



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report Z-72-22-8 (Elliot 202 PUD) March 20, 2023

Laveen [Village Planning Committee Meeting](#) Date: March 20, 2023

[Planning Commission](#) Hearing Date: April 13, 2023

Request From: [S-1](#) (Approved [R1-6 PCD](#)) (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community District) (38.45 acres) and [S-1](#) (Approved [R-2 PCD](#)) (Ranch or Farm Residence, Approved Multifamily Residence District, Planned Community District) (27.40 acres)

Request To: [PUD](#) (Planned Unit Development) (65.85 acres)

Proposed Use: Planned Unit Development to allow commercial, commerce park, and multifamily residential

Location: Southeast corner of 59th Avenue and Elliot Road

Owner: Clyde David and Marsha Lou Smith

Applicant: IDM Companies

Representative: Jason Morris, Withey Morris, PLC

Staff Recommendation: Approval, subject to stipulations

General Plan Conformity	
General Plan Land Use Map Designation	Current: Residential 3.5 to 5 dwelling units per acre (38.60 acres) and Residential 5 to 10 dwelling units per acre (27.25 acres)
	Pending (GPA-LV-4-22-8): Mixed Use (Commercial / Commerce/Business Park) (38.60 acres) and Residential 15+ dwelling units per acre (27.25 acre)

<u>Street Map Classification</u>	59th Avenue	Arterial	33-foot east half street
	Elliot Road	Collector	33 to 48-foot south half street
	Carver Road	Minor Collector	15-foot north half street

CONNECT PEOPLE AND PLACES CORE VALUE; CORE, CENTERS AND CORRIDORS; CODES PRINCIPLE: Encourage land uses that promote the growth of entrepreneurs or new businesses in Phoenix in appropriate locations.

The proposed PUD will add employment opportunities and additional housing within the Laveen Village and in close proximity to the Loop 202.

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 will allow for commercial, office, commerce park, and other employment-generating land uses in a location that is appropriate due to its proximity to the Loop 202 Freeway. The proposed housing development will be adjacent to the existing residential uses to the east thus acting as an additional buffer to the commercial and commerce park uses located on the northwest portion of the site.

BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES AND SHADE; DESIGN PRINCIPLE: Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.

The PUD Narrative incorporates enhanced landscaping and shade standards throughout the site that will help to provide shade for pedestrians and mitigate the urban heat island effect by covering hard surfaces thus cooling the micro-climate around the vicinity.

Applicable Plans, Overlays and Initiatives
<u>Laveen Southwest Growth Study</u> : Background Item No. 6.
<u>Housing Plan Phoenix</u> : Background Item No. 7
<u>Complete Streets Guiding Principles</u> : Background Item No. 8.
<u>Comprehensive Bicycle Master Plan</u> : Background 9.
<u>Tree and Shade Master Plan</u> : Background Item No. 10.
<u>Monarch Butterfly</u> : Background Item No. 11.
<u>Zero Waste PHX</u> : Background Item No. 12.

Surrounding Land Uses/Zoning		
	Land Use	Zoning
On Site	Vacant land	S-1 (Approved R1-6 PCD) and S-1 (Approved R-2 PCD)
North (across Elliot Road)	Vacant land, agriculture	R-3 and C-1
South (across Carver Road)	Vacant land	S-1 (Approved R1-8 PCD)
East	Single-family residential	R1-8 and S-1 (Approved R1-6 PCD)
West (across 59th Avenue)	Farm or Ranch Residence and freeway	S-1 (Approved C-2 PCD) and S-1 (Approved R-2 PCD)
West (across Loop 202)	Vacant land	Gila River Indian Reservation jurisdiction

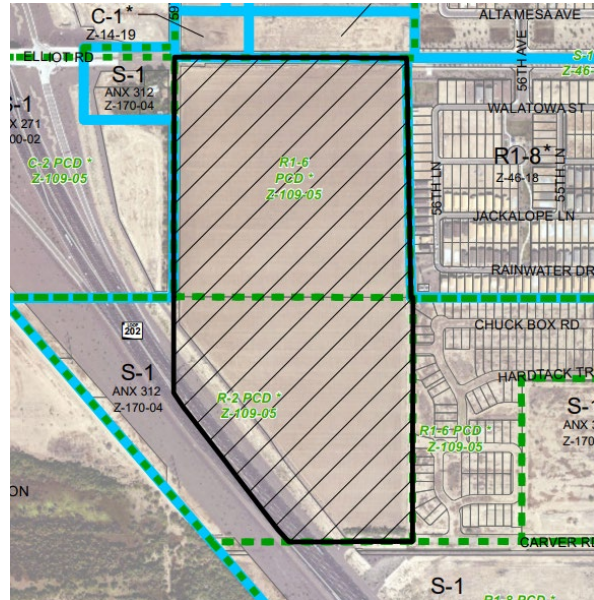
Background/Issues/Analysis

SUBJECT SITE

1. This request is to rezone approximately 65.85 acres located at the southeast corner of 59th Avenue and Elliot Road from S-1 (Approved R1-6 PCD) (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community District) and S-1 (Approved R-2 PCD) (Ranch or Farm Residence, Approved Multifamily Residence District, Planned Community District) to PUD (Planned Unit Development) to allow commercial, commerce park, and multifamily residential development. The subject site is currently used for agriculture.

SURROUNDING LAND USES AND ZONING

2. The proposed PUD will support new commercial, commerce park, and residential uses, within close proximity to the Loop 202 Freeway and along an arterial street (59th Avenue). The property to the north, across Elliot Road, is currently agricultural land zoned R-3 and C-1 and allows similar uses proposed in the Development Narrative of this case. To the east is a single-family residential subdivision zoned R1-8 (Single-Family Residence District) and S-1 (Approved R1-6 PCD) (Ranch or Farm Residence, Approved Single-Family Residence District, Planned Community District). Furthermore, to the south, across Carver Road, is vacant land zoned S-1 (Ranch or Farm Residence). A ranch residence is located to the west, across 59th Avenue zoned S-1 (Approved C-2 PCD) (Ranch or Farm Residence, Approved Intermediate Commercial, Planned Community District). The freeway right-of-way is also located to the west and is zoned S-1 (Approved C-2 PCD and R-2 PCD). Beyond the freeway is vacant land within the Gila River Indian Reservation.

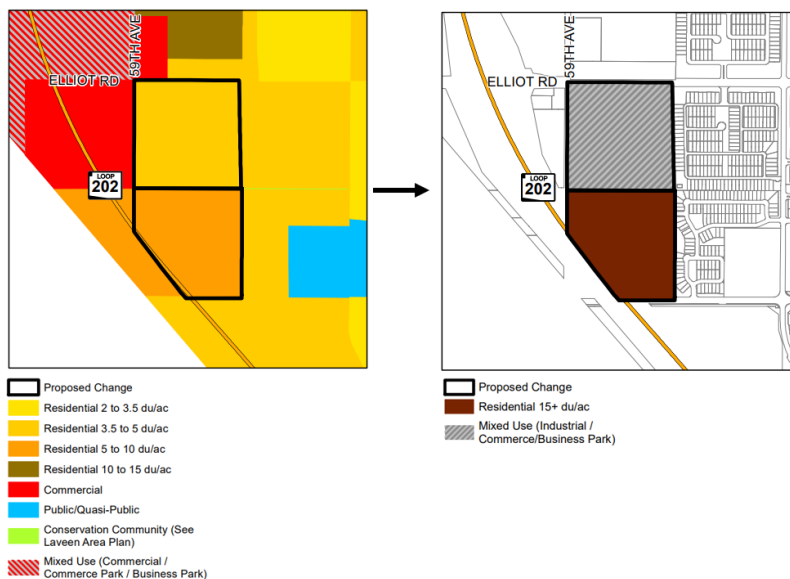


Existing Zoning Aerial Map
Source: Planning and Development Department

GENERAL PLAN LAND USE MAP DESIGNATION

3. The subject site has two General Plan Land Use Map designations. The north portion of the site is designated Residential 3.5 to 5 dwelling units per acre. The south portion of the subject site is designated Residential 5 to 10 dwelling units per acre. To the east, the designation is Residential 3.5 to 5 dwelling units per acre. To the north of the site, the designation is Residential 3.5 to 5 dwelling units per acre and Commercial. To the west, the designation is Residential 5 to 10 dwelling units per acre and Commercial. To the south of the site, the designation is Residential 3.5 to 5 dwelling units per acre.

