



**Harvest Planned Unit Development**  
4740 East Shea Boulevard  
Phoenix, AZ 85028  
APN: 167-73-033

Case No. Z-\_\_\_\_\_

First Submittal Date: July 17, 2020

**CITY OF PHOENIX**

JUL 17 2020

**Planning & Development  
Department**

## **DISCLAIMER**

A Planned Unit Development (“PUD”) is intended to be a stand-alone document of zoning regulations for a particular project. Provisions not specifically regulated by the PUD are governed by the Zoning Ordinance. A PUD may include substantial background information to help illustrate the intent of the development. The purpose and intent statements are not requirements that will be enforced by the City. The PUD only modifies Zoning Ordinance regulations and does not modify other City Codes or requirements. Additional public hearings may be necessary, such as, but not limited to, right-of-way abandonments.

**Development Team**

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**Applicant**

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**Zoning Attorney**

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## **I. PURPOSE & INTENT**

Quarles & Brady LLP submits this PUD narrative (the “Narrative”) on behalf of Harvest Health & Recreation Inc. (“Harvest”) in regard to the commercial development (the “Development”) located at 4740 E. Shea Boulevard in Phoenix (APN: 167-73-033) (the “Property”) inclusive of a proposed 5,000 square foot medical marijuana dispensary (the “Dispensary”). See Aerial and Zoning Maps attached at **Exhibit A**. As explained below, the proposed PUD is necessary to energize and connect the disjointed development design and to provide a vital dispensary use to a severely underserved area of the City.

### **A. Applicant**

Harvest is a reputable, national medical marijuana company providing medical and community services in different states, including Arizona. The company is vertically integrated and operates fourteen dispensaries throughout Arizona. As one of the first Arizona medical marijuana companies to obtain licenses, Harvest has had to exceed its competitors’ quality and community expectations to bring a respectable and reliable name to its dispensaries. The company focuses on the well-being of both its customers and employees, implementing rigorous training programs for its staff to ensure all products and routines are of a high standard and tailored to each customer’s unique needs. Harvest exceeds regulatory standards by requiring thorough testing and re-testing to ensure quality assurance, by auditing the origins of every piece of hardware in its manufacturing supply chain, and by applying the strictest standards of quality in its products using no artificial ingredients. Since opening its first dispensary in 2013, Harvest’s team members have gained extensive experience successfully operating cannabis-related businesses, transacting millions of cannabis products lawfully and safely to hundreds of thousands of unique patients and passing hundreds of health department, state, county, and local audits and inspections. Harvest is committed to maintaining regulatory compliance, safety and security, and educating employees and customers on safe cannabis use.

Harvest is a community-oriented establishment and looks to make an impact beyond its dispensaries. Since its establishment in 2013, Harvest has contributed nearly \$600,000 to a wide variety of health, human services, and civic nonprofits, including organizations whose missions address seizure disorders, PTSD, cancer treatment and research, LGBTQ issues, medical cannabis legalization, voter registration, dementia, Parkinson’s, Alzheimer’s, and chronic pain. The executives of Harvest also established Harvesting Hope, a non-profit organization which supports young children suffering from seizure disorders and has partnered with the Epilepsy Foundation and Phoenix Children’s Hospital to provide assistance to those in need. From providing a variety of helpful consumer resources to supporting local charities, Harvest is passionate about the community.

## **B. PUD Overview and Goals**

The Property is currently zoned C-1 (“Neighborhood Commercial”). The purpose of the proposed PUD is to enhance the visual appeal of the northwest corner of E. Shea and N. Tatum Boulevards and to allow for a greater mix of commercial and retail uses at the site, inclusive of the Dispensary. The PUD will accomplish this by implementing a unified concept throughout the Development, incorporating more flexible C-2 uses and development standards, and modifying the size and separation requirements applicable to the Dispensary. In doing so, the PUD will not only improve a prominent corner but will also enable the City to meet the medical needs of individuals within a severely underserved Community Health Analysis Area (“CHAA”) as designated by the State of Arizona. The Arizona Department of Health Services (“ADHS”) created geographic units called CHAAs to monitor cancer rates within the unit area<sup>1</sup>. According to the ADHS database<sup>2</sup>, the Property falls within the Paradise Valley Village CHAA, which includes almost 3,800 cancer cases and is the second highest count of registered cancer cases out of all Arizona CHAAs. Yet despite this significant concentration of registered cancer cases, this CHAA only has two dispensaries, the nearest of which is almost 4 miles away from the Property. The Property is also located within close proximity of the Paradise Valley CHAA, which has no medical marijuana dispensaries, and the Scottsdale North CHAA, which has over 4,000 cancer cases--the highest count of cancer cases out of all the Arizona CHAAs. Cancer is the second most qualifying condition for a medical marijuana patient card, and it is necessary for individuals with cancer to have nearby access to treatment. Therefore, this single location will meet the needs of three separate CHAAs - a true benefit which goes above and beyond what can be accomplished under the current C-1 zoning.

As stated within Section 671.A of the Phoenix Zoning Ordinance (the “Ordinance”), a PUD is “intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines.” If left unmodified, the current zoning district and applicable development standards would continue to prohibit access to a dispensary in this area in perpetuity, despite the high demand and need for prescriptions to address increasing cancer rates and other pharmaceutical applications. Moreover, the Property's current design would remain a disjointed concept. The proposed PUD, however, will result in a mix of uses on the Property superior to existing conditions and consistent in design, with specific attention directed toward meeting the pharmaceutical demands of an underserved segment of the Phoenix population and a designated CHAA.

