

## Attachment D

### REPORT OF PLANNING COMMISSION ACTION June 6, 2019

ITEM NO: 5	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-91-18-2 (LCG Kierland PUD)
Location:	Southeast corner of 71st Street and Tierra Buena Lane
From:	C-2 PCD
To:	PUD
Acreage:	2.21
Proposal:	LCG Kierland PUD to allow multifamily and/or C-2 commercial uses
Applicant:	Leon Capital Group
Owner:	Tierra Buena-Kierland, LLC
Representative:	Nick Wood, Snell and Wilmer, LLP

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Paradise Valley** 3/4/2019 Information Only.

**Paradise Valley** 6/3/2019 Approval, per the staff recommendation. Vote: 11-1.

Planning Commission Recommendation: Approval, per the Paradise Valley Village Planning Committee recommendation with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Shank made a MOTION to approve Z-91-18-2, per the Paradise Valley Village Planning Committee recommendation, with an additional stipulation as read into the record.

Maker: Shank  
Second: Montalvo  
Vote: 9-0  
Absent: None  
Opposition Present: No

#### **Findings:**

1. The proposed development is in conformance with several General Plan goals and policies and will produce a walkable, shaded and pedestrian-friendly environment and built environment supportive of the mixed-use center.
2. The proposed development is compatible with the existing land use pattern in the area and is designed to enhance a walkable environment along 71st Street where there are other multifamily developments nearby and bike lanes to encourage an active frontage.

3. The proposed development will create a superior built environment to that possible through the base zoning district by providing enhanced architectural standards, planting standards, and amenities.

Stipulations:

1. An updated Development Narrative for the LCG Kierland 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 May 14, 2019, as modified by the following stipulations:
  - a. Front Cover: Revise submittal date information on the cover page as follows:
    - 1st Submittal: December 26, 2018
    - 2nd Submittal: February 27, 2019
    - 3rd Submittal: April 8, 2019
    - 4th Submittal: May 2, 2019
    - Hearing Draft: May 15, 2019
    - City Council adopted: [Add adoption date]
2. Prior to the approval of any reconfiguration or removal of the existing shared driveway located at the southwest corner of the site, the developer shall demonstrate proper access is provided for both properties, as approved by the Planning and Development Department
3. The developer shall provide a striping and signing plan per City of Phoenix Street Transportation Department Standards. Contact Zeke Rios to obtain CAD template and title block for striping and signing plan design (Attn: Zeke Rios, Phone Number: 602-256-3409, zeke.rios@phoenix.gov).
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 preliminary site plan approval, the landowner shall execute a Proposition 207 Waiver of Claims in a form approved by the City Attorney's Office. 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.
  
8. PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS IN A FORM APPROVED BY THE CITY ATTORNEY'S OFFICE. 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

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