



Village Planning Committee Meeting Summary

Z-72-22-8

INFORMATION ONLY

Date of VPC Meeting	January 9, 2023
Request From	S-1 (Approved R1-6 PCD), and S-1 (Approved R-2 PCD)
Request To	PUD
Proposed Use	Industrial, Commerce Park, and Multifamily Residential
Location	Southeast corner of 59th Avenue and Elliot Road

VPC DISCUSSION:

Item No. 8 (Z-75-22-8), Item No. 9 (GPA-LV-4-22-8), Item No. 10 (Z-72-22-8), Item No. 11 (GPA-LV-5-22-7), and Item No. 12 (Z-73-22-7) were heard together.

Four members of the public registered to speak on these item. Two of the members donated their time.

APPLICANT PRESENTATION:

Jason Morris, representing the applicant with Withey Morris PLC, introduced himself and the three proposed projects by IDM. Mr. Morris stated that he will provide a combined presentation for agenda items 8 through 12. Mr. Morris provided an overview of IDM, describing the Columbia Tech Center, which is owned by IDM. Mr. Morris then introduced Item No. 8 (Z-75-22-8), by the name of Curato, describing the site location, changes made to the site plan and elevations, and the proposed site plan plus elevations. Mr. Morris stated that 171 dwelling units are now proposed, with the primary access along Elliot Road. Mr. Morris described the proposed building elevations, renderings, site amenities, and housing plus retail trends in the area. Mr. Morris concluded by listing various project benefits. Mr. Morris then introduced Item Nos. 9 (GPA-LV-4-22-8) and 10 (Z-72-22-8), by the name of Acero Laveen, describing the site location, development units, site plans, renderings, landscape concepts, common tenants in commerce parks, proposed buffering, traffic circulation, and referenced other developments. Mr. Morris described site amenities proposed in Development Unit 2, housing trends, and off-premise signage. Mr. Morris concluded by listing various project benefits. Mr. Morris then introduced Item Nos. 11 (GPA-LV-5-22-7) and 12 (Z-73-22-7), by the name of Envision Dobbins 202 West, describing the site location and how this development furthers the Loop 202 technology corridor. Mr. Morris described the site

plan, project phases, renderings, common tenants in commerce parks, and provided an example of a common distribution facility. Mr. Morris stated that there are performance criteria for distribution facilities embedded in the proposed PUD Narrative. Mr. Morris described the project benefits and concluded by summarizing the outreach conducted on these cases.

QUESTIONS FROM COMMITTEE:

None.

PUBLIC COMMENTS:

Dan Penton stated that on case Z-75-22-8, staff was not in favor of the initial multifamily zoning proposed there. Mr. Penton discussed multifamily projects in the area and has concerns with the buildings proposed on case Z-72-22-8 due to the height, scale, and lack of commercial uses. Mr. Penton stated that the frontage along 59th Avenue that is proposed looks bad due to the building locations. Mr. Penton discussed a bicycle way and improving connectivity on the site. Mr. Penton has concerns with the proposed

Phil Hertel registered to speak on these items but was disconnected during public comment portion.

APPLICANT RESPONSE:

None.

COMMITTEE DISCUSSION:

Carlos Ortega stated that too many projects are being presented at one time by the applicant and feels overwhelmed. Mr. Ortega would like for applicants to present their projects individually instead.

Rebecca Perrera would like to see refinement in the building elevations and became confused by the numerous projects discussed at one time.

Chair Abegg would like to see more details on each case and is not supportive of distribution facilities as primary uses permitted in sites. Chair Abegg would like to see a stipulation reserving a grocery store location in the area.

Mr. Morris responded that he would gladly present these cases separately in the future.

Village Planning Committee Meeting Summary
Z-72-22-8
INFORMATION ONLY

Date of VPC Meeting	February 13, 2023
Request From	S-1 (Approved R1-6 PCD), and S-1 (Approved R-2 PCD)
Request To	PUD
Proposed Use	Industrial, Commerce Park, and Multifamily Residential
Location	Southeast corner of 59th Avenue and Elliot Road

VPC DISCUSSION:

Item No. 9 (GPA-LV-4-22-8) and Item No. 10 (Z-72-22-8) were heard together.

Ten members of the public registered to speak on these items. Six of the members donated their time.

