



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

### Staff Report Z-58-20-2 December 11, 2020

**Deer Valley Village Planning Committee** December 17, 2020  
**Meeting Date:**

**Planning Commission Hearing Date:** January 7, 2021

**Request From:** S-1 DVAO (Approved CP/GCP PCD DVAO) (Ranch or Farm Residence, Deer Valley Airport Overlay District, approved Commerce Park/General Commerce Park, Planned Community District, Deer Valley Airport Overlay District) (105.88 acres) and S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay District) (2.77 acres)

**Request To:** PUD DVAO (Planned Unit Development, Deer Valley Airport Overlay District) (108.66 acres)

**Proposed Use:** A mix of industrial and commerce park uses

**Location:** Approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road

**Owner:** Arizona State Land Department

**Applicant/Representative:** City of Phoenix, Planning and Development Department

**Staff Recommendation:** Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Current: Floodplain and Commerce/Business Park	
		Proposed (GPA-DV-2-20-2): Mixed Use (Industrial/Commerce/Business Park)	
<u>Street Map Classification</u>	7th Street	Major Arterial	Not dedicated as city right-of-way

	Alameda Road and 11th Street	Not designated	Not dedicated as city right-of-way
<p><b><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; MANUFACTURING / INDUSTRIAL DEVELOPMENT; LAND USE PRINCIPLE: Support the expansion of industrial zoning in targeted industrial areas.</i></b></p> <p>The proposed PUD permits commerce park and industrial uses in area designated for these types of uses.</p>			
<p><b><i>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.</i></b></p> <p>The proposed PUD will reinforce the location as a destination for employment uses within the Deer Valley Major Employment Center.</p>			
<p><b><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; AIRPORTS; LAND USE PRINCIPLE: Continue to carefully monitor and evaluate all future land uses around the airports, protecting the airport from incompatible development that could pose a safety hazard to aircraft passengers, or to individuals living or residing in those areas.</i></b></p> <p>The proposed PUD restricts residential land uses and establishes a land use mix that will be compatible with the Deer Valley Airport's operations.</p>			
<p><b><i>BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.</i></b></p> <p>The PUD contains development standards and guidelines that require a significant landscape setback along the perimeter streets. This landscape setback will provide for a double row of trees adjacent to sidewalks.</p>			

Applicable Plans, Overlays, and Initiatives	
<p><a href="#"><u>Deer Valley Airport Overlay District</u></a>: See Background Item No. 4.</p> <p><a href="#"><u>Deer Valley Major Employment Center</u></a>: See Background Item No. 5.</p> <p><a href="#"><u>Deer Valley Village Character Plan</u></a>: See Background Item No. 10</p>	

[Tree and Shade Master Plan](#): See Background Item No. 11

[Complete Streets Guidelines](#): See Background Item No. 12

[Reimagine Phoenix](#): See Background Item No. 13

## **Background/Issues/Analysis**

### **PROPOSAL**

1. This request is to rezone approximately 108.66 acres located approximately 1,320 feet south of the southeast corner of 7th Street and Happy Valley Road from S-1 DVAO (Approved CP/GCP PCD DVAO) (Ranch or Farm Residence, Deer Valley Airport Overlay District, approved Commerce Park/General Commerce Park, Planned Community District, Deer Valley Airport Overlay District)) (105.88 acres) and S-1 DVAO (Ranch or Farm Residence, Deer Valley Airport Overlay District) (2.77 acres) to PUD DVAO (Planned Unit Development, Deer Valley Airport Overlay District).

The PUD provides a zoning and regulatory framework to permit a mix of commerce park and industrial land uses. The subject property is State Trust Land and is managed by the Arizona State Land Department (ASLD). The ASLD, in partnership with the City of Phoenix, has identified strategically located parcels that are positioned to provide maximum benefit to the Trust's Beneficiaries when auctioned. Proceeds from ASLD auctions go to a variety of beneficiaries including public schools and the state's public universities. The subject property's proximity to the Deer Valley Airport and Interstate 17 Freeway position it well for future investment.

