

Attachment B



City of Phoenix PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-37-20-1 September 1, 2020

North Gateway [Village Planning Committee](#) Meeting Date: September 10, 2020

[Planning Commission](#) Hearing Date: October 1, 2020

Request From: S-1 (Ranch or Farm Residence)
(3,721.60 acres)

Request To: PUD (Planned Unit Development)
(3,721.60 acres)

Proposed Use: Mixed Use Employment Hub

Location: Northwest corner of the Interstate 17
and Loop 303 Freeways

Owner: Arizona State Land Department

Applicant: City of Phoenix, Planning and
Development Department

Representative: City of Phoenix, Planning and
Development Department

Staff Recommendation: Approval, subject to stipulations

General Plan Conformity

General Plan Land Use Map Designation

Current: Residential 0 to 2 dwelling units per acre, Residential 2 to 5 dwelling units per acre, Residential 5 to 15 dwelling units per acre, Residential 15+ dwelling units per acres, Preserves / Residential 2 to 3.5 or 3.5 to 5 dwelling units per acre, Commercial, Mixed Use (North Gateway & Northwest Area Only, Mixed Use (Commercial / Commerce Park), and Parks/Open Space-Future 1 dwelling unit per acre

Proposed (GPA-NG-1-20-1): Mixed Use (Commercial / Commerce Park)

<u>Street Map Classification</u>	Interstate 17 (Black Canyon Freeway)	Freeway	Approximately 390-foot west half
	Carefree Highway South	Major Arterial	100-foot south half
	Arizona State Route 303	Freeway	Approximately 300-foot north half
	43rd Avenue 51st Avenue	Major Arterial	Assigned "A" Cross Section on the Street Classification Map
	Dove Valley Road	Arterial	Assigned "A" Cross Section on the Street Classification Map

CONNECT PEOPLE AND PLACES CORE VALUE; CORES, CENTERS, AND CORRIDORS; LAND USE PRINCIPLE: Locate land uses with the greatest height and most intense uses within Village Cores, centers and corridors based on village character, land use needs, and transportation system capacity.

The proposed PUD is appropriate for a property that is bordered on three sides by the Carefree Highway (north), Interstate 17 Freeway (east) and Loop 303 (south) and will ultimately be served by a mix of Major Arterial (43rd Avenue, 51st Avenue) and Arterial (Dove Valley Road) streets.

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; JOB CREATION (EMPLOYERS); LAND USE PRINCIPLE: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.

The proposed PUD will reinforce the location as a destination for employment uses within the Interstate 17 employment corridor.

Celebrate Our Diverse Communities and Neighborhoods Core Value; Certainty & 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 PUD requires development to adhere to applicable standards from the North Black Canyon Overlay District and the Carefree Highway Scenic Corridor Design Policies. The standards will help to ensure that development within the PUD

boundaries embodies the character of development within the surrounding area.

Applicable Plans, Overlays, and Initiatives

[Carefree Scenic Corridor Design Policies](#): See Background Item No. 8

[Peripheral Area C & D Plan](#): See Background Item No. 11

[North Black Canyon Corridor Plan](#): See Background Item No. 12

[Tree and Shade Master Plan](#): See Background Item No. 13

[Complete Streets Guidelines](#): See Background Item No. 14

[Reimagine Phoenix](#): See Background Item No. 15

Background/Issues/Analysis

PROPOSAL

1. This request is to rezone approximately 3,721.60 acres located in the northwest corner of the Interstate 17 and Loop 303 freeways from S-1 (Ranch or Farm Residence) to PUD (Planned Unit Development).

The PUD provides a zoning and regulatory framework to guide the development of an employment hub on the site. The entire site is owned by the Arizona State Land Department (ASLD). Rezoning of the site from S-1 to PUD will better position the site for future auctions by the ASLD. Proceeds from ASLD auctions go to a variety of beneficiaries including public schools and the state's public universities. Rezoning of the site is part of an ongoing collaboration between the City of Phoenix and ASLD to attract investment to the area and partner on infrastructure financing and development.

EXISTING SITE CONDITIONS

2. The subject site is undeveloped. Several powerline and wash corridors are on the site as depicted in Figure 1 on the following page.

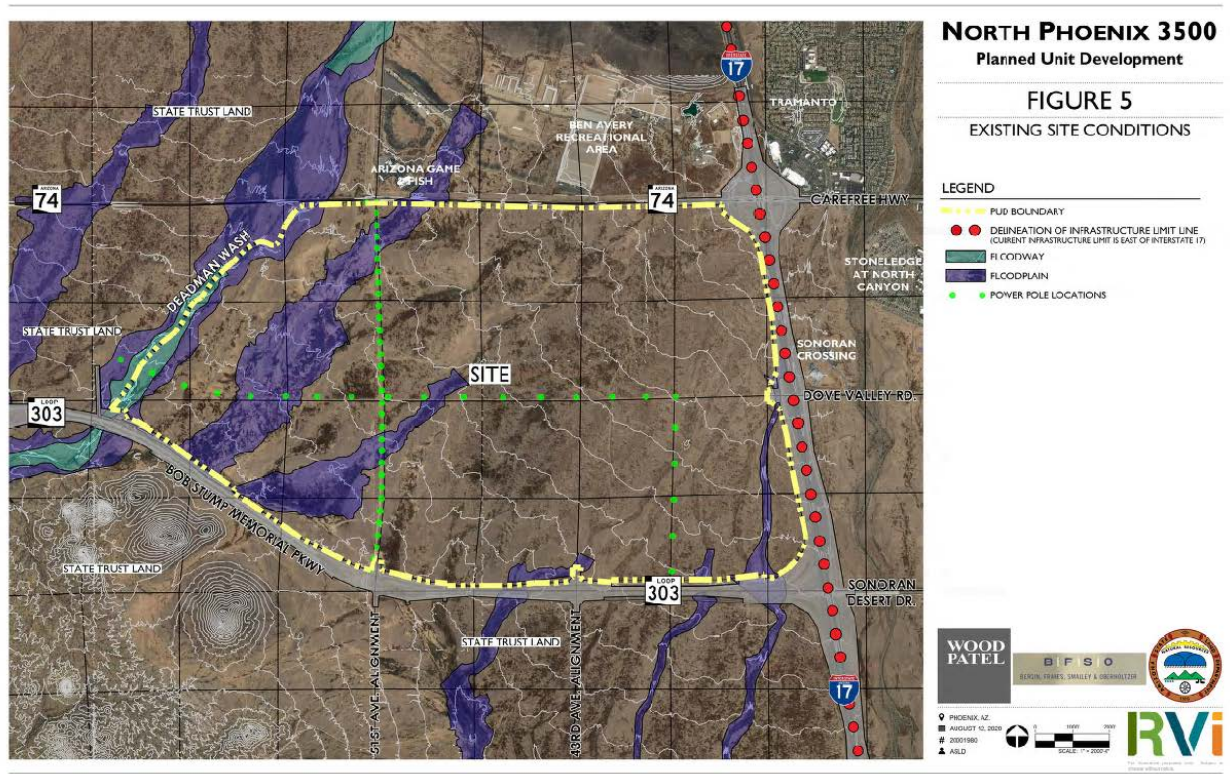


Figure 1: Existing Conditions (Source: ASLD)

SURROUNDING LAND USES AND ZONING

3. An aerial map with the surrounding zoning is attached as Exhibit A to this report.

North of the site along Carefree Highway is the Ben Avery Shooting Facility and the Arizona Game and Fish Department's headquarters. Background Item No. 16 of this report addresses correspondence received from the Arizona Game and Fish Department regarding this request. The Game and Fish Department's headquarters and the Ben Avery Shooting Facility are zoned C-2 (Intermediate Commercial) and S-1 SP (Ranch or Farm Residence, Special Permit). Just west of the Game and Fish Department's headquarters is vacant State Trust Land zoned S-1.

South of the site, across the Loop 303 Freeway, is vacant land owned by the Arizona State Land Department that is zoned S-1. Future planning of this land with the Arizona State Land Department is addressed in Background item No. 10 of this report.

