



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

October 6, 2023

Mr. William F. Allison
Withey Morris Baugh PLC
2525 East Arizona Biltmore Circle, Suite A-212
Phoenix, Arizona 85016

RE: MINOR AMENDMENT TO THE NORTERRA PUD (Z-3-B-15-1-MIN-5)

Dear Mr. Allison,

Thank you for your letter dated September 18, 2023, requesting a minor amendment to the Norterra Planned Unit Development. Your request included revisions to provisions addressing the potential density for residential units in Mixed-Use Buildings, Live-Work Buildings, and Multi-Family Buildings within Zone 5 of the PUD to increase the permissible density from 50 to 120 dwelling units per acre. However, the overall maximum dwelling unit count of the PUD will not change because of this request. Also, the request is to clarify that, for purposes of the Norterra PUD, “hotel” is a commercial use. This will affect where hotel parking can occur.

Section 671.E of the City of Phoenix Zoning Ordinance includes provisions to allow for major and minor amendments to Planned Unit Developments. The amendment will be deemed minor if the Planning and Development Director determines the amendment does not meet the criteria established for major amendments. The Planning and Development Director has the authority to administratively approve the minor amendment. After review of your amendment request and discussion with staff, I have determined that a minor amendment is appropriate as stipulated below.

This minor amendment shall be approved, subject to the following:

- 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 approval of this request. The updated Development Narrative shall be consistent with the Development Narrative dated September 30, 2022, as modified by the following stipulations:
 - a. Page 1: Cover Page, revise date of Major Amendment #2 date to be September 7, 2022.
 - b. Page 1: Cover Page, revise Minor Amendment #5 date, to be date of this letter.

- c. Page 3: Revise “PUD Amendment #5 date, to be date of this letter.”
 - 1) Updated Maximum Density
The density allowed for residential units in Mixed-Use Buildings, Live-Work Buildings, and Multi-Family Buildings within Zone 5 was updated to a maximum of 120 dwelling units per acre.
 - 2) Hotel Clarification
The Parking section of the PUD was updated to clarify “hotel” is considered a commercial use under the PUD.
- d. Page 7: Update property developer, applicant/representative, and planning and design firm contact information.
- e. Page 17: Revise “Mixed-Use Buildings” description to read as follows:
Multi-story buildings, typically commercial in character, with more than one use including, but not limited to, commercial, office, and residential uses which may be on one or more floors (vertically mixed-uses). A range of residential dwelling unit density is anticipated not to exceed 50 dwelling units per acre, except in Zones 1, 2, 3, **5**, and 6 where density is not anticipated to exceed 120 dwelling units per acre.
- f. Page 18: Revise “Live-Work Buildings” description to read as follows:
Single- or multi-story buildings, typically residential in character, with a flexible office or business use integrated with one (or more) residential dwellings to commercial uses, such as a house with a home office or townhouse over a retail space. A range of residential dwelling unit density is anticipated not to exceed 50 dwelling units per acre, except in Zones 1, 2, 3, **5**, and 6 where density is not anticipated to exceed 120 dwelling units per acre.
- g. Page 18: Revise “Multi-Family Buildings” description to read as follows:
Buildings with multiple residential dwelling units. A range of density is anticipated not to exceed 50 dwelling units per acre, except in Zones 1, 2, 3, **5**, and 6 where density is not anticipated to exceed 120 dwelling units per acre.
- h. Page 29: Revise Land Use Table, Maximum Density for Mixed-Use incl. Live/Work and Multi-Family Residential read as follows:
Zones 1, 2, 3, **5**, and 6: 120. All other zones: 50
- i. Page 31: Revise Development Standards Table, Maximum Density (Dwelling Units per Acre) for Mixed-Use incl. Live/Work and Multi-Family Residential
Zones 1, 2, 3, **5**, and 6: 120. All other zones: 50
- j. Page 39: Revise Parking section, first paragraph, to read as follows: The minimum number of required parking spaces shall be as set forth in Section 702 of the Phoenix Zoning Ordinance, minus 10%, except in Zones 1, 2 and 3 where a 25% parking reduction from Section 702 requirements shall be

allowed and as modified by those standards in the sections below. This provision shall not limit the ability of the applicant or end user to apply for a zoning adjustment application to further modify any development standard or ordinance provision. **For purposes of this PUD, a hotel is considered a commercial use.**

Should you have any questions, please contact the Deer Valley Village Planner, Matteo Moric, at matteo.moric@phoenix.gov or (602) 261-8235.