The City of Phoenix and ASLD have previously partnered to rezone the property to CP/GCP PCD in 2004 via rezoning case Z-117-04. The rezoning case was part of a much larger area that extended to Central Avenue on the west, 12th Street to the east and generally Happy Valley Road to the north and the CAP Canal to the south. The property never developed under the approved CP/GCP PCD zoning.

### **EXISTING SITE CONDITIONS**

2. The entire site is undeveloped and bordered on all four sides by undeveloped land. Exhibit B attached to this report is an aerial map of the subject property and surrounding area. East of the site is unannexed property in Maricopa County.

### **GENERAL PLAN LAND USE MAP DESIGNATIONS, LAND USES AND ZONING**

3. The table on the following page (Figure 1) provides a summary of the onsite and surrounding General Plan (GP) Land Use Map designations, existing land uses and zoning.

Location	GP Land Use	Existing Land Uses	Zoning
On Site	Floodplain and Commerce/Business Park	Vacant	S-1 (Approved CP/GCP PCD); S-1
North	Commerce / Business Park	Vacant	S-1 (Approved CP/GCP)
South	Floodplain and Commerce / Business Park	Vacant	S-1 (Approved CP/GCP PCD); S-1
East	Commerce / Business Park,	Vacant, Industrial, Outdoor storage uses	County
West	Floodplain and Commerce / Business Park	Vacant	S-1 (Approved CP/GCP PCD); S-1

Figure 1: Surrounding Land Use Designations, Land Use and Zoning

The proposed PUD permits a mix of commerce park and industrial land uses which is not consistent with the General Plan Land Use Map designation of Commerce Park / Business Park for the site. A companion General Plan Amendment request (GPA-DV-2-20-2) proposes a Mixed-Use land use designation of Industrial/Commerce/Business Park. This Mixed-Use designation will allow commerce park and industrial land uses the flexibility to locate on any portion of the site in compliance with the PUD's development standards.

#### **DEER VALLEY AIRPORT OVERLAY DISTRICT**

- The site falls within the boundaries of the Deer Valley Airport Overlay District (DVAO). The City Council adopted the DVAO in 2006 to protect the health, safety and welfare of persons and property in the vicinity of Deer Valley Airport (DVA) and to protect the long term viability of DVA as a general aviation facility by ensuring land use compatibility with airport operations, protecting navigable airspace from physical encroachment and requiring permanent notice of flight operations to property owners.

The DVAO establishes different regulatory areas within its boundaries – Areas 1, 2 & 3. In Area 1 the DVAO places a restriction on residential development within A-1 zoned properties. Areas 2 & 3 have additional use restrictions and Area 3 has additional building height restrictions. The subject properties falls within the boundaries of Area 1. Figure 2. on the following page is a map of the boundaries of the DVAO Areas along with the subject property.

The proposed PUD will maintain and adhere to the the DVAO. The PUD's permitted use list is consistent with the DVAO's restrictions and goes even further to completely restrict residential land uses. The PUD's regulatory framework ensures that the property will develop in a manner that is compatible with the ongoing operations of the Deer Valley Airport.

