



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-31-23-3
August 4, 2023

[Deer Valley Village Planning Committee Meeting Date:](#) August 10, 2023

[Planning Commission Hearing Date:](#) September 7, 2023

Request From: [S-1 SP](#) (Ranch or Farm Residence, Special Permit) (28.69 acres) and [C-2 SP](#) (Intermediate Commercial, Special Permit) (0.23 acres)

Request To: [CP/GCP](#) (Commerce Park District, General Commerce Park Option) (28.92 acres)

Proposal: Commerce Park

Location: Approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane

Owner: TP Racing, LLLP

Applicant: James Watson, CT Investors

Representative: Paul E. Gilbert, Beus Gilbert McGroder PLLC

Staff Recommendation: Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>	<p>Existing: Mixed Use (Commercial / Commerce/Business Park) (14.77 acres) Residential 2 to 5 dwelling units per acre (14.15 acres)</p> <p>Proposed: Mixed Use (Commercial / Commerce/Business Park) (28.92 acres)</p>		
<u>Street Map Classification</u>	Tierra Buena Lane	Local	25-foot north half street

CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; LAND USE PRINCIPLE: Development should include convenient bicycle parking.

The proposal, as stipulated, will provide bicycle parking for nonresidential uses.

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.

A portion of the subject site is within the North I-17 Major Employment Center and is compatible with the planned development on the remainder of the Turf Paradise site. The proposal will allow for an underutilized property to be redeveloped for employment generating uses within the North I-17 Major Employment Center.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLES: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The proposal, as stipulated, will provide shade trees along the detached sidewalks adjacent to 19th Avenue and Tierra Buena Lane.

Applicable Plans, Overlays, and Initiatives

[Monarch Butterfly Pledge](#) – See Background Item No. 6.

[Tree and Shade Master Plan](#) – See Background Item No. 7.

[Complete Streets Guiding Principles](#) – See Background Item No. 8.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 9.

[Zero Waste PHX](#) – See Background Item No. 10.

[Transportation Electrification Action Plan](#) – See Background Item No. 11.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Horse racetrack and ancillary uses	S-1 SP and C-2 SP
North	Horse racetrack	S-1 SP (Approved C-2 SP or CP/BP) and S-1 SP (Approved CP/GCP)
South (across Tierra Buena Lane)	Single-family residential and mobile home park	R1-6 SP
East	Vacant	S-1 SP (Approved C-2 SP or CP/BP), C-2 SP, and S-1
West	Horse racetrack and ancillary uses	S-1 SP (Approved C-2 SP or CP/BP)

CP/GCP (Commerce Park District, General Commerce Park Option)		
<u>Standards</u>	<u>Requirements</u>	<u>Proposed</u>
<i>Gross Acreage</i>	-	28.92 acres
<i>Building Setbacks</i>		
Adjacent to perimeter lot line on a street	30 feet	Not specified
Adjacent to interior lot line on a street	20 feet	Not specified
Adjacent to perimeter lot line not on a street	20 feet	Not specified
Adjacent to interior lot line not on a street	0 feet	Not specified
<i>Landscape Setbacks</i>		
Adjacent to perimeter lot line on a street	30 feet	Not specified
Adjacent to interior lot line on a street	20 feet	Not specified
Lot Coverage	Maximum 50 percent	Not specified
Building Height	Maximum 18 feet within 30 feet of perimeter lot line; 1-foot increase in height per 3 feet in additional setback, to a maximum of 56 feet	Not specified
Parking	Unspecified Industrial Use (Shell Building) with gross floor area of 150,001 to 500,000 square feet: 1 space per 2,000 square feet	Not specified

*Site plan revision or variance required

Background / Issues / Analysis

SUBJECT SITE

1. This request is to rezone 28.92 acres located approximately 500 feet east of the northeast corner of 19th Avenue and Tierra Buena Lane from S-1 SP (Ranch or Farm Residence, Special Permit) and C-2 SP (Intermediate Commercial, Special Permit) to CP/GCP (Commerce Park District/General Commerce Park Option) for a commerce park development.

GENERAL PLAN LAND USE MAP DESIGNATION

2. The General Plan Land Use Map designation for the subject site is 14.77 acres of Mixed Use (Commercial / Commerce/Business Park) and 14.15 acres of Residential 2 to 5 dwelling units per acre. The proposal for CP/GCP zoning is consistent with the Mixed Use (Commercial / Commerce/Business Park) designation but is inconsistent with the Residential 2 to 5 dwelling units per acre designation. A concurrent minor General Plan Amendment case, GPA-DV-1-23-3, is proposed to change the General Plan Land Use Map designation for 14.15 acres of the site from Residential 2 to 5 dwelling units per acre to Mixed Use (Commercial / Commerce/Business Park). The proposal for CP/GCP zoning is consistent with the proposed General Plan Land Use Map designation. The subject site is partially within the North I-17 Major Employment Center.

North:

The General Plan Land Use Map designation for the area to the north is Mixed Use (Commercial / Commerce/Business Park) and Residential 2 to 5 dwelling units per acre.