East of the site, across the Interstate 17 Freeway is a mix of vacant land zoned PCD, S-1, and C-2, along with an emergency medical facility zoned PUD. Property east of the Interstate 17 Freeway is also included in the North Black Canyon Overlay District (NBCOD). The NBCOD is discussed in Background Item No. 8 of this report.

West of the site, across Deadman Wash, is vacant State Trust Land zoned S-1.

GENERAL PLAN LAND USE MAP DESIGNATIONS

- The site has a mix of General Plan Land Use Map designations. A companion General Plan Amendment request (GPA-NG-1-20-1) proposes to change the General Plan Land Use map designation for the site to entirely Mixed Use (Commercial / Commerce Park). This designation will support the proposed employment uses for the site outlined in the PUD.

Figure 2 below contains maps of the existing General Plan designations on the site and the surrounding properties, along with the proposed General Plan Map land use in GPA-NG-1-20-1.

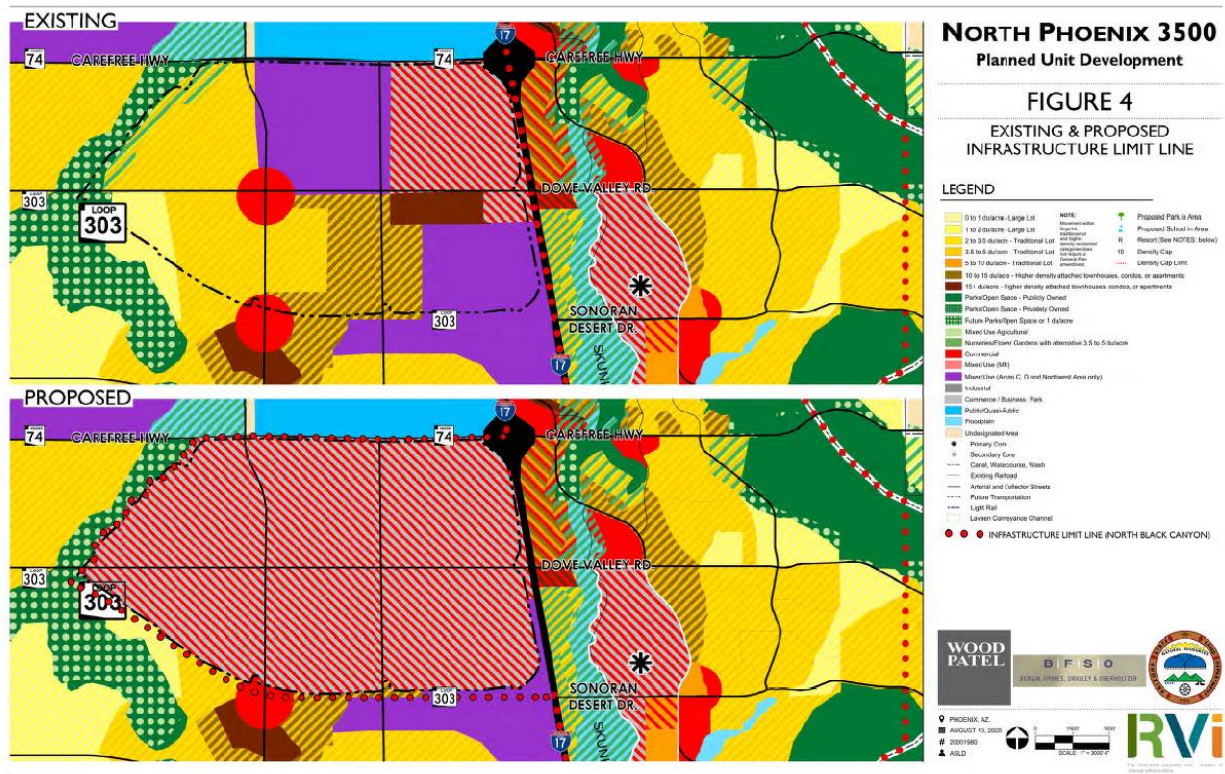


Figure 2: Existing and Proposed General Plan Land Use Maps (Source: ASLD)

GPA-NG-1-20-1 also contains a request to remove the subject property from the Infrastructure Phasing Overlay. Removal of the overlay will permit a variety of infrastructure financing mechanisms to be employed on the site. More in depth analysis of both the proposed land use change and removal of the area from the Infrastructure Phasing Overlay can be found in the staff report for GPA-NG-1-20-1.

PROPOSAL

5. The proposal was developed utilizing the PUD zoning designation. The Planned Unit Development (PUD) is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied. A copy of the submitted PUD Narrative is attached to this report as Exhibit C. Stipulation No. 1 includes a requirement to provide an updated version of the narrative after City Council approval.
6. **Land Use:** The PUD proposes three distinct land use districts each with their own geographic area. The three districts are Technology Campus, Technology Park and Freeway Mixed Use. Figure 3 below is a map of the three districts and their approximate acreages.

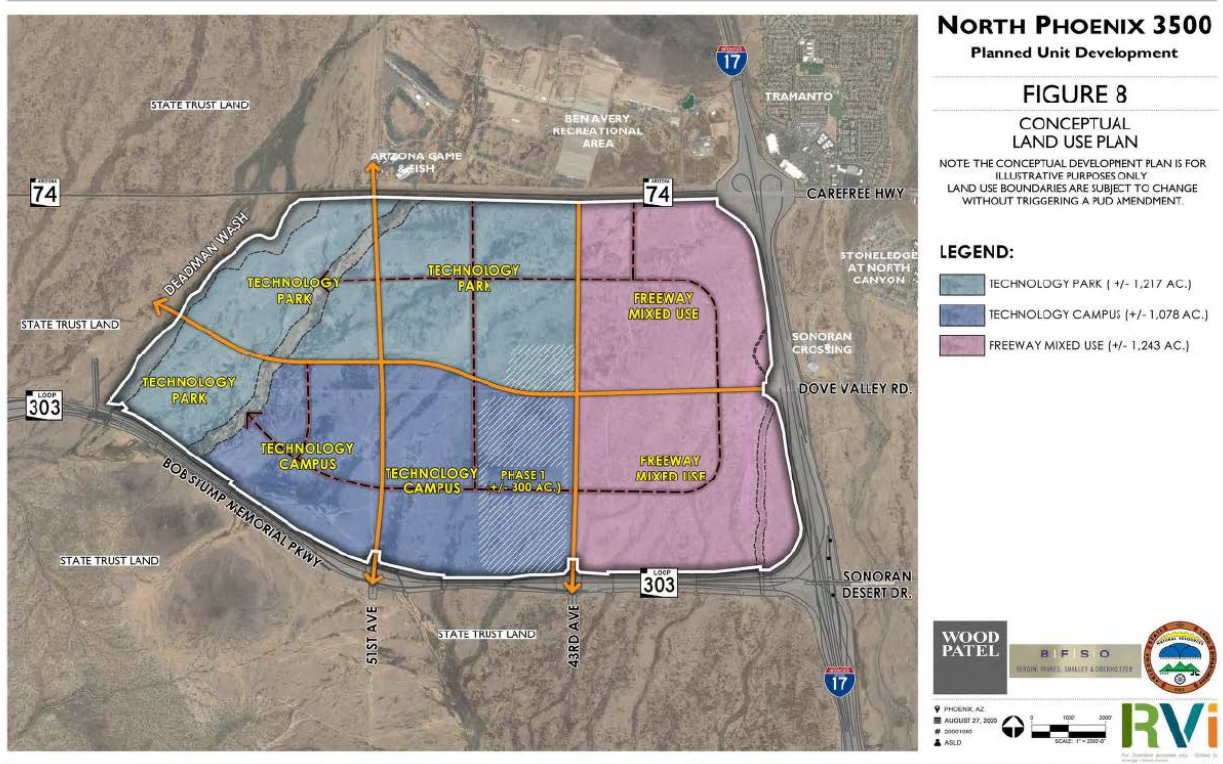


Figure 3: PUD Land Use Districts (Source: ASLD)

Given the size of each of the districts, the PUD also proposes a series of smaller Development Units within each of the Land Use Districts. Figure 4 on the following page shows the conceptual Development Unit Plan.