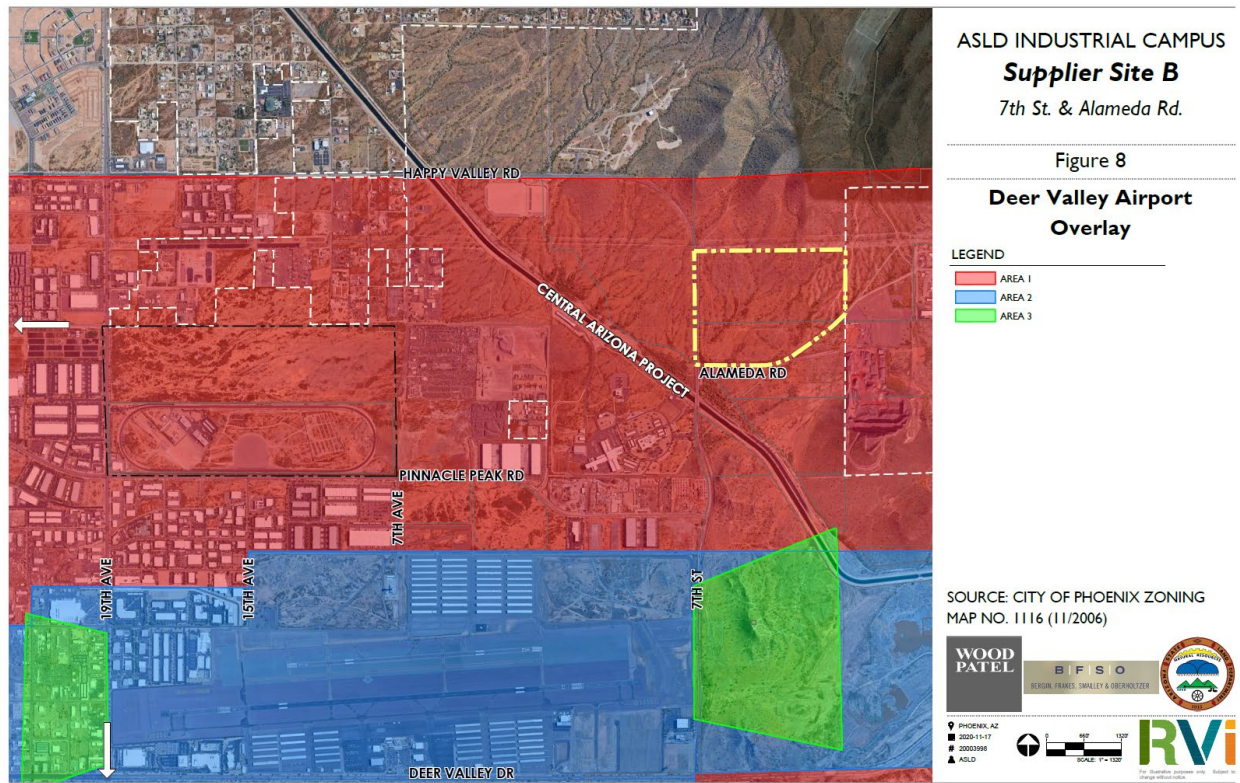


Figure 2: DVAO Areas and Subject Site (Sources: ASLD)

## DEER VALLEY MAJOR EMPLOYMENT CENTER

5. The subject site is located approximately 3 miles from the Interstate 17 Freeway and within the Deer Valley Major Employment Center. The proposed PUD will position the site to add additional employment opportunities within the employment center and within close proximity to a major freeway corridor.

## PUD NARRATIVE

6. 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 link to the PUD Narrative is included in this report as Exhibit C. Stipulation No. 1 includes a requirement to provide an updated version of the narrative after City Council approval.
7. **Land Use:** The PUD permitted use list consists of the permitted uses from the A-2

Industrial District and the Commerce Park District's General Commerce Park option. The use list will permit a variety of uses that are consistent with the permitted uses in the surrounding area and will be compatible with the operations of Deer Valley Airport. In order to ensure that the site is development with the desired employment-oriented uses and with the goal of ensuring compatibility with the Deer Valley Airport, the PUD prohibits residential uses on the property.

8. **Development Standards:** The PUD establishes a uniform set of development standards for the entire site. A full list of the development standards can be found on pages 9 through 14 in the attached PUD Narrative. Below is a summary that highlights some of the development standards.

- **Building Height:** Maximum of 80 feet and in addition to the building height exceptions outlined in the Zoning Ordinance (Section 701.B), non-habitable mechanical equipment and structures that may include, but are not limited to, elements such air separators, exhaust pipes, storage tanks, and gas processing equipment are permitted up to 150 feet in height.
- **Open Space:** For any property development in excess of 56 feet: A minimum of 10 percent of the parcel's total net area shall be open space with appropriate landscaping and other employee-oriented amenities
- **Building / Landscape Setbacks**
  - o Arterial or Collector Street: 50 feet minimum
  - o Local Street: 20 feet minimum

The PUD's standards for landscape setbacks exceed those in the Commerce Park General Commerce Park and A-2 zoning districts. The landscape setback standards will provide for a significant buffer between the onsite uses and the adjacent streets. The PUD also contains enhanced landscaping standards for the landscape setbacks. The setbacks along streets will be required to provide a tree every twenty feet, five shrubs per tree and a minimum of 60 percent of the setback area will have live ground cover.

