

ATTACHMENT B



City of Phoenix

PLANNING AND DEVELOPMENT DEPARTMENT

Staff Report: Z-54-23-6 52nd Street & McDowell PUD February 23, 2024

[Camelback East Village Planning Committee](#) Meeting Date:

March 5, 2024

[Planning Commission](#) Hearing Date:

April 4, 2024

Request From:

[IND. PK.](#) (Industrial Park) (54.05 acres),
[R-3A](#) (Multifamily Residence District) (4.91 acres),
[C-2](#) (Intermediate Commercial) (4.73 acres),
and
[P-1](#) (Passenger Automobile Parking, Limited) (2.69 acres)

Request To:

[PUD](#) (Planned Unit Development) (66.38 acres)

Proposal:

PUD to allow general commercial, commerce park, and industrial

Location:

Southwest corner of 52nd Street and McDowell Road

Owner:

BDC Park 52, LLC and Melrose Park WHB, LLC

Applicant:

Baker Development, BDC 44, LLC

Representative:

Wendy Riddell, Berry Riddell, LLC

Staff Recommendation:

Approval, subject to stipulations

[General Plan Conformity](#)

[General Plan Land Use Map Designation](#)

Current

Commerce/Business Park
Residential 5 to 10 dwelling units per acre

Proposed (GPA-CE-2-23-6)

Mixed Use (Industrial /
Commerce/Business Park / Commercial)

<u>General Plan Conformity</u>			
<u>Street Map Classification</u>	McDowell Road	Major Arterial	70-foot south half street
	52nd Street	Arterial	Width varies from 50-foot to 52-foot west half street
	50th Street	Local Street	34-foot east half street
	Culver Street	Local Street	30-foot south half-street
	49th Place	Local Street	25-foot east half-street
<p><i>STRENGTHEN OUR LOCAL ECONOMY CORE VALUE; MANUFACTURING/INDUSTRIAL DEVELOPMENT; LAND USE PRINCIPLE: Support the expansion of industrial zoning in targeted industrial areas.</i></p> <p>The proposed PUD allows the expansion of industrial development on the subject site, which is within and adjacent to an industrial property.</p>			
<p><i>CELEBRATE OUR DIVERSE COMMUNITIES & NEIGHBORHOODS CORE VALUE; CERTAINTY & CHARACTER; DESIGN PRINCIPLE: 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>The proposed PUD includes development standards, including enhanced setbacks, enhanced landscaping, and a height transition, to prevent any negative impact on the adjacent residential properties.</p>			
<p><i>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.</i></p> <p>The proposed PUD sets forth development standards that require enhanced landscaping and shade, including detached sidewalks and minimum shade requirements for sidewalks and parking areas. This will help to provide shade for pedestrians and bicyclists in and around the community and to mitigate the urban heat island effect by covering hard surfaces, thus cooling the micro-climate around the vicinity.</p>			

Applicable Plan, Overlays, and Initiatives	
<u>Complete Streets Guiding Principles</u>	– See Background Item No. 10.
<u>Comprehensive Bicycle Master Plan</u>	– See Background Item No. 11.
<u>Tree and Shade Master Plan</u>	– See Background Item No. 12.
<u>Transportation Electrification Action Plan</u>	– See Background Item No. 13.
<u>Conservation Measures for New Development</u>	– See Background Item No. 14.
<u>Zero Waste PHX</u>	– See Background Item No. 15.

Surrounding Land Uses/Zoning		
	<u>Land Use</u>	<u>Zoning</u>
On Site	Industrial uses, parking, and vacant land	IND. PK., R-3A, C-2, and P-1
North (Across McDowell Road)	Commercial uses	C-2
South	Industrial uses, commercial uses, and vacant land	IND. PK.
East (Across 52nd Street)	Military facilities and city facility	R1-6 and R1-6 HP
East	Industrial uses	IND. PK.
West	Commercial uses, single-family residential, and outdoor storage	C-2, R-3, R-4, CP/GCP

