

Attachment B



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-49-22-1-2

August 9, 2022

Deer Valley Village Planning Committee

Meeting Date:

August 11, 2022

Planning Commission Hearing Date:

September 1, 2022

Request From:

[A-1 SP DVAO](#) (Light Industrial District, Special Permit, Deer Valley Airport Overlay District) (2.20 acres)

[A-1 DVAO](#) (Light Industrial District, Deer Valley Airport Overlay District) (5.16 acres)

Request To:

[A-1 DVAO](#) (Light Industrial District, Deer Valley Airport Overlay District) (7.36 acres)

Proposed Use:

Removal of Special Permit to allow light industrial uses

Location:

Southwest corner of 7th Street and Pinnacle Peak Road

Owner:

William Cox, Park View Lane 5, LLC

Applicant:

Hawkeye Development, LLC

Representative:

Clark Diepholz

Staff Recommendation:

Approval

<u>General Plan Conformity</u>			
<u>General Plan Land Use Map Designation</u>		Industrial	
<u>Street Map Classification</u>	7th Street	Major Arterial	65-foot west half street
	Pinnacle Peak Road	Arterial	40-foot south half street
	Airport Drive	Local	25-foot north half street

General Plan Conformity

STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; MANUFACTURING AND INDUSTRIAL DEVELOPMENT; LAND USE PRINCIPLE: Support the expansion of industrial zoning in targeted industrial areas.

The proposal will remove a special permit and allow all underlying A-1 uses on the subject property, which is surrounded by industrial uses, within the Deer Valley Major Employment Center, and is designated for industrial use on the General Plan Land Use Map.

CONNECT PEOPLE AND PLACES CORE VALUE; OPPORTUNITY SITES; LAND USE PRINCIPLE: Support reasonable levels of increased intensity, respectful of local conditions and surrounding neighborhoods.

The proposal to remove a special permit and allow all underlying A-1 uses will allow redevelopment of a vacant opportunity site for industrial development that is consistent with the character of the surrounding area.

CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY AND CHARACTER; LAND USE PRINCIPLE: Locate land uses with the greatest height and most intense uses within limits based on village character, land use needs, infrastructure and transportation system capacity.

The proposal would allow industrial uses at the subject site, located in a portion of the Deer Valley Village near the Deer Valley Airport that serves as the industrial, job intensive portion of the village. The subject site has access to a major arterial and an arterial street, providing adequate transportation capacity for the proposed industrial uses.

Applicable Plans, Overlays, and Initiatives

[Deer Valley Major Employment Center](#): See Background Item No. 7.

[Complete Streets Guiding Principles](#): See Background Item No. 8.

[Tree and Shade Master Plan](#): See Background Item No. 9.

[Zero Waste PHX](#): See Background Item No. 10.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Vacant	A-1 SP DVAO, A-1 DVAO
North (across Pinnacle Peak Road)	Vacant and landscape/hardscape material company	A-1 DVAO
South (across Airport Drive)	Deer Valley Airport	A-1 SP DVAO, A-1 DVAO
East (across 7th Street)	Vacant	A-1 SP DVAO
West	Vacant	A-1 DVAO

