

Attachment B

Planning Hearing Officer Summary of November 20, 2019
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REPORT OF PLANNING HEARING OFFICER ACTION

Adam Stranieri, Planner III, Hearing Officer

Julianna Pierre, Planner I, Assisting

November 20, 2019

ITEM 1

DISTRICT 1

SUBJECT:

Application #: Z-70-00-1 (PHO-2-19)
Zoning: R1-18
Location: Southwest corner of 35th Avenue and Mulholland Drive
Acreage: 38.49
Request: 1) Modification of Stipulation 16.c regarding grading of custom home lots.
2) Technical corrections to Stipulations 1, 2, 3.a, 3.d, 3.g, 4, 6, 9.d, 9.f, 10, 14.d, 14.e, 15, 16.b, 16.i, 18, and 21.
Applicant: Riordan Canyon, Inc. and Estates at Coldwater Canyon HOA
Owner: Riordan Canyon, Inc. and Estates at Coldwater Canyon HOA
Representative: David Cisiewski, Law Office of David Cisiewski, PLLC

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 chose not to hear this case.

DISCUSSION

David Cisiewski, representative with Law Office of David Cisiewski PLLC, discussed the history and intent of the original rezoning action. He stated that the intent of the proposed modification to Stipulation 16.c, regarding grading of custom home lots 1/2 acre or greater in area, is to adjust the disturbance calculation for preservation lots within Riordan Ranch Parcel B. He added that according to the original stipulation, the disturbance area for the preservation lots would be significantly less than that for hillside lots, which limits the allowable square footage to develop a custom home on the lots.

Adam Stranieri stated that the original stipulation applies to both hillside and preservation lots. He added that the proposed request language would remove the applicability of the stipulation to hillside lots. He stated that he would not be inclined to introduce language that would make the stipulation applicable to only preservation lots. He suggested that the applicant retain Stipulation 16.c, but modify the stipulation language to allow the proposed modification to apply to both preservation and hillside lots. Mr. Cisiewski agreed with the recommendation as long as the preservation lots could reach the maximum 15,000 square feet of disturbance area. Mr. Stranieri agreed

that the modification would meet the intent of Mr. Cisiewski's original request for preservation lots but also reduce the complexity of the restriction on disturbance for hillside lots.

Mr. Stranieri stated that the original stipulation appears as a note on the plat. He stated that the modification of Stipulation 16.c through the PHO process will not modify the plat and there is no administrative process to modify the plat. He noted that there may be additional issues due to the presence of this stipulation language on the plat and that these issues may be resolved through updating or rerecording the plat.

Mr. Stranieri noted that Floodplain Management found a portion of the site to be within a Special Flood Hazard Area. He added that no encroachment would be allowed in the floodway without hydrologic and hydraulic analysis.

FINDINGS

- 1) The existing language in Stipulation 16.c applies to custom home lots (1/2 acre or greater or size) within Riordan Ranch Parcel B, regardless of whether they are preservation lots or hillside lots. Staff identified only two lots, Lot 3 (approximately 20,008 SF) and Lot 4 (approximately 21,125 SF), that are below 1/2 acre in net lot area.

The applicant's proposed modification would remove the stipulation's applicability to hillside lots (25 of 36 total lots) and instead apply it only to designated preservation lots (11 of 36 total lots). The applicant indicated that the intent of the proposed modification is to allow the development of designated preservation lots in greater conformity with hillside lots. The proposed language does not achieve this goal as it relaxes the restriction on preservation lots while removing the restriction entirely from hillside lots.

The recommended modification language simplifies the restriction on disturbance area, but retains the requirement for both preservation lots and hillside lots to comply. This will provide the increased consistency sought by the applicant while retaining the restriction on graded area intended by the original stipulation to limit disturbance within the subdivision, preserve view corridors, and mitigate the impact of building massing.