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<sup>1</sup> [https://azdhs.gov/gis/community-health-analysis-area/chaa/CHAA\\_FAQ.pdf](https://azdhs.gov/gis/community-health-analysis-area/chaa/CHAA_FAQ.pdf)

<sup>2</sup> <https://www.azdhs.gov/gis/community-health-analysis-area/index.php>

## C. Overall Design Concept

### 1. Current Development Design

The Property currently includes a 15,500 square foot commercial building. Existing tenants have improved individual units along the east side of the building. However, the southwest suites are vacant (collectively, the “Suite”), leaving the west and nearly half of the south façade facing Shea Blvd. unimproved and featureless and giving the existing building a confused and disjointed feel.



Outside the entrance to the Suite, there is a raised, concrete walkway partially covered by a dated canopy. A simple architectural arch feature separates the canopy from the improved façade of PV Pie & Wine<sup>3</sup>, a restaurant next door, adding to the mismatched aesthetic. There is no landscaping or greenery along the Suite’s south side. The Suite’s west side is a featureless, white wall with some landscaping along its base.

<sup>3</sup> Note, the restaurant previously known as The Covenant rebranded to PV Pie & Wine. The photographs were taken before the rebranding and do not reflect this change.



Landscaping is also located at an island located at the northwest corner of the building and along the Property's perimeter. See Existing Landscape Aerial Exhibit attached at **Exhibit B**. The landscaping along the west wall of the building and bordering the southern and eastern perimeter of the Property consists of a variety of shrubs and bushes in a desert xeriscape, incorporating the feel of the Arizona desert. In addition to this variety of shrubs and bushes, trees also border the north and west perimeter of the Property and are located in the island at the northwest corner of the building.

## 2. Proposed Development Design

As a preliminary matter, the proposed PUD design will not alter the existing footprint of the building on the Property. Instead, the proposed PUD will provide for a greater mix of uses and implement aesthetic changes to the Suite to provide a much needed update to the Development's design, both unifying and energizing the site. See Conceptual Design Renderings attached at **Exhibit C**. First, the PUD provides a unified design concept for the Dispensary itself by replacing the featureless arch feature on the south façade with a window wall that matches the height of the window line on the Suite's west wall, connecting design elements on both walls and creating a more symmetrical appearance.





Second, the PUD unifies the design concepts of the current tenants by integrating these concepts into the Dispensary’s design. For instance, by implementing tinted windows in the window wall on the Suite’s south façade, the design plays on the framing and colors of the south and east façade of PV Pie & Wine next door. Similarly, the Suite’s design incorporates a canopy and signage similar to that of PV Pie & Wine. The paint scheme also provides a unified design concept to the site by blending Harvest’s characteristic and eye-catching “Decisive Yellow” with a muted charcoal as you move from the west wall to south façade, then from the charcoal into the white shared throughout the remainder of the Development. Notably, the PUD design places the more vibrant yellow hue on the Suite’s west wall where it does not face the street. The two-tone paint scheme with sharply contrasting colors separated along a diagonal axis provides a trendy and exciting update to the current design of the Development.



The PUD design also provides modern umbrellas along the raised concrete area on the Dispensary’s south side. Although landscaping already exists at the site, the PUD design will improve on the current landscaping with a variety of potted plants along the Dispensary’s south façade and updates to the landscaping located along the foot of the Development’s west wall.

## II. LAND USE PLAN

### A. Proposed Land Use

The contemplated PUD proposes a commercial development supporting all uses permitted in C-2 zoning, except as noted below, in addition to the Dispensary permitted as-of-right located in the Suite. See Conceptual Land Use Plan attached at **Exhibit D**. In doing so, the PUD not only addresses the substantial need for a Dispensary to support the surrounding area and designated CHAA, but will also allow for a mix of a variety of other commercial uses at the site, creating a superior utilization of the Property. The proposed permitted C-2 and Dispensary uses under the PUD are not only consistent with the General Plan designation of the Property as Commercial, but are also consistent with the surrounding commercial uses and retail uses in the area. In light of COVID-19 and the struggles faced by both the retail/commercial tenants and landlords, the PUD will serve to increase the variety of uses permitted on this site and thereby increase the likelihood of maintaining occupied, leased spaces. The Applicant, of course, anticipates there will be certain C-2 uses the community will not want permitted at this site. To that end, the PUD also serves to prohibit adult-oriented uses listed in Section 623.D.1 and residential uses otherwise permitted under the existing C-1 zoning and that could occur under C-2 zoning.

### B. Conceptual Site Plan

Per the Final Site Plan approved by the City on May 24, 2017, the Property is a 99,543 GSF lot. See March 24, 2017 Approved Final Site Plan attached at **Exhibit E**. A 15,542 SF building occupies the Property covering 22.8% of the land. The building is one story and stands 26'7" tall, below the 30-foot maximum. The building is set back 50'6" from E. Shea Boulevard and 89' from N. Tatum Boulevard. As mentioned above, the proposed PUD will not alter the footprint of the building, maintaining the current compliance with the Ordinance's development standards.

The development is mixed-use, supporting a fairly even split of retail and restaurant uses. As explained above, under the proposed PUD, the Dispensary will be located in the vacant retail suites located in the southwest corner of the building, which occupies a total 3,955 SF of the available retail space (the PUD will allow the dispensary use to expand up to 5000 SF). Notably, because the Approved Final Site Plan anticipated retail uses located in the Suite, the Development's 72 available off-street parking spaces (3 of which are accessible) already meets the Ordinance's requirements; no additional off-street parking is required for the proposed Dispensary.

Circulation on-site is provided by a loop around the building with sufficient width to account for access and the turning radius of fire trucks and trash trucks. See Circulation Plan attached at **Exhibit A**. Access exists at the southwest corner of the site from E. Shea Boulevard and at the northeast corner of the site from N. Tatum Boulevard. The trash enclosure is located at the northwest corner of the site in compliance with City standards. In light of COVID-19 and the

need to accommodate non-contact prescription pick-ups, Harvest will also allow for a curbside pick-up area located directly in front of the main entrance.

