#11

DEC 10 2015

Chandler

All-America City

2010

Chandler • Arizona

Where Values Make The Difference

MEMORANDUM **Planning Division – CC Memo No. 15-155**

DATE: DECEMBER 10, 2015

TO: MAYOR AND COUNCIL

THRU: MARSHA REED, ACTING CITY MANAGER MR
JEFF KURTZ, PLANNING ADMINISTRATOR
KEVIN MAYO, PLANNING MANAGER KM

FROM: ERIK SWANSON, SENIOR CITY PLANNER ES

SUBJECT: PDP15-0011 COBBLESTONE AUTO SPA

Request: Preliminary Development Plan (PDP) approval for site layout and building modifications including additional parking, shade canopies, monument signage, and building color

Location: Southeast corner of Alma School and Germann roads

Applicant: Jesse Macias, PM Design Group, Inc.

RECOMMENDATION

Planning Commission and Planning Staff, upon finding the request to be consistent with the General Plan, recommend City Council approve subject to conditions.

BACKGROUND

The subject site is located at the immediate southeast corner of the Alma School and Germann roads intersection. East and south are properties zoned Agricultural (AG-1). At the northeast, northwest, and southwest corners of the intersection are existing commercial centers. The site received an Area Plan Amendment, Rezoning, and PDP approval in 2001. In November of 2004, Enterprise Rent-a-Car was approved to locate on the site, and in May of 2006, the existing tan shade canopies were approved. In 2009, Planning Staff administratively approved modifications to the monument signs, resulting in their current design.

The current request is to allow modifications to the site layout and building including additional parking, shade canopies, monument signage, and building color. Located at the northeast corner of the site is the existing vacuum canopy where customers following a carwash, pull into the vacuuming stalls on the east side of the area. The vacuum areas are only for drive-thru carwash customers and not part of the full-service carwash operations. The request includes modifications

to this area resulting in the removal of landscape materials along the west, providing an additional two parking stalls adjacent to the existing stalls, and four new stalls on the west side of the area.

At the north and northwest corner of the site staging for completed vehicles receiving the full-service carwash is provided. Along the north are existing tan shade canopies. The existing canopies will be replaced with a more arched design providing shade for both the north and northwest staging areas. The existing shade canopy color is tan, in an effort to hide the canopies along the street frontage; the request is to change the color to "Aquatic Blue".

Three monument signs were provided with the original approval, two along Alma School Road and one along Germann Road, all at a six-foot height to the top of the copy; architectural projection provided an additional 18-inches in height. Administratively approved modifications were made in 2009. The request is to add a third panel to the signs along Alma School Road and to change the design of the sign along Germann Road. The sign, as proposed along Germann Road is to create a v-shaped sign, allowing visibility from south, north, and east bound traffic, and to raise the height to eight-feet to the top of the sign panel; an architectural projection would take the height up an additional 20-inches. Staff is not supportive of the modification to the sign along Germann Road.

Lastly, the proposal includes a color addition to the main building. The main tower elements of the building when originally approved were an earth tone color; a couple of years ago the building was repainted and the blue that is currently on the building was provided without approval. The current request seeks to solidify the approval of the color.

DISCUSSION

Planning Staff supports the modifications to the site by adding the additional parking stalls, parking canopies, and building color. The item was discussed at length due to the applicant disagreeing with recommended conditions 9-11 and 13. Planning Commission discussed the proposed modifications to the canopies along the arterials and the integration of the stacked stone element, and whether or not the color of the canopies as recommended was appropriate versus the proposed color of "aquatic blue". Additionally, there was a significant amount of conversation pertaining to the monument sign. The Planning Commission unanimously disagreed with the signage as proposed, but discussed options allowing for modification to the signs along Alma School Road and whether that would resolve the issue of low visibility that the applicant had concerns with. After a lengthy discussion, the Planning Commission recommended approval of the request as presented by Planning Staff.

Following the Planning Commission hearing, the design team reevaluated the proposed signage and shade canopy color. The v-shaped monument sign has been modified to be a standard monument sign located at the intersection corner with a reduced height of six feet to the top of copy which is similar to the existing sign; however, it will be relocated to be perpendicular to Alma School Road versus the current parallel position. The height of the middle monument sign along Alma School Road has been increased to ten feet in height and will have three tenant panels. The design is consistent with the other monument signs and meets design criteria for the

additional height and panel. Condition no. 12 will remain to ensure that depth is provided to the tenant panel lettering for the monument signs; however, condition no. 13 has been removed. The condition prohibited the v-shape monument sign. Lastly, the applicant has decided to eliminate the use of the "Aquatic Blue" for the shade canopies and will continue the use of a tan shade canopy.

Based on the modifications that have been made following the Planning Commission hearing, Planning Staff recommends approval of the request.

PUBLIC / NEIGHBORHOOD NOTIFICATION

- This request was noticed in accordance with the requirements of the Chandler Zoning Code.
- A neighborhood meeting was held on Wednesday, October 14, 2015. Four neighbors attended and had general questions regarding the project.
- As of the writing of this memo, Planning Staff has not received any correspondence opposed to the request. Planning Staff received an email outlining concerns with the request as it relates to the potential for additional noise generation and that future residential development adjacent to the site's east side would be negatively impacted. The email is attached.

PLANNING COMMISSION VOTE REPORT

Motion to Approve:
In Favor: 6 Opposed: 0 Absent: 1 (Baron)

RECOMMENDED ACTION

Preliminary Development Plan

Planning Commission and Planning Staff recommend City Council approve PDP15-0011 COBBLESTONE AUTO SPA, subject to the following conditions:

1. Compliance with original stipulations adopted by the City Council as Ordinance No. 3313, case DVR01-0010 COBBLESTONE AUTO SPA, except as modified by condition herein.

2. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Cobblestone Auto Spa", kept on file in the City of Chandler Planning Division, in File No. PDP15-0011, except as modified by condition herein.

3. Preliminary Development Plan approval does not constitute Final Development Plan approval; compliance with the details required by all applicable codes and conditions of the City of Chandler and this Preliminary Development Plan shall apply.

4. The monument sign's sign panels shall have an integrated or decorative cover panel until a tenant name is added to the sign.

5. Landscaping shall be in compliance with current Commercial Design Standards.

6. The canvas shade structures shall be maintained in a manner similar to that at the time of installation.

7. The site shall be maintained in a clean and orderly manner.

8. The landscaping shall be maintained at a level consistent with or better than at the time of planting.

9. The color shade canopies shall be tan in color.

10. Stone accent material shall be installed on the support columns of the shade canopies to a height consistent with the existing steel support structures

11. No detailing or cleaning activities shall occur beneath the proposed shade canopies along Alma School and Germann roads.

12. The applicant shall work with Planning Staff to incorporate design elements such as, but not limited to, architectural integration, adding three-dimensional lettering, and enhancing landscaping around the sign for the monument signs along Alma School Road.

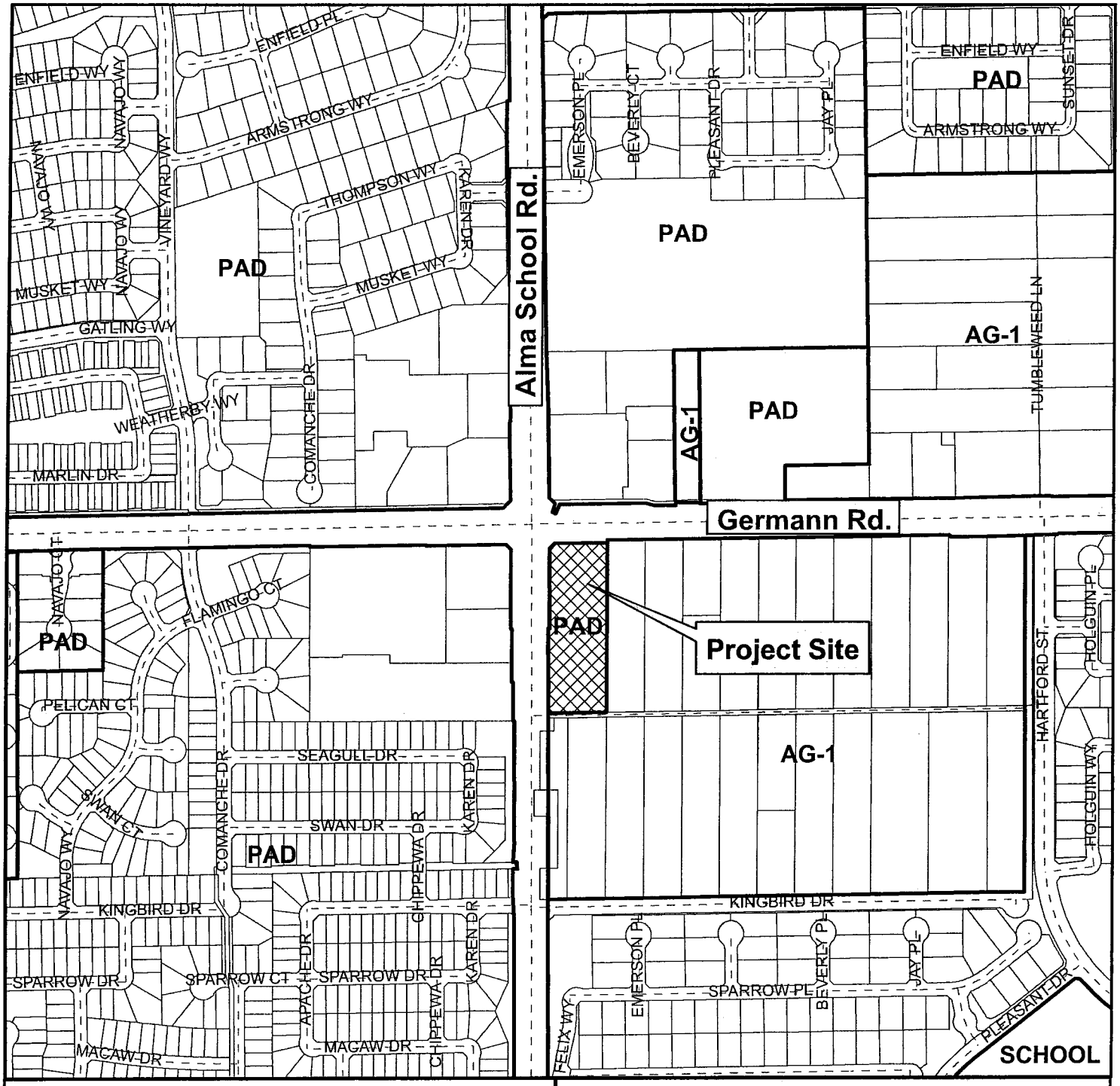
PROPOSED MOTION

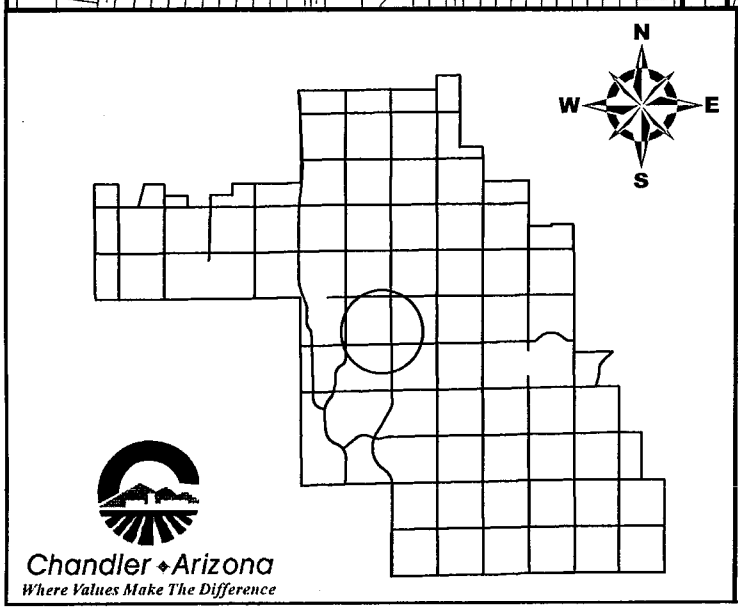
Preliminary Development Plan

Move City Council approve Preliminary Development Plan PDP15-0011 COBBLESTONE AUTO SPA for site layout and building modifications, subject to the conditions as recommended by Planning Commission and Planning Staff.

Attachments

1. Vicinity Maps
2. Existing Site Plan
3. Proposed Site Plan
4. Building Photo with New Color
5. Sign Location Plan
6. Existing and Proposed Sign Elevations
7. Narrative
8. Ordinance No. 3313
9. Mr. Wakefield Email and Attachements
10. Development Booklet, Exhibit A



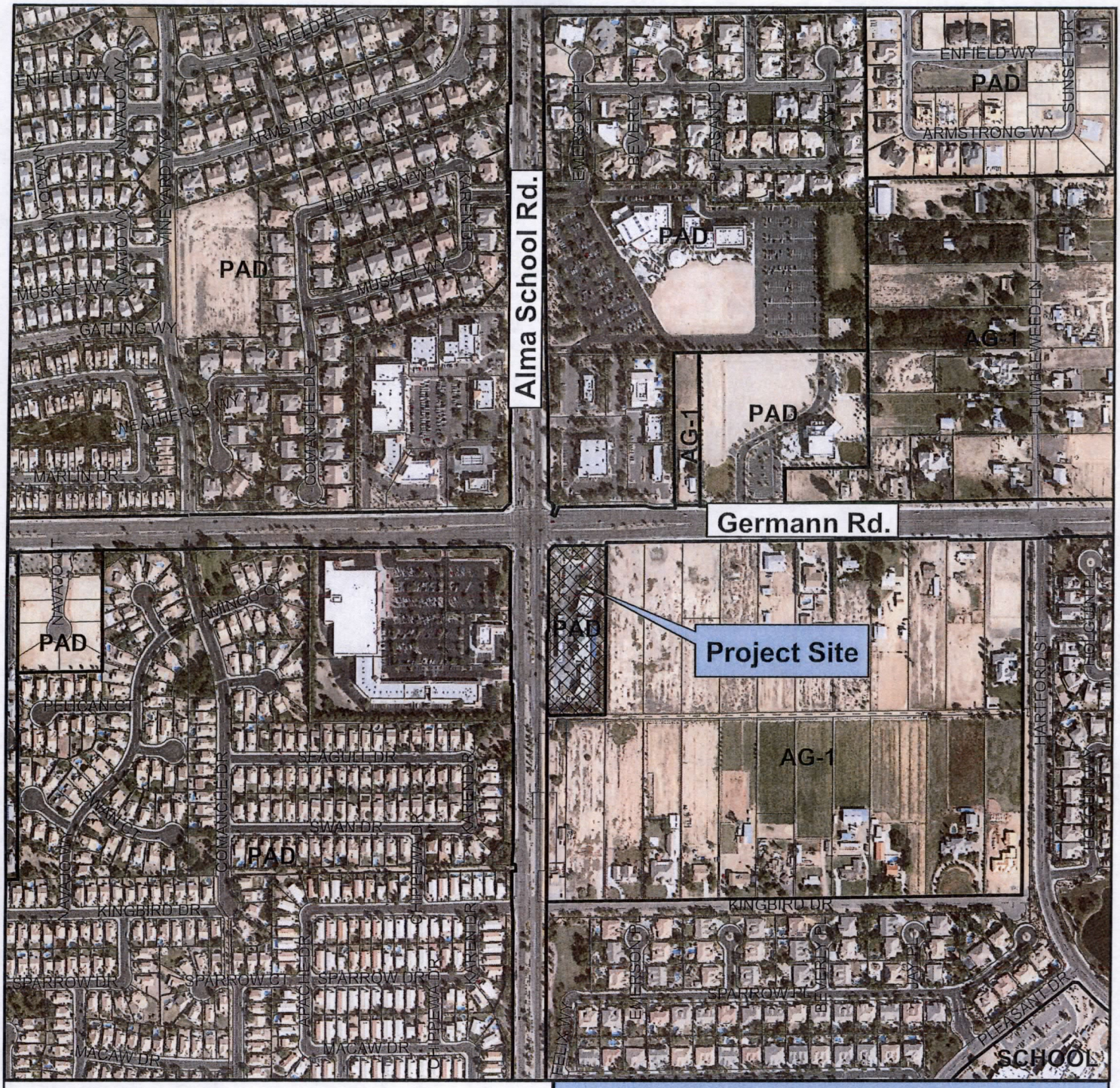


Vicinity Map

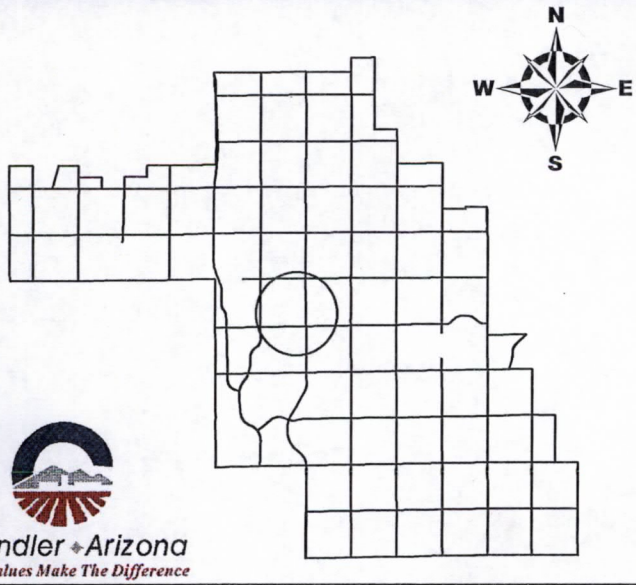
PDP15-0011

Cobblestone Auto Spa

CITY OF CHANDLER 9/3/2015



Vicinity Map



PDP15-0011

Cobblestone Auto Spa

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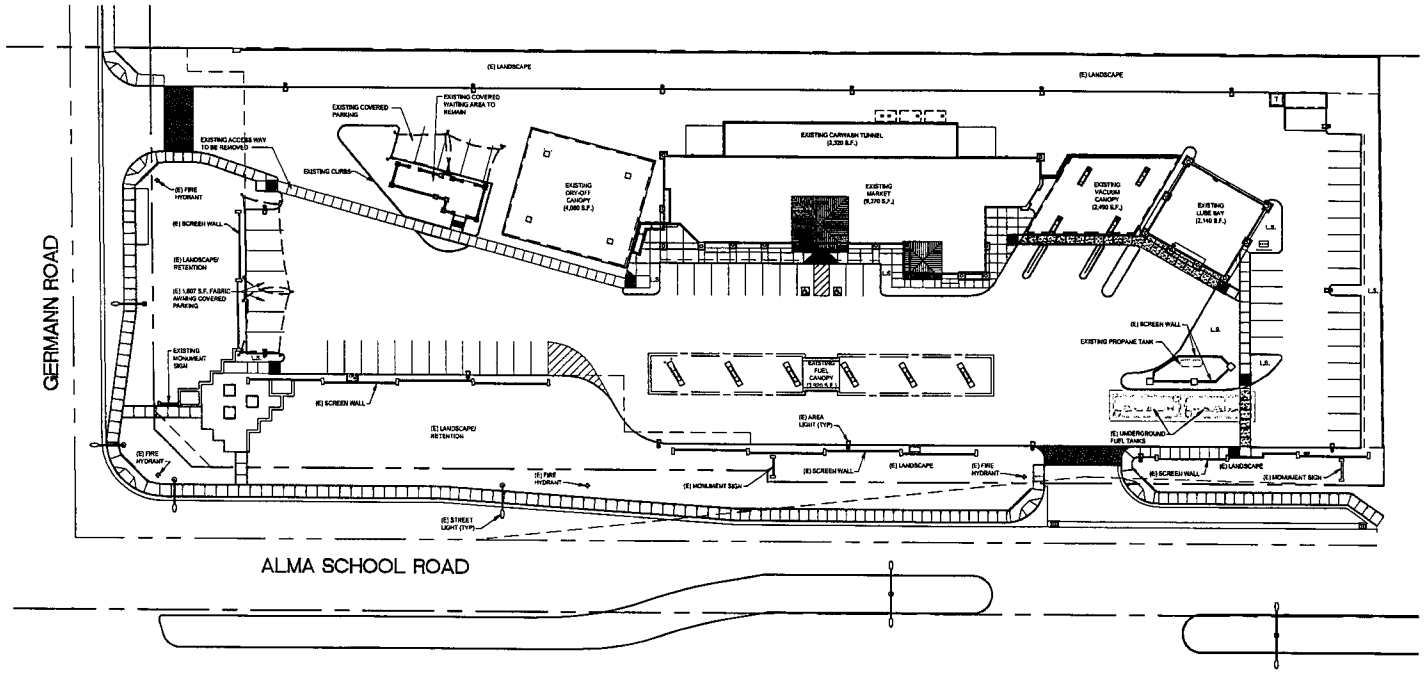
Where Values Make The Difference

CITY OF CHANDLER 9/3/2015



EXISTING SITE PLAN

0 15 30 60 90 120

SCALE: 1"=30'-0"