East and Southeast:

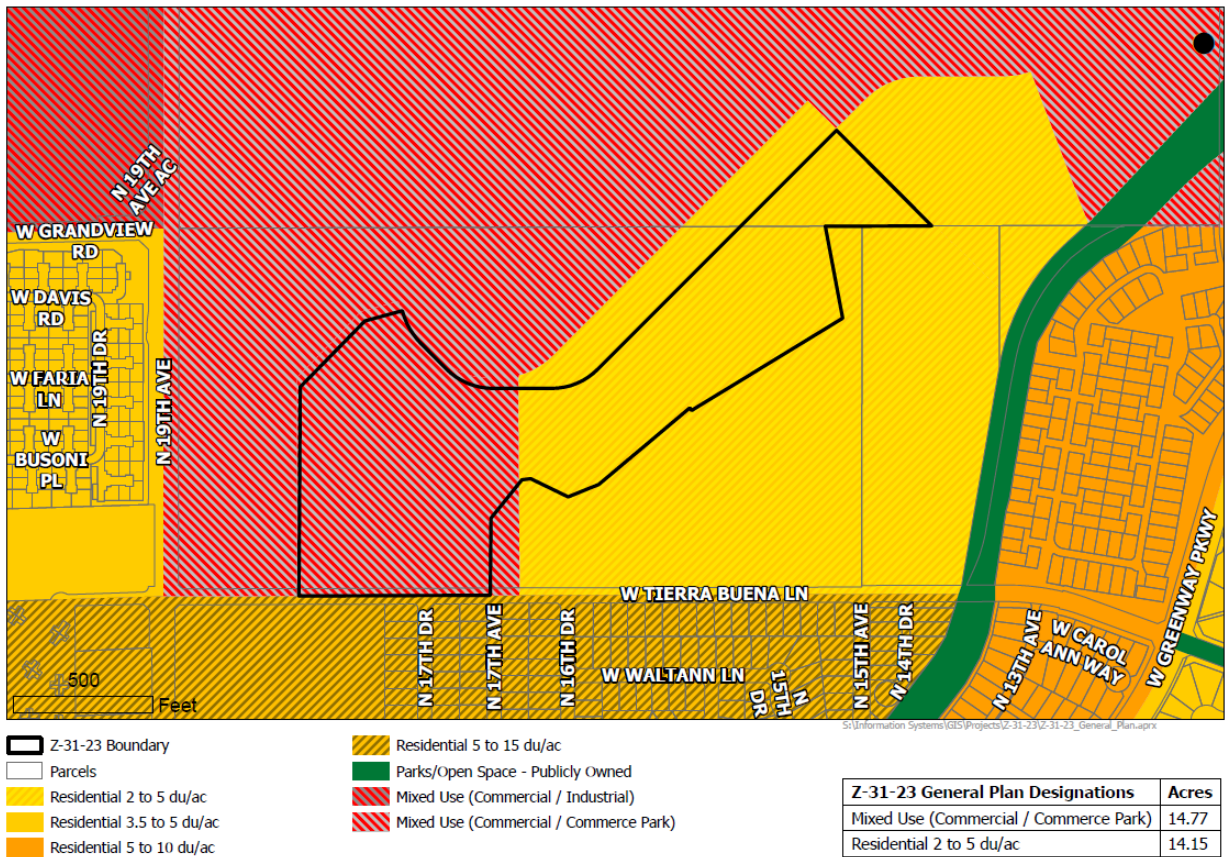
The General Plan Land Use Map designation for the area to the east is Residential 2 to 5 dwelling units per acre and Mixed Use (Commercial / Commerce/Business Park).

South:

The General Plan Land Use Map designation for the area to the south is Residential 5 to 15 dwelling units per acre.

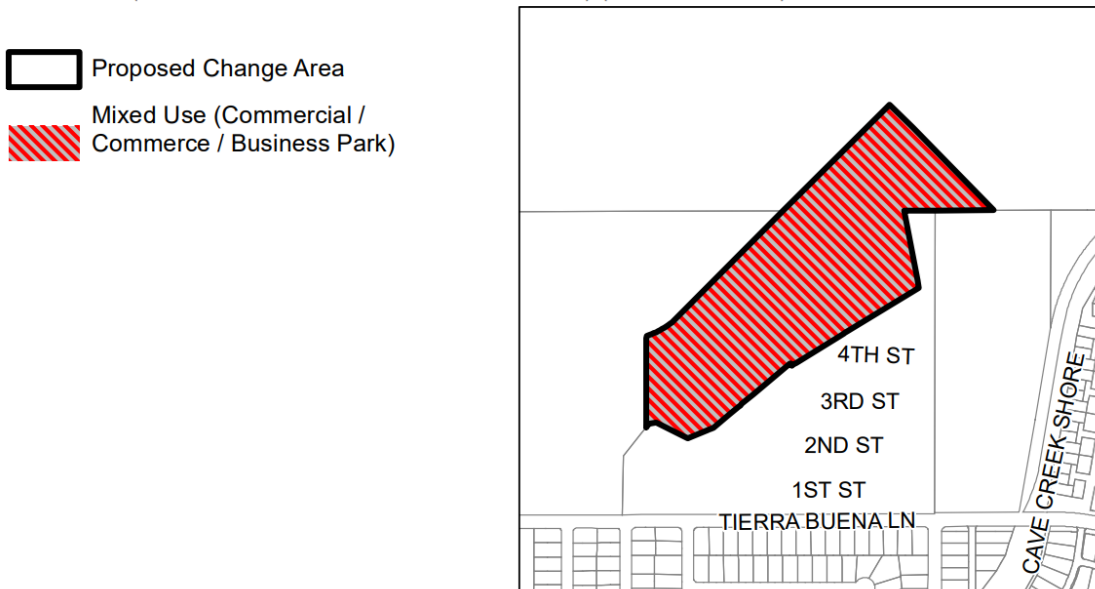
West:

The General Plan Land Use Map designation for the area to the west is Mixed Use (Commercial / Commerce/Business Park).

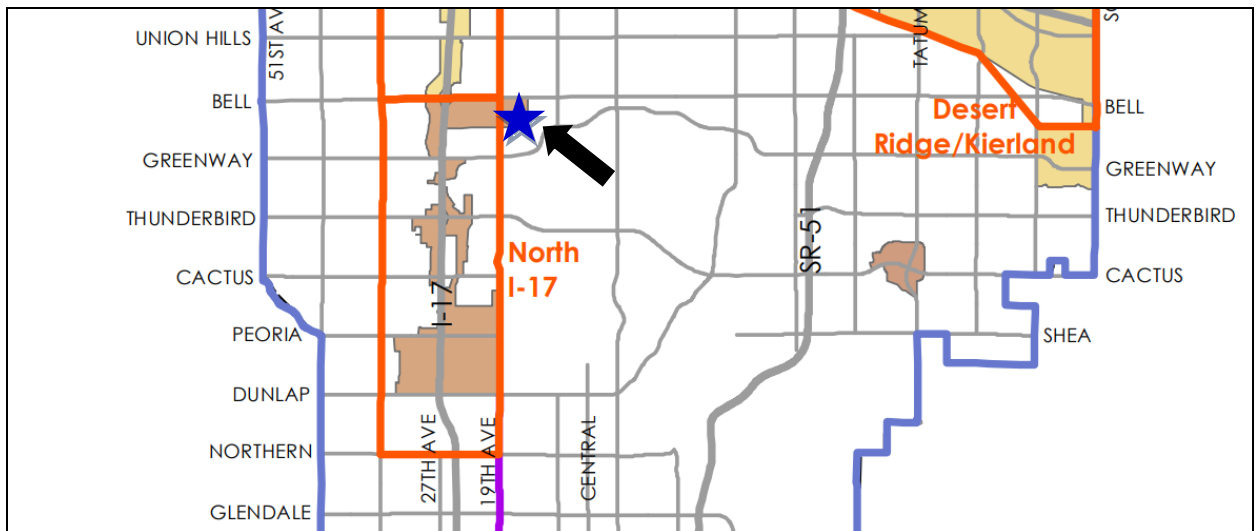


PROPOSED CHANGE:

Mixed Use (Commercial / Commerce / Business Park) (18.97 +/- Acres)



Existing and Proposed General Plan Land Use Map
 Source: Planning and Development Department



Major Employment Centers Map

Source: Planning and Development Department

SURROUNDING LAND USES AND ZONING

3. Subject Site:

The subject site is part of the Turf Paradise horse racetrack and currently zoned S-1 SP (Ranch or Farm Residence, Special Permit) and C-2 SP (Intermediate Commercial, Special Permit).

North:

North of the subject site is also part of the existing horse racetrack property zoned S-1 SP (Approved C-2 SP or CP/BP) (Ranch or Farm Residence, Special Permit, Intermediate Commercial, Special Permit, or Commerce Park District/Business Park Option) and S-1 SP (Approved CP/GCP) (Ranch or Farm Residence SP, Commerce Park District/General Commerce Park Option).

South:

