

ORDINANCE G-6795

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-33-20-2) FROM C-2 PCD (INTERMEDIATE COMMERCIAL, PLANNED COMMUNITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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BE IT ORDAINED BY THE COUNCIL OF THE CITY OF PHOENIX, as

follows:

SECTION 1. The zoning of a 1.93 acre site located approximately 415 feet north of the northwest corner of Scottsdale Road and Kierland Boulevard in a portion of Section 3, Township 3 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "C-2 PCD" (Intermediate Commercial, Planned Community District) to "PUD" (Planned Unit Development).

SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

SECTION 3. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to the following stipulations,

violation of which shall be treated in the same manner as a violation of the City of

Phoenix Zoning Ordinance:

1. An updated Development Narrative for the Optima Kierland Center Phase 2 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 20, 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: June 17, 2020

2nd Submittal: September 3, 2020

3rd Submittal: November 2, 2020

Hearing Draft: November 20, 2020

City Council adopted: TBD

- b. Add to Section E.2.a, Uniform Streetscape Design, at the end:

Notwithstanding the above, and any other provision of this PUD, in order to preserve visibility to the existing retail development located on the property north of the site, no trees will be required in the landscape area located between the entry drive aisle and Scottsdale Road.

- c. Modify Section D.5.e to read:

All public sidewalks shall be shaded to a minimum of 75% (if vegetative, at tree maturity), except those located north of the entry drive (to preserve visibility to existing retail development that would otherwise be blocked by shading vegetation or structures).

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. Contact Mr. Matthew Wilson, Traffic Engineer III, (602) 262-7580, to set up a meeting to discuss the requirements of the statement/study. 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 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.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion ordinance is for any reason held to be invalid or unconstitutional by the decision of court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 20th day of January

2021.

*Katey*



ATTEST:

*Denise Archibald*  
Denise Archibald, City Clerk 01-26-2021

APPROVED AS TO FORM:  
Cris Meyer, City Attorney

By: *David Benton*  
David Benton, Chief Counsel

*Pml*

REVIEWED BY:

*Ed Zuercher*  
Ed Zuercher, City Manager

Exhibits:  
A – Legal Description (1 Page)  
B – Ordinance Location Map (1 Page)

PL:tml:LF20-3292:1-20-21:2231090v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-33-20-2

THE LAND REFERRED TO HEREIN BELOW IS SITUATED PHOENIX, IN THE COUNTY OF MARICOPA, STATE OF ARIZONA, AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1:

A parcel of land lying within Section 3, Township 3 North, Range 4 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, being a portion of Parcel 4 A of KIERLAND PARCELS 1, 3 and 4A, as recorded in Book 418 of Maps, Page 45, records of Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the South most Southeast corner of said Parcel 4A; THENCE along the Southerly line of said Parcel 4A, North 44 degrees 48 minutes 52 seconds East, a distance of 29.74 feet, to the East line of said Parcel 4A;

THENCE leaving said Southerly line, along the East line of said Parcel 4A, North 00 degrees 06 minutes 24 seconds West, a distance of 340.71 feet, to the POINT OF BEGINNING;

THENCE leaving said East line, South 89 degrees 44 minutes 08 seconds West, a distance of 54.04 feet;

THENCE North 00 degrees 15 minutes 52 seconds West, a distance of 8.54 feet;

THENCE North 45 degrees 15 minutes 52 seconds West, a distance of 368.10 feet; THENCE South 89 degrees 44 minutes 08 seconds West, a distance of 99.31 feet;

THENCE North 00 degrees 15 minutes 52 seconds West, a distance of 69.99 feet, to the North line of said Parcel 4A;

THENCE along said North line, North 89 degrees 44 minutes 08 seconds East, a distance of 414.57 feet, to the East line of said Parcel 4A;

THENCE leaving said North line, along said East line, South 00 degrees 06 minutes 24 seconds East, a distance of 338.82 feet, to the POINT OF BEGINNING.

PARCEL NO. 2:

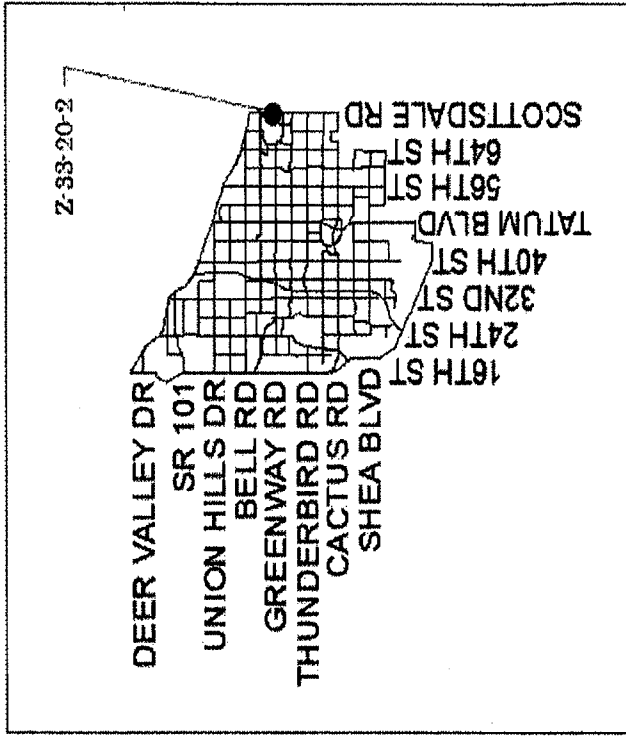
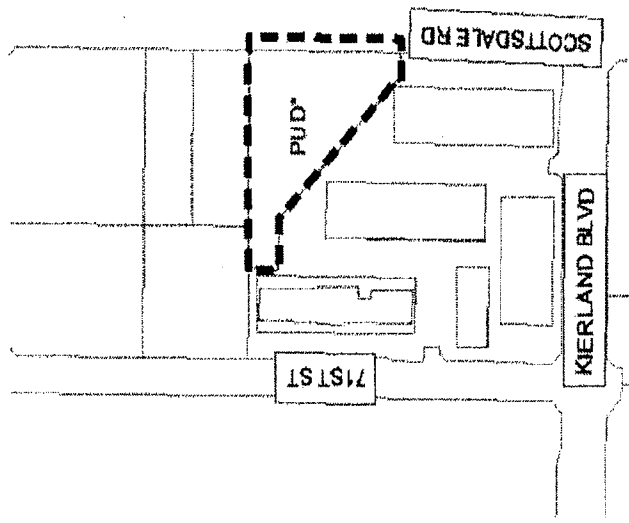
An easement for ingress, egress and public utilities, as recorded in Recording No. 96-0570533; and thereafter amended recorded in Recording No. 99-0563053; and thereafter Second Amendment recorded in Recording No. 99-0875237, and re-recorded in Recording No. 20010721444; and thereafter Third Amendment recorded in Recording No. 20150633187; and thereafter Fourth Amendment recorded in Recording no. 20170540672, records of Maricopa County, Arizona. APN: 215-42-006C.

**EXHIBIT B**

**ORDINANCE LOCATION MAP**

Zoning Case Number: Z-33-20-2  
Zoning Overlay: N/A  
Planning Village: Paradise Valley

ZONING SUBJECT TO STIPULATIONS: \*  
SUBJECT AREA: - - - - -



0 140 280 560 Feet

NOT TO SCALE



Drawn Date: 12/24/2020

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