



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

July 26, 2022

Nick Wood, Esq.
Snell & Wilmer, LLP
400 East Van Buren Street, Suite 1900
Phoenix, Arizona 85004

Dear Applicant:

RE: GPA-PV-4-21-2 and Z-76-21-2 – Southwest corner of Kierland Boulevard and Marilyn Road

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on July 1, 2022, approved Resolution 22045 and Zoning Ordinance # G-7007.

Development and use of the site are subject to compliance with all applicable codes and ordinances.

Sincerely,

A handwritten signature in blue ink that reads "Joshua Bednarek".

Joshua Bednarek, LEED AP ND
Planning and Development Deputy Director

Attachment: Resolution & Signed Ordinance

c: Valwood Mesquite, LLC, 11225 W. Bernardo Court, #100, San Diego, CA 92127
Tricia Gomes, PDD–Planning-Special Projects Administrator (Electronically)
Racelle Escolar, PDD–Planning–Principal Planner (Electronically)
Sarah Stockham, PDD–Planning–Planner III (Electronically)
Ben Kim, PDD–GIS (Electronically)

ORDINANCE G-7007

AN ORDINANCE AMENDING THE ZONING DISTRICT MAP ADOPTED PURSUANT TO SECTION 601 OF THE CITY OF PHOENIX ZONING ORDINANCE BY CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-76-21-2) FROM CP/GCP PCD (COMMERCE PARK DISTRICT / GENERAL COMMERCE PARK OPTION, PLANNED COMMUNITY DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT).

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

SECTION 1. The zoning of a 6.10 acre property located at the southwest corner of Kierland Boulevard and Marilyn Road in a portion of Section 10, Township 3 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "CP/GCP PCD" (Commerce Park District / General Commerce Park Option, 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 Icon at Kierland PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped April 4, 2022, as modified by the following stipulations.
 - a. Front Cover, add “City Council adopted: [Insert Adoption date].”
 - b. Page 9, Section D2.a., Landscape Setbacks (Minimum): Clarify landscape setback standard along the north and south property lines to be consistent with the proposed site plan by requiring a minimum 5-foot-wide landscape setback along the south and a minimum 0-foot-wide landscape setback along the north property line where not adjacent to a street.
 - c. Page 10, Section D2.d., Perimeter Property Lines – Not Adjacent to Public Right-of-Way (North, South, and West Property Lines): Remove the reference to the north property line as no landscape setback is provided here.
 - d. Page 11, Section D3.b., Parking Standards, Automotive Parking Location, Parking Location, Automotive: Modify the maximum number of parking spaces along the main entry drive that are located outside of the garage building footprint or building envelope to a maximum of five (5) spaces to be consistent with the proposed site plan.
 - e. Page 17, Section E2. b., Uniform Perimeter Design: Modify the third bullet to “Five (5) different accent species.”
 - f. Page 21, Section H.1, Infrastructure, Grading and Drainage: Replace the fourth sentence as follows: Therefore, the subject site is not anticipated to provide any supplemental retention onsite, and may be required to address “first flush” stormwater treatment in accordance with the City of Phoenix Storm Water Policies and Standards Manual, current edition.
 - g. Page 23, Section I., Comparative Zoning Standards Table: Replace CP/GCP standards with C-2 standards.
2. The applicant shall submit a Traffic Impact Study to the City for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the City.

3. 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.
4. The developer shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence and operational characteristics of Scottsdale Municipal Airport (SDL) to future owners or tenants of the property.
5. The developer shall provide documentation to the City 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 forms. 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.

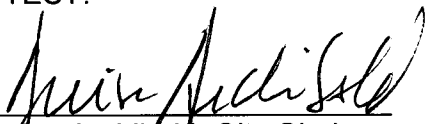
SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 1st day of July, 2022.