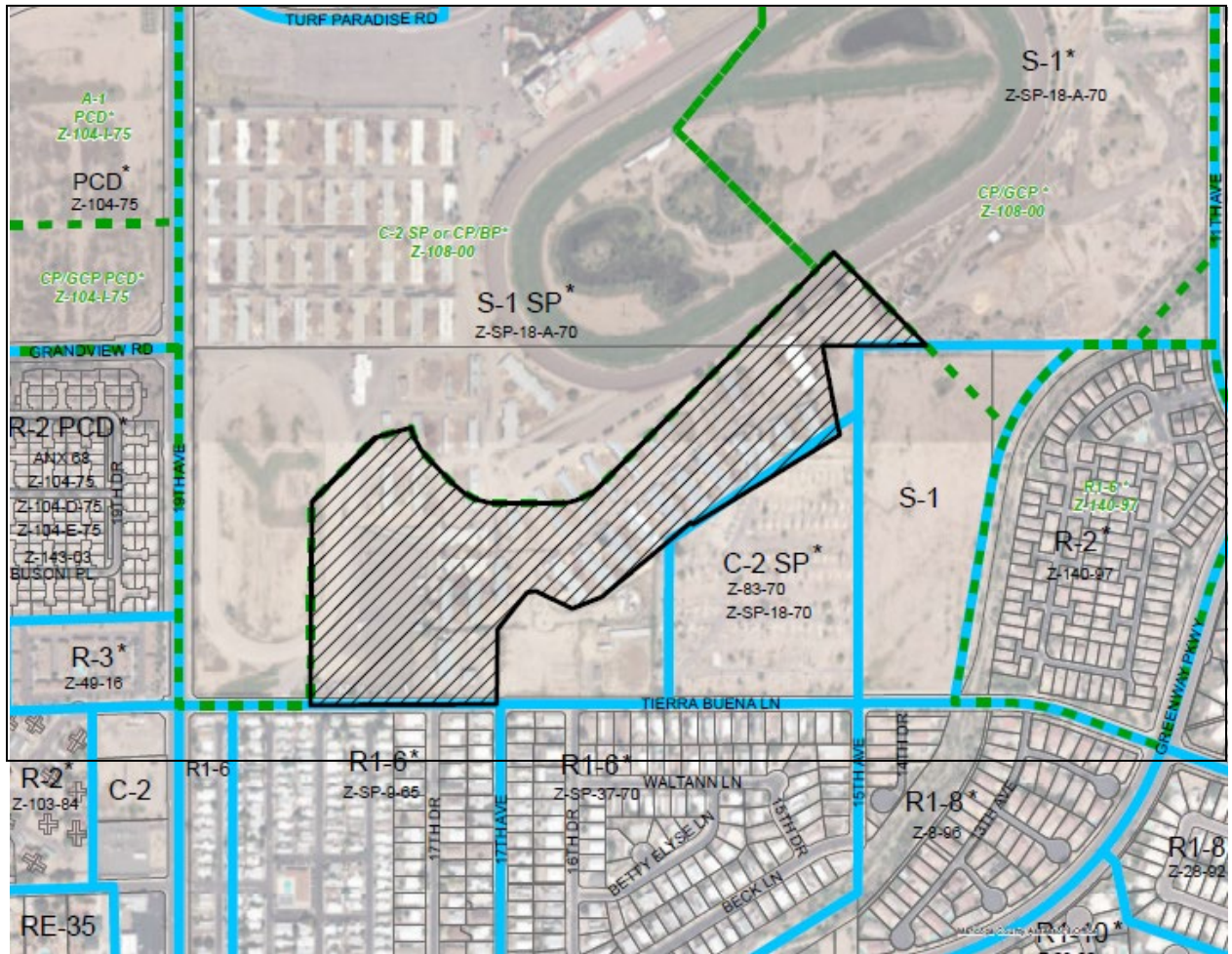
South of the subject site across Tierra Buena Lane are single-family residences and a mobile home park zoned R1-6 SP (Single-Family Residence District, Special Permit).

East and Southeast:

East of the subject site is vacant land, zoned S-1 SP (Approved C-2 SP or CP/BP), C-2 SP, and S-1.

West:

West of the subject site is also part of the horse racetrack property also zoned S-1 SP (Approved C-2 SP or CP/BP).



Zoning Sketch Map

Source: Planning and Development Department

PROPOSAL

4. Site Plan

The subject site is within the Turf Paradise horse racetrack property, which was established with Rezoning Case Nos. Z-83-70 and Z-SP-18-70-3, and amended by Z-108-00. The horse racetrack will be closed upon redevelopment of the site. The site plan, attached as an exhibit, depicts a commerce park development for the larger part of the Turf Paradise site with eight unspecified industrial shell buildings, totaling approximately 1,847,000 square feet and two data center buildings totaling approximately 796,000 square feet. Vehicular access will be from Turf Paradise Road, 19th Avenue, and Tierra Buena Lane. The rezoning area only covers a portion of the overall commerce park site due to existing zoning entitlements that allow commerce park development for the other portions of the overall site. The site plan depicts the buildings having loading bay doors with loading dock areas. The number of parking spaces are not specified. To ensure employees have a designated space to rest outdoors, staff recommends that one outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas, be provided for each warehouse/office

building on site. This is addressed in Stipulation No. 7. Staff also recommends that the required landscape setbacks include minimum two-inch caliper trees (Stipulation No.1), to increase shade throughout the site.

5. **Elevations**

Renderings, attached as an exhibit, depict typical commerce park architecture with some variation in colors, materials, breaking of massing, and architectural embellishments.

PLANS, OVERLAYS, AND INITIATIVES

6. **Monarch Butterfly Pledge**

In April 2021, Mayor Kate Gallego signed the National Wildlife Federation's Mayor's Monarch Pledge. This pledge commits the city to take action to support the monarch butterfly population. In the United States, loss of milkweed habitat is a major factor in the decline of the monarchs. Arizona has at least 29 species of milkweed native to the state. Adult monarchs feed on the nectar of many flowers, but they breed only where milkweeds are found. To support the monarch butterfly population, Stipulation No. 6 addresses the planting of milkweed shrubs, or other native nectar plant species, on the subject site.