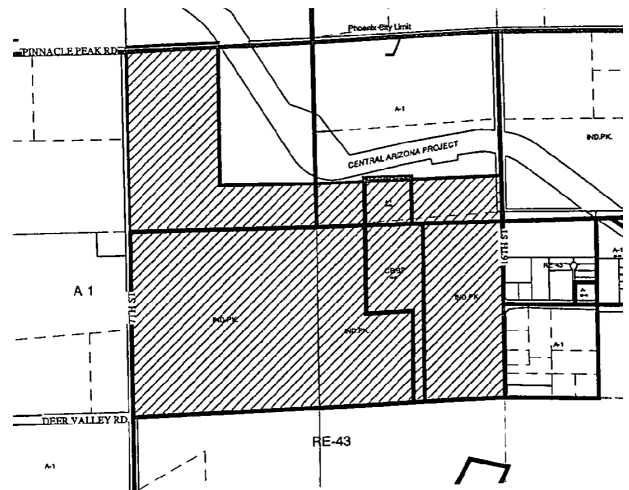
Background/Issues/Analysis

PROPOSAL

1. This request is to remove a Special Permit on a 7.36-acre site located on the southwest corner of 7th Street and Pinnacle Peak Road. The existing Special Permit, Z-SP-3-00, restricts uses on the site to mineral extraction and processing and a temporary concrete batch plant. The request to remove the Special Permit would allow all underlying A-1 DVAO (Light Industrial District, Deer Valley Airport Overlay District) uses.

SUBJECT SITE AND HISTORY

2. The approval of Rezoning Case No. Z-SP-3-00 established the A-1 Special Permit on the eastern portion of the site on October 4, 2000. The special permit rezoning case covered a large area, roughly between Pinnacle Peak Road to the north, Deer Valley Road to the south, 7th Street to the west, and 16th Street to the east. The special permit is no longer needed on the subject site, as it is now west of 7th Street, due to its realignment. The subject site does not contribute to the mining operation (extraction and processing of materials to remove hills and temporary concrete batch plant).

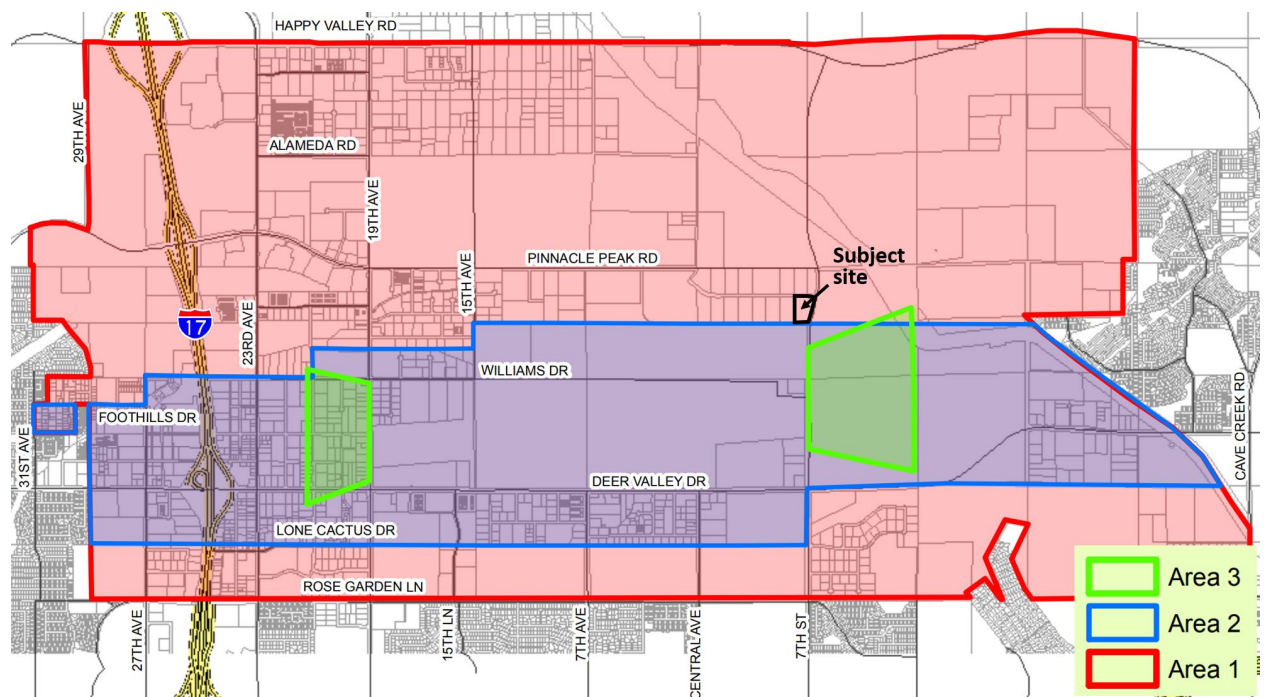


Z-SP-3-00 Sketch Map, Source: City of Phoenix Planning and Development Department