**III. LIST OF USES**

**A. Permitted Uses**

The permitted PUD uses and accessory uses shall be as follows:

1. All primary and accessory uses permitted in Ordinance Sections 622 (C-1) and 623 (C-2);
2. The PUD shall be limited to one medical marijuana dispensary, not to exceed 5000 square feet. The separation requirements and net square footage limitations outlined in Section 623.D.124 shall not apply to the dispensary use within the PUD. The dispensary use is permitted as-of-right without the approval of a use permit.
3. Outdoor (patio) dining and liquor services shall be permitted as-of-right associated with a restaurant use.
4. Curb-side pick-up services shall be permitted as-of-right.
5. Massage therapy as either a principal or accessory use associated with the existing spa location is permitted as-of-right without approval of a special permit or use permit.
6. All use permits and variances approved for the Property prior to July 16, 2020, shall be incorporated into the PUD as uses and development standards permitted as-of-right.

**B. Prohibited Uses**

Adult-oriented uses listed in Section 623.D.1 and all residential uses are prohibited. The Applicant is open to discussing additional prohibited uses as recommended by the City and neighborhood as we discuss the PUD throughout the process.

**IV. DEVELOPMENT STANDARDS**

The existing commercial development on the Property shall comply with the site plan approved July 12, 2006. Future development of the Property shall comply with Ordinance Section 623.E except where modified below. Where a standard is not addressed within this PUD, the applicable section of the Ordinance shall apply.

<b>PUD Development Standards</b>	
Dispensary Separation Requirements from Residential Zoning, Churches, Schools, Public Parks, Public Community Centers, Dependent Care Facilities, Homeless Shelters, Youth Community Centers, or Existing	N/A

Dispensaries, Cultivation or Infusion Facilities	
Dispensary Net Square Footage Limit	5,000 SF

**V. DESIGN GUIDELINES**

The proposed design guidelines are those as noted above in Narrative Section I.C.2. The proposed design changes may go through administrative review as required by the City.

**VI. SIGNS**

All signage shall comply with Transect 5 standards per Ordinance Section 1308.

**VII. SUSTAINABILITY**

The following sustainability principles as approved by the Planning and Development Department shall be incorporated into the Development:

1. Provide bicycle racks to promote use of alternative transportation;
2. Utilize a drip irrigation system to minimize water waste;
3. Utilize energy efficient lighting to reduce energy consumption; and
4. Use of drought tolerant plants to reduce water consumption.

**VIII. INFRASTRUCTURE**

**A. Grading and Drainage**

Any new vertical development shall conform with the rules and regulations of the City of Phoenix.

**B. Water and Wastewater**

The Property is located within the City of Phoenix water service area and has an assured water supply. See March 24, 2017 Approved Final Site Plan attached at **Exhibit E**.

**C. Circulation Systems**

The Development has sufficient circulation and access is provided via E. Shea Boulevard and N. Tatum Boulevard. See Circulation Plan attached at **Exhibit A**.



**IX. COMPARATIVE ZONING STANDARDS TABLE**

This proposed PUD will not alter the existing building’s footprint, which is deemed to conform to the development standards of the C-1 zoning district as indicated in the May 24, 2017 approved Final Site Plan. See May 24, 2017 Approved Final Site Plan attached at **Exhibit E**. The Comparative Zoning Standards Table is noted below:

	<b>C-1</b>	<b>C-2</b>	<b>PUD</b>
Density	N/A	N/A	N/A
Minimum lot width/depth	60’ / N/A	60’ / N/A	60’ / N/A
Building setbacks/build-to lines	<b>Street Adjacent:</b> 25’ average with 20’ minimum for up to 50% of structure <b>Not Street Adjacent:</b> 0’	<b>Street Adjacent:</b> 25’ average with 20’ minimum for up to 50% of structure <b>Not Street Adjacent:</b> 0’	<b>Street Adjacent:</b> 25’ average with 20’ minimum for up to 50% of structure <b>Not Street Adjacent:</b> 0’
Landscaped setbacks	<b>Streetscape:</b> 25’ average with 20’ minimum for up to 50% of frontage <b>Other Property Lines:</b> 0’	<b>Streetscape:</b> 25’ average with 20’ minimum for up to 50% of frontage <b>Other Property Lines:</b> 0’	<b>Streetscape:</b> 25’ average with 20’ minimum for up to 50% of frontage <b>Other Property Lines:</b> 0’
Building Separation	As required by Building Code(s)	As required by Building Code(s)	As required by Building Code(s)
Building Height	2 stories/30 feet	2 stories/30 feet	2 stories/30 feet
Lot Coverage	50%	50%	50%
Division of Uses	N/A	N/A	N/A
Dispensary Separation from Residential Zoning	N/A	500’	0’
Dispensary Size Limit	N/A	2,000 SF	5,000 SF

