



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

Staff Report Z-14-20-2
Kierland Sky PUD
October 23, 2020

Paradise Valley [Village Planning Committee](#) Meeting Date: November 2, 2020

[Planning Commission](#) Hearing Date: November 5, 2020

Request From: [CP/GCP PCD](#) (7.80 acres)

Request To: [PUD](#) (7.80 acres)

Proposed Use: Planned Unit Development to allow office with minor commercial uses

Location: Southeast corner of Kierland Boulevard and Marilyn Road

Owners: Kierland Sky, LLC./Ted Akiba

Applicant: Larry Lazarus/Lazarus and Silvyn P.C.

Representative: Larry Lazarus/Lazarus and Silvyn P.C.

Staff Recommendation: Approval, subject to stipulations

General Plan Conformity			
General Plan Land Use Map Designation		Industrial	
Street Map Classification	Kierland Boulevard	Collector	35 and 40-foot east half street
	71st Street	Local	40-foot west half street
	Marilyn Road	Local	30-foot south half street
<i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; JOB CREATION (EMPLOYERS); LAND USE PRINCIPLE: Support General Plan Land Use Map and zoning changes that will facilitate the location of employment generating uses in each of the designated employment centers.</i> The requested PUD will facilitate ongoing investment and development of the greater Kierland area, which is located within a major employment center.			

***BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE;
 DESIGN PRINCIPLES: Integrate trees and shade into the design of new
 development and redevelopment projects throughout Phoenix.***

The Kierland Sky PUD proposes enhanced landscaping around the development and internal landscaped areas. A detached sidewalk along Kierland Boulevard, 71st Street and Marilyn Road includes landscape areas with shade trees on both sides of the sidewalk to provide thermal comfort for pedestrians. The PUD also requires that a minimum of 30, 000 square feet of the site reserved as open space, accessible to the public.

***CONNECT PEOPLE & PLACES CORE VALUE; BICYCLES DESIGN PRINCIPLE:
 Development should be designed to include convenient bicycle parking.***

The PUD contains minimum bicycle parking standards, and the property owner will be required to install several bicycle infrastructure enhancements on 71st Street.

Applicable Plans, Overlays and Initiatives

[Maricopa Association of Governments \(MAG\) Desert Ridge and Kierland Employment Center](#) – See background item No. 5 below.

[Tree and Shade Master Plan](#) – See background item No. 8

[Complete Streets Guiding Principles](#) – See background item No. 9

[Comprehensive Bicycle Master Plan](#) – See background item No. 10

[Reimagine Phoenix Initiative](#) – See background item No. 11

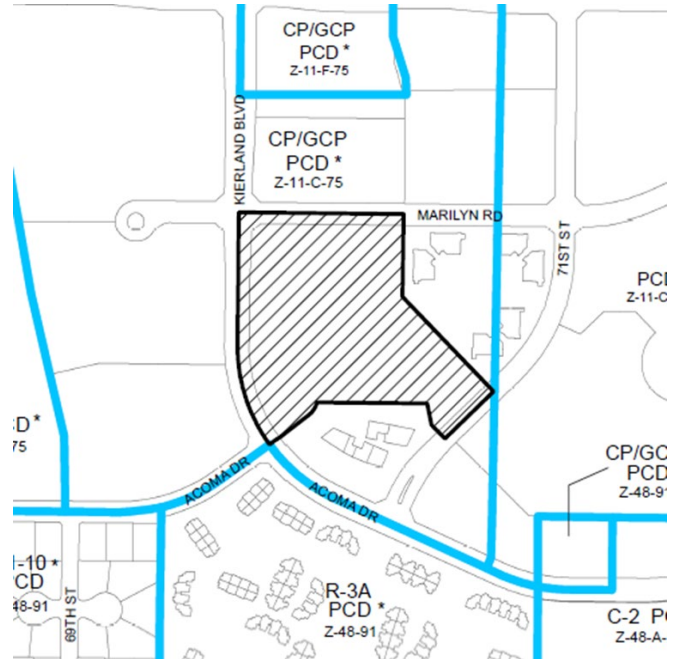
Surrounding Land Uses/Zoning

	Land Use	Zoning
On Site	Commercial Office	CP/GCP PCD
North (across Marilyn Rd)	Commercial Office	CP/GCP PCD
South	Commercial Office/Multifamily Residential	CP/GCP PCD, R-3A PCD
East	Commercial Office	CP/GCP PCD
West (across Kierland Blvd)	Commercial Office	CP/GCP PCD

Background/Issues/Analysis

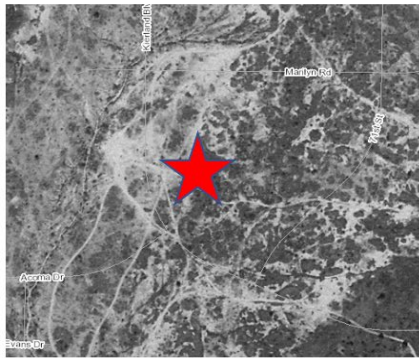
SUBJECT SITE

1. This is a request to rezone a 7.80-acre property located on the southeast corner of Kierland Boulevard and Marilyn Road. The request is to rezone from CP/GCP PCD (Commerce Park/General Commerce Park, Planned Community District) to PUD (Planned Unit Development) to allow office with commercial uses.



Source: City of Phoenix Planning and Development Department

2. The subject site consists of one parcel that is under the ownerships of Kierland Sky, LLC. The site currently contains a two-story office building with surface parking. The subject site was annexed into the City of Phoenix on October 15, 1961. At that time the subject site and the surrounding area vastly consisted of vacant land. This area was planned in 1975 as a Planned Community District (PCD) of 1,082 acres, previously known as the Desert Springs PCD and now known as the Kierland PCD, through Rezoning Case No. Z-11-75. Subsequently, the Kierland PCD went through several amendments since its original approval. The current CP/GCP zoning designation was established through Amendment F, Rezoning Case No. Z-11-F-75 on February 19, 1997. Maricopa County Historical Aerials indicate that the first property to develop near the site was in approximately 1997 and the subject property began development in approximately 1999. The PCD Zoning District is intended to establish a development pattern for a larger area while permitting flexibility for specific developments and safeguards that adequate infrastructure needs are met for the area. The proposed PUD also proposes to remove the property from the PCD and the developer will be required to provide updated infrastructure as needed and determined through the Planning and Development Department's site development process.