3. The site falls within the boundaries of the Deer Valley Airport Overlay District (DVAO). The City Council adopted the DVAO in 2006 to protect the health, safety and welfare of

persons and property in the vicinity of Deer Valley Airport (DVA) and to protect the long term viability of DVA as a general aviation facility by ensuring land use compatibility with airport operations, protecting navigable airspace from physical encroachment and requiring permanent notice of flight operations to property owners.

The DVAO establishes different regulatory areas within its boundaries – Areas 1, 2 & 3. Area 1 of the DVAO places a restriction on residential development within A-1 zoned properties. Areas 2 & 3 have additional use restrictions and Area 3 has additional building height restrictions. The subject site falls within the boundaries of Area 1. Development on the subject site must comply with the requirement to record a Notice to Prospective Purchasers of Proximity to Airport. This is addressed in Stipulation No. 2.

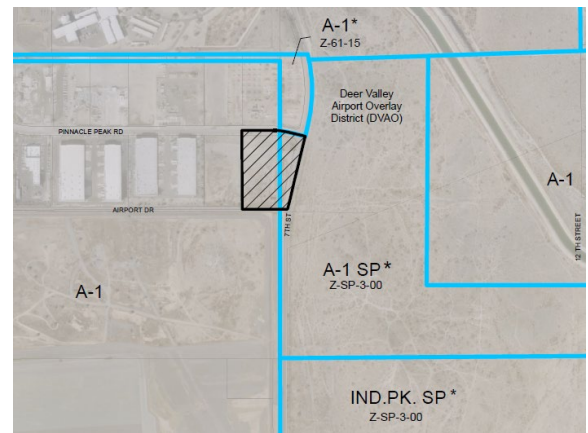


Deer Valley Airport Overlay Map, Source: City of Phoenix Planning and Development Department

SURROUNDING LAND USES AND ZONING

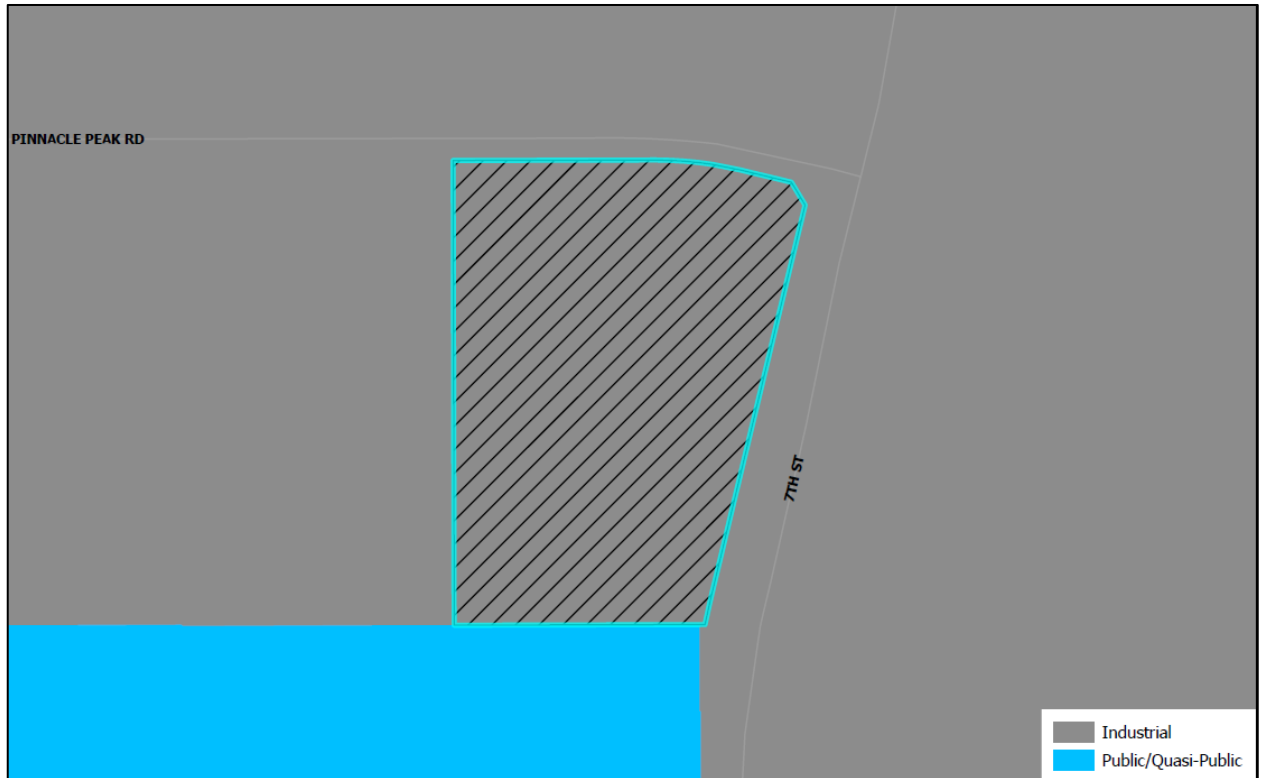
4. The subject site and immediately surrounding properties to the north, east, and west are mostly vacant land with industrial zoning (A-1 and A-1 SP). Directly to the south of the subject site is the Deer Valley Airport. There are several industrial uses further west of the subject site along Pinnacle Peak Road.