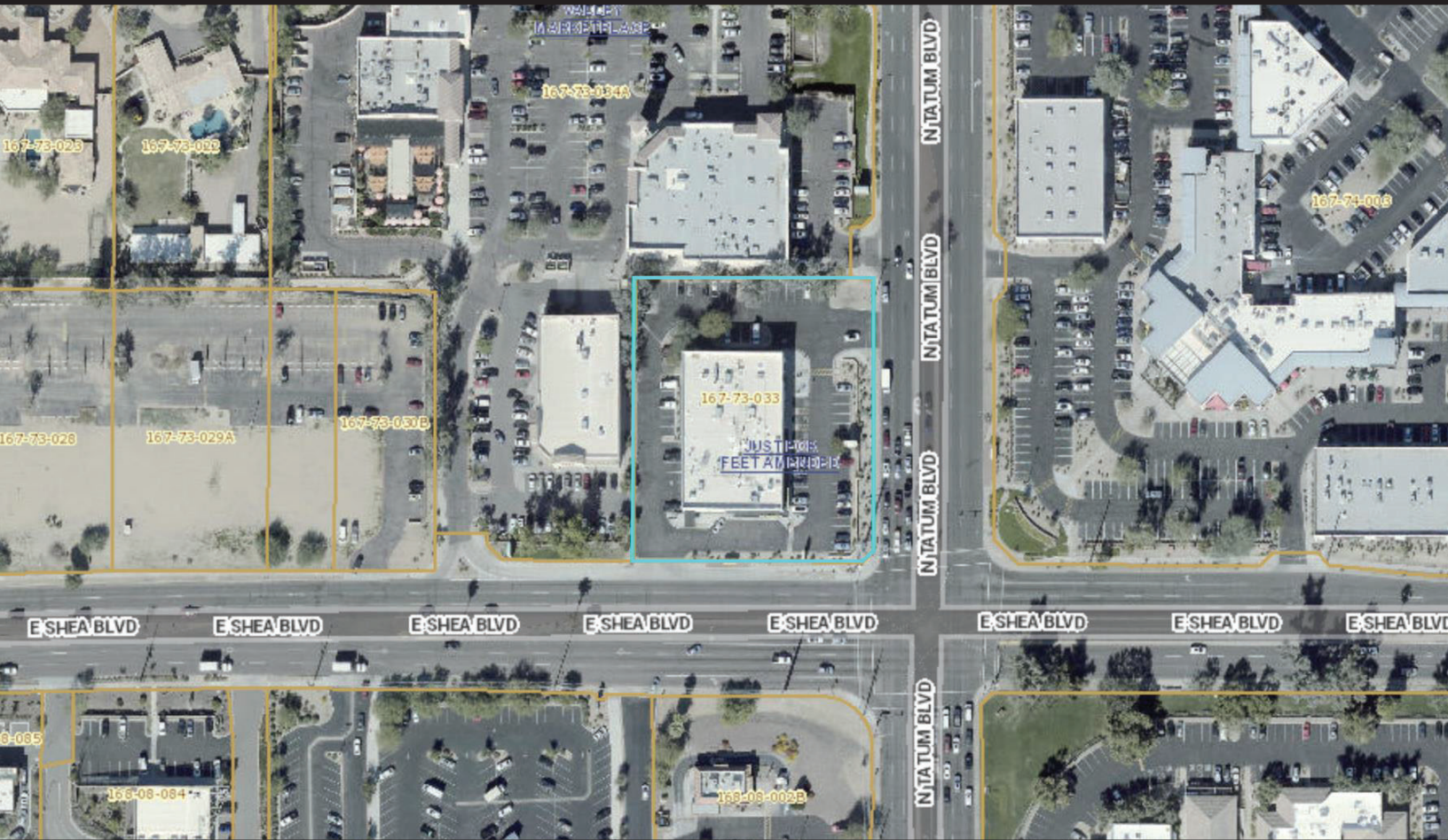
**X. LEGAL DESCRIPTION**

That portion of the southeast quarter of Section 19, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, more particularly described as follows:

Lot 1, JUST FOR FEET AMENDED, according to Book 425 of Maps, Page 46, records of Maricopa County, Arizona.

