Chandler Planning & Water
1 message

Moe Wakefield <savetheranchettes@gmail.com> Mon, Feb 10, 2020 at 4:31 PM
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Salutations to anyone who might care,

Part 1 Multiple purposes of this e-mail submission.
To the Chandler City Council and City Planning Staff.
1A First, I am objecting to the proposed City of Chandler rezoning
PLH19-0034, PLH19-0068, and PLT19-0054 that is now called the CARINO 8
ENCLAVE (also hereafter referred to as C8E), and also described in my
08/13/2019 e-mail in Attachment 1 (hereafter identified as “A1”) at
Parts A2 thru A6. A1 is a corrected copy (e.g. “typo removal”) of the
e-mail actually sent, and which is available on request. Approval of
the C8E rezoning would only confirm a City intent, I believe, to
destroy the Alma Ranchettes (AR) neighborhood (see A1 at Part B1) with
more of the exhaustive rezoning effort we have seen since 2013. See A1
at Parts B4 thru B9. Attachment 2 (hereafter identified as “A2”) is a
C8E project description filed on behalf of redeveloper B&B Development
and Construction (BBDC). See also A1 at Parts A4 thru A8.
To the Arizona Department of Water Resources (ADWR).
1B Second, I believe that C8E would be an unacceptable example of
redevelopment waste (e.g. a “Cadillac desert”) of precious water
resources, and which suggests to me that Chandler residential
redevelopment may violate the spirit and the letter of Arizona law
mandating water conservation and reasonable use. So I am also
submitting these objections to the ADWR during its comment period for
the Draft Phoenix Active Management Area (PAMA) Fourth Management Plan
(4MP) 1. Chandler’s 4MP response 2 is posted on line.
Inquiry to the Arizona Department of Real Estate (ADRE) Division of
Development/Subdivision Services.
1C Third, due to my concern about C8E’s ability to provide a
sustainable supply of water for external irrigation purposes, I intend
to use this document for inquiry to the ADRE 3.
To the Arizona Legislature as a petition for an Arizona Attorney
General (AZAG) legal opinion.
1D Fourth, I invite all Arizona Legislators to request AZAG opinions
from Attorney General Mark Brnovich, pursuant to A.R.S. §
41-193(A)(7), as to the legality under Arizona law of the City’s
proposed C8E redevelopment 4. E.g. see Parts 2L, below. I especially
ask State Senator J.D. Mesnard and State Representatives Jeff Weninger
(former Chandler Council member) and Jennifer Pawlik, from Legislative
District 17, to make A.R.S. § 41-193(A)(7) requests to the AZAG.
1E Attachment 3 (A3) is a PDF copy of this document as a safeguard
against unfavorable format change when sent by e-mail. In addition to
the governmental organizations identified above, I will be sending
copies of this e-mail to others. While I am passionate about my
objection to C8E as an unacceptable and irreversible waste of very
finite land and water resources, and that directly promotes the
ultimate destruction of the AR neighborhood, I emphasize that none of
my submitted written and verbal statements are to be interpreted as
charging any individual with any intentional legal wrongdoing.
Otherwise I would unequivocally so state, and would specify the laws
that I believe were violated. I believe that
nondisclosure of material facts appears to be an established and
accepted part of any city zoning process, in light of limited (and
vague) legal standards, and the desire for brevity.
1F The statements I make are true to the best of my knowledge, memory,
information, and belief. I believe my opinions constitute matters of
genuine public concern for which a public discussion and specific City
response is needed. I express my sincere appreciation for the helpful
information supplied by courteous City staff.
Part 2 Material C8E details.
The noisy Cobblestone car wash.

2A As proposed, the C8E redevelopment appears to me to be presented as an “avant-garde” housing development. But A2 makes no mention as to how the near-by car wash noise, which exceeds the traffic noise on Germann Road itself, will be mitigated. As shown in A2 at Exhibit 2 on p. 12, only the Germann Country Garden Estates (GCGE) separates C8E from the Cobblestone car wash. Both Cobblestone and GCGE were originally part of the AR neighborhood. The carwash has at least one large air compressor (more conveniently stored in the top part of the carwash structure) that is above the adjacent wall with GCGE. My property is east of the proposed C8E, and I can easily hear the carwash noise from my property. What kind of “upscale” development is next to loud commercial carwash noise?

2B When the City approved the GCGE redevelopment in January of 2017, it required two notices to be recorded in the land title of the 16 homes to be built. While home construction may not have started, Planning staff informed me that plans for 9 homes, with varying variations that can be used for all 16 homes, have been approved by the City. These title notices will inform future purchasers that the sights, sounds, and smells of adjacent agricultural activity, as well as the carwash noise, are lawful activities that will continue indefinitely. In short, the homeowner has moved to the “nuisance” and not vice-versa, and presumably has no legal remedy against anyone, including the C8E redeveloper, for any injury from the specified activities. The City also required the 16 homes to be soundproofed against carwash noise. C8E would have to meet the same requirements. The “connected” GCGE and C8E projects.

2C In 2013 the owners of the GCGE and C8E redevelopments initially collaborated in the rezoning of the AR neighborhood, but they went their separate ways due to an unresolved disagreement; the C8E property owner filed a rezoning application in an unsuccessful attempt to be allowed to “jointly develop” with the soon to be approved (in January of 2017) GCGE proposal. See A1 at Parts B4 thru B10. Offers to purchase GCGE were made. See: A1 at Parts A8 and A9. The GCGE construction manager once told me the developer intended to sell the City-approved GCGE project, and was only developing infrastructure like streets and sidewalks to “sweeten the deal” for any purchaser.

2D To “neutralize” its “bickering redevelopers,” the City would not approve GCGE in 2017 until it redesigned its “dead end” street access further west to the position shown in A2 (Figure 2) on p. 12, so that C8E can now have its preferred street entrance directly opposite the Compass Christian Church (CCC) driveway, thereby making a de facto 4-way intersection with the CCC driveway. See CCC (http://compassaz.church). In 2016 a City Planner told me that since the number of GCGE homes (16) went through the neighborhood rezoning meetings and would be approved by the City, that the City could require GCGE to redesign its street connection to Germann to conform to whatever the City wanted.

2E The City also required GCGE to leave a gap in its east wall to allow an internal roadway connection between GCGE and C8E, and that gap in the wall now exists. This confirms, in my mind, that when the City approved GCGE in 2017 that it basically also “approved” C8E as well. One City staff member told me this year that the planning staff would probably recommend Council approval of C8E. GCGE clearly needs a better and safer street connection to Germann since, unlike C8E, the raised median will prevent west-bound traffic on Germann from turning south into GCGE, and cars leaving GCGE to travel west on Germann or north onto Alma School must first travel east on Germann and make a U-turn onto west-bound Germann.

2F I now understand that C8E and City staff say that the proposed C8E “dead end” cul-de-sac street will not be connected to GCGE, but neither has any authority to speak for the City Council. I want to see clear written guidance from the Council that confirms that the eight C8E homes (16 to 24 cars) will not be required to share their street with any additional 32-48 cars from the 16 GCGE homes. C8E’s new street will be “two doors” west of my home, and will materially impact
my personal safety when I use Germann Road.

2G If for any reason GCGE and C8E are “suddenly” connected by a street, I will honestly believe that neighborhood homeowners are victims of deception that only the City can cause or prevent. Any interior street connection would likewise destroy any credibility for the unsubstantiated C8E representation of the monetary value of the custom homes it claims it would build. See A1, Parts A2, A15, A17, A38, and B7.

The reason for “the difference” between GCGE and C8E homes.

2H The GCGE developer is Garrett-Walker Homes (GWH), which does maintain home price information at www.gwhaz.com. I believe GWH began as an intercity redeveloper of housing for low-income families, which explains to me why GCGE is next door to a noisy commercial carwash and has, I also believe, very poor street access to Germann Road. See A1, Parts A24, A25, A31, and Parts 1A, 1B, 2D, 2E, and 2F above. City staff tells me that the City has approved 9 basic home plan variations needed to build the 16 GCGE homes. I understand the need for low cost affordable homes for low income households. I don’t understand why such developments appear to me to get the most disadvantageous and difficult land sites, and why such developments appear to me to be represented as far more “grandiose” than they really are.

2I A home buyer can go to GCGE, an undeniably experienced homebuilder with a known track record, and price-out the home models that can be built. No “ugly” surprises as to what is built next door. Not so for C8E, which lacks the experience to do this because it is an undeniably inexperienced redeveloper, that I think should be called a “wannabe,” with no apparent track record that I know of. See A1, Parts A4 and A5. Due to site limitations due to a noisy commercial carwash, noisy arterial roadways (both Germann and Alma School), and lack of irrigation water, I believe that affluent home buyers will probably go to Scottsdale, Paradise Valley, South Chandler, Gilbert, or to the West Valley.

2J Low income persons will of necessity most likely be checking out C8E, and could spend more money than they can afford to lose to have a home designed “from scratch,” only to see an architectural monstrosity built next door to them. The City required Cobblestone Auto Spa (southeast corner of Alma School and Germann) to paint its exterior walls in colors pre-selected by the City and to design and build a sign specified by the City. So now the City will give C8E considerable carte blanche to design, build, and paint avant-garde custom homes since it lacks GWH’s experience to design and build “predictable” homes to disclose to everyone? It is a “flight of fantasy,” I believe, to consider GCGE and C8E as anything more than “affordable homes” for low-income families and households. Where is the consumer protection for the home-buying public? Does Chandler see the risk of becoming the “home” of “consumer rip-offs” for future home purchasers?

The “special” architect.

2K C8E has hired an architect sometimes called the next generation of Italian architects, who works out of his offices in Milan and Miami, and co-owns a company with a furniture showroom outlet (Studio 3125) in Tempe, where C8E’s planner and landscape architect has an office. This architect’s work are also apparently in A2, (Exhibit 10) p. 20, and seem to me to be inappropriate for the hot Arizona desert climates. In the neighborhood meetings C8E said “any architect” could interpret and apply City design requirements, THEREBY BEGGING THE QUESTION AS TO WHY A “SPECIAL” ARCHITECT IS NEEDED FOR ALL 8 HOMES, and why there will be “no diversity” of architectural styles. Is C8E intended to become just an architectural “cult icon” monument to the “vision” of BBDC and its architect? Without the home-building standards that GCGE will have, and without adequate irrigation water, C8E is in danger of becoming just another Arcosanti. If so, this could be disastrous for low income customers who unwisely accept what I believe to be C8E’s unreasonable representations of grandeur. Again, where is the consumer protection for future homebuyers?

Restraint of trade?

2L I interpret C8E’s requirement that its architect do all design work...
as a substitute, undisclosed, and unacceptable way to avoid prior
disclosure to consumers of how the built-out development may look.
Only the far more experienced GCGE developer (but not C8E) was willing
and able to provide such consumer disclosure. I do not see why C8E’s
restriction should be viewed as reasonable or necessary. None of the
other Alma Ranchettes (AR) property owners ever had any restriction
regarding the homes (prefab, mobile, modular, constructed on site,
etc.) they could independently decide to use. C8E’s architect has an
unavoidable and unacceptable conflict of interest to put his
employer’s interests ahead of the customer who pays for his services.
It is similar to enrolling in a health plan that hires the doctor
treating you, and requires that doctor to conform to its unique view
of appropriate medical care to insure the financial profitability of
the health plan. I believe that any C8E property owner must have the
legal right to select and hire any licensed architect. FOR THIS REASON
I SEEK THE LEGISLATIVE REQUEST FOR AN AZAG LEGAL OPINION AS STATED
ABOVE IN PART 1D.

Basic groundwater law.
2M Chandler could not connect C8E to the City’s municipal water system
without a certification of a 100-year drinking water supply, and under
Arizona’s 1980 Groundwater Management Act (1980.GMA) it must achieve a
“safe yield” (safe balance) by 2025 to protect its groundwater from
“overdraft,” or excessive pump-down. The City’s basic strategy to date
is to use as much Salt River Project (SRP) surface irrigation water
from the Verde and Salt Rivers as it can for its municipal water
utility, and to store treated sewage effluent in the groundwater. I
know of no other City in the Phoenix Active Management Area (PAMA)
that discharges no treated sewage into any river channel. The AR
neighborhood ranchettes, including the two C8E wants to rezone, are
zoned AG-1 and have SRP flood irrigation rights, and are connected to
the SRP water delivery system. I think the City has a great financial
incentive to rezone all of the AR neighborhood just to get the SRP
water.

2N While there is a continuing PAMA groundwater overdraft (see 4MP
Table 3-8) it is not caused by SRP, which had a 78% decline in
irrigated acres, apparently due to urban redevelopment of farms. See
4MP Table 3-6. City rezoning takes away agricultural rezoning, without
which homeowners in Chandler cannot keep even chickens at their home
or use SRP water; SRP will simply sell surface irrigation water to the
City to enable yet more City growth and development. There are far
more people in Chandler wanting horse properties than Italian
architecture, but the City didn’t require horse properties of C8E (it
could have) because the City wants the SRP water.

How will C8E water its lawns and other vegetation?
2O At p. 7 A1 states that: “If available, the project may utilize
existing SRP well water for irrigation purposes which is currently
provided to the property as part of the Ranchettes area private
service agreement.” What does this mean? All of my SRP irrigation is
river water; SRP is trying to prevent groundwater overdraft too. Its
wells are used only when necessary. If the City does not allow the C8E
ranchettes to remain connected to the SRP water distribution system,
then no SRP water will be available. C8E should already know the
answer to this question. I would seriously urge the City to allow C8E
to retain AG-1 zoning (to keep horses) and its SRP irrigation. Without
adequate irrigation C8E will just degenerate into 8 lifeless,
oversized sunbaked lots (see A2 Exhibit 2 at p. 12) using crushed rock
for lawns, and cacti for any living plant.

2P Also, the fact that C8E cites and discusses no specific City water
conservation standard demonstrates, I believe, a serious City
indifference to 40 years of 1980.GMA groundwater management (including
conservation) implementation. The redevelopers appear to get the last
word in deciding all water usage questions. The City’s response to the
1980.GMA (see Part 1B above and Endnote 1) appears to challenge the
accuracy of the City’s projected (see 4MP Table 5A) residential
gallons per capita per day (GPCPD) allowance. Yet as confirmed by A2,
no residential GPCPD standard is mentioned or explained by the
redeveloper. In Chandler’s “Cadillac Desert,” it would appear that it is business as usual, and that redevelopers are free to use water like a “drunken sailor” spends money, with no concern from the City. No C8E access to the co-owned neighborhood well.