- 2) During review of the application, staff noted that the existing language of Stipulation 16.c was included on the final plat of Riordan Ranch Parcel B (Sheet 1, Note 18). The applicant should note that the modification of the stipulation in this rezoning action does not modify the plat. Further, there is no administrative process to modify requirements of a plat. Future development of the subject property may necessitate re-recording the plat as the presence of this note may lead to a variety of concerns for the developer or property owners.
- 3) Staff received comments from the Floodplain Management section in the Public Works Department noting that the subject property is located in Special Flood

Hazard Areas called a Zone AE Floodplain & Floodway on panel 1260 L of the Flood Insurance Rate Maps (FIRM) dated July 20, 2018. They noted that no encroachment is allowed in the floodway without hydrologic and hydraulic analysis showing no rise in water surface elevation and increase in the special flood hazard area boundaries. The Architect/Engineer will be required to show the special flood hazard area boundary limits on plans and ensure that impacts to the proposed facilities and surrounding properties have been considered.

It is not necessary to include this information as a stipulation of the rezoning case but it is provided as here as an advisory note.

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

STIPULATIONS

1.	That, p Prior to the vesting of zoning, a slope analysis identifying slopes of five percent and greater in increments of five percent shall be completed and approved by the PLANNING AND DEVELOPMENT DEPARTMENT DSD .
2.	That, p Prior to site plan approval, a visual analysis shall be conducted to determine view corridors, setbacks and height limitations. View corridors shall be established from within the development and from I-17; setbacks and height limitations shall be established to preserve views of the mountain ridgeline from adjacent properties. The visual analysis shall be reviewed and approved by the PLANNING AND DEVELOPMENT AND PARKS AND RECREATION DEPARTMENTS DSD and PRLD . The visual analysis shall reflect the proposed final grading and roofline elevations. This analysis shall be used to help determine maximum roofline elevations from the site perimeter along the hillside lots with the highest elevations. View corridors to the hillside ridgeline are to be provided for adjacent property owners. The visual analysis may determine where dwelling units will be restricted to one story in height and where hillside grading pads will be placed to assure variation in roof ridgelines. The intent of this stipulation is to ensure that there continues to be view corridors from the vantage points of the five existing residences on 35th Avenue and Pinnacle Vista to the Deem Hills ridgeline. View corridors can be created by one or more of the following: internal street right-of-way, setbacks, roof angles, single story height restrictions, landscape tracts or open space. The intent is not to restrict development adjacent to 35th Avenue and Pinnacle Vista Drive or to create a row of single story houses, but rather to leave air space between houses through which the hillside ridgeline can be seen. Lots restricted to single story houses, if any, shall be shown on the final site plan.
3.	That, t The following wash and trail improvements shall be provided:
a.	Buchanan Wash is to be retained in its undisturbed state with a ten-foot

		wide multi-use trail on the south side outside of the lip or major vegetation. The trail is to be located or routed on site by the PARKS AND RECREATION DEPARTMENT PRLD representative. This would be a public access easement trail and would connect with existing trails in the Deem Hills recreation area and the immediate vicinity. No vegetation in the Buchanan wash shall be removed during construction of the project.
	b.	In instances where stabilizing materials are necessary, the materials shall be integrally colored to blend with the desert, and, if riprap is used, the area shall be revegetated. Spaces between rocks are to be provided to accommodate small desert plants and shrubs.
	c.	A trail along the west side of 35th Avenue shall be provided for multi-use trail access from the properties to the north. If a granite surface is used along the 35th Avenue trail, it shall be of a noticeably different color than general landscaping granite to identify the location of the trail.
	d.	A copy of the U.S. Army Corps of Engineers 404 Permit shall be submitted to the PLANNING AND DEVELOPMENT AND PARKS AND RECREATION DEPARTMENTS DSD and PRLD to identify any impacts and issues. Before a subdivision plat is approved, issues related to the hydrology of the site are to be resolved. An acceptable method of controlling drainage would be to identify and use natural wash corridors to convey storm water flows rather than building channels. However, drainage into the washes must be accomplished in such a way that it will not create erosion, and post-development flows off-site must equal pre-development flows in both volume and velocity. The use of a preserved wash drainage network along with a trail system will enhance the livability of the community. The applicant is responsible for obtaining the appropriate 404 Permits, if required, or for obtaining written confirmation that 404 Permits are not required.
	e.	Based on the interim floodplain management policy there shall be no encroachment within the 100-year floodplain (as may be amended for the secondary wash at the northwest corner) or a setback of 70 to 150 feet from the floodway edge depending on the washes flood flow rate and application of the state standard, as defined in ARS 48-3605 Standard 5-96, Oct. 1999.
	f.	A minimum 35-foot wide access to the wash corridors shall be provided at a maximum of every 600 feet for fire control.
	g.	That The roadways and cul-de-sac adjacent to the wash shall be provided as shown on the site plan dated June 6, 2000, except the roadway in the area over the 20% slope line (lots 21-24) be deleted, as approved by the PLANNING AND DEVELOPMENT DEPARTMENT DSD . The intent of this stipulation is to provide both physical and visual access to the wash corridor as shown on the site plan dated June 6, 2000.

