

ATTACHMENT H

David O Simmons

From: David Riley <driley7@msn.com>
Sent: Saturday, June 22, 2019 2:48 PM
To: David O Simmons
Cc: nbarto@azleg.gov; zack.schira@maricopa.gov; Mayor Gallego; Jim Waring; Sal DiCiccio; jan.riley@advcomsolutions.biz
Subject: RE: Deer Valley Village Planning Meeting - Rezoning Case No. Z-37-19-2, Central Foothills PUD

David,
Thank you for providing me with a copy of the rezoning process packet.

My understanding of the progress for development of the UPCO property in this case is that they have conducted one preliminary zoning meeting, one community meeting and have filed a development application. The notes from the preliminary review question why a PUC and stated general Village Character concerns. At the community meeting, the developers reps were not prepared for a turnout of 200+ residences. They notified few, to the strict letter of requirements, but word spread rapidly. To the credit of all, the developers reps regrouped and answered questions and the community politely asked questions and expressed concerns.

From a Community Character perspective, there are many conditions the developers are ignoring. Including "Protecting the Neighborhoods views and open spaces"; "Protect and enhance the character of EACH neighborhood"; "Protect residential area from concentrations... that could change their character or destabilize land values", to state a few. We hope that the Village planners and City Council members will take note of these.

However, putting these development deficiencies aside, many are stunned that ANY development of this site, due to its history of toxic waste, is being considered. Remediation has just begun and may take decades, including the Perchlorate remediation facility that has yet to become active. Upon learning of the planned development, I have made calls to ADEQ, AZ Dept of Health Services and AZ Agriculture Dept. The representatives I have spoken with have been VERY helpful and forthcoming with what they know. My concern is that no department can provide information on evidence of a clean site appropriate for development. All point to ADEQ, but it is AZDHS who is responsible for Perchlorates standards and no one seemed to be aware of other toxins dumped on the site. I contacted AZ Dept of Agriculture because vegetation, Saguaro's, on the site have already been flagged. APS and City of Phx Water Services have also been active at this site. IS IT A DONE DEAL?

I, and other area residence, have recently attended Deer Valley Planning meetings to understand how they are conducted.

As a RECOMMENDATION, you may want to consider a larger facility and an audio system when this matter comes before the Deer Valley Village Committee.

As for concern of property owners rights, UPCO et al., forfeited their development rights when they polluted the land and OUR Aquafer.

The land should be left to rest.

Thank you,

Dave and Jan Riley
602.540.6026

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Thursday, June 13, 2019 12:44 PM
To: David Riley <driley7@msn.com>
Subject: RE: Deer Valley Village Planning and Development Meeting

David,

The June Deer Valley Village Planning Committee meeting has been canceled due to a lack of agenda items. The rezoning process for any site follows the same process. I have attached a rezoning packet for your review as it outlines the process step by step. Please let me know if you have further questions after reviewing the process packet.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: David Riley <driley7@msn.com>
Sent: Thursday, June 13, 2019 12:15 PM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: Deer Valley Village Planning and Development Meeting

Hi David,

I see that the June 20th Deer Valley Village and Planning and Development meeting has been cancelled, is that correct?

I am still trying to understand the rezoning process as it pertains to the UPCO site.

The developer filed with the City of Phx Planning Dept yesterday.

From what we are told, the filing does little to address the concerns of the preliminary application comments nor the community's feedback.

Is it the normal process to file prior to community or Village meetings? Or do these meeting come later?

Appreciate your clarifying for me

Dave

Dave Riley
602.540.6026
driley7@msn.com

David O Simmons

From: Gloria Burson <gloriaburson@aol.com>
Sent: Tuesday, June 25, 2019 11:14 AM
To: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring
Subject: North Phoenix development Happy Valley Road north and east of Central Ave

Dear Sirs and Madams:

I am a home owner, in the county island North of the proposed development. We built our home in 1986 and lived here since then.
We have participated in paying for and getting our roads paved. We have watched the growth in the area and welcomed our new neighbors.
We have enjoyed the quiet ambiance of nature in this area. We have participated in trying to protect our property values and the health of our community to help convince UPSCO to move on. .

Now, a developer wants to destroy everything our community built. Make no mistake. high density housing will destroy a way of life we have sweated over and paid for. Please step up and don't allow this kind if development to proceed.

Thank you,

Gloria and David Burson
15 E. Briles Rd.
Phoenix, Arizona 85085

602 625-6101

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Thursday, June 20, 2019 11:07 PM
To: Julie Riemenschneider
Cc: David O Simmons; Barto, Nancy K. & Joe; zack.schira@maricopa.gov; Mayor Gallego; Jim Waring; Sal DiCiccio
Subject: Re: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Hello Julie,

I appreciate you taking the time to respond, however you provided zero answers to my question about who had oversight during the 30 plus years that UPCO & Goodrich used this previously pristine desert as a testing & dumping site for extremely hazardous, dry explosive material used for the development of ejection seats in military fighter-grade aircraft. You also failed to answer the most important questions regarding what restrictions, regulations, &/or stipulations (if any) were put on the land for use by UPCO.

I am quite familiar with the area, as our property line abuts their boundary. I'm also aware that as of 2003, testing was still allowed (per City Council) but the land was controlled by the state. At some point, BLM was involved, but I have been unable to access title transfer info on that.

Regardless, after the ground was so thoroughly contaminated by not only Perchlorate, but also the deadly, toxic residues from the foam which fire fighters were forced to use every time UPCO created an explosion, that UPCO & Goodrich were ordered to cease & desist their testing. But by that time, all the combined HAZMATs had leached into this 160 acre site & into the aquifers.

Dramatically, on 11 September, 2002 (one year after the Twin Towers attack in NY), 3500 pounds of UPCO's illegally stored, dry explosive material spontaneously combusted & the explosive force blew windows out of homes over 1/4 mile away. 1000 residents were forced to evacuate for at least 24 hours because of the deadly, airborne plume that blanketed the surrounding sky. And just where do you think all that hazardous contamination within the plume ultimately landed? On our homes & property.

Even worse, less than 500 feet away from the 3500 pounds that blew up, sat an additional 50,000 pounds (totally illegally stored on the land without a permit). Had that blown up as well, it would have wiped out everything within a one mile radius & the casualties would have been horrendous. As an example, such an explosion would have completely flattened the Deer Valley Airport.

Additionally, according to numerous news articles, throughout the 1990's, UPCO had violated ADEQ's regulations more than forty times (not including anything to do with the carcinogenic residue - Perchlorate). A 1999 study of this 160 acre UPCO property showed Perchlorate contamination to a depth of 59 (fifty nine) feet - in the dirt.

In order to remove that amount of contaminated soil (to allow for a new housing development) one would need to dig & replace over 125 million cubic feet of dirt; roughly creating a crater the size of the University of Phoenix Stadium.

In order to get around this problem, UPCO drilled small areas of soil, tested them, and then inserted clean fill dirt into those very few and specific testing spots. The old, standing saguaro cacti alone are enough to prove that UPCO could not possibly have moved or remediated a sufficient amount of soil within the last ten years to make any impact. Furthermore, the most highly concentrated area of contamination exists within the exterior barb wired fence. That area is secluded & separately fenced with six foot chain link fencing.

Also, as early as 1994, the Phoenix City Fire Chief Brunacini, wrote letters of concern to UPCO regarding issues of possible spontaneous explosions, as well as environmental contamination. Later, in 2001, he wrote to the State regarding his concern about Arizona's renewal of UPCO's lease, stating, "The facility poses a threat to these (surrounding) neighborhoods." Sadly he was ignored, yet obviously his concerns were valid as the 2002 explosion illustrates.

In 2001, the City Planning Director wrote, "Continued operation of UPCO at this location presents numerous land use compatibility issues." He was also ignored.

UPCO's illegal use of this land for storage of their chemicals (& illegal dumping of toxic waste from their other testing sites) is precisely why I'm seeking the permits & restrictions that were placed upon UPCO or the land, when the State, the County government, or City Council allowed them to continue testing. Obviously, there was no oversight by anyone. The last thing UPCO &/or Goodrich cares to do is be forthcoming with the restrictions & regulations which they ignored & violated. So your suggestion that I reach out to them is simply one of ignorance.

If one were to compare this 160 acres to be developed to the "Love Canal" project in NY state, that area was only 70 acres. That cleanup took over 21 years & cost over four-hundred million dollars AFTER HOMES WERE BUILT - not including law suits against the municipalities and developers. To this day, many areas of that toxic dump site remain uninhabitable.

That said, sometime within the past 10 years UPCO hired Arcadis to begin water remediation efforts. Initially we were told that because of the extreme contamination, the remediation process would take approximately fifty years.

Then, suddenly, out of the blue - all is fine & the 160 acres is deemed "livable" for humans packed into proposed high-density housing.

There are many flaws & you as a coordinator, as well as others are very much to blame. Primarily, ADEQ has never set any standards for survivable Perchlorate levels! Nor have they heeded any recommendations from Fire Officials or the City Planning Director. Nor did ADEQ enforce their own regulations.

Instead, ADEQ simply relied upon the US EPA guidelines for Perchlorate, which also does not set any standards. Rather, the EPA leaves the regulation of survivable Perchlorate levels up to each state & municipalities to determine. That's great, except that Arizona's irresponsible ADEQ & municipalities never bothered to address the issue.

Survivable Perchlorate levels in Massachusetts are two part per billion. In California, the survivable levels are four parts per billion. Interestingly, prior to the enormous law suit against PG&E in CA in which Erin Brockovich played a key role, CA's acceptable perchlorate levels were 34 parts per billion. While Perchlorate was not the only chemical involved in that suit, CA immediately took steps to reduce the survivable level to what it is currently.

We purchased our home on Yearling Road in 2011 & our well is currently being tested every six months for Perchlorate. Our property (& well) is above (higher elevation) & at least 1/4 mile away from UPCO's previous "ground zero." Yet our most recent, semi-annual well test came in at 1.6 parts per billion.

There is an obvious, newly constructed building on the lower southwest portion of this 160 acres where Arcadis is in the midst of withdrawing water from the aquifer, recycling it through a reverse osmosis system to withdraw the Perchlorate, then returning the "clean" water right back down into the fully contaminated aquifer.

Does that seem like a quick or easy remedy to you & all your bureaucratic associates?

While this remediation system might be successful in fifty years (as previously estimated by the BLM), it most certainly has not achieved a final cleanliness standard - in any way, shape, or form. Thus your statement that remediation is "complete" is an absolute falsehood, or worse, a purposeful hiding of information by various municipalities.

To further illustrate why this 160 acres is unsuitable for any development, let me point out that approximately five miles east on Deer Valley Road, Pulte is building luxury homes on approximately 160 acres (roughly the same size as the contaminated area). Pulte or their purchasing group paid in excess of \$200 million for that 160 areas.

Likewise, going west on Happy Valley past 19th Avenue, two additional home builders are developing 160-170 acres. They also paid in excess of \$200 million for that bare land.

Yet UPCO sold (dumped) this 160 acres to the PAF Trust for a mere four million!! Four million for 160 acres - less than two miles from the other developments that paid over two-hundred million. Obviously, red flags would be going off in any planning & zoning official's head, should they take more than a cursory look. Sadly, this plan seems to be zipping right through.

Furthermore, Kyle Moyer's representatives have told us that city water and sewer will be brought in for this development. Great, the new homes get City water. But they have absolutely not addressed the contamination of the entire 160 acres of soil down to almost a sixty foot depth. So young kids will be rolling in their grass & swinging on play equipment that sits inches from Perchlorate contamination.

If I sound upset, I am. I served as an NBC (nuclear, biological, chemical) warfare officer in the US Army for nine years. I also worked for FEMA on contract to the State of Hawaii as their state Nuclear Defense Planner. I also taught the first HAZMAT classes on Oahu & taught as an adjunct instructor at the US Fire Training Academy in Emmitsburg, MD. I was trying to save firefighter's lives & I understand exactly what is written in our US law entitled SARA Title III, because I was involved in its writing.

For your edification, the only agency in the state of AZ to address the Perchlorate problem happens to be the AZ Department of Health. However, the arbitrary level they established years ago as "survivable" is 14 parts per billion, which is simply, dangerously, too high.

Also, the AZ Dept of Health does not happen to be on the "route" for building permits. So they were not even consulted in this critical matter.

The Kyle Moyer PR firm is attempting to ram through a new, high density housing development on land that has been completely contaminated. But their plans breezed right through ADEQ because, as I previously stated, ADEQ has failed miserably to set any type of acceptable, survivable limits on Perchlorate. ADEQ has simply ignored this horrific problem.

Also for you edification, Perchlorate attacks a human's thyroid gland (located in the nape of the neck) and causes cancer. Might you not find it interesting, sitting in your nice office, that many of the original residents up here in this small county island immediately adjacent to the 160 acre UPCO testing site, have either had thyroid cancer & the gland removed (plus chemotherapy &/or radiation treatments) or have some type of thyroid disease? And many are on medication for their thyroid problems? I doubt you have even given such a terrible truth the slimmest of considerations.

But you see, we're all zoned R-43 & don't live particularly close to each other. So the original settlers didn't share their personal health problems with each other: until now. Now, finally, the residents are connecting the dots & realize that the probable cause of their cancer was/is UPCO's unrelenting testing, ADEQ's lack of oversight, the County's lack of oversight & now that it's under the purview of the City - the City's complete complacency.

You, et al, are about to let a new development happen on this contaminated land. Which means that 240-300 new, young families with little children will be moving (quite naive & unsuspectingly) onto a ticking time bomb of cancer and other possible health risks.

Plus, the moment the earthmovers, bulldozers, rock crushers, etc. start; all the current residents in close proximity (like us) will have to bear the brunt of the contaminated soil becoming airborne and blanketing our own properties.

I would appreciate specific answers to my original questions to Dave Simmons. If necessary, then by all means, coordinate with ADEQ (because according to your title, you are supposed to be able to coordinate).

However, I can tell you that up until this moment ADEQ has only obfuscated and ignored their responsibilities. Thus, they have not been remotely helpful to this point.

Regards,
Joanne Moudy
(808) 554-4792

> On Jun 20, 2019, at 12:45 PM, Julie Riemenschneider <julie.riemenschneider@phoenix.gov> wrote:
>
> Hello Joanne,
>
> This property was the former Universal Propulsion Company (UPCO) site. This site has gone through remediation under the review of Arizona Department of Environmental Quality (ADEQ) Hazardous Waste group
> If you would like more specific information about the cleanup that has occurred at this site please contact the regulatory agency, ADEQ.
> You can call or email Anthony Leverock at 602-771-4160 or Leverock.Anthony@azdeq.gov.
> ADEQ should be able to help you find information about all the sampling and cleanup that has been completed at this site.
>
> Thanks,
>
> Julie Riemenschneider
> Environmental Programs Remediation Coordinator City Manager's Office
> City of Phoenix
> 200 West Washington Street, 14th floor Phoenix, Arizona 85003
> 602-256-5681
>
> -----Original Message-----
> From: David O Simmons
> Sent: Wednesday, June 19, 2019 2:56 PM
> To: Joanne Moudy <jomoudy@gmail.com>
> Cc: Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen
> <nancy.allen@phoenix.gov>
> Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD
> Environmental Concerns
>
> Hi Joanne,
>
> As I mentioned on the phone, I handle Rezoning and General Plan cases. To obtain history on a site within the City of Phoenix municipal boundary please complete an on-line records request here: <https://www.phoenix.gov/pio/public-records-request> Have you tried reaching out to UPCO and Goodrich as of yet? They may be the able to provide copies of these records.
>
> I have also cc'd Rosanne and Nancy from our Office of Environmental Programs as they may be able to offer further insights into your inquiry.
>
> Thanks,
>
> David Simmons, MA

> Planner II* Village Planner
> 200 West Washington Street
> 3rd Floor
> Phoenix, AZ 85003
> 602-262-4072
> david.simmons@phoenix.gov
>
> -----Original Message-----
> From: Joanne Moudy <jomoudy@gmail.com>
> Sent: Wednesday, June 19, 2019 2:44 PM
> To: David O Simmons <david.simmons@phoenix.gov>
> Subject: Re: Test
>
> Hi again,
> Can you possibly provide any/all of the explosive testing permits & stipulations which were secured by UPCO & Goodrich? I'd also like to know which government agency had oversight on UPCO & Goodrich on this 160 acre parcel while their explosive testing & unlawful dumping of excess hazardous waste was occurring (over a 50-60 year period).
>
> I'd greatly appreciate any info on this that you can pull up from records at the city!
> Thanks.
>
>
> Regards,
> Joanne Moudy
> (808) 554-4792
>
>> On Jun 19, 2019, at 1:50 PM, David O Simmons <david.simmons@phoenix.gov> wrote:
>>
>> The Case No. is Z-37-19-2, Central Foothills PUD.
>>
>> David Simmons, MA
>> Planner II* Village Planner
>> 200 West Washington Street
>> 3rd Floor
>> Phoenix, AZ 85003
>> 602-262-4072
>> david.simmons@phoenix.gov
>>
>> -----Original Message-----
>> From: David O Simmons
>> Sent: Wednesday, June 19, 2019 1:50 PM
>> To: Joanne Moudy <jomoudy@gmail.com>
>> Subject: RE: Test
>>
>> Hi Joanne,
>>
>> Thank you again for reaching out. You can review the applicants first submittal narrative here:
<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases> once it is posted. I just submitted it so give it a day to post. Please let me know if you have questions throughout the process. I am here as a resource. Take care and talk soon.
>>
>> Respectfully,

>>
>> David Simmons, MA
>> Planner II* Village Planner
>> 200 West Washington Street
>> 3rd Floor
>> Phoenix, AZ 85003
>> 602-262-4072
>> david.simmons@phoenix.gov
>>
>> -----Original Message-----
>> From: Joanne Moudy <jomoudy@gmail.com>
>> Sent: Wednesday, June 19, 2019 1:44 PM
>> To: David O Simmons <david.simmons@phoenix.gov>
>> Subject: Test
>>
>> Hi David,
>> This is a test. Please respond & then I will email you back.
>>
>> Regards,
>> Joanne Moudy
>> (808) 554-4792

David O Simmons

From: Julie Bradfeldt <julie@bradfeldt.com>
Sent: Wednesday, June 26, 2019 6:40 AM
To: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring; zach.schira@maricopa.gov
Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

SUBJECT: "Rezoning Case No. Z-37-19-2, Happy Valley Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019". This is a request for rezoning of the Central Foothills Planned Unit Development ("Central Foothills PUD" or "Application") which proposes the rezoning of approximately 157 gross acres of partially developed property located in north Phoenix, located specifically at the northeast corner of Central Avenue and Happy Valley Road.

TO ALL CONCERNED: As a property owner since 2007 residing in a neighborhood zoned S-1, I am very concerned to the impact of our quiet country lifestyle allowing a large development to invade this area. **I am deeply opposed to the proposed re-zoning of the S-1 neighborhood.**

For the reasons outlined by Joanne Moudy in her e-mail as referenced below and Bill Verno among many other of my fellow neighboring residents, I am primarily concerned about a development being proposed that contains 274 new homes presumably with families and children being exposed to the hazardous wastes that have been irresponsibly deposited on this land for many decades. These contaminates are known to cause cancers and other permanent and devastating health effects for ALL natural creatures inhabiting this land or otherwise allowed to be exposed to these elements. The cleanup efforts have only just begun and will not be completed for many years, if not decades to come. This site could not possibly be deemed "safe" for families even in an S-1 type zoning, but this problem and the related health risks would be exacerbated by allowing even a higher density type zoning as is currently being proposed. **To approve this plan would be utterly and completely irresponsible of any city official responsible for planning and development, and I, for one, would like to go on record as stating that I am extremely opposed to ANY development being allowed on this property.**

From: Joanne Moudy <jomoudy@gmail.com>
Subject: Re: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns
Date: June 20, 2019 at 11:07:04 PM MST
To: Julie Riemenschneider <julie.riemenschneider@phoenix.gov>
Cc: David O Simmons <david.simmons@phoenix.gov>, "Barto, Nancy K. & Joe" <nbarto@azleg.gov>, zach.schira@maricopa.gov, mayor.gallego@phoenix.gov, jim.waring@phoenix.gov, sal.diciccio@phoenix.gov

My property abuts this proposed development and as a property owner here since 2007, I have personally witnessed the explosions promulgated by UPCO in the development and testing of the ejection seats. I have heard the news events relating to the hazardous wastes and extreme dangers that have occurred on this property. I have lived through the fears of having my own water tested for years and waiting the results of the perchlorate content along with other contaminates. Several of my neighbors that have lived in this area for an extended period have contracted cancer and other health issues as a result of the environmental hazards that exist on this subject parcel. Further, I am highly opposed to having the soils disturbed and being allowed to go airborne to further contaminate our properties and the air we breathe during any proposed construction putting us at further health risk. This development is clearly not acceptable.

City of Phoenix General Plan: There is nothing in the current City of Phoenix General Plan governing our area that would allow anything close to this type of development. This plan has been approved and exists for a reason. The approval of this application would violate this plan in its entirety. We all have purchased and paid a premium for our properties because of the low density, quiet neighborhood feel of an existing S-1 environment. The General Plan for the city which has been in place for quite some time only confirms the continued existence of this quiet S-1 zoning and open spaces. It is still unclear as to how UPCO was allowed to lease this property in the first place. Proper postings and notifications to the surrounding residents have not been completed so as to notify and inform the existing residents of the impacts this facility would have on the health of the surrounding residents. UPCO should not have been allowed to operate on this land and their existence has violated the ordinances that have already been in place. How bad do things have to get? Do the officials at the City of Phoenix just completely look the other way when a developer promises to bring in funds and the eminent risk to human life goes by the wayside? Or will things just continue in that completely irresponsible manner?

Further, in another lifetime where environmental concerns were not an issue for this parcel, the current proposed development does not address concerns, not only mine but those of the majority of our the neighbors in the surrounding community. These include:

- 1) **Drainage** – the current plan does not provide ample drainage for the waters that would flow down from the properties on the north side of Yearling Road through the numerous washes that exist. This will cause flooding issues on our properties as a result of this severe lack of significant drainage areas. In addition, this will infringe on our abilities to develop our land since any new building permits that would be issued for our properties are governed by the Maricopa County Planning and Development and drainage issues MUST be addressed. Therefore, in order to prevent this development from having significant direct negative impacts on our rights to improve our properties in the future and protect them from flooding, draining issues should further be addressed and approved by Maricopa County Planning and Development, so as to ensure this new development would not infringe on not only our current rights, but also our rights to develop in the future as a result of draining being improperly addressed by this proposed development. My property for one, contains a wash and this development does not create ample drainage for this water to flow thus flooding not only my property but the numerous homes planned along Yearling Road.
- 2) **Buffer** – The proposed development would significantly alter the landscape that has been enjoyed by our neighborhood for decades. If the current zoning would be changed to a more dense zoning, a significant buffer of at least 150' – 200' (similar to what was put in place by the DMR development to the north of our neighborhood) should be put in place, along with landscaping and an 8' minimum wall made of quality desert landscaping construction along with trees that further provide privacy and separation from this development to our neighborhoods.
- 3) **Walking trails / green space / recreation for the development** – with 274 new homes being proposed, this development does not amply address the recreation needs of its residents. Since this **proposed** development is surrounded by private land, busy roads and restricted government spaces with no access to recreation, walking trails and parks should be constructed within the development to accommodate the needs of its residents and prevent its residents from wandering through our private neighborhoods. Our roads are privately maintained and for privacy and safety reasons, we do not want these residents accessing Central Avenue to the north in order to access the Sonoran Preserve or any of our surrounding neighborhoods and homes causing disruption to the quiet enjoyment of our properties. As it stands, this development is poorly designed to accommodate this concern.

- 4) **Quality of home construction / property values** – If new homes are placed on this land, they should be designed with quality construction with homes that would be designed to sell in the ranges of the existing surrounding community, namely Union Foothills Estates. Many of our homes have been valued / appraised upwards of \$500k. This new proposed development should seek to maintain a minimum property value within an acceptable range of this average and in no event should be designed to sell at a price point less than \$400k in order to maintain consistency and minimal disruption.
- 5) **Roads, traffic** – Central Avenue is already poorly maintained with many potholes and low areas where water accumulates and floods during rains. Road construction, road improvements and traffic studies should be conducted and presented to the neighboring residents prior to approval of any new development to allow the all interested parties (including the neighboring residents that would be impacted) to see these concerns have been amply addressed and that the surrounding roads and infrastructure on Happy Valley road are improved to appropriately accommodate the increase in traffic and wait times.
- 6) **Wildlife disruption** – Owls and other wildlife have nested in and habited this area for decades. Have environmental studies been conducted to either protect their habitat or ensure proper relocation of the affected wildlife? This is a very important concern and should not be overlooked.
- 7) Numerous other concerns exist with the plan as currently opposed. The residents of our neighborhood at large have met and have voiced MANY concerns to the developers which HAVE NOT been taken into consideration. These include items such as down lighting, no commercial – not consistent with the general plan, safety concerns, impacts to our property values, impacts to our homes during construction, access to water and other utilities, public safety such as police/fire services as a result of this proposed development, buried powerlines / no visible utilities. We have provided e-mails and contact information and the developers have NOT had conversations with us. They have made slight, meaningless modifications to their initial plan that in no way have addressed the concerns that have been voiced to them, as they continue to attempt to fast-track this inadequate development plan though approval.

I would like to stand and have my concerns documented as stated above for public record. As a resident that owns property directly abutting this proposed development, in no way do I support this application and I strongly urge you to deny their requests. This 160-acre parcel is a hazardous waste remediation site and as such, is not suitable for human occupancy (much less higher density human occupancy) and should NOT be developed for this use.

Sincerely,
Julie Bradfeldt (formerly Thompson)
412 East Yearling Road, Phoenix, AZ 85085

David O Simmons

From: Bool, Mark <Mark.Bool@CVSHealth.com>
Sent: Monday, June 24, 2019 4:01 PM
To: zach.schira@maricopa.gov; Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring
Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

I am taking this opportunity to express my concerns with UPCO & Goodrich contaminated property located at Happy Valley Road and 7th Street (Maricopa County Parcel No. 210-14-050A). It's my understanding that this property was recently sold (at an alarmingly low rate since it is chemically hazardous) to the Patricia Archie Foundation, LLC and there are plans to build high density housing on that location. What in the world is going on? For years there were numerous violations occurring on that property. It has a long, sordid history. For anyone to even think about having people live on that land is absurd! Have we learned nothing from previous similar situations around the country? As a community we should not be accepting of the fact that families will be exposed to the carcinogens in that area.

I realize we all have a lot going on and time is precious. However, please don't turn a blind-eye to this. I encourage you to review this situation carefully. This is one of those "no brainers" in life. I can't imagine any reasonable person being accepting of this hazardous situation.

Thanks for your time and consideration.

Mark Bool
602-284-3092
Mark.Bool@caremark.com

David O Simmons

From: Neal Vandenburg <nealdorothyhome@hotmail.com>
Sent: Sunday, June 23, 2019 5:12 PM
To: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring
Subject: Re: Sale of badly contaminated property...Maricopa County Parcel No. 210-14-050A

>
>> Dear Recipients.....
>
>> My husband and I own a house just North of the above Parcel No. 210-14-050A presently in escrow to be purchased by the Patricia Archie Foundation, LLC from Upco Corporation.
>
>> We are very concerned that this sale and future development plans are premature to the quality of the environmental cleanup that is still necessary on this land....We have lived here for 10+ years and observed the cleanup efforts on the water and soil. However, after reading the Special Warranty Deed and Contaminants documents recorded in December 2018 on the property, and the restrictions placed on digging into the soil in any way by this owner or any future owner, we cannot see how any development can be completed. While the developer is proposing commercial development on top of the worst area of the contaminated soil, rather than residential, how is it possible that disturbing the soil even for footings, or disturbing the soil just to build a construction pad is legal under the current soil restrictions of the recorded documents. Couple this concern with the normal construction that will disturb the contaminated soil and in the process sending some into the wind and on to our abutting neighborhood to be inhaled by our children and retired owners during the process will be dangerous ,,,,,
>
> Why is Upco selling this property to the developer for only \$7+ million dollars when like property in the area is being sold for upwards of \$100+ million dollars for the same amount of land? Our guess is they just want to unload it. Unfortunately, the quality of the homes going in will reflect this and our neighborhood, that presently has home values from \$400,000 to \$1,000,000+ will bear the burden.....We want a developer who is willing to put in single family custom lots on the same amount of land per owner as the present neighborhood has been built on, with the same quality as our neighborhood.....The developer will easily be able to recoup its investment, plus profits by selling the uncontaminated lands in this acreage as individual, buildable custom lots....
>
> Because we are in a "County Island", with no homeowners association or other entity available to fight issues on our behalf.....and are required to put in our own roads, wells and other sources of water, and septic tanks..... this neighborhood should have the right of final say on how the remaining developable land is handled....
>
> Please help us have a say in the development of this 162 acre parcel and please look again at the cleanup efforts that have been done and will continue to be
> necessary in the future under the present recorded documents on the land.....

Please see the following info also on our concerns with this neighborhood researched by another neighbor.....

>

>

>>

>> I am familiar with the area, as our property line abuts their boundary. I'm also aware that as of 2003, testing was still allowed (per City Council) but the land was controlled by the state. At some point, BLM was involved, but I have been unable to access title transfer info on that.

>>

>> Regardless, after the ground was so thoroughly contaminated by not only Perchlorate, but also the deadly, toxic residues from the foam which fire fighters were forced to use every time UPCO created an explosion, that UPCO & Goodrich were ordered to cease & desist their testing. But by that time, all the combined HAZMATs had leached into this 160 acre site & into the aquifers.

>>

>> Dramatically, on 11 September, 2002 (one year after the Twin Towers attack in NY), 3500 pounds of UPCO's illegally stored, dry explosive material spontaneously combusted & the explosive force blew windows out of homes over 1/4 mile away. 1000 residents were forced to evacuate for at least 24 hours because of the deadly, airborne plume that blanketed the surrounding sky. And just where do you think all that hazardous contamination within the plume ultimately landed? On our homes & property.

>>

>> Even worse, less than 500 feet away from the 3500 pounds that blew up, sat an additional 50,000 pounds (totally illegally stored on the land without a permit). Had that blown up as well, it would have wiped out everything within a one mile radius & the casualties would have been horrendous. As an example, such an explosion would have completely flattened the Deer Valley Airport.

>>

>> Additionally, according to numerous news articles, throughout the 1990's, UPCO had violated ADEQ's regulations more than forty times (not including anything to do with the carcinogenic residue - Perchlorate). A 1999 study of this 160 acre UPCO property showed Perchlorate contamination to a depth of 59 (fifty nine) feet - in the dirt.

>>

>> In order to remove that amount of contaminated soil (to allow for a new housing development) one would need to dig & replace over 125 million cubic feet of dirt; roughly creating a crater the size of the University of Phoenix Stadium.

>>

>> In order to get around this problem, UPCO drilled small areas of soil, tested them, and then inserted clean fill dirt into those very few and specific testing spots. The old, standing saguaro cacti alone are enough to prove that UPCO could not possibly have moved or remediated a sufficient amount of soil within the last ten years to make any impact. Furthermore, the most highly concentrated area of contamination exists within the exterior barb wired fence. That area is secluded & separately fenced with six foot chain link fencing.

>>

>> Also, as early as 1994, the Phoenix City Fire Chief Brunacini, wrote letters of concern to UPCO regarding issues of possible spontaneous explosions, as well as environmental contamination. Later, in 2001, he wrote to the State regarding his concern about Arizona's renewal of UPCO's lease, stating, "The facility poses a threat to these (surrounding) neighborhoods." Sadly he was ignored, yet obviously his concerns were valid as the 2002 explosion illustrates.

>>

>> In 2001, the City Planning Director wrote, "Continued operation of UPCO at this location presents numerous land use compatibility issues." He was also ignored.

>>

>> UPCO's illegal use of this land for storage of their chemicals (& illegal dumping of toxic waste from their other testing sites) is precisely why I'm seeking the permits & restrictions that were placed upon UPCO or the land, when the State, the County government, or City Council allowed them to continue testing. Obviously, there was no oversight by anyone. The last thing UPCO &/or Goodrich cares to do is be forthcoming with the restrictions & regulations which they ignored & violated. So your suggestion that I reach out to them is simply one of ignorance.

>>

>> If one were to compare this 160 acres to be developed to the "Love Canal" project in NY state, that area was only 70 acres. That cleanup took over 21 years & cost over four-hundred million dollars AFTER HOMES WERE BUILT - not

including law suits against the municipalities and developers. To this day, many areas of that toxic dump site remain uninhabitable.

>>

>> That said, sometime within the past 10 years UPCO hired Arcadis to begin water remediation efforts. Initially we were told that because of the extreme contamination, the remediation process would take approximately fifty years.

>>

>> Then, suddenly, out of the blue - all is fine & the 160 acres is deemed "livable" for humans packed into proposed high-density housing.

>>

>> There are many flaws & you as a coordinator, as well as others are very much to blame. Primarily, ADEQ has never set any standards for survivable Perchlorate levels! Nor have they heeded any recommendations from Fire Officials or the City Planning Director. Nor did ADEQ enforce their own regulations.

>>

>> Instead, ADEQ simply relied upon the US EPA guidelines for Perchlorate, which also does not set any standards. Rather, the EPA leaves the regulation of survivable Perchlorate levels up to each state & municipalities to determine. That's great, except that Arizona's irresponsible ADEQ & municipalities never bothered to address the issue.

>>

>> Survivable Perchlorate levels in Massachusetts are two part per billion. In California, the survivable levels are four parts per billion. Interestingly, prior to the enormous law suit against PG&E in CA in which Erin Brockovich played a key role, CA's acceptable perchlorate levels were 34 parts per billion. While Perchlorate was not the only chemical involved in that suit, CA immediately took steps to reduce the survivable level to what it is currently.

>>

>> We purchased our home on Yearling Road in 2011 & our well is currently being tested every six months for Perchlorate. Our property (& well) is above (higher elevation) & at least 1/4 mile away from UPCO's previous "ground zero." Yet our most recent, semi-annual well test came in at 1.6 parts per billion.

>>

>> There is an obvious, newly constructed building on the lower southwest portion of this 160 acres where Arcadis is in the midst of withdrawing water from the aquifer, recycling it through a reverse osmosis system to withdraw the Perchlorate, then returning the "clean" water right back down into the fully contaminated aquifer.

>>

>> Does that seem like a quick or easy remedy to you & all your bureaucratic associates?

>> While this remediation system might be successful in fifty years (as previously estimated by the BLM), it most certainly has not achieved a final cleanliness standard - in any way, shape, or form. Thus your statement that remediation is "complete" is an absolute falsehood, or worse, a purposeful hiding of information by various municipalities.

>>

>> To further illustrate why this 160 acres is unsuitable for any development, let me point out that approximately five miles east on Deer Valley Road, Pulte is building luxury homes on approximately 160 acres (roughly the same size as the contaminated area). Pulte or their purchasing group paid in excess of \$200 million for that 160 areas.

>>

>> Likewise, going west on Happy Valley past 19th Avenue, two additional home builders are developing 160-170 acres. They also paid in excess of \$200 million for that bare land.

>>

>> Yet UPCO sold (dumped) this 160 acres to the PAF Trust for a mere four million!! Four million for 160 acres - less than two miles from the other developments that paid over two-hundred million. Obviously, red flags would be going off in any planning & zoning official's head, should they take more than a cursory look. Sadly, this plan seems to be zipping right through.

>>

>> Furthermore, Kyle Moyer's representatives have told us that city water and sewer will be brought in for this development. Great, the new homes get City water. But they have absolutely not addressed the contamination of the entire 160 acres of soil down to almost a sixty foot depth. So young kids will be rolling in their grass & swinging on play equipment that sits inches from Perchlorate contamination.

>>

>> If I sound upset, I am. I served as an NBC (nuclear, biological, chemical) warfare officer in the US Army for nine years. I also worked for FEMA on contract to the State of Hawaii as their state Nuclear Defense Planner. I also taught the first HAZMAT classes on Oahu & taught as an adjunct instructor at the US Fire Training Academy in Emmitsburg, MD.

>> I was trying to save firefighter's lives & I understand exactly what is written in our US law entitled SARA Title III, because I was involved in its writing.

>>

>> For your edification, the only agency in the state of AZ to address the Perchlorate problem happens to be the AZ Department of Health. However, the arbitrary level they established years ago as "survivable" is 14 parts per billion, which is simply, dangerously, too high.

>>

>> Also, the AZ Dept of Health does not happen to be on the "route" for building permits. So they were not even consulted in this critical matter.

>>

>> The Kyle Moyer PR firm is attempting to ram through a new, high density housing development on land that has been completely contaminated. But their plans breezed right through ADEQ because, as I previously stated, ADEQ has failed miserably to set any type of acceptable, survivable limits on Perchlorate. ADEQ has simply ignored this horrific problem.

>>

>> Also for you edification, Perchlorate attacks a human's thyroid gland (located in the nape of the neck) and causes cancer. Might you not find it interesting, sitting in your nice office, that many of the original residents up here in this small county island immediately adjacent to the 160 acre UPCO testing site, have either had thyroid cancer & the gland removed (plus chemotherapy &/or radiation treatments) or have some type of thyroid disease? And many are on medication for their thyroid problems? I doubt you have even given such a terrible truth the slimmest of considerations.

>>

>> But you see, we're all zoned R-43 & don't live particularly close to each other. So the original settlers didn't share their personal health problems with each other: until now. Now, finally, the residents are connecting the dots & realize that the probable cause of their cancer was/is UPCO's unrelenting testing, ADEQ's lack of oversight, the County's lack of oversight & now that it's under the purview of the City - the City's complete complacency.

>>

>> You, et al, are about to let a new development happen on this contaminated land. Which means that 240-300 new, young families with little children will be moving (quite naive & unsuspectingly) onto a ticking time bomb of cancer and other possible health risks.

>>

>> Plus, the moment the earthmovers, bulldozers, rock crushers, etc. start; all the current residents in close proximity (like us) will have to bear the brunt of the contaminated soil becoming airborne and blanketing our own properties.

>>

>> I would appreciate specific answers to my original questions to Dave Simmons. If necessary, then by all means, coordinate with ADEQ (because according to your title, you are supposed to be able to coordinate).

>>

>> However, I can tell you that up until this moment ADEQ has only obfuscated and ignored their responsibilities. Thus, they have not been remotely helpful to this point.

David O Simmons

From: Verno Associates <VA4613@msn.com>
Sent: Wednesday, June 26, 2019 2:00 PM
To: Jim Waring; Leverock.anthony@azdeq.gov
Cc: David O Simmons
Subject: FW: Rezoning Case No. Z-37-19-2, Happy Valely Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019

From: Verno Associates
Sent: Wednesday, June 26, 2019 12:01 PM
To: David O Simmons <david.simmons@phoenix.gov>; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Nancy Barto <nbarto@azleg.gov>; Sal Diccio <sal.diccio@phoenix.gov>; Zac Schira <zack.schira@maricopa.gov>
Cc: '5investigates@azfamily.com' <5investigates@azfamily.com>; 'FoxPhoenixViewerNews@foxtv.com' <FoxPhoenixViewerNews@foxtv.com>; 'phxnewsdesk@azfamily.com' <phxnewsdesk@azfamily.com>; 'dbiscobing@abc15.com' <dbiscobing@abc15.com>
Subject: Rezoning Case No. Z-37-19-2, Happy Valely Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019

SUBJECT: "Rezoning Case No. Z-37-19-2, Happy Valely Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019".

This is a request for rezoning of the Central Foothills Planned Unit Development ("Central Foothills PUD" or "Application") which proposes the rezoning of approximately 157 gross acres. This rezoning proposal calls for 274 single family residences placed on 78 acres of the 157 gross acres (equating to 0.029 acres/single family residence) which also includes a larger area of contaminated property along with commercial and open spaces located in north Phoenix, located specifically at the northeast corner of Central Avenue and Happy Valley Road.

TO ALL CONCERNED: As a 1998 property owner residing in a neighborhood zoned S-1 (1.25 acres/single dwelling residence). I am very concerned to the impact (e.g., traffic control and flow) and subjecting 274 single dwelling residences that may not be informed they live within walking distance of a contaminated area), along with making this area a high density single dwelling residences.

If approved by the City of Phoenix elected and appointed approval officials the news media headline should read:

"The City of Phoenix approves a rezoning plan to subject 274 single family residences to live on, around, and/or near an already identified contaminated 160-acre parcel of land."

FURTHER JUSTIFICATION: As a property owner since 1998 whose property line abuts this boundary, my family have already been subjected to a number of incidents where on 11 September, 2002 (one year after the Twin Towers attack in NY), 3,500 pounds of UPCO's illegally stored, dry explosive material spontaneously combusted and explosions occurred. 1,000 residents were forced to evacuate for at least 24 hours because of the deadly, airborne plume that blanketed the surrounding sky. And just where do you think all that hazardous contamination within the plume ultimately landed? On our homes and property. Additionally, the East Yearling residence's wells have been tested by an independent company and reports provided to the residence as a precaution of contamination. However, the ADEQ standard is being used vice the Arizona Department of Health more stringent standard to determine contaminate content.

Additionally, I am aware that as of 2003, testing was still allowed (per Phoenix City Council). But the land was controlled by the state and believe BLM had oversight but still allowed this contamination to continue. There seems to have been limited to no oversight, inspections or contamination control during the years that UPCO and Goodrich used this previously pristine desert as a testing and dumping site for extremely hazardous, dry explosive material used for the development of ejection seats in military fighter-grade aircraft. One important question that needs to be asked and answered by appropriate Government authorities is what restrictions, regulations and/or stipulations were put on the land for use by UPCO/Goodrich.

As a property owner I am asking and begging the elected and appointed officials not to approval this rezoning for the following reasons:

1). This proposed rezoning is to add 274 single family residences to be subjected to live within walking distance of a contaminated area as defined in "Waste Programs Division: Hazardous Waste Management: Universal Propulsion Company, Inc. (UPCO) Corrective Action Facility; Universal Propulsion Company, Inc. (UPCO) Corrective Action Facility U.S. EPA ID No. AZD 980 814 479" report at websites:

a. <https://legacy.azdeq.gov/environ/waste/hazwaste/upco.html> and

b. <https://legacy.azdeq.gov/environ/waste/hazwaste/download/111210b.pdf> which shows where perchlorates has been released into the environment from historic operations at UPCO.

2). By no means the proposed 157 acres should not be designated a high-density housing area placing 274 potentially single-family dwellings near this contaminated area as show in the 1.b. reference figure.

3). If at all the State Trust Land zoning originally defined by the BLM zoned as S-1 (maximum of one dwelling unit for one acre) should be retained since rezoning approval must be approved by the State of Arizona authorities.

There are significant amounts of additional information that substantiates reason why this rezoning needs to be disapproved and can be provided if necessary, but I beg you not to approve this rezoning and subject any new residences to potential health hazards.

William (Bill) Verno

Verno & Associates, Inc.

va4613@msn.com

623-587-4613 (Office)

602-291-3194 (Cell)

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David O Simmons

From: Verno Associates <VA4613@msn.com>
Sent: Tuesday, May 19, 2020 5:47 PM
To: David O Simmons
Cc: Mayor Gallego; nbarto@azleg.gov; John.allen@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; ADEQ Laura Malone (malone.laura@azdeq.gov); David O Simmons; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating; Kristi Trisko; E Yearling Bob Hanson (roberthanson1950@outlook.com); Dave Riley
Subject: Disapproval of Both the GPA and Rezoning Applicant Requests
Attachments: 02 Abrev_BVerno_NotApproving_Applications.pdf

The following is an abbreviated version of the attached detailed submission.

DATE: 19 May 2020

The following submission applies to both the GPA-DV-2-19-2 and Z-37-19-2 agenda items.

SUBJECT: Disapproval of Both the GPA and Rezoning Applicant Requests

1.0 INTRODUCTION

- I would like to ensure the CoP Village Community, Planning/Department personnel, and the City Council members understand the history of this property
- Along with why I am not in favor of approving the applicant's GPA, nor the Rezoning requests
- Yes, I and many residences knew there was a manufacturing company on the property
 - They were producing critical and DoD lifesaving products.
 - However, many of us didn't know the actual usage, abuse, the lack of oversight, and political gaming that occurred which lead us to the present-day situation

2.0 A small group of us started to conduct a deep dive of the:

- Background
- PRR to every state, county, city and other agencies (e.g. EPA)
- And talking to residences that had been in the neighborhood since the early-1980s
- We began to realize what the community had been subjected too

3.0 **After reading the history of this property, one of my questions to anyone is, "If you grasp the potential health and welfare dangers created by these historical facts, would you purchase a dwelling and knowingly subject your family and children to the potential danger of a significant health and welfare hazard?"**

4.0 Between the years 1972 and July 2011 UPCO had complete and unfettered access with no established usage permits and/or operational boundaries

- There was no real, nor recorded oversight between the year 1972 and 1987
- We have no idea how many violations were occurring.

5.0 In 1987 the ADEQ was assigned the oversight authority

- From 1987 to October 2009 there were over thirty-eight (38) significant violations recorded
- Each time violations were found there were changes in Arizona state lease permit, statutes, policies, and procedures to allow UPCO to continue operations

6.0 On 23 September 1993, the U. S. EPA conducted an UPCO facility assessment

- December 1993, a 152-page EPA facility assessment report was prepared and published

- Purpose of this inspection was to conduct regulatory compliance, solid waste management, environmental setting, and document areas of concern
 - Report identifies there has been a history of UPCO and ADEQ having differences of opinion regarding a number of issues and identified five (5) major areas of concern
- 7.0 On 2 April 1997 the CoP Fire Chief wrote a letter to the UPCO Vice President
- It stated the Phoenix Fire Department wouldn't support and was opposed to the renewal of the state lease permit
 - March 2001 the CoP annexed the subject property
 - 8 June 2001 the CoP Fire Chief's letter to the CoP Planning Department expressed the Fire Department's opposition to a lease renewal
 - It stated "...the facility does not meet CoP Fire Codes. The code does not permit the manufacturing or permanent storage of explosives"
 - And further states "The facility poses a threat to these neighborhoods and any fire fighters"
- 8.0 On 11 September 2002, one year after 911, there was a massive explosion and fire at the UPCO facility
- This wasn't the first fire at the UPCO location
 - Residence were prevented from accessing the community
 - Some were evacuated from their homes
 - Many of which had horses and other animals.
 - Residences were not allowed to access the area until the next day
- 9.0 On 13 November 2003, The New Times published an article that highlighted all the violations and stated the fire wasn't the first time they had a run-in with authorities charged with protecting the health and safety of Arizonans.
10. On 15/20 April 2005 the CoP Planning Commission Board approved the Z-116-04-2 application by a vote of 9 to zero (0) to construct a public access trailhead and parking as identified in the Sonoran Preserve Master Access Plan, which is now identified in the current applicant's application as Parcel 1
- This was viewed to be an excellent gift and legacy to the Phoenix residences
 - It would reflect a healthy and vibrant Sonoran Preserve
 - Was recommended the Council to approve recommendations from the Sonoran Preserve Advisory Committee and the Parks Department
- 11.0 October 2009 UPCO ceased operations
- Between Oct 2009 and 27 March 2019 there were at least eight (8) recorded additional violations
- 12.0 8 July 2011 the Arizona State Land Department finally developed the **first Land Usage Permit**
- It defined the usage and operational boundaries UPCO was to operate within
 - 30 September 2012 it was amended and incorporated changes that covered the UPCO violations of the original usage permit.
 - December 2015 the Arizona State Land Department (ASLD) sold the property to UPCO for approximately \$3.75 million
 - There was only one bidder
 - There may not been a for sale announcement by the state
- 13.0 19 March 2018, UPCO submitted a letter to ADEQ requesting the Director's approval for a DEUR
- A DEUR is a voluntary restriction on real property
 - It limits the use of the property in order to reduce the potential for exposure to contaminants
 - A DEUR is a voluntary restriction on real property
- 14.0 December 2015 the ASLD sold the property to UPCO for approximately \$3.75 million

15.0 Sometime in early 2019, UPCO then sold the land to The Patricia Archie Foundation (PAF) Central, LLC for approximately \$4.2 million

- August 2019, UPCO and PAF Central, LLC (PAF) submitted a request to ADEQ for an Engineering Control Declaration of Environmental Use Restriction (DEUR) for a portion of the site, now know as Parcel 2
- In the October thru December 2019, ADEQ, as required by state statues, advertised a DEUR Public Notice asking for comments to be submitted
- In January 2020 ADEQ published a sixteen (16) page response to the public notice questions
- There were a number of comments received that stated, e.g.,
 - "...strenuously object to any further progress or approval of plans to develop the property for residential use"
 - "...absolutely disagree with your ignorant understanding of the damage that Tally, UPCO, and Goodrich did to this 160-acre parcel. This land should never be converted to anything but what it currently is: empty, toxically contaminated desert."

16.0 23 December 2019, the Citizens of Sonoran Preserve Foothills submitted a letter to the ADEQ that provided:

- A great historical background of the property usage
- Addressed a number of reasons why this property should be donated to the Sonoran Preserve or specifically the applicant's Parcel 1 should be donated

17.0 In addition to the above, we have surveyed the community about their health conditions that occurred after they moved to the area:

- There are at least 17 people in the neighborhood who have been diagnosed with
 - Thyroid
 - Adrenal disease, and
 - Other related type health issues

18.0 SUMMARY

- All of these documents are available for your review and request.
- **Yes, we realize that a significant amount of investigations, scientific measurements, analysis and samples of the property, and conclusions reached by the State agencies and CoP are documented. As such, can these agencies actually guarantee there is no contamination that would subject the families who would be residing on Parcel 1 from any health and welfare problems.**
- **Again, I would ask the question, "Would you purchase a home on Parcel 1?"**
- **We are asking the question, "How is the Government going to make it know to the Parcel 1 purchaser that the property has been identified as contaminate area and the history of the of findings."**

We are prepared to present a briefing that details of our research, findings, and concerns for this development and the potential impact on the existing and future community.

I am,
William (Bill) Verno, Jr.

William (Bill) Verno
Verno & Associates, Inc.
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623-587-4613 (Office/Fax)
602-291-3194 (Cell)

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David O Simmons

From: Connie Verno <BVERNO5813@msn.com>
Sent: Tuesday, May 19, 2020 5:41 PM
To: David O Simmons
Cc: Mayor Gallego; nbarto@azleg.gov; John.allen@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; Malone.laura@azdeq.gov; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating; Kristi Trisko; Robert Hanson; Dave Riley
Subject: 21 May 2020 Deer Valley Committee Meeting, Disagree with GPA and Rezoning

Deer Valley Village Planning Committee

May 18,2020

Reference 1: GPA-DV-2-19-2 Companion Case Z-37-19-21

Reference 2: Z-37-19-2 Companion Case GPA-2-19-2

Dear Committee,

Please, please, please do not allow this property to be rezoned from the current S-1 zoning.

This whole area for 3 to 5 miles in every direction is zoned for 1 house per 1 acre and many have 1 house per 2.5 acres or more. The developer should not be allowed to cram all these homes into this neighborhood changing the whole character and setting of this ranching neighborhood.

This neighborhood is a ranch and farm area with many farm animals including horses, donkeys, goats, and chickens kept as pets and livestock on many properties right next to this land. These animals are frequently walking or trotting along the dirt roads. The roads are all private roads completely built and maintained by the residence themselves except for the main road, Central Ave. And even Central Ave. road was paved with private money from each resident many years ago.

There are also many wild animals living and nesting on the property such as owls, a whole family of roadrunners and various larger animal like coyotes, bobcats, javelinas, and mountain lions.

Since this developer paid pennies on the dollar for this contaminated land, I think he should not be so greedy and therefore not be allowed to completely ruin our way of life here.

Please vote no on this rezoning request.

Thank you

Concerned Citizens Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

Dave and Jan Riley
1115 W. Briles Rd.
Phoenix, AZ 85085

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003

Dear David Simmons and Deer Valley Village Committee:

As members of the community we stand strongly against the proposed Central Foothills PUD Z-37-19/GPA-DV-1-19-2 development. The 2015 Phoenix General Plan and current Deer Valley Village Character Plan variances requested are far too broad, proposal is inconsistent the with community character and, further, **the proposal threatens the health and safety of both current and proposed residences**. This request is a MAJOR variance to both the General Plan and Deer Valley Village Character Plan and impacts on the Sonoran Preserve Plan. City of Phoenix Council set the development expectations in 2005 with a 9-0 vote and should hold to its prior commitments to protect this community. It is also very disturbing that The City of Phoenix Planning and Develop has already posted an APROVAL recommendation despite overwhelming community opposition and prior to Deer Valley Village Committee official presentations or vote. **This clearly showing a bias in favor of the developers.**

We understand that “The Planned Unit Development (PUD) is a zoning designation intended to create a built environment superior to that which is accomplished through conventional zoning districts”. This property is far too complex, and the requested variance are far too broad to grant a PUD or make requested plan changes. This is a unique parcel with 3 distinctly different use considerations. Developer is proposing:

- R1-10 zoning in a rural S-1 Community
- Commercial development of a toxic site in remediation
- Multi-family development on hillsides and next to the Sonoran Preserve

All too complex to be adequately planned in a single template proposal. In fact, the developer is non-responsive to City of Phx Planning and Development December 18, 2018 pre-application meeting notes questioning “Why a PUD is necessary”. Further, the developer ignores the Planner’s note that “Density is out of character with surrounding area”. The reduced home census in the current proposal is required to meet water retention volume needs, it is in no way a concession to community concerns.

We will review Deer Valley Village Character Plan variances in subsequent paragraphs.

Community health and safety is our number one concern. Development without appropriate traffic control improvements at the intersection of Happy Valley Rd and Central Ave. will set the stage for significant harm including **loss of life**.

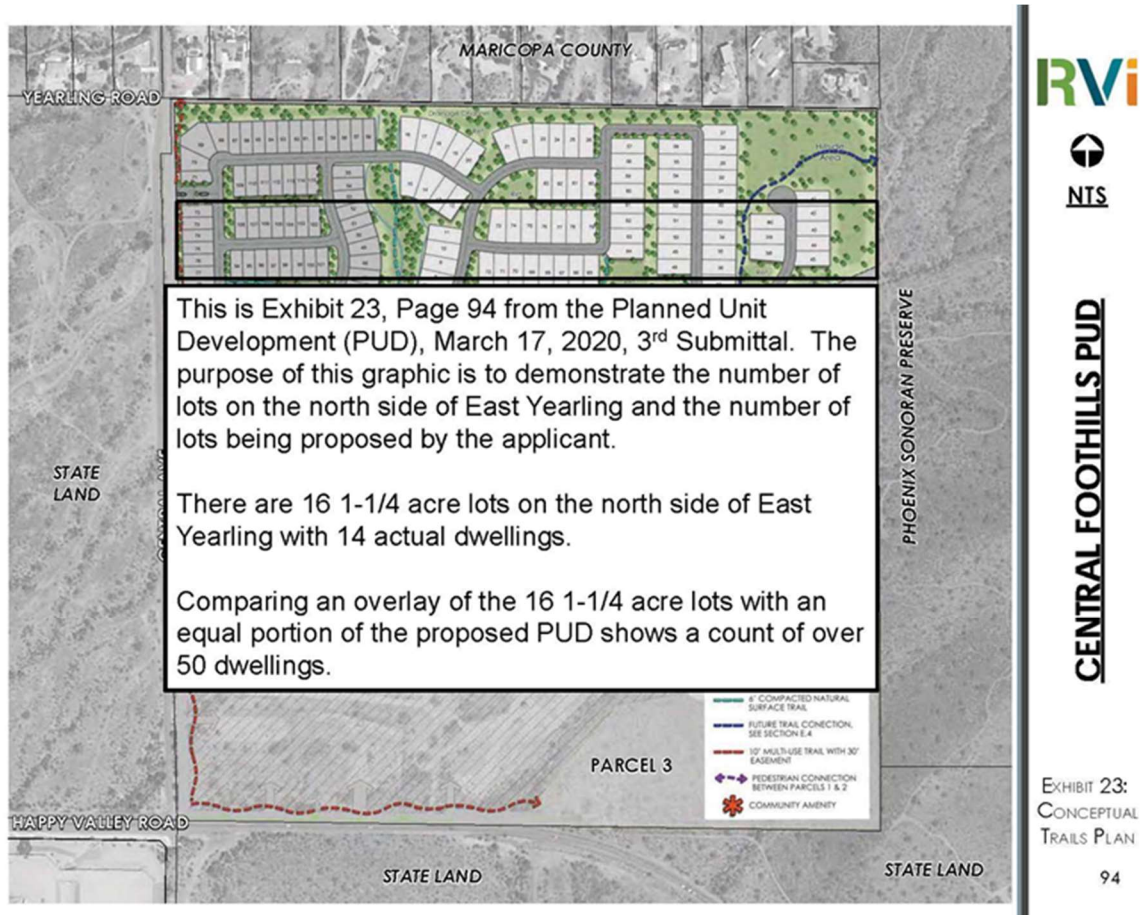
Upon learning from the City of Phoenix and Maricopa County traffic divisions that no traffic studies are on record for these sections of roadway, the community requested studies and received traffic counts for Happy Valley Rd and Central Ave. in November 2019. Central Ave, the only access for current and proposed residences, had a count of 758 vehicles in a 24hr period. The Happy Valley Rd census recorded over 15,000 vehicles with a peak use coming from afternoon westbound traffic, vehicles transitioning from 7th St. to Happy Valley Rd on a blind curve.

Access to Happy Valley Rd from Central Ave can already exceed 5 minutes and require rapid acceleration. Tripling our community’s population, expansion of Union Peak and other communities to the west, and completion of the I17 bridge **without accommodating safe traffic control access at this intersection**, a major freeway bypass, is irresponsible and the city will eventually be held accountable. We already have school busses having access issues. **An expanded community intended for families adding 500 cars, teen drivers and additional school buses with only one way in or out is a disaster waiting to happen.**

The Deer Valley Village Character Plan is largely ignored by Central Foothills Developer's plans.

The Character Plan includes:

- **“Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.”** Does this look compatible in scale, design, and appearance?



This, and many other **Deer Valley Character Plan Land Use and Design** principles are simply ignored by the developers. The Character Plan calls for:

- **“Protect residential areas from concentrations of incompatible use that could change their character or destabilize land values”**
 - Density is incompatible with longstanding S-1 community and rural setting
 - This development will most certainly negatively affect property values

- **“Provide impact-mitigating features...” “Require appropriate transition/buffers between neighborhoods...”**
 - Proposed development intent is to “Maximize Density” thus offering minimal setbacks and no mitigating features.
 - Existing properties will be severely impacted.
- **“Preservation of Natural washes coming from the preserve and promote access and views of the preserve by the public”**
 - There are 10 washes, and all will be altered or destroyed
 - Public’s access to the preserve is deferred without set-aside for future parking access
 - Developer expressly states that washes are to be channeled to “Maximum Density”, at least they recognize that washes exist
- **“Protect the neighborhood’s views of open spaces and mountains”**
 - Proposal includes destruction of open spaces and building multi-family on mountainsides
- **“Promote site development and land use which protects the natural environment by preserving Vegetation...”**
 - Many environmentally sensitive issues for both flora and fauna exist, protected species habitat and transitions will be destroyed
 - This proposed plan destroys all for the purpose of “Maximum Density” to maximize profits at the expense of the environment and community
- **“Pursue creative, innovative, and environmentally-sound methods to capture and use stormwater...”**
 - The only innovation of the 100 yr storm water retention is by destroying natural washes and retention of storm water adjacent to **toxic soil caps**.

To ignore the community member’s health and safety and the principles set forth in the Deer Valley Village Character Plan by accepting this proposal is to render the Plan meaningless.

Dave and Jan Riley

David O Simmons

From: David O Simmons
Sent: Tuesday, May 19, 2020 8:42 AM
To: dennis verno
Cc: Dave Cisiewski; Kristi Trisko
Subject: RE: Z-37-19-2 (Companion Case GPA-2-19-2)

Mr. Verno,

Thank you for reaching out in regard to Rezoning Case No. Z-37-19-2 and General Plan Amendment Case No. GPA-2-19-2. Your concerns has been noted and added to the case file to be included as part of the public record. I have also forwarded your email to the applicant as well as to the members of the Deer Valley Village Planning Committee so they are aware of your concerns. If you wish to speak at the virtual meeting, please submit a request to David Simmons, Deer Valley Village Planner, via email at David.Simmons@phoenix.gov at least 48 hours prior to the start of the meeting (I am adding your name to the speaker list as you mentioned you would like to speak in your message below). Please indicate the item(s) number on the agenda if you wish to speak. Staff will provide you further instructions on the process for public comment during the virtual meeting. Staff will make every effort to accommodate requests to speak submitted beyond the 48 hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than six business hours before the start of the meeting.

I encourage you to virtually attend all public hearings moving forward. The Deer Valley Village Planning Committee meeting is scheduled on May 21, 2020 at 6:00 PM. The meeting agenda has been posted outlining detailed instructions on how to access the meeting via telephone (land line or cell phone) and via the internet.

The Planning Commission meeting is scheduled on June 4, 2020. For more information, please see:

<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

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The staff report and applicants hearing draft are available for review on the City's website:

<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases>

Please let me know if you have additional comments or concerns.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: dennis verno <dmverno@yahoo.com>

Sent: Monday, May 18, 2020 6:11 PM

To: David O Simmons <david.simmons@phoenix.gov>

Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov; John.allen@azleg.gov; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov; Rosanne Albright

<rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; zach.schira@maricopa.gov; Sal DiCiccio <sal.diciccio@phoenix.gov>; Malone.laura@azdeq.gov; Jim Waring <Jim.Waring@phoenix.gov>; Council District 1 PCC <council.district.1@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>; driley7@msn.com; roberthanson1950@outlook.com; Verno&Associates <va4613@msn.com>; Danielle Verno <danielleversona02@gmail.com>; dennis verno <dmverno@yahoo.com>

Subject: Z-37-19-2 (Companion Case GPA-2-19-2)

The Village Planning Committee,

I am writing to voice my opinion on case Z-37-19-2 (Companion Case GPA-2-19-2), rezoning of NE corner Happy Valley Rd and Central. As a resident living on East Yearling Rd, I respectfully ask that you please take into consideration the impact this will have on the surrounding neighborhoods. I realize the builder needs to make money and the City will gain infrastructure at the builders expense. However, the surrounding neighborhoods are zoned S1, and at the very least, the north side of the parcel should remain S1 to maintain like for like surroundings. This is the customary process, and should not be deviated from.

If this land absolutely has to be developed, please consider the maintaining of the current S1 zoning at the north end of the land. If it is within your authority, please require the builder to respect the rights and needs of the neighboring residents. Some examples can be providing generous buffers, traffic barriers to mitigate unnecessary vehicles into the current neighborhood, green areas, preserve access from that side, lighting restraints, noise restraints and rodent/critter control from when the ground is disturbed.

Sometimes money, greed and progress need to be held in check. This is your chance to put people first by not recommending the purposed rezoning. Would you move your family onto this land, knowing its toxic history?

I do not wish to speak, but ask that my view can be read at the meeting and conveyed to all the committee members. Thank you for your consideration.

Respectfully,
Dennis Verno

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, May 20, 2020 11:58 PM
To: Kristi Trisko; David O Simmons; Barto, Nancy K. & Joe; Sal DiCiccio; Jim Waring
Subject: Response Opposing GPA-DV-2-19-2 and Z-37-19-2 for Health and Safety, Community Character, and Bias

David Simmons, MA

Planner II* Village Planner 200 West Washington Street 3rd Floor Phoenix, AZ 85003 Dear David Simmons and Deer Valley Village Committee:

As members of the community we stand strongly against the proposed Central Foothills PUD Z-37-19/GPA-DV-1-19-2 development. The 2015 Phoenix General Plan and current Deer Valley Village Character Plan variances requested are far too broad, proposal is inconsistent with community character and, further, the proposal threatens the health and safety of both current and proposed residences. This request is a MAJOR variance to both the General Plan and Deer Valley Village Character Plan and impacts on the Sonoran Preserve Plan. City of Phoenix Council set the development expectations in 2005 with a 9-0 vote and should hold to its prior commitments to protect this community. It is also very disturbing that The City of Phoenix Planning and Development has already posted an APPROVAL recommendation despite overwhelming community opposition and prior to Deer Valley Village Committee official presentations or vote. This clearly showing a bias in favor of the developers.