2Q With no SRP irrigation, C8E could still use the high quality drinking water from the City (a serious water waste) for external irrigation, but this could get expensive because to promote conservation the price of City drinking water increases with the volume of water used. Also, if all of its residential customers used as much irrigation water as C8E, the City might not be able to keep its customers supplied with drinking water. But even if the City doesn’t let C8E keep its SRP irrigation because it wants that water for itself, C8E still can’t use the neighborhood well that I often call the Alma Ranchettes Well (ARW), and that the Arizona Department of Water Resources (ADWR) calls the “Alma Ranchettes Well Owners” (ARWO), a “small” water company (see 4MP at Appendix 5D), and that the Arizona Department of Environmental Quality (ADEQ) calls “Alma Ranchettes.” None of these names are technically correct; they are just arbitrarily selected names of convenience for a well jointly owned and used by neighborhood ranchette owners. No single legal entity (corporation, partnership, or one individual) owns and operates the well. Well management decisions must be accepted by every co-owner before each co-owner has any obligation for the collective action in question.

2R Each owner of each initial 26 AR large home sites (called ranchettes) got a 1/26th undivided interest in the ARW (see A1 at B1), but the current owner of the two C8E ranchettes only got a 1/26th interest in the well under a Special Warranty Deed (20070651464) recorded in the records of Maricopa County on 06/05/2007. I assume that C8E may now want to replace any lost SRP irrigation water with ARW water because of the economic low cost of this water. There are no well water meters at any of the approximately 18 homes (one of which is on City water) with a water connection to the ARW, so each well user gets an unlimited amount of water for a flat $30.00 per month share of cost contribution, even when they do not bother to pay anything. It will be an impossible financial and technical burden for the remaining well users to provide unlimited irrigation water to C8E to subsidize the development of 8 “custom, high dollar, water using” homes.

2S First, ADWR also imposes water conservation/drought preparation planning on the ARW. I prepare and submit those planning updates, as well as the annual ADWR water withdrawal report. Secondly, the ARW simply lacks the capacity to pump irrigation water to 8 new C8E homesites. Third, the ARW is in need of serious, and potentially expensive, repairs. If the well fails at any time, we could be on domestic water delivered by truck, like many other homes in Maricopa County and throughout Arizona. ADEQ regulation, and annual Maricopa County inspection and licensing fees protect the quality of the delivered water. Fourth, the City has a reclaimed (non-potable) water line on Germann that C8E can and should use for any irrigation purposes. THE CITY MUST REQUIRE C8E TO USE NO ARW WATER FOR ANY PURPOSE.

City caused high groundwater and nitrate pollution of ARW water? 2T On 12/12/2019 I attended an ARW meeting conducted by an ADEQ employee and a water engineer from Chandler’s Development Services, who stated the City could construct a City water line down the alley to connect neighborhood homes to City water for about $4,000.00 per home. When the City widened Germann in 2009 it said we would get “stub-outs” to make it easy to connect to City water. Some homes on Germann got these “stub-outs,” but mine didn’t. My only feasible option, if the well fails, may be water hauling. The ADEQ appeared to be pushing the City to put in such a line to fix a long-term nitrate problem at our well that we cannot fix, and which embarrasses ADEQ. Federal drinking water limits for nitrate (established to protect children under 6 months of age) are 10 mg/L (10 milligrams per liter) or 10 parts per million (ppm).
About 2 miles southwest of our well is the City’s Ocotillo sewage treatment facility near the SE corner of Queen Creek and Old Price Road; about 2 miles southeast of our well is the City’s Airport sewage treatment facility near the SW corner of Queen Creek and McQueen. See 4MP Table 8.2. These plants apparently discharge millions of gallons of treated sewage annually into the groundwater. The nitrate level is at 10 ppm, but other nitrate levels already in the groundwater means that our well routinely violates the federal drinking water limit which only applies to water used to prepare food or drink for human consumption, and not to livestock watering, laundry, bathing, etc. ADEQ has already told us it will take no enforcement action. It apparently just uses our well to monitor the Chandler treatment facilities south of us.

However, ADEQ’s contractor also reportedly determined that our well’s depth to groundwater is only 100 feet, and I remember an ADEQ website that said the depth to groundwater at the Ocotillo plant was 60 to 80 feet (obviously a water mound) and that groundwater now flowed north towards us. Traditionally it flowed south. When my wife and I moved to Chandler in 1978 Alma School had high volume irrigation wells that the “old times” (now gone) claimed Dr. Chandler caused to be installed to protect crop production from a perched (high water) table. This water was later used to irrigate a farm with no SRP irrigation, and which grew its final crop of houses around 1984 or so. And now the water table in our neighborhood appears to be recovered and rising. After 40 years of the 1980 Groundwater Management Act (1980.GMA) someone ought to be able to inform the public if rising water tables constitute any potential threat to buildings, etc.

More roadway safety concerns.

I expressed some roadway concerns in A1 at A27 thru A31, and A37 thru A39. Attachment 4 (A4) is a PDF copy of the Germann roadway between Alma School and Hartford. Most of the raised median has been replaced by a refuge lane so that the houses with driveways onto Germann (4 on the north side and 7 then existing on the south side) could exit their homes and go east or west on Germann even if they had to temporarily enter the refuge lane and wait for oncoming traffic to pass.

I know of no other place on Germann or on any other street in Chandler that has such a feature. Chandler designed this segment of roadway specifically for the safety of the low density housing along this portion of Germann. C8E traffic (which may or may not include cars from GCGE, no one has said for sure yet) entering Germann will be able to start “stacking up” (left and right) in the same refuge lane that pedestrians will also be using to cross Germann because of the C8E street intersection with Germann. These pedestrians are not going to walk to Alma School or to Hartford. Jaywalkers already stop in the refuge lane to wait for oncoming traffic to clear. I understand that people die in traffic all the time, but it seems to me the City is looking for an opportunity to kill and injure. And for what purpose other than to build a frivolous monument to a modern Italian architect when Chandler claims to have more basic “bread and butter” needs for affordable housing for low income households?

Objections to two-story homes and destruction of neighborhood improvements built by the City.

C8E claims its 8 homes are a transition from the 16 homes at GCGE and the less densely packed AR neighborhood, but not so if half of the homes will be two story. GCGE was not allowed to have two story homes, so I think it is essential that C8E be treated no better. C8E will already be “wasting ground” for which it may not have enough irrigation water to do any meaningful landscaping. Likewise I strongly object to any destruction of the neighborhood revitalization improvements built by the City when it widened Germann Road.

ENDNOTES

2 https://new.azwater.gov/sites/default/files/media/PhxAMA_4MP_Comments-City_of_Chandler.pdf_
3 E.g. https://services.azre.gov/publicdatabase/messagecenter/createmessage.aspx?subjectid=8_
Chandler Mayor and Council (Mayor&Council@chandleraz.gov); see https://www.chandleraz.gov/government/mayor-and-council
Kevin Mayo (Kevin.Mayo@chandleraz.gov) Chandler Planning Administrator
Kristine Gay (Kristine.Gay@chandleraz.gov) Chandler Planner
Ron Harris (rharris@norris-design.com) of Norris Design; see http://www.norris-design.com/

Re: My objections to the Norris Design rezoning application # PLH 19-0034 filed for B & B Development and Construction LLC (BBDC).

To the elected City officials of Chandler, City Planning Staff, and Norris Design,

Part A Summary of objections to the proposed PLH 19-0034 redevelopment, and to certain rezoning practices in general.

A1 I object to any PLH 19-0034 rezoning of two ranchette home sites on Germann Road in Chandler, Arizona, and in the Alma Ranchettes neighborhood (Neighborhood) as identified in Part B. I am sending copies by e-mail and/or fax of this protest and request for City explanation. A PDF copy of this protest document is in Attachment A-1 for better readability, if needed, for the e-mail transmissions. I ask that these objections be added to the PLH 19-0034 file, including the one found at https://gis.chandleraz.gov/planning/ (interactive City map) by going to the southeast corner of Alma School and Germann Roads and clicking on the proposed, active zoning case for PLH 19-0034.

A2 Please note that a “third advisory” neighborhood rezoning meeting (see Attachment A-2) is scheduled for Tuesday, August 13, 2019 from 6:00 to 7:00 pm at the Hamilton High School Cafeteria at 3700 S. Arizona Avenue, in Chandler, Arizona 85248. By “advisory” I mean that no follow-up City hearing has been announced, or is apparently contemplated in the near future. I assume that Norris Design only seeks public support for PLH 19-0034. If approved by the City, PLH 19-0034 would cause destruction of two important privacy walls built by the City’s massive revitalization project 10 years ago (see A10-A12) and would build a new dead-end street connecting 8 reportedly high value custom homes (4 of which were allegedly by BBDC at the 07/09/2019 advisory meeting as being sold for over 1 million dollars each) and create the safety concerns identified in Part A27-A39. BBDC’s admission of the profitability of building million dollar plus homes confirms that the remaining Neighborhood ranchettes can be fairly and profitably developed under existing zoning (A13-A16, A26) which would avoid the need to destroy City built revitalization improvements or to incur adverse pedestrian and traffic safety risks from new streets and unsustainable housing densities that PLH 19-0034 would cause. The financial two million dollar profit to BBDC does not fairly compensate for the loss to the Neighborhood and community for the adverse impacts of rezoning. See A39.

A3 The “second advisory” neighborhood rezoning meeting (see Attachment A-3), for the same 8 new custom home sites was held on 07/09/2019 at Hancock Elementary School, but I was the only attendee not with BBDC. Other Neighborhood residents later told me they got no notice of the meeting. This was déjà vu for me. See Part B6-B7. Apparently that is why the 08/13/2019 advisory neighborhood meeting was scheduled.

Marketplace Development LLC (MPD), owner of the PLH 19-0034 ranchettes and potential redeveloper.

A4 The “first advisory” neighborhood rezoning meeting at Hancock Elementary School on 02/06/2019 (see Attachment A-4) was called to review the 13 home rezoning request filed by MPD in 2016. My objections (see Attachment A-5) were filed by e-mail on 02/04/2019. Attachment A-6 is the September 2016 rezoning application filed by Benyamin Avrahami as the owner of MPD, and was an unsuccessful attempt to get the City to compel Garrett Walker Homes LLC (GWH) to do a joint redevelopment with MPD for 5 ranchettes, including the 2 owned by MPD, before approving GWH’s rezoning application for only 3 ranchettes. See Parts A4 and B10. I believe Mr. Avrahami to be the owner of the “London Gold” jewelry store chain, with an outlet in Chandler, and the real party in interest behind PLH 19-0034. I find it so significant that the first “advisory” neighborhood meeting called before BBDC was incorporated or became a licensed contractor, was to review the 3 year-old MPD application that had never received any neighborhood meeting review prior to 02/06/2019, the date that BBDC was incorporated.

A5 BBDC is a “new start-up” company with no “track record” that I can find. It was incorporated on 02/06/2019 by Brian Dannell Hopkins and Bradley Victor Pinter, (see https://ecorp.azcc.gov/PublicBusinessSearch/PublicBusinessInfo?entityNumber=1947824) a real estate broker, and was approved on 02/09/2019. Its Registrar of Contractors (ROC) license (#323820 issued to Hopkins as the qualifying party with a $14,000.00 bond to protect customers), was obtained on 03/13/2019. See https://roc.az.gov/contractor-search?id=a0Yt0000000AACLJtEAP and https://roc.az.gov/contractor-search?id=a0Yt000000817x1EAEQ I found no prior ROC license issued to Mr. Hopkins. I know of no current BBDC project, and I found no BBDC webpage. The BBDC principals are interesting and energetic men, but I am not convinced of their ability to do the redevelopment they propose. As far as I know Mr. Avrahami never had any provisional experience developing/building new homes, or ROC registration, or a real-estate license, before or after filing his 2016 rezoning application by his attorney.

A6 Attachment A-7 shows the 8 remaining (of the original 13) ranchettes on Germann, beginning on the east side of the 3 rezoned ranchettes, now
called Germann Country Garden Estates (GCGE), and extending east to Hartford Street. The first two ranchettes on the east side of GCGE are owned by MPD and are the subject for rezoning under PLH 19-0034. To the left (west) of GCGE is the Cobblestone Auto Spa on two former ranchettes. Cobblestone prevented any further commercial development eastward, unlike the other intersection corners, so if GCGE was laid out on the southwest corner of the intersection the homes would be in the parking lot extending westward to about the middle of the Fry’s Supermarket. So GCGE homes will still get lots of road noise besides the car wash noise. In addition, there are 4 separate streets in GCGE, with a “city block” 2 lots wide by 5 lots high. The absurdity of this rezoning is unmatched, as far as I know, by any other City neighborhood.

Is GCGE a failed rezoning project?

A7 Since GCGE’s only street to Germann is a dead-end street that could become unusable in an emergency, 911 responders got an emergency entrance (“crash gate”) along the west property line to connect Germann Road to Emerson St. See Attachment A-7. PLH 19-0034 (see Attachment A-2 and A-7) will have its crash gate inside GCGE at the east end of Pelican Drive. But what if GCGE never gets built? Attachment A-5 has already reported my initial attempt to verify the reported intent to sell GCGE for development by someone else, and that the very limited work done by GWH was simply to “sweeten the deal” to entice a buyer. The posted GCGE construction site sign, required by County Air Quality (602-881-5301) permit E191817, lists GWH’s responsible project individual (Clint Poole (602) 881-5301), who I last talked to on 02/26/2019. Since that time when I call that number I am told that it is out-of-service. My last attempted call was on 08/09/2019. Apparently MPD and BBDC are aware of the intent to sell GCGE, since Ron Harris confirms that MPD and/or BBDC’s attempt to buy GCGE has not (as yet?) been successful. I OBJECT TO ANY PLH 19-0034 REZONING BECAUSE GCGE HOMES ARE NOT BEING BUILT AND SOLD, AND THE GCGE STREETS NEEDED FOR THE PLH 19-0034 CRASH GATE ARE NOT READY AND PAVED. It is my understanding that no GCGE home plans have been submitted to the City for review and approval yet, and that no one can say when that might happen. PLH 19-0034 SHOULD NOT BE APPROVED BEFORE IT IS KNOWN THAT GCGE WILL BE SUCCESSFUL.

Is PLH 19-0034 just a negotiation play by MPD, BBDC, and/or the City?

