

Lesley Davis

From: Dave Sloan <davesloan785@gmail.com>
Sent: Wednesday, September 29, 2021 6:08 PM
To: Lesley Davis; Nana Appiah; Christine Zielonka
Cc: tim timlasota.com
Subject: Opposition to Power Food Park rezoning case

Hi Lesley,

I live at 6822 E Halifax Drive and share a property line with the food park. I will have a more detailed letter in my opposition ready for you next week. When do you need that from me to be able to be considered and included with the case as it goes before the board?

I'll simply point out a few items now though to make sure my position is clear.

First, the impact on the neighborhood and on my family is immense and well cataloged.

Secondly, they have already fully expanded their operation into the still RS zoned property. Even their current usage has been deemed unlawful and is currently under appeal. Even under those circumstances, they are expanding their operations without any zoning. This brazen level of disrespect for the zoning code is indicative of their attitudes towards everything about their operation and should be considered in this case. Being willing to so openly and knowingly disobey the law should not be overlooked or rewarded.

Thirdly, historically their justification was based on that they are a 'public park'. While public parks are allowed in OC and RS zoning, they themselves make the claim on the park rules sign that 'This is a private park' and 'We reserve the right to refuse entrance' and they have told local residents that they are not welcome or they will be trespassing. They are no longer even trying to maintain the charade of being a public park. This is in addition to the rightful interpretation that a commercial food park is not a public park.

Lastly, I (and the other residents) do have potential solutions to offer by way of compromise that can allow for a mutually beneficial solution. I am not unreasonable and understand that they have property rights AS WELL. This will also be forthcoming but the department, the board and the council should be well aware that it is possible to come to a workable conclusion but that it will require the food park owners to actually respect the property rights of their neighbors.

Thank you

Dave Sloan
602-430-7114

Lesley Davis

From: Nikki <shandy1000@gmail.com>
Sent: Thursday, September 23, 2021 4:55 PM
To: Rachel Prelog; Nana Appiah; Christine Zielonka; Mayor; District 5; CityManager; Lesley Davis
Subject: The Power Food Park Menace

I don't understand why I keep hearing there will be a meeting and a decision in October, but I daily see massive changes being made to my neighborhood as though we had no say. Tuesday afternoon, I couldn't make a left hand turn onto Power road to pick my child up from Junior High--the constant stream of traffic turning into my neighborhood from the right lane northbound and the left lane Southbound meant I had to sit and wait and wait and wait just to leave my neighborhood, eventually forcing me to make a right turn and backtrack out of my way and pick my child up late. I can't go about my normal business, coming and going as I please from my own home. That isn't right. The way the Halifax-Hobart Loop works, there is no other outlet but to exit and enter from Power Road, so a random business drawing large crowds of people is very disruptive to our little neighborhood community. The fact that we are given no say in the future of our neighborhood--the future of our property values, the feel of our neighborhood. And why? So a businessman can get wealthier. It's like our homes don't matter, they're just collateral damage for the Darling Johnson business endeavour. Why is the City spending so much time letting these businessmen do what they want and explain about it later? That has never been how things are done and shouldn't be allowed now. I stand with my neighbors in opposition to this travesty that has been brought to harm our neighborhood. These businessmen have shown that they are solely interested in making money off the lots on the corner of our neighborhood without regard to the damage it will cause, I beg of you to not change the zoning for the lots in question. Once they have the green light to rain down strip mall destruction, we will never have a neighborhood that even resembles what we once had again. Please take enough interest in our situation to allow us the preservation of our homes and way of life.

Shannon Martinsen
6843 E Halifax Dr
Mesa, AZ 85207
602.558.2071

Lesley Davis

From: craig-n-linda1@juno.com
Sent: Thursday, September 23, 2021 8:15 AM
To: pvenisnik@yahoo.com
Cc: Lesley Davis; Rachel Prelog; Nana Appiah; Christine Zielonka; Mayor; CityManager; District 5
Subject: Re: ZON21-00278 BOA-21-00628 Power Food Park

Pat,

WOW! I am so sorry you were treated this way. How threatened Mr. Johnson must have been by your presence, but then again I am not surprised at his actions. What a terrible "little man" complex he must have, just a shining example of such an exceptional neighbor and citizen of the City of Mesa.

And to actually have a City of Mesa Police Officer come to your door and carry out his threat of intimidation, how small must W. Raymond Johnson III be?

Thank you for bringing this to the attention of City Staff, Mayor Giles, Chris Brady and Council member Luna.