7. **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. Staff is recommending stipulations designed to provide trees and enhance shade within and adjacent to the development. Staff is recommending stipulations for a detached shaded sidewalk along 19th Avenue and Tierra Buena Lane, in addition to enhanced landscape standards in the required landscape setbacks. Additionally, staff recommends employee resting areas be shaded to a minimum of 75 percent. These are addressed in Stipulation Nos. 1, 7, 8, and 9.

8. **Complete Streets Guiding Principles**

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. To provide a safe pedestrian environment, staff is recommending that enhanced pavement treatment for the on-site pedestrian walkways that cross vehicular drive aisles and detached sidewalks to ensure a more comfortable and safe walking environment. This is addressed in Stipulation Nos. 2, 8 and 9.

9. **Comprehensive Bicycle Master Plan**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its Bikeway System and supportive infrastructure. The Comprehensive Bicycle Master Plan also supports options for both short-and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations, including commerce park employment centers. Stipulation Nos. 4 and 5 require bicycle parking spaces be provided on the site with electrical bicycle charging capabilities.

10. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The applicant's submittal materials indicate that it is expected that any future commerce park users will include recycling along with standard waste containers.

11. **Transportation Electrification Action Plan**

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. Stipulation No. 3 provides requirements for EV parking with EV charging infrastructure installed and EV capable infrastructure, and Stipulation No. 5 requires electrical bicycle charging capabilities.

COMMUNITY INPUT SUMMARY

12. At the time the staff report was written, staff has not received any correspondence from members of the public.

INTERDEPARTMENTAL COMMENTS

13. **Public Transit Department**

The Public Transit Department commented that there should be two bus stop pads on northbound 19th Avenue and one on eastbound Bell Road. These will be provided with the construction of the surrounding commerce park development.

14. **Signs Section**

The Signs Section commented that they would suggest the applicant submit a use permit to adopt a Comprehensive Sign Plan (CSP) for the entire development prior to requesting the first sign permit.

15. **Water Services Department**

The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development; however, water capacity is a dynamic condition that can change over time due to a variety of factors.

16. **Street Transportation Department**

The Street Transportation Department commented on access point separation, driveway right-in / right-out restrictions, and driveway separation requirements from traffic signals. The Street Transportation Department requested the following, which are addressed in Stipulations Nos. 8 through 13:

- Detached sidewalks separated by landscape strips for 19th Avenue and Tierra Buena Lane.
- Minimum right-of-way dedication for the north side of Tierra Buena Lane.
- Funding and reconstruction of the existing traffic signal at the Phelps Road and 19th Avenue intersection.
- Vehicular access not permitted to Tierra Buena Lane.
- Submittal and approval of a Traffic Impact Analysis (TIA) prior to preliminary site plan approval.
- Replacing unused driveways with sidewalk, curb and gutter, and replacing any broken or out-of-grade curb, gutter, sidewalk, and curb ramps on all streets and upgrading all off-site improvements to be in compliance with current ADA guidelines.

17. The City of Phoenix Fire Department commented that they do not anticipate any problems with the case. However, the water supply is required to meet fire flow as defined by Appendix B of the 2018 IFC with Phoenix Amendments.

OTHER

18. The site is not located in an area identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, ground-disturbing activities must cease to allow the Archaeology Office time to assess the materials. This is addressed in Stipulation No. 14.
19. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 15.

20. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements.

Findings

1. The proposal is consistent with the existing and proposed General Plan Land Use Map designation of Mixed Use (Commercial / Commerce/Business Park).
2. The proposal provides a diversity of commerce park type uses nearby the North I-17 Major Employment Center.
3. As stipulated, the proposal supports efforts from various plans, such as the Monarch Butterfly Pledge, the Tree and Shade Master Plan, the Complete Streets Guiding Principles, the Comprehensive Bicycle Master Plan, and the Transportation Electrification Action Plan.

Stipulations

1. Required landscape setbacks shall be planted with minimum 2-inch caliper large canopy drought-tolerant trees, 20 feet on center or in equivalent groupings, with five 5-gallon shrubs per tree, as approved by the Planning and Development Department.
2. Where pedestrian walkways cross a vehicular path, the pathway shall be constructed of decorative pavers, stamped or colored concrete, or other pavement treatments that visually contrast parking and drive aisle surfaces, as approved by the Planning and Development Department.
3. A minimum of 2% of the required parking spaces shall include Electric Vehicle (EV) Installed infrastructure, and a minimum of 8% of the required parking spaces shall include EV Capable infrastructure, as approved by the Planning and Development Department.
4. All nonresidential uses over 5,000 square feet floor area shall provide one bicycle parking space per 25 vehicle parking spaces, with a maximum of 25 spaces. Bicycle parking shall be provided through Inverted U and/or artistic racks located near the front of offices and installed per the requirements of Section 1307.H. of the Phoenix Zoning Ordinance, as approved by the Planning and Development Department. Artistic racks shall adhere to the City of Phoenix Preferred Designs in Appendix K of the Comprehensive Bicycle Master Plan.
5. A minimum of 10% of the required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities, as approved by the Planning and Development Department.