A concurrent minor General Plan Land Use Map amendment case, GPA-LV-4-22-8, is proposed to change the land use map designation to Mixed Use (Commercial / Commerce/Business Park) for the north portion and Residential 15+ dwelling units per acre for the south portion. The requested PUD zoning is consistent with the proposed General Plan Land Use Map designations.



General Plan Land Use Map

Source: City of Phoenix Planning and Development Department

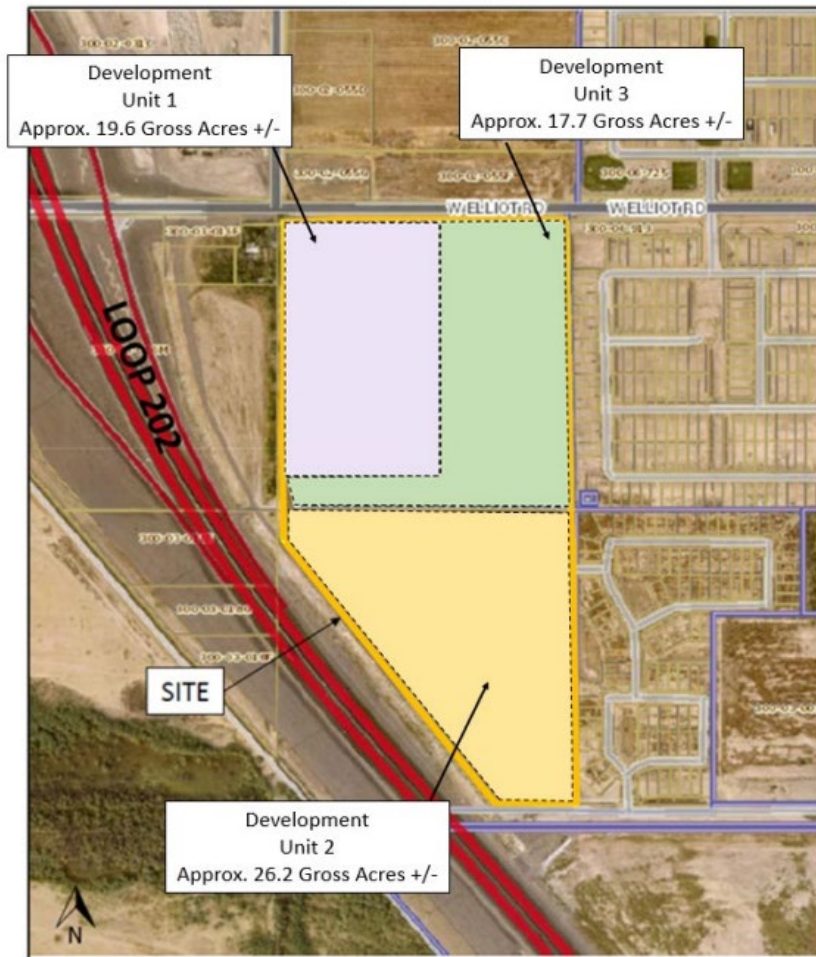
PROPOSAL

4. The proposal was developed utilizing the PUD zoning district. The Planned Unit Development (PUD) is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

5. Below is a summary of the proposed standards for the subject site as described in the attached PUD Development Narrative date stamped March 9, 2023. The proposed standards were designed to allow commercial, commerce park, and multifamily residential uses that offer the flexibility to develop uses that would generate employment and housing within the Laveen Village.

Conceptual Development Plan

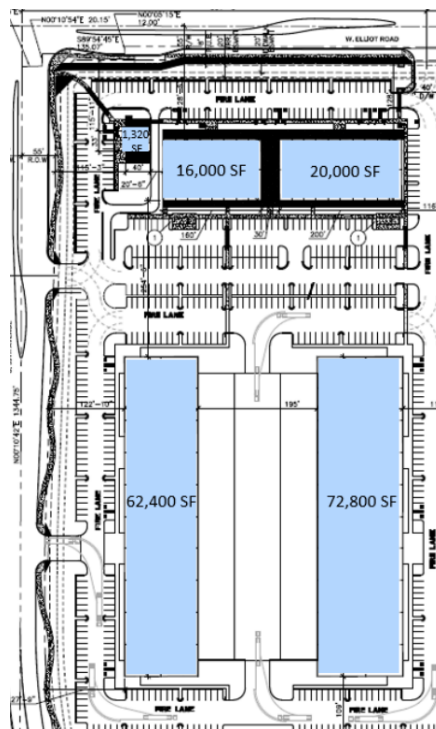
This PUD proposes three development units (DU) as shown in the figure below. DU 1 is the commercial/commerce park portion of the development proposed at the immediate intersection of 59th Avenue and Elliot Road. DU 2 is multifamily residential development proposed on the south portion of the site and DU 3 is lower intensity multifamily residential development proposed on the north portion of the site and between DUs 1 and 3.



Development Units
Source: Elliott 202 PUD Narrative

Development Unit 1 proposes two large buildings oriented north to south. The loading and unloading docks would be located centrally between the two buildings. As a result, the loading docks would have limited visibility along the adjacent roads. Enhanced landscaping is proposed on all four sides of the proposed development to further limit the visibility of the loading docks. Commercial development is proposed and oriented towards Elliot Road. Development Unit 1 will have access to both adjacent public streets for customers and employees.

Development Unit 2 proposes multifamily uses with a range of three- and four-story buildings. The proposed three-story buildings would be located to the east, adjacent to the single-family residential subdivision. This will act as a buffer between the single-family residential uses and four story multifamily residential uses.



Unit 1 Site Configuration
Source: Deutsch Architect Group

Finally, Development Unit 3 proposes single-story multifamily uses that would wrap around Development Unit 1. The proposed multifamily use will consist of single-story buildings that are designed as single-family homes. The proposed single-story multifamily use will act as a buffer between the existing single-family subdivision to the east and the commercial, retail, office, and commerce park uses located on Development Unit 1.

Staff recommends Stipulation Nos. 1.a., 1.g. 1.h., 1.k.,1.l., and 1.o. to further clarify the development standards within the proposed PUD including section labeling, building setbacks, and separation standards.

List of Uses

The Development Narrative proposes several permitted uses including those listed in the C-2 (Intermediate Commercial) and CP/GCP (Commerce Park/General Commerce Park) zoning districts in Development Unit 1.

The Development Narrative also proposes restricting certain uses that are inconsistent with the vision for the site such as marijuana dispensary, tobacco-oriented retailer, motels, and hotels.

Development Unit 2 and 3 are limited to multifamily residential use.

Staff recommends Stipulations Nos. 1.b. through 1.d. to reinforce the types of uses that are permitted within the PUD, update performance criteria and update the language for clarity.

Development Standards

The PUD development narrative proposes development standards based on the R-3A and CP/GCP zoning districts. However, some standards vary from the R-3A and CP/GCP standards in relation to building height and setbacks.

Development Standard	Unit 1	Unit 2	Unit 3
Maximum Density/Units	0	484	11 dwelling units per gross acre
Minimum Building Setbacks			
North	30 feet	25 feet	30 feet
South	30 feet	20 feet	25 feet
East	50 feet	30 feet	25 feet
West	30 feet	20 feet	20 to 25 feet
	Shade structures for parking can encroach 5 feet into the building setback		
Minimum Landscape Setbacks			
North	30 feet	25 feet	10 to 30 feet
South	10 feet	20 feet	5 feet
East	35 feet	20 feet	25 feet
West	30 feet	20 feet	20 to 25 feet
Maximum Building Height	35 feet	3 stories / 40 feet	1 story / 20 feet
Maximum Lot Coverage	50%	50%	50%
Open Space & Amenity Standards	5% of net area	15% of gross area	10% of gross area

The proposed lot coverage of 50% is consistent with the standards in CP/GCP zoning district. The proposed building and landscape setbacks exceed the standards in the CP/GCP zoning district. The proposed open space for Development Unit 2 and 3 exceed the standards in the R-3A zoning district. Stipulations are recommended to limit the overall number of units for the site to 700. This is addressed in Stipulation Nos. 1.g and 1.k.

Landscape Standards

The PUD proposes enhanced landscape setbacks along all street frontages, especially along Elliot Road and 59th Avenue. These areas will incorporate a mixture of two-inch, three-inch, and four-inch caliper trees. The landscaping will provide for a pedestrian-friendly environment with 75 percent shade on all public sidewalks, exceeding the minimum requirements of the Zoning Ordinance. In addition to the trees, the developer shall install a minimum of five, five-gallon drought-tolerant shrubs per tree.