1969



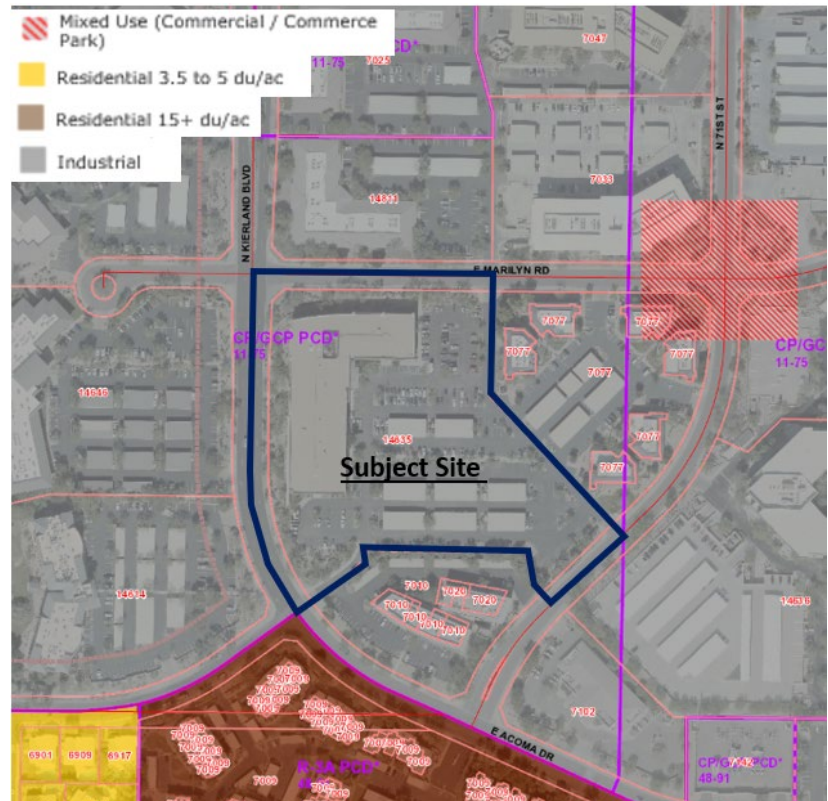
2000



2019

3. The General Plan Land Use Map designation for the subject site is Industrial. The proposal is not consistent with the General Plan Land Use Map designation but is consistent with current land uses in the area. A General Plan Amendment is not required because the site is under the 10 acre requirement.

The General Plan Land Use Map designation on all sides of the subject parcel are also Industrial, with some Residential 15+ dwelling units per acre southwest of the site.



Source: City of Phoenix Planning and Development Department

SURROUNDING ZONING AND USES

4. North

The property to the north of the subject site, across Marilyn Road, is a single-story office building zoned CP/GCP PCD (Commerce Park/General Commerce Park, Planned Community District). Further north, across Greenway Parkway, several developments exceed 56 feet in height and include a mixture of residential and commercial uses.

South

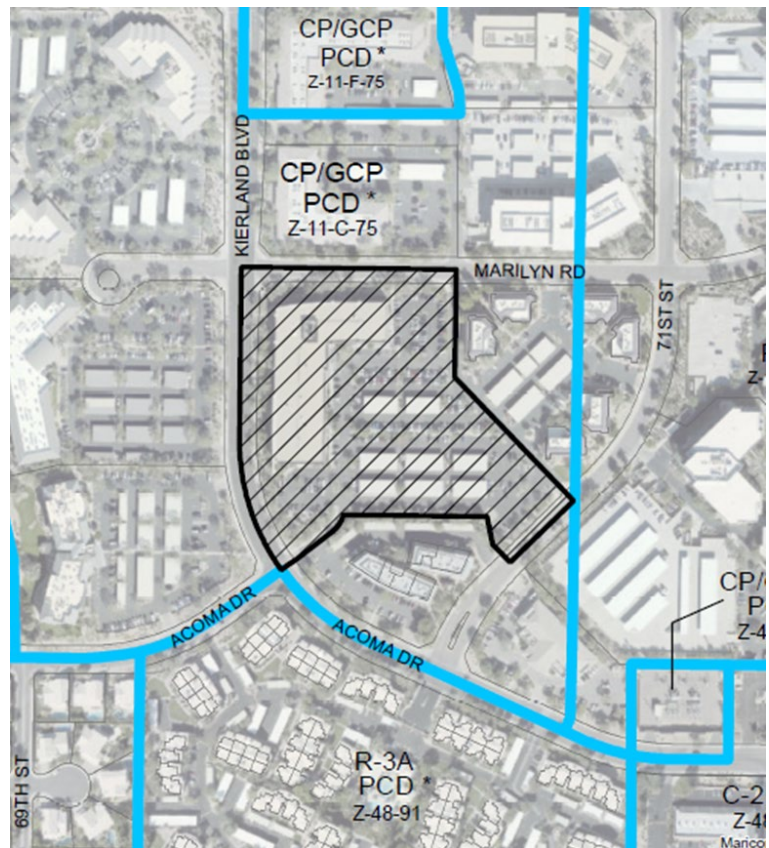
Directly south of the subject site is a two-story office building called the Offices at Kierland, zoned CP/GCP (Commerce Park/General Commerce Park, Planned Community District). Southwest of the site, across Acoma Drive, is a two-story multifamily development zoned R-3A PCD (Multifamily Residence District, Planned Community District) through Rezoning Case No. Z-48-91-2.

East

Directly to the east of the subject site is a two-story commercial office complex zoned CP/GCP PCD (Commerce Park/General Commerce Park, Planned Community District)

West

West of the subject site, across Kierland Boulevard, are two commercial office complexes with two and three story buildings known as Mesquite Corporate Center and Element at Kierland zoned CP/GCP PCD (Commerce Park/ General Commerce Park, Planned Community District).



Source: City of Phoenix Planning and Development Department

Maricopa Association of Governments (MAG) Desert Ridge and Kierland Employment Center

5. The subject site falls within the boundaries of the Maricopa Association of Governments designated Desert Ridge/Kierland major employment center and is in close proximity to a City of Phoenix designated employment center. The Desert Ridge/Kierland employment center runs east from 36th Street to Scottsdale Road between Deer Valley Road and the Central Arizona Project Canal, including the area from 64th Street to Scottsdale Road between the CAP canal and Acoma Drive.



- ☐ Phoenix Designated Employment Centers
■ Desert Ridge & Kierland

Source: City of Phoenix Planning and Development Department

A mix of employment types are encouraged in employment centers and commercial corridors.

The Desert Ridge/Kierland employment center profile provided by the City of Phoenix Community and Economic Development Department identifies that the Kierland area is comprised of a highly educated, executive and professional workforce with a large inventory of Class A office space. Providing additional Class A office space options in close proximity to the nearby workforce housing will add to the sustainability of established employment center the Kierland area overall.

PROPOSAL

6. The proposal was developed utilizing the PUD zoning designation. The PUD is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant writes a document proposing standards and guidelines that are tailored to the context of a site on a case by case basis.

Where the Kierland Sky PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions shall be applied.

- Below is a summary of the proposed standards for the subject site as described in the attached PUD Development Narrative date stamped October 16, 2020. The proposed standards were designed to allow for a commercial development that continues enhancement along the Kierland Boulevard corridor for a more pedestrian-friendly environment and provides a transition from the adjacent residential uses to the south and southwest.