Background/Issues/Analysis

SUBJECT SITE

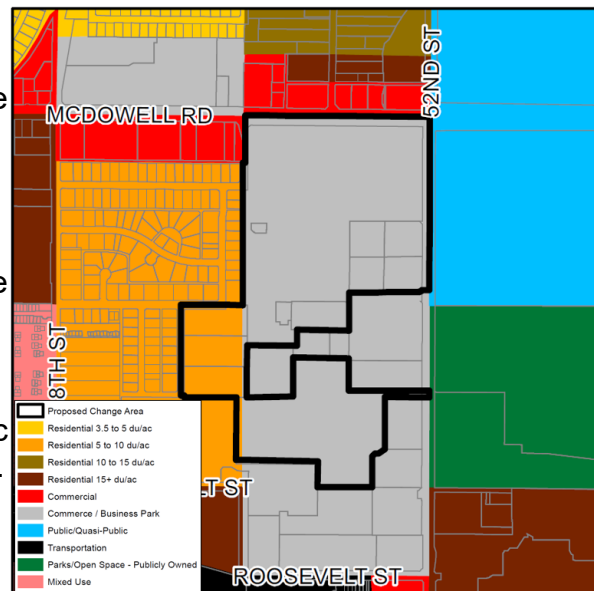
1. This request is to rezone a 66.38-acre site located at the southwest corner of 52nd Street and McDowell Road from IND. PK. (Industrial Park), R-3A (Multifamily Residence District), C-2 (Intermediate Commercial), and P-1 (Passenger Automobile Parking, Limited) to PUD (Planned Unit Development) to allow general commercial, commerce park, and industrial. The subject site contains industrial uses, surface parking lots, and vacant land.

The site was annexed into the City of Phoenix from unincorporated Maricopa County in 1959. In 1961, most of the site was zone IND. PK. while portions were zoned C-2, R-3, and R1-6. The R1-6 portion was rezoned to IND. PK. in 1967 (Case No. Z-64-67), and the R-3 portion was rezoned to R-3A in 1981 (Case No. Z-262-81) and P-1 in 1965 (Case No. Z-63-65). The site was originally platted in 1965 for the Motorola, Inc. Semiconductor Products Division Industrial Park Subdivision and was subsequently developed with industrial uses.

GENERAL PLAN LAND USE MAP DESIGNATION

2. The subject site is designated as Commerce/Business Park and Residential 5 to 10 dwelling units per acre on the General Plan Land Use Map. The properties to the north, across McDowell Road are designated Commercial. Properties to the west are designated Residential 5 to 10 dwelling units per acre and Commercial. Properties to the south are designated Commerce/Business Park. Properties to the east, across 52nd Street are designated Public/Quasi-Public and Parks/Open Space - Publicly Owned.

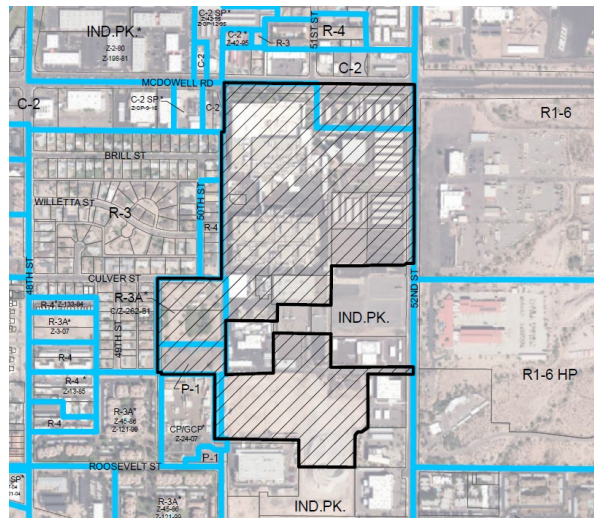
The applicant is proposing a minor General Plan Amendment (GPA-CE-2-23-6) to change the designation of the subject site to Mixed Use (Industrial / Commerce/Business Park / Commercial). The uses allowed in the proposed PUD are consistent with the proposed General Plan Land Use Map designation.



General Plan Land Use Map, Source: Planning and Development Department

SURROUNDING LAND USES AND ZONING

3. Properties to the north, across McDowell Road have commercial uses and are zoned C-2. To the south and adjacent to the east are industrial and commercial uses zoned IND. PK. To the east, across 52nd Street are military facilities and a city facility zoned R1-6 and R1-6 HP. To the west are single-family residential properties zoned R-3 and R-4, commercial uses along McDowell Road zoned C-2, and outdoor storage zoned CP/GCP.



