

## Attachment D

### REPORT OF PLANNING COMMISSION ACTION June 2, 2022

ITEM NO: 7	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-6-22-2 (Companion Case GPA-DSTV-1-22-2)
Location:	Approximately 2,400 feet southwest of the southwest corner of Cave Creek Road and Jomax Road
From:	S-1
To:	R1-10, R-2, and R-3A
Acreage:	417.33
Proposal:	Single-family and multifamily residential
Applicant:	DR Horton, Inc.
Owner:	Arizona State Land Department
Representative:	Jason Morris, Withey Morris, PLC

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Desert View** 5/3/2022 Approval, per the staff recommendation. Vote: 6-3.

Planning Commission Recommendation: Approval, per the Desert View Village Planning Committee recommendation, with modifications and an additional stipulation.

#### Motion Discussion:

The representative, Jason Morris, requested modifications to two stipulations and an addition of a stipulation, as follows:

*Stipulation 14: The developer shall connect to the existing stub streets of Rustling Oaks Lane, 27th Place, and 29th Way, as depicted on the site plan date stamped February 4, 2022 but shall be restricted to emergency access only, as approved or modified by the Planning and Development Department and Street Transportation Department. Additionally, the developer shall provide pedestrian access at the above referenced street stubs to facilitate pedestrian circulation between the development and the existing Desert Peak neighborhood.*

*Stipulation 31: The development shall be in general conformance with the building elevations date stamped February 4, 2022, as approved by the Planning and Development Department and as modified by the stipulations below.*

*Stipulation 35: The development shall be limited to a maximum building height of two stories, as approved by the Planning and Development Department.*

Motion details: Commissioner Perez made a MOTION to approve Z-6-22-2, per the Desert View Village Planning Committee recommendation; with the modifications to Stipulation Nos. 14 and 31, and the additional stipulation, per the applicant's request.

Maker: Perez  
Second: Simon  
Vote: 7-0  
Absent: Howard and Johnson  
Opposition Present: Yes

Findings:

1. The requested R1-10, R-2, and R-3A zoning districts produce an overall density and development pattern that is consistent with the character of the surrounding area.
2. As stipulated, the proposed development appropriately shifts density away from sensitive natural resources and closer to the major arterial of Cave Creek Road and provides design elements that protect the surrounding natural and built environment.
3. As stipulated, the proposed development enhances connectivity in the immediate vicinity, including multi-modal transportation options with shade elements, and improves public access to the adjacent natural resources.

Stipulations:

**OVERALL SITE**

1. Prior to the issuance of Final Site Plan approval, the landowner shall convey approximately 74 acres (or an area mutually agreed upon by the city and the owner) of hillside land selected by the City of Phoenix and located in the area depicted as "Hillside Area" on the site plan date stamped February 4, 2022, to the City of Phoenix for the use as a City of Phoenix desert park and/or mountain preserve, as modified and approved by the Planning and Development Department and the Parks and Recreation Department.
2. The developer shall work with the City of Phoenix Parks and Recreation Department to determine a maximum of two access points to the desert park or mountain preserve area prior to issuance of preliminary site plan approval. The access points shall be made accessible to the public through a trail network, within and/or bounding the site, as approved or modified by the Planning and Development Department. In conjunction with the electric utility provider, the developer shall also explore the possibility of providing a public access parking lot in the utility easement area with access to the preserve trail network.
3. A minimum landscaped setback of 140 feet shall be provided along the Cave Creek Road frontage.
4. The required landscape setbacks along Cave Creek Road, Desert Peak Parkway, and the perimeter setbacks for the R-2 and R-3A zoned portions of the site where adjacent to single-family residential zoning shall be planted with a minimum of 70 percent 2-inch caliper and 30 percent 3-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved or modified by the Planning and Development Department.
5. Within the development and along Cave Creek Road and Desert Peak Parkway, all pedestrian paths, multi-use trails, and sidewalks, excluding sidewalks along internal streets, shall be shaded by a structure, landscaping at maturity, or a combination of

the two to provide a minimum of 75 percent shade, as approved or modified by the Planning and Development Department.

6. The developer shall dedicate 30-foot-wide multi-use trail easements (MUTE) along the east side of Desert Peak Parkway and the west side of Cave Creek Road and construct a minimum 10-foot-wide multi-use trail (MUT) within the easements in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning Section on an alternative design through the technical appeal process.
7. The developer shall construct minimum 10-foot-wide community trails and multi-use trails, as generally depicted on the Overall Trails Exhibit, date stamped April 15, 2022, as approved or modified by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning Section on an alternative design through the technical appeal process.
8. The developer shall dedicate right-of-way and construct one bus stop pad along southbound Cave Creek Road. The bus stop pad shall be constructed according to the City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet and be located from the intersection of the main access point on Cave Creek Road according to City of Phoenix Standard Detail P1258, as approved or modified by the Planning and Development Department or the Public Transit Department.
9. The developer shall construct a minimum 5-foot-wide detached sidewalk and a minimum 11-foot-wide landscape area between the back of curb and sidewalk along Cave Creek Road, planted to the following standards and as approved or modified by the Planning and Development Department or Street Transportation Department.
  - a. Minimum 2-inch caliper shade trees planted 20 feet on center or in equivalent groupings.
  - b. Drought tolerant vegetation to achieve 75 percent live coverage at maturity.

Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

10. The developer shall construct minimum 5-foot-wide detached sidewalks with minimum 5-foot-wide landscape areas between the back of curb and sidewalks along the primary roadway through the subdivision, as generally depicted on the Overall Trails Exhibit, date stamped April 15, 2022, planted with minimum 2-inch caliper shade trees, 25 feet on center or in equivalent groupings, as approved or modified by the Planning and Development Department. Where utility conflicts arise, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.
11. The developer shall dedicate 65 feet of right-of-way along Cave Creek Road, as approved by the Planning and Development Department.
12. The developer shall construct a 24-foot-wide landscaped median island along Desert Peak Parkway from Hillstone Way to 23rd Street, as approved or modified by the Planning and Development Department.

13. The developer shall align the primary roadway through the subdivision with the intersection of Desert Peak Parkway and Hillstone Way and shall be responsible for any modifications to the existing drainage facility and access ramp, as approved or modified by the Planning and Development Department.
14. The developer shall connect to the existing stub streets of Rustling Oaks Lane, 27th Place, and 29th Way, as depicted on the site plan date stamped February 4, 2022, **BUT SHALL BE RESTRICTED TO EMERGENCY ACCESS ONLY** and as approved or modified by the Planning and Development Department. **ADDITIONALLY, THE DEVELOPER SHALL PROVIDE PEDESTRIAN ACCESS AT THE ABOVE REFERENCED STREET STUBS TO FACILITATE PEDESTRIAN CIRCULATION BETWEEN THE DEVELOPMENT AND THE EXISTING DESERT PEAK NEIGHBORHOOD.**
15. The developer shall submit a Traffic Impact Study, including a Cave Creek Road Traffic Corridor Analysis from Sonoran Desert Drive south to the 101 Freeway to evaluate the overall level of service and corridor conditions with impacts associated with the proposed 1,545 dwelling units. The developer shall be responsible for regional mitigation identified through the analysis. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
16. 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 Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
17. The developer shall grant and record an avigation easement to the City of Phoenix for the site, per the content and form prescribed by the City Attorney prior to final site plan approval.
18. The developer shall provide a No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process, prior to construction permit approval, as per plans approved by the Planning and Development Department.
19. The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
20. If determined necessary by the Phoenix Archeology 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 Archeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
21. If Phase I data testing is required, and if, upon review of the results from Phase I data testing, the City Archeologist, in consultation with a qualified archeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archeological data recovery excavations.
22. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.

23. 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.

#### ***R1-10 ZONED AREA***

24. Building elevations shall depict architectural detailing applied to windows on all sides of the homes, as approved by the Planning and Development Department.
25. A minimum of 15 percent of the gross site area for the R1-10 zoned portion of the site, after dedication of the hillside area to the city, shall be retained as open space, including washes and internal hillside areas, as approved by the Planning and Development Department. This requirement shall not be applied to individual phases of the overall development.
26. A minimum of two distinct active open space areas and a minimum of three passive open space areas shall be provided within the overall R1-10 zoned area, as approved by the Planning and Development Department.

#### ***R-2 ZONED AREA***

27. The development shall be in general conformance with the building elevations date stamped February 4, 2022, as approved by the Planning and Development Department.
28. A minimum of 10 percent of the gross site area shall be retained as open space, including washes, as approved by the Planning and Development Department.
29. There shall be a minimum of 5 amenities within the open space areas, such as but not limited to benches, picnic tables, ramadas, and/or playground equipment, as approved by the Planning and Development Department.
30. The developer shall provide secured bicycle parking per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, inverted U—and/or artistic bicycle racks shall be provided for guests, with a minimum of 0.05 spaces per unit, located near the clubhouse or distributed throughout the site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.

#### ***R-3A ZONED AREA***

31. The development shall be in general conformance with the building elevations date stamped February 4, 2022, as approved by the Planning and Development Department **AND AS MODIFIED BY THE STIPULATIONS BELOW.**
32. A minimum of 10 percent of the gross site area shall be retained as open space, including washes, as approved by the Planning and Development Department.

33. There shall be a minimum of 5 amenities within the open space areas, such as but not limited to benches, picnic tables, ramadas, and/or playground equipment, as approved by the Planning and Development Department.
34. The developer shall provide secured bicycle parking per Section 1307 of the City of Phoenix Zoning Ordinance. In addition, inverted U—and/or artistic bicycle racks shall be provided for guests, with a minimum of 0.05 spaces per unit, located near the clubhouse or distributed throughout the site and installed per the requirements of Section 1307.H of the Zoning Ordinance, as approved by the Planning and Development Department.
35. **THE DEVELOPMENT SHALL BE LIMITED TO A MAXIMUM BUILDING HEIGHT OF TWO STORIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT DEPARTMENT.**

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