APPLICANT PRESENTATION:

Ben Tate, representing the applicant with Withey Morris PLC., introduced himself and the proposed project. Mr. Tate described the location of the site and discussed the initial proposal which was divided into two phases. Mr. Tate stated that the current version of the project has three phases, with the addition of a “casita” or multifamily phase along the northeastern portion of the site. Mr. Tate added that other changes include a significant area reduction in Phase 1 which is a mix of commercial and commerce park uses due to concerns from the neighbors on the scale of the flex buildings proposed. Mr. Tate discussed the site plans and conceptual elevations proposed for each phase. Mr. Tate discussed the amenities that will be provided in each of the units and common areas throughout the residential sites. Mr. Tate discussed IDM Cares, which is a non-profit arm of IDM, and the two proposed off-premise signs. Mr. Tate provided a summary of the public outreach conducted and project benefits.

QUESTIONS FROM COMMITTEE:

Dean Chiarelli asked for clarification on the street improvements along Dobbins Road. Mr. Chiarelli described the conditions on Dobbins Road and added that he has lived in the area and expects more homes to be built along there.

Carlos Ortega has questions about the donation from the billboards towards public parks in the area and wants to ensure accountability with those funds. **Mr. Tate** responded by discussing the height of the proposed multifamily units and adding that a total of 579 dwelling units are proposed across the PUD. Mr. Tate added that a maximum height of 48 feet is proposed for the billboards, which is allowed by the Zoning Ordinance. Mr. Tate stated that a separate account would be created for the funds going towards parks.

Chair Abegg asked if the units in the casita product will also have private backyards. **Mr. Tate** responded that private backyards will be provided for each unit and that street improvements will be made on adjacent streets, including a traffic signal at the adjacent intersection.

Chair Abegg appreciates the dressing of the poles for the billboard signs and discussed street improvements plus other development in the general area.

PUBLIC COMMENTS:

Patrick Nasser appreciates the changes made to the layout of the commerce park portion of the site, but now sees an issue with the impact from this commerce park area to the proposed casita development next to it. Mr. Nasser asked for the removal of the commerce park area from the site and wants to know the specific height of three-story apartments proposed. Mr. Nasser would like clarification on the number of dwelling units proposed across the entire PUD. Mr. Nasser stated that the density of 18.2 dwelling units per acre is much higher than other multifamily projects in the area which have a density closer to 12 dwelling units per acre. Mr. Nasser stated the reducing the height of the multifamily from three to two stories would by default reduce the density and parking requirements, allowing for more open space. Mr. Nasser would also like to know the height of the proposed billboard signs.

Gwen Kowalski appreciates the changes made to the project as she lives east of this development. Ms. Kowalski would like for the warehouse buildings to be re-oriented as to not block views of the mountains for her, and to help reduce the height further plus reduce semi-truck traffic in the area. Ms. Kowalski is excited about the new development but has concerns about the uses proposed.

Kevin Joyner echoes the comments made and added that the community has concerns with the three stories and density proposed for the multifamily portion of the site. Mr. Joyner added that the billboards proposed are also of concern.

Dan Penton discussed the proposed billboard locations along the Loop 202 freeway, noting that there are lots of these already. Mr. Penton is largely opposed to billboards, although the ones proposed here look better than the others that exist already and have a community benefits. Mr. Penton stated that these billboards would set a new minimum standard moving forward and would like for the angle on the displays to be modified to avoid impacts to the adjacent community. Mr. Penton stated the brightness of the billboard signs should be reduced and turned off after 10pm. Mr. Penton stated that the orientation of the two larger commerce park buildings would help block noise from the freeway to the adjacent casita development unit. Mr. Penton stated that this latest proposal is a compromise.

APPLICANT RESPONSE:

Mr. Tate thanked the committee for the feedback provided.

COMMITTEE DISCUSSION:

None.

Village Planning Committee Meeting Summary

Z-72-22-8

Date of VPC Meeting	March 20, 2023
Request From	S-1 (Approved R1-6 PCD), and S-1 (Approved R-2 PCD)
Request To	PUD
Proposed Use	Commercial, Commerce Park, and Multifamily Residential
Location	Southeast corner of 59th Avenue and Elliot Road
VPC Recommendation	Approval, per the staff recommendation with additional stipulations
VPC Vote:	8-0

VPC DISCUSSION:

Item No. 6 (GPA-LV-4-22-8) and Item No. 7 (Z-72-22-8) were heard together.

Thirty members of the public registered to speak on these items. Thirteen of the members donated their time.

