



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-31-19-1
April 28, 2020

[North Gateway Village Planning Committee Hearing Date](#) May 14, 2020
[Planning Commission Hearing Date](#) June 4, 2020

Request From: [C-2](#) (18.46 acres) [R-3A](#) (1.41 acres) and [R1-18](#) (118.41 acres)
Request To: [R1-6](#) (19.87 acres) and [R1-18](#) (118.41 acres)
Proposed Use Single-Family Residential
Location Southwest corner of Interstate 17 and Dixileta Drive
Owner GM Gabrych Family Limited Partnership
Applicant / Representative Lennar Arizona Inc., Chris Clonts
Staff Recommendation Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>	Current: Preserves / 0 to 1 or 1 to 2 dwelling units per acre Parks / Open Space – Future 1 dwelling unit per acre Preserves / Floodplain Preserves / Mixed Use (Areas C and D only) Mixed Use (North Gateway and Northwest Area only)		
	Proposed (GPA-NG-1-19-1 for a portion of the requested zoning area): Residential 3.5 to 5 dwelling units per acre		
<u>Street Map Classification</u>	Dixileta Drive	Major Arterial	0-foot south half street
	Interstate 17 Frontage Road (one-way south)	Freeway	178-foot

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; DESERT LANDSCAPE; LAND USE PRINCIPLE: Promote land uses that preserve Phoenix’s natural open spaces.

The proposal intends to preserve approximately 118 acres of natural hillside area. This area, commonly known as Middle Mountain, has been identified as a future Sonoran Preserve priority area and will serve to increase the city’s dedicated open space.

CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.

The subject site is adjacent to the North Black Canyon Major Employment Center and Interstate 17. As such, the proposed development will serve to offer additional housing choices in close proximity to an employment center and a major transportation corridor.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; DESIGN PRINCIPLE: Promote neighborhood identity through planning that reinforces the existing landscaping and character of the area. Each new development should contribute to the character identified for the village.

The proposed development, as stipulated, will promote the established character of the area through a desert landscape palette, increased open space and compatible housing design.

Applicable Plans/ Overlays and Initiatives

[North Black Canyon Corridor Plan](#) – see No. 4 below.

[Reimagine Phoenix Initiative](#) – see No. 10 below.

[Tree and Shade Master Plan](#) – see No. 11 below.

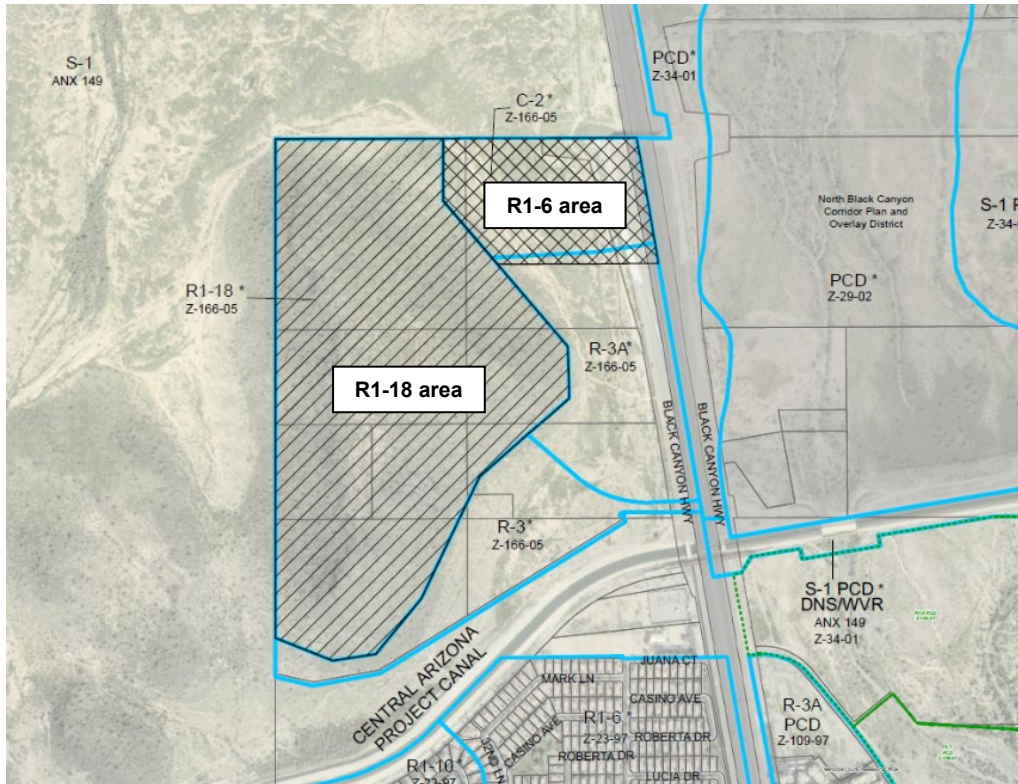
Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Vacant/Undeveloped	C-2, R-3A and R1-18
North	Vacant/Undeveloped	S-1
South	Vacant/Undeveloped	R-3A and R-3
West	Vacant/Undeveloped	S-1
East	Vacant/Undeveloped	PCD NBCOD, R-3A and R-3

