



City of Phoenix
PLANNING & DEVELOPMENT DEPARTMENT

July 18, 2018

Nick Wood
Snell & Wilmer, LLP
400 East Van Buren Street, 19th Floor
Phoenix, Arizona 85004

Dear Applicant:

RE: Z-12-18-2 – Approximately 330 feet north of the northeast corner of 71st Street and Tierra Buena Lane

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 5, 2018, approved Zoning Ordinance # G-6481.

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

Sincerely,

Joshua Bednarek
Planning and Development Deputy Director

Attachment: Signed Ordinance

- c: Lennar Multifamily Communities, 7150 E. Camelback Rd., #4, Scottsdale, AZ 85251
File
Tricia Gomes, PDD–Planning–Special Projects Administrator (Electronically)
Racelle Escolar, PDD–Planning–Planner III (Electronically)
Teresa Hillner, PDD–Planning–Planner III (Electronically)
Maja Brkovic, PDD–Planning–Village Planner (Electronically)
David Miller, PDD–GIS (Electronically)
Randy Weaver, PDD–Development (Electronically)
Penny Parrella, City Council (Electronically)

ORDINANCE G-6481

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-12-18-2) FROM C-2 PCD (INTERMEDIATE COMMERCIAL DISTRICT, PLANNED COMMUNITY DISTRICT) AND C-2 HGT/WVR (INTERMEDIATE COMMERCIAL DISTRICT, HEIGHT WAIVER DISTRICT) TO PUD (PLANNED UNIT DEVELOPMENT DISTRICT).

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

follows:

SECTION 1. The zoning of an approximately 4.17 acre property located approximately 330 feet north of the northeast corner of 71st Street and Tierra Buena Lane 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 District, Planned Community District) and "C-2 HGT/WVR" (Intermediate Commercial District, Height Waiver District) to "PUD" (Planned Unit Development District).

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 LMC 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 14, 2018, 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: February 14, 2018
2nd Submittal: May 2, 2018
Hearing Draft: May 14, 2018
City Council adopted: [Add adoption date]
 - b. Page 4, List of Exhibits: Provide page numbers for all exhibits.
 - c. Page 4, Purpose & Intent: Move header to page 5.
 - d. Page 6, Project Overview and Goals: Move "The proposed PUD rezone will accomplish the following" to page 7.
 - e. Page 14, General Plan Exhibit: Remove blue fill over the subject site to illustrate the General Plan Land Use designation colors underneath.
 - f. Page 19, Existing and Adjacent Zoning & Land Uses: Add rezoning case number for amendment F, Z-11-F-75.
 - g. Page 27, Lighting modify as follows: "All lighting will be consistent with the standards of Section 704 and section 507.Tab A.II.A.8 of the Phoenix Zoning Ordinance. The plan excludes exterior lighting appropriate for the project. Special care will be taken with the podium parking lighting to provide lighting levels that promote security while avoiding spill over onto adjacent residential properties."
 - h. Page 28, Delete Design Guidelines header and modify as follows:
 - (1) Delete number 1.
 - (2) Remove "enhanced landscaping" from number 2 and move below Design Standards.
 - (3) Move numbers 3, 4 and 5 below Design Standards.

- i. Page 28, Design Standards: modify as noted below:
1. Remove and replace with the following language: "All sides of the building shall exhibit four sided architecture."
 4. Modify as follows: "Balconies will be provided for a minimum of 30% of units. ~~As a means of providing a private outdoor amenity space for residents with~~ Each balcony shall be a minimum area of 40 square feet per balcony."
 5. Modify as follows: ~~As a means of presenting a residential character on 71st Street, there will be~~ "Townhome Frontage shall be utilized for a minimum of 50% of the total building frontage length along 71st this Street. Townhome Frontage is defined by the following characteristics/standards:"
 6. Remove and replace with the following: "The non-townhome frontage along 71st Street will ~~not exceed 20 linear feet without being interrupted by a window, or variation in building treatment or design~~ include a minimum 3,300 square foot open space area, open to the public from dawn to dusk and include the following features:
 - minimum of three seating areas.
 - combination of enhanced paving and synthetic turf. Synthetic turf cannot be located within the landscape setback.