# EXHIBIT A

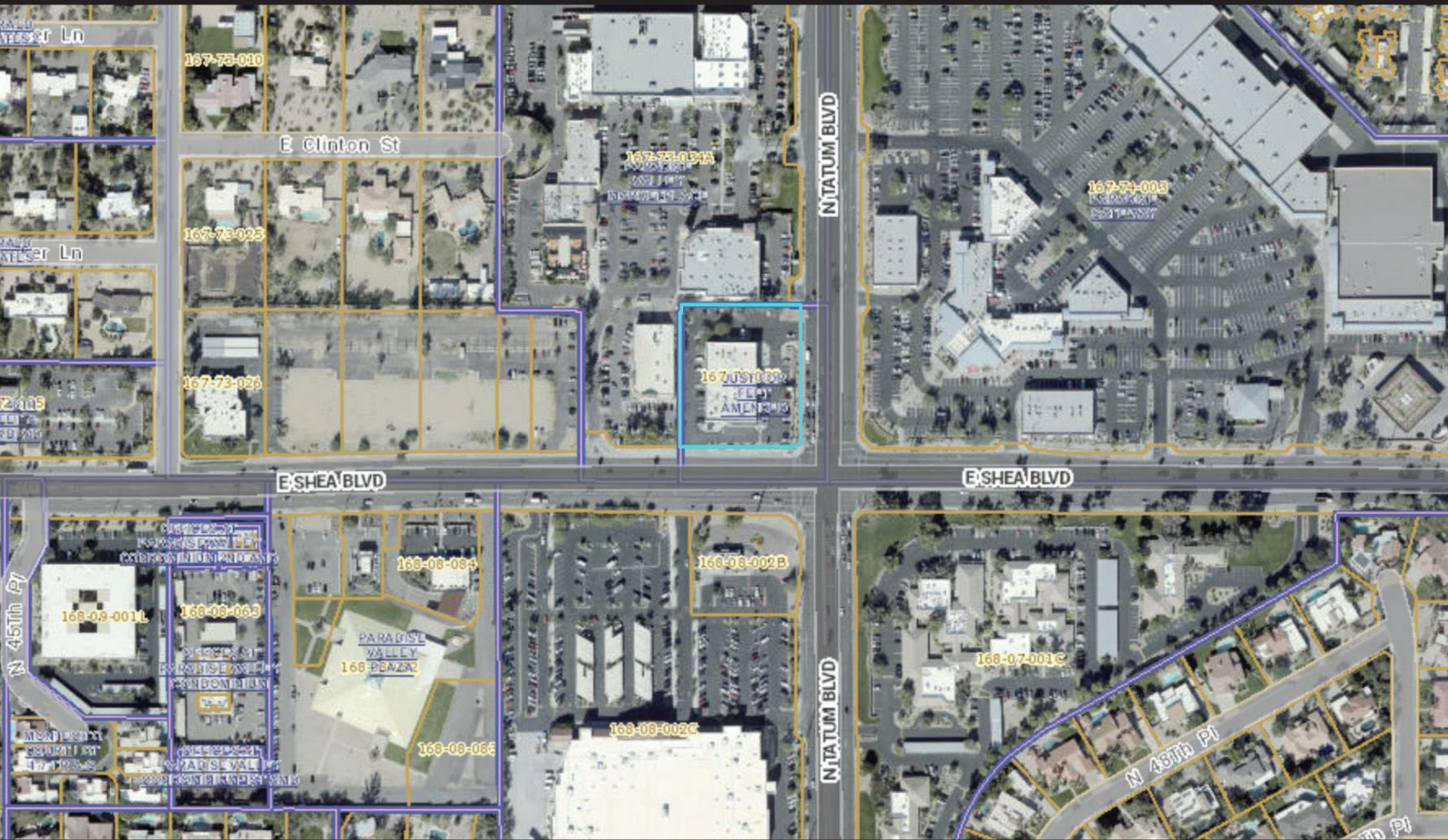
# AERIAL MAP



APN: 167-73-033  
4740 E SHEA BLVD PHOENIX 85028