R1-6 Single-Family Residence District (Planned Residential Development Option)		
<u>Standards</u>	<u>Requirements</u>	<u>Provisions on the Proposed Site Plan</u>
Gross Acreage	-	19.87 acres
Total Number of Units	109 to 129 maximum allowed	82 units
Density (Units/Gross Acre)	5.5; 6.5 with bonus maximum	4.13 (Met)
Minimum Lot Width	45 feet minimum	Minimum 45 feet (Met)
Minimum Perimeter Building Setback	Street (front, rear or side): 15 feet (in addition to landscape setback); Property line (rear): 15 feet (1-story), 20 feet (2-story); Property line (side): 10 feet (1-story), 15 feet (2-story)	Not Shown
Perimeter Landscape Setback	15 feet average, 10 feet minimum	Not Shown
Subject to Single Family Design Review	Yes	Yes
Common Areas	5% of gross minimum	Not Shown
Maximum Building Height	2 stories and 30-feet in height	2 stories and 30-feet in height

Background/Issues/Analysis

1. This is a request to rezone 19.87 acres located at the southwest corner of Interstate 17 and Dixileta Drive from 18.46 acres of C-2 (Intermediate Commercial) and 1.41 acres of R-3A (Multifamily Residence District) to R1-6 (Single-Family Residence District) for single-family residential development.

The proposal also includes a request to rezone 118.41 acres of R1-18 (Single-Family Residence District) to R1-18 (Single-Family Residence District) for use as dedicated open space. This area of the site is commonly known as Middle Mountain.

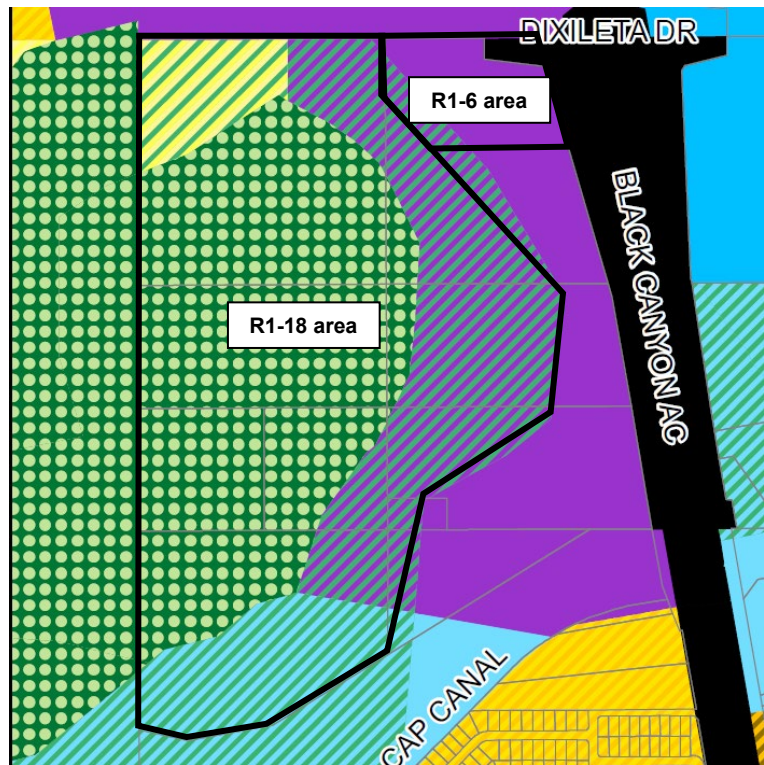


Aerial Zoning Map, Source: City of Phoenix Planning & Development Department

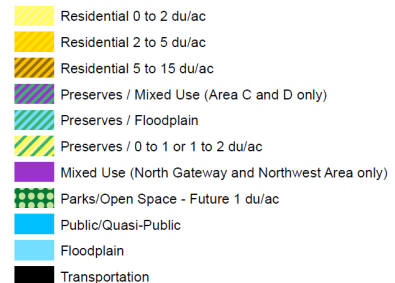
SURROUNDING USES AND ZONING

2. The subject site is vacant as is the surrounding area. The areas to the north and west are zoned S-1 (Ranch or Farm Residence). The area to the east, across Interstate 17 is zoned PCD NBCOD (Planning Community District, North Black Canyon Overlay District). To the south and east is zoned R-3A (Multifamily Residence District) and R-3 (Multifamily Residence District) and is planned for single-family residential development.