- j. Page 36, Comparison Zoning Standards Table; Modify as noted below:

Development Standards for Multifamily Residential Development			
	Development Standard	R-3 PRD Standards	Allowance-PUD
a	Maximum Density (dwelling units per acre)	15.23; 17.40 with bonus 6.5 PRD; 12 with bonus	72
b	Minimum Lot Width / Depth	45-ft/No standard	No minimum
c	Minimum Building Setbacks:		
	Front (West)	Street: 20' 15'	40' 15' 5' 10' landscape and 5' detached sidewalk
	Rear (East)	20' 15' (1-story), 20' (2-story)	20'
	Side (North)	15' 10' (1-story), 15' (2-story)	20'
	Side (South)	15' 10' (1-story), 15' (2-story)	15'
d	Maximum Building Height	2 stories or 30' for first 150'; 1' in 5' increase to 48' high, 4 story maximum	70'

		2-stories and 30' (except that 3-stories not exceeding 30' are permitted when approved by the design advisor for demonstrating enhanced architecture) *7	
e	Maximum Lot Coverage	45% 40% Primary Structure 50% Total	85%
f	Minimum Bicycle Parking	No standard	0.25/unit + 4 visitor spaces
g	Minimum Landscape Setbacks:		
	Front (West)	20'	40' 15'
	Rear (East)	5'	20'
	Side (North)	5'	20'
	Side (South)	5'	15'

k. Page 37, Comparative Landscape Standards: delete

l. Page 23, development standards table; front (west) building setback, modify as noted below:

Front (west)	15-ft 10-ft landscape and 5-ft detached sidewalk
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m. Page 24, landscape standards table, front (west) landscape setback, modify as noted below:

Landscape setback	Minimum 15-ft setback
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n. Exhibit m.9, conceptual elevations: add western facing elevations illustrating the frontage along 71st Street to include open space and landscaping to be consistent with the exhibits date stamped June 6, 2018.

o. Exhibit m.9, conceptual site plan: update and replace to demonstrate 15-foot landscape and building setback. also identify the open space area and note that the area shall remain open to the public along 71st Street from dawn to dusk to be consistent with the exhibits date stamped June 6, 2018.

p. Exhibit m.10, conceptual landscape plan: update and replace to demonstrate 15-foot landscape and building setback along 71st Street. Also, identify the open space area and note that the area shall remain open to the public from dawn to dusk to be consistent with the exhibits date stamped June 6, 2018.

- q. Exhibit M.10, open space legend: update to demonstrate the new open space area along 71st Street to be consistent with the exhibits date stamped June 6, 2018.
 - r. Exhibit M.11, street cross section: update to demonstrate the additional 5-foot landscape area to be consistent with the exhibits date stamped June 6, 2018.
 - s. Exhibit M.12, circulation plan: update to demonstrate the additional open space area to be consistent with the exhibits date stamped June 6, 2018.
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 or Statement (to be determined at time of meeting with the Street Transportation Department) to the Street Transportation Department for this development. No preliminary approval of plans shall be granted until the study is reviewed and approved by the Street Transportation Department.
 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.

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 5th day of July, 2018.

Thelda Williams

MAYOR



ATTEST:

C. Meyer City Clerk

APPROVED AS TO FORM:

Paul L. ... Acting City Attorney pml

REVIEWED BY:

E. ... City Manager

PL:tml:LF18-2144:7/5/18:2047929v1

Exhibits:

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

EXHIBIT A

LEGAL DESCRIPTION FOR Z-12-18-2

LOT 1 AND LOT 2 ACCORDING TO BOOK 481 OF MAPS, PAGE 21, OFFICIAL RECORDS OF MARICOPA COUNTY, LOCATED IN A PORTION OF SOUTHEAST QUARTER OF SECTION 3, TOWNSHIP 3 NORTH, RANGE 4 EAST OF THE GILA AND SALT RIVER MERIDIAN, MARICOPA COUNTY, ARIZONA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT SOUTHWEST CORNER OF SAID LOT 1;

THENCE NORTH 6 DEGREES 6 MINUTES 24 SECONDS WEST, ALONG THE WEST LINE OF SAID LOT 1 AND SAID LOT 2, A DISTANCE OF 424.98 FEET TO THE POINT OF A NON-TANGENT CURVE CONCAVE TO THE EAST, WITH A CHORD BEARING OF NORTH 0 DEGREES 21 MINUTES 1 SECOND EAST, A CHORD DISTANCE OF 104.57 FEET;

THENCE NORTHERLY ALONG SAID NON-TANGENT CURVE AND THE WEST LINE OF SAID LOT 2, HAVING A RADIUS OF 464.90 FEET, THROUGH A CENTRAL ANGLE OF 12 DEGREES 54 MINUTES 55 SECONDS, A DISTANCE OF 104.80 FEET TO THE NORTHWEST CORNER OF SAID LOT 2;

THENCE NORTH 89 DEGREES 38 MINUTES 27 SECONDS EAST, ALONG THE NORTH LINE OF SAID LOT 2, A DISTANCE OF 328.12 FEET TO THE NORTHEAST CORNER THEREOF;

THENCE SOUTH 0 DEGREES 6 MINUTES 24 SECONDS EAST, ALONG THE EAST LINE OF SAID LOT 2 AND SAID LOT 1, A DISTANCE OF 527.89 FEET TO THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE SOUTH 89 DEGREES 44 MINUTES 8 SECONDS WEST, ALONG THE SOUTH LINE THEREOF, A DISTANCE OF 284.53 FEET TO THE **POINT OF BEGINNING**.