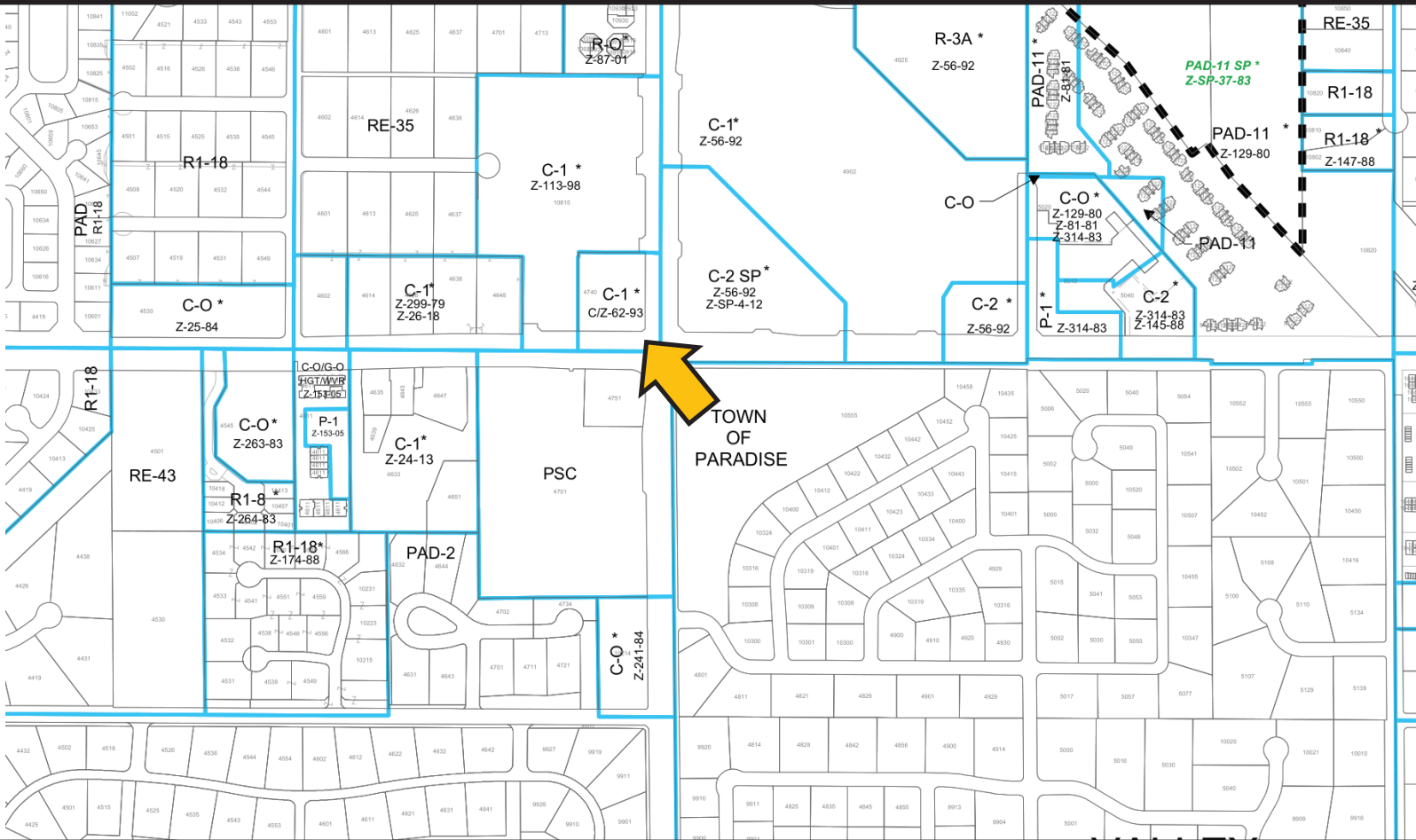


AERIAL MAP



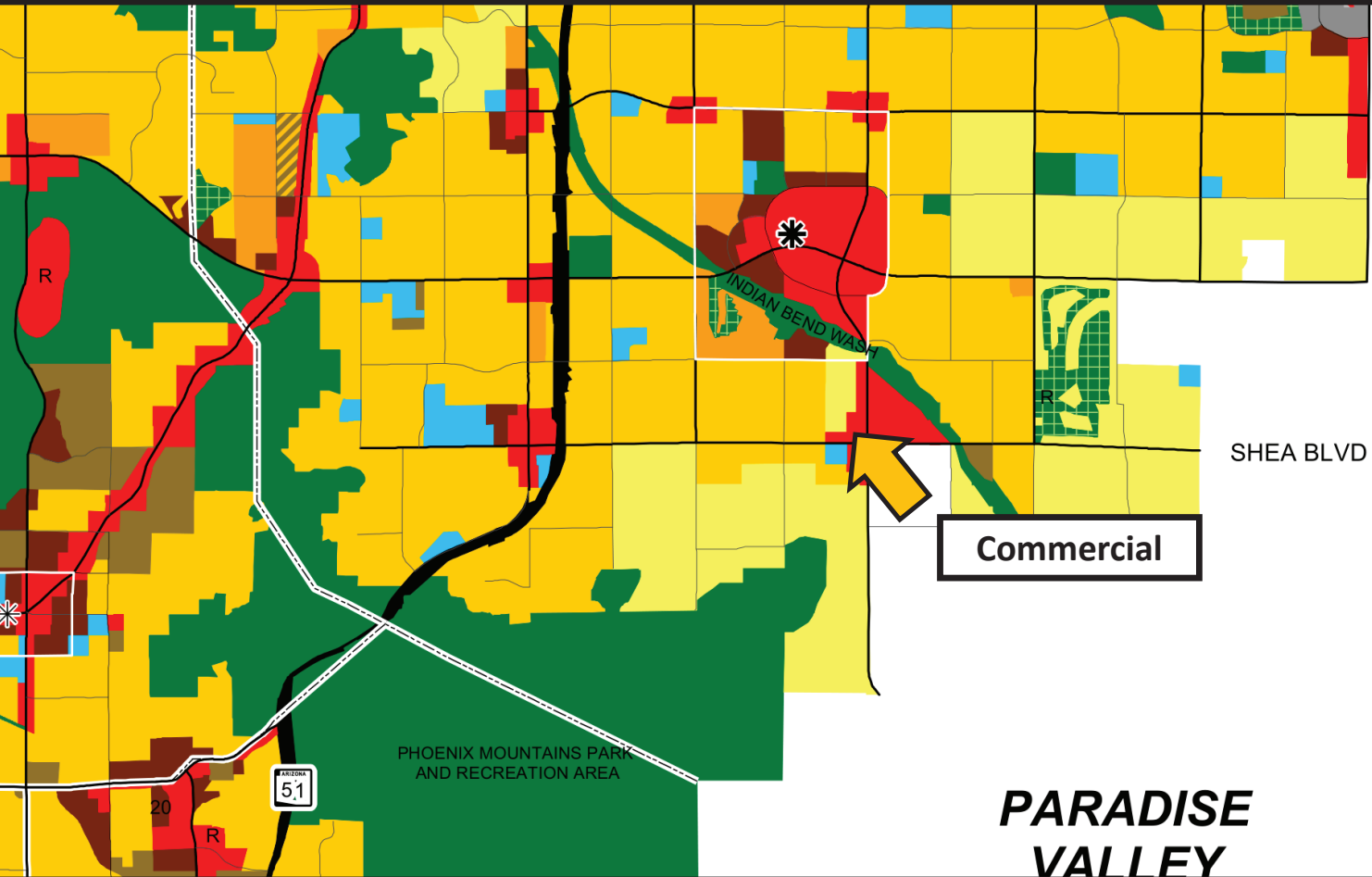
APN: 167-73-033  
4740 E SHEA BLVD PHOENIX 85028