NORTH

P/M DESIGN
Architectural Solutions Group

1425 N. FIRST STREET, SUITE 100
PHOENIX, AZ 85004

PH. 602-457-5757
FAX: 602-457-5756

ROY PEDRO, ARCHITECT
KEN MCCRACKEN, ARCHITECT
JESSE MACIAS, VICE PRESIDENT

REGISTERED ARCHITECT
CERTIFICATE NO. 49777
ROY W. PEDRO
DATE SIGNED 10.15.15
ARIZONA, U.S.A.
EXP 6-30-16

Seal

MARK	DATE	REVISION

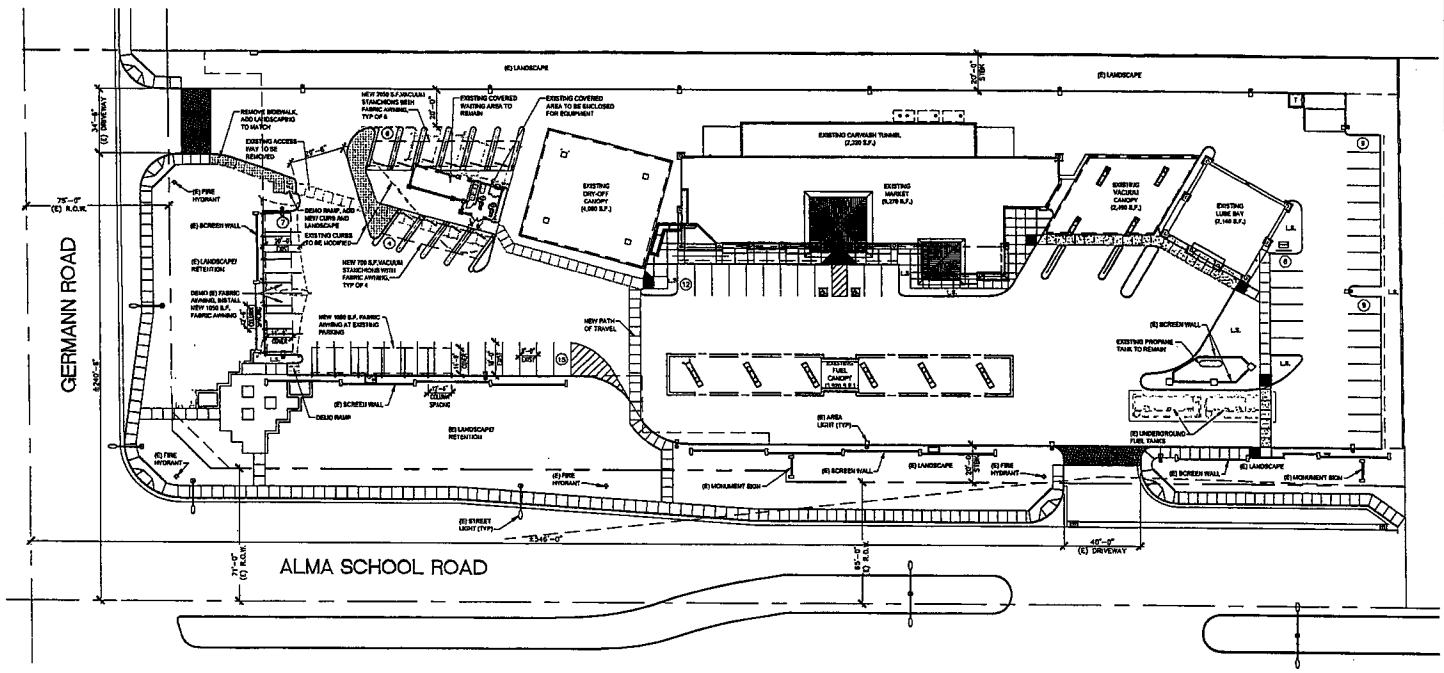
COBBLESTONE AUTO SPA
2021 S ALMA SCHOOL ROAD
CHANDLER, AZ 85286

Project Number
CBL14004.1

Sheet Name
EXISTING SITE PLAN

Sheet Number
SD0.0

EXISTING SITE PLAN



SITE PLAN

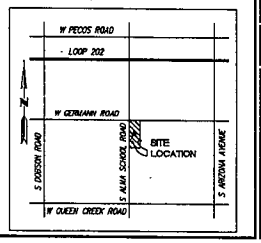
0 15 30 60 90 120

SCALE: 1"=30'-0"

NORTH

PROJECT DESCRIPTION

PROJECT NAME:	COBBLESTONE AUTO SPA & MARKET 2021 S. ALMA SCHOOL ROAD CHANDLER, ARIZONA 85286
EXISTING USE:	FULL SERVICE CAR WASH FACILITY W/ MARKET, FUEL CANOPY & LUBE BAY.
PROPOSED ADDITIONS/ MODIFICATIONS:	– ADDITION OF TEN (10) SELF-SERVE VACUUM STANCHIONS. – MODIFY EXISTING LANDSCAPE/CURBS AT NEW VACUUM STANCHIONS. – ADDITION OF FABRIC CANOPIES AT EXISTING PARKING SPACES. – EXTEND WALL HEIGHT AT EXISTING STRUCTURE TO PROVIDE ENCLOSURE OF VACUUM EQUIPMENT & VENDING MACHINES. – REPLACE EXISTING MONUMENT SIGN ALONG GERMANN ROAD WITH NEW MONUMENT SIGN. – MODIFY CURB AT MARKET TO PROVIDE TWO (2) PARALLEL PARKING STALLS. – REPLACE EXISTING PROPANE TANK WITH 1,000 GALLON VERTICAL PROPANE TANK. – NEW ACCESSIBLE PATHWAY.
OWNER:	COBBLESTONE AUTO SPA & MARKET III LLC 3739 EAST BELL ROAD PHOENIX, AZ 85032 (602)787-0808 OFFICE (602)787-0400 FAX CONTACT: TUCK BETTIN
ARCHITECT:	PM DESIGN GROUP, INC. 1425 N FIRST STREET, SUITE 100 PHOENIX, AZ 85004 (602)457-5757 OFFICE (602)457-5755 FAX CONTACT: JESSE MACIAS
ADDRESS:	2021 S. ALMA SCHOOL ROAD CHANDLER, AZ 85286
APN:	303-34-986
ZONING:	PAD
SITE AREA:	214,272 S.F. (GROSS) – 4.92 ACRES 147,646 S.F. (NET) – 3.39 ACRES
BLDG AREA:	MARKET 9,270 S.F. CARWASH 2,320 S.F. LUBE BAY 2,140 S.F. TOTAL BLDG 13,730 S.F.
CANOPY AREA:	FUEL 3,920 S.F. VACUUM 2,490 S.F. COVERED PARKING 1,607 S.F. DRY-OFF 4,080 S.F. TOTAL CANOPY 12,097 S.F.
TOTAL AREA:	25,827 S.F.
PARKING:	PROVIDED: 56 STANDARD STALLS 2 ACCESSIBLE STALLS 10 VACUUM STATIONS 68 TOTAL STALLS



PM DESIGN
Architectural Solutions Group
1425 N. FIRST STREET, SUITE 100
PHOENIX, AZ 85004
PH: 602-457-5757
FAX: 602-457-5755
ROY PEDRO, ARCHITECT
KEY MCCRACKEN, ARCHITECT
JESSE MACIAS, VICE PRESIDENT

REGISTERED ARCHITECT
CERTIFICATE NO. 49777
ROY W. PEDRO
DATE SIGNED 10-15-15
ARIZONA, U.S.A.
EXP 4-30-18
Seal

MARK	DATE	REVISION

COBBLESTONE AUTO SPA
2021 S ALMA SCHOOL ROAD
CHANDLER, AZ 85286

Project Number
CBL14004.1

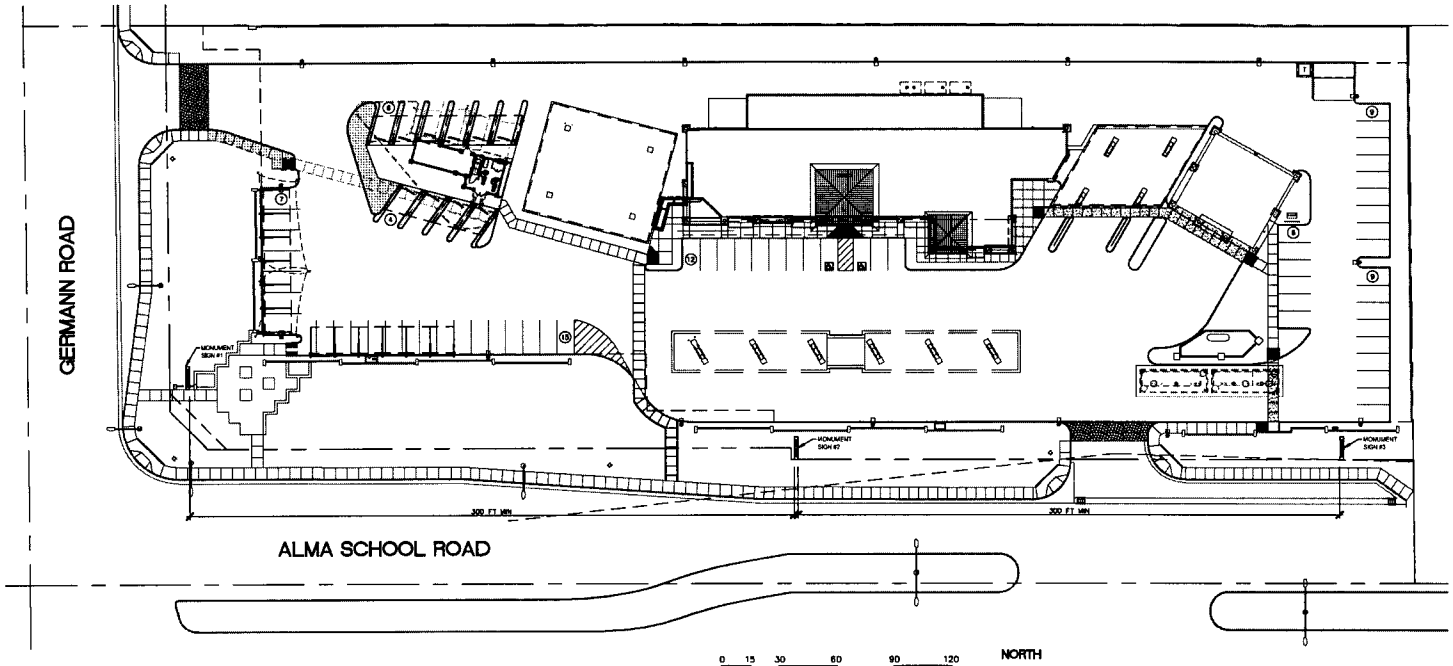
Sheet Name
PROPOSED SITE PLAN

Sheet Number
SD1.0

PROPOSED SITE PLAN

enterprise

enterprise



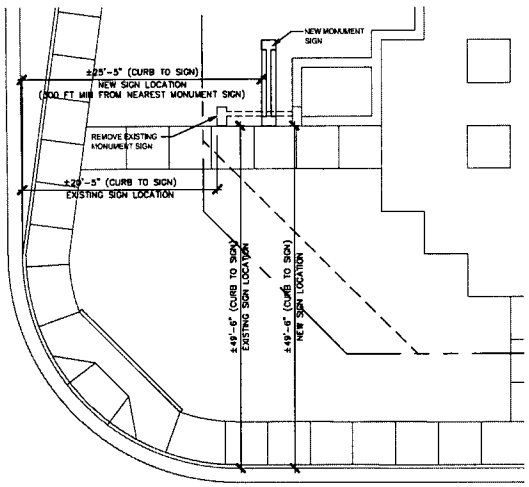
SITE PLAN

0 15 30 60 90 120

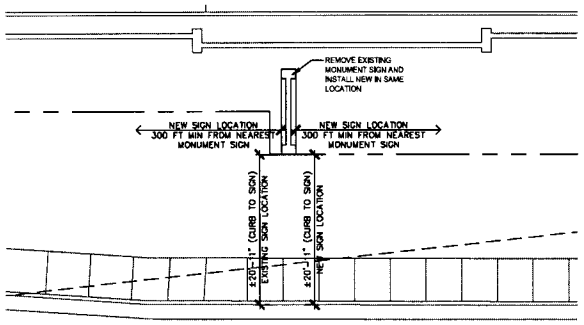
SCALE: 1"=30'-0"

NORTH

SEE SHEET SD4.1 FOR EXISTING AND PROPOSED SIGN ELEVATIONS



1 NEW MONUMENT SIGN ENLARGED PLAN
SCALE: 1/8" = 1'-0"



2 NEW MONUMENT SIGN ENLARGED PLAN
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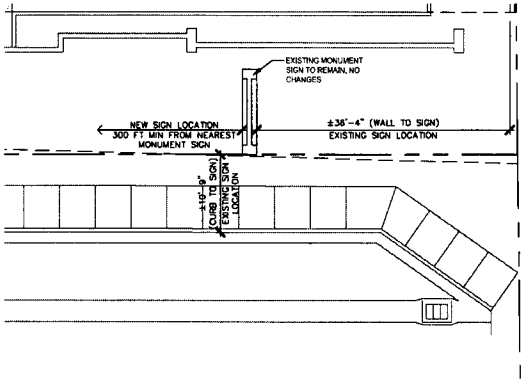


3 EXISTING MONUMENT SIGN ENLARGED PLAN
SCALE: 1/8" = 1'-0"

PM DESIGN
Architectural Solutions Group
1425 N. FIRST STREET, SUITE 100
PHOENIX, AZ 85004
PH: 602-457-3757
FAX: 602-457-3755
ROY PEDRO, ARCHITECT
KEM MCCRACKEN, ARCHITECT
JESSE MACIAS, VICE PRESIDENT

REGISTERED ARCHITECT
CERTIFICATE NO. 49777
ROY W. PEDRO
DATE SIGNED 10-15-15
ARIZONA, U.S.A.
EXP 6-30-18
Seal

MARK	DATE	REVISION

COBBLESTONE AUTO SPA
2021 S ALMA SCHOOL ROAD
CHANDLER, AZ 85286

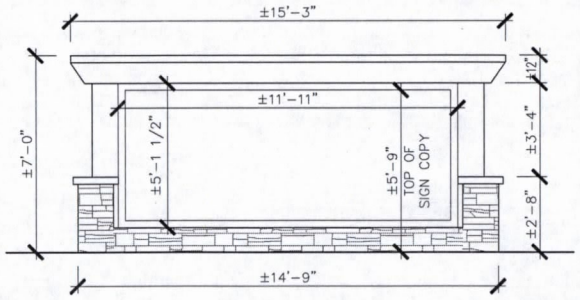
Project Number
CBL14004.1

Sheet Name
MONUMENT SIGN SITE PLAN

Sheet Number
SD4.0

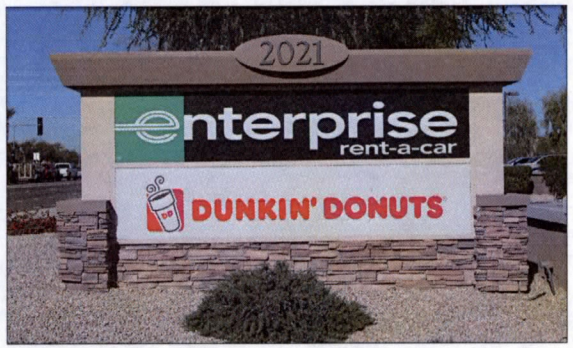
SIGN LOCATION PLAN

1 EXISTING SIGN ELEVATION
SCALE: N.T.S.



1 EXISTING SIGN ELEVATION DIMENSIONS
SCALE: 1/2" = 1'-0"

1 PROPOSED SIGN ELEVATION
SCALE: 1/2" = 1'-0"



2 EXISTING SIGN ELEVATION
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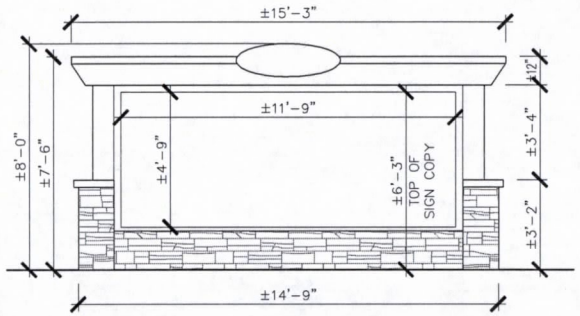
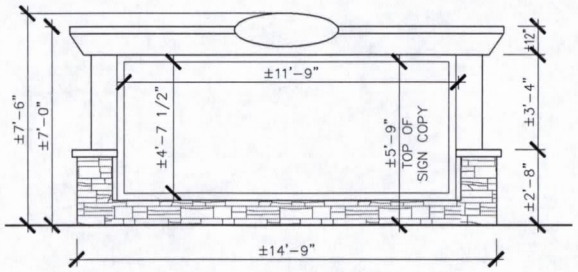


2 EXISTING SIGN ELEVATION DIMENSIONS
SCALE: 1/2" = 1'-0"

2 PROPOSED SIGN ELEVATION
SCALE: 1/2" = 1'-0"

3 EXISTING SIGN ELEVATION
SCALE: N.T.S.



3 EXISTING SIGN ELEVATION DIMENSIONS
SCALE: 1/2" = 1'-0"

EXISTING SIGN TO REMAIN, NO CHANGE

3 NOT USED
SCALE: -

P/M DESIGN
Architectural Solutions Group
1425 N. FIRST STREET, SUITE 100
PHOENIX, AZ 85004
PH. 602-457-5757
FAX: 602-457-5755
ROY PEDRO, ARCHITECT
KEN NICCRACKEN, ARCHITECT
JESSE MACIAS, VICE PRESIDENT

REGISTERED ARCHITECT CERTIFICATE NO. 49777 ROY W. PEDRO DATE SIGNED 10-15-15 ARIZONA, U.S.A. EXP. 6-30-18

Seal

MARK	DATE	REVISION

COBBLESTONE AUTO SPA
2021 S ALMA SCHOOL ROAD
CHANDLER, AZ 85286

Project Number
CBL14004.1

Sheet Name
MONUMENT SIGN EXHIBIT

Sheet Number
SD4.1

EXISTING AND PROPOSED SIGN ELEVATIONS

PM DESIGN
Architectural Solutions Group

PM Design Group, Inc.
1425 N 1st St. Suite 100
Phoenix, AZ. 85004
P. 602.457.5757
F. 602.457.5755

October 19, 2015

Case Planner
City of Chandler Planning Department
215 E Buffalo Street
Chandler, AZ 85201

RE: **PRELIMINARY DEVELOPMENT PLAN REVIEW**
Existing Cobblestone Auto Spa Car Wash
2021 S Alma School Road
Chandler, AZ 85286

Dear Case Planner:

We are very pleased to be submitting our Preliminary Development Plan Review Package for proposed on-site improvements to the existing Cobblestone Auto Spa Car Wash facility at aforementioned location. Our proposal of proposed On-site improvements to our already award winning designed facility is at the request of our community and valued patrons. The following is a detailed synopsis of the proposed improvements to both the site and building.

Site Plan:

- Modifications to an existing car wash facility.
  - There are 13,730 sq. ft. of existing structures on the site. The existing buildings consisting of a C-Store, Car Wash tunnel & lube bay will all remain.
  - The existing sales building will receive new accent "Cobblestone Blue" color on select areas of the building.
  - There are 10,490 sq. ft. of existing canopy structures, which include a fuel canopy, detail canopy, covered parking canopy, entry and finish canopies. The detail canopy will be replaced to match the proposed covered parking and vacuum canopies.
  - Near the existing dry off canopy is a 775 s.f. covered open air waiting structure. Approx. 377 s.f. of existing structure will be enclosed to contain new equipment room and vending machines. The remaining 398 s.f. of structure will remain as is.
  - At the north-east portion of the site a total of two new self-serve vacuum canopies providing 10 total vacuum locations (1,050 sq. ft. and 700 sq. ft.) Each structure will consist of trash bins and vacuum equipment for patron use. The canopies will be covered with fabric and the structure will be painted to match existing. All Vacuum Equipment will be enclosed in separate enclosure so noise level at Vacuum points will be minimal to non-existent.
  - New landscape planter, sidewalk and concrete curbing to be installed on the north side of the existing waiting structure.
  - New 1050 s.f. covered parking structure will be installed over a portion of the existing parking spaces along Alma School Road.
  - New 1050 s.f. covered parking structure will be installed over a portion of the existing parking spaces along Germann Road.

- Landscaping not affected by work is to remain as is. Only where work is performed will the landscaping be replaced to match approved plant palette and design
- At the street corner the existing monument will be removed and replaced with a new 9'-9" high "V Shaped" monument sign

We want to reiterate we are very pleased to be submitting an amendment PDP Application to City of Chandler for the proposed On-site Improvements of existing Cobblestone Auto Spa.

