

MINUTES OF THE REGULAR MEETING
OF THE
PLANNING AND ZONING COMMISSION

May 28, 2020
9:30 a.m.

Gotowebinar.com
Phoenix, Arizona

MEMBERS PRESENT:

Mr. Lucas Schlosser, Chairman
Mr. Greg Arnett, Vice Chairman
Mr. Nathan Andersen
Mr. Bruce Burrows
Mr. Matt Gress
Mr. Broc Hiatt
Mr. Jimmy Lindblom
Ms. Francisca Montoya
Ms. Jennifer Ruby

MEMBERS ABSENT:

Mr. Robert Zamora

STAFF PRESENT:

Mr. Darren Gerard, Planning Services Manager
Mr. Matt Holm, Planning Supervisor
Ms. Rachel Applegate, Senior Planner
Ms. Rosalie Pinney, Recording Secretary

COUNTY AGENCIES:

Mr. Wayne Peck, County Attorney
Mr. David Anderson, Business Engagement Manager, OET
Ms. Rebecca Quince, Senior Project Manager, OET

REGULAR:

MCP2019005 – Reconvened from May 14, 2020 hearing

Chairman Schlosser called the meeting to order at 9:33 a.m.

Chairman Schlosser said there's 43 people in opposition that wish to speak and he will allow two minutes each, the City of Litchfield Park, and HOA president of Litchfield Greens and Palm Valley 5 will get four minutes. The commissioners that weren't present at the May 14 hearing need to have reviewed the recordation in order to participate with the case.

Commissioner Burrows, Hiatt, and Gress said they have reviewed the May 14 hearing recordation.

REGULAR AGENDA

Military Compatibility Permit – MCP2019005 (Reconvened from 5/14/20)

District 4

Applicant: Toni Bonar, HilgartWilson, LLC
Location: Generally located north of the intersection of 152nd Avenue and Camelback Road, in the Glendale area.

Request: Military Compatibility Permit with Precise Plan of Development - Falcon

Mr. Gerard presented MCP2019005 and noted the applicant requests a Military Compatibility Permit (MCP) for a Cross-Dock Facility on a 157 acre site, and includes a plan of development on the 79 acre northern portion of the site. The White Tank/Grand Avenue Area Plan designates this area for military compatibility uses, and the Glendale General Plan designates the area for Luke compatible uses. To the immediate east and south side of Camelback Road is the Goodyear General Plan which designates the area for business and commerce, and further west is designated for industrial with a Luke compatible land-use overlay. There is one letter of support, and one e-mail in favor of the project. There is opposition from the City of Goodyear, the City of Litchfield Park and Luke Air Force Base with rescinded previous support. This morning there are 268 opposition e-mails, with 191 included in the staff report and 77 were received after the printing of the packet. There's an on-line web page with over 2,300 signatures in opposition. Staff's recommendation is for approval subject to conditions 'a'-'j'. The cross-dock truck terminal facility covers 79.36 acres of the northern portion of the site. This is a truck logistics operation to rearrange loads from national delivery to regional delivery to local delivery. The terminal will provide a 245,000 square foot building footprint and 683 vehicle spaces, 15 ADA spaces for employees and visitors, plus 1,400 parking spaces for trucks and trailers of various sizes. The plan of development includes deviations from the underlying Rural-43 zoning standards includes a maximum 60-foot building height, front setback of 20 feet, maximum lot coverage of 60%, and allow outdoor lighting maximum pole height of 110 feet.

Mr. Jason Morris with Withey Morris said he is here representing the applicant. They did reach out to Luke Air Force Base, the Mayor and staff of Litchfield Park the community outreach group, plus had an opportunity to meet with senior staff at the City of Goodyear. He will be meeting with counsel next week to make sure they are all on the same page to move forward. The entire site is subject of Military Compatibility, but only the northern 79 acres closest to the runway is subject to the Plan of Development. This falls under the City of Glendale's planning area and is consistent with their long term plans. The City of Litchfield Park is to the east, and the City of Goodyear is also adjacent to the south, and all of the jurisdictions show this parcel as non-residential future industrial type use. This area has already been planned. The White Tanks/Grand Avenue Area Plan shows Military Compatible use for this area, and it is in accordance with this plan. Dating back to 2000, the White Tanks Plan called this site industrial because of its proximity to other industrial uses. The City of Glendale's General Plan has indicated this as the Luke compatible area in their plan and no other use is appropriate. This is a light industrial use warehousing and distribution center which is appropriate throughout the business and commerce category. The City of Goodyear in their general plan illustrates that Camelback Road is their future truck route. This route covers this particular area and has been designated as such because of the flight patterns of Luke Air Force Base, and have been identified for employment uses, and future improvements. This entire area falls in the Military Airport and Ancillary Facility Zoning Overlay. When they purchased this property years ago they indicated the future use. There is no other use permitted under these overlays for alternative uses. The project is a cross-dock facility on 79 acres. This is an international logistics operator for this site, company owned one hundred percent. The vehicles and every driver is a company employee, and every truck will be branded and monitored and the operator will know where every truck is at any given time. Every truck and every driver is given a set route. They can trace their routes to ensure they are