**ZONING MAP**  
**C-1: NEIGHBORHOOD COMMERCIAL**  
**ZONING HISTORY CASE NO. C/Z-62-93**



**APN: 167-73-033**  
**4740 E SHEA BLVD PHOENIX 85028**

GENERAL PLAN  
NO OVERLAYS



THUNDER  
CACTUS

SHEA BLVD

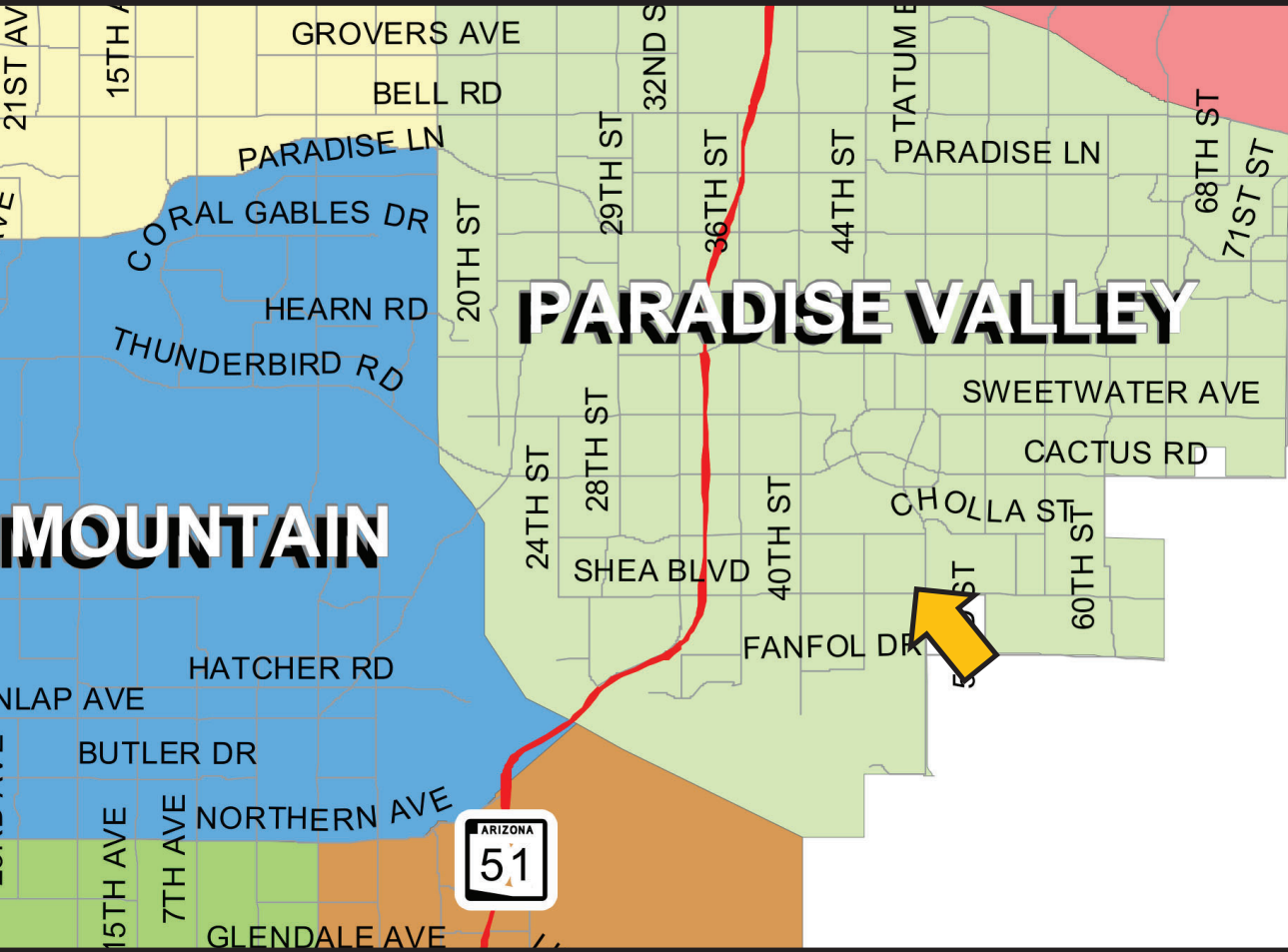
Commercial

**PARADISE  
VALLEY**



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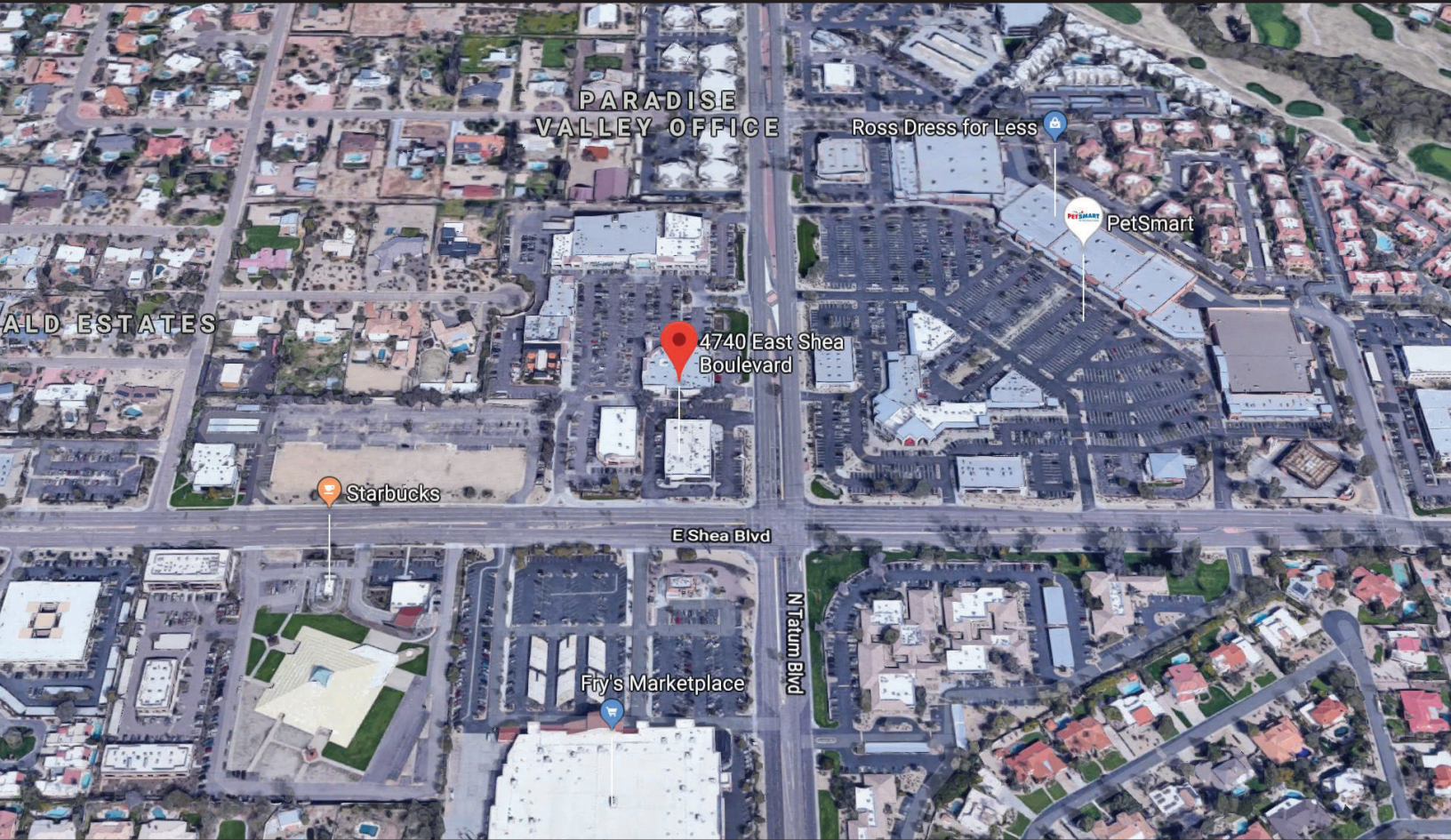
PHOENIX VILLAGE PLANNING COMMITTEE – PARADISE VALLEY  
CITY COUNCIL DISTRICT NO. 3 – COUNCILMEMBER DEBRA STARK