List of Uses

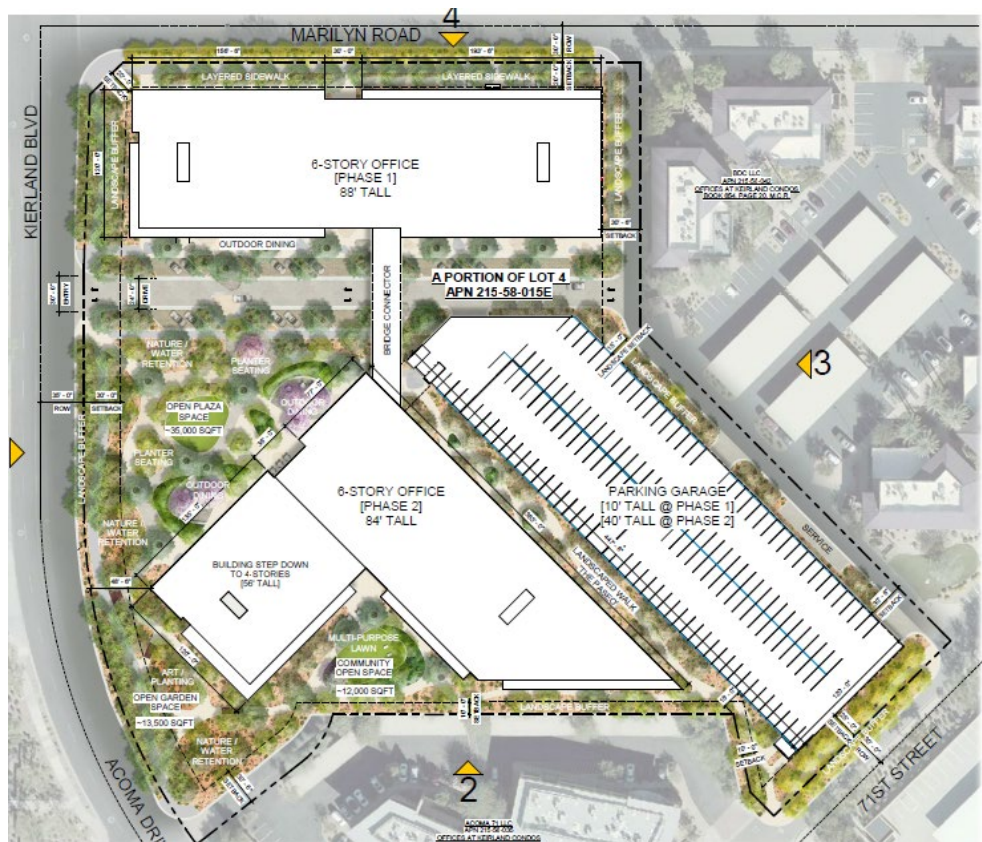
The Development Narrative proposes a primary land uses of commercial office and retail. In the event the property is not developed with commercial office uses, C-1 zoning uses found in Section 622 of the Phoenix Zoning Ordinance shall be permitted.

Prohibited Uses

The Development Narrative proposes restricting residential uses. Prohibiting these uses helps to make this proposal more consistent with adjacent commercial office and retail uses.

Conceptual Site Plan

The development's main access points are along Kierland Boulevard and Marilyn Road via the private drive bordering the eastern boundary of the subject site. The project proposes a six-story, 88-foot tall commercial office building with retail on the ground level, a six-



Source: Shepley Bulfinch

story, 84-foot tall commercial office building with retail on the ground level and 40-foot tall parking garage that is partially underground (two levels underground, five levels above ground) and is completely wrapped in living greenery to soften the aesthetics of the structure. The subject site proposes 30,000 square feet of open space, which includes a plaza between the two commercial office buildings activated by ground level restaurants and retail spaces. A southern courtyard is proposed and is reserved as an open community space accessible front the public sidewalk. There is an open garden space with a pathway that provides access from the public sidewalk into the site for bicycles and pedestrians. Kierland Boulevard will contain an enhanced streetscape with a minimum eight-foot detached sidewalk framed by landscape areas that will include trees, shrubs and live ground cover.

Height limits are proposed adjacent to residential uses to the south and southwest with the structures gradually gaining height to the north. The specific setbacks to residential, as depicted in the graphic to the right, is 560 feet from the portion of the proposed project that is 56 feet tall and 700 feet for the portion of the building that is 84 feet tall. Terraces are screened with live vegetation reducing the urban heat island effect, providing a buffer to nearby residential uses and adding to the aesthetics of the area.



Source: Shepley Bulfinch

Development Standards

The PUD development narrative proposes a single development option with separate tables for development standards and design guidelines. The comparative zoning district is CP/GCP. These standards vary from the CP/GCP standards in relation to height, lot coverage, open space and building setbacks. All other development standards are comparable.

The proposed maximum height of the project is 88 feet. The CP/GCP standards allow a maximum height of 80 feet with a use permit. Staff is supportive of the additional height due to the design and placement of the buildings. Stepbacks have been incorporated into the design with the lowest portion of the building, closest to residential, having a maximum height of 56 feet, which is consistent with the base height permitted in the Commerce Park zoning district. Further, the stepbacks incorporate shrubbery, which provide an additional buffer from nearby residential uses.

The lot coverage proposed for the project is 52 percent. The CP/GCP standards require a maximum lot coverage of 50 percent. The additional lot coverage is offset by a generous open space standard of 30,000 square feet. The CP/GCP standards are silent on open space. Therefore, the open space proposed far exceeds ordinance standards and will serve as an amenity to surrounding residents and the local workforce.

The proposed interior building setbacks are 10 feet and 30 feet where 0 feet is required in the CP/GCP district standards. A 30 foot building setback is proposed along Kierland Boulevard, which is comparable to the CP/GCP district requirement.

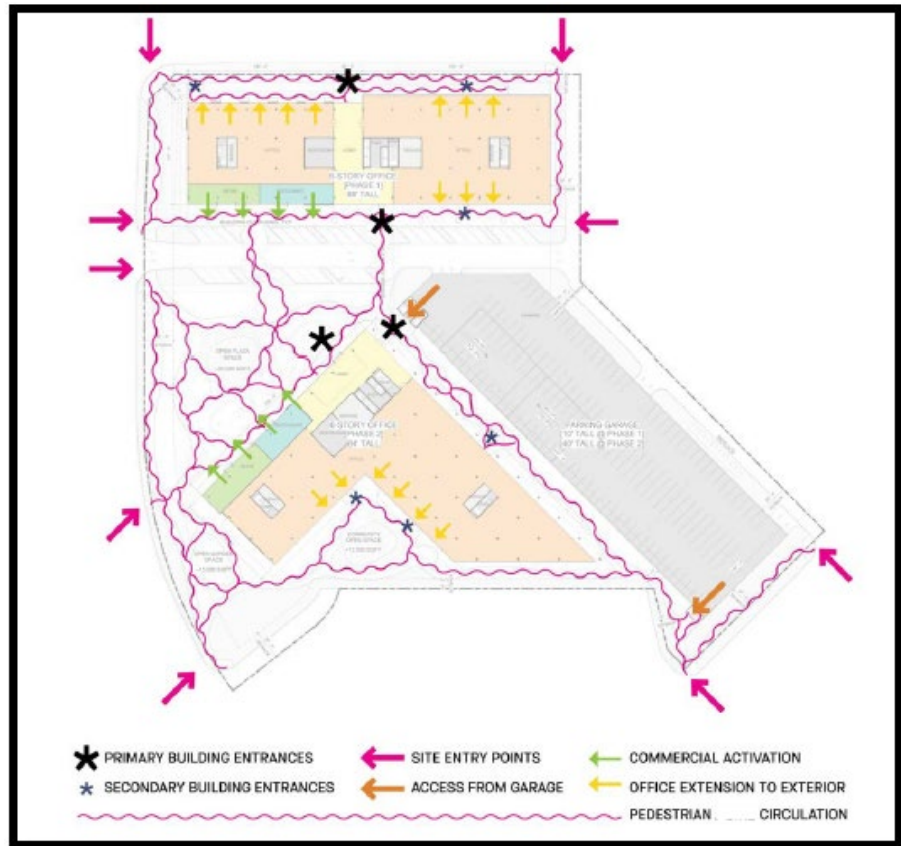
Landscape Standards

The Development Narrative includes increased landscape setbacks adjacent to the nearby existing residential uses. Minimum landscape setbacks of 30 feet will be provided along Kierland Boulevard whereas a 25-foot setback will be provided along the 71st Street property line. Both areas will utilize existing trees in addition to replacement 3-inch caliper trees along all public rights-of-way and new 2-inch caliper trees in all landscape areas. In addition to the landscape setback area along the western property line, the developer shall install shrubbery and groundcover plants on terraces – thereby creating additional buffer area to the residential properties to the south and west.