following the rules and procedures. There's no long haul drivers or truck beds for sleeping, this is all short term network routes. The total trip generation to the site 3,418 trips, and if you cut that number in half that would represent the number of vehicles going in and out. Only a portion of the trips are heavy vehicle trips. The passenger cars with employees will go east and west, and 90 percent of the heavy truck traffic is directed to the 303 west, and only 10 percent would use Camelback Road east. That would be solely for local delivery, and the heavy vehicles daily trips is only 1,170. That's only 585 vehicles and only 10 percent would be eastbound travel on Camelback Road to Litchfield Road. The distribution of traffic is intended for the 303. We provided the City of Goodyear with our initial traffic study and they made comments to what they would like changed. We took those comments and altered our access points and moved the traffic signal to 152nd Avenue. When this project is developed there will be concurrent development of Camelback Road and this will be a significant investment to make this occur. Development occurs at the same time roadway development occurs. He doesn't want the neighbors to think Camelback Road as it exists today will be what serves this area. The site across the street is known as PV303 is a significant well planned industrial complex which is extensive in acreage and the arterial roadway. Comparing the size of these buildings, PV303 is like Disneyland compared to our site the size of a movie theatre. Our project is a half mile north of Camelback Road, and the PV303 buildings are much closer in proximity to residential homes than our project. The PV303 traffic analysis numbers are 7,618 daily trips, and our traffic impales to what will occur across the street. Industrial uses by themselves are typically lower generators of traffic than general office buildings or shopping centers. This is appropriate traffic generation as a truck corridor and an industrial employment area, because of the presence of Luke Air Force Base and the presence of the Loop 303. This is why staff believes this is an appropriate use for the property. Palm Valley Phase 9 is east of our project, and when those homeowner's purchased within Phase 9 they were given a plat which included notes indicating what they would be living next to with the noise and disturbance that could occur from Luke Air Force Base, the truck traffic, and dust that may be associated with the industrial corridor. Litchfield Park had some concerns, and we had a positive meeting with their staff. They had concerns with truck travel going eastbound either to Litchfield Park or at the intersection of Litchfield Road and Camelback Road, and the impact it would have on their residents. We assured them that the only truck traffic that will occur from our site would be for local delivery within Litchfield Park, and there will be no utilization of Camelback Road as a shortcut. We will abide by the stipulations and by Litchfield Park's code of truck travel. Litchfield Park can enforce and restrict any trucks that stray through Litchfield Park, or to utilize that intersection other than local delivery. Mr. Morris continued and said because of the property's proximity to the runway, it is extremely limited on what could be developed on this property. It is with these restrictions the property owner purchased the property and submitted this application. On July 11, they submitted a Use Compatibility and Consistency Determination (UCCD), which is the very first step in this process. Luke AFB drafted a letter indicating there will be no negative impact on flight operations as long as the developer follows the published guidance in accordance with the Arizona Revised Statute. This is not something they rushed into, this is something that is known to the County and Luke AFB, and the hundreds of thousands of dollars that's been spent pursuing this application were in reliant on some of these determinations. On September 23 a letter was received from Maricopa County with an all clear for the UCCD to move forward with our application. On February 6 Luke AFB reaffirmed its support of this application, and its indication the proposed use is within the revised statutes and will not have a negative impact on flight operations as long as we follow statutory requirements. The information that was given to Luke AFB was the application, and the

site plan, the narrative and drainage report, so they had the full picture of what was occurring on this site. The most recent letter from Luke indicated some concerns with the application. They had a successful meeting with Luke, and we will mitigate any of their concerns. In a letter from Luke AFB on April 20 was more of a neighbor letter where they specified concerns to ensure the impact on Camelback Road going east, and to ensure the traffic loads wouldn't create any issues for any of their airmen coming to or leaving the base. A reference to the munitions storage was also noted. That munitions storage is closer to the residential to the south than our project, and we are outside any blast radius from the munitions storage. We cannot overlook the employment aspect and 400 to 600 people will work at this facility, and an additional 450 temporary jobs during the construction of this facility. This will have a \$78 million economic output, and an annual basis of \$152 million annually both the total wages and the total jobs created. This area has long been envisioned for industrial uses, and our options are extraordinarily limited. This site is a half mile from the nearest residential zoned property line. The residents bought knowing the characteristics of this area. All of our lighting will be downcast and shielded. Camelback Road will be improved, not just our property will be included in those improvements. Every developer mentioned, and every building that is proposed, and every part of that corridor prior to that development has to meet their roadway requirement. This will in fact improve Camelback Road prior to development or concurrent with development. We are restricting access to deter eastbound traffic and be in accordance with Litchfield Park restrictions. Every driver will be an employee of the end user, and all the equipment and vehicles will be company owned and branded, with significant economic impacts.

Vice Chairman Arnett asked about the stipulations with eastbound traffic. Mr. Morris said they met two days ago with the City of Litchfield Park and exchanged potential stipulations with counsel. 152nd Avenue will be the signalized intersection, and will be the only access point for eastbound travel on Camelback Road. We have agreed access will be limited, and the only heavy traffic permitted is for local delivery which will be 10 percent or less of the traffic. The other access points will be right turn only so that traffic eastbound will not be permitted.

Commissioner Hiatt asked about Litchfield Park's ordinance to enforce against non-local truck traffic. Mr. Morris said they have a very stringent restriction for heavy truck traffic along Camelback Road and they have a designated truck traffic route that is per their ordinance. That route is being moved further east to ensure they don't use Litchfield Road for a cut through point to protect their residents. The liability of the truck traffic goes to the owner and operator, it is not just a matter of citing the driver. We are a very small representation of the overall truck traffic on Camelback Road.

Commissioner Ruby asked for clarification of the truck traffic numbers and what they represent. Mr. Morris said the traffic numbers are provided by traffic engineers and they use an international traffic engineer (ITE) standard. It breaks down every use that is proposed and they break it down by region. We could have used the ITE number associated with a cross-dock facility as it is much lower than the number we have used. We provided much more conservative figures because we have the benefit of familiarity with this user and this type of facility. We actually provided real world data and gave this data as the trips per day that would be anticipated. Our traffic report also included the other 80 acres that is not immediately being developed, and gave just a ratio of what future traffic could be and that is where the larger number came from.

Commissioner Montoya asked what the impact to the surrounding neighborhoods is for noise particularly in the evenings. Mr. Morris said we are a half a mile from the nearest residential unlike some of the other industrial proposed in this corridor. We have an excellent buffer being so close to the runway. In terms of traffic we cannot exceed the ambient noise that comes out of that runway.

Commissioner Montoya said she lives a half a mile from the Swift Corporation in West Phoenix, and within a half a mile at night she can hear the noise. Mr. Morris said the Swift facility is not a cross-dock facility, and because of the type of operation it has an inordinate number of independent drivers who aren't necessarily Swift employees taking loads from outside contractors. This cross-dock facility is independently operated by a single operator. The traffic noise is not going to be any greater than the ambient condition on Camelback Road, and the operational noise of loading and unloading occurs indoors. The forklifts that are moving freight are equipped with soft wheels and are not permitted outdoors. They use an entire electric fleet of forklifts and are not combustion motors, it is a very quiet facility and the trucks that are backed into those docks are limited to any noise escaping out of the building. If there is a truck in the bay the bay door is closed for environmental reasons. They use a fleet of mechanisms that move the trailers by a yard pulley so the trucks don't have to back up, this is to reduce noise and for safety.

Chairman Schlosser noted there are 184 people that registered in opposition but do not wish to speak, and one in support that does not wish to speak.