Craig

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

From: Patricia Venisnik <pvenisnik@yahoo.com>
To: lesley.davis@mesaaz.gov, Rachel.Prelog@mesaaz.gov, nana.appiah@mesaaz.gov, Christine Zielonka <christine.zielonka@mesaaz.gov>, mayor@mesaaz.gov, COMmanager@mesaaz.gov, District5@mesaaz.gov
Subject: ZON21-00278 BOA-21-00628 Power Food Park
Date: Wed, 22 Sep 2021 13:27:37 -0700

I am the neighbor who owns a home directly east of the subject property.

I walked on to this property this morning as I noticed a truck from Maricopa County Air Quality was at this location speaking to someone in a pick-up truck.

I was curious because I had contacted that department last Monday about an issue with **extreme** blowing dust from the piles of loose gravel which had been dumped there. I felt this was an environmental concern and should be looked into. I was hoping to be able to get information on the situation. The Inspector had requested that an owner of the property be contacted and come to the scene. Raymond Johnson showed up and when he found out who I was he asked me to please get off of his property. I was rather stunned when he then pulled out his phone and very rudely yelled at me and told me to get off of his property and he was calling the police. I had never refused to leave his property and I did leave as I had managed to get through the first 78 years of my life without a criminal record.

I have never been treated so rudely or thrown off anyone's property before so I was a bit shaken by this encounter. Thinking about it now, I shouldn't be surprised at all because this is exactly the attitude other neighbors have experienced in dealing with the owners of this property. I only wish I had thought at the time to question why I was being kicked out of an alleged "park" when I had done nothing more than step on the property.

There's more. As I sat down to compose this e-mail, the doorbell rang. Guess who? A Mesa policeman who politely told me Mr. Johnson had requested that I be forbidden from ever stepping on his property again or I would be cited for trespassing.

I apologized to the police officer and told him what a waste of resources this was and thanked him for his service and that of all law enforcement.

Patricia Venisnik
6903 E. Hobart St.
Mesa, AZ 85207

480-985-9829

Lesley Davis

From: Patricia Venisnik <pvenisnik@yahoo.com>
Sent: Wednesday, September 22, 2021 1:28 PM
To: Lesley Davis; Rachel Prelog; Nana Appiah; Christine Zielonka; Mayor; CityManager; District 5
Subject: ZON21-00278 BOA-21-00628 Power Food Park

Follow Up Flag: Follow up
Flag Status: Flagged

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Patricia Venisnik
6903 E. Hobart St.
Mesa, AZ 85207

480-985-9829

Lesley Davis

From: craig-n-linda1@juno.com
Sent: Wednesday, September 22, 2021 11:12 AM
To: Lesley Davis; Mayor; Nana Appiah; Rachel Prelog; District 5; Christine Zielonka
Subject: Fw: Dust NOW they are spreading at Hobart & Power - POWER FOOD PARK

----- Forwarded Message -----

From: Russell Bernzen <rmbunz@me.com>
To: craig-n-linda1@juno.com
Cc: Russ Main & email And Movies And Songs <rmbunz1@cox.net>
Subject: Dust NOW they are spreading at Hobart & Power
Date: Wed, 22 Sep 2021 11:08:04 -0700

Hi Craig,

My wife and I both called the Maricopa dust violation hotline 602-372-2703, just got voicemail. Somebody is spreading the rocks right now with NO dust control, no water. Everybody should call and report the violation.

Russ Bernzen
6908 E Hobart St
480-861-5325

Lesley Davis

From: craig-n-linda1@juno.com
Sent: Wednesday, September 22, 2021 9:29 AM
To: Nana Appiah; Lesley Davis; Rachel Prelog; Christine Zielonka
Cc: Mayor; District 5
Subject: Power Food Park 9/21/21
Attachments: 9:21:21 Private Event.jpg; 9:21:21 Private Party - Pratt AZMAX.jpg

Photos from a Private Event 9/21/21. Still not a "park".





PARK RULES

1. No alcohol, drugs, or weapons are allowed in the park.

2. No smoking or vaping is allowed in the park.

3. No pets are allowed in the park.

4. No glass containers are allowed in the park.

5. No food or drink is allowed in the park.

6. No littering is allowed in the park.

7. No parking in the park.

8. No driving in the park.

9. No riding in the park.

10. No playing in the park.

11. No running in the park.

12. No jumping in the park.

13. No climbing in the park.

14. No touching in the park.

15. No talking in the park.

16. No laughing in the park.

17. No crying in the park.

18. No screaming in the park.

19. No shouting in the park.

20. No cursing in the park.

21. No swearing in the park.

22. No profanity in the park.

23. No obscenity in the park.

24. No indecency in the park.

25. No lewdness in the park.

26. No nudity in the park.

27. No sexual activity in the park.

28. No public displays of affection in the park.

29. No public urination in the park.

30. No public defecation in the park.

31. No public vomiting in the park.

32. No public belching in the park.

33. No public flatulence in the park.

34. No public burping in the park.

35. No public sneezing in the park.

36. No public coughing in the park.

37. No public yawning in the park.

38. No public hiccupping in the park.

39. No public burping in the park.

40. No public flatulence in the park.

41. No public burping in the park.

42. No public flatulence in the park.

43. No public burping in the park.

44. No public flatulence in the park.

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46. No public flatulence in the park.

