



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**Staff Report Z-14-A-20-2**  
**Kierland Sky PUD Amendment**  
October 30, 2023

<u>Paradise Valley Village Planning Committee</u> Meeting Date:	November 6, 2023
<u>Planning Commission</u> Hearing Date:	December 7, 2023
<b>Request From:</b>	<u>PUD</u> (Planned Unit Development) (7.81 acres)
<b>Request To:</b>	<u>PUD</u> (Planned Unit Development) (7.81 acres)
<b>Proposal:</b>	Major PUD Amendment to allow commercial and multifamily
<b>Location:</b>	Southeast corner of Kierland Boulevard and Marilyn Road
<b>Owner:</b>	Ted Akiba, Kierland Sky, LLC
<b>Applicant/Representative:</b>	Larry Lazarus, Lazarus & Silvyn, P.C.
<b>Staff Recommendation:</b>	Approval, subject to stipulations

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>	Existing: Industrial Proposed: Mixed Use (Commercial / Residential 15+ dwelling units per acre)		
<u>Street Map Classification</u>	Kierland Boulevard	Collector	Width varies from 40-foot to 35-foot east half street
	Marilyn Road	Local Street	30-foot south half street
	71st Street	Local Street	30-foot west half street
<b>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE:</b> Promote and encourage compatible development and redevelopment with a mix of housing types in neighborhoods close to employment centers, commercial areas, and where transit or transportation alternatives exist.			

### General Plan Conformity

The proposal will add to the mix of housing types within Kierland Commons, which is a node of commercial activity, and will be located within a designated employment center.

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

The PUD includes bicycle parking for both residents and guests. The PUD also includes other bicycle infrastructure, including electric bicycle charging and a bicycle repair station, in order to support alternative modes of transportation.

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

The PUD proposes standards that integrate trees and shade in the design, including enhanced landscaping around the perimeter of the site, shaded detached sidewalks, and the integration of a shaded public plaza on site.

### **Applicable Plans, Overlays, and Initiatives**

[Desert Ridge/Kierland Major Employment Center](#) – See Background Item. No. 2.

[Tree and Shade Master Plan](#) – See Background Item No. 12.

[Complete Streets Guiding Principles](#) – See Background Item No. 13.

[Comprehensive Bicycle Master Plan](#) – See Background Item No. 14.

[Housing Phoenix Plan](#) – See Background Item No. 15.

[Zero Waste PHX](#) – See Background Item No. 16.

[Transportation Electrification Action Plan](#) – See Background Item No. 17.

[Phoenix Climate Action Plan](#) – See Background Item No. 18.

Surrounding Land Uses/Zoning		
	Land Use	Zoning
<b>On Site</b>	Commercial office	PUD
<b>North (across Marilyn Road)</b>	Vacant (proposed multifamily residential)	PUD
<b>South</b>	Commercial office	CP/GCP PCD
<b>East</b>	Commercial office (proposed multifamily residential)	PUD
<b>West (across Kierland Boulevard)</b>	Commercial office (proposed multifamily residential for PUD site)	PUD, CP/GCP PCD
<b>Southeast (across 71st Street)</b>	Commercial office	CP/GCP PCD

### Background/Issues/Analysis

#### SUBJECT SITE

1. This request is to rezone a 7.81-acre site located on the southeast corner of Kierland Boulevard and Marilyn Road. The request is to rezone from PUD (Planned Unit Development) to PUD (Planned Unit Development) for a Major PUD Amendment to the Kierland Sky PUD allow commercial and multifamily residential with up to 420 units.

