

# ATTACHMENT B

REPORT OF PLANNING HEARING OFFICER ACTION  
Byron Easton, Planner III, Hearing Officer  
Chase Hales, Planner I, Assisting

July 19, 2023

ITEM NO: 2	
	DISTRICT 1
SUBJECT:	
Application #:	PHO-2-23--Z-18-10-1 (Continued from June 21, 2023)
Location:	Southeast corner of 13th Avenue and Parkview Lane alignments
Zoning:	CP/GCP DVAO
Acreage:	5.17
Request:	1) Request to modify Stipulation 1 regarding general conformance with the site plan and elevations date stamped October 22, 2021. 2) Request to modify Stipulation 3 regarding dedication of right of way and improvements for Parkview Lane. 3) Request to modify Stipulation 4 regarding right of way improvements.
Applicant:	Opus Development Company, LLC
Owner:	Deer Valley Industrial Venture LLC
Representative:	Jason Morris, Withey Morris Baugh, PLC

## **ACTIONS:**

Planning Hearing Officer Recommendation: The Planning Hearing Officer recommended approval with modifications and an additional stipulation.

Village Planning Committee (VPC) Recommendation: The Deer Valley Village Planning Committee chose not to review the request.

## **DISCUSSION:**

Mr. Easton stated that staff had received public correspondence regarding the case. He stated that the Deer Valley Village Planning Committee had opted not to hear the case. He stated that the proposed conceptual site plans had very minor changes and would recommend approval of the request to modify Stipulation 1 with a modification to standardize the language. He stated that he would recommend approval with modification to the request to modify Stipulation 3, using the same language used in Stipulation 2 in PHO-2-23—Z-129-07-1. He stated he would recommend approval with a modification to specify roadway improvements as recommended by the Streets Transportation Department. He noted that staff did not receive a Proposition 207 waiver and that an additional

stipulation would be included requiring a waiver to be submitted prior to final site plan approval.

**FINDINGS:**

- 1) The request to modify Stipulation 1 regarding general conformance to a site plan and elevations is recommended to be approved.

As planned, there are two buildings totaling approximately 290,766 gross square feet. Building A is approximately 106,398 gross square feet and Building B is approximately 184,368 gross square feet. Both buildings are fully enclosed.

This is a speculative industrial project will attract a wide variety of industrial manufacturing, warehousing, and/or office uses.

Building A has two primary entrances and Building B has three primary entrances, all facing Alameda Road. The primary architectural features provide

visual interest through the application of canopies over entrances, three different and complimentary paint colors, horizontal reveals, a textural formliner and vertical plane breaks.

- 2) The request to modify Stipulation 3 regarding required ROW and street improvements is recommended to be approved with modifications. The STD requested modifications to Stipulation 3 regarding street improvements per the outcome of the Technical Appeal to STD and WSD filled by the Applicant. On June 12, 2023 the applicant received approval, with stipulations, through the Water Services Department for a technical appeal pertaining to the interim construction of Park View Lane.

Additional subheadings were added to stipulation #3. 3.a was added because Park View Lane is ultimately intended to be a key component to the circulation needs of the area by providing connecting surrounding properties to 19th Avenue, 7th Avenue, and Happy Valley Road via 15th Avenue. However, as most of the surrounding properties are undeveloped, underdeveloped or County islands, much of the circulation network has yet to fully develop. Therefore, given the stage of the area's development and constraints imposed by surrounding properties, the local traffic movement in this area would not see a benefit from the construction of Park View Lane east of 15th Avenue at this time but will need to be reevaluated as the area matures.

3.b was added because Park View Lane currently is encumbered by public right-of-way and Federal Patent Easement to serve adjacent

properties east of 15th Avenue. 3.c is added to reflect technical appeal decision.

- 3) The request to modify Stipulation 4 regarding required street improvements is recommended to be approved with modification. The rationale is to give an exception for the temporary improvements to the Park View Lane, east of 15th Avenue, per the Water and Sewer Technical Appeal approval through the Water Services Department.
- 4) The applicant did not submit a Proposition 207 waiver of claims prior to the Planning Hearing Officer hearing. Submittal of this form is an application requirement. An additional stipulation is recommended to require the applicant to record this form and deliver it to the City to be included in the rezoning application file for record.

**STIPULATIONS:**

1.	The development shall be in general conformance with the site plan and elevations date stamped <del>October 22, 2024</del> MARCH 29, 2023, as modified by the following stipulations and approved by the Planning and Development Department.
2.	The developer shall dedicate minimum 40 feet of right-of-way and construct the north side of Alameda Road, as approved by the Planning and Development and Street Transportation Departments.
3.	The developer shall dedicate minimum 30 feet of right-of-way and construct the south side of Parkview Lane, as approved by the Planning and Development and Street Transportation Departments and as conditioned:
a.	PARK VIEW LANE, EAST OF 15th AVENUE, SHALL TERMINATE IN A DEDICATED TEMPORARY 50-FOOT RADIUS CUL-DE-SAC, AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.
b.	PARKVIEW LANE, EAST OF 15TH AVENUE, SHALL BE IMPROVED PER THE STIPULATIONS OF THE APPROVED WATER SERVICES DEPARTMENT APPEAL AND AS APPROVED BY THE STREET TRANSPORTATION DEPARTMENT.
c.	PARK VIEW LANE SHALL REMAIN FREE OF IMPEDIMENT FROM OPEN DRAINAGE CHANNELS, STRUCTURES, OR FENCES TO

	ALLOW FOR CONTINUED ACCESS AND MAINTENANCE OF CITY OWNED WATER AND SEWER FACILITATES.
4.	The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, landscaping, and other incidentals as per plans approved by the Planning and Development Department, EXCEPT AS CONDITIONED. All improvements shall comply with all ADA accessibility standards.
5.	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 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.
6.	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.

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