The PUD utilizes the Zoning Ordinance standards for parking, signs, lighting and screening.

9. **Streetscape & Other Guidelines:** The PUD Narrative outlines additional provisions to enhance the projects interface with public streets. The PUD will require the provision of a detached sidewalk along the site's perimeter streets with a double row of trees. The PUD also contains guidelines that address the design of buildings and open space.

## **PLANS, INITIATIVES AND OVERLAYS**

10. **Deer Valley Character Plan**: The Deer Valley Village Planning Committee and Phoenix City Council adopted the Deer Valley Village Character Plan in 2018. Development of a Character Plan by each of the fifteen Village Planning Committees was called for in the 2015 General Plan Update. The Deer Valley Village Character Plan celebrates the village's assets and highlights elements of the 2015 General Plan that the Deer Valley Village Planning Committee identified as most relevant to their community. The PUD Narrative addresses several of the General Plan policies identified in the Character Plan including support for land use and rezoning cases that facilitate the location of employment generating uses in employment centers and development of sites with existing infrastructure and transportation capacity.
11. **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 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.
12. **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 Section 6.c. and requires detached sidewalks with a double row of street trees along collector and arterial streets.
  13. **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 does not address how recycling will be provided on site.

## **COMMUNITY CORRESPONDENCE**

14. At the time of this report the Planning and Development Department had not received any comments from the community regarding this request.

## **INTERDEPARTMENTAL COMMENTS**

15. **Public Works Department, Flood Plain Management Division:** It has been determined that this parcel is not in a Special Flood Hazard Area (SFHA), but located in a Shaded Zone X, on panel 1280 L of the Flood Insurance Rate Maps (FIRM) dated January 29, 2015.
16. **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.
17. **Street Transportation Department:** The Street Transportation Department provided several comments related to street planning, design and pedestrian safety that have been addressed in the PUD Narrative. Stipulation Nos. 2 through 6 address the requirements for the project to dedicate the necessary right-of-way for adjacent streets, street construction and the requirement for a traffic impact study and traffic signal conduit plan
18. **Public Transit Department:** The Public Transit Department requested the PUD Narrative address pedestrian safety connectivity, safety and comfort between any public transit facilities and buildings on the site. These provisions have been included in the PUD's Pedestrian Circulation subsection on pages 13 through 14.

In addition, the Public Transit Department has requested dedication of right-of-way and construction of two bus stop pads along 7th Street. This request is addressed in Stipulation No. 7.

19. **Aviation Department:** Due to the property's proximity to the Deer Valley Airport, the Aviation Department has requested requiring coordination with the Federal Aviation Administration and additional notice to prospective purchasers. These requests are addressed in Stipulations Nos. 8 and 9.
20. **Water Services Department:** The Department provided several comments for water and wastewater infrastructure. The comments 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.
21. **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 Stipulations Nos. 10, 11, 12.

## OTHER

22. 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 ASLD Supplier Site B 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 Development Narrative dated December 3, 2020 as modified by the following stipulations.
2. The developer shall dedicate 65 feet of right-of-way and construct the east half of 7th Street for the full limits of the project per Cross Section B identified on the City of Phoenix Street Classification Map, or as modified and approved by the Street Transportation and Planning and Development departments.
3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study is

reviewed and approved by the City. Contact the Street Transportation Department to set up a meeting to discuss requirements of the study. The TIS shall include a signal warrant analysis for the intersections of 7th Street and Alameda. The developer shall be responsible for the cost of improvements as required by the approved Traffic Impact study.