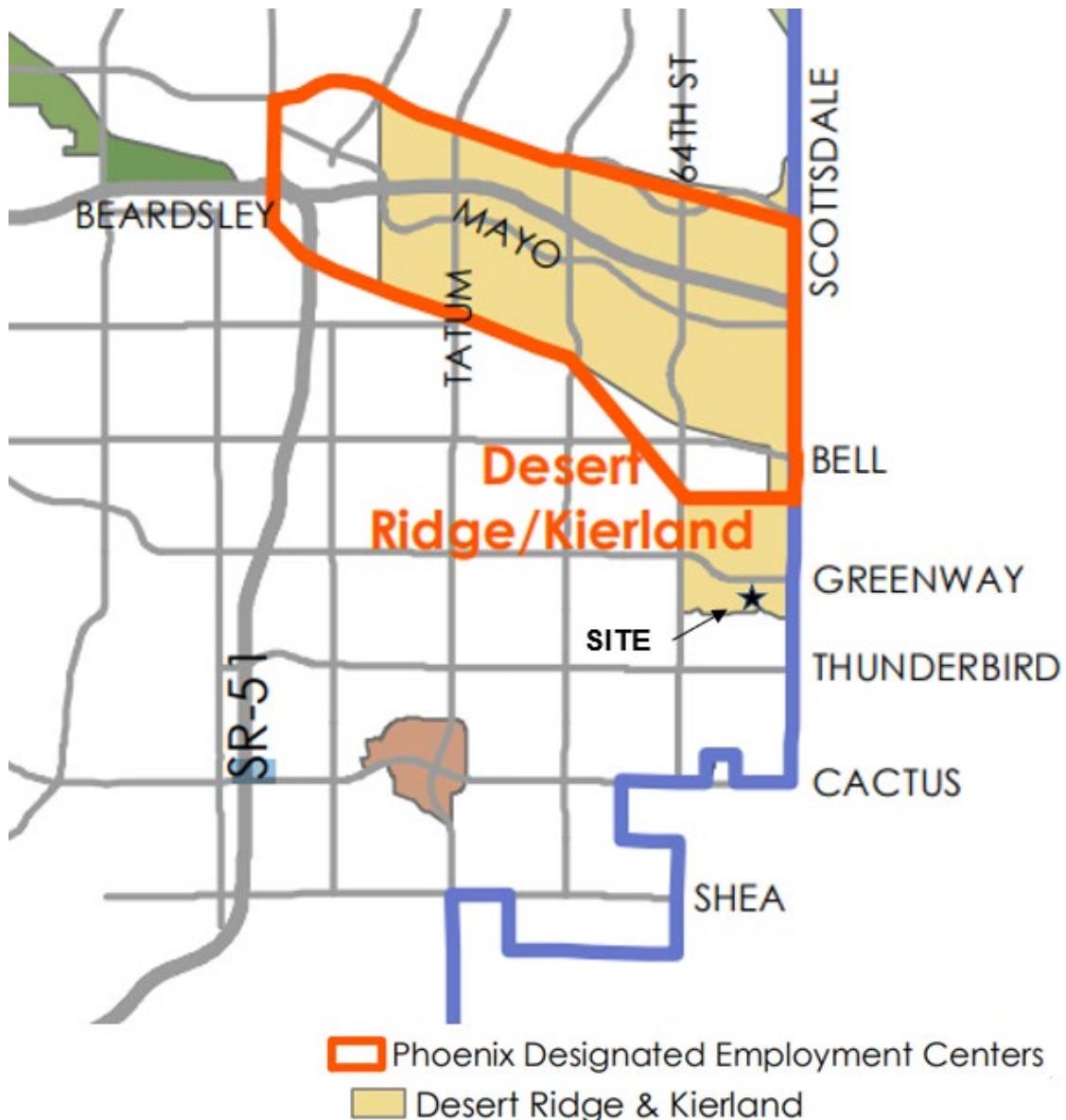
The site was rezoned from CP/GCP PCD (Commerce Park District/General Commerce Park Option, Planned Community District) to PUD (Planned Unit Development) in 2020, through Rezoning Case No. Z-14-20-2, in order to facilitate redevelopment of the site into two, six-story office buildings and a parking garage.

The subject site is within the Kierland Commons area, which is a hub of mixed-use activity and employment. The area presents an opportunity for revitalizing vacant commercial office spaces with mixed-use and multifamily residential to support a pedestrian-friendly environment.

2. **Desert Ridge/Kierland Major Employment Center**

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 extends east from 36th Street to Scottsdale Road between Deer Valley Road and the Central Arizona Project (CAP) Canal, including the area from 64th Street to Scottsdale Road between the CAP canal and Acoma Drive.

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



*Major Employment Centers Map  
Source: Planning and Development Department*

## GENERAL PLAN LAND USE MAP DESIGNATION

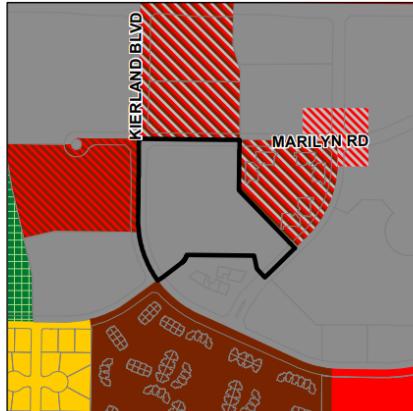
3. The General Plan Land Use Map designation for the subject site is Industrial. The proposal is inconsistent with the existing General Plan Land Use Map designation, and although the site is less than 10 acres in size, the exception regarding any residential request in a designated industrial or commerce park area is triggered; thus, a minor General Plan Amendment is required. A concurrent minor General Plan Amendment case, GPA-PV-1-22-2, is proposed to change the General Plan Land Use Map designation to Mixed Use (Commercial / Residential 15+ dwelling units per acre). The proposed PUD major amendment is consistent with the proposed General Plan Land Use Map designation.

The General Plan Land Use Map designation to the north and east of the site is Mixed Use (Commercial / Commerce Park / Residential 15+ dwelling units per acre). To the west of the site is designated as Mixed Use (Commercial / Residential 15+ dwelling units per acre) and Industrial. To the south of the site is designated as Industrial.

