



Village Planning Committee Meeting Summary Z-14-20-2

Date of VPC Meeting	November 2, 2020
Request From	CP/GCP PCD (7.80 acres)
Request To	PUD (Planned Unit Development) (7.80 acres)
Proposed Use	Planned Unit Development to allow office with minor commercial uses
Location	Southeast corner of Kierland Boulevard and Marilyn Road
VPC Recommendation	Approval, per staff's stipulations and applicants proposed stipulations
VPC Vote	14-2

VPC DISCUSSION & RECOMMENDATION:

3 speaker cards were submitted in opposition, wishing to speak.

2 speaker cards were submitted in support, wishing to speak.

Mr. David Simmons, staff, provided an overview of the request. He discussed current heights in the area, the General Plan Land Use Map designation, the surrounding zoning designations and uses and setbacks proposed. Mr. Simmons also discussed several policy plans in which this proposal is in line with, including the Bicycle Master Plan, Major Employment Centers, Complete Streets Guiding principles and more.

Mr. Larry Lazarus, with Lazarus Law Offices, representing the applicant, provided an in depth presentation going over every facet of the project to include setbacks, distance between surrounding building, heights, amenities proposed, landscaping, development standards, parking, open space, phasing, circulation plan, the onsite pedestrian experience and more. He also went over the 3-year public outreach process he and the development team went through with surrounding stakeholders to get to the design they are proposing today.

Mr. Robert Goodhue shared concerns about the reduction in parking proposed.

Mr. Eric Cashman stated that it is clear that the applicant worked with the community and did their homework on this proposal. However, he stressed concerns with the proximity to the condo development to the south. He asked if

the owners of the condo development were notified and if so, what was their opinion of this proposal.

Mr. Lazarus explained that he and his team went above and beyond in regard to public outreach. He shared that no one from the condo complex attended any of the public meetings and that he met the notification distance requirements, which included many of the condo owners within the development. The registered neighborhood associations were also notified of each meeting.

Mr. Alex Popovic shared that he too has concerns about the proximity of this proposal to the condo development to the south. He asked Mr. Lazarus if they were informed. He also has concerns about the reduction in parking.

Mr. Lazarus stated that the proposed reduction in parking is only a 3.8 percent reduction, which is miniscule.

Vice Chair Robert Gubser asked what the notification requirements were.

Mr. David Simmons, staff, shared that the requirement for notification is a 600-foot circumference from all property boundaries for property owners and a 1-mile circumference for registered neighborhood associations.

Vice Chair Gubser asked the applicant if anyone from the condo development reached out.

Mr. Lazarus shared that no one from the condo community reached out in support or opposition.

Public Comment:

Ms. Isadore Yetnikoff residing at Acoma and 69th Street stated that increased traffic was of concern as well as the character of the area changing as well as the proposed height.

Ms. Christina Noyes residing at 14238 70th Place shared that she has concerns in regard to density, character of the area changing, proposed height and proximity to residential uses.

Mr. Jim Combs residing at 6409 Gelding Drive shared concerns about height, view corridors, and an increase in traffic.

Mr. Wayne Mayu residing at 7120 Kierland, president of the Kierland Community Alliance (KCA), shared support for the project. He shared that the KCA has been working diligently with the applicant for the past three years. He stated that the proposed open space, circulation plan, setbacks and, traffic mitigation fund agreement were all results of this collaboration. He shared that the KCA is in full support.

Mr. Mark Spinrad residing at 6840 Evans Road shared concerns of an overabundance of available office space in the area. He stated that the area is already saturated. He also shared that he feels the applicant is disingenuous to offer open space as he thinks it is ridiculous to imagine the neighbor walking over to a commercial office building site to hand out in the open space area. He thinks

this is unrealistic. He also shared that ingress/egress was a point of concerns as well as the reduction in parking.

Applicants Response:

Mr. Larry Lazarus iterated that traffic mitigation is of utmost importance. He also shared that a study was done reflecting the need for additional office space in the area.

Mr. Eric Cashman asked why this wasn't just developed under the existing zoning designation since it allows up to 80 feet with a Use permit.

