



## City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

December 27, 2024

Ms. Carolyn Oberholtzer  
Bergin, Frakes, Smalley & Oberholtzer, PLLC  
4343 East Camelback Road, Suite 210  
Phoenix, Arizona 85018

Re: MINOR AMENDMENT OF NORTH PHOENIX 3,500 PUD (Z-37-20-1)  
NORTHWEST CORNER OF THE I-17 AND LOOP 303 FREEWAYS

Dear Ms. Oberholtzer,

Thank you for your letter dated August 29, 2024, and revised October 22, 2024, requesting a minor amendment to the North Phoenix 3,500 Planned Unit Development. Your request included revisions to Section E of the Design Guidelines Table in Section 5.a., Table 3 regarding building height requirements for Wireless Communication Facilities and Section 9 regarding the exclusion of critical infrastructure and Wireless Communication Facilities from the acreage of Phase 1 in regard to master planning requirements.

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 minor 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 North Phoenix 3,500 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 January 28, 2021, as modified by the following stipulations:
  - a. Page 1, Cover Sheet: Modify the submittal dates as follows:
    - Add the City Council Adoption date above the “Final Submittal” date (October 21, 2020).
    - Add the 1st Minor Amendment Approval date (December 11, 2024), and the 1st Minor Amendment Final Narrative Submittal date below the Final Submittal date.

- b. Provide a new page after the table of contents with a summary of what the minor amendment was for, including the dates.
- c. Page 16, Development Standards, 3rd footnote: Add at the end of the footnote "Wireless Communication Facilities (WCFs) shall comply with the provisions of Section 715 of the Phoenix Zoning Ordinance, except a height exception as modified herein. Visible WCFs not mounted to a building shall be permitted up to 175 feet in height from natural grade to the highest point of pole in the Technology Campus District and may increase up to 225 feet in height upon approval of a use permit, in accordance with Section 307 of the Phoenix Zoning Ordinance."
- d. Page 30, Master Planning and Administration, Phase 1 Development: Add a footnote for "320 acres" which states that it is exclusive of land in TC-A devoted to critical infrastructure including, but not limited to, a reclaimed water facility, wastewater lift station, electrical substation, gas plant, and wireless communication facilities.

The proposed minor amendment is consistent with the intent of the PUD.

By allowing wireless communication facilities with flexibility in height and by allowing critical infrastructure to be excluded from the acreage of Phase 1 that would trigger master planning requirements, it provides entitlement flexibility, and it ensures land use compatibility per existing entitlements and would support other uses within the PUD that need this infrastructure in order to function.

Should you have any questions, please contact the North Gateway Village Planner, Adrian Zambrano, at [adrian.zambrano@phoenix.gov](mailto:adrian.zambrano@phoenix.gov) or (602) 534-6057.

Sincerely,



Joshua Bednarek  
Planning and Development Director

Attachments:

Minor Amendment Request Letter dated August 29, 2024.  
Revised Minor Amendment Request Letter dated October 22, 2024.

- c: Z-37-20-1  
Adrian Zambrano, North Gateway Village Planner

August 29, 2024

**ELECTRONIC SUBMITTAL**

Mr. Joshua Bednarek  
Planning & Development  
Director City of Phoenix

**RE: Case No. Z-37-20-1 Minor PUD Amendment Request**

Mr. Bednarek,

The North Phoenix 3,500 Planned Unit Development (the “PUD”) was approved by Phoenix City Council on October 21, 2020, to develop approximately 3,721 acres of vacant State Trust land as a master-planned, mixed-use employment hub. Phase 1 of the Technology Campus District contemplated by this PUD is currently under development as the first semiconductor fabrication facility of the TSMC Complex (“Phase 1”). This minor PUD amendment request clarifies the infrastructure planning requirements specific to Phase 1 operations and building height exceptions made for non-habitable mechanical equipment. These clarifications do not meet the criterion triggering a major PUD amendment process under Section 671(E)(1), and as such, this proposed minor PUD amendment may be approved administratively by the Phoenix Planning and Development Director.

*I. Phase 1 Infrastructure Planning*

Following initial development of Phase 1, the PUD contemplates incremental buildout guided by updated Development Master Plans to be provided on either a Development Unit or Functional Segment level as determined through consultation with City Staff. In accordance with Phoenix City Zoning Ordinance Section 671(B)(3), Conceptual Development Master Plans are required to accompany all PUD project phases exceeding 320 acres. To date, approximately 310 acres have been developed within Phase 1, with another 109 acres which have been developed as critical supporting infrastructure as shown in the enclosed infrastructure exhibit.

