




City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Alan Stephenson
Deputy City Manager

Date: June 29, 2022

From: Joshua Bednarek 
Planning and Development Deputy Director

Subject: ITEM 166 FROM THE JULY 1, 2022, PUBLIC HEARING/ FORMAL AGENDA – Z-6-22-2 (G-7006) – APPROXIMATELY 2,400 FEET SOUTHWEST OF THE SOUTHWEST CORNER OF CAVE CREEK ROAD AND JOMAX ROAD

Item 166, rezoning application Z-6-22-2 is a request to rezone 417.33 acres located 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 to allow for single-family and multifamily residential.

The Desert View Village Planning Committee heard this case on May 3, 2022, and recommended approval, per the staff recommendation, by a 6-3 vote.

The Planning Commission heard this case on June 2, 2022, and recommended approval, per the Desert View Village Planning Committee recommendation with modifications and an additional stipulation, by a vote of 7-0

The additional stipulation approved by the Planning Commission was to restrict development within the R-3A portion of the site to two stories (Stipulation No. 37). The applicant has additional building elevations (see Exhibit 1 attached) to be considered for this portion of the development in response to the Planning Commission's recommendation. This memo proposes to update Stipulation No. 33 with a reference to the updated building elevations date stamped June 27, 2022.

Since the Planning Commission hearing, the City of Phoenix has declared a Stage 1 Water Alert. In response to this declaration, the applicant has agreed to several provisions that will make the development more water efficient. Commitments include that all homes within the development will be designed and certified through the Environmental Protection Agency's WaterSense certification program and the utilization of native and drought tolerant vegetation throughout the development. These commitments are captured in new Stipulation No. 24.

A stipulation has also been added to address potential contributions that may be triggered by the development for Sonoran Desert Drive north of the subject site. These contributions are in response to the City Council's consideration of a policy that require new development in north Phoenix to pay their fair share for the development of Sonoran Desert Drive. The requirements for a traffic impact study and resulting

contributions are addressed in new Stipulation No. 25

All added and modified stipulations, since the Planning Commission recommendation, are in **bold font** and listed below.

Staff recommends approval, subject to the following updated 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.
24. **PRIOR TO FINAL SITE PLAN APPROVAL, THE DEVELOPER SHALL PROVIDE DOCUMENTATION THAT ADDRESSES THE FOLLOWING AS MODIFIED AND APPROVED BY THE WATER SERVICES AND PLANNING AND DEVELOPMENT DEPARTMENTS:**
 - **THAT ALL HOMES IN THE DEVELOPMENT WILL BE DESIGNED AND CERTIFIED THROUGH THE ENVIRONMENTAL PROTECTION AGENCY'S WATERSENSE CERTIFICATION PROGRAM.**
 - **A COMMITMENT TO HAVE THE DEVELOPMENT PARTICIPATE IN THE CITY'S HOMEOWNER'S ASSOCIATION WATER EFFICIENCY PROGRAM.**
 - **THE UTILIZATION OF NATIVE AND DROUGHT TOLERANT VEGETATION THROUGHOUT THE DEVELOPMENT.**
 - **IRRIGATION RESTRICTIONS FOR UNDISTURBED AND OPEN SPACE AREAS.**
 - **UTILIZATION OF AUTOMATIC IRRIGATION SYSTEMS AND SMART CONTROLLERS.**
 - **A COMMITMENT TO UNDERGO REGULAR WATER LEAK DETECTION AUDITS TO ENSURE THE INTEGRITY AND EFFICIENCY OF THE IRRIGATION SYSTEM.**
 - **A SUMMARY OF RESTRICTIONS ON THE UTILIZATION OF TURF WITHIN THE DEVELOPMENT.**
25. **THE DEVELOPER SHALL SUBMIT A TRAFFIC IMPACT STUDY (TIS), 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 CONTRIBUTE TO REGIONAL TRAFFIC MITIGATION IMPROVEMENTS IDENTIFIED IN THE TRAFFIC IMPACT STUDY. ANY CONTRIBUTIONS SHALL BE FAIRLY RELATED TO THE TRAFFIC IMPACT OF THE DEVELOPMENT AS MODIFIED OR APPROVED BY THE STREET TRANSPORTATION AND PLANNING AND DEVELOPMENT DEPARTMENTS. CONTRIBUTIONS FOR ELIGIBLE INFRASTRUCTURE ALREADY IDENTIFIED IN THE ADOPTED INFRASTRUCTURE FINANCING PLAN MAY BE UTILIZED AS AN IMPACT FEE CREDIT. NO PRELIMINARY APPROVAL OF PLANS SHALL BE GRANTED UNTIL THE STUDY IS REVIEWED AND APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.**