The streetscape along Kierland Boulevard and Marilyn Road will include a minimum 8-foot wide detached sidewalk and a minimum 3-inch caliper trees along the public rights-of-ways. This exceeds minimum tree size requirements in the CP/GCP district. The landscaping will provide for a pedestrian-friendly environment with 75 percent shade at maturity along the sidewalks, pedestrian pathways and common amenity areas. The PUD proposes landscaping in these areas with a minimum planting size of 2-inch caliper, with 20 percent 3-inch caliper trees and 50 percent live ground cover. Healthy large mature trees on the subject site shall be preserved in place.

Design Guidelines and Standards

The Development Narrative includes design standards that promote the use of community open space adjacent to the single-family neighborhood to the southwest, multifamily development to the south, across Acoma Drive and for pedestrians walking to and from transit stops located along Greenway Parkway and Scottsdale Road. The graphic to the right illustrates the proposed pedestrian network for the site.



Source: Shepley Bulfinch

Design standards ensure that the building facade will blend with the natural desert environment and contain 20 percent natural stone, 20 percent metal with a natural patina finish and 60 percent glazing, as depicted in the graphic below. Elevations of the building will provide terraces that step back from the residential uses to the south and southwest and shall be screened with vegetative elements on the rooftops. The final elevations and building plans submitted to the City will incorporate the provisions outlined in the development narrative and shall follow the Design Guidelines of Section 507.Tab A of the Phoenix Zoning Ordinance.



SITE SOUTH ELEVATION



SITE EAST ELEVATION

Source: Shepley Bulfinch

Parking Standards

The proposed parking is less than what is required by Section 702 of the zoning ordinance. However, staff is supportive of the reduction due to the close proximity of residential uses, the close proximity of public transit and the site located along a bike route. The PUD proposes a minimum of one bicycle space per 25 parking stalls with a maximum of 50 spaces and shall comply with Section 1307.H. of the City of Phoenix Zoning Ordinance.

Fences/Walls

All site fences and walls will be consistent with Section 703.A of the Phoenix Zoning Ordinance. In addition, all refuse locations will be screened by a six foot minimum height decorative screen wall that complements the design and character of the primary building.

Amenities

The PUD proposes amenities intended for use by the general public to include picnic areas, seating areas, a minimum of four pieces of public art and community open space. The graphic to the right depicts one of the public open space amenity areas outlined in the applicant's narrative.



Source: Shepley Bulfinch

Shade

The proposed shade standards require that a minimum of 75 percent of shade cover be provided at maturity over pedestrian pathways, both public and private. Further, 50 percent of occupiable roof areas shall be shaded, and 50 percent of all accessible public and private open space areas shall be shaded.

Lighting Plan

All lighting will be consistent with the standards of Section 704 (Environmental Performance Standards) of the Phoenix Zoning Ordinance and Section 626.G.5. (Site Lighting). Sidewalk lighting shall have a maximum of 20 feet. Uniform pedestrian scale lighting shall be used for all on-site lighting at building entrances and exits and in public assembly and parking areas.

Signage

The proposed sign standards are as follows:

- New signage will directly complement the surrounding area and future residential development.
- Signage within the PUD will maintain a sense of architectural continuity by using similar architectural styles to adjacent buildings and structures.
- Signs shall utilize complementary colors, textures, and materials.
- Sign locations should be integrated with and not visually dominate the adjacent structures and streetscape.
- Signs should be oriented to promote readability and serve their intended purpose.
- Nothing herein shall affect the Owners' ability to use trademarked font or styles in their signage.

- Illumination of signs will be carefully designed to provide a soft, indirect glow that does not negatively impact the community or surrounding properties and conform to
- Section 705.C.6 of the City of Phoenix Zoning Ordinance.

Sustainability

The Development Narrative proposes several options to incorporate sustainability principals including desert adapted landscaping, vegetated terraces and other open space areas, which will reduce the heat island effect. The project also proposes biophilic design principles, the utilization of low flow water fixtures and bicycle amenities among other features.

PUD Compatibility to Zoning Ordinance

The PUD proposes building setbacks that are comparable or greater than what is required by the Phoenix Zoning Ordinance in the CP/GCP zoning district. The interior setbacks are proposed at 10 feet, where the zoning ordinance is 0 feet and the street setbacks are proposed at 20 to 30 feet where the zoning ordinance requires a 20 foot setback. All property boundaries adjacent to public streets will include enhanced landscaping with eight foot and six foot wide detached sidewalks. Shade at 75 percent coverage at maturity will be provided to increase pedestrian comfort and activity. The open space standards are greater, requiring a minimum of 30,000 square feet and 30 percent on the rooftop where the CP/GPC code section does not require open space. The PUD landscape setbacks proposed are comparable or greater compared to the minimum requirement of the Phoenix Zoning Ordinance and require that 3-inch caliper trees be planted along all public rights-of-way to include Kierland Boulevard, Marilyn Road and 71st Street.

Phasing

The project will be constructed in two phases. Phase 1 includes the northern most building and a portion of the parking garage to include the two subterranean levels and two above ground levels of parking. Phase 2 includes the southern most building and three levels of parking, which will complete the parking structure.



Source: Shepley Bulfinch

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

8. **Tree and Shade Master Plan** The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. In addition, a vision in the master plan is to raise awareness by leading by example. The proposal includes landscaped pedestrian walking paths, open space areas and greater planting standards than otherwise required by the City of Phoenix Zoning Ordinance.
9. **Complete Streets Guiding Principles**
In 2014, the Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, and connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. There are proposed detached sidewalks adjacent to the public streets and multiuse pathways throughout the site which provides a safer and more comfortable pedestrian experience.
10. **Comprehensive Bicycle Master Plan**

The Comprehensive Bicycle Master Plan also supports options for both short-and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The proposal requires bicycle parking spaces be provided on the site. A bicycle repair station ("fix it station") shall be provided along the 71st Street frontage and be maintained in an area of high visibility,



convenient pedestrian access, and available from the public sidewalk. Bicycle racks shall consist of an inverted-U or other decorative design and installed per the requirements of Section 1307. H.

Source: Dero

11. [Reimagine Phoenix Initiative](#)

As part of the Reimagine Phoenix initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. Section 716 of the Phoenix Zoning Ordinances establishes standards to encourage the provision of recycling containers for multifamily, commercial and mixed-use developments meeting certain criteria. The provision of recycling is not addressed in the PUD other than building materials and construction waste.

COMMUNITY INPUT SUMMARY

12. Staff has received 1 letter of support and 8 letters of opposition with concerns related to building height, density, line of site to existing residential, buffering, proximity to Scottsdale Municipal Airport, traffic, and noise. The applicant has worked with concerned neighbors to mitigate these concerns. Staff has not received any further letters of concern since the last neighborhood meeting.

INTERDEPARTMENTAL COMMENTS

13. The Street Transportation Department has proposed stipulations requiring that all streets within and adjacent to the development, shall be constructed with all mandatory elements. All improvements shall meet ADA requirements. No preliminary approval of plans shall be granted until a Traffic Impact Study/Statement is reviewed and approved by the City. These are addressed in Stipulation Nos. 2 and 3.
14. Based on concern from nearby residents, the applicant has voluntarily proposed funds for traffic mitigation in the area. The applicant has worked with the Street Transportation Department to develop a phased approach to funding of traffic mitigation controls around the subject site.
15. The City of Scottsdale Aviation Department expressed concern with the location of this project as it relates to the airports flight paths and the 55 and 60 DNL noise contours of Scottsdale Airport. The City of Scottsdale comments and proposed stipulations were provided to the City of Phoenix Aviation Department for review.
16. The City of Phoenix Aviation Department has noted that the site is within the Scottsdale Municipal Airport (SDL) traffic pattern airspace, therefore, the developer shall provide notice to prospective purchasers of the existence and operation characteristics of the Scottsdale Airport and shall provide documentation that Form 7460-1 from the FAA. The requirements are addressed in Stipulation Nos. 4 and 5.
17. The Phoenix Fire Department has noted that they do not anticipate any problems with this case and that the site and/or buildings shall comply with the Phoenix Fire Code.
18. The City of Phoenix Floodplain Management division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is

located in a Shaded Zone X, on panel 1760 L of the Flood Insurance Rate Maps (FIRM) dated October 16, 2013.

