

ORDINANCE G-6775

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-14-20-2) FROM CP/GCP PCD (COMMERCE PARK/GENERAL COMMERCE PARK, PLANNED COMMUNITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as follows:

SECTION 1. The zoning of a 7.80 acre site located on the southeast corner of Kierland Boulevard and Marilyn Road in a portion of Section 10, Township 3 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "CP/GCP PCD" (Commerce Park/General Commerce Park, Planned Community District) to "PUD" (Planned Unit Development).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Kierland Sky PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped October 16, 2020, as modified by the following stipulations:
  - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:  
1st Submittal: May 17, 2020  
2nd Submittal: June 20, 2020  
Hearing Draft: September 11, 2020  
City Council adopted: TBD
  - b. Add the landscape setbacks to the comparative development standards table.
  - c. Provide a dimensioned landscape plan depicting distance between sidewalk and back of curb and landscape setbacks. Include caliper sizes of trees, number of shrubs under each tree, groundcover percentages in a table format on the plan.
  - d. Provide landscape standards for the terraces to include minimum 5-gallon shrubs, with 50% live coverage at maturity.
  - e. Add the following to the Development Standards Table: The southern building will be no higher than 56 feet, and no closer than a minimum of approximately 560 feet away from the closest existing single-family residence; and the building connected to it, no higher than 84 feet, and no closer than a minimum of approximately 700 feet away from the closest existing single-family residence.
  - f. The following shall be included in the Use Standards Section: There shall be no outdoor live music or DJ music on site, only outdoor background dining music shall be allowed.
2. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.

3. The developer shall submit a Traffic Impact Study (TIS) to the City for this development. No preliminary approval of plans shall be granted until the study had been reviewed and approved by the City. Additional off-site improvements and right-of-way dedications may be required as identified in the approved traffic study. Development shall be responsible for the cost associated with these improvements and dedications.
4. The property owner shall record documents that disclose the existence, and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
5. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
6. 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.
7. Prior to the issuance of the certificate of occupancy for Phase I evidence shall be provided that the property owner has deposited funds to be used by the Street Transportation Department for traffic mitigation measures within 1 mile of the site, as approved by the Street Transportation Department and the Planning and Development Department. The funds will be held for 5 years upon which any unused portion will be returned to the property owner providing funding.
8. Prior to the issuance of the certificate of occupancy for Phase II evidence shall be provided that the property owner has deposited additional funds to be used by the Street Transportation Department for traffic mitigation measures within 1 mile of the site, as approved by the Street Transportation Department and the Planning and Development Department. The funds will be held for 5 years upon which any unused portion will be returned to the property owner providing funding.
9. Prior to the issuance of the certificate of occupancy for Phase II evidence shall be provided that the property owner has deposited funds to be used by the Street Transportation Department to contribute to a hawk light at the intersection of Acoma Drive and Kierland Boulevard. Or in the alternative fund traffic mitigation measures within 1 mile of the site, as approved by the Street

Transportation Department and the Planning and Development Department. The funds will be held for 5 years upon which any unused portion will be returned to the property owner providing funding.

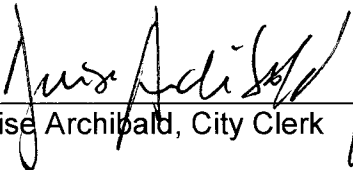
10. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims form. The Waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 2nd day of December 2020.

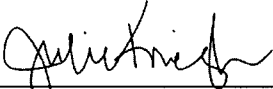
  
MAYOR

ATTEST:

  
Denise Archibald, City Clerk 12-08-2020



APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By:   
Julie Kriegh, Chief Assistant City Attorney

*Pml*

REVIEWED BY:

  
Ed Zuercher, City Manager

Exhibits:  
A – Legal Description (2 Pages)  
B – Ordinance Location Map (1 Page)

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EXHIBIT A

LEGAL DESCRIPTION FOR Z-14-20-2

Within a portion of Section 10, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being more particularly described as follows:

A portion of Lot 4, KIERLAND COMMERCE SOUTH, according to Book 465 of Maps, page 10, records of Maricopa County, Arizona, being more particularly described as follows:

COMMENCING at the Centerline intersection of Kierland Boulevard with Marilyn Road, as recorded on the plat of Kierland Commerce South, according to Book 465 of Maps, page 10, records of Maricopa County, Arizona;

Thence along said centerline of Marilyn Road North 89 degrees 44 minutes 11 seconds East, a distance of 485.24 feet;

Thence South 00 degrees 15 minutes 52 seconds East, leaving said centerline, a distance of 30.00 feet to a point on the Southern right-of-way of said Marilyn Road, said point also being the Point of Beginning of the parcel herein described;

Thence South 00 degrees 15 minutes 52 seconds East, leaving said Southern right-of-way a distance of 213.49 feet;

Thence South 44 degrees 57 minutes 48 seconds East a distance of 357.95 feet to a point on the Western right-of-way of 71st Street;

Thence South 45 degrees 02 minutes 42 seconds West, along said western right-of-way of 71st Street a distance of 201.40 feet;

Thence North 44 degrees 57 minutes 48 seconds West leaving said Western right-of-way a distance of 26.96 feet;

Thence North 12 degrees 32 minutes 47 seconds West, a distance of 64.48 feet;