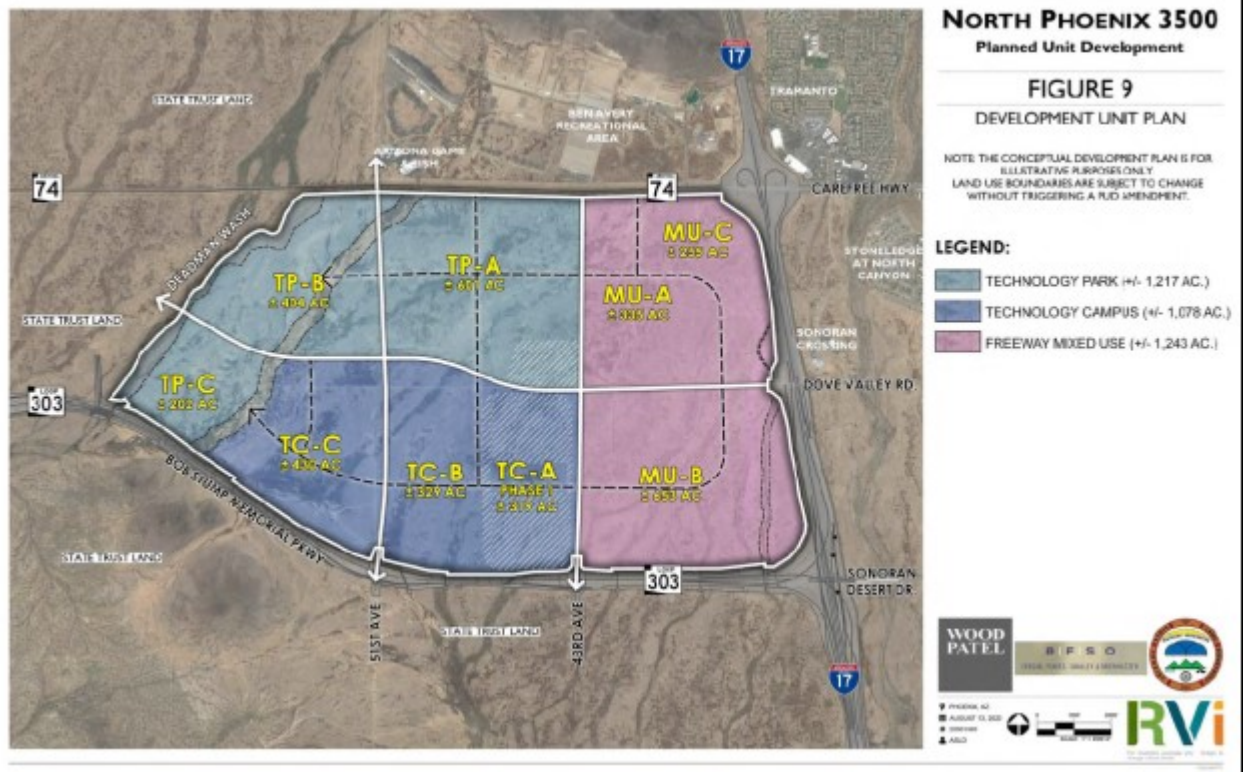


Figure 4: Land Use District Development Units (Source: ASLD)

Each of the three Land Use Districts is based on existing districts within the Phoenix Zoning Ordinance. The Technology Campus and Technology Park Land Use Districts point to the Commerce Park – General Commerce Park option for their permitted land uses which include offices, research laboratories, warehousing and manufacturing. Both districts provide for additional limited flexibility related to manufacturing and both prohibit any type of residential land use.

The Freeway Mixed Use District permits a variety of commercial and multifamily uses between its three Development Units: MU-A, MU-B and MU-C. Development Units MU-A and MU-B point to Intermediate Commercial (C-2), Commercial Office (C-O) and R-5 Multifamily Residence District of the Zoning Ordinance for their permitted use lists. Both the MU-A and MU-B also prohibit a variety of uses permitted in their Zoning Ordinance counterparts including single-family residential development, adult bookstores and pawn shops.

The Freeway Mixed Used District's MU-C Development Unit has a similar set of permitted and prohibited uses as MU-A and MU-B and permits additional uses such as automobile sales and rental, and self-storage. The Freeway Mixed Use District also permits uses in the Commerce Park Business Park option. Uses permitted in this option included offices and warehousing for a limited area of the Development Unit.

7. **Land Use Districts Development Standards:** Each of the Land Use Districts has a unique set of development standards. A full list of the development standards can be found on pages 14 through 17 in the attached PUD Narrative. Below is a summary that highlights some of the development standards in each of the districts.

Tech Campus

- Building Height: 80 feet maximum with the option to develop up to 100 feet with the approval of a use permit and site plan
- Lot Coverage: 50 percent maximum
- Open Space: 10 percent minimum

The Tech Campus Land Use Districts development standards align closely with those found in the Phoenix Zoning Ordinance's Commerce Park General Commerce Park District. The PUD's proposed maximum building height and height permitted via a use permit are higher than what it is permitted in the Commerce Park / General Commerce Park District which permits 56 feet by right and up to 80 feet with a use permit. In exchange for the added flexibility regarding building height, the PUD proposes a minimum 10 percent open space be provided within each Development Unit. The Commerce Park / General Commerce Park District has no minimum open space requirement. The PUD's open space requirement is a significant improvement compared to the traditional zoning option.

Tech Park

- Building Height: 56 feet maximum with the option to develop up to 80 feet with the approval of a use permit and site plan
- Lot Coverage: 50 percent maximum
- Open Space: 10 percent minimum

The Tech Park's standards follow those found in the Commerce Park General Commerce Park District but with the added requirement for 10 percent of the site net site area of the Development Unit to be provided as open space.

Both the Tech Campus and Tech Park Land Use Districts are deferring to the applicable Zoning Ordinance sections for standards related to landscape setbacks, parking, fences / walls and lighting.

Freeway Mixed Use

- Building Height
 - o Multifamily Uses: 60 feet maximum
 - o Non-residential Uses: 56 feet maximum with the ability to increase the height up to 120 feet provided that for any site development in excess of 56 feet, a minimum of 30 percent of the project's total net area shall be provided as open space with appropriate landscaping and other pedestrian-oriented amenities.

- Lot Coverage: 50% of net lot area exclusive of the first 6-feet of roof overhang, open carports, covered patios or covered walkways
- Dwelling Unit Density (only in permitted areas): 45.68 dwelling units per acre maximum; 52.20 dwelling unit per acre maximum with bonus.
- Open Space: 5 percent minimum. Minimum 30 percent open space required for any buildings in excess of 56 feet.

The Freeway Mixed Use District's standards are aligned with the C-2 zoning district with a Mid-Rise Overlay with non-residential uses having the option to have building in excess of 56 feet with the provision of 30 percent open space. This option is similar to the zoning on several commercially zoned parcels throughout the north Interstate 17 employment corridor from Pinnacle Peak Road to Carefree Highway. This building height standard allows the commercial portion of the property adjacent to the freeway to develop in a manner that is consistent with other commercial developments within the corridor.

The Freeway Mixed Use Districts defers to the Zoning Ordinance C-2 Intermediate Commercial zoning district for standards related to landscape setbacks, parking, fences / walls and lighting.

Development standards in both the Tech Campus, Tech Park and Freeway Mixed Use District may be modified by the PUD's conformance to the North Black Canyon Overlay District (NBCOD) and the Carefree Highway Scenic Corridor Design Guidelines. Discussion regarding the PUD's incorporation of the NBCOD and the Scenic Corridor Design Guidelines is addressed in Background item No. 8.

8. **Design Guidelines & Other Standards:** The PUD Narrative states the development will adhere to the design requirements, presumptions and conditions of Section 507 TAB A of the Phoenix Zoning Ordinance. This section provides a comprehensive framework for review of development and addresses everything from landscape preservation to a project's layout and orientation.