3. The current General Plan Land Use Map designations for the requested R1-6 portion of the subject site are Preserves / Mixed Use (Areas C and D only) and Mixed Use (North Gateway and Northwest Area only). The Mixed Use (Areas C, D and Northwest Area Only) land use designation accommodates Commerce Park, Industrial, Commercial and Public/Quasi-Public type land uses. The proposed single-family residential use is not consistent with this designation; therefore, a companion General Plan Amendment has been filed.

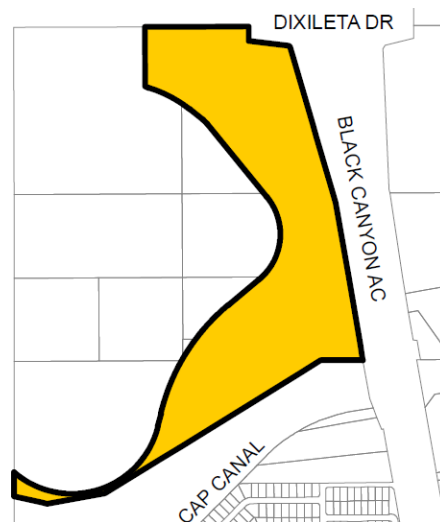


General Plan Land Use Map,
 Source: City of Phoenix
 Planning & Development
 Department



An amendment for a land use map designation of Residential 3.5 to 5 dwelling units per acre is being processed concurrently through GPA-NG-1-19-1. This General Plan Amendment request also encompasses the remainder of the proposed residential development to the south of the R1-6 area.

The current General Plan Land Use Map designations for the R1-18 portion of the subject site are Preserves / 0 to 1 or 1 to 2 dwelling units per acre, Parks / Open Space – Future 1 dwelling unit per acre, Preserves / Floodplain and Preserves / Mixed Use (Areas C and D only). These designations are consistent with the proposed intent to preserve this area as dedicated open space.



GPA-NG-1-19-1 Request, Source: City of Phoenix
 Planning & Development Department

The General Plan Land Use Map designations surrounding the site are as follows:

North: Mixed Use (North Gateway and Northwest Area only).

South: Mixed Use (North Gateway and Northwest Area only), Preserves / Mixed Use (Areas C and D only) and Preserves / Floodplain.

West: Parks / Open Space – Future 1 dwelling unit per acre and Preserves Floodplain.

East: Mixed Use (North Gateway and Northwest Area only), Preserves / Mixed Use (Areas C and D only) and Preserves / Floodplain.

NORTH BLACK CANYON CORRIDOR PLAN

4. The project site is located within the North Black Canyon Corridor (NBCC) which is one of the city's premier growth areas. Located along both the east and west sides of Interstate 17, the North Black Canyon Corridor stretches from Happy Valley Road to the northern city limits. The North Black Canyon Corridor Plan is applicable to this area. The proposal is consistent with the intent of the following goals:

Goal 2: Achieve a balance between employment and housing.

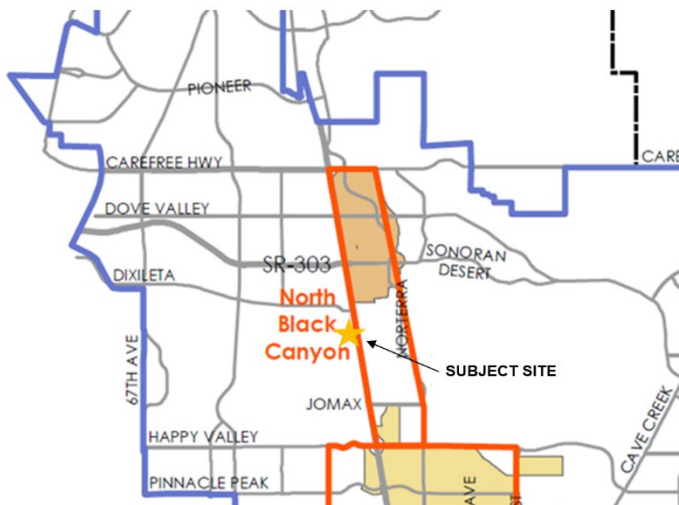
The requested rezoning contributes to a mixture of uses in the area by providing additional housing choices in close proximity to a Major Employment Center.

Goal 4: Preserve North Sonoran Desert amenities and use these features to define community form and identity.

The proposal incorporates preservation of over 100 acres of natural desert that has been identified as a future Sonoran Preserve area.

NORTH BLACK CANYON MAJOR EMPLOYMENT CENTER

- 5.



