



# City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

## Staff Report Z-8-19-8 (ELS - PUD)

December 5, 2019

**South Mountain [Village Planning Committee Meeting Date](#)** December 10, 2019  
**[Planning Commission Hearing Date](#)** January 9, 2020

**Request From:** [S-1 BAOD](#) (14.81 acres)  
**Request To:** [PUD BAOD](#) (14.81 acres)  
**Proposed Use** Planned Unit Development to allow a landscaping contractor facility and nursery  
**Location** Approximately 550 feet east of the southeast corner of 32nd Street and Southern Avenue  
**Owner** MCP Holdings, LC  
**Applicant / Representative** Jack Gilmore, Gilmore Planning and Landscape Architecture  
**Staff Recommendation** Approval, subject to stipulations

<a href="#">General Plan Conformity</a>			
<a href="#">General Plan Land Use Map Designation</a>		Mixed Use Agricultural	
<a href="#">Street Map Classification</a>	Southern Avenue	Arterial	33-foot south half street
<p><b>CELEBRATE OUR DIVERSE COMMUNITIES AND NEIGHBORHOODS CORE VALUE; CERTAINTY &amp; CHARACTER; DESIGN PRINCIPLE:</b> <i>Create new development or redevelopment that is sensitive to the scale and character of the surrounding neighborhoods and incorporates adequate development standards to prevent negative impact(s) on the residential properties.</i></p> <p>Uses in the surrounding area consist of residential, commercial and agricultural uses. The proposed development is consistent in scale and character with the surrounding uses and incorporates use restrictions, landscape buffers and rural design guidelines to mitigate impact on nearby residential properties.</p>			

***BUILD THE SUSTAINABLE DESERT CITY CORE VALUE; TREES & SHADE; DESIGN PRINCIPLE:***

*Integrate trees and shade into the design of new development and redevelopment projects throughout Phoenix.*

The proposal includes landscaping standards that address the Southern Avenue streetscape, perimeter buffers and parking areas. Notably, a deep landscape setback will be introduced along Southern Avenue that will include new trees similar in character with nearby development and a requirement for 50 percent shade within the streetscape landscape area.

***CONNECT PEOPLE AND PLACES CORE VALUE; BICYCLES; DESIGN PRINCIPLE:***

*Development should include convenient bicycle parking.*

The development includes bicycle parking standards to promote alternative forms of transportation for employees and visitors of the landscape business.

***BUILD THE SUSTAINABLE DESERT CITY; HEALTHY FOOD SYSTEM; DESIGN PRINCIPLE: Encourage neighborhood designs that incorporate community gardens, urban farms and other urban agriculture elements.***

ELS is a full-service landscaping contracting outfit that is consistent with the agrarian character of the surrounding area which includes numerous nurseries, farms, landscaping firms, and agriculturally-focused retail outlets.

**Area Plans, Overlay Districts and Initiatives**

**Baseline Area Master Plan** – Adopted in 1997, the Baseline Area Master Plan evaluated the southeast portion of the South Mountain Village with an aim to promote development which respects and preserves the lifestyle in the area. See Background Item No 5.

**Baseline Area Overlay District** – The property is located within the boundaries of the Baseline Area Overlay District (BAOD), which is designed to encourage and protect the rural, agricultural character of the area while allowing development in accord with the Baseline Area Master Plan. See Background Item No 6.

**Tree and Shade Master Plan** – The Tree and Shade Master Plan is a roadmap for creating a healthier, more livable and prosperous 21st Century desert city. The goal is to treat the urban forest as infrastructure to ensure that trees are an integral part of the city's planning and development process. See Background Item No. 9.

**Comprehensive Bicycle Master Plan** – The city’s bicycle master plan will set the course for the next 20 years for development of bicycle facilities. The plan is intended to provide a framework for decision making to expand and improve bicycle facilities throughout the city. See Background Item No. 10.

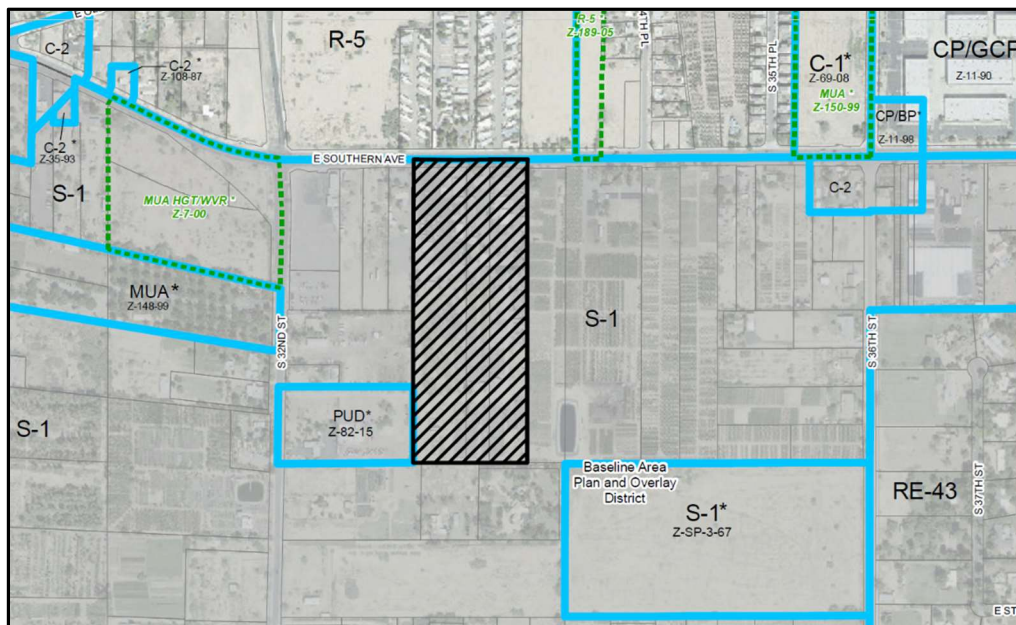
**Complete Streets Guiding Principles** – The City’s complete streets policy further advances its goal to create a more sustainable transportation system that is safe and accessible for everyone. Complete streets provide infrastructure that encourages active transportation such as walking, bicycling, transportation choices and increased connectivity. Through this policy, the primary focus of street design will no longer be solely on the speed and efficiency of automobile travel, but on the safety and comfort of all users. See Background Item No. 10.

**Reimagine Phoenix** – Reimagine Phoenix is the city’s initiative to increase the city’s waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. See Background Item No. 11.

### **Background/Issues/Analysis**

#### SUBJECT SITE

1. This request is to rezone an approximately 14.81-acre site located approximately 550 feet east of the southeast corner of 32nd Street and Southern Avenue from S-1 BAOD (Ranch or Farm Residence, Baseline Area Overlay District) to PUD BAOD (Planned Unit Development, Baseline Area Overlay District) to allow a landscape contractor facility and nursery.

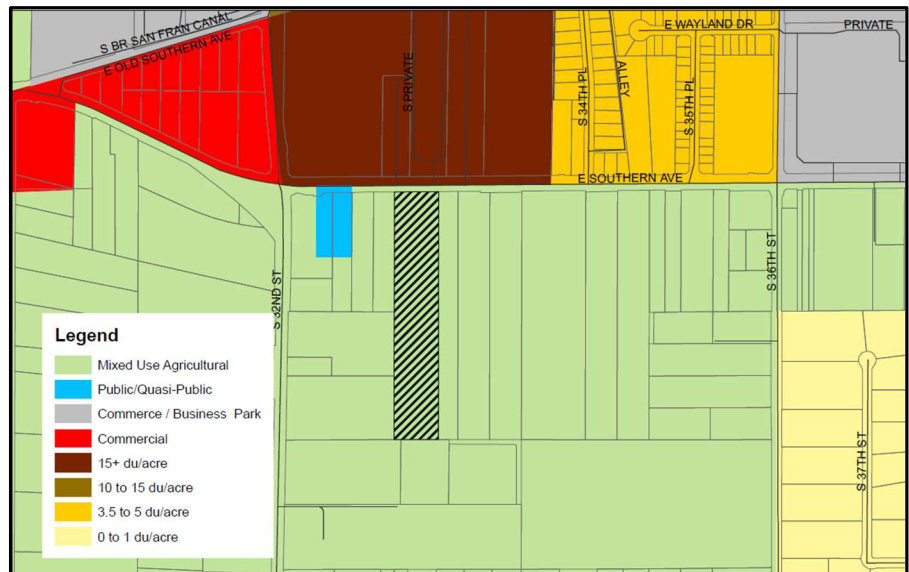


**Source: City of Phoenix Planning and Development Department**

- The subject site contains the ELS landscape contracting operations. ELS is a full-service landscape contracting firm that provides installation and maintenance services to general contractors, developers, land investors, homeowners associations and property managers. The subject site contains office and storage buildings, outdoor plant storage area, work vehicle parking and other uses related to the operation of the company.

The PUD Development Narrative is intended, in part, to legitimize the existing ELS landscape facility. The business has been in operation in its current location for approximately 39 years. However, the current zoning designation of S-1 (Ranch or Farm Residence) does not permit landscape contractor businesses. The proposal includes the opportunity for a future expansion but does not contemplate any immediate construction.

- The General Plan Land Use Map designation for the property is Mixed Use Agricultural. The Mixed Use Agricultural land use category helps to preserve the character of agricultural areas while allowing new development



**Source: City of Phoenix Planning and Development Department**

which is consistent with the traditional design and uses of a rural and agricultural area. The proposed PUD contains permitted uses and development standards that respect the character of the area. The development standards contained within the development narrative meet or exceed the MUA base standards for dimensional requirements, including height, setbacks and landscape areas; design guidelines; and signage contained in Section 649 of the Phoenix Zoning Ordinance. Similarly, the permitted uses, a landscape contracting business and associated accessory uses, are agriculturally focused and are representative of historical uses found within the area. In addition, the Phoenix City Council has approved PUD zoning for similar landscape service uses in areas designated Mixed Use Agricultural on the General Plan Land Use Map for Gothic Landscape, Inc. (Z-107-08) and Sonoran Heights Nurseries (Z-82-15). Because the proposal, through both development standards and permitted uses, are reflective of the MUA character envisioned in the General

Plan, the proposal is consistent with the Mixed Use Agricultural land use designation.

Properties to the east, west and south are similarly designated Mixed Use Agricultural on the General Plan Land Use Map. The property to the north of the subject site, across Southern Avenue, is designated as Residential 15+ dwelling units per acre.

#### SURROUNDING USES & ZONING

4. The use and zoning of adjacent properties are as follows:

##### **North**

North of the subject site, across Southern Avenue, is a manufactured home park zoned R-5 (Multifamily Residence District).

##### **East**

East of the subject site is a commercial nursery and tree farm zoned S-1 BAOD (Ranch or Farm Residence, Baseline Area Overlay District).

##### **South**

South of the subject site are single-family homes also zoned S-1 BAOD (Ranch or Farm Residence, Baseline Area Overlay District).

##### **West**

West of the subject site and adjacent to the northern portion of the subject site are single-family homes and a church zoned S-1 BAOD (Ranch or Farm Residence, Baseline Area Overlay District). Adjacent to the southwest portion of the subject site is a landscape contracting business zoned PUD BAOD (Planned Unit Development, Baseline Area Overlay District).

#### BASELINE AREA MASTER PLAN

5. The Baseline Area Master Plan addresses the existing conditions of the plan area, articulates a vision for the future and offers a series of implementation strategies to achieve the community's vision for the area. One of the implementation strategies contained in the plan was the creation of a mixed use agricultural district with development standards that addressed agriculturally based land uses and deep setbacks. The PUD development narrative integrates development standards and design guidelines that embody the adopted Mixed Use Agricultural (MUA) Zoning District within the Phoenix Zoning Ordinance, thereby providing consistency with portions of the Baseline Area Master Plan.

#### BASELINE AREA OVERLAY DISTRICT

6. The Baseline Area Overlay District (BAOD) contains guidelines that address building and site design in addition to signage standards applicable to the subject site. The current rezoning request does not eliminate requirements for conformance with this overlay district. The standards contained in the

Development Narrative meet or exceed all BAOD standards. For BAOD standards not directly addressed in the Development Narrative, the BAOD standard will apply.

## PROPOSAL

7. The proposal was developed utilizing the PUD zoning designation, which allows an applicant to propose uses, development standards, and design guidelines for a site. 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 Phoenix Zoning Ordinance provisions will be applied.
8. Below is a summary of the proposed standards for the subject site as described in the attached PUD Development Narrative date stamped September 26, 2019. The proposed standards were designed to allow for the operation of a landscape contracting firm, outdoor plant material storage and related uses. The proposal reflects the rural character of the surrounding area which includes other similar agricultural businesses. Development standards and design guidelines in the proposal were designed to meet or exceed standards found in the Mixed Use Agricultural zoning district.