In addition to conforming to the provisions of 507 TAB A, the PUD Narrative requires development to adhere to the standards and guidelines of the North Black Canyon Overlay District (NBCOD). The intent of the NBCOD's design guidelines are to create a built environment that substantially relates to and respects the desert setting. Applicable provisions of the NBCOD for the proposed uses in the PUD Narrative include guidelines related to signs, drainage facilities, fences and walls, landscape design, and landscape materials.

The PUD also requires conformance with the Carefree Scenic Corridor Design Policies. The City Council adopted the policies in 1997 to apply to both sides of Carefree Highway between Cave Creek Road on the east and to 67th Avenue on the west. The guidelines call for a 205-foot setback from the centerline of Carefree Highway and allow

for the setback to be decreased to 120 feet for commercially zoned property. Property within the PUD's Tech Park and Freeway Mixed Use Land Use Districts will be required to comply with the design policies.

9. **Master Planning:** A PUD of this size will ultimately be required to create Master Plans as outlined in the Planned Community District (PCD) Section of the Zoning Ordinance.

Master Plans at a minimum will address the following:

- Master Street Plan with Infrastructure Phasing Schedule;
- Master Open Space, Pedestrian, Bicycle and Trails Plan;
- Master Landscape Plan;
- Master Water Plan including a Water Design Report;
- Master Wastewater Plan including a Wastewater Design Report;
- Master Drainage Plan including a Drainage Report;
- Development Unit Phasing Schedule. The phasing schedule shall indicate the year in which preliminary approval is anticipated for each development unit.

The PUD has included elements of aforementioned items as exhibits to their submittal. Updates to the items will be required as individual projects proceed through the development review and Master Plan process prior to preliminary site plan approval.

The PUD anticipates that Phase I of the development will occur on less than 320 acres located in Development Unit TC-A in the Tech Campus Land Use District. Elements of the required Master Plan items will be addressed as part of Phase I and will contribute to the development of the larger Master Plans.

In order to keep the community informed of the progress being made on the planning and development of the site, Stipulation No. 6 requires the City of Phoenix and the Arizona State Land Department to provide a yearly update on the status of auctions and development within the PUD to the North Gateway Village Planning Committee.

COLLABORATION WITH THE ARIZONA STATE LAND DEPARTMENT

10. This rezoning case and companion General Plan Amendment are associated with an intergovernmental agreement (IGA) between the Arizona State Land Department (ASLD) and the City of Phoenix. The IGA will address the long-term planning and zoning and allocation of water resources for a 12,000-acre land area generally referred to as Biscuit Flats. The subject property for the GPA-NG-1-20-1 and this rezoning case falls within the northeast portion of the Biscuit Flats land area which extends down to the CAP Canal on the south, City of Phoenix boundary on the west, Carefree Highway on the north and Interstate 17 on the west. This rezoning case, and the GPA are considered part of Phase I of the IGA. Phase 2 would involve the remaining approximately 8,500 acres within the IGA, south of the Loop 303 freeway.

As part of the IGA Phoenix will provide a level of water and wastewater services to the property in exchange for additional water rights currently held by the ASLD. ASLD will recommend to the State Selection Board, which controls ASLD's Colorado River Water, that 12,000 acre-feet of the ASLD Colorado River Water be transferred to Phoenix in a series of assignments. The IGA is meant to provide a framework for ongoing collaboration between the City of Phoenix and ASLD to strengthen the city's water resources while partnering to position the Biscuit Flats area for future investment in line with the area's character.

Stipulation No. 22 reiterates a provision of the IGA that address a potential reversion of zoning back to S-1 if the conveyance of ASLD's Central Arizona Project water to the City of Phoenix is not fulfilled.

PLANS, INITIATIVES AND OVERLAYS

11. **Peripheral Area C and D Plan** The subject site falls within the boundaries of the Peripheral Area C and D Plan. The Phoenix City Council adopted the plan in 1987 to serve as guide for development of what was largely an undeveloped area at the time. Figure 5 below is an excerpt of the plan's land use map. The subject site is designated for mixed-use and multifamily development, with some single-family development. The proposed PUD is consistent with the plan's desire to locate non-residential uses along Carefree Highway. On page 14 of the plan it notes that the subject area "has the potential for attracting significant employment uses."

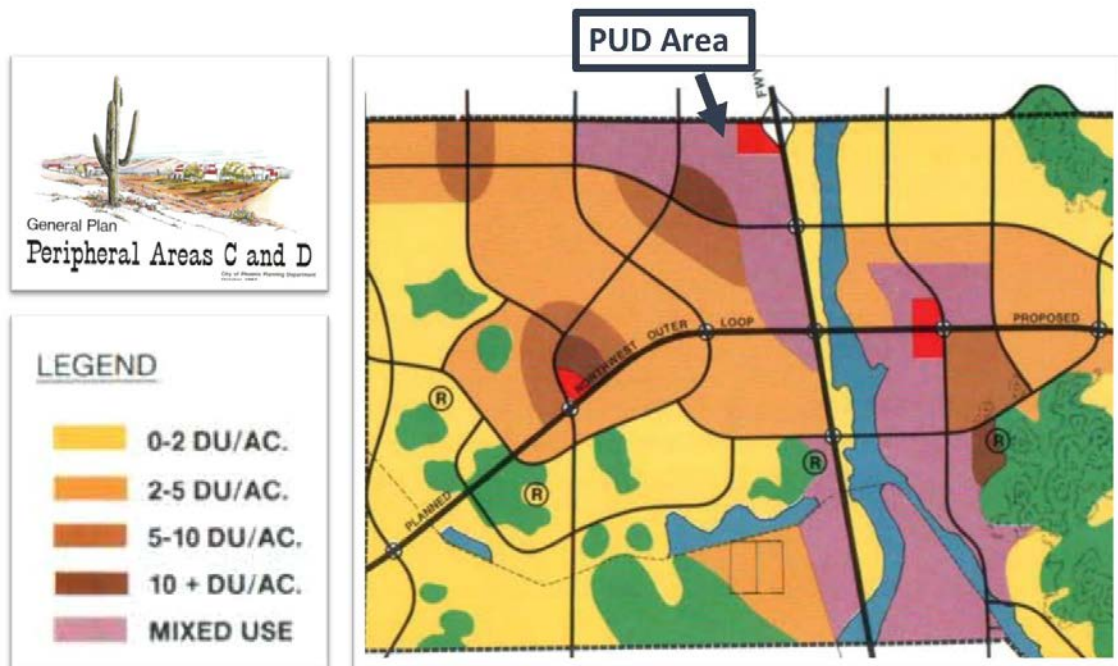


Figure 5: Peripheral C & D Plan Land Use Map (Source: City of Phoenix)

The proposed PUD is consistent with Peripheral Area C and D Plan's vision for the area as a location for significant employment uses.

12. **North Black Canyon Corridor Plan** The subject site just falls just outside of the North Black Canyon Corridor Plan's boundaries. The City Council adopted the North Black Canyon Corridor Plan in 1999 to establish policies and guidelines for growth within the area generally bounded by Carefree Highway on the north, the Central Arizona Project (CAP) Canal on the south, the Interstate 17 Freeway on the west and the 7th Avenue alignment on the east. The City Council adopted the North Black Canyon Overlay District (NBCOD) in 2001 in order to help implement the Corridor Plan. The PUD calls for adherence to applicable standards and guidelines of the NBCOD. Adherence to these standards and guidelines will result in development that contributes to the character that has been created by development on the east side of Interstate 17 within the Plan's boundaries.
13. **Tree and Shade Master Plan** The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect.