Major Employment Centers, Source: City of Phoenix

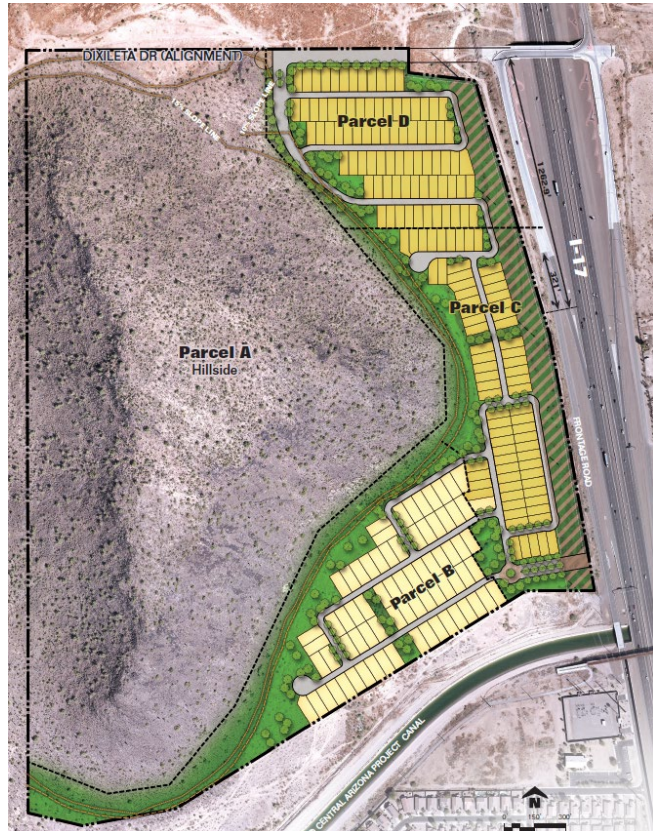
The North Black Canyon employment center extends north from Happy Valley Road to Carefree Highway and east from Interstate 17 to the 19th Avenue alignment. The area is an emerging employment center that contains a mix of development including office, regional retail, commerce park and residential. The proposal for single-family residential

at this location contributes to providing more housing choices for those who work in the area.

PROPOSAL

6. The applicant is proposing 82 single-family residential dwelling units (Parcel D) with primary access off Dixileta Drive. The rezoning request area is a part of a larger planned single-family development that encompasses 228 lots (Parcels B and C) along Interstate 17 from Dixileta Drive on the north to the Central Arizona Project canal on the south.

The western portion of the rezoning area (Parcel A) is natural hillside area. This area has been identified as a future priority area for the Sonoran Preserve. As such, the applicant intends to convey this property to the City of Phoenix for use as a desert park or mountain preserve. A stipulation requiring the completion of this conveyance prior to final site plan approval of the residential subdivision is contained in Stipulation No. 1.



Conceptual Site Plan, Source: CVL Consultants

7. Elevations for the proposed single-family residences were not submitted as part of the rezoning request. In order to ensure quality development that is consistent with the character of the area, staff is recommending a stipulation requiring administrative review of the conceptual elevations prior to approval of the single-family design review diversity exhibit for the project. The administrative review will ensure inclusion of building materials and colors consistent with a desert environment; enhanced architectural detailing; covered porches or courtyards; and decorative garage treatments. This requirement is addressed in Stipulation No. 2.

8. To provide consistency and compatibility with other residential development in the vicinity, staff is recommending several stipulations regarding site design. Stipulation No. 4 recommends the use of the plant material recommended in the North Black Canyon Overlay District. Similarly, Stipulation Nos. 6 and 8 recommend enhanced wall materials, both for perimeter and interior walls of the development. These recommendations will serve to contribute to the established character of the area.
9. Due to the site's proximity to Interstate 17, staff is recommending that all residential structures be set back a minimum of 120 feet from the eastern property line to ensure an appropriate buffer is provided to the proposed single-family residences. This is addressed in Stipulation No. 7.
10. As part of the Reimagine Phoenix initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. The City of Phoenix offers recycling collection for all single-family residences. The provision of recycling containers was not addressed in the applicant's submittals; however, per City Code, the City provides recycling containers and services to all single-family residences.
11. The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. A vision in the master plan is to raise awareness by leading by example. To accomplish the vision and goal of the policy document, Stipulation No. 5 is recommended requiring the development to retain a minimum of 20 percent of the site area as open space, exclusive of landscape setbacks, washes and the hillside preserve area. Of this 20 percent open space, a minimum of 5 percent is to be provided as active open space and centrally located within the development.

COMMUNITY INPUT SUMMARY

12. Staff has received one letter of concern at the time the staff report was written from an adjacent property owner. The letter expressed concern with utility access and an existing development agreement.

