirements. He stated that there are no concerns with the proposed site plan and noted that the development is below the maximum height and density allowed. He recommended that the proposed modification of Stipulation 1 be approved with modifications. He noted that he recommended that the stipulation be split to keep the January 22, 1987 site plan as it is still relevant to the northern portion of the subject site. He stated that a Recorded Proposition 207 Waiver is still required prior to preliminary site plan approval and is recommended to be added as a stipulation.

### **FINDINGS:**

- 1) The request to modify Stipulation 1 is recommended to be approved with a modification. The subject site of the application includes an existing church which is currently subject to general conformance with plans dated January 22, 1987. The applicant has no intent to modify this existing site. The modification includes more standard general conformance language, clarifying the plans referenced for the church, and splitting the conformance requirements between the north and south portions of the site for clarity.

The conceptual site plan depicts a multifamily residential complex on the south portion of the subject site only, consisting of 114 units at a density of

30.3 dwelling units per gross acre. Units are arranged in three buildings with a maximum height of three-stories and 40-feet in height. Open spaces include a pool, amenity area, and fitness room. The development has one driveway on 19th Avenue, a major arterial street. The proposal is compatible in scale and intensity with existing land uses in the surrounding area.

- 2) The Street Transportation Department recommends an additional stipulation requiring the developer to install a detached sidewalk and landscape strip along 19th Avenue. This stipulation is recommended for inclusion. 19th Avenue is classified as a D-Section arterial roadway on the City Council approved Street Classification Map. The D-Section requires that a minimum 18-foot-wide streetscape area be provided. The current right-of-way and sidewalk easements along the property's frontage are dedicated allowing the specified improvements as noted above. Aside from the Street Classification Map requirement, detached and shaded sidewalks further the goals of City Council approved Complete Streets and Tree and Shade Master Plan.
- 3) The site is identified as archaeologically sensitive and three additional stipulations are recommended to be included to address requirements for archaeological survey and testing.

**STIPULATIONS:**

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| 1. | <del>That the site be developed</del> THE NORTH PORTION OF THE SITE SHALL BE in general conformance with the SITE PLAN AND ELEVATIONS plans dated January 22, 1987, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.<br><br>THE SOUTH PORTION OF THE SITE SHALL BE IN GENERAL CONFORMANCE WITH THE SITE PLAN DATE STAMPED MARCH 24, 2022, AS MODIFIED BY THE FOLLOWING STIPULATIONS AND APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
| 2. | <del>That</del> Perimeter landscaped setbacks shall include berms and a low wall or combination thereof to screen the parking area. Residential style landscape material, including grass is encouraged.   |
| 3. | <del>That</del> The west property line SHALL be required to have a 6-foot stucco or decorative block wall and a 5-foot landscaped strip. The landscaped strip shall incorporate 24-inch box drought resistant shade trees planted an average of 20-feet on center.   |

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| 4. | THE DEVELOPER SHALL CONSTRUCT A MINIMUM 5-FOOT WIDE DETACHED SIDEWALK AND MINIMUM 11-FOOT WIDE LANDSCAPE AREA LOCATED BETWEEN THE BACK OF CURB AND SIDEWALK FOR THE WEST SIDE OF 19TH AVENUE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. THE DEVELOPER SHALL PROVIDE TREES AND GROUND COVER IN THE LANDSCAPE AREA AT A FREQUENCY AND SIZE DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. |
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| 5. | IF DETERMINED NECESSARY BY THE PHOENIX ARCHAEOLOGY OFFICE, THE APPLICANT SHALL CONDUCT PHASE I DATA TESTING AND SUBMIT AN ARCHAEOLOGICAL SURVEY REPORT OF THE DEVELOPMENT AREA FOR REVIEW AND APPROVAL BY THE CITY ARCHAEOLOGIST PRIOR TO CLEARING AND GRUBBING, LANDSCAPE SALVAGE, AND/OR GRADING APPROVAL.  |
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| 6. | IF PHASE I DATA TESTING IS REQUIRED, AND IF, UPON REVIEW OF THE RESULTS FROM THE PHASE I DATA TESTING, THE CITY ARCHAEOLOGIST, IN CONSULTATION WITH A QUALIFIED ARCHAEOLOGIST, DETERMINES SUCH DATA RECOVERY EXCAVATIONS ARE NECESSARY, THE APPLICANT SHALL CONDUCT PHASE II ARCHAEOLOGICAL DATA RECOVERY EXCAVATIONS.  |
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| 7. | 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.   |
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| 8. | PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. 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.   |
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