

NORI MUSTER
P.O. BOX , MESA, AZ 85274

To: Tempe City Council (for the public record)
From: Nori Muster, real estate agent and Lakes resident
Date: December 2, 2015
Re. Lake Country Village

The Lakes of Tempe is the first lakefront master-planned community in the Valley and remains the gold standard for manmade lake communities. The Lakes is one of the top Character Areas in Tempe, and has the most to gain – or lose – depending on how Lake Country Village is developed.

A major goal for Lakes residents is to create more walkable areas. The original plan for Lake Country Village would establish a mixed-use, landscaped community. We want to thank the City for holding the developer responsible to build something of the same quality.

If this plan is as good as the City and the developer say it is, Lakes residents will walk to Lake Country Village to shop and stroll, and Lake Country residents will walk down Lakeshore Drive to catch sunsets and lake views from the bridge. Lake Country residents can also walk to nearby shopping, banking, and restaurants. Adding a new walkable center of this caliber will raise Tempe's ranking on the list of great places to live.

The Lakes of Tempe is about to receive a public art sculpture, thanks to a Marianne Corder Neighborhood Grant. Within the next few months, a delicate Corten weathering steel egret will appear on Lakeshore Drive in front of the Lakes clubhouse. The egret, by public artist Lyle London, will become the landmark for this Character Area. We are doing our part to maintain and improve the character of our neighborhood. We thank the City for working with us to maintain the integrity of our community intact.

Regarding your Exhibit D list of Prohibited Uses, it seems too restrictive to me. Recreational marijuana may become legal in Arizona within the next several election cycles, like it is now in Alaska, Colorado, Oregon, and Washington. Marijuana is no more harmful than alcohol, and may someday be sold to adults in the same venues where alcohol is sold. When this happens, Lake Country Villages should be allowed to participate by allowing commercial establishments within the development to legally sell marijuana without having to go back to the City for further negotiations on the agreement.

From: Susan Niernberg
Sent: Friday, December 04, 2015 8:40 AM
To: planning
Subject: Lake Country Village

I would like to register my concerns about the apartment development proposed for Baseline and Lakeshore. I live in The Lakes, an active community with over 1200 homes (yes, we matter).

There are very few parcels of land left in Tempe. It's one thing to just go with what's expedient, but at this juncture in Tempe's life as a city it seems prudent to research what other cities are doing to attract families and residents.

Look at the attractive, small quaint neighborhoods in Portland OR, the Plaza in K. C. , Denver or even in our backyard, Arcadia! These are well thought out neighborhoods with local shops, coffee shops, local grocers, and restaurants (not chain), walkways/small parks/ water features or fountains. These amenities encourage the "neighborhood" to mingle, walk, and enjoy.

More apartments, Big Lots, and fast food restaurants bring down home values and only discourage a neighborhood feel. With the number of apartments in our "neighborhood" now our crime rates continue to escalate with gangs and drugs slowly encroaching our streets in The Lakes.

Please make sure, if these apartments do proceed that other amenities are added, such as the walkways, water fountains, local coffee shops, great architecture etc. The property on the east side of Lakeshore could also use some improvements....the City of Tempe could help by supporting "neighborhood" multi-use and architectural updates.

I am an active resident in my community. I have organized Neighborhood Watch captains on every street in The Lakes, first to promote safety and second to promote a strong community. Please let me know if I can be of service as you move forward.

Susan Klein Niernberg
Cell:

NORI MUSTER
P.O. BOX , MESA, AZ 85274

To: Tempe City Council (for the public record)
From: Nori Muster, real estate agent and Lakes resident
Date: December 10, 2015
Re. Lake Country Village

I attended the December 3 City Council meeting regarding the settlement with Tempe Investors, LLC. Speaking for myself, I was positively impressed with the proposed settlement.

The Lakes of Tempe is the first waterfront community in the Valley and remains the gold standard for manmade lake communities. My concerns in this situation were to create more walkable areas and maintain lower population density around our perimeter. The proposed settlement would establish a mixed-use, walkable community, thus achieving these goals. I was also in favor of the plan outlined by David Sellers, LGE Design Build. Other Lakes residents present at the meeting expressed similar appreciation.

Therefore, I want to thank the City and the City Attorney for negotiating this settlement, and express my support for the settlement.

I would also like to reiterate my belief that marijuana should be deleted from Exhibit D, Prohibited Uses. Also, many of us would like the developers to maintain a security guard to look after the development. Lakes residents are also interested in traffic calming curves south of the bridge, in front of the clubhouse, and at Driftwood Drive. This would discourage new Lake Country Village residents from speeding through our community to pick up and drop off their children at the schools along Lakeshore Drive.