Sincerely,



Joshua Bednarek
Planning and Development Director

Attachments:

Minor Amendment Request Letter, dated September 18, 2023.
Clouded/Amended pages of the development narrative.

c: Z-3-B-15-1
Matteo Moric, Deer Valley Village Planner



WITHEY
MORRIS
BAUGH

September 18, 2023

VIA HAND DELIVERY

Joshua Bednarek
Planning & Development Director
Phoenix Planning & Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003

Re: Z-3-15 - Norterra Planned Unit Development - 2023 Minor Amendment

Dear Josh:

This firm represents Affinius Capital, formerly known as USAA Real Estate Company, regarding the Norterra Planned Unit Development (the "Norterra PUD") for property at the northwest corner of 19th Avenue and Happy Valley Road, Phoenix, which the City Council approved with case Z-3-15-1. The purpose of this letter is submittal of a Minor Amendment to the Norterra PUD. Included with this letter are six (6) copies of the amendment pages and six (6) copies of a redline noting the text changes. We have also included six (6) copies of a document listing the changes.

As the project team continues to refine its plans for development of the Norterra community, it has noted areas of the PUD that require minor revisions. These issues, which fall within the bounds of Phoenix Zoning Ordinance §671.E.2, PUD Amendments/Minor Amendments, are summarized as follows:

1. Revisions to the provisions addressing the potential density with multi-family development in Zone 5 of the PUD – the area east of Norterra Parkway and immediately north of the USAA campus. Affinius is receiving interest in office development in Zone 6, which is along I-17 and across Norterra Parkway from Zone 5. To accommodate this potential development, Affinius proposes to add flexibility for the uses in Zone 5 to allow dense multi-family close to the I-17 corridor; the approved Norterra PUD permits the proposed density in Zone 6. The specific change will increase the permissible density in Zone 5 from 50 to 120 du/acre. However, the amendment will **not** change the Norterra PUD's overall residential unit cap of 3,600 dwelling units or the multi-family unit cap of 2,300 dwelling units.
2. Revision to the parking provisions to clarify that, for purposes of the Norterra PUD, "hotel" is a commercial use. This change will allow hotel parking to occur on a hotel parcel and/or on an adjacent parcel. This parking arrangement is important particularly in the Union Street core of the Norterra project.

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Phoenix, AZ 85016

We will update final submittal copies of the Norterra PUD with the date of the Minor Amendment on the PUD cover page and list of approved amendments after approval.

We hope the review of this Minor Amendment will move quickly, particularly given the minor nature of the changes. If you have any questions about the Minor Amendment, please do not hesitate to contact me.

Very truly yours,

WITHEY MORRIS BAUGH P.L.C.

By 
William F. Allison

Enclosures

cc: Tricia Gomes (via electronic mail (tricia.gomes@phoenix.gov) with single copies)
Adam Stranieri (via electronic mail (adam.stranieri@phoenix.gov) with single copies)
Racelle Escolar (via electronic mail (racelle.escolar@phoenix.gov) with single copies)
Matteo Moric (via electronic mail (matteo.moric@phoenix.gov) with single copies)



N O R T E R R A

Norterra Planned Unit Development
Northwest Corner of 19th Avenue and Happy Valley Road

Development Narrative Rezoning Case Number: Z-3-B-15-1

Original Submittal: January 2015
Final Submittal: July 31, 2015
Minor Amendment #1: May 5, 2016
Minor Amendment #2: April 6, 2017
Minor Amendment #3: September 10, 2018
Major Amendment #1: November 15, 2019
Minor Amendment #4: May 28, 2021
Major Amendment #2: April 29, 2022

Minor Amendment #5: September 11, 2023

CITY OF PHOENIX

SEP 18 2023

**Planning & Development
Department**

PUD MINOR AMENDMENTS

Minor Amendment #5: August 21, 2023

1. Updated Maximum Density

The density allowed for residential units in Mixed-Use Buildings, Live-Work Buildings, and Multifamily Buildings within Zone 5 was updated to a maximum of 120 dwelling units per acre.

2. Hotel Clarification

The Parking section of the PUD was updated to clarify “hotel” is considered a commercial use under the PUD.

3. Updated primary contact

The legal name of companies involved have changed, and the planning firm involved moved, so the contact information needed to be updated.