47. No public burping in the park.

48. No public flatulence in the park.

49. No public burping in the park.

50. No public flatulence in the park.

PLEASE ENJOY POWER FOOD PARK.

Lesley Davis

From: Scott Bodrero Silverado Enterprises Inc. <silverado.scott@aol.com>
Sent: Tuesday, September 21, 2021 7:15 PM
To: Lesley Davis
Subject: Re: Power Road Food Truck Park

Follow Up Flag: Follow up
Flag Status: Flagged

WARNING: This email came from an External Sender – Use caution when clicking links, opening attachments, or responding to requests for information.

Good Afternoon,

My name is Scott Bodrero, I reside at 6952 E. Hobart St. Mesa, 85207. I have lived at my current residence for 24 years along with my family. I have grown up in Mesa, my Father was a home builder in Mesa, I am also a General Contractor, and have been for over 30 years. I understand the process of obtaining permits and approval for a project, for this reason I am baffled that these property owners can bypass rules and approvals and move forward with their unpermitted makeshift Food Park. (For one thing, as a Contractor, I wouldn't make a move without first acquiring a dust control permit from Maricopa County, yet these property owners grade and move dirt as if the rules don't apply to them) I'm sure you have heard from many of my neighbors on how inappropriate this type of business is for our neighborhood. I am one more voice to you and your staff, saying "please consider other options for this property". I know and understand that it is not feasible this day and age to build one house per acre, so when I heard these parcels were being put together, I thought this area could make a nice project for 15-20 homes. A little higher density would still be a nice fit for our unique neighborhood. I was certainly disappointed when I saw the plans for expanding their little carnival type business to the entire parcel. I am all for progress, but for this property to be used for this purpose is totally inappropriate. I find it hard to believe that this high traffic/noise carnival type business is even being considered for our quiet mature residential neighborhood.

Please uphold the Rules and Values that the City of Mesa is known for

Thanks,

Scott Bodrero
Silverado Enterprises Inc.
6952 E. Hobart St Mesa, AZ 85207
silverado.scott@aol.com
Cell 602-390-4148

Lesley Davis

From: KAREN PAYNTER <kpaynter8@cox.net>
Sent: Tuesday, September 21, 2021 6:59 PM
To: Lesley Davis; Rachel Prelog; Nana Appiah; Christine Zielonka; Mayor; District 5; CityManager
Subject: Power Food Park Zon21-00278 and BOA21-00628

I live in the neighborhood of the Power Food Park. It has had a negative impact on the surrounding neighborhoods. If this business is allowed to expand the negative effects would be devastating to us homeowners. My first question is how can 2 small dirt lots be zoned a park? What was the city thinking? This question has been asked over and over but we homeowners never got a definitive answer from the city. The Food Park belongs in a commercial environment like the Fiesta Mall or any small strip mall not occupied. These areas provide plenty of parking, lighting and are equipped to handle large amounts of people. As you ponder on whether to rezone the extra lots to expand the Food Park, please consider the neighbors you will be affecting. Put yourself in our position. We work hard all day, some of us putting in more than eight hours, stressed by the workload and traffic. We come home to relax, enjoy our family, yard, pool and animals. With the expansion of this Food Park, we instead get noise from the crowds, excessive traffic and lighting, strange people walking through the neighborhoods, garbage, homeless people and finally crime. Is that what you want to live next to? Is that what you want for your family? Our neighborhoods do not want to live in this kind of environment. Please do not expand the park!

Lesley Davis

From: Patricia Venisnik <pvenisnik@yahoo.com>
Sent: Tuesday, September 21, 2021 9:43 AM
To: Lesley Davis; Rachel Prelog; Nana Appiah; Christine Zielonka
Cc: Mayor; District 5; CityManager
Subject: ZON21-00278 & BOA21-00628 Power Food Park

Follow Up Flag: Follow up
Flag Status: Flagged

I know all of you have devoted much time and effort into thoroughly reviewing the subject matter and your efforts are sincerely appreciated. It is getting close to the time decisions will be made which will personally affect my life greatly as well as other homeowners in my neighborhood. You have all heard from many of my neighbors and myself how the Power Food Park has so negatively affected all of us. I am asking that you really look back closely to the history of how this situation came to be. This "park" should never have been allowed to happen. It was created in a haphazard manner without regard for public safety, zoning requirements, permits, code enforcement, handicap accessibility and total disregard as to the appropriateness of the location and how it would negatively impact the surrounding neighborhood.

