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ORDINANCE G-5947

AN ORDINANCE AMENDING THE CODE OF THE CITY OF PHOENIX, ARIZONA, PART II, CHAPTER 41, THE ZONING ORDINANCE OF THE CITY OF PHOENIX, BY AMENDING SECTION 601, THE ZONING MAP OF THE CITY OF PHOENIX, CHANGING THE ZONING DISTRICT CLASSIFICATION FOR THE PARCEL DESCRIBED HEREIN (CASE Z-22-14-2) FROM C-2 PCD (INTERMEDIATE COMMERCIAL, PLANNED COMMUNITY DEVELOPMENT) TO PUD (PLANNED UNIT DEVELOPMENT).

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WHEREAS, on May 16, 2014, the City of Phoenix Planning and Development Department received, in compliance with the requirements of the City of Phoenix Zoning Ordinance, Section 506, a written request for rezoning from Nick Wood, with Snell & Wilmer on behalf of Optima, having authorization to represent the owner, 15222 Kierland LLC & 15440 Scottsdale LLC of an approximately 9.09 acre property located at the northwest corner of Kierland Boulevard and Scottsdale Road in a portion of Section 3, Township 3 North, Range 4 East, as described more specifically in Attachment "A", attached hereto and incorporated herein by this reference; and,

WHEREAS, pursuant to A.R.S. § 9-462.04, the Planning Commission, held a public hearing on September 9, 2014, and at this hearing recommended that the City Council approve this rezoning request with the recommended staff conditions, as modified; and,

WHEREAS, the City Council, at their regularly scheduled meeting held on September 17, has determined that, in accordance with A.R.S. § 9-462.01.F, this rezoning request, with the appropriate site specific requirements provided in Section 2, is consistent with and conforms to the General Plan, will conserve and promote the public health, safety and general welfare, and should be approved, subject to the conditions herein.

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

SECTION 1: The zoning of an approximately 9.09 acre property located at the northwest corner of Kierland Boulevard and Scottsdale Road in a portion of Section 3, Township 3 North, Range 4 East, as described more specifically in Attachment "A", is hereby changed from "C-2 PCD" (Intermediate Commercial Planned Community District) to "PUD" (Planned Unit Development) and that 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 Attachment "B".

SECTION 2: The specific nature of the subject property and of the rezoning request is more particularly described in case file Z-22-14-2, on file with the Planning and Development Department. Due to the site's specific physical conditions and the use district applied for by the applicant, this rezoning is subject to compliance with the PUD narrative and 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 Center 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 July 21, 2014, as modified by the following stipulations:
  - a. Page G001: Replace preliminary phasing plan grade level with PH-001 preliminary site phasing plan, date stamped September 15, 2014.
  - b. Page G001-B: Replace preliminary phasing plan grade level with PH-001B preliminary phasing plan, date stamped September 15, 2014.
2. The applicant shall submit a Traffic Impact Study to the Street Transportation Department and the Planning and Development Department prior to preliminary site plan review. The applicant shall be responsible for any dedications and required improvements as recommended by the approved traffic study, as approved by the Planning and Development Department and the Street Transportation Department.
3. The developer shall provide a high intensity activated crosswalk ("HAWK") beacon to be installed at an appropriate location to facilitate pedestrian crossing of Kierland Boulevard from the development site to Kierland Commons. The final determination of the HAWK from the development site across Kierland Boulevard shall be made by the City of Phoenix Street Transportation Department with the final design and function of the beacon to be as approved by the Street Transportation Department.
4. The project entrance on Kierland Boulevard shall be designated as the main entrance and signed accordingly, as approved by the Planning and Development Department.
5. The access to the loading docks and refuse facilities shall be from Kierland Boulevard and signed accordingly, as approved by the Planning and Development Department.
6. The entrance on 71<sup>st</sup> Street shall be for resident and guest ingress/egress only and signed accordingly, as approved by the Planning and Development Department.
7. Building one (1) per the revised preliminary site phasing plan (Page PH-001) date stamped September 15, 2014, and all surface improvements on the westernmost portion of the site located within 60 feet of 71<sup>st</sup> Street shall be constructed first.
8. There shall be no construction access from 71<sup>st</sup> Street.
9. Construction hours shall be between the hours of 6:00 a.m. and 7:00 p.m. from May 1 to and including September 30 and between the hours of 7:00 a.m. and 7:00 p.m. beginning October 1 to and including April 30 on non-holiday weekdays.