Zoning Aerial Map, Source: Planning and Development Department

PROPOSAL

4. The proposal was developed utilizing the PUD zoning district. The Planned Unit Development (PUD) is intended to create a built environment that is superior to that produced by conventional zoning districts and design guidelines. Using a

collaborative and comprehensive approach, an applicant authors and proposes standards and guidelines that are tailored to the context of a site on a case by case basis. Where the PUD Development Narrative is silent on a requirement, the applicable Zoning Ordinance provisions will be applied.

5. The PUD proposes development standards to facilitate industrial and commercial development and contains standards for enhanced setbacks and landscaping, along with a height transition, to maintain sensitivity to the adjacent single-family context, while also providing an enhanced streetscape with trees and shade.

6. **Land Use**

The proposed development narrative lists the following permitted uses:

- All uses permitted in the A-1 (Light Industrial District) zoning district.
- All uses permitted in the CP/GCP (Commerce Park District / General Commerce Park Option) zoning district.
- All uses permitted in the C-3 (General Commercial) zoning district.
- Public utility buildings and facilities.

The proposed narrative would prohibit certain uses, including residential uses, adult uses, marijuana related uses, pawn shops, various types of storage yards, meatpacking, and slaughtering houses.

7. **Development Standards**

The PUD proposes development standards to facilitate industrial and commercial development. The table below summarizes the key development standards set forth in the narrative. The PUD shall comply with the A-1 zoning district unless modified by the standard listed in the narrative. The PUD allows additional height compared with the A-1 district, but it includes a height limit along the west property boundary adjacent to the residential neighborhood. The PUD standards for maximum lot coverage, minimum building setbacks, minimum open space, bicycle parking and shade are all enhanced beyond the minimum requirements of the A-1 district.

<u>Standard</u>	<u>PUD Proposed</u>
<i>Maximum Building Height</i>	85 feet; 60 feet within 100 feet of west property line when adjacent to residential along 50th Street and 50th Street Alley; 42 feet at setback, then 60 feet within 100 feet of west property line adjacent to 49th Place and Culver Street
<i>Maximum Lot Coverage</i>	85 percent
<i>Minimum Building Setbacks</i>	McDowell Road and 52nd Street: 25 feet 50th Street (north of Brill Street): 30 feet 50th Street Alley (south of Brill Street): 50 feet

<i>Minimum Building Setbacks</i>	Culver Street and 49th Place: 30 feet, 100 feet for open outdoor storage Interior property lines: 0 feet
<i>Minimum Open Space</i>	5 percent (net)
<i>Parking Minimum</i>	Per Section 702; minimum 15 percent shall be EV capable
<i>Bicycle Parking</i>	4 spaces per building
<i>Shade</i>	Public sidewalks: 75 percent Private walkways and open space: 50 percent

Staff recommends Stipulation Nos. 1.b and 1.d to clarify that all public sidewalks will be shaded to a minimum of 75 percent and surface parking lots will be shaded to a minimum of 25 percent shade.

8. **Landscape Standards**

The PUD sets forth standards for perimeter landscape setbacks and landscaping within adjacent rights-of-way. The table below summarizes the key landscape standards. The PUD landscape standards exceed all landscape standards of the A-1 district.

<u>Standard</u>	<u>PUD Proposed</u>
<i>Minimum Landscape Setbacks</i>	McDowell Road and 52nd Street: 25 feet 50th Street (north of commercial alley): 30 feet 50th Street (between commercial alley and Brill Street): 20 feet 50th Street Alley (south of Brill Street): 12 feet on both sides of internal driveway Culver Street and 49th Place: 30 feet Interior property lines: 0 feet
<i>Planting Standards (Perimeter Landscape Setbacks)</i>	50 percent 2-inch caliper, 50 percent 3-inch caliper trees, planted 30 feet on center; seven 5-gallon shrubs per tree
<i>Planting Standards (Right-of-way)</i>	50 percent 2-inch caliper, 50 percent 3-inch caliper trees, planted 30 feet on center; seven 5-gallon shrubs per tree
<i>Parking Lot Area Landscape</i>	25 percent minimum shade at maturity
<i>Streetscape</i>	McDowell Road and 52nd Street: 6-foot-wide sidewalk, 10-foot-wide planting area between back of curb and sidewalk 50th Street, 49th Place, and Culver Street: 5-foot-wide attached sidewalk

Staff Recommends Stipulation No. 1.c to clarify that in the event that 50th Street is abandoned, the landscape setback may be measured from the current property line in order to allow for a potential driveway.