Mr. Bill Stephens, the City Manager of Litchfield Park said he would like their city engineer to speak on behalf of the city, unless there are legal issues then their attorney could speak.

Mr. Thomas Schoaf, the Mayor of Litchfield Park said they have had conversations with Mr. Morris with concerns of eastbound traffic, and the impact of Litchfield Road and Camelback. The truck traffic we have dealt with that with our existing ordinances, and changes we made to our ordinances, and changes to stipulations with the applicant. The truck traffic isn't that much of a concern now. Our main concern is the impact of the eastbound vehicular traffic on the intersection of Litchfield Road and Camelback Road. It is already a very busy intersection and turning left at times can be challenging. We are concerned the eastbound traffic from this facility with car traffic, and the westbound traffic going through that intersection can overloaded to the point of making it fail. Many of our residents use Camelback going west to the 303 and often times Camelback becomes so clogged and it's just a two lane road. Adding this much traffic to that road going westbound from the proposed facility or east bound to the 303, we're afraid Camelback Road will become unusable other than these trucks. Eventually Camelback will be improved, but that will have to wait until all of this development is done along Camelback Road. We have an indeterminate amount of time and it could be decades where Camelback would be unusable for our residents.

Mr. Woody Scoutten said he is a City Engineer for Litchfield Park speaking on behalf of the city. He understands the traffic on Camelback Road will increase over time, but the issues with this project are intensity of the traffic, lack of capacity on Camelback Road, and truck trips through the city. We can't totally control Camelback Road as it goes through our city and that is why they are concerned about this project and its affect. We are talking about the entire 158 acres and the applicant's traffic report indicates with the

cross-dock facility and the industrial park there will be over 6,000 trips per day trying to access Camelback Road from this project. This project is a quarter-mile wide and a mile long. This will be an increase of 40 percent in traffic currently using this segment of Camelback Road. There are no requirements for the applicant to improve Camelback Road other than along the 1,300 foot frontage to provide additional capacity for this additional traffic. The volume of traffic is not mentioned in the staff report. That much traffic will overwhelm the existing two lane section of Camelback Road and safety will become even worse on such a substandard road which would have to be fixed at taxpayers' expense. During the morning rush hour a vehicle will be making a left turn into the site every 16 seconds and during the evening rush hour one vehicle will be leaving this site every 9 seconds. We believe the number of trucks will grow overtime. The tenant using this facility will change many times during the life of the building, and each change is a potential for 2 or 3 times the trucks proposed. This may be an appropriate use for Luke Air Force Base, but it is not an appropriate use for this site. It should be located within a planned industrial area with collector streets that connect to Camelback Road like the Goodyear PV303 project. This traffic can lead to long term congestion and safety issues. The applicant's traffic report says by the year 2025 the western driveway would need to be signalized, so that is a second signal due to this project on Camelback Road. Those two traffic signals would only be 680 feet apart which is not very efficient way to operate an arterial street. It was mentioned the comparison of the PV303 project with industrial space will generate a lot of traffic. That traffic will have thousands of feet if not miles of arterial streets to access Camelback Road and other roads, and the traffic is spread out.

Chairman Schlosser said he read the staff report and every single letter in opposition, and a lot of the letters in opposition was traffic and heavy trucks with 4,000, 5,000 and 6,000 trucks per day. There is a huge discrepancy with the truck traffic to what the applicant presented, and said he is still not clear on these numbers.

Mr. Scoutten said he read all three submittals of the traffic report, in the first report there was 4,000 vehicles per day but no breakdown of how many of those were heavy vehicles. He knew a cross-dock facility generates a lot of traffic and that is where those numbers came from. The second report really didn't change that much, and the third report had new information about the traffic by this cross-dock facility was introduced. The industrial park traffic didn't change but the overall traffic volumes went up significantly by 2,000 trips per day. Now there was a breakdown of heavy trucks verses cars and that's where the 1,170 truck trips per day came from with this particular user whom he believes is FedEx. Even though they have a long term lease, these large companies like Walmart and Costco don't own the facilities they lease them. When they want to leave and do something else, they will leave. A new tenant will come in and with 217 dock doors they have the capacity for a lot more than 1,170 trucks per day.

Commissioner Lindblom asked are we taking a different approach with this project on growth and will this still be an issue when Camelback Road is fully developed, or is this just going to be a project where there is a lot of pain as growth grows. Mr. Scoutten said he believes this will always be a point of congestion because we have a lot traffic trying to get on Camelback Road, and to get on this site during the peak hours will require two traffic signals less than 680 feet apart. If this project would be paying a street impact fee they would be helping to pay for the future improvements of Camelback Road to help mitigate the effects of traffic.

Chairman Schlosser asked did the other municipalities, the City of Litchfield Park, Goodyear and Glendale coordinate with each other for the PV303. Growth is obviously coming and the PV303 is already zoned. Mr. Scoutten said he cannot speak for the other municipalities. The PV303 will generate a lot of traffic but it will be managed on how it will access Camelback Road, and it will also have a much larger frontage.

Chairman Schlosser asked if he can summarize the city ordinance restricting the truck traffic. Mr. Scoutten said it accomplishes two things – the truck route designation for the City of Litchfield Park over to Dysart Road which is a better route for truck traffic. It also limits through truck traffic on any streets within the city's boundaries, and Camelback Road is mostly within the County. Trucks can make deliveries to points of destination in the city but no through truck traffic.

Chairman Schlosser asked so the County controls Camelback Road? Mr. Scoutten said the city controls Litchfield Road between Camelback Road and the old Indian School Road. The ordinance is to prevent truck traffic through Litchfield Road which is primarily a residential area.

Mr. Gerard said Camelback Road in this segment is not a MCDOT roadway, it is in the City of Goodyear jurisdiction and they control access to Camelback Road. They would be the ones to determine any improved requirements along that access.

Chairman Schlosser asked what about further east. Mr. Gerard said we do not control this segment of Camelback Road for improvements it is the City of Goodyear. That is why traffic impact statements have been routed to them from MCDOT, and Planning & Zoning engineering. The site design is something they can address in the Plan of Development, but the County does not control Camelback Road or require improvements to Camelback Road.

