

## ATTACHMENT D

### REPORT OF PLANNING COMMISSION ACTION September 1, 2022

ITEM NO: 22	
	DISTRICT NO.: 1 and 2
SUBJECT:	
Application #:	Z-49-22-1-2
Location:	Southwest corner of 7th Street and Pinnacle Peak Road
From:	A-1 SP DVAO and A-1 DVAO
To:	A-1 DVAO
Acreage:	7.36
Proposal:	Removal of Special Permit to allow light industrial uses
Applicant:	Hawkeye Development, LLC
Owner:	William Cox, Park View Lane 5, LLC
Representative:	Clark Diepholz

#### **ACTIONS:**

Staff Recommendation: Approval, subject to stipulations.

Village Planning Committee (VPC) Recommendation:

**Deer Valley** 8/11/2022 Approval, per the staff recommendation. Vote: 11-0.

Planning Commission Recommendation: Approval, per the Deer Valley Village Planning Committee recommendation.

Motion Discussion: N/A

Motion details: Commissioner Boyd made a MOTION to approve Z-49-22-2, per the Deer Valley Village Planning Committee recommendation.

Maker: Boyd  
Second: Gaynor  
Vote: 7-0  
Absent: Busching and Simon  
Opposition Present: No

#### **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.

This publication can be made available in alternate format upon request. Please contact Les Scott at 602-261-8980, [leslie.scott@phoenix.gov](mailto:leslie.scott@phoenix.gov) or TTY: Use 7-1-1.