INTERDEPARTMENTAL COMMENTS

13. The Street Transportation Department has indicated that right-of-way dedications are required for both Dixileta Drive and the Interstate 17 frontage road for the entire rezoning area. In addition, the applicant will be required to submit a Developer Project Information Form for the MAG Transportation Improvement Program to the department. Finally, the developer will be responsible for construction of all streets within and adjacent to the development with pavement and other incidentals. These requirements are addressed in Stipulations Nos. 9 through 12.

14. The City of Phoenix Water Services Department has noted the site will require water and sewer main extensions. In addition, due to physical constraints surrounding the property, a single water line is planned for the site. Due to the limited water service, the Water Services Department is also recommending a restriction on the size of dwelling units in order to ensure adequate water flow. This is addressed in Stipulation No. 3, which restricts the maximum building size per home to 3,600 square feet.
15. The Floodplain Management Division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 0845 L / 1260 L of the Flood Insurance Rate Map (FIRM) dated November 10, 2017 / July 20, 2018.
16. The Fire Department commented that no code issues are anticipated with this case and the site and/or buildings shall comply with the Phoenix Fire Code.
17. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulations Nos. 13, 14 and 15.
18. The City of Phoenix Aviation Department has noted that the site is within the Phoenix Deer Valley Airport (DVT) traffic pattern airspace and has requested a disclosure statement be completed and a no hazard determination from the FAA be provided. These are addressed in Stipulation Nos. 16 and 17.

OTHER

19. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The proposal will retain over 100 acres of natural hillside in the Sonoran Preserve priority area for a desert park or mountain preserve.
2. The proposed residential development is appropriately located in close proximity to an employment center and a major transportation corridor.
3. The proposal is compatible and contributes to the character of the area through stipulated site and building design features.

Stipulations

1. Prior to the issuance of Final Site Plan Approval, the owner shall convey 118 acres (or an area mutually agreed by the city and the owner) of hillside land selected by the City of Phoenix and located in the area as depicted as Tract A of the final plat, to the City of Phoenix for use as a City of Phoenix desert park and/or mountain preserve.
2. The conceptual elevations shall be administratively approved by the Planning Hearing Officer prior to single-family design review diversity exhibit approval with specific regard to the inclusion of the below elements. This review is for conceptual purposes only. Specific development standards and requirements will be determined by the Planning and Development Department.
 - a. Building materials and colors shall express a desert character and shall blend with, rather than strongly contrast with the desert environment.
 - b. All elevations of the homes shall contain three of the following architectural embellishments and detailing: textural changes, pilasters, offsets, recesses, variation in window size or location, overhang canopies, or similar features.
 - c. Covered porches a minimum of 60 square feet in area at a depth of at least six feet, courtyard areas with low surrounding walls a minimum of 60 square feet in area, or homes with livable space a minimum of 3 feet in front of the front line of the garage, shall be provided in the front façades of a minimum of 50 percent of the elevations offered within the subdivision.
 - d. Decorative garage treatments, including but not limited to, windows, raised or recessed panels, architectural trim, and/or single garage doors.
3. The maximum building square footage per home is 3,600 square feet.
4. All landscape plant material shall comply with the approved plant species list in Appendix A of the North Black Canyon Overlay District, as approved by the Planning and Development Department.

5. A minimum of 20 percent of the gross project area shall be retained as open space, exclusive of landscape setbacks, washes and hillside preserve area, with a minimum of 5 percent improved as active/useable open space and centrally located within the subdivision, as approved by the Planning and Development Department.
6. Interior walls and privacy fencing, excluding walls located between lots, shall be integral in color or painted to blend with the natural desert environment, as approved by the Planning and Development Department.
7. A minimum building setback of 120 feet for residential structures shall be required along the ADOT frontage road right-of-way, as approved by the Planning and Development Department.
8. Perimeter walls shall incorporate stone veneer, stonework, varying types of CMU block, or faux stone, as approved by the Planning and Development Department.
9. 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.
10. Right-of-way totaling 70 feet shall be dedicated for the south half of Dixileta Drive. Frontage of the site plan extending west of the access roadway may be reserved as a right-of-way easement in lieu of dedication, at the discretion and approval of the Street Transportation Department. Construction of Dixileta Drive is required with the initial phase of development, as approved by the Planning and Development Department.
11. Right-of-way totaling 208 feet shall be dedicated for the west half of Interstate 17 (178 feet existing and 30 feet new) for the frontage road, as approved by the Planning and Development Department.
12. The applicant shall complete and submit the Developer Project Information Form for the MAG Transportation Improvement Program to the Street Transportation Department.
13. If determined necessary by the Phoenix Archaeology 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 Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
14. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.

15. In the event archaeological 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 Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
16. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Phoenix Deer Valley Airport (DVT) to future owners or tenants of the property as approved by the Aviation Department.
17. The developer shall provide documentation to the City prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the FAA and a "NO Hazard Determination" obtained prior to the construction start date.