Ms. Susan Goodwin said she is the City Attorney for the City of Litchfield Park. She appreciates Mr. Morris meeting with Litchfield Park and adding stipulations to address many of the concerns. There was a statement that the County is obligated to approve this use because it was listed as a compatible use in the statute and zoning code. That is not what the statute says, it merely supports what the minimum requirements for compatibility are. It doesn't mandate approval of compatible uses, and the zoning code recognizes this. The County has the discretion to approve or disapprove the MCP, and with other zoning matters that discretion may be exercised considering other zoning issues and compatibility with other uses, and the impact on other uses.

Mr. Larry Lazarus said he is representing Palm Valley 5 Homeowner's Association. He submitted a request for a continuance because there has been insufficient citizen participation in this case and there's been inadequate time to be properly represented. Letters of opposition are not true public participation, we have to have accurate information given to his clients so they have time to review. This development affects people outside of 300 feet and they want to participate in a meaningful way in a public process. The issues are complicated and it will affect quality of life and life safety with the traffic, and accumulative traffic not just from this development. They did not have the time or efficiently be given the information and review this very complicated traffic report. There's been added stipulations and the commission should be given time to review those changes before giving recommendation to the Board of Supervisors. The applicant was given a continuance to work with the community and that was not done

as it relates to his clients. What they are asking for is the same courtesy and fairness for their request of a continuance.

Chairman Schlosser asked if there were any comments to their request. Mr. Peck said the requirements of the ordinance have all been met. The lack of response to the posting of the 300 foot notice did not warrant additional outreach, but that is a discretionary decision by staff. There is nothing to indicate the discretion was abused, we have reviewed this at length and the ordinance requirements have been followed. Staff first heard from the Association some time in February, so he is not sure where the argument comes from since it is almost June and didn't have enough time to participate.

Chairman Schlosser said he appreciates the request, but we are about 6 hours into this hearing and a few more hours to go. If approved this moves on to the Board of Supervisors, so there is plenty of additional time if it gets that far for public input. We don't need to continue the case at this time. Mr. Lazarus said he understands, but the lateness was the resident's did not receive notice, and when they received the information they were troubled by this particular case. If planning staff received substantive opposition they have the discretion to open it up for public hearing before the commission even sees it. He wished staff would have done that.

Mr. Peck said if the commission believes what the proposed use falls within the list of categories set out in the statute, and if the answer is yes then you have no discretion, the use is established by right. The County and Luke Air Force Base have already determined it is consistent and compatible with the high noise or accident potential zone. If your opinion is yes, then you have no discretion. If the answer is no, then this is like a Special Use Permit where you have to consider whether what they are proposing is in fact given all the surrounding circumstances.

Commissioner Ruby asked for clarification of the allowed uses. Mr. Peck said the uses are set out in the statute and also set forth in section Article 1010.6.1 of the zoning ordinance. It is about four pages of uses that are as of right in the overlay area regardless of the underlining zoning district.

Mr. John Connolly said he is president of Litchfield Greens HOA and it sounds like there is some confusion. Are they voting on this as an entire package or can you approve the MCP without the precise plan, and what are all the options available with the board at this time. The MCP is being utilized as a replacement process instead of additional rezoning process. We understand this land needs to be rezoned but it also needs to be compatible with us, the public. There was no communication with the public and this entire process has been entirely inappropriate. Doing what you can do over what you should do it not good public policy. They have said this will bring in high paying jobs. Research was done and Fed-Ex pays cross-dock employees \$12 to \$14 per hour not the \$25 he states for managers. They said there is no other use for this property, why can't it be a business park, offices, storage units, solar farm or manufacturing facility. There is much confusion over the traffic study and we can't trust the numbers. The entire project was done with bare minimum requirements from the actual sign announcing it the public, environmental assessment, noise analysis, and no public outreach. If this is approved this would be a foundation and justification for Phase II, we are only discussing Phase I. Mr. Morris referenced PV303 and what he is using is an old map, if you go to their website today it is setup for offices and retail not the big building he showed you. The applicant has not worked with the closest community and until they do he believes this should be

denied. On behalf of hundreds of other homeowner's, he is also requesting a continuance on this case. This could forever change the landscape and character of their neighborhood, destroy peace and quiet, and property values.

Commissioner Lindblom asked when he learned on this project. Mr. Connolly said two weeks before the proposed meeting on the 14th. He heard an engineer contacted someone from the City of Litchfield Park and once they found out that's when it exploded on social media.

Chairman Schlosser said he previously served on the Goodyear Planning Commission and that entire PV303 north of Palm Valley 5 is all hard zoned in the City of Goodyear, and he was involved in the 2025 General Plan which allows for the same type of uses the applicant is proposing to the north.

Mr. Domenick Passio said he is the president of the Palm Valley 5 HOA and he represents 1,463 homes just 500 feet south to the proposed facility. He said the zoning ordinance is to provide the public health, peace, safety, comfort, convenience and general welfare of the residents of Maricopa County. To guide, control and regulate the future growth and development in order to promote orderly and appropriate use of land in the entire unincorporated area of the County and to protect the character and stability of residential, business and industrial areas of Maricopa County. Residential is first and we should be thinking about the people of Maricopa County and their quality of life and all they work hard for. A 245,000 square foot facility with 400 to 500 works and their vehicles, plus the proposed 1,170 trucks is not light use that is nearly one truck per minute. The applicant keeps saying there is no other use for this land because of the vicinity of Luke AFB and the MCP, there could be commercial offices, light industrial uses being next to a residential area. Why disrupt thousands of families. These trucks will also create noise and air pollution when going down the road, not just at the facility. 152nd Avenue is a major access point for the residents at Palm Valley 5, and it will be a cut through to the 303 with the increased traffic. This increased traffic is a safety hazard to those walking and riding their bikes to the elementary school a quarter-mile away. Does this land use project provide the public health, peace, safety, comfort, convenience and general welfare of the residents of Palm Valley Phase 5, Litchfield Park and the residents of Maricopa County?

Mr. Fred Van Etten said the committee needs to determine that the answers satisfactorily protect the community before they consider this development. He asked how traffic is going to be mitigated with the 20 percent increase due to trucks and 50 percent due to light vehicles heading east. The developer isn't intending to do any road improvements other than the immediate area of the golf course. What are the anticipated noise levels decibel for day time and night time if the development is improved and how it compares with the current day and night levels affecting neighborhoods. They proposed 110 foot light poles and what studies have been done to ensure no light pollution will impact the residents. How will they offset the diesel emissions adjacent to these neighborhoods?