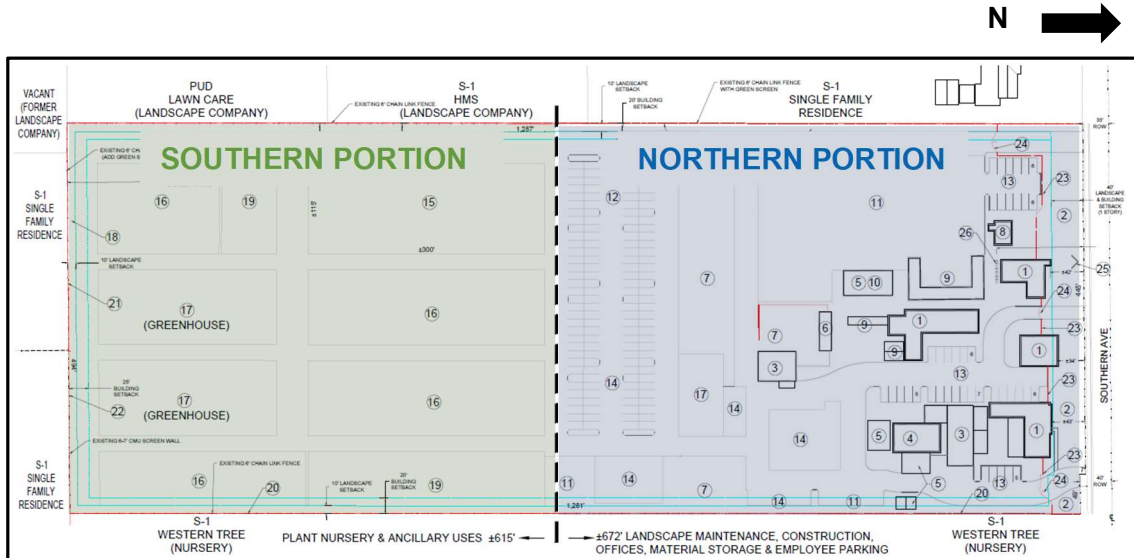
- a. **Land Use Plan and Permitted Uses**

The Development Narrative proposes a distribution of land uses between the northern half and southern half of the subject site. The north half will contain the landscape construction and landscape maintenance functions of the business while the southern portion of the site will be devoted to the nursery and storage of plant material. The division of uses is provided on Exhibit 4 of the PUD Development Narrative and depicted below.

The northern 672 feet of the site will permit office, landscape contracting and landscape maintenance as primary permitted uses. In addition, a maximum of one dwelling unit for use by the site's caretaker is permitted with a maximum area of 1,200 square feet. Accessory uses permitted on this portion of the site include staging areas for work vehicles and equipment, minor maintenance of work vehicles and equipment, indoor preparation of irrigation system components and accessory storage buildings.

The southern 615 feet of the property will permit storage of the nursery operation and outdoor storage of plant material. This portion of the site will also permit accessory uses of green waste mulching and minor fabrication of plant material containers for nursery stock. Staff is recommending additional setbacks to buffer the permitted accessory uses from adjacent residential properties. This can be found in Stipulation No. 1.e.

The Development Narrative restricts the permitted uses on the site to those normally associated with a landscape contractor business, thereby providing certainty of the use of the site in the future to adjacent property owners.



Source: Gilmore Planning & Landscape Architecture with annotations by the Planning and Development Department

b. **Development Standards**

The Development Narrative proposes development standards that incorporate both MUA and BAOD standards. The table below provides a summary of the development standards found within the PUD.

<b>Maximum Building Height</b>	20 feet
<b>Minimum Building Setbacks</b>	
Front	40 feet, with an exception for existing structures
Side	20 feet
Rear	25 feet
<b>Minimum Landscape Setbacks</b>	
Front	40 feet, with an exception for existing structures and parking for 35% of the frontage
Side	10 feet
Rear	10 feet
<b>Minimum Parking Lot Landscaping</b>	15%
<b>Maximum Lot Coverage</b>	20%
<b>Maximum Density</b>	1 caretaker unit / 1,200 square feet maximum
<b>Required Parking</b>	
Office	1 space per 300 square feet

Employee	1 space per 3 employees
Bicycle	1 space per 25 employees

**Building Height:**

The Development Narrative proposes a maximum height of 20 feet. This is consistent with the MUA zoning district and exceeds the standard for the BAOD which permits a maximum height of 30 feet. The proposed building height is consistent with development in the surrounding area. Additionally, the Baseline Area Overlay District emphasizes the need for protection of the views of South Mountain and downtown Phoenix. This self-imposed restriction will serve to protect these views.



**Proposed Southern Avenue Landscape Improvements, Source: Gilmore Planning & Landscape Architecture**

**Building Setbacks:**

Proposed setbacks include a 40-foot setback along Southern Avenue, a 20-foot setback for side yards, and a 25-foot rear yard setback. While the front setback proposed is consistent with the MUA zoning district, the side and rear setbacks exceed the MUA standards to provide additional protection to adjacent residentially-zoned properties. The Baseline Area Overlay District contains no relevant standards.

**Landscaping Standards – Southern Avenue:**

The Development Narrative proposes landscaping standards for all perimeter property lines and parking areas. Proposed landscaping standards meet or exceed the standards of the MUA zoning district and BAOD. The Development Narrative indicates that landscaping standards are intended to be consistent with and enhance the rural and agricultural character of the surrounding area.

The proposal includes installation of 40-foot landscape setback along Southern Avenue. An exception is provided for parking to encroach up to five feet within



this setback for a maximum of 35 percent of the frontage. The tree mix will include 50 percent 2-inch, 25 percent 3-inch, and 25 percent 4-inch caliper trees planted with a minimum of five 5-gallon shrubs per tree and 1-gallon groundcover to achieve 50 percent live coverage. These standards include an enhanced landscape standard compared with the MUA zoning district which permits an average landscape setback of 35 feet.

***Landscape Standards – Perimeter Property Lines:***

The proposal includes a minimum 10-foot landscape setback for perimeter property lines not adjacent to a street. The tree mix will include 60 percent 2-inch and 40 percent 1-inch caliper trees planted with a minimum of five 5-gallon shrubs per tree. These standards are consistent with the MUA zoning district.

***Landscape Standards – Parking Lot Areas:***

The proposal includes a requirement for 15% of the interior surface area of parking lots to be landscaped. This standard exceeds the minimum 10% requirement in the MUA zoning district and it is consistent with the BAOD.

***Lot Coverage:***

The maximum proposed lot coverage is 20 percent which does not include shade structures accessory to a nursery with fabric or plastic film not to exceed 14 feet in height. This development standard is significantly more restrictive than the MUA zoning standard which allows a lot coverage of 35 percent with a similar exemptions for shade structures.

***Parking:***

The Development Narrative proposes vehicular parking at a rate of 1 space per 300 square feet of office space in addition to 1 space per 3 employees which will equate to approximately 140 parking spaces. This parking standard is consistent with standards for other outdoor uses in the Phoenix Zoning Ordinance.

In addition to vehicular parking, the project includes a standard for bicycle parking at a rate of 1 space per 25 employees. Neither the MUA zoning district nor BAOD currently contain a standard for bicycle parking.

c. **Design Guidelines**

***General:***

The Development Narrative includes standards for conformance to both 507 Tab A and the MUA district within the Phoenix Zoning Ordinance.

***Fencing / Walls:***

The Design Guidelines contain standards for open, decorative steel pipe fencing beyond the front yard setback. Proposed gates will contain a consistent design. The proposal intends to maintain existing chain link fencing along portions of the side and rear property lines. Because chain link fencing is not a permitted

material for commercial properties, staff is recommending a stipulation that the reference to chain link fencing be removed. This can be found in Stipulation No. 1.h.

***Building Orientation and Massing***

The proposal includes a requirement for integration of the building orientation and massing presumptions in the MUA zoning district for new buildings. This standard will ensure the incorporation of varied architectural treatments, covered walkways and street-oriented design in new buildings to ensure consistency with the rural character of the area.

***Shade:***

The Development Narrative includes standards for the introduction of shade in both the employee parking area and the new landscape area along Southern Avenue. If pedestrian pathways are constructed with new development in the future, a shade standard of 50 percent will apply.

***Lighting***

The proposal includes new parking area lighting that will be shielded to minimize level of lighting at the property perimeters. Lighting will be limited to a maximum height of 15 feet within 150 feet of a residential zoning district, which is consistent with the Phoenix Zoning Ordinance requirement.

d. **Signage Standards**

The Development Narrative proposes conformance with the sign standards in Sections 649, 651, and 705 of the Phoenix Zoning Ordinance. Compliance with the MUA and BAOD signage standards will support consistency with the unique rural and agrarian heritage of the surrounding area.

e. **Sustainability**

The Development Narrative proposes several city-enforced sustainability features. These include low-water use plant materials, an automatic watering system and use of motion sensors for site lighting,

Other proposed sustainable elements include the minimized paved surfaces, use of native soils for nursery operations and the use of SRP surface water for irrigation purposes.

PLANS AND INITIATIVES

9. **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. The proposal includes an enhanced landscape area along Southern Avenue. Similarly, new landscape areas will be introduced in the parking area and along perimeter property lines. Trees in this area will help

to reduce the urban heat island effect and will provide thermal comfort for employees and guests.

10. **Comprehensive Bicycle Master Plan and the 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, connected transportation system to include all modes, such as bicycles, pedestrians, transit, and vehicles. Similarly, the Comprehensive Bicycle Master Plan promotes bicycle infrastructure throughout the city. The inclusion of bicycle parking for employees and visitors of the ELS site helps to further both these policies.

11. **Reimagine Phoenix**

As part of the Reimagine Phoenix Initiative, the City of Phoenix is committed to increasing the waste diversion rate to 40 percent by 2020 and to better manage its solid waste resources. 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 does not address recycling as part of the proposal.

STIPULATED REVISIONS FOR THE PUD HEARING DRAFT

12. Stipulations not otherwise addressed in the staff report were formulated to address formatting and technical corrections to text and exhibits within the ELS PUD hearing draft dated September 26, 2019. Changes to the text include updating exhibits and rewording to provide clarification regarding the development proposal. All stipulations must be applied within 30 days of City Council final approval of the request.

COMMUNITY INPUT SUMMARY

13. At the time this staff report was written, staff received several letters of support and concern. The letters of concern referenced proposed uses and current maintenance of the site. The proposed standards in the PUD will enhance screening, vegetation and limit the more intense uses to the portion of the site closest to Southern Avenue to help address these concerns.

INTERDEPARTMENTAL COMMENTS

14. The Phoenix Fire Department has noted that they do not anticipate any problems with this case and that the site and/or buildings shall comply with the Phoenix Fire Code.
15. The City of Phoenix Floodplain Management division of the Public Works Department has determined that this parcel is not in a Special Flood Hazard Area (SFHA), but is located in a Shaded Zone X, on panel 2220 L of the Flood Insurance Rate Maps (FIRM) dated February 10, 2017.

16. The Street Transportation Department has requested the developer to construct all adjacent street improvements to current ADA standards. This request can be found in Stipulation No. 2.
17. The Water Services Department indicated that the subject site is surrounded with existing water and sewer mains that can potentially serve the development.
18. The Aviation Department requires that the property owner record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) to future owners or tenants of the property. This requirement is addressed in Stipulation No. 3.
19. The Parks and Recreation and Public Transit Departments had no comments regarding the proposal.

#### MISCELLANEOUS

20. 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. 4, 5 and 6.
21. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements and other formal actions may be required.

#### **Findings**

1. The proposal is consistent with the MUA character envisioned for the site in the General Plan.
2. The proposal will allow for an existing business to continue operation in a manner that is consistent with the scale and character of the surrounding area.
3. The proposal includes several enhanced landscaping standards and design guidelines that promote the rural and agricultural nature of the surrounding area.

