



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

**Staff Report Z-61-19-2**  
**Embrey Kierland PUD**  
May 27, 2020

Paradise Valley [Village Planning Committee](#) Meeting Date: June 1, 2020

[Planning Commission](#) Hearing Date: June 4, 2020

Request From: [C-2 PCD](#) (2.41 acres)

Request To: [PUD](#) (2.41 acres)

Proposed Use: Planned Unit Development to allow a mix of uses including multifamily residential and commercial uses

Location: Approximately 350 feet north of the northwest corner of Scottsdale Road and Tierra Buena Lane

Owner: Bridge Enterprises, LLC

Applicant: Jimmy McCloskey

Representative: Nick Wood, Esq., Snell & Wilmer, LLP

Staff Recommendation: Approval, subject to stipulations

<a href="#">General Plan Conformity</a>			
<a href="#">General Plan Land Use Designation</a>		Mixed Use (Commercial/Commerce Park)	
<a href="#">Street Map Classification</a>	Scottsdale Road	Major Arterial	65-foot west half street (25 feet Phoenix) (40 feet Scottsdale)
<p><b>CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES GOAL; LAND USE PRINCIPLE: 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.</b></p> <p>The proposed Embrey Kierland PUD supports increased intensity by proposing multifamily residential that is compatible in scale and intensity with the surrounding Kierland area and properties adjacent to the site. The development is located in a mixed-use corridor where adjacent properties are multifamily or commercial. The project site is also within a designated employment center. The concentration of people near employment uses promotes the sustainability of nearby commercial uses.</p>			

***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 Embrey Kierland PUD proposes landscaping around all four sides of the building and internal landscaped courtyards. A detached sidewalk along Scottsdale Road framed with two landscape strips will provide thermal comfort for pedestrians. The PUD also requires that a minimum of 75 percent of public and private pedestrian pathways be shaded.

***CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; HEALTHY NEIGHBORHOODS; DESIGN PRINCIPLE: Establish design standards and guidelines for parking lots and structures, setback and build-to lines, blank wall space, shade, and other elements affecting pedestrians, to encourage pedestrian activity and identify options for providing pedestrian-oriented design in different types of development.***

The proposed development will have four-sided architecture with an enhanced frontage and a pedestrian friendly townhome frontage that will encourage pedestrian activity along Scottsdale Road.

***CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE: Development should include convenient bicycle parking.***

The proposed Embrey Kierland PUD narrative requires that 0.25 bicycle parking spaces be provided for each dwelling unit built and a minimum of four guest bicycle parking spaces. The PUD connects to a bike lane along 71st Street and will support tenants who prefer using alternative modes of transportation to get to work or nearby entertainment.

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

[Maricopa Association of Governments \(MAG\) Kierland Employment Corridor](#) – see background item No. 5 below.

[Tree and Shade Master Plan](#)– see background item No. 9 below.

[Complete Streets Guiding Principles](#)– see background item No. 10 below.

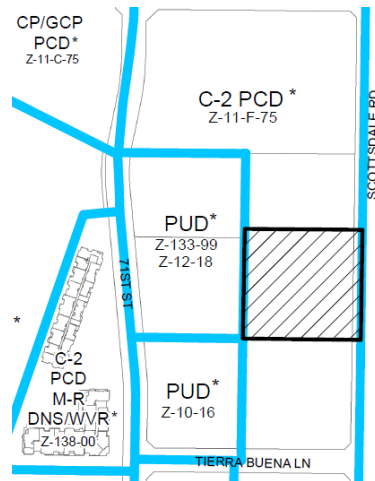
[Comprehensive Bicycle Master Plan](#) – see background item No. 11 below.

[Reimagine Phoenix Initiative](#)– see background item No. 21 below.

## **Background/Issues/Analysis**

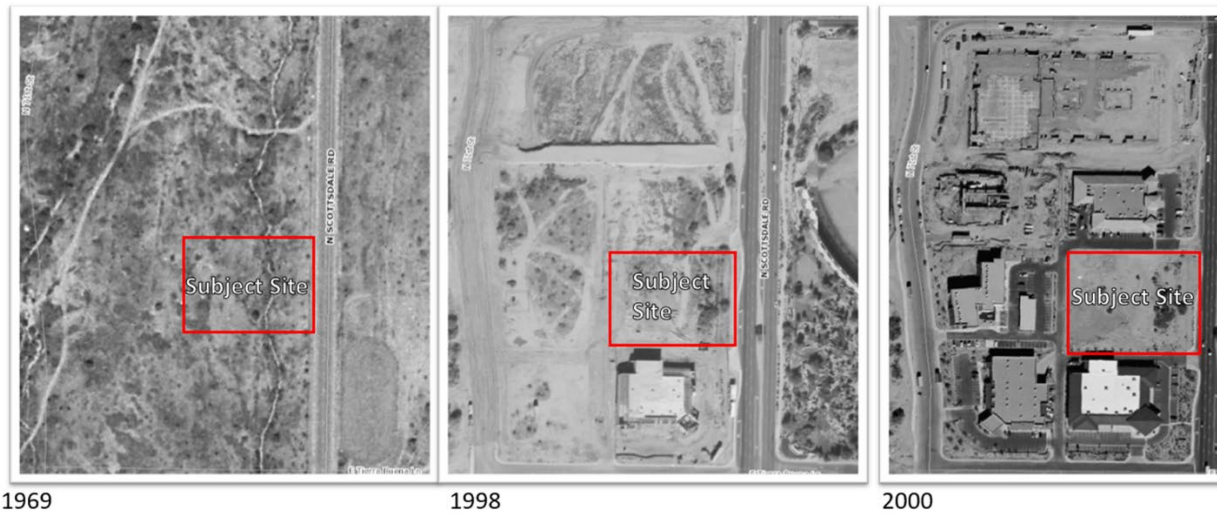
### **SUBJECT SITE**

1. This is a request to rezone a 2.41-acre site located approximately 350 feet north of the northwest corner of Scottsdale Road and Tierra Buena Lane. The request is to rezone from C-2 PCD (Intermediate Commercial, Planned Community District) to PUD (Planned Unit Development) to allow a mix of uses including multifamily residential for a maximum of 285 dwelling units and/or commercial. The maximum building height is capped at 70 feet, which is consistent with the surrounding area.



*Source: City of Phoenix Planning and Development Department*

2. The subject site was annexed into the City of Phoenix on October 15, 1961. At that time the site and the surrounding area was undeveloped. 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 and the current C-2 PCD zoning designation on the site was established through Amendment F, Rezoning Case No. Z-11-F-75. Maricopa County Historical Aerials indicate that the first property to develop near the site was in approximately 1998 and the site began development in approximately 2000. 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 request is rezoning out of the PCD and will be required to provide updated infrastructure as needed and determined through the Planning and Development Department's site development process.