The Zoning Interpretation dated June 16, 2021 concluded "the current use of the property, primarily as a food truck park, does not conform to the requirements of the definition of Public Parks and Recreational Facilities."

So why has this business been allowed to continue operating and why is staff time and effort being given to review plans for a huge expansion of the inappropriate use of the property?

Patricia Venisnik
6903 E. Hobart St.
Mesa, AZ 85207

480-985-9829

Lesley Davis

From: tom bade <tombade1949@yahoo.com>
Sent: Monday, September 20, 2021 3:58 PM
To: Lesley Davis
Cc: Peter Vargas; Craig-n-Linda Vossler; Dave Sloan
Subject: Power Food Swap meet

Ms. Davis:

I just wanted to point out a few transportation situations or problems that you may not be aware of. I live at 7030 E. Halifax Dr., Mesa AZ 85207-3716.

Last winter we had patrons parking on both sides of our street all the way down to the front of our house on Halifax (over 1500 feet-3000 feet of parallel parking). This situation, in my opinion, is very unsafe as there are no sidewalks or street lights on Halifax, N 72nd St. or Hobart. Many people were walking in the street. I believe that people were also parking on the city property to the south of this Food Flea Market at that time as the city fence had not yet been erected. Certainly the overall area should be considered for transportation and the dangerous impact for citizens and visitors safety. This is not now nor will it be a "PARK" based on the current proposal. There is no way that the proposed parking areas will be sufficient when we have winter visitors.

The church property, for overflow parking, should not be counted unless and until a written formal permanent agreement is submitted to the city with this application. If not secured, the church could secure their parking area at any time it interferes with church activities.

Lastly, it appears to me that the project does not comply with the ADA requirements for suitable parking and access. It certainly does not now!

Thanks for your attention to these matters.

Tom Bade

Lesley Davis

From: Patricia Venisnik <pvenisnik@yahoo.com>
Sent: Friday, September 10, 2021 9:18 AM
To: Rachel Prelog; Nana Appiah; Lesley Davis; Christine Zielonka; Ryan A Russell; Beth Hughes-Ornelas; CityManager
Cc: Craig & Linda Vossler
Subject: ZON21-00278 Power Food Park

Follow Up Flag: Follow up
Flag Status: Flagged

I strongly object to the rezoning of this property. I own a home in the neighborhood adjacent to this property. This is a unique neighborhood of 37 one-acre plus homes some of which have been owned by the same family for 40 years. Up until almost a year ago we all enjoyed our quiet, almost "rural feeling" living in this neighborhood. That is until the owners of this property decided they would operate a "food park" on the adjoining property they owned on Power Rd. This was done without going through the normal City of Mesa process of obtaining approval for such an endeavor. This "food park"

has been operating in violation of City codes and now since acquiring the additional subject property the owners want to expand their operation even further. Even if it was operating within City codes, this is not the appropriate location for a food truck park and should be moved elsewhere.

I won't go into detail about the detrimental effect this illegal business has had on our neighborhood as I'm sure you have heard plenty from other affected property owners. This business should never have been allowed to operate and should have been shut down months ago. The City appears to have decided to "look the other way" and let this continue. Anyone hearing the facts of this case would agree. A more appropriate use for this property which would not rob the neighborhood of the quiet enjoyment of THEIR property must be found.

Thank you.

Patricia G. Venisnik
6903 E. Hobart St.
Mesa, AZ 85207

Lesley Davis

From: craig-n-linda1@juno.com
Sent: Monday, August 23, 2021 8:41 AM
To: Nana Appiah; Lesley Davis; Rachel Prelog; Ryan A Russell; Christine Zielonka
Cc: Mayor; District 5; CityManager
Subject: Power Food Park 1439 N. Power Road
Attachments: Land Clearing - PFP.docx; fullsizeoutput_77aa.jpeg; fullsizeoutput_77ab.jpeg; fullsizeoutput_77ac.jpeg

Follow Up Flag: Follow up
Flag Status: Flagged

Dear City Staff and Elected Officials.

I write to you this day over yet another violation of City of Mesa Ordinances by the owners of Power Food Park. My thoughts are too long for a simple email, thus I have put them in a word document and included photos to share with you for the current zoning case ZON21-00278.