4. The developer shall submit a traffic signal conduit plan and install all necessary infrastructure at the northeast corner of 7th Street and Alameda Road, as approved by the Street Transportation Department.
5. All designated public roadways shall meet the City of Phoenix, Storm Water Design Manual for dry crossings, as approved by the Street Transportation Department.
6. 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.
7. The developer shall dedicate right-of-way and construct two bus stop pads along northbound 7th Street at locations approved by the Public Transit Department. Bus stop pads shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. Trees shall be placed to provide 50% shade coverage to bus stop pads at full maturity.
8. The developer shall submit 7460 Forms to FAA and receive FAA no hazard determination or mitigations approved by FAA for both temporary (eg, construction cranes) and permanent (eg, structures) development, prior to final site plan approval as modified and approved by the Aviation and Planning and Development departments.
9. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport, as required by the State, prior to final site plan approval as modified and approved by the Aviation and Planning and Development Departments.
10. 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.
11. 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.

12. 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.

**Writer**

Joshua Bednarek

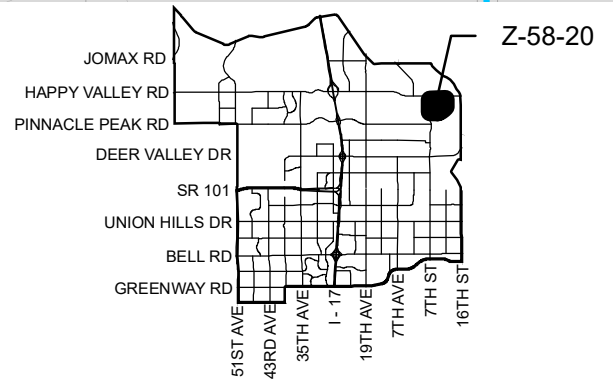
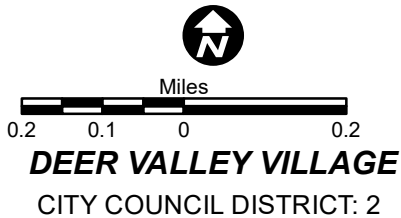
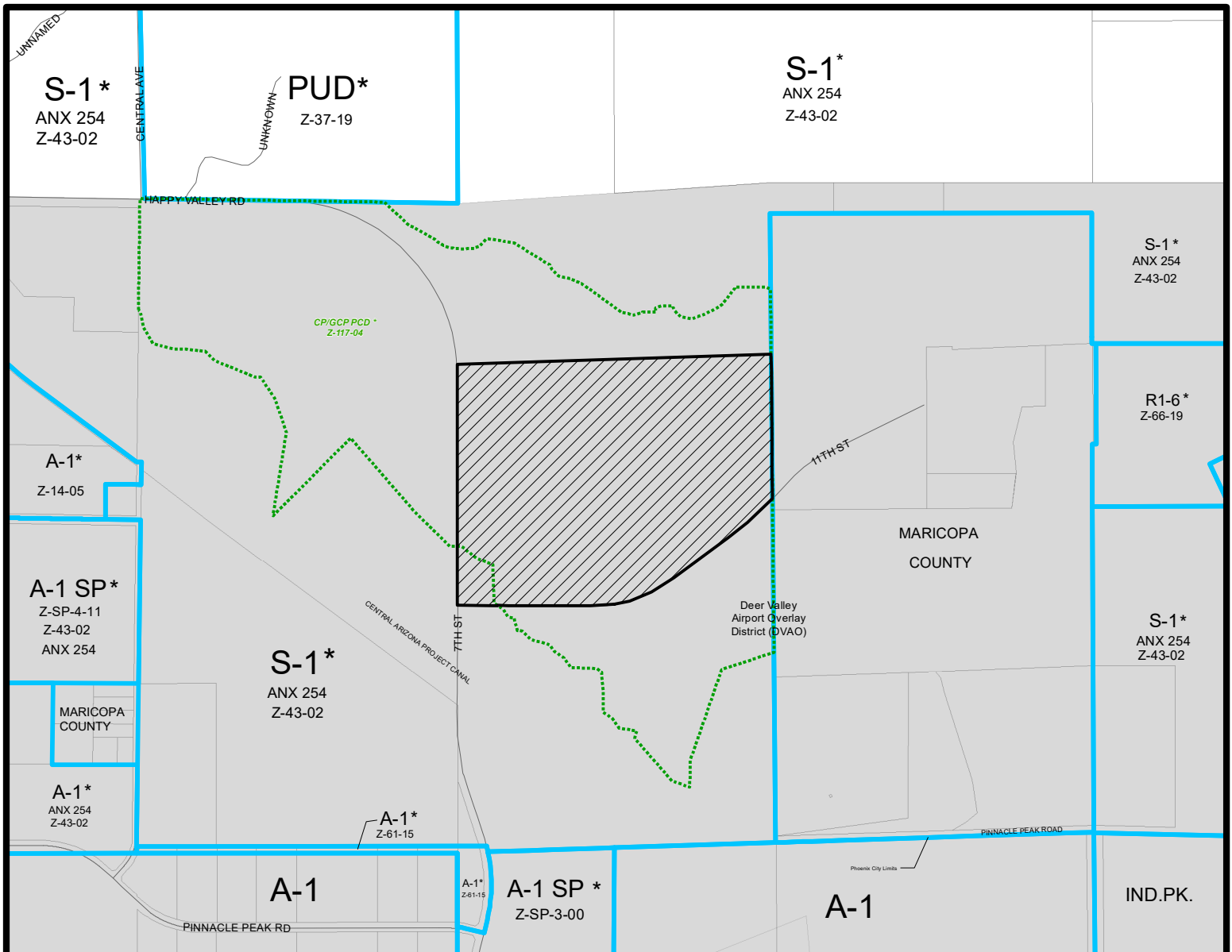
December 11, 2020