## **Stipulations**

1. An updated Development Narrative for the ELS PUD reflecting the changes approved through this request shall be submitted to the Planning and Development Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with the Development Narrative date stamped September 26, 2019, as modified by the following stipulations:
  - a. Front Cover: Revise the submittal date information to add the City Council adoption date.
  - b. Page 3, Project Overview and Goals: Replace references to Exhibits 1A and 1B with Exhibit 1.
  - c. Page 4, Land Use Plan, 1st paragraph: Add BAOD design standards to 5th sentence in the paragraph.
  - d. Page 5, Land Use Plan 3rd paragraph: Replace second sentence with the following verbiage: "This has been the established pattern of landscape activities on the property for many decades, with the expectation that this general distribution will continue until there is a decision to redevelop and or expand portions of these permitted land uses, at which time an application for Site Plan approval or Major Amendment to the PUD will be processed.
  - e. Page 7, Permitted Accessory Uses – South Half: Add an additional standard requiring a 50 foot setback from the east property line for green waste mulching and an additional standard requiring a 150 foot setback from residential uses for plant material container fabrication.
  - f. Page 8, Existing Facilities: Update verbiage to indicate that future improvements will comply with development standards of both MUA and BAOD.
  - g. Page 9, Development Standards Table: Remove sentence above table that reads "This table shall apply to all new improvements / projects on the property."
  - h. Page 12, Perimeter Fencing: Relocate this paragraph to the Design Guidelines Section and remove sentence that reads "The fencing along the east, south and west sides will retain the existing chain link fencing, which is admittedly just functional."
  - i. Page 13, Design Guidelines, 2nd paragraph: Add BAOD for inclusion in design guidelines base standards.

- j. Page 15, Lighting Standards: Add reference to standards contained in MUA and Section 704 of the Phoenix Zoning Ordinance.
  - k. Exhibits 4 and 5: Remove references to chain link fencing.
  - l. Exhibit 8: Update Comparison of Development Standards Table to standards contained in the Development Narrative and remove references to accessory building standards.
2. 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.
  3. The property owner shall record a Notice to Prospective Purchasers of Proximity to Airport in order to disclose the existence, and operational characteristics of City of Phoenix Sky Harbor International Airport (PHX) 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.
  4. 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.
  5. 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.
  6. 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.

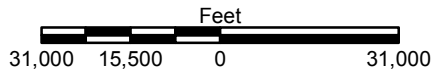
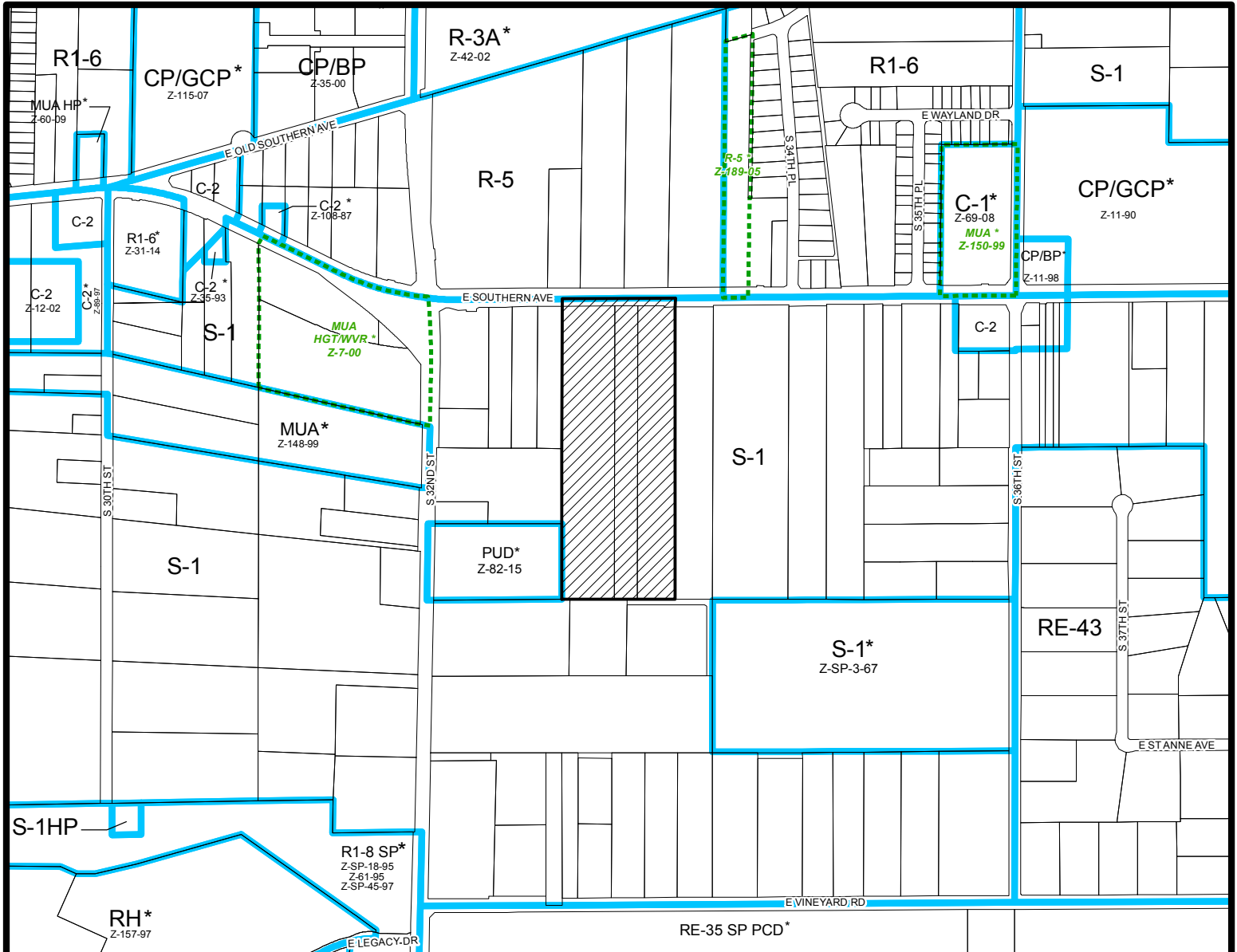
**Writer /Team Leader**  
Samantha Keating

**Exhibits**

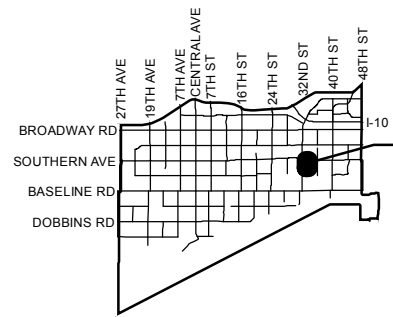
Sketch Map  
Aerial

Community Correspondence (54 pages)

[ELS PUD Development Narrative](#) date stamped September 26, 2019



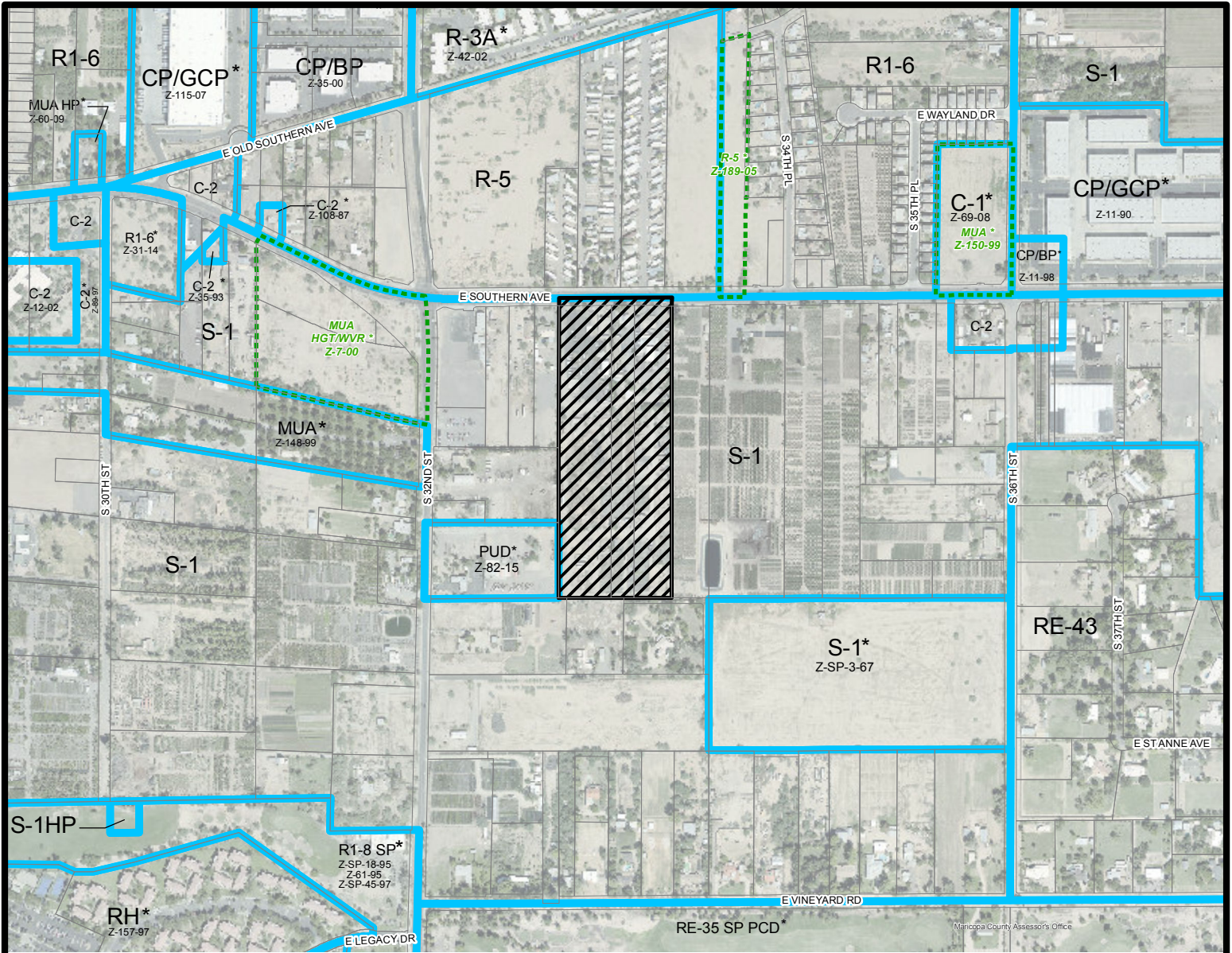
**SOUTH MOUNTAIN VILLAGE**  
CITY COUNCIL DISTRICT: 8




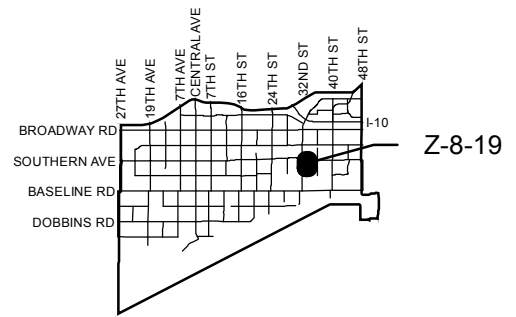
Z-8-19

<b>APPLICANT'S NAME:</b> Gilmore Planning and Landscape Architecture		<b>REQUESTED CHANGE:</b> FROM: S-1 (14.81 a.c.)	
<b>APPLICATION NO.</b> Z-8-19	<b>DATE:</b> 2/7/2019	TO: PUD (14.81 a.c.)	
<b>REVISION DATES:</b>			
GROSS AREA INCLUDING 1/2 STREET AND ALLEY DEDICATION IS APPROX. <b>14.81 Acres</b>	<b>AERIAL PHOTO &amp; QUARTER SEC. NO.</b> QS 2-35	<b>ZONING MAP</b> D-10	
<b>MULTIPLES PERMITTED</b> S-1 PUD	<b>CONVENTIONAL OPTION</b> 15 N/A		<b>* UNITS P.R.D. OPTION</b> N/A N/A

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



  
 Feet  
 31,000 15,500 0 31,000  
**SOUTH MOUNTAIN VILLAGE**  
 CITY COUNCIL DISTRICT: 8



<b>APPLICANT'S NAME:</b> Gilmore Planning and Landscape Architecture		<b>REQUESTED CHANGE:</b> FROM: S-1 (14.81 a.c.)	
<b>APPLICATION NO.</b> Z-8-19	<b>DATE:</b> 2/7/2019	TO: PUD (14.81 a.c.)	
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<b>MULTIPLES PERMITTED</b> S-1 PUD	<b>CONVENTIONAL OPTION</b> 15 N/A		<b>* UNITS P.R.D. OPTION</b> N/A N/A

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



## Samantha Keating

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**From:** Jeff Meyer <jmeyer@desertcarelr.com>  
**Sent:** Tuesday, November 19, 2019 7:55 AM  
**To:** Jack Gilmore  
**Cc:** Samantha Keating; Jimmy Castine; Ryan Pike ; Vincent Rector; Austin Meyer  
**Subject:** RE: Green Waste Management - ELS  
**Attachments:** IMG\_0801.jpg; IMG\_0802.jpg; IMG\_0803.jpg; IMG\_0805.jpg; IMG\_0806.jpg

Jack,

I had a family member pass away in the last 10 days, and I have not had the time to dedicate to this issue and your application with ELS. I know the meeting with SM Village is now on December 10<sup>th</sup>. I have copied and inserted an e-mail below from early October that you had sent me.

