

## Attachment E

### REPORT OF PLANNING COMMISSION ACTION February 3, 2022

ITEM NO: 5	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-56-21-2 (Davis Kierland PUD)
Location:	Southwest corner of 71st Street and Marilyn Road
From:	CP/GCP PCD
To:	PUD
Acreage:	4.21
Proposal:	Planned Unit Development for multifamily residential and commercial uses.
Applicant:	Michael Lee, Davis Development
Owner:	Kierland Office Park Condominium Association, et al.
Representative:	Nick Wood, Esq., Snell & Wilmer, LLP

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Paradise Valley** 10/4/2021 Information only.

**Paradise Valley** 1/10/2022 Approval, per the staff recommendation. Vote: 12-2.

Planning Commission Recommendation: Approval, per the Paradise Valley Village Planning Committee recommendation, with an additional stipulation.

Motion Discussion: N/A

Motion details: Commissioner Mangum made a MOTION to approve Z-56-21-2, per the Paradise Valley Village Planning Committee recommendation, with the additional stipulation as read into the record.

Maker: Mangum  
Second: Gaynor  
Vote: 8-0  
Absent: None  
Opposition Present: No

#### **Findings:**

1. The proposed development is compatible with the existing land use pattern in the area and is consistent with the proposed General Plan Land Use Map designation of Mixed Use (Commercial / Commerce Park / Residential 15+ dwelling units per acre).
2. The proposed development contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The development will provide increased shade which will help to reduce the urban heat island effect.

3. The proposed development will provide additional housing options close to employers in a designated Major Employment Center.

Stipulations:

1. An updated Development Narrative for the Davis 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 November 16, 2021, as modified by the following stipulations:
  - a. Front Cover: Remove "HEARING DRAFT" and revise submittal date information on bottom of the cover page as follows:  
1st Submittal: August 10, 2021  
2nd Submittal: October 01, 2021  
Hearing Draft: November 16, 2021  
City Council adopted: TBD
  - b. Reorder pages 42 and 43.
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 approved by the Planning and Development Department.
5. The developer shall provide documentation to the City of Phoenix prior to final site plan approval that Form 7460-1 has been filed for the development and that the development received a "No Hazard Determination" from the FAA. If temporary equipment used during construction exceeds the height of the permanent structure a separate Form 7460-1 shall be submitted to the FAA and a "No Hazard Determination" obtained prior to the construction start date.
6. In the event archaeological materials are encountered during construction, the developer shall immediately cease all ground disturbing activities within a 33-foot radius of the discovery, notify the City Archaeologist, and allow time for the Archaeology Office to properly assess the materials.
7. **PRIOR TO PRELIMINARY SITE PLAN APPROVAL, THE LANDOWNER SHALL EXECUTE A PROPOSITION 207 WAIVER OF CLAIMS FORM. THE WAIVER**

**SHALL BE RECORDED WITH THE MARICOPA COUNTY RECORDER'S OFFICE  
AND DELIVERED TO THE CITY TO BE INCLUDED IN THE REZONING  
APPLICATION FILE FOR RECORD.**

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Les Scott at 602-376-3981, [Les.scott@phoenix.gov](mailto:Les.scott@phoenix.gov) or TTY: Use 7-1-1.