The PUD contains the following provisions that help to advance the goals of the Tree and Shade Master Plan:

- Minimum 10 percent open space required in the Tech Park and Tech Campus land use districts that will emphasize preservation of the site's existing vegetation and natural features.
 - Minimum 50 percent shading of all publicly accessible sidewalks and walkways by means of vegetation at maturity and/or shade structures.
 - Minimum 75 percent shading of all publicly accessible sidewalks and trails along arterial and collector roadways by means of vegetation at maturity and/or shade structures.
 - Detached sidewalks along both sides of public streets with single trunk trees.
14. **Complete Streets Guidelines** In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The PUD Narrative specifically addresses the Complete Street Guidelines in sections 5.e and 5.g with the following provisions:
 - Detach the sidewalks and provide shade along both sides of the sidewalk with single trunk trees. Alternate single trunk trees with other thick vegetation on landscape strip along that can discourage pedestrians from crossing mid-block.

- Delineate all pedestrian walkways where conflicts with vehicles exist with alternative paving materials. Any alternative paving material located within a right-of-way will require a private maintenance agreement with the Street Transportation Department.
 - Streets shall be designed to promote safety for all users, particularly children, the elderly, those with disabilities, transit users and more vulnerable modes (walking, bicycling, transit).
 - Streetscape designs shall include pedestrian infrastructure with pedestrian through zones free of impediments.
15. **Reimagine Phoenix** 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 PUD Narrative states that recycling programs will be established for both commercial and residential development.

COMMUNITY CORRESPONDENCE

16. **Deer Valley Unified School District:** The Planning and Development Department received an e-mail from the Deer Valley Unified School District (DVUSD) regarding the request. The DVUSD notes that they do not currently have the capacity for additional students. The Planning and Development Department reached out to representatives from DVUSD to discuss the request in depth. The Department highlighted that the PUD was primarily for commercial and commerce park uses with the potential for some multifamily uses in the PUD's Freeway Mixed-Use District.

The Department discussed the ongoing planning efforts with the ASLD and the need to identify potential school sites in the area south of the Loop 303. This area will be the subject of subsequent planning efforts with ASLD and the Department committed to work with the DVUSD as part of these efforts.

Arizona Game and Fish Department: The Arizona Game and Fish Department (AGFD) submitted a letter requesting that a disclosure notice be provided to all future development within the PUD regarding the operational characteristics of the Ben Avery Shooting Facility (BASF). The BASF sits on more than 1,600 acres on the north side of Carefree Highway across from the site. According to the BASF website, the facility hosts more than 120,000 shooters a year (Source: <https://www.azgfd.com/shooting/basf/>). Stipulation No. 10 requires a notice of disclosure regarding the BASF.

The BASF is designated a City of Phoenix Point of Pride and the land use designations on the subject site, especially along Carefree Highway, have historically been designated with the protection of the facility in mind. Most of the PUD's frontage along Carefree Highway is comprised of the Technology Park Land Use District. There are no residential land uses permitted in this district. The remaining frontage consists of the Freeway Mixed Use District. The Freeway Mixed Use District's three Development

Units: MU-A, MU-B, and MU-C all prohibit single-family residential development as a permitted land use. In addition, the Freeway Mixed Use District contains a restriction on the location of multifamily development in proximity of the north property line. Continuing to locate uses, that are compatible with the ongoing operation of the BASF will help to ensure that it remains a viable destination for the Phoenix community.

Copies of all community correspondence the Planning and Development Department has received regarding this request are attached to this report.

INTERDEPARTMENTAL COMMENTS

17. **Public Works Department, Flood Plain Management Division:** The Division determined that the parcel is located in Special Flood Hazard Areas called a Zone AE Floodplain & Floodway on panels 0840L & 0845L of the Flood Insurance Rate Maps (FIRM) dated March 7, 2014 & November 10, 2017, respectively.

Stipulations (Nos. 7 and 8) have been included that address restrictions for encroachments in the floodway and requirements for review of any grading and drainage plans.
18. **Fire Department:** The Department Fire Prevention Division saw no issues with the request but did emphasize that the site or/and building(s) shall comply with the Phoenix Fire Code. The Department went on to note that the water supply for the site is unknown at this time and will need to be addressed to meet the required fire flow per the Phoenix Fire Code.
19. **Street Transportation Department:** The Department provided several comments related to street planning, design and pedestrian safety that have been addressed in the PUD Narrative. Stipulation Nos. 2, 3, 4 and 5 have been included from the Department and require the submittal of a Traffic Impact Study and Master Street Design and Phasing Plans.
20. **Parks and Recreation Department:** The Department has requested that the developer/owner dedicate a 30-foot wide multi-use trail easement (MUTE) and construct a 10-foot wide multi-use trail along the south side of Carefree Highway. This is addressed in Stipulation No. 9.
21. **Water Services Department:** The Department provided several comments for water and wastewater infrastructure. The comments and the corresponding stipulations (Nos. 14 through 21) are meant to highlight the initial investment needed for the area. Additional investments may be needed at the time of application for site plan, PCD master plan, or building permit approval. These requirements will be based on the status of our water and sewer infrastructure at the time the application is submitted. For any given property, these requirements may vary over time to be less or more restrictive

depending on the status of our infrastructure

22. **Archaeology Office:** The site is 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. These comments are addressed in Stipulation Nos. 11, 12 and 13.

OTHER

23. Development and use of the site are 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 PUD provides a framework for the development of the site and positions the area for future investment.
2. The PUD contains standards that ensures development on the site will be consistent with the area's character and compatible with surrounding uses.
3. The PUD will further establish the site as a destination for employment uses that maximize the site's existing transportation infrastructure assets.

Stipulations

1. An updated Development Narrative for the 3500 PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative dated September 1, 2020 as modified by the following stipulations.
2. Developer shall dedicate and construct all right-of-way and roadways per the approved master street plans, as modified and approved by the Street

Transportation Department and the Planning and Development Department. All public roadways within the PUD shall be identified by future agreements to determine applicable funding responsibilities associated with infrastructure improvements.

3. The applicant shall submit a Traffic Impact Study (TIS) to the City for each Development Unit, or as modified by the Street Transportation Department. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City of Phoenix Street Transportation Department. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department Development Coordination Section.
4. The developer shall submit Master Street Design and Phasing Plans for each Development Unit as required by the Planned Community District (PCD), Section 636 of the Phoenix Zoning Ordinance, or as modified by the Street Transportation Department and Planning and Development Department.
5. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscape median islands, landscaping and other incidentals, as per the Master Street Plans and as modified and approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
6. The Arizona State Land Department and City of Phoenix will provide yearly updates to the North Gateway Village Planning Committee on the status of auctions and development within the PUD until the final property is auctioned.
7. No encroachment is allowed in the floodway without hydrologic and hydraulic analysis showing no rise in water surface elevation and increase in the special flood hazard area boundaries, as modified and approved by the Public Works Department and the Planning and Development Department.
8. The Developer is required to show the special flood hazard area boundary limits on plans and ensure that impacts to the proposed facilities and surrounding properties have been considered, following the National Flood Insurance Program (NFIP) Regulations (44 CFR Paragraph 60.3). This includes, but not limited to provisions in the latest versions of the Floodplain Ordinance of the Phoenix City Code. A copy of the Grading

and Drainage Plan needs to be submitted to the Floodplain Management section of Public Works Department for review and approval of Floodplain requirements prior to issuance of a grading permit.

9. The developer shall dedicate a 30-foot wide multi-use trail easement (MUTE) along the south side of Carefree Highway and construct a 10-foot wide multi-use trail (MUT) within the easement as indicated in section 429 of the City of Phoenix MAG Supplement, as approved by the Planning and Development Department.
10. Prior to final site plan approval, the property owner shall record documents that disclose to purchasers of property within the development(s) the existence and operational characteristics of the Ben Avery Shooting Facility. 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.
11. 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.
12. 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.
13. 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.
14. The development shall construct a new 52MGD Pressure Reducing Valve (PRV) Station at NWC of 51st Avenue and Carefree Highway, connecting to the existing 78-inch water main near Carefree Highway and 51st Avenue, as modified and approved by the Water Services Department and Planning and Development Department.
15. The development shall construct the following looped water system serving pressure zone 5ED: a new 54-inch water main along 51st Avenue connecting from the new PRV station to SR-303, then connecting to a new 36-inch water main along north of SR-303 from 51st Avenue, crossing I-

17, to the existing 54-inch water main at North Valley Parkway, as modified and approved by the Water Services Department and the Planning and Development Department.