Our company, Sonoran Heights Nurseries, is requesting a deviation to your application as I believe the amount of green waste that ELS is desiring to stock pile is overwhelming. I disagree with the comments you have made to me on the phone as to the green waste operations of HMS who is our neighbor to the north, and ELS's to the west. They seem do a much better job at circulating through the green waste in a more timely fashion in my opinion, and don't need nearly the amount of cubic space dedicated to this style of operation that ELS is requesting. I have had conversations with their company on this topic as well.

Let's focus on these comments that you have made below; **If this property was being developed for commercial shopping, office, or even residential where the general public views these perimeters, then no question, this buffer is appropriate. But ELS does not have any general public interaction, and no one uses the rear area except employees. We intend to ask the Committee to accept 15 Gal trees as the minimum size for trees when not adjacent to residential.**

Our company has been looking at the perimeter, and southside of this property for a number of years now, and have watched it become a "junk yard", or "bone yard" at best. The attached photos were taken last week. We are all in favor of the future use of the property as we are in the same business, but let's face it.....ELS has not been a good neighbor with us continually having to view these unsightly conditions. I can tell you for certain that by going through the PUD process myself we were very conscientious as to how our neighbors felt about our current operation, and we made sure that things were kept clean and tidy. We believe we have done a pretty good job of setting a higher standard to this theme , within the neighborhood the past 30 years, with running a similar operation out of our facility.

In respect to the ELS-PUD, there has been ample time for their company to show some pride and work at cleaning up the aesthetics after months of neighborhood conversations, but nothing has transpired. The current appearance truly has a negative effect on the current value and resale of our property. For the past 30 years my company has witnessed the appearance of this property getting worse, and have to some degree "bit our tongue", but this is the time to address it.

In order for us to support this endeavor we are requesting a variance to two-thirds of the current size of the proposed plan in respect to the green waste as this makes it more manageable. In addition to the current green waste request, the buffer of green fabric on the chain link fence is not supported by Desert Care. Instead, we are requesting that ELS install a block wall at their own expense along our shared property line. The block wall would negate the necessity of installing 15 gallon trees and would be a better deterrent for rodents and pests coming over to our property. If these two items become part of the plan then we will support the PUD, and not be in attendance on December 10<sup>th</sup>. Otherwise we will plan on bringing the attached photos, and be in attendance.

Thank you,

*Jeff A. Meyer*

**President**

**Desert Care Landscape Resources, LLC**

**[jmeyer@desertcarelr.com](mailto:jmeyer@desertcarelr.com)**

**(602) 549-5434 (C)**



---

**From:** Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>

**Sent:** Monday, November 11, 2019 12:44 PM

**To:** Jeff Meyer <[jmeyer@desertcarelr.com](mailto:jmeyer@desertcarelr.com)>

**Cc:** Samantha Keating ([samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)) <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>; Jimmy Castine <[jimmy@evergreenaz.com](mailto:jimmy@evergreenaz.com)>; Ryan Pike <[ryan@evergreenaz.com](mailto:ryan@evergreenaz.com)>

**Subject:** Green Waste Management - ELS

Jeff:

I asked Jimmy Castine and Ryan Pike to share their history of grindings and pickups by their green waste subcontractor. The attached letter has a schedule and volumes.

Please call with any questions.

Best

Jack You probably know this already, but we are confirmed for a presentation before the South Mountain VPC on October 15<sup>th</sup>. We are in agreement with staff and they will be supporting our application. If we are requesting any deviations then we must request consideration from the VPC Committee who must vote in favor of our request. If ELS decides to pursue a deviation, it will only be for the perimeter landscape buffer. The MUA Zoning District requires a front yard setback of 40' that must be landscaped, which is fine with us. The interior perimeters must have a 10' landscape buffer around the perimeter of the property (east, south, and west). This buffer must include trees spaced at 20' on-center or in equivalent groupings along with 5 shrubs per tree. We have no problem with the west side, but on the south side there is a CMU wall that is taller than 6' along the east half of the south side. In addition to the solid wall, there is an extensive landscape with shade trees overhanging this wall. We don't understand what an additional buffer with shrubs will accomplish on the ELS side(?). The west half of this south side shares a rear yard with the Van Buren's, a single family residence. A landscape buffer will be installed along with the green screen fabric to block views. The MUA also calls for 60% of these perimeter trees to be 2" caliper (24" Box or 36" Box based on species) and 40% as 1" caliper (15Gal or 24" Box based on species). This represents a very expensive investment. If this property was being developed for commercial shopping, office, or even residential where the general public views these perimeters, then no question, this buffer is appropriate. But ELS does not have any general public interaction, and no one uses the rear area except employees. We intend to ask the Committee to accept 15 Gal trees as the minimum size for trees when not adjacent to residential.

The entire east side shares a property line with Western Tree. There is an existing chain link fence on the property line. Western Tree has placed their container stock within a few feet of this fence. Again, we request the same consideration and don't believe a buffer will enhance either side.

An important consideration is the common security that comes with open fencing. These growers are all sensitive to intruders on their properties after dark. The open fencing allows these growers to assist each other with visually monitoring whose is on these properties.

Everything that we have shared with you and the other neighbors has not changed. If you are planning to attend, great, and a few words of support for this PUD before the Committee would be appreciated.

Call with any questions. Best.

Jack

Jack Gilmore



2211 N 7<sup>th</sup> Street  
Phoenix, AZ 85006  
p. 602 266 5622 \ c. 602 999 8860  
[jjgilmore@getgilmore.com](mailto:jjgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

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## Samantha Keating

---

**From:** Samantha Keating  
**Sent:** Sunday, November 17, 2019 10:53 AM  
**To:** Paul Van Buren  
**Subject:** RE: PUD Requirements

Paul,

I apologize for the delayed response. Please see below and let me know if you have any further questions.

Thank you,

Samantha Keating  
Principal Planner  
City of Phoenix Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003  
Phone: 602-262-6823  
[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)

---

**From:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
**Sent:** Friday, November 15, 2019 1:56 PM  
**To:** Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>  
**Subject:** Re: PUD Requirements

Just in case you may have not noticed this email on Wednesday.

Sent from my iPhone

On Nov 13, 2019, at 2:11 PM, Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)> wrote:

Samantha

I apologize I may have not been clear enough. I'm not looking for the landscape narrative on the subject property. I want to find out the landscaping requirements for PUD zoning in general. I'm looking to save time. Please, email me the guidelines from the actual ordinances and let's use the use of the subject property for example ( landscaping contractor for contract ). Since, as you stated MUA doesn't permit Landscaping companies to hire for contract. Although, you never mentioned the reasoning and I would like an explanation why staff didn't draft this condition into the uses.

The PUD zoning district is one in which the applicant writes their own standards. There are no PUD landscape standards in the ordinance. The requirements in the ordinance for the PUD zoning district can be found here: <https://www.codepublishing.com/AZ/Phoenix/html/PhoenixZ06/PhoenixZ0671.html#671>

We asked the applicant to use the MUA development and landscape standards for their request. The standards for MUA can be found here: <https://www.codepublishing.com/AZ/Phoenix/html/PhoenixZ06/PhoenixZ0649.html#649>

When the MUA district was established the uses included a mix of agricultural uses as well as some commercial uses. These uses were discussed with the community as the zoning district was established. I do not recall if landscape contracting was a use that was discussed.

Please, advise as well the number of times MUA has been revised, updated and uses improved over the past 19 years approximately and/or when the zoning classification came into existence.

The zoning district was established in 1999. There have been six additions/deletions/modifications since that time. These can be found at the bottom of the page of the Section 649 page that I linked above.

But, right now for the sake of immediacy let me get more specific on my request with an example. In my example, I own 1 to 5 acres of land approximately and I either own or lease to a landscaping company that operates on my (SR1) Suburban Ranch 1 property. Let's make it 5 acres that might be simpler, but my thinking was like most rezoning cases that are site specific in terms of the narrative there's a landscape / vegetation requirement per acre or x amount of square feet. Am I correct and if not please elaborate...

Landscape contractors are not a permitted use in the S-1 zoning district. The S-1 zoning district is a ranch or farm residence district and does not contain landscape standards like a commercial zoning district does. The standards for S-1 can be found via this link:  
<https://www.codepublishing.com/AZ/Phoenix/html/PhoenixZ06/PhoenixZ0603.html#603>

Let's say, there's been a landscaping company for a contract that's been operating a business on my SR 1 property previously and now I want to rezone to PUD. The site is in essence is a blank canvas minus the existing trees that aren't substantial and the equipment and other basic things that I need to operate my business. In other words I have no landscaping in place other than what's mentioned. I'm only being so specific so we don't go down the path of well it depends on this and it depends on that as it pertains to the site. You catch my drift...lmk asap.

That is correct. An application for a PUD has the ability to write their own standards.

Paul

On Mon, Oct 21, 2019 at 8:14 AM Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)> wrote:

Paul,

Here is the link to the hearing draft of the narrative:  
<https://www.phoenix.gov/pddsite/Documents/PZ/Z-8-19n.pdf>.

The landscape standards proposed are found on pages 10 and 11 of the document. Please let me know if I can help with anything else.

Thank you,

Samantha Keating  
Principal Planner  
City of Phoenix Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003  
Phone: 602-262-6823  
[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)

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

From: Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
Sent: Monday, October 21, 2019 7:53 AM  
To: Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>  
Subject: PUD Requirements

Samantha,

Please, send me the landscaping requirements if any and how it's determined or calculated for PUD zoning (number of plants, trees, shrubs etc.)

Paul

Sent from my iPhone

## Samantha Keating

---

**From:** Jack Gilmore <jgilmore@getgilmore.com>  
**Sent:** Monday, November 11, 2019 12:44 PM  
**To:** Jeff Meyer (jmeyer@desertcarelr.com)  
**Cc:** Samantha Keating; Jimmy Castine; Ryan Pike  
**Subject:** Green Waste Management - ELS  
**Attachments:** Greenwaste Ltr - Desert Care - 11-11-19.pdf

Jeff:

I asked Jimmy Castine and Ryan Pike to share their history of grindings and pickups by their green waste subcontractor. The attached letter has a schedule and volumes.

Please call with any questions.

Best

Jack

Jack Gilmore



2211 N 7<sup>th</sup> Street  
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p. 602 266 5622 \ c. 602 999 8860  
[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

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## Samantha Keating

---

**From:** Jack Gilmore <jgilmore@getgilmore.com>  
**Sent:** Monday, November 11, 2019 12:55 PM  
**To:** Paul Van Buren  
**Cc:** Samantha Keating  
**Subject:** Green Waste Management - ELS  
**Attachments:** Greenwaste Ltr - Desert Care - 11-11-19.pdf

Paul:

You have previously questioned ELS's green waste storage on-site, and Jeff Meyer with Desert Care Landscape Resources has expressed a similar concern. ELS only stores the bulk material coming in from their job sites. They do not grind that material, but use a separate subcontractor who grinds on-site then removes all of the grinded material from the property. To provide a better summary of their management process, I requested that ELS provide a historical summary of the pickups and the related volumes. Please review the attached letter and call with any questions.

Jack

Jack Gilmore



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<http://www.getgilmore.com/>

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## Samantha Keating

---

**From:** Jack Gilmore <jgilmore@getgilmore.com>  
**Sent:** Monday, November 11, 2019 1:07 PM  
**To:** kshepard2@cox.net; Sandy Bawden (skb5775@gmail.com); 'Beth Gosnell'; Karen and Sue  
**Cc:** Samantha Keating  
**Subject:** ELS-PUD Z-8-19-8 Green Waste Management  
**Attachments:** Greenwaste Ltr - Desert Care - 11-11-19.pdf

Neighbors:

Earlier today, I sent this letter to Jeff Meyer of Desert Care Landscape Resources, our immediate west side neighbor, and Paul Van Buren, our immediate south side neighbor. They both had expressed concerns about the green waste storage on-site. To provide a better summary of their management process, I requested that ELS provide a historical summary of the pickups and the related volumes.

It is important to understand that ELS only stores the bulk material coming in from their job sites. They do not grind that material, but use a separate subcontractor who grinds on-site then removes all of the grinded material from the property. Please review the attached letter and call with any questions.

Also, we are scheduled for the December 10<sup>th</sup> South Mountain Village Planning Committee...