Aerial Zoning Map, Source: City of Phoenix Planning and Development Department



GENERAL PLAN LAND USE MAP DESIGNATIONS

5. The General Plan Land Use Map designation for the site and surrounding properties to the north, east, and west is Industrial. The Industrial land use category identifies areas where warehousing, manufacturing, and processing uses are appropriate. South of the subject site is the Deer Valley Airport, which is designated as Public/Quasi-Public on the General Plan Land Use Map. The proposal to remove the Special Permit and allow all underlying A-1 DVAO uses is consistent with the General Plan Land Use Map designation.



General Plan Land Use Map Designation, Source: City of Phoenix Planning and Development Department

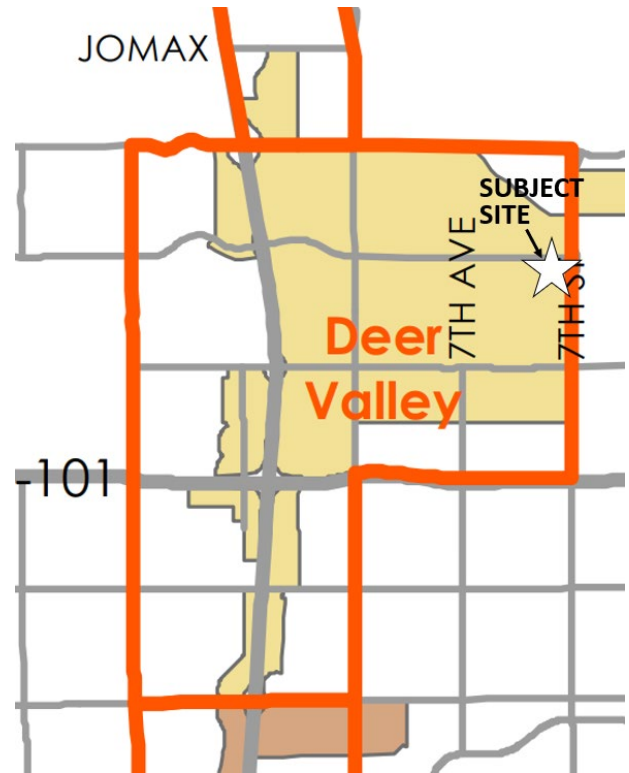
PROPOSAL

6. The proposal is to remove the Special Permit to allow for development of light industrial uses. The conceptual site plan, attached as an exhibit, depicts an approximately 61,000-square-foot building, divided into several suites for industrial users. Parking and drive aisles are located between the building and the street frontages while loading areas are located on the western elevation of the building.