A8 I understood Ron Harris to tell me that just before filing application PLH 19-0034 on 05/29/2019, one last attempt was made (by who?) to reach out to GWH for either a joint development of the 3 GCGE and 2 MPD ranchettes, or for the purchase (by who?) of the 3 GCGE ranchettes. Again, this begs the question as to whether Mr. Avrahami is the real party in interest who is calling the shots, and whether PLH 19-0034 is just a negotiation ploy to get some kind of concession out of GWH or its parent company GWH Holding LLC (GWHH). MPD clearly filed a 2016 application for negotiation purposes (see Attachment A-6), and has been desperately striving for a joint development of some kind with GWH since 2013. See Part B5, B10. GWH does have a tract record for building new homes. BBDC’s minimal level of effort in scheduling “advisory” neighborhood meetings and preparing basically “verbal only” presentations is certainly relaxed, but also suspect, for lack of specificity.

A9 If BBDC and/or MPD obtain a joint development with GWH, will PLH 19-0034 get dumped and MPD go back to the interconnecting street and 13 home concept initially applied for in Attachment A-6? AGAIN I OBJECT TO ANY PLH 19-0034 REZONING BECAUSE GCGE HOMES ARE NOT BEING BUILT AND SOLD, AND THE GCGE STREETS NEEDED FOR THE PLH 19-0034 CRASH GATE ARE NOT READY AND PAVED. PLH 19-0034 simply should not be approved before it is known for sure that GCGE will be successful.

PLH 19-0034 should not be allowed to destroy any of the City-built Neighborhood revitalization on Germann Road.

A10 When the City widened Germann to 6 lanes (plus a center refuge lane) around 2008-2009, it absolutely revitalized the Neighborhood ranchettes on Germann, including MPD’s two ranchettes. The City developed sidewalks, streetlights, fire hydrants, landscaping trees, bushes, and ornaments on the land it took by condemnation, and maintains these improvements with City contractors. There is no home owner’s association (HOA). On the land of the individual ranchette owners the City built privacy/road-noise abatement walls (of a design, height, and color selected by each individual ranchette owner), with decorative tile and with sliding metal driveway gates. A large east-west underground pipeline was installed south of the privacy walls to deliver flood irrigation water from the Salt River Project (SRP). PLH 19-0034 would remove both ranchette privacy walls, much to the detriment of the entire ranchette Neighborhood. I LIVE ONLY 2 RANCHETTES EAST OF THE MPD RANCHETTES, AND I DO NOT WANT TO SEE THESE WALLS REMOVED. If rezoning is denied, the walls will not be removed.

A11 The City widened the two-lane Germann Road into a six-lane showcase roadway, built by federal funds, that is a very important connection between the City’s Price Road industrial corridor to the Chandler airport. The privacy walls are still absolutely essential components to the success of this revitalization. Attachment A-8 to the Chancellors report on the walls. The City installed landscaping trees north of the walls and south of the City built sidewalk) for Neighborhood ranchettes (#7 and #8) purchased in 2007 from a California speculator for $1,753,000.00. See the Affidavit of Property Value in Attachment A-9, and B5. A street level photo of the walls and landscaping that PLH 19-0034 would destroy are in Attachment A-10. Ranchette #7 still has a very sturdy, well-built home, with a basement and 3,144 sq. ft of living space that MPD has always rented. See https://maps.mcassessor.maricopa.gov/ for lots 303-36-623 and 303-36-622. It is still rented to tenants with horses. The only MPD repairs I know of for the home were about a year ago when a wind burst blew away the awning along the entire south end of the roof. A tall tree in front was blown down on top of the privacy wall. The awning was never replaced. The debris was removed. Bare spots on the roof were patched with new shingles. As for ranchette #8, it was bare ground when MPD bought it. The former home and improvements had been remove, just like what happened to ranchettes #9, #10, and #11 that were rezoned as GCGE in 2017. See Attachment A-8.

A12 The Attachment A-8 photo clearly shows that the 2017 rezoned ranchettes (#9, #10, and #11) never had privacy walls, irrigation piping, landscaping, etc. because all improvements on them had been removed, and they were openly known to be held for redevelopment, which could indicate that they were “essentially rezoned” long before the City’s official January 2017 rezoning vote. If MPD had made the same declaration of intent to redevelop, I do not see how its ranchettes could have received the revitalization improvements it now wants to destroy. If rezoning is not allowed, these improvements will not be disturbed. Following the same “drill” used for all the other ranchettes on Germann, MPD selected the design and color of each wall for its ranchettes, and also submitted a temporary construction easement allowing entry upon the ranchettes to construct the walls and irrigation line, and to install the metal driveway gate. By accepting the City revitalization improvements for the MPD ranchettes, MPD cannot now rezone them. I VIGOROUSLY OBJECT TO ANY PLH 19-0034 REZONING THAT WOULD
An excellent example of Germann Road development under existing zoning.

A13 I believe it is very apparent that MPD only purchased its ranchettes in 2007 for the intent of obtaining a windfall profit from commercial rezoning. It only maintains one ranchette for rental purposes, and did absolutely nothing to develop any ranchette under existing zoning. Therefore, no one can claim that the Neighborhood is unable to be developed as ranchette properties when speculator owners simply refused to try. Attachment A-11 shows a street view of the newest Neighborhood home at 711 W. Germann Road, and shows the privacy wall and driveway gates provided by the City when it widened the street. The home is connected to both City water and City sewer, the only one of the existing 18 Neighborhood homes connected to either City service. Construction was completed about the time that the City finished widening the street. In April of this year it was appraised at $1.5 million, but the need of the second ranchette owner for prompt specialized medical care out of state caused it to be sold for $1.35 million in cash, with no inspection, in April of 2019. See the Affidavit of Property Value in Attachment A-12. The three owners of this home have occupied it as their primary residence while they owned it. No renters for them.

A14 The new home at 711 shows the potential for all ranchettes; there are other Neighborhood homes (on Kingbird) worth over a million dollars each. The Neighborhood is truly rare in Chandler; such neighborhoods are no longer being created and are irreplaceable. The Neighborhood needs to be preserved for the housing diversity that the City seeks. Whatever the City subsidizes, it will get a whole lot more of. If the City rewards speculators with windfall profits for destroying unique heirloom neighborhoods by spot rezoning, then speculators will always be “stopping by.” If it subsidizes neighborhood preservation by not rewarding “predatory spot rezoning” raids by speculators, it will have stable and economic neighborhoods. I STRONGLY OBJECT TO ANY PLH 19-0034 REZONING OF A VIABLE AND IRREPLACEABLE HEIRLOOM NEIGHBORHOOD THAT CAN REASONABLY BE PROFITABLY DEVELOPED UNDER EXISTING ZONING. See A26.

More valuable alternative land uses do not justify rezoning.

A15 At the 07/09/2019 advisory neighborhood meeting BBDC verbally claimed, with no substantiating objective data, that 4 of its “custom homes” would be worth over one million dollars each. In so doing, it admitted that the ranchette Neighborhood can be successfully developed under existing zoning. It is the rezoned GCGE ranchettes that may now lack financial value. See A7. BBDC assumes that what it thinks is best for itself is best for the Neighborhood. But if rezoning could be demanded based on the most money the land could be sold for if rezoned, we would have industrial facilities, bars and strip clubs in neighborhoods, shopping centers, and next to schools and churches. Any assumption that the PLH 19-0034 redevelopment would be more financially rewarding than development under existing zoning, even if true, would be legally irrelevant. Otherwise, no zoning system could ever be legally enforced.

A16 Should the City use its zoning powers to build neighborhoods, or to just reward speculators wanting instant enrichment from spot rezoning? We are not talking about land that was never developed. We are talking about previously developed Neighborhood ranchette home sites that each had occupied homes and improvements. BBDC intends to destroy a nice 40-year old (still occupied) home and valuable Neighborhood revitalization improvements installed by the City about 10 years ago. Those privacy walls were not “gifts” to the ranchette owners, since “gifting” per se (without legal consideration) is illegal. So what did the ranchette owners “give” in order to receive those privacy walls and landscaping? Acceptance of the revitalization improvements constituted a waiver of redevelopment. These ranchettes are not “infill,” and BBDC’s claim that the Council is going to put “something” there eventually belies the fact that “something” has existed there since the 1970s.

A17 So where is the City and its posture of neutrality in this matter? The City allows BBDC to continue to schedule “advisory” meetings under color of City zoning law for the purpose, I assume, of selling its proposal to the Neighborhood and of wearing down any opposition. The City sends no staff representative to any meetings to provide needed clarification or to serve as a safeguard to minimize any risk of “overreach” or even misrepresentation. At the 07/09/2019 advisory meeting BBDC verbally reported that the City codes, as enforced by City inspectors, would assure the verbally promised value of the custom homes it would build. When I asked what kept a redeveloper from running a new street from Germann to Kingbird to spread redevelopment to that street I was told that the City would never allow that. Thus BBDC spoke for the City and provided legally unenforceable verbal commitments, like the pledge that only single level homes (as was required for the GCGE rezoning) will be built. I OBJECT TO PLH 19-0034 REZONING WHEN ALL VERBAL REPRESENTATIONS ARE NOT IN A WRITTEN DOCUMENT AND NOT LEGALLY ENFORCEABLE AGAINST THE REDEVELOPER.

The City needs to set forth in writing what portion of the Neighborhood it will preserve, and why.

A18 In February (I believe) of this year I attended a neighborhood rezoning meeting at an adjacent irrigated agricultural neighborhood, within a 5 to 10 minute walk from my home. I first met some of these neighbors, like one member of the Mayor’s Sunday congregation, over 40 years ago. This neighborhood had large oversized ranchette home lots with agricultural and residential zoning like my Neighborhood. A City planner attended that meeting and unequivocally pledged “zoning preservation” by the City for that Neighborhood. I want to know why that neighborhood is guaranteed preservation, but not any portion of my Neighborhood. I OBJECT TO ANY NEIGHBORHOOD “SPOT REZONING” UNTIL THE CITY PROVIDES CLEAR WRITTEN NOTICE OF WHAT NEIGHBORHOOD RANCHETTES WILL (OR WILL NOT BE) PRESERVED FROM “SPOT REZONING” AND REDEVELOPMENT, AND THE BASIS FOR THAT SELECTION.

A19 Pretending to focus solely on the “individual merits” of each filed rezoning proposal fools no one, and would clearly manifest, I believe, a City intent to permit unlimited destructive “spot rezoning.” I think it would be ethically and morally reprehensible for the City to refuse to fairly explain what specific ranchettes in our Neighborhood will (or will not) be preserve from rezoning. It should not allow self-serving redevelopers to “negotiate” neighborhood preservation on behalf of the City by filing, on a case-by-case basis, applications for “spot rezoning.” It would also be grossly unreasonable for the City to penalize Neighborhood ranchette owners for years of damage done to Neighborhood development by land speculators who never invested a dime in development under existing zoning. The City should not reward such speculation with “profitable” rezoning that can only accelerate future “spot rezoning” attempts.

A20 Without open candor to neighborhood residents in fully answering their questions and concerns, I am convinced that there can be no
“transparency” in City government. I truly believe that the City’s rezoning procedures are dreadfully “shabby” and unfair, and could sustain a belief that the real basis for rezoning decisions, especially in disputed cases, are never disclosed. A person’s only legal right, under City rezoning procedures, is to present verbal and/or written objections. Once all public objections are received, they can be (and I believe have been in the past) totally ignored without any reply or explanation. That is exactly what I believe happened in the GCGE rezoning in 2017. See Part B10. The final Council vote, without explanation, on disputed rezoning projects appears to me to be just a display of “brute political power.” I strongly believe that Machiavelli could have trained his “Prince” by only observing Chandler rezoning cases. I honestly believe City government is unreasonably biased in favor of speculators and redevelopers who make confidential rezoning deals with the City.

How the City officially destroyed neighborhood preservation.

A21 The City was able to approve the GCGE rezoning in January of 2017 with ease after its 2015 to 2016 revision of the City’s General Plan which took away the previous General Plan requirement that declared that top priority must be given to neighborhood preservation. Neither infill, redevelopment, nor new construction, had previously been allowed to detract from residential security, privacy and property values (see Part B9) but not any more. I attended the General Plan meetings and workshops, and I knew what was coming and why. The City can apparently now “spot rezone” any portion of an existing neighborhood to provide low-income housing. I strongly believe that is what the 2017 GCGE rezoning was all about. See A22 to A24 and B9.

So why were three ranchettes rezoned as the GCGE for Garrett-Walker Homes LLC (GWH)?

A22 The City never clearly explained its 2017 GCGE decision, so I must express my own opinion. First how much money does the City receive from the U.S. Department of Housing and Urban Development (HUD)? As a recipient of substantial HUD money, Chandler must file three documents with HUD. See: https://www.chandleraz.gov/residents/neighborhood-resources/community-development/plans-and-reports The 5-year Consolidated Plan (CP) assesses affordable housing, community development needs, etc. for HUD funding. The Annual Action Plan (AAP) identifies the specific federal and non-federal resources used to carry out the priority needs and specific goals of the CP. The CAPER report measures City success in meeting the priority needs, goals and strategies of the CP and AAP in the most recent program year. The AAP for FY 2018-2019 (https://www.chandleraz.gov/sites/default/files/documents/imported/FY18-19AnnualPlan.pdf) at p. 2 identifies the following federal (non-local) fund amounts: $ 1,554,873, total available for the federal CDBG, plus $421,957 total for the federal HOME Investment Partnerships Program, plus $5,314,000 (Section 8 Housing Choice Voucher Program), plus $2,895,549 (Public Housing Program), plus $400,000 (Public Housing Capital Funds) for a presumed total federal (non-local) portion of $10,586,379 in one year. The local Chandler (General Funds) portion of program costs appears to be $1,189,755.

A23 The expenditure of the federal and local funding is obviously monitored and/or managed by the City’s Neighborhood Resources Department (NRD) for its reporting purposes, see https://www.chandleraz.gov/residents/neighborhood-resources/community-development. NRD’s programs are focused on the housing-related needs of indigent and low-income people. The City Council periodically holds public meetings as the City’s Public Housing Authority. The City Council and staff must be aware of housing issues impacting low-income City residents. I know of nothing preventing the City from using “spot rezoning” to develop low-income housing to achieve HUD grant goals.