Best

Jack

Jack Gilmore



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Phoenix, AZ 85006  
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[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)  
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November 11, 2019



Mr. Jeff Meyer  
Desert Care Landscape Resources, Inc.  
PO Box 65971  
Phoenix, AZ 85082

RE: ELS PUD Application: Z-8-19-8  
Green Waste Management

Jeff:

The management of green waste is an important issue, and ELS has been in the business for enough years to understand the sensitive nature of storing and removing from their property. Our current development plan calls for a defined green waste area of approximately 125' x 300' that will be setback a minimum of 50' from the west property line. The PUD further states that the maximum height of stored material cannot exceed six feet in height. Your math of 225,000 cubic feet (CF) is correct, which also equates to 8,333 cubic yards (CY). Admittedly, that is a lot of material. I then requested that ELS provide a record of the pickups by their subcontractor who grinds the material on-site then removes it. The list below represents their dates for grinding and pickups for 2019, but previous years are very similar.

Date	Loads		Date	Loads		Date	Loads
1/7/2019	2		4/1/2019	8		7/8/2019	7
1/11/2019	4		4/5/2019	13		7/16/2019	10
1/24/2019	3		4/15/2019	1		7/22/2019	6
2/4/2019	8		5/6/2019	8		7/25/2019	2
2/21/2019	12		5/13/2019	13		8/19/2019	11
3/4/2019	10		5/24/2019	12		8/27/2019	7
3/11/2019	14		6/3/2019	2		8/29/2019	10
3/18/2019	12		6/10/2019	7		9/10/2019	8
3/25/2019	12		6/17/2019	6		9/11/2019	5

As you can see, the grinding and pickups are typically 3 times per month. The largest number of loads is 13, and at 100CY's per load that is 1300CY's on-site, which is well below the calculated potential of 8,333 CY's. Because the material comes into the stored area as 'rough cut' from job sites, the appearance can be larger that what the actual volume will calculate to.

If another meeting with ELS will help, let me know, or call with questions.

Sincerely,

Jack Gilmore, LA

cc: Samantha Keating, South Mountain Village Planner  
MPC Holdings / ELS

## Samantha Keating

---

**From:** Paul Van Buren <paulvanburen777@gmail.com>  
**Sent:** Thursday, October 10, 2019 8:13 AM  
**To:** jgilmore@getgilmore.com  
**Cc:** kshepard2@cox.net; Sandy Bawden (skb5775@gmail.com); Beth Gosnell; Samantha Keating; Ahmed M. Jaddi PE, SE  
**Subject:** Re: ELS-PUD South Mountain Village Planning Committee Hearing Oct 15th

Jack,

Thank you for abiding by the rules as it pertains to notifying the public. And thank you for your response as it pertains to "green waste" too.

I understand there is a difference between green waste and what they may or may not have dumped there in the past.

That said, I don't don't have much confidence that the owners of ELS will abide by such rules. Especially, as it pertains to the dumping of "green waste" as it is defined from what I've read.

In other words who or what is going to stop them from dumping non-green waste as defined. Meaning, regardless if your definition differs from what I've read. Just like any law or regulation if they chose they can still do what they want to do with no oversight correct?

This may be in your best interest monetarily as a landscape architect, Samantha's as a planner for the city, Kay's as a realtor, or for others to include landowners looking to up zone their properties for monetary gain.

But, my concern is for the children. Because, it is my desire to make my property an orphanage in time. Believe it or not to my knowledge there isn't one in the metro area.

You see I am in the process of making another trip to Syria and Lebanon. There's an orphanage in Lebanon near the Syrian border that can't handle the amount of orphans that are being displaced.

I am working with a few key people on this too. It is not part of a church mission or outreach. It is purely a human outreach and the atrocities are beyond human comprehension.

So, I am grateful they will be cleaning things up now. But, of all the landscaping companies in the area that do such a great job of maintaining their properties and the integrity of the area. Their property has been the least maintained.

This is an extremely successful entity and based on the information anyone can ascertain from [www.referenceusa.com](http://www.referenceusa.com), Dun & Bradstreet they employ hundreds of people and may very well be the most successful monetarily of them all.

Therefore, it would have cost them pennies essentially to maintain their property all these years and it it has truly been an eyesore. I would gladly forward you pictures to review.

Regardless, I have not said a word to anyone until this rezoning case came forth. Although, I did try and reach out to the owners several times in the past leaving messages and not once did they return my calls.

Pardon, me if this email is disjointed as I am working and sending it from my phone. I have approached this with Jack and Samantha in an upfront manner too.



I have shared them the same in regards to their dumping and the amount of scorpions I've encountered. I tried to be kind about it and even mentioned some of it came from a previous tenant of the Rush property too.

I even shared with them that my child when he was an infant got stung repeatedly. We then moved to Ahwatukee even after I spent tens of thousands of dollars scorpion proofing our property.

Also, my concern in the past was toxic materials they may have dumped as well? I shared this with Samantha too. This could easily be determined cost effectively and rectified too.

This goes back to the housing crisis and I will say no more. Truly, I have no ax to grind nor any I'll will towards the owners of ELS. Believe this as I would prefer they didn't have to spend the additional monies to redone to PUD instead of MUA.

But, Samantha recently shared with me the provisions that are limiting in this regard for them too. Truly, It is my desire to have the landscape companies in this area.

They provide the buffer and if you will the illusion of a rural area. And as I've expressed to Samantha there is a greater opportunity in this area to capitalize on this for all of Phoenix to enjoy.

Because, it is important as this city grows to the likes of a LA or NYC that we create something that takes into consideration the quality of life of all Phoenicians.

Please, Kay or anyone else for that matter if you have any suggestions or recommendations in this regard send them to Jack or Samantha.

Kindest Regards,

Paul

Sent from my iPhone

On Oct 9, 2019, at 4:00 PM, Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)> wrote:

Neighbors:

As you may be aware, the PUD zoning process is actually more complicated than a typical rezoning application. There are more notification requirements and the general complexity hits a higher level. Apparently I missed a letter notification to all the surrounding property owners for this upcoming SM Village Planning Committee Hearing next week. The property has been correctly posted, but the City's process requires that a separate mailing of letters must be distributed. This has forced me to request a continuance to the next VPC Hearing which is November 12<sup>th</sup>, but because of other Public Hearing commitments in other municipalities on that same evening, I am now requesting a presentation on December 10<sup>th</sup> with the South Mountain Village Planning Committee. I offer my sincere apologies for this situation and hope that you will continue to communicate with me as questions and/or issues arise.

Please inform your neighbors and any other groups that you communicate with. I will keep you all informed and you expect another notification letter by mid-November.

Of course call or send me an e-mail with any questions. If a meeting with any of your groups or neighbors will help, please let me know.


Best

Jack

Jack Gilmore

<image001.jpg>

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[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

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## Samantha Keating

---

**From:** Jack Gilmore <jgilmore@getgilmore.com>  
**Sent:** Wednesday, October 9, 2019 11:26 AM  
**To:** Paul Van Buren; Samantha Keating  
**Subject:** RE: ELS Rezoning

Paul:

Please extend an invite to your neighbor on the 4.5 acres that I would be very willing to meet with you both to review the site development plan for the ELS. I want to make sure you are both aware of the discussions we have had with Desert Care and the Planning Staff about managing the green waste. Of course call with any questions.

Jack  
Office 602-266-5622  
Cell: 602-999-8860

Jack Gilmore



2211 N 7<sup>th</sup> Street  
Phoenix, AZ 85006  
p. 602 266 5622 \ c. 602 999 8860  
[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

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

**From:** Paul Van Buren <paulvanburen777@gmail.com>  
**Sent:** Tuesday, October 8, 2019 9:15 PM  
**To:** samantha.keating@phoenix.gov; Jack Gilmore <jgilmore@getgilmore.com>  
**Subject:** ELS Rezoning

Samantha,

I will get back to you on Friday. I am meeting with the new owner of the adjacent 4.5 acres on Thursday. I just sent him the conceptual you gave me too. He was unaware they dumped their so called "green waste" near his property.

He has been out of town and didn't even know the rezoning was occurring on the ELS property. He plans on building a few homes for himself and his two sons and a niece of his too.

Best,

Paul

Sent from my iPhone

## Samantha Keating

---

**From:** Jack Gilmore <jgilmore@getgilmore.com>  
**Sent:** Wednesday, October 9, 2019 4:01 PM  
**To:** kshepard2@cox.net; Sandy Bawden (skb5775@gmail.com); Paul Van Buren; Jeff Meyer (jmeyer@desertcarelr.com); 'Beth Gosnell'  
**Cc:** Samantha Keating  
**Subject:** ELS-PUD South Mountain Village Planning Committee Hearing Oct 15th

Neighbors:

As you may be aware, the PUD zoning process is actually more complicated than a typical rezoning application. There are more notification requirements and the general complexity hits a higher level. Apparently I missed a letter notification to all the surrounding property owners for this upcoming SM Village Planning Committee Hearing next week. The property has been correctly posted, but the City's process requires that a separate mailing of letters must be distributed. This has forced me to request a continuance to the next VPC Hearing which is November 12<sup>th</sup>, but because of other Public Hearing commitments in other municipalities on that same evening, I am now requesting a presentation on December 10<sup>th</sup> with the South Mountain Village Planning Committee. I offer my sincere apologies for this situation and hope that you will continue to communicate with me as questions and/or issues arise.

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Best

Jack

Jack Gilmore



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## Samantha Keating

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**From:** Paul Van Buren <paulvanburen777@gmail.com>  
**Sent:** Tuesday, October 8, 2019 9:15 PM  
**To:** Samantha Keating; jgilmore@getgilmore.com  
**Subject:** ELS Rezoning

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Best,

Paul

Sent from my iPhone

## Samantha Keating

---

**From:** Paul Van Buren <paulvanburen777@gmail.com>  
**Sent:** Sunday, October 6, 2019 9:42 PM  
**To:** Jack Gilmore  
**Cc:** Samantha Keating  
**Subject:** Re: MCP Holdings - ELS - Rezoning Application: Z-8-19

Jack,

Thanks for your email. I met with Samantha on Friday. I have had a brief conversation with Gary Carmack and Ahmed Jaddi the two other adjacent property owners as well. I will be getting back to you, Samantha and the owners of MCP Tuesday at the latest.

Kindest Regards,

Paul

Sent from my iPhone

On Oct 2, 2019, at 5:03 PM, Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)> wrote:

Paul:

You probably know this already, but we are confirmed for a presentation before the South Mountain VPC on October 15<sup>th</sup>. We are in agreement with staff and they will be supporting our application. If we are requesting any deviations then we must request consideration from the VPC Committee who must vote in favor of our request. If ELS decides to pursue a deviation, it will only be for the perimeter landscape buffer. The MUA Zoning District requires a front yard setback of 40' that must be landscaped, which is fine with us. The interior perimeters must have a 10' landscape buffer around the perimeter of the property (east, south, and west). This buffer must include trees spaced at 20' on-center or in equivalent groupings along with 5 shrubs per tree. We have no problem with the west side, but on the south side we have two very different conditions. There is a CMU wall that is taller than 6' along the east half of the south side. In addition to the solid wall, there is an extensive landscape with shade trees overhanging this wall. We don't understand what an additional buffer with shrubs will accomplish on the ELS side(?).

The west half of this south side shares a rear yard with your property. A landscape buffer will be installed with trees 20' on-center, a continuous hedge row, and green screen fabric to block views.

The MUA also calls for 60% of these perimeter trees to be 2" caliper (24" Box or 36" Box based on species) and 40% as 1" caliper (15Gal or 24" Box based on species). This represents a very expensive investment. If this property was being developed for commercial shopping, office, or even residential where the general public views these perimeters, then no question, this buffer is appropriate. But ELS does not have any general public interaction, and no one uses the rear area except employees. We intend to ask the Committee to accept 15 Gal trees as the minimum size for trees when not adjacent to your property.

The entire east side shares a property line with Western Tree. There is an existing chain link fence on the property line. Western Tree has placed their container stock within a few feet of this fence. Again, we request the same consideration and don't believe a buffer will enhance either side.

An important consideration is the common security that comes with open fencing. These growers are all sensitive to intruders on their properties after dark. The open fencing allows these growers to assist each other with visually monitoring whose is on these properties.

Everything that we have shared with you and the other neighbors has not changed. If you are planning to attend, great, and a few words of support for this PUD before the Committee would be appreciated.


Call with any questions. Best.

Jack

Jack Gilmore

<image001.jpg>

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[jjgilmore@getgilmore.com](mailto:jjgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

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---

**From:** Jack Gilmore  
**Sent:** Tuesday, May 14, 2019 2:23 PM  
**To:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
**Subject:** RE: MCP Holdings - ELS - Rezoning Application: Z-8-19

Paul:

Hope to meet you on the 22<sup>nd</sup> at the Farm.

Jack

Jack Gilmore

<image001.jpg>

2211 N 7<sup>th</sup> Street  
Phoenix, AZ 85006  
p. 602 266 5622 \ c. 602 999 8860  
[jjgilmore@getgilmore.com](mailto:jjgilmore@getgilmore.com)  
<http://www.getgilmore.com/>



---

**From:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
**Sent:** Tuesday, May 14, 2019 7:52 AM  
**To:** Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>  
**Subject:** Re: MCP Holdings - ELS - Rezoning Application: Z-8-19

Good morning sir,

I was out of pocket yesterday. I don't need to talk, you're site plan is sufficient. I'll try and make it to your next neighborhood meeting.