## EXISTING:

Industrial ( 7.81 +/- Acres)

- Proposed Change Area
- Residential 3.5 to 5 du/ac
- Residential 15+ du/ac
- Commercial
- Industrial
- Parks/Open Space - Privately Owned
- Mixed Use (Commercial / 15+ du/ac)
- Mixed Use (Commercial / Commerce Park)
- Mixed Use (Commercial / Commerce Park / Residential 15+ du/ac)



## PROPOSED CHANGE:

Mixed Use (Commercial / Residential 15+ du/ac) ( 7.81 +/- Acres)

- Proposed Change Area
- Mixed Use (Commercial / Residential 15+ du/ac)

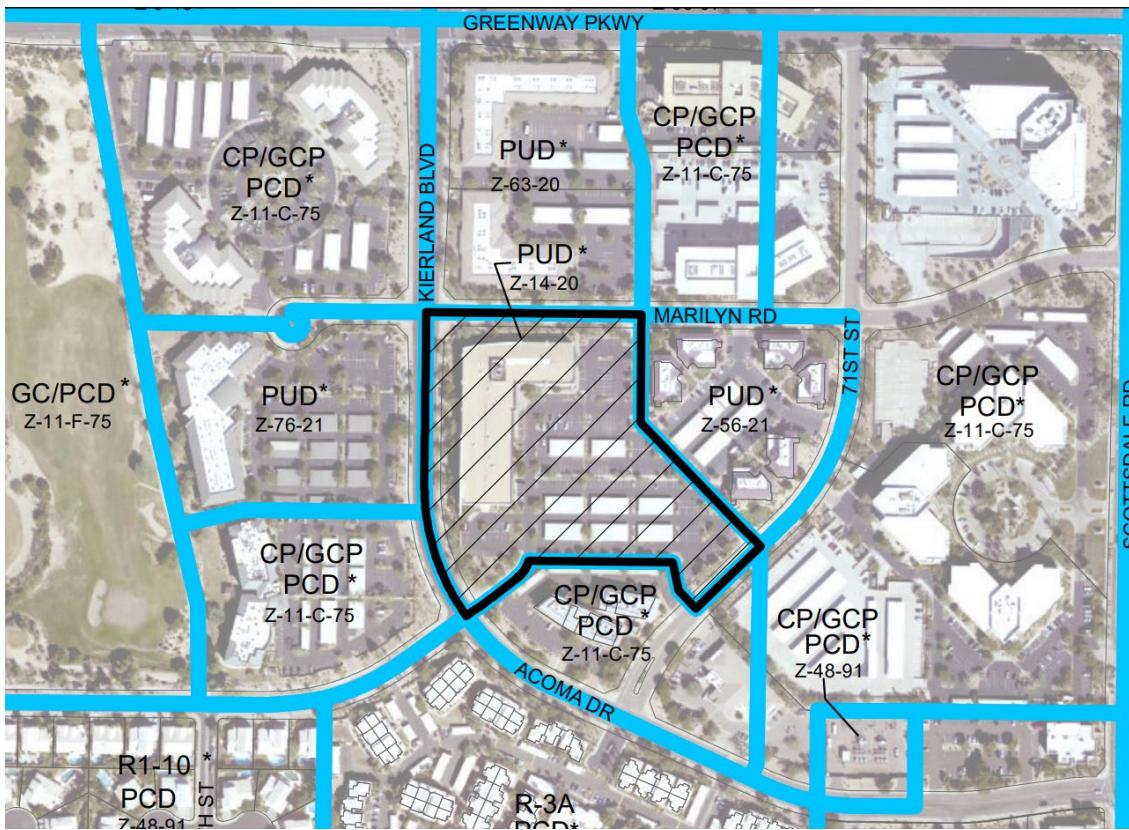


GPA-PV-1-22-2 Sketch Map

Source: Planning and Development Department

## SURROUNDING ZONING AND LAND USES

4. The subject site and surrounding area are generally commercial office uses within PUD (Planned Unit Development) and CP/GCP PCD (Commerce Park District/General Commerce Park Option, Planned Community District) zoning districts. To the north, across Marilyn Road, to the east, and to the west, across Kierland Boulevard, have all been rezoned to PUD (Planned Unit Development) to allow for commercial and multifamily residential uses.



## PROPOSAL

5. The proposal was developed utilizing the PUD zoning district. The Planned Unit Development (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 authors and proposes standards and guidelines that are tailored to the context of a site on a case-by-case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.
6. The PUD proposes standards that support the vision of a well-landscaped multifamily residential development with three, five- and six-story buildings and

with a publicly accessible open garden space, as depicted on the site plan and elevations, attached as an exhibit.

7. **Land Use**

The PUD proposes multifamily residential and commercial uses. The proposed development narrative lists commercial uses permitted in the C-1 zoning district as originally approved in the Kierland Sky PUD (Z-14-20-2), in addition to multifamily residential uses. The development narrative also proposes restricting certain uses that are inconsistent with the PUD's vision of mixed-use pedestrian-oriented development such as auto title loan establishments, retail of automobile parts and supplies, gas stations with one closed automatic car wash bay, hospitals, single-family residential, automobile service stations, veterinary offices, pet care facilities, and outdoor live music.

Staff recommends that the Prohibited Uses section be revised to start the numbered list at one rather than beginning the numbered list at three. This is addressed in Stipulation No. 1.b.

Staff recommends reducing the maximum noise level for outdoor music listed in the Accessory Uses section from 65db to 55db to accommodate a request from the Kierland Community Alliance (KCA). This is addressed in Stipulation No. 1.c.