9. **Design Guidelines**

The PUD proposes design guidelines that enhance the appearance and functionality of the buildings, open space, and amenities on-site. Buildings will use a consistent color palette and provide a variety of materials on each building façade. Building elevations facing McDowell Road and 52nd Street will contain a minimum of 45 percent glazing materials. The PUD requires minimum amenities to be provided within each open space area and hardscape design patterns to promote a cohesive visual impact and wayfinding.

AREA PLANS, OVERLAY DISTRICTS, AND INITIATIVES

10. **Complete Streets Guiding Principles**

In 2014, the City of 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. To promote safety and connectivity for all users, the PUD proposes standards for shaded, detached sidewalks along McDowell Road and 52nd Street.

11. **Comprehensive Bicycle Master Plan**

The City of Phoenix adopted the Comprehensive Bicycle Master Plan in 2014 to guide the development of its bikeway system and supportive infrastructure. The Comprehensive Bicycle Master Plan supports options for both short- and long-term bicycle parking as a means of promoting bicyclist traffic to a variety of destinations. The PUD narrative incorporates requirements for bicycle parking to encourage multi-modal transportation.

12. **Tree and Shade Master Plan**

The Tree and Shade Master Plan encourages treating the urban forest as infrastructure to ensure the trees are an integral part of the City's planning and development process. Sidewalks on the street frontages should be detached from the curbs to allow trees to be planted on both sides of the sidewalk to provide thermal comfort for pedestrians and to reduce the urban heat island effect. The PUD narrative includes standards for shaded, detached sidewalks along McDowell Road and 52nd Street and enhanced shading requirements for surface parking lots and enhanced tree sizes within landscape areas.

13. **Transportation Electrification Action Plan**

In June 2022, the Phoenix City Council approved the Transportation Electrification Action Plan. The current market desire for the electrification of transportation is both a national and global phenomenon, fueled by a desire for better air quality, a

reduction in carbon emissions, and a reduction in vehicle operating and maintenance costs. Businesses, governments and the public are signaling strong future demand for electric vehicles (EVs), and many automobile manufacturers have declared plans for a transition to fully electric offerings within the coming decade. This Plan contains policy initiatives to prepare the City for a future filled with more EVs, charging infrastructure and e-mobility equity, and outlines a roadmap for a five-step plan to prepare for the EV infrastructure needs of 280,000 EVs in Phoenix by 2030. One goal of the Plan to accelerate public adoption of electric vehicles through workplace, business, and multifamily charging infrastructure recommends a standard stipulation for rezoning cases to provide EV charging infrastructure. The PUD proposes a standard for electric vehicle parking, charging and infrastructure.

14. **Conservation Measures for New Development**

In June 2023, the Phoenix City Council adopted the Conservation Measures for New Development policy as part of a resolution addressing the future water consumption of new development (Resolution 22129). This resolution addresses the future water consumption of new development to support one of the City's Five Core Values in the General Plan which calls for Phoenix to - *Build the Sustainable Desert City*. The Conservation Measures for New Development policy includes direction to develop standards for consideration as stipulations for all rezoning cases that will address best practices related to water usage in nine specific categories. This is addressed in Stipulation Nos. 8 through 12.

15. **Zero Waste PHX**

The City of Phoenix is committed to its waste diversion efforts and has set a goal to become a zero waste city, as part of the city's overall 2050 Environmental Sustainability Goals. One of the ways Phoenix can achieve this is to improve and Section 716 of the Phoenix Zoning Ordinance expand its recycling and other waste diversion programs. The proposal does not anticipate recycling at this time; however, the application materials state that waste will be taken off-site by certified bonded carriers. Additionally, the PUD includes an option in the Sustainability Section to use recycled and/or salvaged construction materials and to implement a construction waste management plan to identify materials to be diverted from disposal.

COMMUNITY INPUT SUMMARY

16. At the time this staff report was written, staff has received one letter in opposition due to concerns with the PUD process and one letter providing general comments about access for neighboring commercial properties.

INTERDEPARTMENTAL COMMENTS

17. The Public Transit Department commented that the development shall dedicate right-of-way and construct bus stop pads on southbound 52nd Street and

eastbound McDowell Road. These are addressed in Stipulation Nos. 2 and 3.