We understand that "The Planned Unit Development (PUD) is a zoning designation intended to create a built environment superior to that which is accomplished through conventional zoning districts". This property is far too complex, and the requested variance are far too broad to grant a PUD or make requested plan changes. This is a unique parcel with 3 distinctly different use considerations. Developer is proposing:

☐ R1-10 zoning in a rural S-1 Community

☐ Commercial development of a toxic site in remediation ☐ Multi-family development on hillsides and next to the Sonoran Preserve

All too complex to be adequately planned in a single template proposal. In fact, the developer is non-responsive to City of Phx Planning and Development December 18, 2018 pre-application meeting notes questioning "Why a PUD is necessary". Further, the developer ignores the Planner's note that "Density is out of character with surrounding area". The reduced home census in the current proposal is required to meet water retention volume needs, it is in no way a concession to community concerns.

We will review Deer Valley Village Character Plan variances in subsequent paragraphs. Community health and safety is our number one concern. Development without appropriate traffic control improvements at the intersection of Happy Valley Rd and Central Ave. will set the stage for significant harm including loss of life.

Upon learning from the City of Phoenix and Maricopa County traffic divisions that no traffic studies are on record for these sections of roadway, the community requested studies and received traffic counts for Happy Valley Rd and Central Ave. in November 2019. Central Ave, the only access for current and proposed residences, had a count of 758 vehicles in a 24hr period. The Happy Valley Rd census recorded over 15,000 vehicles with a peak use coming from afternoon westbound traffic, vehicles transitioning from 7th St. to Happy Valley Rd on a blind curve.

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The Deer Valley Village Character Plan is largely ignored by Central Foothills Developer's plans. The Character Plan includes:

☐ "Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance." Does this look compatible in scale, design, and appearance? This, and many other Deer Valley Character Plan Land Use and Design principles are simply ignored by the developers.

The Character Plan calls for:

☐ "Protect residential areas from concentrations of incompatible use that could change their character or destabilize land values"

o Density is incompatible with longstanding S-1 community and rural setting o This development will most certainly negatively affect property values

☐ "Provide impact-mitigating features..." "Require appropriate transition/buffers between neighborhoods..."

o Proposed development intent is to "Maximize Density" thus offering minimal setbacks and no mitigating features.

o Existing properties will be severely impacted.

☐ "Preservation of Natural washes coming from the preserve and promote access and views of the preserve by the public"

o o

o

There are 10 washes, and all will be altered or destroyed.

Public's access to the preserve is deferred without set-aside for future parking access Developer expressly states that washes are to be channeled to "Maximum Density", at least they recognize that washes exist ☐ "Protect the neighborhood's views of open spaces and mountains"

o Proposal includes destruction of opens spaces and building multi-family on mountainsides ☐ "Promote site development and land use which protects the natural environment by preserving Vegetation..."

o Many environmentally sensitive issues for both flora and fauna exist, protected species habitat and transitions will be destroyed o This proposed plan destroys all for the purpose of "Maximum Density" to maximize profits at the expense of the environment and community ☐ "Pursue creative, innovative, and environmentally-sound methods to capture and use stormwater..."

o The only innovation of the 100 yr storm water retention is by destroying natural washes and retention of storm water adjacent to toxic soil caps.

To ignore the community member's health and safety and the principles set forth in the Deer Valley Village Character Plan by accepting this proposal is to render the Plan meaningless.

In addition, our own very private property will be continuously trespassed upon by the individuals who purchase homes in this proposed development. It's unfortunate that no one from the city planning & zoning office has bothered to drive up here to see what disasters you are about to unleash.

Already my husband & I have our private driveway breached on a regular basis as tourists, climbers, riders of illegal motor vehicles (not permitted in the Cave Butte Rec area), hikers, hunters, etc. use our private drive to access the preserve. Since 2011 we've had to call the police & sheriff multiple times to get trespassers off of our property. Law enforcement does nothing to protect our privacy or our rights as land owners.

We have multiple "no trespassing" & "private property" signs posted at the entry to our drive, yet aggressive or illiterate trespassers can't read or don't care. We've had multiple confrontations with alarming individuals who have made us fear for our safety, & our lives. Frequently, people are so brazen they simply drive up our private driveway, turn around behind our home in the dark (still on our property) or park their vehicles & walk across our property to access the preserve. Imagine if that was your home &/or your driveway! You'd all be livid!!

Our driveway is the only apparent available access to the preserve & this development is sorely lacking in ignoring the enormous potential for aggravated assault, personal & property damage to ourselves & our home, by totally ignoring

what should be a prerequisite to the development gaining any type of approval; namely definitively creating access to the preserve from the development area & keeping new residents off of our land.

This entire development from the outset has been a con. The City, County & State bureaucrats are involved in some type of scam & it will undoubtedly end disastrously.

Please do not reply with one of your ridiculous responses, David Simmons. Your words are absolutely meaningless. And we refuse to participate in any type of virtual meeting because again, it's all a con. Hopefully the City Council will not continue this corruption & allow a real hearing where this neighborhood can come in mass to protest this horrific plan.

Regards,
Everett & Joanne Moudy
(808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Tuesday, May 19, 2020 6:46 PM
To: Verno Associates
Cc: David O Simmons; Mayor Gallego; nbarto@azleg.gov; John.allen@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; ADEQ Laura Malone (malone.laura@azdeq.gov); Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating; Kristi Trisko; E Yearling Bob Hanson (roberthanson1950@outlook.com); Dave Riley
Subject: Re: Happy Valley and Central Avenue Traffic Statistics

Ray & I completely agree with Bill Verno's very accurate & in-depth assessment of our neighborhood's traffic concerns which will be created because of the PUD currently proposed.

Prior to any PUD going in, all of North 7th Street which becomes Happy Valley Rd needs to be enhanced to a minimum of four lanes all the way to Norterra.

Regards,
Ray & Joanne Moudy
(808) 554-4792

On May 19, 2020, at 5:54 PM, Verno Associates <VA4613@msn.com> wrote:

The following is an abbreviated version of the attached submission.

DATE: 19 May 2020

The following submission applies to both the GPA-DV-2-19-2 and Z-37-19-2 agenda items.

SUBJECT: Happy Valley and Central Avenue Traffic Statistics

1.0 Introduction

- I am in total agreement with the CoP Planning Staff's 15 January 2020 responses
 - Density is too high, buffer areas need to be increased, and Sonoran Preserve access needs to be provided
- I also agree with the 20 April 2005 Planning Commission recommendations to the City Council that Happy Valley Road improvements needs to meet the Sonoran Boulevards Standards
 - There needs to be a public access trailhead and parking to the UPCO property as identified in the Sonoran Preserve Master Access Plan, identified as Parcel 1 in the applicant's submissions

2.0 23 July 2019 1st Applicant Community Meeting

- Recorded question asked: "When was the traffic control report done?"
- Applicant's response (not recorded in the minutes) was: "Traffic Statistics was provided by the CoP"

- Contacted the CoP and Maricopa County Traffic Departments shortly after the meeting
 - Were informed that they didn't have, nor ever conducted any traffic flow measurements on Happy Valley or Central Avenue
- Submitted requests to Maricopa County Traffic Department and CoP Street Transportation Department (STD) to conduct traffic flow measurements on Happy Valley and Central Avenue
 - Maricopa County 20-day Traffic Volume Count was conducted during the Aug/Sept 2019. Report was provided on 11 Sept 2019.
 - CoP STD conducted a 48-hour Happy Valley/Central Ave Traffic Count on 24 Sept 2019. Report was provided within a week

3.0 20 February 2020 Village Planning Informational Meeting

- Applicant stated a Traffic Impact Analysis was done
- Report is dated 9 July 2019
- Purpose of this traffic study was to evaluate the current and future transportation system within the project study area surrounding the site without and with the proposed Central Foothills project
- Traffic Impact Analysis also didn't include or identify the use of the actual 20-day Maricopa Traffic Volume Count Statistics done in August/September 2019 of Central Avenue to Happy Valley Road
- Traffic Impact Analysis didn't include or identify the use of the actual CoP 48-hour Traffic Count Statistics that was done in Sept 2019

4.0 We are questioning the accuracy of this impact analysis since it would affect the overall Happy Valley and Central Avenue traffic infrastructure design

- We are certain that the projected traffic on Central Avenue is no way near adequate
- Actual Central Avenue traffic flow measurements (over 700 vehicles/day) demonstrates our concern that the Central Avenue road improvements are totally inadequate
- Then Parcel 1 development will add a potential of 500 vehicles a day accessing Central Avenue to get to Happy Valley Road

I am,

William (Bill) Verno, Jr.

William (Bill) Verno

Verno & Associates, Inc.

va4613@msn.com

623-587-4613 (Office/Fax)

602-291-3194 (Cell)

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<03 BVerno_Traffic_Submission.pdf>

Comments per the NOTICE OF PUBLIC MEETING

DEER VALLEY VILLAGE PLANNING COMMITTEE on Thursday, May 21, 2020, at 6:00 p.m.

I would like to submit comments in opposition to BOTH agenda items:

- 5. GPA-DV-2-19-2 (Companion Case Z-37-19-2), and
- 6. Z-37-19-2 (Companion Case GPA-2-19-2)

As a resident of the community directly adjacent to the proposed development site, we are concerned about the drastic change in zoning being proposed. We moved to this area because of the S-1 zoning and feel that the current proposal needs a better transition between our neighborhood and the proposed development for the zoning change to be approved.

We have asked for a larger setback and less density in the houses, especially at the North side where the proposed development abuts the existing neighborhood. The developer mentioned a substantial increase in the buffer and will have a minimum 100' "separation" from existing residences. They are including our private property in this "buffer" calculation while only having a 40' to 50' setback from our property lines.

We are requesting the following changes for this to be considered.

1: 200' setback from the property lines along Yearling road. This recommendation is similar to the buffer that has been provided by the Dynamite Mountain Ranch PCD that borders this same County island to the Northwest and would be consistent with the surrounding community.

2: Single story houses along the North side of the development abutting Yearling Road.

3: Minimum lot size of ½ acre per house for the houses abutting Yearling Road.

(We currently have minimum acre lots, 59,400 sq ft and they are proposing lot sizes of 5000 sq ft!! with only a 40' setback from our property lines)

Sincerely,

John Blue

Submitted by John Blue @ 218 E Yearling Road, Phoenix AZ 85085

David O Simmons

From: Mark Bool <markbool@yahoo.com>
Sent: Wednesday, May 20, 2020 5:54 PM
To: David O Simmons
Cc: Mayor Gallego; nbarto@azleg.gov; John.allen@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; ADEQ Laura Malone; David O Simmons; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating; roberthanson1950@outlook.com; Dave Riley; VA4613@msn.com
Subject: Deer Valley Village Planning Committee Meeting on April 21, 2020 - Disapprove Rezoning Requests

Mr. David Simmons,

I'm writing in regards to the following two agenda items for tomorrow night's meeting:

1. Item 5, GPA-DV-2-19-2 (Companion Case Z-37-19-2) is a Planned Unit Development (PUD) submission request to amend the General Plan Land Use Designation and allow the entire 156.96 acres to be broken up into three (3) separate parcels.
2. Item 6, Z-37-19-2 (Companion Case GPA-2-19-2) is a request to rezone the PUD Parcel 1 into a residential section. They seem to be using the entire 156.96 acres the PUD has divided into three parcels and to justify the Parcel 1 (78.3 acres) density from the current 1 dwelling/acre to 2.0 to 3.5 dwelling/acre which nearly equals the amount of dwellings as if there were no restrictions.

I'm sure there will be plenty of public comment on these items and my thoughts are likely to be in line with the majority of the speakers. Therefore, I'm submitting my comments via this email and ask that they be included as part of the record.

I am opposed to both of these items. I bought my home at 405 W Jomax Road approximately 11 years ago. I specifically searched out the location as the entire neighborhood had homes on larger lots (most > 1 acre). While I understand the developers desire to build a higher density "community" because that is the current trend, and, they stand to generate increased revenue. However, the target property was zoned many years ago. To grant the requested changes at this point in time negatively affects all the long-time residents of the neighborhood. While I'd prefer to see the land left vacant, that's not very realistic. I understand the owner has the right to build on the property. Therefore, I simply request the builder comply with the current zoning restrictions; the restrictions that were in place when the property was purchased. Any amendment is not only unfair to the existing residents, but it will negatively affect our property values and quality of life in the neighborhood.

Thank you for your consideration.

Mark Bool
602-284-3092

David O Simmons

From: Nicole Childers <lvnchilders@gmail.com>
Sent: Tuesday, May 19, 2020 5:42 PM
To: David O Simmons
Cc: driley7@msn.com; roberthanson1950@outlook.com; Verno Associates; Mayor Gallego; nbarto@azleg.gov; john.allen@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; malone.laura@azdeq.gov; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating
Subject: Request to Speak - Deer Valley Village Planning Committee Meeting 5/21/2020

Hello David,

I would like to request to speak during the Deer Valley Village Planning Committee meeting this Thursday 5/21 regarding Agenda Items 5 and 6.

Agenda Items:

5. GPA-DV-2-19-2 (Companion Case Z-37-19-2): Presentation, discussion, and possible recommendation on a request to amend the General Plan Land Use Designation on approximately 156.96 acres located on the Northeast corner of Central Avenue and Happy Valley Road **from** Preserve / 0-1 or 1-2 residential dwelling units per acre, Parks/Open Space – Future 1 residential dwelling units per acre, Commerce/Business Park **to** Residential 2 to 3.5 dwelling units per acre, Residential 3.5 to 5 dwelling units per acre, Commerce/Business Park to allow residential, commercial and commerce park uses.

6. Z-37-19-2 (Companion Case GPA-2-19-2): Presentation and discussion regarding a request to rezone a 156.96-acre site located on the Northeast corner of Central Avenue and Happy Valley Road from S-1 (Ranch or Farm Residence) to PUD (Planned Unit Development) to allow to allow single- family, multifamily, retail, office, and commerce park uses.

I understand that there may be some limitations due to the meeting taking place virtually, so my partner, Al Fuentes, will be the one speaking for our household to help simplify the process and give everyone a chance to speak if we can. We would like to address the light pollution and population concentration impact of the proposed changes.

Please let me know if you need anything else from us.

Thank you,
Al Fuentes and Nikki Childers

David O Simmons

From: David O Simmons
Sent: Tuesday, May 19, 2020 8:57 AM
To: PAMELA CRENSHAW
Cc: Dave Cisiewski
Subject: RE: NOTICE OF PUBLIC MEETING; DEER VALLEY VILLAGE PLANNING COMMITTEE MEETING ON 21 APRIL 2020

Ms. Crenshaw,

Thank you for reaching out in regard to Rezoning Case No. Z-37-19-2 and General Plan Amendment Case No. GPA-2-19-2. Your concerns has been noted and added to the case file to be included as part of the public record. I have also forwarded your email to the applicant as well as to the members of the Deer Valley Village Planning Committee so they are aware of your concerns. If you wish to speak at the virtual meeting, please submit a request to David Simmons, Deer Valley Village Planner, via email at David.Simmons@phoenix.gov at least 48 hours prior to the start of the meeting (I am adding your name to the speaker list as you mentioned you would like to speak in your message below). Please indicate the item(s) number on the agenda if you wish to speak. Staff will provide you further instructions on the process for public comment during the virtual meeting. Staff will make every effort to accommodate requests to speak submitted beyond the 48 hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than six business hours before the start of the meeting.

I encourage you to virtually attend all public hearings moving forward. The Deer Valley Village Planning Committee meeting is scheduled on May 21, 2020 at 6:00 PM. The meeting agenda has been posted outlining detailed instructions on how to access the meeting via telephone (land line or cell phone) and via the internet.

The Planning Commission meeting is scheduled on June 4, 2020. For more information, please see:

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The staff report and applicants hearing draft are available for review on the City's website:

<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases>

Please let me know if you have additional comments or concerns.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: PAMELA CRENSHAW <mpcc5@msn.com>

Sent: Monday, May 18, 2020 8:09 PM

To: David O Simmons <david.simmons@phoenix.gov>

Subject: NOTICE OF PUBLIC MEETING; DEER VALLEY VILLAGE PLANNING COMMITTEE MEETING ON 21 APRIL 2020

Hello,

My name is Mark Crenshaw and I live at 106 W. Yearling. I am requesting to speak at the above meeting on April 21. The topic is on items #5 & #6 on the agenda. My concern is the additional traffic that will be forced to use the only access we currently have to our homes. As well as my concern that the new residents will use Yearling Road as an alternative route to alleviate the future traffic congestion caused by the new development. Yearling is a dirt road that is maintained at this time by myself and my neighbor to the west.

Thank you for your consideration,

Mark Crenshaw
602-679-4495

David O Simmons

From: Robert Hanson <RobertHanson1950@outlook.com>
Sent: Thursday, May 21, 2020 10:50 PM
To: David O Simmons
Subject: worst thing i have been a part of

Robert Hanson
602-478-3941

David O Simmons

From: A. Wendy Smith <wendysmith85085@gmail.com>
Sent: Friday, May 22, 2020 8:00 AM
To: PDD Deer Valley VPC; David O Simmons
Subject: Last night's vote re Happy Valley and Central development

Hi all,

I have lived on the NW corner of Central and Quartz Rock since 1984. On the "Central" side of the neighborhood, ours was the 3rd house built. I obtained one of the Deer Valley Village Planning books when they first came out. I take offense to statements made by several committee members saying they only work for the good of the city. Our county island has been a part of the Village since it's inception! (Thank you Russell Osborne for trying to make them see that!)

I am extremely disappointed in the committee's vote. I am also sad that most of you think our neighborhood is not a part of the Deer Valley Village. Too bad, because we have helped a lot with zoning issues all along Happy Valley Road. We've kept out junkyards, got a trucking company to move, etc. etc.

To help clarify the questions regarding our emergency services, we originally paid Rural Metro for fire protection. Then the COP annexed around us and we received a letter from Rural Metro saying that since we were no longer a large enough population to support the closest station they were closing it and dropping us since they could no longer guarantee response times. They did send out letters years after that with outrageous subscription rates. When I called and asked if they had opened up a closer station, I was told the letter was a mistake. So, we have **no legal fire protection.**

When a house caught fire down the street from me, COP fire showed up first and later Rural Metro came. They both made sure the fire didn't spread to other houses but essentially let the house burn down.

My husband called 911 for emergency medical services for me in 2015. The COP EMTs showed up first, then when Rural Metro showed up, COP handed me off to them. To add insult to injury, Rural Metro never filed their bill with my insurance and then asked me to pay.

We normally have the Sheriff's office handle all other types of emergency calls (which is correct since we are county), but occasionally the COP police respond.

Thanks for your time last night though it seemed like a lot of you had already made up your mind.

Wendy Smith
623-205-1834

Deer Valley Village Planning Committee on Thursday, May 21

GPA-DV-2-19-2

Z-37-19-2

I am, and believe a larger majority of community residences, are against the changes to the General Plan and the PUD as submitted.

My objections are and most residences have voiced the many objections to this proposal, but the following are the main objections.

1. We do not support the request for the PUD rezoning because it is too broad that it just sets forth the framework for the development. As stated by the **Zoning Department** “this request goes above and beyond traditional rezoning requirements”.
2. We are more supportive of the **Zoning Department’s** statement as follows: “The lot coverage proposed for Parcel 1 seems excessive considering that the surrounding residential to the north of the site compares to RE-43 Standards which is one house per acre. STAFF is NOT SUPPORTIVE of the density proposed in Parcel 1. A split between R1-18 (1/2 acre lots) and R1-10 (¼ acre lots) would be more conducive to surrounding land uses”.
3. The change to this zoning would reduce the number of cars and help reduce the traffic concerns we are concerned about. We also support the suggestion from the Deer Valley Village Committee to introduce an entrance along the east side of Parcel 2 to alleviate the traffic on Central.
4. I do not support the PUD as submitted and would rather see **Parcel 2** (Which cannot be developed until the DUERs are removed because of the contamination) and **Parcel 3** (Which is all hillside and exceeds the 10% minimum and as much as 40% slope) removed from this request till at a later date when they can be developed. I would rather see **Parcel 1** zoned either RE 43 or R1-18 which is more compatible with the neighboring residences.

If these changes could be incorporated into this proposal, we could create a working relationship with the developer to create a mutually acceptable plan.

We support the **Zoning Staff** and hope that they could make this a more workable solution that we all could accept.

As stated we support the planning department's recommendation as follows
Pre Application Meeting December 18, 2018

Planners Comments:

Why is a PUD necessary?

Density of out of character with surrounding area.

Increased connectivity

Residential portion not in conformance with the General Plan.

PUD 1st Review comments: August 23, 2019

Item 5: We need additional reasoning for the PUD request. What is being proposed that goes above and beyond traditional zoning request.

Item 10: The lot coverage proposed for Parcel 1 seems excessive considering that the surrounding residential area to the north of the site compares to RE-43 standards. Staff is not supportive of the density proposed in Parcel 1. A split between R1-18 and R1-10 would be more conducive to surrounding land use.

PUD 2nd Review comments: February 5, 2020

Item 4: We need additional reasoning for the PUD request. What is being proposed that goes above and beyond traditional zoning requirements?

Item 9: The lot coverage/density proposed for Parcel 1 seems excessive considering that the surrounding residential area to the north of the site compares to RE-43 standards. Staff is not supportive of this density proposed in Parcel 1. A split between R1-18 and R1-10 would be more conducive to surrounding land uses. Increase lot sizes and reduce open space in order to achieve intent. The surrounding area is rural. The lots as proposed are out of character with the surrounding areas.

Just as apparently the developer does not take into consideration our comments nor the comments and recommendations of the Planning and Zoning Department we do not support the current submittal.

We support the Planning Departments comments and recommendation.

Also I had a phone conversation with Chris Shipley and is as follows:

May 14 Phone conversation with Chris Shipley:

In the conversation he discussed five items that was brought up in the neighborhood meeting and we discussed the position that they were taking on them.

Item 1: From the Neighborhood meeting someone brought up the request for Desert Ski Lighting. He stated that they would consider working this into the plan.

Item 2: Access on Central and the persons concern that traffic will turn right into our neighborhood to cut thru to 5th Avenue. Our streets are private streets. Chris stated that they would make it left turn only on to Central.

Item 3: Someone brought up the existing mailboxes and would the developer be moving them and Chris said they would relocate the as needed.

Item 4: Someone brought up that the houses along Yearling to be single story. Chris stated that they were willing to look at this.

Item5: Density. Chris stated that the change of density was not an option. I go back to what the Planning and zone stated: **Increase lot sizes and reduce open space in order to achieve intent. The surrounding area is rural. The lots as proposed are out of character with the surrounding areas.**

The parcel 1 size is 78.3 Acres

They are planning on 49.25 acres for roads, sidewalks and open area.

They are building on lots that cover only 29.05 acres or about 7.85 houses per acres. If they would reduce open area and increase lot sizes this would be a more workable solution.

Why can they not listen to City and the residences?

**Robert and Madeleine Hanson
508 East Yearling Road**

David O Simmons

From: Robert Hanson <RobertHanson1950@outlook.com>
Sent: Tuesday, May 19, 2020 2:47 PM
To: David O Simmons
Subject: Deer Valley Village Planning Committee, May 21
Attachments: City response 5-21.docx

This is a request to speak at the Village Planning Committee Meeting on May 21.

I will be addressing:

Item No.5 The revision to the General Plan GPA-DV-2-19-2

Item No. 6 The rezoning requestZ-37-19-2

I have also attached a written statement that I would like to add to the minutes of this meeting and to be made part of the record.

The items I have addressed is as follows:

1. I am against the request for a PUD. I feel that that Parcel 1 should be the only parcel included in this request. (See written Material attached.)
2. The density of the zoning. As stated numerous time by the zoning department this zoning is not compatible with the surrounding zoning.
3. We would be in support of a zoning for RE43 or RE1-18.
4. As stated by Zoning, "Increase lot sizes and reduce open space in order to achieve intent." Out of the 87.3 acres in Parcel 1, 49.25 is open area for roads, sidewalk and open space. The homes only occupy 29.05 acres.
5. Create additional access off of Happy Valley as recommended by a member of the Village Committee at the last meeting.

If the developer would choose to work with us with these change a workable development could be created.

Robert and Madeleine Hanson
508 East Yearling Road

David O Simmons

From: Susan Johnson <bobsue3541@q.com>
Sent: Wednesday, May 20, 2020 6:08 PM
To: David O Simmons
Subject: Village zoning meeting

As part of the community which is just across Yearling from this proposed development, we have the same concerns which have been expressed by our neighbors This area should never be developed due to the considerable history of pollution. We sincerely hope all of the opposition to this development will be considered before going forward with this rezoning. Please rethink this proposal. Bob and Sue Johnson, 204 E. Yearling Rd.

Sent from my iPad

DATE: 19 May 2020

The following submission applies to both the GPA-DV-2-19-2 and Z-37-19-2 agenda items.

SUBJECT: Disapproval of Both the GPA and Rezoning Applicant Requests

1.0 INTRODUCTION

- I would like to ensure the CoP Village Community, Planning/Department personnel, and the City Council members understand the history of this property
- Along with why I am not in favor of approving the applicant's GPA, nor the Rezoning requests
- Yes, I and many residences knew there was a manufacturing company on the property
 - They were producing critical and DoD lifesaving products.
 - However, many of us didn't know the actual usage, abuse, the lack of oversight, and political gaming that occurred which lead us to the present-day situation

2.0 A small group of us started to conduct a deep dive of the:

- Background
- PRR to every state, county, city and other agencies (e.g. EPA)
- And talking to residences that had been in the neighborhood since the early-1980s
- We began to realize what the community had been subjected too

3.0 After reading the history of this property, one of my questions to anyone is, "If you grasp the potential health and welfare dangers created by these historical facts, would you purchase a dwelling and knowingly subject your family and children to the potential danger of a significant health and welfare hazard?"

4.0 Between the years 1972 and July 2011 UPCO had complete and unfettered access with no established usage permits and/or operational boundaries

- There was no real, nor recorded oversight between the year 1972 and 1987
- We have no idea how many violations were occurring.

5.0 In 1987 the ADEQ was assigned the oversight authority

- From 1987 to October 2009 there were over thirty-eight (38) significant violations recorded
- Each time violations were found there were changes in Arizona state lease permit, statues, policies, and procedures to allow UPCO to continue operations

6.0 On 23 September 1993, the U. S. EPA conducted an UPCO facility assessment

- December 1993, a 152-page EPA facility assessment report was prepared and published
- Purpose of this inspection was to conduct regulatory compliance, solid waste management, environmental setting, and document areas of concern
- Report identifies there has been a history of UPCO and ADEQ having differences of opinion regarding a number of issues and identified five (5) major areas of concern

7.0 On 2 April 1997 the CoP Fire Chief wrote a letter to the UPCO Vice President

- It stated the Phoenix Fire Department wouldn't support and was opposed to the renewal of the state lease permit
- March 2001 the CoP annexed the subject property
- 8 June 2001 the CoP Fire Chief's letter to the CoP Planning Department expressed the Fire Department's opposition to a lease renewal

- It stated "...the facility does not meet CoP Fire Codes. The code does not permit the manufacturing or permanent storage of explosives"
 - And further states "The facility poses a threat to these neighborhoods and any fire fighters"
- 8.0 On 11 September 2002, one year after 911, there was a massive explosion and fire at the UPCO facility
 - This wasn't the first fire at the UPCO location
 - Residence were prevented from accessing the community
 - Some were evacuated from their homes
 - Many of which had horses and other animals.
 - Residences were not allowed to access the area until the next day
- 9.0 On 13 November 2003, The New Times published an article that highlighted all the violations and stated the fire wasn't the first time they had a run-in with authorities charged with protecting the health and safety of Arizonans.
- 10. On 15/20 April 2005 the CoP Planning Commission Board approved the Z-116-04-2 application by a vote of 9 to zero (0) to construct a public access trailhead and parking as identified in the Sonoran Preserve Master Access Plan, which is now identified in the current applicant's application as Parcel 1
 - This was viewed to be an excellent gift and legacy to the Phoenix residences
 - It would reflect a healthy and vibrant Sonoran Preserve
 - Was recommended the Council to approve recommendations from the Sonoran Preserve Advisory Committee and the Parks Department
- 11.0 October 2009 UPCO ceased operations
 - Between Oct 2009 and 27 March 2019 there were at least eight (8) recorded additional violations
- 12.0 8 July 2011 the Arizona State Land Department finally developed the **first Land Usage Permit**
 - It defined the usage and operational boundaries UPCO was to operate within
 - 30 September 2012 it was amended and incorporated changes that covered the UPCO violations of the original usage permit.
 - December 2015 the Arizona State Land Department (ASLD) sold the property to UPCO for approximately \$3.75 million
 - There was only one bidder
 - There may not been a for sale announcement by the state
- 13.0 19 March 2018, UPCO submitted a letter to ADEQ requesting the Director's approval for a DEUR
 - A DEUR is a voluntary restriction on real property
 - It limits the use of the property in order to reduce the potential for exposure to contaminants
 - A DEUR is a voluntary restriction on real property
- 14.0 December 2015 the ASLD sold the property to UPCO for approximately \$3.75 million

- 15.0 Sometime in early 2019, UPCO then sold the land to The Patricia Archie Foundation (PAF) Central, LLC for approximately \$4.2 million
- August 2019, UPCO and PAF Central, LLC (PAF) submitted a request to ADEQ for an Engineering Control Declaration of Environmental Use Restriction (DEUR) for a portion of the site, now know as Parcel 2
 - In the October thru December 2019, ADEQ, as required by state statues, advertised a DEUR Public Notice asking for comments to be submitted
 - In January 2020 ADEQ published a sixteen (16) page response to the public notice questions
 - There were a number of comments received that stated, e.g.,
 - "...strenuously object to any further progress or approval of plans to develop the property for residential use"
 - "...absolutely disagree with your ignorant understanding of the damage that Tally, UPCO, and Goodrich did to this 160-acre parcel. This land should never be converted to anything but what it currently is: empty, toxically contaminated desert."
- 16.0 23 December 2019, the Citizens of Sonoran Preserve Foothills submitted a letter to the ADEQ that provided:
- A great historical background of the property usage
 - Addressed a number of reasons why this property should be donated to the Sonoran Preserve or specifically the applicant's Parcel 1 should be donated
- 17.0 In addition to the above, we have surveyed the community about their health conditions that occurred after they moved to the area:
- There are at least 17 people in the neighborhood who have been diagnosed with
 - Thyroid
 - Adrenal disease, and
 - Other related type health issues
- 18.0 **SUMMARY**
- All of these documents are available for your review and request.
 - **Yes, we realize that a significant amount of investigations, scientific measurements, analysis and samples of the property, and conclusions reached by the State agencies and CoP are documented. As such, can these agencies actually guarantee there is no contamination that would subject the families who would be residing on Parcel 1 from any health and welfare problems.**
 - **Again, I would ask the question, "Would you purchase a home on Parcel 1?"**
 - **We are asking the question, "How is the Government going to make it know to the Parcel 1 purchaser that the property has been identified as contaminate area and the history of the of findings."**

We are prepared to present a briefing that details of our research, findings, and concerns for this development and the potential impact on the existing and future community.

I am,
William (Bill) Verno, Jr.

David O Simmons

From: Verno Associates <VA4613@msn.com>
Sent: Friday, May 1, 2020 12:51 PM
To: Lawyer David Cisewski (dave@dclawaz.com); David O Simmons
Cc: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring; Council District 1 PCC; Kristi Trisko
Subject: Happy Valley and Central Rezoning GPA-DV-2-19-2 and Z-37-19-2

This is in response to the planned 5 May 2020 neighborhood meeting, and knowing that a 21 May 2020 Village Planning Committee virtual meeting is scheduled. I am totally against this virtual meeting in that it does not give the residence in this area a fair chance to make all their VOICES heard. Many cannot and more than likely not participate in this virtual circus.

Considering the current situation that affects the lives of families, I find the immediate need to notify and schedule non-critical, life threatening meetings is an attempt to further circumvent a defined process which has already been circumvented. It also doesn't take into consideration a community of approximately 150 people to adequately present their case to approve the rezoning of the Happy Valley and Central Avenue development.

All of a sudden after many attempts to identify the developer's lackadaisical attitude to comply with the defined process, we the community that is protesting the proposed development must react to unorthodox methods to understand and comment on rezoning proposal is totally unethical. At the same time, this approach to communicate to the community your goals to develop Parcel 1 discourages the opportunity and our willingness to negotiate a compromise of what would be an acceptable Parcel 1 density, which is one of primary issues. As such, I and I am certain a significant amount of local residences is totally against the PUD that has been submitted.

We do not support the request for the PUD rezoning because it is too broad since it just sets forth the framework for the development. The submittal goes above and beyond traditional rezoning requirements and should be resubmitted to comply with the established guidelines and follow the process.

All residences within Happy Valley/Central community are encouraged to send your approval, disapproval, concerns, and/or comments to all of the addresses. At least if you can't participate in these virtual meetings your response is supposed to become part of the meeting minutes.

William (Bill) Verno

va4613@msn.com

623-587-4613 (Office/Fax)

602-291-3194 (Cell)

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David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, April 29, 2020 4:45 PM
To: Kristi Trisko; David O Simmons; Jim Waring; Barto, Nancy K. & Joe
Subject: Virtual meetings

Here's another one from our neighborhood. Sorry I have to copy & paste, but some are responding via text. And even though this lady can access zoom into her iPhone, that's not a device normally used for large group virtual meetings. She'll be at a total disadvantage.

Hi Joanne,

I can access Zoom via my iPhone, so no issues there. On the other hand, John was going to join by computer. I know his computer does not have a camera and I don't believe he has any microphone capabilities. As fuel to the fire, how is someone supposed to 'raise their hand' and then 'speak' if they have no microphone? He's not much of a typer, so it could take a while if he was to ask his questions/speak his mind via text/typing! What is the point of a community meeting if the community doesn't have the ability to publically 'voice' their concerns?

I'm sure you've thought of the above, but just in case I thought I would offer it as part of your list in protest of a virtual meeting. We agree that this is unacceptable and that we should not have any virtual meetings on the topic!

Thank you for your 'fire' as Dave stated and we appreciate all of your efforts!

Cheri Stevenson
218 E Yearling

Sent from [Mail \[go.microsoft.com\]](mailto:go.microsoft.com) for Windows 10

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: David Riley <driley7@msn.com>
Sent: Saturday, June 22, 2019 2:48 PM
To: David O Simmons
Cc: nbarto@azleg.gov; zack.schira@maricopa.gov; Mayor Gallego; Jim Waring; Sal DiCiccio; jan.riley@advcomsolutions.biz
Subject: RE: Deer Valley Village Planning Meeting - Rezoning Case No. Z-37-19-2, Central Foothills PUD

David,
Thank you for providing me with a copy of the rezoning process packet.

My understanding of the progress for development of the UPCO property in this case is that they have conducted one preliminary zoning meeting, one community meeting and have filed a development application. The notes from the preliminary review question why a PUC and stated general Village Character concerns. At the community meeting, the developers reps were not prepared for a turnout of 200+ residences. They notified few, to the strict letter of requirements, but word spread rapidly. To the credit of all, the developers reps regrouped and answered questions and the community politely asked questions and expressed concerns.

From a Community Character perspective, there are many conditions the developers are ignoring. Including "Protecting the Neighborhoods views and open spaces"; "Protect and enhance the character of EACH neighborhood"; "Protect residential area from concentrations... that could change their character or destabilize land values", to state a few. We hope that the Village planners and City Council members will take note of these.

However, putting these development deficiencies aside, many are stunned that ANY development of this site, due to its history of toxic waste, is being considered. Remediation has just begun and may take decades, including the Perchlorate remediation facility that has yet to become active. Upon learning of the planned development, I have made calls to ADEQ, AZ Dept of Health Services and AZ Agriculture Dept. The representatives I have spoken with have been VERY helpful and forthcoming with what they know. My concern is that no department can provide information on evidence of a clean site appropriate for development. All point to ADEQ, but it is AZDHS who is responsible for Perchlorates standards and no one seemed to be aware of other toxins dumped on the site. I contacted AZ Dept of Agriculture because vegetation, Saguaro's, on the site have already been flagged. APS and City of Phx Water Services have also been active at this site. IS IT A DONE DEAL?

I, and other area residence, have recently attended Deer Valley Planning meetings to understand how they are conducted.

As a RECOMMENDATION, you may want to consider a larger facility and an audio system when this matter comes before the Deer Valley Village Committee.

As for concern of property owners rights, UPCO et al., forfeited their development rights when they polluted the land and OUR Aquafer.

The land should be left to rest.

Thank you,

Dave and Jan Riley
602.540.6026

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Thursday, June 13, 2019 12:44 PM
To: David Riley <driley7@msn.com>
Subject: RE: Deer Valley Village Planning and Development Meeting

David,

The June Deer Valley Village Planning Committee meeting has been canceled due to a lack of agenda items. The rezoning process for any site follows the same process. I have attached a rezoning packet for your review as it outlines the process step by step. Please let me know if you have further questions after reviewing the process packet.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: David Riley <driley7@msn.com>
Sent: Thursday, June 13, 2019 12:15 PM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: Deer Valley Village Planning and Development Meeting

Hi David,

I see that the June 20th Deer Valley Village and Planning and Development meeting has been cancelled, is that correct?

I am still trying to understand the rezoning process as it pertains to the UPCO site.

The developer filed with the City of Phx Planning Dept yesterday.

From what we are told, the filing does little to address the concerns of the preliminary application comments nor the community's feedback.

Is it the normal process to file prior to community or Village meetings? Or do these meeting come later?

Appreciate your clarifying for me

Dave

Dave Riley
602.540.6026
driley7@msn.com

David O Simmons

From: Gloria Burson <gloriaburson@aol.com>
Sent: Tuesday, June 25, 2019 11:14 AM
To: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring
Subject: North Phoenix development Happy Valley Road north and east of Central Ave

Dear Sirs and Madams:

I am a home owner, in the county island North of the proposed development. We built our home in 1986 and lived here since then.
We have participated in paying for and getting our roads paved. We have watched the growth in the area and welcomed our new neighbors.
We have enjoyed the quiet ambiance of nature in this area. We have participated in trying to protect our property values and the health of our community to help convince UPKO to move on. .

Now, a developer wants to destroy everything our community built. Make no mistake. high density housing will destroy a way of life we have sweated over and paid for. Please step up and don't allow this kind if development to proceed.

Thank you,

Gloria and David Burson
15 E. Briles Rd.
Phoenix, Arizona 85085

602 625-6101

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Thursday, June 20, 2019 11:07 PM
To: Julie Riemenschneider
Cc: David O Simmons; Barto, Nancy K. & Joe; zack.schira@maricopa.gov; Mayor Gallego; Jim Waring; Sal DiCiccio
Subject: Re: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Hello Julie,

I appreciate you taking the time to respond, however you provided zero answers to my question about who had oversight during the 30 plus years that UPCO & Goodrich used this previously pristine desert as a testing & dumping site for extremely hazardous, dry explosive material used for the development of ejection seats in military fighter-grade aircraft. You also failed to answer the most important questions regarding what restrictions, regulations, &/or stipulations (if any) were put on the land for use by UPCO.

I am quite familiar with the area, as our property line abuts their boundary. I'm also aware that as of 2003, testing was still allowed (per City Council) but the land was controlled by the state. At some point, BLM was involved, but I have been unable to access title transfer info on that.

Regardless, after the ground was so thoroughly contaminated by not only Perchlorate, but also the deadly, toxic residues from the foam which fire fighters were forced to use every time UPCO created an explosion, that UPCO & Goodrich were ordered to cease & desist their testing. But by that time, all the combined HAZMATs had leached into this 160 acre site & into the aquifers.

Dramatically, on 11 September, 2002 (one year after the Twin Towers attack in NY), 3500 pounds of UPCO's illegally stored, dry explosive material spontaneously combusted & the explosive force blew windows out of homes over 1/4 mile away. 1000 residents were forced to evacuate for at least 24 hours because of the deadly, airborne plume that blanketed the surrounding sky. And just where do you think all that hazardous contamination within the plume ultimately landed? On our homes & property.

Even worse, less than 500 feet away from the 3500 pounds that blew up, sat an additional 50,000 pounds (totally illegally stored on the land without a permit). Had that blown up as well, it would have wiped out everything within a one mile radius & the casualties would have been horrendous. As an example, such an explosion would have completely flattened the Deer Valley Airport.

Additionally, according to numerous news articles, throughout the 1990's, UPCO had violated ADEQ's regulations more than forty times (not including anything to do with the carcinogenic residue - Perchlorate). A 1999 study of this 160 acre UPCO property showed Perchlorate contamination to a depth of 59 (fifty nine) feet - in the dirt.

In order to remove that amount of contaminated soil (to allow for a new housing development) one would need to dig & replace over 125 million cubic feet of dirt; roughly creating a crater the size of the University of Phoenix Stadium.

In order to get around this problem, UPCO drilled small areas of soil, tested them, and then inserted clean fill dirt into those very few and specific testing spots. The old, standing saguaro cacti alone are enough to prove that UPCO could not possibly have moved or remediated a sufficient amount of soil within the last ten years to make any impact. Furthermore, the most highly concentrated area of contamination exists within the exterior barb wired fence. That area is secluded & separately fenced with six foot chain link fencing.

Also, as early as 1994, the Phoenix City Fire Chief Brunacini, wrote letters of concern to UPCO regarding issues of possible spontaneous explosions, as well as environmental contamination. Later, in 2001, he wrote to the State regarding his concern about Arizona's renewal of UPCO's lease, stating, "The facility poses a threat to these (surrounding) neighborhoods." Sadly he was ignored, yet obviously his concerns were valid as the 2002 explosion illustrates.

In 2001, the City Planning Director wrote, "Continued operation of UPCO at this location presents numerous land use compatibility issues." He was also ignored.

UPCO's illegal use of this land for storage of their chemicals (& illegal dumping of toxic waste from their other testing sites) is precisely why I'm seeking the permits & restrictions that were placed upon UPCO or the land, when the State, the County government, or City Council allowed them to continue testing. Obviously, there was no oversight by anyone. The last thing UPCO &/or Goodrich cares to do is be forthcoming with the restrictions & regulations which they ignored & violated. So your suggestion that I reach out to them is simply one of ignorance.

If one were to compare this 160 acres to be developed to the "Love Canal" project in NY state, that area was only 70 acres. That cleanup took over 21 years & cost over four-hundred million dollars AFTER HOMES WERE BUILT - not including law suits against the municipalities and developers. To this day, many areas of that toxic dump site remain uninhabitable.

That said, sometime within the past 10 years UPCO hired Arcadis to begin water remediation efforts. Initially we were told that because of the extreme contamination, the remediation process would take approximately fifty years.

Then, suddenly, out of the blue - all is fine & the 160 acres is deemed "livable" for humans packed into proposed high-density housing.

There are many flaws & you as a coordinator, as well as others are very much to blame. Primarily, ADEQ has never set any standards for survivable Perchlorate levels! Nor have they heeded any recommendations from Fire Officials or the City Planning Director. Nor did ADEQ enforce their own regulations.

Instead, ADEQ simply relied upon the US EPA guidelines for Perchlorate, which also does not set any standards. Rather, the EPA leaves the regulation of survivable Perchlorate levels up to each state & municipalities to determine. That's great, except that Arizona's irresponsible ADEQ & municipalities never bothered to address the issue.

Survivable Perchlorate levels in Massachusetts are two part per billion. In California, the survivable levels are four parts per billion. Interestingly, prior to the enormous law suit against PG&E in CA in which Erin Brockovich played a key role, CA's acceptable perchlorate levels were 34 parts per billion. While Perchlorate was not the only chemical involved in that suit, CA immediately took steps to reduce the survivable level to what it is currently.

We purchased our home on Yearling Road in 2011 & our well is currently being tested every six months for Perchlorate. Our property (& well) is above (higher elevation) & at least 1/4 mile away from UPCO's previous "ground zero." Yet our most recent, semi-annual well test came in at 1.6 parts per billion.

There is an obvious, newly constructed building on the lower southwest portion of this 160 acres where Arcadis is in the midst of withdrawing water from the aquifer, recycling it through a reverse osmosis system to withdraw the Perchlorate, then returning the "clean" water right back down into the fully contaminated aquifer.

Does that seem like a quick or easy remedy to you & all your bureaucratic associates?

While this remediation system might be successful in fifty years (as previously estimated by the BLM), it most certainly has not achieved a final cleanliness standard - in any way, shape, or form. Thus your statement that remediation is "complete" is an absolute falsehood, or worse, a purposeful hiding of information by various municipalities.

To further illustrate why this 160 acres is unsuitable for any development, let me point out that approximately five miles east on Deer Valley Road, Pulte is building luxury homes on approximately 160 acres (roughly the same size as the contaminated area). Pulte or their purchasing group paid in excess of \$200 million for that 160 areas.

Likewise, going west on Happy Valley past 19th Avenue, two additional home builders are developing 160-170 acres. They also paid in excess of \$200 million for that bare land.

Yet UPCO sold (dumped) this 160 acres to the PAF Trust for a mere four million!! Four million for 160 acres - less than two miles from the other developments that paid over two-hundred million. Obviously, red flags would be going off in any planning & zoning official's head, should they take more than a cursory look. Sadly, this plan seems to be zipping right through.

Furthermore, Kyle Moyer's representatives have told us that city water and sewer will be brought in for this development. Great, the new homes get City water. But they have absolutely not addressed the contamination of the entire 160 acres of soil down to almost a sixty foot depth. So young kids will be rolling in their grass & swinging on play equipment that sits inches from Perchlorate contamination.

If I sound upset, I am. I served as an NBC (nuclear, biological, chemical) warfare officer in the US Army for nine years. I also worked for FEMA on contract to the State of Hawaii as their state Nuclear Defense Planner. I also taught the first HAZMAT classes on Oahu & taught as an adjunct instructor at the US Fire Training Academy in Emmitsburg, MD. I was trying to save firefighter's lives & I understand exactly what is written in our US law entitled SARA Title III, because I was involved in its writing.

For your edification, the only agency in the state of AZ to address the Perchlorate problem happens to be the AZ Department of Health. However, the arbitrary level they established years ago as "survivable" is 14 parts per billion, which is simply, dangerously, too high.

Also, the AZ Dept of Health does not happen to be on the "route" for building permits. So they were not even consulted in this critical matter.

The Kyle Moyer PR firm is attempting to ram through a new, high density housing development on land that has been completely contaminated. But their plans breezed right through ADEQ because, as I previously stated, ADEQ has failed miserably to set any type of acceptable, survivable limits on Perchlorate. ADEQ has simply ignored this horrific problem.

Also for you edification, Perchlorate attacks a human's thyroid gland (located in the nape of the neck) and causes cancer. Might you not find it interesting, sitting in your nice office, that many of the original residents up here in this small county island immediately adjacent to the 160 acre UPCO testing site, have either had thyroid cancer & the gland removed (plus chemotherapy &/or radiation treatments) or have some type of thyroid disease? And many are on medication for their thyroid problems? I doubt you have even given such a terrible truth the slimmest of considerations.

But you see, we're all zoned R-43 & don't live particularly close to each other. So the original settlers didn't share their personal health problems with each other: until now. Now, finally, the residents are connecting the dots & realize that the probable cause of their cancer was/is UPCO's unrelenting testing, ADEQ's lack of oversight, the County's lack of oversight & now that it's under the purview of the City - the City's complete complacency.

You, et al, are about to let a new development happen on this contaminated land. Which means that 240-300 new, young families with little children will be moving (quite naive & unsuspectingly) onto a ticking time bomb of cancer and other possible health risks.

Plus, the moment the earthmovers, bulldozers, rock crushers, etc. start; all the current residents in close proximity (like us) will have to bear the brunt of the contaminated soil becoming airborne and blanketing our own properties.

I would appreciate specific answers to my original questions to Dave Simmons. If necessary, then by all means, coordinate with ADEQ (because according to your title, you are supposed to be able to coordinate).

However, I can tell you that up until this moment ADEQ has only obfuscated and ignored their responsibilities. Thus, they have not been remotely helpful to this point.

Regards,
Joanne Moudy
(808) 554-4792

> On Jun 20, 2019, at 12:45 PM, Julie Riemenschneider <julie.riemenschneider@phoenix.gov> wrote:
>
> Hello Joanne,
>
> This property was the former Universal Propulsion Company (UPCO) site. This site has gone through remediation under the review of Arizona Department of Environmental Quality (ADEQ) Hazardous Waste group
> If you would like more specific information about the cleanup that has occurred at this site please contact the regulatory agency, ADEQ.
> You can call or email Anthony Leverock at 602-771-4160 or Leverock.Anthony@azdeq.gov.
> ADEQ should be able to help you find information about all the sampling and cleanup that has been completed at this site.
>
> Thanks,
>
> Julie Riemenschneider
> Environmental Programs Remediation Coordinator City Manager's Office
> City of Phoenix
> 200 West Washington Street, 14th floor Phoenix, Arizona 85003
> 602-256-5681
>
> -----Original Message-----
> From: David O Simmons
> Sent: Wednesday, June 19, 2019 2:56 PM
> To: Joanne Moudy <jomoudy@gmail.com>
> Cc: Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen
> <nancy.allen@phoenix.gov>
> Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD
> Environmental Concerns
>
> Hi Joanne,
>
> As I mentioned on the phone, I handle Rezoning and General Plan cases. To obtain history on a site within the City of Phoenix municipal boundary please complete an on-line records request here: <https://www.phoenix.gov/pio/public-records-request> Have you tried reaching out to UPCO and Goodrich as of yet? They may be the able to provide copies of these records.
>
> I have also cc'd Rosanne and Nancy from our Office of Environmental Programs as they may be able to offer further insights into your inquiry.
>
> Thanks,
>
> David Simmons, MA

> Planner II* Village Planner
> 200 West Washington Street
> 3rd Floor
> Phoenix, AZ 85003
> 602-262-4072
> david.simmons@phoenix.gov
>
> -----Original Message-----
> From: Joanne Moudy <jomoudy@gmail.com>
> Sent: Wednesday, June 19, 2019 2:44 PM
> To: David O Simmons <david.simmons@phoenix.gov>
> Subject: Re: Test
>
> Hi again,
> Can you possibly provide any/all of the explosive testing permits & stipulations which were secured by UPCO & Goodrich? I'd also like to know which government agency had oversight on UPCO & Goodrich on this 160 acre parcel while their explosive testing & unlawful dumping of excess hazardous waste was occurring (over a 50-60 year period).
>
> I'd greatly appreciate any info on this that you can pull up from records at the city!
> Thanks.
>
>
> Regards,
> Joanne Moudy
> (808) 554-4792
>
>> On Jun 19, 2019, at 1:50 PM, David O Simmons <david.simmons@phoenix.gov> wrote:
>>
>> The Case No. is Z-37-19-2, Central Foothills PUD.
>>
>> David Simmons, MA
>> Planner II* Village Planner
>> 200 West Washington Street
>> 3rd Floor
>> Phoenix, AZ 85003
>> 602-262-4072
>> david.simmons@phoenix.gov
>>
>> -----Original Message-----
>> From: David O Simmons
>> Sent: Wednesday, June 19, 2019 1:50 PM
>> To: Joanne Moudy <jomoudy@gmail.com>
>> Subject: RE: Test
>>
>> Hi Joanne,
>>
>> Thank you again for reaching out. You can review the applicants first submittal narrative here:
<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases> once it is posted. I just submitted it so give it a day to post. Please let me know if you have questions throughout the process. I am here as a resource. Take care and talk soon.
>>
>> Respectfully,

>>
>> David Simmons, MA
>> Planner II* Village Planner
>> 200 West Washington Street
>> 3rd Floor
>> Phoenix, AZ 85003
>> 602-262-4072
>> david.simmons@phoenix.gov
>>
>> -----Original Message-----
>> From: Joanne Moudy <jomoudy@gmail.com>
>> Sent: Wednesday, June 19, 2019 1:44 PM
>> To: David O Simmons <david.simmons@phoenix.gov>
>> Subject: Test
>>
>> Hi David,
>> This is a test. Please respond & then I will email you back.
>>
>> Regards,
>> Joanne Moudy
>> (808) 554-4792

David O Simmons

From: Julie Bradfeldt <julie@bradfeldt.com>
Sent: Wednesday, June 26, 2019 6:40 AM
To: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring; zach.schira@maricopa.gov
Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

SUBJECT: "Rezoning Case No. Z-37-19-2, Happy Valley Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019". This is a request for rezoning of the Central Foothills Planned Unit Development ("Central Foothills PUD" or "Application") which proposes the rezoning of approximately 157 gross acres of partially developed property located in north Phoenix, located specifically at the northeast corner of Central Avenue and Happy Valley Road.

TO ALL CONCERNED: As a property owner since 2007 residing in a neighborhood zoned S-1, I am very concerned to the impact of our quiet country lifestyle allowing a large development to invade this area. **I am deeply opposed to the proposed re-zoning of the S-1 neighborhood.**

For the reasons outlined by Joanne Moudy in her e-mail as referenced below and Bill Verno among many other of my fellow neighboring residents, I am primarily concerned about a development being proposed that contains 274 new homes presumably with families and children being exposed to the hazardous wastes that have been irresponsibly deposited on this land for many decades. These contaminates are known to cause cancers and other permanent and devastating health effects for ALL natural creatures inhabiting this land or otherwise allowed to be exposed to these elements. The cleanup efforts have only just begun and will not be completed for many years, if not decades to come. This site could not possibly be deemed "safe" for families even in an S-1 type zoning, but this problem and the related health risks would be exacerbated by allowing even a higher density type zoning as is currently being proposed. **To approve this plan would be utterly and completely irresponsible of any city official responsible for planning and development, and I, for one, would like to go on record as stating that I am extremely opposed to ANY development being allowed on this property.**

From: Joanne Moudy <jomoudy@gmail.com>
Subject: Re: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns
Date: June 20, 2019 at 11:07:04 PM MST
To: Julie Riemenschneider <julie.riemenschneider@phoenix.gov>
Cc: David O Simmons <david.simmons@phoenix.gov>, "Barto, Nancy K. & Joe" <nbarto@azleg.gov>, zach.schira@maricopa.gov, mayor.gallego@phoenix.gov, jim.waring@phoenix.gov, sal.diciccio@phoenix.gov

My property abuts this proposed development and as a property owner here since 2007, I have personally witnessed the explosions promulgated by UPCO in the development and testing of the ejection seats. I have heard the news events relating to the hazardous wastes and extreme dangers that have occurred on this property. I have lived through the fears of having my own water tested for years and waiting the results of the perchlorate content along with other contaminates. Several of my neighbors that have lived in this area for an extended period have contracted cancer and other health issues as a result of the environmental hazards that exist on this subject parcel. Further, I am highly opposed to having the soils disturbed and being allowed to go airborne to further contaminate our properties and the air we breathe during any proposed construction putting us at further health risk. This development is clearly not acceptable.

City of Phoenix General Plan: There is nothing in the current City of Phoenix General Plan governing our area that would allow anything close to this type of development. This plan has been approved and exists for a reason. The approval of this application would violate this plan in its entirety. We all have purchased and paid a premium for our properties because of the low density, quiet neighborhood feel of an existing S-1 environment. The General Plan for the city which has been in place for quite some time only confirms the continued existence of this quiet S-1 zoning and open spaces. It is still unclear as to how UPCO was allowed to lease this property in the first place. Proper postings and notifications to the surrounding residents have not been completed so as to notify and inform the existing residents of the impacts this facility would have on the health of the surrounding residents. UPCO should not have been allowed to operate on this land and their existence has violated the ordinances that have already been in place. How bad do things have to get? Do the officials at the City of Phoenix just completely look the other way when a developer promises to bring in funds and the eminent risk to human life goes by the wayside? Or will things just continue in that completely irresponsible manner?

Further, in another lifetime where environmental concerns were not an issue for this parcel, the current proposed development does not address concerns, not only mine but those of the majority of our the neighbors in the surrounding community. These include:

- 1) **Drainage** – the current plan does not provide ample drainage for the waters that would flow down from the properties on the north side of Yearling Road through the numerous washes that exist. This will cause flooding issues on our properties as a result of this severe lack of significant drainage areas. In addition, this will infringe on our abilities to develop our land since any new building permits that would be issued for our properties are governed by the Maricopa County Planning and Development and drainage issues MUST be addressed. Therefore, in order to prevent this development from having significant direct negative impacts on our rights to improve our properties in the future and protect them from flooding, draining issues should further be addressed and approved by Maricopa County Planning and Development, so as to ensure this new development would not infringe on not only our current rights, but also our rights to develop in the future as a result of draining being improperly addressed by this proposed development. My property for one, contains a wash and this development does not create ample drainage for this water to flow thus flooding not only my property but the numerous homes planned along Yearling Road.
- 2) **Buffer** – The proposed development would significantly alter the landscape that has been enjoyed by our neighborhood for decades. If the current zoning would be changed to a more dense zoning, a significant buffer of at least 150' – 200' (similar to what was put in place by the DMR development to the north of our neighborhood) should be put in place, along with landscaping and an 8' minimum wall made of quality desert landscaping construction along with trees that further provide privacy and separation from this development to our neighborhoods.
- 3) **Walking trails / green space / recreation for the development** – with 274 new homes being proposed, this development does not amply address the recreation needs of its residents. Since this **proposed** development is surrounded by private land, busy roads and restricted government spaces with no access to recreation, walking trails and parks should be constructed within the development to accommodate the needs of its residents and prevent its residents from wandering through our private neighborhoods. Our roads are privately maintained and for privacy and safety reasons, we do not want these residents accessing Central Avenue to the north in order to access the Sonoran Preserve or any of our surrounding neighborhoods and homes causing disruption to the quiet enjoyment of our properties. As it stands, this development is poorly designed to accommodate this concern.

- 4) **Quality of home construction / property values** – If new homes are placed on this land, they should be designed with quality construction with homes that would be designed to sell in the ranges of the existing surrounding community, namely Union Foothills Estates. Many of our homes have been valued / appraised upwards of \$500k. This new proposed development should seek to maintain a minimum property value within an acceptable range of this average and in no event should be designed to sell at a price point less than \$400k in order to maintain consistency and minimal disruption.
- 5) **Roads, traffic** – Central Avenue is already poorly maintained with many potholes and low areas where water accumulates and floods during rains. Road construction, road improvements and traffic studies should be conducted and presented to the neighboring residents prior to approval of any new development to allow the all interested parties (including the neighboring residents that would be impacted) to see these concerns have been amply addressed and that the surrounding roads and infrastructure on Happy Valley road are improved to appropriately accommodate the increase in traffic and wait times.
- 6) **Wildlife disruption** – Owls and other wildlife have nested in and habited this area for decades. Have environmental studies been conducted to either protect their habitat or ensure proper relocation of the affected wildlife? This is a very important concern and should not be overlooked.
- 7) Numerous other concerns exist with the plan as currently opposed. The residents of our neighborhood at large have met and have voiced MANY concerns to the developers which HAVE NOT been taken into consideration. These include items such as down lighting, no commercial – not consistent with the general plan, safety concerns, impacts to our property values, impacts to our homes during construction, access to water and other utilities, public safety such as police/fire services as a result of this proposed development, buried powerlines / no visible utilities. We have provided e-mails and contact information and the developers have NOT had conversations with us. They have made slight, meaningless modifications to their initial plan that in no way have addressed the concerns that have been voiced to them, as they continue to attempt to fast-track this inadequate development plan though approval.

I would like to stand and have my concerns documented as stated above for public record. As a resident that owns property directly abutting this proposed development, in no way do I support this application and I strongly urge you to deny their requests. This 160-acre parcel is a hazardous waste remediation site and as such, is not suitable for human occupancy (much less higher density human occupancy) and should NOT be developed for this use.

Sincerely,
Julie Bradfeldt (formerly Thompson)
412 East Yearling Road, Phoenix, AZ 85085

David O Simmons

From: Bool, Mark <Mark.Bool@CVSHealth.com>
Sent: Monday, June 24, 2019 4:01 PM
To: zach.schira@maricopa.gov; Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring
Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

I am taking this opportunity to express my concerns with UPCO & Goodrich contaminated property located at Happy Valley Road and 7th Street (Maricopa County Parcel No. 210-14-050A). It's my understanding that this property was recently sold (at an alarmingly low rate since it is chemically hazardous) to the Patricia Archie Foundation, LLC and there are plans to build high density housing on that location. What in the world is going on? For years there were numerous violations occurring on that property. It has a long, sordid history. For anyone to even think about having people live on that land is absurd! Have we learned nothing from previous similar situations around the country? As a community we should not be accepting of the fact that families will be exposed to the carcinogens in that area.

I realize we all have a lot going on and time is precious. However, please don't turn a blind-eye to this. I encourage you to review this situation carefully. This is one of those "no brainers" in life. I can't imagine any reasonable person being accepting of this hazardous situation.

Thanks for your time and consideration.

Mark Bool
602-284-3092
Mark.Bool@caremark.com

David O Simmons

From: Neal Vandenburg <nealdorothyhome@hotmail.com>
Sent: Sunday, June 23, 2019 5:12 PM
To: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring
Subject: Re: Sale of badly contaminated property...Maricopa County Parcel No. 210-14-050A

>
>> Dear Recipients.....
>
>> My husband and I own a house just North of the above Parcel No. 210-14-050A presently in escrow to be purchased by the Patricia Archie Foundation, LLC from Upco Corporation.
>
>> We are very concerned that this sale and future development plans are premature to the quality of the environmental cleanup that is still necessary on this land....We have lived here for 10+ years and observed the cleanup efforts on the water and soil. However, after reading the Special Warranty Deed and Contaminants documents recorded in December 2018 on the property, and the restrictions placed on digging into the soil in any way by this owner or any future owner, we cannot see how any development can be completed. While the developer is proposing commercial development on top of the worst area of the contaminated soil, rather than residential, how is it possible that disturbing the soil even for footings, or disturbing the soil just to build a construction pad is legal under the current soil restrictions of the recorded documents. Couple this concern with the normal construction that will disturb the contaminated soil and in the process sending some into the wind and on to our abutting neighborhood to be inhaled by our children and retired owners during the process will be dangerous ,,,,,
>
> Why is Upco selling this property to the developer for only \$7+ million dollars when like property in the area is being sold for upwards of \$100+ million dollars for the same amount of land? Our guess is they just want to unload it. Unfortunately, the quality of the homes going in will reflect this and our neighborhood, that presently has home values from \$400,000 to \$1,000,000+ will bear the burden.....We want a developer who is willing to put in single family custom lots on the same amount of land per owner as the present neighborhood has been built on, with the same quality as our neighborhood.....The developer will easily be able to recoup its investment, plus profits by selling the uncontaminated lands in this acreage as individual, buildable custom lots....
>
> Because we are in a "County Island", with no homeowners association or other entity available to fight issues on our behalf.....and are required to put in our own roads, wells and other sources of water, and septic tanks..... this neighborhood should have the right of final say on how the remaining developable land is handled....
>
> Please help us have a say in the development of this 162 acre parcel and please look again at the cleanup efforts that have been done and will continue to be
> necessary in the future under the present recorded documents on the land.....

Please see the following info also on our concerns with this neighborhood researched by another neighbor.....

>

>

>>

>> I am familiar with the area, as our property line abuts their boundary. I'm also aware that as of 2003, testing was still allowed (per City Council) but the land was controlled by the state. At some point, BLM was involved, but I have been unable to access title transfer info on that.

>>

>> Regardless, after the ground was so thoroughly contaminated by not only Perchlorate, but also the deadly, toxic residues from the foam which fire fighters were forced to use every time UPCO created an explosion, that UPCO & Goodrich were ordered to cease & desist their testing. But by that time, all the combined HAZMATs had leached into this 160 acre site & into the aquifers.

>>

>> Dramatically, on 11 September, 2002 (one year after the Twin Towers attack in NY), 3500 pounds of UPCO's illegally stored, dry explosive material spontaneously combusted & the explosive force blew windows out of homes over 1/4 mile away. 1000 residents were forced to evacuate for at least 24 hours because of the deadly, airborne plume that blanketed the surrounding sky. And just where do you think all that hazardous contamination within the plume ultimately landed? On our homes & property.

>>

>> Even worse, less than 500 feet away from the 3500 pounds that blew up, sat an additional 50,000 pounds (totally illegally stored on the land without a permit). Had that blown up as well, it would have wiped out everything within a one mile radius & the casualties would have been horrendous. As an example, such an explosion would have completely flattened the Deer Valley Airport.

