

TOWN *Of* **PARADISE VALLEY**



STAFF REPORT

TO: Chairman and Planning Commission Members

FROM: Lisa Collins, Community Development Director
Paul Michaud, Planning Manager

DATE: April 6, 2021

DEPARTMENT: Community Development – Planning Division
Paul Michaud, 480-348-3574

AGENDA TITLE: Consideration of a Minor General Plan Amendment (GPA-20-01), a Rezoning (MI-20-03), a Minor Special Use Permit Amendment (SUP-20-07), and a non-administrative land modification (RP-20-01) to create a Single-Family R-43 Lot Ascension Lutheran Church, 7100 N Mockingbird Lane

RECOMMENDATIONS:

The request to create a single-family residential lot from the church property requires four application requests. The Planning Commission will need to act on each of the four application requests separately.

A. Minor General Plan Amendment (GPA-20-01)

I move that the Planning Commission recommends forwarding to the Town Council approval of Resolution 2021-03, a Minor General Plan Amendment from “Public/Quasi Public” to “Low Density Residential” designation for the 1.0-net acre area, with an effective date that is the same as the rezoning of Ordinance No. 2021-02.

B. Rezoning (MI-20-03)

I move that the Planning Commission recommends forwarding to the Town Council approval of Ordinance No. 2021-02, a Rezoning from “Special Use Permit - Religious Facility” to “R-43 Single-Family Residential District” for the 1.0-net acre area, with the conditions and effective date as described in said ordinance.

C. Minor Special Use Permit Amendment (SUP-20-07)

Motion C.1

I move to deem the request to reduce the size of the Ascension Lutheran Church property from 6.3-net acres to 5.3-net acres as a Minor Amendment per the criteria listed in Section 1102.7.B of the Zoning Ordinance.

Motion C.2

I move to approve the request to reduce the size of the Ascension Lutheran Church property from 6.3-net acres to 5.3-net acres, subject to the following conditions of approval:

1. All improvements shall be in substantial compliance with the following:
 - a) The application and narrative received on December 8, 2020;
 - b) The ALTA/NSPS Land Title Survey prepared by Land Development Group, date sealed by James B. Flack on March 15, 2020;
 - c) Special Use Permit Amendment Site Plan prepared by Land Development Group, date sealed by Nickola J. Prodanov on January 30, 2021;
 - d) Preliminary Grading & Drainage Plan for Lot 1A, Sheet C-1 for Lot 1A prepared by Land Development Group, date sealed by Nickola J. Prodanov on January 30, 2021; and
 - e) The Planting Plan for the 40-foot wide buffer area on the church property adjoining the north and east side of Lot 1B as shown on Meadowlark Acres II, Sheet L.1, prepared by DynaSCAPE, dated February 6, 2021 and reviewed by the Town dated March 23, 2021. Walls along the church property shall comply with Article XXIV, Walls and Fences, of the Town Zoning Ordinance, as may be amended (allows for walls between a residential property and an adjoining non-residential property, other than a right-of-way, up to 8-feet tall).
2. The remaining church property shall be brought into compliance with the current Town's Storm Water Design Manual requirements for storm water retention as shown on the Preliminary Grading & Drainage Plan referenced in Stipulation 1, with the completion of these improvements within 12 months of a grading permit on the residential lot and no later than 18 months from the effective date of the Rezoning (MI-20-03) of Ordinance No 2021-02.
3. The Planting Plan referenced in Stipulation 1 shall be completed within 12 months of a grading permit on the residential lot and no later than 18 months from the effective date of the Rezoning (MI-20-03) of Ordinance No 2021-02.
4. The Owner shall improve the landscaping on the church site so it is in substantial compliance with the Landscape Plan dated May 28, 2002, prepared by Laskin and Assoc., Inc-sheets LA-1 to LA-6, within 12 months of a grading permit on the residential lot and no later than 18 months from the effective date of the Rezoning (MI-20-03) of Ordinance No 2021-02.
5. The property owner and Town shall sign and record a Waiver of Rights and Remedies agreement under A.R.S. § 12-1134 (Proposition 207 Waiver) in the form provided by the Town Attorney within 10 calendar days of the effective date of this amendment to the Special Use Permit.
6. The effective date of SUP-20-07 shall be the same as the effective date of Ordinance 2021-02 that changes the zoning of the one-net acre property from "Special Use Permit - Religious Facility" to "R-43 Single-Family Residential District."