PRINCIPALS AND DEVELOPMENT TEAM

PROPERTY DEVELOPER:



Bruce Petersen
Affinius Capital
9830 Colonnade Blvd., Ste 600
San Antonio, TX 78230
PHONE: 210.641.8409
EMAIL: bruce.petersen@affiniuscapital.com

APPLICANT/REPRESENTATIVE:



Jason Morris
Withey Morris Baugh, PLC
2525 East Arizona Biltmore Circle
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PLANNING & DESIGN:



Michael Kimmey
LRK
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PHONE: 267.804.7040
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CIVIL ENGINEER:



Jim Campbell
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EMAIL: JCampbell@WoodPatel.com

TRAFFIC ENGINEER:



Chuck Wright
Kimley Horn
7740 N 16th St #300, Phoenix, AZ 85020
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EMAIL: chuck.wright@kimley-horn.com

B. LAND USE PLAN

The approximately 405.4 +/- acre site proposes a mixed-use development consisting of employment, commercial, hotel, multi-family residential and single family residential uses. The land use plan will promote flexibility and appealing design while providing consistent development regulations to guide the build-out of the individual parcels and tracts of land within the Norterra PUD.

The intent of the land use plan is to create neighborhoods that integrate and complement and enhance the existing USAA campus and the 385,000-square foot Shops at Norterra mixing of uses creates synergies between office, retail, hotel, and residential tenants/owners. Close proximity of residential, commercial and civic uses create a pedestrian friendly community and limits vehicle trips. The Conceptual Land Use Plan (Exhibit 4) conceptually proposes the following new and approximate improvements:

- 3,600 Maximum Dwelling Units
 - 1,000-1,200 single family lots,
 - 2,200-2,300 multi-family rental units,
- 20-30 for sale live-work units,
- 50-70 loft units above retail,
- 200,000-300,000-square feet retail space,
- 500,000-750,000-square feet of new office, and
- +/- 275 room hotel.

Primary access will be from a prominent new entrance at Happy Valley Road and Norterra Parkway leading to a “Main Street” boulevard which highlights the mixed-use components of the development. The community is designed around a main street, mixed-use core that will offer retail on the first floor and multi-family residential and/or office uses on upper floors. This “Town Center” will add vibrancy as the hub of neighborhood activity and the “Main Street” has been carefully designed to frame scenic views of the surrounding Union Hills and desert preserve from its entrance looking northeast.

A variety of amenities and frequent activities are designed to create a close sense of community and bring residents together. As stated above, amenities will include a community center, pocket parks within the residential tract areas, an inter-connected pedestrian trail system, and a larger community park that will offer sports fields and other recreational opportunities for residents and USAA employees. See Conceptual Land Use Plan (Exhibit 4).

Building Type Categories

There are several different building types within this PUD. Within specific land use districts, called Zones, different building types are permitted.

Commercial Buildings: Buildings with commercial, retail and general business uses, as listed in the C-2 district of the Phoenix Zoning Ordinance.

Office Buildings: Buildings with business and professional office uses, as listed in the C-O and CP/GCP districts of the Phoenix Zoning Ordinance.

Mixed-Use Buildings: Multi-story buildings, typically commercial in character, with more than one use including, but not limited to, commercial, office, and residential uses which may be on one or more floors (vertically mixed-uses). A range of residential dwelling unit density is anticipated not to exceed 50 dwelling units per acre, except in Zones 1, 2, 3, 5, and 6 where density is not anticipated to exceed 120 dwelling units per acre.

Live-Work Buildings: Single- or multi-story buildings, typically residential in character, with a flexible office or business use integrated with one (or more) residential dwellings to commercial uses, such as a house with a home office or townhouse over a retail business space. A range of residential dwelling unit density is anticipated not to exceed 50 dwelling units per acre, except in Zones 1, 2, 3, 5, and 6 where density is not anticipated to exceed 120 dwelling units per acre.

Multi-Family Buildings: Buildings with multiple residential dwelling units. A range of density is anticipated not to exceed 50 dwelling units per acre, except in Zones 1, 2, 3, 5, and 6 where density is not anticipated to exceed 120 dwelling units per acre.

Single-Family Attached Buildings: Multiple residences that share one or more walls with adjoining dwellings but are not vertically stacked. A range of density is anticipated not to exceed 12 dwelling units per acre.

Single-Family Detached Buildings: Individual stand-alone residences. A range of density is anticipated not to exceed eight dwelling units per acre. Condominium ownership regimes are not permitted Single-family Detached buildings.

For additional information regarding land uses, see section “F. List of Uses”. Additionally, approximate acreages for each Zone can be found in the Land Use Table.

Land Use Relocation

Specific building types are permitted within different Land Use Districts, called Zones, as outlined in the Land Use Table. Consistent with Section 671.E.1 of the PUD zoning district, a major amendment will be required if a new building type is proposed in a zone in which it is not currently permitted per the Land Use Table.

The boundaries of each Zone shall be defined as provided in the legal descriptions filed under the Norterra PUD.