>>

>> Additionally, according to numerous news articles, throughout the 1990's, UPCO had violated ADEQ's regulations more than forty times (not including anything to do with the carcinogenic residue - Perchlorate). A 1999 study of this 160 acre UPCO property showed Perchlorate contamination to a depth of 59 (fifty nine) feet - in the dirt.

>>

>> In order to remove that amount of contaminated soil (to allow for a new housing development) one would need to dig & replace over 125 million cubic feet of dirt; roughly creating a crater the size of the University of Phoenix Stadium.

>>

>> In order to get around this problem, UPCO drilled small areas of soil, tested them, and then inserted clean fill dirt into those very few and specific testing spots. The old, standing saguaro cacti alone are enough to prove that UPCO could not possibly have moved or remediated a sufficient amount of soil within the last ten years to make any impact. Furthermore, the most highly concentrated area of contamination exists within the exterior barb wired fence. That area is secluded & separately fenced with six foot chain link fencing.

>>

>> Also, as early as 1994, the Phoenix City Fire Chief Brunacini, wrote letters of concern to UPCO regarding issues of possible spontaneous explosions, as well as environmental contamination. Later, in 2001, he wrote to the State regarding his concern about Arizona's renewal of UPCO's lease, stating, "The facility poses a threat to these (surrounding) neighborhoods." Sadly he was ignored, yet obviously his concerns were valid as the 2002 explosion illustrates.

>>

>> In 2001, the City Planning Director wrote, "Continued operation of UPCO at this location presents numerous land use compatibility issues." He was also ignored.

>>

>> UPCO's illegal use of this land for storage of their chemicals (& illegal dumping of toxic waste from their other testing sites) is precisely why I'm seeking the permits & restrictions that were placed upon UPCO or the land, when the State, the County government, or City Council allowed them to continue testing. Obviously, there was no oversight by anyone. The last thing UPCO &/or Goodrich cares to do is be forthcoming with the restrictions & regulations which they ignored & violated. So your suggestion that I reach out to them is simply one of ignorance.

>>

>> If one were to compare this 160 acres to be developed to the "Love Canal" project in NY state, that area was only 70 acres. That cleanup took over 21 years & cost over four-hundred million dollars AFTER HOMES WERE BUILT - not

including law suits against the municipalities and developers. To this day, many areas of that toxic dump site remain uninhabitable.

>>

>> That said, sometime within the past 10 years UPCO hired Arcadis to begin water remediation efforts. Initially we were told that because of the extreme contamination, the remediation process would take approximately fifty years.

>>

>> Then, suddenly, out of the blue - all is fine & the 160 acres is deemed "livable" for humans packed into proposed high-density housing.

>>

>> There are many flaws & you as a coordinator, as well as others are very much to blame. Primarily, ADEQ has never set any standards for survivable Perchlorate levels! Nor have they heeded any recommendations from Fire Officials or the City Planning Director. Nor did ADEQ enforce their own regulations.

>>

>> Instead, ADEQ simply relied upon the US EPA guidelines for Perchlorate, which also does not set any standards. Rather, the EPA leaves the regulation of survivable Perchlorate levels up to each state & municipalities to determine. That's great, except that Arizona's irresponsible ADEQ & municipalities never bothered to address the issue.

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>> Survivable Perchlorate levels in Massachusetts are two part per billion. In California, the survivable levels are four parts per billion. Interestingly, prior to the enormous law suit against PG&E in CA in which Erin Brockovich played a key role, CA's acceptable perchlorate levels were 34 parts per billion. While Perchlorate was not the only chemical involved in that suit, CA immediately took steps to reduce the survivable level to what it is currently.

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>> We purchased our home on Yearling Road in 2011 & our well is currently being tested every six months for Perchlorate. Our property (& well) is above (higher elevation) & at least 1/4 mile away from UPCO's previous "ground zero." Yet our most recent, semi-annual well test came in at 1.6 parts per billion.

>>

>> There is an obvious, newly constructed building on the lower southwest portion of this 160 acres where Arcadis is in the midst of withdrawing water from the aquifer, recycling it through a reverse osmosis system to withdraw the Perchlorate, then returning the "clean" water right back down into the fully contaminated aquifer.

>>

>> Does that seem like a quick or easy remedy to you & all your bureaucratic associates?

>> While this remediation system might be successful in fifty years (as previously estimated by the BLM), it most certainly has not achieved a final cleanliness standard - in any way, shape, or form. Thus your statement that remediation is "complete" is an absolute falsehood, or worse, a purposeful hiding of information by various municipalities.

>>

>> To further illustrate why this 160 acres is unsuitable for any development, let me point out that approximately five miles east on Deer Valley Road, Pulte is building luxury homes on approximately 160 acres (roughly the same size as the contaminated area). Pulte or their purchasing group paid in excess of \$200 million for that 160 areas.

>>

>> Likewise, going west on Happy Valley past 19th Avenue, two additional home builders are developing 160-170 acres. They also paid in excess of \$200 million for that bare land.

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>> Yet UPCO sold (dumped) this 160 acres to the PAF Trust for a mere four million!! Four million for 160 acres - less than two miles from the other developments that paid over two-hundred million. Obviously, red flags would be going off in any planning & zoning official's head, should they take more than a cursory look. Sadly, this plan seems to be zipping right through.

>>

>> Furthermore, Kyle Moyer's representatives have told us that city water and sewer will be brought in for this development. Great, the new homes get City water. But they have absolutely not addressed the contamination of the entire 160 acres of soil down to almost a sixty foot depth. So young kids will be rolling in their grass & swinging on play equipment that sits inches from Perchlorate contamination.

>>

>> If I sound upset, I am. I served as an NBC (nuclear, biological, chemical) warfare officer in the US Army for nine years. I also worked for FEMA on contract to the State of Hawaii as their state Nuclear Defense Planner. I also taught the first HAZMAT classes on Oahu & taught as an adjunct instructor at the US Fire Training Academy in Emmitsburg, MD.

>> I was trying to save firefighter's lives & I understand exactly what is written in our US law entitled SARA Title III, because I was involved in its writing.

>>

>> For your edification, the only agency in the state of AZ to address the Perchlorate problem happens to be the AZ Department of Health. However, the arbitrary level they established years ago as "survivable" is 14 parts per billion, which is simply, dangerously, too high.

>>

>> Also, the AZ Dept of Health does not happen to be on the "route" for building permits. So they were not even consulted in this critical matter.

>>

>> The Kyle Moyer PR firm is attempting to ram through a new, high density housing development on land that has been completely contaminated. But their plans breezed right through ADEQ because, as I previously stated, ADEQ has failed miserably to set any type of acceptable, survivable limits on Perchlorate. ADEQ has simply ignored this horrific problem.

>>

>> Also for you edification, Perchlorate attacks a human's thyroid gland (located in the nape of the neck) and causes cancer. Might you not find it interesting, sitting in your nice office, that many of the original residents up here in this small county island immediately adjacent to the 160 acre UPCO testing site, have either had thyroid cancer & the gland removed (plus chemotherapy &/or radiation treatments) or have some type of thyroid disease? And many are on medication for their thyroid problems? I doubt you have even given such a terrible truth the slimmest of considerations.

>>

>> But you see, we're all zoned R-43 & don't live particularly close to each other. So the original settlers didn't share their personal health problems with each other: until now. Now, finally, the residents are connecting the dots & realize that the probable cause of their cancer was/is UPCO's unrelenting testing, ADEQ's lack of oversight, the County's lack of oversight & now that it's under the purview of the City - the City's complete complacency.

>>

>> You, et al, are about to let a new development happen on this contaminated land. Which means that 240-300 new, young families with little children will be moving (quite naive & unsuspectingly) onto a ticking time bomb of cancer and other possible health risks.

>>

>> Plus, the moment the earthmovers, bulldozers, rock crushers, etc. start; all the current residents in close proximity (like us) will have to bear the brunt of the contaminated soil becoming airborne and blanketing our own properties.

>>

>> I would appreciate specific answers to my original questions to Dave Simmons. If necessary, then by all means, coordinate with ADEQ (because according to your title, you are supposed to be able to coordinate).

>>

>> However, I can tell you that up until this moment ADEQ has only obfuscated and ignored their responsibilities. Thus, they have not been remotely helpful to this point.

David O Simmons

From: Verno Associates <VA4613@msn.com>
Sent: Wednesday, June 26, 2019 2:00 PM
To: Jim Waring; Leverock.anthony@azdeq.gov
Cc: David O Simmons
Subject: FW: Rezoning Case No. Z-37-19-2, Happy Valely Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019

From: Verno Associates
Sent: Wednesday, June 26, 2019 12:01 PM
To: David O Simmons <david.simmons@phoenix.gov>; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; Nancy Barto <nbarto@azleg.gov>; Sal Diccio <sal.diccio@phoenix.gov>; Zac Schira <zack.schira@maricopa.gov>
Cc: '5investigates@azfamily.com' <5investigates@azfamily.com>; 'FoxPhoenixViewerNews@foxtv.com' <FoxPhoenixViewerNews@foxtv.com>; 'phxnewsdesk@azfamily.com' <phxnewsdesk@azfamily.com>; 'dbiscobing@abc15.com' <dbiscobing@abc15.com>
Subject: Rezoning Case No. Z-37-19-2, Happy Valely Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019

SUBJECT: "Rezoning Case No. Z-37-19-2, Happy Valely Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019".

This is a request for rezoning of the Central Foothills Planned Unit Development ("Central Foothills PUD" or "Application") which proposes the rezoning of approximately 157 gross acres. This rezoning proposal calls for 274 single family residences placed on 78 acres of the 157 gross acres (equating to 0.029 acres/single family residence) which also includes a larger area of contaminated property along with commercial and open spaces located in north Phoenix, located specifically at the northeast corner of Central Avenue and Happy Valley Road.

TO ALL CONCERNED: As a 1998 property owner residing in a neighborhood zoned S-1 (1.25 acres/single dwelling residence). I am very concerned to the impact (e.g., traffic control and flow) and subjecting 274 single dwelling residences that may not be informed they live within walking distance of a contaminated area), along with making this area a high density single dwelling residences.

If approved by the City of Phoenix elected and appointed approval officials the news media headline should read:

"The City of Phoenix approves a rezoning plan to subject 274 single family residences to live on, around, and/or near an already identified contaminated 160-acre parcel of land."

FURTHER JUSTIFICATION: As a property owner since 1998 whose property line abuts this boundary, my family have already been subjected to a number of incidents where on 11 September, 2002 (one year after the Twin Towers attack in NY), 3,500 pounds of UPCO's illegally stored, dry explosive material spontaneously combusted and explosions occurred. 1,000 residents were forced to evacuate for at least 24 hours because of the deadly, airborne plume that blanketed the surrounding sky. And just where do you think all that hazardous contamination within the plume ultimately landed? On our homes and property. Additionally, the East Yearling residence's wells have been tested by an independent company and reports provided to the residence as a precaution of contamination. However, the ADEQ standard is being used vice the Arizona Department of Health more stringent standard to determine contaminate content.

Additionally, I am aware that as of 2003, testing was still allowed (per Phoenix City Council). But the land was controlled by the state and believe BLM had oversight but still allowed this contamination to continue. There seems to have been limited to no oversight, inspections or contamination control during the years that UPCO and Goodrich used this previously pristine desert as a testing and dumping site for extremely hazardous, dry explosive material used for the development of ejection seats in military fighter-grade aircraft. One important question that needs to be asked and answered by appropriate Government authorities is what restrictions, regulations and/or stipulations were put on the land for use by UPCO/Goodrich.

As a property owner I am asking and begging the elected and appointed officials not to approval this rezoning for the following reasons:

1). This proposed rezoning is to add 274 single family residences to be subjected to live within walking distance of a contaminated area as defined in "Waste Programs Division: Hazardous Waste Management: Universal Propulsion Company, Inc. (UPCO) Corrective Action Facility; Universal Propulsion Company, Inc. (UPCO) Corrective Action Facility U.S. EPA ID No. AZD 980 814 479" report at websites:

a. <https://legacy.azdeq.gov/environ/waste/hazwaste/upco.html> and

b. <https://legacy.azdeq.gov/environ/waste/hazwaste/download/111210b.pdf> which shows where perchlorates has been released into the environment from historic operations at UPCO.

2). By no means the proposed 157 acres should not be designated a high-density housing area placing 274 potentially single-family dwellings near this contaminated area as show in the 1.b. reference figure.

3). If at all the State Trust Land zoning originally defined by the BLM zoned as S-1 (maximum of one dwelling unit for one acre) should be retained since rezoning approval must be approved by the State of Arizona authorities.

There are significant amounts of additional information that substantiates reason why this rezoning needs to be disapproved and can be provided if necessary, but I beg you not to approve this rezoning and subject any new residences to potential health hazards.

William (Bill) Verno

Verno & Associates, Inc.

va4613@msn.com

623-587-4613 (Office)

602-291-3194 (Cell)

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David O Simmons

From: Connie Verno <BVERNO5813@msn.com>
Sent: Friday, July 5, 2019 4:51 PM
To: Mayor Gallego; nbarto@azleg.gov; John.allen@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; Malone.laura@azdeq.gov; David O Simmons; Jim Waring
Subject: Rezoning Case No. Z-37-19-2 (Central Foothills PUD)

I am opposed to rezoning this land. I live adjacent to and directly North of this acreage.

- a. Our current zoning is **1 house per 1.2 to 2.5 acres**. Our area presently has only private dirt roads that are only maintained by the residence living here. There are no sidewalks, streetlights, drainage or other road amenities. Many families have horses, donkeys, chickens, goats and other animals which are walked or trotted in this area. It is a very rural area and letting a developer construct 300 homes on this land (4 houses per acre) is **very, very, uncharacteristic of our neighborhood**.
- b. The only street in and out of the neighborhood is Central Ave. and it was paved only with money from a special assessment on our tax bills. It is barely 2 lanes, with no shoulders, no sidewalks, no drainage, crumbling asphalt and very little maintenance from the city or county and yet the developer wants to use this road as the only entrance and exit from these 300 houses when he could easily use Happy Valley Road for this development's outlet. Central Ave. would become a nightmare to navigate during peak hours. Pretty sure it's to save the builder money, with no concerns about the families that have to live here.
- c. I am also opposed to development of this land as it is severely contaminated with toxic chemicals from Goodrich/Universal Propulsion Company (UPCO), a company that made materials from explosive chemicals for ejection seats for Military airplanes and jets. All of us living in this community were repeatedly exposed to daily explosion test with yellow smoke dissipating over us for many years until finally there was a huge fire on their property. We were not allowed to return to our homes for 24 hours after that fire and I was told by a fireman that nobody even knew what chemicals or how much UPCO had on this property. After this fire Arizona Department of Environmental Quality made UPCO test our well water for Perchlorate. We, who live along Yearling Road, all tested positive for Perchlorate even though our well is 600 feet below ground. We now have

been told that the aquifers are completely contaminated. So, even the City water wells may be contaminated if they feed off of this aquifer.

How can this land that was exposed over many, many years with great amounts of toxic chemicals which were leaked or exploded and became airborne now be perfectly safe to house families who will dig pools, gardens or play in yards that are contaminated with so many toxic chemicals???

Please do not allow this area to get re-zoned and developed and sold to unsuspecting families.

Thank you,

Constance Dasta Verno

David O Simmons

From: Dave Cisiewski <dave@dclawaz.com>
Sent: Friday, May 8, 2020 8:02 AM
To: 'Valerie Pieraccini'; 'Verno Associates'; David O Simmons; Kristi Trisko
Cc: 'Chris Shipley'; 'Derrick Rochwalik'
Subject: RE: Correction Requested:The Central Foothills Citizen Participation Report

Ms. Pieraccini:

Thank you for clarifying your statement. As noted in your referenced comment "s", the Developer is considering the possibility of restricting right turns from the northernmost drive to try to address your concerns of traffic cutting through Yearling or Quartz Rock Road to the north. I hope to have more direction from the developer on this matter in the coming weeks.

Thank you

David Cisiewski, Esq.
Law Office of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, Arizona 85028
Tel: 602-953-8729
Email: Dave@DCLAWAZ.com
Website: www.DCLAWAZ.COM [dclawaz.com]

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From: Valerie Pieraccini <valpierac@gmail.com>
Sent: Thursday, May 7, 2020 6:21 PM
To: Dave@dclawaz.com; Verno Associates <VA4613@msn.com>; david.simmons@phoenix.gov; kristi.trisko@phoenix.gov
Subject: Correction Requested:The Central Foothills Citizen Participation Report

Hi David,

A correction is necessary for question S on page 12 of The Central Foothills Citizen Participation Report which you may view in the attachment. Your notes state that the question was asked in the May 5 2020 meeting so I can ascertain that it was my question. You incorrectly report that the request was for a gate for Yearling Road. However, I asked that a gate be considered for Central Road, south of the Yearling and Central intersection near the present mailboxes referenced by my neighbor, Dennis Lee in a previous question. Your notes do correctly report that you did not think that was possible that the County or City would approve it although it was viewed as viable in the previous meeting on February 20.

I will reiterate that I believe a gate will be necessary to prevent traffic from the proposed development using Yearling Road- and I am now adding Quartz Rock Road- to access Happy Valley Road from 5th Avenue. Attesting to what my neighbors reported in the meeting, traffic on Happy Valley can cause waiting up to 4-5 minutes when no one is before your vehicle. Happy Valley Road is known in the north valley as a way to avoid the I-17 and 101 intersection. Logically, as the north valley continues to grow, the traffic flow on Happy Vallet Road will also grow.

Additionally traffic flows going north on Central with traffic flows to the east on Yearling and Quartz Rock Road from the proposed development is not illogical. People will not want to wait 10 to 15 minutes to turn left off of Central Avenue and will find way to avoid waiting. And as I stated in the meeting, construction on Happy Valley will only increase this propensity.

To clarify, traffic flow to the north should be restricted and the request is for a gate on Central Avenue, just south of Yearling Road.

Thank you, Valerie Pieraccini

David O Simmons

From: David O Simmons
Sent: Wednesday, February 5, 2020 11:16 AM
To: 'Robert Hanson'
Cc: 'David Riley (driley7@msn.com)'; 'Dave Cisiewski'
Subject: RE: Zoning Case No. Z-37-19-2, Happy Valley Road and Central:PA-18-158

Robert,

The applicant is not going to the Village for a recommendation. They are going for **INFORMATION ONLY on 02/20/2020**, which is a requirement for a PUD submittal. The applicant is required to hold their second neighborhood meeting PRIOR to the Post-Application meeting, which has not been scheduled yet. The Post Application meeting is an internal meeting between the applicant and staff. The Citizen Participation Report, which includes the second neighborhood meeting summary (minutes) is required to be submitted a minimum of **10 calendar days** prior to the first **RECOMMENDATION** hearing. See screen shot below. Those dates have not been determined as of yet as we do not have a hearing draft of the applicants narrative as of yet.

Planned Unit Development

Public Meeting/Hearing Notification Letter

For additional information, please call the Planning and Development Department at 602-262-7131, option #6.

2ND NOTICE: WITHIN 10 WORKING DAYS OF THE POST-APPLICATION MEETING AND A MIN CALENDAR DAYS PRIOR TO THE FIRST MEETING BELOW (Sample letter starts below)

Dear ***Property Owner or Neighborhood Association representative:***

The purpose of this follow-up letter is to inform you that we have recently filed (*insert rezoning appl*) for a _____ acre site located _____ and that meetings/hearings have now been set to rev

Our request for Planned Unit Development (PUD) Zoning (General Plan Land Use Designation of _____ would permit (describe request) _____. A copy of the entire PUD Development Narrative complete details of this request is on file with the City of Phoenix Planning and Development available on-line at <https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases>.

The meetings/hearings are as follow:

Village Planning Committee Meeting:
RECOMMENDATION MEETING

Name of Committee _____
Location _____
Date and Time _____

Planning Commission Hearing:

Location _____
Date and Time _____

City Council Hearing/Ordinance Adoption:

Location _____
Date and Time _____

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Robert Hanson <RobertHanson1950@outlook.com>
Sent: Wednesday, February 5, 2020 10:21 AM
To: David O Simmons <david.simmons@phoenix.gov>
Cc: 'David Riley (driley7@msn.com)' <driley7@msn.com>
Subject: RE: Zoning Case No. Z-37-19-2, Happy Valley Road and Central:PA-18-158

No I am still confused. I believe that they have not had the two Neighborhood meetings as required not submitted the Citizen Participation Report. How can this proceed to the Village Planning Committee.

Robert Hanson
602-478-3941

From: David O Simmons [<mailto:david.simmons@phoenix.gov>]
Sent: Tuesday, February 04, 2020 4:30 PM
To: Robert Hanson
Cc: Dave Cisiewski
Subject: RE: Zoning Case No. Z-37-19-2, Happy Valley Road and Central:PA-18-158

Good afternoon,

The applicant is responsible for conducting two neighborhood meetings prior to obtaining hearing dates from city staff. This request is for a Planned Unit Development request, which is required to go to the Village Planning Committee twice, once for Information Only and once for recommendation. The applicant has been scheduled for the Information Only meeting with the Village Planning Committee on February 20, 2020. The applicant is still required to submit their citizen participation report prior to obtaining hearing dates for recommendation. Please review the meeting notice requirements in the attached PUD submittal document (pages 24-34). Let me know if this clears up any confusion you may have.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Robert Hanson <RobertHanson1950@outlook.com>
Sent: Tuesday, February 4, 2020 2:53 PM

To: David O Simmons <david.simmons@phoenix.gov>

Subject: Zoning Case No. Z-37-19-2, Happy Valley Road and Central:PA-18-158

I want to thank you for the help you have been giving us on this rezoning. I have a couple of questions I need answered to better understand the process. I was under the understanding that two Community meeting were to be held before proceeding to the Village Planning Committee. Also that minutes were to be presented and a list of attendees. We had the first formal meeting on July 23. After the meeting I inquired twice with you if any minutes were presented and if the attendance list was submitted. You referred me to the developer who responded that they had not put the information together. The person that was to do it was out of town. Are two community meeting required for this process.

Robert Hanson
602-478-3941

David O Simmons

From: David O Simmons
Sent: Tuesday, February 4, 2020 4:30 PM
To: 'Robert Hanson'
Cc: 'Dave Cisiewski'
Subject: RE: Zoning Case No. Z-37-19-2, Happy Valley Road and Central:PA-18-158
Attachments: PUD Packet2020.pdf; SitePosting.pdf; PAF - Central Foothills 1st Notice Affidavit (003).pdf

Good afternoon,

The applicant is responsible for conducting two neighborhood meetings prior to obtaining hearing dates from city staff. This request is for a Planned Unit Development request, which is required to go to the Village Planning Committee twice, once for Information Only and once for recommendation. The applicant has been scheduled for the Information Only meeting with the Village Planning Committee on February 20, 2020. The applicant is still required to submit their citizen participation report prior to obtaining hearing dates for recommendation. Please review the meeting notice requirements in the attached PUD submittal document (pages 24-34). Let me know if this clears up any confusion you may have.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Robert Hanson <RobertHanson1950@outlook.com>
Sent: Tuesday, February 4, 2020 2:53 PM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: Zoning Case No. Z-37-19-2, Happy Valley Road and Central:PA-18-158

I want to thank you for the help you have been giving us on this rezoning. I have a couple of questions I need answered to better understand the process. I was under the understanding that two Community meeting were to be held before proceeding to the Village Planning Committee. Also that minutes were to be presented and a list of attendees. We had the first formal meeting on July 23. After the meeting I inquired twice with you if any minutes were presented and if the attendance list was submitted. You referred me to the developer who responded that they had not put the information together. The person that was to do it was out of town. Are two community meeting required for this process.

Robert Hanson
602-478-3941

David O Simmons

From: David Riley <driley7@msn.com>
Sent: Saturday, June 22, 2019 2:48 PM
To: David O Simmons
Cc: nbarto@azleg.gov; zack.schira@maricopa.gov; Mayor Gallego; Jim Waring; Sal DiCiccio; jan.riley@advcomsolutions.biz
Subject: RE: Deer Valley Village Planning Meeting - Rezoning Case No. Z-37-19-2, Central Foothills PUD

David,
Thank you for providing me with a copy of the rezoning process packet.

My understanding of the progress for development of the UPCO property in this case is that they have conducted one preliminary zoning meeting, one community meeting and have filed a development application. The notes from the preliminary review question why a PUC and stated general Village Character concerns. At the community meeting, the developers reps were not prepared for a turnout of 200+ residences. They notified few, to the strict letter of requirements, but word spread rapidly. To the credit of all, the developers reps regrouped and answered questions and the community politely asked questions and expressed concerns.

From a Community Character perspective, there are many conditions the developers are ignoring. Including "Protecting the Neighborhoods views and open spaces"; "Protect and enhance the character of EACH neighborhood"; "Protect residential area from concentrations... that could change their character or destabilize land values", to state a few. We hope that the Village planners and City Council members will take note of these.

However, putting these development deficiencies aside, many are stunned that ANY development of this site, due to its history of toxic waste, is being considered. Remediation has just begun and may take decades, including the Perchlorate remediation facility that has yet to become active. Upon learning of the planned development, I have made calls to ADEQ, AZ Dept of Health Services and AZ Agriculture Dept. The representatives I have spoken with have been VERY helpful and forthcoming with what they know. My concern is that no department can provide information on evidence of a clean site appropriate for development. All point to ADEQ, but it is AZDHS who is responsible for Perchlorates standards and no one seemed to be aware of other toxins dumped on the site. I contacted AZ Dept of Agriculture because vegetation, Saguaro's, on the site have already been flagged. APS and City of Phx Water Services have also been active at this site. IS IT A DONE DEAL?

I, and other area residence, have recently attended Deer Valley Planning meetings to understand how they are conducted.

As a RECOMMENDATION, you may want to consider a larger facility and an audio system when this matter comes before the Deer Valley Village Committee.

As for concern of property owners rights, UPCO et al., forfeited their development rights when they polluted the land and OUR Aquafer.

The land should be left to rest.

Thank you,

Dave and Jan Riley
602.540.6026

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Thursday, June 13, 2019 12:44 PM
To: David Riley <driley7@msn.com>
Subject: RE: Deer Valley Village Planning and Development Meeting

David,

The June Deer Valley Village Planning Committee meeting has been canceled due to a lack of agenda items. The rezoning process for any site follows the same process. I have attached a rezoning packet for your review as it outlines the process step by step. Please let me know if you have further questions after reviewing the process packet.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: David Riley <driley7@msn.com>
Sent: Thursday, June 13, 2019 12:15 PM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: Deer Valley Village Planning and Development Meeting

Hi David,

I see that the June 20th Deer Valley Village and Planning and Development meeting has been cancelled, is that correct?

I am still trying to understand the rezoning process as it pertains to the UPCO site.

The developer filed with the City of Phx Planning Dept yesterday.

From what we are told, the filing does little to address the concerns of the preliminary application comments nor the community's feedback.

Is it the normal process to file prior to community or Village meetings? Or do these meeting come later?

Appreciate your clarifying for me

Dave

Dave Riley
602.540.6026
driley7@msn.com

David O Simmons

From: Gloria Burson <gloriaburson@aol.com>
Sent: Tuesday, June 25, 2019 11:14 AM
To: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring
Subject: North Phoenix development Happy Valley Road north and east of Central Ave

Dear Sirs and Madams:

I am a home owner, in the county island North of the proposed development. We built our home in 1986 and lived here since then.
We have participated in paying for and getting our roads paved. We have watched the growth in the area and welcomed our new neighbors.
We have enjoyed the quiet ambiance of nature in this area. We have participated in trying to protect our property values and the health of our community to help convince UPKO to move on. .

Now, a developer wants to destroy everything our community built. Make no mistake. high density housing will destroy a way of life we have sweated over and paid for. Please step up and don't allow this kind if development to proceed.

Thank you,

Gloria and David Burson
15 E. Briles Rd.
Phoenix, Arizona 85085

602 625-6101

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, April 29, 2020 10:53 AM
To: Kristi Trisko; David O Simmons; Jim Waring; Barto, Nancy K. & Joe
Subject: Virtual meetings

This message is from Gloria Burson:

Joann, re Zoom and internet service, I have perhaps the slowest internet service outside my internal WiFi. We talk on the phone with doctors. Both my husband and I have peripheral neuropathy. We use canes but are unable to walk any distance.
Gloria Burson

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Dave Cisiewski <dave@dclawaz.com>
Sent: Sunday, February 9, 2020 2:01 PM
To: 'Joanne Moudy'
Cc: David O Simmons; Jim Waring; 'Nancy K. & Joe Barto,'; 'Chris Shipley'; 'Kyle Moyer'
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD

Joanne:

First and foremost, I am very sorry to hear of your health challenges and I wish you a successful and speedy recovery. We will certainly keep you and your family in our prayers.

Secondly, the upcoming Village Planning Committee meeting is, as David Simmons outlined in his earlier email to you, for “information only”. This is not a voting meeting and City Staff will not be making a presentation or recommendation at this meeting. Rather this “informational” meeting is our opportunity, as the Applicant, to present to the members of the Village Planning Committee our land use concepts, project designs and our rationale for the requested General Plan Amendment and PUD Rezoning. This “informational” meeting also gives the Village Planning Committee members an opportunity to ask questions and provide comments on these matters, just as the community did in our prior community meetings. This allows the Applicant to gather additional input from others involved in the land use processes as to what is being proposed, so that we can take these additional comments into consideration as the process moves forward. While I understand your health challenges will not allow you to attend this meeting (again we wish you a speedy recovery), there will be numerous additional opportunities for you and the other community members to provide comments on these applications, including at least one additional community meeting, the voting meeting of the Village Planning Committee, the Planning Commission meeting, and the City Council meeting, all of which will occur after this upcoming February 20, 2020 meeting. Therefore, we don’t believe it is necessary or appropriate to delay this “informational” meeting of the Village Planning Committee as you requested below.

Thank you for your input on this matter and we look forward to working with you further on these land use applications.

David Cisiewski, Esq.
Law Office of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, Arizona 85028
Tel: 602-953-8729
Email: Dave@DCLAWAZ.com
Website: www.DCLAWAZ.COM [dclawaz.com]

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From: Joanne Moudy <jomoudy@gmail.com>

Sent: Wednesday, February 5, 2020 4:59 PM

To: dave@dclawaz.com

Cc: City Of phoenix <david.simmons@phoenix.gov>; Jim Waring <jim.waring@phoenix.gov>; Nancy K. & Joe Barto, <nbarto@azleg.gov>; Chris Shipley <shipley@kylemoyer.com>

Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD

Dear Dave (with Kyle Moyer Group),

I have just ventured out of my home for the first time in a few days and saw the large sign posted along Yearling Road, explaining that the proposed next meeting with the Village Planners is suddenly scheduled for Thursday, 2/20/20.

I would ask that you please have some modicum of respect for those of use who are 100% physically and permanently disabled (per the federal government) and need additional time to schedule attending such a meeting. While your impromptu scheduling process might work for you, it absolutely does not work for those of us with extreme disabilities.

In addition to the above, you know I have been an outspoken opponent of this development. I am still waiting for adequate soil testing to be completed by an outside, non-compromised testing firm, and those results provided to our neighborhood. Thus, I would very much like to be a part of the proposed meeting and be able to listen and ask necessary, clarifying questions.

However, quite sadly, I am about to undergo a very lengthy and possibly fatal open heart procedure wherein part of my heart will be replaced with a mechanical version. This will be done on Friday, 2/21/20 at HonorHealth Shea Hospital beginning at 07:30 am. My expected stay in CCICU is approximately seven days, although that stay is an unknown quantity at this time.

On Wednesday, 2/19/20, all of our children and grandchildren will be arriving from Seattle, Washington DC, and Tennessee in order to spend one evening and then one full day with me and Ray, our Estate adviser, and our Pastor - for the purpose of attending to some legal matters, much prayer, reflexion, finally some time alone as a family. I may not survive this procedure, although of course my thoracic surgeon and cardiologist are optimistic.

But quite obviously, I cannot attend the meeting you have scheduled on 2/20/20. Therefore, I kindly ask that you - first respect the federal law of accommodations for those with disabilities; and second, consider what I am facing, the impact to my family, and also - the impact your development and the stress your proposed development has inflicted upon me, my spouse, my neighbors, etc.

Considering the above, I called David Simmons and discussed this entire matter with him. He suggested that I contact you directly because he felt that you would be compassionate and willing to possibly delay your proposed "informational" meeting for perhaps 30-40 days, allowing me adequate time to either recover or the alternative, which would devastate Ray and my family.

I hope you will consider this and make the appropriate and humanitarian decision to delay the meeting.

Thank you so much for your attention to this matter and consideration for those of us who do not walk this earth unscathed. Also as a military veteran, I appreciate your cooperation. God Bless, Joanne Moudy

Joanne Moudy
(808) 554-4792
jomoudy@gmail.com

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, April 29, 2020 10:25 AM
To: Kristi Trisko; David O Simmons; Jim Waring; Barto, Nancy K. & Joe
Subject: Virtual meetings

Another one:

Hi Joanne:

I received an email re: virtual planning meetings. I do not have access to Zoom, and would not be able to participate.

Is there ANY WAY we can ask for a delay, until these COVID19 restrictions are lifted, and we can meet in PERSON?? I feel a bit left out, now.

Also, we have never received a letter about future meetings from the developers. Please, please consider delaying this (as I attend the meetings in person).

Thank you!

JoAnne Downey
[26125 N. 3rd St.](#)
[\(602\) 989-9154](#)

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Friday, May 1, 2020 5:39 PM
To: Kristi Trisko; David O Simmons; Jim Waring; nbarto@azleg.gov; dave@dclawaz.com; driley7@msn.com; VA4613@msn.com; Lennon Heather; roberthanson1950@outlook.com
Subject: Development meeting

Hi Kristi,
Here's another text from a resident who did NOT receive the developer's letter.

Hi Joanne,
We didn't receive a written letter from the attorney about the meetings. I've checked the mail several times this week. If I hadn't joined NextDoor and requested to be added to this email chain, I would be completely out of the loop. I'm sure there's a lot more people in the neighborhood they're not notifying as well.

I agree that not everyone has the internet service, technology, and/or tech skills to hold these meetings virtually. Really should be postponed until normalcy returns to the world.

Thank you for all of your time and energy in this matter Joanne!

With gratitude,
Al and Nikki

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Friday, September 27, 2019 6:49 PM
To: David Riley; Barto, Nancy K. & Joe; Jim Waring
Cc: Roxanne Linsley; Amanda E. Stone; Verno Associates; Robert Hanson; Wendy Smith Nextdoor; Heather Lennon (HeatherLennon@me.com); Sharon Carpenter; nbarto@azleg.gov; Council District 6 PCC; Council District 2 PCC; Mayor Gallego; jan.riley@advcomsolutions.biz; David O Simmons
Subject: Re: UPCO Site Stormwater and Contaminants testing

Hi Nancy,

So very nice to speak with you today & Ray & I look forward to holding a fundraiser for you at our home during this fall. I can't think of a better way to start the holiday season.

A few of the neighbors you've met had a small meeting today & some of the research Bill Verno, Bob Hansen & David Riley have been doing is not only thorough, but amazingly alarming. Attached is a recent email from David related to how the city/county concludes it can safely maneuver runoff from seven huge washes - down into the only two washes that are proposed by the developer.

Additionally, there is no doubt about illegal toxic dumping that UPCO, et al was allowed to do on this 160 acre parcel - way back before ADEQ even existed. We have documents citing the dumping of radioactive waste from X-ray facilities all the way to toxic materials being hauled here from 50 miles away - just to dump it all in the desert.

We also have valid proof that the diagonal fence that UPCO installed (giving the developer a false sense of security about toxic waste existing in the proposed triangular quadrant just north of that fence), was actually not installed until very late- like 1988-1991 (18-20 years into the dumping of toxic wastes). These photos are proof positive that UPCO was accessing these washes for toxic waste dumping - clear up to the northern boundary - which is Yearling Rd.

That area the developer is trying to convince the various municipalities is safe - is now proposed to become a high density housing development, which is categorically wrong on so many levels.

In order to hold the AZ Dept of Health (had oversight until ADEQ became an entity) we kindly ask for you to coordinate with Sharon again for another informative meeting. But this time we ask that she & you invite the head of the AZ DOH, as well as the head of ADEQ. This is so that we can display & explain to them what is in their own documentation- that their agencies are completely overlooking or ignoring.

We also would hope that this would compel the AZDOH to conduct a thorough search of surrounding residents who have developed thyroid issues or other cancers caused by the above mixtures of toxic chemicals that were dumped on this 160 acres over a 35-40 year period.

Thank you so much for assisting us in putting a second meeting together so that we can help to educate the very people who should have been watchdogging this from the outset. I return to the US from my trip on 10/13, so any time after that would be great.

Again, I'm so glad to hear you're taking on the senate seat & I believe our neighborhood will be glad to support you, especially after your kind attention to these troubling matters.

Blessings, Joanne

Regards,

Joanne Moudy
(808) 554-4792

On Sep 27, 2019, at 6:20 PM, David Riley <driley7@msn.com> wrote:

Hi Amanda and Roxanne,

Thank you for following through and forwarding this stormwater assessment. Greatly appreciate your efforts, though I disagree with its conclusion. Overlaying the proposed development plan clearly, to me, alters the watershed contribution by diverting and consolidating additional watershed from properties to the north. Including Phoenix preserve, current residential and proposed residential run off for retention adjoining the toxic remediation site. I believe a supplemental hydrology study including the adjoining (both sides) development plans is warranted.

Raising further concern is the revelations that in 1986 the Company was caught and cited for dumping directly in washes. The site was not fenced until after this, meaning that the Company had unencumbered access to the entire property for the previous 15 yrs. We communicated residence seeing barrels in washes, what and where was the Company dumping and not caught? The proposed development plans include covering several of these washes, diverting to two leading to retention basins. There is clearly enough evidence to warrant a more thorough whole property soils contamination analysis with specific focus on the washes.

Our focus of discussions and concern with ADEQ is to ensure that this property is thoroughly tested and, we hope, found to be safe. We understand that development of the property is a Right. Whether the City of Phx respects the Village Charter Plan and our rights of ownership is a separate conversation, but mute if this site is unsafe for development.

Again, appreciate your efforts!

Dave Riley

From: Roxanne Linsley <linsley.roxanne@azdeq.gov>

Sent: Friday, September 20, 2019 1:14 PM

To: David Riley <driley7@msn.com>

Cc: Amanda E. Stone <stone.amanda@azdeq.gov>; Verno Associates <VA4613@msn.com>; Robert Hanson <RobertHanson1950@outlook.com>; Wendy Smith Nextdoor <wendysmith85085@gmail.com>; Heather Lennon (HeatherLennon@me.com) <HeatherLennon@me.com>

Subject: Re: Thank you and Stormwater UPCO site

Hi David,

Thank you for your patience as I worked with the program to answer your question.

A reassessment of the hydrology does not appear to be warranted. Relative to impacts on the caps, the only cap that was determined to be potentially affected by run-on was the waterbore cap, which is adjacent to a ephemeral wash. The contributory watershed for the ephemeral wash was based on a Digital Evaluation Model of the topographic map of the area. The attached figure shows the contributory watershed to the ephemeral wash, which totals 56 acres. The watershed will not be

significantly affected by development of the parcel as the watershed sits primarily on the Phoenix preserve, located to the northeast, and will not be developed. ADEQ has already responded to the impacts on the groundwater remedy by recharge from retention ponds constructed as part of the future development of the parcel and by run-on from the parcels to the north.

Please let me know if you have any further questions.

Thank you,

Roxanne Linsley

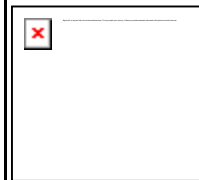
Legislative Analyst and Community Liaison for Pima and Pinal Counties

Office of Regional and Border Assistance

Intergovernmental and Community Affairs

Ph: 520-628-6716

M: 520-345-3913



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On Sun, Sep 15, 2019 at 2:03 PM David Riley <driley7@msn.com> wrote:

Thank You Roxanne,

Appreciate the detailed response.

My follow up question is regarding the determination of only 56 acres contributing to flow. That is just the acreage of the proposed commercial site.

That may be true for undeveloped land, however I believe there is far more acreage contributing to flow if developed per the submitted plan.

Runoff from 200 acres of existing mountains sides, current residential and new residential is all diverted to retention ponds adjacent to the capped sites.

Runoff from homes, streets and washes is all required to be retained on site.

Will ADEQ require an updated hydrologic analysis which takes proposed development into consideration?

Thank you,

Dave

From: Roxanne Linsley <linsley.roxanne@azdeq.gov>
Sent: Friday, September 13, 2019 12:22 PM
To: David Riley <driley7@msn.com>
Cc: Amanda E. Stone <stone.amanda@azdeq.gov>
Subject: Re: Thank you and Stormwater UPCO site

Hi David,

Thank you for your patience as worked with the programs to get answers to your concerns.

I've rearranged your concerns in order to have the answers flow better, with the responses in blue text.

Bill Verne's concern is the channeling of water on city land damaging Yearling road and culverts on county oversite private land.

The elevation decrease from Yearling Road to Happy Valley Road is between 40-60 feet and water flows from northeast to southwest over the UPCO parcel, so there will be no channeling of water from the UPCO parcel to Yearling Road and culverts or onto the private land north of Yearling Road

My silly math guess for one 100 yr storm comes up with 23 Million gallons of water concentrated on the site.

- 250 acres = 10,890,000 sq ft
- 3.4" of rain = 2.1 gal per sq ft (City of Scottsdale's 3.4 " over 6 hrs = 100 yr flood)
- 23 Million Gal.

The October 2015 Design Basis Report, prepared by ARCADIS for UPCO contains the hydrologic analysis of stormwater impacts on the caps. It provides the stormwater flow calculations as well as a scour analysis. The Maricopa County Drainage Design Manual was used to calculate a maximum flow rate in the ephemeral wash at the waterbore cap, about 235 cubic feet per second (total gallons of the flow was not used in the calculations, so it is not available). The area contributing to the flow was determined to be 56 acres, based on a USGS digital elevation model, and assumed a 100-year 24-hour storm event, or 3.89 inches of precipitation.

My concern is coordination of multiple agency evaluations.

County: There will be runoff from over 100 acres of hillside funneling through 6 washes.

City of Phx: The six washes are proposed to be funneled to 2 leading to 100 yr flood capacity retention basins at the low point of another 157 acres (including remediation areas).

- The City of Phoenix and ADEQ are in contact with each other regarding this site.
- The City of Phoenix Planning and Development Department includes floodplain, drainage, and stormwater requirements be addressed during the plan review process.
- ADEQ requires a Construction General Permit (CGP) for stormwater controls during construction of the project. In addition, ADEQ oversees the City of Phoenix's Municipal Separate Storm Sewer System (MS4) permit. The MS4 is the reason the City of Phoenix Planning and Zoning have Stormwater ordinances and codes that must be met.

ADEQ (other state agency??): Retention is adjacent to water and soil remediation sites. ADEQ analysis of remediation plans must include development plans of surrounding areas.

My concern is potential damage to the capped remediation areas and concentrated water percolations, causing:

- Flushing of the soil beneath capped areas releasing what lies beneath.
- Increased Perchlorates in the water aquifer, levels are already showing increases without concentrated runoff.
- Ground water Backflow towards the private wells. One reason given for restricting new wells was to stabilize the aquifer.

How could this not be a major factor in the long-term remediation requirements?

Construction of retention ponds at the planned subdivision would not draw the perchlorate plume, so a loss of plume containment is not expected to be an issue.

The caps have been designed to cover all areas with perchlorate contamination above the 16mg/kg groundwater protection level for soil at the site.

The cap perimeter includes a concrete anchor trench, typically 2 feet thick (except downgradient of the ephemeral wash, where it is 4 feet thick), to prevent erosion of the perimeter of cap, and to prevent "flushing" of underlying soils. In addition, as a precaution, the Waterbore cap includes three moisture monitors in its design to verify that water is not migrating under the cap either laterally or via pathways in the liner.

UPCO completed a groundwater flow model in August 2010 that assumed such impacts from a 100-year 24-hour storm event, and calculated recharge rates from the Union Hills range. Impact on groundwater levels and groundwater flow was calculated, and the design of the groundwater remedy (i.e., number and locations of extraction and injection wells) was adjusted.

The groundwater remedy has been designed with sufficient flexibility to respond to changes in groundwater levels and groundwater flow direction to capture the existing contamination. Furthermore, the permit requires that UPCO continue to monitor the plume and make any changes to the remedy as necessary to continue to capture the plume.

Please let me know if you have any other questions.

Thank you,

Roxanne Linsley

Legislative Analyst and Community Liaison for Pima and Pinal Counties

Office of Regional and Border Assistance

Intergovernmental and Community Affairs

Ph: 520-628-6716

M: 520-345-3913



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On Tue, Sep 10, 2019 at 4:12 PM David Riley <driley7@msn.com> wrote:

NICE!

Appreciate it and Thank you.

Dave

Sent from [Mail](#) for Windows 10

From: Roxanne Linsley <linsley.roxanne@azdeq.gov>

Sent: Tuesday, September 10, 2019 4:10:28 PM

To: David Riley <driley7@msn.com>

Subject: Re: Thank you and Stormwater UPCO site

Hi Dave,

Thank you for letting me know. I'm actually compiling the information now for the response to your concerns and should have them to you before your meeting with Terry.

Thank you,

Roxanne Linsley

Legislative Analyst and Community Liaison for Pima and Pinal Counties

Office of Regional and Border Assistance

Intergovernmental and Community Affairs

Ph: 520-628-6716

M: 520-345-3913



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On Tue, Sep 10, 2019 at 4:06 PM David Riley <driley7@msn.com> wrote:

Hi Roxanne,

I hope you are feeling better.

Just wanted to let you know that I will be joining some of my neighbors who set up a meeting on Friday at 2:00 with Terry Baer.

I understand if you do not have a response by then and will just raise the question / concern and let them know you are working on it.

Mainly just wanted to let you know.

Dave

From: Roxanne Linsley <linsley.roxanne@azdeq.gov>
Sent: Monday, September 9, 2019 12:39 PM
To: David Riley <driley7@msn.com>
Subject: Re: Thank you and Stormwater UPCO site

Thank you so much for your understanding!

Roxanne Linsley

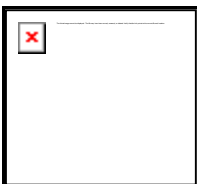
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M: 520-345-3913



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On Mon, Sep 9, 2019 at 12:38 PM David Riley <driley7@msn.com> wrote:

I'm so sorry to hear 😞

Health first, get to it when you can.

Dave

Sent from [Mail](#) for Windows 10

From: Roxanne Linsley <linsley.roxanne@azdeq.gov>
Sent: Monday, September 9, 2019 12:36:16 PM
To: David Riley <driley7@msn.com>
Cc: Amanda Stone <stone.amanda@azdeq.gov>
Subject: Re: Thank you and Stormwater UPCO site

Hi Mr. Riley,

I apologize for the delay in my response. I have been out sick with walking pneumonia. I should have a complete answer for you by the end of the week.

Thank you,

Roxanne Linsley

Legislative Analyst and Community Liaison for Pima and Pinal Counties

Office of Regional and Border Assistance

Intergovernmental and Community Affairs

Ph: 520-628-6716

M: 520-345-3913



Your feedback matters to ADEQ. Visit azdeq.gov/feedback

On Fri, Aug 23, 2019 at 9:12 PM Amanda Stone <stone.amanda@azdeq.gov> wrote:

Hello Mr. Riley,

I have assigned your questions to Roxanne Linsley as the point of contact for gathering information. Roxanne is a community liaison but also assists me with many research projects and legislative requests and is a pro at finding answers to difficult questions. I am copying Roxanne on this email.

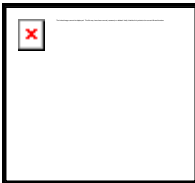
I will be out of the office for several weeks, but as we discussed during the meeting, our internal team is working on responses to all the questions you and other raised. It may be helpful at some point to have another in-person meeting to discuss some of your concerns. Sometimes technical issues are better discussed in person to make sure we are all understanding each other. Roxanne will be the point of contact until I return and feel free to reach out to her if necessary.

Thank you,
Amanda Stone

Amanda Stone

Intergovernmental and Community Affairs Director

Ph: 602-771-2248
M: 602-677-1426



azdeq.gov

Your feedback matters to ADEQ. Visit azdeq.gov/feedback

On Fri, Aug 23, 2019 at 3:27 PM David Riley <driley7@msn.com> wrote:

Hi Amanda,

Appreciate your efforts to get to our meeting with Nancy Barto!

I am hopping you can direct me to appropriate agency Stormwater contacts.

My concern is coordination of multiple agency evaluations.

County: There will be runoff from over 100 acres of hillside funneling through 6 washes.

City of Phx: The six washes are proposed to be funneled to 2 leading to 100 yr flood capacity retention basins at the low point of another 157 acres (including remediation areas).

ADEQ (other state agency??): Retention is adjacent to water and soil remediation sites. ADEQ analysis of remediation plans must include development plans of surrounding areas.

Bill Verne's concern is the channeling of water on city land damaging Yearling road and culverts on county oversite private land.

My concern is potential damage to the capped remediation areas and concentrated water percolations, causing:

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- Increased Perchlorates in the water aquafer, levels are already showing increases without concentrated runoff.
- Ground water Backflow towards the private wells. One reason given for restricting new wells was to stabilize the aquafer.

My silly math guess for one 100 yr storm comes up with 23 Million gallons of water concentrated on the site.

- 250 acres = 10,890,000 sq ft
- 3.4" of rain = 2.1 gal per sq ft (City of Scottsdale's 3.4 " over 6 hrs = 100 yr flood)
- 23 Million Gal.

How could this not be a major factor in the long-term remediation requirements?

I would love to talk to the hydrologists to test my amateurs assumptions. 😊

Anyways, appreciate your assistance!

Dave

Dave Riley

602.540.6026

driley7@msn.com

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Friday, May 1, 2020 7:37 PM
To: Dave Cisiewski
Cc: David O Simmons; Kristi Trisko; Jim Waring; Barto, Nancy K. & Joe; Kyle Moyer
Subject: Re: Virtual meetings

Dear David C,

I don't really know how to respond to your continued subterfuge, deceit, and arrogance. I really don't. But you are either a complete low-life, scumbag attorney trying to harm citizens and make another quick buck off of some developer, or really stupid.

But just for clarification, I'm going to try this one more time:

This community you are about to destroy is located in a county island without the benefit of any normal city utilities or cable network. And we live directly north of the busiest private airport in the US which is great, except the radar system was recently enhanced and now our cell phones don't work.

So we have a situation that puts us at a huge disadvantage & YOU KNOW IT!

We have no reliable internet service. I've had two telemedicine appoints in the past two weeks & neither one of them were successful. One time the physician and I couldn't hear each other & the other time the video on my end was completely pixelated. In both cases the telemedicine ended & we resorted to FaceTime & a phone call (both of which were difficult because of our terrible cell phone reception).

About a month ago my large, extended family living all across the US attempted a family Zoom get together. What a disaster from our end!! It came in and out, couldn't hear, then couldn't see - it was very disappointing. But it enlightened me as to the impossibility of any type of computer web-ex or zoom meeting. Furthermore, without stable internet - I can't access your website (not that I care to read your false narrative) but I can't access it nonetheless. So glad you got that up there - but very few are able to find it.

We no longer have any reliable cell phone service in our area (& your new residents are going to sue the crap out of you when they find out their cell phones don't work). So be sure to put that information in the sales packets you hand out to potential buyers. We personally have a slight advantage - being the last house up on the hillside because I have the "luxury" of being able to stand in one location on the platform of our upstairs hallway. But I don't intend to sit or stand there for one of your two hour illegal meetings!

Check with Kristi Trisko about how well our phone call went on Monday. She was continuously saying, "sorry, I missed that" and I couldn't hear her for many seconds at a time either. At one point I actually thought she'd hung up on me. Nope - just a really bad cell phone connection from my end.

I'm guessing here, but I'm betting that just about no one in this neighborhood has an actual land-line phone any longer because of the ridiculous costs & taxes. We dropped ours over seven years ago. So a land-line phone for the vast majority of the neighborhood is complete trash & you know it.

Please tell me how you've accommodated those who are visually impaired (unable to see if you don't understand) or those who are hearing impaired (can't hear) - when you tell them to just hop right on to the computer and type in your bs website or link and enter the conversation, or call to hear what's going on. They can't. (AND YOU KNOW IT).

So you need to provide (at the minimum) a sign language interpreter for any and all future meetings. And the meetings need to be held in person. Because if a person can't access the web or reliable internet - how is a hearing impaired person supposed to "hear" what's transpiring throughout your all important "emergency" meeting? And that's just the beginning. Physical disabilities come in many forms - but apparently you're not aware of that US Law based fact. Some people are disabled due to extreme rheumatoid arthritis and can't type on the computer or dial a phone. Are you going to foot the bill to have a caregiver or assistant go to each of those homes and assist the disabled person with the technology you're expecting us/them to all be able to handle?

You mention and willing agree to hold additional in-person meetings after May 15th. Well - might I suggest that you reschedule the meeting for 5/5/20 and plan it for a few weeks later so that we can all attend , hear, see and know what's transpiring. THIS DEVELOPMENT IS NOT AN EMERGENCY!!! It never has been and never will be. You're simply exploiting a terrible pandemic situation to further your own financial gain and agenda.

If you insist on holding this virtual meeting, our neighborhood demands to know from where it will be initiated. From your law office? From your home? We demand to know because we intend to show up in our vehicles with the media to show the corruption of you and the City government - both of which are violating our rights of assembly and civil discourse in a public place. But again, I'm guessing you're too much of a coward to give us that information.

Your arrogance is disgusting! Have a nice weekend.

Joanne Moudy
(808) 554-4792
jomoudy@gmail.com

On May 1, 2020, at 4:57 PM, Dave Cisiewski <dave@dclawaz.com> wrote:

David:

I wanted to elaborate further on the response below. As you know, we are following the current process established by the City, not my client, for public meetings being held during the current COVID 19 conditions. Having participated in a number of both City WebEx meetings and other Zoom meetings in the recent weeks these have been very successful and productive. As currently planned, our community meeting scheduled for next Tuesday provides access to anyone either through the Zoom Conference portal or via dial-in conferencing either using a cellular or land-line phone. Complete information regarding our current applications have been delivered to the City and could be obtained from the City files and through the project website, which makes it even easier and more convenient for anyone to access the complete project reports without having to leave their homes. I and other members of the development team have checked this website each day and have not had troubles accessing the website or the posted information. Further, we believe that these additional and multiple communication methods to access pertinent information regarding the project and the ability to express comments and concerns to the Applicant and City are accommodating to anyone with disabilities.

Additionally, as with any land use case, there is always continuing dialogue between the parties throughout the entire process. To that end, we are more than willing to host an additional “in-person” community meeting to listen to comments or concerns of the community. As you are aware the current stay-at-home Executive Order is set to expire May 15, 2020. However, it is my anticipation that after this date there will still be some distancing requirements and other measures, not known at this time, that would have to be adhered to for any large public gatherings. If the community is willing to continue to engage in productive dialogue regarding the proposed development we could certainly schedule another “in-person” meeting for the latter part of May and even additional meetings thereafter if needed.

Thank you

David Cisiewski, Esq.
Law Office of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, Arizona 85028
Tel: 602-953-8729
Email: Dave@DCLAWAZ.com
Website: www.DCLAWAZ.COM [dclawaz.com]

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From: David O Simmons <david.simmons@phoenix.gov>
Sent: Friday, May 1, 2020 8:10 AM
To: Dave Cisiewski <dave@dclawaz.com>; 'Joanne Moudy' <jomoudy@gmail.com>; Kristi Trisko <kristi.trisko@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; 'Barto, Nancy K. & Joe' <nbarto@azleg.gov>
Cc: 'Kyle Moyer' <kyle@kylemoyer.com>
Subject: RE: Virtual meetings

Dave,

Thank you for the clarification.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Dave Cisiewski <dave@dclawaz.com>

Sent: Friday, May 1, 2020 7:47 AM

To: David O Simmons <david.simmons@phoenix.gov>; 'Joanne Moudy' <jomoudy@gmail.com>; Kristi Trisko <kristi.trisko@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; 'Barto, Nancy K. & Joe' <nbarto@azleg.gov>

Cc: 'Kyle Moyer' <kyle@kylemoyer.com>

Subject: RE: Virtual meetings

David:

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Thank you

David Cisiewski, Esq.
Law Office of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, Arizona 85028
Tel: 602-953-8729
Email: Dave@DCLAWAZ.com
Website: www.DCLAWAZ.COM

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that, to the extent this communication (or any attachment) concerns any tax matter, it was not written to be (and may not be) relied upon to (1) avoid tax-related penalties under the Internal Revenue Code, or (2) promote, market or recommend to another party any transaction or matter addressed herein (or in any such attachment).

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-----Original Message-----

From: David O Simmons <david.simmons@phoenix.gov>

Sent: Thursday, April 30, 2020 3:33 PM

To: Joanne Moudy <jomoudy@gmail.com>; Kristi Trisko
<kristi.trisko@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Barto,
Nancy K. & Joe <nbarto@azleg.gov>
Cc: Dave Cisiewski <dave@dclawaz.com>
Subject: RE: Virtual meetings

Joanne,

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Dave, can you speak to that?

Thanks,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

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Sent: Thursday, April 30, 2020 3:16 PM
To: Joanne Moudy <jomoudy@gmail.com>; Kristi Trisko
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Subject: Virtual meetings

This message is from Gloria Burson:

Joann, re Zoom and internet service, I have perhaps the slowest internet service outside my internal WiFi. We talk on the phone with doctors. Both my husband and I have peripheral neuropathy. We use canes but are unable to walk any distance.

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(808) 554-4792

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From: Joanne Moudy <jomoudy@gmail.com>
Sent: Friday, May 1, 2020 12:03 PM
To: David O Simmons; Kristi Trisko; Jim Waring; nbarto@azleg.gov; dave@dclawaz.com; driley7@msn.com; Associates Verno; Lennon Heather; roberthanson1950@outlook.com; wendysmith85085@gmail.com
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NOTICE OF PUBLIC MEETING
******* VILLAGE PLANNING COMMITTEE**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the ******* VILLAGE PLANNING COMMITTEE** and to the general public, that the ******* VILLAGE PLANNING COMMITTEE** will hold a meeting open to the public on **Thursday, May 21, 2020, at 6:00 p.m.**

Per the most recent guidelines from the federal government, the ** Village Planning Committee meeting will be held electronically, via a video conferencing platform.***

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<https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/q.php?MTID=ea6e3873951b0bc1e9ad6dfb9d7e0bdca>
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And what accommodations are you making for those who are disabled? Some in this neighborhood are 100% disabled & you are legally bound to accommodate all disabled persons per the USADA laws & regulations.

Where will the computer you'll be using be located? Some of us want to drive there in protest & bring the media along to demonstrate how you are exploiting the COVID19 lockdown to ram a very dangerous development through.

Will it be from your office or your home? Thank you for providing that information so that those of us who can drive, can show up in protest.

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(808) 554-4792

On May 1, 2020, at 7:47 AM, Dave Cisiewski <dave@dclawaz.com> wrote:

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Gloria Burson

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Sunday, May 3, 2020 4:49 PM
To: Mayor Gallego; Jim Waring; Kristi Trisko; David O Simmons; Jan Reno & David Riley; Dennis Verno; Hanson, Shelly & Robert; wendysmith85085@gmail.com; Heather Lennon; Barto, Nancy K. & Joe
Subject: Our Constitution & Bill of Rights

We have two precious documents controlling (or they used to) our people & property; the US Constitution & the Bill of Rights.

Here is a very critical quote:

‘The First Amendment states, “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.” That’s unambiguous. Not “pretty unambiguous,” just unambiguous. Full stop.

Yet governors across the country are ignoring or suspending almost every one of those rights enumerated at the top of the Bill of Rights.’

All of you & the Governor are violating our rights by forcing us into these ridiculous shutdowns & virtual meetings because you are refusing us the “right of the people peaceably to assemble.”

But I guess all of you no longer respect either one of those precious documents which were intended to protect us from tyranny, which is what we now have. You are tyrants!!

These virtual meetings are illegal & and singularly an attempt to exploit a very bad situation.

Restore our civil rights now!!

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Joshua Bednarek
Sent: Friday, May 1, 2020 2:18 PM
To: David O Simmons
Subject: FW: Hello and info on meeting next Thursday

Can you add this to the correspondence folder for the case?



Thank you,

Joshua Bednarek, LEED AP ND
Deputy Director, Planning Division
Office: 602-256-3555
E-mail: joshua.bednarek@phoenix.gov

City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003

Mission: Planning, Development and Preservation for a Better Phoenix

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Friday, February 7, 2020 9:32 PM
To: Joshua Bednarek <joshua.bednarek@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Jan Reno & David Riley <driley7@msn.com>; Associates Verno <VA4613@msn.com>; roberthanson1950@outlook.com
Subject: Re: Hello and info on meeting next Thursday

Hi Joshua,

Thank you for volunteering to come to a small informational meeting at my home next Thursday at 6pm. Your email and outreach are much appreciated.

It is very unfortunate that Councilman Waring will be unable to attend and possibly be educated, as I believe his non-attendance may be interpreted as an apparent lack of concern. On the other hand, Rep Barto has been extremely attentive & personally arranged and attended two important meetings at the State Capital for the purpose of learning why we're deeply concerned. She also attended a third meeting hosted by ADEQ at a local church, but departed with very a different understanding than those of us who've done tremendous in-depth research. When she learned that we all knew ADEQ had skewed their information, she wanted to meet with us privately. Her willingness to attend this small gathering to understand how and why she herself was cleverly misled by ADEQ, demonstrates her even greater concern for our welfare.

If Councilman Waring would attend, I believe he would be appalled by what ADEQ has/is doing. But apparently our lives and health don't matter to him, or he has "better" things to do.

We are unique because such a high percentage of our residents have suffered terribly, both medically and emotionally at the very hands of previous city council members who made devastating and reckless decisions related to the land in question. Thus, few in our neighborhood believe in the integrity of any current city council members or the city planning department. (No personal offense intended).

At this juncture Councilman Waring has a perfect opportunity to re-establish trust, and I'm deeply disheartened he is passing it up. I've personally been keeping Councilman Waring's reputation up & afloat throughout our struggles with ADEQ & the AZ Health Dept. But his apparent disinterest in ADEQ's obfuscation - causes me to pause.

That being said, we'd be very happy to have you attend so that we may educate you on what ADEQ has been doing and how they have and are continuing to lie to all of us.

My address is 616 E. Yearling Rd, Phoenix, 85085

Major cross streets are Happy Valley Rd & Central Ave. I'm the last home at the east end of Yearling, but there is adequate parking.

Thank you for contacting me.

Regards,
Joanne Moudy
(808) 554-4792

On Feb 7, 2020, at 4:20 PM, Joshua Bednarek <joshua.bednarek@phoenix.gov> wrote:

Hi Joanne:

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Joshua Bednarek, LEED AP ND
Deputy Director, Planning Division

Office: 602-256-3555

<image001.jpg> E-mail: joshua.bednarek@phoenix.gov

City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003

Mission: Planning, Development and Preservation for a Better Phoenix

David O Simmons

From: Joshua Bednarek
Sent: Monday, February 10, 2020 4:03 PM
To: Joanne Moudy
Subject: RE: Hello and info on meeting next Thursday

Joanne:

I look forward to attending the meeting. I will tell you that in my 15+ years of doing this work it would be unusual for a councilmember to get too involved at this stage in the process. Phoenix's rezoning process involves a thorough analysis by staff and reviews by the village planning committees and Planning Commission before the request even gets to the City Council. As this request has not been given any hearing dates and is in the midst of the staff review, I believe it speaks to Councilman Waring's consideration of your concerns that he asked me to attend the meeting.

I appreciate the opportunity to listen to you and your neighbors on Thursday. In the meantime, please don't hesitate to contact me if you need anything else.



Thank you,

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Deputy Director, Planning Division
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Subject: Re: Virtual meetings

Hi Kristi,

I appreciate your response & I'm glad you are "considering" equal treatment of disabled citizens. It's rather sad that we have been completely left out the equation in violation of federal laws.

I'd rather not have to get an attorney involved to enforce my rights as a disabled person. But make no mistake, if my ADA rights continue to be violated by the developer &/or any government agencies, I will.

Have a nice day.

Regards,
Joanne Moudy
(808) 554-4792

On May 1, 2020, at 2:42 PM, Kristi Trisko <kristi.trisko@phoenix.gov> wrote:

Good afternoon Joanne. We are actively working on this case and are also compiling all comments and concerns from residents as we prepare to review this project as it relates to the required public participation component with multiple departments within the City of Phoenix.