18. The Street Transportation Department commented that a right-hand turn pocket shall be provided on the south side of McDowell Road, the existing streetscape shall be replenished with approved landscaping and trees along McDowell Road and 52nd Street, 50th Street shall be constructed to comply with improvement and termination standards, and the developer shall construct all streets within and adjacent to the development with all required improvements and comply with ADA standards. These are addressed in Stipulation Nos. 4 through 7.
19. The Aviation Department commented that the owner shall record documents that disclose the existence and operational characteristics of Phoenix Sky Harbor Airport to future owners and tenants of the property. This comment is addressed in Stipulation No. 13.

OTHER

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. 14 through 16.
21. Staff has not received a completed form for the Waiver of Claims for Diminution in Value of Property under Proposition 207 (A.R.S. 12-1131 et seq.), as required by the rezoning application process. Therefore, a stipulation has been added to require the form be completed and submitted prior to final site plan approval. This is addressed in Stipulation No. 17.
22. Development and use of the site is subject to all applicable codes and ordinances. Zoning approval does not negate other ordinance requirements. Other formal actions such as, but not limited to, zoning adjustments and abandonments, may be required.

Findings

1. The proposal is consistent with the proposed General Plan Land Use Map Designation.

2. The proposal will facilitate new industrial development, contributing to economic development in the Camelback East Village.
3. The proposed PUD sets forth design and development standards that will enhance connectivity in the immediate vicinity, including enhanced shade and detached sidewalks and standards to buffer the proposed uses from adjacent residences.

Stipulations

1. An updated Development Narrative for the 52nd Street & McDowell 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 February 16, 2024, as modified by the following stipulations:
 - a. Front cover: Revise the submittal date information to add the following: City Council adopted: [Add adoption date] and to revise the Hearing Draft date to February 16, 2024.
 - b. Page 9, Shade Standards Table, first row: delete the following text: (52nd Street and McDowell Road frontages).
 - c. Page 11, Landscape Standards Table: add footnote to 50th Street (north of commercial alley) and 50th Street (between commercial alley and Brill St) rows as follows: If any portion of 50th Street, north of Brill Street, is abandoned, the landscape setback may start at a line 34 feet east of the 50th Street monument line (the eastern edge of the right-of-way existing at the time of approval of this PUD). If access is maintained on the previously dedicated 50th Street, the condition shall reflect the condition shown on Sections A and B.
 - d. Page 22, Design Standards, Shade, first item, second sentence: delete "fronting 52nd Street and McDowell Road" and revise "10% of parking lot areas" to "25% of parking lot areas."
2. The developer shall dedicate right-of-way and construct a bus stop pad on southbound 52nd Street. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from McDowell Road according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50% shade coverage to the bus stop pad at full maturity.

3. The developer shall dedicate right-of-way and construct a bus stop pad on eastbound McDowell Road. The bus stop pad shall be constructed according to City of Phoenix Standard Detail P1260 with a minimum depth of 10 feet. The bus stop pad shall be spaced from 50th Street according to City of Phoenix Standard Detail P1258. Trees shall be placed to provide 50% shade coverage to the bus stop pad at full maturity.
4. Right-of-way along the south side of McDowell Road shall be dedicated to construct a flared intersection to accommodate a right-hand turn pocket at 52nd Street, including intersection upgrades and other incidentals, as required by the Street Transportation Department.
5. The existing streetscapes beginning at back of curb, including median islands, shall be replenished with the approved landscaping and trees along McDowell Road and 52nd Street, as approved by the Planning and Development Department.
6. The 50th Street right-of-way, adjacent to the site, shall be constructed to comply with City of Phoenix right-of-way improvement and termination standards. Improvements shall include paving, curb, gutter, sidewalk, curb ramps, streetlights, median islands, landscaping, other incidentals, as per plans approved by the Planning and Development Department. Termination of the 50th Street right-of-way shall be constructed per the City of Phoenix termination standards and may require additional dedications, as required by the Street Transportation Department.
7. All streets within and adjacent to the development shall be constructed 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.
8. Only landscape materials listed in the Phoenix Active Management Area Low-Water-Use/Drought-Tolerant Plant List shall be utilized, as approved or modified by the Planning and Development Department.
9. Natural turf shall only be utilized for required retention areas (bottom of basin) and/or functional turf located in employee recreation areas, as approved by the Planning and Development Department.
10. Landscaping shall be maintained by permanent and automatic/water efficient WaterSense labeled irrigation controllers (or similar smart controller) to minimize maintenance and irrigation water consumption for all on and offsite landscape irrigation.