Staff Presentation:

Nayeli Sanchez Luna, staff, presented an overview of GPA-LV-4-22-8 and Z-72-22-8. Mrs. Sanchez Luna discussed the location of the site, the requested zoning designation, the surrounding land uses, and the proposed General Plan Land Use Map designation. Mrs. Sanchez Luna summarized policy plans in the area and noted that the proposed development integrated design elements that supported the plans. Mrs. Sanchez Luna concluded the presentation by summarizing the staff findings, summarizing public correspondence, providing the staff recommendation and proposed stipulations.

Applicant Presentation:

Jason Morris, representing the applicant with Withey Morris, provided an overview of the proposed cases. He summarized previous requests that included large commerce park and industrial uses and noted the changes to the current proposal. Mr. Morris displayed Development Unit 1, explaining changes that have been made to address community concerns, and summarizing the commercial and commerce park uses allowed on site. Mr. Morris displayed Development Unit 3 (just east of Development Unit 1) and summarized the multifamily project noting the setbacks, open space, and

building renderings. Mr. Morris displayed Development Unit 2 and summarized the multifamily project noting the proposed height, amenities, density, and floor plans. Mr. Morris demonstrated the conceptual view corridor and noted the reduction in proposed height.

Mr. Morris provided information about IDM Cares, a charitable arm of the IDM company (the developer). He explained that as part of the PUD they are proposing two billboards which will be administered by IDM and IDM Cares. Fifty percent of the net revenue from the billboards will be donated to IDM Cares to be utilized within the Laveen community. He explained that the billboard provisions including a height limitation of 48 feet, the locations, and hours limitation. **Mr. Morris proposed a stipulation to limit the PUD to two billboards with a maximum height of 48 feet. He also proposed a stipulation related to the 50 percent donation and provided specific language on the slide.**

Mr. Morris concluded his presentation by providing an outreach summary and displayed a slide outlining the project benefits.

Questions from the committee:

None.

Public Comment:

Phil Hertel stated that he was opposed to the proposed density and that the open space requirements should be increased to fifteen percent. Mr. Hertel asked for more information regarding school funding. Mr. Hertel requested that the case be continued to the next committee meeting.

Mrs. Sanchez Luna stated that Breanna Wandrych, who registered to speak, was not present in the attendee list. **Mrs. Sanchez Luna** and **Chair Lina Abegg** confirmed that Breanna Wandrych was not on the attendee list.

Mark Williams requested that the proposed multifamily have a maximum of two stories along the eastern portion of the site. Mr. Williams stated that the proposed height did not include the pitch of the roofs and requested a maximum height that would not restrict views. Mr. Williams stated that he supported medical uses but was opposed to the proposed density and height. Mr. Williams concluded his comment by stating that the conceptual views presented were deceitful.

Mrs. Sanchez Luna stated that Ana Alvarado, who registered to speak, was not present in the attendee list. **Chair Abegg** requested to continue to the next public comment.

Shaina Bontrager stated that she was opposed to the proposed density and the three-story height. Ms. Bontrager added that she agreed with Mark Williams' comment

regarding the conceptual view.

Carmen Terrell stated that she was opposed to the entire PUD and would rather see agricultural uses like a community garden. Ms. Terrell added that the surrounding properties were not taken into consideration. Ms. Terrell noted that a portion of the housing should be low-income. Ms. Terrell concluded her comment by reiterating that she was opposed to the entire PUD and request the dates for the next hearings.

Danielle Younkin stated that she supported Mark Williams comment regarding the single-story multifamily proposal, density, and height restrictions. Ms. Younkin added that the conceptual views presented were deceitful. Ms. Younkin requested that the off-premise signage have a maximum height of 30 feet. Ms. Younkin concluded her comment by stating that the applicant could not guarantee certain commercial uses on Development Unit 1.

Cassandra Gannis stated that the applicant has ignored the opposition for off-premise signage. Ms. Gannis stated that she was opposed to the proposed three-story multifamily housing and requested more commercial uses.

David Barrera stated that he was opposed to the proposed density. Mr. Barrera stated that an increase in population would lead to more crime. Mr. Barrera requested the multifamily development to prohibit low-income rental units or senior living facilities.

Gwen Kowalski requested that the proposed multifamily development be reduced to two-stories. Ms. Kowalski noted that the proposed height would eliminate scenic views. Ms. Kowalski agreed with height restricts to protect scenic views. Ms. Kowalski supported the revenue for the off-premise signs; however, requested a maximum height of 30 feet and shut off time of 10:00 p.m. Ms. Kowalski requested that members that have a conflict of interest and that were on a school board, to remove themselves from the case.