STUDIES AND POLICIES

7. [Deer Valley Major Employment Center](#)

The subject site is located within the MAG designated Deer Valley Major Employment Center and within the city designated Deer Valley Employment Center. The substantial size and diverse nature of the labor pool found in the Deer Valley area is a key factor contributing to the overall attractiveness of this employment center. Employers located within the area have access to nearly 450,000 workers within a 20-minute drive time, and within a 30-minute drive the number of workers increases to more than 850,000. The size of the labor force will continue to increase as additional development occurs in this area. The Deer Valley employment center boasts about 9.3 million square feet of office space, 3.0 million square feet of flex space, and over 11.9 million square feet of industrial space. The proposal adds job-generating industrial uses that will contribute to the employment center.



Major Employment Center Map, Source: City of Phoenix

8. [Complete Streets Guiding Principles](#)

In 2014, the City of Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. The existing streetscape along each frontage is unbuilt and the developer will be required to construct streets to the City of Phoenix standards, including providing sidewalks where none exist today. Additionally, a multi-use trail will be required along Pinnacle Peak Road (Stipulation No. 1).

9. [Tree and Shade Master Plan](#)

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. The proposed development will include landscape setbacks, consistent with A-1 development standards along arterial streets.

10. [Zero Waste PHX](#)

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero-waste city, as part of the city's overall 2050 Environmental Sustainability

Goals. One of the ways Phoenix can achieve this is to improve and expand its recycling and other waste diversion programs. The application materials do not indicate a recycling plan for the proposed development.

COMMUNITY INPUT SUMMARY

11. At the time this staff report was written, staff has not received any community correspondence in support or opposition.

INTERDEPARTMENTAL COMMENTS

12. The City of Phoenix Water Services Department noted the property has existing water and sewer mains that can serve the site. However, the requirements and assurances for water and sewer service are determined during the site plan application review.
13. The Fire Department indicated there are no problems anticipated with the case and that the site and/or buildings shall comply with the Phoenix Fire Code. Further, the Department commented that they do not know the water supply at this site and noted that additional water supply may be required to meet the required fire flow per the Phoenix Fire Code.
14. The Parks and Recreation Department requires the dedication of a multi-use trail easement and construction of a multi-use trail along Pinnacle Peak Road, adjacent to this development. This is addressed in Stipulation No. 1.

OTHER

15. The site is located in a larger area identified as being archaeologically sensitive. If further review by the City of Phoenix Archaeology Office determines the site and immediate area to be archaeologically sensitive, and if no previous archaeological projects have been conducted within this project area, it is recommended that archaeological Phase I data testing of this area be conducted. Phase II archaeological data recovery excavations may be necessary based upon the results of the testing. A qualified archaeologist must make this determination in consultation with the City of Phoenix Archaeologist. In the event archaeological materials are encountered during construction, all ground disturbing activities must cease within a 33-foot radius of the discovery and the City of Phoenix Archaeology Office must be notified immediately and allowed time to properly assess the materials. This is addressed in Stipulation Nos. 3 through 5.
16. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to preliminary site plan approval. This is addressed in Stipulation No. 6.

17. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments may be required.

Findings

1. The request is consistent with the General Plan Land Use Map designation and with the character of job intensive industrial uses in this general area.
2. The request does not create any land use conflicts, as the subject site is surrounded by vacant properties and nearby industrial uses.
3. The proposal will support the establishment of industrial businesses at an appropriate location, creating jobs and providing economic development for the surrounding area and for the city of Phoenix.