8. **Development Standards**

The PUD proposes development standards, consistent with the vision of a multifamily residential development with public open space. It proposes a maximum height of 69 feet to facilitate the first phase closer to Marilyn Road. For Phase 2, the maximum building height steps down closer to the west property line, adjacent to Kierland Boulevard, with a maximum of 30 feet within 57 feet of the west property line, with an increase in maximum building height to 58 feet within 57 feet to 250 feet of the west property line, and an increase to 69 feet after 250 from the property line adjacent to Kierland Boulevard. The PUD proposes a minimum of 30 percent of the net site area to be open space, with a minimum of 20,000 square feet of contiguous, publicly accessible, open space. Additionally, amenity standards are proposed to include a minimum of four pieces of artwork for public display, one picnic area per 2,000 square feet of open space, a minimum of 10 benches for outdoor seating areas, a minimum of 10,000 square feet of community space per building, and waste stations to include a landfill receptacle, a recycling receptacle, and a composting receptacle, with informational signs indicating what type of waste should go in which receptacle.

Below are additional development standards from the PUD Narrative:

<b>Maximum Density:</b>	54 dwelling units per gross acre; 421 dwelling units
<b>Minimum Lot Width/Depth</b>	No minimum
<b>Minimum Building Separation</b>	60 feet
<b>Lot Coverage</b>	Minimum 30% - Maximum 50%
<b>Maximum Building Height</b>	
Phase 1	69 feet
Phase 2	69 feet a minimum of 250 feet from the property line adjacent to Kierland Boulevard
	58 feet within 57–250 feet from property line adjacent to Kierland Boulevard
	30 feet within first 57 feet from property line adjacent to Kierland Boulevard
<b>Minimum Building Setbacks</b>	
West (Kierland Boulevard)	30 feet
North (Marilyn Road)	20 feet; Maximum 25 feet
Southeast (71st Street)	25 feet
South (Adjacent to Shared Property Line)	10 feet
East Property Line	30 feet
<b>Minimum Landscape Setbacks</b>	
West (Kierland Boulevard)	30 feet
North (Marilyn Road)	20 feet
South (71st Street)	25 feet
East (Adjacent to Private Accessway)	10 feet located between the back of sidewalk and the building
All other property lines	10 feet
<b>Sidewalk/Pathway Standards</b>	
Kierland Boulevard	Minimum 8-foot-wide detached sidewalk separated by a minimum 8-foot-wide landscape strip located between the back of curb and sidewalk.
Marilyn Road	Minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape strip located between the back of curb and sidewalk.
71st Street	Minimum 5-foot-wide detached sidewalk separated by a minimum 5-foot-wide landscape strip located between the back of curb and sidewalk.

East Private Accessway	Minimum 5-foot-wide sidewalk
Internal Walkways/Pathways	Minimum 5-foot-wide pathways
<b>Minimum Open Space</b>	30% of net site area
	Minimum of one area of 20,000 square feet of contiguous, publicly accessible, open space
	Minimum of one area of 6,000 square feet of contiguous, publicly accessible, open space
<b>Minimum Vehicular Parking</b>	
Residents	1.5 spaces per dwelling unit
Guest	25 spaces
Electric Vehicle (EV) Infrastructure	10% of required parking spaces shall include EV Installed infrastructure
Parking Location	A maximum of 40 surface parking spaces All other parking shall be underground
<b>Bicycle Infrastructure</b>	
Bicycle Parking Spaces	Secured bicycle parking spaces at a minimum rate of 0.25 spaces per dwelling unit. Guest bicycle parking spaces at a minimum rate of 0.05 spaces per dwelling unit.
Electric Bicycle Charging	Minimum 10% of required bicycle parking spaces shall include standard electrical receptacles for electric bicycle charging capabilities.
Bicycle Repair Station	A bicycle repair station (“fix it station”) shall be provided and maintained on site within an amenity area or near a primary site entrance.

The minimum distance from the property line adjacent to Kierland Boulevard for the maximum building height of 69 feet in Phase 2 is closer to 170 feet; however, the Development Standards Table requires this building height to be located a minimum of 250 feet from the property line adjacent to Kierland Boulevard. Due to this discrepancy, and per the applicant's request, staff recommends revising the Maximum Height Phase 2 row of the Development Standards Table in the Development Narrative to require a building up to 69 feet tall to be located a minimum of 160 feet from the property line adjacent to Kierland Boulevard, a building up to 58 feet tall to be located a minimum of 50 feet from Kierland Boulevard, and a building up to 30 feet tall to be allowed.

within the first 50 feet from the property line adjacent to Kierland Boulevard. This is addressed in Stipulation No. 1.d.

To remain consistent with the advertised density, staff recommends revising the maximum density in the Development Standards Table of the PUD Narrative to 53.8 dwelling units per gross acre and 420 dwelling units. This is addressed in Stipulation No. 1.e.

To remain consistent with the Sidewalk/Pathway Standards for Marilyn Road, staff recommends the Streetscapes section of the PUD Narrative for Marilyn Road be revised so the landscape strip width is 5 feet, rather than 8 feet. Additionally, staff recommends the minimum tree caliper size be reduced from three-inch caliper to two-inch caliper due to the reduced width of the landscape strip. This is addressed in Stipulation No. 1.f.

For the Community Space provision within the Amenity Standards section of the Development Narrative, staff recommends clarifying that this requirement is for private interior community space within each building. Additionally, staff recommends the required area of these spaces be lowered to 5,000 square feet, since rooftop amenity areas are considered open space areas. This is addressed in Stipulation No. 1.g.