10. Any glass and/or glazing visible from adjoining properties shall not exceed an outside reflectance level of 30%, as approved by the Planning and Development Department.
11. The developer shall notify the following individuals by mail 15 days prior to any subsequent public hearing, including but not limited to preliminary site plan approval. The notice shall include the date, time and location of the meeting/hearing.
  - a. Sentinel Real Estate Corporation  
c/o David Weiner  
1251 Avenue of the Americas  
35<sup>th</sup> Floor  
New York, New York 10020
  - b. Paragon Apartments  
Attn: Community Manager  
15440 North 71<sup>st</sup> Street  
Scottsdale, Arizona 85254
  - c. Withey Morris, PLLC  
c/o Jason Barclay Morris  
2525 East Arizona Biltmore Circle  
Suite A212  
Phoenix, Arizona 85016
12. The Kierland Boulevard right turn in shall be constructed during Phase One of site construction to be utilized for construction traffic.

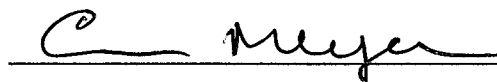
SECTION 3: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions hereof.

PASSED by the Council of the City of Phoenix this 17th day of September,  
2014.



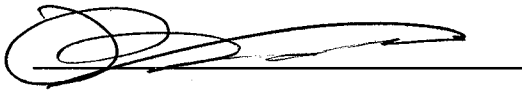
MAYOR

ATTEST:

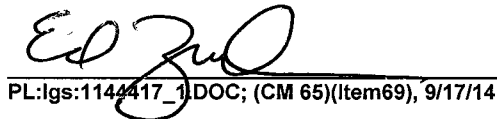
 City Clerk



APPROVED AS TO FORM:

 City Attorney *pm*

REVIEWED BY:

 City Manager  
PL:lgs:1144417\_1.DOC; (CM 65)(Item69), 9/17/14

Attachments:

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

## ATTACHMENT A

LEGAL DESCRIPTION FOR Z-22-14-2Legal Description for 15222 North Kierland Blvd as Per Deed 2012-0009029

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

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 4A 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 south line of said Parcei4A, South 89 degrees 44 minutes 08 seconds West, a distance of 195.17 feet, to the POINT OF BEGINNING;

Thence continuing along said south line, South 89 degrees 44 minutes 08 seconds West, a distance of 342.83 feet;

Thence North 45 degrees 11 minutes 08 seconds West, a distance of 29.66 feet, to The west line of said Parcel 4A;

Thence leaving said south line, along said west line, North 00 degrees 06 minutes 24 seconds West, a distance of 244.02 feet.

Thence leaving said west line, South 90 degrees 00 minutes 00 seconds East, a distance of 46.83 feet;

Thence South 00 degrees 00 minutes 00 seconds West, a distance of 39.08 feet;  
Thence South 45 degrees 15 minutes 52 seconds East, a distance of 199.72 feet;  
Thence North 89 degrees 44 minutes 08 seconds East, a distance of 175.23 feet;

Thence South 00 degrees 15 minutes 52 seconds East, a distance of 84.51 feet, to the POINT OF BEGINNING.

Legal Description for 15440 North Kierland Blvd as Per Deed 2012-1039515

## 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 4A 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 Southernmost Southeast corner of said Parcel 4A, said corner being the  
POINT OF BEGINNING;

THENCE along the South line of said Parcel 4A, South 89 degrees 44 minutes 08 seconds West, a distance of 195.17 feet;

THENCE leaving said South line, North 00 degrees 15 minutes 52 seconds West, a distance of  
84.51 feet;

THENCE South 89 degrees 44 minutes 08 seconds West, a distance of 175.23 feet;

THENCE North 45 degrees 15 minutes 52 seconds West, a distance of 199.72 feet;  
THENCE North 00 degrees 00 minutes 00 seconds East, a distance of 39.08 feet;  
THENCE North 90 degrees 00 minutes 00 seconds West, a distance of 46.83 feet to the  
West  
line of said Parcel 4A;

THENCE along said West line, North 00 degrees 06 minutes 24 seconds West, a distance of  
434.98 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  
165.43 feet;

THENCE leaving said North line, South 00 degrees 15 minutes 52 seconds East, a distance of  
69.99 feet;

THENCE North 89 degrees 44 minutes 08 seconds East, a distance of 99.31 feet;  
THENCE South 45 degrees 15 minutes 52 seconds East, a distance of 368.10 feet;  
THENCE South 00 degrees 15 minutes 52 seconds East, a distance of 8.54 feet;

THENCE North 89 degrees 44 minutes 08 seconds East, a distance of 54.04 feet, to the East line of said Parcel 4A;

THENCE along said East line, South 00 degrees 06 minutes 24 seconds East, a distance of 340.17 feet;

THENCE leaving said East line, South 44 degrees 48 minutes 52 seconds West, a distance of 29.74 feet to the POINT OF BEGINNING.

