



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**To:** John Trujillo  
Acting Deputy City Manager

**Date:** June 30, 2015

**From:** Alan Stephenson *AS*  
Planning and Development Director

**Subject:** ITEM 148 ON THE JULY 1, 2015 FORMAL AGENDA – REQUEST TO CORRECT AGENDA ITEM AND REVISE STIPULATIONS FOR NORTERRA PUD, Z-3-15-1 (G-6046)

Item 148, PUD Rezoning Application Z-3-15-1 and Ordinance G-6046, is a request to rezone 397.86 acres located at the northwest corner of 19<sup>th</sup> Avenue and Happy Valley Road from S-1 (Approved CP/GCP M-R PCD), C-2 M-R PCD, CP/GCP M-R PCD, S-1, RE-43 (Approved CP/GCP PCD), and RE-43 to PUD to allow mixed use, including single-family, multi-family, and commercial uses.

On May 21, 2015, the Deer Valley Village Planning Committee recommended approval per the stipulations in Addendum A dated May 21, 2015 by a vote of 8-1.

On June 9, 2015, the Planning Commission recommended approval as recommended by the Deer Valley Village Planning Committee with a modification to Stipulation No. 2 by a vote of 5-0. There was no one present in opposition.

Corrections to agenda Item 148 (Ordinance G-6046 – Rezoning – Z-3-15-1 – 19th Avenue and Happy Valley Road): The request “From” and “To”, “Proposal”, “Staff” recommendation, “VPC Action”, and “PC Action” should be corrected to accurately reflect the request, staff recommendation, and actions taken. The item should read as follows:

Application: Z-3-15-1 (Companion Case GPA-DV-1-15-1)  
 From: ~~Commerce Park/Business Park, Mixed Use (Commercial, Commerce Park/Business Park), Residential 2 S-1 (APPROVED CP/GCP M-R PCD), C-2 M-R PCD, CP/GCP M-R PCD, S-1, RE-43 (APPROVED CP/GCP PCD), RE-43~~  
 To: ~~5 To: Mixed Use (Commercial, Commerce Park/Business Park, Residential 5-10, 10-15, and 15+) PUD~~  
 Acreage: 397.86  
 Location: Northwest corner of 19th Avenue and Happy Valley Road  
 Proposal: ~~To allow for a mix of commercial, residential, and commerce/business park uses~~ PLANNED UNIT DEVELOPMENT (PUD) TO MIXED USE, INCLUDING SINGLE-FAMILY, MULTI-FAMILY, AND COMMERCIAL USES  
 Applicant: Jason Morris/Adam Baugh

Staff: Approved AL, PER THE STIPULATIONS IN STAFF ADDENDUM A DATED MAY 21, 2015  
VPC Action: ~~Deer Valley May 21, 2015~~ Approved, PER THE STIPULATIONS IN ADDENDUM A DATED MAY 21, 2015. Vote 9-0 8-1  
PC Action: ~~June 9, 2015~~ Approved AS RECOMMENDED BY THE DEER VALLEY VILLAGE PLANNING COMMITTEE WITH A MODIFICATION TO STIPULATION 2. Vote 5-0

Revised Stipulations: Staff is also requesting a modification to Stipulation 1.i. regarding building setbacks and additional Stipulation Nos. 3 and 4 regarding aviation stipulations.

Stipulation No. 1.i. incorrectly referenced the building setback, rather than building height. The stipulation should read as follows:

- i. Page 30-31, Development Standards: Applicant shall add a setback provision for buildings over 45 feet as follows:
  1. **Height Transition Standards:**  
Properties that have building types that are over 45 feet in height and have a shared property line with a Single-Family Attached and Detached Residential building type shall provide a building setback of one foot for each additional one foot of building setback HEIGHT over the 45-foot height and up to the maximum permitted height.”

Stipulation Nos. 3 and 4. were inadvertently left out of the original proposed stipulations in the staff report. The stipulations should read as follows:

3. THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF THE PHOENIX 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.
4. THE PROPERTY OWNER SHALL RECORD A LIMITED AVIGATION EASEMENT GRANTED TO THE CITY OF PHOENIX FOR OVERFLIGHT RIGHT-OF-WAY, INCLUDING THE RIGHTS, EFFECTS AND IMPACTS TO AND UPON THE ABOVE PROPERTY.

The applicant has met with the Deer Valley Unified School District and as a result is proposing the following revision to Stipulation No. 2:

2. A minimum 12-acre public school site at a location acceptable to the applicant and the Street Transportation Department in consultation with the Deer Valley

Unified School District OR ANY OTHER PRIVATE OR CHARTER SCHOOL, shall be shown on the Master Plans for the Norterra PUD, as approved by the Planning and Development Department. The school site shall be reserved for one year from the date of approval of adjacent final plat or a final plat delineating the school site, ~~unless otherwise released by the Deer Valley Unified School District.~~

Staff recommends approval of Z-3-15-1 per the revised stipulations below and adoption of the related Ordinance G-6046.