Mr. Gerado Flores asked what happens when there is an accident on Camelback Road, and there is a possible closure. Is that traffic going to be rerouted down to Indian School or all the way through Northern? Either way it will be impacted by Litchfield Park ordinances.

Ms. Lynn Berkowitz said she is concerned with the level of traffic that has one entrance and exit to this one location, and asked if there was consideration for sound barriers. It is imperative there is an alternate route defined when people can't pass through. This proposal is just for the first parcel, and by definition it will only increase. There's continued confusion that nobody really has the full scoop of what the traffic numbers will be with the three different traffic reports. It is targeted for a FedEx today, but it will change hands and ownership of trucks and rules will only get larger and louder, and get worse. She appreciated her time to raise her concerns and her strong objection.

Mr. Dale Turner said the representative noted this will be a Fortune 500 company and employ all the employees at the facility, nor the applicant or his attorney will have one employee that will work at the cross-dock facility. It's going to be whoever leases it, and he will not control what they do. They have given a lot of promises, but we have no guarantee that any of those promises will happen. These numbers are for the back half of the property, and he's not talking about the numbers on the front half of the property. He knows traffic is an issue and he's done everything he can to minimize it. Does it matter if a truck passes by your house a thousand times a day or if it's the same truck, or a thousand different trucks? The traffic count is what the traffic count is, he can divide it by half and minimize it, but there is nothing set in stone that says those trucks will be going east. He drives Camelback Road everyday by 152nd and that backs up to Sarival $\frac{3}{4}$ of a mile, and when you add more traffic to that it is only going to get worse. He showed you pictures of a cross-dock facility with 40 bays in it, this will have 217 bays. He also showed you a nice picture of Camelback Road on how he is going to improve it in front of his site. He said Camelback Road is a major through fare until you build it out, it is not a major through fare. He would doubt there ever was a project where all the major cities and Luke Air Force Base, and many voices on record oppose this project. Just because this can be permissible doesn't mean this should be done.

Ms. Rita Paul said her property backs up to 152nd and the lot on Camelback. She thought this will be her forever home, but this will affect her the rest of her life. This is the first she heard there will be a second phase right behind her home. Already a couple times a day there is a parade of school buses that come up Camelback, and it could take her 10 minutes to turn right on to Camelback due to the traffic and the school buses. Who will be paying for the improvements of Camelback Road? She is opposed to the project in hopes you don't affect her life, her health and her friends and neighbors.

Mrs. Danny Velez said they live in the neighborhood that is immediately in front of the project. The applicant's representative doesn't live in the neighborhood and he doesn't know what is best for us. His perspectives are not in the community's best interest and is the only interest is that of his client only. The business at the PV303 is going to be light retail and it is not the same as this cross-dock facility. The City of Goodyear's mayor made a statement that the project needs to find a better suited location and they oppose it. Only adding change lanes will not help the situation, it won't help the flow for the people already using it. She encouraged the commission to take a trip to see the area in person because the way this is being manipulated is clearly in the best interest of the client.

Ms. Celia Laughlin said her home is located within a couple hundred feet of where these trucks will be travelling. There is plenty of places towards Buckeye that are better suited for this use. 152nd has a cross-walk with children crossing that road every morning and every afternoon. The representative said there was no other use possible for this site, but there are so many other options. With all these trucks there will be brakes, noise, horns,

smells and lights. She loves Luke Air Force Base they fight for our freedom. She asks the commission to please protect their rights.

Ms. Therese Price said the traffic study only showed traffic in one half mile of the 152nd and found only two accidents in five years. If they step back and take a broader view three miles away there's two dangerous intersections - Camelback and Litchfield, and Camelback and Dysart with a combined 222 accidents in just three years. They assume 10 percent of traffic will turn east and the basis of this assumption is not stated, but we know Glendale and Surprise are growing and turning east will increasingly become more attractive as truckers do care about finding the shortest and fastest route. The applicant says Camelback Road is a future truck route and it falls in the community plans and budget. The Goodyear's truck route runs from the 303 to Goodyear's eastern edge and it stops .7 miles east to the property entrance. Any eastbound traffic is not following an approved truck route. She asks the commission to step back and take a broader look at this traffic and routes as it could result in a fatal tragedy.

Mr. Michael Prater said he opposes this type of industrial building, and the second phase will double or triple the amount of trucks going through there and it will not be safe.

Mr. Frank Cuoco said he is opposed to the cross-dock project. We all know the traffic will increase and we don't need a fancy traffic study to tell us that traffic will increase significantly, we live it every day going on to Camelback Road. What we are talking about is a change in the safety of this fundamental corridor. Big rigs are 2-1/2 times larger than the average vehicle and weigh eighty thousand pounds. They take 20 to 40 percent longer to stop than an average vehicle, and when they are involved in a crash it involves multiple not just one. When you are in a crash with a big rig you are 80 to 90 percent chance to die. This is going to really decrease safety and there will always be a big rig behind him whether turning left or right. This will reduce their quality of life and be a lot more dangerous for the residents.

Ms. Coleene McDermott said she currently lives in Palm Valley Phase 5. She works in Litchfield Park and exits 152nd Avenue on to Camelback on a daily basis, and the traffic is horrendous. We have traffic cutting through our neighborhood to bypass Sarival Road. The only way the trucks are coming in and out is on Camelback and 152nd Avenue which is unacceptable. It is easy to be the lawyer when you don't live in our community. It is easy to throw out numbers and say everything is going to be great and not a problem, when in reality it is a problem. She didn't move out there to be in the middle of this cross-dock facility with its truck traffic. When the noise level to Luke AFB was compared it's not going 24/7 where this cross-dock facility will. She challenges anyone on the commission to come out during rush hour traffic and see what it is like on this road. She strongly opposes this and asks the commission to oppose it as well.

Mr. Matt Eldridge said a lot of the students going to Canyon View High School will be traveling down Camelback Road and this will impact their route and the bus routes. He has friends that run trucking companies and are professional engineers. This cross-dock facility will start out slow and that's probably why there's the discrepancy in the numbers. FedEx knows what they are doing and when it is fully operational most of these trucks won't be at this site more than an hour, and will use every door to their fullest extent. There will be semi-trucks, delivery trucks and workers coming to and from the facility 24 hours a day, 7 days a week. It will increase traffic, noise and air pollution. He would like

to see a noise and pollution study done. He believes this is an overuse of this property, and another location would be more suitable.