**Exhibits**

Exhibit A: Zoning sketch map

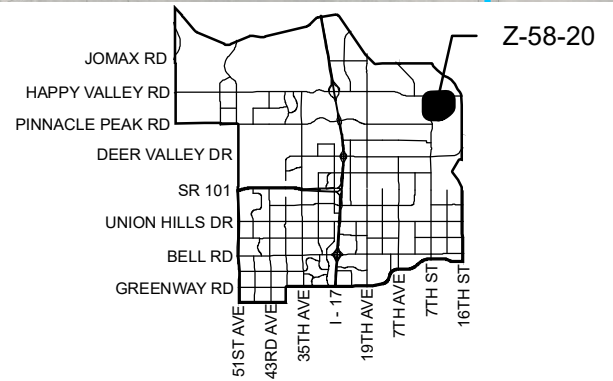
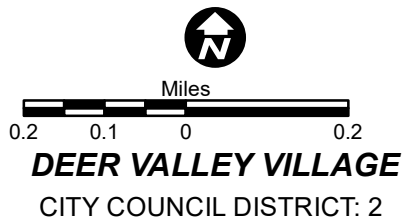
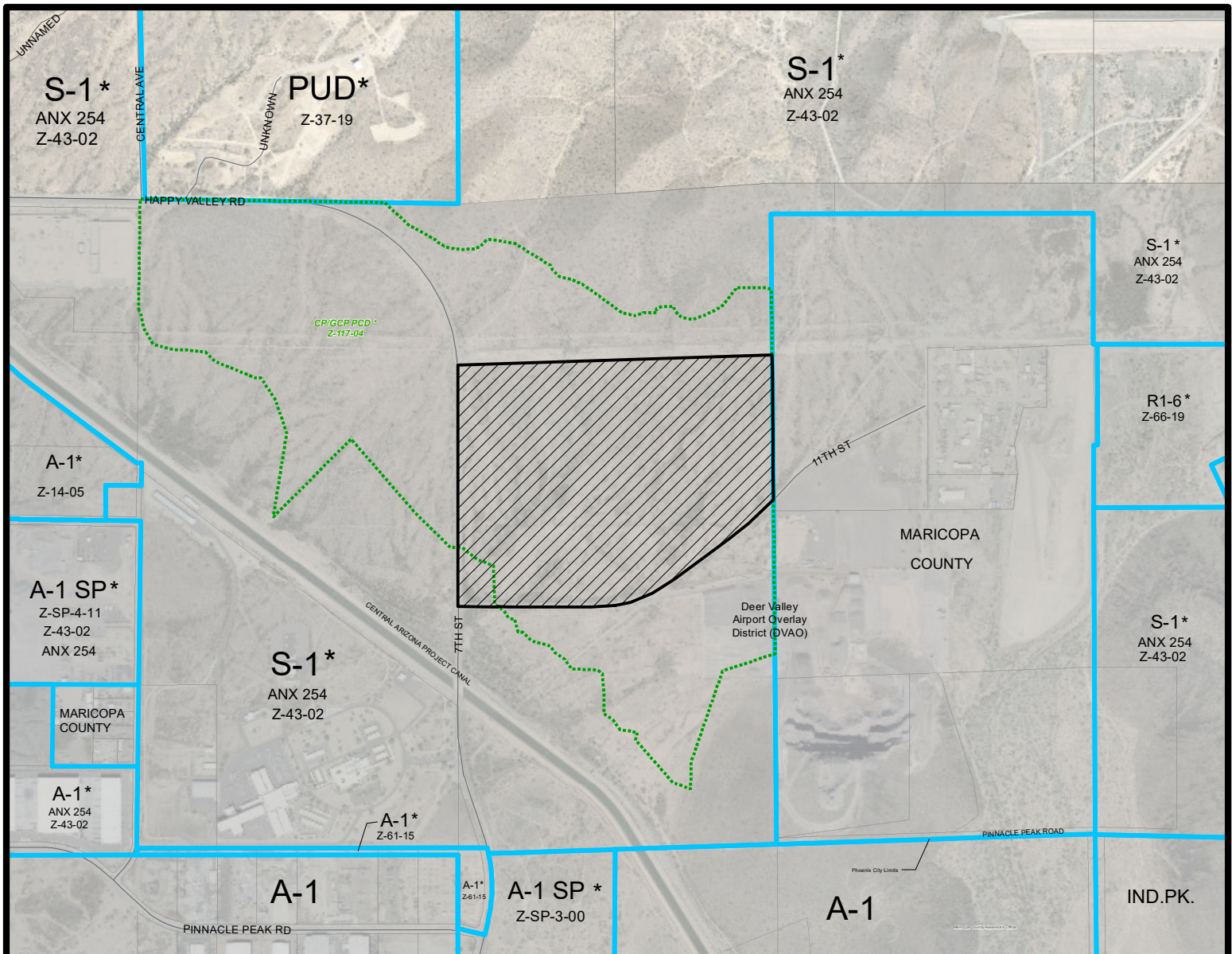
Exhibit B: Aerial sketch map