R1-10 ZONED AREA

24. Building elevations shall depict architectural detailing applied to windows on all sides

26. 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,
27. 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
28. 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
29. 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,
30. 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
31. 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
32. 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

- ~~34.~~ The development shall be in general conformance with the **CASITAS OR GARDEN**
33. building elevations date stamped February 4, 2022, **OR THE BUILDING ELEVATIONS JUNE 27, 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,
34. 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
35. 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
36. 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
37. TWO STORIES, AS APPROVED BY THE PLANNING AND DEVELOPMENT
DEPARTMENT.

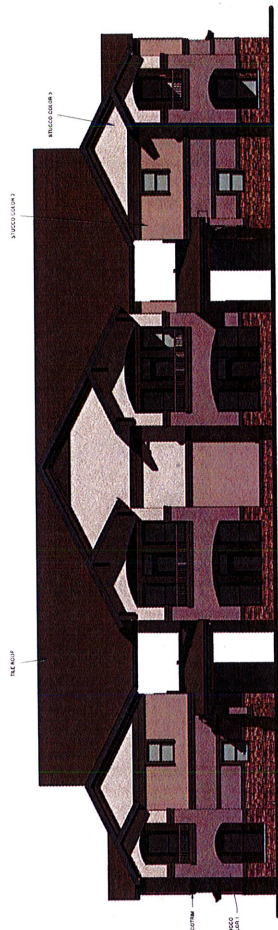
Enclosures:

Exhibit 1: Building Elevations date stamped June 27, 2022

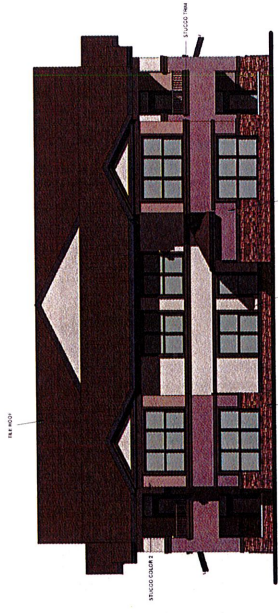
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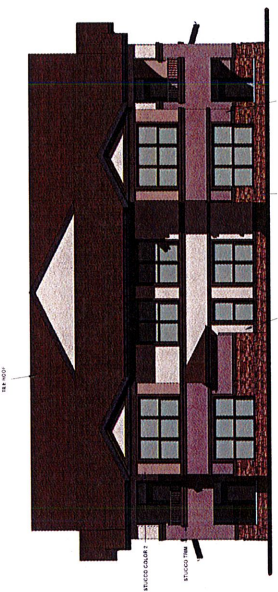
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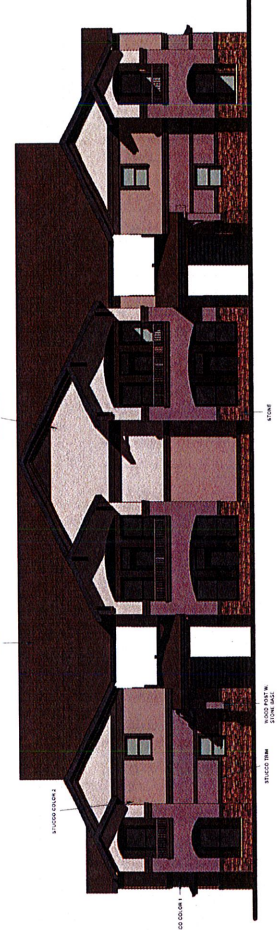
1 | Building 1 - 2 Story - Parking Elevation
 1/8" = 1'-0"



3 | New West Color
 1/8" = 1'-0"



2 | New East Color
 1/8" = 1'-0"



4 | New South Color
 1/8" = 1'-0"