The Development Master Plan requirements are intended to identify the scope and scale of infrastructure necessary to support future PUD phases incrementally, including future arterial roadways, water and wastewater services, and drainage plans. Because the development of Phase 1 includes 109 acres devoted to infrastructure to serve the 310 developed acres and beyond, the acreage necessary to implement infrastructure that supports the initial, sub-320-acre Phase 1 development should be excluded from the acreage calculations that might otherwise cause Phase 1 to exceed the 320-acre threshold and thus require submittal of Development Master Plans. It would be contrary to the intent of the master plan phasing framework contemplated by this PUD,

and the Phoenix Zoning Ordinance, to include infrastructure facilities in the acreage calculations that itself triggers the need for more infrastructure. This interpretation of the master planning requirements will appropriately scale the master planning efforts toward improvements larger in scope that will become necessary at later project phases.

To reaffirm the master planning benchmarks outlined under this PUD, this minor amendment clarifies that the acreage for critical infrastructure necessary to serve Phase 1 development is excluded from the 320-acre threshold calculation that triggers Master Planning requirements. Such critical infrastructure includes but is not limited to, a reclaimed water facility, wastewater lift station, electrical substation, gas plant and wireless communications towers as further depicted in the exhibit attached to this request and totaling 109 acres, to date.

*II. Applicable Building Height Limitations to Wireless Communications Facilities*

Section 701(B) of the Phoenix City Zoning Ordinance exempts from buildable height restrictions elements such as flagpoles, radio and television towers, and airway beacons. In addition to the building height exceptions enumerated under Section 701(B), the PUD also permits “*non-habitable mechanical equipment and structures* that may include, but are not limited to, elements such as air separators, exhaust pipes, and gas processing equipment” to build up to 225-feet in height for a maximum of 25% of the roof area within the Technology Campus and Technology Park Land Use Districts. See PUD Section 5, Table 3, Note 3. The inclusion of “structures” provides that this exemption is applicable to stand-alone structures that are not roof mounted. As non-habitable mechanical structures, Wireless Communication Facilities under Section 715 of the Phoenix City Zoning Ordinance should fall within the building height exemption in the PUD. Specifically, this amendment affirms that Wireless Communications Facilities are treated as “non-habitable mechanical equipment” for purposes of the exemption and as such, may be built up to 225 feet in height within the Technology Campus and Technology Park Districts. Development of the Wireless Communications Facilities in all other respects will be subject to Section 715 requirements.

Thank you for your time and consideration of this minor PUD amendment request. We respectfully request your approval and look forward to continued development of the North Phoenix 3,500 PUD.

Sincerely,



Carolyn Oberholtzer

Enclosure: Infrastructure Exhibit

**Table 3: Development Standards by Land Use District (Continued)**

	<u>Technology Campus</u>	<u>Technology Park</u>	<u>Freeway Mixed Use</u>	
	Commerce Park	Commerce Park	Residential Uses	Non-residential Uses
Min. Open Space	A minimum of 10% of the net site area shall be provided as open space. Open space may take the form of active or passive open space and should prioritize preservation of the site's natural features and character. Open space shall be calculated per Development Unit.	A minimum of 10% of the net site area shall be provided as open space. Open space may take the form of active or passive open space and should prioritize preservation of the site's natural features and character. Open space shall be calculated per Development Unit.	Minimum 5% of gross area	Minimum 5% of gross area. For any site development in excess of fifty six (56) feet, a minimum of 30% of the project's total net area shall be provided as open space with appropriate landscaping and other pedestrian-oriented amenities. This area shall be exclusive of setbacks, areas open to vehicular traffic and parking areas.

- 1) In conformance with the Carefree Highway Scenic Corridor plan, a 120' setback from the centerline of Carefree Highway (SR-74) is required for all commercially zoned or commercially designated land adjacent to this roadway. For other land use types, a minimum setback of 170' and an average setback of 205' is required.
- 2) The residential buffer is a building setback that only applies to residential uses. As such, there is no required residential buffer for non-residential uses within the Freeway Mixed Use Land Use District.
- 3) 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, Wireless Communications Facilities, and gas processing equipment are permitted up to 225-feet in height for a maximum of 25% of the roof area.

in accordance with the requirements described in the PCD Section of the Zoning Ordinance and are not subject to on-going iterative amendments. The following is a list of Conceptual Master Plans that have been included with this PUD

- Conceptual Development Unit Plan
- Conceptual Water Plan
- Conceptual Wastewater Plan
- Conceptual Vehicular Circulation Plan
- Conceptual Pedestrian Circulation & Facilities Plan
- Traffic

## PHASE 1 DEVELOPMENT

Provided that Phase 1 is less than 320 acres<sup>1</sup> and located within Development Unit TC-A, no additional master plans are required prior to preliminary site plan approval. Phase 1 improvements will inform the larger master plans for the Development Unit and overall PUD area. Future master plans will be required to reflect Phase 1 improvements.

