



**City of Phoenix**  
PLANNING & DEVELOPMENT DEPARTMENT

March 6, 2019

Heidi Short  
Lewis Roca Rothgerber Christie LLP  
201 West Washington Street, Suite 1200  
Phoenix, Arizona 85004

Dear Applicant:

RE: Z-3-18-2 – Northwest corner of Kierland Boulevard and Greenway Parkway

Please be advised that the Phoenix City Council, in accordance with the provisions of Section 601 of the Zoning Ordinance, as amended, has on February 6, 2019, approved Zoning Ordinance # G-6555.

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: Justin Ried, 6903 Rockledge Drive, Suite 1500, Bethesda, MD 20817

File

Tricia Gomes, PDD–Planning–Special Projects Administrator (Electronically)

Racelle Escolar, PDD–Planning–Planner III (Electronically)

Nick Klimek, PDD–Planning–Village Planner (Electronically)

David Simmons, PDD–Planning–Village Planner (Electronically)

Ben Kim, PDD–GIS (Electronically)

Randy Weaver, PDD–Development (Electronically)

Penny Parrella, City Council (Electronically)

ORDINANCE G-6555

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-3-18-2) FROM RH PCD (RESORT DISTRICT, PLANNED COMMUNITY DISTRICT), RH M-R PCD (RESORT DISTRICT, MID-RISE, PLANNED COMMUNITY DISTRICT), RH SP PCD (RESORT DISTRICT, SPECIAL PERMIT, 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 37.35 acre property located at the northwest corner of Kierland Boulevard and Greenway Parkway in a portion of Sections 3 and 10, Township 3 North, Range 4 East, as described more specifically in Exhibit "A," is hereby changed from "RH PCD" (Resort District, Planned Community District), "RH M-R PCD" (Resort District, Mid-Rise, Planned Community District), "RH SP PCD" (Resort District, Special Permit, Planned Community District) to "PUD" (Planned Unit Development).

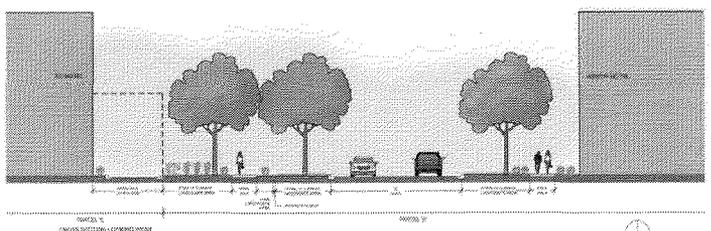
SECTION 2. The Planning and Development Director is instructed to modify the Zoning Map of the City of Phoenix to reflect this use district classification change as shown in Exhibit "B."

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 Westin Kierland Hotel and Spa AC Marriott Expansion 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 13, 2018, as modified by the following stipulations:
  - a. Front Cover: Revise submittal date information on bottom to add the following: City Council adopted: [Add adoption date]
  - b. In all instances where the RH SP PCD district is noted: Change acreage to 0.63 acres.
  - c. In all instances where the total PUD acreage is noted: Change acreage to 37.35 acres.
  - d. Page 15, Conceptual Site Plan, 2nd Paragraph, Second Sentence: Correct spelling of the word "site."
  - e. Page 25, Allowed Land Uses: Modify and replace Figure 5 with a clearer image.
  - f. Page 26, Table 2, Permitted Uses: Add the following language: "Dwelling Units shall not be permitted."
  - g. Page 30, Table 4: Add the following language above the table: "The Enhanced Pedestrian Connection, as identified in Figure 8 and located in Parcel B, shall be required as part of development of Parcel A."
  - h. Page 30, Table 4, Open Space: Remove "gross" and replace with "net."
  - i. Page 30, Table 4, Landscape and Building Setbacks, West: Change to 5 feet – Minimum.
  - j. Page 31, Bicycle Parking: Modify the first requirement of 1 space for every 25 vehicle parking stalls and add "Minimum" at the beginning of the sentence.

- s. Pages 41-42, Pedestrian Connectivity: Move Connectivity section to pages 39-40 and replace table with the following:

Table 8: Pedestrian Connection Standards and Requirements, improvements required at time of development of Parcel A.