Mr. Chris Burson said he and his family live in Litchfield Park II a quarter-mile from the proposed facility. Residents and businesses in the area are overwhelmingly opposed to the proposed cross-dock facility. Traffic, noise, pollution and safety and other negative impacts, and he shows the same deep concern for this MCP proposal. This property does not need to be high intensity truck traffic use operating 24 hours a day. This operation is incompatible with the residential neighborhoods, businesses and infrastructure in the area. If the commission decides to approve this facility the stipulations should include the hours so they are not operating 24 hours a day, and noise level restrictions, abatement requirements, restrictions for traffic flow, and infrastructure deficiencies. Luke Air Force Base made it clear upon further review they now have significant concerns with this development and the surrounding community. Luke said these issues are a concern for the safe and efficient operations for air base, and will negatively affect the health, safety and welfare of the surrounding community. He is in favor of development in the west valley, but it must be done in a compatible way with existing neighborhoods, residents and businesses. The commission shouldn't take a short sided view that will adversely affect Luke AFB, and urges the commission to deny the request due to the concerns of the residents, businesses and Luke Air Force Base.

Mr. Keith Christensen said he lives east of the proposed development. You cannot compare the noise of this to Luke Air Force Base. The total number of flights is much less than the thousands of truck trips planned 24/7. We knew Luke AFB was here when we built our house and we took that into consideration. There is a new Little League park that has access from Camelback Road with families and kids on bikes going to be around all this truck traffic will cause a problem. There is only access into his neighborhood from Camelback Road. If traffic is backed up we won't be able to get into our neighborhood. There was a fatal accident on Camelback Road and there was no way to get home. This will block a major part of our neighborhood, and will negatively affect the residents in the area. He asked the commission to vote against this.

Mr. Guy Hache said a truck is a truck whether it is Swift or FedEx and who is going to monitor the traffic restrictions east and west of the facility through 152nd Avenue, and all streets leading south from the facility. The applicant's financial impact would be the same 2 miles west of the facility at the 303.

Ms. Jamie Manning said she opposes this proposal. There will be a lot of pollution caused by these trucks and the air quality is already really bad. This is a bad idea not only with the traffic but you have the schools and young children out here. It is not in the best interest of this community and it's only going to get worse. There are no guarantees what will happen in the future, and this proposal needs to be shot down.

Mr. Michael Salazar said he has a master's degree in manufacturing, and one of the things they look at when trying to design a facility is constraints. There's at least four constraints around this area to prevent it from operating efficiently which will cause a concern. The mission for this commission in section 502 - uses shall not cause to produce an objectionable affect or impose a hazard or nuisance to adjacent or other properties or other conditions that would adversely affect the public health, safety and general welfare. If you look at the use of this facility and the impact to the surrounding area and

the constraints involved, it certainly has safety concerns for health, and will affect the general welfare. He asks the commission to reject this proposal.

Ms. Sara Gilligan said she would like to have extra time to allow the residents to show up to an in-person meeting which is a reasonable request.

Ms. Betty Lynch said she is a former member of the Avondale city council and a member of Luke Air Force Base west valley mayor's council. She is aware of the County's Planning and Zoning habit of not advising cities of the zoning changes or awards that they may or may not do within the cities. It is their duty to be in contact with the cities on these items as a courtesy, which is not the case from Litchfield Park. We had to learn this from another way. The state law says 300 feet, it would be nice if they showed the same courtesy beyond the law in an advisory manner. The developer has also chosen to take the quick approach to state law in regards to notifications. Had there been more consideration to the nearby neighbors and the City of Litchfield Park he may not have spent so much time meeting with them. The County should have the consideration to hold information meetings with the community. Why was Goodyear notified and not Litchfield Park. All of these actions by the landowner, the County, the developer and his attorney set themselves up is what exactly is happening with these meetings. You are taking away our freedom, she hopes this is a lesson for everyone.

Mr. Bill Nee said he lives in Pebble Creek with 1,000 residents south of the proposed project, and he has concerns of roadway congestion, safety, maintenance and noise. Also, building site water runoff and water demand. This used to be a golf course and our neighborhood had flooding problems from the board wash. He is concerned about the overflow situation with water. This is a new use for Liberty Water and it is out of their water service area all coming from ground water taking from the underground aquifer. Even if the traffic flow was down to 1,170 that is still a lot of traffic and trucks. It's a big facility and it doesn't talk about the second phase. The commissioners need to look at the total volume demand coming out of both phases whether approval is warranted or not.

Ms. Marsha Ellis said she has served on the city council in Litchfield Park. If trucks cannot park at the facility where are they going to park? There's huge trucks parked on Dysart Road and how much of this will happen in the future. How our property values will decline if this is approved. Would anyone on the commission want to live next to this facility? Just because something is military compatible doesn't mean it is community compatible, and it doesn't mandate you accept it. This is not an appropriate use. This is not just about traffic, it is traffic from huge trucks, and how many cars does each truck represent. This will be a huge impact of noise and air quality with vibrations that travel far and wide. The conceptual drawing makes it look like a ranch style home, this is 60 feet high and it misrepresents the property. There has been many accidents on Camelback Road, and the traffic study is an old outdated study and anything on this site will create jobs. She hopes they will deny this application.

Ms. Romina Martucci said the issue with the traffic is not only traffic going west to the 303 or east to Litchfield Road, it is also 152nd Avenue. A lot of vehicles cut through 152nd to access Indian School Road. 152nd south of the facility is cut into Palm Valley 5 and on the west side there is an elementary school and the kids on the east side need to cross 152nd on foot or riding their bicycles which is the only way to get to school. This creates a very dangerous situation for our children, and will negatively impact our lives.

Mr. John Evans said he strongly agrees with all of the opposition and he would like the commission to vote against this. He is wondering if the property has been sold yet, because the golf course is a great green area space and he would like to see the golf course stay. If they really need this type of facility can't they find something on Lower Buckeye and I-10?

Mr. Stephan Fina said he is opposed to this facility. He moved from Chicago for peace and tranquility, and he is going to lose it when this thing gets built. He asked why can't they build a road on the northwest corner of the facility going out to Pebble Creek and have all the large trucks exit that way.