Parking Standards

The PUD proposes to comply with the Zoning Ordinance minimum parking standards per Section 702 for Development Unit 1 and required 1.75 spaces per unit for Development Units 2 and 3. The PUD would also require bicycle parking to be provided at a rate of 0.25 bicycle spaces per residential unit with a maximum of 50 spaces for Development Units 2 and 3. Development Unit 1 would also require one space per 50 vehicular parking spaces for up to 10 spaces per building. The PUD Development Narrative also includes a requirement for a minimum of 20 EV charging stations throughout the entire site. Staff recommends the addition of Stipulation Nos. 1.e., 1.j., and 1.n. to further reinforce the EV parking standards within the PUD.

Design Guidelines

The Development Narrative includes design standards that enhance the frontage of the proposed buildings. All building facades facing a public street will have enhanced architectural features such as three building materials and/or colors and shall contain building offsets and recesses. Furthermore, a minimum of two historically appropriate building materials such as river run stone, field stone, common brick, and brick veneer shall be incorporated into the facades, screen walls, and other site features. The design guidelines section also includes requirements for walls/fences, landscaping, and site design.

Fences/Walls

All fences and walls will adhere to the Zoning Ordinance requirements per Section 703. An eight-foot screen wall is required between Development Unit 1 and 3. View fencing is required for the multifamily developments along public streets. The proposed PUD will also require wrought iron, tubular steel, or a similar material when security fences are located 75 feet from a public street. The fence requirements are comparable to the Zoning Ordinance standards with some minor enhancements.

Shade

The Development Narrative requires a minimum of 75 percent shade cover be provided over public sidewalks. The required shade standards along public sidewalks exceed the Zoning Ordinance requirements.

Signage

The PUD Narrative includes allowance for off-premise signs in conformance with Section 705 and 705.2 of the Phoenix Zoning Ordinance. Section 705.2 permits for installation of off-premise signs along the State Route (Loop) 202 Ed Pastor Freeway between Interstate 10 and up to 2,000 feet from the boundary of the South Mountain Preserve.

The Zoning Ordinance only permits off-premise signs to be on property zoned A-1 Light Industrial, A-2 Industrial District, or PUD. The subject site meets the locational criteria and if approved, the PUD would be permitted district for the off-premise signs to be installed.

Sustainability

The Development Narrative proposes several options to incorporate sustainability principals. Below is a highlight of some of the provisions:

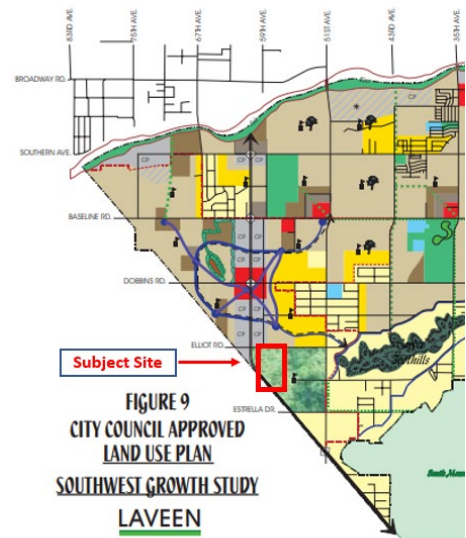
- No less than 20 electric charging stations shall be provided throughout the PUD;
- Enhanced landscape buffers along the site's arterial frontages; and
- Minimum shade requirements for sidewalks, pedestrian paths, parking lots and open space.

Staff recommends the addition of Stipulation No. 1.p. to move recycling standards to the Developer Goal section.

AREA PLANS, OVERLAY DISTRICT, AND INITIATIVES

6. Laveen Southwest Growth Study

The site is located within the boundaries of the Laveen Southwest Growth Study, which was developed in 1997 to analyze the existing conditions of the Laveen Village and provide a land use and design planning framework to help shape the growth that Laveen was starting to experience, while accounting for newly annexed farmland as well as the future development of the South Mountain Freeway Loop, which has since been completed. This plan designates the project site Conservation Community. Although not consistent with the designation, recent land use trends in the area, including the development of the Loop 202 Freeway, point to a land use mix that is primarily employment and housing focused. This development would be consistent with this trend.



LEGEND	
0-1 DU/ACRE	PARKS/OPEN SPACE
0-2 DU/ACRE	CONSERVATION COMMUNITY
2-5 DU/ACRE	SCHOOL
5-10 DU/ACRE	WATER COURSE/MULTI-USE TRAIL
10-15 DU/ACRE	PARKWAY
COMMERCIAL	PLANNED COMMUNITY
COMMERCE PARK	MULTI-USE TRAIL
PUBLIC/QUASI-PUBLIC	Existing Sand & Gravel to transition to Residential
HILLSIDE	OPEN SPACE FEATURE

Laveen Southwest Growth Study Land Use Map

Source: Planning and Development Department

The Laveen Southwest Growth Study also outlines specific design policies and standards for various types of development that will enhance Laveen's built environment while remaining respectful of its agricultural heritage. The study encourages all new development to use durable, high quality building materials and to provide enhanced building design that will contribute to the character of the area. The proposed Development Narrative will require a variety of building materials on future buildings within this site and also proposes retail and commercial uses along Elliot Road.

7. Housing Phoenix Plan

In June 2020, the Phoenix City Council approved the Housing Phoenix Plan. This Plan contains policy initiatives for the development and preservation of housing with vision of creating a stronger and more vibrant Phoenix through increased housing options for residents at all income levels and family sizes. Phoenix's rapid population growth and housing underproduction has led to a need for over 163,000 new housing units. Current shortages of housing supply relative to demand are a primary reason why housing costs are increasing.

The proposed development supports the Plan's goal of preserving or creating 50,000 housing units by 2030 by contributing to a variety housing types that will

address the supply shortage at a more rapid pace while using underutilized land in a more sustainable fashion.

8. **[Complete Streets Guiding Principles](#)**

In 2014, the Phoenix City Council adopted the Complete Streets Guiding Principles. The principles are intended to promote improvements that provide an accessible, safe, and connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. Detached sidewalks will be provided along street frontages to promote a safe pedestrian atmosphere. The Development Narrative requires that pedestrian pathways will visually contrast the drive aisles.

9. **[Comprehensive Bicycle Master Plan](#)**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its bikeway system and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of Destinations. The Development Narrative requires bicycle parking of all Development Units.

10. **[Tree and Shade Master Plan](#)**

The Tree and Shade Master Plan has a goal of treating the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. In addition, a vision in the master plan is to raise awareness by leading by example. The Development Narrative requires a minimum of 75 percent shade on all adjacent public sidewalks, in addition to larger tree sizes. These standards exceeds the minimum Zoning Ordinance requirements and will ensure a comfortable pedestrian experience.

11. **[Monarch Butterfly](#)**

In April 2021, Mayor Kate Gallego signed the [National Wildlife Federation's Mayor's Monarch Pledge](#). This pledge commits the city to take action to support the monarch butterfly population. In the United States, loss of milkweed habitat is a major factor in the decline of the monarchs. Arizona has at least 29 species of milkweed native to the state. Adult monarchs feed on the nectar of many flowers, but they breed only where milkweeds are found. To support the monarch butterfly population, the PUD narrative addresses the planting of milkweed shrubs, or other native nectar plant species, on the subject site.

12. **[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. Section 716 of the Phoenix Zoning Ordinance establishes standards to encourage the provision of recycling containers for multifamily, commercial, and mixed-use developments meeting certain criteria. The PUD narrative promotes trash and recycling receptacles on site.

COMMUNITY INPUT SUMMARY

13. As of the writing of this report, staff has received 12 letters of opposition to this rezoning application. The stated concerns are the loss of scenic views, traffic congestion, light pollution, high-density housing, and proposed height for off-premise signage.