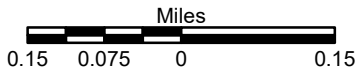
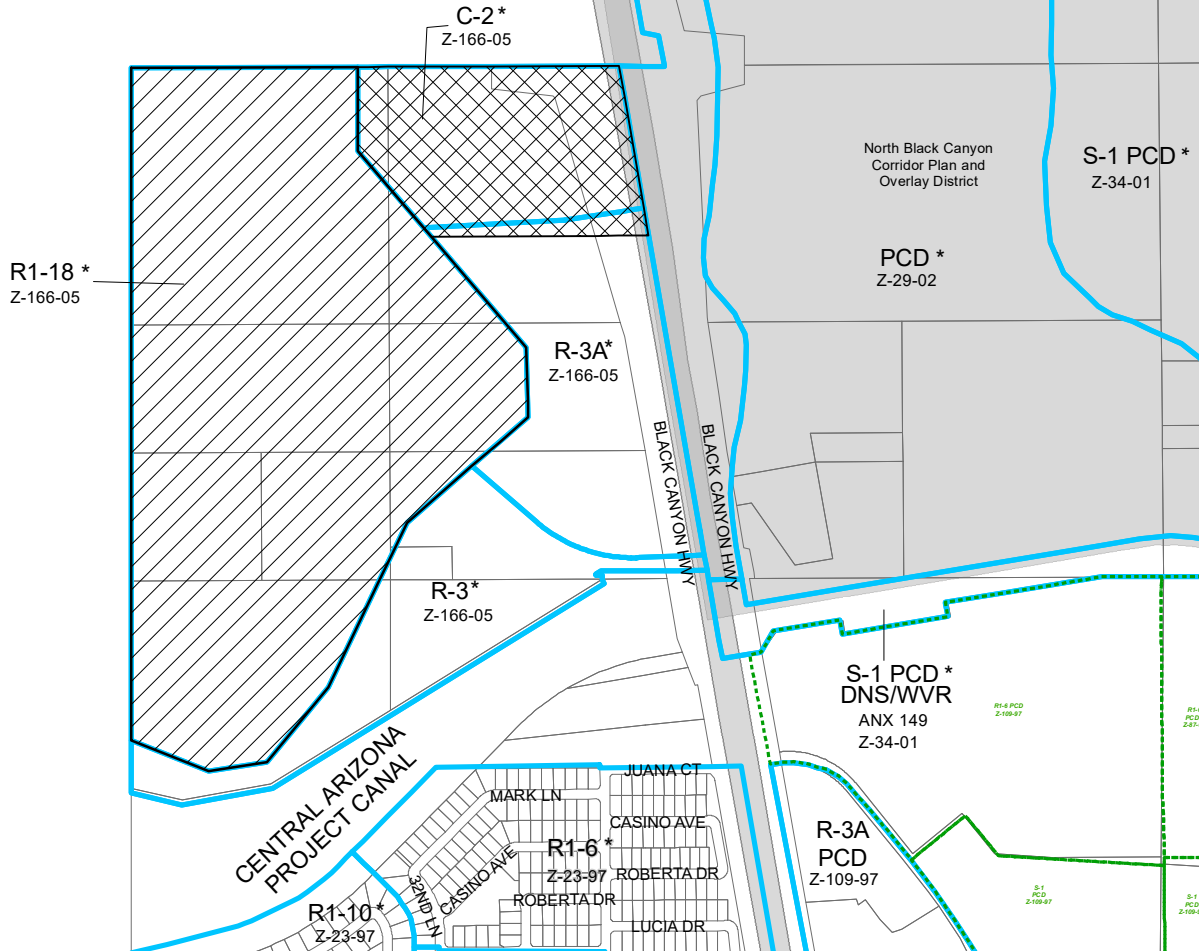
Writer / Team Leader

Samantha Keating
April 28, 2020

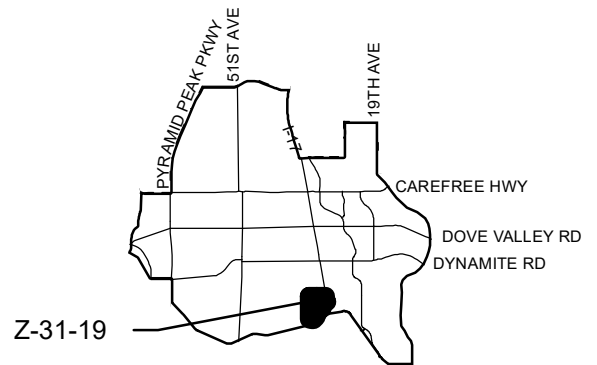
Exhibits

Sketch Map
Aerial
Conceptual Site plan, date stamped December 13, 2019
Community Correspondence (2 pages)

S-1
ANX 149



NORTH GATEWAY VILLAGE
CITY COUNCIL DISTRICT: 1



APPLICANT'S NAME: **Lennar Arizona, Inc.**

APPLICATION NO. **Z-31-19**

DATE: **7/23/2019**
REVISION DATES:

3/24/2020

GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.