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4740 E SHEA BLVD PHOENIX 85028



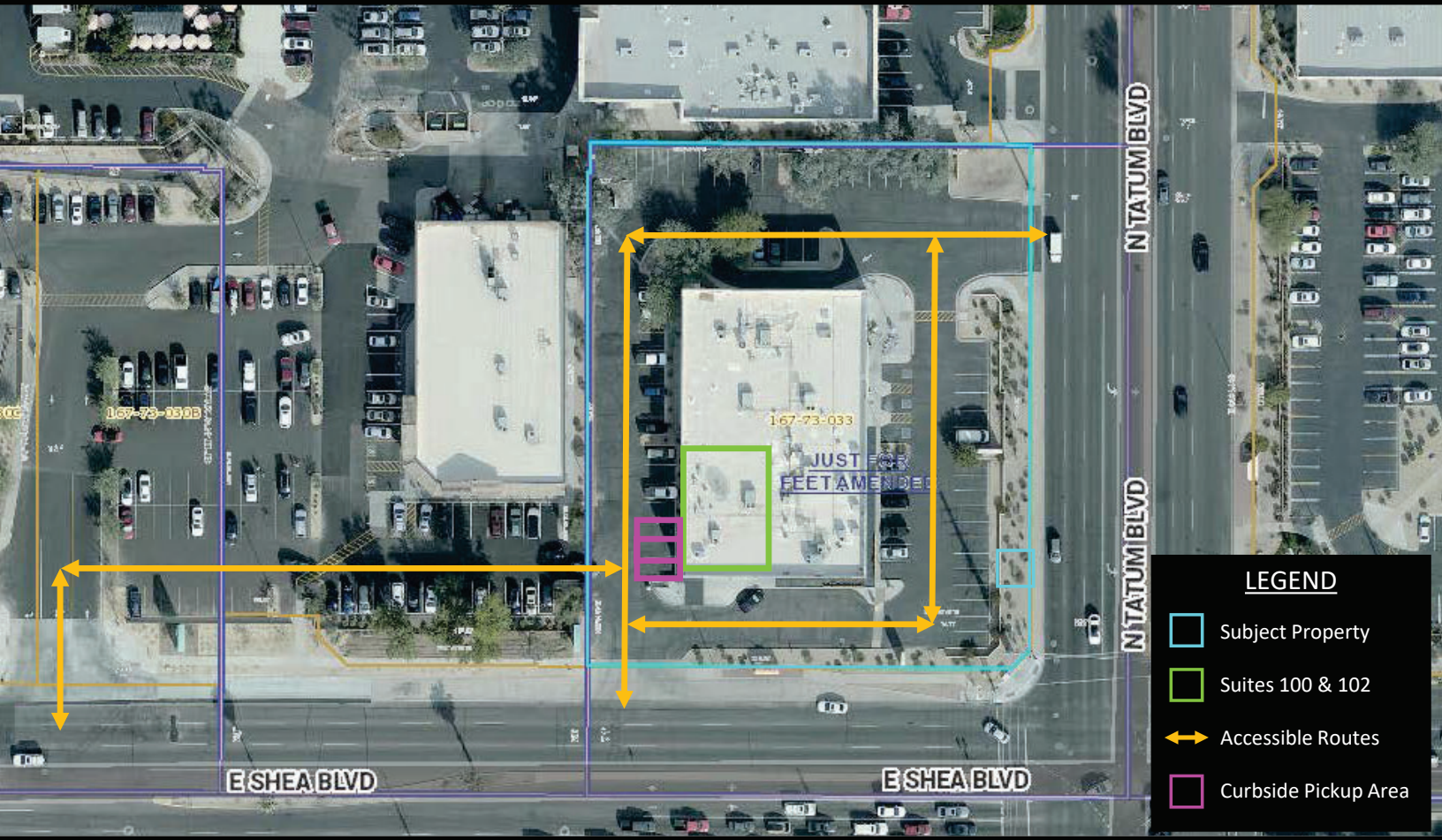
PHOTOGRAPHIC ELEVATIONS



APN: 167-73-033  
4740 E SHEA BLVD PHOENIX 85028



# CIRCULATION EXHIBIT



**LEGEND**

- Subject Property
- Suites 100 & 102
- Accessible Routes
- Curbside Pickup Area

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# **EXHIBIT B**



Property Landscaping (existing)



# EXHIBIT C

# HARVEST



EXISTING



PROPOSED

## CONCEPT A

4740 E Shea Blvd Phoenix, AZ 85028



# HARVEST



EXISTING



PROPOSED

## CONCEPT A

4740 E Shea Blvd Phoenix, AZ 85028


# EXHIBIT D



# CONCEPTUAL LAND USE PLAN



 C-2 Commercial Uses

 Medical Marijuana Dispensary up to 5,000 square feet

# **EXHIBIT E**



