

ATTACHMENT E

REPORT OF PLANNING COMMISSION ACTION December 7, 2023

ITEM NO: 4	
	DISTRICT NO.: 2
SUBJECT:	
Application #:	Z-14-A-20-2 (Kierland Sky PUD) (Companion Case GPA-PV-1-22-2)
Location:	Southeast corner of Kierland Boulevard and Marilyn Road
From:	PUD
To:	PUD
Acreage:	7.81
Proposal:	Major Planned Unit Development Amendment to allow commercial and multifamily residential uses
Applicant:	Larry Lazarus, Lazarus & Silvyn, P.C.
Owner:	Ted Akiba, Kierland Sky, LLC
Representative:	Larry Lazarus, Lazarus & Silvyn, P.C.

ACTIONS:

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

Paradise Valley 10/2/2023 Information only.

Paradise Valley 11/6/2023 Approval, per staff recommendation. Vote: 13-0.

Planning Commission Recommendation: Approval, per the Paradise Valley Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Jaramillo made a MOTION to approve Z-14-A-20-2, per the Paradise Valley Village Planning Committee recommendation.

Maker: Jaramillo

Second: Perez

Vote: 5-0

Absent: Gaynor and Gorraiz

Opposition Present: No

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 across 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.

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