138.28

AERIAL PHOTO & QUARTER SEC. NO.

QS 52-21

ZONING MAP

Q-6

REQUESTED CHANGE:

- FROM:
- C-2 (18.46 a.c.)
 - R-3A (1.41 a.c.)
 - R1-18 (118.41 a.c.)
- TO:
- R1-6 (19.87 a.c.)
 - R1-18 (118.41 a.c.)

MULTIPLES PERMITTED

C-2, R-3A, R1-18

R1-6, R1-18

CONVENTIONAL OPTION

267, 31, 231

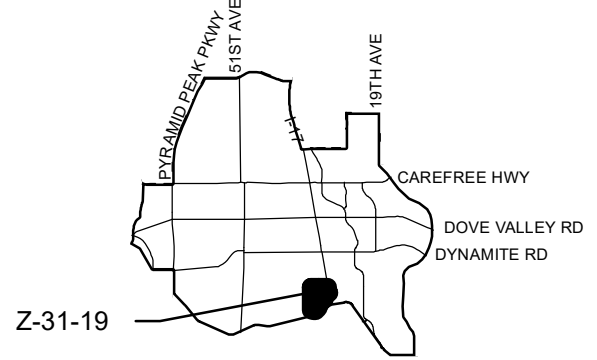
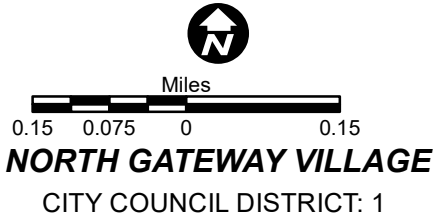
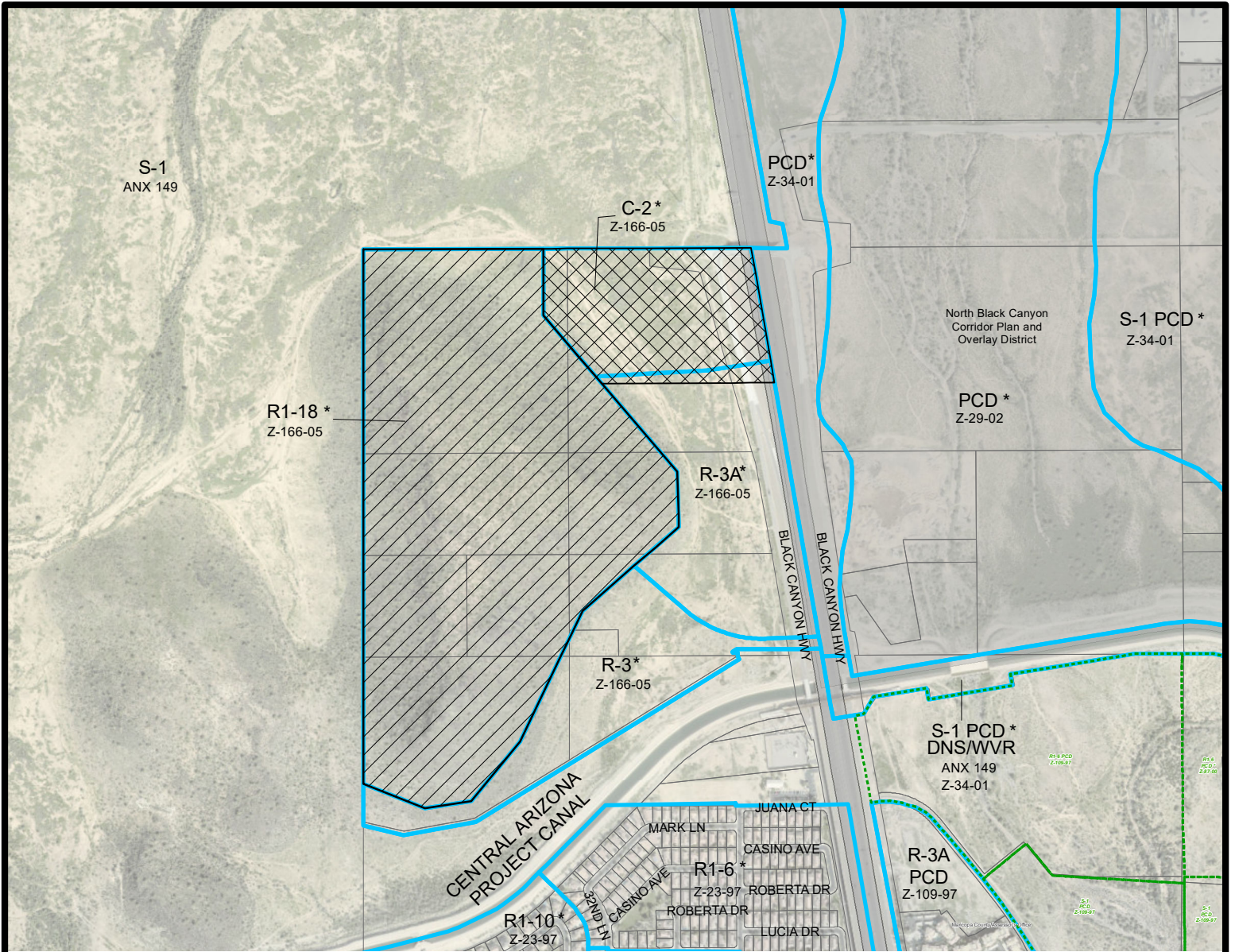
105, 231