7. All existing Special Use Permit stipulations for Ascension Lutheran Church shall remain in full force and effect, unless changed or modified by this Minor SUP Amendment (SUP-20-07).

D. Non-Administrative Land Modification (RP-20-01)

I move to approve the request for a non-administrative lot modification to plat map the 1.0-net acre lot for single-family use and the 5.3-net acre lot for continued church use, subject to the following conditions of approval:

1. The plat map must be recorded with the Maricopa County Recorder's Office, in substantial compliance with the "Meadowlark Acres II" plan prepared by Land Development Group, date sealed by James Flack on January 30, 2021.
2. The property owner(s) or designee(s) of Lot 1B (single-family lot) shall demonstrate that the fire sprinkler system is in compliance with the National Fire Protection Association standard 13D or the current equivalent code requirement.
3. The property owner(s) or designee(s) of Lot 1B (single-family lot) shall provide a final grading and drainage plan with the building permit for the home that is in general compliance with the Preliminary Grading & Drainage Plan for Lot 1B, Sheet C-1 for Lot 1A prepared by Land Development Group, date sealed by Nickola J. Prodanov on January 30, 2021
4. Within 60 days of approval of the plat map, the applicant shall submit Mylars and an electronic version in a pdf format for the Town's permanent record.

SUMMARY STATEMENT:

Request

Ascension Lutheran Church, Inc., an Arizona Corporation, located at 7100 N Mockingbird Lane (Parcel No. 174-51-033) is requesting approval of several applications to establish a 1.0-net acre R-43 single-family residential lot at the southwest portion of the 6.3-net acre church property. These applications include a Minor General Plan Amendment from "Public/Quasi Public" to "Low Density Residential" designation for the 1.0-net acre area (GPA-20-01), a rezoning from "Special Use Permit - Religious Facility" to "R-43 Single-Family Residential District" for the 1.0-net acre area (MI-20-03), a Minor Special Use Permit to allow for the reduction of the church property zoned "Special Use Permit - Religious Facility" (SUP-20-07), and a non-administrative lot modification to plat the single-family lot (RP-20-01).

Update

The Planning Commission discussed these application requests at its February 16, 2021 and March 16, 2021 work sessions. The main discussion points related to verification that there are no church overflow parking requirements over the area proposed for the single-family lot (which there are none), modification of the proposed landscape plan to ensure sufficient trees north and east of the proposed lot (which has been modified), and direction to allow for the church site drainage and landscaping improvements within a time period after the sale of the proposed residential lot.

Background

Refer to the attachments on how the application requests meet applicable criteria and other related background information.

COMMENTS & NOTICING

The applicant held their required Citizen Review Session (neighborhood meeting) on March 1, 2021. There were two residents that attended. None of the two persons had issue with the creation of the single-family lot. One of the residents remarked that the landscape requirements seemed excessive.

The Town Code and/or policy is for mailing notice to property owners within 1,500 feet of the subject site and a newspaper advertisement at least 15 days prior to any meeting action is taken for all the requested applications (except for the non-administrative land modification requiring by policy only a mailing notification to property owners within 500 feet). Noticing of all the four application requests followed the rezoning noticing procedures since the four application processes are concurrent.

NEXT STEPS

The Minor Special Use Permit application is for Planning Commission action, with an effective date tied to the rezoning request. Council is tentatively set to review the remaining three applications on April 22, 2021, with action tentatively set for May 27, 2021.

ATTACHMENT(S):

- A. Staff Report
- B. Vicinity Map (Aerial/General Plan/Zoning)
- C. Application - Narrative
- D. SUP History
- E. Background
- F. Water-Utility Information
- G. ALTA & Proposed Maps
- H. Landscaping
- I. Noticing
- J. Resolution – Ordinance

NOTE: All attachments are available under Minor General Plan Amendment (GPA-20-01) Application