We feel our proposed site modifications will complement our Award Winning Existing Facility and at request of our Community and Valued patrons, improve customer satisfaction and convenience. The design and materials all complement the existing high quality Design and materials used in the original facility which has served the community with unparalleled service since it opened.

Please do not hesitate to contact us if you should have any questions and/or need any additional clarifications and or supplement information.

Sincerely,

Pedro McCracken DESIGN GROUP, INC.

Jesse Macias
Vice President
(480) 528-3136 cell
jmacias@pmdginc.com

OFFICIAL FILE COPY
CITY OF CHANDLER
CITY CLERK

ORDINANCE NO. 3313

AN ORDINANCE OF THE CITY OF CHANDLER, ARIZONA, AMENDING THE ZONING CODE AND MAP ATTACHED THERETO, BY REZONING A PARCEL FROM AG-1 TO PAD (DVR01-0010 COBBLESTONE AUTO SPA & MARKET) LOCATED WITHIN THE CORPORATE LIMITS OF THE CITY OF CHANDLER, ARIZONA.

WHEREAS, application for rezoning involving certain property within the corporate limits of Chandler, Arizona, has been filed in accordance with Article XXVI of the Chandler Zoning Code; and

WHEREAS, the application has been published in a local newspaper with general circulation in the City of Chandler, giving fifteen (15) days notice of time, place and date of public hearing; and

WHEREAS, a notice of such hearing was posted on the property at least seven (7) days prior to said public hearing; and

WHEREAS, a public hearing was held by the Planning and Zoning Commission as required by the Zoning Code

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Chandler, Arizona, as follows:

SECTION I. Legal Description of Property:

See "Attachment A"

Said parcel is hereby rezoned from AG-1 to PAD, subject to the following conditions:

1. Development shall be in substantial conformance with Exhibit A, Development Booklet, entitled "Planned Area Development and Preliminary Development Plan for Cobblestone Auto Spa and Market", dated September 14th, 2001, and kept on file in the City of Chandler Planning Services Division, in File No. DVR01-0010, except as modified by condition herein.

2. Right-of-way dedications to achieve full half widths for Alma School Road and Germann Road, including turn lanes and deceleration lanes, per the standards of the Chandler Transportation Plan.

3. Undergrounding of all overhead electric (under 69KV), communications and television lines and any open irrigation ditches or canals located on the site or within adjacent right-of-ways and/or easements in accordance with City adopted design and engineering standards.

4. Future median openings shall be located and designed in compliance with City adopted design standards (Technical Design Manual # 4).

5. Completion of the construction of all required off-site street improvements including but not limited to paving, landscaping, curb, gutter and sidewalks, median improvements and street lighting to achieve conformance with City codes, standard details, and design manuals.

6. The developer shall be required to install landscaping in the arterial street median adjoining this project. In the event that the landscaping already exists within such median(s), the developer shall be required to upgrade such landscaping to meet current City standards.

7. Construction shall commence above foundation walls within two (2) years of the effective date of the ordinance granting this rezoning or the City shall schedule a public hearing to take administrative action to extend, remove or determine compliance with the schedule for development or take legislative action to cause the property to revert to its former zoning classification.

8. Approval by the Director of Planning and Development of plans for landscaping (open spaces and rights-of-way) and perimeter walls and the Director of Public Works for arterial street median landscaping.

9. The source of water that shall be used on the open space, common areas, and landscape tracts shall be reclaimed water (effluent). If reclaimed water is not available at the time of construction, and the total landscapable area is 10 acres in size or greater, these areas will be irrigated and supplied with water, other than surface water from any irrigation district, by the owner of the development through sources consistent with the laws of the State of Arizona and the rules and regulations of the Arizona Department of Water Resources. If the total landscapable area is less than 10 acres in size, the open space common areas, and landscape tracts may be irrigated and supplied with water by or through the use of potable water provided by the City of Chandler or any other source that will not otherwise interfere with, impede, diminish, reduce, limit or otherwise adversely affect the City of Chandler's municipal water service area nor shall such provision of water cause a credit or charge to be made against the City of Chandler's gallons per capita per day (GPCD) allotment or allocation. However, when the City of Chandler has effluent of sufficient quantity and quality which meets the requirements of the Arizona Department of Environmental Quality for the purposes intended available to the property to support the open space, common areas, and landscape tracts available, Chandler effluent shall be used to irrigate these areas.

10. In the event the owner sells or otherwise transfers the development to another person or entity, the owner will also sell or transfer to the buyer of the development, at the buyer's option, the water rights and permits then applicable to the development. The limitation that the water for the development is to be owner-provided and the restriction provided for in the preceding sentence shall be stated on the final plat governing the development, so as to provide notice to any future owners. The Public Report, Purchase Contracts, and Final Plats shall include a disclosure statement outlining that the Cobblestone Auto Spa and Market development shall use treated effluent to maintain open space, common areas, and landscape tracts.

11. At the time of receiving necessary building permits and construction is about to proceed, the developer shall erect a 4 foot by 8 foot sign identifying what is being built and the estimated date of completion for the specified project. This information may be incorporated with the contractor's sign or the "Coming Soon" sign on the subject site.

12. The applicant shall, in accordance with the conceptual design approved by the City Transportation Engineer, provide a deceleration lane to the driveway on Alma School Road.

13. The Fan Palms located at the northwest corner of the site shall be replaced with Date Palms.

14. No vacuum hose, signage or any equipment, except air dry-off hoses, shall hang from the underside of the fuel/vacuum and dry-off canopy. The details of the air dry-off hoses in the dry-off area shall be worked out with Staff.

15. The spanners over the fuel pumps shall not be internally illuminated.

16. The canopies shall not contain a blue stripe or any other band or stripe with a corporate color. All canopies shall conform to the approved elevations located in the development booklet with respect to color and design.

17. No tent or awning structures shall be placed on the property.

18. Four additional 48-inch box Palo Verde trees shall be planted along the Alma School Road frontage west of the fuel canopy.

SECTION II. Except where provided, nothing contained herein shall be construed to be and abridgment of any other ordinance of the City of Chandler.

SECTION III. The Planning & Development Department of the City of Chandler is hereby directed to enter such changes and amendments as may be necessary upon the Zoning Map of said Zoning Code in compliance with this ordinance.

INTRODUCED AND TENTATIVELY APPROVED by the City Council this 27th day of September 2001.

ATTEST:

CITY CLERK

MAYOR

PASSED AND ADOPTED by the City Council this 4th day of October 2001.

ATTEST:

CITY CLERK

MAYOR

CERTIFICATION

I, HEREBY CERTIFY, that the above and foregoing Ordinance No. 3313 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 4th day of October 2001, and that a quorum was present thereat.

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

PUBLISHED:

10/10/01

10/17/01

ATTACHMENT A

ORDINANCE NO. 3313

Legal Description

S.E. CORNER GERMANN ROAD & ALMA SCHOOL ROAD
(INCLUDING WELL SITE)

That portion of the Northwest quarter of Section 9, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, described as follows:

BEGINNING at the Northwest corner of said Section 9;

thence South 00° 04' 10" West along the West line of said Section 9 a distance of 735.54 feet to a point on the centerline of that certain 20 foot easement set forth in Instrument recorded February 28, 1972, in Docket 9266, page 183, Official Records;

thence North 89° 25' 25" East along said centerline a distance of 295.00 feet;

thence North 00° 04' 10" East parallel to said West line of Section 9 a distance of 712.24 feet measured (735.22 feet record) to the North line of said Section 9;

thence South 89° 28' 53" West measured (South 89° 29' 10" West record) along said North line of Section 9 a distance of 295.00 feet to the POINT OF BEGINNING;

EXCEPT the West 33.00 feet and North 33.00 feet and the South 10.00 feet thereof.

TOGETHER with an undivided 1/26 interest in and to that certain well site described as the North 50 feet of the South 575.55 feet of the West 93 feet of the Northwest quarter of the Northwest quarter of Section 9, Township 2 South, Range 5 East of the Gila and Salt River Base and Meridian, Maricopa County, Arizona;

EXCEPT the West 33.00 feet thereof.

Containing 181,389 sq. ft. or 4.1641 acres.

REGISTERED LAND SURVEYOR
CERTIFICATE NO.
21081
THOMAS L.
ROPE
Date Signed 2-6-01
ARIZONA, U.S.A.

PDP15-0011 Cobblestone Noise Mitigation

Moe Wakefield to: mayor&council, Jay.Tibshraeny, Nora.Ellen, Kevin.Hartke, Rick.Heumann, Rene.Lopez, Terry.Roe, Jack.Sellers 11/13/2015 02:34 PM

Cc: Tuck Bettin, Jesse Macias, Taylor Earl, scott, zablanico, "Coppola, Christopher", Marsha.Reed, Jeff.Kurtz, Scott.McCoy, Erik.Swanson, David.delaTorre, Dave.Bigos, peggy

[attachment "A27-AVILLA-Map.xps" deleted by Erik Swanson/COC]
[attachment "A26-Median.xps" deleted by Erik Swanson/COC]
[attachment "A25-Serenade II.xps" deleted by Erik Swanson/COC]
[attachment "A24-Serenade I.xps" deleted by Erik Swanson/COC]
[attachment "A23-No.8Wall.xps" deleted by Erik Swanson/COC]
[attachment "A22-Avventura.xps" deleted by Erik Swanson/COC]
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[attachment "A19-K-Bird7.xps" deleted by Erik Swanson/COC]
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[attachment "A17-K-Bird5.xps" deleted by Erik Swanson/COC]
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[attachment "A6-711W.Germann2.xps" deleted by Erik Swanson/COC]
[attachment "A5-711W.Germann1.xps" deleted by Erik Swanson/COC]
[attachment "A4-Carino Estates Map.xps" deleted by Erik Swanson/COC]
[attachment "A3-RanchetteNeighborhood.xps" deleted by Erik Swanson/COC]
[attachment "A2-Parcel Map.xps" deleted by Erik Swanson/COC]
[attachment "A1-Avalon.xps" deleted by Erik Swanson/COC]

To the Honorable Mayor and Councilmembers for the City of Chandler:

The proposed design upgrades in **PDP15-0011** for the **Chandler Cobblestone Auto Spa (CCAS**) will both facilitate and encourage the maximum possible increase in carwash operations and carwash noise. This carwash noise continues to be at the center of a controversy regarding ongoing proposed redevelopments for the Ranchette Neighborhood in which I reside at 797 W. Germann Road. I ask that the remedies asked for in **paragraphs 54** and **55** below be implemented by the City. The basis for my grievance with the City in this matter is set forth below.

Location and basic services.

1. The **CCAS** at 2021 S. Alma School Road (southeast corner of Alma School Road and Germann Road), in Chandler, Arizona is the site of a 24-hr. per day convenience market and gas station, plus a very busy car wash operating from 7 a.m. to 7 p.m. each day. See: http://www.cobblestone.com/locations/chandler/. There are also oil change/lubrication, auto glass repair, and car rental services available at this site. Cobblestone operates at least 11 car washes in the Phoenix area (see: http://www.cobblestone.com/locations/) of which as many as 4 may only be car wash operations with no convenience market or gas station.

2. I believe the current **CCAS** development and operation was initially approved by the City of Chandler in about 2001, and that it began commercial operation in 2003. **CCAS** now seeks City approval for design upgrades to improve, in part, the marketability of "express" car wash services that would "maximize" the number of car washes provided each day. The consultant hired for this upgrade is **PM Design Group, Inc. (PMDG)**.

Presumed increase in carwash operations.

3. **CCAS** (like all but two of the 11 Cobblestone Valley carwashes) provides two types of car washes. Any carwash requiring employees to also clean inside a vehicle is called a "full service" carwash, whereas an "express" carwash involves no interior vehicle cleaning by **CCAS** staff. The only "hands-on" **CCAS** service now provided to "express carwash" customers is a brief towel drying (by one employee) immediately upon exiting the car wash. The proposed **CCAS** upgrade would probably eliminate **CCAS** hand drying of "express" vehicles, but would provide 10 "free" vacuum stalls where express customers could vacuum their own car interiors and hand dry vehicle exteriors with their own towels. The basic **CCAS** "express" carwash price (now $4.99 per car) would drop to the $3.00 per vehicle price already charged by all but 2 of the 11 Cobblestone carwashes. The posted "express wash" price range (Valley wide) at http://www.cobblestone.com/services/car-wash/express-exterior/, did not mention the $3.00 basic rate found at most Cobblestone locations. The full service price range found online at http://www.cobblestone.com/services/car-wash/full-service/ also applies to **CCAS**, where all daily car washes start at 7 a.m. with full service ending at 6 p.m., and "express" carwashes ending at 7 p.m. See: http://www.cobblestone.com/locations/chandler/.

4. Even at the "express" price of $4.99 per vehicle, I assume that the basic **CCAS** "soap and water" express wash may represent a significant majority of all car wash operations. On 10/08/15 I observed the services provided to cars exiting the car wash. When I arrived there were 10 full service cars in 4 of the 5 lanes under the existing exit canopy, plus another one in 1 of the 5 existing stalls under another canopy where **CCAS** wants to put a New Vacuum Canopy (**NVC**) with 10 free self-service vacuum and hand-drying stalls for express wash customers. The existing canopy, where the NVC would be located, already has at least 4 "shop vac" portable electric vacuum cleaners that are unplugged and wheeled away at 6:00 p.m. During the time I observed 12 full-service cars being serviced after exiting the carwash, I observed at least 22 express wash vehicles exit the car wash and receive a "one pass" towel "hand-dry" from a **CCAS** employee. The driver of one of these vehicles then pulled under the existing exit canopy and did further hand drying with his own towel(s). Even if the City

did not permit the **NVC** to be built, I know of no reason why **CCAS** could not still drop its basic express wash price to $3.00 (to increase sales) and still allow express customers to park along the east wall to hand-dry their cars and/or to vacuum their vehicles at the 5 existing canopy stalls where the **NVC** is now intended to be located.

5. Any maximizing of carwash operations (for both types of carwashes) must also "maximize" the resulting carwash noise from the "air blower" drying system used for all cars. **CCAS** proposes no noise mitigation measures for the existing carwash operation. The City apparently only asked **CCAS** to ensure that the 10 new vacuums in the **NVC** are quiet, which I assume they will be. However, the 4 to 5 existing portable shop vacuum cleaners now in that area will apparently be moved (based on what **CCAS** staff told me) to the existing (northernmost) covered parking area nearest Germann Road They probably make very little noise as well. Likewise, I assume that the portable vacuum cleaners (6 according to what another employee said) in the full service lanes at the entry canopy, where **CCAS** vacuums full-service vehicles before the carwash, also make negligible amounts of noise.

6. At the **CCAS** neighborhood meeting on 10/14/2015, Scott Ward of Ward Development (WD) appeared and claimed to represent the owners of 5 adjacent ranchettes identified in paragraph 7 below. The adjacent Ranchette Neighborhood is identified in paragraphs 25-29, below. He claimed to have 30 years of experience in residential construction and development. He conducted the first neighborhood meeting in 2013 for Garrett-Walker Homes (GWH) when GWH tried to redevelop Ranchettes 8, 9, 10, and 11. See paragraph 24, below. City staff told me that a new redevelopment request to build an unknown number of homes, and which continues to be delayed for unknown reasons, is expected to be filed by GWH's zoning attorney. At this point I do not know if Mr. Ward is acting solely as an agent of GWH, or as a co-redeveloper with GWH for Ranchettes 7, 8, 9, 10, and 11, or as the only redeveloper for the 5 ranchettes. I cannot understand how he could be only the representative of the property owners of record who should by now have a pending sales agreement in escrow and have no capacity to take any independent action regarding the redevelopment of their ranchettes. Mr. Ward claimed that a request to build 28 homes, reportedly in the $500,000 to $600,000 price range, in a gated community on a 10-acre parcel of land comprising Ranchettes 7, 8, 9, 10, and 11 (immediately to the east of the **CCAS**) would be filed, and that the nice rental home on Ranchette 7 would be demolished. Under current zoning, only a maximum of 10 homes (each on a minimum lot size of one acre) can be built.

Reported site of the next proposed residential redevelopment adjacent to CCAS.

7. Based on Mr. Ward's identification of his "clients," I am convinced that the 5 ranchettes (i.e., large home sites in excess of 2 acres), and identified in items a through e of this paragraph, are most likely intended for residential redevelopment. Only Ranchette 7 still has the original (and very nice) home on it. All the formerly occupied family homes on Ranchettes 8 through 11, and all other related improvements on them, were removed after they were purchased for land-speculation purposes. This created the current "blight-site" (the legacy of the land speculators) on Germann next to **CCAS**. See paragraphs 28-29, below. I believe the current owners of these ranchettes continue to refuse to allow them to be restored to ranchette use under existing zoning because of the prospect of greater financial profit

through redevelopment. The nice home on Ranchette 7 is rented to a tenant who was so pleased to find a place (totally unavailable in most of Chandler) where she could keep 3 horses at her home. For this amenity she is willing to live in Chandler and drive to Glendale each day to work. The 5 ranchettes in question are:

a. Ranchette **7** (rental at 835 W. Germann) Tax I.D. **303-36-623**, owned by **Marketplace Development LLC**),
b. Ranchette **8** (859 W. Germann) Tax I.D. **303-36-622**, empty lot owned by **Marketplace Development LLC**),
c. Ranchette **9** (887 W. Germann) Tax I.D. **303-36-618A** and **303-36-619**, empty lots owned by **AV 1 LLC**),
d. Ranchette **10** (895 W. Germann) Tax I.D. **303-36-638**, empty lot owned by **AV 1 LLC**, and
e. Ranchette **11** (909 W. Germann) Tax I.D. **303-36-637**, empty lot owned by **AV 1 LLC** and next door to **CCAS**.

No connected chain of title.

8. Although, GWH has long claimed to be the owner of Ranchettes 9, 10, and 11 (see paragraph 7, above), the records of Maricopa County (http://mcassessor.maricopa.gov/ and https://treasurer.maricopa.gov/) indicate that as of 10/19/15 the title owner of record is still **AV 1 LLC** of 1599 E. Orangewood Ave., Ste 150, Phoenix, AZ 85020. GWH's website (http://www.gwhaz.com/) lists its address as 1838 W Parkside Ln, Ste 200, Phoenix, AZ 85027, which is very close to Deer Valley Airport and the I-17 (Black Canyon) freeway. GWH has never explained this title discrepancy, which I assume means that the parties might have a conditional sales agreement in escrow (so no public record of any title transfer yet exists) that is contingent upon City rezoning before any sale can be finalized. The owner of Marketplace Development told me that Ranchette 8 was in escrow in 2013 when GWH proposed building 40 homes on Ranchettes 8, 9, 10, and 11, and that is why there was no recorded transfer of ownership of Ranchettes 8 to GWH. So I assume that any sale of Ranchettes 7 and 8 to GWH and/or WD should also be in escrow now because the owner of Marketplace Development is not to my knowledge and belief in the construction business, and is very unlikely to be in partnership with GWH and/or WD.

9. Because of past history and information from the City, I believe that GWH should be viewed as the homebuilder who will be seeking City permission to redevelop Ranchettes 7, 8, 9, 10, and 11. However, with no connected chain of title I think it is totally improper to allow any redevelopment request to proceed, thereby placing the neighborhood in total chaos again. The re-developer should first have to present proof of ranchette ownership, and at least provide (for neighborhood inspection) a copy of all sale agreements now in escrow. I know of no reason for assuming that GWH (or even WD) is the same legal entity as **AV 1 LLC** or that GWH (or WD) currently owns any of the 5 ranchettes now in issue.

GWH's apparent "best reason" for redevelopment?

10. Although self-serving and unpersuasive, GWH's "best logic" to date for allowing a high density residential redevelopment on the empty ranchettes created by speculation (see

paragraphs 28-29, 49-51, 53, below) next to **CCAS**, was that carwash noise made it impossible to restore any ranchette use under existing zoning. At its 09/04/2014 neighborhood meeting, GWH's own employees argued in effect that carwash noise prevented any restoration of Ranchettes 9, 10, and 11 under existing zoning because allegedly no "millionaire ranchette owner" would live next to such noise when they could afford to go somewhere better. I understood GWH's staff to also admit on 09/04/2014 that GWH picked Ranchettes 9, 10, and 11 for redevelopment because the site was big enough to build homes on, which is "what GWH does." At no time did GWH even "pretend" to consider the profitability of neighborhood preservation by restoring any ranchette under existing zoning. See paragraph 32-34, below.

11. On 09/04/2014 I believe that GWH's employees basically claimed that high-density residential development for low-income residents solves the noise problem because low income families, with no "better" option, would live with such noise without complaint. To me GWH's answer to any zoning question appeared to be "build as many high-density residential developments for low-income neighborhoods as possible and require homebuyers to waive any legal right to sue the developer (and the City?) to abate any adjacent land-use "nuisance" that could erode the long-term value of their homes and the survivability of the "new" redevelopment. In short, the "new" redevelopment would become just a "new" slum. See paragraph 49-51, below.