Kristi

Kristi Trisko

Long Range Planning – Planner 3
kristi.trisko@phoenix.gov
Phone (602) 534-9938

<image001.jpg>

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David C.

We don't have stable cell coverage in our area (but I'm sure you know that & are exploiting the condition). The City recently upgraded the radar system at the Deer Valley Airport & the radar cuts about 50% of all calls, making it impossible to have a coherent conversation. This is true regardless of cell carrier.

And what accommodations are you making for those who are disabled? Some in this neighborhood are 100% disabled & you are legally bound to accommodate all disabled persons per the USADA laws & regulations.

Where will the computer you'll be using be located? Some of us want to drive there in protest & bring the media along to demonstrate how you are exploiting the COVID19 lockdown to ram a very dangerous development through.

Will it be from your office or your home? Thank you for providing that information so that those of us who can drive, can show up in protest.

Regards,
Joanne Moudy
(808) 554-4792

On May 1, 2020, at 7:47 AM, Dave Cisiewski
<dave@dclawaz.com> wrote:

David:

Yes, there is a call-in option. As outlined in the Virtual meeting information that was provided as part of the Notice Letter, there is the ability to simply call-in for the meeting, which calls could be made

either from a cellular phone or a land line. As we have posted both the PUD Narrative and GPA Narrative to the project website, also referenced in the Notice Letter, anyone has the ability access those documents to have complete information on the proposed development and development standards, all the environmental information, and all current development plans.

Thank you

David Cisiewski, Esq.
Law Office of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, Arizona 85028
Tel: 602-953-8729
Email: Dave@DCLAWAZ.com
Website: www.DCLAWAZ.COM

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that, to the extent this communication (or any attachment) concerns any tax matter, it was not written to be (and may not be) relied upon to (1) avoid tax-related penalties under the Internal Revenue Code, or (2) promote, market or recommend to another party any transaction or matter addressed herein (or in any such attachment).

The information contained in this message may be protected by the attorney-client privilege. It is intended for the addressee only. Please immediately reply to the sender of this e-mail if you have received it in error, then delete it. Thank you

-----Original Message-----

From: David O Simmons
<david.simmons@phoenix.gov>

Sent: Thursday, April 30, 2020 3:33 PM
To: Joanne Moudy <jomoudy@gmail.com>;
Kristi Trisko <kristi.trisko@phoenix.gov>;
Jim Waring <Jim.Waring@phoenix.gov>;
Barto, Nancy K. & Joe <nbarto@azleg.gov>
Cc: Dave Cisiewski <dave@dclawaz.com>
Subject: RE: Virtual meetings

Joanne,

I have also forwarded all emails with Zoom access concerns related to the neighborhood meeting on to the applicant so he is aware of potential obstacles stakeholders in the area may be facing. I'm not sure if there is a call-in option with Zoom like we have with WebEx for public hearings.

Dave, can you speak to that?

Thanks,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

-----Original Message-----

From: David O Simmons
Sent: Thursday, April 30, 2020 3:16 PM
To: Joanne Moudy <jomoudy@gmail.com>;
Kristi Trisko <kristi.trisko@phoenix.gov>;
Jim Waring <Jim.Waring@phoenix.gov>;
Barto, Nancy K. & Joe <nbarto@azleg.gov>
Subject: RE: Virtual meetings

Joanne,

Members of the public will have the ability to call-in to the meetings as well. The WebEx platform allows for this. The

meeting agenda that will be posted contains detailed instructions on how to access the meeting via the web or by phone. This should not be an obstacle for anyone.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

-----Original Message-----

From: Joanne Moudy
<jomoudy@gmail.com>
Sent: Wednesday, April 29, 2020 10:53 AM
To: Kristi Trisko
<kristi.trisko@phoenix.gov>; David O
Simmons <david.simmons@phoenix.gov>;
Jim Waring <Jim.Waring@phoenix.gov>;
Barto, Nancy K. & Joe <nbarto@azleg.gov>
Subject: Virtual meetings

This message is from Gloria Burson:

Joann, re Zoom and internet service, I have perhaps the slowest internet service outside my internal WiFi. We talk on the phone with doctors. Both my husband and I have peripheral neuropathy. We use canes but are unable to walk any distance.
Gloria Burson

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Tuesday, May 5, 2020 10:23 PM
To: Dave Cisiewski
Cc: David O Simmons; Kristi Trisko; Jim Waring; Sal DiCiccio; Mayor Gallego; Kristi Trisko; Jan Reno & David Riley; Hanson, Shelly & Robert; Stuart.Hamer@verizonwireless.com; Bill Sandy; wendysmith85085@gmail.com; Bill & Connie Verno; Barto, Nancy K. & Joe
Subject: Virtual meeting

Good evening David C.,

After several futile attempts to log on to you website I gave up. After several attempted cell phone calls that didn't event go through, I gave up on that as well.

Please document how many residents actually were able to participate in your illegal neighborhood informational meeting & make those numbers available to us as well as the City.

You refused to provide the point of origin of your meeting so that we could arrive in our cars in protest. But I already had you pegged as definitely too much of a coward to provide that info. Whewwww- what's ya afraid of?

You also completely blew off those of us who are physically disabled. You didn't even have the decency to respond to those who are disabled.

Unbelievable!

I suggest you & the rest of your cronies (City Council included) watch this video about how a former marine explains lawful orders versus unlawful orders. You all know you're trampling our rights, and it will all come back to bite you in the end. If the most liberal state in the nation, CA police officers finally got it - AZ's will too & you'll have no one to defend your precious City Hall.

https://arizonafreedomalliance.ning.com/group/news-in-a-flash/forum/topic/show?id=6399857%3ATopic%3A192729&xgs=1&xg_source=msg_share_topic [arizonafreedomalliance.ning.com]

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Monday, May 4, 2020 1:31 PM
To: David O Simmons
Cc: Kristi Trisko; Dave Cisewski; Jan Reno & David Riley; Bill & Connie Verno; Hanson, Shelly & Robert; wendysmith85085@gmail.com; HeatherLennon@me.com; Barto, Nancy K. & Joe; Jim Waring; Sal DiCiccio
Subject: Re: Development meeting

David,

At least two on Yearling, well within the 600 ft boundary did not receive the letters, as of 5/2/20.

It's unfortunate the developer did not send the notices via certified mail.

What are the specific requirements for accommodating disabled citizens for all meetings, but especially in relation to "virtual" meetings which they can't participate in?

I am asking for very specific details of the developer's & the city's responsibilities to accommodate all who are disabled.

Not a ridiculous answer such as, "Well, they can call in from a land-line.", which is the developer's response to anyone who is disabled. That simply isn't sufficient or remotely legal.

Thank you for your assistance.

Regards,

Joanne Moudy
(808) 554-4792

> On May 4, 2020, at 11:08 AM, David O Simmons <david.simmons@phoenix.gov> wrote:

>

> Good morning, Joanne,

>

> Below are the Notification Letter Requirements:

>

> Notification letters shall be mailed or emailed for all neighborhood meetings. The letters shall be sent within 10 working days of filing the application and a minimum of 10 calendar days prior to the meeting.

> The applicant is required to mail or email meeting notifications to:

> 1. All property owners within 600 feet of the subject site, 2. The

> nearest resident within the four quadrants to the subject site, and 3.

> All neighborhood associations registered with the City that are within a one-mile radius of the subject site.

> Use the Zoning Notification search option:

> <https://www.phoenix.gov/nsd/programs/neighborhood-coordination>

>

> As outlined above, if a resident is outside of the 600 foot radius of the subject site, they will not receive a letter from the applicant.

>

> Respectfully,

>

> David Simmons, MA

> Planner II* Village Planner

> 200 West Washington Street

> 3rd Floor

> Phoenix, AZ 85003
> 602-262-4072
> david.simmons@phoenix.gov
>
> -----Original Message-----
> From: Joanne Moudy <jomoudy@gmail.com>
> Sent: Friday, May 1, 2020 5:39 PM
> To: Kristi Trisko <kristi.trisko@phoenix.gov>; David O Simmons
> <david.simmons@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>;
> nbarto@azleg.gov; dave@dclawaz.com; driley7@msn.com; VA4613@msn.com;
> Lennon Heather <HeatherLennon@me.com>; roberthanson1950@outlook.com
> Subject: Development meeting
>
> Hi Kristi,
> Here's another text from a resident who did NOT receive the developer's letter.
>
> Hi Joanne,
> We didn't receive a written letter from the attorney about the meetings. I've checked the mail several times this week.
If I hadn't joined NextDoor and requested to be added to this email chain, I would be completely out of the loop. I'm
sure there's a lot more people in the neighborhood they're not notifying as well.
>
> I agree that not everyone has the internet service, technology, and/or tech skills to hold these meetings virtually.
Really should be postponed until normalcy returns to the world.
>
> Thank you for all of your time and energy in this matter Joanne!
>
> With gratitude,
> Al and Nikki
>
>
> Regards,
> Joanne Moudy
> (808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Thursday, April 23, 2020 7:05 PM
To: Verno Associates
Cc: E Yearling Bob Hanson (roberthanson1950@outlook.com); Dave Riley; Heather Lennon (HeatherLennon@me.com); Connie @ MSN; David O Simmons
Subject: Re: Village Planning Committee Meeting 21 May 2020

We should just get the entire neighborhood to show up in demonstration against usurping our constitutional & civil rights. This COVID19 thing is a scam anyway - thanks to the Bill Gates Foundation, China & the WHO. I'm willing to risk a night in jail to sue their asses for violating my rights under the constitution- which Ray & I both wore a uniform to defend, which our dumb-ass governor has failed to uphold (his sworn oath be damned) & these low level "brown shirts" are falling in right behind. Sound like Nazi Germany? Anyone up for a sit-in? This buck has got to stop somewhere. We want & demand our constitutional rights be restored! Either we live in a duly established Republic with a Federal & State Constitution & a Declaration of Independence- or we do not!! When I took my oath as an officer in the US Army, I swore to defend this nation against ALL ENEMIES - BOTH FOREIGN & DOMESTIC. In my opinion our entire state bureaucracy has become a DOMESTIC ENEMY. That includes you, My Simmons.

Enough with being nice. We flood the office where the Village Planners have their computers & end this fiasco once & for all.....
She's back.

Regards,
Joanne Moudy
(808) 554-4792

> On Apr 23, 2020, at 6:09 PM, Verno Associates <VA4613@msn.com> wrote:
>

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Thursday, June 20, 2019 11:07 PM
To: Julie Riemenschneider
Cc: David O Simmons; Barto, Nancy K. & Joe; zack.schira@maricopa.gov; Mayor Gallego; Jim Waring; Sal DiCiccio
Subject: Re: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Hello Julie,

I appreciate you taking the time to respond, however you provided zero answers to my question about who had oversight during the 30 plus years that UPCO & Goodrich used this previously pristine desert as a testing & dumping site for extremely hazardous, dry explosive material used for the development of ejection seats in military fighter-grade aircraft. You also failed to answer the most important questions regarding what restrictions, regulations, &/or stipulations (if any) were put on the land for use by UPCO.

I am quite familiar with the area, as our property line abuts their boundary. I'm also aware that as of 2003, testing was still allowed (per City Council) but the land was controlled by the state. At some point, BLM was involved, but I have been unable to access title transfer info on that.

Regardless, after the ground was so thoroughly contaminated by not only Perchlorate, but also the deadly, toxic residues from the foam which fire fighters were forced to use every time UPCO created an explosion, that UPCO & Goodrich were ordered to cease & desist their testing. But by that time, all the combined HAZMATs had leached into this 160 acre site & into the aquifers.

Dramatically, on 11 September, 2002 (one year after the Twin Towers attack in NY), 3500 pounds of UPCO's illegally stored, dry explosive material spontaneously combusted & the explosive force blew windows out of homes over 1/4 mile away. 1000 residents were forced to evacuate for at least 24 hours because of the deadly, airborne plume that blanketed the surrounding sky. And just where do you think all that hazardous contamination within the plume ultimately landed? On our homes & property.

Even worse, less than 500 feet away from the 3500 pounds that blew up, sat an additional 50,000 pounds (totally illegally stored on the land without a permit). Had that blown up as well, it would have wiped out everything within a one mile radius & the casualties would have been horrendous. As an example, such an explosion would have completely flattened the Deer Valley Airport.

Additionally, according to numerous news articles, throughout the 1990's, UPCO had violated ADEQ's regulations more than forty times (not including anything to do with the carcinogenic residue - Perchlorate). A 1999 study of this 160 acre UPCO property showed Perchlorate contamination to a depth of 59 (fifty nine) feet - in the dirt.

In order to remove that amount of contaminated soil (to allow for a new housing development) one would need to dig & replace over 125 million cubic feet of dirt; roughly creating a crater the size of the University of Phoenix Stadium.

In order to get around this problem, UPCO drilled small areas of soil, tested them, and then inserted clean fill dirt into those very few and specific testing spots. The old, standing saguaro cacti alone are enough to prove that UPCO could not possibly have moved or remediated a sufficient amount of soil within the last ten years to make any impact. Furthermore, the most highly concentrated area of contamination exists within the exterior barb wired fence. That area is secluded & separately fenced with six foot chain link fencing.

Also, as early as 1994, the Phoenix City Fire Chief Brunacini, wrote letters of concern to UPCO regarding issues of possible spontaneous explosions, as well as environmental contamination. Later, in 2001, he wrote to the State regarding his concern about Arizona's renewal of UPCO's lease, stating, "The facility poses a threat to these (surrounding) neighborhoods." Sadly he was ignored, yet obviously his concerns were valid as the 2002 explosion illustrates.

In 2001, the City Planning Director wrote, "Continued operation of UPCO at this location presents numerous land use compatibility issues." He was also ignored.

UPCO's illegal use of this land for storage of their chemicals (& illegal dumping of toxic waste from their other testing sites) is precisely why I'm seeking the permits & restrictions that were placed upon UPCO or the land, when the State, the County government, or City Council allowed them to continue testing. Obviously, there was no oversight by anyone. The last thing UPCO &/or Goodrich cares to do is be forthcoming with the restrictions & regulations which they ignored & violated. So your suggestion that I reach out to them is simply one of ignorance.

If one were to compare this 160 acres to be developed to the "Love Canal" project in NY state, that area was only 70 acres. That cleanup took over 21 years & cost over four-hundred million dollars AFTER HOMES WERE BUILT - not including law suits against the municipalities and developers. To this day, many areas of that toxic dump site remain uninhabitable.

That said, sometime within the past 10 years UPCO hired Arcadis to begin water remediation efforts. Initially we were told that because of the extreme contamination, the remediation process would take approximately fifty years.

Then, suddenly, out of the blue - all is fine & the 160 acres is deemed "livable" for humans packed into proposed high-density housing.

There are many flaws & you as a coordinator, as well as others are very much to blame. Primarily, ADEQ has never set any standards for survivable Perchlorate levels! Nor have they heeded any recommendations from Fire Officials or the City Planning Director. Nor did ADEQ enforce their own regulations.

Instead, ADEQ simply relied upon the US EPA guidelines for Perchlorate, which also does not set any standards. Rather, the EPA leaves the regulation of survivable Perchlorate levels up to each state & municipalities to determine. That's great, except that Arizona's irresponsible ADEQ & municipalities never bothered to address the issue.

Survivable Perchlorate levels in Massachusetts are two part per billion. In California, the survivable levels are four parts per billion. Interestingly, prior to the enormous law suit against PG&E in CA in which Erin Brockovich played a key role, CA's acceptable perchlorate levels were 34 parts per billion. While Perchlorate was not the only chemical involved in that suit, CA immediately took steps to reduce the survivable level to what it is currently.

We purchased our home on Yearling Road in 2011 & our well is currently being tested every six months for Perchlorate. Our property (& well) is above (higher elevation) & at least 1/4 mile away from UPCO's previous "ground zero." Yet our most recent, semi-annual well test came in at 1.6 parts per billion.

There is an obvious, newly constructed building on the lower southwest portion of this 160 acres where Arcadis is in the midst of withdrawing water from the aquifer, recycling it through a reverse osmosis system to withdraw the Perchlorate, then returning the "clean" water right back down into the fully contaminated aquifer.

Does that seem like a quick or easy remedy to you & all your bureaucratic associates?

While this remediation system might be successful in fifty years (as previously estimated by the BLM), it most certainly has not achieved a final cleanliness standard - in any way, shape, or form. Thus your statement that remediation is "complete" is an absolute falsehood, or worse, a purposeful hiding of information by various municipalities.

To further illustrate why this 160 acres is unsuitable for any development, let me point out that approximately five miles east on Deer Valley Road, Pulte is building luxury homes on approximately 160 acres (roughly the same size as the contaminated area). Pulte or their purchasing group paid in excess of \$200 million for that 160 areas.

Likewise, going west on Happy Valley past 19th Avenue, two additional home builders are developing 160-170 acres. They also paid in excess of \$200 million for that bare land.

Yet UPCO sold (dumped) this 160 acres to the PAF Trust for a mere four million!! Four million for 160 acres - less than two miles from the other developments that paid over two-hundred million. Obviously, red flags would be going off in any planning & zoning official's head, should they take more than a cursory look. Sadly, this plan seems to be zipping right through.

Furthermore, Kyle Moyer's representatives have told us that city water and sewer will be brought in for this development. Great, the new homes get City water. But they have absolutely not addressed the contamination of the entire 160 acres of soil down to almost a sixty foot depth. So young kids will be rolling in their grass & swinging on play equipment that sits inches from Perchlorate contamination.

If I sound upset, I am. I served as an NBC (nuclear, biological, chemical) warfare officer in the US Army for nine years. I also worked for FEMA on contract to the State of Hawaii as their state Nuclear Defense Planner. I also taught the first HAZMAT classes on Oahu & taught as an adjunct instructor at the US Fire Training Academy in Emmitsburg, MD. I was trying to save firefighter's lives & I understand exactly what is written in our US law entitled SARA Title III, because I was involved in its writing.

For your edification, the only agency in the state of AZ to address the Perchlorate problem happens to be the AZ Department of Health. However, the arbitrary level they established years ago as "survivable" is 14 parts per billion, which is simply, dangerously, too high.

Also, the AZ Dept of Health does not happen to be on the "route" for building permits. So they were not even consulted in this critical matter.

The Kyle Moyer PR firm is attempting to ram through a new, high density housing development on land that has been completely contaminated. But their plans breezed right through ADEQ because, as I previously stated, ADEQ has failed miserably to set any type of acceptable, survivable limits on Perchlorate. ADEQ has simply ignored this horrific problem.

Also for you edification, Perchlorate attacks a human's thyroid gland (located in the nape of the neck) and causes cancer. Might you not find it interesting, sitting in your nice office, that many of the original residents up here in this small county island immediately adjacent to the 160 acre UPCO testing site, have either had thyroid cancer & the gland removed (plus chemotherapy &/or radiation treatments) or have some type of thyroid disease? And many are on medication for their thyroid problems? I doubt you have even given such a terrible truth the slimmest of considerations.

But you see, we're all zoned R-43 & don't live particularly close to each other. So the original settlers didn't share their personal health problems with each other: until now. Now, finally, the residents are connecting the dots & realize that the probable cause of their cancer was/is UPCO's unrelenting testing, ADEQ's lack of oversight, the County's lack of oversight & now that it's under the purview of the City - the City's complete complacency.

You, et al, are about to let a new development happen on this contaminated land. Which means that 240-300 new, young families with little children will be moving (quite naive & unsuspectingly) onto a ticking time bomb of cancer and other possible health risks.

Plus, the moment the earthmovers, bulldozers, rock crushers, etc. start; all the current residents in close proximity (like us) will have to bear the brunt of the contaminated soil becoming airborne and blanketing our own properties.

I would appreciate specific answers to my original questions to Dave Simmons. If necessary, then by all means, coordinate with ADEQ (because according to your title, you are supposed to be able to coordinate).

However, I can tell you that up until this moment ADEQ has only obfuscated and ignored their responsibilities. Thus, they have not been remotely helpful to this point.

Regards,
Joanne Moudy
(808) 554-4792

> On Jun 20, 2019, at 12:45 PM, Julie Riemenschneider <julie.riemenschneider@phoenix.gov> wrote:
>
> Hello Joanne,
>
> This property was the former Universal Propulsion Company (UPCO) site. This site has gone through remediation under the review of Arizona Department of Environmental Quality (ADEQ) Hazardous Waste group
> If you would like more specific information about the cleanup that has occurred at this site please contact the regulatory agency, ADEQ.
> You can call or email Anthony Leverock at 602-771-4160 or Leverock.Anthony@azdeq.gov.
> ADEQ should be able to help you find information about all the sampling and cleanup that has been completed at this site.
>
> Thanks,
>
> Julie Riemenschneider
> Environmental Programs Remediation Coordinator City Manager's Office
> City of Phoenix
> 200 West Washington Street, 14th floor Phoenix, Arizona 85003
> 602-256-5681
>
> -----Original Message-----
> From: David O Simmons
> Sent: Wednesday, June 19, 2019 2:56 PM
> To: Joanne Moudy <jomoudy@gmail.com>
> Cc: Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen
> <nancy.allen@phoenix.gov>
> Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD
> Environmental Concerns
>
> Hi Joanne,
>
> As I mentioned on the phone, I handle Rezoning and General Plan cases. To obtain history on a site within the City of Phoenix municipal boundary please complete an on-line records request here: <https://www.phoenix.gov/pio/public-records-request> Have you tried reaching out to UPCO and Goodrich as of yet? They may be the able to provide copies of these records.
>
> I have also cc'd Rosanne and Nancy from our Office of Environmental Programs as they may be able to offer further insights into your inquiry.
>
> Thanks,
>
> David Simmons, MA

> Planner II* Village Planner
> 200 West Washington Street
> 3rd Floor
> Phoenix, AZ 85003
> 602-262-4072
> david.simmons@phoenix.gov
>
> -----Original Message-----
> From: Joanne Moudy <jomoudy@gmail.com>
> Sent: Wednesday, June 19, 2019 2:44 PM
> To: David O Simmons <david.simmons@phoenix.gov>
> Subject: Re: Test
>
> Hi again,
> Can you possibly provide any/all of the explosive testing permits & stipulations which were secured by UPCO & Goodrich? I'd also like to know which government agency had oversight on UPCO & Goodrich on this 160 acre parcel while their explosive testing & unlawful dumping of excess hazardous waste was occurring (over a 50-60 year period).
>
> I'd greatly appreciate any info on this that you can pull up from records at the city!
> Thanks.
>
>
> Regards,
> Joanne Moudy
> (808) 554-4792
>
>> On Jun 19, 2019, at 1:50 PM, David O Simmons <david.simmons@phoenix.gov> wrote:
>>
>> The Case No. is Z-37-19-2, Central Foothills PUD.
>>
>> David Simmons, MA
>> Planner II* Village Planner
>> 200 West Washington Street
>> 3rd Floor
>> Phoenix, AZ 85003
>> 602-262-4072
>> david.simmons@phoenix.gov
>>
>> -----Original Message-----
>> From: David O Simmons
>> Sent: Wednesday, June 19, 2019 1:50 PM
>> To: Joanne Moudy <jomoudy@gmail.com>
>> Subject: RE: Test
>>
>> Hi Joanne,
>>
>> Thank you again for reaching out. You can review the applicants first submittal narrative here:
<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases> once it is posted. I just submitted it so give it a day to post. Please let me know if you have questions throughout the process. I am here as a resource. Take care and talk soon.
>>
>> Respectfully,

>>
>> David Simmons, MA
>> Planner II* Village Planner
>> 200 West Washington Street
>> 3rd Floor
>> Phoenix, AZ 85003
>> 602-262-4072
>> david.simmons@phoenix.gov
>>
>> -----Original Message-----
>> From: Joanne Moudy <jomoudy@gmail.com>
>> Sent: Wednesday, June 19, 2019 1:44 PM
>> To: David O Simmons <david.simmons@phoenix.gov>
>> Subject: Test
>>
>> Hi David,
>> This is a test. Please respond & then I will email you back.
>>
>> Regards,
>> Joanne Moudy
>> (808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, April 29, 2020 5:16 PM
To: Kristi Trisko; David O Simmons; Jim Waring; nbarto@azleg.gov; Jan Reno & David Riley; Hanson, Shelly & Robert; Bill & Connie Verno; Lennon Heather; Bill Sandy
Subject: Governor's update

I just finished watching Governor Ducey's press briefing & he's predicting a slow reopening of our state by 5/15/20. Large meeting like those involving our development fight may take a week or two longer. And he's already relaxed limits on certain businesses.

Based upon this update, it seems even more logical & reasonable to just delay these future meetings by 30 days. That's not significant in the large picture should this developer succeed in his application. But respecting our rights to lawfully assemble & participate openly in a legitimate discourse is very significant. Especially given our very unique situation & disadvantages related to participating in any type of virtual meeting.

Thank you for rethinking this & not violating our civil rights.

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, April 29, 2020 12:12 PM
To: Kristi Trisko; David O Simmons; Jim Waring; Barto, Nancy K. & Joe
Subject: Fwd: Internet

Here's another one.

Our neighborhood simply does not have reliable internet capabilities because our county island lacks cable. So you & the developer have us all over an unjust barrel & we believe our civil liberties are being ignored.

AG Barr yesterday said that he was calling on all US Attorneys to ensure that any/all state & local government officials were not infringing upon the civil liberties of lawfully abiding US Citizens (which we are). If these meetings proceed without any of us being able to participate due to pushing the agenda of virtual meetings, you will be violating our civil liberties of the right to assemble, participate in active & vibrant discourse, & express our views openly. Emails & letters can't adequately represent us because many of the elderly population in the neighborhood can't hold a pen or type. They can use a walker with oxygen to attend meetings, but little else.

Please do the right thing & end this push for virtual meetings for our neighborhood.
Thank you for your time & due consideration.

Regards,
Joanne Moudy
(808) 554-4792

Begin forwarded message:

From: "A. Wendy Smith" <wendysmith85085@gmail.com>
Date: April 29, 2020 at 11:57:57 AM MST
To: E Yearling Joann Moudy 616 E Yearling <Jomoudy@gmail.com>
Subject: Internet

We are with Air Fiber internet.

Even though it is more reliable than our previous carriers, we still have issues with it just cutting out and coming back on. It can do that for an hour or two - on off on off.

I have had trouble with Zoom work meetings. I also recently have had necessary telehealth appointments. Only about half of those worked and the other half ended up having to be phone calls.

Russell Smith 602-579-1487
A. Wendy Smith 623-205-1834
26016 N. Central Ave.

David O Simmons

From: Joshua Bednarek
Sent: Thursday, February 13, 2020 2:39 PM
To: Samantha Keating; David O Simmons
Subject: FW: Hello and info on meeting next Thursday



**PRESERVE
SHAPE
BUILD**

Thank you,

Joshua Bednarek, LEED AP ND
Deputy Director, Planning Division
Office: 602-256-3555
E-mail: joshua.bednarek@phoenix.gov

City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003

Mission: Planning, Development and Preservation for a Better Phoenix

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Tuesday, February 11, 2020 11:24 AM
To: Joshua Bednarek <joshua.bednarek@phoenix.gov>
Cc: Jim Waring <Jim.Waring@phoenix.gov>
Subject: Re: Hello and info on meeting next Thursday

Hi Joshua,

I appreciate your response & also look forward to meeting you. What I believe you & Councilman Waring fail to understand is that we are not opposed to the development. That is not the purpose of this meeting. We're not going to attempt to discuss the pros or cons of a development occurring on this 157 acre parcel.

What is at stake however, is that we firmly believe the land itself remains toxic due to all the horrific testing & dumping that continuously occurred for approximately 40 years on said land.

And quite frankly, ADEQ has done zero to alleviate our worst fears that those of us who reside in close proximity will have their homes, lives, & health further damaged or injured. My opinion is that ADEQ is a reckless and irresponsible state agency with no accountability- & they have lied to or misled us from the outset.

We are simply attempting to get an independent soil testing company to test all areas where this new housing development is proposed (at either the state's expense or UPKO's).

If the soil tests clean, then full steam ahead with a nice development that fits our village plan. If it doesn't, then the land should be left alone to heal.

But the fact that a sitting City Councilman doesn't seem to care about a hazardous waste area within his own jurisdiction is very sad.

This is not about protocol or separation of powers, it's about being responsible to your own constituents.

We look forward to seeing you Thursday.

Regards,
Joanne Moudy
(808) 554-4792

On Feb 10, 2020, at 4:03 PM, Joshua Bednarek <joshua.bednarek@phoenix.gov> wrote:

Joanne:

I look forward to attending the meeting. I will tell you that in my 15+ years of doing this work it would be unusual for a councilmember to get too involved at this stage in the process. Phoenix's rezoning process involves a thorough analysis by staff and reviews by the village planning committees and Planning Commission before the request even gets to the City Council. As this request has not been given any hearing dates and is in the midst of the staff review, I believe it speaks to Councilman Waring's consideration of your concerns that he asked me to attend the meeting.

I appreciate the opportunity to listen to you and your neighbors on Thursday. In the meantime, please don't hesitate to contact me if you need anything else.

Thank you,

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Office: 602-256-3555

<image001.jpg> E-mail: joshua.bednarek@phoenix.gov

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200 West Washington Street
Phoenix, AZ 85003

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From: Joanne Moudy <jomoudy@gmail.com>

Sent: Friday, February 7, 2020 9:32 PM

To: Joshua Bednarek <joshua.bednarek@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Jan Reno & David Riley <driley7@msn.com>; Associates Verno <VA4613@msn.com>; roberthanson1950@outlook.com

Subject: Re: Hello and info on meeting next Thursday

Hi Joshua,

Thank you for volunteering to come to a small informational meeting at my home next Thursday at 6pm. Your email and outreach are much appreciated.

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If Councilman Waring would attend, I believe he would be appalled by what ADEQ has/is doing. But apparently our lives and health don't matter to him, or he has "better" things to do.

We are unique because such a high percentage of our residents have suffered terribly, both medically and emotionally at the very hands of previous city council members who made devastating and reckless decisions related to the land in question. Thus, few in our neighborhood believe in the integrity of any current city council members or the city planning department. (No personal offense intended).

At this juncture Councilman Waring has a perfect opportunity to re-establish trust, and I'm deeply disheartened he is passing it up. I've personally been keeping Councilman Waring's reputation up & afloat throughout our struggles with ADEQ & the AZ Health Dept. But his apparent disinterest in ADEQ's obfuscation - causes me to pause.

That being said, we'd be very happy to have you attend so that we may educate you on what ADEQ has been doing and how they have and are continuing to lie to all of us.

My address is 616 E. Yearling Rd, Phoenix, 85085

Major cross streets are Happy Valley Rd & Central Ave. I'm the last home at the east end of Yearling, but there is adequate parking.

Thank you for contacting me.

Regards,
Joanne Moudy
(808) 554-4792

On Feb 7, 2020, at 4:20 PM, Joshua Bednarek <joshua.bednarek@phoenix.gov> wrote:

Hi Joanne:

My name is Joshua Bednarek and I am with the City of Phoenix Planning and Development Department. I understand from Councilman Waring you are hosting a meeting regarding the Central Foothills PUD proposal next week. Councilman Waring is unable to attend, but wants to make sure someone from the City of Phoenix is in attendance. I let the Councilman know I would be happy to attend. When you have a moment, can you let me know where and what time the meeting will be held. Thanks so much and I look forward to meeting with you next week.

Thank you,

Joshua Bednarek, LEED AP ND
Deputy Director, Planning Division

Office: 602-256-3555

E-mail: joshua.bednarek@phoenix.gov

<image001.jpg>

City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003

Mission: Planning, Development and Preservation for a Better Phoenix

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Friday, May 1, 2020 11:16 AM
To: David O Simmons; Kristi Trisko; Jim Waring; nbarto@azleg.gov; dave@dclawaz.com; driley7@msn.com; Associates Verno; Lennon Heather; roberthanson1950@outlook.com; wendysmith85085@gmail.com
Subject: Re: Virtual meetings

You still haven't addressed how you plan for us to watch or participate in a WebEx without cable or internet, nor how we're supposed to listen on cell phones that no longer have reliable coverage thanks to the City enhancing (& overpowering) our cell phone coverage, nor have you addressed The ADA - which is not mentioned anywhere.
Part of our neighborhood residents are physically or mentally disabled up to the point of 100%.

So until you come up with a way to accommodate our disabled population, you (the department) is breaking Federal Law).

Have a nice day!

Regards,
Joanne Moudy
(808) 554-4792

On May 1, 2020, at 10:15 AM, David O Simmons <david.simmons@phoenix.gov> wrote:

Good morning, Joanne,

In an effort to keep you in the know I am providing you with a sample of what the top of the Deer Valley VPC agenda will look like when it is posted. It outlines how to access the WebEx Village Planning Committee. Please let me know if you have additional questions.

NOTICE OF PUBLIC MEETING ******* VILLAGE PLANNING COMMITTEE**

Pursuant to A.R.S. Section 38-431.02, notice is hereby given to the members of the ****
***** VILLAGE PLANNING COMMITTEE and to the general public, that the **** *****
VILLAGE PLANNING COMMITTEE will hold a meeting open to the public on
Thursday, May 21, 2020, at 6:00 p.m.

Per the most recent guidelines from the federal government, the * ***** Village Planning Committee meeting will be held electronically, via a video conferencing platform.***

The public may listen to the live meeting by calling **602-***-****** and following the below steps:

- **Enter meeting access code *****#**
- **Press # again when prompted for the attendee ID**

Members of the public may also observe the virtual meeting by visiting the following link and registering on the website:

<https://cityofphoenixpdd.webex.com/cityofphoenixpdd/onstage/g.php?MTID=ea6e3873951b0bc1e9ad6dfb9d7e0bdca> [cityofphoenixpdd.webex.com]

If you wish to provide a written comment or speak at the virtual meeting, please submit a request to **David Simmons**, Deer Valley Village Planner, via email at david.simmons@phoenix.gov at least 48 hours prior to the start of the meeting. Please indicate the item(s) number if you wish to speak. Staff will provide you further instructions on the process for public comment during the virtual meeting. Staff will make every effort to accommodate requests to speak submitted beyond the 48 hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than six business hours before the start of the meeting.

For further information regarding the format of the meeting, please contact **David Simmons** at **602-262-4072**.

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Friday, May 1, 2020 8:17 AM
To: Dave Cisiewski <dave@dclawaz.com>
Cc: David O Simmons <david.simmons@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Barto, Nancy K. & Joe <nbarto@azleg.gov>; Kyle Moyer <kyle@kylemoyer.com>
Subject: Re: Virtual meetings

David C.

We don't have stable cell coverage in our area (but I'm sure you know that & are exploiting the condition). The City recently upgraded the radar system at the Deer Valley Airport & the radar cuts about 50% of all calls, making it impossible to have a coherent conversation. This is true regardless of cell carrier.

And what accommodations are you making for those who are disabled? Some in this neighborhood are 100% disabled & you are legally bound to accommodate all disabled persons per the USADA laws & regulations.

Where will the computer you'll be using be located? Some of us want to drive there in protest & bring the media along to demonstrate how you are exploiting the COVID19 lockdown to ram a very dangerous development through.

Will it be from your office or your home? Thank you for providing that information so that those of us who can drive, can show up in protest.

Regards,
Joanne Moudy
(808) 554-4792

On May 1, 2020, at 7:47 AM, Dave Cisiewski <dave@dclawaz.com> wrote:

David:

Yes, there is a call-in option. As outlined in the Virtual meeting information that was provided as part of the Notice Letter, there is the ability to simply call-in for the meeting, which calls could be made either from a cellular phone or a land line. As we have posted both the PUD Narrative and GPA Narrative to the project website, also referenced in the Notice Letter, anyone has the ability access those documents to have complete information on the proposed development and development standards, all the environmental information, and all current development plans.

Thank you

David Cisiewski, Esq.
Law Office of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, Arizona 85028
Tel: 602-953-8729
Email: Dave@DCLAWAZ.com
Website: www.DCLAWAZ.COM

IRS CIRCULAR 230 DISCLOSURE: To ensure compliance with requirements imposed by the Internal Revenue Service, we inform you that, to the extent this communication (or any attachment) concerns any tax matter, it was not written to be (and may not be) relied upon to (1) avoid tax-related penalties under the Internal Revenue Code, or (2) promote, market or recommend to another party any transaction or matter addressed herein (or in any such attachment).

The information contained in this message may be protected by the attorney-client privilege. It is intended for the addressee only. Please immediately reply to the sender of this e-mail if you have received it in error, then delete it. Thank you

-----Original Message-----

From: David O Simmons <david.simmons@phoenix.gov>

Sent: Thursday, April 30, 2020 3:33 PM

To: Joanne Moudy <jomoudy@gmail.com>; Kristi Trisko

<kristi.trisko@phoenix.gov>; Jim Waring

<Jim.Waring@phoenix.gov>; Barto, Nancy K. & Joe

<nbarto@azleg.gov>

Cc: Dave Cisiewski <dave@dclawaz.com>

Subject: RE: Virtual meetings

Joanne,

I have also forwarded all emails with Zoom access concerns related to the neighborhood meeting on to the applicant so he is aware of potential obstacles stakeholders in the area may be facing. I'm not sure if there is a call-in option with Zoom like we have with WebEx for public hearings.

Dave, can you speak to that?

Thanks,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

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<kristi.trisko@phoenix.gov>; Jim Waring

<Jim.Waring@phoenix.gov>; Barto, Nancy K. & Joe

<nbarto@azleg.gov>

Subject: RE: Virtual meetings

Joanne,

Members of the public will have the ability to call-in to the meetings as well. The WebEx platform allows for this. The meeting agenda that will be posted contains detailed instructions on how to access the meeting via the web or by phone. This should not be an obstacle for anyone.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

-----Original Message-----

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, April 29, 2020 10:53 AM
To: Kristi Trisko <kristi.trisko@phoenix.gov>; David O Simmons <david.simmons@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Barto, Nancy K. & Joe <nbarto@azleg.gov>
Subject: Virtual meetings

This message is from Gloria Burson:

Joann, re Zoom and internet service, I have perhaps the slowest internet service outside my internal WiFi. We talk on the phone with doctors. Both my husband and I have peripheral neuropathy. We use canes but are unable to walk any distance.
Gloria Burson

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Thursday, April 23, 2020 7:15 PM
To: Verno Associates
Cc: E Yearling Bob Hanson (roberthanson1950@outlook.com); Dave Riley; Heather Lennon (HeatherLennon@me.com); Connie @ MSN; David O Simmons
Subject: Re: Village Planning Committee Meeting 21 May 2020

As a follow up to my very recent email I'd like to add the reason I'm so damn angry now is because you, Mr. Simmons have virtually & truly just flipped us all a huge bird. You have not even yourself had the dignity or decency to ensure that the PR company & your buddy Dave C. have followed basic planning guidelines! The only possibly explanation for you ignoring all set & established guidelines is maybe that you have some skin in this game?? Please prove me wrong & make the developer follow all established guidelines! It'd be a terrible thing to have our local news find out anyone in the planning department is corrupt. God forbid.

Regards,
Joanne Moudy
(808) 554-4792

> On Apr 23, 2020, at 7:04 PM, Joanne Moudy <jomoudy@gmail.com> wrote:

>

> We should just get the entire neighborhood to show up in demonstration against usurping our constitutional & civil rights. This COVID19 thing is a scam anyway - thanks to the Bill Gates Foundation, China & the WHO.

> I'm willing to risk a night in jail to sue their asses for violating my rights under the constitution- which Ray & I both wore a uniform to defend, which our dumb-ass governor has failed to uphold (his sworn oath be damned) & these low level "brown shirts" are falling in right behind.

> Sound like Nazi Germany?

> Anyone up for a sit-in? This buck has got to stop somewhere.

> We want & demand our constitutional rights be restored! Either we live in a duly established Republic with a Federal & State Constitution & a Declaration of Independence- or we do not!!

> When I took my oath as an officer in the US Army, I swore to defend this nation against ALL ENEMIES - BOTH FOREIGN & DOMESTIC. In my opinion our entire state bureaucracy has become a DOMESTIC ENEMY. That includes you, My Simmons.

>

> Enough with being nice. We flood the office where the Village Planners have their computers & end this fiasco once & for all.....

> She's back.

>

> Regards,

> Joanne Moudy

> (808) 554-4792

>

>> On Apr 23, 2020, at 6:09 PM, Verno Associates <VA4613@msn.com> wrote:

>>

David O Simmons

From: Joshua Bednarek
Sent: Thursday, February 13, 2020 2:39 PM
To: Samantha Keating; David O Simmons
Subject: FW: Hello and info on meeting next Thursday



**PRESERVE
SHAPE
BUILD**

Thank you,

Joshua Bednarek, LEED AP ND
Deputy Director, Planning Division
Office: 602-256-3555
E-mail: joshua.bednarek@phoenix.gov

City of Phoenix
Planning & Development Department
200 West Washington Street
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Mission: Planning, Development and Preservation for a Better Phoenix

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What is at stake however, is that we firmly believe the land itself remains toxic due to all the horrific testing & dumping that continuously occurred for approximately 40 years on said land.

And quite frankly, ADEQ has done zero to alleviate our worst fears that those of us who reside in close proximity will have their homes, lives, & health further damaged or injured. My opinion is that ADEQ is a reckless and irresponsible state agency with no accountability- & they have lied to or misled us from the outset.

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Joanne Moudy
(808) 554-4792

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Thank you,

Joshua Bednarek, LEED AP ND
Deputy Director, Planning Division

Office: 602-256-3555

E-mail: joshua.bednarek@phoenix.gov

<image001.jpg>

City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003

Mission: Planning, Development and Preservation for a Better Phoenix

David O Simmons

From: David O Simmons
Sent: Wednesday, May 13, 2020 10:00 AM
To: julie@bradfeldt.com
Cc: Geno Koman; Kristi Trisko
Subject: RE: Error in trying to register for the meeting

Julie,

The Deer Valley Village meeting is my first virtual hearing. You do not need to submit your public comment prior to the meeting. My apologies for the miscommunication. I have added your name to the Public Comment portion of the presentation. You wish to speak in opposition of Item Nos. 5 and 6, correct?

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: julie@bradfeldt.com <julie@bradfeldt.com>
Sent: Tuesday, May 12, 2020 5:05 PM
To: David O Simmons <david.simmons@phoenix.gov>
Cc: Geno Koman <geno.koman@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>
Subject: RE: Error in trying to register for the meeting

I don't have them prepared yet. Besides, I am now leery about you forwarding them on to the attorney for the PUD as you seem to have done for every other correspondence we have sent to you, but there is certainly not full disclosure on anything going the other way.

If you could convince me of any good reason you would need them in advance and if I could somehow feel there was an assurance they wouldn't be shared, then I would be more likely to consider doing so. However, the trust is broken, I certainly do not feel there is full disclosure to our benefit and the City of Phoenix rezoning guide is clearly NOT being followed, and because of this our neighborhood is drastically being misrepresented by the one-sided Participation report that is FALSE – minutes were NEVER provided, they stated those gatherings were informal meetings and now they are trying to claim they were actually formal neighborhood meetings (we have e-mails from you stating otherwise as well) and that just doesn't fly.

This whole process has dysfunctional oversight and it is clear the City is trying to plow through with this PUD for undisclosed reasons and are not following community responsibility mandates despite their published rules and guidance.

How about if you send us the transcript of their presentation in advance?

Julie Bradfeldt
REALTOR®

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Tuesday, May 12, 2020 4:43 PM
To: julie@bradfeldt.com
Cc: Geno Koman <geno.koman@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>
Subject: RE: Error in trying to register for the meeting

Julie,

Please send me your comments for items 5 and 6 and I will add you to the speaker list. As for the registration, I have cc'd Geno Koman and he will be able to help us trouble shoot this.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: julie@bradfeldt.com <julie@bradfeldt.com>
Sent: Tuesday, May 12, 2020 4:34 PM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: RE: Error in trying to register for the meeting

To clarify, I would like time to speak on both Items #5 and #6

From: julie@bradfeldt.com <julie@bradfeldt.com>
Sent: Tuesday, May 12, 2020 4:17 PM
To: 'David O Simmons' <david.simmons@phoenix.gov>
Subject: Error in trying to register for the meeting

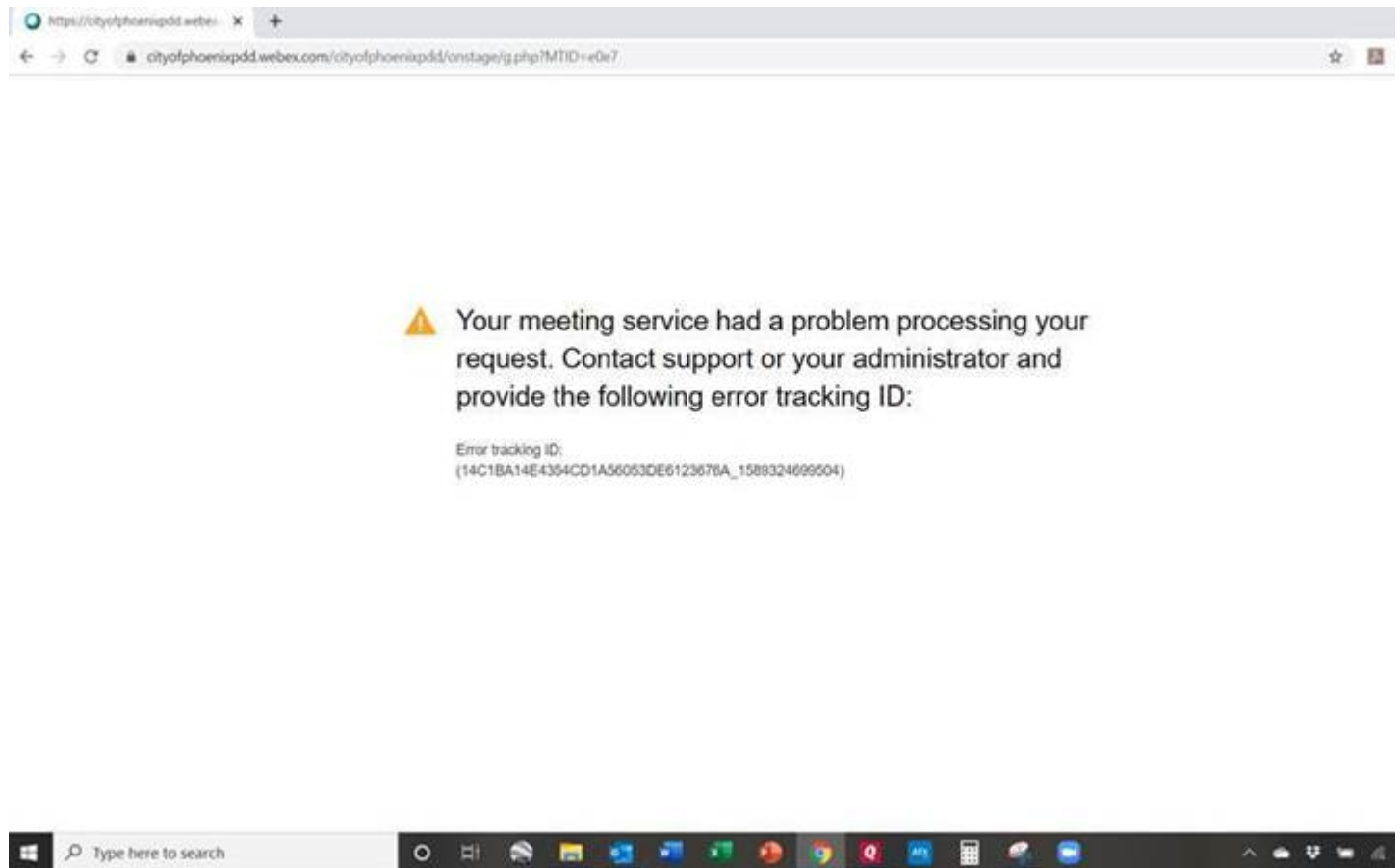
David,

I am trying to register for the meeting in the following URL and I am receiving the error below (see screen shot). I have tried at least 5 times and receive the same message with a different tracking ID each time.

“NOTICE OF PUBLIC MEETING DEER VALLEY VILLAGE PLANNING COMMITTEE”

<https://www.phoenix.gov/cityclerk/site/PublicMeetings/200521005.pdf>

I would like to register and ask for time to speak.



Julie Bradfeldt REALTOR®
612.965.7749
julie@bradfeldt.com
juliebradfeldt.com

Russ
Lyon 
Sotheby's
INTERNATIONAL REALTY

David O Simmons

From: julie@bradfeldt.com
Sent: Sunday, February 16, 2020 8:38 PM
To: David O Simmons
Cc: Samantha Keating
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

David,

You mentioned that "Staff posts the revised narratives that we request from the applicant on our website for public access, review and comment".

I see the following site:

<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases>

This claim is only listed under 2019 (and not under the 2020 submittal) and I do not see any staff comments like I do for some of the other cases (such as Z-4-19 and Z-8-19).

In my opinion, these staff comments should have been posted quite a long time ago (at least well prior to the applicants resubmission in January 2020, which was obviously addressing these comments) so the public may be made aware of what is being asked and what is going on with the status. Especially considering we have a meeting coming up this Thursday and most of the public will not have had ANY chance to access, review or comment on any of the issues.

How can this meeting even move forward under these circumstances? It would seem there should be full disclosure to the public in a timely manner to give the public at least as much opportunity as the applicant has to address issues. This information should not be left to the public having to specific records request when this information was ready available to the applicant.

Any comments you have are much appreciated. I feel we have been left in the dark and now asked to voice our concerns when we have not been made aware of what has occurred to date and what has and has not been addressed by the applicant. I happen to live directly across from this development and am well within the notification area.

Thank you,

Julie Bradfeldt
[\(612\) 965-7749](tel:(612)965-7749)

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Thursday, February 6, 2020 10:46 AM
To: Julie Bradfeldt <julie@bradfeldt.com>
Cc: Samantha Keating <samantha.keating@phoenix.gov>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Hi Julie,

The responses to the applicants PUD Narrative submittals are indeed a public record. Please complete a public records request. You can access the request form here: <https://www.phoenix.gov/pio/public-records-request>

Let me know if you have further questions.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Julie Bradfeldt <julie@bradfeldt.com>
Sent: Wednesday, February 5, 2020 12:17 PM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: Re: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

David,
Thank you for your quick and timely response. This information is very helpful.

You mentioned the staff review comments and responses. Are those open for disclosure to the neighborhood as well? If so, is there a formal process that needs to be completed in order to request this information?

| Julie Bradfeldt

On Feb 5, 2020, at 8:46 AM, David O Simmons <david.simmons@phoenix.gov> wrote:

Julie,

Staff posts the revised narratives that we request from the applicant on our website for public access, review and comment. Staff has reviewed the second narrative submittal you referenced in your message below. We still have significant comments. The applicant will be required to address the second review comments and resubmit yet another narrative for review. We will go through this process as many times as needed until we have a hearing draft. A hearing draft will have addressed staffs comments as well as neighborhood concerns. Formal hearing dates will not be provided to the applicant until we receive a hearing draft. Staff is aware of the ongoing ADEQ DUER being conducted on the site. The applicant will not be able to move forward to public hearings until these issues have been resolved and the city receives notice from ADEQ that Parcels 1 and 3 have been cleared for residential uses. This will be determined in the second DEUR.

Planned Unit Development (PUD) requests are required to go to the Village Planning Committee twice. Once for an Information Only presentation given by the applicant and once for a Formal Recommendation. Staff has scheduled the Information Only presentation for the Village Planning Committee on 02/20/2020. I encourage you to attend this meeting as this is an opportunity for you and your neighbors to voice your concerns to the Village Planning Committee members, the applicant and their development team as well as to other stakeholders in your area. Please arrive a few minutes early to allot yourself time to complete a speaker card. I anticipate we will have a sizable crowd in attendance for this agenda item. If you are aware of many friends and neighbors attending, you can organize prior to the meeting and allot your speaker time to one person or you may all speak individually. This is

completely up to you. Please let me know if you have further questions or concerns. I am here as a resource.

DEER VALLEY VILLAGE PLANNING COMMITTEE will hold a meeting open to the public on **Thursday, February 20, 2020, at 6:00 p.m.** located at the **Deer Valley Community Center, 2001 West Wahalla Lane, Phoenix, Arizona.**

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: julie@bradfeldt.com <julie@bradfeldt.com>
Sent: Tuesday, February 4, 2020 9:15 PM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

David,
Apparently they made a revision to the rezoning application on January 10, 2020 per the attached link:
<https://www.phoenix.gov/pdds/site/Documents/PZ/Z-37-19n.pdf>

Is there a way to obtain or ask for a red-line version of the plan changes from the 1st submittal so we can clearly see what has been modified / updated? From looking at the new drawing on Page 45, they have made very minimal changes and are still proposing high density (7.2 homes per acre) housing right next to Yearling Road with a very small buffer. This is completely inconsistent with the surrounding neighborhood. Other developments in close proximity to our county island have been required to have MUCH larger buffers in the range of 150' – 180' with additional walking paths and such. They are still not allowing for any sort of reasonable transition to the significant land use alteration. In addition, the land has NOT BEEN determined to be suitable for residential purposes and poses significant health risks.

As far as I know, none of the neighbors have received any notifications from them in regards to this revision. There is now a sign posted for the upcoming Feb 20, 2020 Village Planning Meeting.

In addition to my question in red above, do you have any updates on the process and what our neighborhood can do to be heard by the Village Planning Committee?

Thank you,

Julie Bradfeldt

[\(612\) 965-7749](tel:6129657749)

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Wednesday, July 31, 2019 10:10 AM
To: Julie Bradfeldt <julie@bradfeldt.com>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Julie,

Pardon my delay in reply. The General Plan Amendment (GPA) is a separate submittal that will go through the process as a companion case. The Case No. is GPA-DV-2-19-2. How did the meeting go?

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Julie Bradfeldt <julie@bradfeldt.com>
Sent: Monday, July 22, 2019 8:43 AM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

David,

I have found the attached link.

<https://www.phoenix.gov/pdds/site/Documents/PZ/Z-37-19n.pdf>. Does this represent ALL of the documents submitted with their rezoning application? If not, can you please send copies of anything else submitted?

In a couple sections they refer to submitting a minor amendment to the General Plan. I assume this is a separate application? Can you please advise on how this can be located or could you please send a copy of this application? What is the process that governs an amendment application and how can we fight this?

For reference, some excerpts from their rezoning application:

The current City of Phoenix General Plan Land Use Map reflects various land use designations on the subject property. The Site is currently designated as a combination of 0-1 dwelling units per acre/1-2 dwelling units per acre/Parks & Open Space (optional), Commerce/Business Park (CBP), and Future Parks & Open Space on the 2015 General Plan Land Use Map. **A minor General Plan amendment has been submitted in conjunction with this zoning application to revise the General Plan Land Use Map to modify the residential and Commerce/Business Park uses already designated on the Property.** The proposed Land Uses include approximately 78.3 acres of single family residential at 2 to 3.5 dwelling units per acre (du/ac), ±57.2 acres of Commerce/Business Park and 21.8 acres of medium density residential at 3.5 to 5 du/ac.

- A. Proposed General Plan Concurrent with this PUD Application, **a minor General Plan Amendment application has been filed with the City of Phoenix.** This application seeks to modify the General Plan Land Use designation on the subject property from Commerce/Business Park, Future Parks and Open Space, and Low Density Residential. See Exhibit 7: Existing General Plan Map. The proposed General Plan reflects a reduction in the size of the Commerce Park/Business Park designation by approximately 30 acres and proposes to

increase the overall allowed density of the residential area. See Exhibit 8: Proposed General Plan Map. The proposed amendment is quantified below:
<image001.png>

Thank you,

Julie Bradfeldt

From: Julie Bradfeldt <julie@bradfeldt.com>
Sent: Monday, July 22, 2019 9:59 AM
To: 'David O Simmons' <david.simmons@phoenix.gov>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

David,
Could you please send me all of the documents that were included in the Rezoning Case No. Z-37-19-2 application? I just want to make sure we have everything before the meeting with the developers tomorrow. As you know, all of the residents in the entire surrounding area are deeply opposed to this proposed development on this land.

Thank you,

Julie Bradfeldt

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Wednesday, June 26, 2019 11:25 AM
To: Julie Bradfeldt <julie@bradfeldt.com>
Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov; Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; Sal DiCiccio <sal.diciccio@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; zach.schira@maricopa.gov; Samantha Keating <samantha.keating@phoenix.gov>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Hello Julie,

Thank you for your e-mail addressing concern in regard to Rezoning Case No. Z-37-19-2 and General Plan Amendment Case No. GPA-DV-2-19-2 located at the northeast corner of Central Avenue and Happy Valley Road. Please know that a copy of your letter will be saved in the rezoning case file for record, included as an attachment in the staff report, forwarded to all of the hearing bodies and to the applicant so that they are aware of your concerns.

The Rezoning process is fluid and the stipulations that move forward to the hearing bodies are not set until there is a hearing draft. The PUD draft narrative submitted by the applicant can be reviewed here: <https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases> Reference Case No. Z-37-19-2.

I encourage you to attend all public meetings as this is a platform for you to be heard by the hearing bodies as well as other stakeholders in the area. This case has not been set for public hearing as of yet. However, the site will be posted with signage reflecting the meeting dates prior to any hearing taking place and the applicant is required to send out notifications to property owners within 600 feet of the project site informing them of meeting times and locations. Also, PUD's are required to go to the Village

Planning Committee twice. Once for information only and once for a recommendation from the committee. The case will then be heard in front of the Planning Commission and lastly by City Council for a final vote.

I am here as a resource. Please let me know if you have further land use related questions.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Julie Bradfeldt <julie@bradfildt.com>

Sent: Wednesday, June 26, 2019 6:40 AM

To: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov; Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; Sal DiCiccio <sal.diciccio@phoenix.gov>; David O Simmons <david.simmons@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; zach.schira@maricopa.gov

Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

SUBJECT: "Rezoning Case No. Z-37-19-2, Happy Valley Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019". This is a request for rezoning of the Central Foothills Planned Unit Development ("Central Foothills PUD" or "Application") which proposes the rezoning of approximately 157 gross acres of partially developed property located in north Phoenix, located specifically at the northeast corner of Central Avenue and Happy Valley Road.

TO ALL CONCERNED: As a property owner since 2007 residing in a neighborhood zoned S-1, I am very concerned to the impact of our quiet country lifestyle allowing a large development to invade this area. **I am deeply opposed to the proposed re-zoning of the S-1 neighborhood.**

For the reasons outlined by Joanne Moudy in her e-mail as referenced below and Bill Verno among many other of my fellow neighboring residents, I am primarily concerned about a development being proposed that contains 274 new homes presumably with families and children being exposed to the hazardous wastes that have been irresponsibly deposited on this land for many decades. These contaminants are known to cause cancers and other permanent and devastating health effects for ALL natural creatures inhabiting this land or otherwise allowed to be exposed to these elements. The cleanup efforts have only just begun and will not be completed for many years, if not decades to come. This site could not possibly be deemed "safe" for families even in an S-1 type zoning, but this problem and the related health risks would be exacerbated by allowing even a higher density type zoning as is currently being proposed. **To approve this plan would be utterly and completely irresponsible of any city official responsible for planning and development, and I, for one, would**

like to go on record as stating that I am extremely opposed to ANY development being allowed on this property.

From: Joanne Moudy <jomoudy@gmail.com>

Subject: Re: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Date: June 20, 2019 at 11:07:04 PM MST

To: Julie Riemenschneider <julie.riemenschneider@phoenix.gov>

Cc: David O Simmons <david.simmons@phoenix.gov>, "Barto, Nancy K. & Joe" <nbarto@azleg.gov>, zack.schira@maricopa.gov, mayor.gallego@phoenix.gov, jim.waring@phoenix.gov, sal.diciccio@phoenix.gov

My property abuts this proposed development and as a property owner here since 2007, I have personally witnessed the explosions promulgated by UPCO in the development and testing of the ejection seats. I have heard the news events relating to the hazardous wastes and extreme dangers that have occurred on this property. I have lived through the fears of having my own water tested for years and waiting the results of the perchlorate content along with other contaminants. Several of my neighbors that have lived in this area for an extended period have contracted cancer and other health issues as a result of the environmental hazards that exist on this subject parcel. Further, I am highly opposed to having the soils disturbed and being allowed to go airborne to further contaminate our properties and the air we breathe during any proposed construction putting us at further health risk. This development is clearly not acceptable.

City of Phoenix General Plan: There is nothing in the current City of Phoenix General Plan governing our area that would allow anything close to this type of development. This plan has been approved and exists for a reason. The approval of this application would violate this plan in its entirety. We all have purchased and paid a premium for our properties because of the low density, quiet neighborhood feel of an existing S-1 environment. The General Plan for the city which has been in place for quite some time only confirms the continued existence of this quiet S-1 zoning and open spaces. It is still unclear as to how UPCO was allowed to lease this property in the first place. Proper postings and notifications to the surrounding residents have not been completed so as to notify and inform the existing residents of the impacts this facility would have on the health of the surrounding residents. UPCO should not have been allowed to operate on this land and their existence has violated the ordinances that have already been in place. How bad do things have to get? Do the officials at the City of Phoenix just completely look the other way when a developer promises to bring in funds and the eminent risk to human life goes by the wayside? Or will things just continue in that completely irresponsible manner?

Further, in another lifetime where environmental concerns were not an issue for this parcel, the current proposed development does not address concerns, not only mine but those of the majority of our the neighbors in the surrounding community. These include:

- 1) **Drainage** – the current plan does not provide ample drainage for the waters that would flow down from the properties on the north side of Yearling Road through the numerous washes that exist. This will cause flooding issues on our properties as a result of this severe lack of significant drainage areas. In addition, this will infringe on our abilities to develop our land since any new building permits that would be issued for our properties are governed by the Maricopa County Planning and Development and drainage issues MUST be addressed. Therefore, in order to prevent this development from having

- significant direct negative impacts on our rights to improve our properties in the future and protect them from flooding, draining issues should further be addressed and approved by Maricopa County Planning and Development, so as to ensure this new development would not infringe on not only our current rights, but also our rights to develop in the future as a result of draining being improperly addressed by this proposed development. My property for one, contains a wash and this development does not create ample drainage for this water to flow thus flooding not only my property but the numerous homes planned along Yearling Road.
- 2) **Buffer** – The proposed development would significantly alter the landscape that has been enjoyed by our neighborhood for decades. If the current zoning would be changed to a more dense zoning, a significant buffer of at least 150' – 200' (similar to what was put in place by the DMR development to the north of our neighborhood) should be put in place, along with landscaping and an 8' minimum wall made of quality desert landscaping construction along with trees that further provide privacy and separation from this development to our neighborhoods.
 - 3) **Walking trails / green space / recreation for the development** – with 274 new homes being proposed, this development does not amply address the recreation needs of its residents. Since this **proposed** development is surrounded by private land, busy roads and restricted government spaces with no access to recreation, walking trails and parks should be constructed within the development to accommodate the needs of its residents and prevent its residents from wandering through our private neighborhoods. Our roads are privately maintained and for privacy and safety reasons, we do not want these residents accessing Central Avenue to the north in order to access the Sonoran Preserve or any of our surrounding neighborhoods and homes causing disruption to the quiet enjoyment of our properties. As it stands, this development is poorly designed to accommodate this concern.
 - 4) **Quality of home construction / property values** – If new homes are placed on this land, they should be designed with quality construction with homes that would be designed to sell in the ranges of the existing surrounding community, namely Union Foothills Estates. Many of our homes have been valued / appraised upwards of \$500k. This new proposed development should seek to maintain a minimum property value within an acceptable range of this average and in no event should be designed to sell at a price point less than \$400k in order to maintain consistency and minimal disruption.
 - 5) **Roads, traffic** – Central Avenue is already poorly maintained with many potholes and low areas where water accumulates and floods during rains. Road construction, road improvements and traffic studies should be conducted and presented to the neighboring residents prior to approval of any new development to allow the all interested parties (including the neighboring residents that would be impacted) to see these concerns have been amply addressed and that the surrounding roads and infrastructure on Happy Valley road are improved to appropriately accommodate the increase in traffic and wait times.
 - 6) **Wildlife disruption** – Owls and other wildlife have nested in and habited this area for decades. Have environmental studies been conducted to either protect their habitat or ensure proper relocation of the affected wildlife? This is a very important concern and should not be overlooked.

