



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

To: Mayor and City Council Members

Date: January 20, 2026

From: Joshua Bednarek *JB*
Planning and Development Director

Subject: ITEM 55 ON THE JANUARY 21, 2026, FORMAL AGENDA – PUBLIC HEARING AND ORDINANCE ADOPTION - AMEND CITY CODE - ORDINANCE ADOPTION - REZONING APPLICATION PHO-1-25--Z-29-12-7(5) - SOUTHEAST CORNER OF 99TH AVENUE AND THOMAS ROAD (ORDINANCE G-7451)

Item 55, Planning Hearing Officer Application No. PHO-1-25--Z-29-12-7(5). This is a request to modify Stipulation 1 regarding the updated imagery within the development narrative located at the southeast corner of 99th Avenue and Thomas Road. The original zoning approval was based upon the property owners' proposal to construct a major retail and employment multi-story mixed use development. This stipulation modification request seeks to modify the zoning to allow two large scale data centers and smaller scale street focused retail development.

The Maryvale Village Planning Committee heard this request on June 12, 2025, and recommended approval with a vote of 12-1.

The Planning Hearing Officer recommended approval with a modification and an additional stipulation.

The applicant submitted a Proposition 207 waiver request for the subject property. The applicant proposal to develop data centers on the site necessitates that staff work with the applicant to obtain the complete health and safety documentation required to construct data centers due to the recent text amendment. Stipulation No. 7 was added to require the development of the parcel as shown on the proposed site plan is conditioned upon obtaining a Binding Waiver of Enforcement approved by the City Council. Stipulation No. 8 was added to reference that the developer shall comply with the conditions as outlined in the Binding Waiver of Enforcement. Stipulation No. 9 was added to address the open space area at the northeast corner of the site and the timing of construction.

The modified stipulations are listed below in **BOLD AND CAPITAL** letters.

Staff recommends approval, subject to the following stipulations:

STIPULATIONS:

1.	An updated Development Narrative for the Sheely Center PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with THE Development Narrative date stamped JUNE 6, 2025 September 27, 2012 , as modified by the following stipulations.
2.	The applicant shall submit a revised Traffic Impact Study to the Street Transportation Department and Planning and Development Department prior to preliminary site plan approval. The applicant shall be responsible for any dedications and required improvements adjacent to the boundaries of the subject property as recommended by the traffic study, as approved by the Street Transportation Department and Planning and Development Department.
3.	ALL STREETS, WITHIN AND ADJACENT TO THE DEVELOPMENT, SHALL BE DEDICATED AND CONSTRUCTED PER THE APPROVED SHEELY FARMS MASTER STREET PLAN. The applicant shall submit a street alignment plan for public streets (design and alignment for all arterial and collector streets), prior to preliminary site plan approval, for review and approval by the Street Transportation Department and Planning and Development Department.
4.	Access to McDowell Road shall be reviewed by ADOT, Maricopa County, city of Tolleson, and the city of Phoenix. Notification of such review shall be submitted to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan approval.
5.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscape and other incidentals as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
6.	PRIOR TO FINAL 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.
7.	DEVELOPMENT OF THE PARCEL AS SHOWN ON THE PROPOSED SITE PLAN IS CONDITIONED UPON OBTAINING A BINDING WAIVER OF ENFORCEMENT APPROVED BY THE CITY COUNCIL.

8.	THE DEVELOPER SHALL COMPLY WITH THE CONDITIONS AS OUTLINED IN THE BINDING WAIVER OF ENFORCEMENT AS APPROVED BY THE CITY COUNCIL ON JANUARY 21, 2026.
9.	THE AREA IDENTIFIED ON THE SITE PLAN DATE STAMPED JUNE 6, 2025, SHALL BE DEVELOPED AS AN OPEN SPACE AREA WITH A MINIMUM OF TWO SOCCER FIELDS AT THE NORTHEAST CORNER OF THE SITE AND SHALL BE CONSTRUCTED AS PART OF THE FIRST PHASE OF CONSTRUCTION.

Approved:  _____
Lori Bays
Assistant City Manager

01/20/26
Date