12. I assumed that GWH was desperately searching for any "rationalization" to justify destruction of a unique and irreplaceable Chandler neighborhood (see paragraph 25-27, below) for a minimal investment in terms of financial cost. In my opinion there appears to be a tendency to "stuff" low-income home buyers into higher-density neighborhoods built on less desirable sites that are considered to be too "ugly" (see paragraph 49-51, below) for any "quality" development.

13. Mr. Ward's offer (at the **CCAS** meeting on 10/14/2014) to pay **CCAS** an unspecified amount for unspecified noise mitigation efforts is clearly an admission that unmitigated carwash noise clearly destroys the feasibility of any quality high-density residential redevelopment, and begs the question of whether the proposed 28 homes would actually be just "affordable" homes of questionable quality for "poor people." See paragraph 49-51, below. His offer to pay for noise mitigation appeared to me to revive the prior GWH claim that I interpret as meaning that carwash noise prevents neighborhood restoration under existing zoning or any other "quality" neighborhood environment, so "waste" the land with profitable redevelopment for the builder. See paragraphs 14-19, 22, below. The Re-Development Booklet for the initial neighborhood meeting on 08/13/2013 appeared (at p. 3) to claim that any noise problem was "solved" by an additional 40 foot buffer zone. I am aware of no attempt by GWH to ever take any noise mitigation position that I believe to be credible. My ranchette is two ranchettes to the east of Ranchette 7, and I have no trouble hearing the **CCAS** carwash from my property. No home owners association (HOA) could perform perpetual monitoring and noise abatement enforcement functions. Without effective, and objective noise mitigation standards that **CCAS** could and should take, and which should now be specified by GWH and/or WD, no one should be allowed to build higher density

homes on Ranchettes 7, 8, 9, 10, and 11 that could financially injure prospective homebuyers. E.g. paragraphs 14-19, below.

Unreliable price estimates versus "AVALON" large-lot zoning for neighborhood preservation.

14. I believe that any redeveloper's verbal estimate of the sale value of any home is totally unreliable, and that only one-acre lots can mitigate carwash noise. See paragraph 35-37, below. City staff told me the City once required builders to specify the selling price of the homes to be built, but that practice is no longer followed. Apparently the City now only requires that the homes conform to the "pictures and floor plans" in the development booklets presented to and approved by the City. The October 19, 2015 Council approval for **AVALON (DVR15-0013/PP15-0006** at: http://chandleraz.gov/content/CurrentResults.pdf) is a case in point. Only lot size, and not price, is specified. Starting at the SRP irrigation canal on the western property line of the City airport, only 14 homes (with restrictions against two-story structures) on 12.23 acres were allowed. The minimum **AVALON** lot size is 20,000 square feet, with 1.14 homes per acre. See Attachment A1. The low density of the **AVALON** development was intended to preserve the rural character of an adjacent area with low-density single-family (irrigated) ranchettes zoned for one-home per acre, which is exactly the same kind of rural neighborhood that Ranchettes 7, 8, 9, 10, and 11 are already in. See Attachment A2. The City determined that the **AVALON** site was not appropriate for transition to a commercial or any other non-residential land use based on the existing established rural-residential single-family homes adjacent to the site, as well as the site's irregular shape.

15. So why should the much noisier (but never previously developed) "**AVALON**" neighborhood (adjacent to 8 irrigated ranchette homes on Bluebird Drive) get a much lower density residential development (14 custom-built, noise-proof homes on 12 acres) than the previously developed ranchette neighborhood (11 developed-developable irrigated ranchette home sites on Germann—including Ranchettes 7 through 11—plus another adjacent 11 ranchette home sites on Kingbird Drive) would get from any 28 projected homes (on 10 acres) on Ranchettes 7 through 11? The **AVALON** approval made no mention of any mandatory lot price or home price. Only large home lots can ensure preservation of the adjacent ranchette homes. See paragraphs 35-37, below. The **AVALON** rezoning required, among other things, that:

> a. A professional acoustical consultant, architect or engineer shall certify that the construction plans for all homes and buildings are designed to achieve an interior noise level of not more than 45 decibels (Ldn) from aircraft noise.
> b. Prior to making any lot reservation or subsequent sales agreement, the subdivider/homebuilder/lot developer shall provide a written disclosure statement (for the signature of each buyer and for recordation with the property deed) that the subdivision is located adjacent to or nearby:
>
> I. A heliport at the Chandler Municipal Airport that may cause adverse noise, odors, and other externalities that are legal and expected to continue indefinitely.
>
> II. An aircraft engine repair and testing facility that may cause adverse noise,

odors, and other externalities that are legal and expected to continue indefinitely.

c. Development shall be in substantial conformance with the Development Booklet, entitled "Avalon at Chandler Airpark" and kept on file in the City of Chandler Planning Division, . . .

d. Future custom home construction plans will be reviewed and approved administratively by the City.

16. Any higher density redevelopment of Ranchettes 7, 8, 9, 10, and 11 would also contain a carwash noise notice which presumably prevents any future homebuyer from suing **CCAS**, the redeveloper, or the City for any noise problem caused by such noise. I presume that such "nuisance notices" probably explain why I believe I see such little apparent concern about noise mitigation. A similar "nuisance notice" warning regarding the remaining agricultural zoning in the neighborhood would also be required. For example, the zoning decision found at http://www.chandleraz.gov/content/20150528_4.PDF (Case DVR14-0043 Cooper and Chandler Heights—Ordinance No. 4628) specified, in part, as follows:

> Prior to the time of making any lot reservations or subsequent sales agreements, the homebuilder/lot developer shall provide a written disclosure statement, for the signature of each buyer, acknowledging that the subdivision is located adjacent to or nearby existing ranchette and animal privilege properties that may cause adverse noise, odors and other externalities. The "Public Subdivision Report", "Purchase Contracts", CC&R's and the individual lot property deeds shall include a disclosure statement outlining that the site is adjacent to agricultural properties that have horse and animal privileges and shall state that such uses are legal and should be expected to continue indefinitely. This responsibility for notice rests with the homebuilder/lot developer, and shall not be construed as an absolute guarantee by the City of Chandler for receiving such notice.

17. Unless the City-approved Development Booklet for any redevelopment of Ranchettes 7, 8, 9, 10, and 11 first specifies the monetary sales price for each high density home to be built, I believe that no one could ever legally enforce a builder's verbal representation of such values. I recall no written (i.e., "enforceable") assurances ever given by GWH as to the price it would charge for any of its proposed homes. To the best of my memory, at the initial GWH neighborhood meeting on 08/13/2013, Mr. Ward claimed the proposed homes would be in the $175,000 to $200,000 range. At the last neighborhood meeting on 04/02/2015, I believe GWH's attorney verbally claimed an estimated sales price of $300,000 per home.

18. However, at a special meeting in a neighborhood home on 05/12/2015, I believe the same GWH attorney told ranchette owners he would try to persuade GWH to build only 16 homes (which I believe he verbally claimed that GWH's engineer said could be sold for $500,000 each) on Ranchettes 9, 10, and 11. GWH's rezoning/redevelopment application was then "withdrawn" (by a Council decision issued on July 9, 2015) so that GWH could file a new application which I assumed would be for 16 homes on Ranchettes 9, 10, and 11. Instead, I understood Mr. Ward to verbally announce at the **CCAS** neighborhood meeting on 10/14/2015 that 28 homes allegedly valued at $500,000 to $600,000 each will be proposed for Ranchettes 7, 8, 9, 10, and 11, and that the rented home on Ranchette 7 would now be demolished. I believe these verbal sales price estimates from Mr. Ward are only clear and convincing proof that Ranchettes 7, 8, 9, 10, and 11 could be profitably restored to ranchette use under existing zoning. See paragraph , below. I do not accept them as any

commitment to build a "quality" redevelopment. If the Council approved a development booklet identifying homes that would profitably sell for $200,000, the adjacent neighborhood could never expect the City to require that such homes be sold for $500,000 to $600,000 based on any builder's verbal promises.

19. I can only wonder if GWH's "belated emphasis" on "high dollar" home value estimates was a possible "damage control" attempt to offset any inference that GWH might have intended to destroy the unique and irreplaceable Ranchette Neighborhood just financially exploiting low income consumers who might be sold "defective" home sites that were not marketable for "regular" homes. GWH's website (http://www.gwhaz.com/) does not list any development project with homes in the $500,000 plus range. I still wonder if any proposed high density residential redevelopment of Ranchettes 7, 8, 9, 10, and 11, might yet trap low income homebuyers in a noisy and poorly designed neighborhood. See paragraphs 14-19, below.

Could zoning decisions ever facilitate "fraud on homebuyers"?

20. It appears to me that developers "protect themselves" (and possibly the City and adjacent property owners) by providing notice (in the recorded property deed) of any local nuisance the home owner will have to live with forever. I assume that the **AVALON** "noise warning" in paragraph 15, above, could legally prevent any **AVALON** purchaser from suing the developer, the City, or any aviation activity at or near the airport for abatement of aviation noises. I assume the same immunity would result from the nuisance notices identified in paragraph 16, above. While the City's **AVALON** decision appeared to suggest that there are potential homeowners excited about experiencing airport sights and sounds (including noise) from close at hand, I have never heard of anyone wanting to move next to a carwash to enjoy the sound of cars being washed. The last name used for GWH's proposed redevelopment was "**SERENADE.**" I think the name "Carwash **SERENADE**" would have been more descriptive.

21. At any rate, I assume that any future "**SERENADE**" approval would require "nuisance notices" that would bar homebuyers from suing **CCAS** (for noise) or adjacent ranchette owners (for agricultural nuisances), as well as the City and the redeveloper. In effect, homeowners could be limited to filing only perpetual complaints with the City that allowed their homes to be built. So what about development proposals that really should not be built at all? Who is looking out for the best interest of future **SERENADE** homebuyers and the neighborhood residents seeking to preserve their neighborhood against destructive redevelopment? The legal "mumbo-jumbo" in home sales contracts is so "dense" that most attorneys don't know what all the wording means. Most homebuyers get no professional legal advice before signing purchase contracts anyway. All they may have to go on is a "smiling" real-estate agent saying: "don't worry about this; it is just a formality document that the City requires everyone to sign." This could be outrageously "exploitative" for redevelopments truly intended for the economically vulnerable low-income buyer. There is clearly no reason for the City to put so many future homeowners in peril when the preservation of the existing zoning can effectively mitigate any noise problem. See paragraph 35-37, below.

Admission that carwash operations jeopardize any residential redevelopment.

22. The owners of Ranchettes 7, 8, 9, 10, and 11 (see paragraph 7, above) must have notice of the **CCAS** upgrade proposal, since Mr. Ward claimed to be their representative at the **CCAS** meeting. His offer to help pay for unspecified noise mitigation measures is a clear admission that carwash noise is a serious impediment to any proposed "**SERENADE**" redevelopment. See paragraph 13, above. Failure on the part of the owners of Ranchettes 7, 8, 9, 10, and 11 and their agents to now seek appropriate noise reduction measures from **CCAS** would be, I believe, either a clear statement of indifference to the noise problem future homebuyers will have, and/or a clear admission that carwash noise does not financially prevent the restoration of Ranchettes 7, 8, 9, 10, and 11 under existing zoning. However, it would also be improper to impose any noise-mitigation requirement on **CCAS** without first establishing that an approvable "**SERENADE**" redevelopment required such mitigation.

Ranchette Neighborhood opposition.

23. The **AVALON** zoning decision identified no public opposition. Such is not the case here. GWH presented multiple redevelopment proposals to the neighborhood that were rejected by most if not all of the ranchette owners living on their ranchettes. I know of no neighborhood resident who ever claimed to like any GWH proposal. Yet the tenacity of the ongoing redevelopment proposals since 2013 confirms that the Ranchette Neighborhood is truly fighting for its survival. Building 28 homes on 5 ranchettes (45% of the remaining residential ranchettes on Germann where only 10 homes can now be built) will destroy the Ranchette Neighborhood on Germann and seriously jeopardize the remaining ranchette neighborhood. Speculators will return in fury to buy up what they can and turn more ranchettes into uninhabitable bare ground pending City permission to "redevelop" more "infill" and profit from the eventual destruction of a very rare, valuable, and irreplaceable Chandler neighborhood. See paragraphs 25 through 29, below.

24. On 08/13/2013 Mr. Ward conducted a neighborhood meeting for 40 proposed homes (called "**AVVENTURA**") to be built on Ranchettes 8, 9, 10, and 11. GWH then replaced Mr. Ward with a law firm that conducted the second neighborhood meeting on 09/04/2014, for 28 "**SERENADE**" homes (a.k.a. "**SERENADE I**") on Ranchettes 9, 10, and 11. See paragraph 11-14 above. I understood GWH's attorney to state that GWH had obtained a noise study with noise mitigation strategies, including even litigation. My request for a copy of the noise study was ignored. I also suggested the conflict of interest the attorney could have because his firm represented **CCAS** when it applied for and obtained City approval for the carwash. This attorney apparently withdrew, and GWH hired a second attorney and law firm who scheduled a third neighborhood meeting for 12/18/2014. I know of no neighborhood resident who ever received notice of this meeting or who attended it. I understood the City to say that no neighborhood resident attended this meeting. Neither I nor anyone I know of learned of the third GWH neighborhood meeting until about 03/13/2015, after City hearings were already set (Cases **APL14-0009** and **DVR 14-0029**) for an April 15, 2015 (Planning and Zoning) and a May 14, 2015 (Council) hearing. A City sign bearing these hearing dates and case numbers is still posted on Ranchette 10. A "make up" neighborhood meeting for 26 homes (**SERENADE II**) in the $300,000 price range on

Ranchettes 9, 10, and 11) was then conducted by GWH's second attorney on 04/02/2015. At this meeting GWH's attorney promised me a copy of the noise study, but I never got it. GWH's attorney then got the City hearings continued to June 17, 2015 (Planning & Zoning) and July 9, 2015 for the Council hearing. The attorney's promise to seek approval for only 16 homes on Ranchettes 9, 10, and 11, and the City's order on 07/09/2015 for withdrawal of GWH's redevelopment request so that it could file a new redevelopment application, is discussed in paragraph 18, above. Building 28 **SERENADE III** homes on 5 ranchettes, instead of 16 homes on 3 ranchettes, will now reportedly be proposed.

The unique, valuable, and irreplaceable Ranchette Neighborhood.

25. Attachment A2 is a printout from **http://maps.mcassessor.maricopa.gov/** showing existing Ranchette Neighborhood property parcels. This neighborhood is south of Germann Road and north of Kingbird Drive, between Alma School Road and Hartford Street. Ranchettes 12 and 13 (outlined in red in A2) at the southeast corner of Alma School and Germann are now **CCAS**. Immediately adjacent to it on the east in descending order are Ranchettes 11, 10, 9 (now divided into two parcels), 8, and 7 which are part of the pending proposed redevelopment. See paragraph 7, above. Ranchette 1 (711 W. Germann) is shown in Attachment A3. Attachment A4 is the map for the **CARINO ESTATES AREA PLAN**, adopted February 27, 1997 by the City. This area plan confirmed that the Ranchette Neighborhood would retain the County AG-1 zoning and one-home per acre (very low density) single family residential use, which the neighborhood had known prior to annexation into the City. A land developer purchasing any ranchette after 02/27/1997 had no professional excuse for not knowing about the CARINO AREA PLAN and the paramount importance of that plan. The Corporation Commission website indicates that GWH was not incorporated until 08/31/2012, (see: **http://ecorp.azcc.gov/Search/SearchBar?term=Garrett+Walker+Homes**) so it purchased no land prior to 02/27/1997. The owners (and their agents) of Ranchettes 7, 8, 9, 10, and 11 have never denied that they want to redevelop part of a previously developed neighborhood contrary to the specific requirements of the City's governing Area Plan.

26. The Ranchette Neighborhood initially had 26 ranchettes, or large home sites of roughly 147.5 by 734.06 feet (about 2.25 acres) each, with 13 ranchettes on Germann Road and another 13 on Kingbird Drive. Each ranchette owner received a 1/26th interest in a jointly owned and operated well that still provides water to neighborhood homes. The Ranchette Neighborhood was called Alma Ranchettes by its initial residents, and had (prior to annexation into the City) totally developed ranchettes (nos 1 through 12) on Germann, with occupied, single-family residences on them. I have lived in the Ranchette Neighborhood for 37 years, and I know of only one other development like it (but with fewer ranchettes) in Chandler. To the best of my knowledge, these kinds of neighborhoods have not been developed in Chandler or anywhere else in the Valley for a long time, and the scarcity of such ranchettes will continue to make them even more valuable for custom home development in the future.

27. The Ranchette Neighborhood is a valuable, unique, and irreplaceable Chandler single-family residential neighborhood. Ranchettes have low cost flood irrigation from the

Salt River Project (SRP). Unlike the vast majority of all other Chandler residential neighborhoods, farm animals like horses, cows, sheep, goats, and chickens can legally be kept. All ranchette owners developed their own properties, and all homes constructed on-site are custom built. Some ranchette homes were replaced or improved by subsequent construction. I believe the value of at least 5 developed ranchettes could easily exceed a million dollars each. The most recent custom home at 711 W. Germann (See Attachments A3, A5 and A6) was bare ground just a few years ago, until the land speculator owner (who demolished the first home on the property) sold the land to someone who built a spectacular home on it. This ranchette sold last summer for $1.1 Million. The remaining ranchette homes on Germann (including one with reportedly 2,000 square feet in both the basement and on the ground floor) can be seen in Attachments A7 through A10.

The bitter legacy of unbridled land speculation.

28. I believe the Ranchette Neighborhood was significantly "victimized" by land speculators who bought up the previously developed and occupied Ranchettes 8, 9, 10, and 11 on Germann Road and turned them into bare uninhabitable dirt. Unlike 4 other "developers" on Germann who built homes on their ranchettes under existing zoning, stayed a short time and then sold them, these speculators apparently wanted "big money" from redevelopment. For well over 10 years these properties were bought and sold by successive speculators willing to pay taxes on bare dirt while refusing to allow any ranchette restoration under existing zoning. When the City widened Germann Road in 2008-2009, Ranchettes 9, 10, and 11 got no privacy wall (and Ranchettes 10 and 11 got no SRP irrigation pipe) because the now-empty ranchettes were held for speculation. The empty land created the "Blight-Site" seen in Attachments A11 (east side) and A12 (west side) and greatly "chilled" full ranchette development on Germann due to uncertainty about the neighborhood's future. A comparison with the ranchettes on Kingbird (Attachments A13 through A21) illustrates the "Blight-Site's" negative impact on the Germann ranchettes. The newest custom home in the Ranchette Neighborhood (on Kingbird Drive) can be seen on the internet at: https://www.google.com/maps/@33.2725059,-111.8524284,3a,75y,326.85h,79.83t/data=!3m6!1e1!3m4!1sIT-mGQ4ottRvQ63dqo6Pcw!2e0!7i13312!8i6656?hl=en . The current "Blight-Site" owners essential hold the neighborhood and the City hostage to a demand for lucrative redevelopment as the price for removing the "Blight-Site." As long as they have any expectation of a City rezoning reward, even though it would unavoidably destroy the Ranchette Neighborhood, these ranchettes will remain bare ground. However, it is settled law that property owners have no Constitutional or other legal right to demand any rezoning that enhances the resale value of land; otherwise, no City could ever enforce any zoning code. Anyone can buy, develop, and sell a ranchette under existing zoning, but there is no right to rezoning to make redevelopment more profitable.

29. Chandler appears to be in a "build-out" panic about how the City will continue to grow and develop when essentially all available land within the City has been developed, and when further annexation of any more open land becomes most unlikely. Most of the land available for future City growth may in fact already be developed. Will speculators now buy up and demolishing homes in existing neighborhoods on a block-by-block basis, and then seek redevelopment—as "infill" development—that doubles or triples residential density? Will

such rezoning by "justified" by a superficially "praiseworthy" claim of providing "illusory" affordable housing for poor people? See paragraph 49-53, below. How far will the City go to encourage and reward "cannibalistic recycling" of previously developed neighborhoods by "hard-ball" redevelopers who I think must someday exhibit all the logic and charm of "starving junkyard dogs" fighting to the death over any "scrap of food." The Ranchette Neighborhood has been under a continuing redevelopment attack since 2013, with no end in sight, despite the apparent solidarity of neighborhood opposition. See paragraph 23 and 24, above. Any initial appearance of mischievous and comical "rascality" for an ill advised plan to dismember the Ranchette Neighborhood should now, in my strongest belief, be viewed as "unacceptable avarice" that if rewarded will ultimately destroy both the Ranchette Neighborhood and any quality future land-use planning for Chandler. My dictionary still defines "greed" as wanting more than a fair share.

Cobblestone's contribution to neighborhood preservation.