Kindest regards,

Paul

Sent from my iPhone

On May 13, 2019, at 3:58 PM, Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)> wrote:

I'm out of pocket for now

On Mon, May 13, 2019 at 3:57 PM Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)> wrote:

Paul:

Is this a good time to talk? Call the office or my cell.

Jack

Jack Gilmore

<image001.jpg>


2211 N 7<sup>th</sup> Street

Phoenix, AZ 85006

p. 602 266 5622 \ c. 602 999 8860

[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)

<http://www.getgilmore.com/>

 Thank you for considering the environment before printing this e-mail

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**From:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
**Sent:** Saturday, May 11, 2019 5:32 PM  
**To:** Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>  
**Subject:** Re: MCP Holdings - ELS - Rezoning Application: Z-8-19

I'm out right now and just got your email m.

Sent from my iPhone

On May 11, 2019, at 3:03 PM, Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)> wrote:

Paul:

I decided to come into the office this afternoon. Is this a good time to share a call?

Jack

Jack Gilmore

<image001.jpg>

2211 N 7<sup>th</sup> Street

Phoenix, AZ 85006

p. 602 266 5622 \ c. 602 999 8860

[igilmore@getgilmore.com](mailto:igilmore@getgilmore.com)

<http://www.getgilmore.com/>

 AA Thank you for considering the environment before printing this e-mail

---

**From:** Jack Gilmore

**Sent:** Thursday, May 9, 2019 3:11 PM

**To:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>

**Subject:** RE: MCP Holdings - ELS - Rezoning Application: Z-8-19

Paul:

I have a series of meetings in the morning, but available all afternoon after 1:30..

Jack

Jack Gilmore

<image001.jpg>

2211 N 7<sup>th</sup> Street

Phoenix, AZ 85006

p. 602 266 5622 \ c. 602 999 8860

[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)

<http://www.getgilmore.com/>

 Thank you for considering the environment before printing this e-mail

---

**From:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>

**Sent:** Thursday, May 9, 2019 3:06 PM

**To:** Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>

**Subject:** Re: MCP Holdings - ELS - Rezoning Application: Z-8-19

Jack,

If you have time available to chat tomorrow lmk and I'll reach out to you.

Paul

Sent from my iPhone

On May 5, 2019, at 4:55 PM, Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)> wrote:

Paul:

Thank you for this note. I was concerned that something I said was misunderstood. I understand your concern with the scorpions. My wife and I remodeled our home and that apparently stirred up a rebellion. We had many scorpions a day in our house

## Samantha Keating

---

**From:** Jack Gilmore <jgilmore@getgilmore.com>  
**Sent:** Friday, October 4, 2019 1:21 PM  
**To:** Jeff Meyer  
**Cc:** Recona.Valerio@phoenix.gov; Austin Meyer; Samantha Keating  
**Subject:** RE: ELS-PUD Z-8-19-8 - 3307 E. Southern Ave; Phoenix, AZ

Jeff:

I spoke to ELS about your concern. The 225,000-CF equates to 8300-CY's and that can only occur if the green waste was packed to its full potential. That has never happened. I have asked ELS to review their records for the amount of green waste they typically grind and remove, those numbers should be available early next week. There has not been a 'fire' on the property for more than 18 years, and that fire was smoke from the smoldering green waste. There were no flames, but the heat buildup allowed the spontaneous combustion. I will report to you next week when I have the grinding volumes available.

I did ask about HMS. They also stock pile green waste, but their business volume it is substantially than ELS and so is their green waste. ELS arranges for the grinding on a regular basis, every 2-3 months, all of which is removed.

Jack

Jack Gilmore



2211 N 7<sup>th</sup> Street  
Phoenix, AZ 85006  
p. 602 266 5622 \ c. 602 999 8860  
[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

 Thank you for considering the environment before printing this e-mail

---

**From:** Jeff Meyer <jmeyer@desertcarelr.com>  
**Sent:** Thursday, October 3, 2019 7:02 PM  
**To:** Jack Gilmore <jgilmore@getgilmore.com>  
**Cc:** Recona.Valerio@phoenix.gov; Austin Meyer <acmeyer@desertcarelr.com>; Samantha Keating (samantha.keating@phoenix.gov) <samantha.keating@phoenix.gov>  
**Subject:** RE: ELS-PUD Z-8-19-8 - 3307 E. Southern Ave; Phoenix, AZ

Jack,

Thanks for your e-mail reply. Your client is suggesting up to 225,000 cubic feet of area for this use? This is almost an acre of space at a height of 6 feet. I am sorry, but not sure we can support this plan, and would like to see this space cut back drastically, with a better use for a majority of this space please. Wow!

There are other green waste programs that can turn the debris around faster and get it off the premises more timely than waiting a 2 to 3 months. Maybe ELS should look into some other plans here that are more beneficial for our neighborhood, and still allowing them to remain stewards of our environment.

Thanks,

*Jeff A. Meyer*

**President**

**Desert Care Landscape Resources, LLC**

[jmeyer@desertcarelr.com](mailto:jmeyer@desertcarelr.com)

(602) 549-5434 (C)



---

**From:** Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>

**Sent:** Thursday, October 3, 2019 9:57 AM

**To:** Jeff Meyer <[jmeyer@desertcarelr.com](mailto:jmeyer@desertcarelr.com)>

**Cc:** [Recona.Valerio@phoenix.gov](mailto:Recona.Valerio@phoenix.gov); Austin Meyer <[acmeyer@desertcarelr.com](mailto:acmeyer@desertcarelr.com)>; Samantha Keating (<[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)> <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>

**Subject:** RE: ELS-PUD Z-8-19-8 - 3307 E. Southern Ave; Phoenix, AZ

Jeff:

The Planning Staff asked for additional clarification as well and that we tighten the control. Please review this language, which is included in the PUD Application. The fact that the green waste is not grinded reduces the potential for spontaneous combustion. It is the grinded material that is stockpiled that builds up the heat leading to problems. Jimmy did acknowledge a previous event, but that was many years ago and they are all more sensitive to the issue, which is why they no longer grind as it comes in.

Please review and call with any questions or suggestions.

Jack

### **Permitted Accessory Uses – South Half**

1. Mulching of green waste associated with the nursery and maintenance operations of ELS. Generating green waste is an integral by-product of the landscape industry. ELS crews collect and spread the green waste to hasten the drying. The dried material is then stockpiled to a maximum height of 6 feet. This stockpile of green waste is situated a minimum of 50 feet east of the west property line and 300 feet north of the south property line. ELS will manage this stockpile within a defined area that will be a maximum of 125 feet in width and 300 feet in length. This material is stored on-site for an average of 2-3 months at which time an outside

contractor will grind the stored green waste and remove from the Property. Refer the General Development Plan **Exhibit 4**.

2. Outside fabrication of containers for plant material and storage of landscape construction material (decomposed granites, various sizes of decorative rock, boulders, railroad ties, etc.

Jack Gilmore



2211 N 7<sup>th</sup> Street  
Phoenix, AZ 85006  
p. 602 266 5622 \ c. 602 999 8860  
[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

 Thank you for considering the environment before printing this e-mail

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**From:** Jeff Meyer <[jmeyer@desertcarelr.com](mailto:jmeyer@desertcarelr.com)>  
**Sent:** Wednesday, October 2, 2019 5:38 PM  
**To:** Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>  
**Cc:** [Recona.Valerio@phoenix.gov](mailto:Recona.Valerio@phoenix.gov); Austin Meyer <[acmeyer@desertcarelr.com](mailto:acmeyer@desertcarelr.com)>  
**Subject:** RE: ELS-PUD Z-8-19-8 - 3307 E. Southern Ave; Phoenix, AZ

Jack,

I received your voice message and appreciate your call today. Ironically, I was leaving a message for Rocana at City of Phoenix neighborhood services when your call came in earlier. I would like to support your project, however I am still very uncomfortable with the planned green waste and compost operation as presented by the applicant ELS.

I know we met previously on March 29<sup>th</sup>, and you followed up with simple plan; but In order for us to be able to support the requested PUD there has to be a more comprehensive plan in place; as to moving the green waste off the property in an orderly and timely manner. And, ultimately doing so prior to any fires getting started from the debris. As shared previously I am aware of the previous fire that took place within this same space.

The solution for this use in our opinion is to follow the current Ops. plan that HMS Landscape might be using. HMS is our neighbor to our north, and the neighbor to the west of ELS. They seem to move through the green waste process fairly quickly, without attracting animals and insects. Additionally, without the green waste sitting in piles for long extended periods of time; the company avoids the foul smells that seem to travel with this type of business. Lastly, they seem to avoid being in situation where fires can potentially start up. I am not sure as to the complete details of HMS Landscape's, plan, but believe it is worthy for you to investigate. I have included Recona Valerio with City of Phoenix Neighborhood services as part of this correspondence for her input.

I would like to see an acceptable comprehensive plan for the City to review and approve; showing the turnover period of all green waste and mulching within area #15 of the plan that you created for ELS. Additionally, I believe there should be some restrictions as to the size and piles of debris, and the proximity to the neighbors properties that this operation will be allowed. I have seen how gigantic these piles have become in the past, and its simply unsafe!

Please let me know if you have any further questions, and I look forward to seeing ELS's Green Waste Ops plan in the near future to review.

Thanks,

*Jeff A. Meyer*

**President**

**Desert Care Landscape Resources, LLC**

[jmeyer@desertcarelr.com](mailto:jmeyer@desertcarelr.com)

**(602) 455-4490 (O)**



---

**From:** Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>

**Sent:** Wednesday, October 2, 2019 4:32 PM

**To:** Jeff Meyer <[jmeyer@desertcarelr.com](mailto:jmeyer@desertcarelr.com)>

**Subject:** ELS-PUD Z-8-19-8

Jeff:

You probably know this already, but we are confirmed for a presentation before the South Mountain VPC on October 15<sup>th</sup>. We are in agreement with staff and they will be supporting our application. If we are requesting any deviations then we must request consideration from the VPC Committee who must vote in favor of our request. If ELS decides to pursue a deviation, it will only be for the perimeter landscape buffer. The MUA Zoning District requires a front yard setback of 40' that must be landscaped, which is fine with us. The interior perimeters must have a 10' landscape buffer around the perimeter of the property (east, south, and west). This buffer must include trees spaced at 20' on-center or in equivalent groupings along with 5 shrubs per tree. We have no problem with the west side, but on the south side there is a CMU wall that is taller than 6' along the east half of the south side. In addition to the solid wall, there is an extensive landscape with shade trees overhanging this wall. We don't understand what an additional buffer with shrubs will accomplish on the ELS side(?). The west half of this south side shares a rear yard with the Van Buren's, a single family residence. A landscape buffer will be installed along with the green screen fabric to block views. The MUA also calls for 60% of these perimeter trees to be 2" caliper (24" Box or 36" Box based on species) and 40% as 1" caliper (15Gal or 24" Box based on species). This represents a very expensive investment. If this property was being developed for commercial shopping, office, or even residential where the general public views these perimeters, then no question, this buffer is appropriate. But ELS does not have any general public interaction, and no one uses the rear area except employees. We intend to ask the Committee to accept 15 Gal trees as the minimum size for trees when not adjacent to residential.

The entire east side shares a property line with Western Tree. There is an existing chain link fence on the property line. Western Tree has placed their container stock within a few feet of this fence. Again, we request the same consideration and don't believe a buffer will enhance either side.



An important consideration is the common security that comes with open fencing. These growers are all sensitive to intruders on their properties after dark. The open fencing allows these growers to assist each other with visually monitoring whose is on these properties.

Everything that we have shared with you and the other neighbors has not changed. If you are planning to attend, great, and a few words of support for this PUD before the Committee would be appreciated.

Call with any questions. Best.

Jack

Jack Gilmore



2211 N 7<sup>th</sup> Street  
Phoenix, AZ 85006  
p. 602 266 5622 \ c. 602 999 8860  
[jjgilmore@getgilmore.com](mailto:jjgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

 Thank you for considering the environment before printing this e-mail

## **Samantha Keating**

---

**From:** Sandy Bawden <skb5775@gmail.com>  
**Sent:** Friday, October 4, 2019 10:20 AM  
**To:** Samantha Keating  
**Subject:** ELS-PUD Z-8-19-8

Hello Samantha,

We have not yet met, but I do try to attend most of the SMVPC meetings and I look forward to meeting you.