- 7) Numerous other concerns exist with the plan as currently opposed. The residents of our neighborhood at large have met and have voiced MANY concerns to the developers which HAVE NOT been taken into consideration. These include items such as down lighting, no commercial – not consistent with the general plan, safety concerns, impacts to our property values, impacts to our homes during construction, access to water and other utilities, public safety such as police/fire services as a result of this proposed development, buried powerlines / no visible utilities. We have provided e-mails and contact information and the developers have NOT had conversations with us. They have made slight, meaningless modifications to their initial plan that in no way have addressed the concerns that have been voiced to them, as they continue to attempt to fast-track this inadequate development plan through approval.

I would like to stand and have my concerns documented as stated above for public record. As a resident that owns property directly abutting this proposed development, in no way do I support this application and I strongly urge you to deny their requests. This 160-acre parcel is a hazardous waste remediation site and as such, is not suitable for human occupancy (much less higher density human occupancy) and should NOT be developed for this use.

Sincerely,
Julie Bradfeldt (formerly Thompson)
412 East Yearling Road, Phoenix, AZ 85085

David O Simmons

From: Julie Bradfeldt <julie@bradfeldt.com>
Sent: Wednesday, June 26, 2019 6:40 AM
To: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring; zach.schira@maricopa.gov
Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

SUBJECT: "Rezoning Case No. Z-37-19-2, Happy Valley Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019". This is a request for rezoning of the Central Foothills Planned Unit Development ("Central Foothills PUD" or "Application") which proposes the rezoning of approximately 157 gross acres of partially developed property located in north Phoenix, located specifically at the northeast corner of Central Avenue and Happy Valley Road.

TO ALL CONCERNED: As a property owner since 2007 residing in a neighborhood zoned S-1, I am very concerned to the impact of our quiet country lifestyle allowing a large development to invade this area. **I am deeply opposed to the proposed re-zoning of the S-1 neighborhood.**

For the reasons outlined by Joanne Moudy in her e-mail as referenced below and Bill Verno among many other of my fellow neighboring residents, I am primarily concerned about a development being proposed that contains 274 new homes presumably with families and children being exposed to the hazardous wastes that have been irresponsibly deposited on this land for many decades. These contaminates are known to cause cancers and other permanent and devastating health effects for ALL natural creatures inhabiting this land or otherwise allowed to be exposed to these elements. The cleanup efforts have only just begun and will not be completed for many years, if not decades to come. This site could not possibly be deemed "safe" for families even in an S-1 type zoning, but this problem and the related health risks would be exacerbated by allowing even a higher density type zoning as is currently being proposed. **To approve this plan would be utterly and completely irresponsible of any city official responsible for planning and development, and I, for one, would like to go on record as stating that I am extremely opposed to ANY development being allowed on this property.**

From: Joanne Moudy <jomoudy@gmail.com>
Subject: Re: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns
Date: June 20, 2019 at 11:07:04 PM MST
To: Julie Riemenschneider <julie.riemenschneider@phoenix.gov>
Cc: David O Simmons <david.simmons@phoenix.gov>, "Barto, Nancy K. & Joe" <nbarto@azleg.gov>, zach.schira@maricopa.gov, mayor.gallego@phoenix.gov, jim.waring@phoenix.gov, sal.diciccio@phoenix.gov

My property abuts this proposed development and as a property owner here since 2007, I have personally witnessed the explosions promulgated by UPCO in the development and testing of the ejection seats. I have heard the news events relating to the hazardous wastes and extreme dangers that have occurred on this property. I have lived through the fears of having my own water tested for years and waiting the results of the perchlorate content along with other contaminates. Several of my neighbors that have lived in this area for an extended period have contracted cancer and other health issues as a result of the environmental hazards that exist on this subject parcel. Further, I am highly opposed to having the soils disturbed and being allowed to go airborne to further contaminate our properties and the air we breathe during any proposed construction putting us at further health risk. This development is clearly not acceptable.

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Further, in another lifetime where environmental concerns were not an issue for this parcel, the current proposed development does not address concerns, not only mine but those of the majority of our the neighbors in the surrounding community. These include:

- 1) **Drainage** – the current plan does not provide ample drainage for the waters that would flow down from the properties on the north side of Yearling Road through the numerous washes that exist. This will cause flooding issues on our properties as a result of this severe lack of significant drainage areas. In addition, this will infringe on our abilities to develop our land since any new building permits that would be issued for our properties are governed by the Maricopa County Planning and Development and drainage issues MUST be addressed. Therefore, in order to prevent this development from having significant direct negative impacts on our rights to improve our properties in the future and protect them from flooding, draining issues should further be addressed and approved by Maricopa County Planning and Development, so as to ensure this new development would not infringe on not only our current rights, but also our rights to develop in the future as a result of draining being improperly addressed by this proposed development. My property for one, contains a wash and this development does not create ample drainage for this water to flow thus flooding not only my property but the numerous homes planned along Yearling Road.
- 2) **Buffer** – The proposed development would significantly alter the landscape that has been enjoyed by our neighborhood for decades. If the current zoning would be changed to a more dense zoning, a significant buffer of at least 150' – 200' (similar to what was put in place by the DMR development to the north of our neighborhood) should be put in place, along with landscaping and an 8' minimum wall made of quality desert landscaping construction along with trees that further provide privacy and separation from this development to our neighborhoods.
- 3) **Walking trails / green space / recreation for the development** – with 274 new homes being proposed, this development does not amply address the recreation needs of its residents. Since this **proposed** development is surrounded by private land, busy roads and restricted government spaces with no access to recreation, walking trails and parks should be constructed within the development to accommodate the needs of its residents and prevent its residents from wandering through our private neighborhoods. Our roads are privately maintained and for privacy and safety reasons, we do not want these residents accessing Central Avenue to the north in order to access the Sonoran Preserve or any of our surrounding neighborhoods and homes causing disruption to the quiet enjoyment of our properties. As it stands, this development is poorly designed to accommodate this concern.

- 4) **Quality of home construction / property values** – If new homes are placed on this land, they should be designed with quality construction with homes that would be designed to sell in the ranges of the existing surrounding community, namely Union Foothills Estates. Many of our homes have been valued / appraised upwards of \$500k. This new proposed development should seek to maintain a minimum property value within an acceptable range of this average and in no event should be designed to sell at a price point less than \$400k in order to maintain consistency and minimal disruption.
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- 7) Numerous other concerns exist with the plan as currently opposed. The residents of our neighborhood at large have met and have voiced MANY concerns to the developers which HAVE NOT been taken into consideration. These include items such as down lighting, no commercial – not consistent with the general plan, safety concerns, impacts to our property values, impacts to our homes during construction, access to water and other utilities, public safety such as police/fire services as a result of this proposed development, buried powerlines / no visible utilities. We have provided e-mails and contact information and the developers have NOT had conversations with us. They have made slight, meaningless modifications to their initial plan that in no way have addressed the concerns that have been voiced to them, as they continue to attempt to fast-track this inadequate development plan though approval.

I would like to stand and have my concerns documented as stated above for public record. As a resident that owns property directly abutting this proposed development, in no way do I support this application and I strongly urge you to deny their requests. This 160-acre parcel is a hazardous waste remediation site and as such, is not suitable for human occupancy (much less higher density human occupancy) and should NOT be developed for this use.

Sincerely,
Julie Bradfeldt (formerly Thompson)
412 East Yearling Road, Phoenix, AZ 85085

David O Simmons

From: julie@bradfeldt.com
Sent: Tuesday, February 18, 2020 2:42 PM
To: David O Simmons
Cc: Samantha Keating
Subject: GPA-DV-1-19-2 and Rezoning Case No. Z-37-19-2

To the Deer Valley Village Planning Committee and all relevant city officials:

I would like to submit a list addressing my concerns in regard to Rezoning Case No. Z-37-19-2 and General Plan Amendment Case No. GPA-DV-2-19-2 located at the northeast corner of Central Avenue and Happy Valley Road as follows:

As a property owner since 2007 residing in a neighborhood zoned S-1 and directly adjacent to the area concerning these proposals amendments, I am very concerned with regard to the environmental safety and to the impact of our quiet country lifestyle allowing a large development to invade this area.

- **I am deeply opposed to the proposed PUD re-zoning of the S-1 neighborhood**
- **I am deeply opposed to the proposed amendment to the Phoenix General Plan**

The environmental safety concerns have been outlined in great detail by Joanne Moudy and other neighbors' correspondence via e-mail since the spring of 2019 and following and this correspondence should already be well-documented. This e-mail correspondence took place with all relevant city officials. In addition there have been additional meetings with the relevant parties including ADEQ so I would like to reiterate my environmental concerns and include the details of those objections by incorporating a reference to those meetings and e-mail correspondence. My primary concern relates to ANY building occurring on this site until / unless ADEQ certifies this land, including the contaminated airborne disturbed soil that would occur during construction, as safe for residential use AND safe for the neighboring areas during the entire construction phases. The lack of a residential use restriction does not, by any means, result in the property being qualified as actually being safe for residential purposes, especially considering its proximity to the known environmental remediation sites.

In addition to these strong environmental objections, I have the following additional objections regarding the PUD itself that I would like to add to the official record for this file.

City of Phoenix General Plan: There is nothing in the current City of Phoenix General Plan governing our area that would allow anything close to this type of development. This plan has been approved and exists for a reason. The approval of this application would violate this plan in its entirety. We all have purchased and paid a premium for our properties because of the low density, quiet neighborhood feel of an existing S-1 environment. The General Plan for the city which has been in place for quite some time only confirms the continued existence of this quiet S-1 zoning and open spaces.

Further, in another lifetime where environmental concerns were not an issue for this parcel, the current proposed development does not address concerns, not only mine but those of the majority of our the neighbors in the surrounding community. These include:

- 1) **Drainage** – the current plan (even after the latest revisions) still does not provide ample drainage for the waters that would flow down from the properties on the north side of Yearling Road through the numerous washes that exist. This will cause flooding issues on our properties as a result of this severe lack of significant drainage areas. In addition, this will infringe on our abilities to develop our land since any new building permits that would be issued for our properties are governed by the Maricopa County Planning and Development and drainage issues MUST be addressed. Therefore, in order to prevent this development

from having significant direct negative impacts on our rights to improve our properties in the future and protect them from flooding, draining issues should further be addressed by a competent engineer qualified in analyzing the potential flood impacts of this area and specifically along Yearling Road over the relevant timeframe. This analysis should be also be approved by Maricopa County Planning and Development, so as to ensure this new development would not infringe on not only our current rights, but also our rights to develop in the future as a result of draining being improperly addressed by this proposed development. My property for one, contains a wash and this development does not create ample drainage for water to flow thus creating the potential to flood not only my property but the numerous homes planned along Yearling Road. Further, if I wanted to make any improvements to my property that may restrict the existing flow I would not want to be limited further by improper drainage occurring AFTER the water leaves my property that is not currently an issue today.

- 2) **Buffer** – With this kind of drastic change to the zoning and impact on our quiet neighborhood, the buffer currently proposes in the latest revised plan does not even come close to providing an ample transition from the low density that we currently enjoy to the high density being proposed. If the current zoning would be changed to a more dense zoning, a significant buffer of at least 150' – 200' (similar to what was put in place by the DMR development to the north of our neighborhood) should be put in place, along with landscaping and an 8' minimum wall made of quality desert landscaping construction along with trees that further provide privacy and separation from this development to our neighborhoods.
- 3) **Walking trails / green space / recreation for the development** – with 255 new homes being proposed, this development does not amply address the recreation needs of its residents. Since this proposed development is surrounded by private land, busy roads and restricted government spaces with no access to recreation, sufficient walking trails and parks should be constructed WITHIN the confines of this development to reasonably accommodate the recreational needs of its residents and prevent its residents from wandering through our private neighborhoods. Our roads are privately maintained and for privacy and safety reasons, we do not want these residents accessing Central Avenue to the north in order to access the Sonoran Preserve or any of our surrounding neighborhoods and homes causing disruption to the quiet enjoyment of our properties. As it stands, this development is poorly designed and still does not accommodate sufficient recreational areas and walking path to address this valid concern.
- 4) **Quality of home construction / property values** – If new homes are placed on this land, they should be designed with quality construction with homes that would be designed to sell in the price ranges of the existing surrounding community, namely Union Foothills Estates. Many of our homes have been valued / appraised upwards of \$600k. This new proposed development should seek to maintain a minimum property value within an acceptable range of this average and in no event should be designed to sell at a price point less than \$450k in order to maintain consistency and minimal disruption. Note: amounts from previous objections have been adjusted to reflect more current market conditions.
- 5) **Roads, traffic** – Central Avenue is already poorly maintained with many potholes and low areas where water accumulates and floods during rains. Road construction, road improvements and traffic studies should be conducted and presented to the neighboring residents prior to approval of any new development to allow the all interested parties (including the neighboring residents that would be impacted) to see these concerns have been amply addressed and that the surrounding roads and infrastructure on Happy Valley road are improved to appropriately accommodate the increase in traffic and wait times.
- 6) **Wildlife disruption** – Owls and other wildlife have nested in and habited this area for decades. Have environmental studies been conducted to either protect their habitat or ensure proper relocation of the affected wildlife? This is a very important concern and should not be overlooked as there are many species who have their habitat in this area.
- 7) Numerous other concerns exist with the plan as currently opposed. The residents of our neighborhood at large have met and have voiced MANY concerns to the developers. While we can see that there has been a very minimal attempt to address some of these concerns, it seems to be more for appearance sake with insignificant changes being made to their PUD plan. The concerns still exist, have only been minimally addressed, and the results do not come close to adequately addressing the extent of the issues. Additional concerns that have been addressed and are not included above include items such as down lighting, no commercial – not consistent with the general plan, safety concerns, impacts to our property values, impacts

to our homes during construction, access to water and other utilities, public safety such as police/fire services as a result of this proposed development, buried powerlines / no visible utilities. We have provided e-mails and contact information and the developers still have NOT had conversations with us and they have not pursued our needs any further. They have made slight, meaningless modifications to their initial plan that in no way have addressed the concerns that have been voiced to them, as they continue to attempt to fast-track this inadequate development plan through approval.

I would like to stand and have my concerns documented as stated above for public record. As a resident that owns property directly abutting this proposed development, in no way do I support this application and I strongly urge you to deny their requests. This 157-acre parcel is a hazardous waste remediation site and as such, is not suitable for human occupancy (much less higher density human occupancy) and should NOT be developed for this use.

Sincerely,
Julie Bradfeldt (formerly Thompson)
412 East Yearling Road, Phoenix, AZ 85085

Mailing address: 625 W Deer Valley Road #103-165, Phoenix, AZ 85027
Julie@Bradfeldt.com
(612) 965-7749 cell phone

David O Simmons

From: julie@bradfeldt.com
Sent: Tuesday, February 4, 2020 9:15 PM
To: David O Simmons
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

David,

Apparently they made a revision to the rezoning application on January 10, 2020 per the attached link:

<https://www.phoenix.gov/pdds/site/Documents/PZ/Z-37-19n.pdf>

Is there a way to obtain or ask for a red-line version of the plan changes from the 1st submittal so we can clearly see what has been modified / updated? From looking at the new drawing on Page 45, they have made very minimal changes and are still proposing high density (7.2 homes per acre) housing right next to Yearling Road with a very small buffer. This is completely inconsistent with the surrounding neighborhood. Other developments in close proximity to our county island have been required to have MUCH larger buffers in the range of 150' – 180' with additional walking paths and such. They are still not allowing for any sort of reasonable transition to the significant land use alteration. In addition, the land has NOT BEEN determined to be suitable for residential purposes and poses significant health risks.

As far as I know, none of the neighbors have received any notifications from them in regards to this revision. There is now a sign posted for the upcoming Feb 20, 2020 Village Planning Meeting.

In addition to my question in red above, do you have any updates on the process and what our neighborhood can do to be heard by the Village Planning Committee?

Thank you,

Julie Bradfeldt

[\(612\) 965-7749](tel:6129657749)

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Wednesday, July 31, 2019 10:10 AM
To: Julie Bradfeldt <julie@bradfeldt.com>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Julie,

Pardon my delay in reply. The General Plan Amendment (GPA) is a separate submittal that will go through the process as a companion case. The Case No. is GPA-DV-2-19-2. How did the meeting go?

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Julie Bradfeldt <julie@bradfeldt.com>
Sent: Monday, July 22, 2019 8:43 AM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

David,

I have found the attached link.

<https://www.phoenix.gov/pddsite/Documents/PZ/Z-37-19n.pdf>. Does this represent ALL of the documents submitted with their rezoning application? If not, can you please send copies of anything else submitted?

In a couple sections they refer to submitting a minor amendment to the General Plan. I assume this is a separate application? Can you please advise on how this can be located or could you please send a copy of this application? What is the process that governs an amendment application and how can we fight this?

For reference, some excerpts from their rezoning application:

The current City of Phoenix General Plan Land Use Map reflects various land use designations on the subject property. The Site is currently designated as a combination of 0-1 dwelling units per acre/1-2 dwelling units per acre/Parks & Open Space (optional), Commerce/Business Park (CBP), and Future Parks & Open Space on the 2015 General Plan Land Use Map. **A minor General Plan amendment has been submitted in conjunction with this zoning application to revise the General Plan Land Use Map to modify the residential and Commerce/Business Park uses already designated on the Property.** The proposed Land Uses include approximately 78.3 acres of single family residential at 2 to 3.5 dwelling units per acre (du/ac), ±57.2 acres of Commerce/Business Park and 21.8 acres of medium density residential at 3.5 to 5 du/ac.

- A. Proposed General Plan Concurrent with this PUD Application, **a minor General Plan Amendment application has been filed with the City of Phoenix.** This application seeks to modify the General Plan Land Use designation on the subject property from Commerce/Business Park, Future Parks and Open Space, and Low Density Residential. See Exhibit 7: Existing General Plan Map. The proposed General Plan reflects a reduction in the size of the Commerce Park/Business Park designation by approximately 30 acres and proposes to increase the overall allowed density of the residential area. **See Exhibit 8: Proposed General Plan Map. The proposed amendment is quantified below:**

Table2: General Plan Land Use Comparison					
Existing General Plan			Proposed General Plan		
Land Use	Area	Percent	Land Use	Area	Percent
0 – 2.0 Ddu/Aac Large Lot & Park Open Space	33.3 Ac	21%	2.0 – 3.5 Ddu/ACac (Low-Medium Densitiy)	78.3 Ac	50%
Commerce/ Business Park	87.2 Ac	55%	Commerce/ Business Park	56.8 Ac	36%
Future Parkv/ Open Space	36.4 Ac	23%	3.5 to 5 du/ac (Medium Density)	21.8 Ac	14%

Thank you,

Julie Bradfeldt

From: Julie Bradfeldt <julie@bradfeldt.com>
Sent: Monday, July 22, 2019 9:59 AM
To: 'David O Simmons' <david.simmons@phoenix.gov>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

David,

Could you please send me all of the documents that were included in the Rezoning Case No. Z-37-19-2 application? I just want to make sure we have everything before the meeting with the developers tomorrow. As you know, all of the residents in the entire surrounding area are deeply opposed to this proposed development on this land.

Thank you,

Julie Bradfeldt

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Wednesday, June 26, 2019 11:25 AM
To: Julie Bradfeldt <julie@bradfeldt.com>
Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov; Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; Sal DiCiccio <sal.diciccio@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; zach.schira@maricopa.gov; Samantha Keating <samantha.keating@phoenix.gov>
Subject: RE: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Hello Julie,

Thank you for your e-mail addressing concern in regard to Rezoning Case No. Z-37-19-2 and General Plan Amendment Case No. GPA-DV-2-19-2 located at the northeast corner of Central Avenue and Happy Valley Road. Please know that a copy of your letter will be saved in the rezoning case file for record, included as an attachment in the staff report, forwarded to all of the hearing bodies and to the applicant so that they are aware of your concerns.

The Rezoning process is fluid and the stipulations that move forward to the hearing bodies are not set until there is a hearing draft. The PUD draft narrative submitted by the applicant can be reviewed here:
<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases> Reference Case No. Z-37-19-2.

I encourage you to attend all public meetings as this is a platform for you to be heard by the hearing bodies as well as other stakeholders in the area. This case has not been set for public hearing as of yet. However, the site will be posted with signage reflecting the meeting dates prior to any hearing taking place and the applicant is required to send out notifications to property owners within 600 feet of the project site informing them of meeting times and locations. Also, PUD's are required to go to the Village Planning Committee twice. Once for information only and once for a recommendation from the committee. The case will then be heard in front of the Planning Commission and lastly by City Council for a final vote.

I am here as a resource. Please let me know if you have further land use related questions.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street

3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Julie Bradfeldt <julie@bradfeldt.com>
Sent: Wednesday, June 26, 2019 6:40 AM
To: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov; Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; Sal DiCiccio <sal.diciccio@phoenix.gov>; David O Simmons <david.simmons@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; zach.schira@maricopa.gov
Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

SUBJECT: "Rezoning Case No. Z-37-19-2, Happy Valley Road & Central Avenue; PA-18-158; 1st Submittal: June 11, 2019". This is a request for rezoning of the Central Foothills Planned Unit Development ("Central Foothills PUD" or "Application") which proposes the rezoning of approximately 157 gross acres of partially developed property located in north Phoenix, located specifically at the northeast corner of Central Avenue and Happy Valley Road.

TO ALL CONCERNED: As a property owner since 2007 residing in a neighborhood zoned S-1, I am very concerned to the impact of our quiet country lifestyle allowing a large development to invade this area. **I am deeply opposed to the proposed re-zoning of the S-1 neighborhood.**

For the reasons outlined by Joanne Moudy in her e-mail as referenced below and Bill Verno among many other of my fellow neighboring residents, I am primarily concerned about a development being proposed that contains 274 new homes presumably with families and children being exposed to the hazardous wastes that have been irresponsibly deposited on this land for many decades. These contaminates are known to cause cancers and other permanent and devastating health effects for ALL natural creatures inhabiting this land or otherwise allowed to be exposed to these elements. The cleanup efforts have only just begun and will not be completed for many years, if not decades to come. This site could not possibly be deemed "safe" for families even in an S-1 type zoning, but this problem and the related health risks would be exacerbated by allowing even a higher density type zoning as is currently being proposed. **To approve this plan would be utterly and completely irresponsible of any city official responsible for planning and development, and I, for one, would like to go on record as stating that I am extremely opposed to ANY development being allowed on this property.**

From: Joanne Moudy <jomoudy@gmail.com>
Subject: Re: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns
Date: June 20, 2019 at 11:07:04 PM MST
To: Julie Riemenschneider <julie.riemenschneider@phoenix.gov>
Cc: David O Simmons <david.simmons@phoenix.gov>, "Barto, Nancy K. & Joe" <nbarto@azleg.gov>, zack.schira@maricopa.gov, mayor.gallego@phoenix.gov, jim.waring@phoenix.gov, sal.diciccio@phoenix.gov

My property abuts this proposed development and as a property owner here since 2007, I have personally witnessed the explosions promulgated by UPCO in the development and testing of the ejection seats. I have heard the news events relating to the hazardous wastes and extreme dangers that have occurred on this property. I have lived through the fears of having my own water tested for years and waiting the results of the perchlorate content along with other contaminates. Several of my neighbors that have lived in this area for an extended period have contracted cancer and other health

issues as a result of the environmental hazards that exist on this subject parcel. Further, I am highly opposed to having the soils disturbed and being allowed to go airborne to further contaminate our properties and the air we breathe during any proposed construction putting us at further health risk. This development is clearly not acceptable.

City of Phoenix General Plan: There is nothing in the current City of Phoenix General Plan governing our area that would allow anything close to this type of development. This plan has been approved and exists for a reason. The approval of this application would violate this plan in its entirety. We all have purchased and paid a premium for our properties because of the low density, quiet neighborhood feel of an existing S-1 environment. The General Plan for the city which has been in place for quite some time only confirms the continued existence of this quiet S-1 zoning and open spaces. It is still unclear as to how UPCO was allowed to lease this property in the first place. Proper postings and notifications to the surrounding residents have not been completed so as to notify and inform the existing residents of the impacts this facility would have on the health of the surrounding residents. UPCO should not have been allowed to operate on this land and their existence has violated the ordinances that have already been in place. How bad do things have to get? Do the officials at the City of Phoenix just completely look the other way when a developer promises to bring in funds and the eminent risk to human life goes by the wayside? Or will things just continue in that completely irresponsible manner?

Further, in another lifetime where environmental concerns were not an issue for this parcel, the current proposed development does not address concerns, not only mine but those of the majority of our the neighbors in the surrounding community. These include:

- 1) **Drainage** – the current plan does not provide ample drainage for the waters that would flow down from the properties on the north side of Yearling Road through the numerous washes that exist. This will cause flooding issues on our properties as a result of this severe lack of significant drainage areas. In addition, this will infringe on our abilities to develop our land since any new building permits that would be issued for our properties are governed by the Maricopa County Planning and Development and drainage issues MUST be addressed. Therefore, in order to prevent this development from having significant direct negative impacts on our rights to improve our properties in the future and protect them from flooding, draining issues should further be addressed and approved by Maricopa County Planning and Development, so as to ensure this new development would not infringe on not only our current rights, but also our rights to develop in the future as a result of draining being improperly addressed by this proposed development. My property for one, contains a wash and this development does not create ample drainage for this water to flow thus flooding not only my property but the numerous homes planned along Yearling Road.
- 2) **Buffer** – The proposed development would significantly alter the landscape that has been enjoyed by our neighborhood for decades. If the current zoning would be changed to a more dense zoning, a significant buffer of at least 150' – 200' (similar to what was put in place by the DMR development to the north of our neighborhood) should be put in place, along with landscaping and an 8' minimum wall made of quality desert landscaping construction along with trees that further provide privacy and separation from this development to our neighborhoods.
- 3) **Walking trails / green space / recreation for the development** – with 274 new homes being proposed, this development does not amply address the recreation needs of its residents. Since this **proposed** development is surrounded by private land, busy roads and restricted government spaces with no access to recreation, walking trails and parks should be constructed within the development to accommodate the needs of its residents and prevent its residents from wandering through our private neighborhoods. Our roads are privately maintained and for privacy and safety reasons, we do not want these residents

accessing Central Avenue to the north in order to access the Sonoran Preserve or any of our surrounding neighborhoods and homes causing disruption to the quiet enjoyment of our properties. As it stands, this development is poorly designed to accommodate this concern.

- 4) **Quality of home construction / property values** – If new homes are placed on this land, they should be designed with quality construction with homes that would be designed to sell in the ranges of the existing surrounding community, namely Union Foothills Estates. Many of our homes have been valued / appraised upwards of \$500k. This new proposed development should seek to maintain a minimum property value within an acceptable range of this average and in no event should be designed to sell at a price point less than \$400k in order to maintain consistency and minimal disruption.
- 5) **Roads, traffic** – Central Avenue is already poorly maintained with many potholes and low areas where water accumulates and floods during rains. Road construction, road improvements and traffic studies should be conducted and presented to the neighboring residents prior to approval of any new development to allow the all interested parties (including the neighboring residents that would be impacted) to see these concerns have been amply addressed and that the surrounding roads and infrastructure on Happy Valley road are improved to appropriately accommodate the increase in traffic and wait times.
- 6) **Wildlife disruption** – Owls and other wildlife have nested in and habited this area for decades. Have environmental studies been conducted to either protect their habitat or ensure proper relocation of the affected wildlife? This is a very important concern and should not be overlooked.
- 7) Numerous other concerns exist with the plan as currently opposed. The residents of our neighborhood at large have met and have voiced MANY concerns to the developers which HAVE NOT been taken into consideration. These include items such as down lighting, no commercial – not consistent with the general plan, safety concerns, impacts to our property values, impacts to our homes during construction, access to water and other utilities, public safety such as police/fire services as a result of this proposed development, buried powerlines / no visible utilities. We have provided e-mails and contact information and the developers have NOT had conversations with us. They have made slight, meaningless modifications to their initial plan that in no way have addressed the concerns that have been voiced to them, as they continue to attempt to fast-track this inadequate development plan though approval.

I would like to stand and have my concerns documented as stated above for public record. As a resident that owns property directly abutting this proposed development, in no way do I support this application and I strongly urge you to deny their requests. This 160-acre parcel is a hazardous waste remediation site and as such, is not suitable for human occupancy (much less higher density human occupancy) and should NOT be developed for this use.

Sincerely,
Julie Bradfeldt (formerly Thompson)
412 East Yearling Road, Phoenix, AZ 85085

David O Simmons

From: Karie Engstler <engstlerkarie@gmail.com>
Sent: Saturday, June 29, 2019 10:10 AM
To: Mayor Gallego; nbarto@azleg.gov; John.allen@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; Malone.laura@azdeq.gov; David O Simmons; Jim Waring
Subject: Fwd: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

Please consider this email as written notification of my disapproval of the proposed PUD and rezoning request of APN 210-14-050A. This property has been deemed by ADEQ a Large Quantity Generator Hazardous Waste and a Treatment, Storage, and Disposal Hazardous Waste Site in 2004. A Declaration of Environmental Use Restriction (DEUR), as well as deed restrictions, have been placed on this property. This was ONLY done after a large explosion sending enormous yellow clouds of hazardous material into the air happened in 2004. The entire surround Union Foothills community to the north and northwest was evacuated and deemed unsafe air conditions. This DEUR that was placed on the property has not been removed and the property should not be even considered for any development of residential or non-residential until DEUR is removed from the site.

UPCO/Goodrich not only contaminated the soil and water on this property but the surrounding parcels and the community water table. Little to no effort has been done for the last 12 years other than closing of the site, discontinuance of the usage and dumping of hazardous waste and monitoring by the ADEQ. The land has been vacant and clean up efforts on this site were only started in 2016 for the sole purpose of selling the property for development and financial gain. The surrounding community's wells are still contaminated with Perchlorate which causes Thyroid cancer. 50 years of Hazardous Material into the soil 260 feet deep and into the groundwater for not only this parcel but the surrounding parcels and downstream community cannot be cleaned up and reversed in 3 years nevertheless 20 years to make the land habitable.

The PUD will require soil disruption which will put contaminants into the air and the soil. This same soil will be under playgrounds, parks, community areas, dog walk zones. Not to mention the number of contaminants will flush through this soil into the groundwater for current wells and future wells in the surrounding areas. This community depends on the wells as there are no city services for water and now no hauled water as well since the city stopped issuing permits. The water from some of these wells is not drinkable even with an RO system.

Not only should this PUD not be approved, but this site should have been reported to the United States Environmental Protection Agency as the Resource Conservation and Recovery Act mandates that all LQG sites be regulated by the Federal Government. ADEQ has been a poor oversight if and it is astonishing to think that the State of Arizona, Maricopa County and the City of Phoenix have not only turned a blind eye to the ongoing Hazardous Waste problem but now are taking into consideration building homes and workspace right in the middle of the contamination.

--

Karie Engstler
602.418.3353
P.O. Box 72315 Phoenix AZ 85050

David O Simmons

From: Dave Cisiewski <dave@dclawaz.com>
Sent: Monday, April 20, 2020 3:54 PM
To: kgreenbe@cox.net
Cc: David O Simmons
Subject: FW: 3rd Review Comments for Z-37-19

Keith:

I represent the owner and developer of this property. David O. Simmons forwarded your questions to me for a response. Please see my response below in “red” text. I hope these responses provide you the information you desired. Please let me know if you have any further question or comments.

As this has been a long and extremely complex case and you are newly appointed to the Village, I would welcome the opportunity to speak with you to provide a more detailed history, context and information regarding this development. I’ll be glad to make myself available to speak at your convenience.

Thank you

David Cisiewski, Esq.
Law Office of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, Arizona 85028
Tel: 602-953-8729
Email: Dave@DCLAWAZ.com
Website: www.DCLAWAZ.COM [dclawaz.com]

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The information contained in this message may be protected by the attorney-client privilege. It is intended for the addressee only. Please immediately reply to the sender of this e-mail if you have received it in error, then delete it. Thank you

From: Keith F. Greenberg <kgreenbe@cox.net>
Sent: Thursday, April 16, 2020 11:28 AM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: RE: 3rd Review Comments for Z-37-19

In no particular order:

Has the Water Services Department and CAP reviewed this? The applicant refers to the need to run water and sewer lines under the CAP canal. When I looked at doing this for a sludge line between the Union Hills Water Plant and the North Gateway Reclamation plant the CAP was dead set against this. **Yes, the Applicant and the proposed home builder have been working with Water Services and CAP for over a year on the preliminary design plans for these wet utilities. To date they have received preliminary approval from both reviewing bodies. Once the zoning process has been finalized, the developer will move forward with more detailed construction plans for review and final approval the City and CAP. This new infrastructure will be design and installed at the sole expense of the developer.**

It looks from the site map that the Deer Valley Airport is very close to this site. Have the impacts of the airport been fully examined? Throughout this application process we have kept the airport authority information of the development. As the project is north of Happy Valley Road we have not received any negative comments from the airport. Additionally, to ensure notice to all future buyers of the land, we will be conditioned to record a Notice to Prospective Purchasers of Proximity to Airport on the land as a permanent and ongoing disclosure.

Are the Police and Fire departments capable of supplying services to this area without compromising response times to the rest of the area? To date we have not received any negative comments from either department. Fire has been closely involved related to the design and location of the water infrastructure to ensure adequate water services for fire protection to the entire development.

If I read this correctly the owner of the property is responsible for the quality of the ground water forever. I know the current levels of contamination are well below critical levels. My concern is, once groundbreaking occurs (or at some acceptable point afterwards) will the wells being used by adjacent property owners be tested to make sure the currently undisturbed soil isn't contaminated and those contaminants don't leech into the groundwater? The current and future remediation, protection, monitoring and testing of the groundwater is the responsibility of the former operator of the facility, Universal Propulsion Company ("UPCO"). These responsibilities are ratified through 2 separate Declarations of Environment Use Restrictions ("DEUR's") that have been recorded on the property, as well as the separate Consent Decree that was entered into a number of years ago by UPCO and ADEQ. ADEQ as the environmental regulatory body has oversight over all these matter. These instruments require the on-going remediation of the areas containing impacted groundwater as well as periodic monitoring of the surrounding areas. The proposed development plan for the property has carefully taken into account the location of all the existing groundwater monitoring wells as these will be preserved for future long-term use in monitoring the groundwater quality. Additionally, these long-term responsibilities are financially secured through financial assurance instruments for the benefit of ADEQ so that funds will always be available to continue and complete this work.

I saw a reference to CC&R'S. Will there be an HOA for this project? The entire property is subject to the above mentioned DEUR's which are CC&R's related to the environmental conditions at the property and include restrictions such as the prohibition from any use of groundwater on the Property. Additionally, as the separate phases of the property are developed, those areas will also be subject to use and development restrictions. By way example, the proposed single family residential development on the northern portion of the larger tract, is being developed by a national home builder who will in the future record a separate set of CC&R's, as well as manage the property through an HOA.

The density proposed for this project looks like they are putting 3.2 DU/Acre (for Phase 1) and the surrounding properties (or abutting properties) seem to be closer to 1 DU/Acre. You are correct, that the proposed single family residential density is approximately 3.2 du/ac based upon the most current development plan showing 237 single family homes. This has been significantly reduced from the original plan of 300 lots (21% reduction) in an effort to be responsive to community comments. How close are the existing residences to this property? The closest homes in this proposed development are approximately 150 feet south of the existing County residences located north of Yearling Road, which forms the northern boundary line of the property. As with the reduction of lots, this buffer has also been significantly increased through the planning process in an effort to be responsive to community comments. Also, it appears the adjacent lands are either County Islands or State Property. Do you know if the County island(s) is by the choice of the current residents, or was it the City's choice not to incorporate land that is well within City limits? I ask this because I am less inclined to listen to non-Phoenix residents telling us what we should or shouldn't do with Phoenix property. While I don't know the entire history of the lots to the north, I believe they remain in the County by their choice. Various comments from the residents during the course of the planning process have indicated they prefer not to annexed into the City. This matter has been discussed at some length related to water service, as many of these residents obtain water through wells and are not able to be serviced by the City as they are beyond the City boundaries for water service.

Are any of the adjacent properties zoned for horse or other large animal property? The existing homes north of Yearling are zoned County RU-43, which I believe allows horse privileges, subject to requirements of the County Zoning Ordinance.

Keith F. Greenberg

It is more important to always do the right thing than it is to always do things right.

-Anon

From: David O Simmons [<mailto:david.simmons@phoenix.gov>]

Sent: Thursday, April 16, 2020 10:33 AM

To: kgreenbe@cox.net

Subject: RE: 3rd Review Comments for Z-37-19

Of course you can. What are your questions? You can also reach out to the applicant directly if you wish.

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Keith F. Greenberg <kgreenbe@cox.net>

Sent: Thursday, April 16, 2020 10:04 AM

To: David O Simmons <david.simmons@phoenix.gov>

Subject: RE: 3rd Review Comments for Z-37-19

Am I able to ask you questions about this project directly or does that violate the open meeting laws?

Keith F. Greenberg

It is more important to always do the right thing than it is to always do things right.

-Anon

From: David O Simmons [<mailto:david.simmons@phoenix.gov>]

Sent: Wednesday, April 15, 2020 4:27 PM

To: kgreenbe@cox.net

Subject: RE: 3rd Review Comments for Z-37-19

Keith,

Please review the most recent development narrative here: <https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases> Reference Case No. Z-37-19. I has all environmental remediation reports from ADEQ in the appendix section of the document.

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor

Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Keith F. Greenberg <kgreenbe@cox.net>
Sent: Wednesday, April 15, 2020 3:34 PM
To: David O Simmons <david.simmons@phoenix.gov>
Subject: Re: 3rd Review Comments for Z-37-19

This is all I've seen since all meetings have been canceled since I was appointed. There seems to be a lot of concern about groundwater quality even though no drinking water wells are allowed. Can you help me understand why that seems to be an issue? Also, I see where water and sewer lines will come from the west and south. I understand the reason to route them under the CAP canal. Is the developer paying for that, sharing the cost with the City, or does the City have to eat the cost of those lines?

I didn't realize the plant was gone. I just thought they set a new world's record for going the longest without an explosion or fire. Those used to be the source of a lot of excitement.

It is more important to always do the right thing than it is to always do things right.
-anon

On Apr 15, 2020, at 1:07 PM, David O Simmons <david.simmons@phoenix.gov> wrote:

Good afternoon,

The applicant for Case No. Z-37-19 (Central Foothills PUD) requested that I forward the attached documents to you for review prior to the May VPC meeting.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

<Central Foothills Summary Letter .pdf>
<GTI Report - Executive Summary Only.pdf>

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, April 29, 2020 10:23 AM
To: Kristi Trisko; David O Simmons; Jim Waring; Barto, Nancy K. & Joe
Subject: Letter of notification

Here are a few more comments coming in from our neighborhood. Sorry, I don't know how to combine them all into one.

I have attended a few meetings on this subject. One was with the AZDEQ and the most recent was the last Village Planning Meeting at the community center. I have not received a single letter from the developer on the upcoming meetings. I am willing to sign a notarized affidavit of that fact if necessary. My address is 405 W Jomax, Phx, 85085

Thanks,

Mark Bool | Sr. Manager, Database Administration - Mainframe z/OS DB2/IMS, UDB DB2, SQL Server, and Oracle
p [480-391-4309](tel:480-391-4309) | c [602-284-3092](tel:602-284-3092) | f [480-661-2783](tel:480-661-2783)
CVS Health | [9501 E Shea Blvd, Mail](mailto:9501.E.Shea.Bldv.Mail@cvsh.com) code 081, Scottsdale, AZ 85260

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: Bool, Mark <Mark.Bool@CVSHealth.com>
Sent: Monday, June 24, 2019 4:01 PM
To: zach.schira@maricopa.gov; Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring
Subject: Rezoning Case No. Z-37-19-2, Central Foothills PUD Environmental Concerns

I am taking this opportunity to express my concerns with UPCO & Goodrich contaminated property located at Happy Valley Road and 7th Street (Maricopa County Parcel No. 210-14-050A). It's my understanding that this property was recently sold (at an alarmingly low rate since it is chemically hazardous) to the Patricia Archie Foundation, LLC and there are plans to build high density housing on that location. What in the world is going on? For years there were numerous violations occurring on that property. It has a long, sordid history. For anyone to even think about having people live on that land is absurd! Have we learned nothing from previous similar situations around the country? As a community we should not be accepting of the fact that families will be exposed to the carcinogens in that area.

I realize we all have a lot going on and time is precious. However, please don't turn a blind-eye to this. I encourage you to review this situation carefully. This is one of those "no brainers" in life. I can't imagine any reasonable person being accepting of this hazardous situation.

Thanks for your time and consideration.

Mark Bool
602-284-3092
Mark.Bool@caremark.com

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, May 6, 2020 1:14 PM
To: Dave Cisiewski
Cc: Hamer, Stuart F; David O Simmons; Kristi Trisko; Jim Waring; Sal DiCiccio; Mayor Gallego; Jan Reno & David Riley; Hanson, Shelly & Robert; Bill Sandy; A. Wendy Smith; Bill & Connie Verno; Barto, Nancy K. & Joe; Chris Shipley
Subject: Re: [E] Virtual meeting

David,

How many of those 22 people live on Yearling Road, east of Central Ave? You know, the ones within 600 feet of your proposed PUD?

And you personally still broke the law by not accommodating disabled persons as mandated by the ADA.

Regards,
Joanne Moudy
(808) 554-4792

> On May 6, 2020, at 1:08 PM, Dave Cisiewski <dave@dclawaz.com> wrote:
>

David O Simmons

From: Ellen & Larry Clark <clarksark2@gmail.com>
Sent: Saturday, May 2, 2020 11:55 PM
To: dave@dclawaz.com
Cc: Kristi Trisko; nbarto@azleg.gov; Nancy S Allen; Rosanne Albright; Jim Waring; Council District 1 PCC; Julie Riemenschneider; Sal DiCiccio; David O Simmons
Subject: Happy Valley and Central Rezoning GPA-DV-2-19-2 and Z-37-19-2

TO WHOM IT MAY CONCERN

This is in response to the planned 5 May 2020 neighborhood meeting, and knowing that a 21 May 2020 Village Planning Committee virtual meeting is scheduled. I am totally against this virtual meeting in that it does not give the residence in this area a fair chance to make all their VOICES heard. Many cannot and more than likely not participate in this virtual circus. Considering the current situation that affects the lives of families, I find the immediate need to notify and schedule non-critical, life threatening meetings is an attempt to further circumvent a defined process which has already been circumvented. It also doesn't take into consideration a community of approximately 150 people to adequately present their case to approve the rezoning of the Happy Valley and Central Avenue development. All of a sudden after many attempts to identify the developer's lackadaisical attitude to comply with the defined process, we the community that is protesting the proposed development must react to unorthodox methods to understand and comment on rezoning proposal is totally unethical. At the same time, this approach to communicate to the community your goals to develop Parcel 1 discourages the opportunity and our willingness to negotiate a compromise of what would be an acceptable Parcel 1 density, which is one of primary issues. As such, I and I am certain a significant amount of local residences is totally against the PUD that has been submitted. We do not support the request for the PUD rezoning because it is too broad since it just sets forth the framework for the development. The submittal goes above and beyond traditional rezoning requirements and should be resubmitted to comply with the established guidelines and follow the process.

Sincerely,

Ellen and Larry Clark

David O Simmons

From: Neal Vandenburg <nealdorothyhome@hotmail.com>
Sent: Sunday, June 23, 2019 5:12 PM
To: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; Sal DiCiccio; David O Simmons; Jim Waring
Subject: Re: Sale of badly contaminated property...Maricopa County Parcel No. 210-14-050A

>
>> Dear Recipients.....
>
>> My husband and I own a house just North of the above Parcel No. 210-14-050A presently in escrow to be purchased by the Patricia Archie Foundation, LLC from Upco Corporation.
>
>> We are very concerned that this sale and future development plans are premature to the quality of the environmental cleanup that is still necessary on this land....We have lived here for 10+ years and observed the cleanup efforts on the water and soil. However, after reading the Special Warranty Deed and Contaminants documents recorded in December 2018 on the property, and the restrictions placed on digging into the soil in any way by this owner or any future owner, we cannot see how any development can be completed. While the developer is proposing commercial development on top of the worst area of the contaminated soil, rather than residential, how is it possible that disturbing the soil even for footings, or disturbing the soil just to build a construction pad is legal under the current soil restrictions of the recorded documents. Couple this concern with the normal construction that will disturb the contaminated soil and in the process sending some into the wind and on to our abutting neighborhood to be inhaled by our children and retired owners during the process will be dangerous ,,,,,
>
> Why is Upco selling this property to the developer for only \$7+ million dollars when like property in the area is being sold for upwards of \$100+ million dollars for the same amount of land? Our guess is they just want to unload it. Unfortunately, the quality of the homes going in will reflect this and our neighborhood, that presently has home values from \$400,000 to \$1,000,000+ will bear the burden.....We want a developer who is willing to put in single family custom lots on the same amount of land per owner as the present neighborhood has been built on, with the same quality as our neighborhood.....The developer will easily be able to recoup its investment, plus profits by selling the uncontaminated lands in this acreage as individual, buildable custom lots....
>
> Because we are in a "County Island", with no homeowners association or other entity available to fight issues on our behalf.....and are required to put in our own roads, wells and other sources of water, and septic tanks..... this neighborhood should have the right of final say on how the remaining developable land is handled....
>
> Please help us have a say in the development of this 162 acre parcel and please look again at the cleanup efforts that have been done and will continue to be
> necessary in the future under the present recorded documents on the land.....

Please see the following info also on our concerns with this neighborhood researched by another neighbor.....

>

>

>>

>> I am familiar with the area, as our property line abuts their boundary. I'm also aware that as of 2003, testing was still allowed (per City Council) but the land was controlled by the state. At some point, BLM was involved, but I have been unable to access title transfer info on that.

>>

>> Regardless, after the ground was so thoroughly contaminated by not only Perchlorate, but also the deadly, toxic residues from the foam which fire fighters were forced to use every time UPCO created an explosion, that UPCO & Goodrich were ordered to cease & desist their testing. But by that time, all the combined HAZMATs had leached into this 160 acre site & into the aquifers.

>>

>> Dramatically, on 11 September, 2002 (one year after the Twin Towers attack in NY), 3500 pounds of UPCO's illegally stored, dry explosive material spontaneously combusted & the explosive force blew windows out of homes over 1/4 mile away. 1000 residents were forced to evacuate for at least 24 hours because of the deadly, airborne plume that blanketed the surrounding sky. And just where do you think all that hazardous contamination within the plume ultimately landed? On our homes & property.

>>

>> Even worse, less than 500 feet away from the 3500 pounds that blew up, sat an additional 50,000 pounds (totally illegally stored on the land without a permit). Had that blown up as well, it would have wiped out everything within a one mile radius & the casualties would have been horrendous. As an example, such an explosion would have completely flattened the Deer Valley Airport.

>>

>> Additionally, according to numerous news articles, throughout the 1990's, UPCO had violated ADEQ's regulations more than forty times (not including anything to do with the carcinogenic residue - Perchlorate). A 1999 study of this 160 acre UPCO property showed Perchlorate contamination to a depth of 59 (fifty nine) feet - in the dirt.

>>

>> In order to remove that amount of contaminated soil (to allow for a new housing development) one would need to dig & replace over 125 million cubic feet of dirt; roughly creating a crater the size of the University of Phoenix Stadium.

>>

>> In order to get around this problem, UPCO drilled small areas of soil, tested them, and then inserted clean fill dirt into those very few and specific testing spots. The old, standing saguaro cacti alone are enough to prove that UPCO could not possibly have moved or remediated a sufficient amount of soil within the last ten years to make any impact. Furthermore, the most highly concentrated area of contamination exists within the exterior barb wired fence. That area is secluded & separately fenced with six foot chain link fencing.

>>

>> Also, as early as 1994, the Phoenix City Fire Chief Brunacini, wrote letters of concern to UPCO regarding issues of possible spontaneous explosions, as well as environmental contamination. Later, in 2001, he wrote to the State regarding his concern about Arizona's renewal of UPCO's lease, stating, "The facility poses a threat to these (surrounding) neighborhoods." Sadly he was ignored, yet obviously his concerns were valid as the 2002 explosion illustrates.

>>

>> In 2001, the City Planning Director wrote, "Continued operation of UPCO at this location presents numerous land use compatibility issues." He was also ignored.

>>

>> UPCO's illegal use of this land for storage of their chemicals (& illegal dumping of toxic waste from their other testing sites) is precisely why I'm seeking the permits & restrictions that were placed upon UPCO or the land, when the State, the County government, or City Council allowed them to continue testing. Obviously, there was no oversight by anyone. The last thing UPCO &/or Goodrich cares to do is be forthcoming with the restrictions & regulations which they ignored & violated. So your suggestion that I reach out to them is simply one of ignorance.

>>

>> If one were to compare this 160 acres to be developed to the "Love Canal" project in NY state, that area was only 70 acres. That cleanup took over 21 years & cost over four-hundred million dollars AFTER HOMES WERE BUILT - not

including law suits against the municipalities and developers. To this day, many areas of that toxic dump site remain uninhabitable.

>>

>> That said, sometime within the past 10 years UPCO hired Arcadis to begin water remediation efforts. Initially we were told that because of the extreme contamination, the remediation process would take approximately fifty years.

>>

>> Then, suddenly, out of the blue - all is fine & the 160 acres is deemed "livable" for humans packed into proposed high-density housing.

>>

>> There are many flaws & you as a coordinator, as well as others are very much to blame. Primarily, ADEQ has never set any standards for survivable Perchlorate levels! Nor have they heeded any recommendations from Fire Officials or the City Planning Director. Nor did ADEQ enforce their own regulations.

>>

>> Instead, ADEQ simply relied upon the US EPA guidelines for Perchlorate, which also does not set any standards. Rather, the EPA leaves the regulation of survivable Perchlorate levels up to each state & municipalities to determine. That's great, except that Arizona's irresponsible ADEQ & municipalities never bothered to address the issue.

>>

>> Survivable Perchlorate levels in Massachusetts are two part per billion. In California, the survivable levels are four parts per billion. Interestingly, prior to the enormous law suit against PG&E in CA in which Erin Brockovich played a key role, CA's acceptable perchlorate levels were 34 parts per billion. While Perchlorate was not the only chemical involved in that suit, CA immediately took steps to reduce the survivable level to what it is currently.

>>

>> We purchased our home on Yearling Road in 2011 & our well is currently being tested every six months for Perchlorate. Our property (& well) is above (higher elevation) & at least 1/4 mile away from UPCO's previous "ground zero." Yet our most recent, semi-annual well test came in at 1.6 parts per billion.

>>

>> There is an obvious, newly constructed building on the lower southwest portion of this 160 acres where Arcadis is in the midst of withdrawing water from the aquifer, recycling it through a reverse osmosis system to withdraw the Perchlorate, then returning the "clean" water right back down into the fully contaminated aquifer.

>>

>> Does that seem like a quick or easy remedy to you & all your bureaucratic associates?

>> While this remediation system might be successful in fifty years (as previously estimated by the BLM), it most certainly has not achieved a final cleanliness standard - in any way, shape, or form. Thus your statement that remediation is "complete" is an absolute falsehood, or worse, a purposeful hiding of information by various municipalities.

>>

>> To further illustrate why this 160 acres is unsuitable for any development, let me point out that approximately five miles east on Deer Valley Road, Pulte is building luxury homes on approximately 160 acres (roughly the same size as the contaminated area). Pulte or their purchasing group paid in excess of \$200 million for that 160 areas.

>>

>> Likewise, going west on Happy Valley past 19th Avenue, two additional home builders are developing 160-170 acres. They also paid in excess of \$200 million for that bare land.

>>

>> Yet UPCO sold (dumped) this 160 acres to the PAF Trust for a mere four million!! Four million for 160 acres - less than two miles from the other developments that paid over two-hundred million. Obviously, red flags would be going off in any planning & zoning official's head, should they take more than a cursory look. Sadly, this plan seems to be zipping right through.

>>

>> Furthermore, Kyle Moyer's representatives have told us that city water and sewer will be brought in for this development. Great, the new homes get City water. But they have absolutely not addressed the contamination of the entire 160 acres of soil down to almost a sixty foot depth. So young kids will be rolling in their grass & swinging on play equipment that sits inches from Perchlorate contamination.

>>

>> If I sound upset, I am. I served as an NBC (nuclear, biological, chemical) warfare officer in the US Army for nine years. I also worked for FEMA on contract to the State of Hawaii as their state Nuclear Defense Planner. I also taught the first HAZMAT classes on Oahu & taught as an adjunct instructor at the US Fire Training Academy in Emmitsburg, MD.

>> I was trying to save firefighter's lives & I understand exactly what is written in our US law entitled SARA Title III, because I was involved in its writing.

>>

>> For your edification, the only agency in the state of AZ to address the Perchlorate problem happens to be the AZ Department of Health. However, the arbitrary level they established years ago as "survivable" is 14 parts per billion, which is simply, dangerously, too high.

>>

>> Also, the AZ Dept of Health does not happen to be on the "route" for building permits. So they were not even consulted in this critical matter.

>>

>> The Kyle Moyer PR firm is attempting to ram through a new, high density housing development on land that has been completely contaminated. But their plans breezed right through ADEQ because, as I previously stated, ADEQ has failed miserably to set any type of acceptable, survivable limits on Perchlorate. ADEQ has simply ignored this horrific problem.

>>

>> Also for you edification, Perchlorate attacks a human's thyroid gland (located in the nape of the neck) and causes cancer. Might you not find it interesting, sitting in your nice office, that many of the original residents up here in this small county island immediately adjacent to the 160 acre UPCO testing site, have either had thyroid cancer & the gland removed (plus chemotherapy &/or radiation treatments) or have some type of thyroid disease? And many are on medication for their thyroid problems? I doubt you have even given such a terrible truth the slimmest of considerations.

>>

>> But you see, we're all zoned R-43 & don't live particularly close to each other. So the original settlers didn't share their personal health problems with each other: until now. Now, finally, the residents are connecting the dots & realize that the probable cause of their cancer was/is UPCO's unrelenting testing, ADEQ's lack of oversight, the County's lack of oversight & now that it's under the purview of the City - the City's complete complacency.

>>

>> You, et al, are about to let a new development happen on this contaminated land. Which means that 240-300 new, young families with little children will be moving (quite naive & unsuspectingly) onto a ticking time bomb of cancer and other possible health risks.

>>

>> Plus, the moment the earthmovers, bulldozers, rock crushers, etc. start; all the current residents in close proximity (like us) will have to bear the brunt of the contaminated soil becoming airborne and blanketing our own properties.

>>

>> I would appreciate specific answers to my original questions to Dave Simmons. If necessary, then by all means, coordinate with ADEQ (because according to your title, you are supposed to be able to coordinate).

>>

>> However, I can tell you that up until this moment ADEQ has only obfuscated and ignored their responsibilities. Thus, they have not been remotely helpful to this point.

David O Simmons

From: Phyllis Carter <phyllis.carter.de@gmail.com>
Sent: Friday, May 1, 2020 2:43 PM
To: Lawyer David Cisiewski (dave@dclawaz.com); David O Simmons
Cc: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; Rosanne Albright; Nancy S Allen; Sal DiCiccio; Jim Waring; Council District 1 PCC; Kristi Trisko
Subject: Happy Valley and Central Rezoning GPA-DV-2-19-2 and Z-37-19-2

To begin: Please consider this email my official opposition to the rezoning request for Happy Valley and Central Rezoning GPA-DV-2-19-2 and Z-37-19-2 since you have made it impossible to speak my peace at bogus virtual meetings.

This is also in response to the actual method for the planned virtual 5 May 2020 neighborhood meeting and virtual 21 May 2020 Village Planning Committee meeting. I am totally against these virtual meetings because they do not give residences in this area a fair chance to make all their VOICES heard. I myself will not be able to attend these virtual meetings. I am in my 70s and emails and Facebook are challenging enough. You are making it impossible for me to participate in my local government. It's not necessary and may be illegal. In a couple of weeks Governor Ducey probably will open the state for traditional meetings such as these should be. Let's just wait until we can have a real neighborhood meeting.

Considering the current situation that affects the lives of so many families, I find the sudden need to notify and schedule non-critical, but life-threatening, meetings an attempt to further circumvent a defined process that has already been circumvented. It also doesn't take into consideration a community of approximately 150 people, myself included, who want to present our case against this rezoning of the Happy Valley and Central Avenue site. This land has sat vacant for decades. Why the rush now? Maybe because so many people like me won't be able to participate and voice our concerns?

Now, all of a sudden, after many attempts to identify the developer's lackadaisical attitude to comply with the defined process, we the community that is protesting this proposed development must react to unorthodox methods to understand and comment on a rezoning proposal that we believe is totally unethical. At the same time, this approach to communicate to the community your goals to develop Parcel 1 discourages the opportunity and our willingness to negotiate a compromise of what would be an acceptable Parcel 1 density, which is one of the primary issues. I don't know of one neighbor who supports the current rezoning plan. It is too much of a leap from the current one home per acre zoning.

In addition, the request for the PUD rezoning is much too broad and open-ended since it just sets forth the framework for the development. The application goes way beyond traditional rezoning procedures and should be resubmitted to comply with established guidelines and follow the process.

Why should an out-of-state developer receive such special and unorthodox treatment while citizens who have been in this neighborhood for decades are treated unfairly and aren't allowed to participate in our own local government?

Sincerely,
Phyllis Carter
102 E Briles Rd.
Phoenix, AZ 85085

David O Simmons

From: Phyllis Carter <phyllis.carter.de@gmail.com>
Sent: Monday, April 27, 2020 1:02 PM
To: David O Simmons
Subject: Happy Valley Road & Central Avenue

Dear Mr. Simmons,

I just learned through the grapevine that the developer of this site plans another so-called neighborhood meeting on May 5. My gosh, that's only a week away and during a pandemic. This is irresponsible and this whole affair is starting to smell.

Please stop this nonsense.

Regards,
Phyllis Carter
102 E Briles Rd

PS - hello to the developer, who is receiving copies of all our correspondence to David Simmons although we are receiving none of your correspondence to him.

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Wednesday, April 29, 2020 10:49 AM
To: Kristi Trisko; David O Simmons; Jim Waring; Barto, Nancy K. & Joe
Subject: Virtual meetings

This is from Robert & Shellie Hanson who live on Yearling Road & will be directly (across the street) impacted by this development:

We do not have the ability to Zoom plus we also have Centurylink for our internet and it is very poor service. Thanks for all your help

Sent from my iPhone
Robert Hanson

Regards,
Joanne Moudy
(808) 554-4792

David O Simmons

From: David O Simmons
Sent: Tuesday, May 5, 2020 10:03 AM
To: Robert Hanson; Dave Cisiewski
Subject: RE: GPA-DV-2-19-2 and Z-37-19-2

Mr. Hanson,

I will have to defer your comments/concerns related to the neighborhood meeting to the applicant as staff does not attend these.

Thank you for reaching out in regard to Rezoning Case No. Z-37-19-2 and General Plan Amendment Case No. GPA-2-19-2. Your concerns have been noted and added to the case file to be included as part of the public record. I have also forwarded your email to the applicant as well as to the members of the Deer Valley Village Planning Committee so they are aware of your concerns. If you wish to provide a written comment or speak at the virtual Village Planning Committee meeting, please submit a request to David Simmons, Deer Valley Village Planner, via email at David.Simmons@phoenix.gov at least 48 hours prior to the start of the meeting. Please indicate the item(s) number on the agenda if you wish to speak. Staff will provide you further instructions on the process for public comment during the virtual meeting. Staff will make every effort to accommodate requests to speak submitted beyond the 48 hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than six business hours before the start of the meeting.

I encourage you to virtually attend all public hearings moving forward. The Deer Valley Village Planning Committee meeting is scheduled on May 21, 2020 at 6:00 PM. The meeting agenda will be posted shortly outlining detailed instructions on how to access the meeting via telephone (land line or cell phone) and via the internet.

The Planning Commission meeting is scheduled on June 4, 2020. For more information, please see:

<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

The City Council meeting is scheduled on June 24, 2020 at 2:30 PM. For more information, please see:

<https://www.phoenix.gov/cityclerk/publicmeetings/city-council-meetings>

Please let me know if you have additional comments or concerns.

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov

From: Robert Hanson <RobertHanson1950@outlook.com>
Sent: Tuesday, May 5, 2020 9:44 AM
To: Dave Cisiewski <dave@dclawaz.com>
Cc: David O Simmons <david.simmons@phoenix.gov>
Subject: FW: GPA-DV-2-19-2 and Z-37-19-2

This is in response to the planned [2nd Neighborhood Meeting on May 5, 2020](#). I am totally against this virtual meeting in that it does not give the residence in this area a fair chance to make their VOICES heard. Many cannot and may not participate in this virtual circus.

I am, and believe a larger majority of community residences, are against the PDU as submitted.

My objections are and most residences have voiced the many objections to this proposal, but the following are the main objections.

1. We do not support the request for the PUD rezoning because it is too broad that it just sets forth the framework for the development. As stated by the zoning department this request goes above and beyond traditional rezoning requirements.
2. We are more supportive of the zoning departments statement as follows: The lot coverage proposed for Parcel 1 seems excessive considering that the surrounding residential to the north of the site compares to RE-43 Standards which is one house per acre. STAFF is NOT SUPPORTIVE of the density proposed in Parcel 1. A split between R1-18 (1/2 acre lots) and R1-10 (¼ acre lots) would be more conducive to surrounding land uses. **We will support R1-18 Zoning for parcel 1.**
3. The change to this zoning would reduce the number of cars and help reduce the traffic concerns we are concerned about. We also support the suggestion from the Deer Valley Village Committee to introduce an entrance along the east side of Parcel 2 to alleviate the traffic on Central.

If these changes could be incorporated into this proposal, we could create a working relationship with the developer to create a mutually acceptable plan.

We support the Zoning staff and hope that they could make this a more workable solution that we all could accept.

In this time of Stay at Home, many are very frustrated and afraid what the future will bring. This is just adding to the frustration and it would be a good show of faith to postpone this till the meeting could be held in person.

Robert Hanson
508 East Yearling Road

David O Simmons

From: Robert Hanson <RobertHanson1950@outlook.com>
Sent: Friday, May 1, 2020 9:54 AM
To: David O Simmons
Subject: RE: GPA-DV-2-19-2 and Z-37-19-2

I appreciate your reply and it is what I thought it was. Just had to convince some neighbors. Also I wanted you to know that Joanne Moudy DOES NOT represent this neighborhood, specifically the people that live on Yearling road. I wish I could apologize for her and her actions but cannot even do that.

I and the neighbors are extremely disappointed that the virtual meeting is being held. Manny will not be able to access it and let voices be heard and led to a lot of frustration.

This is what I am sending David Cisiewski.

This is in response to the planned neighborhood 5 May 2020 Neighborhood Meeting. I am totally against this virtual meeting in that it does not give the residence in this area a fair chance to make their VOICES heard. Many cannot and may not participate in this virtual circus.

I am, and believe a larger majority of community residences, are against the PDU as submitted.

My objections are and most residences have voiced the many objections to this proposal, but the following are the main objections.

Our objections to this proposal is many but the following are our main objections.

1. We do not support the request for the PUD rezoning because it is too broad that it just sets forth the framework for the development. As stated by the zoning department this request goes above and beyond traditional rezoning requirements.
2. We are more supportive of the zoning departments statement as follows: The lot coverage proposed for Parcel 1 seems excessive considering that the surrounding residential to the north of the site compares to RE-43 Standards which is one house per acre. STAFF is NOT SUPPORTIVE of the density proposed in Parcel 1. A split between R1-18 (1/2 acre lots) and R1-10 (¼ acre lots) would be more conducive to surrounding land uses. **We will support R1-18 Zoning for parcel 1.**
3. The change to this zoning would reduce the number of cars and help reduce the traffic concerns we are concerned about. We also support the suggestion from the Deer Valley Village Committee to introduce an entrance along the east side of Parcel 2 to alleviate the traffic on Central.

If these changes could be incorporated into this proposal, we could create a working relationship with the developer to create a mutually acceptable plan.

We support the Zoning staff and hope that they could make this a more workable solution that we all could accept.

In this time of Stay at Home, many are very frustrated and afraid what the future will bring. This is just adding to the frustration and it would be a good show of faith for David to postpone this till the meeting could be held in person.

I ask that this email not be shared with David Cisiewski.