30. The **CCAS** is built on former Ranchettes 12 and 13. City staff told me they initially recommended that the **CCAS** redevelopment not be allowed because they knew that it would prevent the commercial development (which is exactly what the initial speculators intended to do with the approximately 6.7 acres in Ranchettes 9, 10, and 11) of any ranchette to the east of the **CCAS**. The staff prediction was well founded. CCAS denied other ranchettes any road access to the four-lane Alma School Road at a time when Germann Road was just a "sleepy two-lane" country road. In addition to the lack of vehicle accessibility, the owners of Ranchettes 9, 10, and 11 simply did not have enough acres for any quality commercial development. More suitable (and properly zoned) commercial sites existed elsewhere in South Chandler. If the "Blight-Site" ranchettes could have been developed for any "non-ranchette" purpose, it would have happened long before now. I believe these ranchette owners turned from commercial to high-density residential redevelopment out of desperation. However, even with 5 ranchettes participating in a redevelopment plan, I think there is still not enough vehicle accessibility (see paragraphs 42-48, below) or land permitting any zoning change.

31. When the **CCAS** was proposed, neighbors were incorrectly told that the wall to be constructed on the east side of **CCAS** would control any carwash noise. See paragraph 13, above. However, I still view **CCAS** as a tolerably adequate privacy and noise barrier to Alma School Road traffic for the Ranchette Neighborhood. Without it the southeast corner of Alma School and Germann Roads could have remained rural, agricultural land. **CCAS** created only a very narrow commercial site compared to the other three corners of the intersection. The satellite photo in Attachment A3 confirms why Ranchettes 9, 10, and 11 are clearly not suitable for higher-density residential development because of the proximity to the noise of two major arterial streets and the raised median (limiting vehicle accessibility) on Germann. If Ranchettes 9 through 13 were laid out in the SW corner of the intersection, most of the proposed homes would be in the parking lot in front of the Frye's Supermarket.

City law requires preservation of the current zoning of the Ranchette Neighborhood.

32. The Chandler General Plan (GP) can be found at **http://www.chandleraz.gov/content/ChandlerGeneralPlan.pdf**. At GP page 12 the

City's Vision Statement declares in part:

> Chandler's neighborhoods will provide a variety of housing types from single-family homes in very low-density areas to urban settings including lofts in mixed-use developments. In all cases, unique neighborhood character, exceptional municipal services and superior amenities . . . will make Chandler neighborhoods among the most desirable places to live.

33. The GP states a goal to ensure a variety of housing choice for all income levels which includes the protection of existing low-density neighborhoods, as the Ranchette Neighborhood has clearly been designated under the **CARINO ESTATES AREA PLAN.** Preserving neighborhoods is a top City priority; neither infill, redevelopment, nor new construction should detract from residential security, privacy, and property values. See GP p. 32. The GP also confirms the City's goal to preserve and revitalize older neighborhoods by respecting the character of traditional neighborhoods and encouraging them to preserve and improve upon the positive qualities that make each area unique; traditional neighborhoods emphasize common social interests and have unique residential character. GP pp. 57-58. Also, the City's own studies verify a common principle of municipal finance: residential uses cost more to service than they return in revenue. See GP p. 48. Clearly the Ranchette Neighborhood is less of a residential financial burden upon the City than any proposed **SERENADE** redevelopment would be.

34. Never at any time has GWH or the City to my knowledge ever considered any proposal to protect or even revitalize the existing Ranchette Neighborhood under current zoning, and it would be extremely arbitrary and capricious for the City to permit any redevelopment without first fairly assessing neighborhood preservation and even revitalization options. See paragraph 14-15, above. The developed ranchette neighborhood on Germann was substantially revitalized by the City-built privacy walls, landscaping, sidewalk, bike paths and underground SRP irrigation pipe when Germann Road was widened to 6 lanes in 2008-2009.

Large custom home sites with SRP irrigation is the only feasible mitigation for carwash noise.

35. As noted in paragraphs 14 and 15, above, in the very recent **AVALON** zoning case the City required noise-proof construction of single-family custom homes (built on very large lots) to mitigate airport noise greater than any **CCAS** noise and to protect the rural character of fewer adjacent ranchette homes than are in the Ranchette Neighborhood, which also contains only custom home sites. See paragraphs 14-19, above. Obviously, allowing custom homes on large SRP irrigated lots with amenities for keeping horses and other farm animals allowed almost nowhere else in the City can be an acceptable trade-off compensation for adjacent carwash noise. It assures neighborhood preservation because there could be no competing high-density "ticky-tacky" residential land use depressing ranchette property values, privacy, and residential security, while attempting to "devour" the Ranchette Neighborhood. I believe that homes on small to medium sized lots next to any source of significant noise could always be sold to unwary and/or unprotected buyers. But when they realize they have no amenities not found in similarly zoned neighborhoods, and that they

could have afforded comparable homes in quieter neighborhoods, they will feel "cheated." See paragraphs 20 and 21, above. They will either complain a lot, sell, or rent to lower-income tenants as the quality of neighborhood life begins to resemble a "new slum" area.

36. Only 1-acre SRP irrigated, custom home sites can preserve the adjacent Ranchette Neighborhood. It would be extremely arbitrary and capricious for the City to require "large lot" mitigation in **AVALON** to preserve the rural character of adjacent ranchette homes zoned for one home per acre, and then deny "one-acre" mitigation for a redevelopment within a neighborhood having the same zoning and an even greater number of ranchette custom homes, as well as a controlling City Area Plan that specifically requires one home per acre. The redeveloper's prior claim (paragraphs 10-13, above) that "millionaire ranchette owners" won't live next to a carwash is totally unfounded. I know of no ranchette owner who ever filed any formal complaint about noise (and neither does **CCAS**) or who has moved away because of the carwash. Where would they move to? I know of no ranchette developments occurring anywhere in the Phoenix Metropolitan Area. Ranchette owners stay because the amenities of existing rural ranchette life, with agricultural zoning and SRP irrigation rights, can't be found in the vast majority of City neighborhoods, and can compensate for the inconvenience of the carwash noise. The purchasers of redevelopment homes would not have the same incentives for enduring the noise. A unique, valuable, and irreplaceable ranchette neighborhood should not be destroyed just to build 28 homes that could easily go somewhere else. There are still irregularly shaped undeveloped land upon which high density (and presumably low-income) residential development could be built. Also, Chandler already has plenty of residential development, and cannot be expected to meet every housing need in the greater Phoenix area. Likewise, more apartments are built all the time in Chandler. Eventually, most City residents will probably live in apartments, like people already do in the major cities of the world.

37. Neighborhood preservation also requires preservation of essential agricultural zoning and SRP irrigation rights that truly make each ranchette unique and valuable. Developers make their money by building and not by farming, and they probably care nothing about preserving water rights. I suspect that developers are more than willing to sign agreements with the City that could effectively deprive (or even defraud?) future land owners of critical SRP irrigation water rights. See paragraphs 20 and 21 above.

Economic feasibility for building no more than one home per acre.

38. I recall no written claim by GWH (or anyone else) that Ranchettes 7, 8, 9, 10, and 11 could not be profitably restored as ranchettes under existing zoning. As noted in paragraph 27, above, the newest custom-built ranchette home on Germann (Ranchette 1) sold last summer for $1.1 Million. One ranchette owner searched the public record online. I understood him to tell me that AV 1 LLC purchased 6.723 acres (the "Blight-Site" Ranchettes 9, 10, and 11) for $1,280,000 on 07/02/2013 with a private lender (Z Bar Ranch LLC) holding the note against the property. This purchase was just prior to GWH's 08/13/2013 neighborhood meeting that proposed 40 **AVVENTURA** homes on these 3 ranchettes plus Ranchette 8, the only "bare-earth" (a.k.a., Blight-Site) ranchette for which the

City built a privacy wall. See paragraph 28, above. The total purchase price came to about **$190,391.20 per acre**, or **$426,666.70 per ranchette**. Likewise, to the best of my recollection I believe the owner of Marketplace Development LLC told me his company paid $1.4 Million for Ranchette 7 (which has a nice home leased to a tenant with 3 horses), and for Ranchette 8. This would produce an estimated total $2,680,000 purchase price for 5 ranchettes at an average cost of $536,000 per ranchette and $268,000 per acre.

39. The proposed 28 homes multiplied by even $500,000 ($14,000,000) would result in a selling price equivalent to about $2,800,000 per ranchette or $1,400,000 per acre, and suggests why a homebuilder would aggressively seek redevelopment. It would dramatically exceed the $1.1 Million sales price received for Ranchette 1 alone. Even 28 homes multiplied by the $300,000 selling price per home ($8,400,000) given out by GWH's attorney at the 04/02/2015 neighborhood meeting would result in an average selling price equivalent to $1,680,000 per ranchette or $840,000 per acre.

40. By comparison, 10 homes (one per acre) on the 10 acres claimed by Mr. Ward, when multiplied by $500,000 ($5,000,000) would result in a selling price equivalent to $1,000,000 per ranchette and close to $500,000 per acre. At $600,000 per home ($6,000,000) each ranchette would average $1,200,000 apiece and close to $600,000 per acre. However, the cost savings would be substantial. The well-built home on Ranchette 7 could be restored and not destroyed, and no sidewalks, streets, or landscaping would be needed. For instance, I assume that even the long, gravel driveway at Ranchette 1 (see A5 and A6) never required City approval. No home owners association could be required since no zoning change is needed to develop one home per acre.

41. So, what if any residential redeveloper of Ranchettes 7 through 11 might pay too much for property acquisition to profitably build only 10 homes? It is not hard to imagine even the possibility of successive sales through "LLC corporate shells" to thereby inflate any developer's purchase cost of land. However, the Council represents all Chandler residents, including an ethical Chamber of Commerce. The Council should not "subsidize" any purchase price or redevelopment profitability by rezoning that would clearly destroy half of the unique, valuable, and irreplaceable Ranchette Neighborhood on Germann (and jeopardize the survivability of the remaining ranchettes) just to ensure corporate profitability from only 28 homes that could still go elsewhere. Any redevelopment on less than 1-acre irrigated ranchette lots would, in my sincerest belief, constitute a blatant "rape of the land" that ignored serious noise mitigation, neighborhood preservation, and transportation safety concerns. See paragraphs 20, 21, 22, 28, 29, 35, 36, and 37, above and 42-48, below. Rezoning approvals do not consider the price of the homes to be sold, so the City cannot consider the cost of construction, including land, or the overall profitability of redevelopment. The economic interest of adjacent land owners seeking neighborhood preservation must be presumed to be just as great and of equal importance to the economic interest of the City and/or any homebuilder seeking rezoning/redevelopment.

Intersection hazzards.

42. Attachment A22 is the site map for the proposed 2013 "**AVVENTURA**" redevelopment

for 40 homes on Ranchettes 8, 9, 10, and 11 (the four empty "Blight-Site" ranchettes) that would have required destruction of the City-built privacy wall on Ranchette 8 in order to connect a "dead-end" access street to Germann. Attachment A23 shows the Ranchette 8 wall that would have been demolished plus the nice home (with a basement) on Ranchette 7 that could now be demolished to build **SERENADE III**. The large area covered by this home (with a basement) can be seen on Attachment A2. The new street for **AVVENTURA** would have made a "de facto" four-way intersection with the Germann driveway to the Chandler Christian Church (**http://chandlercc.org/**) that operates a youth center called "The Bridge." (**http://bridgeccc.com/**) at 824 W. Germann. The Bridge offers junior and senior high school students a safe and fun place to hang out 3 days a week from 2 to 8 pm, and until 11 pm (for high school students) on Friday and Saturday. They told me no one is ever turned away for lack of room. I know of nothing like it elsewhere in the City; it generates a lot of local traffic, particularly at closing time on Friday and Saturday from all the cars (both westbound and eastbound on Germann) that come to pick up students. The Bridge has a skateboard park, gymnasium (e.g., basketball & volleyball), rock climbing walls, game room, and café, and also promotes special events, organized sports, concerts, and tutoring. It is within easy walking distance of any proposed **SERENADE** development, and together with the businesses at the north east corner of Germann and Alma School it will entice pedestrian traffic (even existing pedestrian traffic on Germann) to cross Germann at the intersection of any proposed new connecting street. Such a safety concern does not exist now because there is no "dead-end" City street with houses on it anywhere on Germann Road between Hartford Street and Alma School Road.

43. Any intersection (even one with traffic control lights) can "kill," but the safety risks from any new **SERENADE** street connecting to Germann without traffic control lights should be considered unacceptable. I pointed out in 2013 that whether walking or driving, young people from **AVVENTURA** were going to zip across 6 lanes of Germann (with an additional refuge lane in the center) in front of oncoming traffic from the east and the west in order to get to The Bridge. As I understand Arizona law, when two streets intersect, a pedestrian crosswalk (whether painted or not), is created and pedestrians in a crosswalk have the right of way. There is a Walgreens drug store, Burger King, dry cleaner, car repair facility, etc. in the northeast corner of Germann and Alma School. Every now and then I cross Germann at Hartford, but it is always risky because no one stops for pedestrians. There is a traffic control light at Hartford and Queen Creek (one mile south) but not at Hartford and Germann. When westbound Germann traffic allows me to enter the intersection, eastbound traffic forces me to stop in the center and wait for a lull in the traffic, because cars don't stop. Crossing Germann is so uncomfortable, even when no cars are coming from Hartford. It is not a question of "if" any SERENADE connecting street to Germann would kill, but only a question of "when" and "how often."

44. Between Alma School and Arizona Avenue, the only exit off of Germann is to go south onto Hartford. A lot of southbound traffic on Alma School comes from the freeway and will turn eastbound onto Germann and enter the curb lane (thereby restricting entry onto Germann for existing ranchette residents and any future **SERENADE III** residents) in order to go south onto Hartford. Any **SERENADE III** street connecting to Germann (a relatively high

speed road) will result in a lot of pedestrian crossings that will impair the safe east-west flow of traffic on Germann.

Impacts of a "dead end" street.

45. The youthful residents of **SERENADE** would likely also become children growing up on the arterial roadways. They wouldn't have the sheltered internal streets to walk to school or to the City's 10-acre Ryan Park next to Hamilton Elementary School. They would have to walk east on Germann ("stranger danger" at its worst) about a quarter mile to Hartford, and then walk about a quarter mile south on a road with no homes on it. Pedestrian traffic makes it harder for ranchette residents to safely exit their driveways, because the City-built privacy wall limits vision as cars pull out onto the City-owned sidewalk. I have to block the sidewalk to close and lock my gate. While parked on the sidewalk I had a teenager on a skateboard (probably headed for the skateboard park at The Bridge) go "around me" by zipping across 6 lanes of Germann plus the center refuge lane. Germann has bike lanes but all the kids, and about half the adults, ride their bikes on the sidewalk. **SERENADE III** with 28 homes (and garages for 56 cars) would greatly "compound" pedestrian and traffic safety concerns for anyone using Germann between Alma School and Hartford Street. There presently are 6 ranchette homes with about 15 cars on Germann Road.

The hazard of the raised median.

46. Attachment A24 is the site map for **SERENADE I,** which proposed 28 homes on Ranchettes 9,10, and 11, as presented in a neighborhood meeting on 09/04/2014; Attachment A25 is the site map for **SERENADE II** for 26 homes on the same ranchettes, as presented in another neighborhood meeting on 04/02/2015. See paragraph 24, above. A22 (**AVVENTURA**) had a "fire lane" allowing 911 responders a second (emergency) access in the event the dead-end street became blocked at Germann. I saw no 911 emergency entry point on any subsequent site map. Instead, A24 and A25 show a street layout that clearly admitted (by unfinished roads ending at the property line) that the project would be expanded eastward.

47. Attachment A24 (**SERENADE I**) shows that the center line for the exit road onto Germann was aimed right at the east end of the raised median shown in Attachment A26. Pedestrians crossing Germann would have to step over the median and cars entering Germann to turn left onto westbound traffic would be in peril of damage and possible loss of control from driving over the median. When I pointed out this defect, the "cure" used in **SERENADE II** was to slant the street sharply to the east (and thereby knock out two home sites) so that exiting vehicles could make an "arching loop" around the hazard. This of course was no cure at all because the east end of the raised median is used by a large number of eastbound cars to either make U turns or to turn left into the businesses at the northeast corner of Germann and Alma School. I just don't think much time was spent thinking about roadway safety issues. Because of this eastward reach of the raised median, Ranchettes 11, 10, and 9 were never suitable for building any connecting street to Germann. Westbound vehicles on Germann could not turn left to go south onto these ranchettes, and exiting vehicles could not safely turn left to go westbound on Germann.

I am the second driveway to the east.

48. When the City widened Germann, all of the ranchettes on Germann (except for 9, 10, and 11) got a refuge lane (and no raised median) in the center of Germann in order to allow them to enter their driveways from either the westbound or eastbound lane, and to also exit their driveways into either the westbound or eastbound lanes. However, to go westward on Germann, one must quickly get across 3 eastbound lanes of traffic. Now that an attempt to redevelop all 5 ranchettes is likely, I assume that the connecting **SERENADE III** street would be through Ranchette 8 again, thereby necessitating demolition of its City-built privacy wall. See paragraph 42, above. But whether the City-built wall for Ranchette 8 or Ranchette 7 is demolished, the ultimate reality of **SERENADE III** is that my driveway would be just two driveways east of a street with at least 56 cars on it that will, like me, be attempting to reach the center refuge lane and go west to Alma School. Anyone who says I wouldn't notice 56 new **SERENADE III** cars in a neighborhood (that now has 6 houses and about 15 cars on Germann, and 17 homes and about 34 cars in the entire Ranchette Neighborhood) just does not live in this neighborhood. If a residential neighbor two doors away started operating 56 cars in and out of his driveway, the neighborhood would notice. By the time eastbound traffic cleared to let me onto Germann, any **SERENADE III** car(s) could already be on Germann and have established their right of way. Each time I travel west on Germann (about 90 percent of the time) I would have to drive through the new intersection, probably at a diagonal angle. Each ranchette on Germann has its own individual driveway onto Germann, and sometimes I have to wait as long as the cars coming off of Hartford to drive onto Germann. Eleven driveways on Germann is "do-able," even if 5 driveways serve 2 houses, but an additional 56 cars from 28 more homes is unworkable. It is utter madness not to understand that the residential security, including the physical safety of neighborhood residents on Germann, depends on preserving the existing neighborhood and its current zoning. The Ranchette Neighborhood was never designed for such residential density.

The "ugly" land development syndrome.

49. It appears to me that any property that gets tacitly labeled as "ugly" tends to get only "ugly" development. In my opinion a good case in point would be "**AVILLA** " (PDP14-0016) approved by the Council on 04/14/2015. See Attachment A27. More information is available at: http://www.chandleraz.gov/content/DVR140020.pdf The developer really "struck gold" on this project, and will be able to cram 116 one-story rental homes (a wall-to-wall horizontal apartment complex?) into a 9.5 acre "new neighborhood." **Serenade III** reportedly may propose 28 homes on 10 acres currently zoned for only 10 homes, while **AVALON** (with much more noise than the other two sites combined) and no CARINO AREA PLAN requiring no more than one home per acre, was allowed only 14 custom home sites on 12.23 acres. This restriction was to preserve the rural character of an adjacent area with low-density single-family (irrigated) ranchettes homes that were fewer in number than the adjacent ranchettes (with the same zoning) on Kingbird in the Ranchette Neighborhood.

50. I believe that the Blight-Site Ranchettes 8, 9, 10, and 11 (upon which **AVVENTURA** would have put 40 homes) were initially labeled as "ugly" land because of the intent to keep them vacant and undeveloped until a profitable rezoning could be obtained, and because of

the adjacent carwash noise from **CCAS**. If **SERENADE III** had used the same ratio of homes per acre, **SERENADE III** would be for 50 homes instead of 28. The **AVVENTURA** lot size was so small that the redeveloper had to petition the City for a variance from the City's minimum lot size. **AVVENTURA** was apparently intended as a profitable venture to build "affordable" homes for poor people upon land that was considered not good enough for anyone else. See paragraphs 10-13, above. The Re-Development Booklet for **AVVENTURA** declared in part (at p. 8) that: "The housing product has been designed to meet Chandler's architectural diversity requirements while providing housing that is affordable and appealing." The problem with the word "affordable" is discussed below in paragraph 53. That Booklet also appeared to declare (p. 3) that carwash noise would be controlled by adding an additional 40 foot buffer zone, which is no more effective than the offer (paragraphs 13 and 22) to contribute unspecified amounts for unspecified carwash noise mitigation measures. Page 1 of the Re-Development Booklet for **SERENADE I** for the 09/04/2014 neighborhood meeting said (with my upper-case responses in brackets) in part:

> The Site and surrounding areas are designated on the City of Chandler's (the "City") General Plan as Residential. The Site and the property to the south and east [AS WELL AS THE PROJECT SITE] is zoned AG-1. The Cobblestone is zoned PAD for commercial uses. The property north of Germann Road is zoned PAD for commercial uses, AG-1 [FOR A HOUSE-MOST LIKELY ON AN ACRE LOT—BUILT BEFORE ANNEXATION INTO THE CITY], and PAD for a church.
>
> In addition to the General Plan and zoning, the Site is part of the Carino Estates Area Plan. The Carino Estates Area Plan was adopted in 1996 and designates the Site as Existing Ranchette Single Family. Despite the designation, no "Ranchettes" exist on this particular property [BECAUSE PURCHASING SPECULATORS REMOVED ALL THE PRIOR RANCHETTE HOMES AND REFUSED TO ALLOW ANY RESTORATION UNDER EXISTING ZONING BECAUSE OF THE INTENT TO PROFITABLY REDEVELOP THE LAND] and it is unlikely that they ever will. [UNLESS THE CITY DENIES REZONING] It is unrealistic and impractical to expect that this long, narrow, vacant in-fill property, located along an arterial street and adjacent to an intense commercial use [WHICH MEANS CARWASH NOISE THAT IS NEVER MENTIONED IN THE BOOKLET] will develop with single-family "Ranchettes." [BUT AGAIN ONLY IF REZONING/REDEVELOPMENT IS NOT ALLOWED].