1969

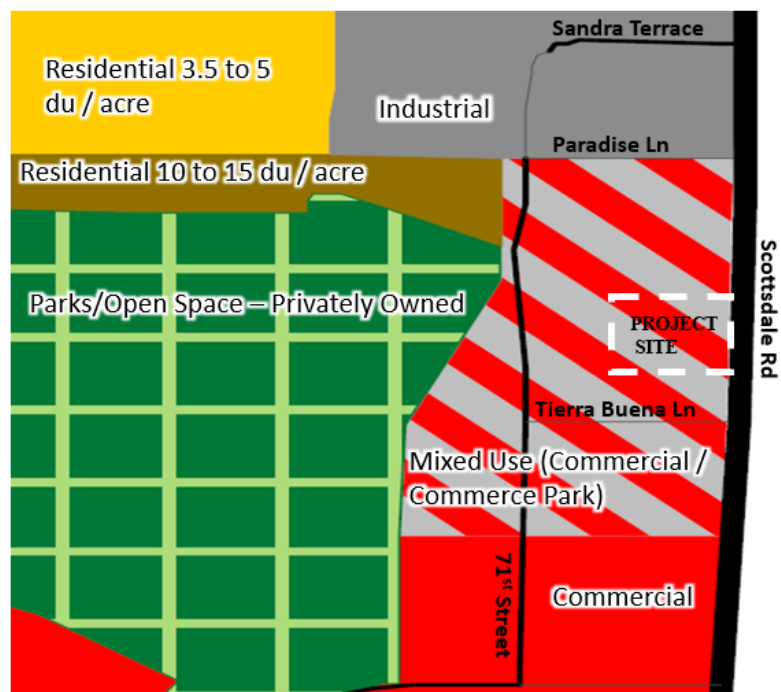
1998

2000

Source: Maricopa County historical Aerial

3. The General Plan Land Use Map designations surrounding the site are Mixed Use (Commercial/Commerce Park). The proposed zoning district supports a mixed-use environment of multifamily residential and commercial uses.

The General Plan Land Use Map designation surrounding the site is also Mixed Use (Commercial/Commerce Park).



Source: City of Phoenix Planning and Development Department

4. The proposed PUD site is located within the larger Kierland area, fronting on Scottsdale Road and within a corridor that contains commercial, mixed use, commerce park and industrial uses. Additionally, the site is primarily surrounded by multifamily and commercial uses and is near the Kierland Commons mixed use outdoor shopping center with restaurants and retail. The site is also near the Westin Kierland Resort & Spa, golf course, offices and commerce park uses. The site is adjacent to other developments that exceed 30-feet in height such as Kierland



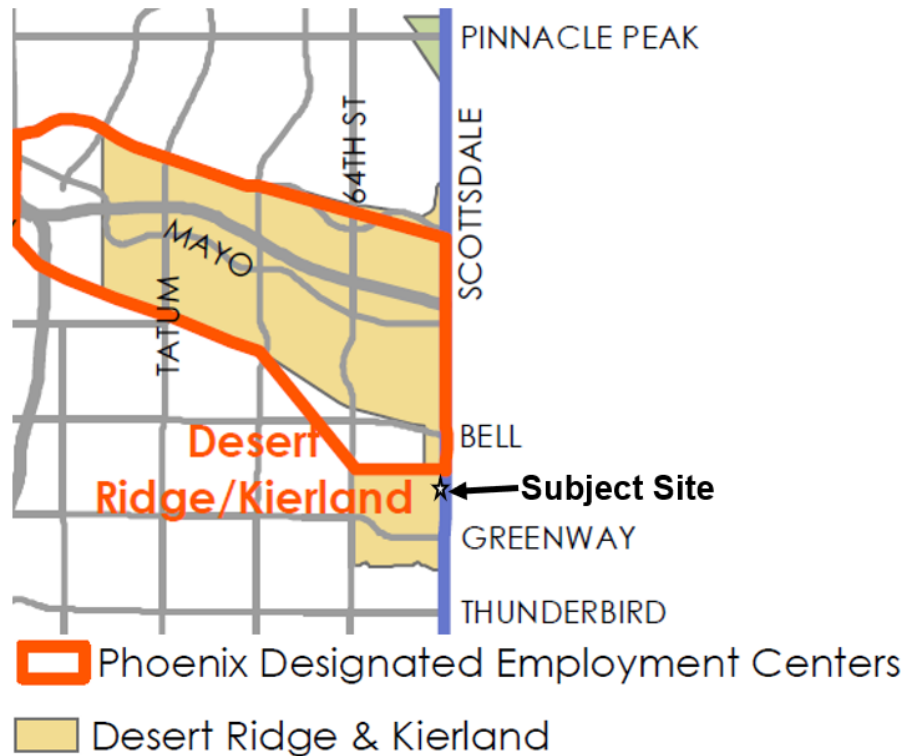
Overture (68 feet), SGA Corporate Center (75 feet), LMC Kierland directly to the west of the subject site (70 feet) and The Landmark Condominiums (62 feet). Overall, the Kierland area has seen substantial interest in redevelopment including the Kierland Optima, a multifamily and commercial development approved in 2014 through (Rezoning Case No. Z-22-14) with an allowable height of 120 feet and a maximum of 796 dwelling units that is approximately 0.17 miles south of the subject site.



*Source: City of Phoenix Planning and Development Department*

## DESERT RIDGE AND KIERLAND MAJOR 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 adjacent to the City of Phoenix designated employment center.



A mix of housing types is encouraged in areas near employment centers and commercial

corridors. The Desert Ridge/Kierland Major Employment Center profile provided by the 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 housing options in close proximity to the nearby workforce will add to the sustainability of established office space and commercial uses build around Kierland.

## SURROUNDING ZONING AND USES

### 6. North

The property to the north of the subject site is developed with a retail furniture store zoned C-2 PCD (Intermediate Commercial, Planned Community District) through Rezoning Case No. Z-11-F-75.

### South

Directly south of the subject site is Copenhagen Furniture Zoned C-2 PCD (Intermediate Commercial, Planned Community District) through Rezoning Case No. Z-11-F-75.

