

Attachment E

REPORT OF PLANNING COMMISSION ACTION November 5, 2020

ITEM NO: 11	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-14-20-2 (Kierland Sky PUD)
Location:	Southeast corner of Kierland Boulevard and Marilyn Road
From:	CP/GCP PCD
To:	PUD
Acreage:	7.80
Proposal:	Planned Unit Development to allow office with minor commercial uses.
Applicant:	Larry Lazarus, Lazarus and Silvyn P.C.
Owner:	Kierland Sky, LLC., Ted Akiba
Representative:	Larry Lazarus, Lazarus and Silvyn P.C.

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Paradise Valley 8/3/2020 Information Only.

Paradise Valley 11/2/2020 Approval, per the staff recommendation and applicant's proposed stipulations. Vote: 14-2.

Planning Commission Recommendation: Approval, per the staff memo dated November 5, 2020, with an additional stipulation.

Motion Discussion: N/A.

Motion details: Commissioner Shank made a MOTION to approve Z-14-20-2, per the staff memo dated November 5, 2020, with the additional stipulation as read into the record.

Maker: Shank
Second: Gorraiz
Vote: 8-0
Absent: Montalvo
Opposition Present: Yes

Findings:

1. The proposed development is consistent with several General Plan goals and policies and contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment.

2. The proposed development will provide additional employment opportunities in a designated Major Employment Center area.
3. The proposed development provides additional protection for nearby residential uses through site design and enhanced development standards.

Stipulations:

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 NORTHERN BUILDING SHALL BE NO HIGHER THAN 88 FEET.~~
 - ~~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 AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR PHASE I THE PROPERTY OWNER WILL ESTABLISH A~~ **EVIDENCE SHALL BE PROVIDED THAT THE PROPERTY OWNER HAS DEPOSITED FUNDS TO BE USED BY THE STREET TRANSPORTATION DEPARTMENT** ~~PAY FOR TRAFFIC MITIGATION MEASURES, TO BE APPROVED BY THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT 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 AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR PHASE II THE PROPERTY OWNER WILL ESTABLISH AN~~ **EVIDENCE SHALL BE PROVIDED THAT THE PROPERTY OWNER HAS DEPOSITED ADDITIONAL FUNDS TO BE USED BY THE STREET TRANSPORTATION DEPARTMENT** ~~PAY FOR TRAFFIC MITIGATION MEASURES, TO BE APPROVED BY THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT 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 AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR PHASE II THE PROPERTY OWNER WILL ESTABLISH A~~ **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 BLVD.** OR IN THE ALTERNATIVE FUND TRAFFIC MITIGATION MEASURES ~~TO BE APPROVED BY THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT~~ 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.

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