Thank you,

Craig M. Vossler
1451 N. 71st Street
Mesa, AZ 85207

August 23, 2021

City Staff and Elected Officials,

As you might be aware by now, the land at the Southeast corner of Hobart Street & Power Road, approximately four acres (218-04-003A & C), was cleared of the vegetation last Thursday & Friday by the property owners. Now what? Four acres of freshly cleared land in the middle of Monsoon Season open to the wind and “fugitive dust emissions”. Already this past weekend, Food Vendors were allowed to drive out the North end of the Food Park through the fresh dirt. Not only a non-compliance act but also an environmentally irresponsible act as well. I am personally outraged, because these owners will stop at nothing short of getting their way! When will they be held accountable?

Once again, they have acted in a way that is irresponsible and with total lack of regard to City of Mesa Ordinances. They did so in a manner, without any foresight, concern or understanding of compliance. Is it because they defy how the City of Mesa operates? Is it because they are ignorant or don't understand? Or is it that they just don't care? This is just another example of how David T. Darling and W. Raymond Johnson III are clueless as to how things are done. Or are they? Will they employ the “We didn't know” excuse, or had they been given some indication that their request for rezoning was a “done deal” and they thought a head start on their rezoning was a good idea? Or were they simply trying to intimidate the neighborhood by clearing the land? One thing is for certain; they have not been good neighbors. The City of Mesa needs to issue a civil citation for violating Title 8, Chapter 2, Articles 3-6, and not let these individuals get off without penalty again.

Additionally the City of Mesa needs to look at this pair of want-to-be land developers with closer scrutiny because they are not what they present themselves to be. They did the same thing with their original two acres at the corners of Halifax Drive & Power Road, now operating under the guise of a “park”. (It is not a park,

and it certainly is not a public park, it is a business operation that generates income.) They had cleared the land of vegetation and began the normal process required by the City of Mesa for their proposed "Power Beach Park" (ADM19-00541, PMT19-17732) which they so readily abandoned when they began the "Power Food Park". So they were well aware of the processes required by the city.

It is my firm belief that these two men will continue to ignore, skirt, or disobey any City of Mesa Ordinance, process, or requirement expected of them. They simply have no respect for the City, the neighborhood, or anyone other than themselves. Please take this into consideration when looking over everything that is submitted for their current rezoning case ZON21-00278. Because in the end this has been, and always will be, a problem that those closest to 1439 N. Power Road will have to deal with. And in my opinion, by granting a zoning change, it will irreversibly damage and change what was once a quiet large lot residential neighborhood, the current Food Park has already ruined our neighborhood. And for what, the chance for two individuals to make a mark that permanently changes the face of our neighborhood of thirty-seven homes and families.

Craig M. Vossler
1451 N. 71st Street
Mesa, AZ 85207







Lesley Davis

From: craig-n-linda1@juno.com
Sent: Wednesday, September 15, 2021 11:36 AM
To: Nana Appiah; Lesley Davis; Rachel Prelog; Christine Zielonka
Cc: Mayor; District 5
Subject: ZON21-00278 Power Food Park
Attachments: 2nd Review Rebuttal ZON21-00278.pdf; Time Line of Properties X2- Darling.pdf; DSCN9826.JPG

Follow Up Flag: Follow up
Flag Status: Flagged

My concerns over the 2nd Review Resubmitted by Mr. Sean Lake are documented in a PDF that I have attached.

I have also attached a document of Timeline/Highlights from my experience with dealing with these properties.

Finally a photo of the "park" rules at Power Food Park from January 7, 2020.

I would be more than happy to discuss any and all of what I've sent you.

Craig M. Vossler
1451 N. 71st Street
Mesa, AZ 85207

(480) 844-3719

Timeline/Highlights

1349 & 1439 N. Power Road

Mesa, AZ 85207

August 2007 David T. Darling & Dave Marquez purchased 2.05 acres at the SE & NE corners of Power Road & Halifax Drive (according to Zillow, 1349 N. Power sold for \$297,000 & 1439 N. Power sold for \$403,100). Properties were zoned R1-35, and they quickly applied for rezoning to O-S or (OC), Z07-63. The request was to allow for the development of four (4) office buildings, ranging in size from 2,224sf to 4,467sf, and all single story with residential architecture. One building on each parcel dedicated for medical office use, one building on each parcel for general office. The Planning & Zoning Board on 6-21-07 approved it with conditions.

2008 The Great Recession brought almost all construction to a standstill.

2008-2015 Dave Marquez out, W. Raymond Johnson III in as partner??

2015 1/21/15 PLN2015-00025 A request for rezoning to Limited Commercial (LC) to allow development of a "self-storage campus". Zoned OC, because "office projects have proven to be overdeveloped in this area."