51. As noted above (paragraph 27) the $1.1 Million Ranchette 1 was bare ground just a few years ago, and was profitably restored for ranchette use. Yet I understood the builder of that home to tell me the City initially wanted him to build **AVVENTURA**-type "affordable" homes on his land and that he had to hire an attorney and threaten suit before he could get his house plans reviewed and approved. If that is true, then initially some City staff may have "bought into the "affordable illusion," and I saw a need to take my case directly to the Council; I cannot understand why these "festering" redevelopment attempts are allowed to continue. City staff initially told me that **AVVENTURA** and **SERENADE I** were for "affordable" homes, and I frankly do not know if anything has really changed because I know of no Re-Development booklet received after those two proposals that clearly showed

anything in the $500,000 plus range, and I am concerned about the "illusion of price." See paragraph 14-19, above. Any doubt that the "affordability" issue was still alive at the 09/04/2014 neighborhood meeting was removed by what I understood GWH staff to say (paragraph 10-13, above) about why the ranchettes could not be restored. I also understood them to say at the same meeting that the pretty "home pictures" shown at the meeting were handpicked by City staff (e.g., two-story homes with balconies that were accessible for leisure activities), and that they had other "undisclosed" models (e.g. two-story homes without balconies) that would also be offered for sale.

52. I have noted no noise concern on the part of any redeveloper that satisfies me that there is any genuine reason why ranchettes 7, 8, 9, 10, and 11 could not be restored under existing zoning. What I believe is predatory rezoning/redevelopment should not exist in a City whose logo states: "**Chandler Arizona, where values make the difference.**" Anyone wanting to follow this or any other zoning matter can do so on the web with help from the following sites:

The City's current zoning cases are at:
http://www.chandleraz.gov/default.aspx?pageid=331
The City's meeting calendar is posted at:
http://www.chandleraz.gov/calendar.aspx?type=City%20Meetings
The Council's agendas & minutes are accessible at:
http://www.chandleraz.gov/default.aspx?pageid=30
Planning & Zoning's agendas/packets/minutes, etc., are at:
http://www.chandleraz.gov/default.aspx?pageid=269
Chandler Channel 11-recorded Council & Zoning meetings at:
http://www.chandleraz.gov/content/chandler-channel-11.pdf

The "illusion of affordability."

53. As noted above (paragraphs 14-19) zoning approvals are not based on the price to be charged for any home or the cost (including land) of producing it. Such approvals are also not based on who would be allowed to purchase such homes. So how could the City ever approve a real "affordable" housing redevelopment (or even an initial development) for low income families? I understand the word "affordable" (as it is used in the City's General Plan, see paragraph 32, above) to mean low cost housing (whether by home purchase or rental, and even apartment rental) for low income families. The general perception is that Chandler is experiencing a dramatic "growth spurt" in apartment construction. Apartment managers have a clear legal duty to protect residents from drugs, gangs, graffiti, etc., as commonly found in slums. But again, there simply is absolutely no reasonable guarantee that any "affordable housing proposal," no matter how politically appealing the term may sound, will ever benefit any significant number of low-income home buyers. There is likewise no bar preventing a disproportionate share of the "affordable" homes from being purchased by "investors" (a.k.a. future "slum lords) as rental income properties that could easily become just another slum. I believe that even too many nice homes in regular neighborhoods are rental homes that the renters could never hope to purchase. When I ask City staff for a definition of "affordable" they cannot tell me. Basically I am told that the City relies on some complicated federal

definition that no one can explain to me. I just do not believe that the City could, in good faith, ever consider permitting the destruction of the unique, valuable, and irreplaceable Ranchette Neighborhood under the notion that any public policy favoring "affordable homes" for low income residents would thereby be promoted.

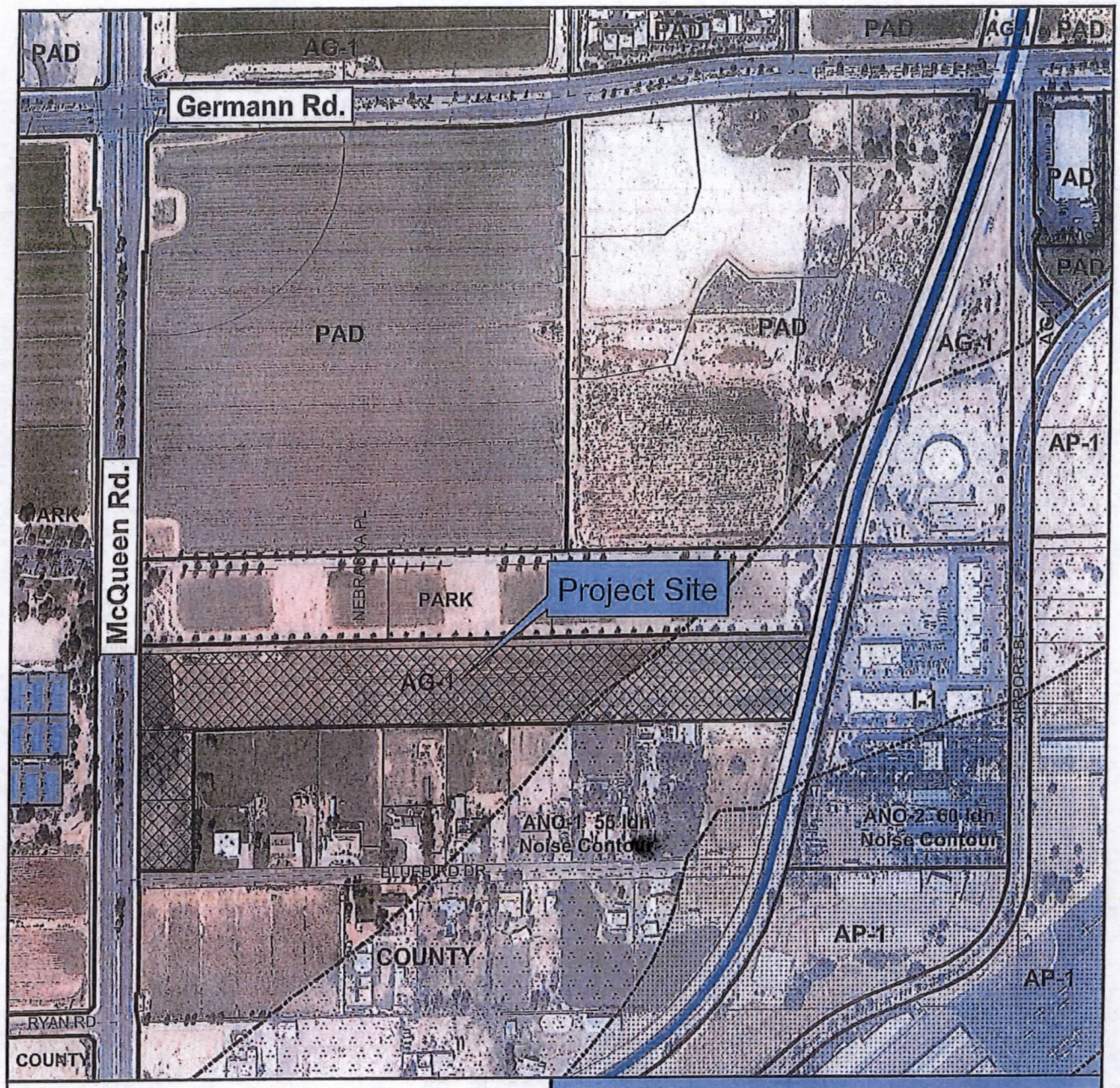
The requested City action.

54. There is no question that the **CCAS** carwash makes a noise heard throughout the Ranchette Neighborhood, and that the proposed **CCAS** design upgrades will only intensify the amount of noise coming from what is already a very busy carwash. My ranchette is two ranchettes east of Ranchette 7, (see paragraph 7, above), and I can clearly hear the carwash driers from my property. So I know that the noise level on Ranchette 7, 8, 9, 10, and 11, which are even closer to the carwash, has to be even greater. But Ranchette 7 is rented, and the remaining ranchettes are empty with no one to complain; prior land speculators removed all the habitable residences from Ranchettes 8, 9, 10, and 11, and would not permit any ranchette restoration under existing zoning. In the three rezoning/redevelopment attempts since 2013, I believe I have seen no credible effort to identify or implement any feasible noise mitigation effort despite the apparent widespread knowledge that everyone, including potential redevelopers, is aware of the noise situation and that the noise is detrimental for any higher density residential redevelopment. See paragraphs 13 and 22, above. The noise problem should definitely not be aggravated by rezoning that would allow substantially more homeowners to potentially be injured financially because of the noise. The most effective and feasible noise mitigation would be to keep the current zoning for single family homes on one-acre ranchettes, with AG-1 zoning and SRP flood irrigation. The failure of any party intending to seek rezoning/redevelopment of Ranchettes 7, 8, 9, 10, and/or 11 and who fails to now come forward and identify any feasible mitigation measures that should be imposed on Cobblestone, should not be granted any rezoning later. In effect, the expected approval of the **CCAS** update bars any residential rezoning of Ranchettes 7, 8, 9, 10, and/or 11.

55. I also ask that these comments be added to the public comment and participation files for the current update of the City's land use plan, which is being supervised by the City's consultant, Peggy A. Fiandaca, of Partners for Strategic Action. I believe the facts of this never-ending attack on the Ranchette Neighborhood illustrate a somber need for corrective action in future rezoning and redevelopment decision-making. This case also clearly demonstrates the need to maintain existing Area Plans to protect the public from what I believe should be called "predatory rezoning." Unfortunately, written language can be awkward to manage with the level of effort I have tried to use here to express my opinions and concerns about what I believe is the failure of the City to reasonably, and promptly, preserve the Ranchette Neighborhood under current zoning. However, in no event are my words intended to accuse anyone of any legal, ethical, moral, or unprofessional misconduct. Today is the City's deadline for submission of my comments, and I just ran out of time and energy to continue proof-reading and editing this document, which is too important to me to abandon now.

Respectfully,

Moe Wakefield



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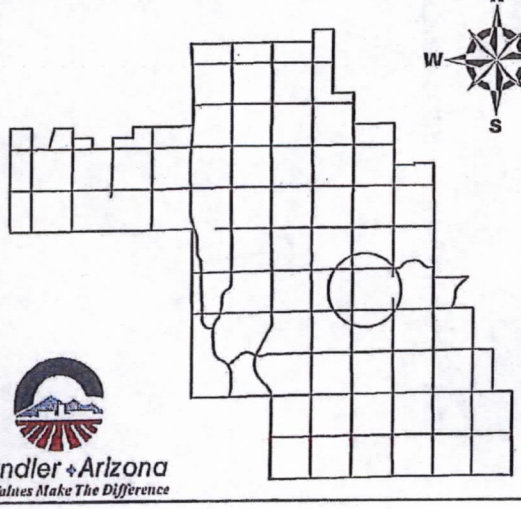

DVR15-0013

Avalon

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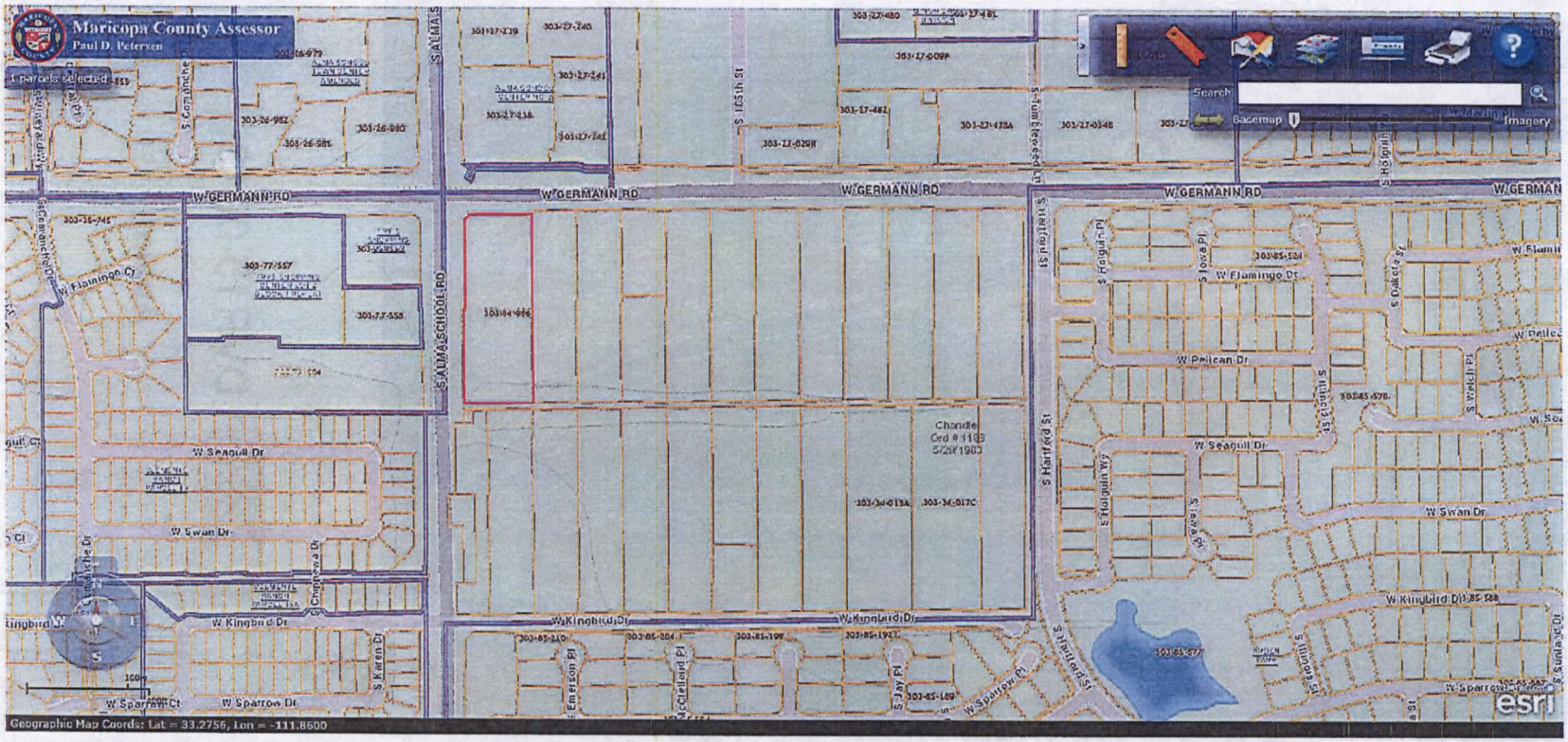
CITY OF CHANDLER 4/10/2015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W Seagull Dr
W Swan Dr
W Kingbird Dr
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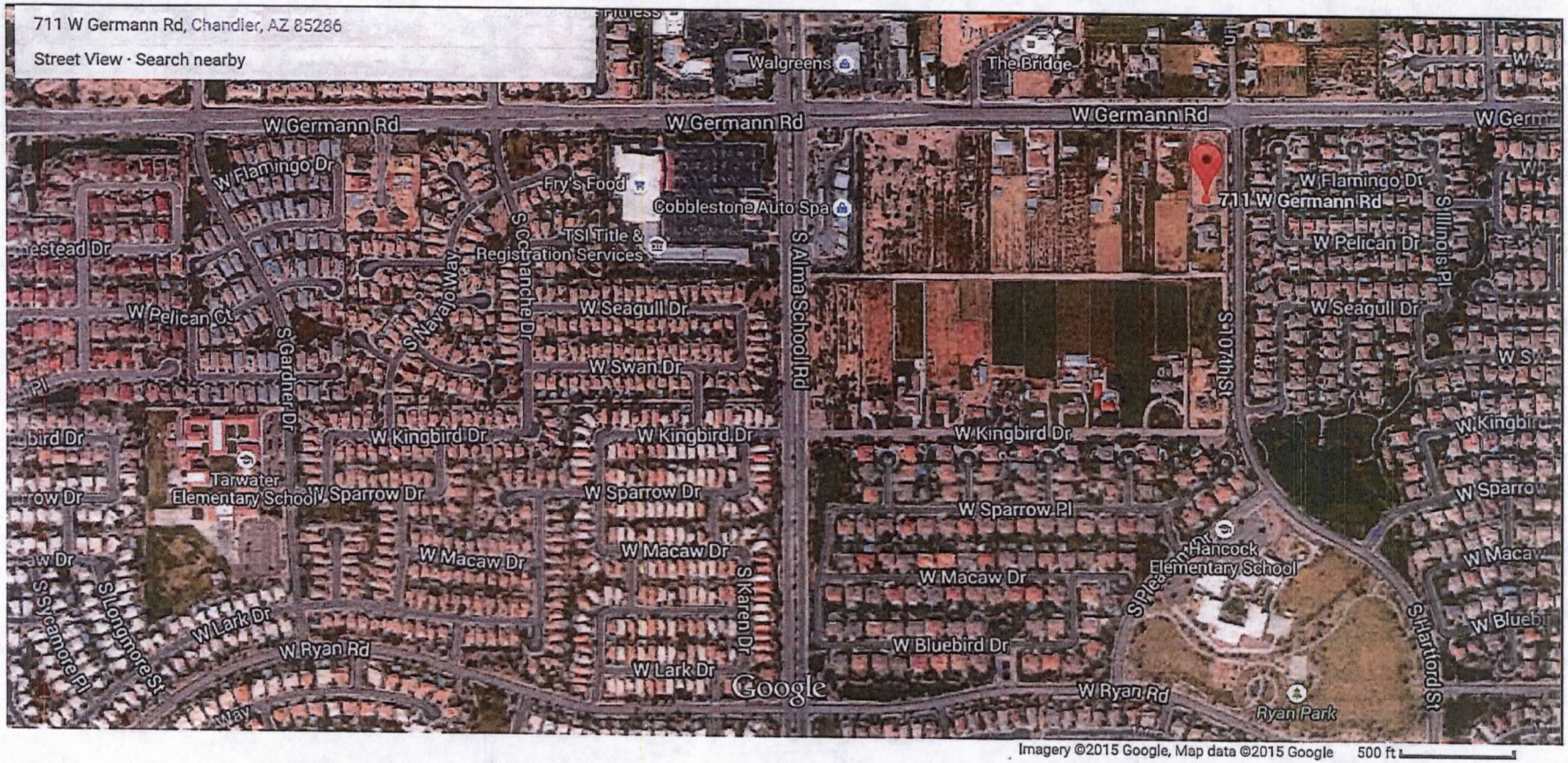
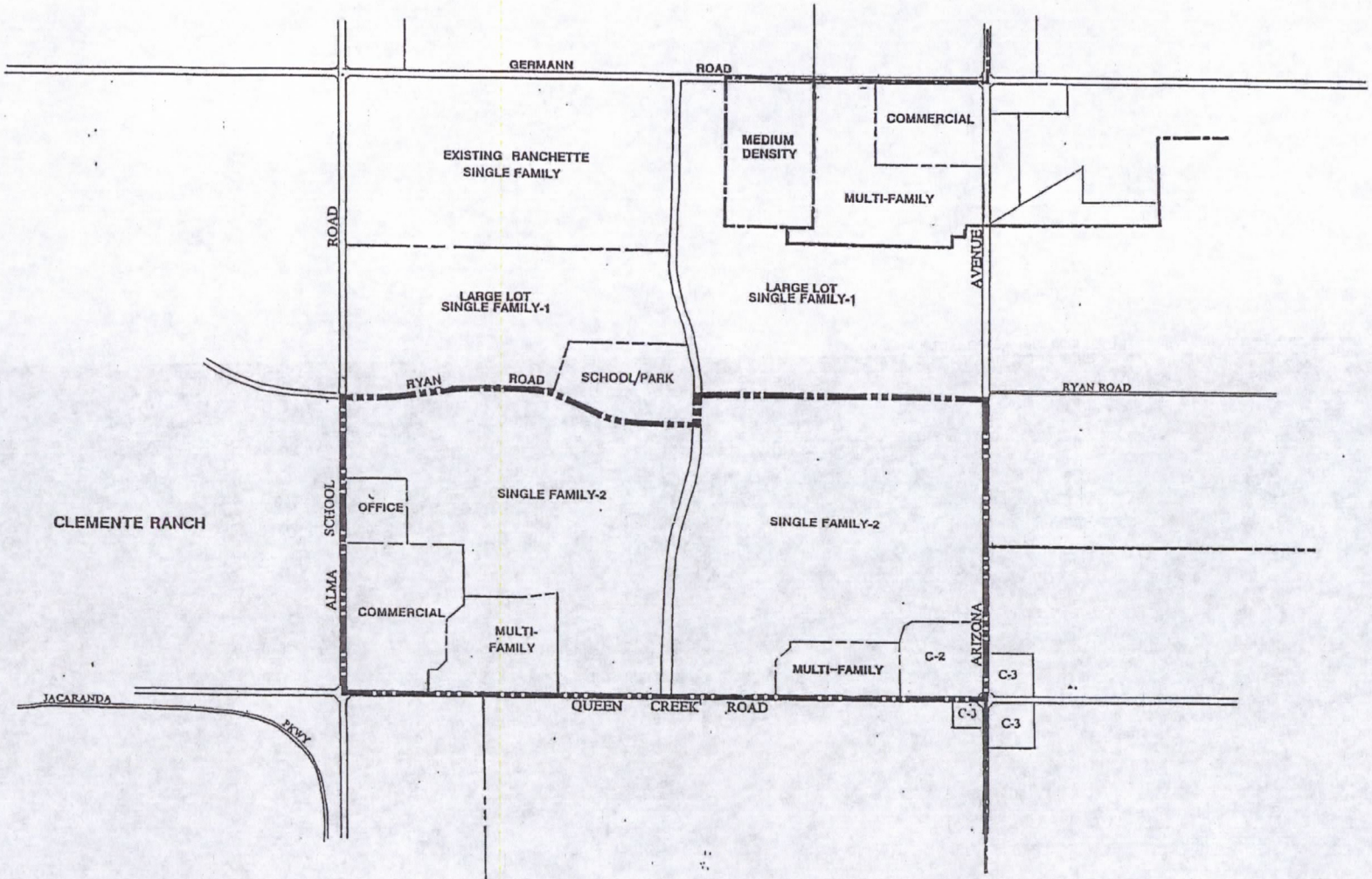