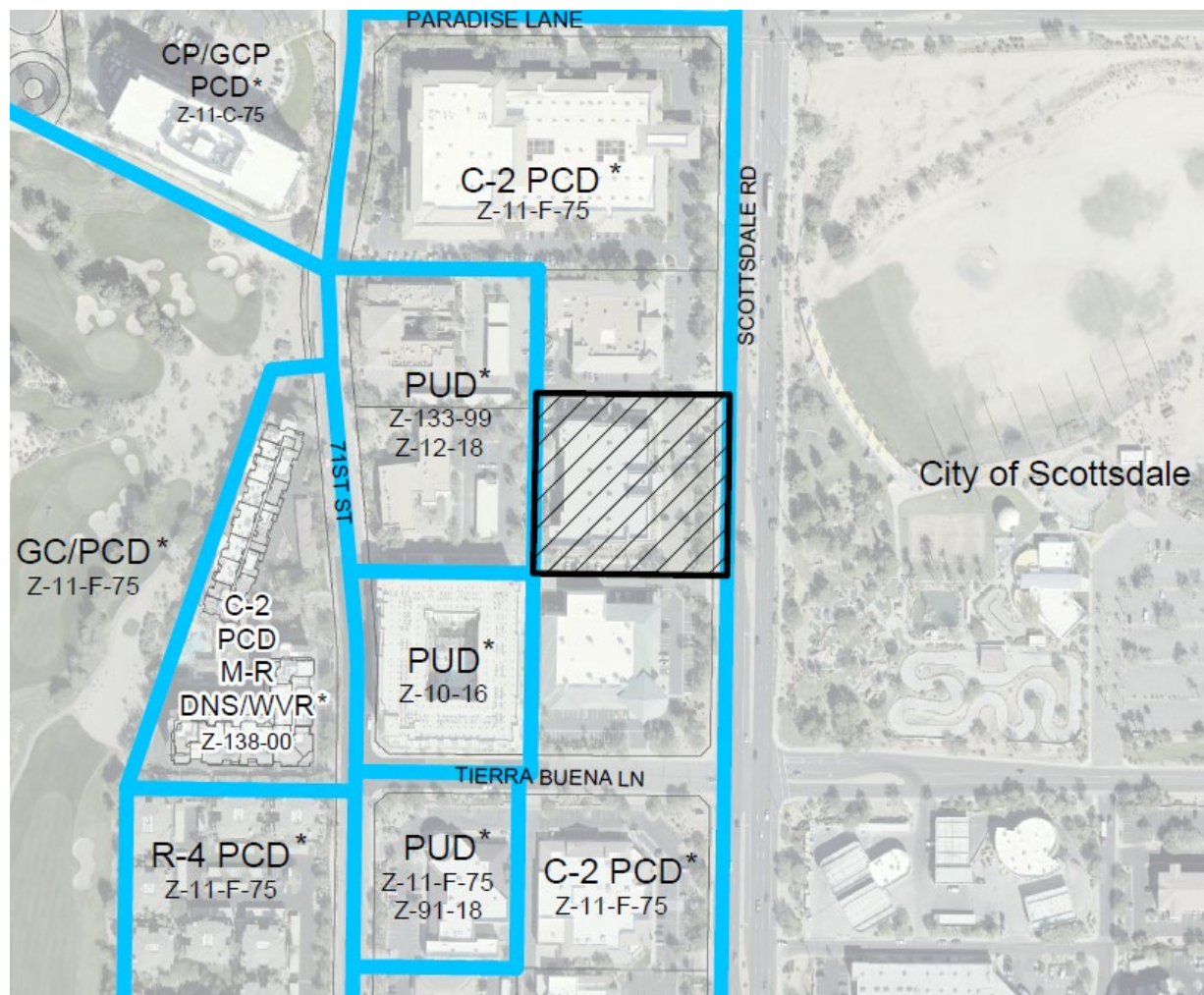
### East

Directly to the east of the subject site, across Scottsdale Road, is a family entertainment development called Cracker Jax, which is located within the City of

Scottsdale municipal boundary. The site is zoned C-4 which is a City of Scottsdale zoning designation.

**West**

Directly to the west of the site, abutting the western property boundary, is a mixed-use development called LMC Kierland. The site is zoned PUD (Planned Unit Development) through Rezoning Case No. Z-12-18. This site was recently approved for 70 feet in height.



*Source: City of Phoenix Planning and Development Department*

**PROPOSAL**

7. 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 Embrey Kierland PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

8. Below is a summary of the proposed standards for the subject site as described in the attached PUD Development Narrative date stamped May 6, 2020. The proposed standards were designed to allow for a multifamily residential development that continues enhancement along Scottsdale Road for a more pedestrian-friendly environment.

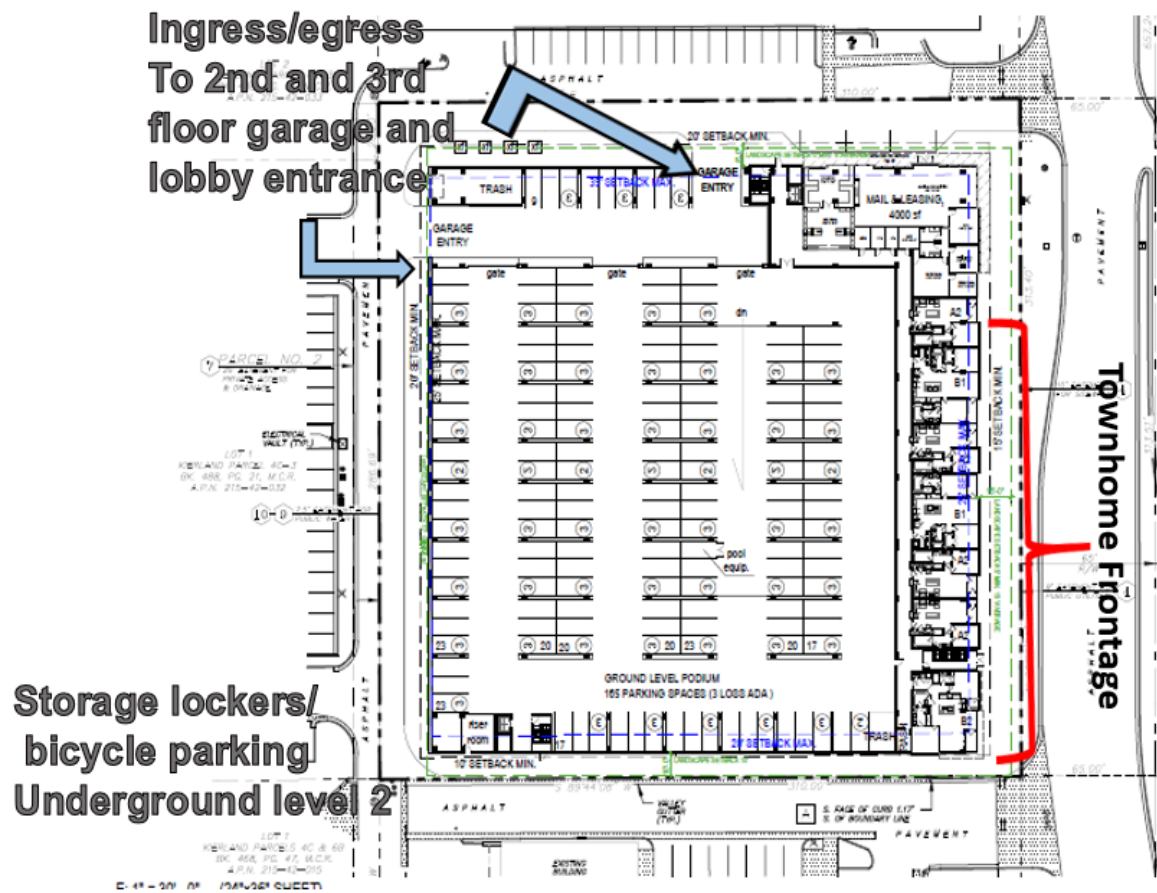
#### **List of Uses**

The Development Narrative proposes a number of permitted uses. The proposed uses consist of the permitted C-2 zoning uses found in Section 623 of the Phoenix Zoning Ordinance, with some prohibited uses. Additionally, multifamily residential is permitted with a maximum of 285 residential dwelling units.