Ms. Kate Griner said she lives east of the proposed cross-dock facility, and north off of Camelback. She agrees with her fellow residents in regards to their cries for safety, traffic, and quality of life. She would like the commission to deny rezoning this land, and at the very least to accommodate the requests to postpone this meeting so Palm Valley 5 legal counsel has more time to prepare and make more residents aware. This is going to affect thousands of people.

Brent Wickham said he is a member of the Palm Valley 5 board of directors. Mr. Morris provided details of the traffic study when a lot of the focus has been on the trucks, their own study shows a significant amount for the project with a split of 50/50 for east and west. Based on feedback there will be a traffic light on Camelback and 152nd Avenue and this additional entrance has been added to the project. Many of these cars will likely go across the intersection and go south through the neighborhood. The traffic study doesn't address this possibility at all. The traffic study is incomplete and outdated, there shouldn't be any decision until this has been fully evaluated by the applicant, the cities and the neighborhood.

Mr. Morris said this property is a golf course as it is today, but it will no longer be a golf course regardless of the outcome of this application. The operator is going to cease operations. We are in an area where land use is so limited. To dictate what has to occur here is very clear and he already went through that in his presentation. This is the problematic nature of bringing residential development forward before we have the true nature of what's going to occur in this area. The overwhelming attitude that the golf course should remain, and it's an inappropriate use for this area. He showed information from a website of Goodyear from 13 years ago. This is exactly the area for the type of jobs and intensity they are now applying for. This is going with plans that have been in place now for decades. Most of Palm Valley 303 is within the 65 decibel noise contour in the accident potential zone which is the case for our property across the street. The land use is not only appropriate but in many instances it is so limited on what is allowed. This doesn't give this developer or any other developer a free pass on roadway improvements and handling the traffic on Camelback Road. There were so many comments today about denying this case and we should wait until Camelback Road is completed and then development should be allowed. The reality of this situation, it will shift the burden to the individual tax payers of Goodyear and Litchfield Park who would need to find the resources because they would be responsible to build millions upon millions of dollars' worth of roadway in order to see the first buildings develop. That is impractical. There are several developers between our site on the far right side of the illustration and the 303, 1/8 of a mile from our site that will be developing their frontages. We are held to a high standard so the information we provide is not only truthful and accurate but it is verified by the county staff. Then verified again by the City of Goodyear

who had two rounds of comments on our traffic study. These are not imaginary numbers. When we hear there is going to be a truck every second, it is not accurate or verifiable. Even the comments made today by Litchfield Park were problematic and not true, they used the 160 acre number including passenger cars and heavy vehicles and divided it by one minute intervals. It's inaccurate and then they said there were going to be two signals, and be within 600 feet of each other. That is not the case. There will be one traffic signal at 152nd Avenue. When we hear if the future uses are going to abide by this site, the user to this site is locked into a 25 year lease. This is not a speculative site. This is an actual user to this site and that is why we are able to give you much more accurate information. We are able to restrict ourselves because we know who that user is and what their demands are. This is why we are comfortable saying truck traffic to the east will be restricted to local deliveries only. This site is one of the smaller uses at 240,000 square feet. These are branded trucks and employee drivers makes a difference when compared to industrial parks. The industrial category is a far less intensive category for traffic compared to an office building or a shopping center. When Camelback Road is build out it will accommodate 55,000 trips per day. The trips we are discussing pale in comparison to the traffic on Camelback. This is why we do long term planning and why every long term plan for this area over the past two decades accommodates exactly the application before you.

Vice Chairman Arnett said there is only so much by right that can go there, and he agrees with those that spoke in opposition and he understands this is difficult. It used to be a golf course and this will be a more intense use.

Commissioner Andersen said he is inclined to recommend approval for these reasons – it's consistent with the County's overlay zone indicating the use is compatible with Luke Air Force Base, and it is compatible with the general plan and surrounding municipalities. He is comfortable with the traffic issues discussed and recognizes development pays for itself and this one will. Camelback Road is designated as a future truck route and it's been in Goodyear's general plan. He recognizes the homeowners in the area have known that this will likely be developed for commercial use and he is comfortable with the neighborhood outreach. He does not support a continuance and recommends approval.

Commissioner Lindblom said he echoes Commissioner Andersen reasons. As growth catches up we grow into a well-planned buildable community and he feels that will happen here. In the last meeting there was talk of conflicts with Mr. Cowley being a former commissioner. He didn't even know it was his project until someone brought it up. At times as a commissioner we need to recuse ourselves. This is a group of very professional people with commission members and staff. There has been a lot effort to include the community with the most he has ever seen. We have gone the extra mile to make sure every voice was heard from the community. He is recommending approval.

Commissioner Hiatt said he also echoes the words of Commissioner Andersen. He finds comfort in knowing that the City of Litchfield Park has an ordinance they can enforce to limit truck traffic to the east. This will benefit the citizens to make sure the leaders in Litchfield Park pay attention to that. His intention is to vote for approval.

Commissioner Ruby said she echoes their comments as well. She feels honored to sit on this commission and to participate in this process. She was personally dismayed at the implications of corruption or improprieties. Staff does an excellent job and she wanted to

make sure that was addressed. She is totally comfortable that this use fits in the allowed uses under that ordinance. Traffic is a concern with the limited frontage on Camelback Road, but she does believe this is an appropriate use based on the parameters.

Commissioner Gress said he applauds Chairman Schlosser for his leadership over this process and there is no question how fair and how he treated all parties involved. The other commissioners made a lot of comments he was going to make, and there was a clear case that was laid out by the applicant including underlining documentation from other jurisdictions that confirmed that this is an appropriate use. He is inclined to support this application.

Commissioner Montoya said she grew up on the west side and understands there will be more growth, and although it may meet all of the conditions, as a citizen and a volunteer on this commission we have to take into account the concerns of the neighborhood. She's always been a strong advocate of neighborhood engagement in this process. This is an issue of quality of life. She lives near Buckeye Road, and when she moved into her home it was a brand new development and over the years she has seen increased traffic on Buckeye, and some of those trucks are now coming through their neighborhoods. She empathized with the public at a meeting two weeks ago, and sometimes we have to make decisions that are higher than just checking off all the boxes. She will be voting no on this application.

Commissioner Burrows asked if there's been any changes to the conditions. Mr. Gerard said the conditions are 'a'-'j' unless they would like to add any.

Commissioner Burrows said he would like to add stipulation 'k' - all traffic traveling to and from the west of the facility to use the Loop 303 as much as possible.