## DEVELOPMENT UNIT & FUNCTIONAL SEGMENT MASTER PLANS

For all other development within Development Unit TC-A, and for all future initial developments within any Development Unit, the initial applicant shall submit Conceptual Development Master plans, as described in the PCD section of the Zoning Ordinance and as further clarified in this PUD. The first developer within a Development Unit will be required to identify the infrastructure necessary to serve the development and where needed or appropriate, sized to facilitate service to adjacent Development Units.

The initial development applicant within a Development Unit shall work with Staff to assign the required, additional master plans at either the Development Unit level, or a lesser Functional Segment level. These plans will include:

- Master Development Plan (1)
- Traffic Impact Study (2)
- Master Street Plan with Infrastructure Phasing Schedule (2)
- Master Open Space, Pedestrian, Bicycle and Trails Plan (2)
- Master Landscape Plan (2)
- Master Water Plan including a Water Design Report (1)
- Master Wastewater Plan including a Wastewater Design Report (1)
- Master Drainage Plan including a Drainage Report (1)
- Functional Segment Phasing Schedule (1)

(1) Master Plans to be provided on a Development Unit Master Planning level.

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<sup>1</sup> The 320 acres is exclusive of land in TC-A devoted to critical infrastructure including, but not limited to, a reclaimed water facility, wastewater lift station, electrical substation, gas plant, and wireless communications facilities.

- (2) Master Plans to be provided on a Functional Segment (sub-unit) Master Planning level.

~~August 29~~ October 22, 2024

**ELECTRONIC SUBMITTAL**

Mr. Joshua Bednarek  
Planning & Development  
Director City of Phoenix

**RE: Case No. Z-37-20-1 Minor PUD Amendment Request; Resubmittal Narrative Responding to City Comments Received September 23, 2024**

Mr. Bednarek,

The North Phoenix 3,500 Planned Unit Development (the “PUD”) was approved by Phoenix City Council on October 21, 2020, to develop approximately 3,721 acres of vacant State Trust land as a master-planned, mixed-use employment hub. Phase 1 of the Technology Campus District contemplated by this PUD is currently under development as the first semiconductor fabrication facility of the TSMC Complex (“Phase 1”). This minor PUD amendment request clarifies the infrastructure planning requirements specific to Phase 1 operations and building height exceptions ~~made for non-habitable mechanical equipment applicable to Wireless Communications Facilities (“WCF”)~~. These clarifications do not meet the criterion triggering a major PUD amendment process under Section 671(E)(1), and as such, this proposed minor PUD amendment may be approved administratively by the Phoenix Planning and Development Director.

*I. Phase 1 Infrastructure Planning*

Following initial development of Phase 1, the PUD contemplates incremental buildout guided by updated Development Master Plans to be provided on either a Development Unit or Functional Segment level as determined through consultation with City Staff. In accordance with Phoenix City Zoning Ordinance Section 671(B)(3), Conceptual Development Master Plans are required to accompany all PUD project phases exceeding 320 acres. To date, approximately 310 acres have been developed within Phase 1, with another 109 acres which have been developed as critical supporting infrastructure as shown in the enclosed infrastructure exhibit.

The Development Master Plan requirements are intended to identify the scope and scale of infrastructure necessary to support future PUD phases incrementally, including future arterial roadways, water and wastewater services, and drainage plans. Because the development of Phase 1 includes 109 acres devoted to infrastructure to serve the 310 developed acres and beyond, the acreage necessary to implement infrastructure that supports the initial, sub-320-acre Phase 1 development should be excluded from the acreage calculations that might otherwise cause Phase 1 to exceed the 320-acre threshold and thus require submittal of Development Master Plans. It



would be contrary to the intent of the master plan phasing framework contemplated by this PUD, and the Phoenix Zoning Ordinance, to include infrastructure facilities in the acreage calculations that itself triggers the need for more infrastructure. This interpretation of the master planning requirements will appropriately scale the master planning efforts toward improvements larger in scope that will become necessary at later project phases.

To reaffirm the master planning benchmarks outlined under this PUD, this minor amendment clarifies that the acreage for critical infrastructure necessary to serve Phase 1 development is excluded from the 320-acre threshold calculation that triggers Master Planning requirements. Such critical infrastructure includes but is not limited to, a reclaimed water facility, wastewater lift station, electrical substation, gas plant and wireless communications towers as further depicted in the exhibit attached to this request and totaling 109 acres, to date.

