

## Attachment E

### REPORT OF PLANNING COMMISSION ACTION January 6, 2022

ITEM NO: 16	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-44-21-2 (Modera Kierland PUD)
Location:	Southwest corner of Paradise Lane and Scottsdale Road
From:	C-2 PCD
To:	PUD
Acreage:	6.80
Proposal:	Planned Unit Development to allow multifamily and commercial uses.
Applicant:	Mill Creek Residential
Owner:	16000 Scottsdale, LLC
Representative:	Nick Wood, Esq., Snell & Wilmer, LLP

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Paradise Valley** 8/31/2021 Information only.

**Paradise Valley** 12/6/2021 Approval, per the staff recommendation, with an additional stipulation and a modification to Stipulation No. 1.c. Vote: 12-0.

Planning Commission Recommendation: Approval, per the Paradise Valley Village Planning Committee recommendation with additional stipulations and a deleted stipulation.

Motion Discussion: N/A

Motion details: Commissioner Johnson made the MOTION to approve Z-44-21-2, per the Paradise Valley Village Planning Committee recommendation, with the additional stipulation as read into the record; and the deletion of Stipulation No. 1.c and additional stipulations to revise pages 13 and 10 in the PUD Narrative per the applicant's request.

Maker: Johnson  
Second: Mangum  
Vote: 8-0  
Absent: Shank  
Opposition Present: No

#### **Findings:**

1. The proposed development is in conformance with the General Plan Land Use Map designation and more housing choices within an employment center.
2. The proposed development is compatible with the existing land use pattern in the area.
3. The proposed development contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment.

Stipulations:

1. An updated Development Narrative for the Modera 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 October 29, 2021, 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: June 28, 2021  
2nd Submittal: September 10, 2021  
Hearing Draft: October 29, 2021  
City Council adopted: TBD
  - b. Pages 10 and 12: Streetscape adjacent to Paradise Lane and 71st Street: Both Paradise Lane and 71st Street require the X-E Street Section. An E section requires detached sidewalks where a minimum 5-foot-wide sidewalk is required and a minimum 8-foot-wide landscape area is required.
  - c. **Page 10; Remove the notes at the bottom of the page regarding encroachments into the required setbacks and indicate that balconies and patios shall not encroach into required setbacks MORE THAN A MAXIMUM OF TWO FEET.**
  - d. Page 14, Section D5: Update verbiage to indicate that shade requirement is for both public sidewalks and private pathways to require 75 percent shade on all public sidewalks and private pathways.
  - e. Page 18, Amenities: The applicant shall add the following language to the development narrative: One bicycle repair station ("fix it station") shall be provided and maintained along the 71st Street frontage. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
  - F. PAGE 13, SECTION D2.G: MODIFY THE STANDARDS TO: MINIMUM 7,500-SQUARE FOOT ENTRY COURT AND EVENT LAWN TO BE LOCATED NEAR A MAIN ENTRANCE OF THE BUILDING AT GRADE AND HAVE NO PERMANENT OCCUPIABLE BUILDINGS OR STRUCTURES ON IT.
  - G. **PAGE 13, SECTION D3.A: REVISE FROM "UNRESERVED RETAIL/VISITOR" TO STATE "UNRESERVED RETAIL/RESTAURANT/VISITOR".**
  - H. **PAGE 10, SECTION D1.C: REVISE SOUTH (INTERIOR) SETBACK TO 28 FEET (MINIMUM).**
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 dedicate right-of-way and reconstruct bus stop pad along southbound Scottsdale Road south of Paradise Lane. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to the bus stop pad at full maturity, as approved by the Planning and Development Department.
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 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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