Josh Younkin stated that the conceptual views were disingenuous. Mr. Younkin stated that the conceptual view did not provide a ground level perspective. Mr. Younkin stated that he was opposed to the proposal.

Sean Goughan stated that he was opposed to the proposed density and height. Mr. Goughan requested the case to be continued. Mr. Goughan added that he was opposed to low-income housing.

Katalin Rivera stated that the proposed changes have been insufficient. Ms. Rivera reiterated that the conceptual view was deceitful and that scenic views will be obstructed. Ms. Rivera requested the case to be continued so that the applicant could address the community's concerns.

Mrs. Sanchez Luna stated that Andrew Norlen, who registered to speak, was not

present in the attendee list.

Mrs. Sanchez Luna stated that Felicia Chavez, who registered to speak, was not present in the attendee list.

Maria Reagin stated that she was opposed to the PUD. Ms. Reagin requested the off-premise signs to have a maximum height of 30 feet. Ms. Reagin requested stipulations to be added that would limit the type of commercial businesses allowed in Development Unit 1. Ms. Reagin added that she agreed with Phil Hertel's comments and Mark Williams' comments.

Dan Penton stated that he supported the proposed PUD but still had some concerns. Mr. Penton requested three-story buildings to be located centrally. Mr. Penton noted that the surrounding population needed safer pedestrian pathways and areas. Mr. Penton added that he had concerns with traffic and requested limited commercial traffic. Mr. Penton requested cross sections to be modified to support a safe pedestrian atmosphere. Mr. Penton added that development was inevitable. Mr. Penton stated that he supported one off-premise sign and the proposed height. Mr. Penton requested the hours of operation to be reduced. Mr. Penton concluded his comment by requesting the applicant to address the community concerns.

Carlos Ortega asked if the twelve members who donated their time to Dan Penton agreed with his perspective. **Chair Abegg** stated that members donated their time because they support Dan Penton's perspective. **Mr. Penton** stated that he incorporates the community's opinion into his public comment.

Dean Chiarelli requested the applicant to clarify if the proposed height exceeded the current zoning designation. Mr. Chiarelli asked if the proposed off-premise signage height of 45 feet exceeded the allowed height in the Zoning Ordinance.

Applicant Response:

Mr. Morris stated that the proposed height would be allowed in the current R-2 zoning designation. Mr. Morris stated that off-premise signage became an allowed use when the freeway corridor was established by the City Council. Mr. Morris added that there were no other off-premise signs in the area. He stated that the proposed development includes an additional 87 units than that allowed in the underlying zoning designation. Mr. Morris added that if the proposal had a maximum height of two-stories, then that would increase the density of the PUD. Mr. Morris stated that one- and two-story buildings will be located adjacent to existing single-family residential uses. Mr. Morris noted that the conceptual views were taken from a height of 25 to 35 feet to demonstrate visibility above perimeter walls and houses.

Mr. Morris reiterated that the City Council has allowed the use of off-premise signage in the freeway corridor and noted that the revenue would benefit Laveen. **Mr. Morris again mentioned the proposed stipulation to limit the PUD to two billboards with**

a maximum height of 48 feet and other standards they have agreed to related to billboard regulations in the Zoning Ordinance. Mr. Morris added that the proposed PUD has addressed community concerns and that the proposed uses were compatible with the freeway corridor. Mr. Morris noted that the development would also provide significant street improvements.

Committee Discussion:

Rebecca Perrera stated that she wanted to address some comments she heard regarding conflict of interest and school board members. Ms. Perrera stated that a non-salary board member does not constitute a conflict of interest.

Vice Chair Stephanie Hurd requested members of the public to share their support or opposition before the meeting.

Motion:

Vice Chair Stephanie Hurd motioned to recommend approval of Z-72-22-8 as presented (per the staff recommendation and additions proposed by the applicant) along with the following additions:

- Fifty percent donation being broken down into minimum 25 percent of revenue to rental assistance and minimum 15 percent to Olney Park as part of the total 50 percent.
- The following shall be provided for public street facing elevations:
 - 25% Min. Gglazing and metal railing
 - 10% Min. Bbrick veneer
 - 15% Min. Hhardie plank
 - 50% Max. Sstucco
- Apartment elevations shall feature large balconies and deep overhangs to visually create layered volumes and break up the mass of each building type.
- Balconies are encouraged to orient toward the streets, where possible.
- A minimum of three (3) apartment types are provided.
- A stipulation to update the billboard provisions to include branded screening on the backside of the billboard.