Land Use Table

			Building Types					
			Commercial	Office	Mixed-Use, incl. Live/Work	Multi-Family Residential	Single Family Attached Residential	Single Family Detached Residential
<i>See Phoenix Zoning Ordinance for Permitted Uses and Accessory Uses as listed in the referenced Districts:</i>			<u>C-2</u>	<u>C-O, CP/GCP</u>	<u>C-1</u>	<u>R-5</u>	<u>R-2</u>	<u>R1-6</u>
Land Use Districts	Approximate Acreage	Land Use Description						
Zone 1	23.08 Acres	Commercial	Permitted	Permitted	Permitted	Permitted	Permitted	Not Permitted
Zone 2	13.56 Acres	Main Street Mixed-Use	Permitted	Permitted	Permitted	Permitted	Permitted	Not Permitted
Zone 3	39.95 Acres	High-Density Residential/Mixed-Use	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Zone 4	206.83 Acres	Neighborhood Residential	Not Permitted	Not Permitted	Live/Work Dwellings Permitted Only	Permitted	Permitted	Permitted
Zone 4-A	47.52 Acres	Neighborhood Residential (no Multifamily)	Not Permitted	Not Permitted	Not Permitted	Not permitted	Permitted	Permitted
Zone 5	17.37 Acres	Office/Multifamily/Residential	Not Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Zone 6	49.15 Acres	Office/Commercial /Multifamily	Permitted	Permitted	Permitted	Permitted	Permitted	Not Permitted
Maximum Density		Dwelling Units per Acre	40	40	Zones 1, 2, 3, 5, and 6: 120; All other zones: 50	Zones 1, 2, 3, 5, and 6: 120; All other zones: 50	12	8
Building Height		Maximum Building Height	140 ft.	140 ft.	Zones 1, 2, 3, and 6: 73.5 ft.; All other zones: 70 ft.	Zones 1, 2, 3, and 6: 73.5 ft.; All other zones: 70 ft.	Zone 4-A: 30 ft.; All other zones: 48 ft.	Zone 4-A: 30 ft.; All other zones: 45 ft.

Development Standards Table

Bulk Regulations for Land Uses								
		Building Types						
		Commercial	Office	Mixed-Use, incl. Live/Work	Multi-Family Residential	Single Family Attached Residential	Single Family Detached Residential	
Maximum Density (Dwelling Units per Acre)		40	40	Zones 1,2,3,5,6: 20 All other zones: 50	Zones 1,2,3,5,6: 20 All other zones: 50	12	8	
Maximum 3,600 Dwelling Units								
Minimum Lot Width		None	None	None	None	20 ft.	30 ft.	
Minimum Lot Depth		None	None	None	None	None, except 110 ft. adjacent to arterial	None, except 110 ft. adjacent to arterial	
Minimum Building Setbacks/ Build to Lines	Front Setback (Street and Green Court ¹)	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	10 ft.	10 ft.	
	Side Setback (Street and Green Court ¹) ⁷	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	8 ft.	Lots 60 ft. wide or less: 8 ft.; Lots wider than 60 ft.: 10 ft.	
	Side Setback (along another property) ⁷	0 ft. (common wall) or 10 ft. min. between buildings	0 ft. (common wall) or 10 ft. min. between buildings	0 ft. (common wall) or 10 ft. min. between buildings	0 ft.	0 ft. (common wall) or 3 ft. min., Combined 10 ft. min. between buildings	Lots 40 ft. wide or less: 0 ft. min., Combined 10 ft. min. between buildings ⁸ ; Lots equal to or more than 41 ft. wide and less than or equal to 60ft. wide: 5 ft. min., Combined 13 ft. min. between buildings; Lots 61 ft. wide or more: 5 ft. min., Combined 15 ft. min. between buildings	
	Rear Setback	0 ft. (common wall) or 10 ft. min. between buildings	0 ft. (common wall) or 10 ft. min. between buildings	0 ft. (common wall) or 10 ft. min. between buildings	0 ft.	15 ft. (1-story), 20 ft. (2 or more stories); 5 ft. if facing alley or parking area	15 ft. (1-story), 20 ft. (2 or more stories); 5 ft. if facing alley	
	Garage Setback if Facing Street ²					5 ft. back from the main building façade, 20 ft. min.	5 ft. back from the main building façade, 20 ft. min.	
	Garage Setback if Facing Side Street ²					20 ft. min.	20 ft. min.	
	Garage Setback if Facing Alley ²					5 ft. Build-To Line or 18 ft. min.	5 ft. Build-To Line or 18 ft. min.	
Minimum Landscape Setbacks	Front Setback (Street) ³	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	10 ft.	10 ft.	
	Side Setback (Street) ^{3,7}	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	Zone 2: 0 ft. Zone 3: 10 ft. All other zones: 20 ft.	8 ft.	Lots 60 ft. wide or less: 8 ft.; Lots wider than 60 ft.: 10 ft.	
	Rear Setback (Street) ³	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	10 ft.	
	Perimeter ⁴	10 ft., 15 ft. Average	10 ft., 15 ft. Average	10 ft., 15 ft. Average	10 ft., 15 ft. Average	10 ft., 15 ft. Average	10 ft., 15 ft. Average	
	Interior ⁵	Commercial	0 ft.	0 ft.	10 ft.	10 ft.	10 ft.	10 ft.
		Office	0 ft.	0 ft.	10 ft.	10 ft.	10 ft.	10 ft.
		Mixed-Use, incl. Live/Work	10 ft.	10 ft.	0 ft.	10 ft.	10 ft.	10 ft.
		Multi-Family Residential	10 ft.	10 ft.	10 ft.	0 ft.	10 ft.	10 ft.
Single Family Attached Residential		10 ft.	10 ft.	10 ft.	10 ft.	0 ft.	0 ft.	
Single Family Detached	10 ft.	10 ft.	10 ft.	10 ft.	0 ft.	0 ft.		
Minimum Building Separation (on same lot)		Per Building Code	Per Building Code	Per Building Code	Per Building Code	Per Building Code	Per Building Code	
Maximum Building Height ⁶		140 ft.	140 ft.	Zones 1,2,3,6: 73.5 ft. All other zones: 70 ft.	Zones 1,2,3,6: 73.5 ft. All other zones: 70 ft.	Zone 4-A: 30 ft.; All other zones: 48 ft.	Zone 4-A: 30 ft.; All other zones: 45 ft.	
Maximum Lot Coverage		100%	100%	100%	100%	100%	80%	
Open Space Requirements					5%	5%	5%	