6. A minimum of 10% of the required shrubs, shall be a milkweed or other native nectar species, and shall be planted in groups of three or more, as approved by the Planning and Development Department.
7. One outdoor employee resting area of no less than 400 square feet, or two 200-square foot areas shall be provided for each warehouse/office building on site. Each required pedestrian area shall include a minimum of two pedestrian seating benches, constructed of quality and durable materials, and shaded to a minimum of 75% using minimum 2-inch caliper large canopy drought-tolerant shade trees and/or architectural shade, as approved by the Planning and Development Department.
8. A minimum 6-foot-wide detached sidewalk and a minimum 10-foot-wide landscape area shall be constructed between back of curb and sidewalk on the east side of 19th Avenue from Turf Paradise Road to Tierra Buena Lane, planted as follows, as approved by the Planning and Development Department.
 - a. Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - b. Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

9. A minimum 30-feet of right-of-way shall be dedicated for the north side of Tierra Buena Lane, as approved by the Planning and Development Department.
 - a. The improvements shall be consistent with the Minor Collector cross section and constructed with a minimum 5-foot-wide sidewalk with a minimum 8-foot-wide landscape area between back of curb and sidewalk, planted as follows:
 - (1) Minimum 2-inch caliper single-trunk, large canopy, drought-tolerant shade trees planted 20 feet on center or in equivalent groupings.
 - (2) Drought tolerant shrubs, accents, and vegetative groundcovers to achieve a minimum of 75% live vegetative ground coverage at maturity.

Where utility conflicts exist, the developer shall work with the Planning and Development Department on an alternative design solution consistent with a pedestrian environment.

10. The existing traffic signal at the Phelps Road and 19th Avenue intersection shall be fully funded and reconstructed to meet City of Phoenix standards, as approved by the

Street Transportation Department.

11. Vehicular access shall not be permitted to Tierra Buena Lane.
12. A Traffic Impact Study (TIS) shall be submitted to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department. The TIS shall include signal warrant analysis for 19th Avenue and Grandview Road, and Tierra Buena Lane and Greenway Parkway. If the approved TIS determines that a signal is warranted at any of these intersections, the developer shall be required to fund 100% of the cost and construct the signal, if the TIS does not warrant the signal, the developer shall be required contribute 25% of traffic signal cost in an escrow account to the Street Transportation Department. If the signal is installed by others, the development shall be responsible for 100% of the cost for signal relocation and/or modifications.
13. Replace unused driveways with sidewalk and curb and gutter. Also, replace any broken or out-of-grade curb, gutter, sidewalk, curb ramps on all streets and upgrade all off-site improvements to be in compliance with current ADA guidelines.
14. 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.
15. Prior to preliminary site plan approval, 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.