A24 Anyone claiming that the rezoned GCGE ranchettes had nothing to do with affordable housing for low-income people is simply not aware of, or not willing to admit, Neighborhood experience since 2013 when the first rezoning meeting for 40 houses admitted that this was “affordable housing,” and GWH staff clearly admitted the same in a 2014 rezoning meeting for only 28 homes. See Part B6. Since 2013 I have periodically reviewed the projects on GWH’s website (www.gwhaz.com) and I am convinced that the 16 new GCGE homes approved by the City were intended to be low-income “affordable homes.” The fact that the City did not agree to rezoning until the 28 proposed homes were reduced to 16 may have caused financial profitability issues limiting (or preventing) any sale of the rezoned ranchettes to a new company. See A7.

A25 However, on 07/4/19 I saw an amazing improvement in the neighborhoods shown on GWH’s website. The company is not what it once was. Yes, it still appears to build “affordable housing” for low income families, but the quality of its developments appears to have vastly improved. They build many homes in large neighborhoods on well designed safe streets with available schools, shopping, etc. No more “only one street in and out” developments with an absurd “miniaturized” internal street system like GCGE got. No unsafe dead-end connecting street to an arterial roadway so close to a very big and busy intersection. See A33. No more “sound-proof” homes to build next to a noisy commercial car wash, or built at the edge of a 6-lane noisy arterial roadway. See B8. GWH appears to have more profitable and better developments now. No wonder it openly admitted that the GCGE project was to be sold. See A7.

BBDC does not need City permission to build quality custom homes under current zoning.

A26 BBDC says it would build high-dollar custom homes, but it also appears willing to do a joint development with GCGE for homes for low income persons, or to even purchase GCGE, at any time. See A7 to A9. BBDC does not put necessary details in writing, thereby raising concerns that PLH 19-0034 could have been filed for “hard-ball” negotiation purposes. See A8 and A9. The 4 homes worth over a million dollars each that BBDC claims it could build could be built under existing zoning, with no need to tear-down the two privacy walls on Germann, or build a street and sidewalks endangering pedestrian and traffic safety on Germann, or squander valuable water rights. See B2. It could also enter and exit its ranchettes from the alley. There would be no high wall blocking the alley. Any additional profit BBDC might get from rezoning is irrelevant. See A15. A fair and reasonable investment profit can be made by development under existing zoning. See A13-A14. I STRONGLY OBJECT TO ANY PLH 19-0034 REZONING OF A VAILABLE AND IRREPLACEABLE HEIRLOOM NEIGHBORHOOD THAT CAN REASONABLY BE PROFITABLY DEVELOPED UNDER EXISTING ZONING.

General safety impacts of Neighborhood spot rezoning.

A27 Whether rezoned for GCGE’s low income people or for PLH 19-0034’s rich folk, the damage is the same. A unique, valuable, irreplaceable “heirloom” agricultural neighborhood is being destroyed, ranchette homesite by homesite, to land speculation for very meager benefits to anyone. The Neighborhood was designed for agricultural use, meaning very low-density residential use, and is “locked-in” by surrounding development that allows no safe expansion of residential density. All ranchette (and GCGE) homes on Germann connect directly to a major 6-
lane (Germann) arterial roadway. The Germann ranchettes are not safely situated for a higher-density residential use. People should not turn a “blind eye” to obvious safety concerns that someone will have to pay when higher residential density redevelopment is put into a Neighborhood that can only sustain very low residential density use.

A28 There are only 18 current Neighborhood homes on Kingbird Drive and Germann Road, due to speculation that keeps empty ranchettes from being restored to residential use. There are 6 homes (approximately 12 cars) on 8 remaining ranchettes on Germann. GCGE will add one new street and 16 homes (with 2-car garages) or at least 32 cars, and PLH 19-0034 would add another street with 8 new homes and at least 16 new cars for an estimated total minimum of 40 new cars. The 2 new streets will be the width of approximately one ranchette apart. Right now the first City block east of Alma School Road on Germann reaches all the way to Hartford, the eastern boundary for the Neighborhood ranchettes. With completion of GCGE’s access road the first block east will be from Alma School to the GCGE street, and the second block east will be from the GCGE street to Hartford. But if PLH 19-0034 is approved, the second block east will be a “stone’s throw” between the GCGE and PLH 19-0034 streets, and the third block east will be from the PLH 19-0034 street to Hartford. As more PLH 19-0034-type rezoning occurs, each new street will be the width of a ranchette from the prior street. This is going to be a very “ugly” and dysfunctional street design.

A29 If PLH 19-0034 is approved, I know of no reason why it would not become the “model” for the “eastward” expansion of redevelopment for the remaining Neighborhood ranchettes on Germann. Since at least 2 ranchettes will always be needed for each redevelopment, will a new street be built on every other remaining ranchette to build 8 homes having their own HOA management? Since each pair of ranchettes will be surrounded on the east, south, and west sides by high walls, the privacy walls built on Germann by the City for each ranchette will need to be demolished to build a new street to Germann and to allow residents relief from any claustrophobia they might experience. They will at least be able to look north out of their tiny little “box” neighborhoods and see the noisy vehicles passing by on Germann. When 8 remaining ranchettes that now have 6 homes with approximately 12 cars and 8 driveways get a PLH 19-0034 redevelopment, there will be, when added to the GCGE rezoning, a total of at least 4 new streets and 40 new houses with 80 new cars. In terms of visual design and safety for residents, pedestrians, and vehicles, the new developments will be a total aberration. But if the City approves PLH 19-0034, how can it legally deny the same rezoning to other speculators who pay the price (see Attachment A-9) to acquire pairs of ranchettes to rezone for a 2 million dollar profit? See A39.

The Germann-Hartford intersection, presently the first City block east of Alma School Road.

A30 On Germann Road between Alma School Road and Arizona Avenue, there is only one City street (i.e., southbound on Hartford) that connects to any other street in Chandler. A sizable number of the commuting residents in the one-mile square area bounded by Alma School Road on the west, Germann Road on the north, Arizona Avenue on the east, and Queen Creek Road on the south use Hartford daily. They take Hartford to Germann and then to Alma School Road to go north to the freeway, and vice-versa in the afternoon rush hour. In the morning rush hour the Germann west-bound curb lane can fill up with cars waiting to turn north onto Alma School for the freeway, and this line can extend as far east as the first home east of the CCC drive way. In the afternoon rush hour, south-bound cars on Alma School turning east on Germann (and intending to go south onto Hartford Street) move immediately into the curb lane, and there are a lot of such cars. I never have any problem when arriving home, since the cars behind me always stop for me to make my right turn and stop in front of my closed gate. It is when I am leaving my house, and again blocking the sidewalk and part of the bike lane, that I must wait for many cars to pass. But this is the only way I can use the sliding driveway gate the City gave me. Pedestrians must go into the street to walk around my car. I long ago discovered how dangerous this was for school children walking/biking to Hancock School from the rental home that PLH 19-0034 would now demolish. Anyone claiming that the 6 lanes of Germann Road can handle any traffic need have simply no experience with how the “plugged up” curb lanes between Hartford and Alma School will, by themselves and with no cars in the remaining lanes, limit access to Germann. No place for school children.

A31 The existing urban development around the Neighborhood allows no quiet internal streets for Neighborhood children to walk or bike to the Hancock Elementary School or to the adjacent Ryan City Park. On 07/09/2019 BBDC claimed there would be no children living in its development, but this is only supposition. The Neighborhood easily has 4 homes (in the price range BBDC claims it would build) with professional parents that have children at home. School buses only stop to pick up special-education students. There is no school pick up/delivery for the remaining public school children, particularly the elementary school students attending Hancock Elementary School.

A32 Every day I walk grandchildren home from another Chandler elementary school that is approximately as far from their home as the PLH 19-0034 ranchettes are from Hancock Elementary School, but I get to use quiet peaceful streets that in no wise compare to the “gauntlet” PLH 19-0034 children will have to “run.” With a “dead end” street connecting only to a 6-lane arterial roadway, that has lots of high-speed traffic (and untold “stranger danger”) they must walk (or bike) eastward to Hartford, and around any vehicle arriving or leaving a ranchette, and then go southward down a long austere street walled on both sides of the roadway for probably most of the distance to the School.

The U-Turn “rat race” on Germann

A33 The dead-end GCGE access road (see Attachment A-7) is in the middle ranchette, or #10 as shown on Attachment A-8. Thus, anyone driving westward on Germann would have to do a U-turn at Alma School and drive eastward on Germann to enter GCGE. Similarly, anyone leaving GCGE to drive west on Germann, or to turn north or south onto Alma School, would have to cross to the inside lane of eastbound Germann traffic and do a U-turn at the east end of the raised median. To go north onto Alma School they would then have to cross to the westbound curb lane of Germann. I understood GWH to have stated that “poor folk” would be so grateful for anything they get that they would never complain about the “left-overs” saved for them. See B6. Such a notion offends my sense of fairness and justice. I know of no other street access like GCGE will have in all the City of Chandler, and I still cannot believe that this is how rezoning works in Chandler.

A34 I also want to point out that a lot of eastbound traffic on Germann uses the same eastern tip of the raised median to do U-turns, mostly to go to the Walgreen drug store in the north east corner of the intersection. Nearly every time I exit my driveway and drive west, I see at least 1-2 eastbound cars doing U-turns at the east end of the raised median. This of course is more of a problem for GCGE than for PLH 19-0034, which will have no raised median (that cannot be driven over) to obstruct its only access road to Germann.
PLH 19-0034’s new street intersection with Germann Road.

A35 Attachments A-2 and A-8 show the proposed PLH 19-0034 access road to Germann on the westernmost MPD ranchette. So PLH 19-0034 would have a safer access road to Germann than the GCGE, but the GCGE developer knows how to build homes. The 2013 proposed joint redevelopment (called Av Ventura) of 40 “affordable homes for low-income people also proposed a single connecting street to Germann on the same PLH 19-0034 ranchette, and had required demolition of the City built privacy wall for only one ranchette. See Attachment A-13 and Part B5. The PLH 19-0034 ranchette with the rental home on it, and its privacy wall and other revitalization improvements, would not have been destroyed. When the joint Av Ventura venture fell apart, GWH requested rezoning for only its 3 ranchettes.

A36 On the eve of the GCGE rezoning approval, MPD filed its own 2016 rezoning application (for 13 homes) in an unsuccessful eleventh hour bid to get the City to compel a joint project. See Parts A4 and B10. It offered to give GCGE a second access connecting street to Germann. When that attempt failed, MPD attempted to negotiate a joint venture with GWH or to at least purchase the GCGE project. When that failed also, it filed PLH 19-0034 on 05/29/2019, and now claims it will build 8 high value custom homes that will have no internal street connection to the “lower class” GCGE redevelopment. See Part A4. I have serious reservation (see Part A8) whether PLH 19-0034 was filed solely as a negotiation strategy for ongoing negotiations, and what any MPD—GWH agreement might do to the PLH 19-0034 proposal. See A9.

PLH 19-0034’s new “de facto” street intersection with the Compass Christian Church (CCC) driveway.

A37 The proposed PLH 19-0034 street would enter the south side of Germann directly opposite the CCC (http://compassaz.church) driveway on the north side of Germann. See Attachment A-8. While this is technically only a “T” intersection with Germann, it will also be a “de facto” “cross” intersection with the CCC driveway that pedestrians will use to cross Germann Road. It has always been my understanding that when two roads intersect, that pedestrian cross-walks, whether marked or not, are created at the corners of the connecting street. That is how I still see “T” intersections used by Chandler pedestrians. The Hartford Street “T” intersection is also a “de facto” (cross) intersection (with unmarked pedestrian lanes) with Tumbleweed Lane, a private street north of Germann. See Attachment A-7. When I walk across Germann from any corner of its intersection with Hartford (either to walk up Tumbleweed Lane or to walk to the SRP irrigation gate box on Germann just a short distance east of Hartford), I really need to hustle. Cars from Hartford turning onto Germann, and east-west traffic on Germann, show no concern for my safety. It is bad enough during daylight hours, but it is worse after dark, especially in bad weather conditions. West-bound cars on Germann will too often be accelerating to “make” the traffic lights at Alma School Road. In the winter time it is dark by 5:30 p.m., and street lights along Germann have never given me much confidence in being seen in time. As I drive City streets I see many impaired or distracted drivers who simply do not show essential alertness and motor skills needed to safely handle a motor vehicle.

A38 So any PLH 19-0034 street connection to Germann will cause pedestrians and bicyclists to cross Germann at the corners of the new street intersection. There is significant teenage travel to the Bridge (https://bridgeccc.com) on the CCC campus for rock climbing, basketball, volleyball, game machines, skatepark, gymnasium, game room, and related camps, special events, organized sports, concerts, and tutoring. See Attachment A-8. Junior High and High School students (7th to 12th grade) are welcome Monday, Tuesday, Wednesday (2-8 pm) and Friday (2-9 pm), and for all day family day activities every Saturday. When my car blocked the sidewalk for one teenager coming from Hartford on a skateboard, and headed for the skatepark at The Bridge, he zipped across 6 traffic lanes (plus a refuge lane) to the north side of Germann. Here was another example of a teenager who never goes to Alma School Road to cross Germann with the traffic lights, and he is obviously going to expect to cross Germann from either corner of any new PLH 19-0034 roadway connection to Germann Road.

A39 True, BBDC cannot be blamed for the off-site bad traveling judgment of a resident of any home it builds, nor is it responsible for City approval of any new connecting street to Germann, but it profits financially when it successfully requests and obtains City rezoning. I understood BBDC to state at the 07/09/2019 meeting that for an up-front $2 million dollar construction cost it could get a $4 million dollar profit from its PLH 19-0034 proposal to build 8 custom homes. BBDC gets its “windfall profit”; the City gets the water (see B2) and further reduction of an apparently unwanted development predating City annexation. Neighborhood residents only get continued uncertainty about whether to develop under existing zoning, become redevelopers themselves, wait for the next round of rezoning applications from speculators, or sell out to the speculators calling weekly and wanting to purchase their ranchettes. Redevelopment of the ranchette Neighborhood, two ranchettes at a time, will never produce a stable, safe, well designed, functional neighborhood for residents, pedestrians, or motorists, and ought not to be allowed.

Requested written conditions if the City intends to permit PLH 19-0034 rezoning.