16. The development shall construct the following looped water system serving pressure zone 6B: a new 16-inch water main along Carefree Highway connecting from the existing 16-inch stub east of 51st Avenue, crossing I-17, to the existing 12-inch water main at North Valley Parkway, as modified and approved by the Water Services Department and the Planning and Development Department.
17. The development shall be responsible of constructing any water mains that are smaller than 16-inch to connect from the regional major water infrastructure to the point of need or to comply with frontage requirement, as modified and approved by the Water Services Department and the Planning and Development Department.
18. The development shall construct a new 15-inch gravity sewer main along 51st Avenue from Dove Valley Road to the new lift station at the northeast corner of 51st Avenue and SR-303, as modified and approved by the Water Services Department and Planning and Development Department.
19. The development shall construct a new 15-inch gravity sewer main along north of SR-303 from I-17 to 43rd Avenue, then connecting to a new 18-inch gravity sewer main along north of SR-303 from 43rd Avenue to the new lift station at the northeast corner of 51st Avenue and SR-303, as modified and approved by the Water Services Department and Planning
20. The development shall construct a new lift station at the northeast corner of Deadman Wash and SR-303. The new lift station shall be sized to be able to handle the wastewater flow from all future developments west of 51st Avenue from Carefree Highway to SR-303. The development shall construct new dual 12-inch force mains with the option to add the third force main along north of SR-303 from this lift station to the new large lift station at the northeast corner of 51st Avenue and SR-303, as modified and approved by the Water Services Department and the Planning and Development Department.
21. The development shall construct a new lift station at the northeast corner of 51st Avenue and SR-303. The new lift station shall be sized to handle the wastewater flow from the lift station at Deadman Wash and SR-303 and the flows from developments between 51st Avenue and I-17 and SR-303 to Carefree Highway. The development shall construct new dual 16-inch force mains with the option to add the third force main along north of

SR-303 from this lift station, crossing I-17 to the City's existing Lift Station 66 (LS66) near Dixileta Drive and North Valley Parkway, as modified and approved by the Water Services Department.

22. The Arizona State Land Department will allow for a rezoning of the property back to S-1 without compensation if the City does not obtain within a year of this rezoning as least 3,900 acre-foot of CAP water needed to serve the site.

Writer

Joshua Bednarek

August 31, 2020

Exhibits

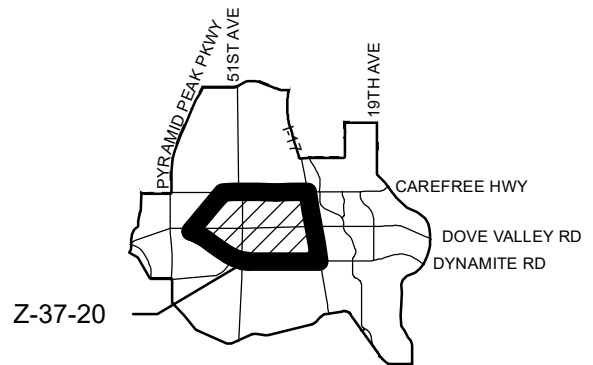
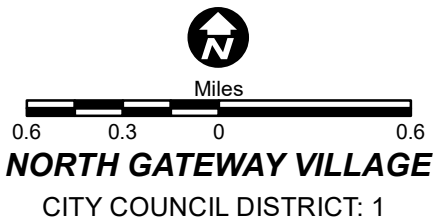
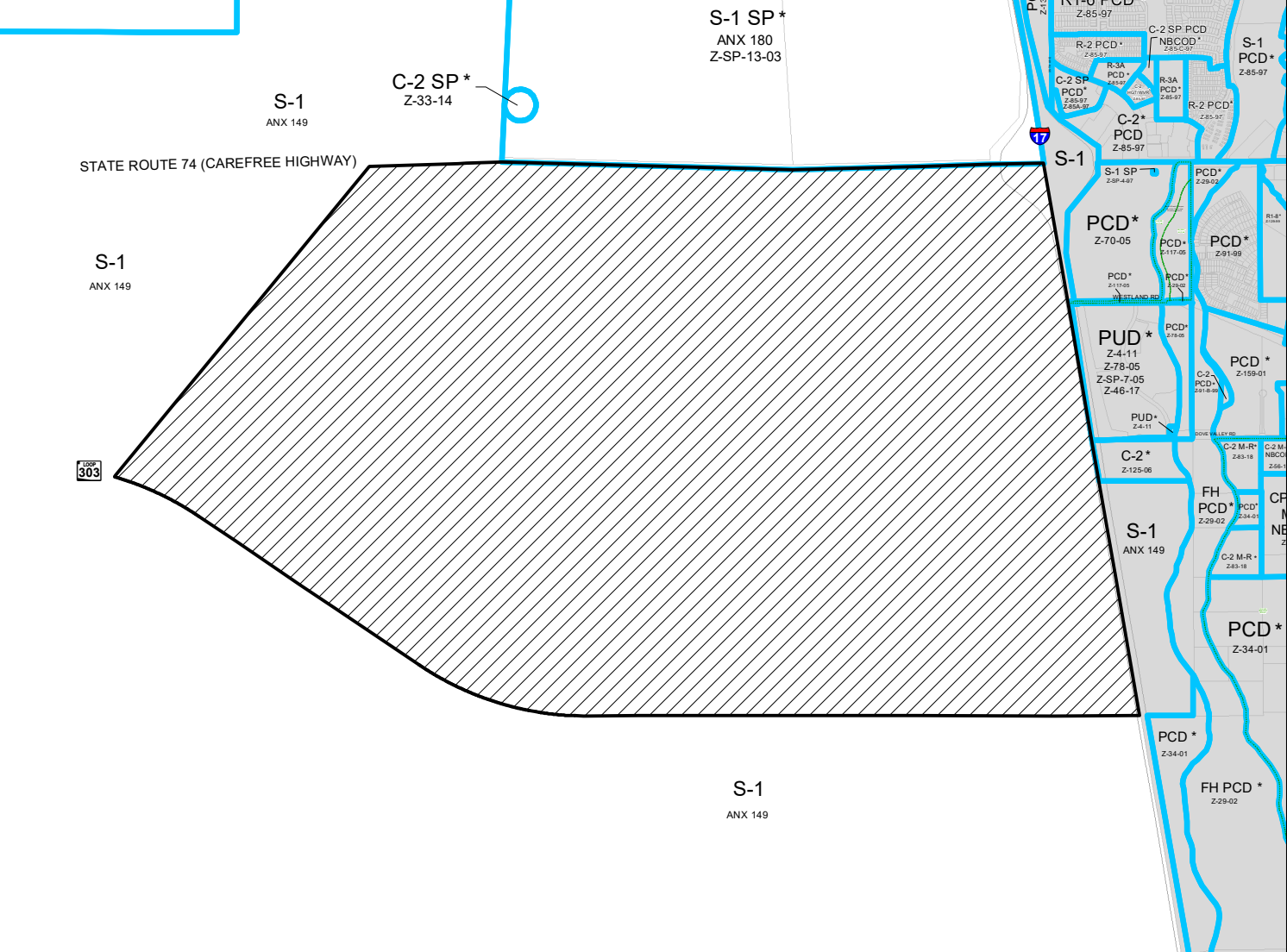
Exhibit A: Zoning sketch map

Exhibit B: Aerial sketch map

Exhibit C: [North Phoenix 3,500](#) PUD Hearing Draft date stamped September 1, 2020

Exhibit D: Community Correspondence (6 pages)

Exhibit A



APPLICANT'S NAME:
City of Phoenix Planning and Development Department

APPLICATION NO. Z-37-20

DATE: 7/22/2019
REVISION DATES:

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

3,721.60 Acres

**AERIAL PHOTO &
QUARTER SEC. NO.**
QS 55-15, 16, 17, 18, 19, 20, 21
QS 56-14, 15, 16, 17, 18, 19, 20, 21
QS 57-14, 15, 16, 17, 18, 19, 20, 21
QS 58-15, 16, 17, 18, 19, 20, 21

ZONING MAP
Q-5, Q-6
R-5, R-6

REQUESTED CHANGE:

FROM: S-1 (3,721.60 a.c.)