#### **Conceptual Site Plan**

The development's main access point is along Scottsdale Road. The project proposes a four-over-two-podium style construction with the first two levels being dedicated to resident and guest parking and four levels of residential units above. A loading bay to accommodate taxi and rideshare use will be located along the western access drive. The main access point will be on the northeast corner of the site allowing access to the parking garage and the main lobby area. South of the lobby entrance, along Scottsdale Road, residential units featuring a townhome frontage with pedestrian access from the sidewalk will be constructed. The remainder of the frontage will include the parking garage with architectural breaks along the frontage to break up the massing of the building. A dedicated area for lockers and bicycle parking will be provided inside the parking garage. Scottsdale Road will contain an enhanced streetscape with a minimum 8-foot detached sidewalk framed by landscape areas that will include trees, shrubs and live ground cover.





Source: Humphreys & Partners Architects, L.P.

**Development Standards**

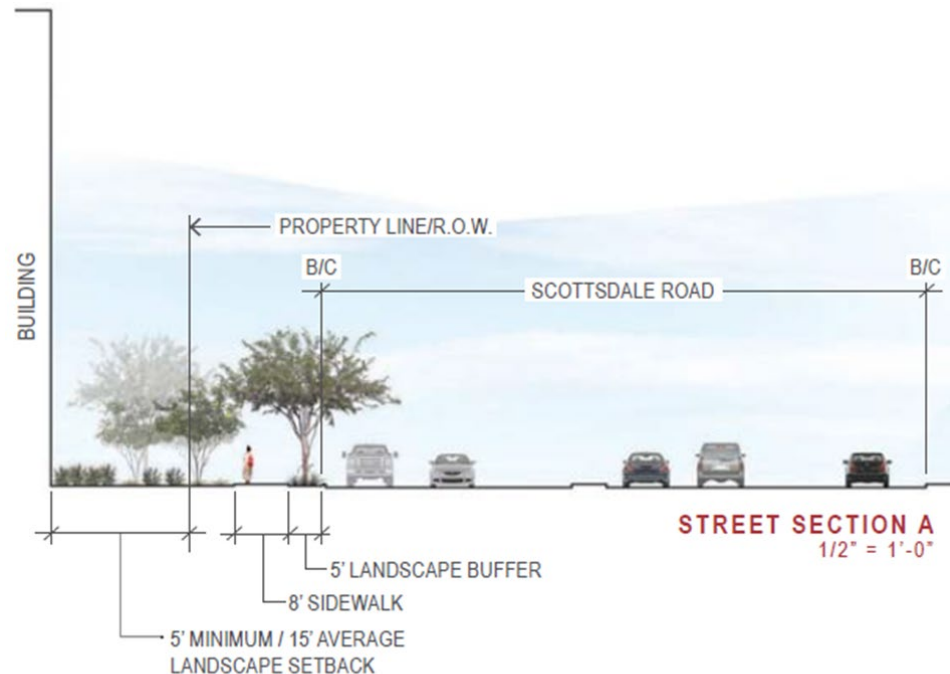
The table below provides a summary of the development standards within the Embrey Kierland PUD Narrative:

**Development Standard Table:**

<b>a. Maximum Residential Unit Count:</b>	Maximum Dwellings Maximum Density	285 dwelling units 118.26 dwelling units per gross acre
<b>b. Minimum Lot Width/Depth</b>	No Minimum	
<b>c. Minimum Building Setbacks</b>	<b>From Property Line</b>	
	North (Internal Property Line)	20 feet
	West (Internal property Line)	20 feet
	South (Internal Property Line)	10 feet
	East (Scottsdale Road)	15 feet
<p>Exceptions: South Setback limited to the above ground floors (floors 2-6),            (i) balconies for the units at the southeast corner of the building (the corner units only may encroach up to 18 inches and (ii) units may encroach up to 2 inches, but for no more than 12 % of the total south façade.            East Setback A shade awning is permitted to encroach no more than for no more than 21% of east façade.</p>		
<b>d. Maximum Building Height</b>	70 Feet	
<b>e. Maximum Lot Coverage</b>	80 percent of Total Net Site Area	

### **Landscape Standards**

The PUD proposes landscaping along all four sides of the building with a minimum planting size of 100 percent two-inch caliper trees on perimeters and three-inch caliper trees along the Scottsdale Road frontage. The landscape setbacks will also include shrubs at a minimum of five five-gallon in size per tree and 50 percent living ground cover.



*Source: Norris Design*

The streetscape along Scottsdale Road will include a minimum eight-foot wide detached sidewalk and a minimum five-foot landscape strip located between and sidewalk and back of curb and a minimum five-foot, average fifteen-foot landscape strip located between the back of sidewalk and the building. The landscaping will provide for a pedestrian friendly environment with dense canopy to provide 75 percent shade at maturity along the sidewalk.

### **PUD Compatibility to Zoning Ordinance**

The PUD proposes building setbacks that are comparable or greater than what is permitted in Section 623 of the City of Phoenix Zoning Ordinance. The C-2 General Commercial Zoning District is the comparable zoning district. The southern building setback is 10-foot minimum compared to a 0-foot minimum required by C-2 standards. The eastern side of the building will include an enhanced frontage with detached sidewalks to provide shade and a townhome frontage for 75 percent of the frontage along Scottsdale Road to increase pedestrian comfort and activity. The open space standards are greater, requiring a minimum of 15 percent compared to five percent which is typically required for multifamily residential development. The PUD landscape setbacks proposed are larger on three sides compared to the minimum requirement of the Phoenix Zoning Ordinance and requires minimum two-inch caliper trees be planted on-site. Trees in the landscape strip along Scottsdale

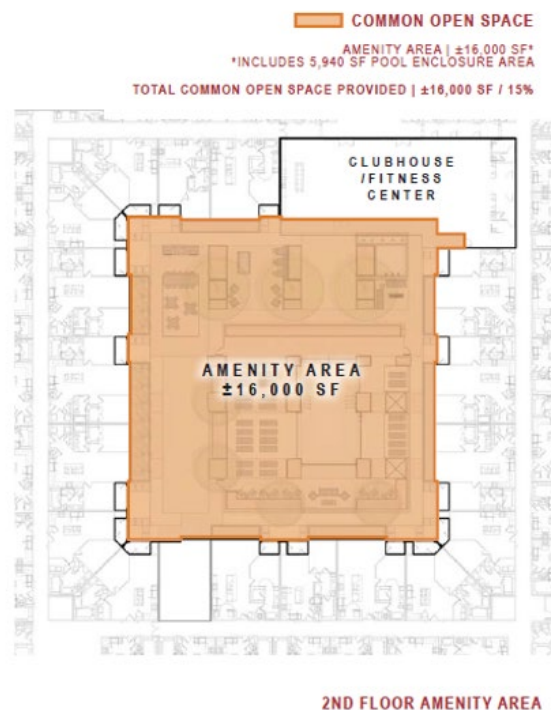
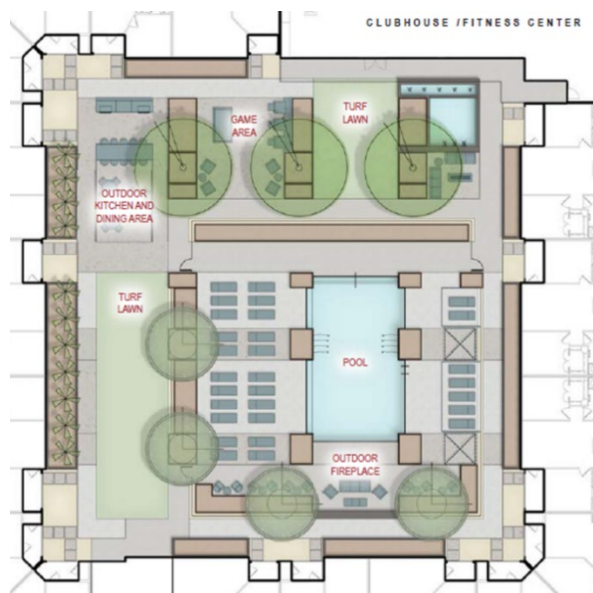
Road shall be planted 20 feet on center or in equivalent groupings and be a minimum of three-inch caliper. Five five-gallon shrubs shall be planted per tree.