A40 If the City is going to approve PLH 19-0034 regardless of adverse consequences, it should at least impose the following conditions:

a. No connecting street to any non PLH 19-0034 development, including specifically any GCGE street. BBDC stated (on 07/09/2019) that the City did not require a connecting street between any adjacent projects, and PLH 19-0034 must remain a “stand alone” project to ensure BBDC’s representation that only 8 valuable custom homes would be built.

b. Construction of tall peripheral walls, particularly at the alley (as required of GCGE), to prevent entry into the alley from the PLH 19-0034 redevelopment.

c. No more than 8 single-story homes can be built, since GCGE was also limited to single-story homes.

d. The same noise abatement standards per home (as required of GCGE), for car wash and street noise.

e. Recorded deed restrictions (as required of GCGE) that Cobblestone (including carwash noise) and adjacent agricultural activities are legal and continuing land uses. In short, homeowners will be barred from suing to abate any alleged Cobblestone or agricultural nuisance.

f. Objective written explanation that substantiates the redeveloper’s verbal conclusions that the specified dollar value for each of the 8 custom homes is in fact attainable.

Part B       Historical summary of the Alma Ranchettes Neighborhood (Neighborhood) development and zoning.

B1 I reside on a “ranchette” (oversized residential lot) in the Neighborhood on Germann Road in Chandler, Arizona that my wife and I purchased about 40 years ago. The original Neighborhood (as developed in the early 1970s) consisted of 26 home sites (13 each on Germann and
Kingbird) bounded on the west by Alma School Road, on the North by Germann Road, on the east by present day Hartford Street, and on the south by present day Kingbird Drive, a dead-end street that connects only to Alma School Road on the west. Each ranchette home site initially contained about 2.5 acres, and had Salt River Project (SRP) electrical service and SRP flood irrigation, which explains the long, narrow shape (for farming purposes) of the ranchettes. The County zoning (kept by the City after annexation) allowed only single-family homes on one-acre lots, with AG-1 agricultural zoning to permit farm animals (e.g., horses, cows, pigs, chickens, etc.) on the ranchettes. The City zoning for all existing ranchettes remains as set on 02/27/1997 by Chandler’s Carino Estates Area Plan. Each owner of the original 26 ranchettes also got an undivided 1/26th (co-ownership) property right in the Alma Ranchettes Well (ARW) that is still in operation today. When two of the ranchette owners on Kingbird “divided” the ranchette between their properties, the total number of Neighborhood ranchettes declined from 26 to 25, or 12 on Kingbird and 13 on Germann.

B2 Historically Chandler pumped ground water as the supply source for the drinking water it sold to City customers, but under State Active Management Area regulations established to protect groundwater resources in Maricopa County, it began purchasing, treating, and selling SRP irrigation water taken from the Verde River and the Salt River to its water customers. As farmlands were developed for non-agricultural purposes with no way to continue to receive SRP irrigation, the City had more SRP water to buy in order to obtain a certified 100 year water supply. Without such certification, Chandler would not be allowed to connect new water customers to its water system, and this would adversely affect City growth and development. Thus the City has an inherent conflict of interest in permitting rezoning of irrigated agricultural lands for non-agricultural purposes, which thereby increases the amount of SRP river water that it can obtain and sell to its water customers.

The Cobblestone Auto Spa (Cobblestone)

B3 The number of Neighborhood ranchettes was reduced from 25 to 23 (12 on Kingbird and 11 on Germann) when the City allowed the Cobblestone redevelopment (around 1981-82) of 2 ranchettes at the southeast corner of Alma School and Germann Roads. A commercial convenience market, gas station, and an undisputedly noisy carwash were built on the 2 redeveloped ranchettes.

Commercially “left out” land speculators.

B4 The Cobblestone commercial redevelopment prevented commercial redevelopment of any ranchettes east of Cobblestone due to the lack of access to and from Alma School Road. There could be no “deep east-west” shopping center at this corner like the other 3 corners at the intersection of Alma School and Germann Roads. Commercial speculators owned the 3 adjacent ranchettes (about 6,723 acres) east of Cobblestone. In 1978 these ranchettes had improvements (barns, fences, gates, swimming pool, etc.) and family occupied homes on them. All homes/improvements were removed by purchasing land speculators. AV 1 LLC bought all 3 ranchettes on 07/01/2013 from a Pennsylvania speculator for $1,280,000, and still owns them. These were the three ranchettes rezoned by Garrett Walker Homes (GWH) in 2017. Arizona Corporation Commission records indicate that GWH (Entity L17863238) and AV 1 LLC (Entity L17845928) are apparently both owned and managed by Entity L18544246, GWH Holdings LLC (GWHH). The next ranchettes barred from commercial redevelopment by the Cobblestone redevelopment” are the two PLH 19-0034 ranchettes purchased by Marketplace Development LLC (MPD) in 2007. See Part A11.

The joint “Avventura” rezoning application for 40 single family homes on 8.9 acres.

B5 GWH and MPD conducted a neighborhood meeting for their joint rezoning application on 08/13/2013, but met with much Neighborhood opposition. The 3 GWH ranchettes (later rezoned) and the adjacent (bare ground) MPD ranchette were intended for redevelopment. The neighborhood meeting presentation confirmed that these homes (including two-story models) were “affordable” housing for low-income families. Nothing ever became of the Avventura proposal due to a reported dispute between GWH and MPD. See Attachment A-13 and Part A11.

The initial GWH “Serenade” rezoning applications.

B6 GWH hired a law firm and filed a rezoning application for 28 homes on just the 3 ranchettes owned by AV 1 LLC, and conducted a neighborhood meeting on or about 09/04/2014. I understood the attending GWH staff at that meeting to vigorously assert that the carwash noise destroyed the value of the land for any better purpose than as homes for low-income families that cannot afford any quieter neighborhood and that would never complain about carwash noise. GWH’s attorney disclosed the existence of a carwash Noise Mitigation Study that it had conducted, but all of my many subsequent requests for a copy of that study were ignored. GWH then filed another rezoning application for only 26 Serenade homes and hired another law firm that scheduled a third neighborhood redevelopment meeting for 12/18/2014, but I know of no Neighborhood resident who ever got a copy of the meeting notice or who ever attended this meeting. Neither I nor anyone I know of learned of the third GWH neighborhood meeting until about 03/13/2015, when a sign was posted on the property giving notice of City hearings on April 15, 2015 (Planning and Zoning) and a May 14, 2015 Council hearing. The sign was not removed until 01/16/2016.

B7 Following strong Neighborhood protests, a substitute GWH meeting, attended by Councilmember Terry Roe and future Councilmember Sam Huang, was held on 04/02/2015. GWH’s attorney publically promised me a copy of the Noise Mitigation Study, but never honored that pledge. He estimated a $300,000.00 price range per home. At a meeting in a Neighborhood home on 05/12/2015, the same GWH attorney told neighborhood ranchette owners that he would try to persuade GWH to build only 16 single story homes. He estimated a $300,000.00 price range per home. At a meeting in a Neighborhood home on 05/12/2015, the same GWH attorney to me publicly promised me a copy of the Noise Mitigation Study, which it had. GWH’s attorney disclosed the existence of a carwash Noise Mitigation Study that it had conducted, but all of my many subsequent requests for a copy of that study were ignored. GWH then filed another rezoning application for 28 homes on just the 3 ranchettes owned by AV 1 LLC, and conducted a Neighborhood meeting on or about 09/04/2014. I understood the attending GWH staff at that meeting to vigorously assert that the carwash noise destroyed the value of the land for any better purpose than as homes for low-income families that cannot afford any quieter neighborhood and that would never complain about carwash noise. GWH’s attorney disclosed the existence of a carwash Noise Mitigation Study that it had conducted, but all of my many subsequent requests for a copy of that study were ignored. GWH then filed another rezoning application for only 26 Serenade homes and hired another law firm that scheduled a third neighborhood redevelopment meeting for 12/18/2014, but I know of no Neighborhood resident who ever got a copy of the meeting notice or who ever attended this meeting. Neither I nor anyone I know of learned of the third GWH neighborhood meeting until about 03/13/2015, when a sign was posted on the property giving notice of City hearings on April 15, 2015 (Planning and Zoning) and a May 14, 2015 Council hearing. The sign was not removed until 01/16/2016.

In the meantime, on 12/10/2015 the Council approved a Cobblestone upgrade (neighborhood meeting held on 10/14/2015) that allowed the installation of new car wash related equipment, but made no mention of any noise problem or noise-mitigation requirement. The City approval related only to site layout, building modifications (including additional parking), shade canopies, monument signage, and building color changes. The meeting displayed the shocking minuets of City regulation of business, and strongly suggests why the Chamber of Commerce got organized to control city governments. The City has never shown, to my knowledge, the least concern about admitting any noise problem or
mitigating the same. When it approved the GWH-GCGE rezoning, the City only required the construction of “carwash noise proof” homes and the filing of legal notice, in each homebuyer's recorded deed, that confirmed that the homebuyer was aware that carwash noise and agricultural sights, sounds, and odors from Neighborhood ranchettes were “legal and continuing” land uses. I believe this means that to buy a GCGE home a purchaser will have to legally waive any right to sue to stop any carwash or agricultural activity that they might find to be a legal nuisance. Apparently Cobblestone’s economic benefit to the City outweighs any private nuisance that it might cause any homeowner.

Chandler’s last “revised” General Plan.

B9 It took about three and a half years (and probably at least three separate rezoning applications and multiple Neighborhood rezoning meetings) to “exhaust” Neighborhood residents opposed to the 2017 spot rezoning of three Neighborhood ranchettes to allow construction of the 16 home GCGE redevelopment. See A21. To facilitate rezoning the City amended it prior general plan (2 years early) to remove safeguards requiring neighborhood preservation that would have otherwise prevented the GCGE spot rezoning in 2017. Revisions to the former General Plan (that had been adopted in 2008 and did not need to be reviewed until 2018) began on or about 03/03/2015. The City Council adopted the “new” General Plan on 04/14/2016, and got the approval of City voters (who obviously could not have known the details of the plan) on 08/30/16. I believe that the current plan allows the City unlimited discretion to go into anyone’s neighborhood to build subdivisions with very few homes, each with its own home owners association (HOA), and to thereby provide “affordable” homes for economically disadvantaged homebuyers. Removed from the old plan were clear mandates for neighborhood preservation, such as:

Chandler’s General Plan at page 32 states:

**Mitigate land use impacts on residential neighborhoods.**

Build-out principles favor optimum land use for sustaining Chandler's economy. However, **preserving neighborhoods is also a top priority. Neither infill, redevelopment nor new construction should detract from residential security, privacy and property values.**

Ameliorating potential stresses between residential areas and major development proposals presents an ideal topic for neighborhood planning. Articulating acceptable types, sizes and intensities of adjacent uses before developments are proposed would be far more constructive than adversarial contentiousness. **Prospective developers, too, should provide clear narrative addressing neighborhood compatibility from the very beginning of a proposed project.** [Emphasis Added]

There is no question that the residential rezoning being imposed upon the Neighborhood is very detrimental to the residential security, privacy, and property values of the ranchette owner. The City appears to me to be totally indifferent to our Neighborhood compatibility issues. This is particularly true for anyone spending the most to develop a ranchette under existing zoning. See A13, A39.

The ultimate disillusionment.

B10 By the fall of 2016 GWH’s latest proposal to build 16 single story homes was ready for City approval. Attachment A-6 is a copy of the rezoning application signed by Benyamin (Benny) Avrahami as owner of the PLH 19-0034 ranchettes in September of 2016 in an unsuccessful attempt to get the City to compel GWH to agree to a joint redevelopment. See Parts A4 and A36. I consider Mr. Avrahami to be the real party in interest in the PLH 19-0034 application. On 11/02/2016 the GWH rezoning was approved by the Planning and Zoning Commission. On 11/10/2016 we first learned that the project name had changed from Serenade to Germann Country Garden Estates (GCGE). Since a zoning protest by an adjacent property owner was filed, a “supermajority” vote (i.e., 6 of the 7 Council members) was required to approve the GCGE project. At the 12/08/2016 Council meeting two Councilmembers voted “no” and rezoning was denied. I call this the “Christmas reprieve.” However, using procedures I didn’t know existed, the same Council voted to again vote on GCGE rezoning on 01/09/2017. We were not allowed to speak or ask questions. One 20-year Council assistant told me he had only seen this “special procedure” used 2 or 3 times. At the Council meeting on 01/09/2017, only Councilmember Terry Roe continued to vote against rezoning. Mayor Tibshraeny and Council members Hartke, Lopez, Heumann, Sellers, and Ellen voted for rezoning. We never knew why we lost. No one ever gave any explanation for their vote against us.
CARINO 8 ENCLAVE
Single-Family Residential Community

Rezoning, Preliminary Development Plan and Area Plan Amendment

835 & 859 West Germann Road
(East of the Southeast Corner of Alma School Road and Germann Road)

Case # PLH19-0034

Submittal Date: May 29, 2019
Resubmittal Date: November 13, 2019
Hearing Draft Submittal Date: December 16, 2019

Prepared by:

Prepared for:
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CARINO 8 ENCLAVE
Single-Family Residential Community
Rezone / Preliminary Development Plan / Area Plan Amendment

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Executive Summary

Carino 8 Enclave is a planned 4.5 acre (+/-) single-family residential development to be located near the southeast corner of Alma School Road and Germann Road. Formerly known as a residential proposal named Marketplace 5, the Carino 8 Enclave plan has been prepared with the sensitive surrounding ranchette neighborhood context in mind. The planned development is envisioned to provide 8 custom home lots within a private-gated neighborhood enclave nestled into the surrounding community with a goal of density transition in mind. Homes will be designed and constructed by the developer on an individual basis with a project architect to maintain the consistent design quality and character desired for the community, and providing a contextually appropriate aesthetic which blends well with the ranchette neighborhood large lot character yet give the Carino 8 Enclave a unique identity. The project is located within the Carino Estates Area Plan, which is also proposing to be amended with this application request under a separate Area Plan Amendment application.

Project Location and Existing Conditions

The Carino 8 Enclave project is located along the south side of Germann Road, approximately 740 feet east of Alma School Road and is located within the Carino Estates Area Plan. The development site currently consists of two parcels (APN 303-36-622 & 303-36-623). Parcel 303-36-622 is currently vacant and was previously developed with a single-family residence. Parcel 303-36-623 currently maintains a single-family residence.

The property is generally flat with subtle slope from south to north and contains no major topographic features.

Project Background

The subject development site is currently owned by Marketplace LLC with B&B Development & Construction currently engaged in the process of acquiring land. In 2015-2016, the subject site was planned for development through a preliminary development plan, rezoning and area plan amendment application prepared by Huellmantel Affiliates and named Marketplace 5. The previous site development proposal was to be 13 single family lots, complimentary in size to those which were approved within the Germann Country Estates subdivision located immediately to the west. Germann Country Garden Estates received significant public opposition from surrounding property owners but was ultimately approved with several design concessions and has been platted. This project is currently in the process of being constructed as a single-family residential development with 16 lots.