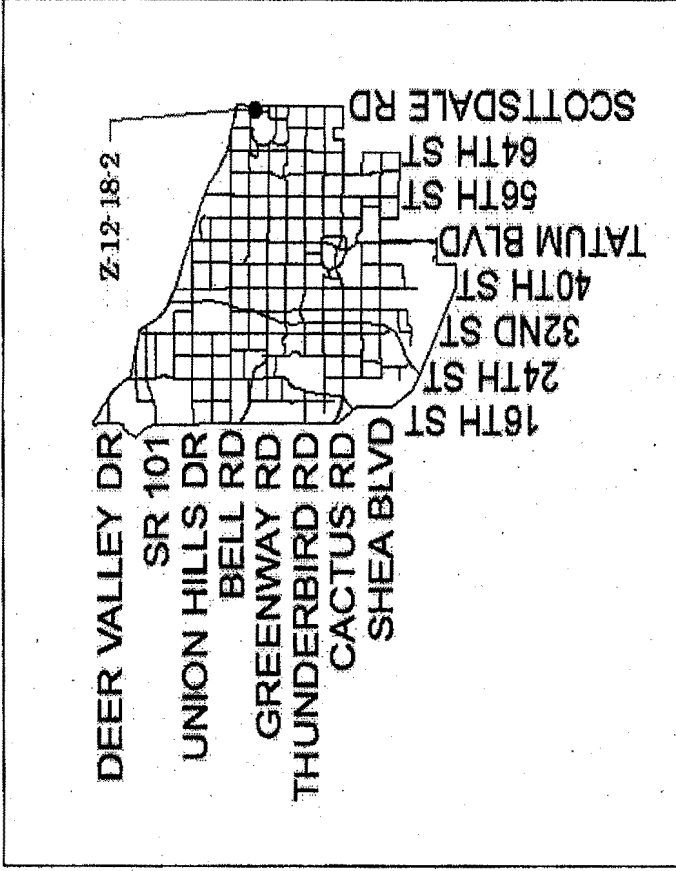
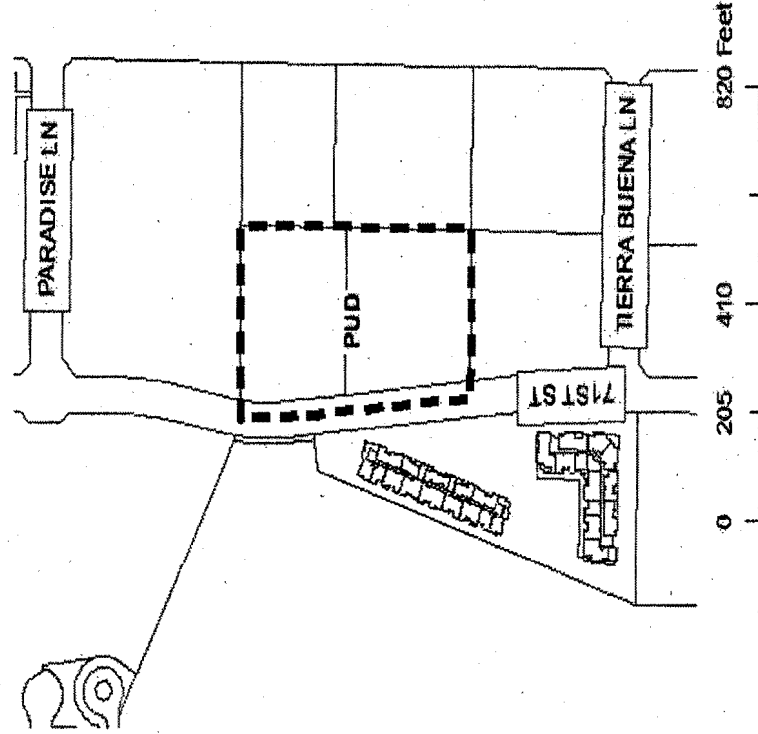
SAID PARCEL CONTAINS 164,332 SQUARE FEET OR 3.773 ACRES, MORE OR LESS.

EXHIBIT B

ORDINANCE LOCATION MAP

Zoning Case Number: Z-12-18-2
Zoning Overlay: N/A
Planning Village: Paradise Valley

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



NOT TO SCALE



Drawn Date: 6/7/2018

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