19. The City of Phoenix Water Services Department has noted the property has existing water and sewer mains that can potentially serve the proposed development. However, there is potential need to up size existing water and sewer infrastructure mains so that any remodels or new buildings will be able to meet domestic and fire code requirements.

OTHER

20. The site has not been identified as being archaeologically sensitive. However, in the event archaeological materials are encountered during construction, all ground disturbing activities must cease within 33-feet of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation No. 6.
21. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

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.
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.

Writer

David Simmons

October 23, 2020

Team Leader

Samantha Keating

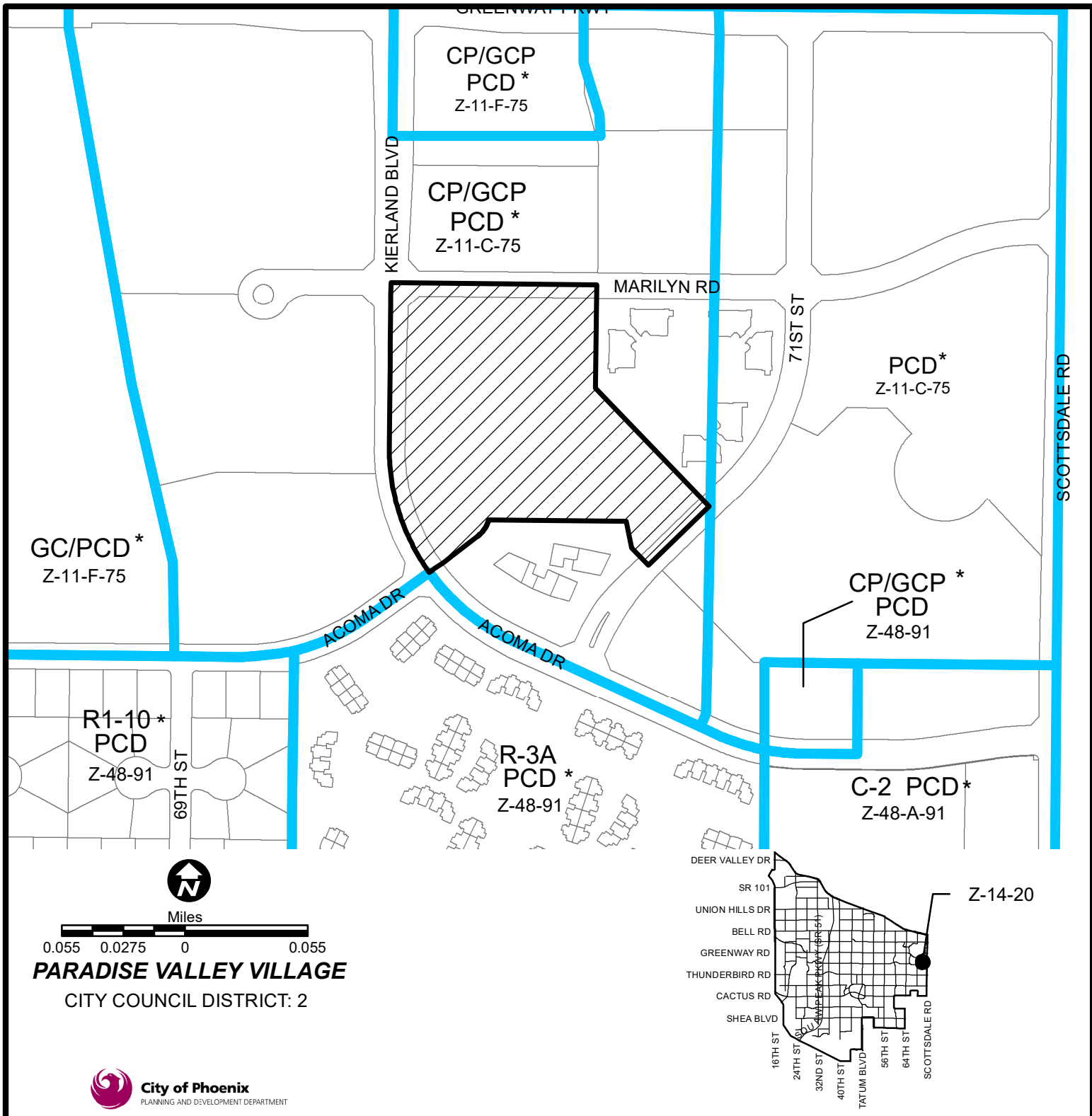
Exhibits

Zoning Sketch Map

Zoning Aerial Map

Community Correspondence (14 pages)

[Kierland Sky PUD Development Narrative date stamped October 16, 2020](#)