Stipulations:

1. An updated Development Narrative for the Norterra 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 May 1, 2015, as modified by the following stipulations:
  - a. Page 21, Surrounding Conditions Table: Applicant shall revise "R1-08" to "R1-8".
  - b. Page 23, Exhibit 7 (General Plan Map): Applicant shall revise the proposed General Plan Map to reflect the Proposed General Plan map that is generated by the city.
  - c. Page 28, a. Permitted Uses, 3: Applicant shall revise the second line as follows "in character, with more than one uses including, but not".
  - d. Page 29, Land Use Table: Applicant shall revise Zone 4-A, Multi-Family Residential to "Not Permitted".
  - e. Page 29, Land Use Table: Applicant shall revise Zone 6, Single-Family Detached Residential to "Not Permitted".
  - f. Page 29, Land Use Table: Applicant shall revise the approximate acreages for each zone to equal the 398 acres.
  - g. Page 30, Garage Setback Illustration: Applicant shall revise as follows:
    - 1) Remove the label and arrow for the "Garage Setback 5 ft. from primary building façade" that is located on the upper right side lot. The arrow is pointing to the side walk.
    - 2) Revise the label that is located on the upper left lot as follows: "Garage Setback MINIMUM 5 ft. from primary building façade".

- h. Page 31, Development Standards Table: Applicant shall add minimum open space requirements of 5% in the last row of the table or remove the row.
- i. Page 30-31, Development Standards: Applicant shall add a setback provision for buildings over 45 feet as follows:
  - “1. **Height Transition Standards:**  
Properties that have building types that are over 45 feet in height and have a shared property line with a Single-Family Attached and Detached Residential building type shall provide a building setback of one foot for each additional one foot of building ~~setback~~ HEIGHT over the 45-foot height and up to the maximum permitted height.”
- j. Page 32, Summary Chart for Planting Guidelines, Parking Lot Area Landscape, Area Requirements: Applicant shall correct the spelling of the word “landscaping”.
- k. Page 33, Arterial & Major Collector Road Landscape, Second paragraph: Applicant shall add “page 32” to reference the Summary Chart for Planting Guidelines, as referenced in the other sections.
- l. Page 41, Amenities: Applicant shall revise the minimum number of trash receptacles to two per each park space of a minimum of .40-acres.
- m. Pages 43-45: Applicant shall revise the dimensions of the landscape planters to be consistent with the Street Sections (Exhibits 11-14), and do not include curbs as part of the landscape planter widths.
- n. Page 46-49, Exhibits 11-14 (Street Sections): Applicant shall revise the following:
  - 1) Revise the dimensions of the landscape planters to be consistent with the descriptions in the Thematic Streetscape Section, and do not include curbs as part of the landscape planter widths.
  - 2) Page 49, Minor Neighborhood Street: Upper-case “Street”
- o. Pages 54: Applicant shall remove item 1.d. and add it to 2.g., as follows:
  - “g. Encourage shared/reciprocal parking to reduce the overall number of parking spaces required. Use and implementation of shared parking strategies should be considered wherever possible following the requirements provided in Section 702.E.2 Shared parking model.”

- p. Page 58, Exhibit 16 (Comparative Zoning Standards): Applicant shall revise the PUD landscape setbacks to reflect the changes made in the Development Standards Table (page 31) as follows:
    - Rear Street: 10'
    - ~~Rear: 0'~~ Interior: 0' – 10'
  - q. Page 59-86, Exhibit 17: Applicant shall revise the exhibit number from "4" to "17".
  - r. Page 71, Exhibit 17, Zone 4: Applicant shall revise line 33 of the legal description changing from a non-tangent curve to a tangent curve as follows:  
"THENCE North 79°50'09" West, a distance of 214.68 feet, to the beginning of a tangent curve;
2. A minimum 12-acre ~~public~~ school site at a location acceptable to the applicant and the Street Transportation Department in consultation with the Deer Valley Unified School District OR ANY OTHER PRIVATE OR CHARTER SCHOOL, shall be shown on the Master Plans for the Norterra PUD, as approved by the Planning and Development Department. The school site shall be reserved for one year from the date of approval of adjacent final plat or a final plat delineating the school site, ~~unless otherwise released by the Deer Valley Unified School District.~~
  3. THE PROPERTY OWNER SHALL RECORD DOCUMENTS THAT DISCLOSE THE EXISTENCE AND OPERATIONAL CHARACTERISTICS OF THE PHOENIX 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.
  4. THE PROPERTY OWNER SHALL RECORD A LIMITED AVIGATION EASEMENT GRANTED TO THE CITY OF PHOENIX FOR OVERFLIGHT RIGHT-OF-WAY, INCLUDING THE RIGHTS, EFFECTS AND IMPACTS TO AND UPON THE ABOVE PROPERTY.

Approved: \_\_\_\_\_

  
John Trujillo, Acting Deputy City Manager

6-30-15

Date