MAYOR

ATTEST:



Denise Archibald, City Clerk

07.08.2022



APPROVED AS TO FORM:

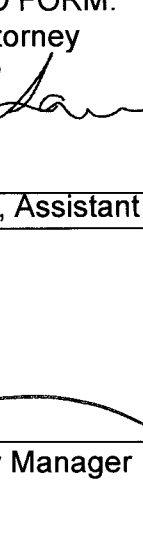
Cris Meyer, City Attorney

By: 

Deryck R. Lavelle, Assistant Chief Counsel

Pml

REVIEWED BY:


Jeffrey Barton, City Manager

Exhibits:

A – Legal Description (1 Page)

B – Ordinance Location Map (1 Page)

PL:tml:LF22-0994:7-1-2022:2325679v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-76-21-2

A PORTION OF THE EAST HALF OF SECTION 10, TOWNSHIP 3 NORTH, RANGE 4 EAST, OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

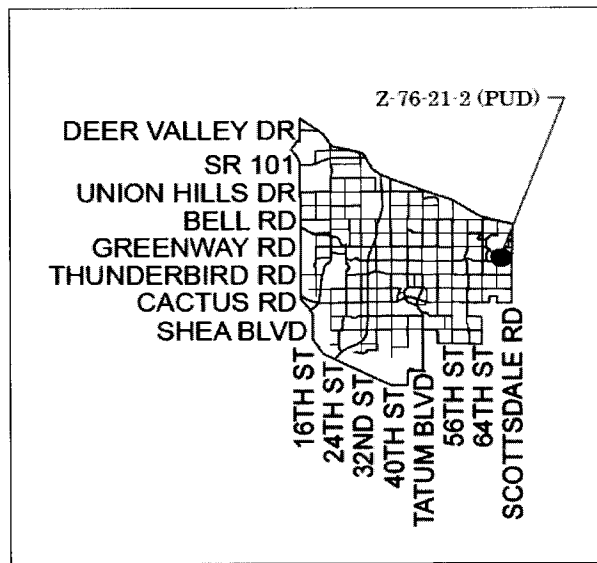
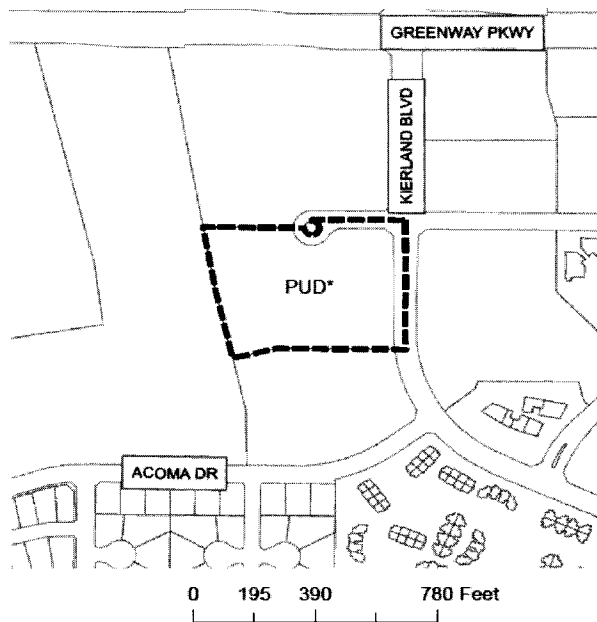
PARCEL 5B-2, KIERLAND PARCELS 5B-1 AND 5B-2, ACCORDING TO THE PLAT RECORDED IN BOOK 431 OF MAPS, PAGE 8, RECORDS OF MARICOPA COUNTY, ARIZONA.

ORDINANCE LOCATION MAP

EXHIBIT B

ZONING SUBJECT TO STIPULATIONS: *
SUBJECT AREA: ■■■■

Zoning Case Number: Z 76 21 2 (PUD)
Zoning Overlay: N/A
Planning Village: Paradise Valley



NOT TO SCALE



Drawn Date: 5/31/2022