Under direction from our client, Norris Design spearheaded a voluntary exploratory neighborhood meeting on February 6, 2019 to gather information about the concerns of neighbors relating to their desire to maintain a low density and semi-rural character to the immediate area and within the Carino Estates Area Plan “Ranchette” area. The result of these discussions and revisioning of the project potential has been a refined site plan that better aligns development with the context of the neighborhood and wishes of neighbors. B&B, Norris Design and Sunrise Engineering have worked diligently to ensure that the outreach conducted in the February public meeting was reflected in the current site plan submitted to the City of Chandler for pre-technical review in April of 2019.

Existing and Proposed Zoning

The existing zoning district designation for the subject site is AG-1. The proposed zoning for the subject site is PAD (with low-density single-family residential).

General Plan Land Use

The existing General Plan Land Use designation for the subject site is Neighborhoods. The subject site falls within the Carino Estates Area Plan, which shall be amended with this proposal.
Carino Estates Area Plan Amendment

In addition to the Rezoning and PDP applications, we are requesting an amendment to the Carino Estates Area Plan “Existing Ranchette Single Family” area. This amendment will locate an area of “Single Family 1 Large Lot” consistent with this proposal site area within the existing Area Plan map.

Preliminary Development Plan

The proposed site plan for Carino 8 Enclave includes eight large residential lots configured around an internal cul-de-sac that would feature luxury single family homes at a density of 1.8 DU/AC. The lot sizes vary in size from 0.22 acres to 0.64 acres with the smaller lots located in closer proximity to Germann Road, then transitioning to larger lot sizes within the project area progressing in size to the south portion of the project. This design process has been in response to concerns by neighbors on the east and south sides of the project to maintain a character of lower density residential pattern which does not emulate typical tract home construction. Refer to Exhibit 2, Preliminary Development plan.

Access to Carino 8 Enclave is provided via a private gated-entry connection to Germann Road which leads to a lushly landscaped entryway for automobiles and pedestrians through a public sidewalk connection. Primary project open spaces and retention areas are provided along Germann Road with enlarged setback buffering to be consistent with the neighboring project to the west and respond to prevalent existing drainage patterns. The internal street and cul-de-sac will be designed to City of Chandler public street standards or as may be modified by the City of Chandler Engineering Division. Emergency vehicle cross-access and future water main connection easements will be located along the southern boundary of the project site which connect to adjacent properties located to the east and west. This easement area will also provide additional landscaped buffering to the existing residents located to the south which will be located within a dedicated HOA maintained easement not to impeded with the emergency access easement area. The easement connection to the west will align with the existing Germann Country Garden Estates previously planned cross-access location.

The development plan is generally consistent with base zoning requirements of SF-8.5 Single Family District standards with minor PAD refinements tailored to the proposed internal on-lot setbacks. The project will be constructed as a planned “custom” home community by the new project ownership group, which specializes in custom home development. This aspect of the project does not allow for detailed home elevations to be provided at this time; however, the project will employ Architectural Design, Landscaping, Site, and Wall and Fence Guidelines.

Permitted Uses

Permitted Uses and Uses Permitted by Use Permit for Carino 8 Enclave shall be consistent with those uses permitted within the SF-8.5 Single Family Residential district of the City of Chandler Zoning Ordinance.

Residential Lot Development Standards

The following development standards shall be required for each residential lot within the Carino 8 subdivision:

Proposed Lot Sizes: 9,700 to 30,000 +/- square feet as shown in preliminary development plan.

Required Perimeter Front Yard Setbacks: 50’ based on ROW. This setback applies to Germann Road. Homes will not front Germann and will be set back from Germann Road beyond 50’.

Proposed Interior Lot Front Yard Setback: 12’ Min. (to living or side-loaded garage); 20’ Min. (to front-loaded garage)

Proposed Interior Lot Rear and Side Yard Setbacks*: 
- Lots 1 & 8 North: 5’, South: 10’
- Lots 2&7 North:10’, South: 10’
- Lots 3&6, North: 15’, South: 5’
-Lots 4&5, North, East, West: 20', South: 20'

*(Covered Patios may encroach up to 50% into required rear or side-yard setbacks in conformance with building code requirements).

**Maximum Building height:** 30’ or two-stories (as measured to roof deck of a flat-roof or mid-peak height of tallest roof slope.

**Maximum Lot Coverage:**
- Lots 1,2,7 & 8: 45% Primary Structure and 10% Covered Patio (55% Total Maximum)
- Lots 3 & 6: 40% Primary Structure and 10% Covered Patio (50% Total Maximum)
- Lots 4 & 5: 35% Primary Structure and 10% Covered Patio (45% Total Maximum)

**Maximum 2nd Story Area:** 40% of ground floor livable area.

**Landscape Theme and Standards**

Carino 8 Enclave has been designed to provide a lush landscape opportunity at the project entry and along the Germann Road frontage. Utilizing City of Chandler accepted landscape materials, the project landscape design will reflect a more agrarian feel than full typical desert landscape. The vision is to provide evergreen variety trees blended with native species to support the desired project character. Tree plantings shall line Germann Road, the project entry corridor and the internal private cul-de-sac. Landscape areas will be supplemented with shrubs and living ground cover which complement the proposed tree palette and are acceptable to the City of Chandler Planning division.

Revisions to setbacks oriented toward reducing building footprint size will also allow for additional opportunity to increase the size of open areas for landscaping in line with the rural orientation of the project. A future Homeowners Association will be established to maintain all common landscaped areas and private street area, as well as provide requirements to future homeowners related to installing and maintaining On-Lot landscaping as outlined below within a 180-day mandated period.

**Common Landscaped Area Standards**

**Germann Road Frontage:** Minimum 1 tree and 3 shrubs for every 20 feet of street frontage or equivalent groupings; 60% minimum vegetative groundcover in street frontage and project entry landscaped areas.

**South Project Perimeter (Private Alley):** Minimum 1 fruit-bearing decorative-scale tree (Min. 15 gallon) for every 20 feet of alley frontage to be centered within the provided landscape tract width. Trees to be located within project landscape tract adjacent to new public utility and emergency access easement and maintained by the future Homeowners Association. Trees shall be maintained so as not to impede the adjacent 16’ wide emergency access easement.

**Residential On-Lot Landscape Standards:**

On-lot landscape improvements may occur in a phased manner. Front and side yard landscaping visible from the street shall be installed at the time of home construction. Trees located on residential lots should be placed no closer together than 20 feet. Rear yard required trees as required below shall be installed within 180 days after home occupation. Refer to Exhibit 7 for a conceptual depiction of a typical improved residential lot.

**Front Yards:**
- Lots 1,2,4,5,7 & 8: Min 1 tree and 6 shrubs per front yard
- Lots 3 & 6: Min. 2 trees and 6 shrubs per front yard

**Rear Yards:**
- Lots 1,2,7 & 8: Min. 2 trees per rear yard
- Lots 3 & 6: Min. 3 trees per rear yard
- Lots 4 & 5: Min. 4 trees per rear yard
Landscape Standards of General Applicability

The following standards shall apply to the development and maintenance,

- All portions of a development site not occupied by buildings, driveways, storage, vehicle maneuvering, roadways or easements shall be landscaped.
- The minimum quantity of required trees, shrubs, and vegetative groundcover shall be distributed throughout required landscaped areas.

Minimum Sizes for Trees, Shrubs, and Groundcover:

- All required trees shall be a minimum of twenty-four (24) inch box or larger size, unless noted otherwise, ten (10) feet in height, six (6) feet in spread, and two-inch trunk caliper at the ground level.
- All required shrubs shall be a minimum of five (5) gallons in size. The installation of twenty (20) square feet of vegetative groundcover in any landscaped area shall substitute for one (1) required shrub, up to a maximum of thirty (30) percent of the required shrubs in any common or on-lot landscaped area.
- All required groundcover shall be a minimum of one (1) gallon in size.

- All landscape areas planted in trees, shrubs and groundcover shall receive an appropriate topping material to provide dust control, water conservation and appearance enhancement. These topping materials shall include, but not be limited to, decomposed granite (minimum half inch screened, two-inch minimum depth), fractured granite rip rap, river run rock or turf. A pre-emergent herbicide shall be applied to the ground prior to the placement of inert surface materials (decomposed granite, river run rock, etc.) in any landscaped area to prevent weed growth.

- Common area landscaping and on-lot landscaping shall be irrigated via individual drip systems and programmable irrigation controllers. If available, the project may utilize existing SRP well water for irrigation purposes which is currently provided to the property as part of the Ranchettes area private service agreement.
- All landscape and hardscape materials installed within the public right-of-way, or on private property in proximity to a driveway or street intersection, shall be installed and maintained in compliance with the sight visibility requirements set forth by the City of Chandler.
- The following Landscape Plant Palette shall be permitted for both common and on-lot landscape areas to maintain consistent intended project landscape character.

Trees

- *Acacia salicina* (Willow Acacia)
- *Caesalpinia mexicana* (Mexican Bird of Paradise)
- *Chilopsis linearis hybrid* (Desert Willow Hybrid)
- *Citrus limon ‘Meyer Improved’* (Improved Meyer Lemon)
- *Prosopis x Phoenix* (Thornless South American Hybrid Mesquite)
- *Olneya tesota* (Ironwood)
- *Ulmus parvifolia* (Chinese Elm)

Shrubs and Grasses

- *Bougainvillea spp.* (Bougainvillea species)
- *Dodonaea viscosa* (Hopbush)
- *Eremophila maculata* (Valentine Emu Bush)
- *Leucophyllum langmaniae ‘Rio Bravo’* (Rio Bravo Sage)
- *Muhlenbergia spp.* (Muhlenbergia species)
- *Russelia equisetiformis* (Firecracker Fountain)
- *Tecoma x ‘Orange Jubilee’* (Orange Jubilee)
- *Vauquelinia californica* (Arizona Rosewood)

Accents

- *Agave Americana* (Century Plant)
- *Agave desmettiana* (Smooth Agave)
- *Aloe barbadensis* (Aloe)
• Aloe 'Blue Elf' (Blue Elf Aloe)
• Cephalocereus senilis (Old Man's Cactus)
• Ferocactus gracilis (Fire Barrel Cactus)
• Hesperaloe funifera (Giant Hesperaloe)
• Opuntia ficus-indica (Spineless Cactus)
• Pachycereus marginatus (Mexican Fence Post)
• Pedilanthus bracteatus (Tall Slipper Plant)
• Portulacaria afra (Elephant Food)
• Yucca pallida (Pale Leaf Yucca)
• Yucca rupicola (Twistleaf Yucca)

Groundcovers and Vines
• Eremophila glabra 'Mingenew Gold' (Outback Sunrise Emu)
• Lantana montevidensis (White Lantana)
• Setcreasea pallida (Purple Heart)
• Rosa banksiae (Lady Bank's Rose)
• Vigna Caracalla (Snail Vine)

Turf
• Natural Turf – Sod
• Bermuda Grass Hybrid – Midiron

Sign Standards
Signage shall be permitted per Part VI, Chapter 39 of the City of Chandler City Code. Refer to Exhibit 5 for conceptual depiction of project entry monumentation features and identification.

Design Guidelines
Carino 8 Enclave is planned to be a custom home community. The project developer will work with a single Architect in a design-build fashion with future home buyers to achieve the envisioned overall character of the planned PAD. This will support the project’s common desired architectural character to be applied to each home in a complimentary fashion throughout the community yet be applied to individualized custom designed homes.

The inspiration for the architectural character has been derived from multiple design influences. The project design intent is a contemporary application to classic building forms. As depicted on Exhibit 9, Conceptual Architectural Character – Street Scene, the home forms will vary from lot to lot based on the home design, however, will maintain a common design style and aesthetic approach. The building forms shall include a mix of pitched and flat roof elements and architectural articulations, both horizontally and vertically, which add further unique character to the future homes.

The building proportions, massing and forms take their inspiration from the classic farmhouse and bungalow styles which were present from the mid-century era on within this region of Chandler. Chandler has generally encouraged more typical suburban style homes commonly seen in production housing development over the years through established residential design guidelines. Carino 8 Enclave strives to offer a fresh and modern reflection of an architecture style created for the more discriminating home buyer who seeks a unique custom home within a unique neighborhood enclave.

Architectural Design Guidelines
Custom residence architecture will be of high quality and consistent with the desired character complementary to the project context. Architectural styles permitted within Carino 8 Enclave shall maintain consistency with the following
design requirements. Refer to Exhibits 9 and 10 for a depiction of the proposed architectural building character and material type variations. Elevations and plans shall be reviewed and approved by the City of Chandler for general conformance with these design guidelines. In addition to the guidelines and character exhibits provided in this PAD, the design of each home should generally follow any applicable recommendations of the Residential Development Standards adopted by City Council in May 2002, as may be applied to the proposed architectural character.

- Modern Farmhouse, Modern Craftsman, Prairie and/or Ranch style home forms are permitted. No two homes next to each other may use the same façade or plan.
- A maximum of four homes may be constructed at two-story height. Two-story homes shall provide vertical building plane articulation between levels with 2nd story elements set back from lower levels. The two-story homes may not be adjacent and on the same side of the street. The area occupied by the second floor may not exceed 40% of the area occupied by the first floor.
- The following building finish materials or combination of these elements should be incorporated into each residence elevation design:

  1) Recycled, composite or faux wood panels & accent elements;
  2) Architectural metal panels;
  3) Wood beams or heavy timbers;
  4) Exposed steel beams, structural elements & accent elements
  5) Adobe or smooth finish stucco (Stucco, not to exceed 70% of the exterior wall surface area.)
  6) Stone or stone veneer accent elements;
  7) Decorative Concrete Masonry units
  8) Cast in place concrete or rammed earth wall

  Roofs:
  1) Barrel tile roofs are discouraged.
  2) Pitched roof elements shall be incorporated to the home design to provide varied building elevation forms and rooflines. Roof and eave lines and building materials should substantially vary between adjacent homes.
  3) If flat roofs are proposed a false front parapet or accent fascia element should be included. Flat roofs should only be used in combination with pitched roof elements to provide varied roof forms.
  4) Standing seam metal, architectural metal roof paneling or concrete roof tile are encouraged.

The following general design guidelines for residential architecture are provided in addition to those noted above and shall be applied to each new residence as noted.