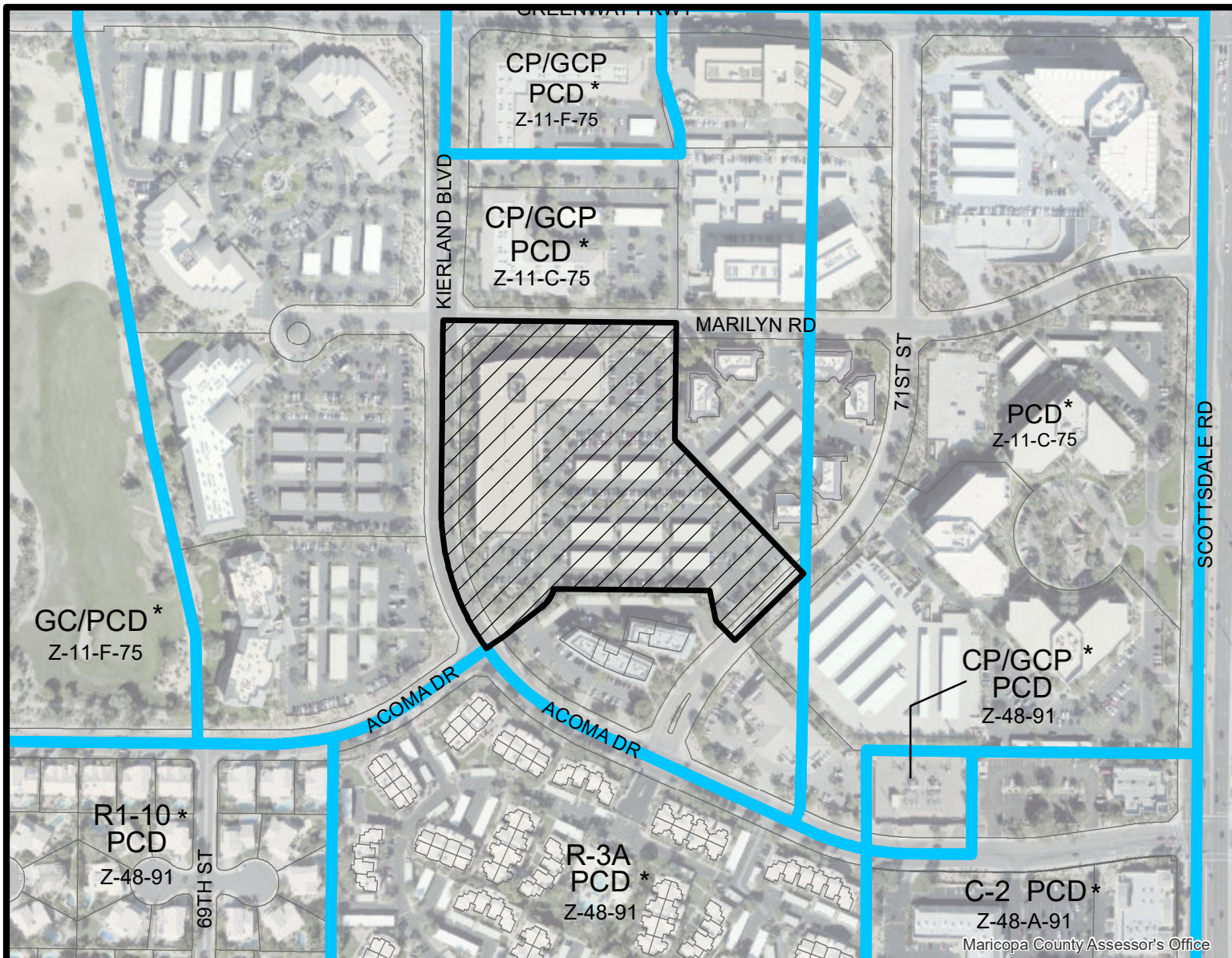


PARADISE VALLEY VILLAGE
CITY COUNCIL DISTRICT: 2



APPLICANT'S NAME: Larry Lazarus/Lazarus and Silvyn P.C.		REQUESTED CHANGE: FROM: CP/GCP PCD (7.80 a.c.) TO: PUD (7.80 a.c.)	
APPLICATION NO. Z-14-20	DATE: 3/25/2020 REVISION DATES:		
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 7.80 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 34-44 ZONING MAP L-12		
MULTIPLES PERMITTED CP/GCP PCD PUD	CONVENTIONAL OPTION N/A N/A	* UNITS P.R.D. OPTION N/A N/A	

* Maximum Units Allowed with P.R.D. Bonus



Miles

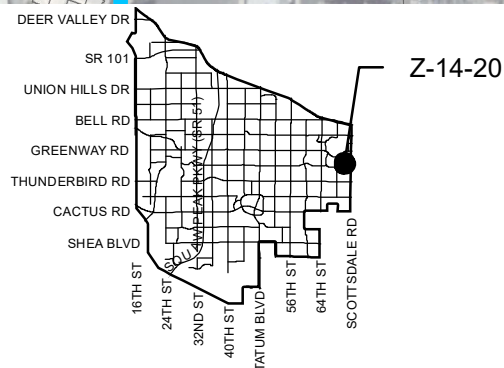
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PARADISE VALLEY VILLAGE

CITY COUNCIL DISTRICT: 2



City of Phoenix
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: Larry Lazarus/Lazarus and Silvyn P.C.

REQUESTED CHANGE:

FROM: CP/GCP PCD (7.80 a.c.)

APPLICATION NO. Z-14-20

DATE: 3/25/2020
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

7.80 Acres

AERIAL PHOTO &
QUARTER SEC. NO.

QS 34-44

ZONING MAP

L-12

TO: PUD (7.80 a.c.)

MULTIPLES PERMITTED

CP/GCP PCD

PUD

CONVENTIONAL OPTION

N/A

N/A

* UNITS P.R.D. OPTION

N/A

N/A

* Maximum Units Allowed with P.R.D. Bonus

David O Simmons

From: Amy Satterfield <mamsat5@cox.net>
Sent: Friday, June 5, 2020 1:19 PM
To: David O Simmons
Subject: #Z-14-20

David,

Thank you for providing the staff notes on the Kierland Sky project, case #Z-14-20. I appreciate having the opportunity to review and share with others on the Kierland Community Alliance (KCA) board.

As you may be aware, this project has been discussed with Larry Lazarus at length on several occasions. Mr. Lazarus and his client, Mr. Akiba, met with the KCA Board early on to make us aware of the project and gather feedback. We have since met on other occasions and appreciate their willing to collaborate and allow us the opportunity to be involved in this process as the project unfolds.

I was quite concerned about a comment you made during our phone call the other day regarding the KCA's approval of a project height of 70'. The KCA has never issued a formal statement on the acceptable height. The board has expressed serious concerns to the applicant regarding the proposed height and have suggested they find ways to significantly lower the heights of both buildings. The board would prefer a bigger footprint with lower height or stepped back heights from the street and residential neighborhood. We were encouraged by staff comments that recommended a maximum height of 56'.

When Mr. Lazarus first came to us, he shared what you confirmed in our conversation, that the developer could go through a use permit process with the current zoning and build up to a height of 80'. While I understand that to be the case, it is also my understanding that by going through the use permit process utilizing the current zoning, the higher the building, the greater the setbacks. I would appreciate some clarification on this requirement.

This was taken from the applicant's narrative:

"Maximum height for current zoning CPD/GCP 18' within 30' of perimeter lot line; 1' increase per 3' additional setback, maximum 56' to 80' with use permit and site plan"

It is my understanding is as a result of those set back requirements, the developer would be severely limited on the buildable space on that lot. Utilizing the PUD process allows the developer to potentially expand the footprint of the buildings and increase height.

Our concerns for our neighborhood are many.

Precedent Setting

While the projects north of Greenway have been generally agreed upon at heights not exceeding 70', that area is not close to single family homes and has a completely different dynamic. This is the first rezoning case we have seen for the commercial development bordered by Kierland Parkway on the west, Scottsdale Road to the east, Greenway to north and Acoma to the south. Whatever is approved on this property will be setting a precedent for future development in the area.

Height

In addition to my comments above regarding height, as noted by staff, the height is a serious concern this close to single family homes. Not only are site lines a concern with the privacy of residents yards and homes, but as noted the reflective glass would shine into homes and yards as well. Additionally, there is a rise in elevation from the single family homes to

this property which would make the buildings appear much higher than the proposed height. There is also concern regarding outdoor patio space and noise that might be generated as a result without means to mitigate that noise from traveling.

Traffic

With the increase of development in the area on both sides of Scottsdale Road, there has been an increase in cut through traffic in and around our neighborhood. A traffic study was done recently (approximately within the last year or so) by the City of Phoenix because of neighborhood concerns relating to traffic volume and speed along 68th Street north of Thunderbird and on Acoma from 64th Street to Kierland Parkway. It is important to note that Sandpiper Elementary School sits on the corner of 68th Street and Hearn Road and has a large population of open enrollment students who are driven to the school by their parents.

The traffic study supported the installation of several speed humps along 68th Street and three on Acoma. The speed humps were installed on 68th Street but only one was installed on Acoma. I am not sure where the other two speed humps would have been located and why they were not installed.

The other street that is frequently traveled is 69th Street from Thunderbird north to Acoma. I was informed by Tony Hernandez in the Street Transportation Department that there were no traffic mitigation options available for 69th Street as it has a drainage area down the center of the street. This is of great concern when the applicant is proposing over an 80% increase in the available square footage on the site.

Additionally, as noted in the traffic study provided by the developer, the traffic lights at both Kierland Parkway and Greenway Road as well as Acoma and Scottsdale Road, have both received a failing rating, causing cars to wait a significant amount of time to exit the area. The traffic study did not include the light at Scottsdale and Thunderbird which, during rush hour, has significant back ups in both east and west bound directions causing traffic to filter through our neighborhood.