1. Green Courts are conditions where a lot fronts onto a right-of-way, public park or common space other than a street and vehicle access is maintained via an alley or other drive located at the rear of the lot
2. Refer to garage setback illustration for further clarification
3. "Street" defined as Collector and Local streets; does not refer to Alleys
4. Defined as the portions of the site adjacent to arterial & major collector roads
5. All interior landscape setbacks between adjacent and different building types
6. 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 height over the 45-foot height and up to the maximum permitted height
7. The lot width shall be determined by the width of the narrower portion of the lot
8. Corner lots over 40 feet in width may utilize the same setbacks as applied to an adjacent 40-foot wide lot, if enhanced architecture is provided on the street side elevation, as approved by the Master Architecture Plan. Corner lots requiring enhanced architecture shall be identified on the final site plan and subdivision plat



Interior Walls/Fences

All internal fencing shall have a maximum height of six-feet except fencing located on the perimeter of game courts. No chain link fencing is permitted, except as prescribed at tennis or similar game courts as necessary. Such fencing shall not incorporate plastic or metal slats. Plastic and/or vinyl fences and clad fences are prohibited.

Screening

Outdoor storage (other than vehicle parking) shall be screened from view from any perimeter street. Ground mounted mechanical equipment over 36-inches in height shall be screened from view by a minimum of a 40-inch in height solid wall or suitable ever-green plant materials. Any walls shall be architecturally compatible with the primary structure.

Trash compactors and dumpsters shall be screened with a masonry wall architecturally compatible with surrounding structures with minimum six-feet height, not to exceed eight-feet height. Doors shall be constructed with metal frame and compatible slat materials.



Parking

The minimum number of required spaces shall be as set forth in Section 702 of the Zoning Ordinance, minus 10%, except in Zones 1, 2 and 3 where a 25% parking reduction from Section 702 requirements shall be allowed and as modified by those standards in the sections below. This provision shall not limit the ability of the applicant or end user to apply for a zoning adjustment application to further modify any development standard or ordinance provision. For purposes of this PUD, a hotel is considered a commercial use.

The following exceptions or additions to the parking standards listed in Section 702 of the Phoenix Zoning Ordinance shall apply:

Parking, General

1. Parking spaces located in surface lots to be a minimum dimension of nine-feet by 18-feet, unless otherwise approved by the Planning and Development Department.
2. Tandem Parking shall be allowed by right. Minimum dimensions of tandem spaces to be a minimum of nine-feet by 18-feet.
3. A shared loading area model will be permissible between the commercial and residential loading spaces, provided the City's Planning and Development Department approves such shared loading model.
4. On-Street parking located on streets adjacent to and within the development may count toward the total number of required parking spaces.