  1) Garage doors shall be complimentary to the home finishes and shall be of varied design throughout the community with accent elements. Garages should vary between front and side loading. For front-loaded garages, individual single-car garage doors with glass, accent hardware or molded accents should be used.
  2) Distinctive and complimentary architectural features shall be provided on each home elevation façade.
  3) Front doors and home address numbers should be visible from the street. Home plans which may have a front door located within an exterior courtyard shall be visible from the courtyard entry.
  4) No two identical home plans shall be constructed next to each other which utilize the same façade design.

**Site and Residential Lot Design Guidelines**

The following general design guidelines for overall site and residential lot design shall be applied to the project:

- The project entry/exit gate location shall have decorative paving elements (i.e. decorative pavers or stamped or scored concrete) as depicted on the Preliminary Development Plan and accepted by the City Engineer.
• On-lot private driveways and walkways in front yards shall be of a distinctive material (i.e. decorative pavers, stamped or scored concrete, colored concrete or stabilized compacted natural surface.) Natural concrete driveways are permitted with the addition of decorative paver border accents. No two neighboring driveways shall be of the same distinctive material. Refer to Exhibit 8 for a conceptual depiction of landscape/hardscape proposed material character.
• Each lot shall have an individual residence address and mailbox with enclosure designed in a complementary architectural fashion to the residence. Residence address numbers shall be visible from the street.
• Each lot shall have individual refuse / recycle collection and shall provide garage area or storage area for containers which is screened from street view.
• The development has been approved via appeal to the City Engineer to construct accessible natural compacted surface paths in lieu of concrete sidewalks along the private cul-de-sac. This approval was secured to further enhance the rural character of the development and should be incorporated into the project site as depicted on the Preliminary Development Plan.

Wall and Fence Design Guidelines

Refer to Exhibits 3-6 for depictions of proposed wall, view fence and entry gate design character. As defined on Exhibit 3, Conceptual Wall Plan, three new solid screen wall and two view fence types are proposed for the project.

• Primary Theme Wall- Shall be located along the Germann Road frontage. This wall shall be 7'-0" total height with minimum 1'-0" wrought iron or other open decorative view element along the top of the wall. Refer to Exhibit 4 for conceptual wall design and materials.
• Secondary Theme Wall- Shall be located along the eastern and southern project lot perimeters. Refer to Exhibit 4 for conceptual wall design and materials.
• Existing Walls to Remain- The existing CMU wall constructed along the project western boundary, which was constructed with the adjacent Germann Country Gardens Estates subdivision improvements, shall remain in place. Additionally, a segment of existing wall along the project eastern boundary which exists on the neighboring property shall remain in place. These walls may be painted on the project side to complement the Carino 8 character palette.
• Existing Wall to be Removed- A segment of the existing CMU wall constructed along the project western boundary is proposed to be removed as depicted on Exhibit 3. This segment is located between the Germann Road right-of-way and internal first lot line within Carino 8 Enclave.
• View Fence / Entry Gate- Shall be located along the Germann Road frontage for areas adjacent to the entry gates. Refer to Exhibit 6 for conceptual design and proposed materials.
• Standard Wrought Iron View Fence- Shall be located along the south perimeter private alley boundary. This may be a standard prefabricated full height view fence (6'-0" tall) to be pre-finished or painted black or other complimentary dark color. Fence pickets shall be square in shape and fence shall be permanently installed with concrete footings.
**CARINO 8 ENCLAVE | CONCEPTUAL WALL AND SITE FEATURES**

**EXHIBIT 6**

**FINISH GRADE**
- 2" SQ. TUBE STEEL POST, PRIMED AND PAINTED, COLOR TBD; TO BE MOUNTED ON CONCRETE FOOTING
- 1" SQ. TUBE STEEL HORIZONTAL RAIL, PRIMED AND PAINTED, COLOR TBD
- 1/2" SQUARE PICKET EXTEND 3" ABOVE AND BELOW HORIZONTAL RAIL, PAINTED, COLOR TBD

**FULL VIEW FENCE ELEVATION**
- SCALE: 1/2" = 1'-0"

**ENTRY VIEW FENCE**
- SCALE: 1/2" = 1'-0"

**ENTRY VIEW FENCE CHARACTER - ENLARGEMENT**
- SCALE: 1/2" = 1'-0"

**TYPICAL FULL VIEW FENCE ELEVATION**
- SCALE: 3/16" = 1'-0"

**VEHICULAR AND PEDESTRIAN VIEW FENCE/GATE CHARACTER**

- STACK-BOND TRENDSTONE CMU BLOCK
- 2" SQUARE TUBE STEEL POSTS
- 2" SQUARE TUBE STEEL
- 4" O.C. SPACING MAXIMUM

**ENTRY VIEW FENCE CHARACTER - ENLARGEMENT**
- COLUMN - DECORATIVE, STACK BOND BLOCK
- COLUMN - DECORATIVE, STACK BOND BLOCK
- COLUMN - DECORATIVE, STACK BOND BLOCK
- DECORATIVE METAL PLATING
- GAP
- DECORATIVE METAL PLATING
- CORRUGATED FAUX WOOD PRODUCT
- CORRUGATED FAUX WOOD PRODUCT
- DECORATIVE METAL PLATING
- FEATURE LANDSCAPE

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CONCEPTUAL LOT LANDSCAPE CHARACTER

SIDEWALK - STABILIZED DECOMPOSED GRANITE

STREET TREE - TYP.

SIDE-YARD 7'-00" WALL

DRIVEWAY - DECORATIVE PAVING/PAVERS

POOL

LAWN

ENTRY WALK

CONCEPTUAL FUTURE HOME PLAN

(INDIVIDUAL LOT PLANS WILL VARY)

PRIVATE STREET

PERIMETER WALL (HT. VARIES)

INTERNAL DECORATIVE WALL

SCREEN ELEMENT - MINIMUM SETBACK FROM PROPERTY LINE PER IBC AND AS APPROVED BY ZONING ADMINISTRATOR AT PLOT PLAN REVIEW

NOTE: REAR YARD DESIGN SHOWN AS CONCEPTUAL ONLY

SHRUBS AND ACCENTS

SIDEWALK - STABILIZED DECOMPOSED GRANITE

STREET TREE - TYP.

SIDE-YARD 7'-00" WALL
Recycled wood paneling

Architectural metal panels (low-reflectivity)

Exposed concrete, masonry or EIFS (stucco) finish

Architectural metal panels (low-reflectivity)

Lot 1
Lot 2
Lot 3

Gate

Property line

Property line

Property line

Front wall elevations between homes shall not be repetitive, and shall be designed to complement each individual home.
February 10, 2020

from: Moe Wakefield savetheranchettes@gmail.com

to: dougducy@azgovernor.gov; AGinfo@azag.gov; kevin.hartke@chandleraz.gov; rene.lopez@chandleraz.gov; sam.huang@chandleraz.gov; jeremy.mcclymonds@chandleraz.gov; matt.orlando@chandleraz.gov; terry.roe@chandleraz.gov; mark.stewart@chandleraz.gov; mayor&council@chandleraz.gov; sscantlebury@azwater.gov; kevin.mayo@chandleraz.gov; rharris@norris-design.com.

cc: JMESNARD@azleg.gov; JWENINGER@azleg.gov; JPWALIK@azleg.gov; NCAMPBELL@azleg.gov; SPIERC@azleg.gov; RGABALDON@azleg.gov; DHERNANDEZ@azleg.gov; ACANO@azleg.gov; AHERNANDEZ@azleg.gov; CFERNANDEZ@azleg.gov; GPETEN@azleg.gov; LBIASIUCCI@azleg.gov; RCOBB@azleg.gov; WBLACKMAN@azleg.gov; BTHORPE@azleg.gov; ATELLER@azleg.gov; MTSOSIE@azleg.gov; DCOOK@azleg.gov; TSHOPE@azleg.gov; RFRIESE@azleg.gov; Rpowers@azleg.gov; DPowersShannley@azleg.gov; B&B Development and Construction.

Salutations to anyone who might care,

Part 1   Multiple purposes of this e-mail submission.

To the Chandler City Council and City Planning Staff.

1A First, I am objecting to the proposed City of Chandler rezoning PLH19-0034, PLH19-0068, and PLT19-0054 that is now called the CARINO 8 ENCLAVE (also hereafter referred to as C8E), and also described in my 08/13/2019 e-mail in Attachment 1 (hereafter identified as “A1”) at Parts A2 thru A6. A1 is a corrected copy (e.g. “typo removal”) of the e-mail actually sent, and which is available on request. Approval of the C8E rezoning would only confirm a City intent, I believe, to destroy the Alma Ranchettes (AR) neighborhood (see A1 at Part B1) with more of the exhaustive rezoning effort we have seen since 2013. See A1 at Parts B4 thru B9. Attachment 2 (hereafter identified as “A2”) is a C8E project description filed on behalf of redeveloper B&B Development and Construction (BBDC). See also A1 at Parts A4 thru A8.

To the Arizona Department of Water Resources (ADWR).

Inquiry to the Arizona Department of Real Estate (ADRE) Division of Development/Subdivision Services.

1C Third, due to my concern about C8E’s ability to provide a sustainable supply of water for external irrigation purposes, I intend to use this document for inquiry to the ADRE ³.

To the Arizona Legislature as a petition for an Arizona Attorney General (AZAG) legal opinion.

1D Fourth, I invite all Arizona Legislators to request AZAG opinions from Attorney General Mark Brnovich, pursuant to A.R.S. § 41-193(A)(7), as to the legality under Arizona law of the City’s proposed C8E redevelopment ⁴. E.g. see Parts 2L, below. I especially ask State Senator J.D. Mesnard and State Representatives Jeff Weninger (former Chandler Council member) and Jennifer Pawlik, from Legislative District 17, to make A.R.S. § 41-193(A)(7) requests to the AZAG.

1E Attachment 3 (A3) is a PDF copy of this document as a safeguard against unfavorable format change when sent by e-mail. In addition to the governmental organizations identified above, I will be sending copies of this e-mail to others. While I am passionate about my objection to C8E as an unacceptable and irreversible waste of very finite land and water resources, and that directly promotes the ultimate destruction of the AR neighborhood, I emphasize that none of my submitted written and verbal statements are to be interpreted as charging any individual with any intentional legal wrongdoing. Otherwise I would unequivocally so state, and would specify the laws that I believe were violated. I believe that...
nondisclosure of material facts appears to be an established and accepted part of any city zoning process, in light of limited (and vague) legal standards, and the desire for brevity.

1F The statements I make are true to the best of my knowledge, memory, information, and belief. I believe my opinions constitute matters of genuine public concern for which a public discussion and specific City response is needed. I express my sincere appreciation for the helpful information supplied by courteous City staff.

Part 2 Material C8E details.

The noisy Cobblestone car wash.

2A As proposed, the C8E redevelopment appears to me to be presented as an “avant-garde” housing development. But A2 makes no mention as to how the near-by car wash noise, which exceeds the traffic noise on Germann Road itself, will be mitigated. As shown in A2 at Exhibit 2 on p.12, only the Germann Country Garden Estates (GCGE) separates C8E from the Cobblestone car wash. Both Cobblestone and GCGE were originally part of the AR neighborhood. The carwash has at least one large air compressor (more conveniently stored in the top part of the carwash structure) that is above the adjacent wall with GCGE. My property is east of the proposed C8E, and I can easily hear the carwash noise from my property. What kind of “upscale” development is next to loud commercial carwash noise?

2B When the City approved the GCGE redevelopment in January of 2017, it required two notices to be recorded in the land title of the 16 homes to be built. While home construction may not have started, Planning staff informed me that plans for 9 homes, with varying variations that can be used for all 16 homes, have been approved by the City. These title notices will inform future purchasers that the sights, sounds, and smells of adjacent agricultural activity, as well as the carwash noise, are lawful activities that will continue indefinitely. In short, the homeowner has moved to the “nuisance” and not vice-versa, and presumably has no legal remedy against anyone, including the C8E redeveloper, for any injury from the specified activities. The City also required the 16 homes to be soundproofed against carwash noise. C8E would have to meet the same requirements.

The “connected” GCGE and C8E projects.

2C In 2013 the owners of the GCGE and C8E redevelopments initially collaborated in the rezoning of the AR neighborhood, but they went their separate ways due to an unresolved disagreement; the C8E property owner filed a rezoning application in an unsuccessful attempt to be allowed to “jointly develop” with the soon to be approved (in January of 2017) GCGE proposal. See A1 at Parts B4 thru B10. Offers to purchase GCGE were made. See: A1 at Parts A6 and A9. The GCGE construction manager once told me the developer intended to sell the City-approved GCGE project, and was only developing infrastructure like streets and sidewalks to “sweeten the deal” for any purchaser.

2D To “neutralize” its “bickering redevelopers,” the City would not approve GCGE in 2017 until it redesigned its “dead end” street access further west to the position shown in A2 (Figure 2) on p. 12, so that C8E can now have its preferred street entrance directly opposite the Compass Christian Church (CCC) driveway, thereby making a de facto 4-way intersection with the CCC driveway. See CCC (http://compassaz.church). In 2016 a City Planner told me that since the number of GCGE homes (16) went through the neighborhood rezoning meetings and would be approved by the City, that the City could require GCGE to redesign its street connection to Germann to conform to whatever the City wanted.

2E The City also required GCGE to leave a gap in its east wall to allow an internal roadway connection between GCGE and C8E, and that gap in the wall now exists. This confirms, in my mind, that when the City approved GCGE in 2017 that it basically also “approved” C8E as well. One City staff member told me this year that the planning staff would probably recommend Council approval of C8E. GCGE clearly needs a better and safer street connection to Germann since, unlike C8E, the raised median will prevent west-bound traffic on Germann from turning south into GCGE, and cars leaving GCGE to travel west on Germann or north onto Alma School must first travel east on Germann and make a U-turn onto west-bound Germann.

2F I now understand that C8E and City staff say that the proposed C8E “dead end” cul-de-sac street will not be connected to GCGE, but neither has any authority to speak for the City Council. I want to see clear written guidance from the Council that confirms that the eight C8E homes (16 to 24 cars) will not be required to share their street with any additional 32-48 cars from the 16 GCGE homes. C8E’s new street will be “two doors” west of my home, and will materially impact my personal safety when I use Germann Road.

2G If for any reason GCGE and C8E are “suddenly” connected by a street, I will honestly believe that neighborhood homeowners are victims of deception that only the City can cause or prevent. Any interior street connection would likewise destroy any credibility for the unsubstantiated C8E representation of the monetary value of the custom homes it claims it would build. See A1, Parts A2, A15, A17, A38, and B7.