Given that only 68th and 69th Streets have access from Thunderbird to Acoma, north and south bound cut through traffic only filters on those streets. Acoma is the only street between Thunderbird and Greenway that has access from 64th Street to Scottsdale Road. While this may be classified as a collector street, it has a speed limit of 25 mph. The street is fronted by six residential homes and is highly frequented by both pedestrians and bicyclists.

Timing

The current situation with COVID-19 has brought with it many new processes including virtual meetings with the City. While this may work well in certain situations, since this is a new and potentially precedent setting development in our area, we feel very strongly that this rezoning case necessitates an in-person community meeting. It is critical that the surrounding neighborhood be involved in this process. We have conveyed our desires to Mr. Lazarus and Mr. Akiba and ask that the City honor that request as well.

David, I appreciate the opportunity to comment on this PUD application in the early stages of this process. We look forward to future discussions and hopefully reaching a mutually agreed upon development project.

Sincerely,

Amy Satterfield
On behalf of the Kierland Community Alliance Board

6932 E. Hearn Rd.
Scottsdale, AZ 85254

cc: Mr. Larry Lazarus

David O Simmons

From: Ami Mikhail <amikhail19@gmail.com>
Sent: Monday, June 22, 2020 6:23 PM
To: LLazarus@Islawaz.com; David O Simmons
Subject: Case #2-14-20-2 concerns

Dear David,

I am one of the residents in Desert Paradise Estates in Scottsdale with concerns over a project that is scheduled to be developed just outside of my quiet and safe neighborhood in the near future. I am concerned and disappointed to know that the heights of the proposed buildings will exceed 70' which has historically been agreed upon not to do. Since this new height is being proposed and considered, this will distort the neighborhood and set a precedent for further buildings to be built above this height in the future. The proposed height of these buildings poses a major concern when being so close to homes lived in by families, such as myself. Not only would our privacy be invaded upon, but I would imagine the glare from the windows would shine into our homes and that there will be an increase in the ground noise and foot/car traffic as a result of such a large building structure. I for one, like many homeowners, would prefer not having increased traffic and noise in their neighborhood, especially for the safety of my young children. Being from a large city with tall buildings is the reason I moved to Scottsdale where I could raise my family in a neighborhood setting without these buildings looking down upon the privacy of my backyard.

With all of this being said, I think that despite our current virtual world, we should have an in-person community meeting so that all of the neighbors in the area can be aware, informed and have the chance to convey their thoughts on the matter on the rezoning of this case. It has been previously conveyed to Mr. Lazarus and Mr. Akiba that the City honor this request as well.

I appreciate your time and opportunity to leave my comments on this PUD application in the early stages of the case. I hope that we can come to an agreement in the near future regarding my concerns on this project and how it will impact me and my family and our safety. Please do not hesitate to reach out to me should you have any questions.

Sincerely,

Ami

David O Simmons

From: Amy Satterfield <mamsat5@cox.net>
Sent: Tuesday, July 7, 2020 3:32 PM
To: David O Simmons
Subject: Kierland Sky project

Follow Up Flag: Follow up
Flag Status: Flagged

David,

Have there been any additional notes from the City on the Kierland Sky project? Has the developer made any changes to their application?

I understand they plan to present to the PVVPC on August 3rd for informational purposes and again on August 31st for a vote. I would imagine that these meetings will continue to be virtual. Is there a link that I can provide to our neighborhood so people may be able to participate?

Thank you.

Amy Satterfield

David O Simmons

From: Amy Satterfield <mamsat5@cox.net>
Sent: Wednesday, July 15, 2020 10:55 AM
To: David O Simmons
Subject: Kierland Sky project

David,

We had a follow up call with Larry Lazarus and crew yesterday regarding the Kierland Sky project. There seems to be some discrepancy about the height the city would approve. He said the last round of comments indicated the city wouldn't approve anything higher than 80'. I thought the city said nothing higher than 56'. Can you clarify? Would you also send me the latest round of staff notes? They are still planning to ask for 90' and 84' which are higher than either number.

Additionally, could you let me know how many parking spaces are currently on the site and how many they are proposing? How many are they required to have based on the amount of office space they want to build?

Has notification been sent to the Plaza Residences on Acoma? I think they are within 600' of the property.

Thank you.

Amy Satterfield

David O Simmons

From: David O Simmons
Sent: Thursday, July 23, 2020 3:32 PM
To: davidekropp@gmail.com
Cc: Samantha Keating; David Urbinato; Kristi Trisko; Larry Lazarus
Subject: RE: Zoning request and new development in KIERLAND
Attachments: 080320_reviseda.pdf

Mr. Kropp,

Thank you for reaching out in regard to Rezoning Case No. Z-14-20-2, Kierland Sky PUD. Your opposition has been noted and added to the case file to be included as part of the public record. I have also forwarded your email to the applicant as well as to the members of the Paradise Valley Village Planning Committee so they are aware of your concerns. This case has not been scheduled for public hearings for recommendation. However, it has been scheduled to be heard in front of the Paradise Valley Village Planning Committee on August 3, 2020 at 6:00 pm via WebEx in order for the applicant to gain critical feedback from the community and Village Planning Committee.

If you wish to speak at the virtual meeting, please submit a request to myself, David Simmons, Paradise Valley Village Planner, via email at David.Simmons@phoenix.gov at least 48 hours prior to the start of the meeting. Please indicate the item(s) number on the agenda if you wish to speak. In this instance, it is agenda item number 3 (see attached agenda). Staff will provide you further instructions on the process for public comment during the virtual meeting. Staff will make every effort to accommodate requests to speak submitted beyond the 48 hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than six business hours before the start of the meeting.

Staff does not have a position on the case as of yet. We will not have a recommendation until we have a hearing draft of the development narrative. We are currently at the very beginning of the second review cycle. Once we have a hearing draft, I will be able to draft the staff report with a staff recommendation and schedule public hearing dates for recommendation.

The applicants narrative is available for review on the City's website:
<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases>

Please let me know if you have additional comments or concerns.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov



From: Jim Waring <Jim@JimWaring.com>
Sent: Saturday, July 18, 2020 9:02:53 AM
To: Brian T Schmitt <brian.schmitt@phoenix.gov>
Subject: Fwd: Zoning request and new development in KIERLAND

Sent from my iPhone

Begin forwarded message:

From: David <davidekropp@gmail.com>
Date: July 18, 2020 at 5:33:14 AM MST
To: Jim Waring <info@jimwaring.com>
Subject: Zoning request and new development in KIERLAND

This new development creates two issues for me

1. Acoma Road is already too busy, during morning and afternoon hours, and sometime at nights when we get back to, normal bar hours.

If this and maybe other developments go through. The part of Acoma road that goes through the single family part of Kierland will become much more dangerous. Already we have had numerous accidents on the road. If this development is approved, Acoma will need multiple Multiple speed bumps or become a one way road or cut off from traffic At the east end where it turns.

2. Much more high rise buildings for the Student to pilots to crash into. Since the FAA set the flight path out of the airport numerous years ago. The developments Are dramatically changed. The FAA needs to change the flight path to a left hand turn out the the Airport. Yes that are is developed too, but mostly low rise commercial instead of schools, hotels and high rise condos and now office buildings.

*David E.Kropp,
KIERLAND homeowner*

[480-209-0333](tel:480-209-0333)..mobile

David O Simmons

From: Steve <steve@HEALTHCAREDEFENDER.COM>
Sent: Monday, June 1, 2020 2:04 PM
To: David O Simmons
Subject: Opposition to Kierland Sky, Z-14-20n

Dear Mr. Simmons,

I am writing in opposition to Kierland Sky, Z-14-20n, a project being considered at the southeast corner of Marilyn Road and Kierland Blvd. I live about ½ mile from that area and drive by it twice a day, six days a week.