TO: PUD (3,721.60 a.c.)

MULTIPLES PERMITTED

S-1

PUD

CONVENTIONAL OPTION

3,721

8,960

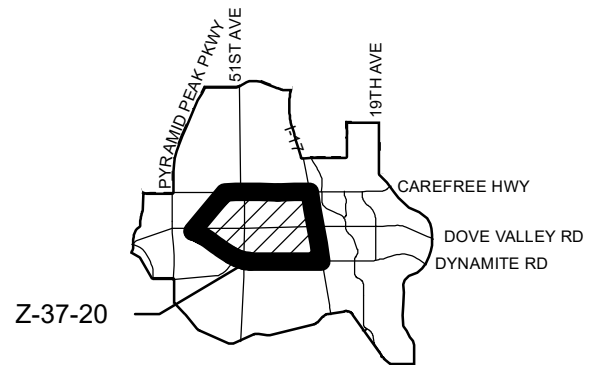
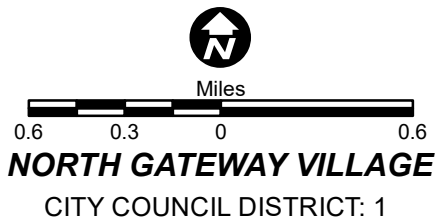
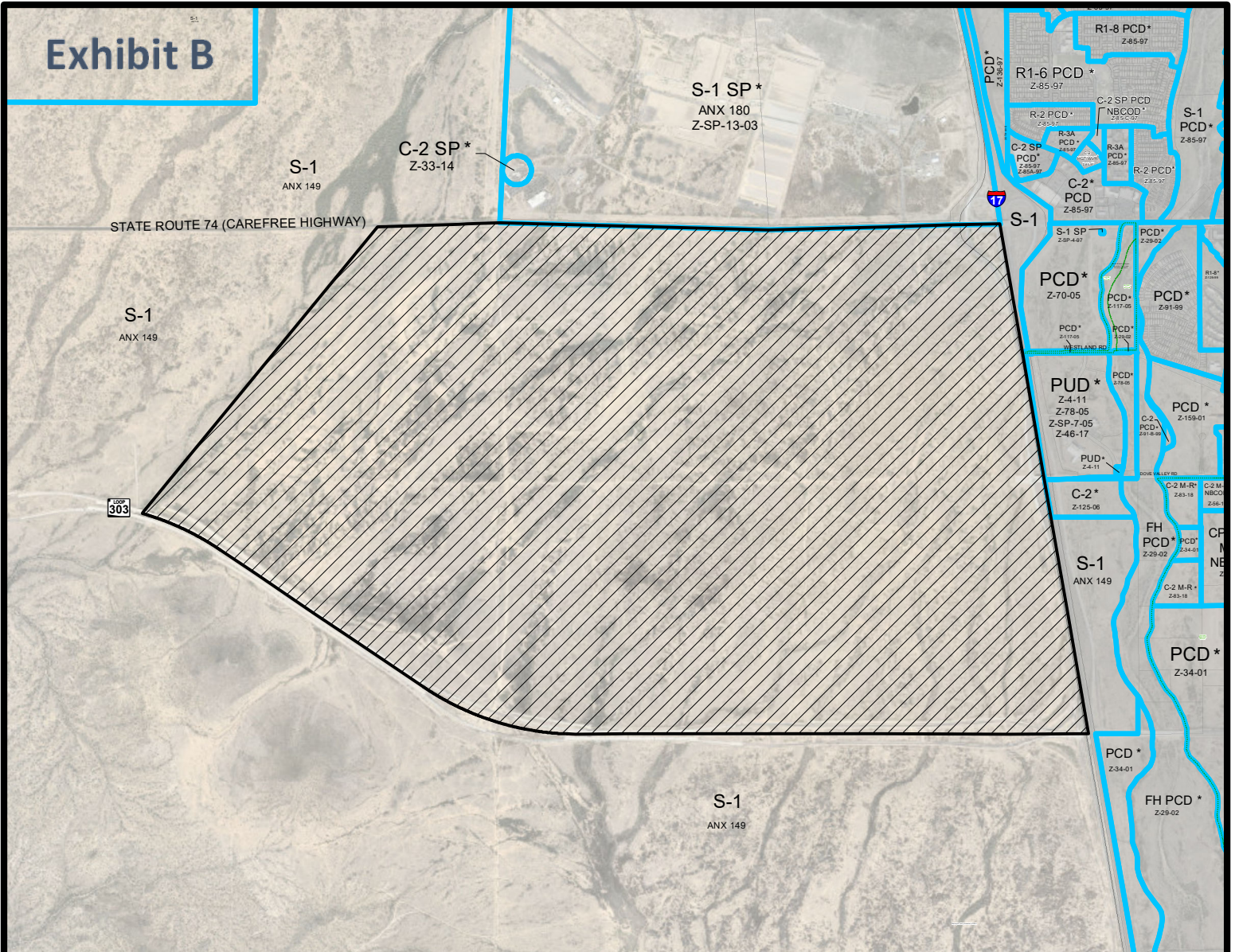
*** UNITS P.R.D. OPTION**

N/A

N/A

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

Exhibit B



APPLICANT'S NAME: City of Phoenix Planning and Development Department		REQUESTED CHANGE: FROM: S-1 (3,721.60 a.c.) TO: PUD (3,721.60 a.c.)	
APPLICATION NO. Z-37-20	DATE: 7/22/2019 REVISION DATES:		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 3,721.60 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 55-15, 16, 17, 18, 19, 20, 21 QS 56-14, 15, 16, 17, 18, 19, 20, 21 QS 57-14, 15, 16, 17, 18, 19, 20, 21 QS 58-15, 16, 17, 18, 19, 20, 21	ZONING MAP Q-5, Q-6 R-5, R-6	
MULTIPLES PERMITTED S-1 PUD	CONVENTIONAL OPTION 3,721 8,960	* UNITS P.R.D. OPTION N/A N/A	

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

Exhibit D

Samantha Keating

From: Kristi Trisko
Sent: Thursday, July 23, 2020 4:50 PM
To: Jim Migliorino; Samantha Keating
Cc: Curtis Finch; Geno Koman
Subject: RE: New REZONING Case File: Z-37-20-1 North Phoenix 3,500 PUD - 1st Submittal (Northwest corner of the I-17 and Loop 303 Freeways)

Thanks Jim. We look forward to working with you as well.

Kristi

Kristi Trisko

Long Range Planning – Planner 3
kristi.trisko@phoenix.gov
Phone (602) 534-9938



From: Jim Migliorino <Jim.Migliorino@dvusd.org>
Sent: Thursday, July 23, 2020 4:44 PM
To: Kristi Trisko <kristi.trisko@phoenix.gov>
Cc: Curtis Finch <Curtis.Finch@dvusd.org>; Geno Koman <geno.koman@phoenix.gov>
Subject: Re: New REZONING Case File: Z-37-20-1 North Phoenix 3,500 PUD - 1st Submittal (Northwest corner of the I-17 and Loop 303 Freeways)

Ms. Trisko:

Thank you for the opportunity to comment regarding this project. I apologize for missing the meeting this afternoon with our Superintendent, Dr. Finch. We obviously do not have the current school capacity to accommodate a development as large as this one but we would be eager to work with the developer to include future school sites in their master plan. We look forward to ongoing discussions regarding this project.

Jim Migliorino

Deputy Superintendent of Fiscal and Business Services
Deer Valley Unified School District
(623) 445-4958

Our mission is to provide extraordinary educational opportunities to every learner.