Jennifer Rouse seconded the motion.

Ms. Perrera thanked the community and the applicant for their input and stated that the proposal has changed since it was last presented to the community. **Vice Chair Hurd** stated that the applicant has had a lot of progress in their proposal and that it would benefit Laveen.

Vote:

8-0-0, Motion passed with Committee Members Barraza, Chiarelli, Jensen, Ortega, Perrera, Rouse, Hurd, and Abegg in favor.

Recommended Stipulations:

1. An updated Development Narrative for the Elliot 202 PUD reflecting the changes approved through this request shall be submitted to the Planning Department within 30 days of City Council approval of this request. The updated Development Narrative shall be consistent with Development Narrative date stamped March 9, 2023, as modified by the following stipulations.

- a. Front Cover, add "City Council adopted: [Insert Adoption date]"
- b. Page 7, Section C. List of Uses, Development Unit 1, Prohibited Uses: Remove "Publicly operated buildings or properties" from this list.
- c. Page 7, Section C. List of Uses, Development Unit 1, Prohibited Uses: Add "Multifamily residential."
- d. Page 7, Section C. List of Uses, Development Unit 1, Performance Criteria for Distribution Uses, modify this section as follows:

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

* For the purposes of this PUD, "large-scale wholesale" is defined as wholesale as a primary use for an individual user occupying more than 50% of any individual building.

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

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.

- g. Page 13, Development Standards – Development Unit 2, Maximum Density, Add the following:

Maximum 700 units for the overall PUD area

- h. Page 13, Development and Landscape Standards for Development Unit 2: Add the header “Development Standards – Development Unit 2” before development standards table.

- i. Page 13, Development Standards – Development Unit 2, Sidewalk and Trails, modify the SUP standards as follows:

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.

- j. Page 14, Development Standards – Development Unit 2, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations: 2% of Required Parking. Minimum Percentage of EV Capable spaces: 5%. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).

- k. Page 16, Development Standards – Development Unit 3, Maximum Density, Add the following:

Maximum 700 units for the overall PUD area.

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

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

A 10-foot wide detached concrete Shared Use Path (SUP) shall be provided along the west property line within a 20-foot wide Shared Use Path Easement (SUPE) or sidewalk easement to be dedicated to the city.

- n. Page 17, Development Standards – Development Unit 3, Parking Standards, add an Electric Vehicle Parking standards section with the following: Minimum Percentage of installed Level 2 EV Charging Stations: 2% of Required Parking. Minimum Percentage of EV Capable spaces: 5%. A minimum of 20 electric vehicle charging spaces shall be required for the overall development (DUs 1, 2, and 3).

- o. Page 16, Development Standards – Development Unit 3, Building Setbacks, modify the South (Adjacent to Unit 2) to 15 feet.

- P. PAGE 24, DEVELOPMENT UNIT 2 AND DEVELOPMENT UNIT 3 DESIGN GUIDELINES, A. ARCHITECTURAL DESIGN, DESIGN GUIDELINES FOR APARTMENT AND CARRIAGE UNIT ELEVATIONS, MODIFY THE PUBLIC STREET ELEVATIONS AS FOLLOWS:**

**PUBLIC STREET FACING:
25% MIN. GLAZING AND METAL RAILING
10% MIN. BRICK VENEER
15% MIN. HARDIE PLANK
50% MAX. STUCCO**

- Q. PAGE 24, DEVELOPMENT UNIT 2 AND DEVELOPMENT UNIT 3 DESIGN GUIDELINES, A. ARCHITECTURAL DESIGN, DESIGN GUIDELINES FOR APARTMENT AND CARRIAGE UNIT ELEVATIONS, MODIFY AS FOLLOWS:**

- APARTMENT ELEVATIONS SHALL FEATURE LARGE BALCONIES AND DEEP OVERHANGS TO VISUALLY CREATE LAYERED VOLUMES AND BREAK UP THE MASS OF EACH BUILDING TYPE.**
- BALCONIES ARE ENCOURAGED TO ORIENT TOWARD THE STREETS, WHERE POSSIBLE.**
- A MINIMUM OF THREE (3) APARTMENT BUILDING TYPES ARE PROVIDED.**