### **Parking Standards**

The development of the site shall comply with Section 702 of the Phoenix Zoning Ordinance. The PUD proposes 0.25 bicycle parking spaces per dwelling unit and a minimum of 4 guest bicycle parking spaces.

### **Amenities**

The PUD proposes amenities for the multifamily residential use that includes two turf lawn areas, pool and spa, fitness center, lounge, outdoor kitchen with dining area, game area and an outdoor fire pit.



Source: Norris Design

### **Shade**

The proposed shade standards require that a minimum of 75 percent of shade cover be provided at maturity over public sidewalks and a minimum of 50 percent shade over private sidewalks. A minimum of 45 percent shade shall cover the amenity courtyard area. Usable public space shall incorporate shading through the use of architectural or vegetative shade as outlined on Section 507 Tab A of the City of Phoenix Zoning Ordinance.

### **Lighting Plan**

All lighting will be consistent with the standards of Section 704 of the Phoenix Zoning Ordinance Section 507.Tab A. II.A.8. of the City of Phoenix Zoning Ordinance and Section 23-100 of the City Code.



**Design Guidelines and Standards**

The site is located within the Kierland Master Association and therefore all development on the site is subject to the review and approval of the Kierland Master Association Design Review Committee design guidelines, in addition to the City's standards.

The final elevations and building plans submitted to the City shall include evidence of the provisions outlined in the table below and shall follow the Design Guidelines of Section 507.Tab A of the Phoenix Zoning Ordinance in addition to the following:

Design Standards	PUD
Exterior Materials	<p>Façade to include a minimum:</p> <ul style="list-style-type: none"> <li>• 10% masonry</li> <li>• 30% masonry with a stucco finish</li> <li>• 25% glazing (excludes ground floor)</li> </ul> <p>Materials (at least two)</p> <ul style="list-style-type: none"> <li>• Concrete</li> <li>• Masonry</li> <li>• Brick</li> <li>• Non-reflective coated metals</li> <li>• Stucco</li> <li>• Wood, painted or stained</li> <li>• Tile</li> </ul>
Color Palette	Warm earth and gray tones and wood-like accents
Private Balconies	Minimum of: 40 square feet with a depth of 5 feet
Building Corners	<p>These corners shall be designed to include the following:</p> <ul style="list-style-type: none"> <li>• At the northeast and southeast corners, provide a change in color or material from immediately adjacent building sections on balconies.</li> <li>• At the northeast and southeast corners, provide balconies on floors 4 through 6 that extend to the corner of the façade and have railings on both facades.</li> <li>• At the northeast and southeast corners, provide windows at both ground level corners.</li> <li>• At the northeast and southeast corners, utilize glass railings on balconies.</li> <li>• At the northeast and southeast corners, utilize wood or metal material on balcony ceilings (painted drywall/sheetrock product is not permitted).</li> </ul>

Ground Level Units	<ul style="list-style-type: none"> <li>• First-floor units shall include a private entrance to the adjacent public right of way or accessway.</li> <li>• Ground level units fronting onto Scottsdale Road shall have space defining walls creating a private entry courtyard space for each unit.</li> <li>• Patio walls shall not encroach into required landscape setbacks</li> </ul>
Mechanical Equipment Screening Methods	<p>Methods to screen equipment:</p> <ul style="list-style-type: none"> <li>• Building parapets.</li> <li>• Independent, structurally supported screen walls providing screening for rooftop mechanical equipment when the parapet is lower than the mechanical units.</li> <li>• Removable decorative panels.</li> <li>• Other enhanced features comprised of complementary building materials.</li> </ul>
Satellite Dishes	Installation of such equipment on individual patios prohibited by developer, unless otherwise limited by federal law.
Screen Walls	Architectural detailing consistent or complementary to the building facade.
Garage Screening	Any portion of the parking garage visible from the public right-of-way or an off-site building should be screened with material and design consistent with the primary building façade.
Scottsdale Road Ground Floor Unit Frontages	<p>This façade has the following features:</p> <ul style="list-style-type: none"> <li>• Ground floor blank walls visible from the public sidewalk not to exceed 20 linear feet without being interrupted by a window, or variation in building treatment or design</li> <li>• Each dwelling unit will have its primary building entrance fronting Scottsdale Road, oriented toward the street.</li> <li>• All pedestrian entrances (at main entry and dwelling unit entries) will be defined by the use of distinctive materials and architectural elements.</li> <li>• Each dwelling unit will have an entry porch of a minimum area 30 square feet.</li> <li>• The entry porch will be partially covered overhead by the building or architectural element at the door entry.</li> <li>• Each dwelling unit shall have a semi-private courtyard or enhanced porch area which shall include a minimum perimeter wall of 40" or higher.</li> </ul>
<b>Landscape</b>	
Perimeter Design	<p>Following shall be included:</p> <ul style="list-style-type: none"> <li>• Themed street trees included in the plan.</li> <li>• Use of a mix of flowering desert shrubs and groundcovers.</li> </ul>

	<ul style="list-style-type: none"> <li>All screen walls will include architectural detailing consistent or complementary to the building façade.</li> </ul>
Landscape Planting Width	<p>Minimum landscape planting width for south, west, and east property lines shall be:</p> <ul style="list-style-type: none"> <li>5 feet in depth</li> <li>The landscaping strip needs to be at least 5 feet wide for trees. If the strip is less than 4 feet wide (2 feet to 4 feet) the strip shall be planted with 5-gallon shrubs. If the strip is less than 2 feet, 1-gallon groundcover plants and vines shall be planted.</li> </ul>
<b>Amenities</b>	
Resident Amenities	<p>In building:</p> <ul style="list-style-type: none"> <li>Clubhouse/Event Space no less than 2,000 feet</li> <li>Fitness Center no less than 1,500 square feet</li> <li>Bicycle Repair Station or Room no less than 120 square feet</li> </ul> <p>On podium:</p> <ul style="list-style-type: none"> <li>Swimming pool and/or spa no less than 950 square feet with at least three (3) of the following: <ul style="list-style-type: none"> <li>Lounge deck</li> <li>Shaded outdoor dining area</li> <li>Water feature(s)</li> <li>Outdoor fitness area</li> <li>Fire feature(s)</li> <li>Seating node(s)</li> <li>Art Installation</li> </ul> </li> </ul>
Public Amenities	<p>At least two of the following:</p> <ul style="list-style-type: none"> <li>Bench Seating</li> <li>Public Art</li> <li>Dog Waste Station</li> <li>Decorative Landscape Containers</li> </ul>

### **Signage**

Signage shall comply with Section 705 of the Zoning Ordinance. Signage shall also comply with the existing Kierland Comprehensive Sign Plan and any amendments thereto. If developed with commercial uses, signage standards must comply with the commercial standards of Section 1308.