<b>PEDESTRIAN CONNECTION STANDARDS AND PLANTING REQUIREMENTS:</b>	
<b>Minimum Width for Sidewalks and Landscape Areas</b>	<p>Per Cross Section: *See Exhibits X and X</p>  <p>See Figure 7 Pedestrian Walkway and Landscaping; See Figure 8 Pedestrian Walkway and Landscaping Cross-Section</p> <p>As noted in cross section above:</p> <p><b><u>Sidewalks</u></b></p> <p>Minimum 5-foot wide sidewalks</p> <p><b><u>Landscape Areas</u></b></p> <p>Minimum one 5-foot wide minimum, 13-foot wide average landscape area</p> <p>Minimum one 4-foot wide minimum landscape area</p> <p>Minimum two 10-foot wide minimum, 13-foot wide average landscape area</p>
<b>PLANTING STANDARDS FOR LANDSCAPE AREAS THAT ARE MINIMUM 5-FEET IN WIDTH OR GREATER</b>	
<b>Minimum Standards</b>	<p><b><u>Rows</u></b> Minimum 1 row of trees</p> <p><b><u>Spacing</u></b> 20 feet on center or in equivalent groupings</p>

	<p><b><u>Tree Size</u></b>  Minimum 3-inch caliper (50% of required trees)  Minimum 4-inch caliper (50% of required trees)</p> <p><b><u>Shrubs</u></b>  Minimum eight 5-gallon shrubs per tree</p> <p><b><u>Groundcover</u></b>  Minimum 50% living groundcover for all non-paved areas</p>
<b>PLANTING STANDARDS FOR LANDSCAPE AREAS THAT ARE LESS THAN 5- FEET IN WIDTH</b>	
<b>Minimum Standards</b>	<p><b><u>Shrubs</u></b>  Minimum five 5-gallon shrubs spaced 10 feet on center</p>
<b>OTHER STANDARDS</b>	
<b>Shade</b>	<p>Minimum of 75% of the pedestrian pathway/ sidewalk shall be shaded by way of landscaping.</p> <p>Shade calculation shall be based on summer Solstice at 12:00 p.m.</p>

- t. Page 41, Amenities: Place after Pedestrian Connection Standards and modify as noted below:

The proposed PUD shall provide a minimum of two amenities within the boundaries of Parcel A and Parcel B. The amenities may include, but are not limited to the following:

- a. Pool(s)
  - b. Spa(s)
  - c. Restaurant(s)
  - d. Lazy River(s)
  - e. Tennis Courts
  - f. Exercise Room(s)
  - g. Museum(s)
- u. Pages 43-44: Delete shade section.
- v. Page 44, Lighting Plan: Add the following language: "All lighting will be consistent with the standards of Section 704 and 507.Tab A. II.A.8 of the Phoenix Zoning Ordinance."

- w. Page 29, 43 and 44: Add Figures 6,7 and 8 as exhibits that are 11" X 17" in size and placed under an Exhibit identified as the Enhanced Pedestrian Connection Exhibit.
- x. Page 46, Table 9; Add the following standard to glazing: No more than 20% reflectivity shall be permitted on the building.
- y. Pages 130-134 and 137-142, Exhibits J and L: Replace with one combined comparative table, identified below:

<b>Development Standards for Resort Hotel Development</b>			
<b>Development Standard</b>	<b>RH Requirement</b>	<b>Parcel A PUD Requirement</b>	<b>Parcel B PUD Requirement</b>
<b>Minimum acres</b>	7.5 gross acres	1.20 net acres	36.15 gross acres
<b>Hotel Rooms/ Dwelling Unit Density</b>	<p>Minimum 50 rooms</p> <p>Maximum 20 dwelling units per acre</p> <p>Dwelling units to be in excess of 50 guestrooms minimum</p>	<p>Maximum – 85 hotel rooms</p> <p>Dwelling Units – None</p>	<p>Maximum – 935</p> <p>(Dwelling units are not to exceed 38 units.)</p>
<b>Building Height</b>	<p>Buildings within 100 feet of any residential district or perimeter street shall not exceed 20 feet.</p> <p>Starting at 100 feet from any abutting residential district or perimeter street, or 25 feet from property lines which abut nonresidential districts, the height of structures may be increased one foot for each five of horizontal distance.</p>	Maximum 80 feet	<p>Maximum 120 feet for building envelope not to exceed 20,000 square feet in area</p> <p>Maximum 80 feet for building envelope no to exceed 40,000 square feet in area</p> <p>Maximum 56 feet for a maximum of 3.63 acres</p> <p>Remainder of site shall conform to the requirements of the</p>