I am writing to express approval for the ELS PUD application. ELS and their representative, Jack Gilmore, has stayed in contact with our neighborhood since they started down the approval road. They are good neighbors and are trying to meet City regulations that have evolved since they have been in business in the same location.

My husband and I are unable to attend the October meeting, but please share this email with the committee in the place of a speaker's card as our desire to endorse approval of their request.

I look forward to meeting you next month.

Regards,

Sandy Bawden  
602-663-4664

## Samantha Keating

---

**From:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
**Sent:** Wednesday, September 25, 2019 1:00 PM  
**To:** Samantha Keating  
**Subject:** Re: Follow up

I apologize, but I'm now booked out again. I'm available October 10th Thursday or October 11th Friday.

Although, I'm uncertain what can be accomplished and/or where they are in the process now? Please, advise as to where they are in the process?

If they would move their dumping of debris and yellow metal to the S/E portion of their site and/or further away from my property.

Plus, clean up their act along with the empty trailers and more in the back I might be more supportive of their rezoning efforts.

But, right now I am not in support. In regards to the general area that can be discussed anytime. Should there be a desire to facilitate the MUA zoning?

Best,

Paul

Sent from my iPhone

On Sep 23, 2019, at 1:46 PM, Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)> wrote:

Good afternoon Paul,

Currently I am free on Thursday at 10 am and Friday at 9 and 10am. Let me know if any of those times work on your end.

Thank you,

Samantha Keating  
Principal Planner  
City of Phoenix Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003  
Phone: 602-262-6823  
[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)

**From:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
**Sent:** Sunday, September 22, 2019 11:11 AM  
**To:** Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>  
**Subject:** Re: Follow up

Hi Samantha,

I have openings Thursday and Friday morning this week. Let me know if you have any time available then too. No worries on suggestions in regards to the subject property. It is my desire to have them or any other landscaping company there providing they work to keep the integrity of the area intact.

Best,

Paul

On Tue, Sep 10, 2019 at 1:26 PM Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)> wrote:

Paul,

I am happy to meet. Please let me know what works best for you. I unfortunately do not have any suggestions for the questions below. Please let me know if there is anything else I can help with.

Thank you,

Samantha Keating  
Principal Planner  
City of Phoenix Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003  
Phone: 602-262-6823  
[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)

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

From: Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
Sent: Friday, September 6, 2019 9:33 AM  
To: Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>  
Subject: Follow up

Good morning Samantha,

I haven't forgotten about our meeting. I will reach out to you the end of next week to schedule a meeting for the beginning of the week of September 16th.

Let me know if that's too late. Because, I still have a couple more pressing issues to get off my plate. But, I will set them aside if necessary.

More and more I am of the belief they are hiring undocumented workers next door. I saw several of their workers (at least six) at Circle K located on 40th St. & Baseline Rd.

They were inside getting ice and outside filling their cooler with water this morning. I tried engaging them.

But, not one single person understood me or even spoke a word of English to reply, However, and to the contrary.

I saw a handful of workers from AAA landscaping that were all of Hispanic decent. Everyone of them understood me them and spoke good English.

Do you have a suggestion on a solution for this matter without getting them in trouble? If indeed they don't have green cards and I certainly don't know.

But, if these workers don't have green cards and are working for far less than what is required by law. That's what's troublesome and it's their greed that is problematic to me.

I can't say on this nor can I say on their dumping if it's hazardous materials or not. But, I can say they move dirt around most of the day in the area that I sent you pictures of too.

Be blessed,

Paul

Sent from my iPhone

# All Season Wholesale Growers



6623 S. 32nd Street #4, Phoenix, AZ 85042  
phone 602-276-0230 fax 602-276-0660  
[www.allseasongrowers.com](http://www.allseasongrowers.com)

---

August 28, 2019

Ms. Elyse DiMartino  
South Mountain Village Planner  
City of Phoenix Planning Dept.  
200 W. Washington, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003

RE: Rezoning Application – ELS PUD – ZON 8-19-8  
3329 E. Southern Ave

Dear Ms. DiMartino:

Let this letter represent my support for the rezoning application Z-8-19-8 that will keep ELS on their property and continuing to operate their landscape contracting business and plant nursery. We are familiar with their location and the other landscape companies along the south side of Southern Ave. We believe that keeping this landscape business at this location is a great way to support the intent of the Baseline Area Overlay District (BAOD) that was created to protect and retain the agricultural character of this area south of Southern Ave to Baseline Road.

Approving this Planned Unit Development for ELS limits the use of this property to a landscape contracting business and plant nursery, which has been on this property for 40 years. Any other commercial or residential use will require another rezoning process which will allow area residents, property owners, and the South Mountain Village Planning Committee an opportunity to review and comment on whether or not it is an appropriate use.

Respectfully,

A handwritten signature in dark ink that reads "Beth A. Postma".

Beth A. Postma  
Managing Member  
All Season Wholesale Growers

Richard Eymann  
3525 E. Southern Ave  
Phoenix AZ 85040

Aug. 20, 2019

Elyse DiMartino  
South Mountain Village Planner  
City of Phoenix Planning Dept.  
200 W. Washington, 3 rd Floor  
Phoenix, AZ 85003  
RE: Rezoning Application – ELS PUD – ZON 8-19-8  
3329 E. Southern Ave

Dear Ms. DiMartino:

Let this letter represent our support for the rezoning application Z-8-19-8 that will keep ELS on their property and continuing to operate their landscape contracting business and plant nursery. We are familiar with their location and the other landscape companies along the south side of Southern Ave. We believe that keeping this landscape business at this location is a great way to support the intent of the Baseline Area Overlay District (BAOD) that was created to protect and retain the agricultural character of this area south of Southern Ave to Baseline Road.

We are more concerned about the density of residential development that is working its way into the area. Directly northeast of ELS is a large 3-story multi-family project under construction. This type of development is contrary to the intent of the BAOD. Approving this Planned Unit Development for ELS limits the use of this property to a landscape contracting business and plant nursery, which has been on this property for 40 years. Any other commercial or residential use will require another rezoning process which will allow area residents, property owners, and the South Mountain Village Planning Committee an opportunity to review and comment on whether or not it is an appropriate use.

Respectfully,  
Richard Eymann



August 15, 2019

Samantha Keating  
South Mountain Village Planner  
City of Phoenix Planning Dept.  
200 W. Washington, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003

RE: Rezoning Application – ELS PUD – ZON 8-19-8  
3329 E. Southern Ave

Dear Ms. Keating:

Let this letter represent our support for the rezoning application Z-8-19-8 that will keep ELS on their property and continuing to operate their landscape contracting business and plant nursery. We are familiar with their location and the other landscape companies along the south side of Southern Ave. We believe that keeping this landscape business at this location is a great way to support the intent of the Baseline Area Overlay District (BAOD) that was created to protect and retain the agricultural character of this area south of Southern Ave to Baseline Road. We are more concerned about the density of residential development that is working its way into the area. Directly northeast of ELS is a large 3-story multi-family project under construction. This type of development is contrary to the intent of the BAOD.

For those of us who have maintained our landscape businesses for many years, the issue of security is an ongoing concern. As neighbors, we are all aware and we help each other by observing questionable activities on adjacent properties. The ability to see what is happening is very important and the idea of installing perimeter landscape buffers that will restrict this type of observation we believe is counter - productive. We encourage you not to make this a condition for ELS or any other similar use.

Approving this Planned Unit Development for ELS limits the use of the property to a landscape contracting business and plant nursery, which has been on this property for 40 years. We understand that any other commercial or residential use will require another rezoning process which will allow area residents, property owners, and the South Mountain Village Planning Committee an opportunity to review and comment on whether or not it is an appropriate use.

Respectfully,

A handwritten signature in black ink that reads "Jose Luis Vega". The signature is written in a cursive, flowing style.

Jose Luis Vega  
President

*"We Make Your Dreams Blossom"*



## Samantha Keating

---

**From:** Paul Van Buren <paulvanburen777@gmail.com>  
**Sent:** Thursday, August 15, 2019 8:40 AM  
**To:** Samantha Keating  
**Subject:** Re: Friday appointment & more

Good morning Samantha,

Thank you for your reply and I do have an 11 am appointment now. So, we will have to reschedule for next week or the week thereafter. Yes it does help to understand some of the history, but I have no grievances with ELS. There is more to include their dumping of materials that may be hazardous. We have been of the belief if a Phase I were conducted there may be contamination present at least in specific areas where they dump more than just landscaping refuse and work on their trucks and heavy equipment, which was done mostly on the eastern portion of their property where they have been in business for 39 years. There is more as well and we want the landscaping companies in this area for the reasons mentioned and more. But, we are all in doubt as to whether they will adhere to their site plan and clean up their act once they get the zoning approval. First, I am an advocate of human rights and it was of no concern of mine when they were initially cited for their unfair labor practices years back exploiting those from across the border. But that warning didn't stop them and they continued doing the same and were eventually fined. Presently, the past few years every morning before 6 am I have coffee at Circle K up the street. So, I have met several of their workers and many of these guys work for peanuts at least the one's who can't speak a word of English and can't speak up for themselves.

Secondly, since you are playing catch up to keep it simple for now...it is quite possible they have dumped more than just plant debris on their site. We don't know, but there has been past concern for hazardous materials being dumped on their site i.e. asbestos and more. We do know they work on their trucks and heavy equipment for years on both their original site and the acreage they acquired around 2006 approximately. Certainly, a Phase I Environmental should be conducted and their cheap enough. Third, we have a very tight knit group in the adjoining communities and home owner association(s)...Bartlett Heard Lands, Bartlett Heard Ranch, The multiple Home Owner's Associations at the Legacy, Raven and the Beazer Homes subdivisions south of Baseline and 32nd St. where home values exceed \$750,000. Hence, the reason we are aware of everything that goes on with the landscaping companies and any potential development / encroachment. We believe there is a grand opportunity for you and the planners should you desire to co-create with key players in the community to make use of the MUA zoning classification, which from what we understand has been insufficient zoning classification across the board in metro Phoenix. For the sake of brevity, if this is true then at least it has not achieved the desired results of the planners and General Plan. However, it matters not to us we will stop dead in its tracks any future proposals for commercial development i.e. industrial, commercial and multi-family. We are committed to keeping this immediate area's integrity intact at least from 32nd St. / Baseline to Southern. We have some ideas as well for cleaning up the blight without forcing people to have to move due to increase property taxes. We will continue to fight and teach other communities how to win and do the same should any encroachment of this nature continue. This includes any large multi-family projects that are of three stories like the one just been completed across from ELS / the subject property. It is quite possible the complaint filed against ELS either arose from this multi-family project or my neighbor to the east Gary Carmack @ 6441 S. 32nd St.

I'll get back with you...hope you have a light Friday and an extraordinary weekend.

Best,

Paul

On Wed, Aug 14, 2019 at 6:45 PM Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)> wrote:

Paul,

Thank you for the email and additional comments. It certainly helps to understand the history of the site. I am still able to meet on Friday at 10 am, but do have another meeting at 11 am. I apologize for the email back, but I do not have the ability to text from my work email.

Thank you,

Samantha Keating  
Principal Planner  
City of Phoenix Planning and Development Department  
200 West Washington Street, 3rd Floor  
Phoenix, Arizona 85003  
Phone: 602-262-6823  
[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)

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**From:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
**Sent:** Tuesday, August 13, 2019 10:53 AM  
**To:** Samantha Keating <[samantha.keating@phoenix.gov](mailto:samantha.keating@phoenix.gov)>  
**Subject:** Friday appointment & more

Dear Samantha,

I believe I sent these pictures to Elyse attached to our email correspondences. However, I don't know if she communicated to you the course of our conversations.

First, these two pictures were taken from my back door. The chain link fence they erected after purchasing the property over 13 years ago.

There was a nursery there prior to who's lease was due to expire. The gentleman was also leasing my adjacent acre. That lease was in place prior to my ownership of the property in the amount of \$400 a month.

No big deal for me nor was he going to renew a lease with me. I have no ax to grind with ELS. Initially, when I received the notification from Gilmore I was going to support the rezoning thereof. However, that is no longer the case.

So, ELS did NOT own the 7 +/- acres adjacent to my property. Back to their acquisition of the site. The gentleman leasing it was going to purchase the 7 +/- acres that was now in an estate.

And ELS has not operated a full service landscaping contractor business for 39 years. At least not on that portion of their property. Also, at one time during the recession it was essentially a large general contracting company. They had several infractions then as well with their labor employment practices.

ELS is indeed a general landscape contracting company today employing hundreds of people. See Indeed the app's job post I sent to Elyse previously seeking outside sales people.

So, ELS did not own the 7 acres that's adjacent to my site. However, ELS got wind that Dale's lease was up before he

could talk to the heirs of the estate. This all transpired the mid-part of the previous decade.

Bottom line & unbeknownst to Dale... ELS came in and cut a deal with the owners and forced him to move or go out of business? I don't know what happened to him to this day.