The development is problematic. The intersection of Acoma Drive and N. Kierland Blvd. has become much busier over the 25 years I have lived a short distance away even with the relatively small contribution from the single story garden office complex. The traffic on E. Greenway Parkway is considerable. The proposed development would increase the traffic several fold and that does not take into account the dramatic increase that will follow the completion of the Westin Kierland Resort addition.

It should also be pointed out that Marilyn Road is nothing more than the entrance to the office complex. It is not a reasonable alternative to get to Scottsdale Road.

At this rate of development, two things will happen. First, the streets will no longer be negotiable. Second, this area will continue its metamorphosis from Phoenix/Scottsdale into New York City. I do not believe anyone living in this area wants that.

Thank you for your consideration.

Yours sincerely,

Steve

Steven B. Perlmutter, M.D., J.D., LL.M.

Attorney at Law
Physician and Surgeon



9141 East Hidden Spur Trail

Scottsdale, AZ 85255

(480) 346-1212 (Office)

(480) 304-4827 (Fax)

(602) 330-3800 (Text)

steve@healthcaredefender.com

<https://boardcomplaint.com> [boardcomplaint.com]

This email is confidential and subject to attorney-client privilege -- is it meant for you? If not, please delete it, and kindly contact me! Don't use the advice contained in this email to avoid tax penalties.



David O Simmons

From: Joseph Griffith <joe.griffith@cox.net>
Sent: Monday, August 3, 2020 6:17 PM
To: David O Simmons
Cc: llazarus@lslawaz.com; MGreen@lslawaz.com
Subject: Kierland Sky Project Concerns

From: Joe and Michelle Griffith, 6510 East Spring Rd, Scottsdale, AZ 85254

To: Village Planning Committee

Our property backs up to East Acoma Dr. We are very concerned about the amount of additional traffic this project will cause through our neighborhood. Traffic has already increased due the significant development in the Kierland area. Most of the current traffic is well over the posted speed limit of 25mph.

We respectfully request the Committee reject this proposal.

Regards,

Joe and Michelle Griffith
602-820-7751

David O Simmons

From: Kathi Haas <kathi.haas.az1@gmail.com>
Sent: Monday, August 3, 2020 4:10 PM
To: llazarus@lslawaz.com; MGreen@lslawaz.com; David O Simmons
Subject: Concerns re: Kierland Sky development - TRAFFIC, DENSITY, NOISE

We are original owners of our home at 6907 E Evans Dr that was built in 1993. Granted the area has changed greatly since that time (Westin, Kierland Commons, etc.), but none of those developments have had an immediate and negative impact on our quality of life like the proposed Kierland Sky development will.

The major concerns are traffic and potential noise, not to mention the loss of the low-density, low-height commercial space that currently frames our residential neighborhood. It's definitely not going to feel the same with 80-foot tall buildings on that corner.

HEIGHT

The Desert Paradise Estates community - and adjacent community of UDC homes - have enjoyed the open space provided by the Kierland Golf Course and low-level office buildings since they were created. Building 80-foot or taller office buildings on this parcel - that mimic what is being built along Scottsdale Road and 71st Street north of Kierland - is simply not compatible with our neighborhoods. High rise buildings belong on busy streets (like Scottsdale Road), or in multi-family neighborhoods like Optima and the nearby areas that originally were built as dense living projects. They are not appropriate for our single-family neighborhoods.

TRAFFIC

Acoma is already a very busy (supposed to be 25 mph neighborhood street) during morning and evening commuting times. Despite the recently added speed hump between 68th and 69th streets, drivers often race down that street regardless of time of day. Adding more office space and commuters is sure to greatly increase the traffic on Acoma. And, since 69th Street is the closest clear shot to Thunderbird Road, we will continue to see increasing numbers of cars on this street.

We've been advised that due to drainage on 69th Street, adding speed humps there is not an option - meaning there is no way to deter non-neighborhood residents from using 69th street. We also can't add a gate at the T-intersection of 69th & Acoma since those are public streets. Since Acoma (as a collector street) provides an easy shortcut (and no traffic light delays) to Scottsdale Road on the east, and up to Greenway road on the west/north (becoming 66th Street) that route is sure to see a substantial increase in cars. There already are times in the morning/afternoon, where I often have to wait for traffic at the stop sign at Acoma/Kierland to turn north or east to exit the neighborhood to Greenway or Scottsdale Roads.

Mandating a "no left turn" out of the complex onto Kierland is going to be very hard to police, unless there are periodic enforcement blitzes that punish offenders and tenants get the message that making a left turn there is definitely a "no-no".

Is adding speed humps on Acoma west of 68th street (up towards Greenway Road) - which doesn't have neighbors within 100-feet on either side who would have to be consulted/approve - be an option? The golf course is on the north/east sides of that road and the other side doesn't have houses facing the street. At least that would make drivers heading south from Greenway or from the side Acoma entrance endure an enforced slower speed, and maybe convince them they should just make the turn south off of Greenway at Kierland.

NOISE

Our neighborhoods recently had to endure more than 2 years of excessive, loud, rock 'n roll music noise from live bands that played outdoors at BLK Live, an entertainment venue about a mile away on Butherus Drive at the Scottsdale Airport that closed in August 2019.

Your plan calls for retail/restaurant space on the lower level. While those are wonderful amenities for both workers and nearby residents, having outdoor entertainment on that property would likely be a nightmare for residents in our neighborhood.

I would like to see prohibitions in the zoning and/or leases for this space that specifically prevent outdoor concerts or other events (ie, car auctions, etc. - anything that has loudspeakers/announcers during the event).

NIGHT TIME COMMERCE

Restaurants operating in the complex should have mandated closing times that protect the neighborhood from late night traffic on Acoma and our neighborhood streets. It seems that most of the restaurants in Kierland Commons close at 8 pm weekdays and 9 pm on weekends. I would hope that those hours of operation could be stipulated at Kierland Sky as well.

Thank you,
Kathi Haas
480-399-6716

MEMORANDUM

TO: Larry Lazarus
FROM: Wayne Mailloux - President KCA
DATE: September 15, 2020
RE: Kierland Community Alliance Agreement in Support of the Kierland Sky project

Dear Mr. Lazarus,

On behalf of my board, I am writing you today to thank you for the time spent with, and the patience shown towards the Kierland Community Alliance (KCA) board, by you, your client, and your team. We believe the project design amendments, traffic mitigation commitments, and noise control undertakings you made show real and material consideration for the local community. On behalf of the KCA, please accept this letter of support with the agreed upon stipulations and our sincere thanks.

Stipulations:

1. Lower the Southern buildings as follows:

- The southern building will be no higher than 56 feet, and no closer than 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.

2. Lower the Northern building to no higher than 88 feet.

3. Applicant traffic mitigation funding:

- At the time of the City Council approval establish a fund to pay for four speed humps on Acoma and/or 68th and 69th Streets to be approved by the City of Phoenix.
- At the beginning of construction of Phase II, establish a fund to pay for an additional six speed humps on Acoma and/or 68th and 69th Streets to be approved by the City of Phoenix.
- At the beginning of construction of Phase II, establish a fund to pay for a HAWK light at the intersection of Acoma and Kierland Parkway to be approved by the City of Phoenix.

4.No outdoor live music or DJ music on site. Only outdoor background dining music will be allowed.

Yours truly,

A handwritten signature in blue ink, appearing to read 'Wayne Mailloux', is written over the printed name and title.

Wayne Mailloux,
President,
Kierland Community Alliance,
203 247 4199