

ORDINANCE G-6954

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-44-21-2) FROM C-2 PCD (INTERMEDIATE COMMERCIAL, PLANNED COMMUNITY 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 a 6.8 acre site located on the southwest corner of Paradise Lane and Scottsdale Road 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) 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 Modera 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 October 29, 2021, 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 28, 2021
2nd Submittal: September 10, 2021
Hearing Draft: October 29, 2021
City Council adopted: TBD
 - b. Pages 10 and 12, Streetscape adjacent to Paradise Lane and 71st Street: Both Paradise Lane and 71st Street require the X-E Street Section. An E section requires detached sidewalks where a minimum 5-foot-wide sidewalk is required and a minimum 8-foot-wide landscape area is required.
 - c. Page 14, Section D5: Update verbiage to indicate that shade requirement is for both public sidewalks and private pathways to require 75 percent shade on all public sidewalks and private pathways.
 - d. Page 18, Amenities: The applicant shall add the following language to the development narrative: One bicycle repair station ("fix it station") shall be provided and maintained along the 71st Street frontage. The bicycle repair station ("fix it station") shall be provided in an area of high visibility and separated from vehicular maneuvering areas, where applicable. The repair station shall include: standard repair tools affixed to the station; a tire gauge and pump affixed to the base of the station or the ground; and a bicycle repair stand which allows pedals and wheels to spin freely while making adjustments to the bike.
 - e. Page 13, Section D2.g: Modify the standards to: Minimum 7,500-square foot entry court and event lawn to be located near a main entrance of the building at grade and have no permanent occupiable buildings or structures on it.
 - f. Page 13, Section D3.a: Revise from "Unreserved Retail/Visitor" to state "Unreserved Retail/Restaurant/Visitor".
 - g. Page 10, Section D1.c: Revise South (Interior) setback to 28 feet (Minimum).

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 dedicate right-of-way and reconstruct bus stop pad along southbound Scottsdale Road south of Paradise Lane. The bus stop pad shall be compliant with City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from the intersection according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50 percent shade coverage to the bus stop pad at full maturity, as approved by the Planning and Development 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 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 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.

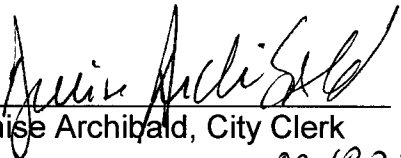
PASSED by the Council of the City of Phoenix this 2nd day of February,

2022.




MAYOR

ATTEST:

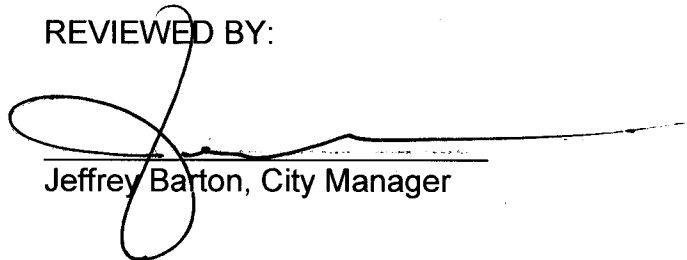

Denise Archibald, City Clerk
02-18-2022



APPROVED AS TO FORM:
Cris Meyer, City Attorney

By: 
Acting Chief Counsel
Pml

REVIEWED BY:


Jeffrey Barton, City Manager

Exhibits:

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

PL:tml:LF21-3357:2-2-2022:2299427v1

EXHIBIT A

LEGAL DESCRIPTION FOR Z-44-21-2

PROPERTY LOCATED WITHIN SECTION 3, TOWNSHIP 3 NORTH, RANGE 4 EAST,
GILA AND SALT RIVER MERIDIAN, MARCOPA COUNTY, ARIZONA.

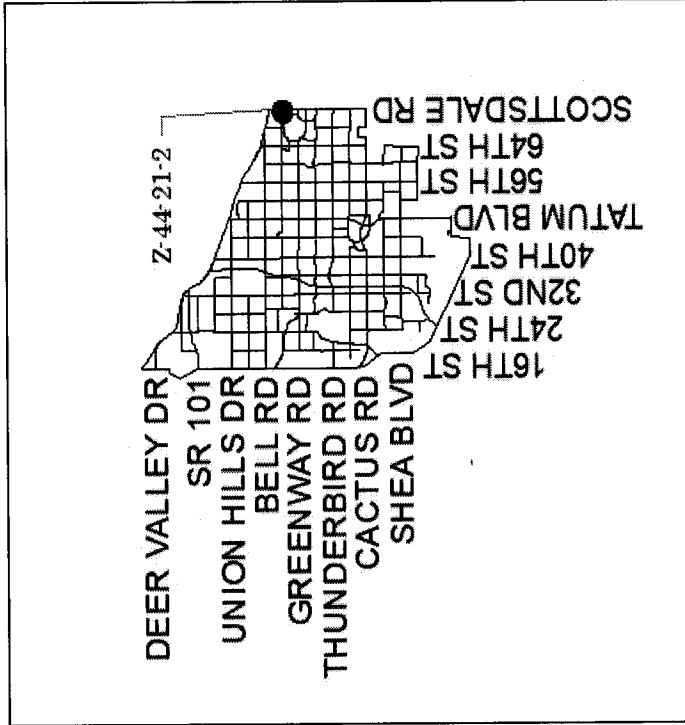
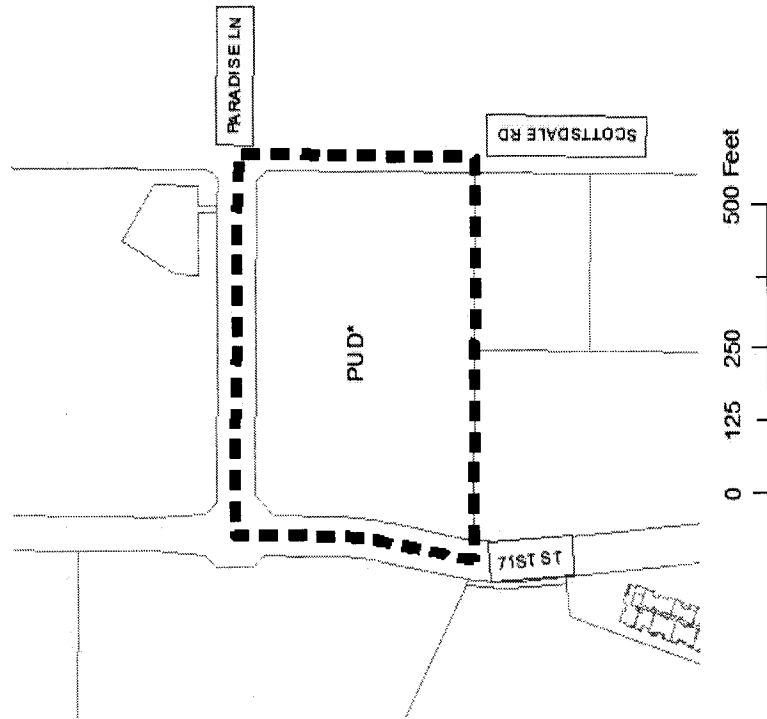
LOT 4, AS SHOWN ON THAT CERTAIN PLAT OF KIERLAND PARCELS 4C & 6B,
ACCORDING TO BOOK 468, PAGE 47, RECORDS OF MARICOPA COUNTY,
ARIZONA.

ORDINANCE LOCATION MAP

EXHIBIT B

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

Zoning Case Number: Z-44-21-2
 Zoning Overlay: N/A
 Planning Village: Paradise Valley



NOT TO SCALE

Drawn Date: 12/28/2021

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