- R. PAGE 25, F. SIGNS, ADD THE FOLLOWING LANGUAGE AFTER THE FIRST PARAGRAPH:**

- THERE SHALL BE A MAXIMUM OF TWO DIGITAL BILLBOARDS EACH AT A MAXIMUM HEIGHT OF 48 FEET.**
- ANY OFF-PREMISE SIGN SHALL INCLUDE BRANDED SCREENING ON THE BACKSIDE.**

- PS.** Page 26, Section G. Sustainability, 1. City Enforced Standards, move the third bullet point related to recycling to the Developer Goal section.
- Page 27, Circulation Systems: Remove “future development to dedicate and construct all typical half street right-of way and roadways necessary to serve the development”.
 - The developer shall dedicate right-of-way and construct the south side of Elliot Road from 55th Avenue to the 202 Freeway, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development

Department.

4. The developer shall dedicate right-of-way and fully construct 59th Avenue, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
5. The developer shall dedicate right-of-way and fully construct Carver Road, as required by the Tierra Montana Master Street Plan and as approved by the Planning and Development Department.
6. The developer shall submit a Traffic Impact Study including a signal warrant analysis for this development at the intersection of 59th Avenue and Elliot Road. No preliminary approval of plans shall be granted until the study has been reviewed and approved by the city. The developer shall be responsible for cost and construction of traffic signal or If traffic signal is not warranted upon opening, the developer will be required to provide 50% contribution toward the traffic signal in an escrow account to the Street Transportation Department, as required by the approved traffic impact study.
7. The developer shall submit a sight distance analysis for all driveways located along 59th Avenue. Sight distance must comply with the Street AASHTO requirements and Transportation Departments Planning and Design Manual and as approved by the Street Transportation Department.
8. Existing irrigation facilities along public streets are to be undergrounded and relocated outside of City right-of-way. Contact SRP to identify existing land rights and establish the appropriate process to relocate the facility.
9. The developer shall construct all streets within and adjacent to the development with paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, and other incidentals, as per plans approved by the Planning and Development Department. All improvements shall comply with all ADA accessibility standards.
10. A 30-foot-wide multi-use trail easement (MUTE) shall be dedicated along Carver Road and a minimum 10-foot-wide multi-use trail (MUT) shall be constructed within the easement in accordance with the MAG supplemental detail and as approved by the Planning and Development Department.
11. A 20-foot-wide shared-use path easement (SUPE) shall be dedicated along the east side of 59th Avenue and a minimum 10-foot-wide shared used path (SUP) shall be constructed within the easement in accordance with the MAG supplement detail and as approved by the Planning and Development Department.
12. The property owner shall record documents that disclose the existence, and

operational characteristics of Goodyear Airport to future owners or tenants of the property. The form and content of such documents shall be according to the templates and instructions provided which have been reviewed and approved by the City Attorney.

13. In the event archeological materials are encountered during construction, the developer shall immediately cease all ground-disturbing activities within a 33-foot radius of the discovery, notify the City Archeologist, and allow time for the Archeology Office to properly assess the materials
14. Prior to preliminary site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.
15. **PRIOR TO OBTAINING A PERMIT FOR AN OFF-PREMISE SIGN (BILLBOARD), THE APPLICANT MUST EXECUTE AN AGREEMENT WITH THE CITY OF PHOENIX, OUTLINING THE UTILIZATION OF 50% OF THE NET PROFITS FROM THE PROPOSED BILLBOARDS WITH SPECIFIC REGARD TO THE FOLLOWING:**
 - **SUBSIDIZATION OF RENT FOR LAVEEN RESIDENTS VIA IDM CARES;**
 - **LAVEEN ELEMENTARY SCHOOL DISTRICT;**
 - **CITY OF PHOENIX PARKS OPERATIONS FOR OLNEY PARK NEAR THE INTERSECTION OF 59TH AND OLNEY AVENUES, AS MODIFIED AND APPROVED BY THE PARKS AND RECREATION DEPARTMENT.**

THE 50% DONATION SHALL BE BROKEN DOWN INTO MINIMUM 25% OF REVENUE TO RENTAL ASSISTANCE AND MINIMUM 15% TO OLNEY PARK AS PART OF THE TOTAL 50%.

THE AGREEMENT SHALL REMAIN IN FORCE AS LONG AS THE BILLBOARDS ARE OPERATIONAL OR UNTIL A CONTRIBUTION AMOUNT OF TWO MILLION DOLLARS HAS BEEN DONATED.

Staff comments regarding VPC Recommendation:

Staff recommends clarifying the language for Stipulation No. 1.r. regarding the branded screening for billboards.