Stipulations

1. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along the south side of Pinnacle Peak Road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department. Where conflicts or restrictions exist, the developer shall work with the Site Planning Section on an alternative design through the technical appeal process.
2. The property owner shall record a Notice of Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of Deer Valley Airport to future owners and tenants of the property. The form and contents of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.
3. If determined necessary by the Phoenix Archaeology Office, the applicant shall conduct Phase I data testing and submit an archaeological survey report of the development area for review and approval by the City Archaeologist prior to clearing and grubbing, landscape salvage, and/or grading approval.
4. If Phase I data testing is required, and if, upon review of the results from the Phase I data testing, the City Archaeologist, in consultation with a qualified archaeologist, determines such data recovery excavations are necessary, the applicant shall conduct Phase II archaeological data recovery excavations.

5. 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.
6. 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.

Writer

Anthony Grande

August 9, 2022

Team Leader

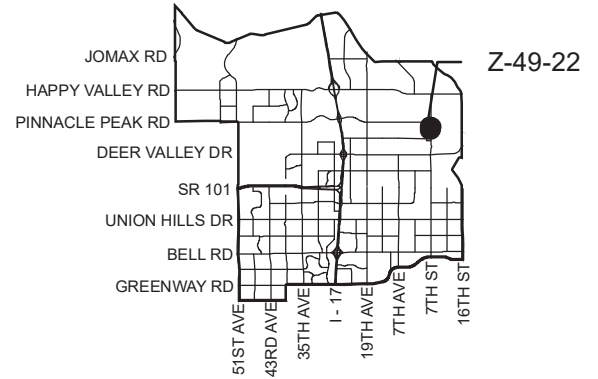
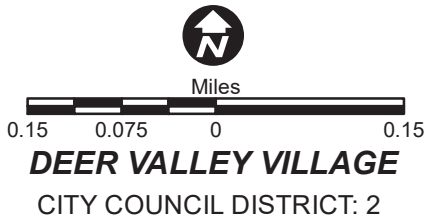
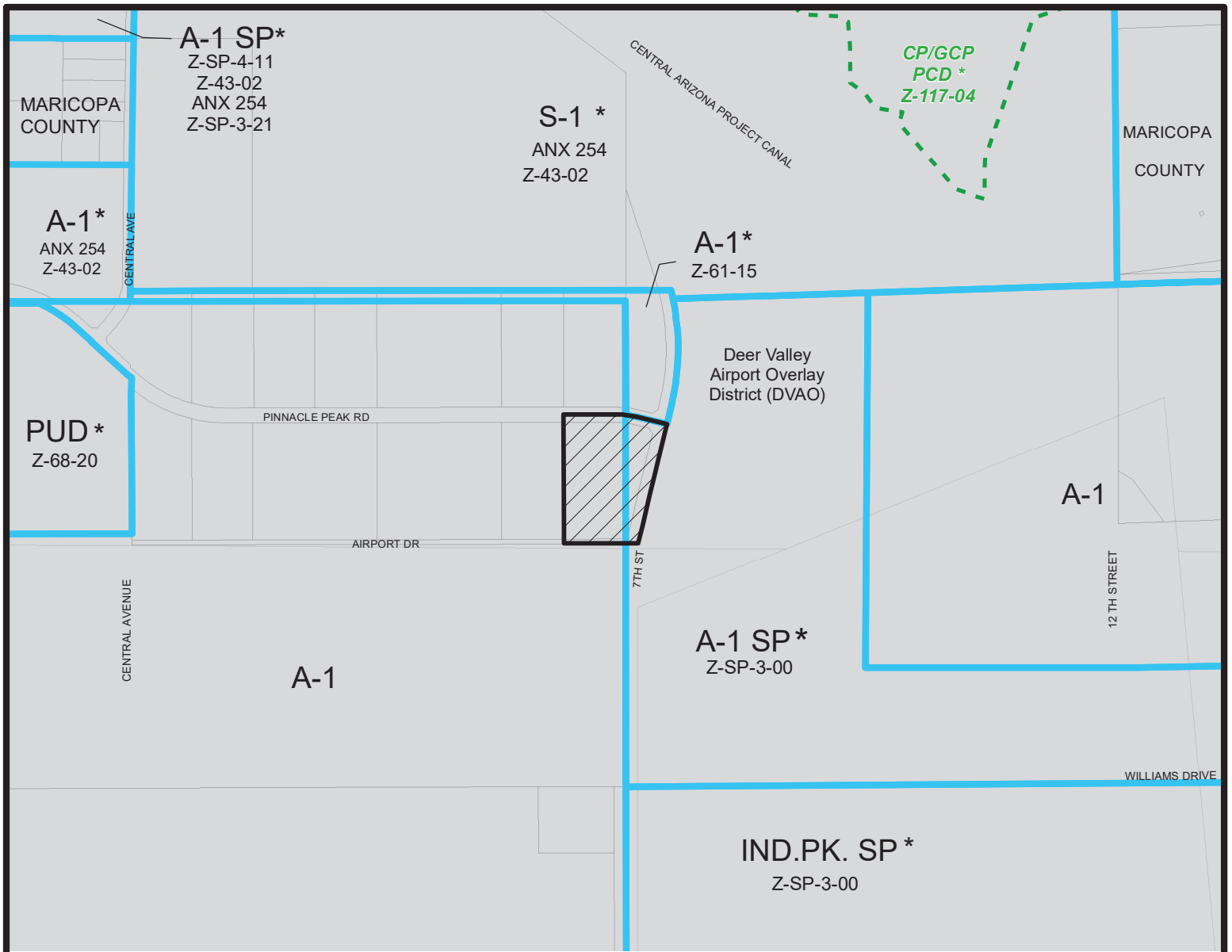
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Exhibits