### **Sustainability**

The Embrey Kierland PUD Narrative proposes several options to incorporate sustainability principals including LED lighting, recycling services, energy star rated appliances, bicycle parking and a minimum of four car charging stations in the parking garage among other features.

**Phasing**

The project will be constructed in one phase.

**AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES**

**9. 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 an landscaped pedestrian walking paths and greater planting standards than otherwise required by the Zoning Ordinance. In addition, the proposal requires that 75% of shade cover at maturity be provided over all public and private pedestrian pathways.

**10. 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. The proposal includes an enhanced landscape setback along Scottsdale Road with robust landscaping that will provide vegetative shade and thermal confront for pedestrians.

**11. 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 for tenants and visitors.

**COMMUNITY INPUT**

12. Staff has received one letter of support and two letters of opposition at the time this staff report was written. Copies of the correspondence is attached to this report.

**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 required 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. The Aviation Department has noted that the developer shall record notice to prospective purchasers the existence and operation characteristics of the Scottsdale Airport and shall provide documentation that Form 7460-1 has been filed with the FAA. This requirement is addressed in Stipulation Nos. 4 and 5.



15. 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.
16. The City of Phoenix Floodplain Management division of the Street Transportation 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 1320 L of the Flood Insurance Rate Maps (FIRM) dated June 14, 2019.
17. 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.
18. 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. This is addressed in Stipulation No. 6.

#### OTHER

19. 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 addressed in the PUD noting that recycling receptacles and chutes will be provided in the refuse room and recycling services will be provided for tenants.
20. 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**

The proposed development is in conformance with several General Plan goals and policies

1. that will result more housing choices within an employment center.

The proposed development is compatible with the existing land use pattern in the area and

2. is designed to enhance a walkable environment along Scottsdale Road where there are other multifamily developments nearby and bike lanes to encourage an active frontage.
3. The development will provide additional housing opportunities in the area.

### **Stipulations**

1. An updated Development Narrative for the Embrey 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 May 6, 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: November 12, 2019  
2nd Submittal: February 14, 2020  
Hearing Draft: May 6, 2020  
City Council adopted: TBD
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 applicant shall submit a Traffic Impact Study/Statement to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City. Upon completion of the TIS the developer shall submit the completed TIS to the Planning and Development Department counter with instruction to forward the study to the Street Transportation Department, Design Section.
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 in a form approved by the City Attorney's Office. 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.

