

ATTACHMENT D



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

To: City of Phoenix Planning Commission **Date:** January 31, 2024

From: Racelle Escolar, AICP
Principal Planner

Subject: ITEM NO. 5 (Z-45-23-1) – THE SHOPS AT NORTERRA PUD –
NORTHWEST CORNER OF NORTERRA PARKWAY AND HAPPY
VALLEY ROAD

The purpose of this memo is to clarify the requirements in Section 671.B.5 and correct Stipulation No. 1.b.

Rezoning Case No. Z-45-23-1 is a request to rezone 46.45 acres from C-2 M-R PCD (Intermediate Commercial, Mid-Rise District, Planned Community District) to PUD PCD (Planned Unit Development, Planned Community District) to allow an existing shopping center with temporary/promotional events.

The Deer Valley VPC heard this request on January 16, 2024, and recommended approval, per the staff recommendation, with a modification, by a vote of 9-0. The VPC recommended removing Stipulation No. 1.b. regarding a provision for digital billboards. The intent of this is to allow for off-premise signs/outdoor advertising structures (billboards) to have electronic message displays by-right. However, the PUD Section of the Phoenix Zoning Ordinance (671.B.5.) requires that outdoor advertising structures comply with Section 705.2 of the Ordinance. This section requires that digital billboards obtain a use permit, among other conditions.

The provisions of this PUD cannot override the Zoning Ordinance requirements as stated in Section 671.B.5.; therefore Stipulation No. 1.b shall remain.

Staff recommends approval, per the modified stipulations in **bold** font below:

1. An updated Development Narrative for The Shops at Norterra PUD reflecting the changes approved through the request shall be submitted to the Planning and Development Department within 30 days of City Council approval of the request. The updated narrative shall be consistent with the Development Narrative date stamped January 3, 2024, as modified by the following stipulations:
 - a. Update the front cover page with the submittal date of the Hearing Draft.
 - b. **Page 9: F. Signs, second bullet: Delete the word “digital”.**
2. **Airport Disclosure:** The property owner shall record documents that disclose the existence, and operational characteristics of Deer Valley Airport to future owners or tenants of the property. The form and content of such documents

shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

3. **Archeologically Sensitive:** 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.
4. **Archeologically Sensitive:** 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.
5. **Archeologically Sensitive:** 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.
6. **Prop 207:** Prior to final site plan approval or the issuance of a permit, 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.

Planned Community District Stipulations

Overall Site Plan

7. That, as a portion of a larger Planned Community District, the following stipulations shall apply per Z-74-02-1 and Z-153-99-1.
8. The development shall be in general conformance with the site plan date stamped May 11, 2007, with regards to the pedestrian spine, phasing, and general development intensities.
9. A maximum of 5 building pads less than 10,000 square feet in size shall be allowed throughout the 140.2 acre site.

Amenities

10. The pedestrian spine extending from Jomax to Happy Valley Road as illustrated on the conceptual plan date stamped May 11, 2007 shall be visually identified with a combination of similar hardscape improvements and a consistent landscape theme, with the inclusion of a pedestrian gate so the employees can access the retail parcel to the south.

Visual Impacts

11. The below minimum building setbacks shall apply along the following street frontages, as approved by the Planning and Development Department. The landscape setback along the street frontages shall include a mix of a minimum of 3 and 4 inch caliper trees planted approximately 20-feet on center to screen the buildings.
 - a. Happy Valley Road (west of Norterra Parkway) shall be a minimum of 60 feet (with a 75-foot average).
12. The applicant shall provide a minimum 30-foot, undulating landscape setback, with a maximum average landscape setback not to exceed 35 feet, as measured from the right-of-way prior to any trail dedication, planted with drought tolerant vegetation in the Sonoran Boulevard Standards, and meandering sidewalk (where required) adjacent to perimeter street, except along Happy Valley Road; where the landscape setback and sidewalk shall be per the Sonoran Boulevard Standards, as measured from the right-of way prior to any trail dedication.
13. Any loading, maneuvering and other service areas shall be located interior within the campus and screened so they are not visible from the perimeter rights-of-way.
14. The development along Happy Valley Road shall comply with the Sonoran Boulevard Standards.

Parking

15. Individual parking structures shall not be arranged such that they create a linear walled effect at the perimeter of the property.
16. Parking structures shall be designed, to the greatest extent possible; to minimize the mass of parking structures with adjacent residential properties. In addition, the parking structures shall be so designed as to prevent vehicular headlights and the interior lights of the parking structures from shining directly onto residential properties.