Staff recommends a technical revision for the Shade Standards section in the Development Standards section of the PUD Narrative for the “Public and Private Sidewalks and Pedestrian Pathways” row to replace “east pedestrian accessway” with “east private accessway”. This is addressed in Stipulation No. 1.h.

9. **Landscape Standards**

The PUD proposes landscape planting standards for streetscape landscape areas, landscape setbacks, landscape areas within public or private open space and retention areas, and parking lot areas. The PUD also proposes a minimum 75 percent shade requirement for public and private sidewalks and pedestrian pathways, a minimum 50 percent shade requirement for occupiable roof areas, and a minimum of 50 percent shade for all accessible public and private open spaces areas. The proposed shade and landscape planting standards are an enhancement compared to the Phoenix Zoning Ordinance standards.

10. **Design Guidelines and Standards**

The PUD proposes design standards that promote a pedestrian-oriented design with quality architecture. Pedestrian walkways will be provided to connect all points of interest on site and will have contrasting materials when crossing drive aisles to promote safety. Architectural guidelines include varied façade elements between ground floor and upper floor residential units,

provisions for quantities of façade materials and colors to minimize monotonous buildings, articulation to break up larger building masses, vertical shade elements for visual interest, and variation in rooflines.

11. **General Comments**

Staff recommends a technical correction to add the Exhibit section after the legal description section. This is addressed in Stipulation No. 1.i.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

12. **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. By investing in trees and the urban forest, the city can reduce its carbon footprint, decrease energy costs, reduce storm water runoff, increase biodiversity, address the urban heat island effect, clean the air, and increase property values. In addition, trees can help to create walkable streets and vibrant pedestrian places. The PUD proposes robust tree planting and shade standards, including:

- Detached sidewalks along Marilyn Road, Kierland Boulevard, and 71st Street, separated by landscape strips planted with three-inch and two-inch caliper shade trees planted 20 feet on center or in equivalent groupings.
- Landscape setbacks planted with minimum 70 percent two-inch caliper and 30 percent three-inch caliper shade trees planted 20 feet on center or in equivalent groupings.
- Landscape areas within public or private open space and retention areas planted with minimum 80 percent two-inch caliper and 20 percent three-inch caliper shade trees.
- Parking lot areas landscaped a minimum of 20 percent and planted with a minimum of one shade tree per five grade-level parking stalls.
- Public and private sidewalks and pedestrian pathways shaded a minimum of 75 percent with a minimum of 50 percent of the shade to be provided by minimum two-inch caliper shade trees, except for the sidewalk adjacent to the east private accessway.
- Occupiable roof areas shaded a minimum of 50 percent by structures or shade trees with a minimum of 25 percent shaded by minimum two-inch caliper shade trees.
- Public and private open space areas shaded a minimum of 50 percent by shade trees.

13. **Complete Streets Guiding Principles**

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. To promote safety

and connectivity for all users, the PUD proposes standards for detached sidewalks separated by landscape strips along Marilyn Road, Kierland Boulevard, and 71st Street, bicycle parking, shaded pedestrian connections to the street, and visually contrasting pavement treatments where pedestrian pathways cross a vehicular drive aisle.

14. **Comprehensive Bicycle Master Plan**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its bikeway system and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The PUD incorporates requirements for secured bicycle parking, guest bicycle parking, and a bicycle repair station, to encourage multi-modal transportation.

15. **Housing Phoenix Plan**

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with a vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing. The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by contributing to a variety housing types that will address the supply shortage at a more rapid pace while using vacant land in a more sustainable fashion.

16. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial, and mixed-use developments meeting certain criteria. The PUD includes standards for waste stations to include a landfill receptacle, a recycling receptacle, and a composting receptacle, to be distributed throughout the site.

17. **Transportation Electrification Action Plan**

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the

public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. The PUD includes standards for a minimum of 10 percent of the required parking spaces to include EV Installed infrastructure and a minimum of 10 percent of the required bicycle parking spaces to include standard electrical receptacles for electric bicycle charging capabilities.

18. **Phoenix Climate Action Plan**

In October 2021, the Phoenix City Council approved the Climate Action Plan. The Climate Action Plan will serve as a long-term plan to achieve greenhouse gas emissions reductions and resiliency goals from local operations and community activities as well as prepare for the impacts of climate change. This plan contains policy and initiatives regarding stationary energy, transportation, waste management, air quality, local food systems, heat, and water. Goal W2 (Water), Action W2.4, pertains to the implementation of the Greater Phoenix Metro Green Infrastructure (GI) and Low Impact Development Details for Alternative Stormwater Management to benefit the environment, promote water conservation, reduce urban heat, improve the public health, and create additional green spaces. The PUD includes a standard requiring a minimum of two GI techniques for stormwater management, such as bioswales, to be implemented in this development.

COMMUNITY INPUT SUMMARY

19. At the time the staff report was written, staff has not received any letters in support or in opposition to the project.

INTERDEPARTMENTAL COMMENTS

20. **City of Phoenix Aviation Department**

The Aviation Department requested the airport disclosure stipulation. This is addressed in Stipulation No. 8.