	In no event shall any such building exceed a height of four stories not to exceed 48 feet.		RH District, Chapter 6, Section 629.B.5
Development Standards for Resort Hotel Development			
Development Standard	RH Standards	Parcel A PUD Requirement	Parcel B PUD Requirement
<b>Building Setbacks (Minimum)</b>	<p><b><u>Adjacent to Property Lines-</u></b> 25 feet</p> <p><b><u>Front Yard:</u></b> 40 feet</p> <p><b><u>Adjacent to Residential:</u></b> 40 feet; may reduce to 25 feet if the 25 feet is entirely landscaped</p>	<p><b><u>Adjacent to Property Lines-</u></b></p> <p><b><u>North and South:</u></b> 0 feet</p> <p><b><u>East:</u></b> 50 feet – Minimum for buildings up to 20 feet in height 100 feet – Minimum for buildings above 20 feet in height</p> <p><b><u>West:</u></b> 5 feet</p> <p><b><u>Adjacent to Residential:</u></b> None</p>	<p><b><u>Adjacent to Property Lines-</u></b></p> <p><b><u>North and West:</u></b> 0 feet</p> <p><b><u>South and East:</u></b> 50 feet – Minimum for buildings up to 20 feet in height 100 feet – Minimum for buildings above 20 feet in height</p> <p><b><u>Adjacent to Residential:</u></b> None</p>
<b>Lot Coverage</b>	Maximum – 20%	Maximum – 85 %	Maximum – 20%
<b>Open Space</b>	N/A	Minimum – 10% of net site area	Minimum - 50% of gross site area
<b>Landscape Setbacks (Minimum)</b>	<p><b><u>Adjacent to Residential:</u></b> 10 feet</p>	<p><b><u>Adjacent to Residential:</u></b> None</p> <p><b><u>North:</u></b> 5 feet <b><u>East:</u></b> 10 feet <b><u>South and West:</u></b> 0 feet</p>	<p><b><u>Adjacent to Residential:</u></b> None</p> <p><b><u>South and East:</u></b> 20 feet <b><u>North and West:</u></b> 0 feet</p>

- k. Page 30, 31 and 32: Modify and add the following language at the top of the tables on each page: Table 4: Parcel A: Development Standards and Requirements. Remove AC Hotel reference.
- l. Page 33, Table 5: Add the following language above the table: "The Enhanced Pedestrian Connection, as identified in Figure 8 and located in Parcel B, shall be required as part of development of Parcel A."
- m. Page 33, 34 and 35: Modify and add the following language at the top of the tables on each page: Table 5: Parcel B: Development Standards and Requirements. Remove Westin Hotel reference.
- n. Page 33, Table 5: Modify the "units permitted row" as follows:

Hotel Rooms / Dwelling Units	935 – Maximum (Dwelling units not to exceed 38 Maximum)
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- o. Page 33, Table 5: Modify the "building height row" as follows:

Building Height	<p>120 feet Maximum for a building envelope not to exceed 20,000 square feet in area</p> <p>80 feet Maximum not to exceed 40,000 square feet in area</p> <p>56 feet Maximum for a Maximum area of 3.63 acres</p> <p>Remainder of the site shall be limited to the height requirements outlined in Chapter 6, Section 629.B.5 of the Phoenix Zoning Ordinance</p>
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- p. Page 33, Table 5: Delete "\*\*setback to be measured from Parcel B property line to the east."
- q. Page 35, Detached Sidewalk Standards: Delete.
- r. Pages 39-40, Parking Standards and Calculation: Move to page 37-38.

<b>Automobile Parking (Minimum)</b>	1 space per dwelling unit or rooming unit; Requires parking study or is based on prior approved parking interpretations for like use	0.75 per guest room  Parking study provided.	0.75 per guest room  Parking study provided.
<b>Bicycle Parking</b>	None	Minimum 1 per 25 vehicle parking stalls  Minimum 8 within 100 feet of primary entry of buildings.  Minimum 2 within 250 feet of Kierland Boulevard.	Minimum 1 per 25 vehicle parking stalls  Minimum 8 within 100 feet of primary entry of buildings.  Minimum 2 within 250 feet of Kierland Boulevard.

z. Pages 5-8: Update table of contents and pages accordingly.

aa. Update Exhibit letters accordingly.

2. 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.
3. 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.
4. 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.

5. 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 6th day of February, 2019.

  
MAYOR

ATTEST:

  
City Clerk



APPROVED AS TO FORM:

  
Acting City Attorney *pml*

REVIEWED BY:

  
City Manager

PL:tml:LF19-006902/06/19:2090578v1

Exhibits:

- A – Legal Description (3 Pages)
- B – Ordinance Location Map (1 Page)

EXHIBIT A

LEGAL DESCRIPTION FOR Z-3-18-2

**Westin Kierland**

Lot 1, Lot Combination for Lot 1 of the Westin Resort at Kierland and Parcel 1C of Kierland, recorded in Book 1054, page 23, Maricopa County Records (M.C.R.), lying within Sections 3 and 10, Township 3 North, Range 4 East, of the Gila and Salt River Meridian, Maricopa County, Arizona.