Writer

Adrian Zambrano

Matteo Moric

August 4, 2023

Team Leader

Racelle Escolar

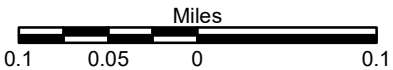
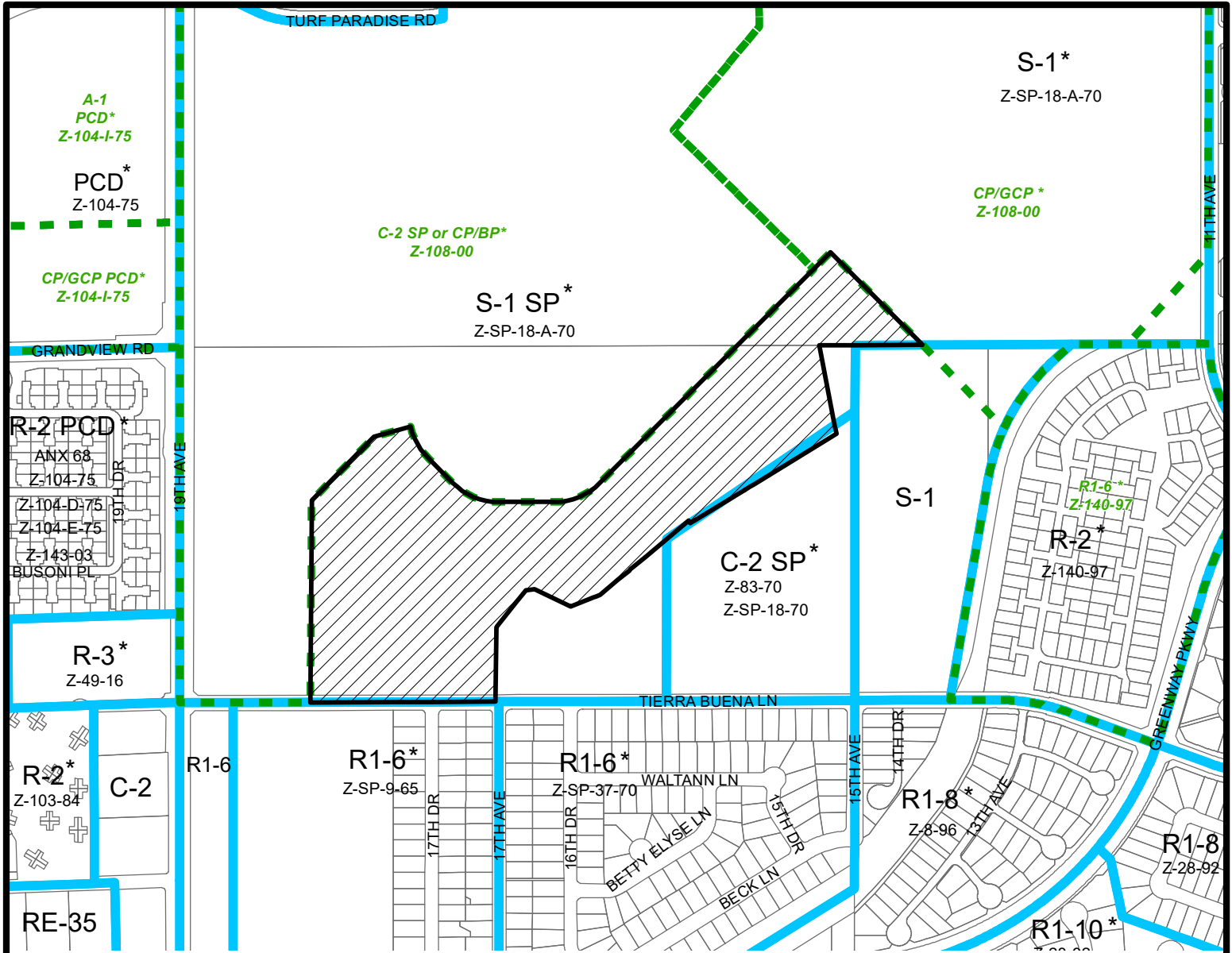
Exhibits

Zoning sketch map

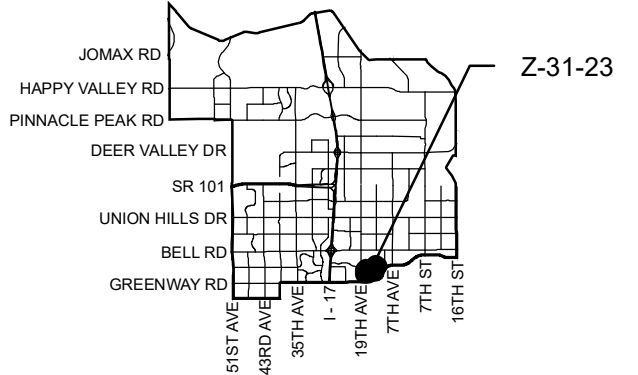
Aerial sketch map

Site plan date stamped May 19, 2023

Renderings date stamped May 19, 2023 (2 pages)