11. A minimum of two green infrastructure (GI) techniques for stormwater management shall be implemented per the Greater Phoenix Metro Green Infrastructure and Low-Impact Development Details for Alternative Stormwater Management, as approved or modified by the Planning and Development Department.
12. Prior to final site plan approval, documentation shall be provided that demonstrates a commitment to participate in the City of Phoenix Businesses Water Efficiency Program for a minimum of 10 years, or as approved by the Planning and Development Department.
13. The property owner shall record documents that disclose the existence, and operational characteristics of Phoenix Sky Harbor 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.
14. 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.
15. 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.
16. 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.
17. Prior to final site plan approval, the landowner shall execute a Proposition 207 waiver of claims form. The waiver shall be recorded with the Maricopa County Recorder's Office and delivered to the City to be included in the rezoning application file for record.

Writer

Anthony Grande

February 23, 2024

Team Leader

Racelle Escolar

Staff Report: Z-54-23-6

February 23, 2024

Page 13 of 13

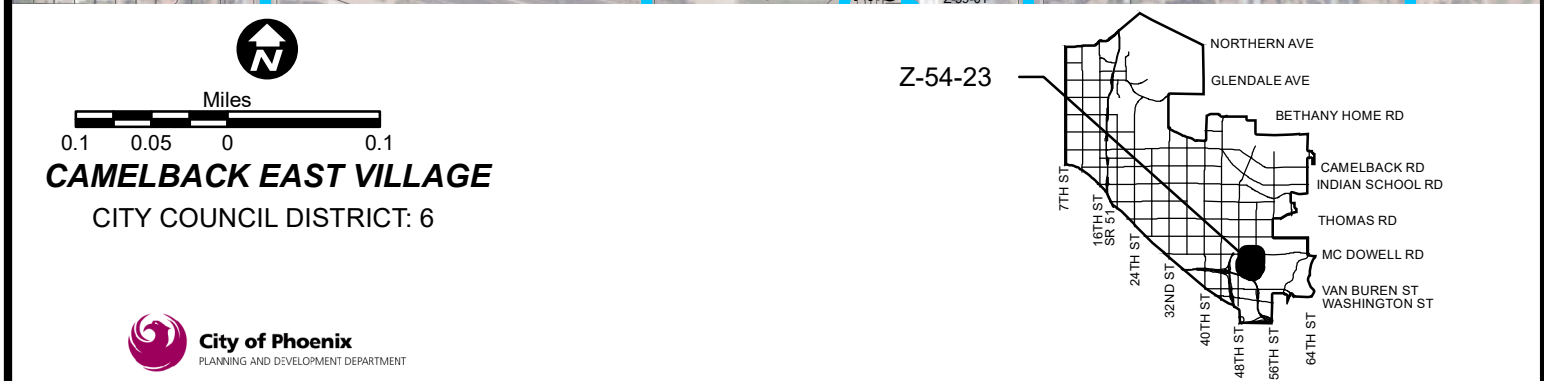
Exhibits

Sketch Map

Aerial Map

[52nd Street & McDowell PUD](#) development narrative date stamped February 16, 2024

Community Correspondence (4 pages)



* UNITS P.R.D. OPTION
N/A, 82, 129, N/A
N/A

Document Path: S:\Department Share\Information Systems\PL GIS\IS_Team\Core_Functions\Zoning\sketch_maps\2023\Z-54-23.mxd

Racelle Escolar

From: Crystal DeVelis <xtalphx@msn.com>
Sent: Thursday, November 30, 2023 5:22 AM
To: PDD Planning Commission; PDD Board of Adjustment; John Roanhorse
Subject: Proposed PUD Z-54-23, 52nd St. and McDowell

Dear Reader.

Please note my objection to this zoning change, not because of its proposed use, but because the PUD process is so very broken and biased toward developers without properly informing current residents of changes. When a PUD is approved, residents are told that there will be no changes without beginning the process again. What actually happens is that stipulations are put in place and then quietly mixed in with regular business and knocked out one by one until the project bears little resemblance to the initial plan presented to the public. NO MORE PUDs!!

I would support a zoning change specifically for a data center or other light industrial use, but will oppose the change to PUD. Thank you.

