

April 1, 2024

Town of Goodyear

RE: **Case Number:** 23-700-00001 & 23-200-00006

Description: A request to change the land use designation from Neighborhoods to Business & Commerce and the zoning designation from AU, Agriculture/Urban to Business Park District (BPD), to facilitate development of a 5-building warehouse park.

Honorable Members of the Goodyear City Staff, Planning and Zoning Commission, and Council:

On behalf of Meritage Homes of Arizona, Inc., an Arizona corporation ("**Meritage**") and Tri Pointe Homes Arizona 91, LLC, an Arizona limited liability company ("**Tri Pointe**"), we write to you today to voice our joint opposition to the request by NBA Enterprises LP/Hohokam Acres LP ("**NBA**") to change both the land use and zoning designation of the approximately 53.24 net acres located approximately one-half mile west of Cotton Land on the south side of Camelback Road, and which is the subject of the above-referenced case.

NBA seeks your permission to allow a business park district directly to the east of Abel Ranch, a single-family residential community that will likely be home to thousands of Goodyear residents. Abel Ranch consists of two phases: Meritage owns Phase 1, and Tri Pointe owns Phase 2. Both such companies have invested substantial time and money building infrastructure to serve the community that will be known as Abel Ranch, and each will invest substantially more time and effort constructing homes for Goodyear residents at the site. For the reasons set forth here, both Meritage and Tri Pointe firmly believe that the original rezone for large-lot residential is both appropriate (NBA sold the Abel Ranch property to Meritage with that zoning in place) and necessary to address, among other things, the noise contours and other issues that would be of concern to Meritage, Tri Pointe, and the future residents of the community and the City of Goodyear, which designations were all previously approved by Council.

As a threshold matter, we understand NBA is proposing to provide access to the business park through the residential streets within Abel Ranch. Although the parties are discussing this request in good faith, NBA does not currently have the right to access to project through the Abel Ranch community. To be clear on that point (and for the obvious reasons when commercial and other non-passenger vehicles are allowed to use neighborhood streets to enter and exit a business park), Meritage and Tri Pointe oppose any requirement by the City that access be provided through Abel Ranch. NBA and its proposed developer have multiple other options to access directly onto Camelback Road (including multiple access points on the NBA site) or through the adjacent industrial project to the east of the NBA site.

The "Business Park" designation will likewise significantly increase the volume of commercial and passenger vehicle traffic in the area, as well as create noise and lighting nuisances directly adjacent to the Abel Ranch residential community. The proposed setbacks, walls, and landscaping are insufficient and would be detrimental to the quality of life for future residents in Abel Ranch and the surrounding Goodyear residents living in this area. Further, we

are very concerned about the hours of operation any business park tenant or occupant may hold, which will only compound the nuisance and disruption to homeowners from the large commercial vehicles making deliveries day and night, and other tenants of the business park operating a very broad range of allowed businesses that may not hold regular business hours.

Section 3-3-6(B)(5) of the City's Zoning Ordinance permits a business park to be located adjacent to a residential use, but "only if the physical location of the site allows for significant buffering and a project design that mitigates potential adverse effects of the Business Park (BPD) District on the residential use or district." Section 3-3-6(E)(7) further requires the following: "Where a lot in the Business Park (BPD) District abuts a residential district or an existing residential use, the existing landscape buffer requirements of Section 5-1-4-B-3-b shall be increased by an additional twenty-five (25) feet, with a double row of trees planted within the buffer." The rezoning of the NBA property must comply with these requirements and all others set forth in the City's Zoning Code.

Meritage and Tri Pointe have engaged in multiple discussions with the representatives of NBA regarding what constitutes acceptable requirements, including lighting height, fixture, and spread, increasing the wall height on the west side from six feet to eight feet for additional security and screening, a minimum of thirty-six inch box trees added along the west side perimeter where the currently-proposed setback is only forty feet.

That said, as noted above, any type of access from the proposed business park through the Abel Ranch subdivision is a nuisance, eyesore, and, putting aside the damage commercial vehicles are likely to cause to the residential streets, the access by the business park occupants and their vendors and invitees creates the potential for danger to the health and safety of the residents of the Abel Ranch community. Likewise, on the north side of the community, there is a T intersection that was once intended for residential cross access through the Abel Ranch subdivision. The north side is now a dead-end street and eyesore for residents in the community, and serves no purpose to the NBA site. The south portion of the Abel Ranch property also has a remnant lot/tract between Abel Ranch and the proposed project. This tract was intended for residential access between Abel Ranch and the NBA property. If the NBA property is instead used as a business park, the very low visibility of the south side lot/tract creates a security issue for the adjacent residents of Abel Ranch.

We have discussed these concerns with NBA's representatives, including our opposition to any cross-access from the NBA site to or within the Abel Ranch community. We respectfully request that, if such access is denied, a VNAE 'Vehicular non-access easement' should be recorded and burden the western and southern boundaries of the NBA site to prevent any vehicles from entering Abel Ranch (regardless of the zoning outcome, if this parcel is rezoned from residential to business park, the Abel Ranch community will need the ability to prevent NBA's tenants and occupants from entering the community, and a VNAE should provide that right).

In sum, we respectfully request that the City use the mitigation techniques described above as a floor and require that NBA implement and complete at least those mitigation techniques described above to mitigate the damage caused by the rezone to the Abel Ranch neighborhood. Likewise, we request that the City waive any requirement for access through Abel Ranch, and ultimately require a VNAE so that no vehicle from the NBA site may use the Abel Ranch community streets as a shortcut or for any other purpose.

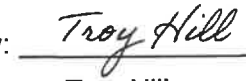
We request that our correspondence be considered by staff, Planning Commission, and City Council to ensure a safe and livable community.

Respectfully,

Tri Pointe Homes Arizona 91, LLC, an
Arizona limited liability company

By: 
Name: Jason Weber
Title: VP Land

Meritage Homes of Arizona, Inc., an Arizona
corporation

By: 
Name: Troy Hill
Title: VP Entitlements

CONSENTED TO AND APPROVED BY OWNER:

By signing below, KL LB BUY 1 LLC, a Delaware limited liability company, as Owner of Phase 2 pursuant to an Option Agreement between Tri Pointe and Owner, hereby consents to and approves the foregoing letter regarding City of Goodyear Case Numbers: 23-700-00001 & 23-200-00006.

OWNER:

KL LB BUY 1 LLC,
a Delaware limited liability company

By: Nathan Holt
Name: Nathan Holt
Title: Authorized Signatory