Thank you once again for your responsible and effective stewardship of this situation. If the development turns out as promised, it will be an asset to the developer, The Lakes, and the City.



The Lakes Community Association, Inc.

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Mayor Mark Mitchell
Tempe City Council
P.O. Box 5002
Tempe, AZ 85280

December 15, 2015

Honorable Mayor Mitchell and Tempe City Council:

Re: Tempe Investors, LLC v. City of Tempe

As President of the Lakes Community Association (LCA) and on behalf of the Lakes Community Board of Directors and Lakes homeowners, I am writing to voice our concerns regarding the proposed settlement and amended PAD to come before the Tempe City Council for its consideration on December 17, 2015. It appears to us that, with the exception of a consideration for landscaping at the intersection of Baseline Road and Lakeshore Drive and a general decrease in the numbers of parking spots per apartment unit, the main amendment to the PAD is removal of any activity on the south aspect of the property.

The nearly 1200 homeowners in the Lakes community will experience a negative impact by the additional 600+ motor vehicles this project will add to traffic on Lakeshore Drive and/or Baseline Road when the project is complete. Most of the manufacturing plants where apartment dwellers might be expected to seek higher paying jobs are south of Baseline. This increased traffic is especially concerning in the area south of Baseline Road on Lakeshore because of the multiple school zone areas heading south to Guadalupe. The LCA clubhouse is located on Lakeshore and community gatherings often require homeowners to park across the street and cross Lakeshore Drive. Homes on the Island and businesses along Lakeshore Drive have egress only onto Lakeshore Drive. We are concerned that heavy traffic on Lakeshore Drive will be a safety and nuisance concern to our community. Additionally, it is clear from the amended PAD that the intent is that all traffic from the apartments will empty onto Lakeshore Drive and be forced to turn to the right (south) toward the Lakes community. No amount of increased landscaping will compensate the Lakes community for its loss of safety and security and the negative effect this traffic will have on home values in our community.

The project, as amended, demonstrates a walled off island effect, except for the area on either side of the paseo. Unfortunately, with no plans for the commercial south aspect of the property, along Baseline Road, we envision a continued blight on the

neighborhood. We understand that the Investors will attempt to sell this property. Will it be unused buildings and a parking lot until that time?

The expectation that the community will walk to the property doesn't make sense to us. Why would neighbors in the Lakes walk to apartments? It is more likely that the apartment dwellers will walk to our community to use our private Lakes and parks that homeowners pay to maintain. This already occurs as non-Lakes residents regularly poach fish from the Lakes.

By separating the residential and commercial aspects of this project, the settlement diminishes the City's 2040 plan, approved by the Tempe electorate. This project doesn't have the live-work-play aspect of the 2040 plan. Neither entity with which the City of Tempe is settling has any long-term interest in Tempe, nor do any of the principals live here.

We understand the expediency of this settlement. We also sympathize with property owners who wish to be able to use or sell their property. What we object to is the use of litigation by Tempe Investors to undercut the normal process that is required to build in the City of Tempe. The fact that they could not make a plan that they submitted and that was approved by the Tempe City Council work, does not justify the actions taken. We are not attorneys but do not see how Tempe Investors' preference to change an approved PAD by submitting a new one to the City of Tempe violates A.R.S. 12-1134. Does this requirement actually "reduce the fair market value of the property?"

Any homeowner or commercial entity must submit plans and have them approved before they may do any construction on their property in Tempe. Major changes in their plans require amendments to be submitted and approved by the City of Tempe. It is untenable that companies consisting of lawyers may use the tort system to get around the law due to an error by a previous City employee. The builder, when discussing this project with the LCA admitted that the plan was to build the project, rent it out and flip it to an insurance company or other investor. Again, it is unlikely that the future owners would have an interest in Tempe as residents of the city.

The Lakes Community is appealing to the Tempe City Council, our representatives, to resist the recommendations of the City Attorney, Mr. Birnbaum, and other city staff and to require that something actionable be done with the south side of the property, creating the businesses that were originally promised. We also request that traffic flow in the area be studied to assure limited increased traffic along Lakeshore Drive between Baseline Road and Guadalupe Road.

The many multiunit apartment complexes in our zip code and changes in the types of businesses along Rural Road, just south of Baseline Road have resulted in much increased traffic everywhere around and through the Lakes community. Because the traffic in the area of Baseline and Rural Roads is expected to increase with this

project, we request that the city install a wall on its property along Rural Road (the only side of the Lakes Community that is not walled).

We look forward to meeting with the Tempe City Council at the public meeting on December 17.

Sincerely,


David Kemper

On behalf of the Lakes Community Association, its Board President