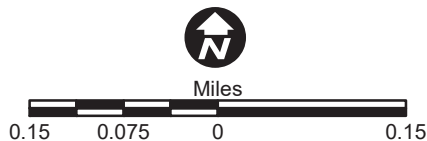
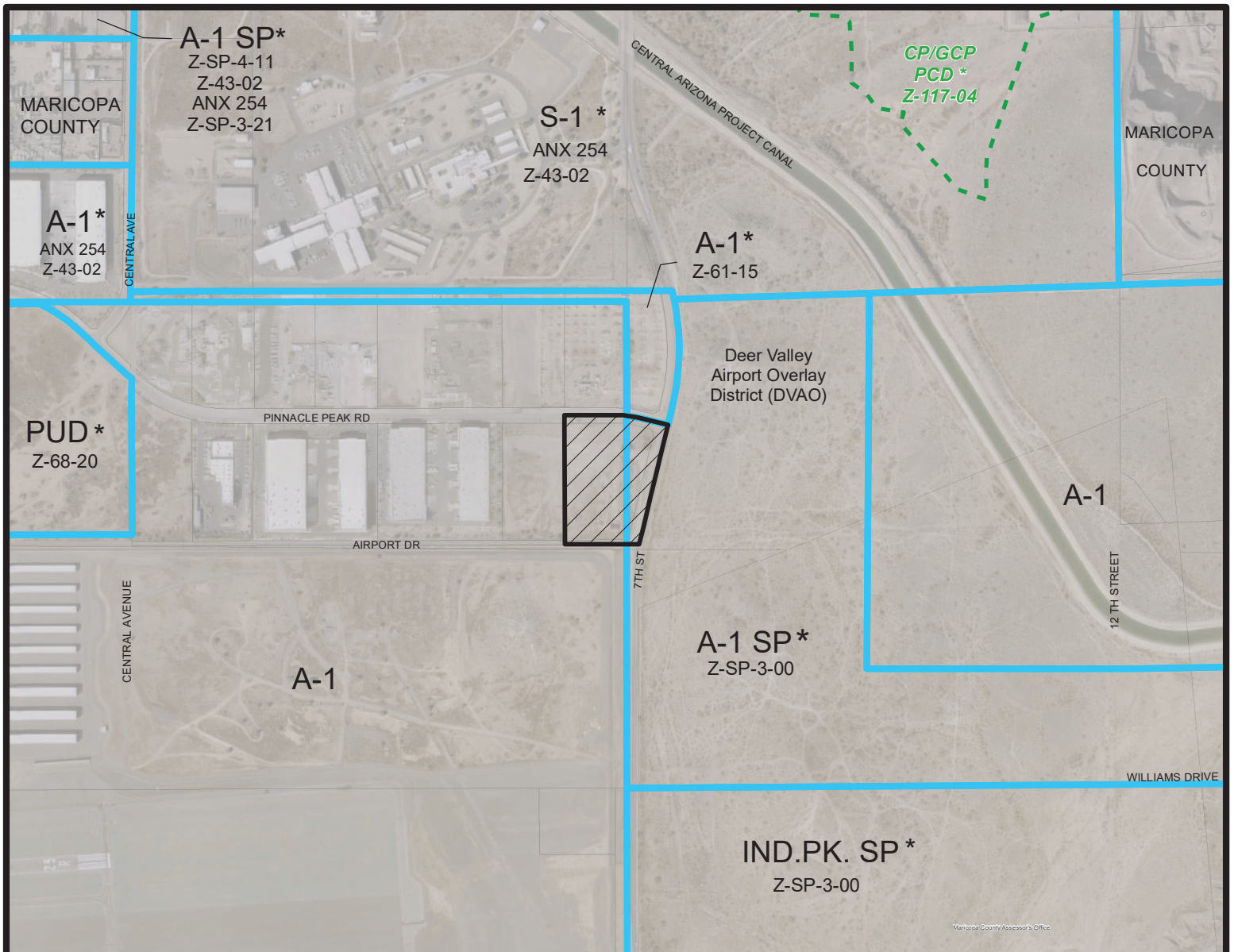
Zoning Sketch Map