6/1/15 PLN2015-00242 At the time Planning Director John Wesley was pushing the zoning of ID-1, or Infill Development 1 for smaller parcels that had been passed over. The applicant's attorney Sean Lake had two neighborhood meetings, the second on July 29, 2015 (we personally were not notified of the first meeting) at Mesa Public Library – Red Mountain Branch. 7/29/15 City Planner Kim Steadman told me City Staff is "on the fence" on how they favor this project.

Related Case numbers: PZ 15581 - Z15-036
RZ 15587

ZON17-00335
PZ 17134
DBR17-00365

10/21/15 PZ 15581 Rezone from OC to ID-1 request to allow for the development of a mini-storage facility.
Staff Recommendation: **Denial**

12/17/15 A few neighbors met with property owner David Darling along with District 5 Council member David Luna at City of Mesa Offices, 20 E. Main Street. They wanted to know what would make us happy? We came back with what they originally had planned – four (4) office buildings.

2/4/16 A few neighbors met with property owner's David Darling & Ray Johnson along with District 5 Council member David Luna again at City offices. They continued to maintain that Office Buildings were "not viable" because of all the vacant buildings locally, and for it to be viable they wanted a zoning change to ID-1. Their BEST idea in their opinion was for a self-storage facility, followed by multi-family housing 17-20 units per acre. Their third idea was a restaurant with special use for a drive-thru with 1349 N. Power designated for parking and the restaurant at 1439 N. Power.

2/13/18 DRB17-00365 Applicant's attorney Ralph Pew went before the Design Review Board, and they were basically "shot down" by Board member Randy Carter for having an **inferior design**.

July 23, 2019 ADM19-00541 – Project Narrative for Administrative Site plan Review for **Power Beach Park**.

1/9/2020 PMT19-17732 Development Services 1st Plan Review Comments, revisions required.

March 2020 COVID-19 arrives in the United States.

July – Sept. 2020 Property owners abandon **Power Beach Park**, with the intent of creating a Food Truck Park.

9/19/2020 Both parcels of land are scraped of all vegetation and pushed to the North and South of each lot. Sept. 27th, North lot being graded and cleaned up. Parcel sprayed for weeds.

Nov. 2020 North parcel covered with loose gravel, temporary fencing erected around the perimeter of the parcel. Wooden barrels with metal poles delivered, at least two-dozen.

11/11/2020 Confirmed by neighbor Ted Sparks that property owners plan to begin operating a Food Truck Park. Craig Vossler contacted Marisol Vasquez in Planning; they knew nothing of the Food Park. It was Planning's understanding that **Power Beach Park** was still the focus of the properties.

12/11 & 12/2020 **Power Food Park** opens for business, 4:00pm – 10:00pm.

12/14/2020 Extensive email to Dr. Appiah from Craig M. Vossler regarding the impact of Power Food Park on the residential neighborhood of Halifax Drive, 71st Street and Hobart Street.

12/18 & 19/2020 Second weekend open for business, 4:00pm – 10:00pm.

1/4/21 Power Food Park opens Monday – Saturday 5:00 – 9:00PM.

1/9/21 Red Mountain Market (a Farmer's Market) is brought in on Saturday's 8:00am – 12:00pm, (with most vendors getting there well before 8:00am) and hosted by the Power Food Park. **OPEN** for the **FIRST** Saturday with 65 total Food Trucks & Market Vendors.

1/16/21 Red Mountain Market **OPEN** for business.

1/23/21 Red Mountain Market **CLOSED** because of rain.

1/30/21 Red Mountain Market **OPEN** with 56 total Food Trucks & Vendors.

2/6/21 Red Mountain Market **SHUT DOWN** by City of Mesa. 53 Food Trucks & Vendors were scheduled.

2/13/21 Red Mountain Market **OPEN** with 55 total Food Trucks & Vendors.

2/20/21 Red Mountain Market **OPEN** with 50 total Food Trucks & Vendors.

2/27/21 Red Mountain Market **OPEN** with 50 total Food Trucks & Vendors.

3/6/21 Red Mountain Market **OPEN** with 45 total Food Trucks & Vendors.

The last four Saturday's Red Mountain Market was open was because they had obtained Special Event Licenses. The First three Saturday's evidently were not permitted by the City of Mesa.

2/6/21 Craig Vossler received a random call from Austin Gardner who owns about four undeveloped acres at the corner of Power Road & Hobart Street. They are actually two parcels, one that fronts Power Road = .66 acre, the other parcel to the East = 3.19 acres. Gardner purchased these from Love of Christ Lutheran Church on 8/8/19. Gardner told Vossler that David Darling had offered him \$35,000.00 for the .66 acre, but was not prepared to sell it as **he had submitted his own plans** to the City of Mesa for four (4) residential properties, ADM21-00041.