INTERDEPARTMENTAL COMMENTS

14. The Fire Department indicated there are no problems anticipated with the case and that the site and/or buildings shall comply with the International Fire Code with Phoenix Amendments. Further, the Department commented that water main extensions would be necessary for the subject site.
15. The Street Transportation Department has indicated that the developer will be required to underground existing electrical utility within the public right-of-way as well as all irrigation facilities, and requires that all street improvement be made to City and ADA standards. Furthermore, the Street Transportation Department is requiring that the developer follow the Tierra Montana Master Street Plan and submit a Traffic Impact Study for the proposed development. This is addressed in Stipulation Nos. 2 through 9.
16. The Parks and Recreation Department has reviewed the proposed development and has requested the following: Dedication of a 30-foot-wide multi-use trail easement (MUTE) with a 10 foot-wide multi-use trail (MUT) built along the south side of Olney Avenue; and a 20-foot-wide shared-use pathway easement (SUPE) with a 10-foot-wide shared-use-pathway (SUP) built along the east side of 59th Avenue. These are addressed in Stipulation No. 10 and 11. Staff recommends the addition of Stipulation Nos. 1.f., 1.i. and 1.m. to clarify the dimensions of the shared-used path and the shared-use path easement within the narrative.
17. The City of Phoenix Aviation Department has indicated that due to the proximity of the Goodyear Airport and potential for noise from airport related activity, a stipulation is recommended to require documents to disclose the existence and operational characteristics of the Phoenix Goodyear Airport to future owners or tenants of the property. This is addressed in Stipulation No. 12.

OTHER

18. The site has not been identified as being archeologically sensitive. However, 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 No. 13.
19. 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. 14.

20. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements such as obtaining a use permit to conduct the proposed outdoor use in this zoning district. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The proposed development is compatible with the existing land use pattern in the area and is consistent with the proposed General Plan Land Use Map designation of Mixed Use (Commercial/ Commerce/Business Park) and Residential 15+ dwelling units per acre.
2. The proposed development contains enhanced standards that will result in a more walkable, shaded and pedestrian-friendly environment. The development will provide increased shade which will help to reduce the urban heat island effect.
3. The proposal will provide additional employment options, commercial services, and housing opportunities within the Loop 202 Freeway corridor.

Stipulations

1. An updated Development Narrative for the Elliot 202 PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped March 9, 2023, as modified by the following stipulations.
 - a. Front Cover, add “City Council adopted: [Insert Adoption date]”
 - b. Page 7, Section C. List of Uses, Development Unit 1, Prohibited Uses: Remove “Publicly operated buildings or properties” from this list.
 - c. Page 7, Section C. List of Uses, Development Unit 1, Prohibited Uses: Add “Multifamily residential.”
 - d. Page 7, Section C. List of Uses, Development Unit 1, Performance Criteria for Distribution Uses, modify this section as follows:

No distribution and large-scale wholesale facilities are permitted as a primary use for a time period of 4 years from the date of rezoning approval.

* For the purposes of this PUD, “large-scale wholesale” is defined

as wholesale as a primary use for an individual user occupying more than 50% of any individual building.

- e. Page 9, Development Standards – Development Unit 1, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations. 2% of Required Parking. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).
- f. Page 9, Development Standards – Development Unit 1, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.
- g. Page 13, Development Standards – Development Unit 2, Maximum Density, Add the following:

Maximum 700 units for the overall PUD area
- h. Page 13, Development and Landscape Standards for Development Unit 2: Add the header “Development Standards – Development Unit 2” before development standards table.
- i. Page 13, Development Standards – Development Unit 2, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.
- j. Page 14, Development Standards – Development Unit 2, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations: 2% of Required Parking. Minimum Percentage of EV Capable spaces: 5%. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).
- k. Page 16, Development Standards – Development Unit 3, Maximum Density, Add the following:

Maximum 700 units for the overall PUD area.
- l. Page 16, Development and Landscape Standards for Development Unit 3: Add the header “Development Standards – Development Unit 3” before the development standards table.

- m. Page 17, Development Standards – Development Unit 3, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.
 - n. Page 17, Development Standards – Development Unit 3, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations: 2% of Required Parking. Minimum Percentage of EV Capable spaces: 5%. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).
 - o. Page 16, Development Standards – Development Unit 3, Building Setbacks, modify the South (Adjacent to Unit 2) to 15 feet.
 - p. Page 26, Section G. Sustainability, 1. City Enforced Standards, move the third bullet point related to recycling to the Developer Goal section.
2. Page 27, Circulation Systems: Remove “future development to dedicate and construct all typical half street right-of way and roadways necessary to serve the development”.
 3. The developer shall dedicate right-of-way and construct the south side of Elliot Road from 55th Avenue to the 202 Freeway, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
 4. The developer shall dedicate right-of-way and fully construct 59th Avenue, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
 5. The developer shall dedicate right-of-way and fully construct Carver Road, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
 6. The developer shall submit a Traffic Impact Study including a signal warrant analysis for this development at the intersection of 59th Avenue and Elliot Road. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the city. The developer shall be responsible for cost and construction of traffic signal or If traffic signal is not warranted upon opening, the developer will be required to provide 50% contribution toward the traffic signal in an escrow account to the Street Transportation Department, as required by the approved traffic impact study.
 7. The developer shall submit a sight distance analysis for all driveways located

along 59th Avenue. Sight distance must comply with the Street AASHTO requirements and Transportation Departments Planning and Design Manual and as approved by the Street Transportation Department.

8. Existing irrigation facilities along public streets are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility.
9. 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.
10. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along Carver 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.
11. A 20-foot-wide shared-use path easement (SUPE) shall be dedicated along the east side of 59th Avenue and a minimum 10-foot-wide shared used path (SUP) shall be constructed within the easement in accordance with the MAG supplement detail and as approved by the Planning and Development Department.
12. The property owner shall record documents that disclose the existence, and operational characteristics of Goodyear 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.
13. In the event archeological 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 Archeologist, and allow time for the Archeology Office to properly assess the materials
14. 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

Nayeli Sanchez Luna

March 20, 2023

Team Leader

Racelle Escolar

Staff Report: Z-72-22-8

March 20, 2023

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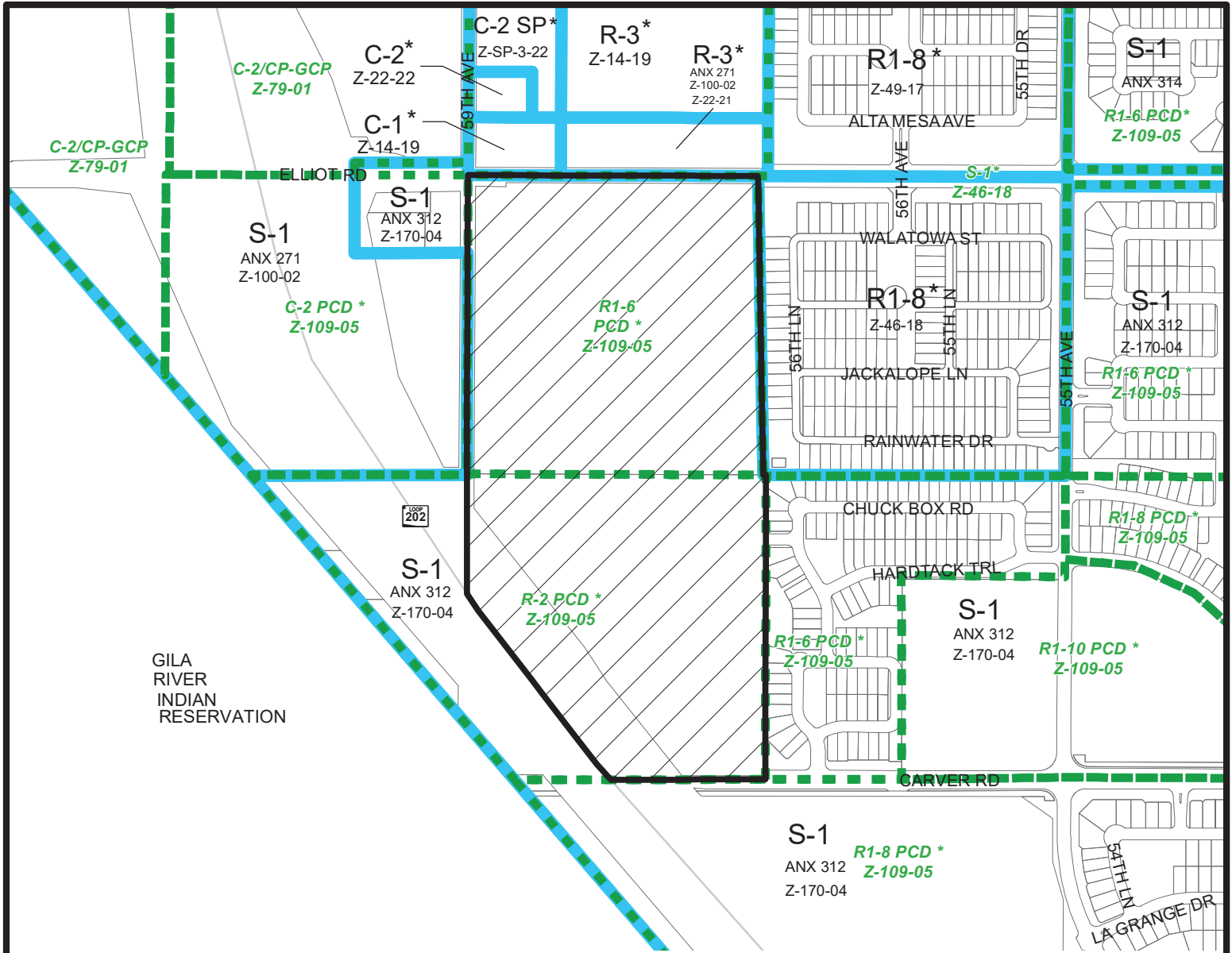
Exhibits