*** UNITS P.R.D. OPTION**

321, 37, 277

129, 277

* Maximum Units Allowed with P.R.D. Bonus



APPLICANT'S NAME: Lennar Arizona, Inc.		REQUESTED CHANGE:	
APPLICATION NO. Z-31-19	DATE: 7/23/2019 REVISION DATES:	FROM:	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 138.28	3/24/2020	C-2 (18.46 a.c.) R-3A (1.41 a.c.) R1-18 (118.41 a.c.)	
AERIAL PHOTO & QUARTER SEC. NO. QS 52-21	ZONING MAP Q-6	TO:	
MULTIPLES PERMITTED C-2, R-3A, R1-18 R1-6, R1-18	CONVENTIONAL OPTION 267, 31, 231 105, 231	R1-6 (19.87 a.c.) R1-18 (118.41 a.c.)	
		* UNITS P.R.D. OPTION 321, 37, 277 129, 277	

* Maximum Units Allowed with P.R.D. Bonus

Samantha Keating

From: tom@gcfaz.com
Sent: Tuesday, January 21, 2020 4:56 PM
To: Samantha Keating
Cc: Kaelee Wilson
Subject: Z-31-19-1 and GPA-NG-1-19 RE: revised stips

North Gateway Village Planner
Staff Planner: Samantha Keating
Phone: 602-262-6823
Email: samantha.keating@phoenix.gov
Planning Committee Email: NorthGatewayVPC@phoenix.gov

Regarding Z-31-19-1 and GPA-NG-1-19, we wish to table those applications, on behalf of Granite Creek Farms and North Valley Assembly of God (Church), having received yesterday an email from Lennar Arizona stating they (Lennar and the property owner GM Gabrych Family Limited Partnership) are not purchasing from Granite Creek/Church our Wet Utility "single source water service" entitlements, access and proposed wet utility service crossing the CAP for Middle Vistas. Granite Creek retains its Lift Station Deed, Development Agreement rights and any alignment crossing the CAP involving Church property.

Unless and until formal notice from us z-31-19-1 and GPA-NG-1-19 as well as WSD and CAP should a forward settlement occur with Lennar/Gabrych for Granite Creek and the Church, please do not consider we have given right to proceed or entry, access, permitting or proceeding with Zoning, GPA, Wet Utility CAP crossing Church property. Access for the Middle Vistas/Middle Mountain property pursuant to our "Recorded" Development Agreement, this also includes any other alignment crossing Church property including wet utility access from the ADOT Frontage Road is not granted, things have broken down and there is no agreement with Lennar/Gabrych.

Sincerely,



Thomas E. Stewart, GM – O 928-227-3801 – C 928-231-1214 – tom@gcfaz.com

CONFIDENTIALITY NOTICE: This e-mail message and any attachment to this e-mail message contain confidential information that may be legally privileged. If you are not the intended recipient, you must not retransmit, photocopy, copy, use or disseminate this e-mail or any attachments to it without prior written authorization of the authors. If you have received this e-mail in error, please notify Granite Creek Farms immediately by return e-mail or by telephone at (928) 227-3801 or (928) 231-1214 and delete this message immediately. Please note that if this e-mail message contains a forwarded message or is a reply to a prior message, some or all of the contents of this message or any attachments may not have been produced by Granite Creek Farms.

From: Kaelee Wilson <kaelee.wilson@phoenix.gov>
Sent: Tuesday, August 27, 2019 2:00 PM
To: jezonn@tblaw.com; tom@gcfaz.com; erik.molina@lennar.com
Subject: revised stips

Hi!

Please find the revised stips attached to this email. Please let me know if you have any questions.

Thanks,

Kaelee Wilson

Village Planner

(602) 262-6949

Desert View, North Gateway and Rio Vista