Aerial Sketch Map

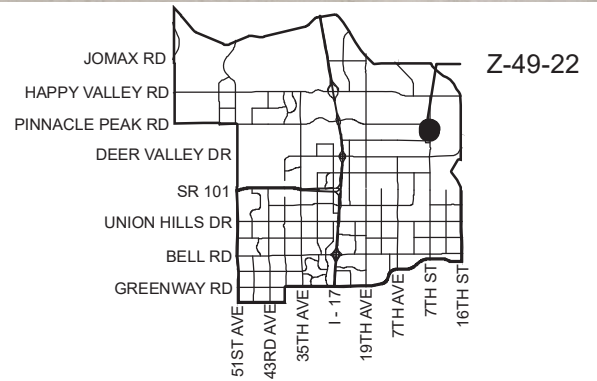
Conceptual Site Plan date stamped June 17, 2022



APPLICANT'S NAME: Hawkeye Development LLC		REQUESTED CHANGE:	
APPLICATION NO. Z-49-22	DATE: 6/30/2022 REVISION DATES:	FROM: A-1 SP DVAO (2.20 a.c.) A-1 DVAO (5.16 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 7.36 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 44-28	ZONING MAP O-8	TO: A-1 DVAO (7.36 a.c.)
MULTIPLES PERMITTED A-1 SP DVAO, A-1 DVAO A-1 DVAO	CONVENTIONAL OPTION N/A, N/A N/A		* UNITS P.R.D. OPTION N/A, N/A N/A
* Maximum Units Allowed with P.R.D. Bonus			



DEER VALLEY VILLAGE
CITY COUNCIL DISTRICT: 2



APPLICANT'S NAME: Hawkeye Development LLC		REQUESTED CHANGE:	
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		* UNITS P.R.D. OPTION N/A, N/A N/A	
* Maximum Units Allowed with P.R.D. Bonus			



CITY OF PHOENIX
JUN 17 2022
Planning & Development
Department