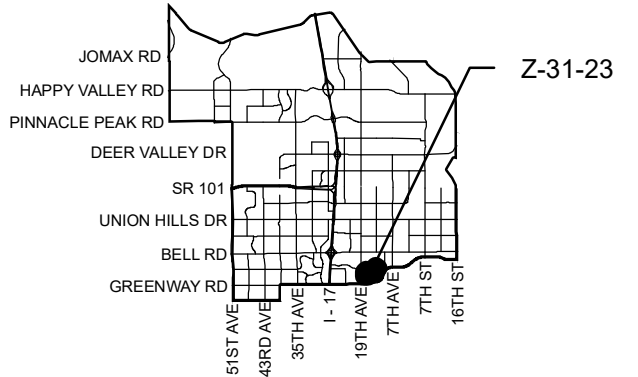
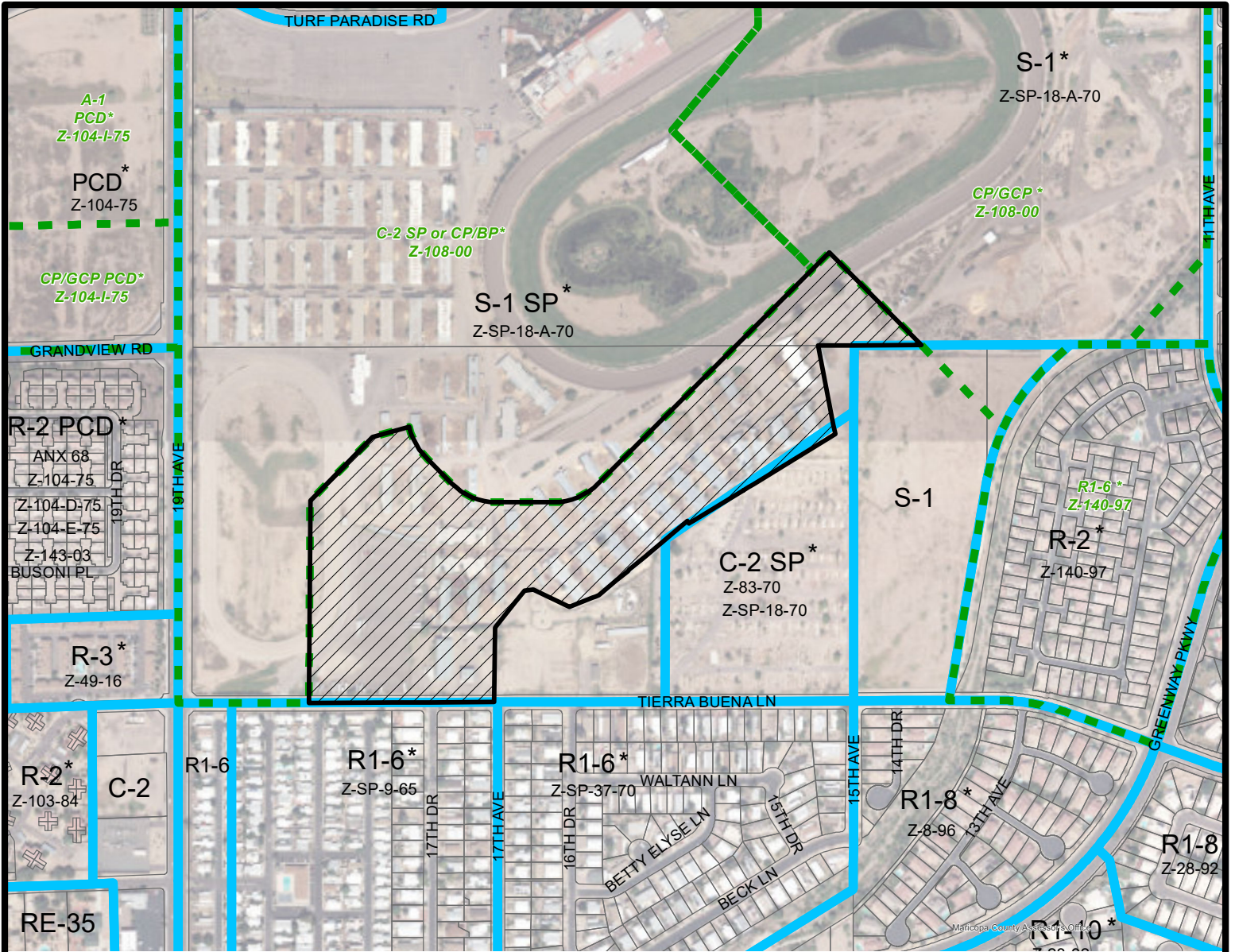



DEER VALLEY VILLAGE
CITY COUNCIL DISTRICT: 3



APPLICANT'S NAME: CT Investors c/o James Watson		REQUESTED CHANGE:	
APPLICATION NO.: Z-31-23		FROM: S-1 SP (28.69 ac.) C-2 SP (0.23 ac.)	
DATE: 7/11/2023 REVISION DATES:		TO: CP/GCP (28.92 ac.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 28.92 Acres		AERIAL PHOTO & QUARTER SEC. NO. QS 35-25, QS 36-25, QS 36-26	
MULTIPLES PERMITTED S-1 SP, C-2 SP CP/GCP		ZONING MAP L-7, M-7, M-8	
CONVENTIONAL OPTION 28, 3 N/A		* UNITS P.R.D. OPTION N/A, 4 N/A	

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




 Miles
 0.1 0.05 0 0.1
DEER VALLEY VILLAGE
 CITY COUNCIL DISTRICT: 3



APPLICANT'S NAME: CT Investors c/o James Watson		REQUESTED CHANGE:	
APPLICATION NO. Z-31-23		FROM: S-1 SP (28.69 ac.) C-2 SP (0.23 ac.)	
DATE: 7/11/2023 <small>REVISION DATES:</small>		TO: CP/GCP (28.92 ac.)	
<small>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</small> 28.92 Acres			
<small>AERIAL PHOTO & QUARTER SEC. NO.</small> QS 35-25, QS 36-25, QS 36-26		<small>ZONING MAP</small> L-7, M-7, M-8	
MULTIPLES PERMITTED S-1 SP, C-2 SP CP/GCP		* UNITS P.R.D. OPTION N/A, 4 N/A	
CONVENTIONAL OPTION 28, 3 N/A			

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



CITY OF PHOENIX

MAY 19 2023

**Planning & Development
Department**

05-01-2023
23001-ST08

WINNER'S CIRCLE BUSINESS PARK

Conceptual Site Plan
Phoenix, Arizona





WINNERS CIRCLE BUSINESS PARK

Conceptual Elevations
Conceptual Elevations, Quality & Materials
Phoenix, Arizona

CITY OF PHOENIX

MAY 19 2023

**Planning & Development
Department**





WINNERS CIRCLE BUSINESS PARK

Conceptual Elevations
Conceptual Elevations, Quality & Materials
Phoenix, Arizona

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