21. **City of Scottsdale Aviation Department**

The City of Scottsdale Aviation Department commented that they would strongly discourage residential development in close proximity to their airport or its flight path. If the project moves forward, the City of Scottsdale Aviation Department requested the airport disclosure stipulation and the FAA Form 7460 with an FAA response of "No Hazard Determination" stipulation be included. These are addressed in Stipulation Nos. 8 and 9.

22. **Street Transportation Department**

The Street Transportation Department requested the following:

- That the traffic mitigation stipulations from the original Rezoning Case No. Z-14-20-2 be carried over.
- That a singular access point be permitted on Kierland Boulevard between Marilyn Road and Acoma Drive and that it be placed no closer than 150 feet from either intersection.
- That a detached sidewalk be provided along Kierland Boulevard.
- That a Traffic Impact Analysis (TIA) be submitted to the City for this development.
- That all streets within and adjacent to the development, shall be constructed with all required elements, including meeting ADA requirements.

These are addressed within the PUD Narrative and in Stipulation Nos. 2 through 7.

**OTHER**

23. 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. 10.

24. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 11.

25. 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 the proposed General Plan Land Use Map designation in companion case GPA-PV-1-22-2 and is compatible with the transitioning land use pattern in the surrounding area.
2. The proposed development will add to the mix of housing options within the Desert Ridge/Kierland Major Employment Center.

3. The proposed PUD sets forth design and development standards that support efforts from various plans and initiatives, including the Tree and Shade Master Plan, the Complete Streets Guiding Principles, the Comprehensive Bicycle Master Plan, the Housing Phoenix Plan, Zero Waste PHX, the Transportation Electrification Action Plan, and the Phoenix Climate Action Plan.

### **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 20, 2023, as modified by the following stipulations:
  - a. Front cover: Revise the submittal date information on the bottom to add the following: City Council adopted: [Add adoption date].
  - b. Page 18, List of Uses, Prohibited Uses: Start numbered list at 1 rather than at 3.
  - c. Page 18, List of Uses, Accessory Uses: Replace 65db with 55db.
  - d. Page 19, Development Standards, Development Standards Table, Maximum Height Phase 2: Replace "69' - 0" a minimum of 250 feet" with "69' - 0" a minimum of 160 feet", replace "57-250 feet" with "50 – 160 feet", and replace "57 feet" with "50 feet".
  - e. Page 19, Development Standards, Development Standards Table, Density: Update to maximum 53.8 dwelling units per acre; 420 dwelling units.
  - f. Page 23, Development Standards, Landscape Standards, Streetscapes, Adjacent to Marilyn Road: Replace "8-foot-wide landscape strip" with "5-foot-wide landscape strip" and replace "3-inch caliper" with "2-inch caliper".
  - g. Page 24, Development Standards, Amenity Standards, Community Space: Replace "Community Space" with "Private Interior Community Space" and replace "Minimum of 10,000 square feet of community space per building" with "Minimum of 5,000 square feet per building".
  - h. Page 25, Development Standards, Shade Standards, Public and Private Sidewalks and Pedestrian Pathways: Replace "east pedestrian accessway" with "east private accessway".

- i. Page 41: Add Exhibits section after the legal description section.
2. Prior to the issuance of the Certificate of Occupancy for Phase I, evidence shall be provided that the property owner has deposited funds to be used by the Street Transportation Department for traffic mitigation measures 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.
3. Prior to the issuance of the certificate of occupancy for Phase II evidence shall be provided that the property owner has deposited additional funds to be used by the Street Transportation Department for traffic mitigation measures 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.
4. Prior to the issuance of the Certificate of Occupancy for Phase II, 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, or in the alternative, fund traffic mitigation measures within 1-mile of the site, as approved by 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.
5. A singular access point shall be permitted on Kierland Boulevard between Marilyn Road and Acoma Drive and shall be placed no closer than 150 feet from either intersection, unless otherwise approved by the Street Transportation Department.
6. A Traffic Impact Analysis (TIA) shall be submitted 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. The development shall be responsible for the cost associated with these improvements and dedications.
7. All streets within and adjacent to the development shall be constructed 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.

8. 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.
9. A No Hazard Determination for the proposed development from the FAA pursuant to the FAA's Form-7460 obstruction analysis review process shall be provided prior to construction permit approval, as per plans approved by the Planning and Development Department.
10. 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 Archeologist, and allow time for the Archeology Office to properly assess the materials.
11. 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.