PARCEL NO. 2:

An easement for ingress, egress and public utilities, as granted in Document No. 96-0570533 and thereafter amended in Document No. 99-0563053 and thereafter Second Amendment recorded in Document No. 99-0875237 and re-recorded in Document No. 2001-721444.

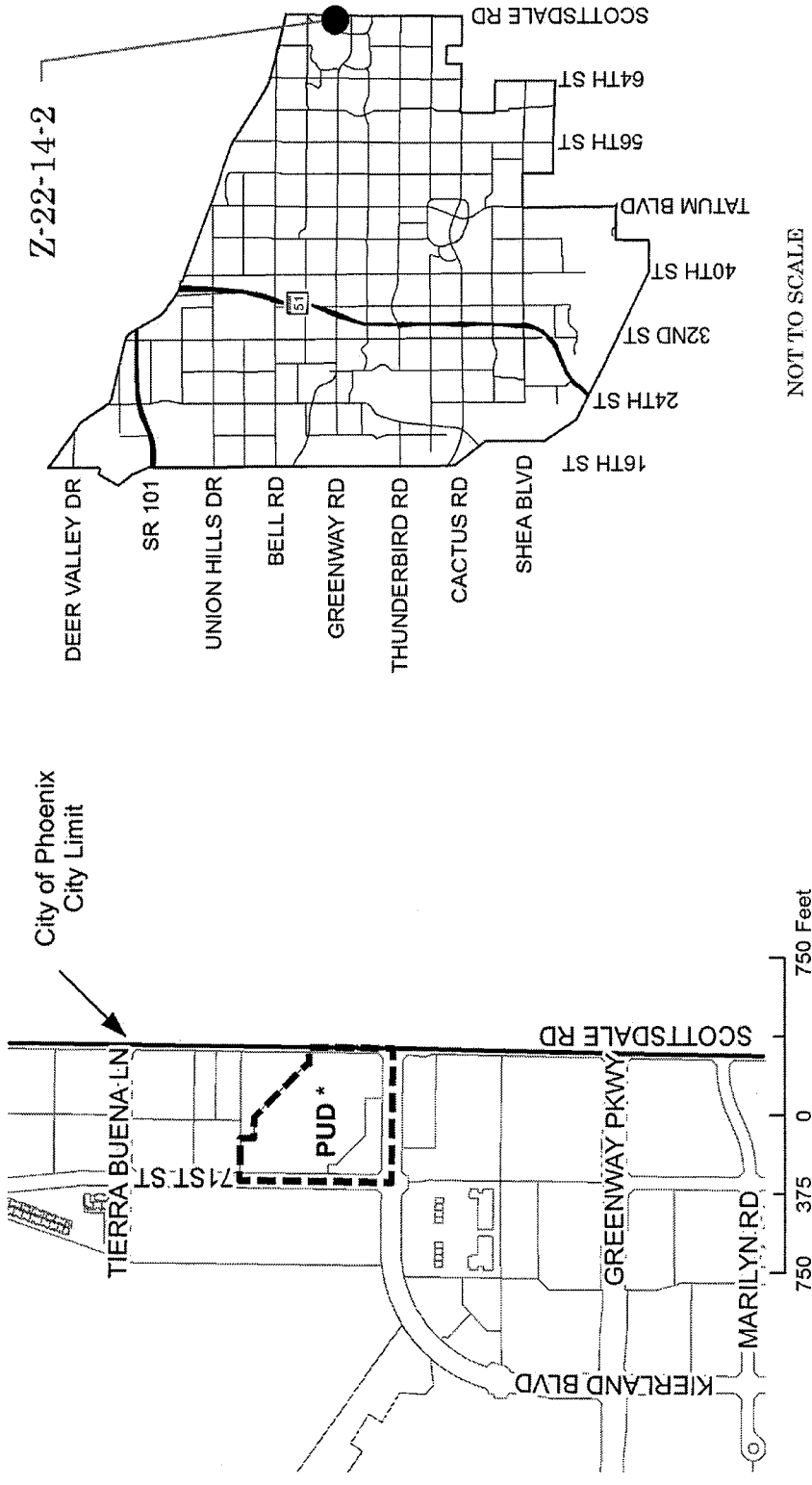


ATTACHMENT B

ORDINANCE LOCATION MAP

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

Zoning Case Number: Z-22-14-2  
Zoning Overlay: N/A  
Planning Village: Paradise Valley Village



NOT TO SCALE

Drawn Date: 8/5/2014

S:\Department Share\PL GIS\IS\_Team\Core\_Functions\Zoning\SuppMaps\_OrdMaps\2014 OrdZ-22-14-2.mxd