Robert Hanson
508 East Yearling Road

David O Simmons

From: Hamer, Stuart F <stuart.hamer@verizonwireless.com>
Sent: Wednesday, May 6, 2020 8:49 AM
To: Joanne Moudy
Cc: Dave Cisiewski; David O Simmons; Kristi Trisko; Jim Waring; Sal DiCiccio; Mayor Gallego; Jan Reno & David Riley; Hanson, Shelly & Robert; Bill Sandy; A. Wendy Smith; Bill & Connie Verno; Barto, Nancy K. & Joe
Subject: Re: [E] Virtual meeting
Attachments: image001.png

I too was not able to attend because of web site trouble and failed calls. Please reschedule it if possible!
Thanks

On Tue, May 5, 2020 at 10:23 PM Joanne Moudy <jomoudy@gmail.com> wrote:

Good evening David C.,

After several futile attempts to log on to you website I gave up. After several attempted cell phone calls that didn't event go through, I gave up on that as well.

Please document how many residents actually were able to participate in your illegal neighborhood informational meeting & make those numbers available to us as well as the City.

You refused to provide the point of origin of your meeting so that we could arrive in our cars in protest. But I already had you pegged as definitely too much of a coward to provide that info. Whewwww- what's ya afraid of?

You also completely blew off those of us who are physically disabled. You didn't even have the decency to respond to those who are disabled.

Unbelievable!

I suggest you & the rest of your cronies (City Council included) watch this video about how a former marine explains lawful orders versus unlawful orders. You all know you're trampling our rights, and it will all come back to bite you in the end. If the most liberal state in the nation, CA police officers finally got it - AZ's will too & you'll have no one to defend your precious City Hall.

https://arizonafreedomalliance.ning.com/group/news-in-a-flash/forum/topic/show?id=6399857%3ATopic%3A192729&xgs=1&xg_source=msg_share_topic

Regards,
Joanne Moudy
(808) 554-4792

--

David O Simmons

From: Valerie Pieraccini <valpierac@gmail.com>
Sent: Thursday, May 7, 2020 6:21 PM
To: Dave@dclawaz.com; Verno Associates; David O Simmons; Kristi Trisko
Subject: Correction Requested:The Central Foothills Citizen Participation Report
Attachments: Screen Shot 2020-05-07 at 4.53.36 PM.png

Hi David,

A correction is necessary for question S on page 12 of The Central Foothills Citizen Participation Report which you may view in the attachment. Your notes state that the question was asked in the May 5 2020 meeting so I can ascertain that it was my question. You incorrectly report that the request was for a gate for Yearling Road. However, I asked that a gate be considered for Central Road, south of the Yearling and Central intersection near the present mailboxes referenced by my neighbor, Dennis Lee in a previous question. Your notes do correctly report that you did not think that was possible that the County or City would approve it although it was viewed as viable in the previous meeting on February 20.

I will reiterate that I believe a gate will be necessary to prevent traffic from the proposed development using Yearling Road- and I am now adding Quartz Rock Road- to access Happy Valley Road from 5th Avenue. Attesting to what my neighbors reported in the meeting, traffic on Happy Valley can cause waiting up to 4-5 minutes when no one is before your vehicle. Happy Valley Road is known in the north valley as a way to avoid the I-17 and 101 intersection. Logically, as the north valley continues to grow, the traffic flow on Happy Vallet Road will also grow. Additonally traffic flows going north on Central with traffic flows to the east on Yearling and Quartz Rock Road from the proposed development is not illogical. People will not want to wait 10 to 15 minutes to turn left off of Central Avenue and will find way to avoid waiting. And as I stated in the meeting, construction on Happy Valley will only increase this propensity.

To clarify, traffic flow to the north should be restricted and the request is for a gate on Central Avenue, just south of Yearling Road.

Thank you, Valerie Pieraccini

David O Simmons

From: Joanne Moudy <jomoudy@gmail.com>
Sent: Sunday, May 3, 2020 8:30 PM
To: Kristi Trisko; David O Simmons; Jim Waring; Barto, Nancy K. & Joe
Subject: Fwd: May 5 Rezoning Meeting: No Letter

Here is another letter from one of the residents in our neighborhood. She did not receive the development's letter.

Regards,
Joanne Moudy
(c) (808) 554-4792
(e) jomoudy@gmail.com

Begin forwarded message:

From: Valerie Pieraccini <valpierac@gmail.com>
Date: May 3, 2020 at 7:43:22 PM MST
To: Joanne Moudy <jomoudy@gmail.com>
Subject: May 5 Rezoning Meeting: No Letter

Hi Joanne
I understand a written letter was mailed to residents in our neighborhood regarding a May 5 rezoning meeting, but we did not receive one.

Valerie and Paul Pieraccini

Re: Village Planning Committee Meeting 16 April 2020

David O Simmons <david.simmons@phoenix.gov>

Fri 4/3/2020 2:06 PM

To: Verno Associates <VA4613@msn.com>**Cc:** Dave Riley <driley7@msn.com>; E Yearling Bob Hanson (roberthanson1950@outlook.com) <roberthanson1950@outlook.com>; Heather Lennon (HeatherLennon@me.com) <HeatherLennon@me.com>; E Yearling Joann Moudy 616 E Yearling (Jomoudy@gmail.com) <Jomoudy@gmail.com>; Connie @ MSN <bverno5813@msn.com>; 'Dennis Verno (dmverno@yahoo.com)' <dmverno@yahoo.com>; Samantha Keating <samantha.keating@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>

Hi Bill,

Thank you for reaching out. The applicant had the site posted yesterday. However, per the direction of the City Council last night all Village Planning Committee meetings are canceled in April. Therefore, the applicant will be required to re-post the site reflecting updated meeting dates. I am simply moving all cases on the April agenda to the May agenda. Hopefully, we will be able to meet in person in May, but in the event we aren't allowed to meet in person we will have protocols in place for a digital meeting and public participation will be a critical component of this. Let me know if you have further questions. Take care and talk soon.

Respectfully,

David Simmons

From: Verno Associates <VA4613@msn.com>**Sent:** Friday, April 3, 2020 1:10 PM**To:** David O Simmons <david.simmons@phoenix.gov>**Cc:** Dave Riley <driley7@msn.com>; E Yearling Bob Hanson (roberthanson1950@outlook.com) <roberthanson1950@outlook.com>; Heather Lennon (HeatherLennon@me.com) <HeatherLennon@me.com>; E Yearling Joann Moudy 616 E Yearling (Jomoudy@gmail.com) <Jomoudy@gmail.com>; Connie @ MSN <bverno5813@msn.com>; 'Dennis Verno (dmverno@yahoo.com)' <dmverno@yahoo.com>**Subject:** Village Planning Committee Meeting 16 April 2020

Dave, the City of Phoenix has just posted a new sign at Yearling and Central about the next Committee meeting. Picture attached. Please note "Meeting will be held virtually – To participate, see instructions on the agenda available on the public notices website:

www.phoenix.gov/cityclerk/publicmeetings/notices

First of all the meeting doesn't appear on the defined website to describe how this meeting will be handled. So how is this meeting going to be handled when we have demonstrated a large number of community members (>50) have attended every meeting held on this subject. Will you be limiting attendance to 10 people?

This is ridiculous.

*William (Bill) Verno***Verno & Associates, Inc.****va4613@msn.com****623-587-4613 (Office/Fax)****602-291-3194 (Cell)**

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David O Simmons

From: Stacey Meier, O.D. AZOA <drmeier@azoa.org>
Sent: Tuesday, June 2, 2020 3:35 PM
To: ppd.planningcomm@phoenix.gov
Cc: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; Malone.laura@azdeq.gov; David O Simmons; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating; Kristi Trisko
Subject: June 4, 2020 Planning Commission meeting

City of Phoenix Planning Commission

Ref: GPA-DV-2_19-2 Z-37-19-2

Dear Commission Members,

Would you please add some clarity to the above zoning change request? I have been an E. Yearling homeowner for 20 years and my property is just north of the parcel being considered by you. My main concern is what the new development will look like from my front porch and how it may change the personality of our quiet, rural neighborhood.

At one point there was a proposed continuous wall, landscaping, sidewalk, curbing and improvements to the south side of Yearling Rd. proposed. It seems that was changed "in support of the various requests from county residents". I, for one was never personally ask for input about this and every neighbor that I spoke with was not asked either. The Phase three submittal also states that "the Applicant has agreed to record a 1-foot NVAE in favor of the City along the entire northern border of the Parcel 1 to prevent vehicular access onto and development of Yearling Road". I must admit my ignorance and confess that I'm sure what NVAE means, but I don't think it is a one foot high wall. This change is very disturbing to me and my neighbors. Looking at Exhibit 7; page 73 of the Conceptual Development Plan, there are many areas that will be open for pedestrian, bicycle and possibly motorized vehicles to access Yearling Road.

I assume cost to the developer was an important issue when these plan changes were made, but I respectfully ask that the Full border wall is added back into the Development Plans.

Sincerely,
Stacey Meier

Stacey J. Meier, O.D.
[Arizona Optometric Association](#), Executive Director

David O Simmons

From: Hamer, Stuart F <stuart.hamer@verizonwireless.com>
Sent: Tuesday, June 2, 2020 4:11 PM
To: ppd.planningcomm@phoenix.gov; Mayor Gallego; Barto, Nancy K. & Joe; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; Malone.laura@azdeq.gov; David O Simmons; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating
Subject: rezoning GPA-DV-2-19-2 and Z-37-19-2 for june 4 hearing

This is in regards to the June 4th hearing on GPA-DV-2-19-2 and Z-37-19-2

I am opposed to the two agenda items listed above.

These agenda items are out of character with the "deer valley village planning rules set forth years ago and followed until now for this neighborhood.

There are many issues regarding these agenda items.

- Please, no two story homes AT ALL!
- Drainage will be inadequate for what they have planned and these homes WILL flood.
- Please have the developer provide a 200 foot setback or buffer from the property line.
- Density should be like the other areas in "deer valley village", please do not approve this "RE-ZONE" to 3 homes an acre! Keep it at 1 or 2 homes max per acre. (I think R18 is what I am asking for).
- Traffic will be become a nightmare, as there is only one way in and out from the existing neighborhood.
- Please ensure the developer has a complete, solid wall running along yearling rd, which separates the two neighborhoods. (they currently do not).

"Protect residential areas from concentrations of incompatible use that could change their character or destabilize land values"

"Provide impact-mitigating features..."

"Require appropriate transition/buffers between neighborhoods..."

"Preservation of Natural washes coming from the preserve and promote access and views of the preserve by the public."

"Protect the neighborhood's views of open spaces and mountains."

"Promote site development and land use which protects the natural environment by preserving Vegetation..."

"Pursue creative, innovative, and environmentally-sound methods to capture and use stormwater..."

In summary, to ignore the community member's health and safety and the principles set forth in the Deer Valley Village Character Plan by accepting these proposals is to render the Plan meaningless and a lack of responsibility to protect the health and welfare of the local residences.

This whole neighborhood (hundreds of people) are against this.

--

Stuart Hamer and Brenda Hamer
520 e. yearling rd.
Phoenix AZ 850865

David O Simmons

From: Verno Associates <VA4613@msn.com>
Sent: Tuesday, June 2, 2020 4:18 PM
To: PDD Planning Commission
Cc: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; ADEQ Laura Malone (malone.laura@azdeq.gov); David O Simmons; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating; Kristi Trisko; E Yearling Bob Hanson (roberthanson1950@outlook.com); Dave Riley; E Yearling Stuart Hamer; Stacey Meier
Subject: Notice of Public Meeting, Planning Commission, 4 June 2020
Attachments: 02 BVerno_NotApproving_Applications.pdf

Reference Agenda III.2 and 3.

The following is an abbreviated version of the attached PDF file.

DATE: 4 June 2020

The following submission applies to both the GPA-DV-2-19-2 and Z-37-19-2 agenda items and summarizes the attached file which provides the details of my disapproval.

SUBJECT: Disapproval of Both the GPA and Rezoning Applicant Requests

My submission is to ensure the CoP Planning/Department personnel, and the City Council members we understand the Deer Valley Character Plan which is why **I am not in favor of approving the applicant's GPA, nor the Rezoning requests.**

"Why is the General Plan being amended?" The City of Phoenix annexed the UPCO property on November 14, 2001, and has the authority to approve or deny changes to zoning classifications. I contacted the ASLD about the CoP rezoning, they confirmed CoP has annexed the property and they have the authority to change the zoning. The ADEQ Response to Public Comments on UPCO DEUR, dated January 2020 (copy can be made available upon request) goes into great detail on the zoning issue. When this property was annexed into the city it was zoned as S-1. As such, the first and second applicant's submission, PA-18-158 is the document that should be reviewed, commented on, and going forth for approval.

The applicant has submitted three (3) documents which are very confusing, lack trackability to/from each other, and a significant increase in scope, which means they should have started all over again within the PUD process. The following are the submittals:

- PUD, Happy Valey Road & Central Avenue, PA-18-158, 1st Submittal: June 11, 2019
- Central Foothills, GPA Happy Valley Road & Central Avenue, PA-18-158, 2nd Submittal January 10, 2020
- Central Foothills, PUD Happy Valley Road & Central Avenue, Z-37-19/GPA-DV-1-19-2, 3rd Submittal: March 17, 2020

Each time the Planning Department didn't challenge the applicants about these eliminations from submittal to submittals. Each time the Planning Department included comments such as, "The lot coverage proposed ...Parcel 1 seems excessive considering the surrounding residential area to the North..." The comments also included statements dealing with the street transportation and traffic issue, which also need to be addressed.

There are at **least seven (7) Deer Valley Character Plan Land Use and Design principles ignored by the developers.** The Village Community members at the 24 May 2020 meeting didn't grasp these facts and didn't seem to be concerned about their responsibilities. The Character Plan calls for:

“Protect residential areas from concentrations of incompatible use that could change their character or destabilize land values”

“Provide impact-mitigating features...”

“Require appropriate transition/buffers between neighborhoods...”

“Preservation of Natural washes coming from the preserve and promote access and views of the preserve by the public.”

“Protect the neighborhood’s views of open spaces and mountains.”

“Promote site development and land use which protects the natural environment by preserving Vegetation...”

“Pursue creative, innovative, and environmentally-sound methods to capture and use stormwater...”

In summary, to ignore the community member’s health and safety and the principles set forth in the Deer Valley Village Character Plan by accepting these proposals is to render the Plan meaningless and a lack of responsibility to protect the health and welfare of the local residences.

I and many residences knew there was a manufacturing company on the property and they were producing critical and DoD lifesaving products. What we didn’t know was the actual history of their usage, abuse, the lack of oversight, and political gaming that occurred which lead us to the present-day situation.

We conducted a deep dive into the property background. Public Records Request (PRR) to every state, county, city and other agencies (e.g. EPA) was conducted. Along with talking to residences that had been here since the early-1980s, we began to realize what the community had been subjected too. The following summarizes our research:

- There was no real, nor recorded oversight between the years 1972 and 1987. UPCO had complete and unfettered access to the 160 acres.
- In 1987 the ADEQ was assigned the oversight authority. From 1987 to October 2009 there were over thirty-eight (38) significant violations recorded.
- On 23 September 1993, the U.S. EPA conducted an UPCO facility assessment. EPA published a 152-page facility assessment report documenting a history of UPCO and ADEQ differences of opinion regarding a number of issues that were summarized into five (5) major areas of concern.
- On 2 April 1997 the CoP Fire Chief wrote a letter to the UPCO Vice President that stated the Phoenix Fire Department wouldn’t support and was opposed to the renewal of the state lease permit.
- On 8 June 2001 the CoP Fire Chief’s letter to the CoP Planning Department expressed the Fire Department’s opposition to a lease renewal because the facility does not meet CoP Fire Codes. For example; the code does not permit the manufacturing or permanent storage of explosives”; and “the facility poses a threat to these neighborhoods and any fire fighters.”
- On 11 September 2002, one year after 911, there was a massive explosion and fire at the UPCO facility and this wasn’t the first fire at the UPCO location.
- On 13 November 2003, The New Times published an article that highlighted all the violations.
- On 15/20 April 2005 the CoP Planning Commission Board approved the Z-116-04-2 application by a vote of 9 to zero (0) to construct a public access trailhead and parking as identified in the Sonoran Preserve Master Access Plan, which is now identified in the current applicant’s application as Parcel 1.
- In October 2009 UPCO ceased operations. Between the date of ceased operations and 27 March 2019 there were at least eight (8) more recorded additional violations.
- **Finally, and a critical milestone, on 8 July 2011 the ASLD finally approved the first Land Usage Permit that defined the usage and operational boundaries UPCO was to operate within.**
- **On 30 September 2012 it was amended and incorporated changes that covered the UPCO violations after the original usage permit was granted.**
- On 23 December 2019, the Citizens of Sonoran Preserve Foothills submitted a letter to the ADEQ that provides a great historical background of the property usage and addresses a number of reasons why this property should be donated to the Sonoran Preserve or specifically the applicant’s Parcel 1 should be donated.
- We have surveyed the community about their health conditions that occurred after they moved to the area. There are at least 17 people in the neighborhood who have been diagnosed with thyroid, adrenal disease, and other related type health issues.

Our community realizes that a significant amount of investigations, scientific measurements, analysis and samples of the property, and conclusions reached by the State agencies and CoP are documented. All of these reports present their today data/findings and attempts to mitigate it. We also know that they can't project the future.

Can these agencies actually guarantee there will be no air toxic contamination during the heavy equipment excavating and moving dirt? This would subject the current families to these air toxics contaminates.

Also, will they guarantee the same for families that would purchase a home on Parcel 1 when they have a pool installed?

Also, will the property title provided to family who purchases a Parcel 1 dwelling identify the area is part of a contaminate area and the history of the of findings?

Knowing what has been presented, "Would you then purchase a home on Parcel 1?"

I am,
William (Bill) Verno, Jr.

William (Bill) Verno

va4613@msn.com

623-587-4613 (Office/Fax)

602-291-3194 (Cell)

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DATE: 4 June 2020

The following submission applies to both the GPA-DV-2-19-2 and Z-37-19-2 agenda items.

SUBJECT: Disapproval of Both the GPA and Rezoning Applicant Requests

I would like to ensure the City of Phoenix (CoP) Village Community, Planning/Department personnel, and the City Council members that we understand the Deer Valley Character Plan which is why I am not in favor of approving the applicant's GPA, nor the Rezoning requests. We also understand the history of this property which adds credibility to why we are not in favor of this development.

I first would like to know **"Why is the General Plan being amended?"** The City of Phoenix annexed the UPCO property on November 14, 2001, and has the authority to approve or deny changes to zoning classifications. I contacted the ASLD about the CoP rezoning, they confirmed CoP has annexed the property and they have the authority to change the zoning. The ADEQ Response to Public Comments on UPCO DEUR, dated January 2020 (copy can be made available upon request) goes into great detail on the zoning issue. When this property was annexed into the city it was zoned as S-1. As such, the first and second applicant's submission, PA-18-158 is the document that should be reviewed, commented on, and going forth for approval.

The applicant has submitted three (3) documents which are very confusing, lack trackability to/from each other, and a significant increase in scope, which means they should have started all over again within the PUD process. The following are the submittals:

- PUD, Happy Valey Road & Central Avenue, PA-18-158, 1st Submittal: June 11, 2019
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Each time the Planning Department didn't challenge the applicants about these eliminations from submittal to submittals. Each time the Planning Department included comments such as, "The lot coverage proposed ...Parcel 1 seems excessive considering the surrounding residential area to the North..." The comments also included statements dealing with the street transportation and traffic issue, which also need to be addressed.

Secondly, the following is a sample of the Deer Valley Character Plan Land Use and Design principles which are simply ignored by the developers. These were also not understood or ignored by the members of the Village Community meeting on-21 May 2020 meeting. The Character Plan calls for:

1. **"Protect residential areas from concentrations of incompatible use that could change their character or destabilize land values"**. The proposed Density is incompatible with longstanding S-1 community and rural setting.
2. **"Provide impact-mitigating features..."** and **"Require appropriate transition/buffers between neighborhoods..."**. The proposed development intent is to "Maximize Density" thus offering minimal setbacks and no mitigating features. Existing properties will be severely impacted.

3. **“Preservation of Natural washes coming from the preserve and promote access and views of the preserve by the public.”** There is 10+ washes, and all will be altered or destroyed. Developer expressly states that washes are to be channeled to “Maximum Density”, at least they recognize that washes exist.
4. **“Protect the neighborhood’s views of open spaces and mountains.”** Proposal includes destruction of open spaces and building 2-story dwellings and multi-family on mountainsides.
5. **“Promote site development and land use which protects the natural environment by preserving Vegetation...”**. Many environmentally sensitive issues for both flora and fauna exist, protected species habitat and transitions will be destroyed. This proposed plan destroys all for the purpose of “Maximum Density” to maximize profits at the expense of the environment and community.
6. **“Pursue creative, innovative, and environmentally-sound methods to capture and use stormwater...”**. The only innovation of the 100-year storm water retention is by destroying natural washes and retention of storm water adjacent to toxic soil caps.

In summary, to ignore the community member’s health and safety and the principles set forth in the Deer Valley Village Character Plan by accepting this proposal is to render the Plan meaningless.

I and many residences knew there was a manufacturing company on the property and they were producing critical and DoD lifesaving products. However, most of us didn’t know the actual history of their approved usage, abuse, the lack of oversight, and political gaming that occurred which lead us to the present-day situation.

After a small group of us started to conduct a deep dive of the background, Public Records Request (PRR) to every state, county, city and other agencies (e.g. EPA), and talking to residences that had been here since the early-1980s, we began to realize what the community had been subjected too.

- Between the years 1972 and July 2011 Universal Propulsion Company (UPCO) had complete and unfettered access with no established usage permits and/or operational boundaries. There was no real, nor recorded oversight between the year 1972 and 1987. As such, we have no idea how many contamination or any other usage violations were occurring.
- In 1987 the Arizona Department of Environmental Quality (ADEQ) was assigned the oversight authority. From 1987 to October 2009 there were over thirty-eight (38) significant violations recorded. Each time violations were found there were changes in Arizona state lease permit, statutes, policies, and procedures to allow UPCO to continue operations.
- On 23 September 1993, the U. S. Environment Protection Agency (EPA) conducted a facility assessment at the UPCO facility. On December 1993, a 152-page EPA facility assessment report was prepared and published. The purpose of this inspection was to conduct regulatory compliance, solid waste management, environmental setting, and document areas of concern. This report identifies that there has been a history of UPCO and ADEQ having differences of opinion regarding a number of issues and identified five (5) major areas of concern.

- On 2 April 1997 the CoP Fire Chief wrote a letter to the UPCO Vice President that stated the Phoenix Fire Department wouldn't support and was opposed to the renewal of the state lease permit. On March 2001 the CoP annexed the subject property. On 8 June 2001 the CoP Fire Chief's letter to the CoP Planning Department expressed the Fire Department's opposition to a lease renewal. It stated "...the facility does not meet CoP Fire Codes. The code does not permit the manufacturing or permanent storage of explosives" and further states "The facility poses a threat to these neighborhoods and any fire fighters".
- Shortly thereafter, on 11 September 2002, one year after 911, there was a massive explosion and fire at the UPCO facility and this wasn't the first fire at the UPCO location. We prevented from accessing the community or were evacuated from our homes, many of which had horses and other animals. We were not allowed to access the area until the next day.
- On 13 November 2003, The New Times published an article that highlighted all the violations and stated the fire wasn't the first time they had a run-in with authorities charged with protecting the health and safety of Arizonans.
- On 15/20 April 2005 the CoP Planning Commission Board approved the Z-116-04-2 application by a vote of 9 to zero (0) to construct a public access trailhead and parking as identified in the Sonoran Preserve Master Access Plan, which is now identified in the current applicant's application as Parcel 1. This was viewed to be an excellent gift and legacy to the Phoenix residences and reflect a healthy and vibrant Sonoran Preserve. It was recommended the Council to ponder the thoughtful recommendations from the Sonoran Preserve Advisory Committee and the Parks Department.
- In October 2009 UPCO ceased operations. Between the date of ceased operations and 27 March 2019 there were at least eight (8) recorded additional violations.
- Finally, on 8 July 2011 the Arizona State Land Department finally developed the first Land Usage Permit that defined the usage and operational boundaries UPCO was to operate within. On 30 September 2012 it was amended and incorporated changes that covered other UPCO violations after the original usage permit was granted.
- In December 2015 the Arizona State Land Department sold the property to UPCO for approximately \$3.75 million. There was only one bidder and we are uncertain if there was a for sale announcement by the state.
- On 19 March 2018, UPCO submitted a letter to ADEQ requesting the Director's approval for a Declaration of Environmental Use Restriction (DEUR). A DEUR is a voluntary restriction on real property that limits the use of the property in order to reduce the potential for exposure to contaminants.
- Sometime in early 2019, UPCO then sold the land to The Patricia Archie Foundation (PAF) Central, LLC for approximately \$4.2 million. In August 2019, UPCO and PAF Central, LLC (PAF), current owners of the property, submitted a request for an Engineering Control Declaration of Environmental Use Restriction (DEUR) to ADEQ for a portion of the site.
- In October/November/December 2019 ADEQ, as required by state statutes, advertised a DEUR Public Notice asking for comments to be submitted. In January 2020 published a

sixteen (16) page response to the public notice questions. There were a number of comments received that stated "...strenuously object to any further progress or approval of plans to develop the property for residential use" to "...absolutely disagree with your ignorant understanding of the damage that Tally, UPCO, and Goodrich did to this 160-acre parcel. This land should never be converted to anything but what it currently is: empty, toxically contaminated desert."

- On 23 December 2019, the Citizens of Sonoran Preserve Foothills submitted a letter to the ADEQ that provides a great historical background of the property usage and addresses a number of reasons why this property should be donated to the Sonoran Preserve or specifically the applicant's Parcel 1 should be donated.
- In addition to the above, we have surveyed the community about their health conditions that occurred after they moved to the area. There are at least 17 people in the neighborhood who have been diagnosed with thyroid, adrenal disease, and other related type health issues.

Our community realizes that a significant amount of investigations, scientific measurements, analysis and samples of the property, and conclusions reached by the State agencies and CoP are documented. All of these reports present their today data/findings and attempts to mitigate it. We also know that they can't project the future.

Can these agencies actually guarantee there will be no air toxic contamination during the heavy equipment excavating and moving dirt? This would subject the current families to these air toxics contaminates.

Also, will they guarantee the same for families that would purchase a home on Parcel 1 when they have a pool installed?

Also, will the property title provided to family who purchases a Parcel 1 dwelling identify the area is part of a contaminate area and the history of the of findings?

Knowing what has been presented, "Would you then purchase a home on Parcel 1?"

I am,

William (Bill) Verno, Jr.

David O Simmons

From: Verno Associates <VA4613@msn.com>
Sent: Tuesday, June 2, 2020 4:23 PM
To: PDD Planning Commission
Cc: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; ADEQ Laura Malone (malone.laura@azdeq.gov); David O Simmons; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating; Kristi Trisko; E Yearling Bob Hanson (roberthanson1950@outlook.com); Dave Riley; E Yearling Stuart Hamer; Stacey Meier; Connie @ MSN; 'Dennis Verno (dmverno@yahoo.com)'
Subject: Notice of Public Meeting, Planning Commission, 4 June 2020

Reference Agenda III.2 and 3.

DATE: 4 June 2020

The following submission applies to both the GPA-DV-2-19-2 and Z-37-19-2 agenda items and summarizes the attached file which provides the details of my disapproval.

SUBJECT: Rezoning and Happy Valley and Central Avenue Traffic Statistics

I am in total agreement with the CoP Planning Staff's 15 January 2020 responses to the applicant's Planned Unit Development (PUD) GPA-DV-2-19-2 and Rezoning Z-37-19-2 submittal for Central Foothills even though the applicant has stated they included it in their recent submission. The changes they made weren't sufficed enough for the residences on East Yearling Road. For example:

- Density is too high and buffer areas need to be increased.
- A dedicated right-of-way totaling 30 feet on the south side of Yearling Road for the entire length of the property.
- A 20 April 2005 Planning Commission recommendations to the City Council was Happy Valley Road improvements needs to meet the Sonoran Boulevards Standards.

At the 23 July 2019 1st Applicant Community Meeting we were told "Traffic Statistics was provided by the CoP."

- The Maricopa County and CoP Traffic Departments were contacted shortly after the meeting.
- They informed us that they didn't have, nor ever conducted any traffic flow measurements on Central Avenue or Happy Valley.

Requests were submitted to both Traffic Departments to conduct traffic flow measurements on Central and Happy Valley.

- A Maricopa County Central Avenue 20-day Traffic Volume Count was conducted during the Aug/Sept 2019 timeframe and the report was provided on 11 Sept 2019.
- The CoP Street Transportation Department conducted a 48-hour Happy Valley Traffic Count on 24 Sept 2019 with report provided within a week.

At the 20 February 2020 Village Planning Informational Meeting the applicant stated they had a **Traffic Impact Analysis** done and the report was dated 9 July 2019, **it was an Impact Analysis, not actual traffic measurements over a period of time.**

- Purpose of this traffic study was to evaluate the current and future transportation system within the project study area surrounding the site without and with the proposed Central Foothills project.
- This impact analysis didn't include or identify the use of the actual 20-day Central Avenue/Happy Valley Traffic Volume Count Statistics.

- The impact analysis didn't include or identify the use of the actual 48-hour Happy Valley Traffic Count Statistics.

We are questioning the accuracy of this impact analysis since it affects the overall Happy Valley and Central Avenue traffic infrastructure design. We are certain that the projected traffic on Central Avenue is no way near adequate.

The actual Central Avenue traffic flow measurements (over 700 vehicles/day) demonstrates our concern that the Central Avenue road improvements are inadequate. We currently experience a 10 minute or more delay to access Happy Valley in either directions, especially during rush hour.

Then Parcel 1 development will add a potential of 500 vehicles a day accessing Central Avenue to get to Happy Valley Road. This additional traffic adds to the existing traffic congestion at the Central Avenue and Happy Valley intersection, ultimately requiring a traffic light to be installed.

My position is to deny both submissions based upon my "Disapproval of Both the GPA and Rezoning Applicant Requests" and this submission which impact current community safety issues.

William (Bill) Verno

va4613@msn.com

623-587-4613 (Office/Fax)

602-291-3194 (Cell)

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David O Simmons

From: David Riley <driley7@msn.com>
Sent: Tuesday, June 2, 2020 5:16 PM
To: Council District 1 PCC; Verno Associates; PDD Planning Commission
Cc: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; ADEQ Laura Malone (malone.laura@azdeq.gov); David O Simmons; Jim Waring; Kristi Trisko; Samantha Keating; E Yearling Bob Hanson (roberthanson1950@outlook.com); E Yearling Stuart Hamer; Stacey Meier; Connie @ MSN; 'Dennis Verno (dmverno@yahoo.com)'
Subject: RE: Notice of Public Meeting, Planning Commission, 4 June 2020

City of Phoenix Planning and Development Meeting 6.04.20

Response to Item III 2&3 - Central Foothills PUD, GPA-DV-1-19-2 and Z-37-19

Dave and Jan Riley
1115 W. Briles Rd.
Phoenix, AZ 85085

Andrea Katsenes
200 West Washington Street
3rd Floor
Phoenix, AZ 85003

Dear Ms. Katsenes and City of Phoenix Planning Commission:

As members of the community we stand strongly against the proposed Central Foothills PUD, General Plan amendment GPA-DV-1-19-2 and rezoning request Z-37-19. The 2015 Phoenix General Plan and current Deer Valley Village Character Plan variance requests are far too broad and proposed development is inconsistent the with community character.

The City of Phoenix 2015 General Plan clearly identifies the upper portion of this property as “Parks/Open Space or 1 du/acre”. This is consistent with the City of Phoenix Council Members 9-0 vote in 2005 on Z-116-04-2. To amend the general plan as proposed violates many of the General Plans intentions. Including a commitment to open spaces, the importance of protecting, enhancing, and restoring natural ecosystems, and protecting residential areas from concentrations of incompatible land uses that could “**change their character or destabilize land values**”. Many current residence acquired their homes with the understanding the City of Phoenix stands by its and the community’s vote on the General Plan.

If Planning Commission intends to amend the General Plan, we have a question:

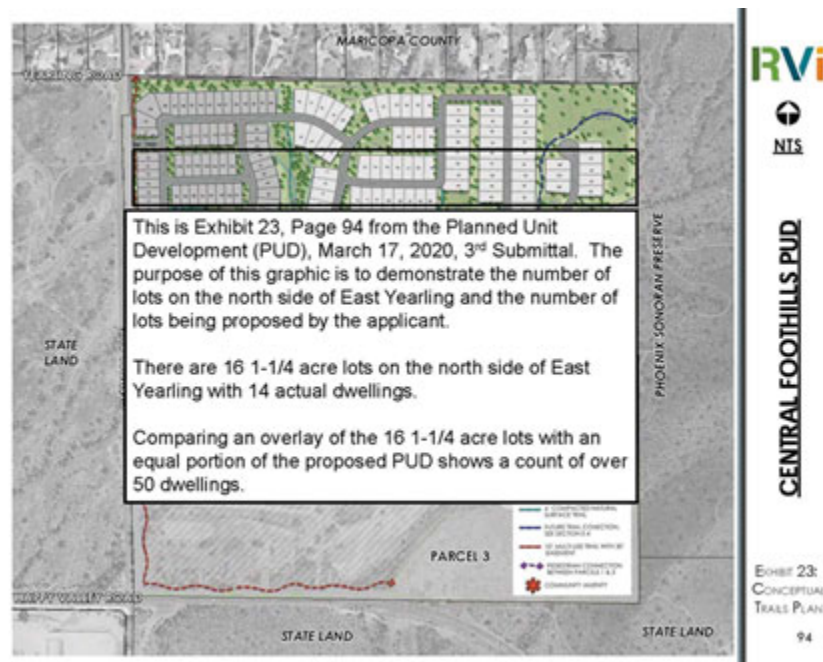
- Does the Planning Commission afford residence living in county islands integrated within the City of Phoenix General Plan and Deer Valley Village Plan the same rights and considerations as residence of the City of Phoenix?

WE ARE deserving of the same rights and considerations and should be afforded similar plan, policy and zoning considerations. As a point of reference, we cite the Planning and Zoning July 8, 2019 Staff Report for Z-25-19-1, a property just a few miles away located at Dynamite and 39th Ave. A Planning and Development request for property development within an S-1 zoned community and adjacent to recreation lands. The Staff Report identifies specific characteristics and stipulations for the recommending development. These include:

- R1-18 Zoning
- Single story, maximum 24' height homes
- “The character of the area is rural and consists of low density single-family residential lots. **Staff is recommending several stipulations to ensure this proposal is similar in character with the surrounding area.**”

The City of Phoenix General Plan and Deer Valley Village Character Plan are largely ignored by Central Foothills Developer’s proposal. The Character Plan includes:

- **“Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.”** This is NOT compatible in scale, design, and appearance.



Also absent, “Provide impact-mitigating features...” “Require appropriate transition/buffers between neighborhoods...” Proposed developments intent is to “Maximize Density” thus offering minimal setbacks and no mitigating features to Maximize Profits at the expense of our community.

There is an important differentiation to make between these two developments and that is the character of the land. This proposed development has ten washes, some over 10’ in depth, funneling water shed from an additional 200+ acres of hillsides requiring significant land allocation to drainage and retention. The proposed development plan is essentially an R1-8, or less, when considering mandatory storm water requirements.

To conclude, If the General Plan is to be amended, our community deserves to be afforded the same rights and considerations of similar land rezoning as referenced. WE pay 99% of our local taxes to City of Phoenix through local business purchases, we deserve the same considerations for protection of our community character and land values.

Dave and Jan Riley

From: Council District 1 PCC <council.district.1@phoenix.gov>
Sent: Tuesday, June 2, 2020 4:34 PM
To: Verno Associates <VA4613@msn.com>; PDD Planning Commission <pdd.planningcomm@phoenix.gov>
Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov; Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; zach.schira@maricopa.gov; Sal DiCiccio <sal.diciccio@phoenix.gov>; ADEQ Laura Malone (malone.laura@azdeq.gov) <malone.laura@azdeq.gov>; David O Simmons <david.simmons@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; E Yearling Bob Hanson (roberthanson1950@outlook.com) <roberthanson1950@outlook.com>; Dave Riley <driley7@msn.com>; E Yearling Stuart Hamer <stuart.hamer@verizonwireless.com>; Stacey Meier <drsmeier@hotmail.com>; Connie @ MSN <bverno5813@msn.com>; 'Dennis Verno (dmverno@yahoo.com)' <dmverno@yahoo.com>
Subject: Re: Notice of Public Meeting, Planning Commission, 4 June 2020

Thank you

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From: Verno Associates <VA4613@msn.com>
Sent: Tuesday, June 2, 2020 4:23:10 PM
To: PDD Planning Commission <pdd.planningcomm@phoenix.gov>
Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov <nbarto@azleg.gov>; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov <leverock.anthony@azdeq.gov>; Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; zach.schira@maricopa.gov <zach.schira@maricopa.gov>; Sal DiCiccio <sal.diciccio@phoenix.gov>; ADEQ Laura Malone (malone.laura@azdeq.gov) <malone.laura@azdeq.gov>; David O Simmons <david.simmons@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Council District 1 PCC <council.district.1@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; Kristi Trisko

<kristi.trisko@phoenix.gov>; E Yearling Bob Hanson (roberthanson1950@outlook.com)
<roberthanson1950@outlook.com>; Dave Riley <driley7@msn.com>; E Yearling Stuart Hamer
<stuart.hamer@verizonwireless.com>; Stacey Meier <drsmeier@hotmail.com>; Connie @ MSN
<bverno5813@msn.com>; 'Dennis Verno (dmverno@yahoo.com)' <dmverno@yahoo.com>

Subject: Notice of Public Meeting, Planning Commission, 4 June 2020

Reference Agenda III.2 and 3.

DATE: 4 June 2020

The following submission applies to both the GPA-DV-2-19-2 and Z-37-19-2 agenda items and summarizes the attached file which provides the details of my disapproval.

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My position is to deny both submissions based upon my “Disapproval of Both the GPA and Rezoning Applicant Requests” and this submission which impact current community safety issues.

William (Bill) Verno

va4613@msn.com

623-587-4613 (Office/Fax)

602-291-3194 (Cell)

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David O Simmons

From: Connie Verno <BVERNO5813@msn.com>
Sent: Tuesday, June 2, 2020 5:26 PM
To: PDD Planning Commission
Cc: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; Malone.laura@azdeq.gov; David O Simmons; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating; Kristi Trisko
Subject: Notice Public Meeting, Planning Commission, 4 June 2020

June 2, 2020

Agenda III 2 and 3: Regarding GPA-DV-2-19-2 Companion Case Z-37-19-21

I am against this rezoning. Please do not allow this property to be rezoned from the current S-1 zoning.

This whole area for 3 to 5 miles in every direction is zoned for 1 house per 1 acre and many have 1 house per 2.5 acres or more. The developer should not be allowed to cram all these new homes in this neighborhood changing the whole character and setting of this neighborhood. The developer has not abided by The Deer Valley Character Plan Land Use and Design principles. My property values will go down as my views and open spaces will be diminished. I will be looking at a wall instead of natural native Seguro cacti and vegetation and beautiful city lights at night.

If this developer is allowed to do this, there will be as many houses in this very small parcel of land then there are in the 3 mile area in every direction adjacent to this property.

This neighborhood is a ranch and farm area with many farm animals including horses, donkeys, goats , and chickens kept on many properties next to this land. These animals are frequently walking or trotting along the dirt roads. The roads are all private roads completely built and maintained by the residence themselves except for the main road, Central Ave. And even Central Ave. road was paved with private money from each resident many years ago.

Please vote no to this rezoning and keep the present 1 house per acre neighborhood.

Thank you,

Connie Dasta Verno

David O Simmons

From: cheristevenson1@gmail.com
Sent: Wednesday, June 3, 2020 4:15 PM
To: PDD Planning Commission
Cc: Mayor Gallego; nbarto@azleg.gov; Julie Riemenschneider; leverock.anthony@azdeq.gov; Rosanne Albright; Nancy S Allen; zach.schira@maricopa.gov; Sal DiCiccio; Malone.laura@azdeq.gov; David O Simmons; Jim Waring; Council District 1 PCC; Kristi Trisko; Samantha Keating; Kristi Trisko
Subject: Opposition & Recommendations - Central Foothills PUD (Agenda items 2 & 3)
Importance: High

Greetings to the City of Phoenix Planning Committee,

I would like to submit comments in opposition to BOTH agenda items 2 AND 3:

2. GPA-DV-2-19-2 (Companion Case Z-37-19-2), and
3. Z-37-19-2 (Companion Case GPA-2-19-2)

Submitted by Cheri Stevenson – 218 E Yearling Road, Phoenix, AZ 85085 of which property directly borders the proposed PUD to the north.

1) Fences to the North along Yearling disappeared and should be added back to the PUD!

A fence line shows along the entire Yearling Rd. in the original PUD from June, 2019 on page 30-31 that was also discussed with our community on multiple occasions and it has now quietly disappeared from this draft. **Please require this fence line to be added back to the plan!**

By example, the PUD to the North of Union Foothills DOES have an additional fence on the property line separating that community and Union Foothills which is in addition to the block walls around each lot. We request the same type of fence line. The current PUD draft is unacceptable as it allows anyone and everyone from the Central Foothills PUD (and eventually the commerce park) to walk right in to our unmarked natural desert front yards. In addition, I propose no entrance/exit in this fence along Yearling and for it to be placed on the property line or within the PUD between the Central Foothills lots and Yearling lot lines.

Given we have mostly natural preserve around us today and only 1 other community abutting Union Foothills to use as an example, I strongly recommend we follow this at a minimum. This would at least be closer to the requirement of "being in accordance with the surrounding area." **I ask that you make this a stipulation for any further progress!**

2) Increase the Buffer

The proposed development offers a 40' buffer and estimates the distance from current structures to be over 100'. Our residence is purposely set back from the privately maintained street on an easement of our property in order to provide additional privacy and we have the ability to build toward the front of our lot line (in the direction of Central Foothills PUD). Please provide a minimum buffer of 100' between Yearling and Central Foothills individual lot lines. This is in alignment with the one and only PUD that currently borders our community to the North (a portion of Norterra) which offers up to 350' buffers between structures.

3) Lot Sizes 2-3.5 units / acre is NOT in accordance with neighboring subdivisions and I would support a minimum of R1-18 zoning. This is still 1/3 the size of our lots.

The current proposed lot sizes in the Central Foothills PUD are 10X less than our lot which borders the northern edge of this proposed PUD. I submit that the PUD to the North of Union Foothills (Norterra) be used as a minimum comparison and request this type of spacing. By example, many of lots on the outer edge of the Norterra PUD (only abutting PUD) to the north of Union Foothills are .3 acres or more. Only a few lots are smaller and they also have a buffer between the communities that is much larger. ALL other lots surrounding our community are a minimum of 1 acre or is part of the miles of designated Preserve.

4) Traffic

One of my largest concerns is the additional amount of traffic added by the proposed community with only a single ingress/egress at Central & Happy Valley Rd. While I don't mind the current wait times at this intersection, the additional 250++ automobiles from Phase I which will grow with the commercial development in phase II, will grossly over tax this throughput. Even with a traffic light, this is going to be a major issue. I propose that the developer consider providing a minimum 1 additional entrance either along the East side of the community that dumps to Happy Valley Rd or from the middle which would then exit via the Phase II Commerce park.

5) Lighting

The original PUD from June, 2019 shows on page 29 that "lighting will conform with the City of Phoenix Dark Skies Ordinance." I ask that you recognize we have NO streetlights in the existing Union Foothills neighborhood and it is very dark. THIS IS WHY WE MOVED HERE! If you approve any variations of this PUD, please require at a minimum Dark Skies Ordinance and also minimal or no street lights.

As a resident that owns property directly abutting this proposed development, in no way do I support this application as currently proposed and I strongly urge you to deny their request. I submit that the PUD is NOT in accordance with the surrounding area and adjustments need to be made prior to approval.

Sincerely,
Cheri Stevenson
218 East Yearling Road, Phoenix, AZ 85085

Racelle Escolar

From: Valerie Pieraccini <valpierac@gmail.com>
Sent: Monday, June 1, 2020 8:44 PM
To: PDD Planning Commission
Subject: Happy Valley and Central Rezoning GPA-DV-2-19-2 and Z-37-19-2

We will be present at the June 4th meeting but am stating our concern about traffic flows from the proposed development on West Yearling Road and West Quartz Rock Road to access Happy Valley Road from 5th Avenue. Attesting to what my neighbors reported in meetings, traffic on Happy Valley can cause waiting up to 4-5 minutes when no one is before your vehicle while turning left or east in the morning. Happy Valley Road is known in the north valley as a way to avoid the I-17 and 101 intersection. Logically, as the north valley continues to grow, the traffic flow on Happy Valley Road will also grow.

To avoid a line on Central, residents of the proposed development most likely will use West Yearling and West Quartz Rock Road. People will not want to wait 10 minutes to turn left from Central Avenue and will find way to avoid waiting. And as I stated in a previous meeting, construction on Happy Valley will only increase traffic. Therefore, the developer should restrict right turns from both development exits on to Central and a gate on Central at the intersection of Central and Yearling should be placed to restrict the traffic further.

In addition, we are in agreement with our neighborhood that the buffer should be no less than 100 feet from East Yearling and Central, the outside lighting should be minimal and natural desert landscape should be used. Homes next to Yearling should be one-story out of respect for the established community.

Thank you.

Paul and Valerie Pieraccini
258 West Yearling Road

City of Phoenix Planning Commission

Meeting June 4, 2020, 6:00pm

III. General Plan Amendments and Companion Rezoning Cases

Case Number 2. GPA-DV-2-19-2

Case Number 3. Z-37-19-2

My name is Robert Hanson and I live at 508 East Yearling Road and would like to make a comment on these two items.

The following are direct quotes from your meeting with the applicant and the notes from the reviews.

Planning + Development Department

Pre Application Meeting #18-158

December 18, 2018

Property Location: Northeast corner of Central Avenue and Happy Valley Road

Requested Zoning: PUD

Issues / Planners Comments:

- Why is a PUD necessary?
- Density of out of character with surrounding area
- Increased connectivity
- Residential portion not in conformance with the general plan.

Central Foothills PUD 1st Review Comments

Comments: August 23, 2019

Planning Comments:

5. We need additional reasoning for the PUD request. What is being proposed that goes above and beyond traditional zoning requirements?

10. The lot coverage proposed for parcel 1 seems excessive considering that the surrounding residential area to the north of the site compares to RE-43 standards. Staff is not supportive of the density proposed in Parcel 1. A split between R1-18 and R1-10 would be more conducive to surrounding land use.

Street Transportation Department Comments:

3. Dedicate right-of-way totaling 30' on the south side of Yearling Road for the entire length of property.
7. Development shall construct the south half street of Yearling Road as approved by the Planning Development Department.

Central Foothills PUD 2nd Review Comments

Comments: February 5, 2020

Planning Comments:

4. We need additional reasoning for the PUD request. What is being proposed that goes above and beyond traditional zoning requirements?
9. The lot coverage/density proposed for Parcel 1 seems excessive considering that the surrounding residential area to the north of the site compares to RE-43 standards. Staff is not supportive of the density proposed in Parcel 1. A split between R1-18 and R1-10 would be to achieve intent. The surrounding area is rural. The lots as proposed are out of character with the surrounding area. **They also stated increase lot sizes and reduce open space to achieve intent.**

These are word of recommendations from the reviews that the Planning Department have done. Each time the developer has just side stepped them or ignored them.

We are opposed to the current density and wonder why you are not supporting your department's comments.

The current Development is as follows:

Current Parcel 1 Acreage is:	78.30 Acres
Planned area for roads and open area:	49.25 Acres
Lots for Homes (234)	29.05 Acres

If the developer would make a change to the open area by just 20% or 9.85 acres, it would allow for 200 lots at 8,475 Square feet or an R1-18 zoning.

Can you not make this request to the developer to make this change and create a development that works with the recommendation of your own department and more workable for the surrounding residences.

Zone Parcel 1 R1-18 and be done with it. Drop the PUD request.

Robert Hanson

Madeleine Hanson

Comments per the NOTICE OF PUBLIC MEETING

City of Phoenix Planning Commission on Thursday, June 4th, 2020, at 6:00 p.m.

I would like to submit comments in opposition to BOTH agenda items:

Item #2 GPA-DV-2-19-2 (Companion Case Z-37-19-2)

Item #3 Case Z-37-19-2

As a resident of the community directly adjacent to the proposed development site, we are concerned about the drastic change in zoning being proposed. We moved to this area because of the S-1 zoning and feel that the current proposal needs a better transition between our neighborhood and the proposed development for the zoning change to be approved.

We have asked for a larger setback and less density in the houses, especially at the North side where the proposed development abuts the existing neighborhood. The developer mentioned a substantial increase in the buffer and will have a minimum 100' "separation" from existing residences. They are including our private property in this "buffer" calculation while only having a 40' to 50' setback from our property lines.

We are requesting the following changes for this to be considered.

1: Currently a 40' landscaped buffer for yearling and a 65' buffer to the preserve. We are requesting at least a 100' setback from the property lines along Yearling road. This recommendation is consistent with the surrounding community.

2: Single story houses along the North side of the development abutting Yearling Road.

3: Minimum lot size of ½ acre per house for the houses abutting Yearling Road.

(We currently have minimum acre lots, 59,400 sq ft and they are proposing lot sizes of 5000 & 6600 sq ft!! with only a 40' setback from our property lines)

Sincerely,

John Blue

Submitted by John Blue @ 218 E Yearling Road, Phoenix AZ 85085

Racelle Escolar

From: Janet Maul <janet@agencyoneaz.com>
Sent: Wednesday, June 3, 2020 10:40 AM
To: PDD Planning Commission
Subject: Z-37-19-2

As a resident in the area of Central and Happy Valley, I am opposed to the development plan for the parcel at Central and Happy Valley. Besides the ground contamination, the proposed development would put too many people and cars in an area zoned for less density. The traffic alone will snarl Central Ave and Happy Valley, let alone the noise and pollution it will create. Not only that, but some traffic will divert across Yearling (the only through street between Central and 7th Ave) and down 7th Ave. 7th Ave is paved only because residents pooled and paid for it. Additional traffic there will cause the road to deteriorate faster. Who's going to pay it have it re-paved? The City needs to look at the big picture. If they allow for this ridiculous amount of density, they need to come up with traffic solutions which should include repaving 7th Ave from Yearling to Happy Valley.

Janet Maul

David O Simmons

From: David Riley <driley7@msn.com>
Sent: Thursday, June 4, 2020 9:06 PM
To: Racelle Escolar; Jim Waring
Cc: David O Simmons
Subject: RE: Notice of Public Meeting, Planning Commission, 4 June 2020

After 3 hours waiting on line, to speak. I'm dropped!!!!
Next I'll wait to file suit on the city!!!

Do you even care!! We are not in the streets!!!!

From: Racelle Escolar <racelle.escolar@phoenix.gov>
Sent: Wednesday, June 3, 2020 4:40 PM
To: David Riley <driley7@msn.com>
Cc: David O Simmons <david.simmons@phoenix.gov>
Subject: RE: Notice of Public Meeting, Planning Commission, 4 June 2020

Hello Mr. Riley,

Thank you for the notice. I have you noted as a speaker. I will review the registration report tomorrow and let you know who has donated their time to you.

Sincerely,

Racelle Escolar, AICP
Planner III

City of Phoenix
Planning and Development Department
Planning Division
(602) 534-2864

From: David Riley <driley7@msn.com>
Sent: Wednesday, June 3, 2020 2:48 PM
To: Racelle Escolar <racelle.escolar@phoenix.gov>
Cc: David O Simmons <david.simmons@phoenix.gov>
Subject: RE: Notice of Public Meeting, Planning Commission, 4 June 2020

Racelle,
Per David's Note below I am contacting you regarding speaking.
I had registered online yesterday and a couple of people have deferred minutes to me, so this may be redundant

Thank you,
Dave Riley
Driley7@msn.com

From: David O Simmons <david.simmons@phoenix.gov>
Sent: Wednesday, June 3, 2020 11:21 AM
To: David Riley <driley7@msn.com>
Cc: Racelle Escolar <racelle.escolar@phoenix.gov>
Subject: RE: Notice of Public Meeting, Planning Commission, 4 June 2020

Mr. Riley,

Thank you for reaching out in regard to Rezoning Case No. Z-37-19-2 and General Plan Amendment Case No. GPA-2-19-2. Your opposition has been noted and added to the case file to be included as part of the public record. I have also forwarded your email to the applicant as well as to the members of the Planning Commission so they are aware of your concerns. If you wish to speak at the Planning Commission virtual meeting, please submit a request to Racelle Escolar, Planning Commission Liaison, via email at racelle.escolar@phoenix.gov at least 48 hours prior to the start of the meeting. Please indicate the item(s) number on the agenda if you wish to speak. Staff will provide you further instructions on the process for public comment during the virtual meeting. Staff will make every effort to accommodate requests to speak submitted beyond the 48 hour period. Due to the added demands of facilitating the virtual environment for the public, applicants and other staff members, we cannot consider any request less than six business hours before the start of the meeting.

I encourage you to virtually attend all public hearings moving forward.

The Planning Commission meeting is scheduled on June 4, 2020. For more information, please see:
<https://www.phoenix.gov/cityclerk/publicmeetings/notices>

The City Council meeting is scheduled on June 24, 2020 at 2:30 PM. For more information, please see:
<https://www.phoenix.gov/cityclerk/publicmeetings/city-council-meetings>

The staff report and applicants hearing draft are available for review on the City's website:
<https://www.phoenix.gov/pdd/planning-zoning/pzservices/pud-cases>

Please let me know if you have additional comments or concerns.

Respectfully,

David Simmons, MA
Planner II* Village Planner
200 West Washington Street
3rd Floor
Phoenix, AZ 85003
602-262-4072
david.simmons@phoenix.gov



From: David Riley <driley7@msn.com>
Sent: Tuesday, June 2, 2020 5:16 PM

To: Council District 1 PCC <council.district.1@phoenix.gov>; Verno Associates <VA4613@msn.com>; PDD Planning Commission <pdd.planningcomm@phoenix.gov>
Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov; Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; zach.schira@maricopa.gov; Sal DiCiccio <sal.diciccio@phoenix.gov>; ADEQ Laura Malone (malone.laura@azdeq.gov) <malone.laura@azdeq.gov>; David O Simmons <david.simmons@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; E Yearling Bob Hanson (roberthanson1950@outlook.com) <roberthanson1950@outlook.com>; E Yearling Stuart Hamer <stuart.hamer@verizonwireless.com>; Stacey Meier <drsmeier@hotmail.com>; Connie @ MSN <bverno5813@msn.com>; 'Dennis Verno (dmverno@yahoo.com)' <dmverno@yahoo.com>
Subject: RE: Notice of Public Meeting, Planning Commission, 4 June 2020

City of Phoenix Planning and Development Meeting 6.04.20

Response to Item III 2&3 - Central Foothills PUD, GPA-DV-1-19-2 and Z-37-19

Dave and Jan Riley
1115 W. Briles Rd.
Phoenix, AZ 85085

Andrea Katsenes
200 West Washington Street
3rd Floor
Phoenix, AZ 85003

Dear Ms. Katsenes and City of Phoenix Planning Commission:

As members of the community we stand strongly against the proposed Central Foothills PUD, General Plan amendment GPA-DV-1-19-2 and rezoning request Z-37-19. The 2015 Phoenix General Plan and current Deer Valley Village Character Plan variance requests are far too broad and proposed development is inconsistent with community character.

The City of Phoenix 2015 General Plan clearly identifies the upper portion of this property as “Parks/Open Space or 1 du/acre”. This is consistent with the City of Phoenix Council Members 9-0 vote in 2005 on Z-116-04-2. To amend the general plan as proposed violates many of the General Plans intentions. Including a commitment to open spaces, the importance of protecting, enhancing, and restoring natural ecosystems, and protecting residential areas from concentrations of incompatible land uses that could “**change their character or destabilize land values**”. Many current residence acquired their homes with the understanding the City of Phoenix stands by its and the community’s vote on the General Plan.

If Planning Commission intends to amend the General Plan, we have a question:

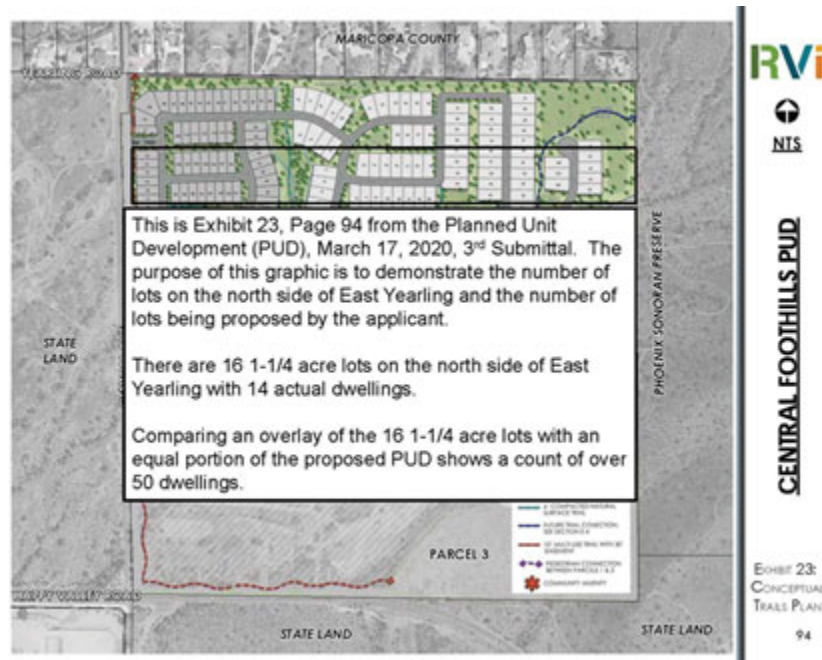
- Does the Planning Commission afford residence living in county islands integrated within the City of Phoenix General Plan and Deer Valley Village Plan the same rights and considerations as residence of the City of Phoenix?

WE ARE deserving of the same rights and considerations and should be afforded similar plan, policy and zoning considerations. As a point of reference, we cite the Planning and Zoning July 8, 2019 Staff Report for Z-25-19-1, a property just a few miles away located at Dynamite and 39th Ave. A Planning and Development request for property development within an S-1 zoned community and adjacent to recreation lands. The Staff Report identifies specific characteristics and stipulations for the recommending development. These include:

- R1-18 Zoning
- Single story, maximum 24' height homes
- “The character of the area is rural and consists of low density single-family residential lots. **Staff is recommending several stipulations to ensure this proposal is similar in character with the surrounding area.**”

The City of Phoenix General Plan and Deer Valley Village Character Plan are largely ignored by Central Foothills Developer’s proposal. The Character Plan includes:

- **“Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.”** This is NOT compatible in scale, design, and appearance.



Also absent, “Provide impact-mitigating features...” “Require appropriate transition/buffers between neighborhoods...” Proposed developments intent is to “Maximize Density” thus offering minimal setbacks and no mitigating features to Maximize Profits at the expense of our community.

There is an important differentiation to make between these two developments and that is the character of the land. This proposed development has ten washes, some over 10’ in depth, funneling water shed from an additional 200+ acres of hillsides requiring significant land allocation to drainage and retention. The proposed development plan is essentially an R1-8, or less, when considering mandatory storm water requirements.

To conclude, If the General Plan is to be amended, our community deserves to be afforded the same rights and considerations of similar land rezoning as referenced. WE pay 99% of our local taxes to City of Phoenix through local business purchases, we deserve the same considerations for protection of our community character and land values.

Dave and Jan Riley

From: Council District 1 PCC <council.district.1@phoenix.gov>

Sent: Tuesday, June 2, 2020 4:34 PM

To: Verno Associates <VA4613@msn.com>; PDD Planning Commission <pdd.planningcomm@phoenix.gov>

Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov; Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; zach.schira@maricopa.gov; Sal DiCiccio <sal.diciccio@phoenix.gov>; ADEQ Laura Malone (malone.laura@azdeq.gov) <malone.laura@azdeq.gov>; David O Simmons <david.simmons@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; E Yearling Bob Hanson (roberthanson1950@outlook.com) <roberthanson1950@outlook.com>; Dave Riley <driley7@msn.com>; E Yearling Stuart Hamer <stuart.hamer@verizonwireless.com>; Stacey Meier <drsmeier@hotmail.com>; Connie @ MSN <bverno5813@msn.com>; 'Dennis Verno (dmverno@yahoo.com)' <dmverno@yahoo.com>

Subject: Re: Notice of Public Meeting, Planning Commission, 4 June 2020

Thank you

Get [Outlook for iOS \[aka.ms\]](#)

From: Verno Associates <VA4613@msn.com>

Sent: Tuesday, June 2, 2020 4:23:10 PM

To: PDD Planning Commission <pdd.planningcomm@phoenix.gov>

Cc: Mayor Gallego <mayor.gallego@phoenix.gov>; nbarto@azleg.gov <nbarto@azleg.gov>; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; leverock.anthony@azdeq.gov <leverock.anthony@azdeq.gov>; Rosanne Albright <rosanne.albright@phoenix.gov>; Nancy S Allen <nancy.allen@phoenix.gov>; zach.schira@maricopa.gov <zach.schira@maricopa.gov>; Sal DiCiccio <sal.diciccio@phoenix.gov>; ADEQ Laura Malone (malone.laura@azdeq.gov) <malone.laura@azdeq.gov>; David O Simmons <david.simmons@phoenix.gov>; Jim Waring <Jim.Waring@phoenix.gov>; Council District 1 PCC <council.district.1@phoenix.gov>; Kristi Trisko <kristi.trisko@phoenix.gov>; Samantha Keating <samantha.keating@phoenix.gov>; Kristi Trisko

<kristi.trisko@phoenix.gov>; E Yearling Bob Hanson (roberthanson1950@outlook.com)
<roberthanson1950@outlook.com>; Dave Riley <driley7@msn.com>; E Yearling Stuart Hamer
<stuart.hamer@verizonwireless.com>; Stacey Meier <drsmeier@hotmail.com>; Connie @ MSN
<bverno5813@msn.com>; 'Dennis Verno (dmverno@yahoo.com)' <dmverno@yahoo.com>

Subject: Notice of Public Meeting, Planning Commission, 4 June 2020

Reference Agenda III.2 and 3.

DATE: 4 June 2020

The following submission applies to both the GPA-DV-2-19-2 and Z-37-19-2 agenda items and summarizes the attached file which provides the details of my disapproval.

SUBJECT: Rezoning and Happy Valley and Central Avenue Traffic Statistics

I am in total agreement with the CoP Planning Staff's 15 January 2020 responses to the applicant's Planned Unit Development (PUD) GPA-DV-2-19-2 and Rezoning Z-37-19-2 submittal for Central Foothills even though the applicant has stated they included it in their recent submission. The changes they made weren't sufficed enough for the residences on East Yearling Road. For example:

- Density is too high and buffer areas need to be increased.
- A dedicated right-of-way totaling 30 feet on the south side of Yearling Road for the entire length of the property.
- A 20 April 2005 Planning Commission recommendations to the City Council was Happy Valley Road improvements needs to meet the Sonoran Boulevards Standards.

At the 23 July 2019 1st Applicant Community Meeting we were told "Traffic Statistics was provided by the CoP."

- The Maricopa County and CoP Traffic Departments were contacted shortly after the meeting.
- They informed us that they didn't have, nor ever conducted any traffic flow measurements on Central Avenue or Happy Valley.

Requests were submitted to both Traffic Departments to conduct traffic flow measurements on Central and Happy Valley.

- A Maricopa County Central Avenue 20-day Traffic Volume Count was conducted during the Aug/Sept 2019 timeframe and the report was provided on 11 Sept 2019.
- The CoP Street Transportation Department conducted a 48-hour Happy Valley Traffic Count on 24 Sept 2019 with report provided within a week.

At the 20 February 2020 Village Planning Informational Meeting the applicant stated they had a **Traffic Impact Analysis** done and the report was dated 9 July 2019, **it was an Impact Analysis, not actual traffic measurements over a period of time.**

- Purpose of this traffic study was to evaluate the current and future transportation system within the project study area surrounding the site without and with the proposed Central Foothills project.
- This impact analysis didn't include or identify the use of the actual 20-day Central Avenue/Happy Valley Traffic Volume Count Statistics.
- The impact analysis didn't include or identify the use of the actual 48-hour Happy Valley Traffic Count Statistics.

