

REPORT OF PLANNING HEARING OFFICER ACTION
Mr. Adam Stranieri, Planner III, Hearing Officer
Bradley Wylam, Planner I, Assisting

October 20, 2021

ITEM NO: 1	
	DISTRICT 1
SUBJECT:	
Application #:	PHO-6-21--Z-29-03-1
Location:	Southeast corner of 67th Avenue alignment and the Pinnacle Vista Drive alignment (6524 West Gold Mountain Pass)
Existing Zoning:	R1-8
Acreage:	.90
Request:	1) Modification of Stipulation 1 regarding the developable area and preservation area of Lot 9.
Applicant:	Daniel Istrate
Owner:	Daniel Ognean
Representative:	Daniel Istrate

ACTIONS

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

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee heard this request on October 14, 2021 and recommended approval by a vote of 8-0.

DISCUSSION

Denisa Istrate, representative with Kontexture, gave a summary of the request to modify the Hillside Easement Preservation Line (HEPL) to allow for a more rectangular building envelope for a single-family home. Daniel Istrate, representative with Kontexture, stated the allowable hillside disturbance would stay the same as shown on the final site plan that was approved on May 2nd, 2005. He stated that the current alignment of the HEPL reduces the buildable area on the southern portion of the site. He stated that the residence would not encroach over the existing HEPL but allowing disturbance over the existing line would allow for the lot to have backyard space. He stated that the proposed HEPL would move back 32 feet on the southern portion and come forward on the northern side. He noted that the HEPL on the lot south of the subject site moves back to approximately the midpoint of the lot.

Adam Stranieri, Planning Hearing Officer, asked for clarification regarding Mr. Istrate's comment that the proposed HEPL would not increase the square footage of the disturbance area on the site and noted that the submitted drawings depict 582 square feet of preservation area proposed to be abandoned and approximately 1,742 square feet of existing preservation area to be incorporated into the building envelope. Mr. Istrate stated that the approved plan for the area depicted an allowable disturbance area of 11,047 square feet, which is what the applicant is proposing, but the existing line only showed 9,305 square feet. Mr. Stranieri explained that he did not have the authority to fully approve the proposed development, but his approval would allow the applicant to seek required approvals through Hillside Review, seek abandonment of a portion of the preservation easement, and pursue any other required Hillside review processes.

Mr. Stranieri noted that no public correspondence was received and reviewed the Deer Valley Village Planning Committee's recommendation to approve. He stated that the existing HEPL creates a shallow building area, and he would be recommending approval with a modification.

FINDINGS

- 1) The applicant noted that the existing preservation easement area boundary creates a shallow building envelope in which a home may be constructed. The proposed Preservation Area Exchange Exhibit adjusts lines along the west portion of the existing building envelope. Approximately 582 square feet of preservation area at the northwest corner of the building envelope is proposed to be abandoned and approximately 1,742 square feet of existing area along the west side of the building envelope would be incorporated. The building envelope would increase from approximately 9,305 square feet to approximately 11,047 square feet.
- 2) The applicant's request is recommended to be approved with modifications. Note that this action does not provide full permission to develop as proposed. This action does allow the applicant to seek required approvals through Hillside Review if other Hillside Review requirements are met. These additional approvals may include, but are not limited to, a request to abandon a portion of the preservation easement and other Hillside review processes. The recommended modifications clarify the applicant's proposed language to reference these additional, required approval actions.

STIPULATIONS

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| 1. | Development (building envelopes) shall not be allowed above the 20% slope line with the exception of Lots 1, 8, 24, 25, 26, 27, and 28 on the site plan |
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	<p>dated May 4, 2004, except Lots 4 and 5 which shall be in specific conformance to the site plan date stamped April 30, 2010, with specific regard to a maximum disturbed hillside area above the 10% slope of 15,620 square feet. The building envelope for Lot 1 shall not exceed the 1525 contour line as shown on the site plan. The existing manmade disturbed areas located above this line shall be chemically treated and revegetated to blend with the surrounding desert as approved by the Planning and Development Department. This stipulation is not intended to allow any further grading for Lot 1 beyond the building envelope. Lot 8 shall be allowed to develop up to the 25% slope line. Lots 25, 26, and 27 shall be allowed to develop up to the cut line as shown on the site plan. Lot 24 shall be allowed to develop up to the cut line as shown on the preservation easement area exchange exhibit date stamped April 22, 2015. The building envelopes for Lots 28 and 29 shall maintain a 100-foot setback from the southern property line. LOT 9 IS PERMITTED TO DEVELOP UP TO THE NEW HILLSIDE LINE AS SHOWN ON THE SITE PLAN AND PRESERVATION AREA EXCHANGE EXHIBIT DATE STAMPED AUGUST 18, 2021 IF ALL REQUIRED ADDITIONAL APPROVALS (INCLUDING BUT NOT LIMITED TO, HILLSIDE REVIEW AND ABANDONMENTS) ARE OBTAINED, AS DETERMINED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. The total numbers of lots on the site shall not exceed 30 lots.</p>	
2.	Per the Street Transportation Department:	
	a.	Right-of-way dedications and street alignments for local streets within the subdivision shall be determined by the Planning and Development Department at the time of Preliminary Subdivision Plat Review.
	b.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
3.	Trails shall be provided as an amenity as illustrated on the site plan date stamped March 31, 2003, as approved or modified by the Planning and Development Department to avoid cutting through lots. The intent is to provide central access of interior lots to the common open space.	
4.	That Lots along the south boundary of the site shall be limited to single story units.	
5.	That, Prior to the commencement of the sale of individual lots on the property, covenants, conditions and restrictions shall be developed and recorded with the Maricopa County Recorder's Office which, among other	

	<p>things, shall give notice to potential buyers of the property that there exists a quarry/mine with a special permit for a landfill in the quarry, which allows the quarry to also be used as a construction debris landfill. These uses may generate dust and traffic in near proximity to the property. The real estate report filed with the State Real Estate Department shall also provide the same notice. The language of the notice shall be developed with the involvement of the quarry owner and the City of Phoenix Law Department.</p> <p>The notice requirements shall not be amended without the consent of the quarry owner except as otherwise provided herein. Each special permit, license for a landfill, and mining permit is a separate entitlement which may permanently and separately be revoked without affecting other entitlements. Upon the permanent revocation of any one of these entitlements, the language in the C, C, and R's relating to the specific entitlement may be unilaterally amended or deleted by the property owner.</p>
6.	That The subject site has the potential to contain archaeological resources. The applicant shall submit an archaeological survey prior to final site plan approval for review and approval by the City Archeologist (602) 495-0901.
7.	The developer shall combine Lots 4 and 5 and amend the larger Gold Mountain Subdivision site plan to show the combined lots as approved by the Planning and Development Department.
8.	Portions of the combined 4 and 5 lot that are already disturbed below the 10% slope line shall be revegetated as approved by the Planning and Development Department.
9.	The developer shall file for and pursue a grading waiver for the combined 4 and 5 lot through the Planning and Development Department.

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