Sketch Map

Aerial Map

[Elliot 202 PUD Narrative](#) date stamped March 9, 2023

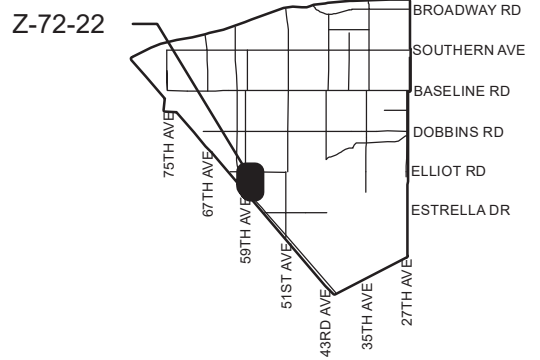
Correspondence (20 pages)



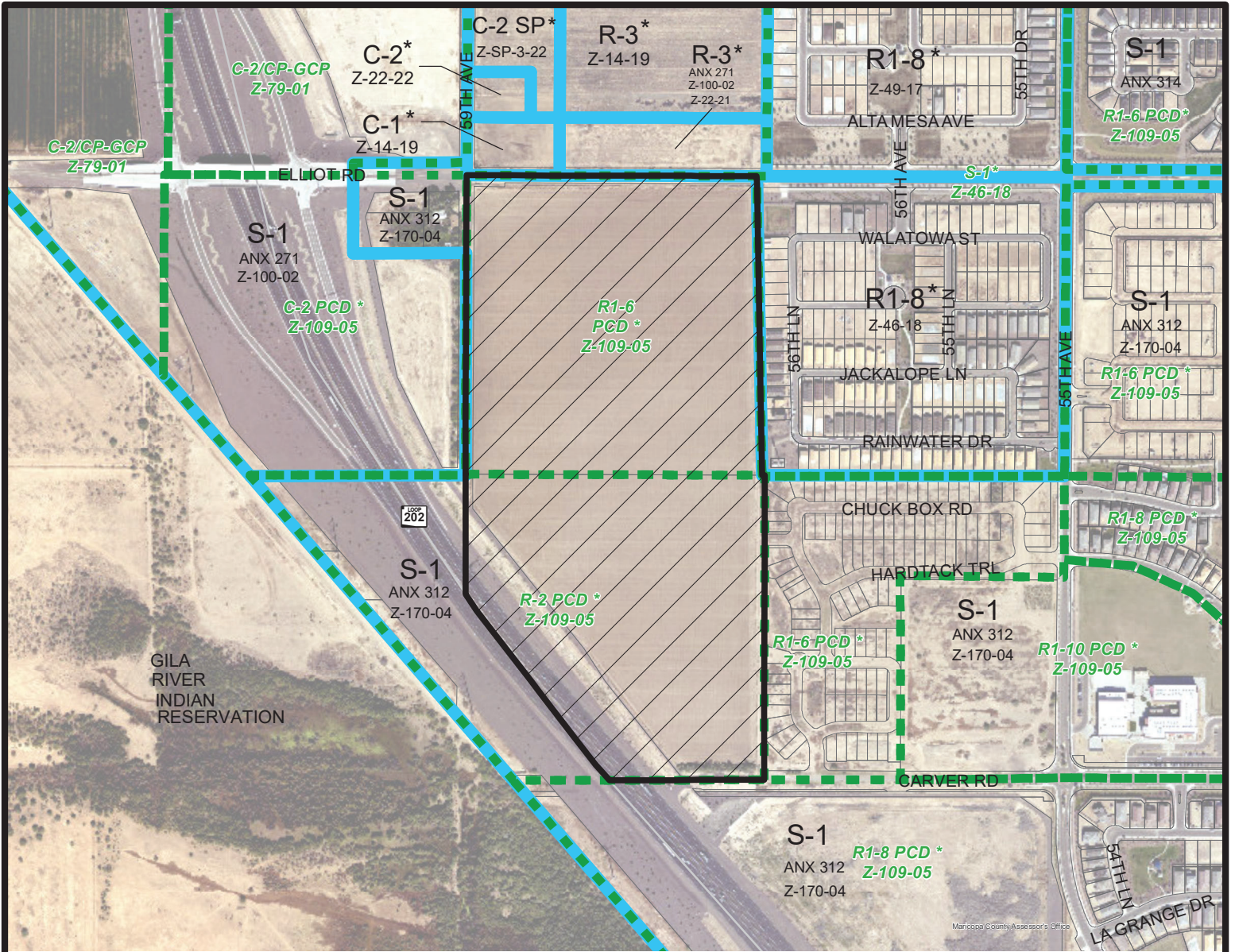
GILA RIVER INDIAN RESERVATION



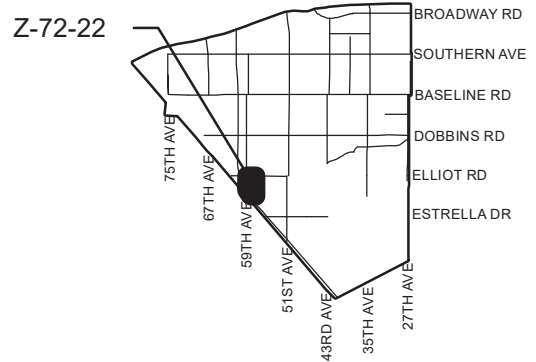
LAVEEN VILLAGE
CITY COUNCIL DISTRICT: 8



APPLICANT'S NAME: IDM Companies		REQUESTED CHANGE: FROM: S-1 (Approved R1-6 PCD) (38.45 a.c.) S-1 (Approved R-2 PCD) (27.40 a.c.)	
APPLICATION NO. Z-72-22	DATE: 10/27/2022 REVISION DATES:	TO: PUD (65.85 a.c.)	
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. 65.85 Acres	AERIAL PHOTO & QUARTER SEC. NO. QS 05-15 ZONING MAP C-5		
MULTIPLES PERMITTED S-1 (Approved R1-6 PCD) S-1 (Approved R-2 PCD) PUD	CONVENTIONAL OPTION 38 (204), 27 (274) 460	* UNITS P.R.D. OPTION N/A (250), N/A (329) N/A	
* Maximum Units Allowed with P.R.D. Bonus			



LAVEEN VILLAGE
CITY COUNCIL DISTRICT: 8



APPLICANT'S NAME: **IDM Companies**

APPLICATION NO. **Z-72-22**

DATE: **10/27/2022**
REVISION DATES:

GROSS AREA INCLUDING 1/2 STREET
AND ALLEY DEDICATION IS APPROX.

65.85 Acres

AERIAL PHOTO &
QUARTER SEC. NO.
QS 05-15

ZONING MAP
C-5

REQUESTED CHANGE:
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TO: **PUD (65.85 a.c.)**

MULTIPLES PERMITTED
S-1 (Approved R1-6 PCD)
S-1 (Approved R-2 PCD)
PUD

CONVENTIONAL OPTION
38 (204), 27 (274)
460

*** UNITS P.R.D. OPTION**
N/A (250), N/A (329)
N/A

* Maximum Units Allowed with P.R.D. Bonus

From: [Rohit Singh](#)
To: stephanie@witheymorris.com; [Enrique A Bojorquez-Gaxiola](#)
Subject: Feedback regarding IDM's plans for 51ST & ELLIOTT / 59TH & ELLIOTT IN TIERRA MONTANA
Date: Tuesday, November 29, 2022 7:26:42 PM

Hi,

I was at the neighborhood meeting for 51ST & ELLIOTT / 59TH & ELLIOTT in Tierra Montana where I met representatives from IDM and learned about there plans for -

- (i) Southwest Corner of 63RD AVE & DOBBINS (“Site 1”);
- (ii) Southeast Corner of 59TH AVE & ELLIOT (“Site 2”); and
- (iii) Southwest Corner of 51ST AVE & ELLIOT (“Site 3”).