-- Crystal DeVelis
4351 E. Whitton Ave.
Phoenix, AZ 85018



Linde Gas & Equipment Inc.
Corporate Real Estate
10 Riverview Drive
Danbury, CT 06810
USRealEstate@Linde.com

CITY OF PHOENIX

January 8, 2024

FEB 22 2024

Planning & Development
Department

VIA: UPS Overnight Courier
City of Phoenix
Planning and Development Department
200 West Washington Street, 2nd Floor
Phoenix, Arizona 85003

Re: Z-54-23-G and GPA-CE-2-23-6 (the "Development Site")

Linde owns and operates an industrial gas plant at 1122 N. 52nd Street, immediately adjacent to the Development Site. The only access to the property is a deeded non-exclusive right of way easement which is within the Development Site. The attached shows the Linde property and access easement in relation to the Development Site.

In addition to private vehicle and UPS/FedEx use of the easement area to our property, Linde trucks use the easement for product deliveries using tractor trailers up to 73' long. Daily weekday truck access varies from 7 to 12 trips.

Currently, access to the Linde plant is challenging at best due to the narrow access easement and size of trucks accessing our property. We are concerned that access from the N. 52nd Street point will see additional traffic and be heavily burdened by the Development Site.

One way to elevate the problem, would be for Linde to have access to the planned N. 50th Street access.

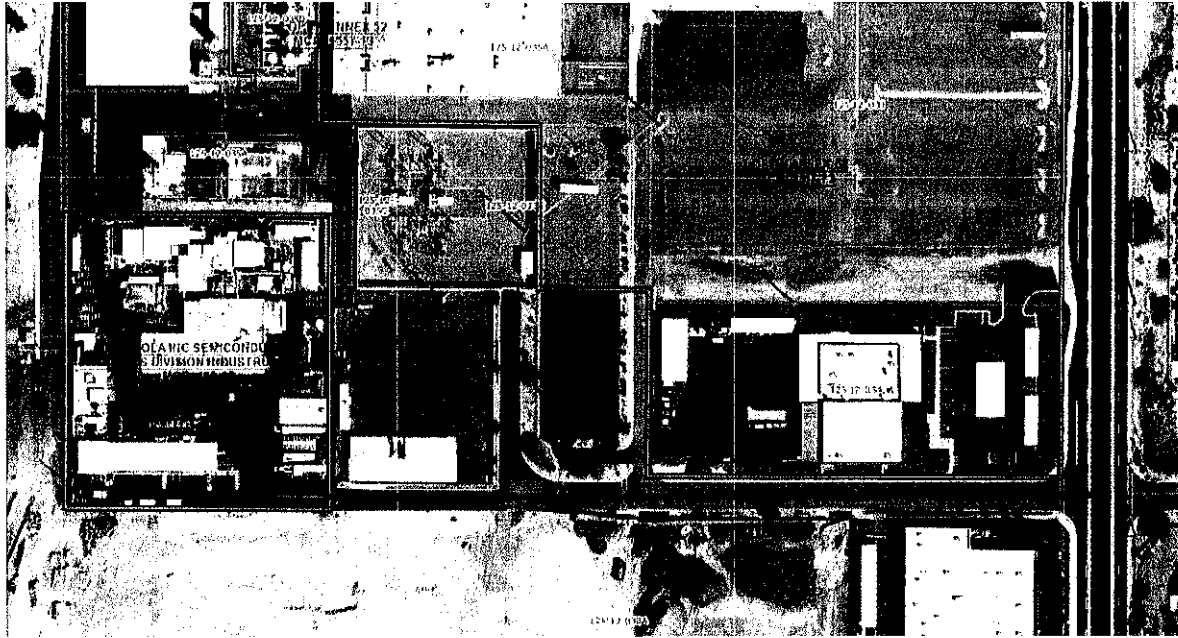
The plant manager, Mark Flessner, is unable to attend the information hearing scheduled for Tuesday, January 9th at 6PM and we write this letter to bring attention to our access issue.

Please feel free to contact Lisa.Murray@Linde.com (203-837-2150) or Mark.Flexxner@Linde.com (602-561-8405) regarding this notice.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "B. C. Morgan", written over a horizontal line.
Brian C. Morgan
Director, Corporate Real Estate

Linde property outlined in blue, red line shows access easement off N. 52nd St.



AERIAL MAP