Exhibit C: [ASLD Supplier Site B PUD Hearing Draft](#) date stamped December 3, 2020



<b>APPLICANT'S NAME:</b> City of Phoenix Planning and Development Department		<b>REQUESTED CHANGE:</b> FROM: S-1 DVAO (Approved CP/GCP PCD DVAO) ( 105.88 a.c.) S-1 DVAO ( 2.77 a.c.) TO: PUD DVAO ( 108.66 a.c.)	
<b>APPLICATION NO.</b> Z-58-20	<b>DATE:</b> 11/20/2020 <b>REVISION DATES:</b>		
<b>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</b> 108.66 Acres	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 45-29 QS 46-29	<b>ZONING MAP</b> O-9	
<b>MULTIPLES PERMITTED</b> S-1 DVAO (Approved CP/GCP PCD DVAO), S-1 DVAO PUD DVAO	<b>CONVENTIONAL OPTION</b> 105 (N/A), 2 N/A		<b>* UNITS P.R.D. OPTION</b> N/A (N/A), N/A N/A

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



<b>APPLICANT'S NAME:</b> City of Phoenix Planning and Development Department		<b>REQUESTED CHANGE:</b> FROM: S-1 DVAO (Approved CP/GCP PCD DVAO) ( 105.88 a.c.) S-1 DVAO ( 2.77 a.c.)	
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<b>MULTIPLES PERMITTED</b> S-1 DVAO (Approved CP/GCP PCD DVAO), S-1 DVAO PUD DVAO	<b>CONVENTIONAL OPTION</b> 105 (N/A), 2 N/A		<b>* UNITS P.R.D. OPTION</b> N/A (N/A), N/A N/A

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