Staff Report: Z-61-19-2

May 27, 2020

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**Writer**

David Simmons

May 27, 2020

**Team Leader**

Samantha Keating

**Exhibits**

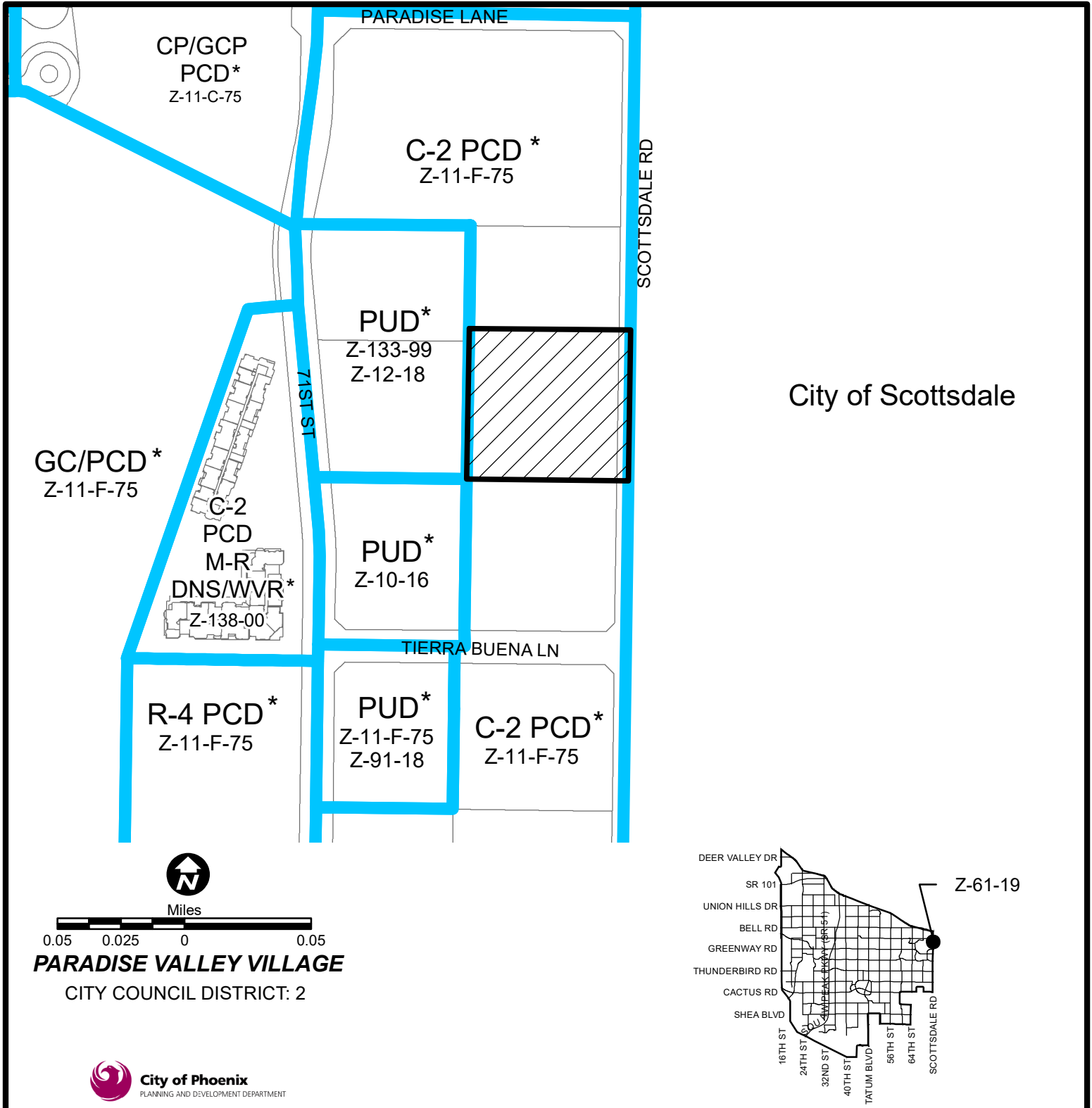
Zoning Sketch Map

Zoning Aerial Map

Community Correspondence

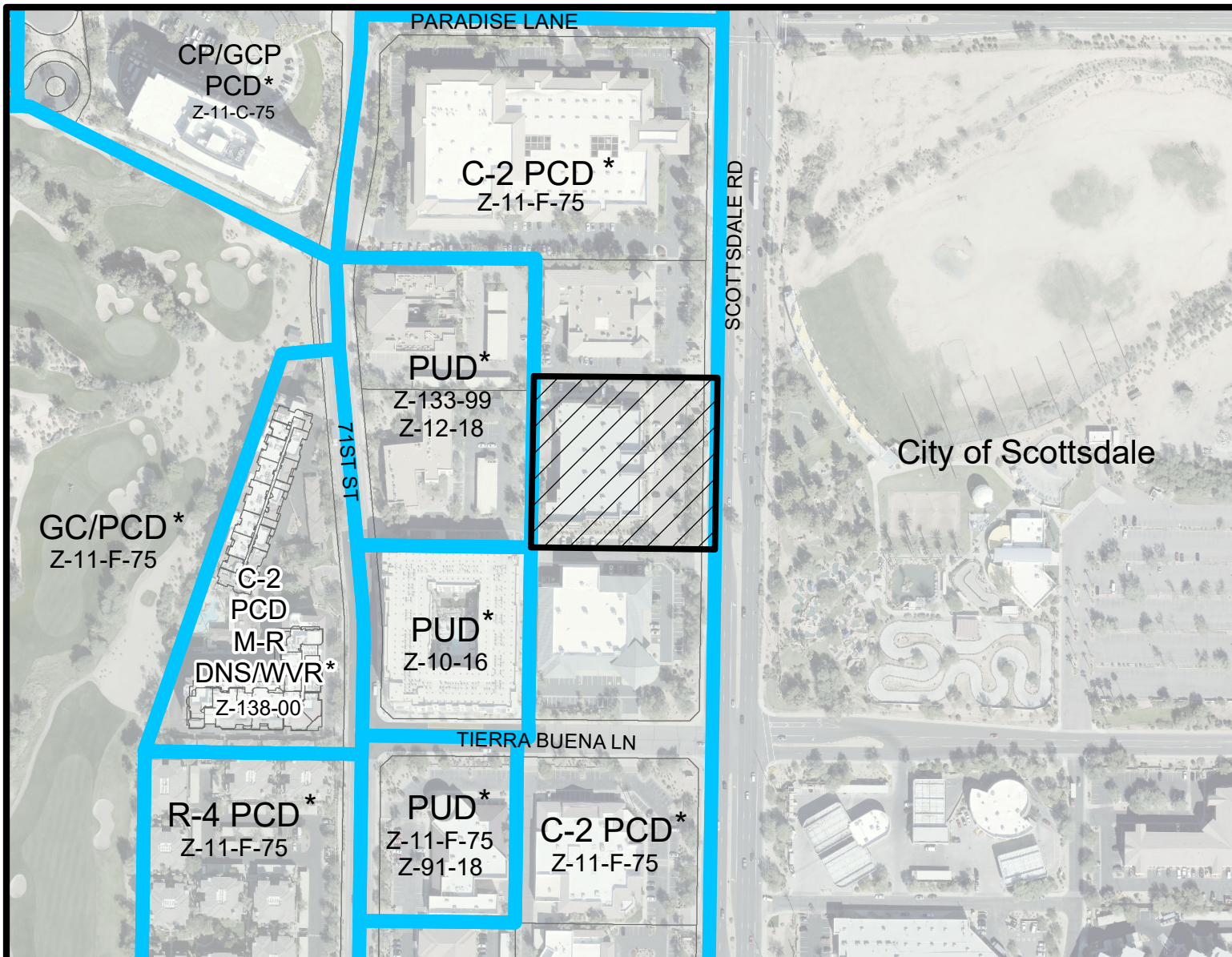
Embrey Kierland PUD Development Narrative date stamped May 6, 2020

<https://www.phoenix.gov/pdd/pz/pzservices/pud-cases>



<b>APPLICANT'S NAME:</b> Jimmy McCloskey		<b>REQUESTED CHANGE:</b>	
<b>APPLICATION NO.</b> Z-61-19		<b>FROM:</b> C-2 PCD ( 2.41 a.c.)	
<b>GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX.</b>  <b>2.41 Acres</b>		<b>TO:</b> PUD ( 2.41 a.c.)	
<b>MULTIPLES PERMITTED</b> C-2 PCD PUD		<b>* UNITS P.R.D. OPTION</b> 42 285	
<b>* Maximum Units Allowed with P.R.D. Bonus</b>		<b>CONVENTIONAL OPTION</b> 35 285	





Miles

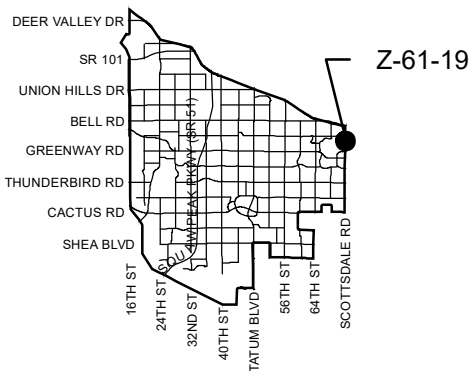
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**PARADISE VALLEY VILLAGE**

CITY COUNCIL DISTRICT: 2



**City of Phoenix**  
PLANNING AND DEVELOPMENT DEPARTMENT



APPLICANT'S NAME: **Jimmy McCloskey**

APPLICATION NO. **Z-61-19**

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

**2.41 Acres**

DATE: **1/17/2020**  
REVISION DATES:

**2/12/2020**

AERIAL PHOTO &  
QUARTER SEC. NO.

**35-44**

ZONING MAP

**L-12**

**REQUESTED CHANGE:**

FROM: **C-2 PCD ( 2.41 a.c.)**

TO: **PUD ( 2.41 a.c.)**

**MULTIPLES PERMITTED**

**C-2 PCD**

**PUD**

**CONVENTIONAL OPTION**

**35**

**285**

**\* UNITS P.R.D. OPTION**

**42**

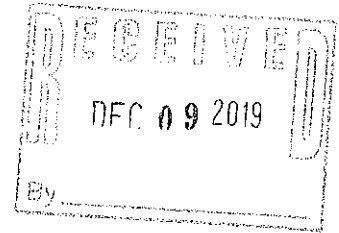
**285**

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

# *Levine Investments Limited Partnership*

2801 East Camelback Road • Suite 450 • Phoenix Arizona • 85016

Phone 602.248.8181 • Facsimile 602.248.0884



December 2, 2019

Mayor Kate Gallego and City Council  
200 W. Washington Street  
Phoenix, AZ 85003

RE: Rezoning Project at 15826 N. Scottsdale Rd., Phoenix

Dear Mayor Gallego and City Council:

As the owner of the Jackson's Car Wash and the Zocallo Plaza on Scottsdale Road, we support the proposed Multi-family residential project at 15826 N. Scottsdale Rd. (Rezoning Project- Z-61-19-2) which is down the street from our properties.

This dynamic residential project will bring executive level housing and will support the evolution of the area. We have watched over the years the growth and excitement that has occurred in the Kierland area. From its original master plan to the latest developments, Kierland has created an energy in Northeast Phoenix that is unmatched by any other area in the Valley. Many of the City's decisions on zoning, height, and uses have allowed this area to evolve. We wholeheartedly support the Embry Partners Multi-family residential redevelopment proposal as we believe it will benefit and enhance the area as well as our two properties.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to be "Andrew Cohn", written over a horizontal line.