Imagery ©2015 Google, Map data ©2015 Google 500 ft



CARINO ESTATES

AREA PLAN/ VICINITY MAP PREPARED FOR SHEA HOMES

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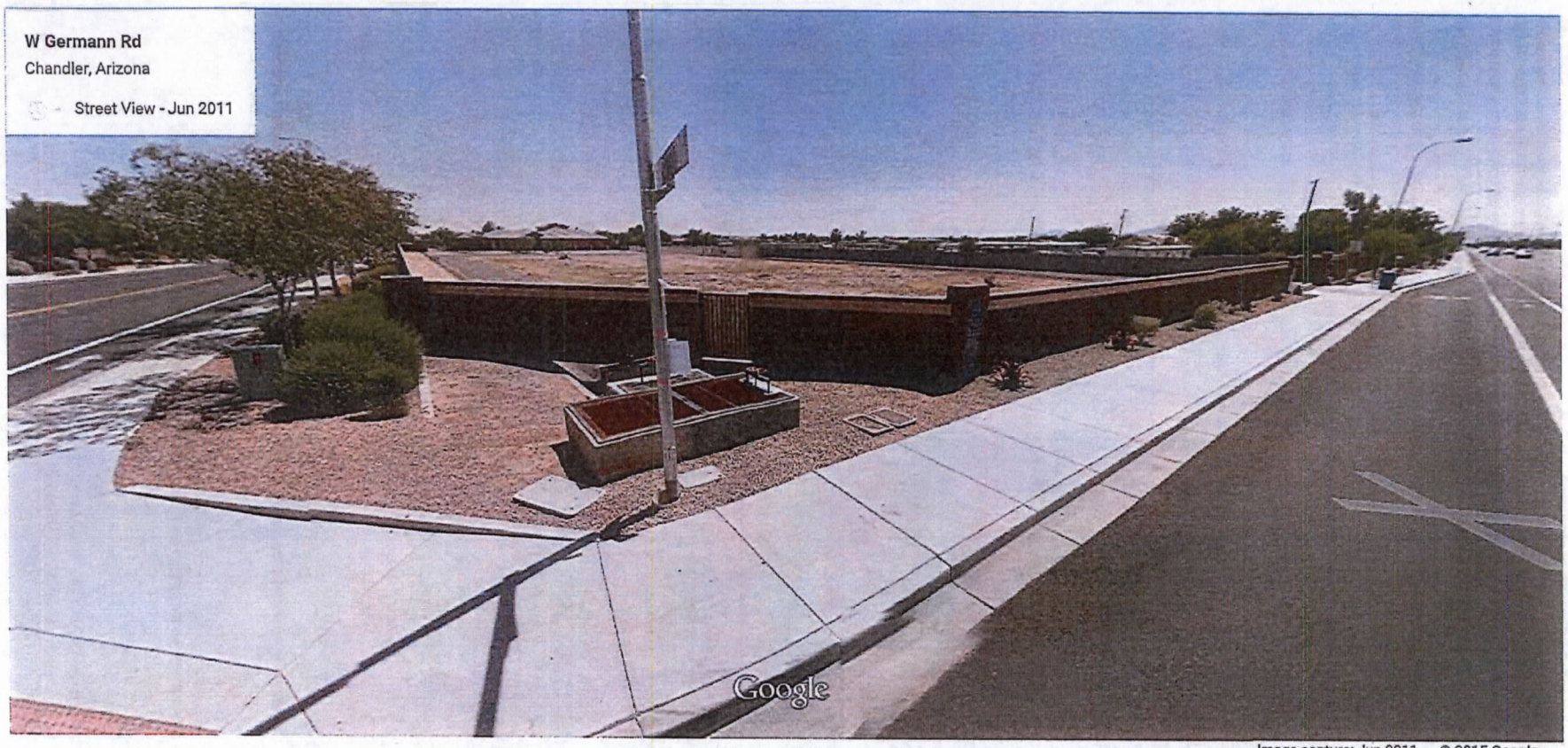

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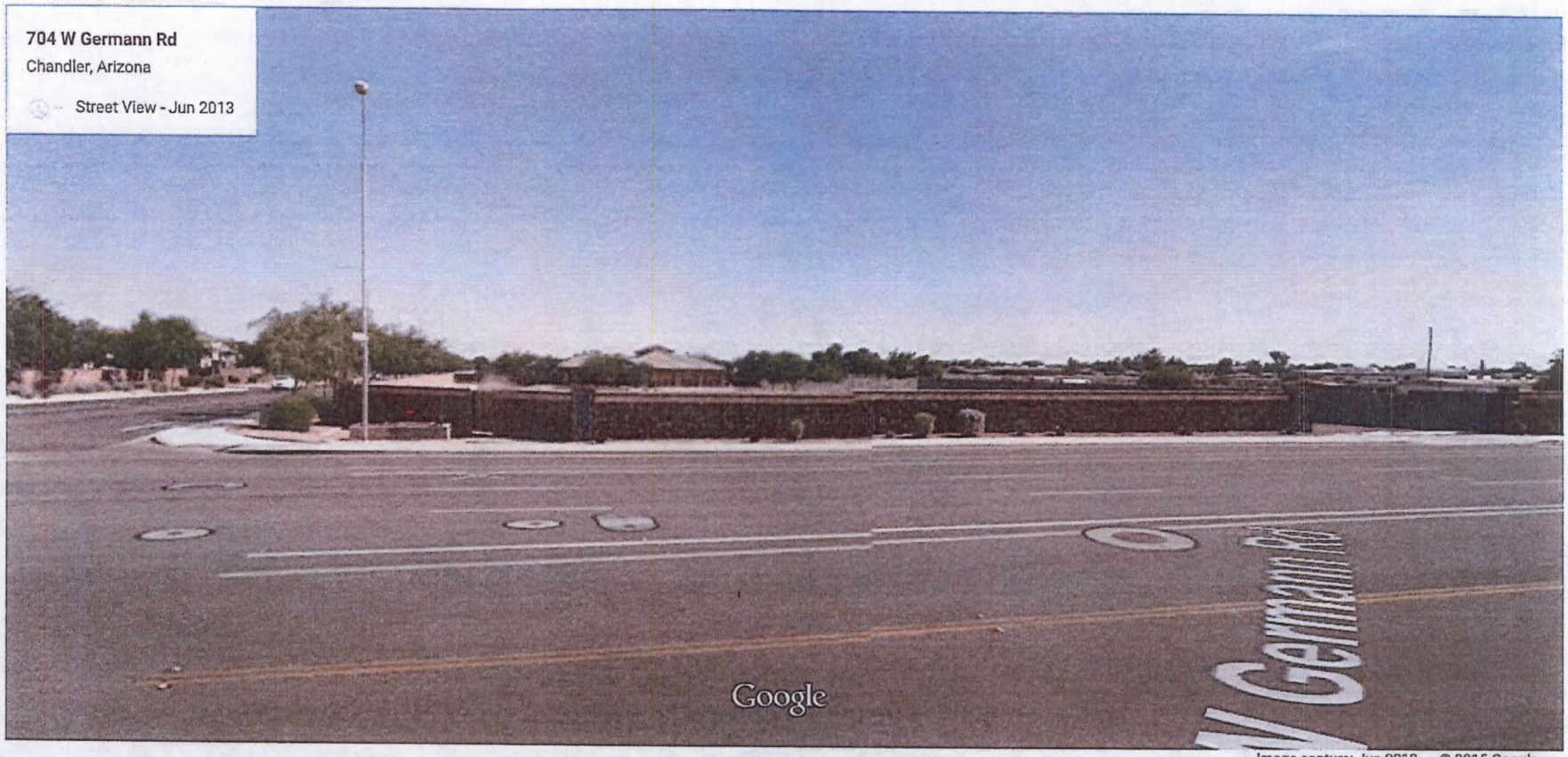

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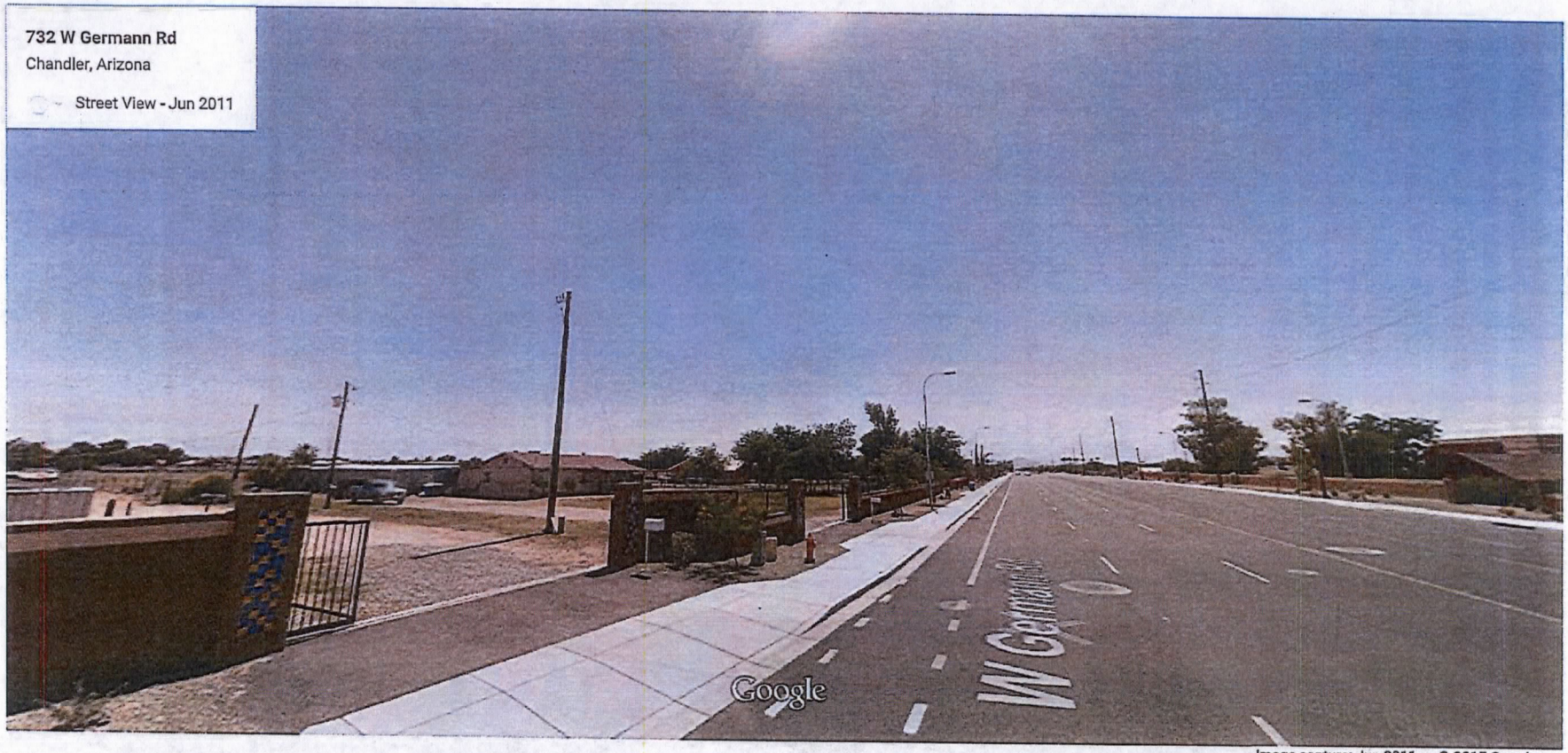

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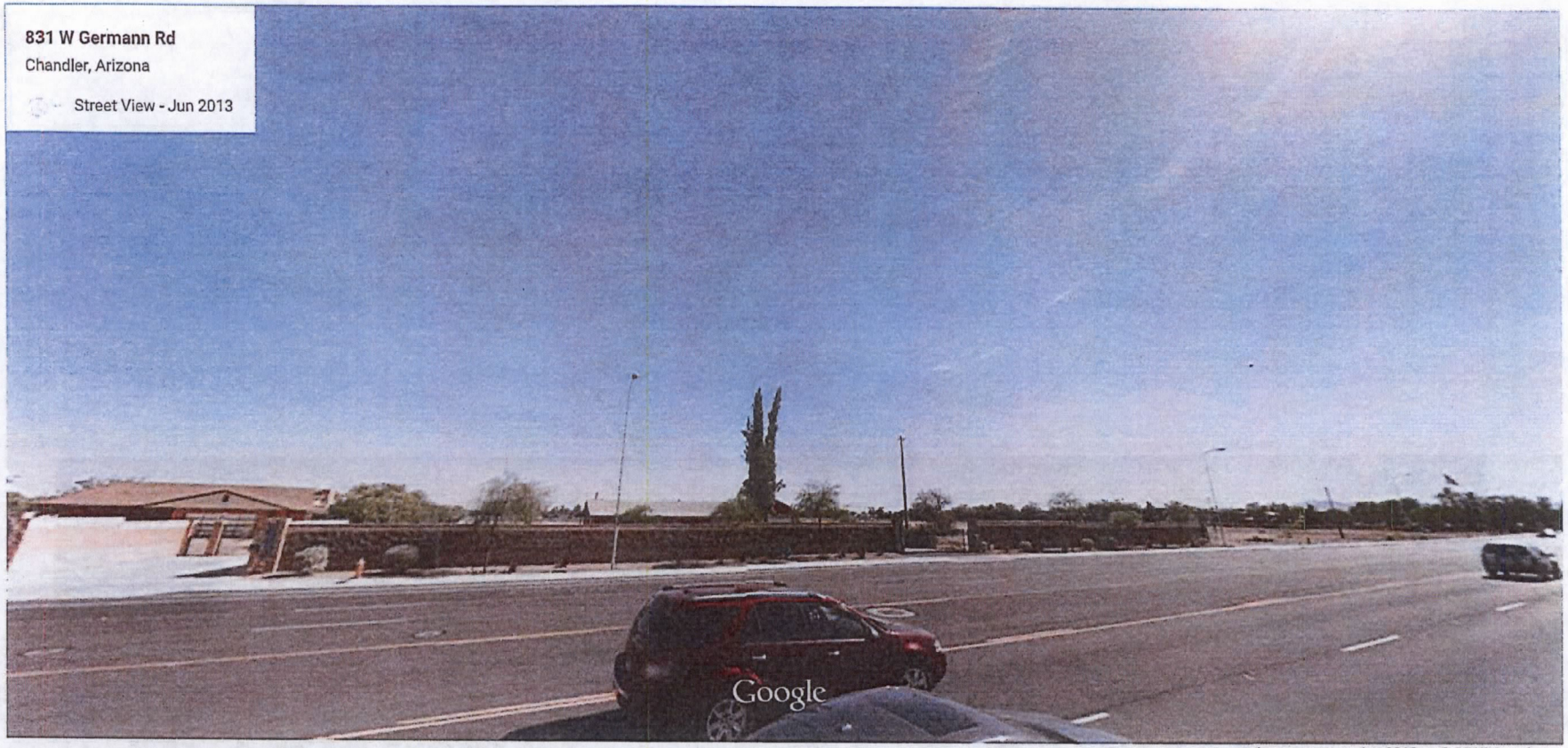
797 W Germann Rd
Chandler, Arizona
Street View - Jun 2013



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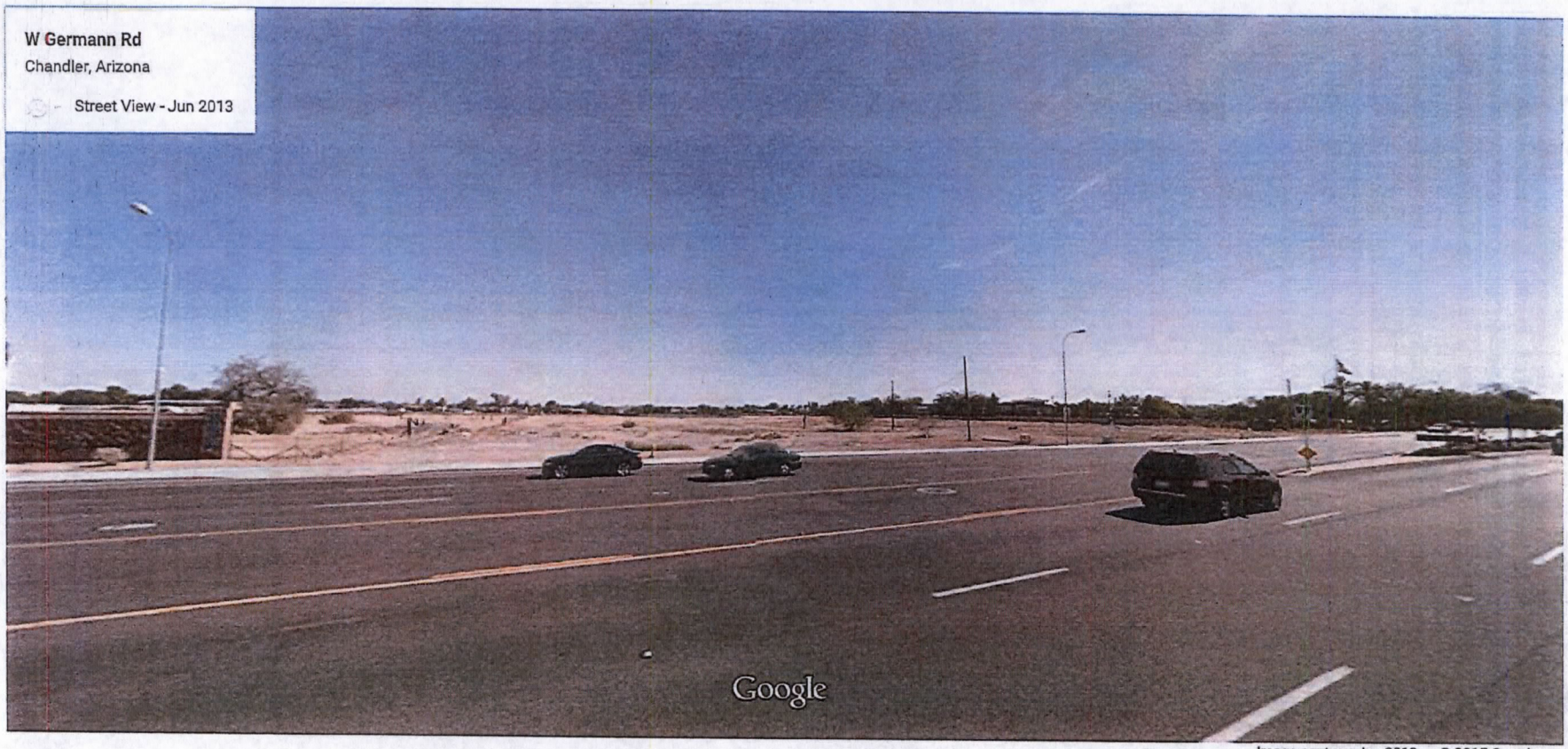