**EXCEPTING THEREFROM:**

A portion of Lot 1, Lot Combination for Lot 1 of the Westin Resort at Kierland and Parcel 1C of Kierland, recorded in Book 1054, page 23, Maricopa County Records (M.C.R.), lying within Sections 3 and 10, Township 3 North, Range 4 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

COMMENCING at the westerly most southeast corner of said Lot 1, from which the easterly most southeast corner of said lot, bears North 45°39'26" East, (basis of bearing), a distance of 29.70 feet;  
THENCE along the south line of said lot, North 89°20'34" West, a distance of 3.35 feet;  
THENCE leaving said south line, North 00°38'03" East, a distance of 259.32 feet, to the POINT OF BEGINNING;  
THENCE North 89°11'10" West, a distance of 30.09 feet;  
THENCE North 00°48'50" East, a distance of 2.45 feet;  
THENCE North 88°56'16" West, a distance of 295.59 feet;  
THENCE North 06°46'18" West, a distance of 51.65 feet;  
THENCE North 09°02'10" West, a distance of 31.11 feet;  
THENCE North 13°36'13" West, a distance of 1.14 feet, to the beginning of a curve;  
THENCE northeasterly along said curve to the right, having a radius of 100.00 feet, concave easterly, through a central angle of 44°11'06", a distance of 77.12 feet, to the curves end;  
THENCE North 30°34'53" East, a distance of 7.18 feet;  
THENCE South 89°27'41" East, a distance of 148.65 feet;  
THENCE North 00°39'23" East, a distance of 10.10 feet;  
THENCE South 89°34'20" East, a distance of 133.53 feet;  
THENCE South 00°06'57" West, a distance of 42.39 feet;  
THENCE South 88°23'17" East, a distance of 37.71 feet;  
THENCE South 00°51'17" West, a distance of 68.39 feet;  
THENCE North 89°31'01" West, a distance of 11.93 feet, to the beginning of a curve;  
THENCE southwesterly along said curve to the left, having a radius of 3.50 feet, concave southeasterly, through a central angle of 90°05'44", a distance of 5.50 feet, to the curves end;  
THENCE South 00°23'15" West, a distance of 8.76 feet, to the beginning of a curve;

THENCE southeasterly along said curve to the left, having a radius of 3.50 feet, concave northeasterly, through a central angle of 89°16'17", a distance of 5.45 feet, to the curves end;

THENCE South 88°53'02" East, a distance of 15.87 feet

### AC Hotel at Kierland Resort

A portion of Lot 1, Lot Combination for Lot 1 of the Westin Resort at Kierland and Parcel 1C of Kierland, recorded in Book 1054, page 23, Maricopa County Records (M.C.R.), lying within Sections 3 and 10, Township 3 North, Range 4 East, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

**COMMENCING** at the westerly most southeast corner of said Lot 1, from which the easterly most southeast corner of said lot, bears North 45°39'26" East (basis of bearing), a distance of 29.70 feet;

**THENCE** along the south line of said lot, North 89°20'34" West, a distance of 3.53 feet;

**THENCE** leaving said south line, North 01°44'16" East, a distance of 259.60 feet, to the **POINT OF BEGINNING**;

**THENCE** North 89°21'11" West, a distance of 23.61 feet;

**THENCE** North 00°50'09" East, a distance of 5.97 feet, to a point of intersection with a non-tangent curve;

**THENCE** northwesterly along said non-tangent curve to the left, having a radius of 9.49 feet, whose radius bears North 89°06'50" West, through a central angle of 52°52'58", a distance of 8.76 feet, to a point of intersection with a non-tangent line;

**THENCE** North 89°23'13" West, a distance of 311.04 feet;

**THENCE** North 07°21'16" West, a distance of 36.04 feet;

**THENCE** North 08°45'03" West, a distance of 46.62 feet, to the beginning of a curve;

**THENCE** northeasterly along said curve to the right, having a radius of 102.50 feet, concave easterly, through a central angle of 37°09'37", a distance of 66.48 feet, to the curves end;

**THENCE** North 28°24'34" East, a distance of 51.63 feet;

**THENCE** South 61°17'40" East, a distance of 12.57 feet, to a point of intersection with a non-tangent curve;

**THENCE** southeasterly along said curve to the left, having a radius of 325.850 feet, concave northerly, whose radius bears North 28°10'40" East, through a central angle of 09°39'31", a distance of 54.93 feet, to a point of compound curvature;

**THENCE** easterly along said curve to the left, having a radius of 95.00 feet, concave northerly, through a central angle of 17°51'25", a distance of 29.61 feet, to a point of intersection with a non-tangent line;