Commissioner Lindblom said there is the aspect of local distribution and this should also support that for local deliveries.

Mr. Gerard said stipulation 'k' can read - Except for local deliveries, development of the site shall include driveway design and/or signs that direct truck traffic (vehicles greater than 10,000 lbs.) to and from the site west along Camelback Rd.

Mr. Morris said he is in acceptance of the new condition as read.

Commissioner Burrows asked this is just for a Military Compatibility Permit (MCP) and not approving anything beyond that. Mr. Peck said it is the MCP together with the Plan of Development.

Chairman Schlosser said he echoes Vice Chairman Arnett's comments with the letters of opposition and traffic concerns, and he would be upset as well. He has better clarification with the traffic and truck numbers. When he gets his packet one of the first things he looks for when it affects Luke AFB is to check that we have their blessing. He has fought to protect Luke when he was on the planning commission with the City of Goodyear, and also the past 1-1/2 years on this commission. This project does that as well. When the PV303 to the south develops it's going to act as a buffer to this application, also on the southeast corner of 152nd and Camelback Road the developer is a multi-family builder, along with the race track and this parcel 200 feet from the south part of the runway, and to the east is the City Goodyear. This all makes a really good

buffer. He was wondering if this project was annexed into the City of Goodyear would they be opposing it. It perplexes him because of the tax revenue and the employment. He said this is a tough decision for everyone and he echoes everyone else's concerns.

COMMISSION ACTION: Chairman Schlosser motioned to approve MCP2019005 with conditions 'a'-'j' and inclusion of condition 'k'. Commissioner Andersen second. Approved 7-2 (Burrows, Montoya).

- a. Development of the site shall be in substantial conformance with the Military Compatibility Permit entitled "Cross-Dock Facility", consisting of 5 full-size sheets, dated February 14, 2020, and stamped received February 14, 2020, except as modified by the following conditions.
- b. Development of the site shall be in substantial conformance with the Narrative Report entitled "Falcon – Military Compatibility Permit Narrative", consisting of 32 pages, dated February 14, 2020 and stamped received February 14, 2020, except as modified by the following conditions.
- c. The following Planning Engineering conditions shall apply:
 1. The owner/applicant shall be responsible for the improvements along Camelback Road as required by the City of Goodyear-approved Traffic Impact Study.
 2. Prior to issuance of any construction permits for any public Right-of-Way improvements on APN 501-61-006C, an intergovernmental agreement between Maricopa County, the City of Glendale and the City of Goodyear must be executed, or an alternative plan for construction shall be approved, with respect to road improvements along Camelback Road. Construction of all on-site and off-site infrastructure improvements must be completed prior to issuance of a temporary certificate of occupancy or certificate of occupancy.
 3. CLOMR approval by the FCDMC is required prior to issuance of and building/grading permit for development within a designated floodplain, including driveway access and road improvements along Camelback Road.
 4. Prior to issuance of any construction permit(s) on APN 501-61-006C, an easement must be recorded through APN 501-61-006B to demonstrate legal access to the subject site.
 5. Detailed Grading and Drainage Plans will be required to be submitted for issuance of any building/grading permits associated with the site and Camelback Wash relocation improvements and site development.
 6. Engineering review of planning and/or zoning cases is for conceptual design only and does not represent final design approval nor shall it entitle applicants to future designs that are not in conformance with Section 1205 of the Maricopa County Zoning

Ordinance and Drainage Policies and Standards; Floodplain Regulations for Maricopa County; and the MCDOT Roadway Design Manual.

- d. The following Maricopa County Environmental Services Department (MCESD) condition shall apply:
 - 1. Approval To Construct (ATC) approval must be obtained prior to any construction permit approval
- e. The applicant/property owner shall submit a 'will serve' letter for fire protection services for the project site. A copy of the 'will serve' letter shall be required as part of the initial construction permit submittal.
- f. All buildings subject to noise attenuation as per ARS § 28-8482(B).
- g. The granting of this change in use of the property has been at the request of the applicant, with the consent of the landowner. The granting of this approval allows the property to enjoy uses in excess of those permitted by the zoning existing on the date of application, subject to conditions. In the event of the failure to comply with any condition, the property shall revert to the zoning that existed on the date of application. It is, therefore, stipulated and agreed that either revocation due to the failure to comply with any conditions, does not reduce any rights that existed on the date of application to use, divide, sell or possess the property and that there would be no diminution in value of the property from the value it held on the date of application due to such revocation of the MCP. The MCP enhances the value of the property above its value as of the date the MCP is granted and reverting to the prior zoning results in the same value of the property as MCP had never been granted.
- h. Prior to approval of the temporary certificate of occupancy or certificate of occupancy, the applicant shall provide the Maricopa County Planning and Development Department with an executed service agreement ("will serve" agreement) with Liberty Utilities certifying that the proposed project has been provided with connection to water and sewer service.
- i. The following Military Compatibility Permit (MCP) standards shall apply:
 - 1. Maximum Building Height: 60'
 - 2. Maximum Light Pole Height: 110'
 - 3. Front and Street Side yards: 20' (adjacent to Camelback Road), 15' (adjacent to internal collector streets), 10' (adjacent to internal local streets)
 - 4. Side yard: 15'
 - 5. Rear yard: 15'
 - 6. Front/Rear Setback from LDN Noise Contour Lines: 0'
 - 7. Maximum Lot Coverage: 60% (of Individual Parcel)
 - 8. Minimum Lot Area: 35,000 sq. ft.
 - 9. Screening: 8' Tall Chain Link Fence with or without 3 strands of barbed wire above 8'
 - 10. Signage: Per MCZO Section 1403 or Section 1404

11. ADA Parking Spaces: to be provided at a 2% ratio
- j. The MCP is applied to restrict the use of the site. Until such time as the site is served by sewer, uses on the site shall only be those acceptable to the Maricopa County Environmental Services Department (MCESD) that can be accommodated by septic systems. Connections to a public water system and public sewer system shall be required prior to establishment of any use that requires potable water.
- k. **Except for local deliveries, development of the site shall include driveway design and/or signs that direct truck traffic (vehicles greater than 10,000 lbs.) to and from the site west along Camelback Rd.**

Chairman Schlosser adjourned the meeting at 2:08 p.m.

Prepared by Rosalie Pinney
Recording Secretary
May 28, 2020