	h.	No structural improvements shall be allowed in the required setback for Buchanan Wash, and native vegetation shall be left in place except as follows: to prevent erosion from channelization of smaller washes due to development, to allow wash crossings of roadways and utilities; and for the construction of trails. Utilities may cross the wash but shall not be placed in the wash bed running parallel to the wash. However, this stipulation does not include the portion of floodplain where a secondary wash joins Buchanan Wash near the northwest corner of the subject site.
4.	That, e	Exclusive of intervening streets, a minimum of 50% of the houses abutting trails and natural or enhanced amenities such as a preserved wash/drainage way or dedicated open space shall be one-story or a maximum 20 feet in building height from grade as approved by the PLANNING AND DEVELOPMENT DEPARTMENT DSD , except that a maximum of 40% of the enclosed living area may exceed 20 feet (but no more than 25 feet in building height). On these parcels, no more than two 2-story houses may be constructed in a row.
5.	That, v	View fencing shall be used adjacent to improved or undisturbed open space tracts except adjacent to perimeter streets. View fencing shall consist of fencing that has a solid base no more than two feet above finished grade and through which the upper portion is easy to see through.
6.	That t	The entire site shall be platted and developed under the PRD option. All lots and open space tracts shall be platted concurrently, except for hillside lots, which may be conceptually planned, to ensure that hillside access, trail and open space locations are identified. Open space tracts set aside as separate tracts may be considered for dedication to the City upon approval by THE PARKS AND RECREATION DEPARTMENT PRD .
7.	That a	A Notice of Prospective Purchasers shall notify prospective homeowners that this subdivision is in proximity to Deer Valley Airport. As such, it may be subject to overflights of aircraft operating at the airport and that people are often irritated by repeated overflights regardless of the actual sound level at the overflight site. This shall follow policy set regarding the properties in the City of Phoenix underlying the flight patterns of Phoenix Deer Valley Airport.
8.	That a	A Notice to Prospective Purchasers shall be recorded with the Maricopa County Recorder's Office and shall notify prospective homeowners that the subdivision is in proximity to Deem Hills Recreation Area and public multi-use trails. As such, there may be future trails development and there may be wildfire, recreational users, or Parks staff in the vicinity. The Notice shall refer persons to rezoning case Z-70-00-1 for additional information.
9.	That t	The following rights-of-way and street improvements SHALL be provided:
	a.	Right-of-way totaling 30 feet shall be dedicated for the south half of Pinnacle Vista Drive.