**THENCE** South 89°20'08" East, a distance of 45.84 feet;

**THENCE** North 00°40'55" East, a distance of 10.33 feet;

**THENCE** South 85°03'18" East, a distance of 30.87 feet;

**THENCE** South 78°02'35" East, a distance of 1.53 feet;

**THENCE** South 00°22'26" West, a distance of 7.93 feet;  
**THENCE** South 89°35'54" East, a distance of 17.93 feet;  
**THENCE** North 00°22'26" East, a distance of 16.73 feet;  
**THENCE** South 89°23'13" East, a distance of 140.67 feet;  
**THENCE** South 00°36'47" West, a distance of 144.96 feet;  
**THENCE** North 89°10'12" West, a distance of 11.09 feet;  
**THENCE** South 00°39'20" West, a distance of 45.28 feet, to the **POINT OF BEGINNING**.

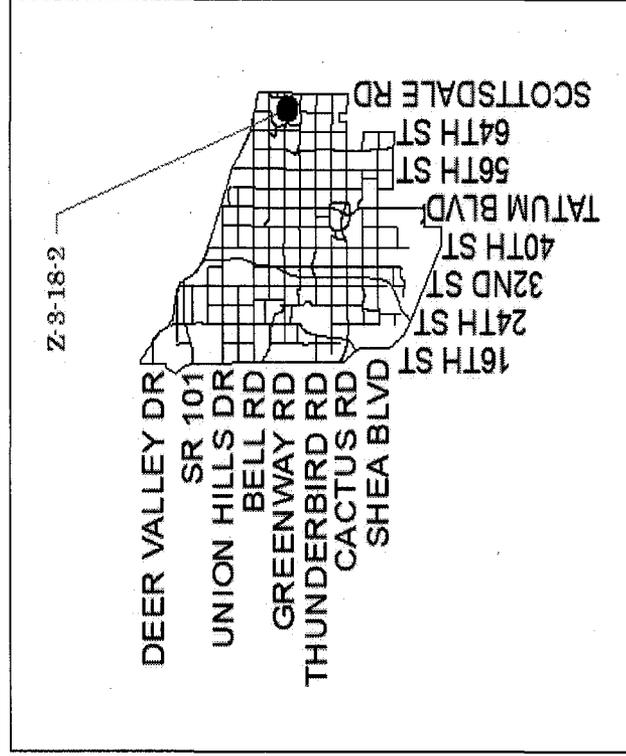
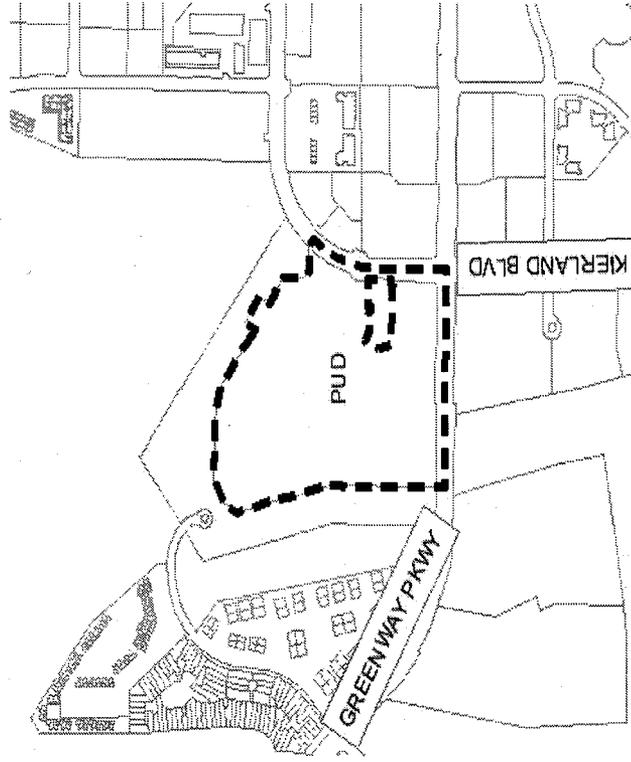
Containing 61,078 square feet or 1.4022 acres, more or less.

Subject to existing easements.

# ORDINANCE LOCATION MAP

Zoning Case Number: Z 3 18 2  
Zoning Overlay: N/A  
Planning Village: Paradise Valley

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



NOT TO SCALE



Drawn Date: 1/10/2019

\\nev\p\dat\Share\Department Share\Information Systems\PLGIS\GIS\_Team\Care\_Functions\Zoning\_Supp\Maps\2019\_Ord\Z-3-18-2.mxd