Mr. David Simmons, staff, went over the CP/GCP development standards and explained that the height would not have been able to be achieved through CP/GCP due to required setbacks in the current code section.

VPC Discussion:

Mr. Alex Popovic shared that he believes it is a dangerous precedent being set by allowing a reduction in parking.

Mr. Eric Cashman shared that he has concerns about the HOA notifications. He is worried the condo association was not notified.

Mr. David Ulibarri stated that the applicant met all notification requirements. Otherwise, they would not be allowed to be in front of the committee today. They must meet requirements prior to moving through the hearing process. He stated that if the condo owners did not respond, that is in no way the applicant's fault.

Ms. Toby Gerst shared that she believes this project would change the character of the area and thinks Kierland needs a Master Development Plan or Policy Plan to guide future development.

Chairwoman Jennifer Hall also stated that it is imperative that Kierland have a policy plan in the near future.

Mr. Roy Wise stated that the community members that have voiced concerns are nit picking at this point. He applauded the applicant for working with neighboring stakeholders for three years prior to coming in front of the committee.

Vicechair Robert Gubser stated that the committee is flying high without a policy plan for the Kierland area. He shared that he did a quick search for the owners of the condo complex and found that 65 plus/minus were notified by the applicant and none of them reached out. He shared that he is in support of the proposal.

Mr. Alan Sparks shared that he agrees with staff's comments as well as Vice Chair Gubser's comments in regard to the notification requirements being fulfilled. He is pleased that the KCA is in support of the project as they provide a critical eye. He shared that he disagrees with Ms. Gerst. This will be a class A office building where a current class C office building exists. It will be a major improvement to the area.

Ms. Louisa Ward left the meeting at 9:15, bringing quorum down to 16.

MOTION:

Mr. Alan Sparks made a motion to recommend approval of Rezoning Case No. Z-14-20-2 per the staff recommendation and the addition of the stipulations requested by the applicant in regard to escrow funds for traffic calming improvements and that outdoor uses and height be added to the development narrative.

Mr. David Ulibarri seconded the motion.

VOTE:

14-2 with committee members Balderrama, Cantor, Enright, Goodhue, Leshner, Mazza, Mortensen, Popovic, Severs, Sparks, Ulibarri, Wise, Gubser and Hall in favor. Committee members Cashman and Gerst not in favor.

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. 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.

- G. THE FOLLOWING SHALL BE INCLUDED IN THE USE STANDARDS SECTION:
THERE SHALL BE NO OUTDOOR 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. AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR PHASE I THE PROPERTY OWNER WILL ESTABLISH A FUND TO PAY FOR TRAFFIC MITIGATION MEASURES TO BE APPROVED BY THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT WITHIN 1 MILE OF THE SITE. THE FUNDS WILL BE HELD FOR 5 YEARS UPON WHICH ANY UNUSED PORTION WILL BE RETURNED TO THE PROPERTY OWNER.
 8. AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR PHASE II THE PROPERTY OWNER WILL ESTABLISH AN ADDITIONAL FUND TO PAY FOR TRAFFIC MITIGATION MEASURES TO BE APPROVED BY THE CITY OF PHOENIX STREET TRANSPORTATION DEPARTMENT WITHIN 1 MILE OF THE SITE. THE FUNDS WILL BE HELD FOR 5 YEARS UPON WHICH ANY UNUSED PORTION WILL BE RETURNED TO THE PROPERTY OWNER.
 9. AT THE TIME OF THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY FOR PHASE II THE PROPERTY OWNER WILL ESTABLISH A FUND TO CONTRIBUTE TO A HAWK LIGHT AT THE INTERSECTION OF ACOMA DRIVE AND KIERLAND 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. THE FUNDS WILL BE HELD FOR 5 YEARS UPON WHICH ANY UNUSED PORTION WILL BE RETURNED TO THE PROPERTY OWNER

STAFF COMMENTS REGARDING VPC RECOMMENDATION:

Staff has concerns with the stipulations proposed by the applicant for traffic mitigation as they are not currently enforceable with the current language.