

Attachment B

Planning Hearing Officer Summary of June 19, 2019
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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer
Sofia Mastikhina, Planner I, Assisting

June 19, 2019

ITEM 1

DISTRICT 3

SUBJECT:

Application #: Z-114-50-3 (PHO-1-19)
Zoning: PAD-15
Location: Approximately 195 feet south of the southeast corner of Central Avenue and Beryl Avenue
Acreage: 0.20
Request: 1) Modification of Stipulation No. 2f regarding a maximum one-story and 15-foot height limitation within 75 feet of the south property line.
2) Technical correction to Stipulation No. 2g.
Applicant: Orion Pientak
Owner: Orion Pientak
Representative: Orion Pientak

ACTIONS

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

Village Planning Committee (VPC) Recommendation: At its May 15, 2019 meeting, the North Mountain Village Planning Committee recommended approval by a 10-0 vote.

DISCUSSION

This case was heard concurrently with Item #2, Z-224-80-4(3) (PHO-1-19).

Orion Pientak, applicant, owner, and representative, stated that the subject site is proposed as a personal residential property. He stated that the subject site is in Mount Central Place and that the area was rezoned in the 1980s to allow for the development of single family homes. He stated that his proposed plan includes a maximum building height of one story and 15 feet within 50 feet of the south property line (where the original stipulation required a minimum 75-foot setback for this height) and two stories and 23 feet beyond 50 feet of the south property line (where the original stipulation permitted two stories and 30 feet beyond 75 feet of the south property line). He stated that the subject site has unique topographical challenges, including a 25-foot vertical wall on the west side and an approximately 25-foot wall on the south side, that place limitations on the site. He stated that the desert modern design of the home would preserve the intent of the stipulation by preserving views to the valley below and of the

mountain. He stated that stepping back the design also meets the intent of the stipulation by maintaining the sight line from the south property line. He stated that at the Village Planning Committee meeting a neighbor to the west and a neighbor to the north expressed support. He stated that the neighbor to the north requested that the applicant provide additional screening with 48-inch box trees. He stated that he has worked with the neighbors to ensure that he is not infringing on their privacy or views.

Adam Stranieri asked for confirmation that the square footage of the loft is 462 square feet. Mr. Pientak confirmed the square footage. Mr. Stranieri asked for confirmation regarding the mountain wall cutout. Mr. Pientak indicated that the wall is located to the west of the home. Mr. Pientak confirmed that only the loft component of the home would exceed the 15-foot height limitation of the existing stipulation. Mr. Stranieri inquired about an agreement made between the applicant and the neighbor to the north concerning additional landscaping. Mr. Pientak stated that the neighbor is requesting 48-inch box trees to screen views south of their lot. Mr. Stranieri explained that the City typically does not stipulate to or enforce landscaping requirements on privately owned residential lots. He stated that any agreement regarding landscaping should be made privately. He asked about the six-foot concrete masonry wall on top of the retaining wall along the south property line. Mr. Pientak stated that the wall is approximately six feet, but varies from four to seven feet as it steps up the hill. Mr. Stranieri asked about the two-story home to the south. Mr. Pientak stated that there is a two-story home to the south. Mr. Stranieri stated that there is already considerable height adjacent to the south of the applicant, thus the applicant's proposal should not negatively impact the views of this home given their existing height. He stated that with the retention wall and adjacent mountainside, there is nothing to mitigate against given that the majority of the applicant's structure complies with the existing stipulation.

Mr. Stranieri stated that this case had similar stipulations that were not exactly the same as those in the companion zoning case Z-224-80-4(3) (PHO-1-19). He indicated that he is inclined to modify the applicant's request for uniformity between the height stipulations in both cases.

FINDINGS

- 1) The subject Rezoning Case No. Z-114-50-3 was created to contain the City Council's approval of a hillside density waiver and alternate Phoenix Mountain Preserve boundary on June 23, 1980. There was no case number associated with this action in the original record. This approval was subject to stipulations including a requirement that the applicant rezone the property to PAD-15. The property was rezoned to PAD-15 in rezoning case no. Z-224-80-4(3) which is also requested for modification as a companion case.
- 2) The proposed building height is consistent with the scale and character of existing residential development in the surrounding area. The property is one of the last lots to develop in the Mount Central Place subdivision. The lot is carved into the mountainside along the east property line with an approximately 20-foot tall sheer wall which will mitigate impacts of the building height. There is also an

approximately 20-foot tall retention wall along the south property line with a solid block wall along the top. The proposed building height represents a modest increase in height above these existing barriers and will not significantly impact view corridors for nearby properties. Finally, the maximum building height of 23 feet is lower than the existing permitted building height of 30 feet for areas greater than 75 feet from the south property line.

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

STIPULATIONS

1.	That The Phoenix Mountain Preserve boundary SHALL be amended to what has become known as the "Green Line" and as determined by an accurate survey to be undertaken by the applicant and verified by appropriate City officials or staff.
2.	That a waiver of Section 400-0-4 of the Zoning Ordinance be granted to allow a maximum of 138 units in the hillside development area which will permit 159 units for the entire property.
This is conditioned upon compliance of the following stipulations:	
a.	That The property owner SHALL file an application for PAD-15 zoning for the subject property.
b.	That a All development, including grading of the site, will occur below the "Green Line".
c.	That The area above the "Green Line" SHALL be donated to the City of Phoenix for park purposes upon request of the City.
d.	That a A grading and drainage plan SHALL be approved by the City prior to preliminary site plan approval and SHALL that the grading and drainage plan include a soil study to determine if the site is geologically sound to support the proposed residential development.
e.	Abandonment of the access through the adjacent subdivision to the south.
f.	THE DEVELOPMENT SHALL BE LIMITED TO A maximum one-story height limitation not to exceed AND 15 feet IN HEIGHT WITHIN 75 FEET OF along the south property line, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT. within 75 of the same. ELSEWHERE, THE MAXIMUM BUILDING HEIGHT SHALL BE TWO STORIES, NOT TO EXCEED 30 FEET.

		EXCEPT THAT LOT #79 SHALL BE LIMITED TO A MAXIMUM HEIGHT OF ONE STORY AND 15 FEET WITHIN 50 FEET OF THE SOUTH PROPERTY LINE AND A MAXIMUM OF TWO STORIES AND 23 FEET BEYOND 50 FEET OF THE SOUTH PROPERTY LINE, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.
	g.	That t The entrance to the project from Central Avenue SHALL be approved by the Parks AND Recreation, and Library Department, and the Planning AND DEVELOPMENT Departments, and there shall be treatment of cuts and fills within this area by the property owner to include retaining walls and appropriate landscaping.
	h.	That t The property owner SHALL chemically treat all scarred rock surfaces to blend into the surroundings.
	i.	That t The entrance drive SHALL be located as far from the south property line as reasonably possible (a 50-foot minimum with appropriate screened wall and planting buffer).
	j.	That a An easement SHALL be granted for hiking, riding, etc., into the Phoenix Mountain Preserve through the southwest corner of the site.
	k.	That n No structure SHALL be allowed to exceed a height of two stories or 30 feet on the entire site.

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