**Writer**

Adrian Zambrano

October 30, 2023

**Team Leader**

Racelle Escolar

**Exhibits**

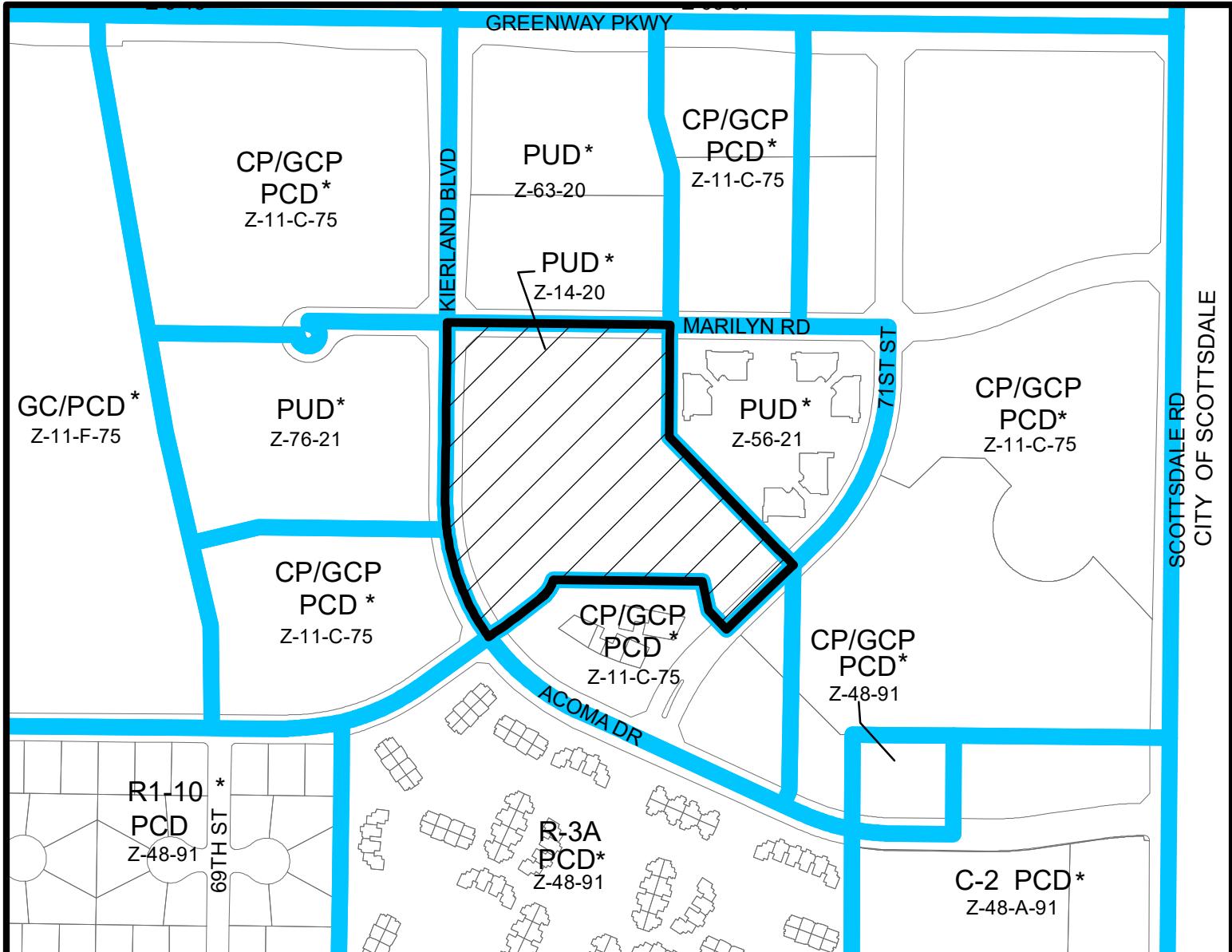
Sketch Map

Aerial Map

Conceptual Site Plan date stamped October 19, 2022

Conceptual Elevations date stamped October 19, 2022 (2 pages)

[Kierland Sky PUD Development Narrative](#) date stamped October 20, 2023

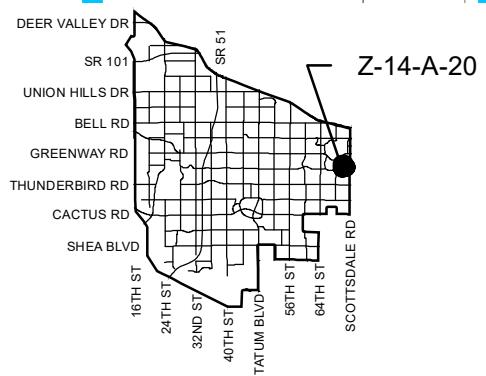


## PARADISE VALLEY VILLAGE

CITY COUNCIL DISTRICT: 2



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: Larry Lazarus, Lazarus & Silvyn P.C.

APPLICATION NO. Z-14-A-20

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

7.81 Acres

DATE: 11/2/2022

REVISION DATES:

AERIAL PHOTO &  
QUARTER SEC. NO.  
QS 34-44

ZONING MAP

L-12

REQUESTED CHANGE:

FROM: PUD (7.81 a.c.)

TO: PUD (7.81 a.c.)