b.	Right-of-way totaling 50 feet shall be dedicated for 35th Avenue (which may include all or part of existing Federal Patent Easements).
c.	A 20-foot right-of-way radius shall be dedicated at the southwest corner of 35th Avenue and Pinnacle Vista Drive.
d.	Right-of-way dedications and street alignments for local streets within the subdivision will be determined by the PLANNING AND DEVELOPMENT DEPARTMENT DSD at the time of Preliminary Subdivision Plat Review.
e.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals as per plans approved by the City. All improvements shall comply with all ADA accessibility standards.
f.	The use of pedestrian-scaled lighting should be utilized where taller or brighter lights are not needed for auto safety and security. Required lights are to be of minimum heights, utilizing shoebox type fixtures with maximum shielding or other fixtures, as approved by the PLANNING AND DEVELOPMENT DSD and Street Transportation Departments.
g.	Approval from the Arizona Department of Transportation is required to allow traffic from the development to use the freeway frontage road.
h.	The traffic study prepared by Bolduc, Smiley & Associates, Inc. for rezoning cases Z-23-97, Z-25-97 and Z-49-97 determined that 8000 vehicles per day was the most traffic the freeway frontage road could carry and maintain service level C. Since the frontage road is the only access to this area, a secondary access point is needed when the frontage road traffic volumes reach 8000 vpd or when 750 homes are completed. This project will trigger the need for the secondary access road. The applicant shall coordinate an agreement between the developer of this site and the adjacent developers (Kaufman & Broad) committing for funding the acquisition of right-of-way, design and construction of the secondary access road before approval of the subdivision plats.
i.	The developer shall contribute funds (minimum of \$100,000) towards the construction of the 33 rd Avenue collector street, from Jomax Road to Happy Valley Road. 33 rd Avenue is to be constructed when the traffic volumes on the frontage road reach 8000 vpd or when 750 homes in the area are completed, whichever is satisfied first.
j.	When the traffic volumes reach a 6000 vpd threshold on the frontage or when 575 homes are completed, whichever is satisfied first, engineering for the design of the secondary access road shall commence. All costs

		associated with the design, construction, and right-of-way acquisition for the secondary access road shall be shared between the developers.
10.	That b	Bridged roadway access shall be provided for the development south of Buchanan Wash. The bridge shall also provide pedestrian and equestrian access across the wash, separated from vehicles. A secondary access may be required for emergency services, depending on the housing product south of the wash. A maintenance plan shall be included in the subdivision Covenants, Conditions and Restrictions (CC&R's) for removal of sediment and debris and shall be approved by THE PLANNING AND DEVELOPMENT DEPARTMENT DSD.
11.	That, a	Along Pinnacle Vista Drive, the sidewalk shall be detached and a minimum 5-foot wide landscaped strip shall be located between the sidewalk and the back-of-curb. The planting area shall be planted with trees placed 20-feet on center, or in equivalent groupings, and groundcover. Alternatively, trees may be placed to reach canopy to canopy at maturity, which will vary depending on the type of tree planted. This will enhance pedestrian safety along the street and allow for a shaded walkway.
12.	That p	Perimeter walls shall meander and be offset to prevent a monotonous solid wall along streets, and that wall colors should blend with the desert. Accent colors may be used with restraint.
13.	That a	All concrete structures shall be of a concrete color to match the surrounding undisturbed desert floor. The curb may be of standard gray/white concrete.
14.	That a	A Landscape Plan for the entire site shall be developed and include:
	a.	Except for retention areas and on private lots within the graded area, common landscaping within the entire PRD shall be from the three plant material lists identified in Section 4: Plant Material Management of the Area C & D Guidelines Manual Draft dated September 1995. The Plant Materials Lists include (A) Sonoran Native Plant List for Critical Landscape Area, (B) American Southwest Deserts Plant List for Public Area and (C) Sonoran Image Plant List for Private Landscape Area. Except that turf shall be allowed within private rear yards and in common recreation areas.
	b.	A list of plant types not allowed in the development and distributed to property owners (i.e. palms, eucalyptus, pine trees, etc. due to their incompatibility).
	c.	Native vegetation in areas defined as natural or undisturbed, or outside building envelopes, shall not be pruned or removed. Natural or stabilized decomposed granite surface trails shall be allowed.
	d.	Definition of how wash banks will be stabilized and restored to natural