Andrew Cohn

**BROOKS**

**15802 N. 71<sup>st</sup> ST., Unit 456  
Scottsdale, AZ 85254-7114**

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11/27/2019

City of Phoenix Planning and Development Dept.  
200 West Washington St, 2<sup>nd</sup> Floor  
Phoenix, AZ 85003

Re: Rezoning case # Z-61-19-2

We are in receipt of a letter to local residents from the law Offices of Snell and Wilmer outlining proposed additional residential property at 15826 N. Scottsdale Road.

For the record, there are currently

Two Optima high rise towers under construction. When completed they will complete a total of four high rises at Greenway/ 71<sup>st</sup>. Street/ Scottsdale Road.

Current construction traffic has taken up every legal parking space in this block including illegal parking around the Overture at 71<sup>st</sup>. St and E. Tierra Buena Ln.

Rumor is that the Optima builder has purchased the "La Maison" and the building behind it to build additional residences.

Approval has been given for imminent construction (Creative Leather) of additional six stories on the corner across from the Overture and the Landmark. Like the Overture it will be sited close to the road.

Down the block on 71<sup>st</sup>. St. from the Overture is a recently cleared site by developer LMC Kierland for a further 6 story residential development to start construction this month. The design is not the prettiest. Again, closer to the road than the buildings they will replace.

This new submittal looks cheap, somewhat similar to the LMC Kierland site. Almost like "public housing. Or commercial storage.

I am not sure if this will be condos or rental.

You may know of other developments to convert the balance of these two cities blocks as well.

I own a condo across the street currently valued at one million dollars. It faces 71<sup>st</sup>. St. and E. Tierra Buena Ln. We are losing our line of sight of the mountains in the distance and the sky in general. Watching new neighbors enjoying breakfast. We will be living in a box canyon.



The congestion with construction vehicles staging in the middle of E. Tierra Buena Ln., for the Optima, illegal parking plus lane blockages as construction vehicles double park on Tierra Buena, Greenway and Scottsdale roads is bad enough. (some of the construction workers are parking in the turn lane).

The Phoenix Police were managing the parking issue for a while but now seem to just drive by. There is no space for the workers to park once the LMC Kierland starts this month plus the commencement of demolition of the Creative Leather site.

Not to mention when the Paragon gets sold and the other yet to be announced infill.

Why is approval given for development so close to the roadway. The Optima construction looms over Scottsdale Road. The Overture detracts from 71<sup>st</sup>. St. Both the Creative Leather site and the LMC site are too close for comfort. Current approvals are turning the area into a high density development.

Part of zoning approval should include impact on the daily lives of current residents and their property values during and after construction.

The sheer number of additional residential units in the near term will change the character of the neighborhood and decrease our quality of life. I did not move here to help developers enhance their bottom lines at others expense.

Some development is necessary but this total plan is excessive.

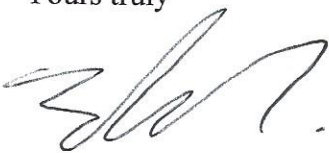
Street setbacks should be similar to the original existing setbacks. The current plans give this community an industrial look and feel.

Neighbors should not have bear the disruption of their quality of life and pay the price of property devaluation.

The neighborhood cannot sustain more than one project being built at a time.

Do we have to bear the brunt of "progress" for the next 5 to 10 years?

Yours truly



Ed Brooks  
480-677-8797  
brooksazus@gmail.com

cc. [nwood@swlaw.com](mailto:nwood@swlaw.com)  
[ngriemsmann@swlaw.com](mailto:ngriemsmann@swlaw.com)  
[david.simmons@phoenix.gov](mailto:david.simmons@phoenix.gov)  
[tstern345@gmail.com](mailto:tstern345@gmail.com) Landmark and Kierland Alliance  
[bleonard@aamaz.com](mailto:bleonard@aamaz.com) Landmark



## David O Simmons

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**From:** BROOKS <brooksazus@gmail.com>  
**Sent:** Tuesday, December 3, 2019 7:58 AM  
**To:** David O Simmons  
**Subject:** RE: Rezoning case #Z-61-19-2 15826 N. Scottsdale Rd.

Dear sir:

Unless the Optima is in Scottsdale, the two towers are nearing their construction height, so I presume they have been approved. They are an integral part of the redevelopment of the two long blocks of Scottsdale Road. Please reference all the projects approved and under review. Then take a look at the other property that is potentially rezoned to create the Kierland Canyons.

The City of Phoenix need to show the residents a master redevelopment plan not pick us off one approval at a time. I would appreciate that you circulate my and any other concerns to the relevant parties in the City of Phoenix including our councilor and police parking enforcement.

I do not plan to be a gadfly speaking at every meeting..

Ed Brooks

Sent from [Mail](#) for Windows 10

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**From:** [David O Simmons](#)  
**Sent:** Monday, December 2, 2019 2:23 PM  
**To:** [BROOKS](#); [nwood@swlaw.com](#); [ngriemsmann@swlaw.com](#); [tstern345@gmail.com](#); [bleonard@aamaz.com](#)  
**Subject:** RE: Rezoning case #Z-61-19-2 15826 N. Scottsdale Rd.

Hello Mr. Brooks,

Thank you for your e-mail in regard to rezoning cases potentially being proposed in the Kierland area. The Optima project in which you referenced in your letter has not been submitted to the City of Phoenix to date. I would recommend you defer your concerns to the applicant/property owner. Once the project has been submitted, I will be better equipped to answer your questions.

However, please know that the rezoning process is fluid and the stipulations that move forward to the hearing bodies are not set until there is a hearing draft. Stipulations can be added, omitted and/or altered during the course of the entitlement process.

I encourage you to attend all public meetings for future rezoning projects in Kierland as this is a platform for you to be heard by the hearing bodies as well as your neighbors. The site will be posted with signage reflecting the meeting dates, times and locations prior to any hearings taking place and the applicant is required to send out notifications to property owners within a 600 foot radius of the project informing surrounding property owners and a 1 mile radius to all registered neighborhood associations. If you plan to attend the public hearing and wish to speak, please arrive a little early to allot yourself time to complete a speaker card and submit it to staff.

I am here as a resource. Please let me know if you have further questions.

Respectfully,

David Simmons, MA  
Planner II\* Village Planner

200 West Washington Street  
3<sup>rd</sup> Floor  
Phoenix, AZ 85003  
602-262-4072  
david.simmons@phoenix.gov

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**From:** BROOKS <brooksazus@gmail.com>

**Sent:** Monday, December 2, 2019 2:04 PM

**To:** nwood@swlaw.com; ngriemsmann@swlaw.com; David O Simmons <david.simmons@phoenix.gov>;  
tstern345@gmail.com; bleonard@aamaz.com

**Subject:** Rezoning case #Z-61-19-2 15826 N. Scottsdale Rd.

Please see attached letter to the Phoenix Planning and Development Dept.

Sent from [Mail](#) for Windows 10