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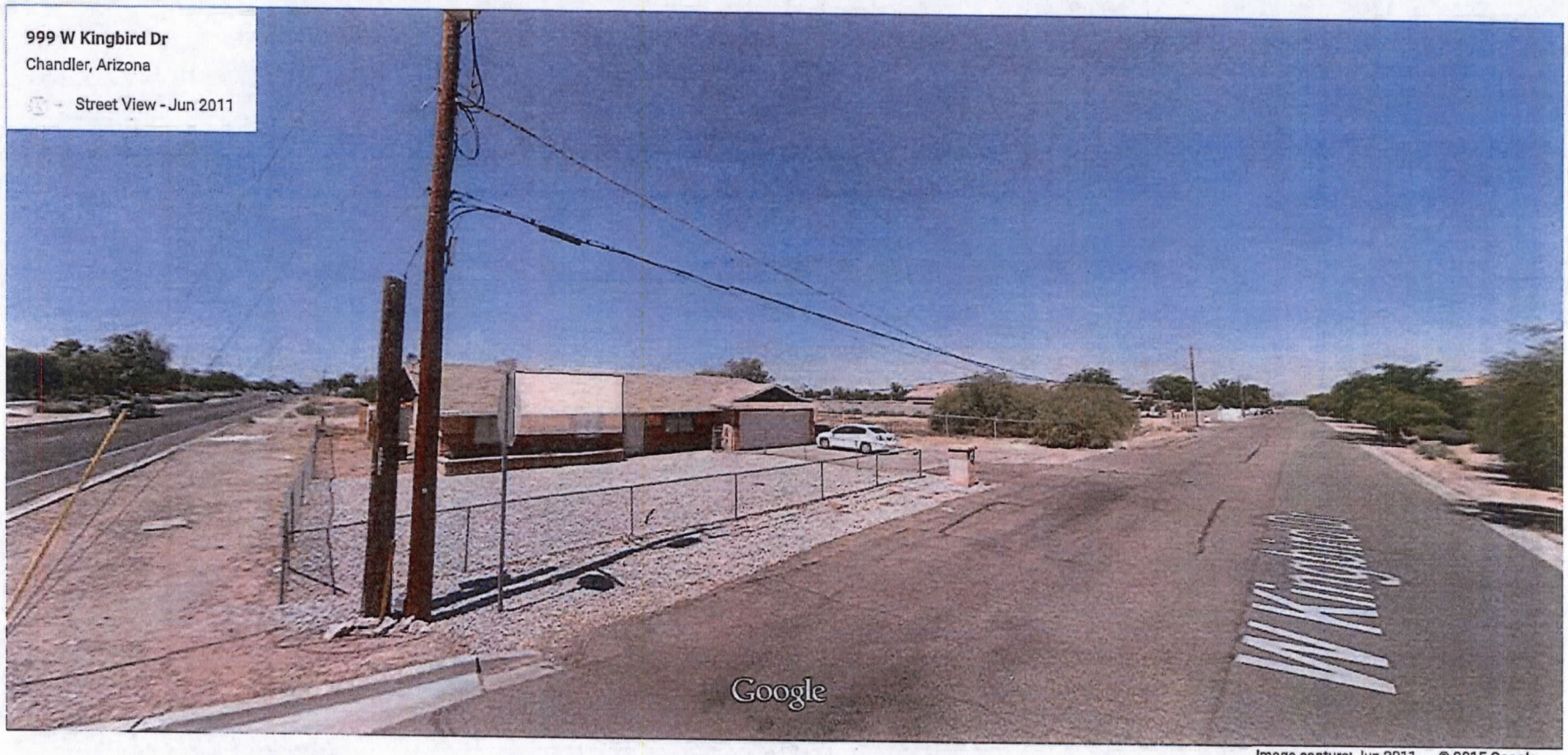

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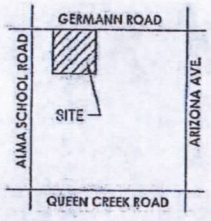
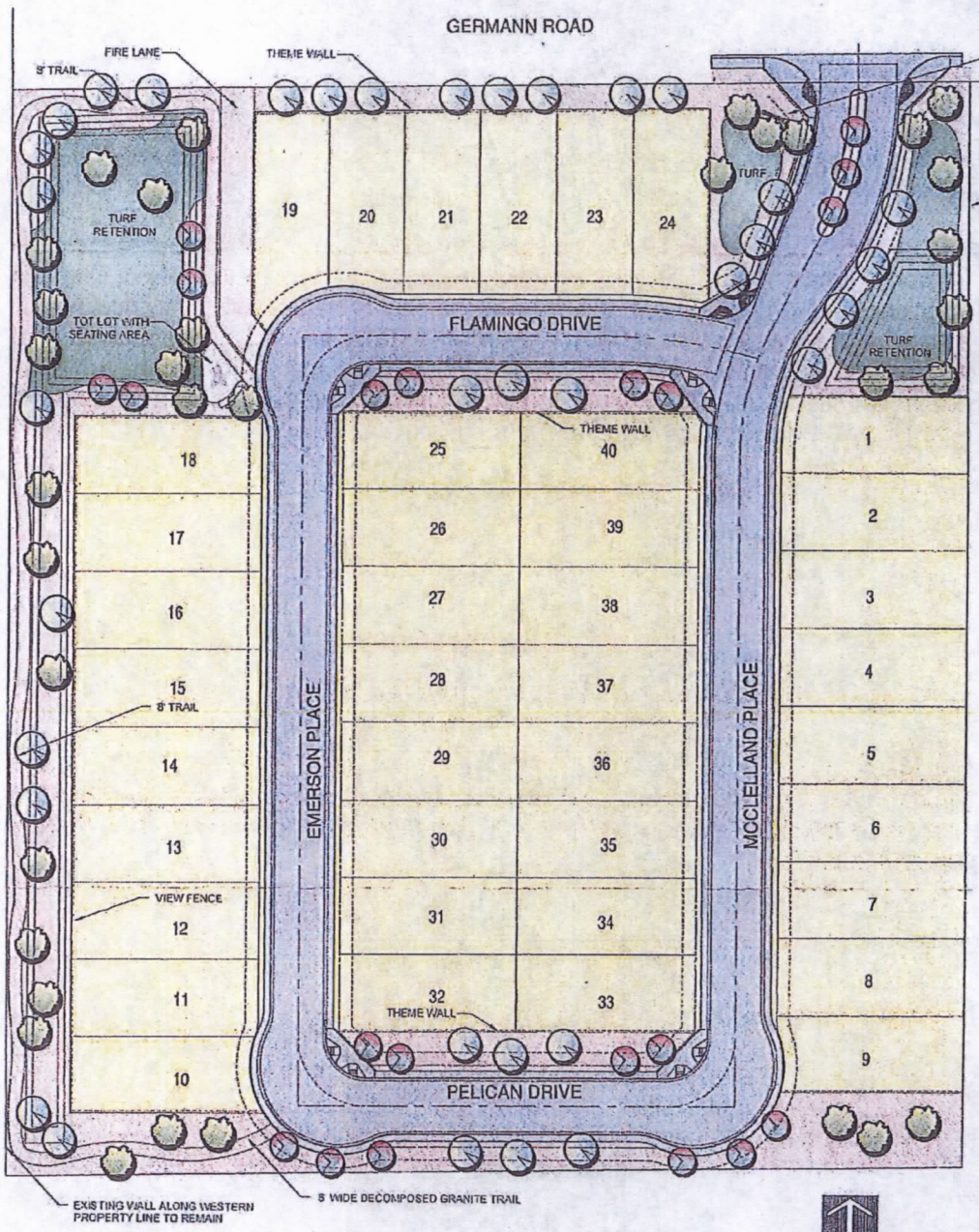


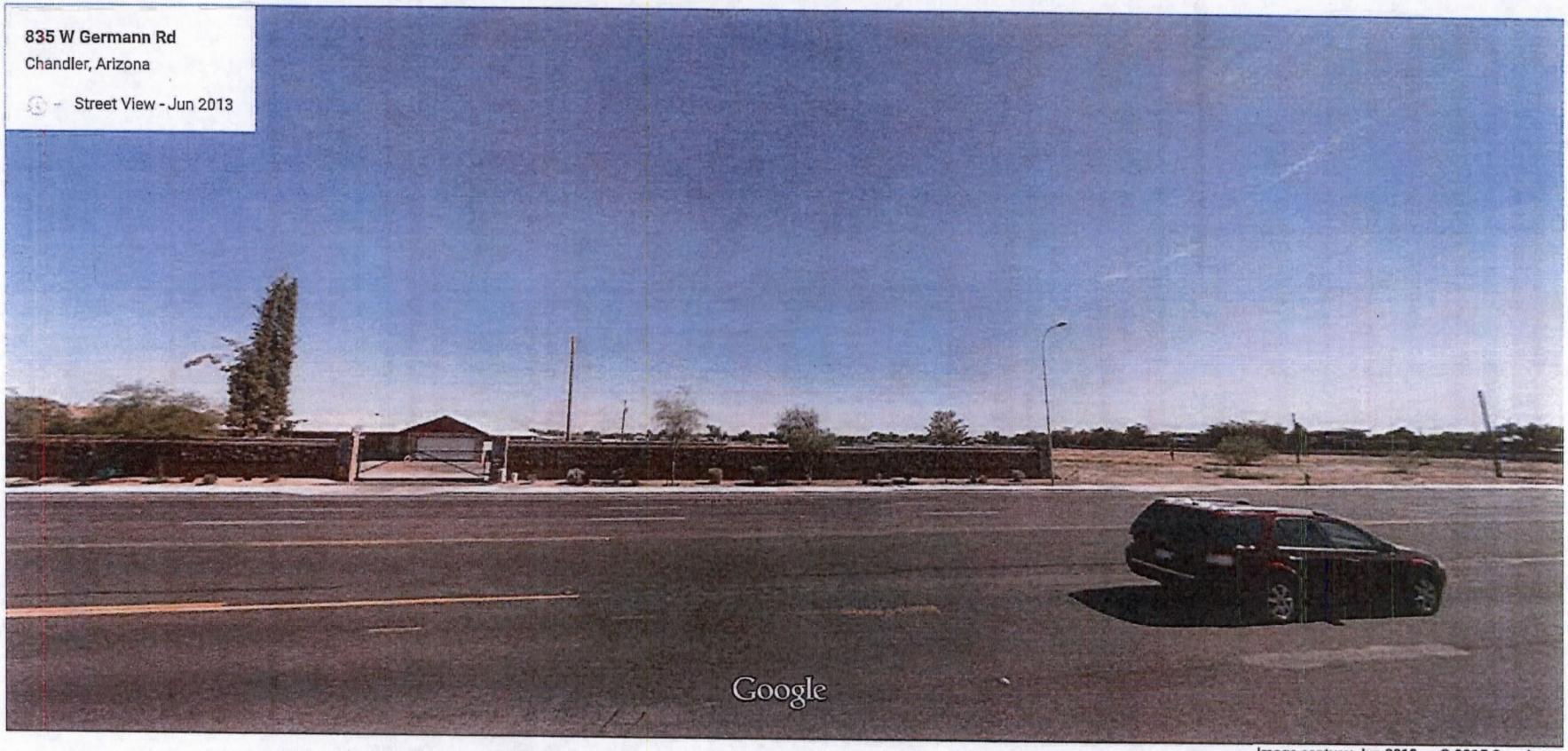
VICINITY MAP

NORTH

NOT TO SCALE



Existing Cobblestone Auto Spa (adjacent to site)



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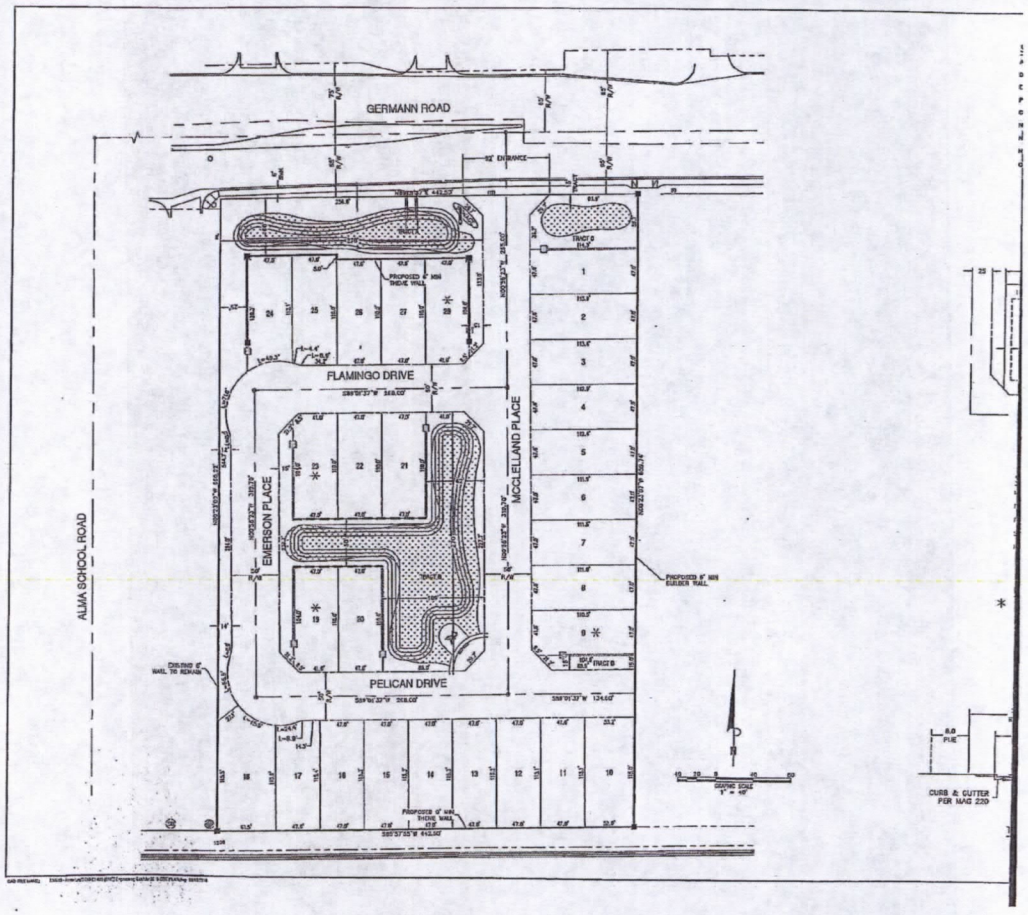
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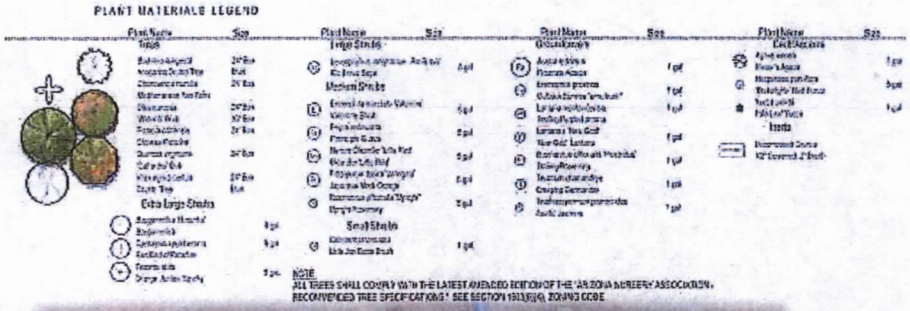

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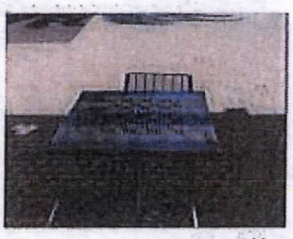
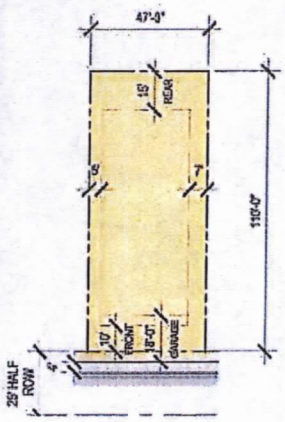


Game Tables



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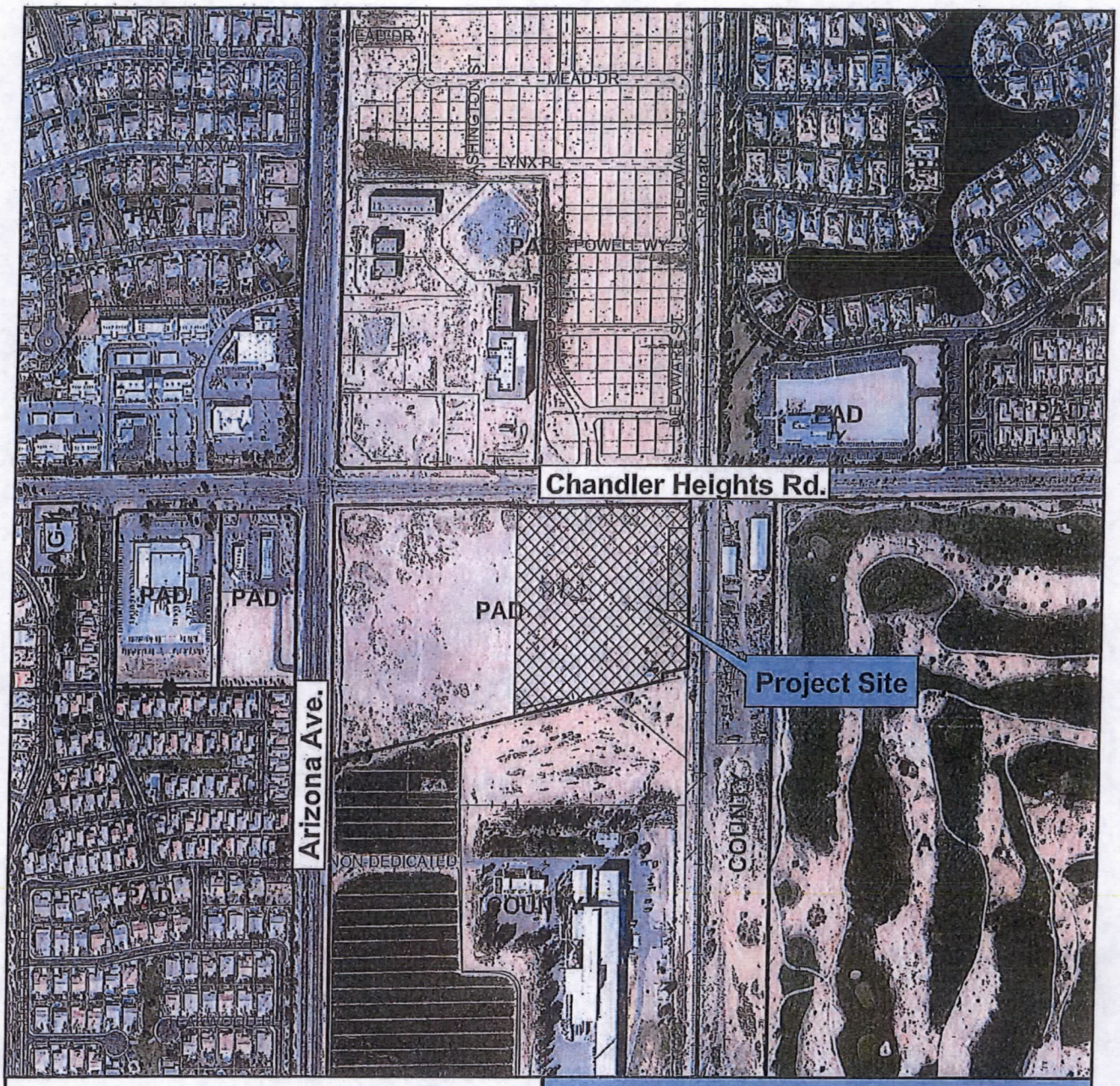
Street View - Apr 2011



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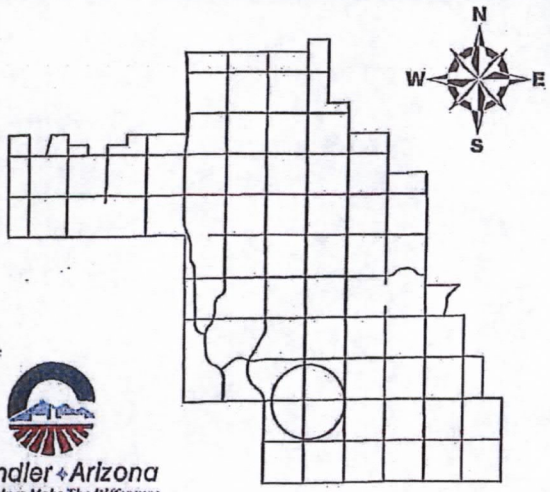

PDP14-0016

Avilla Chandler Heights

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CITY OF CHANDLER 12/15/2014