		appearance where it must be disturbed for infrastructure, as approved by the PLANNING AND DEVELOPMENT OR PARKS AND RECREATION DEPARTMENTS DSD or PRLD .
	e.	Coordination of the landscape plan with the trails plan by THE PARKS AND RECREATION DEPARTMENT PRLD .
	f.	A plant inventory identifying significant vegetation to be left in place and vegetation to be salvaged. Salvaged vegetation shall be replanted on site.
15.	That, The developer shall submit for review and approval, prior to preliminary approval of grading plans, a landscape inventory of the developable portion of the site where feasible as approved by the PLANNING AND DEVELOPMENT DEPARTMENT DSD .	
16.	That, in order to preserve views and minimize impact of development on views of the hillside:	
	a.	Development south of the Buchanan Wash and east of the 37 th Avenue alignment shall be permitted as generally reflected on the June 6, 2000 site plan, but the actual lot layout, yield, and street alignment may be modified based on subsequent engineering and land planning prior to final site plan approval.
	b.	Development south of the Buchanan Wash and west of the 37 th Avenue alignment shall be limited to a maximum of 13 lots with development to stay below the approximately 1520-foot contour line. The area south and west of the 13 lots shall be preserved as open space, thus connecting the Wash to the hillside area. A revised site plan shall be submitted to the Planning Hearing Officer for administrative review and approval, prior to Development Services Department preliminary site plan review.
	c.	Grading WITHIN RIORDAN RANCH PARCEL B on custom home lots (1/2 acre or greater in size) shall be limited to the building pad (maximum of 6,000 sq. ft.) plus 20% of the total lot area as AN additional area for patios, pools, driveways, etc. (if permitted by hillside grading allocations) or 9,000 sq. ft. (exclusive of the 6,000 sq. ft. building pad), whichever is less, i.e., NOT TO EXCEED a maximum of 15,000 SQUARE FEET sq. ft.
	d.	Pads for the upper tier of hillside lots shall be staggered in elevation and setbacks to avoid the appearance of a hard edge of roofline elevations, such that adjacent rooflines vary by a minimum of 6 feet.
	e.	The grading pads for hillside lots shall be determined at the time of platting, except that grading for lots over 1/2 acre shall be on a case by case basis.
	f.	Building pads shall be stepped to follow the site topography and reduce cut

		and fill slopes. The use of stem walls is encouraged.
	g.	Shared access drives for two or more lots are encouraged.
	h.	Exposed cut and fill slopes shall be color treated to match undisturbed ground and minimize the visual impact.
	i.	Roof materials and exterior wall and fence colors shall be chosen to blend in with the hillside to minimize visual impact, as approved by the PLANNING AND DEVELOPMENT DEPARTMENT DSD.
17.	That Lots backing up to 35th Avenue or Pinnacle Vista Drive shall have an average lot width of 90 feet at the rear of the lot and a minimum lot depth of 100 feet, to provide a more compatible size to adjacent large lot development. Lots siding to 35th Avenue and Pinnacle Vista Drive shall have a minimum lot depth of 115 feet and be a minimum of 10,000 square feet in lot area.	
18.	That Mr. Larry Balcolm, 27207 N. 35 th Avenue, Phoenix, AZ 85085, shall be notified of ALL meetings regarding this development. This includes meetings with the PLANNING AND Development Services -Department and any future requests for variances or modifications to stipulations.	
19.	That There shall be no roof mounted mechanical equipment.	
20.	That aAn archaeological survey shall be submitted prior to final site plan review.	
21.	That The following persons shall be invited to any PLANNING AND Development Services -Department site plan review:	
	a.	Rosalie Treiber & Ed Mulholland, 27603 N. 39th Avenue, 85085
	b.	Larry Balcom, 27303 N. 35th Avenue, 85085

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