>>> Geno Koman <geno.koman@phoenix.gov> 7/9/2020 12:46 PM >>>
Good afternoon,

The following rezoning case files are ready for review. Please submit your comments to Kristi Trisko at kristi.trisko@phoenix.gov.

CASE FILE: Z-37-20-1 North Phoenix 3,500 PUD - 1st Submittal

VILLAGE: North Gateway

LOCATION: Northwest corner of the I-17 and Loop 303 Freeways

COMMENTS DUE: July 22, 2020



Thank you,
Geno Koman,
Secretary II
Long Range Planning
Office: 602-495-2076
200 West Washington Street
Phoenix, AZ 85003





August 31, 2020

Mr. Joshua Bednareck
City of Phoenix Planning and Development Department
Phoenix City Hall
200 W. Washington Street
Phoenix, AZ 85003

Submitted Electronically to: Joshua.Bednarek@phoenix.gov and COberholtzer@bfsolaw.com

RE: North Phoenix 3,500 Planned Unit Development, GPA-NG-20-1 & Z-37-20

Dear Mr. Bednareck,

The Arizona Game and Fish Department (Department) has reviewed the North Phoenix 3,500 Planned Unit Development (PUD), a master planned employment hub located at the northwest corner of the I-17 and Loop 303 freeways. Under Title 17 of the Arizona Revised Statutes, the Department, by and through the Arizona Game and Fish Commission (Commission), has jurisdictional authority and public trust responsibilities for the management of state fish and wildlife resources. It is the mission of the Department to conserve Arizona's diverse fish and wildlife resources and manage for safe, compatible outdoor recreation for current and future generations. The Ben Avery Shooting Facility (BASF), a Commission owned property located north of the proposed PUD, supports this mission.

The BASF is a public outdoor shooting range and, at 1650 acres, is one of the largest public operated shooting facilities in the United States. First construction of the range began in 1959, the Department took over operation in 1995. BASF is identified as one of the Phoenix Points of Pride and rated a Five Star Facility by the National Shooting Sports Foundation and has hosted Olympic training events for several shooting sport disciplines. The facility has multiple ranges for public, user groups and law enforcement agencies. The public use ranges include: Main Range, Clay Target Center, and multiple Archery Ranges. The specialty ranges for user groups include: Indoor Airgun/Archery; Smallbore Range; High Power Range; Rifle Silhouette Range; Department of Public Service; Benchrest Range; Pistol Ranges 2,3,4; Practice Pistol Bays; Pistol Silhouette Range; Mounted Shooting Arena; FITA/World Archery Range, and Rifle Ranges 1&2.

The Commission and the Department maintain license agreements with the Department of Public Service and Phoenix Police Department that specifically maintain ranges and facilities that support law enforcement training, in addition, other law enforcement agencies that provide public safety use the BASF to train. This nationally recognized facility is world class and hosts numerous competitions and provides an economic benefit to the nearby restaurants and other establishments. Since BASF is an active shooting range and is anticipated to generate noise, the

azgfd.gov | 602.942.3000

5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN KURT R. DAVIS, PHOENIX | LELAND S. "BILL" BRAKE, ELGIN
JAMES E. GOUGHNOUR, PAYSON | TODD G. GEILER, PRESCOTT | ERIC S. SPARKS, TUCSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

Department has the following comments and recommendations based on the proximity of the proposed PUD to the BASF.

The Department understands that the proposed PUD consists of three land use districts; Manufacturing Core District, Technology Park District, and Freeway Mixed Use District. The Department also understands that the stated goals and objectives of the proposed PUD are to “..establish development and performance standards to ensure a high quality of design and land use compatibility to create an attractive employment campus with compatible supporting uses, while also creating a sustainable and attractive working, shopping, and living environment.” The Department recognizes these goals and objectives and suggests that proactive measures for sound abatement in landscape design as well as building design and construction could be incorporated into the Sub-Areas to minimize or mitigate noise from the existing land use at BASF, such that end users of the proposed land use districts are able to fully realize their respective investment in the project and are able to conduct business, and manufacture goods, and dine outdoors without complaint of noise.

For reference, the Department did conduct a third-party study on the sound impact created by the BASF. While the study did reveal that the BASF was well within the published limits, surrounding communities are subject to noise from shooting sport activities. As such, the Department offers the following suggestion for the proposed PUD and Sub-Areas to consider or incorporate into their respective planning, commercials leases, covenants, or appropriate documents; *“Notice is hereby given that the property is located in proximity to the Ben Avery Shooting Facility, with potential for activity 24 hours per day, seven days per week in perpetuity, which may cause the property to be exposed to noise and other such matters associated with a shooting range, and all owners or prospective purchasers of lots or parcels are encouraged to independently investigate such matters and are hereby deemed to have constructive notice thereof.”* Tramonto, a community to the east of BASF, addressed the noise potential for their community through their Declaration of Covenants, Conditions and Restrictions with similar language as cited above. Although the proposed Land Use Districts map identifies a ½ mile Non-residential Area Buffer and the text similarly references ARS 9-461.05.G and specifically states that no residential development is permitted within the Manufacturing Core District, the Technology Park District, and the Freeway Mixed Use District, the Department recommends an additional prudent measure of increasing the “No residential development permitted zones” to one mile of the BASF to further minimize noise impact.

The Department does recommend considering existing conditions for traffic infrastructure when planning for full buildout for the proposed PUD, as an example Carefree Highway floods during storm events at the grade crossing for Deadman Wash Tributary 2 which causes traffic delays and interruption. While the Department considers washes and immediate uplands important habitat for wildlife, the Department does have personnel experienced in providing recommendations for communities and developments to incorporate wildlife friendly designs to facilitate wildlife movement (i.e., within washes) and support conservation values that benefit wildlife and wildlife related recreation; therefore Department personnel are available as resources to provide review on subsequent Sub-Area plans or features.

In closing, the Department appreciates the opportunity to provide comments on the proposed PUD, similarly the Department recognizes the importance of economic development for the North Phoenix area and the state, and also recognizes that the proposed PUD goals and objectives could provide an opportunity to enhance economic development that recognizes the significance of the BASF in the North Phoenix community and the benefit of outdoor and wildlife related recreation that supports existing land use at BASF. The Department looks forward to working with stakeholders to create a state-of-the-art project for the City of Phoenix and end users. If you have any questions, please do not hesitate to contact me at PEP@azgfd.gov or 623-236-7666.

Sincerely,

A handwritten signature in black ink, appearing to read 'Clay Crowder', with a stylized, cursive script.

Clay Crowder

Habitat, Evaluation, and Lands Branch Chief

AGFD # M20-08034916

Exhibit D

Joshua Bednarek

From: Sonoran Preserve <saveoursonoranpreserve@gmail.com>
Sent: Wednesday, August 12, 2020 9:30 AM
To: Alan Stephenson; Joshua Bednarek; medelman@azland.gov
Subject: North Phoenix 3500 Z-37-20 & Sonoran Preserve

Dear Alan, Joshua, and Mark,

I had the pleasure of meeting all of you at the Desert View VPC meetings concerning the MacEwan 480 rezone last year. I appreciated seeing your presentation and explanation of how State Land must be made whole and how problems occur when housing density is limited. In my pursuit to keep the Sonoran Preserve as a natural respite for Phoenixians, our group was thinking of the idea of a density swap. I saw the rezoning request for the North Phoenix 3500 PUD Z-37-20. The area is primed for development with traffic infrastructure already in place (a known issue for MacEwan and the rest of the State Land around the Preserve).

I was thinking of the possibility of a density transfer for the State Land around the Sonoran Preserve into the North Phoenix 3500 PUD. That way density requirements are met, State Land is made whole and residents in the area can still enjoy the natural landscape of the Sonoran Preserve.

I would love the opportunity to discuss in further detail perhaps over a ZOOM meeting.

Sincerely,

Dr. Gary Kirkilas

Save Our Sonoran Preserve (SOS-P)

<https://www.saveoursonoranpreserve.com/> [[saveoursonoranpreserve.com](https://www.saveoursonoranpreserve.com/)]