3/10/21 PMT21-03493 Super Expedite (sic) Power Food Truck Park Fence. Development Services 1st Plan Review Comments. Revisions required.

3/12/21 Neighbor Dave Sloan, 6822 E. Halifax Drive spoke with property owner Austin Gardner, of the approximately four acres directly north of 1439 N. Power Road. Gardner told Sloan that he was probably going to accept a generous offer from David Darling for the entire undeveloped land to the North of 1439 N. Power Road.

3/30/21 Application to rezone the entire acreage of 6.1 acres from OC and RS-35 to Neighborhood Commercial (NC), pre-closing on parcels.

4/20/21 1st Review Consolidated Comments from Senior Planner, Lesley Davis

5/22/21 Letter from Ivan Hannel, Attorney representing Dave Sloan (who lives directly east of PFP at 6822 E. Halifax Drive) to City Officials requesting a formal Zoning Interpretation and a hearing before the City of Mesa Board of Adjustment.

6/16/21 **Zoning Interpretation** for 1439 N. Power Road completed by Dr. Nana Appiah. Property owners appeal his ruling by 6/30/21.

6/17/21 David Darling & W. Raymond Johnson III purchase the properties 218-04-003A & 218-04-003C from Austin Gardner purportedly in excess of \$850,000.

6/29/21 1st Review Response to Planning from Sean Lake with 2nd Submittal.

8/19/21 Parcels 218-04-003A & C purchased June 17, 2021 are cleared of all vegetation except one unhealthy saguaro cactus, purportedly without a permit from the City of Mesa.

8/23/21 Staff Comments 2nd Review from Senior Planner, Lesley Davis.

9/1/21 large remaining pile of vegetation at Pat Venisnik's property line is loaded into 40-yard roll-offs and trash spilled onto the ground by illegal dumpers.

9/10/21 trash on ground picked up.

9/14/21 two roll-offs remain on property.

9/14/21 Truck loads of gravel being dumped on east end of 3.8 acres.

September 15, 2021

Christine Zielonka
Dr. Nana Appiah
Rachel Prelog
Lesley Davis

I see on September 13, 2021, Mr. Sean Lake submitted a new Rezoning Project Narrative for 1349 & 1439 N. Power Road, titled **Power Park**. First of all I find it curious that he has removed "Food" from the name of the "park" throughout the Narrative that was first submitted March 30, 2021. In **fact**, the entity name per the Arizona Corporation Commission & the Arizona Secretary of State website's is, **Power Food Park** with the applicant being Power Food Park, LLC an Arizona Limited Liability Company. Make no mistake this was done intentionally, it's intended for everyone who reviews this piece of information to think it's a park. Mr. Lake not only wants you to think it, but to believe it's really a park, which it's **not**. It is a commercial business of renting spaces to Mobile Food Vendors and taking a percentage of the vendors gross sales every night. It is also **not** a park as it is locked up during the day, and only open in the evening hours when the property owners choose to unlock the gates and make money. A real park would be open to everyone at sunrise, and close at 10:00pm or as posted.

Halifax Drive is identified as Halifax Street and not a Drive.

Wording in point #5. Zoning Analysis, "... the City has requested that the property owners rezone the property to Neighborhood Commercial." Is that true, and why would the City of Mesa do that? Is that really the role of Government?

Wording in point #6. Operational Details, "The Park will **continue** to comply with the City's noise ordinance." Have they ever? Ask a few of the very nearby neighbors if they are able to enjoy their backyards any evening of the week the "park" is open. Will an eight (8) ft. barrier wall eliminate the lights and the smells? I don't think so! And the noise maybe muffled but not "...dispersed throughout the property and away from the adjacent neighborhood." as claimed by Mr. Lake.

Wording in point #7. General Plan Analysis "... is an important contributor to the Power/Brown neighborhood area." By whose definition? "It provides a **walk-able destination** for both residents and visitors alike..." This may be true in theory, but in my opinion 99.5% of the patrons to this operation are driving a motor vehicle to and from Power Food Park, and many times driving through the entire neighborhood in order to find parking. And who is going to want to cross six (6) lanes of Power Road traffic to access the "park" from the west by foot?

Wording in point #9. Conclusion, “It contributes to a diversity of uses in Mesa at an **appropriate location.**” And “... care has been taken to provide appropriate transitions to other uses...” No it isn’t an appropriate location because it doesn’t fit the character of the existing neighborhood. It creates a negative impact on adjacent properties and the immediate surrounding neighbors. And what does “...provide appropriate transitions to other uses...” mean?