Thence South 89 degrees 44 minutes 08 seconds West, a distance of 324.50 feet to a point of curvature of a non-tangent curve concave to the Northwest whose radius bears North 75 degrees 28 minutes 55 seconds West, a distance of 72.91 feet;

Thence Southwesterly along the arc of said curve through a central angle of 37 degrees 08 minutes 40 seconds, a distance of 47.27 feet to a point of tangency;

Thence South 51 degrees 23 minutes 17 seconds West, a distance of 107.98 feet to a point on the Eastern right-of-way of said Kierland Boulevard, said point also being a

point of curvature of a non-tangent curve concave to the Northeast, whose center bears North 53 degrees 11 minutes 17 seconds East, a distance of 465.00 feet;

Thence Northerly, along the arc of said curve and along said Eastern right-of-way through a central angle of 36 degrees 32 minutes 51 Seconds, a distance of 296.61 feet;

Thence North 00 degrees 15 minutes 52 seconds West, along said Eastern right-of-way, a distance of 192.21 feet;

Thence North 01 degrees 46 minutes 52 seconds West, along said Eastern right-of-way, a distance of 138.17 feet;

Thence North 45 degrees 45 minutes 30 seconds East. leaving said Eastern right-of-way, a distance of 37.42 feet to a point on said Southern right-of-way of Marilyn Road;

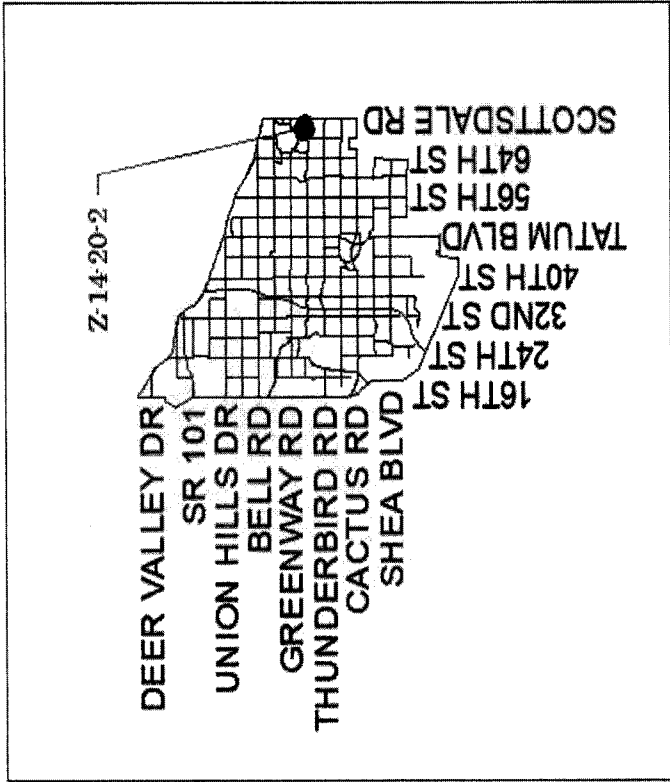
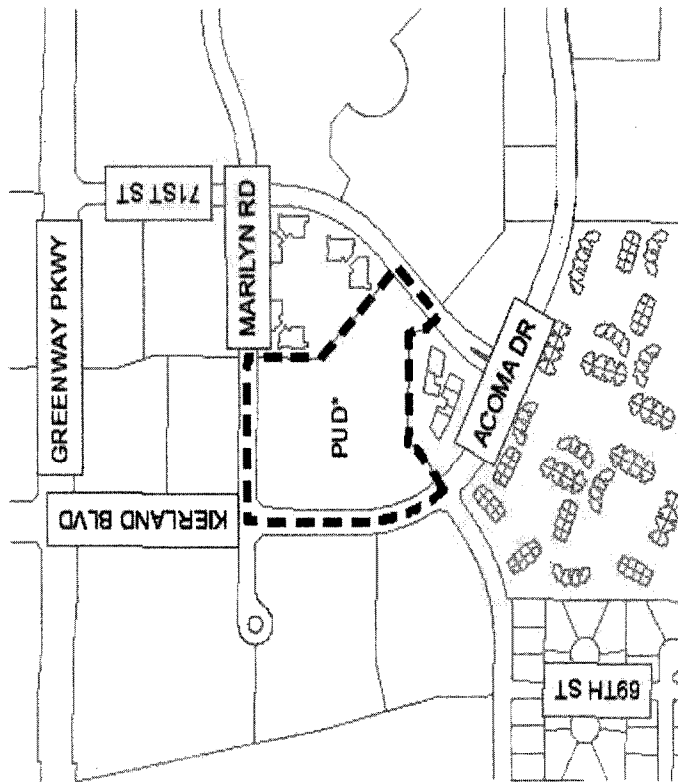
Thence North 89 degrees 44 minutes 11 seconds East. along said Southern right-of-way, a distance of 418.38 feet to the Point of Beginning of the parcel herein described.

**EXHIBIT B**

**ORDINANCE LOCATION MAP**

Zoning Case Number: Z-14-20-2  
 Zoning Overlay: N/A  
 Planning Village: Paradise Valley

ZONING SUBJECT TO STIPULATIONS: \*  
 SUBJECT AREA: - - - - -



NOT TO SCALE



Drawn Date: 10/30/2020

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