## II. *Applicable Building Height Limitations to Wireless Communications Facilities*

Section 701(B) of the Phoenix City Zoning Ordinance exempts from buildable height restrictions elements such as flagpoles, radio and television towers, and airway beacons. In addition to the building height exceptions enumerated under Section 701(B), the PUD also permits “*non-habitable mechanical equipment and structures* that may include, but are not limited to, elements such as air separators, exhaust pipes, and gas processing equipment” to build up to 225-feet in height for a maximum of 25% of the roof area within the Technology Campus and Technology Park Land Use Districts. See PUD Section 5, Table 3, Note 3. The inclusion of “structures” provides that this exemption is applicable to stand-alone structures that are not roof mounted.

As non-habitable mechanical structures, ~~Wireless Communication Facilities stand-alone WCFs~~ under Section 715 of the Phoenix City Zoning Ordinance should ~~fall within the be~~ afforded similar building height ~~exemption exemptions~~ in the PUD. ~~Specifically, Due to the size of the existing TSMC complex and the inability to utilize any of the existing structures as mounted WCF locations due to security requirements, the increased height is necessary to provide adequate telecommunications coverage to serve the campus. This area of the city has been identified as an area with a significant service gap by the Federal Communications Commission (FCC), denoting an “underserved” area by FCC Broadband Standards and requiring prompt action to ensure reliable telecommunications services. Particularly in this relatively undeveloped area of North Phoenix, increased cell tower height is critical for long distance signal penetration of a wide array of spectrum frequencies to support TSMC operations. To accommodate this need, this requested amendment affirms would clarify that Wireless Communications Facilities are treated as “non-habitable mechanical equipment” for purposes of the exemption and as such, may to may be built up to 225/175 feet in height within the Technology Campus and Technology Park Districts District and may increase in height to a maximum of 225 feet upon issuance of a use permit in compliance with Chapter 3 of the Phoenix Zoning Ordinance.~~ Development of the Wireless Communications Facilities in all other respects will be subject to Section 715 requirements.

Thank you for your time and consideration of this minor PUD amendment request. We respectfully request your approval and look forward to continued development of the North Phoenix 3,500 PUD.

~~August 29~~ October 22, 2024

North Phoenix 3,500 Minor PUD Amendment  
City of Phoenix

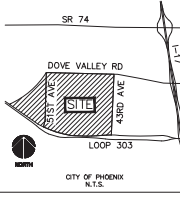
Sincerely,



Carolyn Oberholtzer

Enclosures: Infrastructure Exhibit

Requested Revisions to North Phoenix 3,500 PUD Narrative



**Kimley»Horn**  
 © 2024 KIMLEY-HORN AND ASSOCIATES, INC.  
 7740 NORTH 16TH STREET, SUITE 300  
 PHOENIX, ARIZONA 85020 (602) 944-5000

- TSMC DEVELOPED  
310 ACRES
- TSMC UNDEVELOPED  
682 ACRES
- TSMC ADJACENT  
INFRASTRUCTURE  
109 ACRES

NOT FOR CONSTRUCTION  
 CONFIDENTIAL PROPRIETARY INFORMATION

**台灣積體電路製造股份有限公司**  
 Taiwan Semiconductor Manufacturing Company, Ltd.

**Kimley»Horn**  
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 PHOENIX, ARIZONA 85020 (602) 944-5000

**OKLAND**  
 1700 N. McCracken Dr  
 Tempe, AZ 85281  
 602.265.2200  
 okland.com

TSMC ADJACENT  
 INFRASTRUCTURE

TSMC ARIZONA

HORIZONTAL: 1"=350'  
 VERTICAL: NONE

2024-08-19 TSMC Adjacent  
 Infrastructure.dwg



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- 1) In conformance with the Carefree Highway Scenic Corridor plan, a 120' setback from the centerline of Carefree Highway (SR-74) is required for all commercially zoned or commercially designated land adjacent to this roadway. For other land use types, a minimum setback of 170' and an average setback of 205' is required.
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- 3) 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, ~~Wireless Communications Facilities~~, and gas processing equipment are permitted up to 225-feet in height for a maximum of 25% of the roof area. Wireless Communications Facilities (WCF) not mounted to buildings may be built up to 175 feet from natural grade to the highest point of pole in the Technology Campus District, and may increase in height up to 225 with a use permit in compliance with the provisions of Chapter 3 of the Phoenix Zoning Ordinance.