On their first month of ownership they were trying to remove the large palm trees from my property. Hence, the reason they erected the chain link fence pictured that's behind the trees lining my property.

It could've been a mistake, but they never asked me and their response was less than cordial. Again, it wasn't me who filed the complaint nor have I ever filed a complaint against any of my neighbors.

But, what I don't understand is why they refuse so close to the only two residential properties adjacent to their property. When it could've easily been done on the eastern portion of their property where no one lives adjacent too.

However, they did approach me in the past during the recession about buying my property. This began as a voice email that's somewhat edited. I apologize it is somewhat discombobulated.

Point being is ELS's ongoing practices that are at least questionable. If you have the email I blind copied or forwarded to Elyse. You will see where Jack Gilmore states the reason they are trying to remind to PUD is due to someone filing a complaint.

In other words had that not happened this multi/million dollar company with gross annual sales volume exceeding well over 10 million dollars. Would've continued paying residential property taxes.

We all support the landscape companies in this area. They help to provide the illusion of you will for this rural backdrop coveted by many who travel here to go to The Farm at South Mountain.

In conclusion, you will have to blow up the pictures to see their yellow metal in operation. The front loader and another piece of equipment are moving debris they dump right there next to my house. They contract with some of the largest companies and communities in Maricopa and at least at one time spinal county.

They often begin at sunup and work on Saturday's too. Needless to say I have had ongoing issues with scorpions in my house since they have owned the property.

In fact, when my son was an infant he was stung in his crib. Thank God for Phoenix Children's Hospital. I have more pictures should you desire to see their property and how junked up it looks compared to other companies in the business on "Landscape Row".

And/or in comparison to the residential properties adjacent to theirs. You see I might have supported their rezoning. However, I have copied the owners on emails in this regard. You think they would've cleaned up their act somewhat in the interim considering their rezoning application.

I am very understanding and easy to work with too. I know this is their property and in some ways it's none of my business what they do with it...So, if for any reason whatsoever you would prefer to meet another day & time. Truly, I'm in no rush nor is this a priority for me.

Best to text me at (602) 791-8090 should want to reschedule and have a light day Friday. I get deluged with emails and sometimes overlook the important ones.

Best,



heng

heng.com AZ ROC B-01 082904

Evergreen  
Lawn Sprinklers, Inc.  
243.1106





PHOENIX, AZ

P.O. BOX 8039

PHOENIX, AZ 85066-8039

(602) 243-6125

Fax (602) 243-3764

Physical Address:

3401 EAST SOUTHERN

AVE.

PHOENIX, AZ 85040

Arizona Certified Nursery

Member of the  
Arizona Nursery Association

May 30, 2019

Elyse DiMartino  
South Mountain Village Planner  
City of Phoenix Planning Dept.  
200 W. Washington, 3<sup>rd</sup> Floor  
Phoenix, AZ 85003

RE: Rezoning Application - ELS PUD -ZON 8-19-8  
3329 E. Southern Avenue

Dear Ms. DiMartino:

Let this letter represent our support for the rezoning application Z-8-19-8 that will keep ELS on their property and continuing to operate their landscape contracting business and plant nursery. We are familiar with their location and the other landscape companies along the south side of Southern Avenue. We believe that keeping this landscape business at this location is a great way to support the intent of the Baseline Area Overlay District (BAOD) that was created to protect and retain the agricultural character of this area south of Southern Avenue to Baseline Road.

We are more concerned about the density of residential development that is working its way into the area. Directly northeast of ELS is a large 3-story multi-family project under construction. This type of development is contrary to the intent of the BAOD. Approving this Planned Unit Development for ELS limits the use of this property to a landscape contracting business and plant nursery, which has been on this property for 40 years. Any other commercial or residential use will require another rezoning process which will allow area residents, property owners, and the South Mountain Village Planning Committee an opportunity to review and comment on whether or not it is an appropriate use.

Respectfully,

Robert A. Hawkins  
President

**From:** [Paul Van Buren](#)  
**To:** [Jack Gilmore](#)  
**Subject:** Re: MCP Holdings - ELS - Rezoning Application: Z-8-19  
**Date:** Sunday, May 5, 2019 7:14:04 PM

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Thank you, my concern is for children mostly. I'm slammed tomorrow. I'll get with you in the coming days.

Sent from my iPhone

On May 5, 2019, at 4:55 PM, Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)> wrote:

Paul:

Thank you for this note. I was concerned that something I said was misunderstood. I understand your concern with the scorpions. My wife and I remodeled our home and that apparently stirred up a rebellion. We had many scorpions a day in our house for several years with two smaller children, and yes, my wife and I were both stung. I don't make light of your concern, I can relate.

Is there a good time to call tomorrow? I will be in my office all day. Please call 602-266-5622. I would like to review all the issues you have questioned and make sure you understand our position.


Best

Jack

Jack Gilmore

<image001.jpg>

2211 N 7<sup>th</sup> Street  
Phoenix, AZ 85006  
p. 602 266 5622 \ c. 602 999 8860  
[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

 AA Thank you for considering the environment before printing this e-mail

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**From:** Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
**Sent:** Saturday, May 04, 2019 1:33 PM  
**To:** Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>  
**Cc:** Jimmy Castine <[jimmy@evergreenaz.com](mailto:jimmy@evergreenaz.com)>; Ryan Pike <[ryan@evergreenaz.com](mailto:ryan@evergreenaz.com)>  
**Subject:** Re: MCP Holdings - ELS - Rezoning Application: Z-8-19

Jack,

My comments were out of line. First, it may very well have been miscommunication in regards to the storage of green waste close to my property.

However, I don't want to go through what I experienced previously as mentioned. I don't know if it's an issue for Gary or not?

Second, I don't want to be woken up every morning from trucks dumping refuse or front loaders. But, there hasn't been a lot of activity like before.

Third, it's none of my business how they operate their business. I want to be a good neighbor and have it be a reciprocal arrangement.

Please, let me know in relationship to my property where exactly they plan on dumping their refuse.

Regards,

Paul

Sent from my iPhone

On May 4, 2019, at 8:56 AM, Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)> wrote:

Please, have the green debris disposed of in another location on as you stated previously.

Sent from my iPhone

On May 3, 2019, at 8:00 PM, Paul Van Buren <[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)> wrote:

I don't know about you Jack. But, I'm tired of dealing with elitist who want to take advantage of minority's and women too.

Before He found me I would take young men like the owners of the adjacent property on and set them straight. It's a shame it took someone reporting on your client to do the thing.



Maybe he should pay them a fair wage and be honest for a change, You picked the wrong person to lie to Jack.

Paul  
Sent from my iPhone

On May 3, 2019, at 12:16 PM, Paul Van Buren  
<[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)> wrote:

Jack,

Per your previous email I believe you stated that the green waste dumping location was to be in a different location no where near my property or my neighbors property Gary Carmack whom I am very close too. As I previously mentioned to you when the green waste dumping occurred years ago on the adjacent property to the west that was well over 300' away from the property line. We became infested with scorpions inside our house and our infant child at the time was stung multiple times in his crib. Obviously, I am aware of scorpions in the area and from time to time I will find one in our house. But, during that period of time when they began dumping green waste the scorpions increased at least 10 fold in our house. Hence, in part the reason for wanting to acquire additional land from ELS. Again, I would not build on it and the most that would be done would use it for farm animals like I've had here in the past. I would be willing to share access and enjoyment with their employees and families giving them a greater connection to the area and their business.

Regards,

Paul

On Wed, May 1, 2019 at 9:33 AM Jack Gilmore  
<[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)> wrote:

Paul:

Thank you for the note. As you mentioned, the trailers will be relocated and the green waste will be located at least 300' north of your property. ELS will be installing a landscape buffer along the entire length of your property line including green screen. Ideally, in just 2 years, the landscape buffer will block all views. As for acquiring an additional acre, I have to believe that is unlikely, but I will let ELS respond.

Of course call with any questions.

Jack

Jack Gilmore

<image001.jpg>

2211 N 7<sup>th</sup> Street  
Phoenix, AZ 85006  
p. 602 266 5622 \ c. 602 999 8860  
[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

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you for considering the environment before printing  
this e-mail

**From:** Paul Van Buren  
<[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>  
**Sent:** Wednesday, May 1, 2019 9:06 AM  
**To:** Jack Gilmore  
<[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>  
**Subject:** Re: MCP Holdings - ELS - Rezoning  
Application: Z-8-19

Good morning Jack,

Based on what you've shared with me to date I'm in support of the rezoning based on a few conditions. First, this is a residential area and it's not conducive when they are operating their heavy equipment at such wee hours in the morning. Second, Those

trailers are an eyesore and they must be relocated, Third, there is to be no dumping of plant debris anywhere near my property nor any parking as you've stated in your email, Lastly, please pass on my contact information to the owner and let him know I'm interested in buying an acre adjacent to my property. He can contact me directly at 602-791-8090.

Kindest Regards,

Paul

On Wed, Mar 27, 2019 at 4:50 PM Jack Gilmore <[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)> wrote:

Paul:

Thank you for the e-mail and sharing your questions. I have responded to you questions below. Please review and let me know if you have more questions, or feel free to call or come by.

Jack Gilmore

<image001.jpg>

2211 N 7<sup>th</sup> Street  
Phoenix, AZ 85006  
p. 602 266 5622 \ c. 602 999 8860  
[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)  
<http://www.getgilmore.com/>

 AA Thank you for considering the environment before printing this e-mail

**From:** Paul Van Buren  
<[paulvanburen777@gmail.com](mailto:paulvanburen777@gmail.com)>

**Sent:** Wednesday, March 27, 2019 9:12 AM

**To:** Jack Gilmore  
<[jgilmore@getgilmore.com](mailto:jgilmore@getgilmore.com)>

**Subject:** MCP Holdings - ELS - Rezoning  
Application: Z-8-19

Good morning Jack,

I live at 6439 S. 32nd St. South of and located adjacent/ behind the subject property that you are contracted to do the landscaping architecture on behalf of MCP Holdings at 3307-3329 E. Southern Ave.

I was out of town and unable to attend your initial neighborhood meeting on 03/14/19 at the Farm. I do have a few questions and concerns as well.

1. What is the primary reasons for the rezoning to PUD? Other than designating specific areas there appears to be little to no change in building any new structures/buildings to the subject property.

I believe MCP is a general contractor and landscaping company that has operated that way for years on this site.

**Response: The rezoning was triggered by an area resident who contacted the City of Phoenix and filed a complaint that ELS was operating a commercial business in the Suburban Ranch (S-1) Zoning District. Even though ELS has been operating as a landscape construction business and grower for 40 years on this property, their construction business is not a permissible use under that agricultural district. After several meetings with the City of Phoenix Planning Dept., the recommendation was to pursue the Planned Unit District (PUD) zoning.**

**Normally rezoning applications are associated with a new development on**

the property. In this case, ELS would like to continue their landscape business. The rezoning is therefore intended to make their landscape construction and plant nursery an approved/permitted use under the PUD zoning. Since this area south of Southern Avenue is within the designated Baseline Area Overlay District (BAOD), the City is expecting that the frontage along Southern will take on a more agricultural appearance, closer to what most of the other landscape growers have installed. The attached site plan and landscape plan illustrate how the entire frontage will be renovated with a new landscape. There is no other development proposed. Any other use will require a PUD Amendment, which is starting this process all over.

2. Why is the parking area located at the very back of the subject property adjacent to my property? How many employees do they employ and what time will they be parking their cars in the morning?

**Response: Please review the attached General Development Plan. The employee parking is referenced as items 12 and 14 which are located within the north half of the site, or approximately 600' north of your property line. The south half adjacent to your property will be a tree nursery (17) and greenhouses (18) for shrubs and groundcovers. The existing chainlink will receive a "green screen" fabric and a landscape installed using Green Hopseed that will form a solid evergreen hedge that will effectively cutoff all views below 7'.**

3. What is the reasoning behind locating the refuge dump behind my property and Gary Carmack's property adjacent @ 6441 S. 32nd St.? In my past experience where

this has happened at the adjacent property to the West of mine my house became infested with scorpions. It was so bad and increased more then ten fold at the time. In fact, my infant son had them crawling in his crib and got stung repeatedly.

**Response: ELS will be clearing the area along the south property for access for the nursery equipment. There will ne no refuse adjacent to the south property line. Item 20 is equipment storage for the nursery operation which will include some pickup trucks, small front end loaders, water trucks. The areas identified as 17 and 18 are tree nursery blocks and green houses. There is green waste that is stored in area 16, but that is grinded into a fine mulch every 3 months and removed from the property. This mulch area is approximately 250' north of the south property line.**

**Please feel free to respond with questions or call.**

**Best**

**Jack**