MULTIPLES PERMITTED

PUD

PUD

CONVENTIONAL OPTION

N/A

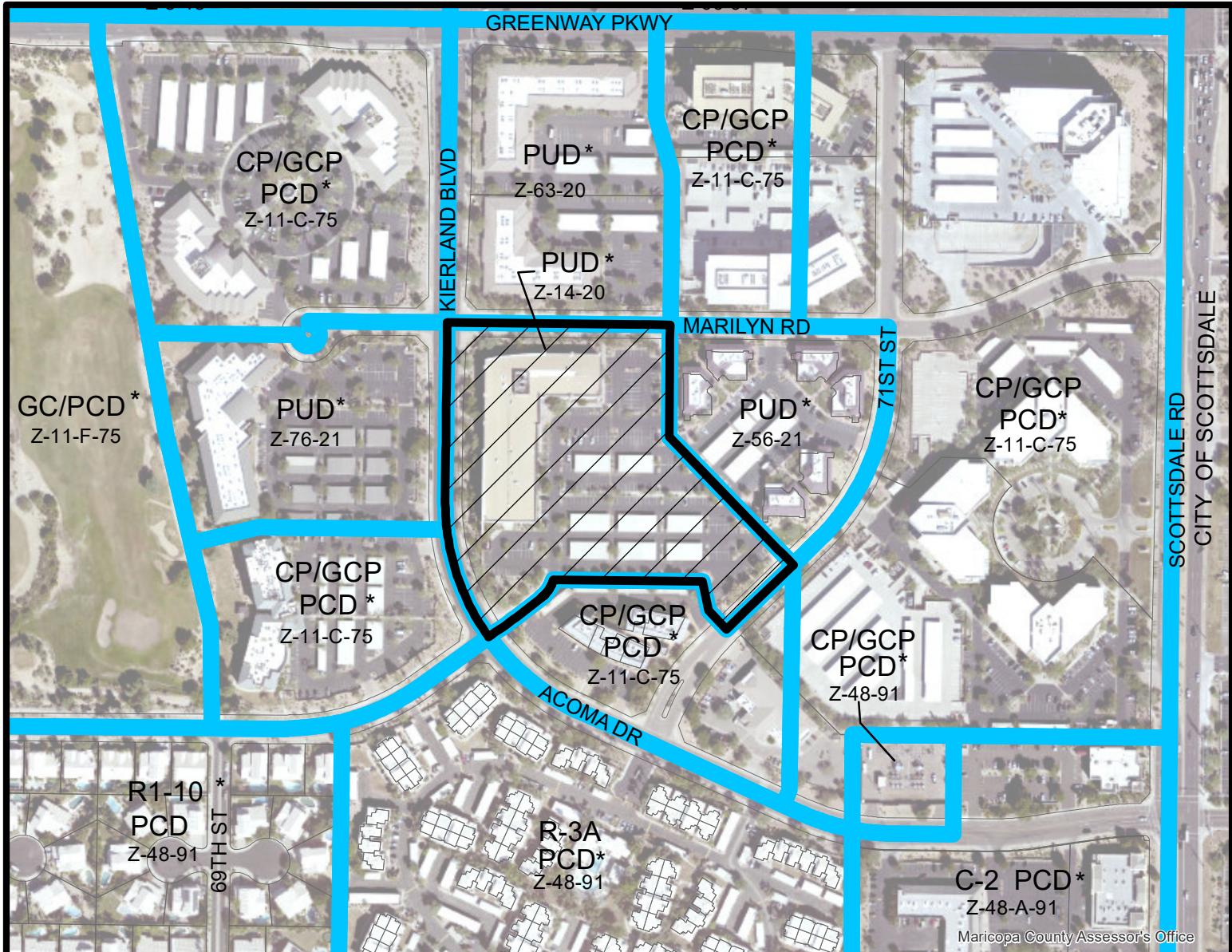
420

\* UNITS P.R.D. OPTION

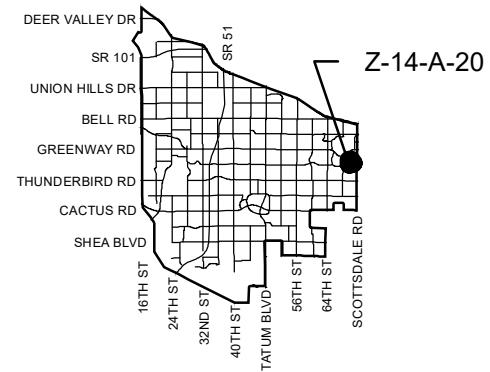
N/A

521

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



**PARADISE VALLEY VILLAGE**  
CITY COUNCIL DISTRICT: 2



APPLICANT'S NAME: **Larry Lazarus, Lazarus & Silvyn P.C.**

APPLICATION NO. **Z-14-A-20**

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

**7.81 Acres**

DATE: **11/2/2022**  
REVISION DATES:

AERIAL PHOTO &  
QUARTER SEC. NO.  
**QS 34-44**

ZONING MAP  
**L-12**

REQUESTED CHANGE:

FROM: **PUD ( 7.81 a.c.)**

TO: **PUD ( 7.81 a.c.)**

MULTIPLES PERMITTED

**PUD**

**PUD**

CONVENTIONAL OPTION

**N/A**

**420**

\* UNITS P.R.D. OPTION

**N/A**

**521**

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





# SHIPLEY BULFINCH

363 North Central Avenue, Suite 1000  
Phoenix, AZ 85012  
T: 602.430.3220 | F: 602.394.9681  
shepleybulfinch.com  
10th & Alvarado Street  
Paradise Valley, AZ 85253

Law Offices of  
**Lazarus & Silvyn, P.C.**  
20 N. 2nd Street, Suite D  
Phoenix, Arizona 85004  
www.lazsil.com

Law Offices of  
**Dig Studio**  
20 N. 2nd Street, Suite D  
Phoenix, Arizona 85004  
www.digstudio.com



**3 SITE EAST ELEVATION**

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