We are questioning the accuracy of this impact analysis since it affects the overall Happy Valley and Central Avenue traffic infrastructure design. We are certain that the projected traffic on Central Avenue is no way near adequate.

The actual Central Avenue traffic flow measurements (over 700 vehicles/day) demonstrates our concern that the Central Avenue road improvements are inadequate. We currently experience a 10 minute or more delay to access Happy Valley in either directions, especially during rush hour.

Then Parcel 1 development will add a potential of 500 vehicles a day accessing Central Avenue to get to Happy Valley Road. This additional traffic adds to the existing traffic congestion at the Central Avenue and Happy Valley intersection, ultimately requiring a traffic light to be installed.

My position is to deny both submissions based upon my “Disapproval of Both the GPA and Rezoning Applicant Requests” and this submission which impact current community safety issues.

William (Bill) Verno

va4613@msn.com

623-587-4613 (Office/Fax)

602-291-3194 (Cell)

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David O Simmons

From: C Shipley <cshipley278@gmail.com>
Sent: Monday, June 22, 2020 2:45 PM
To: David O Simmons
Cc: va4613@msn.com; wendysmith85085@gmail.com
Subject: Community meeting space is too small

Good afternoon Mr. Simmons,

I am not the Chris Shipley that is going door to door trying to garner support for the sale of the homes proposed by the developer. The developer had agreed not to use this agent any longer due to the name confusion and personal hardship it was causing me. Apparently, he is now rescinding that promise and has published Chris Shipley as a contact in the most recent letter to my neighbors.

I was noticed on the Nextdoor app of the community meeting in the matter of GPA Dv 2-19-2 and Z 37 19

I would formally request that the developer adhere to the CDC, Governor Ducey, mayor Gallegos and Maricopa County direction for public meetings to be held in an electronic format and restricted when they will have more than 10 in attendance.

It is apparent from previous meetings and the continued work to be done that we will have attendance that far exceeds 50 households and the church is advising inadequate sq footage for more than 12 total attendees per proper distancing requirements.

I would like the opportunity to discuss proposed amendments to the development while maintaining a safe environment similar to what the developer participated in last month.

Holding this meeting with a personal attendance required in a small space environment against suggested COVID protocols will prohibit my attendance and participation.

I appreciate your guidance on this matter-

Thank you,

Chris Shipley

David O Simmons

From: Verno Associates <VA4613@msn.com>
Sent: Thursday, July 30, 2020 8:54 AM
To: David O Simmons
Subject: FW: Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2
Attachments: Attachment 1-Letter to David Cisiewski.pdf; Attachment 2-Concerned Citizen Letter.pdf; PUD Z-37-19-GPA-DV-1-19-2_Water_Shed_Brief.pdf

FYI

William (Bill) Verno

va4613@msn.com
623-587-4613 (Office/Fax)
602-291-3194 (Cell)

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From: Verno Associates
Sent: Wednesday, July 29, 2020 11:40 AM
To: 'nbarto@azleg.gov' <nbarto@azleg.gov>; Mayor Gallego <mayor.gallego@phoenix.gov>; 'toni.maccarone@phoenix.gov' <toni.maccarone@phoenix.gov>; 'milton.dohoney@phoenix.gov' <milton.dohoney@phoenix.gov>; 'council.district.1@phoenix.gov' <council.district.1@phoenix.gov>; 'council.district.2@phoenix.gov' <council.district.2@phoenix.gov>; 'Jim.Waring@phoenix.gov' <Jim.Waring@phoenix.gov>; 'council.district.3@phoenix.gov' <council.district.3@phoenix.gov>; 'raquel.estupinan@phoenix.gov' <raquel.estupinan@phoenix.gov>; 'council.district.4@phoenix.gov' <council.district.4@phoenix.gov>; 'Council.District.5@phoenix.gov' <Council.District.5@phoenix.gov>; 'council.district.6@phoenix.gov' <council.district.6@phoenix.gov>; Sal Diciccio <sal.diciccio@phoenix.gov>; 'sam.stone@phoenix.gov' <sam.stone@phoenix.gov>; 'council.district.7@phoenix.gov' <council.district.7@phoenix.gov>; 'Council.District.8@phoenix.gov' <Council.District.8@phoenix.gov>; 'michael.petersen-incorvaia@phoenix.gov' <michael.petersen-incorvaia@phoenix.gov>; 'elise.moore@phoenix.gov' <elise.moore@phoenix.gov>; Julie Riemenschneider <julie.riemenschneider@phoenix.gov>; 'rosanne.albright@phoenix.gov' <rosanne.albright@phoenix.gov>; 'nancy.allen@phoenix.gov' <nancy.allen@phoenix.gov>; CoP P&D Deputy Joshua Bednarek <joshua.bednarek@phoenix.gov>; CoP P&D Director Alan Stephenson <alan.stephenson@phoenix.gov>; 'kristi.trisko@phoenix.gov' <kristi.trisko@phoenix.gov>; 'samantha.keating@phoenix.gov' <samantha.keating@phoenix.gov>; 'jjohnson@oldworldaz.com' <jjohnson@oldworldaz.com>; 'Mushtaq@maricopa.gov' <Mushtaq@maricopa.gov>; 'zach.schira@maricopa.gov' <zach.schira@maricopa.gov>
Cc: E Yearling Bob Hanson (roberthanson1950@outlook.com) <roberthanson1950@outlook.com>; Dave Riley <driley7@msn.com>; E Yearling Stuart Hamer <stuart.hamer@verizonwireless.com>; Stacey Meier (drsmeier@hotmail.com) <drsmeier@hotmail.com>; Heather Lennon (HeatherLennon@me.com) <HeatherLennon@me.com>; 'Patti Trites, Southern Hills HOA' <pattihoash@gmail.com>
Subject: Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

I am Bill Verno who is a member of a Team representing the community of about 150 residents that border the subject PUD/GPA proposal. As a community we are strongly against the proposed Central Foothills Planned Unit Development (PUD) Z-37-19/GPA-DV-1-19-2 development. The proposed development is entirely too broad, is inconsistent the with community character and, further, threatens the health and safety of both current and proposed residences.

On 3 December 2019 we presented a "Protecting Our Community From Further Contamination" briefing (can be made available upon request) to State, County, and City of Phoenix agencies/department. The purpose of that briefing was to present a history of the UPCO et al., site's commercial use and safety concerns, health problems within our community, and concern for development before remediation. We requested ADEQ to expand the DUER land use restriction to

include residential or commercial development of the 157 acres until remediation is complete. The result lead to a number of testing and analysis of areas we identified with ADEQ concluding no further actions can be taken by ADEQ.

When the City of Phoenix (CoP) staff approved the subject proposal, it went to the Deer Valley Village Planning Committee for community review and inputs. The community attended every scheduled meeting. There were a couple of times where we presented our concerns to the Applicant/Developer about the development with very little to no changes that addressed our major concerns. We then presented our concerns to the CoP Deer Valley Village Committee but they approved the PUD/GPA to go forward to the CoP Planning Commission. On 4 June 2020 we presented our case to the CoP Planning Commissioners who sent the case back to the Village Committee for better Applicant/Developer cooperation in making changes that would address our major concerns.

On 22 June 2020 the Applicant/Developer held an "in-person" meeting. Community attendance was low because of CONVID-19. They made a presentation that didn't address our major concerns. We were allowed to make a presentation that dealt with the Parcel 1 density and they implied they would take it under consideration. They did agree to have a virtual meeting for those who weren't comfortable in attending the "in-person" meeting. The virtual meeting was held on 9 July 2020, but there were no significant changes in their plan.

Currently the next Planning Commission is scheduled for 6 August 2020. We are making preparations to again make our case with more recent information and justification for the proposed PUD/GPA be set-aside.

On 24 July 2020 we sent a letter to the Applicant/Developer (David Cisiewski) about significant important information and data that will be presented to the Planning Commissioners (Attachment 1).

We have included two (2) additional attachments. Attachment 2 is a "Concerned Citizen Letter". The third attachment is our "Water Shed" briefing that we intend to present at the next Planning Commissioners meeting currently scheduled for 6 August 2020.

If you have any questions or need to meet with us, please contact us by using the e-mail addresses in the "cc" line of contact me at 602-291-3194.

William (Bill) Verno

va4613@msn.com

623-587-4613 (Office/Fax)

602-291-3194 (Cell)

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Law Offices of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, Arizona 85028

July 24, 2020

Dear David Cisiewski:

Ref: GPA-DV-2-19-2 and Z-37-19-2

As you are aware, we have shown concern with the flow of storm water from our lots onto your development, and how this flow will be handled and not cause serious flooding of the new homes you are proposing and our own residences. We have questioned whether a Hydrology Report has been prepared for this development. It appears per your Application on page 66 that according to the FEMA Flood Insurance Maps as displayed on the Maricopa County Flood Control District Floodplain Viewer, the Property is not located in an active mapped floodplain (Zone X). This is being used as your Hydrology Report and design criteria. The last Hydrology report was done on this watershed in 1995. We are going to request that the Planning Commission puts this project on hold until a new Hydrology Report be completed based on Flow-2D Model. Until this is completed you cannot define where houses can be built and be safe from flooding. The 100 Year 24-hour event could produce flows of 1446 CFS per the February 1995 Hydrology Report prepared by Kaminski Hubbard Engineering, Inc. for the Scatter Wash Watershed. The city defines that a flow of 200 CFS is potentially deadly. There is a development at South Mountain that was built with the information you are using and it had severe flooding. Check the South Mountain, Southern Hills Development Floods. The settlement was for 3.5 million dollars shared between the builder and two engineering firms.

Respectfully,
Robert Hanson
508 East Yearling Road
Phoenix, Arizona 85085

Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

TO: Chairman of the Planning Commission, Mr. J. Johnson (jjohnson@oldworldaz.com)

Dear Mr. Johnson, Chairman of the Planning Commission

As a member of the community I am strongly against the proposed Central Foothills Planned Unit Development (PUD) Z-37-19/GPA-DV-1-19-2 development. The General Plan and Deer Valley Village Character Plan variances being requested by the Applicant/Developer are entirely too broad, is inconsistent with community character and, further, threatens the health and safety of both current and proposed residences. These are MAJOR variances to both the 2015 General Plan and Deer Valley Village Character Plan and impacts on the Sonoran Preserve Plan. City of Phoenix (CoP) Council set the development expectations in 2005 with a 9-0 vote and should hold to its prior commitments to protect this community.

One of the major concerns is the density change and its effect on safety. It proposes a single-family residential community allowing for a maximum of 255 dwelling units (3.2 du/ac) which is now zoned as an S-1 (1 du/ac). This also impacts a significant number of other areas. This density increase is estimated to add as much as 510 automobiles access Central Avenue then feeding on to Happy Valley. Obviously, this high-density development is not compatible with the community's character and with one way-in and one-way out presents a tremendous impact on safety and emergency access (e.g., Fire, Ambulance, etc.).

Another major concern is about the safety of any residences, especially children since they will be bused to their school and their pickup would be on Central Avenue, and adds additional traffic congestion. A traffic flow study was done by Maricopa County for Central Avenue and the CoP for Happy Valley. These actual traffic measurements weren't used in the Applicant/ Developer Impact Study.

Another major concern is about storm water runoff from the current Maricopa County residential area into this development and how will it be handled. There has been no hydrology study done in this area since 1995. In the 1995 report, on page 295 shows a 100-year peak discharge of 1,447 cfs for Subbasin 320 (320S). According to CoP water flow over 200 cfs could be very dangerous. A new updated hydrology study needs to be done by the Applicant/Developer before any further advancing of the PUD/GPA goes forward.

Additionally, the proposed development and rezoning conflicts with and fails to meet several specifics in the Deer Valley Village Character Plan, which reflects the city's updated and voter approved 2015 General Plan, specifically in the categories on Land Use, Design, and Design Principles. The Character Plan includes:

- **“Protect and enhance the character of each neighborhood and its various housing lifestyles through new development that is compatible in scale, design, and appearance.”** There are 16-1-1/4 acre lots on the north side of East Yearling with 14 actual dwellings. When compared to the same overlay (i.e., 1-1/4/ areas) there are over 50 dwellings.
- **“Protect residential areas from concentrations of incompatible use that could change their character or destabilize land values.”** Density is incompatible with longstanding S-1 community and rural setting.
- **“Preservation of Natural washes coming from the preserve and promote access and views of the preserve by the public.”** There are 10 washes, and all will be altered or destroyed. Developer expressly states that washes are to be channeled to “Maximum Density”, at least they recognize that washes exist.
- **“Pursue creative, innovative, and environmentally-sound methods to capture and use stormwater...”** The only innovation of the 100-year storm water retention is by destroying natural washes and retention of storm water adjacent to toxic soil caps.
- **“Provide impact-mitigating features...” “Require appropriate transition/buffers between neighborhoods...”** Proposed development intent is to “Maximize Density” thus offering minimal setbacks and no mitigating features.

- **“Protect the neighborhood’s views of open spaces and mountains...”** Proposal includes destruction of open spaces and building multi-family on mountainsides that have greater than a 10% slope.
- **“Promote site development and land use which protects the natural environment by preserving Vegetation...”** Many environmentally sensitive issues for both flora and fauna exist, protected species habitat and transitions will be destroyed. This proposed plan destroys all for the purpose of “Maximum Density” to maximize profits at the expense of the environment and community.

To ignore the community member’s health and safety, the principles set forth in the CoP plans, and specifically the need to have a new updated hydrology study done by the Applicant/Developer before any further advancing or approval of the PUD/GPA is just injustice.

Neighborhood Safety Concerns

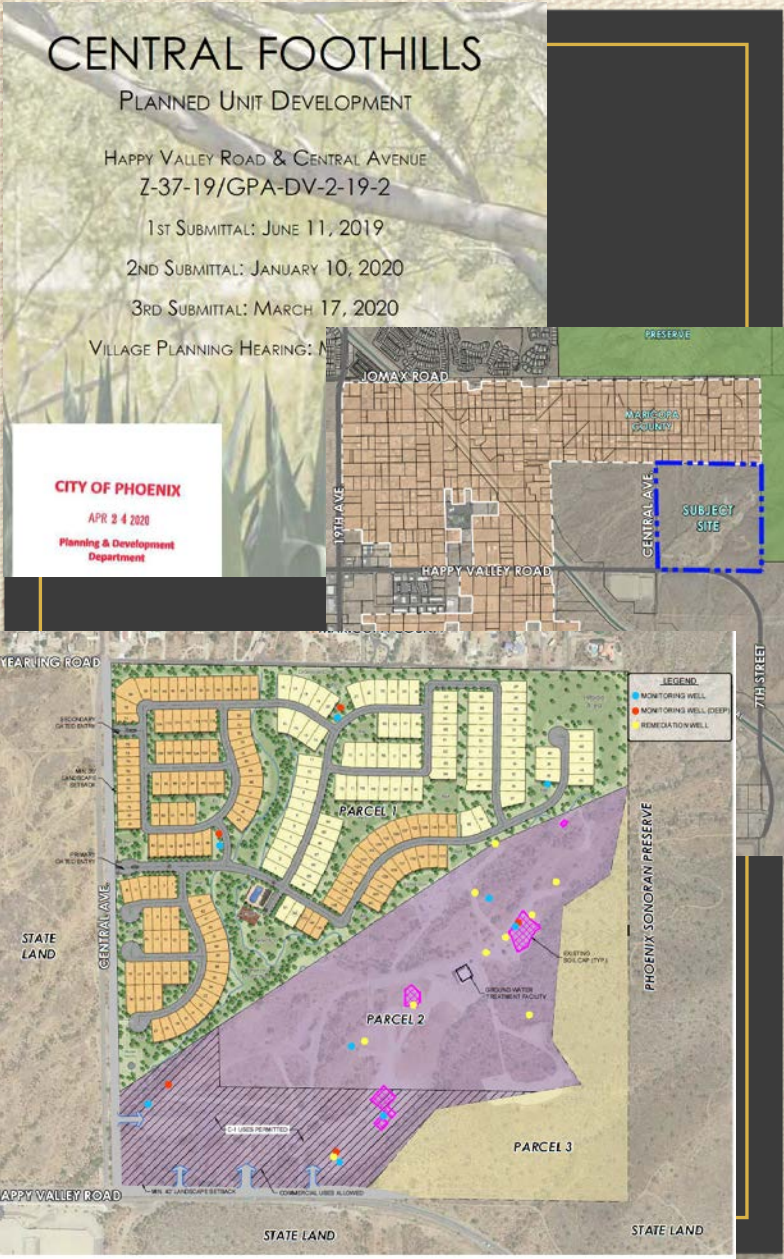


Sonoran Preserve

**6 August 2020 Central
Foothills
Neighborhood Safety
Concerns Relating to
PUD Z-37-19/GPA-DV-
1-19-2**

**With City of Phoenix
(CoP) Planning
Commission**

Neighborhood Safety Concerns

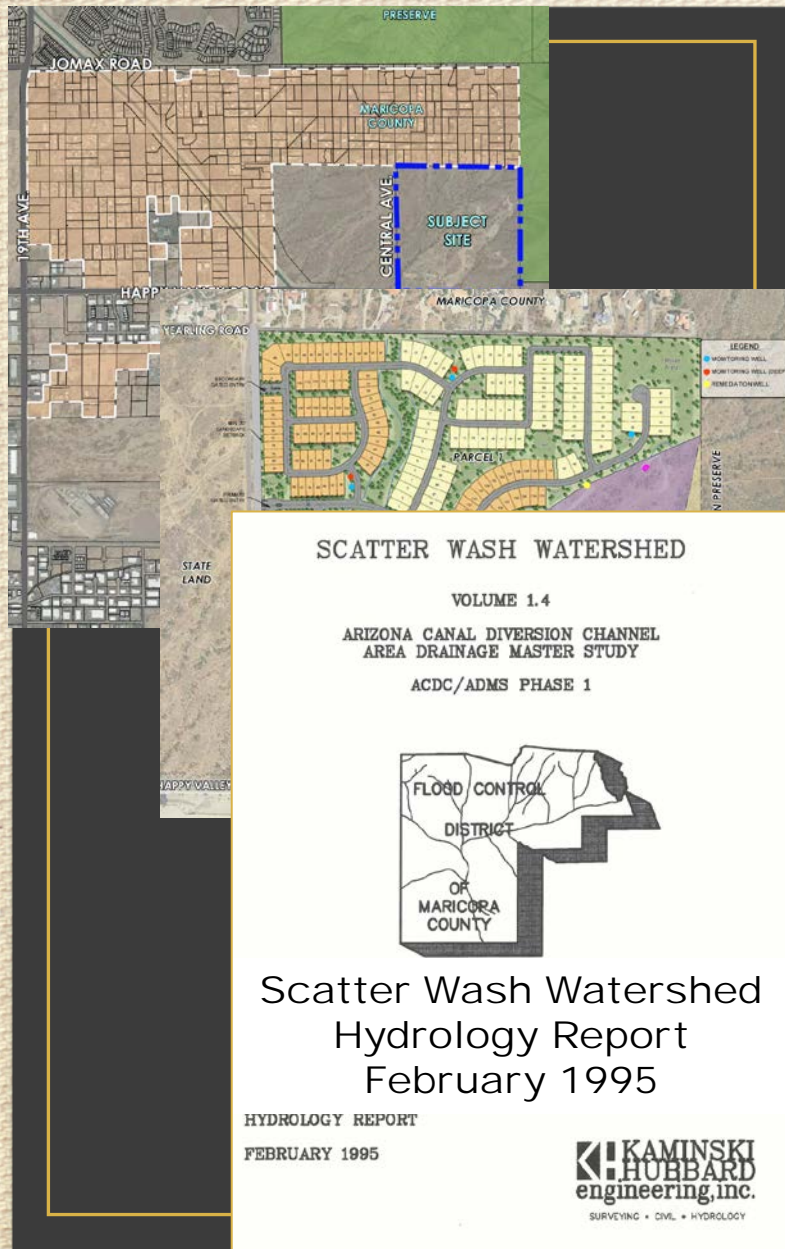


- ❑ Applicant/Developer requesting permission for PUD
- ❑ Applicant/Developer needs to address SAFETY FIRST, prior to gaining permission of PUD

Table 2: General Plan Land Use Comparison

Existing General Plan			Proposed General Plan		
Land Use	Area	Percent	Land Use	Area	Percent
0 to1 & 1 to 2 du/ac - Large Lot & Parks/ Open Space	33.3 Ac	21%	2.0 to 3.5 du/ac - Traditional Lot	78.3 Ac	50%
Commerce/Business Park	87.2 Ac	55%	Commerce/Business Park	56.8 Ac	36%
Future Parks/Open Space or 1 du/acre	36.4 Ac	23%	3.5 to 5 du/ac -Traditional Lot	21.8 Ac	14%

Neighborhood Safety Concerns



SAFETY ISSUES:

Historical Land Use: Contamination

- Many \$\$ were spent on soil reports
- Parts of the property has issues due to past historical use

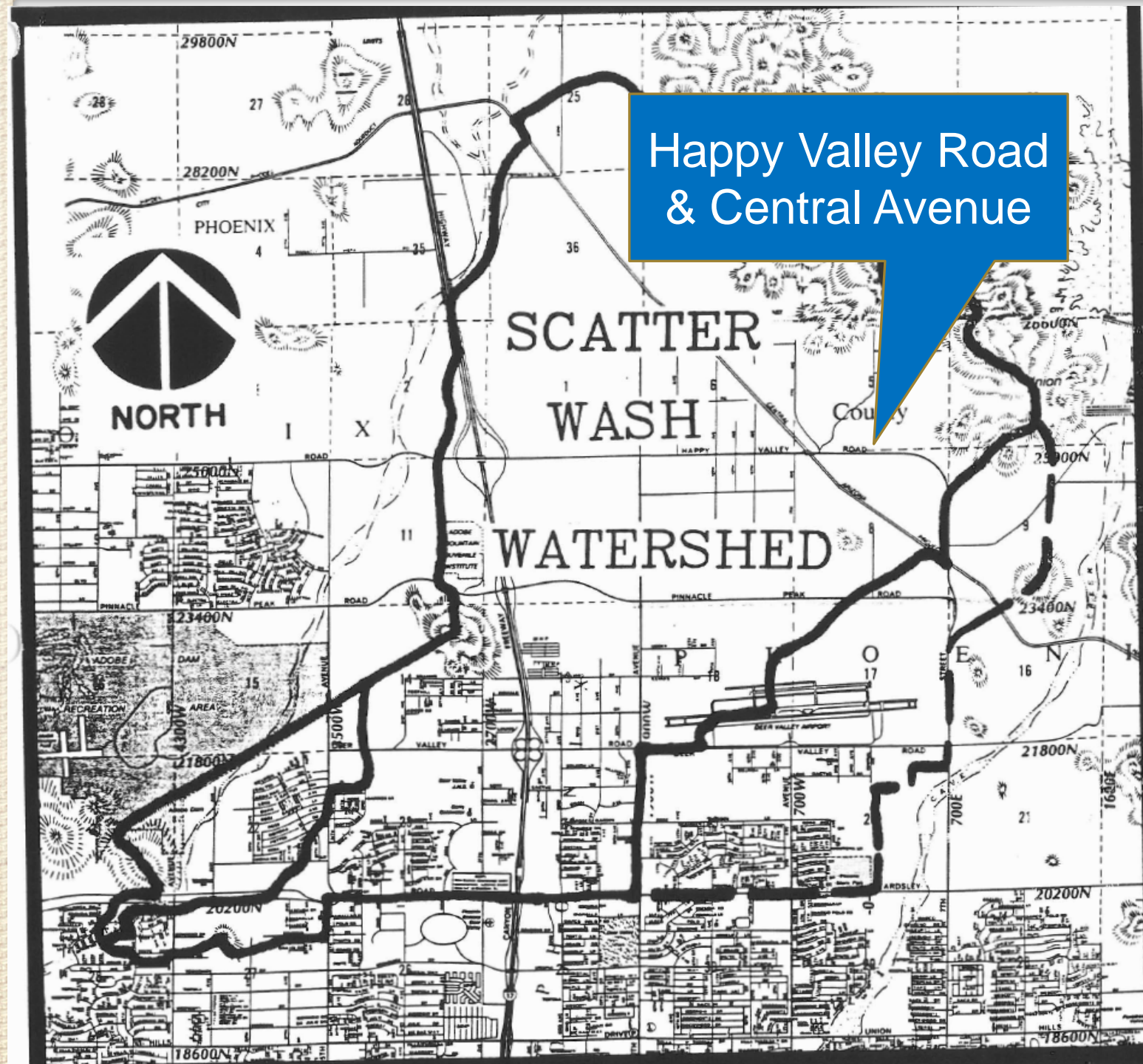
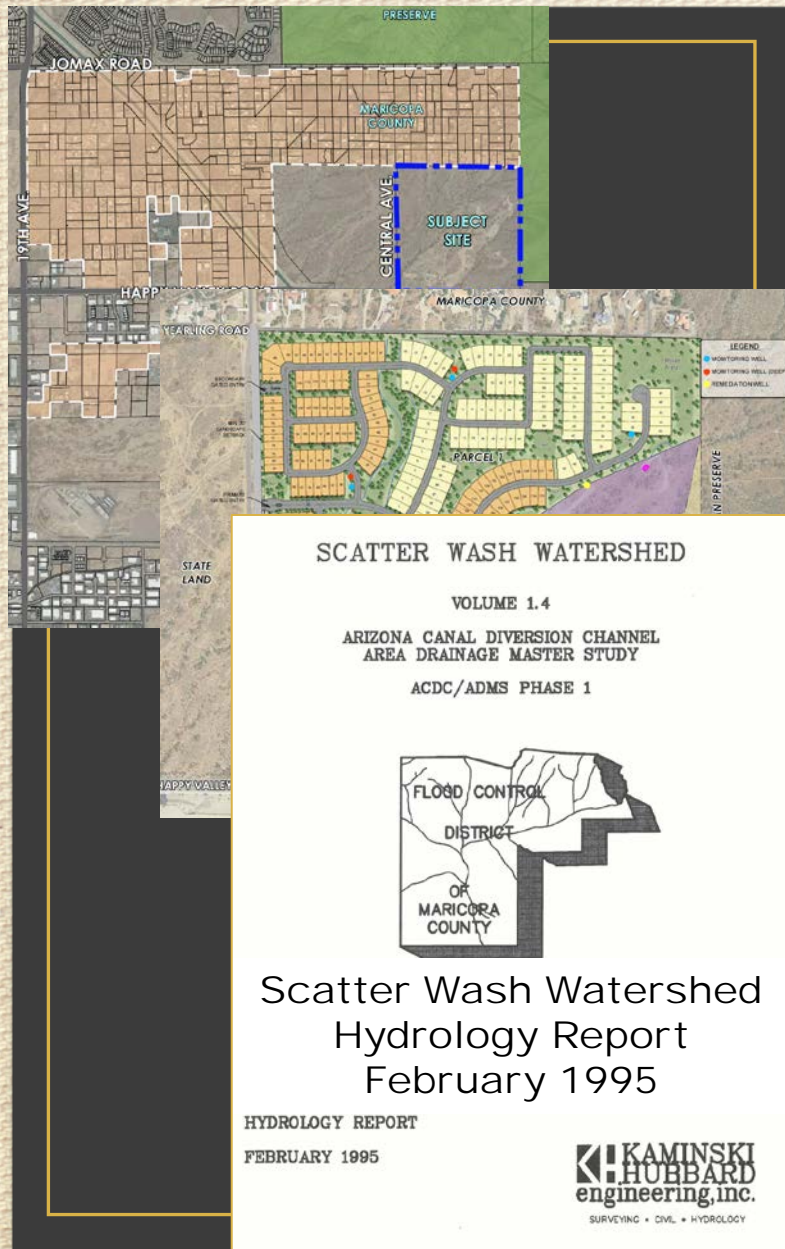
Historical Flooding on Property

- Over 1,000 cubic-ft-sec (cfs) in 100 year event per 1995 Hydrology Report by Kaminski Hubbard Engineering for the FCDMC, Flood Control District of Maricopa County, it is a public document

UPDATED Hydrology Report is needed PRIOR to layout of buildings

SAFETY FIRST—PRIOR TO APPROVALS

Neighborhood Safety Concerns



Neighborhood Safety Concerns



**Page 308 of 1995 Hydrology Report:
Subject site location #320**

SCATTER WASH WATERSHED

VOLUME 1.4

ARIZONA CANAL DIVERSION CHANNEL
AREA DRAINAGE MASTER STUDY

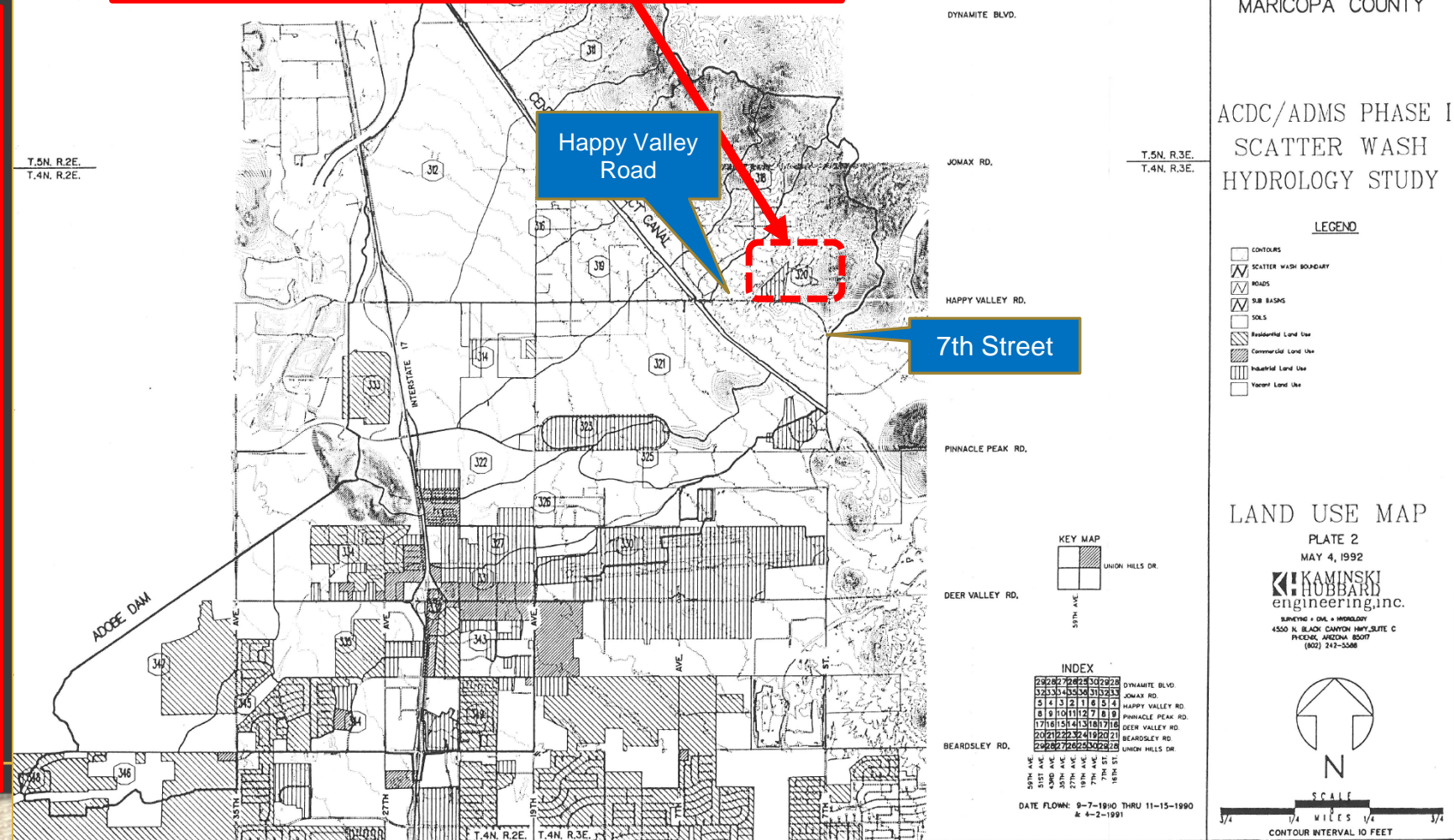
ACDC/ADMS PHASE 1



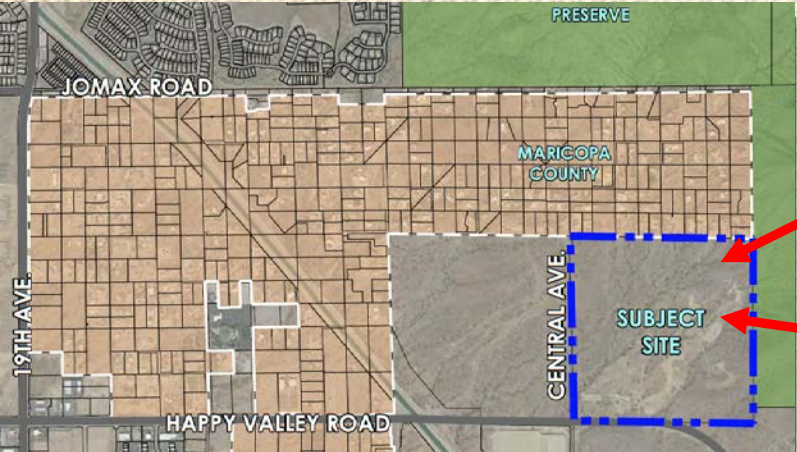
Scatter Wash Watershed
Hydrology Report
February 1995

HYDROLOGY REPORT
FEBRUARY 1995

**KAMINSKI
HUBBARD
engineering, inc.**
SURVEYING • CIVIL • HYDROLOGY



Neighborhood Safety Concerns




SCATTER WASH WATERSHED

VOLUME 1.4


ARIZONA CANAL DIVERSION CHANNEL
AREA DRAINAGE MASTER STUDY

ACDC/ADMS PHASE 1



Scatter Wash Watershed
Hydrology Report
February 1995

HYDROLOGY REPORT
FEBRUARY 1995



SURVEYING • CIVIL • HYDROLOGY

Page 136 of 1995 Hydrology
Report: Subject site location #320
**FUTURE Conditions – 1447 cfs
over a 24-hour period**

Page 125 of 1995 Hydrology Report:
Subject site location #320
**1995 Conditions – 1264 cfs over a 24-hour
period**

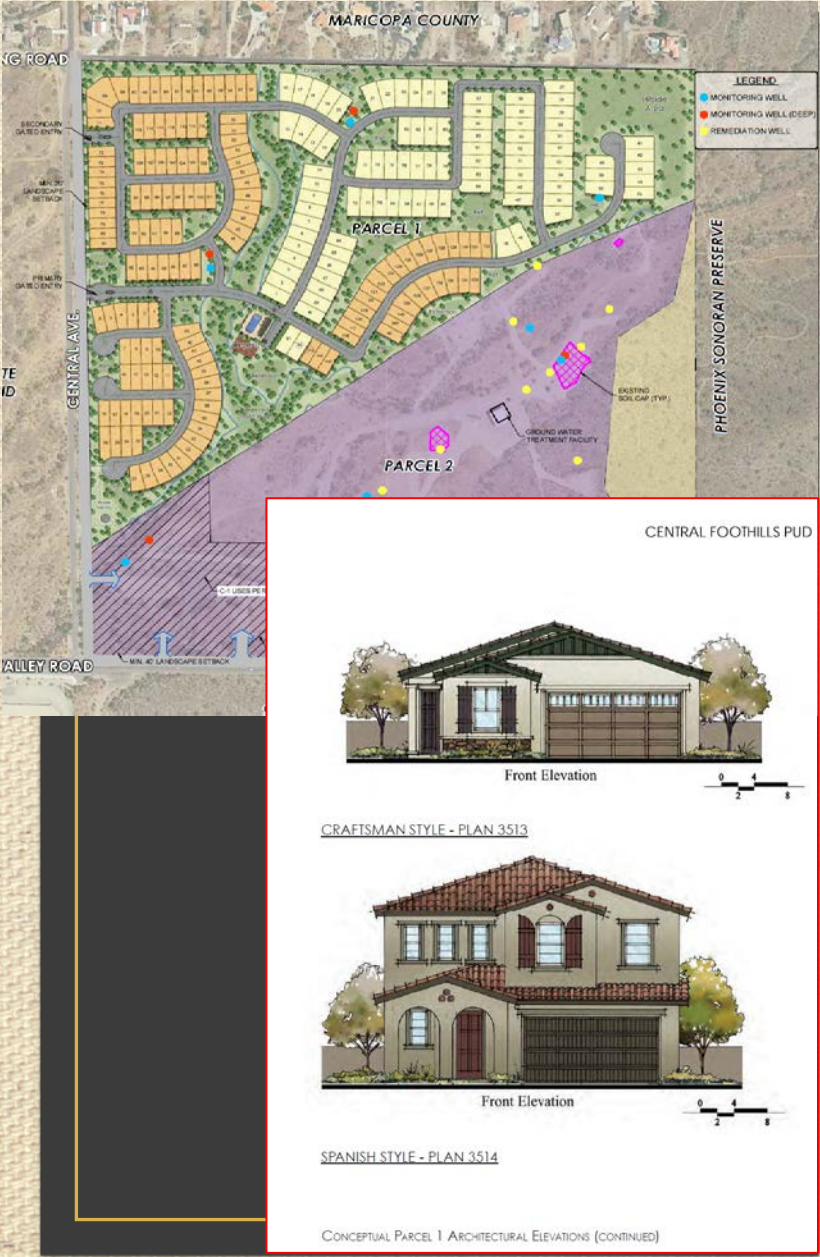
TABLE 15
Summary Of Sub-Basin Peak Discharges (CFS)
Existing Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
310	119	178	375	464	757	924
311	45	94	249	320	572	696
312	38	127	488	618	1230	1413
314	10	12	164	293	655	829
315	69	126	276	375	579	751
316	0	32	200	301	599	755
317	52	113	308	411	715	894
318	39	78	210	262	502	778
319	0	5	84	145	293	473
320	69	155	440	569	1060	1264
321	6	6	133	286	703	886
322	12	14	75	143	291	400
323	14	16	42	67	110	148
325	13	14	92	178	385	515
326	24	25	68	131	322	420
327	39	50	123	164	250	321
330	48	58	149	201	329	417
331	74	95	180	227	305	380
332	37	46	82	101	136	165
333	9	12	118	177	391	459
334	178	254	478	625	870	1103
335	76	107	290	374	556	703
343	82	102	246	305	429	533
344	129	147	369	417	663	754
345	37	52	154	212	333	433
346	28	36	154	206	383	467
347	90	99	342	505	961	1199
348	4	5	9	14	34	50
349	96	115	295	359	501	616

TABLE 19
Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
310	211	299	451	591	825	1071
311	116	184	320	431	637	822
312	518	675	968	1199	1696	2156
313	142	212	335	459	626	822
314	266	307	455	605	836	1090
315	87	171	343	475	744	971
316	83	131	208	291	401	528
317	284	400	582	767	1056	1369
318	138	185	259	354	456	581
319	57	107	229	295	522	626
320	133	253	516	689	1142	1447
321	259	338	590	773	1207	1554
322	15	19	47	72	114	154
323	165	210	288	358	491	621
324	49	72	109	148	204	263
325	204	269	388	513	706	914
326	178	221	322	413	595	769
327	175	227	301	379	506	638
328	190	247	325	411	542	685
329	287	387	529	686	893	1140
330	189	255	351	455	607	778
331	50	62	84	103	135	164
332	43	113	252	392	594	814
333	427	534	744	902	1265	1584
334	131	173	248	312	447	563
335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

Neighborhood Safety Concerns



Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.

Beautiful New Homes

- Are they safe from this water flow when the cfs goes from 1264 to 1447?
- According to City of Phoenix, water flow over 200 cfs could be very dangerous.

319	57	107	229	295	522	626
320	133	253	516	689	1142	1447
321	259	338	590	773	1207	1554
322	15	19	47	72	114	154

Does this make sense?

According to this future water flow predication a 2-year-24-hr the cfs will be 253

327	175	227	301	379	506	638
328	190	247	325	411	542	685
329	287	387	529	686	893	1140
330	189	255	351	455	607	778
331	50	62	84	103	135	164
332	43	113	252	392	594	814
333	427	534	744	902	1265	1584
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Neighborhood Safety Concerns



TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
		299	451	591	825	1071
		184	320	431	637	822
		675	968	1199	1696	2156
		212	335	459	626	822
		307	455	605	836	1090
		171	343	475	744	971
		131	208	291	401	528
		400	582	767	1056	1369
		185	259	337	456	581
		107	229	295	522	626
		253	516	689	1142	1447
		338	590	773	1207	1554
		19	47	72	114	154
		210	288	358	491	621
		72	109	148	204	263
		269	388	513	706	914
		221	322	413	595	769
		227	301	379	506	638

From Developer’s PUD Application, page 66

According to the FEMA Flood Insurance Rate Maps (FIRM) as displayed on the Maricopa County Flood Control District Floodplain Viewer, the Property is not located within an active mapped floodplain (Zone X).

FEMA defines Zone X as:

The flood insurance rate zone that corresponds to areas of 0.2 annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% chance flood. No base flood elevations or depths are shown within this zone.

In accordance with City stormwater guidelines, Central Foothills will be designed so that onsite runoff from the Property will be routed via street flow and/or storm drainage channels to retention basins located throughout the Site and each separate Parcel. The Site will manage stormwater on-site to comply with the criteria for the 100-year, 2-hour retention requirement. All drainage improvements will be designed in accordance with all City and Maricopa County drainage design standards. Additionally, special and detailed design analysis will be conducted when preparing the development plan for Parcel 2 to ensure stormwater drainage and flows are not negatively impacting the Soil Cap areas, any then-existing monitoring or remediation wells or any then-existing groundwater remediation systems.

This is not a HYDROLOGY REPORT

Beautiful New Homes

- ❑ Are they safe from this water flow? A New Hydrology Report is needed PRIOR to any PUD Approval.
- ❑ How do you know they are safe? Where is the proper Civil Engineering, Hydrology and Hillside incorporated?
- ❑ **SAFETY is key. Do this right at the beginning.**

336	52	69	92	118	154	193
337	104	143	200	260	348	445

Neighborhood Safety Concerns

TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
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335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

❑ **Are these new beautiful homes safe from the water flow?**

- ✓ **How do you know? How does the Developer know?**
- ✓ **Where is the updated Hydrology Report?**
- ✓ **New Hydrology Report needed to properly plan BEFORE APPROVAL**
 - # of Buildings and their location
 - # of Homes and the location of Homes
 - # of Retention Basins, their location and depth
 - # of Washes and location
 - Water flow

❑ **WILL A FIRETRUCK BE ABLE TO ENTER IN A FLOOD?**

❑ **WILL HOMEOWNERS BE ABLE TO GATHER AND DEPART IN A FLOOD?**

ALL SAFETY RELATED TO CURRENT NEIGHBORS AND FUTURE OCCUPANTS

Neighborhood Safety Concerns

TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
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335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

No flooding has occurred here, as there are no homes on the property today and no history. We only have the 1995 Hydrology Report.

We are concerned and speaking for the future homeowners and their families.

When one purchases a home, and invests, the expectation is that the

CoP and Flood Control District of Maricopa County

reviewed the developer's updated Hydrology report to make sure their investment is sound and protected

Neighborhood Safety Concerns

TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
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335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

- ❑ **CAUTION – SAFETY FIRST: FEMA Flood Zone X**
- ❑ **The 2014 Floods on August 12th and September 8th**
 - ✓ **66% of the Southern Hills homes flooded during these two storms**
- ❑ **Southern Hills is in Zone X**
 - ✓ **All 14 homes flooded in Southern Hills at South Mountain**
 - ✓ **All homes were less than 2 years old**
 - ✓ **That water entering the SH Community was ~236 cfs**
 - ✓ **Homes flooded in 2014, 2016, 2017, and 2018**
- ❑ **Southern Hills settled with the Developer and Civil Engineering Firms**

TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
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326	178	221	322	413	595	769
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328	190	247	325	411	542	685
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331	50	62	84	103	135	164
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333	427	534	744	902	1265	1584
334	131	173	248	312	447	563
335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

SUMMARY

- ❑ DO THE RIGHT THING FROM THE BEGINNING
- ❑ SAFETY FIRST
- ❑ REQUIRE AN UPDATED HYDROLOGY REPORT (FLO-2D Model) BEFORE PUD

Racelle Escolar

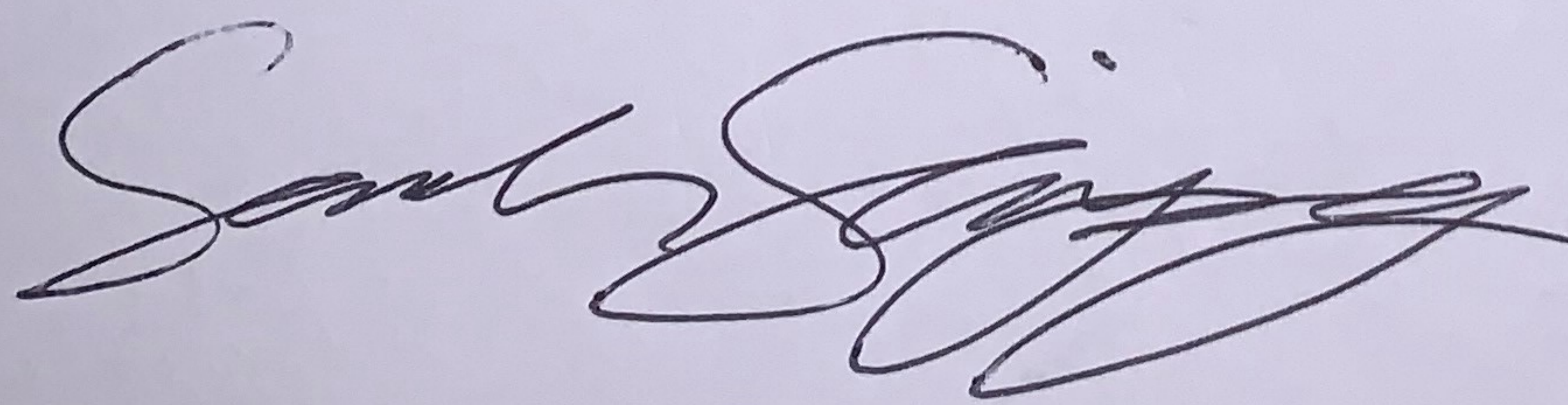
From: Sarah Shipley <s.shipley354@gmail.com>
Sent: Monday, August 3, 2020 11:52 AM
To: jjohnson@oldworldaz.com; PDD Planning Commission
Cc: va4613@msn.com; roberthanson1950@outlook.com
Subject: Concerned Citizens Response to GPA-DV-1-19-2/z37-19-2

Please see petition for my stance of opposition upon this matter.

Petition to Disapprove the Central Foothills, Planned Unit Development (PUD), Happy Valley Road & Central Avenue, Z-37-19/GPA-DV-1-19-2, May 21, 2020

Petition summary and background	The subject PUD, Z-37-19/GPA-DV-1-19-2, has been submitted to the City of Phoenix (CoP) Planning Commission for review and approval.
Action petitioned for delaying or not approving the Z-37-19/GPA-DV-1-19-2, May 21, 2020 submission	<p>I (we), the undersigned, am (are) concerned citizen(s) who strongly urge you, our leaders to not approve and stop any further actions on advancing this PUD/GPA for following reasons:</p> <ol style="list-style-type: none"> 1. One of the major concerns is the density change and its effect on safety. It proposes a single-family residential community allowing for a maximum of 255 dwelling units (3.2 du/ac) which is now zoned as an S-1 (1 du/ac). This also impacts a significant number of other areas. This density increase is estimated to add as much as 510 automobiles access Central Avenue then feeding on to Happy Valley. Obviously, this high-density development is not compatible with the community's character and with one way-in and one-way out presents a tremendous impact on safety and emergency access (e.g., Fire, Ambulance, etc.). 2. Another major concern is about the safety of any residences, especially children since they will be bused to their school and their pickup would be on Central Avenue, and adds additional traffic congestion. A traffic flow study was done by Maricopa County for Central Avenue and the CoP for Happy Valley. These actual traffic measurements weren't used in the Applicant/ Developer Impact Study. 3. Another major concern is about storm water runoff from the current Maricopa County residential area into this development and how will it be handled. There has been no hydrology study done in this area since 1995. In the 1995 report, on page 295 shows a 100-year peak discharge of 1,447 cfs for Subbasin 320 (320S). According to CoP water flow over 200 cfs could be very dangerous. A new updated hydrology study needs to be done by the Applicant/Developer before any further advancing of the PUD/GPA goes forward. 4. Additionally, the proposed development and rezoning conflicts with or fails to meet several specifics in the Deer Valley Village Character Plan, which reflects the city's updated and voter approved 2015 General Plan, specifically in the categories on Land Use, Design, and Design Principles.

I oppose agenda #3 and 4
 GPA DV 2192 / Z 37192
 donate speaking to Heather Lennon

 26108 N Central Av
 Phoenix AZ

Racelle Escolar

From: Verno Associates <VA4613@msn.com>
Sent: Monday, August 3, 2020 12:56 PM
To: PDD Planning Commission
Cc: E Yearling Bob Hanson (roberthanson1950@outlook.com); Dave Riley; E Yearling Stuart Hamer; Stacey Meier (drsmeier@hotmail.com); Heather Lennon (HeatherLennon@me.com); Pattihoash@gmail.com; nbarto@azleg.gov; Mayor Gallego; Toni Maccarone; Milton Dohoney; Council District 1 PCC; Council District 2 PCC; Jim Waring; Council District 3 PCC; Raquel Estupinan; Council District 4; Council District 5 PCC; Council District 6 PCC; Sal DiCiccio; Sam G Stone; Council District 7 PCC; Council District 8 PCC; Michael Petersen-Incorvaia; Elise Moore; Julie Riemenschneider; Rosanne Albright; Nancy S Allen; Joshua Bednarek; Alan Stephenson; Kristi Trisko; Samantha Keating; jjohnson@oldworldaz.com; Mushtaq@maricopa.gov; zach.schira@maricopa.gov
Subject: Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2
Attachments: 01 6_Aug_20_PC_Meeting_Brief.pdf; 02 FINAL Stipulations.pdf; 03 6_Aug_20_PC_Hydrology_Brief.pdf; 04 Letter to David Cisiewski.pdf

We want to thank the Planning Commission for this opportunity to present our response to this case and the developer's submittal. We have put together presentations along with a list of stipulations. This has been compiled from the input of our neighbors and research that we have done.

We have presented this information to the developer in the various meetings we have had. Many of our important issues have been ignored and the developer uses the smaller issues to tell you that they have worked with us. The issues pertaining to Density, Traffic, the Hydrology, and Life Safety for our community and the potential new residences has fallen on deaf ears.

On 24 July 2020 and 3 August 2020, we sent a letter (item "d") to David Cisiewski. The purpose of this letter was to inform Mr. Cisiewski we have questioned whether an adequate Hydrology Report has been prepared for this development. It appears per your Application references the FEMA Flood Insurance Rate Maps shows the Property is not located in an active mapped floodplain (Zone X). This is being used as your Hydrology Report and design criteria which was done on this watershed in 1995. We are going to request that the Planning Commission puts this project on hold until a new Hydrology Report be completed based on Flow-2D Model.

We are totally against the PUD as submitted and the current PUD/GPA should be reduced down to Parcel One only.

The following documents are being submitted for the record:

- a. 01 6_Aug_20_PC_Meeting_Brief being presented by Mrs. Heather Lennon
- b. 02 FINAL Stipulations are our 22 stipulations
- c. 03 6_Aug_20_PC_Hydrology_Brief being presented by Mrs. Patti Trites
- d. 04 Letter to David Cisiewski, 24 July 2020

William (Bill) Verno

va4613@msn.com

623-587-4613 (Office/Fax)

602-291-3194 (Cell)

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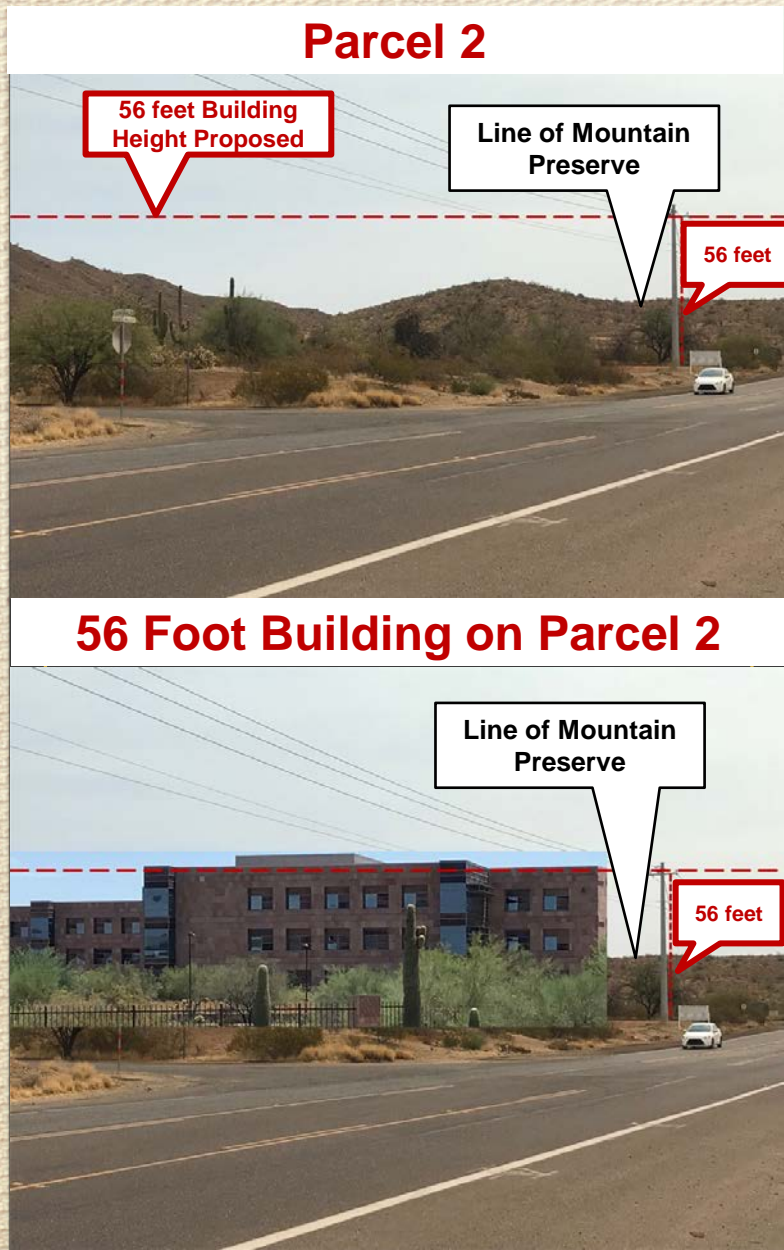
Neighborhood Concerns To Include Safety



Sonoran Preserve

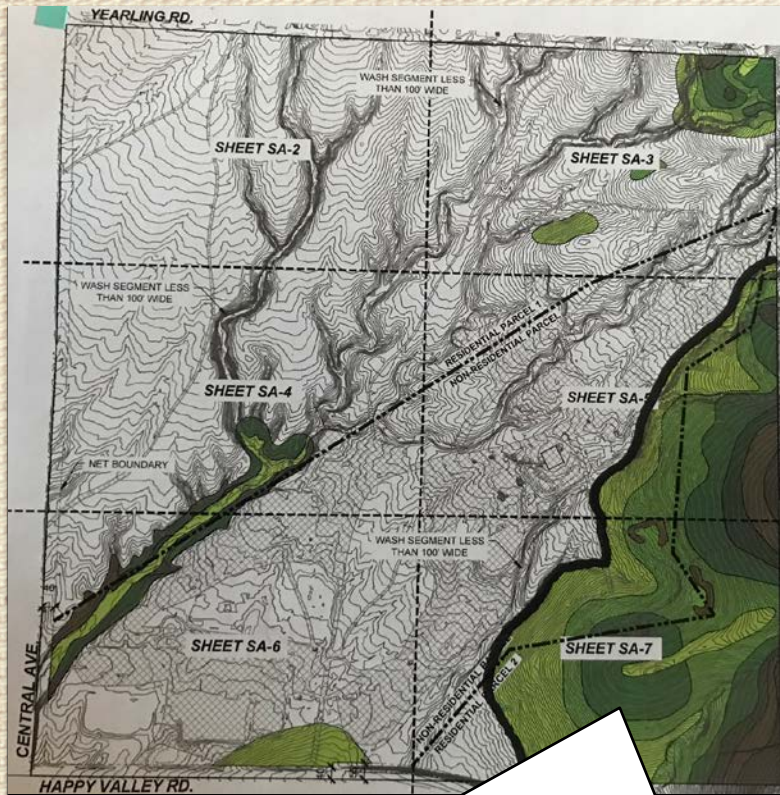
**6 August 2020 Central
Foothills Meeting
With City of Phoenix
(CoP) Planning
Commission**

**Concerned Citizens
Recommendation to
Disapprove the PUD Z-
37-19/GPA-DV-1-19-2**



- ☐ **Applicant/Developer requesting permission for PUD**
 - ✓ **PUD is too broad for development, especially Parcels 2 and 3**
 - ✓ **Parcel 2 and 3 are more Conceptual rather than Implementation ready, as compared to Parcel 1**
- ☐ **As such the PUD is unaccepted as submitted**
- ☐ **Dedicate preservation easement or tract on areas above 15% as approved by CoP P&D**
- ☐ **See Stipulation #1, #2, #3, and #4**

Sonoran Preserve



**This hillside area has greater than 10% slopes.
60% of this area is greater than 10% slope.
Transfer to the Sonoran Preserve.**

❑ Implement the City Council approved Sonoran Master Plan

- ✓ **Protect large areas of scenic and sensitive lands as a visual amenity**
- ✓ **Preserve significant hillsides that have a greater than 10% slope**
 - ❖ **Parcel 3 concept is to build a 3 story, 40 foot multi-story building on the corner adjacent to preserve property line**
 - ❖ **Parcel 3 has over 60% of the land greater than 10% slope**
- ✓ **Maintain physical public access to the preserve which provides a sense of public ownership**
- ✓ **See Stipulation #2 and #4**

Neighborhood Concerns to Include Safety



Our Existing Density



Their Proposed/Projected Density

Alternative Density/Characteristics Proposed



22 June 2020 Applicant/Developer Community Meeting

- Community presented an alternative Density/Characteristics proposal which seemed to fall on deaf ear
- ✓ Divide Parcel 1 into Three (3) Sub-parcels (Stipulation #5)

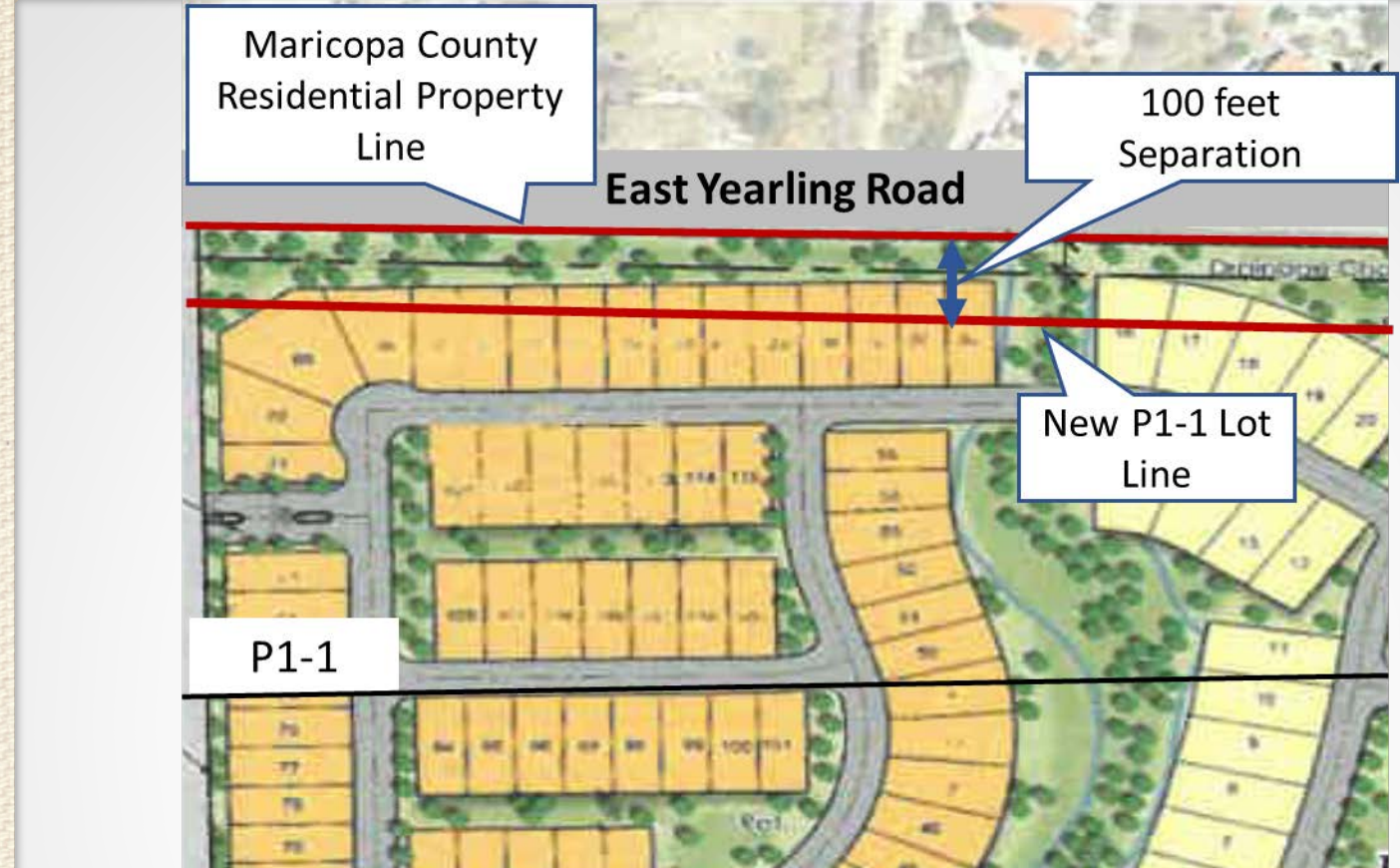
PARCEL 1 - R1-18/R1-10 DENSITY

P1-1	Lot Size	10,000 SqFt	30%
P1-2	Lot Size	6,500 SqFt	30%
P1-3	Lot Size	5,000 SqFt	40%

Lot Size/Characteristics

P1-1	Lot Size	10,000 Sq Ft	Single Story
P1-2	Lot Size	6,500 Sq Ft	Mix (1-2 story)
P1-3	Lot Size	5,000 Sq Ft	Mix (1-2 story)

Neighborhood Willingness to Cooperate



22 June 2020 Applicant/Developer Community Meeting (Cont'd)

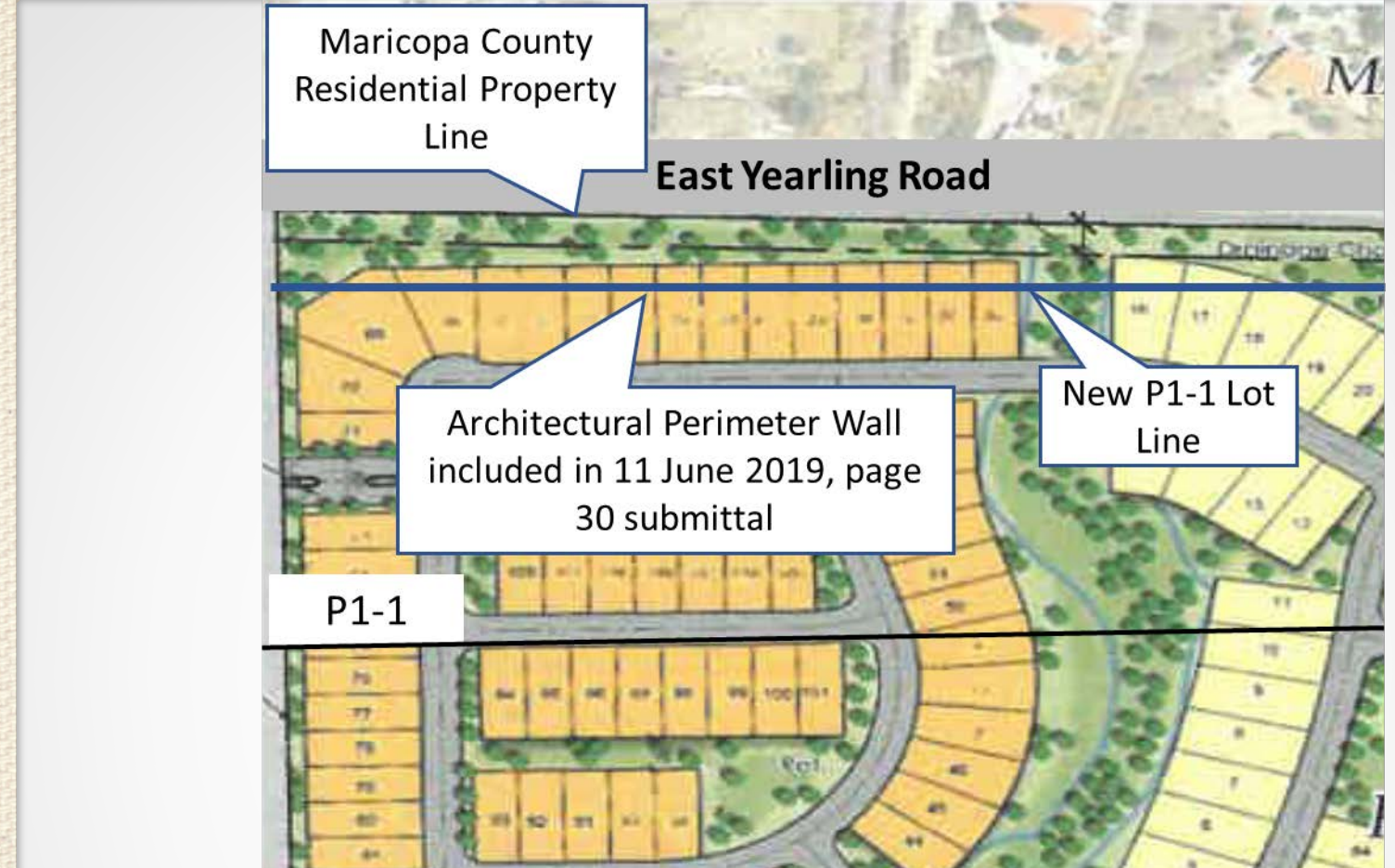
- Community presented an alternative Buffer/Separation proposal which seemed to fall on deaf ear (Stipulation # 15)

PROPERTY BUFFER/SEPARATION

P1-1

A 100 foot Landscape buffer from P1-1 lot line to North Yearling property line

Neighborhood Willingness to Cooperate



22 June 2020 Applicant/Developer Community Meeting (Cont'd)

- Community presented an alternative solid Perimeter Wall (Stipulation #14)

PERIMETER WALL

P1-1

Architectural Wall on North End was included in 1st submittal, dated 6-11-2019, page 30

Neighborhood Safety Concerns



Traffic and Safety Issues

- ❑ **A traffic signal at the intersection of Central Avenue and Happy Valley Road**
 - ✓ Needs to be installed at the time Parcel 1 is developed
 - ✓ As approved by the Street Transportation Department
- ❑ **Residential access is currently only via Central Avenue**
 - ✓ Current design is a 2-lane road as shown in graphic
 - ✓ Actual Traffic Statistics/Measurements is evidence Central Avenue is a high congestion access road to Happy Valley Road
 - ✓ Update TIS Report to include the actual measured statistic
- ❑ **Add an additional entry drive off of Happy Valley Road**
 - ✓ Central Avenue will not be capable of handling traffic incase of emergencies
 - ✓ Secondary Access to Parcel 1 needs a separate access in case of emergencies
 - ✓ A concept design has been developed by us
 - ✓ It is reasonable and achievable
- ❑ **Stipulation #7 and #12**

Additional Stipulations

Existing Mailboxes



**Mail Boxes moved to
Southeast Corner of Yearling
and Central Avenue**

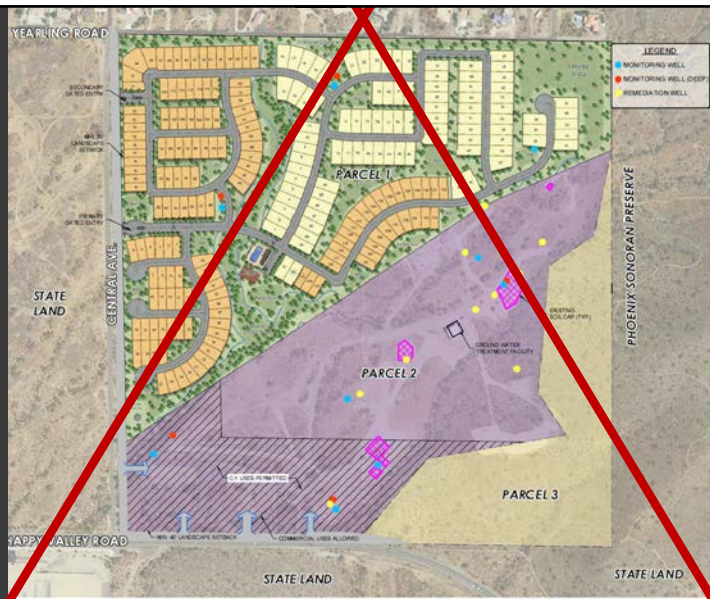


- ❑ Existing residential Mailboxes to be installed in an accessible spot on the southeast corner of Yearling Road and Central Avenue (Stipulation #20)
- ❑ Fire Hydrant at North End of Central and Yearling (Stipulation #19)
- ❑ Compliant Low Level Lighting Standards (Stipulation #16 and #18)

SUMMARY

CENTRAL FOOTHILLS PLANNED UNIT DEVELOPMENT

We have presented 22 stipulations that need to be implemented and remove Parcel 2 and Parcel 3 from the PUD



- ❑ **As a community we have made every attempt to cooperate and negotiate with Applicant/Developer**
- ❑ **Their comments have been:**
 - ✓ We will take under consideration
 - ✓ We will not be able to achieve our return on the investment
- ❑ **Our interest in every proposed change has been with the focus of Public Safety**
 - ✓ In the best interest of our community and any family that would purchase a home on this development
 - ✓ Every proposed changes have been in the interest of our community and new residences
- ❑ **We have submitted 22 Stipulation (attached to this briefing) that highlights these features and willingness to cooperate**
- ❑ **Our Hydrology/Neighborhood Safety Briefing Concerns is being presented by Patti Trites**

Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

Stipulations

These stipulations have been compiled from the input that we have given the developer during the multiple neighborhood meetings, Village Meetings, and at the Planning Commission. They are developed from our concerns for the development and the life safety issues that it is creating. After the last Planning Commission Meeting, they were to come back and work with us on resolving some of the issues that came up in that presentation. The developer has not done that in good faith. These are our Stipulations that are to apply to this development.