I wish to raise concerns about the high density, multifamily development and commercial/warehouse development that is proposed for Site 2 - Southeast Corner of 59TH AVE & ELLIOT.

Commercial retail would be great on this site but a warehouse with bays for semi trucks does not sound like a good plan for this project. There are single family homes around this area as well as a school so having commercial warehouse just a block away is not the best choice. It does not fit into how this area is getting developed as a quiet neighborhood for families with a school nearby.

Also, having multi family homes in this neighborhood will lead to congestion and does not fit with the character of the neighborhood.

I would suggest changing this to commercial retail and single family home or single family rentals like at site 3. Commercial retail is much needed in this area as we have to go all the way to Ahwatukee for restaurants, kids activity and stores like Hobby Lobby, Gymnastic classes, Aqua tot/ swim lessons etc.

Please register these as my feedback for the proposed development by IDM for site 2.

Thanks,
Rohit Singh
Taylor Morrison - Tierra Montana Community

From: [PDD Long Range Planning](#)
To: [Nayeli Sanchez Luna](#); [Enrique A Bojorquez-Gaxiola](#)
Subject: FW: concerns about the new 202 & Dobbins proposal
Date: Thursday, December 15, 2022 7:04:26 PM
Attachments: [Elliott and 202.pdf](#)

Thank you,

Sarah Stockham
Planner III
City of Phoenix Planning and Development Department
200 West Washington Street, 3rd Floor
Phoenix, Arizona 85003
Phone: 602-261-8701
sarah.stockham@phoenix.gov

From: Patrick Nasser-Taylor <patrick.bryan.taylor@gmail.com>
Sent: Thursday, December 15, 2022 6:44 PM
To: PDD Laveen VPC <laveenvpc@phoenix.gov>; PDD Long Range Planning <pdd.longrange@phoenix.gov>
Subject: concerns about the new 202 & Dobbins proposal

Good evening,

I attended the meeting on Monday and I have a few concerns that I am not sure were addressed, although, I did have to leave early.

It was mentioned that the new development would add an apartment complex along with the shopping/commercial use. However, the presenter failed to mention other projects that are also in the works (see attached files and link) that will significantly add to the density and traffic of this small community here in Laveen.

The following are the proposals that I know of that are being planned. I am sure that there are more, but this is the list I know of so far.

1. The Gila Foothills PUD proposal will convert 24 acres of commercial land into 270 acres of commercial land with use ranging from commercial, to residential, to resort/resort residential. Looking at their proposal, it looks like there will be 29.5 acres of high density residential and 31.8 acres of resort residential. I have a feeling that I am missing some residential uses in this plan as I believe that they stated that some of the commercial acreage would be mixed use between business and apartments. I am unaware of the total increase in residential units for this plan.

<https://www.gilafoothillspud.com/> [[gilafoothillspud.com](https://www.gilafoothillspud.com/)]

2. The LIV South Mountain proposal (see attached) would add 336 units of apartment space directly south of the proposal that was discussed on Monday. This will have two very large apartment

complexes directly adjacent to each other.

3. The Elliott 202 PUD proposal (see attached) will add 456 apartment units and a 36 foot tall warehouse in what is now a cornfield and directly behind my home. It will completely obstruct the gorgeous view of the Estrella's that everyone in our community and the surrounding communities currently enjoy.

4. The Dobbins 202 PUD proposal (see attached) will add a massive warehouse complex.

5. Finally, the 51st and Elliott proposal (see attached), will add 121 rental homes in a very dense piece of land, surrounded by new communities that currently have more spacious properties on them.

Items 3, 4 and 5 are all being planned by the same developer. They intend to get all three proposals on the same agenda to submit together.

I am concerned mainly because I am not entirely sure whether all of these additional proposed sites are being considered and scrutinized between each other. This will add a significant population growth to the area and not all of them align with the current use of the surrounding neighborhoods.

I hope these can all be looked at and addressed.

Thank you,
Patrick Nasser-Taylor

[Dobbins 202.pdf \[drive.google.com\]](#)

[51 and Elliott.pdf \[drive.google.com\]](#)

From: [Enrique A Bojorquez-Gaxiola](#)
To: [Enrique A Bojorquez-Gaxiola](#)
Subject: RE: Items 9 and 10, GPA-LV-4-22-8 (Companion Case Z-72-22-8)
Date: Monday, March 13, 2023 2:46:33 PM

From: Tracy Smith <tracyb19@aim.com>
Sent: Friday, February 10, 2023 1:44 PM
To: PDD Long Range Planning <pdd.longrange@phoenix.gov>
Subject: Items 9 and 10, GPA-LV-4-22-8 (Companion Case Z-72-22-8)

Hello,

I am a resident of Tierra Montana. I am writing today with concerns over the plans for the area near 59th avenue south of Elliot and north of Carver. With apartments being requested for 51st avenue and baseline (item 6 - Z-75-22-8). It doesn't make sense to have an even larger, nearly triple in size apartment complex along with casita style rental homes just north of it. There is no public transportation south of Dobbins, are there plans to extend public transportation? The amount of traffic that will be forced through these residential areas will be extremely excessive there is a school at 51st and Carver with a round about directing the traffic. How is non-stop, high density traffic, safe for a school zone?

Please consider density in this very limited egress area along with the lack of transportation resources. This land would be better suited as commercial and non residential or at least lower density residential.

Please help us keep our children safe by limiting the dwelling size.

Thank you,
Tracy Smith

[Sent from the all new AOL app for Android \[play.google.com\]](#)

Nayeli Sanchez Luna

Subject: FW: 6 (GPA-LV-4-8) & 7 (Z-72-22-8)

-----Original Message-----

From: Sanjiv Wadhwa <wadhwasanjiv2@gmail.com>
Sent: Saturday, March 18, 2023 6:23 PM
To: PDD Long Range Planning <pdd.longrange@phoenix.gov>
Subject: 6 (GPA-LV-4-8) & 7 (Z-72-22-8)

Mountain View's

We resident hereby object to the 40ft tall 3 story multi family development which far exceeds the density of the area and will eliminate our Mountain View. Reduce the height to 2 story, aligning it with other multi family projects and maintain our views.

The 45 ft tall digital billboards that operate from 6 am-midnight. Reduce the height to 30ft, restrict hours from 6am-10pm, require illumination reduction after sunset.

Thanks,

Rekha & Sanjiv Wadhwa
11110 S -56th Lane
Laveen- AZ 85339
Cell No: 724-681-8818

Sent from my iPhone

Nayeli Sanchez Luna

Subject: FW: LVPC Public Hearing 3/20/23-Agenda Item 6. GPA-LV-4-22-8

From: Thomas Nasser-Taylor <tnasser21@gmail.com>

Sent: Saturday, March 18, 2023 6:48 PM

To: PDD Long Range Planning <pdd.longrange@phoenix.gov>; PDD Laveen VPC <laveenvpc@phoenix.gov>

Subject: LVPC Public Hearing 3/20/23-Agenda Item 6. GPA-LV-4-22-8

Laveen Village Planning Committee,

I am not sure if I am bound by the same conflict of interest as my husband, however I would like to make my contribution to this conversation if I am allowed.

When my husband and I were looking for houses to move to I was skeptical about moving to the west valley as I am more familiar with the east valley communities. However I still remember the first time we drove over the pass on the 202 freeway and we drove into Laveen. We both looked at each other and immediately knew that this was the right place for us to settle down and start our family. We fell in love with the majestic views and the suburban life.

First, I would like to recognize that we truly appreciate IDM acknowledging that their five story warehouse was not appropriate next to our community. I also recognize that there is probably some financial loss by making this change, but it does respect the fact that virtually nowhere else is there industrial next to single family residential. What I would like to address is my concern for respecting the dignity and the concerns of my neighbors as well as my future neighbors in the Tierra Montana community that have no knowledge of this project as their community is still being developed. We fell in love with these majestic mountains and I am confident that the future homeowners at Tierra Montana fell in love with the same views that southern Laveen currently offers.