The reason for “the difference” between GCGE and C8E homes.

2H The GCGE developer is Garrett-Walker Homes (GWH), which does maintain home price information at www.gwhaz.com. I believe GWH began as an intercity redeveloper of housing for low-income families, which explains to me why GCGE is next door to a noisy commercial carwash and has, I also believe, very poor street access to Germann Road. See A1, Parts A24, A25, A31, and Parts 1A, 1B, 2D, 2E, and 2F above. City staff tells me that the City has approved 9 basic home plan variations needed to build the 16 GCGE homes. I understand the need for low cost affordable homes for low income households. I don’t understand why such developments appear to me to get the most disadvantaged and difficult land sites, and why such developments appear to me to be represented as far more “grandiose” than they really are.

2I A home buyer can go to GCGE, an undeniably experienced homebuilder with a known track record, and price-out the home models that can be built. No “ugly” surprises as to what is built next door. Not so for C8E, which lacks the experience to do this because it is an undeniably inexperienced redeveloper, that I think should be called a “wannabe,” with no apparent track record that I know of. See A1, Parts A4 and A5. Due to site limitations due to a noisy commercial carwash, noisy arterial roadways (both Germann and Alma School), and lack of irrigation water, I believe that affluent home buyers will probably go to Scottsdale, Paradise Valley, South Chandler, Gilbert, or to the West Valley.
2J Low income persons will of necessity most likely be checking out C8E, and could spend more money than they can afford to lose to have a home designed “from scratch,” only to see an architectural monstrosity built next door to them. The City required Cobblestone Auto Spa (southeast corner of Alma School and Germann) to paint its exterior walls in colors pre-selected by the City and to design and build a sign specified by the City. So now the City will give C8E considerable carte blanche to design, build, and paint avant-garde custom homes since it lacks GWH’s experience to design and build “predictable” homes to disclose to everyone? It is a “flight of fantasy,” I believe, to consider GCGE and C8E as anything more than “affordable homes” for low-income families and households. Where is the consumer protection for the home-buying public? Does Chandler see the risk of becoming the “home” of “consumer rip-offs” for future home purchasers?

The “special” architect.

2K C8E has hired an architect sometimes called the next generation of Italian architects, who works out of his offices in Milan and Miami, and co-owns a company with a furniture showroom outlet (Studio 3125) in Tempe, where C8E’s planner and landscape architect has an office. This architect’s work are also apparently in A2, (Exhibit 10) p. 20, and seem to me to be inappropriate for the hot Arizona desert climates. In the neighborhood meetings C8E said “any architect” could interpret and apply City design requirements, THEREBY BEGGING THE QUESTION AS TO WHY A “SPECIAL” ARCHITECT IS NEEDED FOR ALL 8 HOMES, and why there will be “no diversity” of architectural styles. Is C8E intended to become just an architectural “cult icon” monument to the “vision” of BBDC and its architect? Without the home-building standards that GCGE will have, and without adequate irrigation water, C8E is in danger of becoming just another Arcosanti4. If so, this could be disastrous for low income customers who unwisely accept what I believe to be C8E’s unreasonable representations of grandeur. Again, where is the consumer protection for future homebuyers?

Restraint of trade?

2L I interpret C8E’s requirement that its architect do all design work as a substitute, undisclosed, and unacceptable way to avoid prior disclosure to consumers of how the built-out development may look. Only the far more experienced GCGE developer (but not C8E) was willing and able to provide such consumer disclosure. I do not see why C8E’s restriction should be viewed as reasonable or necessary. None of the other Alma Ranchettes (AR) property owners ever had any restriction regarding the homes (prefab, mobile, modular, constructed on site, etc.) they could independently decide to use. C8E’s architect has an unavoidable and unacceptable conflict of interest to put his employer’s interests ahead of the customer who pays for his services. It is similar to enrolling in a health plan that hires the doctor treating you, and independently decide to promote conservation. It requires that its architect do all design work as a substitute, undisclosed, and unacceptable way to avoid prior disclosure to consumers of how the built-out development may look. Only the far more experienced GCGE developer (but not C8E) was willing and able to provide such consumer disclosure. I do not see why C8E’s restriction should be viewed as reasonable or necessary. None of the other Alma Ranchettes (AR) property owners ever had any restriction regarding the homes (prefab, mobile, modular, constructed on site, etc.) they could independently decide to use. C8E’s architect has an unavoidable and unacceptable conflict of interest to put his employer’s interests ahead of the customer who pays for his services. It is similar to enrolling in a health plan that hires the doctor treating you, and independently decide to promote conservation.

Basic groundwater law.

2M Chandler could not connect C8E to the City’s municipal water system without a certification of a 100-year drinking water supply, and under Arizona’s 1980 Groundwater Management Act (1980.GMA) it must achieve a “safe yield” (safe balance) by 2025 to protect its groundwater from “overdraft,” or excessive pump-down. The City’s basic strategy to date is to use as much Salt River Project (SRP) surface irrigation water from the Verde and Salt Rivers as it can for its municipal water utility, and to store treated sewage effluent in the groundwater. I know of no other City in the Phoenix Active Management Area (PAMA) that discharges no treated sewage into any river channel. The AR neighborhood ranchettes, including the two C8E wants to rezone, are zoned AG-1 and have SRP flood irrigation rights, and are connected to the SRP water delivery system. I think the City has a great financial incentive to rezone all of the AR neighborhood just to get the SRP water.

2N While there is a continuing PAMA groundwater overdraft (see 4MP Table 3-8) it is not caused by SRP, which had a 78% decline in irrigated acres, apparently due to urban redevelopment of farms. See 4MP Table 3-6. City rezoning takes away agricultural rezoning, without which homeowners in Chandler cannot keep even chickens at their home or use SRP water; SRP will simply sell surface irrigation water to the City to enable yet more City growth and development. There are far more people in Chandler wanting horse properties than Italian architecture, but the City didn’t require horse properties of C8E (it could have) because the City wants the SRP water.

How will C8E water its lawns and other vegetation?

2O At p. 7 A1 states that: “If available, the project may utilize existing SRP well water for irrigation purposes which is currently provided to the property as part of the Ranchettes private service agreement.” What does this mean? All of my SRP irrigation is river water; SRP is trying to prevent groundwater overdraft too. Its wells are used only when necessary. If the City does not allow the C8E ranchettes to remain connected to the SRP water distribution system, then no SRP water will be available. C8E should already know the answer to this question. I would seriously urge the City to allow C8E to retain AG-1 zoning (to keep horses) and its SRP irrigation. Without adequate irrigation C8E will just degenerate into 8 lifeless, oversized sunbaked lots (see A2 Exhibit 2 at p. 12) using crushed rock for lawns, and cacti for any living plant.

2P Also, the fact that C8E cites and discusses no specific City water conservation standard demonstrates, I believe, a serious City indifference to 40 years of 1980.GMA groundwater management (including conservation) implementation. The redevelopers appear to get the last word in deciding all water usage questions. The City’s response to the 1980.GMA (see Part 1B above and Endnote 1) appears to challenge the accuracy of the City’s projected (see 4MP Table 5A) residential gallons per capita per day (GPCPD) allowance. Yet as confirmed by A2, no residential GPCPD standard is mentioned or explained by the redeveloper. In Chandler’s “Cadillac Desert,” it would appear that it is business as usual, and that redevelopers are free to use water like a “drunken sailor” spends money, with no concern from the City.

No C8E access to the co-owned neighborhood well.

2Q With no SRP irrigation, C8E could still use the high quality drinking water from the City (a serious water waste) for external irrigation, but this could get expensive because to promote conservation the price of City drinking water increases with the volume of water used. Also, if all of its
residential customers used as much irrigation water as C8E, the City might not be able to keep its customers supplied with drinking water. But even if the City doesn’t let C8E keep its SRP irrigation because it wants that water for itself, C8E still can’t use the neighborhood well that I often call the Alma Ranchettes Well (ARW), and that the Arizona Department of Water Resources (ADWR) calls the “Alma Ranchettes Well Owners” (ARWO), a “small” water company (see 4MP at Appendix 5D), and that the Arizona Department of Environmental Quality (ADEQ) calls “Alma Ranchettes.” None of these names are technically correct; they are just arbitrarily selected names of convenience for a well jointly owned and used by neighborhood ranchette owners. No single legal entity (corporation, partnership, or one individual) owns and operates the well. Well management decisions must be accepted by every co-owner before each co-owner has any obligation for the collective action in question.

2R Each owner of each initial 26 AR large home sites (called ranchettes) got a 1/26th undivided interest in the ARW (see A1 at B1), but the current owner of the two C8E ranchettes only got a 1/26th interest in the well under a Special Warranty Deed (20070651464) recorded in the records of Maricopa County on 06/05/2007. I assume that C8E may now want to replace any lost SRP irrigation water with ARW water because of the economic low cost of this water. There are no well water meters at any of the approximately 18 homes (one of which is on City water) with a water connection to the ARW, so each well user gets an unlimited amount of water for a flat $30.00 per month share of cost contribution, even when they do not bother to pay anything. It will be an impossible financial and technical burden for the remaining well users to provide unlimited irrigation water to C8E to subsidize the development of 8 “custom, high dollar, water using” homes.

2S First, ADWR also imposes water conservation/drought preparation planning on the ARW. I prepare and submit those planning updates, as well as the annual ADWR water withdrawal report. Secondly, the ARW simply lacks the capacity to pump irrigation water to 8 new C8E homesites. Third, the ARW is in need of serious, and potentially expensive, repairs. If the well fails at any time, we could be on domestic water delivered by truck, like many other homes in Maricopa County and throughout Arizona. ADEQ regulation, and annual Maricopa County inspection and licensing fees protect the quality of the delivered water. Fourth, the City has a reclaimed (non-potable) water line on Germann that C8E can and should use for any irrigation purposes. THE CITY MUST REQUIRE C8E TO USE NO ARW WATER FOR ANY PURPOSE.

City caused high groundwater and nitrate pollution of ARW water?

2T On 12/12/2019 I attended an ARW meeting conducted by an ADEQ employee and a water engineer from Chandler's Development Services, who stated the City could construct a City water line down the alley to connect neighborhood homes to City water for about $4,000.00 per home. When the City widened Germann in 2009 it said we would get “stub-outs” to make it easy to connect to City water. Some homes on Germann got these “stub-outs,” but mine didn’t. My only feasible option, if the well fails, may be water hauling. The ADEQ appeared to be pushing the City to put in such a line to fix a long-term nitrate problem at our well that we cannot fix, and which embarrasses ADEQ. Federal drinking water limits for nitrate (established to protect children under 6 months of age) are 10 mg/L (10 milligrams per liter) or 10 parts per million (ppm).

2U About 2 miles southwest of our well is the City’s Ocotillo sewage treatment facility near the SE corner of Queen Creek and Old Price Road; about 2 miles southeast of our well is the City’s Airport sewage treatment facility near the SW corner of Queen Creek and McQueen. See 4MP Table 8.2.8 These plants apparently discharge millions of gallons of treated sewage annually into the groundwater. The nitrate level is at 10 ppm, but other nitrate levels already in the groundwater mean that our well routinely violates the federal drinking water limit which only applies to water used to prepare food or drink for human consumption, and not to livestock watering, laundry, bathing, etc. ADEQ has already told us it will take no enforcement action. It apparently just uses our well to monitor the Chandler treatment facilities south of us.

2V However, ADEQ’s contractor also reportedly determined that our well’s depth to groundwater is only 100 feet, and I remember an ADEQ website that said the depth to groundwater at the Ocotillo plant was 60 to 80 feet (obviously a water mound) and that groundwater now flowed north towards us. Traditionally it flowed south. When my wife and I moved to Chandler in 1978 Alma School had high volume irrigation wells that the “old times” (now gone) claimed Dr. Chandler caused to be installed to protect crop production from a perched (high water) table. This water was later used to irrigate a farm with no SRP irrigation, and which grew its final crop of houses around 1984 or so. And now the water table in our neighborhood appears to be recovered and rising. After 40 years of the 1980 Groundwater Management Act (1980.GMA) someone ought to be able to inform the public if rising water tables constitute any potential threat to buildings, etc.

More roadway safety concerns.

2W I expressed some roadway concerns in A1 at A27 thru A31, and A37 thru A39. Attachment 4 (A4) is a PDF copy of the Germann roadway between Alma School and Hartford. Most of the raised median has been replaced by a refuge lane so that the houses with driveways onto Germann (4 on the north side and 7 then existing on the south side) could exit their homes and go east or west on Germann even if they had to temporarily enter the refuge lane and wait for oncoming traffic to pass.

2X I know of no other place on Germann or on any other street in Chandler that has such a feature. Chandler designed this segment of roadway specifically for the safety of the low density housing along this portion of Germann. C8E traffic (which may or may not include cars from GCGE, no one has said for sure yet) entering Germann will be able to start “stacking up” (left and right) in the same refuge lane that pedestrians will also be using to cross Germann because of the C8E street intersection with Germann. These pedestrians are not going to walk to Alma School or to Hartford. Jaywalkers already stop in the refuge lane to wait for oncoming traffic to clear. I understand that people die in traffic all the time, but it seems to me the City is looking for an opportunity to kill and injure. And for what purpose other than to build a frivolous monument to a modern Italian architect when Chandler claims to have more basic “bread and butter” needs for affordable housing for low income households?

Objections to two-story homes and destruction of neighborhood improvements built by the City.

2Y C8E claims its 8 homes are a transition from the 16 homes at GCGE and the less densely packed AR neighborhood, but not so if half of the homes will be two story. GCGE was not allowed to have two story homes, so I think it is essential that C8E be treated no better. C8E will already be “wasting ground” for which it may not have enough irrigation water to do any meaningful landscaping. Likewise I strongly object to
any destruction of the neighborhood revitalization improvements built by the City when it widened Germann Road.

ENDNOTES


2 https://new.azwater.gov/sites/default/files/media/PhxAMA_4MP_Comments-City_of_Chandler.pdf

3 E.g. https://services.azre.gov/publicdatabase/messagecenter/createmessage.aspx?subjectId=8


5 https://images.search.yahoo.com/yhs/search;_ylt=AwrXkEtIyjFeYEAAXqQPQt::*_ylu=X3oDMTByNWU4cGh1BGNvbG8DZ3ExBHBycwxMXBHQaWQDBHNIYyYzYw--?

6 https://en.wikipedia.org/wiki/Arcosanti


8 https://isjs.chandleraz.gov/