1. PUD-Regulatory framework is too broad for this development, specifically parcels two and three. PUD supersedes and replaces all applicable zoning requirements. Until such details are provided for parcel three and two, they are to be removed from this request. **See Slide 2 and 3 of 6 Aug 20 Briefing.**
2. Parcel Three is calling for three story buildings with a maximum height of 40 feet. This is adjacent to the Sonoran Preserve. Over sixty percent of the site has hillside slopes between 20%-40%. This parcel should become part of the preserve. Remove this from request until better defined. **See Slide 2 of 6 Aug 20 Briefing.**
3. Parcel Two is encumbered with two DUER's that will not be removed from this parcel for quite some time. One of the DUER's is to protect five capped areas over contaminated soil that will never be removed. Also, the developer is specifying building heights of 56 feet. Until a clear plan is developed identifying uses, traffic, and density, this parcel is to be removed from the request. **See Slide 2 of 6 Aug 20 Briefing.**
4. The developer shall dedicate a preservation easement or tract on the areas above 10% slope, as approved by the Planning and Development Department. **See Slide 2, 3 and 4 of 6 Aug 20 Briefing.**
5. Density as submitted is not compatible with the surrounding uses. Parcel one is to be rezoned as a single parcel with a zoning of R1-18/R1-10 as follows: 30% of lots 10,000sqft (P1-1), 30% of lots 6,500sqft (P1-2), and the last remaining lots 5,000sqft (P1-3). **See Slide 4 of 6 Aug 20 Briefing.**
6. The Developer shall construct and install a traffic signal at the intersection of Central Avenue and Happy Valley Road at the time Parcel One is developed, this is a life safety item. As approved by the Street Transportation Department.
7. The Traffic Impact Study (TIS) that was submitted is only an "**estimate site-generated traffic and assess**" study. This TIS shall be updated to include the "**actual traffic measured statistic**" that Maricopa County and City of Phoenix conducted during the August and September 2019 timeframe. **See Slide 7 of 6 Aug 20 Briefing.**
8. The north half street of Happy Valley Road shall be constructed for the full limits of the property, consistent with cross-section 'A' during development of Parcel One, as approved by the Planning and Development Department.
9. Central Avenue shall be constructed consistent with the E-Section collector street identified on the City of Phoenix Street Classification map, as approved by the Street Transportation Department.

Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

10. Developer to provide Hydrology Study based on Flow-2D Model. Until this is completed, this request is to be denied. Included in the report will be an analysis of the potential flow over the DUER Caps based on the new flow analysis and any negative effects to the caps. This is for the safety of the existing residence and the future residence of this development.
11. Grading to be in compliance with Policy R-GD 25, Grading associated with roads, bridges, retaining walls, or similar improvements related to access requirements should not create a significant visual scar or impact to the environment. Work to blend as harmoniously as possible with the natural environment and landscape.
12. Install additional entry drive off of Happy Valley Road for access to Parcel One, along with one entrance off of Central Avenue. These two access points are needed for the traffic as well as the safety for the residence when emergency services are needed. **See Slide 7 of 6 Aug 20 Briefing.**
13. The Developer shall limit the first row of homes abutting Yearling Road to the north of site to one story in height, as approved by the Planning and Development Department. Height to be limited to 20 feet.
14. A perimeter wall will be constructed parallel to Yearling Road along the lot lines of the northern most lots. Wall shall be integral in color or painted to blend with the natural desert environment, as approved by the Planning and Development Department. **See Slide 6 of 6 Aug 20 Briefing.**
15. A landscape setback of 100 feet shall be provided along Yearling Road. Buffer to be the north 100 feet of parcel for the entire length of Yearling Road Desert planting will be revegetated to this area. **See Slide 5 of 6 Aug 20 Briefing.**
16. All Street lights in the subdivision shall be in compliance with the City of Phoenix Low Level Lighting Standard for Low density Residential Development as approved by the Street Transportation Department and the Planning and Development Department. **See Slide 8 of 6 Aug 20 Briefing.**
17. Development shall be in General Conformance to approved Site Plan. Plan to be submitted and approved prior to changes to the zoning or General Plan.
18. All outdoor residential light fixtures shall be fully shielded with the light source directed downward such that the bulb or light source from the fixture is not visible from an adjoining property or from the adjacent street as approved by the Planning and Development Department **See Slide 8 of 6 Aug 20 Briefing.**
19. Fire Hydrant will be installed at the south east corner of Yearling Road and Central Avenue as approved by Planning and Development Department. **See Slide 8 of 6 Aug 20 Briefing.**
20. Residential Mailboxes located at the southeast corner of Yearling Road and Central Avenue is to be relocated to a new location. Developer to add additional capacity at this time. **See Slide 8 of 6 Aug 20 Briefing.**
21. Apply Section 506.b.1 to Parcel One with a four-year time limit. If the development is not completed, the zoning reverts back to prior Zoning S-1.
22. That all HVAC units shall ground mounted.

Neighborhood Safety Concerns

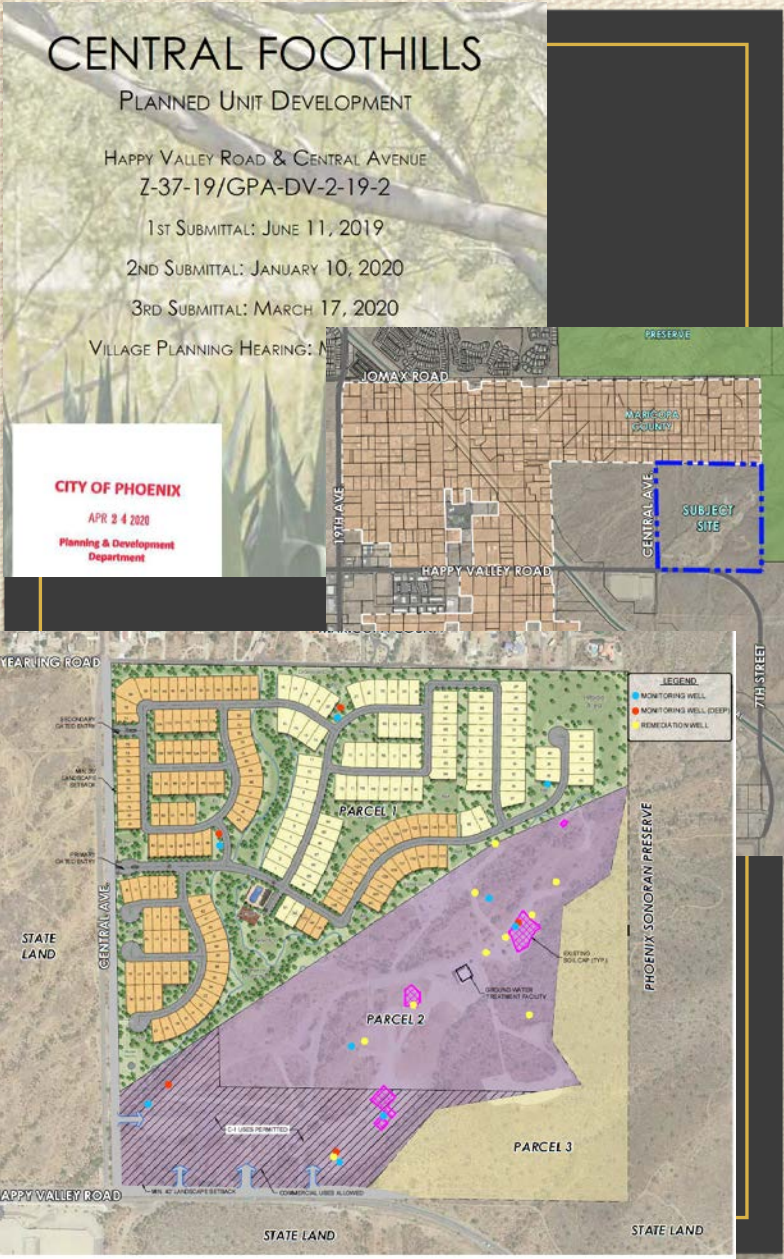


Sonoran Preserve

**6 August 2020 Central
Foothills Hydrology
Briefing/Neighborhood
Safety Concerns
Relating to PUD Z-37-
19/GPA-DV-1-19-2**

**With City of Phoenix
(CoP) Planning
Commission**

Neighborhood Safety Concerns

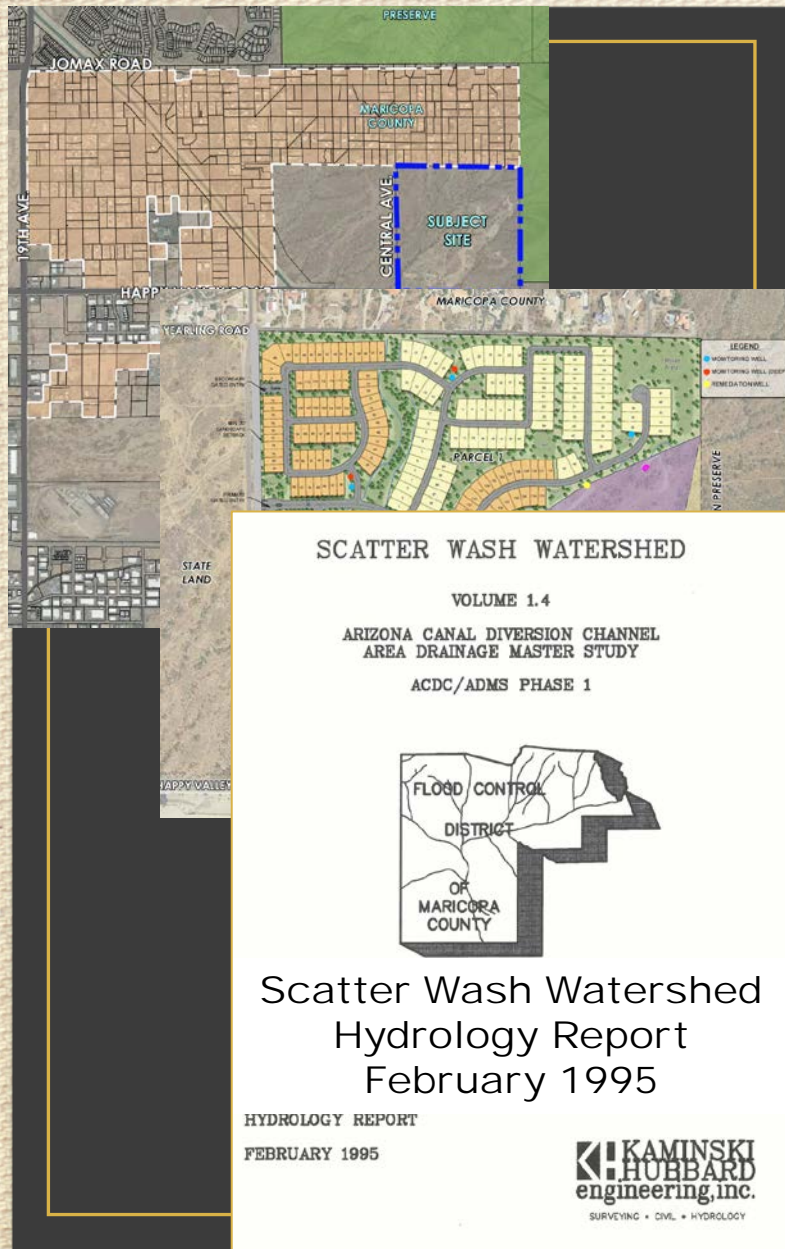


- ❑ Applicant/Developer requesting permission for PUD
- ❑ Applicant/Developer needs to address SAFETY FIRST, prior to gaining permission of PUD

Table 2: General Plan Land Use Comparison

Existing General Plan			Proposed General Plan		
Land Use	Area	Percent	Land Use	Area	Percent
0 to1 & 1 to 2 du/ac - Large Lot & Parks/ Open Space	33.3 Ac	21%	2.0 to 3.5 du/ac - Traditional Lot	78.3 Ac	50%
Commerce/Business Park	87.2 Ac	55%	Commerce/Business Park	56.8 Ac	36%
Future Parks/Open Space or 1 du/acre	36.4 Ac	23%	3.5 to 5 du/ac -Traditional Lot	21.8 Ac	14%

Neighborhood Safety Concerns



SAFETY ISSUES:

Historical Land Use: Contamination

- Many \$\$ were spent on soil reports
- Parts of the property has issues due to past historical use

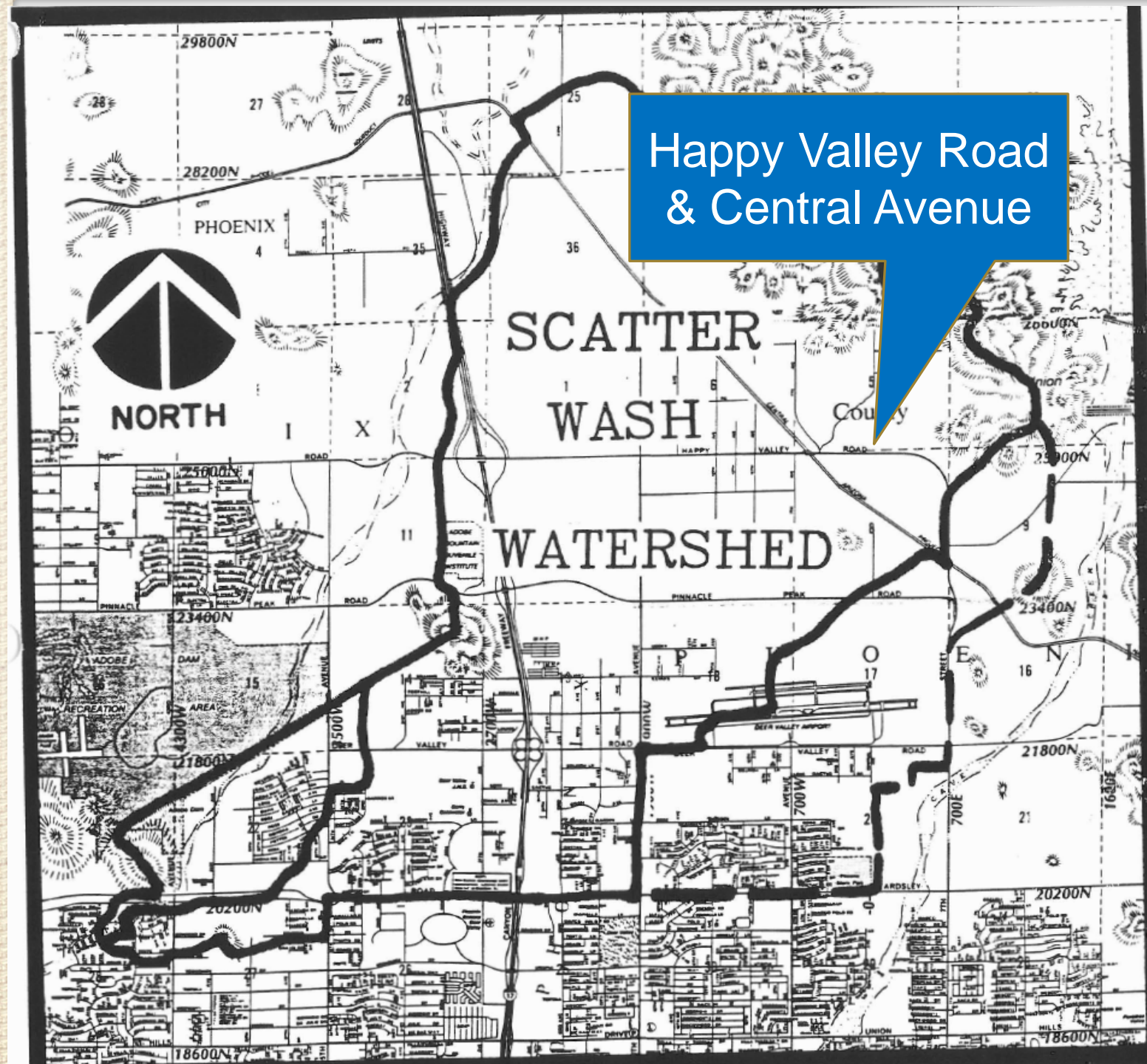
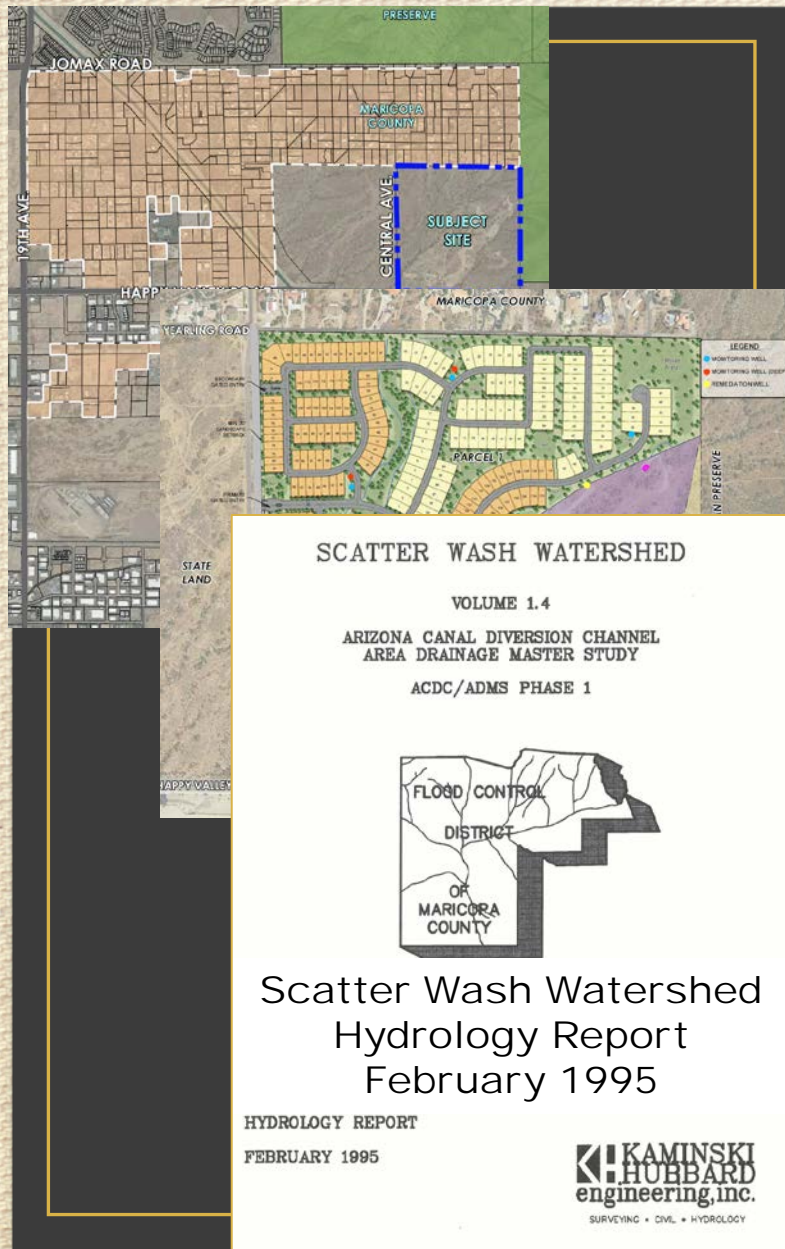
Historical Flooding on Property

- Over 1,000 cubic-ft-sec (cfs) in 100 year event per 1995 Hydrology Report by Kaminski Hubbard Engineering for the FCDMC, Flood Control District of Maricopa County, it is a public document

UPDATED Hydrology Report is needed PRIOR to layout of buildings

SAFETY FIRST—PRIOR TO APPROVALS

Neighborhood Safety Concerns



Neighborhood Safety Concerns



**Page 308 of 1995 Hydrology Report:
Subject site location #320**

SCATTER WASH WATERSHED

VOLUME 1.4

ARIZONA CANAL DIVERSION CHANNEL
AREA DRAINAGE MASTER STUDY

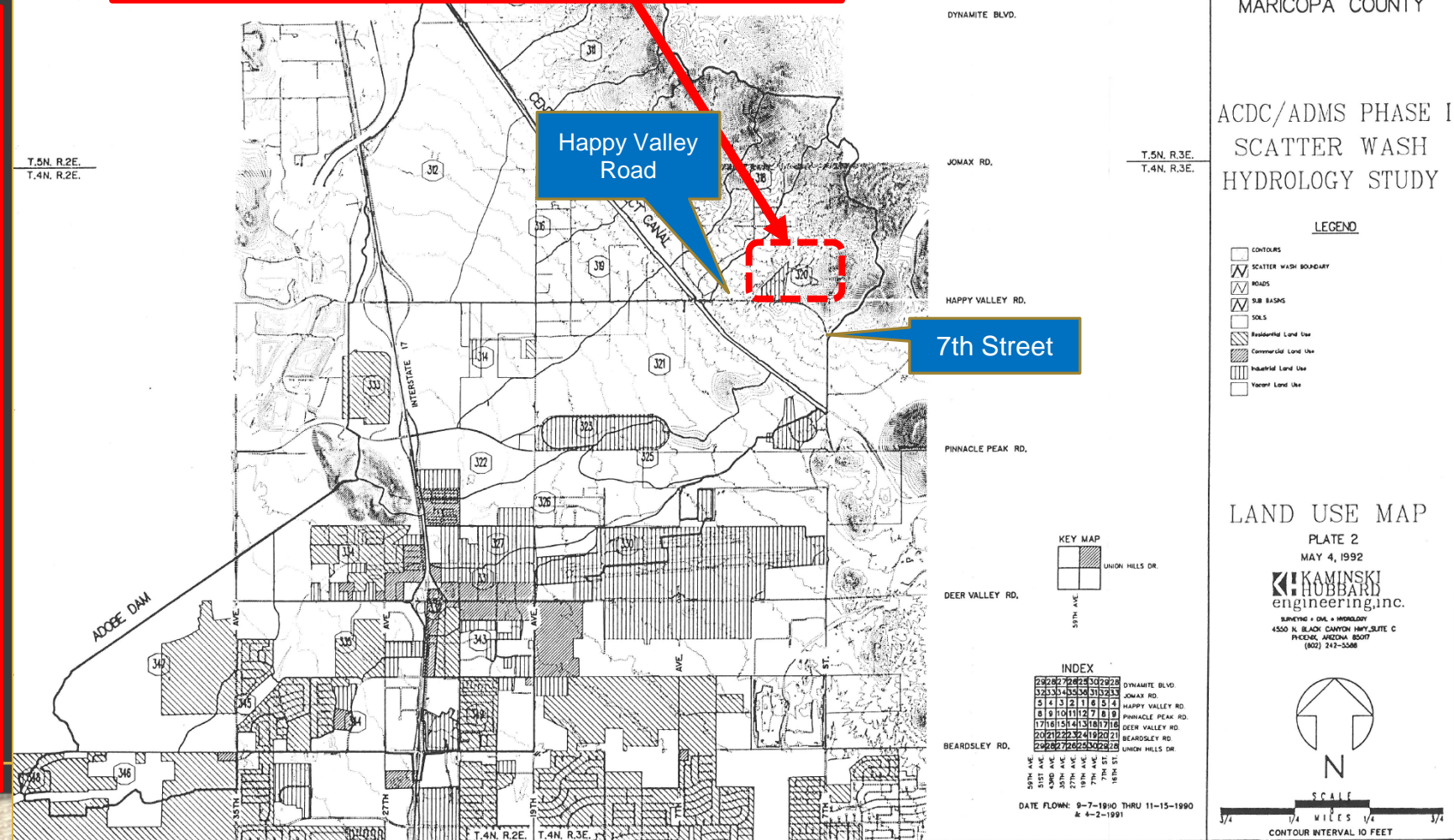
ACDC/ADMS PHASE 1



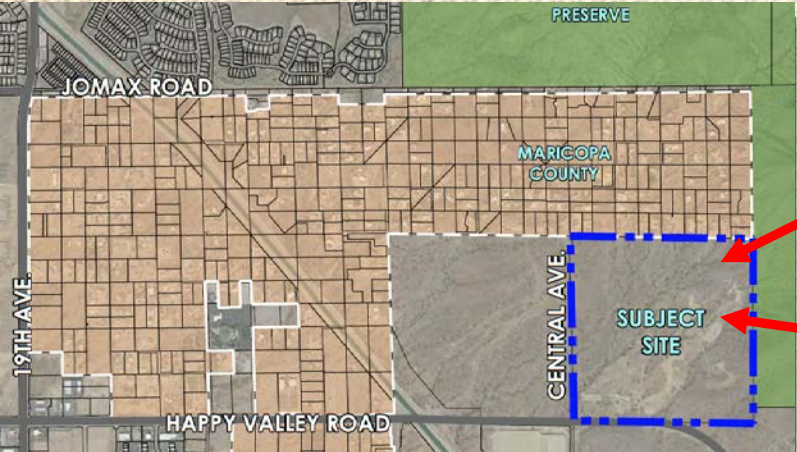
Scatter Wash Watershed
Hydrology Report
February 1995

HYDROLOGY REPORT
FEBRUARY 1995

**KAMINSKI
HUBBARD
engineering, inc.**
SURVEYING • CIVIL • HYDROLOGY



Neighborhood Safety Concerns




SCATTER WASH WATERSHED

VOLUME 1.4


ARIZONA CANAL DIVERSION CHANNEL
AREA DRAINAGE MASTER STUDY

ACDC/ADMS PHASE 1



Scatter Wash Watershed
Hydrology Report
February 1995

HYDROLOGY REPORT
FEBRUARY 1995



SURVEYING • CIVIL • HYDROLOGY

Page 136 of 1995 Hydrology
Report: Subject site location #320
**FUTURE Conditions – 1447 cfs
over a 24-hour period**

Page 125 of 1995 Hydrology Report:
Subject site location #320
**1995 Conditions – 1264 cfs over a 24-hour
period**

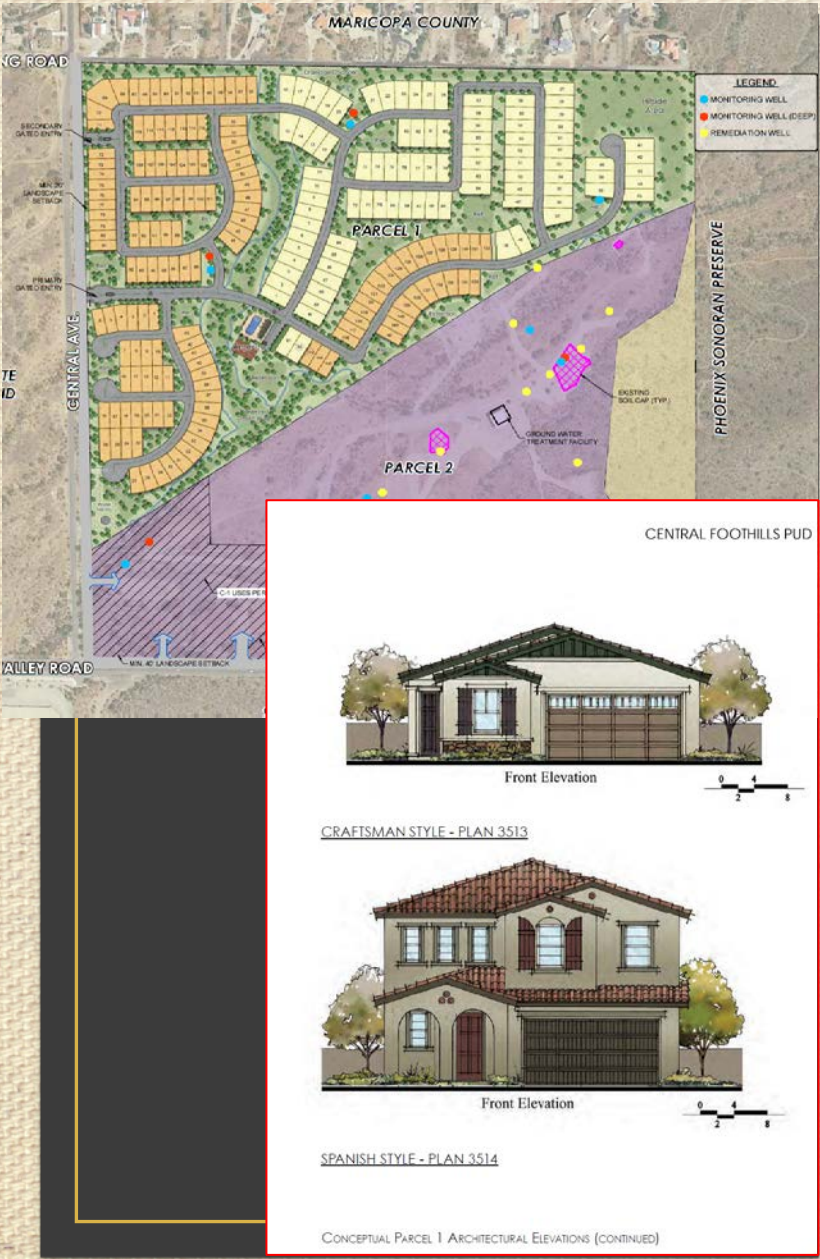
TABLE 15
Summary Of Sub-Basin Peak Discharges (CFS)
Existing Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
310	119	178	375	464	757	924
311	45	94	249	320	572	696
312	38	127	488	618	1230	1413
314	10	12	164	293	655	829
315	69	126	276	375	579	751
316	0	32	200	301	599	755
317	52	113	308	411	715	894
318	39	78	210	262	502	778
319	0	5	84	145	293	473
320	69	155	440	569	1060	1264
321	6	6	133	286	703	886
322	12	14	75	143	291	400
323	14	16	42	67	110	148
325	13	14	92	178	385	515
326	24	25	68	131	322	420
327	39	50	123	164	250	321
330	48	58	149	201	329	417
331	74	95	180	227	305	380
332	37	46	82	101	136	165
333	9	12	118	177	391	459
334	178	254	478	625	870	1103
335	76	107	290	374	556	703
343	82	102	246	305	429	533
344	129	147	369	417	663	754
345	37	52	154	212	333	433
346	28	36	154	206	383	467
347	90	99	342	505	961	1199
348	4	5	9	14	34	50
349	96	115	295	359	501	616

TABLE 19
Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
310	211	299	451	591	825	1071
311	116	184	320	431	637	822
312	518	675	968	1199	1696	2156
313	142	212	335	459	626	822
314	266	307	455	605	836	1090
315	87	171	343	475	744	971
316	83	131	208	291	401	528
317	284	400	582	767	1056	1369
318	138	185	259	354	456	581
319	57	107	229	295	522	626
320	133	253	516	689	1142	1447
321	259	338	590	773	1207	1554
322	15	19	47	72	114	154
323	165	210	288	358	491	621
324	49	72	109	148	204	263
325	204	269	388	513	706	914
326	178	221	322	413	595	769
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328	190	247	325	411	542	685
329	287	387	529	686	893	1140
330	189	255	351	455	607	778
331	50	62	84	103	135	164
332	43	113	252	392	594	814
333	427	534	744	902	1265	1584
334	131	173	248	312	447	563
335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

Neighborhood Safety Concerns



Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.

Beautiful New Homes

- ❑ Are they safe from this water flow when the cfs goes from 1264 to 1447?
- ❑ According to City of Phoenix, water flow over 200 cfs could be very dangerous.

319	57	107	229	295	522	626
320	133	253	516	689	1142	1447
321	259	338	590	773	1207	1554
322	15	19	47	72	114	154

Does this make sense?

According to this future water flow predication a 2-year-24-hr the cfs will be 253

327	175	227	301	379	506	638
328	190	247	325	411	542	685
329	287	387	529	686	893	1140
330	189	255	351	455	607	778
331	50	62	84	103	135	164
332	43	113	252	392	594	814
333	427	534	744	902	1265	1584
334	131	173	248	312	447	563
335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

Neighborhood Safety Concerns



TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
		299	451	591	825	1071
		184	320	431	637	822
		675	968	1199	1696	2156
		212	335	459	626	822
		307	455	605	836	1090
		171	343	475	744	971
		131	208	291	401	528
		400	582	767	1056	1369
		185	259	337	456	581
		107	229	295	522	626
		253	516	689	1142	1447
		338	590	773	1207	1554
		19	47	72	114	154
		210	288	358	491	621
		72	109	148	204	263
		269	388	513	706	914
		221	322	413	595	769
		227	301	379	506	638

From Developer’s PUD Application, page 66

According to the FEMA Flood Insurance Rate Maps (FIRM) as displayed on the Maricopa County Flood Control District Floodplain Viewer, the Property is not located within an active mapped floodplain (Zone X).

FEMA defines Zone X as:

The flood insurance rate zone that corresponds to areas of 0.2 annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% chance flood. No base flood elevations or depths are shown within this zone.

In accordance with City stormwater guidelines, Central Foothills will be designed so that onsite runoff from the Property will be routed via street flow and/or storm drainage channels to retention basins located throughout the Site and each separate Parcel. The Site will manage stormwater on-site to comply with the criteria for the 100-year, 2-hour retention requirement. All drainage improvements will be designed in accordance with all City and Maricopa County drainage design standards. Additionally, special and detailed design analysis will be conducted when preparing the development plan for Parcel 2 to ensure stormwater drainage and flows are not negatively impacting the Soil Cap areas, any then-existing monitoring or remediation wells or any then-existing groundwater remediation systems.

This is not a HYDROLOGY REPORT

Beautiful New Homes

- ❑ Are they safe from this water flow? A New Hydrology Report is needed PRIOR to any PUD Approval.
- ❑ How do you know they are safe? Where is the proper Civil Engineering, Hydrology and Hillside incorporated?
- ❑ **SAFETY is key. Do this right at the beginning.**

336	52	69	92	118	154	193
337	104	143	200	260	348	445

Neighborhood Safety Concerns

TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
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315	87	171	343	475	744	971
316	83	131	208	291	401	528
317	284	400	582	767	1056	1369
318	138	185	259	337	456	581
319	57	107	229	295	522	626
320	133	253	516	689	1142	1447
321	259	338	590	773	1207	1554
322	15	19	47	72	114	154
323	165	210	288	358	491	621
324	49	72	109	148	204	263
325	204	269	388	513	706	914
326	178	221	322	413	595	769
327	175	227	301	379	506	638
328	190	247	325	411	542	685
329	287	387	529	686	893	1140
330	189	255	351	455	607	778
331	50	62	84	103	135	164
332	43	113	252	392	594	814
333	427	534	744	902	1265	1584
334	131	173	248	312	447	563
335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

❑ **Are these new beautiful homes safe from the water flow?**

- ✓ **How do you know? How does the Developer know?**
- ✓ **Where is the updated Hydrology Report?**
- ✓ **New Hydrology Report needed to properly plan BEFORE APPROVAL**
 - # of Buildings and their location
 - # of Homes and the location of Homes
 - # of Retention Basins, their location and depth
 - # of Washes and location
 - Water flow

❑ **WILL A FIRETRUCK BE ABLE TO ENTER IN A FLOOD?**

❑ **WILL HOMEOWNERS BE ABLE TO GATHER AND DEPART IN A FLOOD?**

**ALL SAFETY RELATED TO CURRENT NEIGHBORS
AND FUTURE OCCUPANTS**

Neighborhood Safety Concerns

TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

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337	104	143	200	260	348	445

No flooding has occurred here, as there are no homes on the property today and no history. We only have the 1995 Hydrology Report.

We are concerned and speaking for the future homeowners and their families.

When one purchases a home, and invests, the expectation is that the

CoP and Flood Control District of Maricopa County

reviewed the developer's updated Hydrology report to make sure their investment is sound and protected

Neighborhood Safety Concerns

TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
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332	43	113	252	392	594	814
333	427	534	744	902	1265	1584
334	131	173	248	312	447	563
335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

- ❑ **CAUTION – SAFETY FIRST: FEMA Flood Zone X**
- ❑ **The 2014 Floods on August 12th and September 8th**
 - ✓ **66% of the Southern Hills homes flooded during these two storms**
- ❑ **Southern Hills is in Zone X**
 - ✓ **All 14 homes flooded in Southern Hills at South Mountain**
 - ✓ **All homes were less than 2 years old**
 - ✓ **That water entering the SH Community was ~236 cfs**
 - ✓ **Homes flooded in 2014, 2016, 2017, and 2018**
- ❑ **Southern Hills settled with the Developer and Civil Engineering Firms**

Neighborhood Safety Concerns

TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
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330	189	255	351	455	607	778
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333	427	534	744	902	1265	1584
334	131	173	248	312	447	563
335	67	103	166	230	329	430
336	52	69	92	118	154	193
337	104	143	200	260	348	445

SUMMARY

- ❑ DO THE RIGHT THING FROM THE BEGINNING
- ❑ SAFETY FIRST
- ❑ REQUIRE AN UPDATED HYDROLOGY REPORT (FLO-2D Model) BEFORE PUD

Law Offices of David Cisiewski, PLLC
11811 North Tatum Blvd.
Suite 1051
Phoenix, Arizona 85028

July 24, 2020

Dear David Cisiewski:

Ref: GPA-DV-2-19-2 and Z-37-19-2

As you are aware, we have shown concern with the flow of storm water from our lots onto your development, and how this flow will be handled and not cause serious flooding of the new homes you are proposing and our own residences. We have questioned whether a Hydrology Report has been prepared for this development. It appears per your Application on page 66 that according to the FEMA Flood Insurance Maps as displayed on the Maricopa County Flood Control District Floodplain Viewer, the Property is not located in an active mapped floodplain (Zone X). This is being used as your Hydrology Report and design criteria. The last Hydrology report was done on this watershed in 1995. We are going to request that the Planning Commission puts this project on hold until a new Hydrology Report be completed based on Flow-2D Model. Until this is completed you cannot define where houses can be built and be safe from flooding. The 100 Year 24-hour event could produce flows of 1446 CFS per the February 1995 Hydrology Report prepared by Kaminski Hubbard Engineering, Inc. for the Scatter Wash Watershed. The city defines that a flow of 200 CFS is potentially deadly. There is a development at South Mountain that was built with the information you are using and it had severe flooding. Check the South Mountain, Southern Hills Development Floods. The settlement was for 3.5 million dollars shared between the builder and two engineering firms.

Respectfully,
Robert Hanson
508 East Yearling Road
Phoenix, Arizona 85085

Racelle Escolar

From: C Shipley <cshipley278@gmail.com>
Sent: Tuesday, August 4, 2020 8:20 AM
To: PDD Planning Commission
Cc: jjohnson@oldworldaz.com; roberthanson1950@outlook.com; va4613@msn.com
Subject: Fwd: Petition to Oppose GPA DV 2-19-2 and Z 37 19 2
Attachments: IMG_0238.jpg

Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

Dear Mr. Johnson, Chairman of the Planning Commission

Attached is my Petition to Disapprove the Central Foothills, Planned Unit Development (PUD), Happy Valley Road & Central Avenue, Z-37-19/GPA-DV-1-19-2, May 21, 2020.

As a member of the community I am strongly against the proposed Central Foothills Planned Unit Development (PUD) Z-37-19/GPA-DV-1-19-2 development. The General Plan and Deer Valley Village Character Plan variances being requested by the Applicant/Developer are entirely too broad, is inconsistent with community character and, further, threatens the health and safety of both current and proposed residences. There are four (4) major concerns identified in the attached Petition.

To ignore the community member's and future residences health and safety, the principles set forth in the CoP plans, and specifically the need to have a new updated hydrology study done by the Applicant/Developer before any further advancing or approval of the PUD/GPA is inappropriate in normal situations and specifically lacks transparency given the direct ownership by members of the planning commission.

Thank you Chris Shipley [26108 N central Ave Phoenix Az \[google.com\]](https://www.google.com/maps/place/26108+N+central+Ave+Phoenix+Az)

Petition to Disapprove the Central Foothills, Planned Unit Development (PUD), Happy Valley Road & Central Avenue, Z-37-19/GPA-DV-1-19-2, May 21, 2020

Petition summary and background	The subject PUD, Z-37-19/GPA-DV-1-19-2, has been submitted to the City of Phoenix (CoP) Planning Commission for review and approval.
Action petitioned for delaying or not approving the Z-37-19/GPA-DV-1-19-2, May 21, 2020 submission	<p>I (we), the undersigned, am (are) concerned citizen(s) who strongly urge you, our leaders to not approve and stop any further actions on advancing this PUD/GPA for following reasons:</p> <ol style="list-style-type: none">1. One of the major concerns is the density change and it effect on safety. It proposes a single-family residential community allowing for a maximum of 256 dwelling units (3.2 du/ac) which is now zoned as an S-1 (1 du/ac). This also impacts a significant number of other areas. This density increase is estimated to add as much as 510 automobiles access Central Avenue then feeding on to Happy Valley. Obviously, this high-density development is not compatible with the community's character and with one way-in and one-way out presents a tremendous impact on safety and emergency access (e.g., Fire, Ambulance, etc.)2. Another major concern is about the safety of any residences, especially children since they will be bused to their school and their pickup would be on Central Avenue, and adds additional traffic congestion. A traffic flow study was done by Maricopa County for Central Avenue and the CoP for Happy Valley. These actual traffic measurements weren't used in the Applicant/Developer Impact Study.3. Another major concern is about storm water runoff from the current Maricopa County residential area into this development and how will it be handled. There has been no hydrology study done in this area since 1995. In the 1995 report, on page 299 shows a 100-year peak discharge of 1,447 cfs for Subbasin 320 (320S). According to CoP water flow over 200 cfs could be very dangerous. A new updated hydrology study needs to be done by the Applicant/Developer before any further advancing of the PUD/GPA goes forward.4. Additionally, the proposed development and rezoning conflicts with or fails to meet several specifics in the Deer Valley Village Character Plan, which reflects the city's updated and voter approved 2015 General Plan, specifically in the categories on Land Use, Design, and Design Principles.

I am opposed to agenda item 3 and 4 shown above and as GPA-DV-2-19-2 / Z-37-19-2.
I have registered & donated my speaking time to Heather Lennon.

C Shipley
26108 N Central Ave
8/3/2020

Racelle Escolar

From: Chris Shipley <cshipley1966@gmail.com>
Sent: Tuesday, August 4, 2020 8:42 AM
To: PDD Planning Commission
Cc: jjohnson@oldworldaz.com; va4613@msn.com; roberthanson1950@outlook.com
Subject: Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-2-19-2

****In the matter of agenda items 3 and 4 on the August 6,2020 agenda**

Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

Dear Mr. Johnson, Chairman of the Planning Commission

Attached is my Petition to Disapprove the Central Foothills, Planned Unit Development (PUD), Happy Valley Road & Central Avenue, Z-37-19/GPA-DV-1-19-2, May 21, 2020.

As a member of the community I am strongly against the proposed Central Foothills Planned Unit Development (PUD) Z-37-19/GPA-DV-1-19-2 development. The General Plan and Deer Valley Village Character Plan variances being requested by the Applicant/Developer are entirely too broad, is inconsistent the with community character and, further, threatens the health and safety of both current and proposed residences. There are four (4) major concerns identified in the attached Petition.

To ignore the community member's and future residences health and safety, the principles set forth in the CoP plans, and specifically the need to have a new updated hydrology study done by the Applicant/Developer before any further advancing or approval of the PUD/GPA is just injustice.

Owners Of this development that serve on the commission should be required to develop within the characteristics of city guidelines and put Public well being and the community first!

**Thank you,
Jeffery Shipley
26108 n central ave**

Petition to Disapprove the Central Foothills, Planned Unit Development (PUD), Happy Valley Road & Central Avenue, Z-37-19/GPA-DV-1-19-2, May 21, 2020
GPA-DV-2-19-2 & Z-37-19-2

Petition summary and background	The subject PUD, Z-37-19/GPA-DV-1-19-2, has been submitted to the City of Phoenix (CoP) Planning Commission for review and approval.
Action petitioned for delaying or not approving the Z-37-19/GPA-DV-1-19-2, May 21, 2020 submission	<p>I (we), the undersigned, am (are) concerned citizen(s) who strongly urge you, our leaders to not approve and stop any further actions on advancing this PUD/GPA for following reasons:</p> <ol style="list-style-type: none"> 1. One of the major concerns is the density change and it effect on safety. It proposes a single-family residential community allowing for a maximum of 255 dwelling units (3.2 du/ac) which is now zoned as an S-1 (1 du/ac). This also impacts a significant number of other areas. This density increase is estimated to add as much as 510 automobiles access Central Avenue then feeding on to Happy Valley. Obviously, this high-density development is not compatible with the community's character and with one way-in and one-way out presents a tremendous impact on safety and emergency access (e.g., Fire, Ambulance, etc.). 2. Another major concern is about the safety of any residences, especially children since they will be bused to their school and their pickup would be on Central Avenue, and adds additional traffic congestion. A traffic flow study was done by Maricopa County for Central Avenue and the CoP for Happy Valley. These actual traffic measurements weren't used in the Applicant/ Developer Impact Study. 3. Another major concern is about storm water runoff from the current Maricopa County residential area into this development and how will it be handled. There has been no hydrology study done in this area since 1995. In the 1995 report, on page 295 shows a 100-year peak discharge of 1,447 cfs for Subbasin 320 (320S). According to CoP water flow over 200 cfs could be very dangerous. A new updated hydrology study needs to be done by the Applicant/Developer before any further advancing of the PUD/GPA goes forward. 4. Additionally, the proposed development and rezoning conflicts with or fails to meet several specifics in the Deer Valley Village Character Plan, which reflects the city's updated and voter approved 2015 General Plan, specifically in the categories on Land Use, Design, and Design Principles.

I am opposed!
Time to speak donated to
Heather Lennon

[Signature]
26108 N Central

CITY OF PHOENIX

AUG 04 2020

Planning & Development
Department

JULY 29, 2020

To:

PHOENIX PLANNING DEPT.
ATTN: PLANNING COMMISSION CHAIRMAN
200 W. WASHINGTON STREET
PHOENIX, AZ. 85003

FROM: CONCERNED CITIZEN'S RESPONSE TO
CENTRAL FOOTHILLS PUD Z-37-19/GPA-DV-1-19-2

Attached is my Petition to Disapprove the Central Foothills, Planned Unit Development (PUD), Happy Valley Road & Central Avenue, Z-37-19/GPA-DV-1-19-2, May 21, 2020.

As a member of the community I am strongly against the proposed Central Foothills Planned Unit Development (PUD) Z-37-19/GPA-DV-1-19-2 development. The General Plan and Deer Valley Village Character Plan variances being requested by the Applicant/Developer are entirely too broad, is inconsistent the with community character and, further, threatens the health and safety of both current and proposed residences. There are four (4) major concerns identified in the attached Petition.

To ignore the community member's and future residences health and safety, the principles set forth in the CoP plans, and specifically the need to have a new updated hydrology study done by the Applicant/Developer before any further advancing or approval of the PUD/GPA is just injustice.

Pam Letner
26233 N. 15th Ave.
Phoenix, AZ. 85085

Petition to Disapprove the Central Foothills, Planned Unit Development (PUD),

Happy Valley Road & Central Avenue, Z37-19/GPA-DV-1-19-2, May 21, 2020

**Petition to Disapprove PUD Z-37-19/GPA-DV-1-19-2 Page 1 Petition summary
and background**

**The subject PUD, Z-37-19/GPA-DV-1-19-2, has been submitted to the City of
Phoenix (CoP) Planning Commission for review and approval.**

**Action petitioned for delaying or not approving the Z37-19/GPA-DV-1- 19-2,
May 21, 2020**

I (we), the undersigned, am (are) concerned citizen(s) who strongly urge you, our leaders to not approve and stop any further actions on advancing this PUD/GPA for following reasons:

1. One of the major concerns is the density change and its effect on safety. It proposes a single-family residential community allowing for a maximum of 255 dwelling units (3.2 du/ac) which is now zoned as an S-1 (1 du/ac). This also impacts a significant number of other areas. This density increase is estimated to add as much as 510 automobiles access Central Avenue then feeding on to Happy Valley. Obviously, this high-density development is not compatible with the community's character and with one way-in and one-way out presents a tremendous impact on safety and emergency access (e.g., Fire, Ambulance, etc.).

2. Another major concern is about the safety of any residences, especially children since they will be bused to their school and their pickup would be on Central Avenue, and adds additional traffic congestion. A traffic flow study was done by Maricopa County for Central Avenue and the CoP for Happy Valley. These actual traffic measurements weren't used in the Applicant/ Developer Impact Study.

3. Another major concern is about storm water runoff from the current Maricopa County residential area into this development and how will it be handled. There has been no hydrology study done in this area since 1995. In the 1995 report, on page 295 shows a 100-year peak discharge of 1,447 cfs for Subbasin 320 (320S). According to CoP water flow over 200 cfs could be very dangerous. A new updated hydrology study needs to be done by the Applicant/Developer before any further advancing of the PUD/GPA goes forward.

4. Additionally, the proposed development and rezoning conflicts with or fails to meet several specifics in the Deer Valley Village Character Plan, which reflects the city's updated and voter approved 2015 General Plan, specifically in the categories on Land Use, Design, and Design Principles.

Racelle Escolar

From: Patti Trites <pattihoash@gmail.com>
Sent: Wednesday, August 5, 2020 5:23 PM
To: PDD Planning Commission
Cc: Samantha Keating; Joshua Bednarek; Pattihoash@gmail.com; Alan Stephenson
Subject: OPPOSING Case GPA-DV-2-19-2 and Z-37-19-2

Dear Planning Commissioners,

I am writing to express my opposition to Items #3 and #4 in the August 6th, 2020 Agenda.

I will be speaking and explaining my position.

I strongly believe that the Applicant and Developer are PREMATURE in their request to change Zoning as they have not completed an updated Hydrology Report.

The reason this is so important is that the water volume based on the 1995 Hydrology Report on file, attached, indicates an ALARMING Volume of water flow on this 156.96 acre parcel of land, SubBasin 320, over 689 cubic feet per second in a 10-year storm event in 24 hours; 516 cfs in 6 hours.

Basically, a Developer figures out the number of lots/buildings that will make him \$\$..so he can proceed based on anticipated revenue.

If the water flow is not calculated in advance, due to this documented high volume of water, the Developer does not know today what is really feasible.

A project that is not feasible results in short-cuts; incorrect reporting similar to what happened at Southern Hills....my development.

The Developer should know NOW if the project is feasible: number of units and their location in respect to the major water flow going through that property.

SAFETY - public and private is key here.

He must do an updated Hydrology Report BEFORE asking for any zoning changes.

Please read my full statement attached; along with the 1995 Hydrology Report.

Thank you in advance for your cooperation.

Patti

 [1995 A118 104ScatterWashWatershed Vol 1 Arizona... \[drive.google.com\]](#) 

 [Ltr to CoP Planning Comm and City Council 08062... \[drive.google.com\]](#) 

TABLE 19

Summary Of Sub-Basin Peak Discharges (CFS)
Future Conditions

Sub-Basin	2-Year		10-Year		100-Year	
	6-Hr.	24-Hr.	6-Hr.	24-Hr.	6-Hr.	24-Hr.
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319	57	107	229	295	522	626
320	133	253	516	689	1142	1447
321	259	338	590	773	1207	1554

--

Hope you have a great day. Thank you.

Patti Trites
Southern Hills HOA

Cell: 402 213 7126
Email: pattihoash@gmail.com

Racelle Escolar

From: DR EVS <drevs@hotmail.com>
Sent: Thursday, August 6, 2020 11:01 AM
To: PDD Planning Commission
Subject: GPA-DV-2-19-2

Hello-

Prior to the zoning meeting this evening, I wanted to register my opinion as a resident of the impacted area.

I object to the rezoning of the Happy Valley and Central Roads area, as it changes the dynamic of the existing neighborhood that's already been established to adhere to the less dense zoning for that area. Allowing a variance to increase the density will injure the residents (like myself) of that area who've built here specifically for the uniquely sparse zoning requirements.

Thanks,

Eric Van

145 W briles road, Phoenix

David O Simmons

From: Joshua Bednarek
Sent: Sunday, August 9, 2020 8:52 PM
To: Valerie Pieraccini
Cc: David O Simmons; Racelle Escolar; Samantha Keating
Subject: RE: Rezoning Case No. Z-37-19-2, Happy Valley Road & Central Avenue; PA-18-158.

Paul and Valerie:

Thanks so much for your e-mail. We will add your message to the case-file and provide a copy to the City Council for review. I'd be happy to discuss your concerns further with you. Please feel let me know if you would like to connect some time this week.



Joshua Bednarek, LEED AP ND
Deputy Director, Planning Division
Office: 602-256-3555
E-mail: joshua.bednarek@phoenix.gov

City of Phoenix
Planning & Development Department
200 West Washington Street
Phoenix, AZ 85003

Mission: Planning, Development and Preservation for a Better Phoenix

From: Valerie Pieraccini <valpierac@gmail.com>
Sent: Sunday, August 9, 2020 7:34 PM
To: Joshua Bednarek <joshua.bednarek@phoenix.gov>
Subject: Rezoning Case No. Z-37-19-2, Happy Valley Road & Central Avenue; PA-18-158.

Dear Mr Bednarek,

We are writing to voice my opposition to the proposed development related to Rezoning Case No. Z-37-19-2, Happy Valley Road & Central Avenue; PA-18-158. Among many concerns are the high density of the development, effect of traffic entering/exiting from the communities on to Central Avenue. The other concern is the storm water flowing from the North to South and potential flooding impact on existing residences property and the new residences that will be purchasing homes built by the developer.

We are asking for your support and for Council Members to not approve the proposal as currently being reviewed.

Paul and Valerie Pieraccini

Subject: FW: Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

From: julie@bradfeldt.com <julie@bradfeldt.com>

Sent: Saturday, August 15, 2020 8:33 AM

To: Ed Zuercher <ed.zuercher@phoenix.gov>; Ray Dovalina <ray.dovalina@phoenix.gov>; Mario Paniagua <mario.paniagua@phoenix.gov>

Subject: Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

Concerned Citizen's Response to Central Foothills PUD Z-37-19/GPA-DV-1-19-2

Dear City of Phoenix Council Members

Subject: A Petition to Delay and Not Approve Z-37-19/GPA-DV-1-19-2, May 21, 2020 submission.

The existing community that borders the proposed development is zoned as an S-1 (1 du/ac) with long time residences. As a community we have accepted the fact development will occur. However, the developer's proposal, accepted by the City of Phoenix (CoP) Planning Commission, ignores many tenants of the CoP General Plan, Deer Valley Village Character Plan, and Sonoran Preserve Plan. All of which are in favor of maximizing developer profits at the expense of the community, current and future. As such, concerns and emphasis of our request to delay and not approve the proposed Planned Unit Development/General Plan Amendment (PUD/GPA) are to focus on mitigating Community character transition, protection of Sonoran Preserve, and concerns that impact Public Safety, current and future. Public safety impacts cover a number of other areas that includes Traffic and Storm Water Flow.

The PUD-Regulatory framework is too broad for this development, specifically Parcels 2 and 3. PUD supersedes and replaces all applicable zoning requirements. **Until details can be provided with the Density of the parcel and the designed use for Parcel 2 and 3, they should be removed from this request.**

Density is our major concern. This basically leaves Parcel 1 as being the one that a rezoning request should be under consideration by the City Council. Eliminate PUD and just implement a rezoning request for a R1-18/R1-10 rezoning mix for the following reasons.

- Their R1-10 is not compatible with the surrounding zoning and land use, 5,000 Square-Feet (SqFt) lots adjacent to 55,000 SqFt lots with limited transition.
- A mixture of R1-18/R1-10 is more compatible than their proposed plan. Parcel 1 is to be rezoned as a single parcel with the R1-18/R1-18 zoning as follows:
 - ❖ 30% of lots 10,000 SqFt (P1-1)
 - ❖ 30% of lots 6,500 SqFt (P1-2)
 - ❖ 40% be 5,000 SqFt (P1-3)
- The community has presented this Density to the Applicant/Developer at the neighborhood meetings and the last Planning Commission Meeting. Our rezoning mix does comply with several specifics in the Deer Valley Village Character Plan, which reflects the city's updated

and voter approved 2015 General Plan, specifically in the categories on Land Use, Design, and Design Principles.

- Despite developer's claims, no major significant density concessions have been made for the benefit of the community character or safety. Only changes required for hillside development and wash preservations. Maximum profits remain developers only concern.

Another concern is about storm water runoff from the Maricopa County residential area into this development and how will it be handled. There has been no hydrology study done in this area since 1995. The landscape of the county residence has significantly changed since 1995 and now they are proposing over 200 dwellings on Parcel 1. As such, a new Hydrology Study needs to be done and based upon the new Flo-2D model. Until this is completed, the Applicant/Developer submission should be denied. This recommendation is based upon the following:

- The 1995 Report was produced for the Maricopa County Flood Control District and is the last recorded document on this site. It states for this sub-basin #320, a 10-year Storm Event of 516 cubic-feet/second (cfs) peak discharge of water in a 6-hour event and a 689 cfs in a 24-hour event. This predication doesn't take into account any change to the landscape since 1995. The CoP conducted a water flow analyses of the 1995 report and concluded that over 200 cfs could be very dangerous.
- In the City of Scottsdale, and other municipalities, it is a requirement to produce an 'Updated' Hydrology Report PRIOR to any zoning changes or lot splits. We are asking for the same consideration now, for this rezoning in Phoenix.
- Now, realize the following landscape changes that have and will occur:
 - ❖ The current property (Parcel 2) has significantly changed with the DUER and Toxic Caps. It is assumed the ADEQ approved CAP designs based on the 1995 flow statistics. As such, CAP designs may be inadequate and needs to be reassessed using FLO-2D data.
 - ❖ **Then, add a new proposed density with over 200 dwellings.**

Our conclusion is "**How can an adequate site plan be developed for approval without this new analysis?**" This is why the community has recommended the City Council to delay and not approve this proposal.

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