We are not asking to eliminate multi-family communities, we simply want them to reflect Laveen and we chose Laveen due to the small town feel and views. Reducing the height of these buildings to two stories aligns it with the rest of Laveen and maintains the view of the Estrella's. I would ask that you consider a stipulation that the multi-family complex not exceed two stories.

Please respect the requests of your fellow Laveeners.

--

Sincerely,

Thomas Nasser-Taylor

Nayeli Sanchez Luna

Subject: FW: 6 (GPA-LV-4-22-8) & 7 (Z-72-22-8)

From: Danielle Younkin <goguenda@gmail.com>

Sent: Sunday, March 19, 2023 4:15 PM

To: PDD Long Range Planning <pdd.longrange@phoenix.gov>

Subject: 6 (GPA-LV-4-22-8) & 7 (Z-72-22-8)

To Whom It May Concern,

I am writing to inform you that I oppose both proposals.

First, the 40ft tall 3 story multi family development, which far exceeds the density of the area and will eliminate my mountain views. I propose the solution be to reduce the 3 stories to two-story, aligning it with the other multifamily projects in the surrounding areas and maintaining the Ellison Trails view.

Secondly, a 45 foot tall digital billboard that operates from 6 AM to midnight, I oppose. The solution should be to reduce the height to 30 feet and restrict the hours from 6 AM to 10 PM and require illumination reduction after sunset. We already live close to the highway we don't need a reminder.

Hundreds of families relocated themselves to the Laveen areas because of a close proximity to the mountains and to the quiet neighborhoods outside of Phoenix. By adding the 3 story apartment complex you prohibit the views for families- which again is the primary reason we bought out here. And some of us paid for our premium lot- I bought into this area because of the views and you are taking that away from us.

Concerned citizen,

Danielle N Younkin
5617 W Rainwater Dr
Laveen, AZ 85339

--

Danielle N Goguen
11609 W Lincoln St
Avondale, AZ 85323
(210)286-8031
goguenda@gmail.com

Nayeli Sanchez Luna

Subject: FW: SE corner of 202 and Elliot

From: Liz Hosmer <lizhosmer@yahoo.com>

Sent: Sunday, March 19, 2023 10:19 AM

To: PDD Long Range Planning <pdd.longrange@phoenix.gov>

Subject: SE corner of 202 and Elliot

To Whom It May Concern,

I am writing you to let you know I STRONGLY oppose the plan to develop the SE corner of 202 and Elliot with 3 story apartment buildings. I am absolutely appalled that the Village would even be entertaining anything that would take away our beautiful views of the Estrella mountains.

We moved here in 2021 and specifically picked Laveen because apartments we not a thing in Laveen. We also chose our specific lot because of the views of both South Mountain and the Estrellas. We were told NOTHING but houses would be built around us. It leaves a very bad taste in our mouths to know the Village is choosing a deep pocketed developer over their fellow Laveeners! I would like to suggest that if you are going to allow Corporate Greed into our community, at the very least, limit the height on the apartments to no more than 2 stories. This would at least fall in line with the two story homes in the adjacent neighborhoods. Please understand, these new neighborhoods bring a much needed middle class and upper middle class to Laveen. By upsetting the residents in these brand new neighborhoods could have a negative economic impact to the community. I know it will change how much I donate to this community and where I choose to spend my money going forward if the proposed plan is approved without requested changes.

I find it very concerning there are members of the village that have vested interests in some of the proposals within this development as money is being dedicated to the parks and schools. Any member that has a conflict should immediately recuse themself from this project. By not doing so, this could put the Village in a very precarious situation and compromise the integrity of the Village.

Lastly, The billboards are beyond ridiculous. You have all these beautiful new homes that sold/sell for 500K-1M and you want to cheapen the neighborhood with an electronic light show everyday and night? Ahwatukee fought this and has not one single billboard! Why is Laveen choosing to give way to these unsightly atrocities? I am seriously questioning the sincerity of the Village to protect Laveen and do what's in the best interest of this community.

I beg you to please stop this nonsense immediately while we still can!!!! The eyes of Laveen are watching the Village memebtrs hard and counting on you to stand up for all of us! DO WHATS RIGHT!!!!

Regards,

Elizabeth Hosmer

Nayeli Sanchez Luna

Subject: FW: 6 (GPA-LV-4-22-8) & 7 (Z-72-22-8)

-----Original Message-----

From: Joshua Younkin <jcyounkin@yahoo.com>

Sent: Sunday, March 19, 2023 4:19 PM

To: PDD Long Range Planning <pdd.longrange@phoenix.gov>

Subject: 6 (GPA-LV-4-22-8) & 7 (Z-72-22-8)

To Whom It May Concern,

I am writing to inform you that I oppose both proposals.

First, the 40ft tall 3 story multi family development, which far exceeds the density of the area and will eliminate my mountain views. I propose the solution be to reduce the 3 stories to two-story, aligning it with the other multifamily projects in the surrounding areas and maintaining the Ellison Trails view.

Secondly, a 45 foot tall digital billboard that operates from 6 AM to midnight, I oppose. The solution should be to reduce the height to 30 feet and restrict the hours from 6 AM to 10 PM and require illumination reduction after sunset. My family and I can hear the highway and see it. We don't need a billboard to remind us further.

Hundreds of families relocated themselves to the Laveen areas because of a close proximity to the mountains and to the quiet neighborhoods outside of Phoenix. By adding the 3 story apartment complex you prohibit the views for families- the Mountain View's is what attracted me to this area. It was a great selling point. And this development design stands to take that away from us. This area was originally designed for single and 2 story homes which goes in-line with the density in the area.

Regards,

Joshua Younkin

Nayeli Sanchez Luna

Subject: FW: Ref. GPA-LV-4-22-8

From: L T Kidd <ltkiddaz@gmail.com>

Sent: Sunday, March 19, 2023 7:30 PM

To: PDD Laveen VPC <laveenvpc@phoenix.gov>; PDD Long Range Planning <pdd.longrange@phoenix.gov>

Subject: Ref. GPA-LV-4-22-8

Item #6 GPA-LV-4-22-8

LVPC -

My partner and I have been very concerned about the recent pop-up of highrise development that are coming into Laveen. We live in a new development along Dobbins that we just moved in to and within days after our move, a three story apartment complex started being built right next to our house. We would still have a view of the mountain if it was only a two story complex. Due to our rapidly decreasing view I have decided that it is time to become a more vocal member of Laveen and stand up for the community.



This evening we decided to take our drone to Ellison Trails to get an accurate representation of what will be lost if this development is built. My partner went into the field and walked 180 feet from the Tierra Montana wall and flew our drone as high as it would go and remain stable. I captured this picture when it was just under 25 feet. We added the line across the picture for reference of what this height alone will do to the viewpoints of these communities. These two neighborhoods will bear the brunt of this change but all of these new developments and the existing homes will also see this atrocity instead of the mountains.



Please do not let them build large apartment complexes !

Nayeli Sanchez Luna

Subject: FW: Ref. GPA-LV-4-22-8

From: L T Kidd <ltkiddaz@gmail.com>

Sent: Sunday, March 19, 2023 1:00 PM

To: PDD Long Range Planning <pdd.longrange@phoenix.gov>

Subject: Ref. GPA-LV-4-22-8

To whom it may concern,

We are begging you to please do NOT approve a four story complex at Elliott and the 202 in Laveen.

We love the country feel of Laveen and the Mountain View's that is why we moved here.

If we Wanted large apartment buildings we could have moved to Tempe, Goodyear, Chandler, Awatukee so many other places in this growing valley.

Please limit the heights to only two stories.

There are many other places they can build taller multi family buildings, Please don't block out country feel and our Mountain View's.

Thank you

L T Kidd

Nayeli Sanchez Luna

Subject: FW: 6. GPA-LV-4-22-8

From: StormTrance <stormtrance@gmail.com>

Sent: Sunday, March 19, 2023 4:17 PM

To: PDD Long Range Planning <pdd.longrange@phoenix.gov>

Subject: 6. GPA-LV-4-22-8

Good evening,

I have just learned that the new Tierra Montana community that I was planning to purchase a home in is now subject to a 3-story apartment complex right behind our future home. I moved my family here from another state that had no scenic views and was just flatlands. We moved here for these gorgeous mountain views and we have just learned that the community we planned to move into is going to lose the views to this complex. If this is approved, then our family will have to consider backing out of our home and move to another location and possibly out of Laveen entirely. I oppose the height of this complex and ask that you consider limiting the height to that of the surrounding area.

Thank you,
Todd McIntyre

March 17, 2023

Laveen Village Planning Committee,

This letter is in regard to two items on your agenda for the upcoming meeting on March 20, 2023 at 6:30pm. The agenda items are #6 (GPA-LV-4-22-8) and #7 (Z-72-22-8). There are many items on this agenda that need to be addressed and will be done so in separate sections.

Areas of Concern:

1. DU1 (Commerce Park): The developers design plan for the northern portion of this site, the commerce park, continues to have serious fundamental flaws that the developer has not addressed.
 - a. The current height description of these buildings are set at 35 ft per the site plan. This height does not address the parapets, which could add 5 ft or more to the height of these buildings.
 - b. The current configuration of the commerce park site will directly impact the casita portion by negatively affecting the views of at least 75% of the potential renters of these units. This is nonsensical for a design plan configuration as the developer claims to maintain their properties as an investment. The question to be asked here is “why would you obstruct the views of your potential renters, which will hinder your bottom line as you will seriously limit the consideration of potential renters from choosing to move to this community when there is another casita

property directly across the street on Elliott and 59th that will not have this direct obstruction?”

2. DU2 (Multi-family Residential): The developers design for this southern portion of the site, has serious implications for the adjacent neighborhoods as well as the surrounding neighborhoods within the vicinity.
 - a. The entirety of the 65.85 acres (the entire PUD) is currently zoned for 3.5-5 du/ac and 5-10 du/ac. The developer states that “the existing zoning permits residential density across the Site up to 579 dwelling units.” DU2 alone will yield 484 units across just 26.2 acres of this site or 39.8% of this total site, thus jamming the bulk of the current approved dwellings into less than half of this overall site.
 - b. The proposal states that it is for 15+ du/ac but the proposal will actually yield 18.46 du/ac totaling 484 units per their own submission. This will include 15 3-story apartment buildings, directly adjacent to two single-family communities (Ellison Trails and Tierra Montana).
 - c. There are significant concerns regarding the Ellison Trails community as this community has still not started a turnover of their HOA from the management company to the homeowners, thus leaving only a handful of neighbors that have been actively involved in this project to be able to voice their concerns with most of the neighborhood still so new that the collective voice of an HOA has not been heard. Additionally, Meritage Homes, the builder of Ellison Trails, chose to sell between 35-40% of this community to investors, thus leaving a smaller number of owners able to speak up on behalf of this community.

- d. This phase of the Tierra Montana development that is directly adjacent to this site is currently under construction. Several homes have been sold but no homes have been completed. These future residents are purchasing on land that they have been told is farmland behind them. If this site is approved in its current form, they will soon find their views of the Sierra Estrella Mountains entirely obstructed by a 3-story multi-family rental community that they had no clue was being approved at the very time they were making a decision on where to live and raise their families.
- e. There are currently no active 3-story multi-family developments anywhere in Laveen. There is currently one under construction on Dobbins Rd east of 43rd Ave and a 3&4-story multi-family development further north of Dobbins and the 202 that has not begun construction. This development will be in close proximity to the Laveen Village Core and will not be directly located adjacent to existing single-family residential.
- f. This is a list of approved or proposed multi-family residential sites and their density as du/ac that are located nearby to this proposal.
 - i. Authentix: 15 du/ac (2-story)
 - ii. Village at Carver: 11.4 du/ac (1-story)
 - iii. Sienna at South Mountain: 10.5 du/ac (1-story)
 - iv. Laveen Town Center Matrix: 10 du/ac (1-story)
 - v. Isola: 11.3 du/ac (1-story)
 - vi. IDM Curato: 9.6 du/ac (1-story)
 - vii. IDM Envision 202 Casita: 10.6 du/ac (1-story)

viii. Hawkins Laveen Park Place: 23.6 du/ac (3 and 4-story) -located near Laveen Village Core

g. The density (du/ac) for these sites are all at or under 15 du/ac with the exception of the one that is near the Laveen Village Core. The average density of all of these projects yields approximately 12.8 du/ac. That density is far less than what is being proposed on this project, which is 18.46 du/ac, and is also considerably further from these other developments and the Laveen Village Core.

3. DU3 (Single-story Casita Community): The developers have addressed some of the concerns of the homeowners in the surrounding communities by providing a buffer between the commerce park and the existing single-family residential, however some major concerns remain:

a. As addressed in section 1, 75% of these units will have entirely obstructed views due to the directly adjacent warehouses with the current layout.

a. The proposed Casita section will add at least 188 units in this section. This will yield an overall 672 units across the entire 65.85 acres. The current zoning only allows for 579 across the entire site, thus they are exceeding this zoning and creating further density well beyond what is approved.

4. Signage:

a. The current proposed height of the two digital billboards to be placed adjacent to the Loop 202 is 45 ft.

b. The current limitations on these billboards are that they turn off at midnight and turn back on at 6 am. This creates significant lighting concerns for the surrounding communities and the overall design of Laveen.

Recommendations:

The following recommendations are being made based on these issues and it is requested that the Laveen Village Planning Committee take these items up for consideration and stipulations to this PUD when considering approval of this PUD.

1. DU1 (Commerce Park):

- a. A limitation of the height of these buildings not to exceed 35 ft, to include the parapets.
- b. A reconfiguration of the layout of this site and the casita site (DU3) to decrease the obstruction caused by this layout in current form. If this site is flipped in a 45 degree angle clockwise, this would reduce and almost entirely eliminate the issues regarding the obstruction of views.

2. DU2 (Multi-family Residential):

- a. A limitation on the height of these buildings not to exceed a standard 2-story multi-family building. This will reduce the number of units to 348 based on the current layout. This will yield a 13.28 du/ac for DU2 and yield an overall 536 units across the entire 65.85 acres. This more closely aligns this project with the current approved zoning, and will bring this density more in line with the overall density of the surrounding multi-family approved or pending approval sites.

3. DU3 (Single-story Casita Community):

- a. A modification of the layout of this site to create a main point of entry/exit along 59th Ave and create a second smaller entrance along Elliot to coincide with the redesign of the commerce park adjacent to this site. This will eliminate the view obstruction that currently exists.

4. Signage:

- a. A limitation of the height of these billboards to not exceed 35 ft.
- b. A limitation on the operating times of these billboards by requiring them to only operate from 6 am to 10 pm. This will reduce the light pollution at night that this signage causes to the surrounding communities and create a closer alignment to the design of Laveen.
- c. It is my understanding that this is the first developer that has a proposed billboard project on Laveen soil. If that is the case, then approving the billboard as proposed without any further stipulations starts a precedent that future developers will use when constructing their plans for this outdated 20th century marketing/advertising technology in the 21st century and will lead Laveen down a path that will significantly brighten the night sky around us.

Concluding Comments:

1. The legal representation for IDM, Jason B. Morris, has argued that reducing the heights of a multi-family complex are only done to punish a developer and reduce their profit. This argument is nonsensical as it only touches on one data point of income generation for developers. Developers leverage debt, that is in turn paid by their tenants, to reduce and usually entirely eliminate their federal and state taxes. This saves them anywhere from 40% to as much as 50%, thus creating income generation of 40-50% by the elimination of taxes. This is where developers primary source of income is generated and not from the maximization of multi-family density. This is not illegal, it is simply an aspect of income generation that business landowners know in the IRS code and have

been utilizing for decades. There is significantly more to this than I can write in this letter, but if you want to learn more about this, just 'Google' Robert Kiyosaki or Grant Cardone, they are some of the most prominent figures on this topic.

2. IDM will present a photograph from an aerial viewpoint with a multi-family unit complex embedded into the background. This is a misrepresentation tactic designed to make it appear as if the complex will not impede the view of the mountains. This graphic is not to scale and is not representative of the height of a 40 ft building. Most concerning is that this picture is an aerial picture taken from a drone so the vantage point of the viewer is misrepresentative of what the homeowner would see due to the angle from the aerial view. They argue that if the buildings are barely visible from the aerial view then standing at ground level a passerby would not be able to even see the obstruction of the viewpoints. This argument is illogical and idiotic as any human being can stand outside their backyard and visibly see the single story or 2-story buildings down the street and the obstruction they cause. To argue that a 3-story complex directly behind your neighborhood will not obstruct this view defies logic and common sense.

Thank you for your time and consideration of these recommendations on this matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Patrick Nasser-Taylor', with a large, stylized flourish at the end.

Patrick Nasser-Taylor