Site Plan:

The Site Plan submitted 9/13/21 appears to be incomplete compared to the Site Plan from 3/30/21. The new plan doesn’t address the parking areas per the City of Mesa’s 2nd Review Consolidated Comments, nor does it show the parking locations for Mobile Food Vendors. It doesn’t show all the landscaping and it still doesn’t address the fact that David Sloan is the property owner at 6822 E. Halifax Drive or that Paul Wetzel is no longer the property owner of 218-04-013B. What about addressing the pedestrian walkway from the current parking area to the “park”? Two small crosswalk lines on the Site Plan, what does that mean?

Traffic Impact Statement Power Road Park:

The City of Mesa conducted a Parking Count in April 2021 on the 23rd & 24th? How were those two dates picked, how and who made that decision? By that time, Power Food Park had been open for nearly four (4) months, and the shine had started to wear off and summer was fast approaching. Secondly, the Statement uses daily traffic volume of 26,900 vehicles per day for Power Road per COM 2020 counts. Please remember 2020 was impacted by COVID-19 and many people weren’t traveling as much.

Did anyone think a neighborhood traffic count (Halifax Dr., 71st Street, Hobart Street) might be a good idea? During Power Food Park open hours and non-open hours? Or physically witness the carelessness of patrons trying to find parking at the “park” and how they sped through the neighborhood. Or how the “park” owners directed traffic out of the parking lot by sending them east on Halifax Drive knowing the patrons would have to drive north on 71st Street and back west on Hobart Street to reach Power Road.

I will reiterate my feeling and those of many others in our close-knit large lot residential neighborhood. The Power Food Park does not belong at the entrance of Halifax Drive or Hobart Street. Whatever it does for social gathering it destroys of **our** peace and quiet, **our** senses, **and our** place of refuge. It creates anger, it creates anxiousness, and it creates frustration that a city like Mesa will put the interest of two individuals before that of an entire neighborhood.

Craig M. Vossler

PARK RULES

BY VISITING POWER FOOD PARK, YOU AGREE THAT
YOU ARE USING POWER FOOD PARK AT YOUR OWN RISK

AS YOU VISIT AND ENJOY POWER FOOD PARK,
PLEASE KEEP IN MIND THAT YOU AGREE TO THE FOLLOWING:

- HAVE FUN!
- NO SMOKING including vape products
- NO PETS except service dogs
- NO ALCOHOL or DRUGS ALLOWED
- ~~NO COOLERS~~ or GLASS CONTAINERS ALLOWED
- PLEASE DISPOSE OF ALL TRASH PROPERLY
- PLEASE CLEAN-UP AFTER YOURSELVES including wiping-down tables, chairs, fire pits, etc., after use
- PLEASE OBEY ALL CITY and STATE and FEDERAL LAWS
- PLEASE USE GOOD MANNERS and SHOW COMMON COURTESY TO OTHER PARK GUESTS, VENDORS, and POWER FOOD PARK RANGERS which means that you agree not to use profanity, and not to engage in unsafe, illegal, disruptive, and/or offensive behavior(s)
- NO CLIMBING ON BARRELS, FENCES, or LIGHT POLES
- THE RESTROOM FACILITIES ARE PROVIDED AS A COURTESY for POWER FOOD PARK GUESTS ONLY
- CHILDREN MUST BE ACCOMPANIED BY AN ADULT and SUPERVISED AT ALL TIMES while at POWER FOOD PARK
- REMEMBER THAT FIRE IS HOT and CAN BURN YOU! so please be careful at fire pits – especially with children

THE 2ND AMENDMENT of THE CONSTITUTION
OF THE UNITED STATES OF AMERICA IS SUPPORTED at POWER FOOD PARK!

THANK YOU FOR YOUR VISIT TO POWER FOOD PARK AND
YOUR COOPERATION WITH ALL OF OUR PARK RULES!

PLEASE ENJOY POWER FOOD PARK!

POWER FOOD PARK IS A PRIVATE PARK
WE RESERVE THE RIGHT TO REFUSE ENTRANCE and/or SERVICE TO ANYONE
THE VIOLATION OF ANY OF THE PARK RULES MAY RESULT IN EXPULSION FROM POWER
FOOD PARK

Lesley Davis

From: rmbunz1 <rmbunz1@cox.net>
Sent: Thursday, September 09, 2021 10:01 AM
To: CityManager; Christine Zielonka; Nana Appiah; Beth Hughes-Ornelas; Rachel Prelog; Lesley Davis; Ryan A Russell
Subject: Food Trucks at Power rd and Halifax St in Mesa

Follow Up Flag: Follow up
Flag Status: Flagged

Mr. Chris Brady,
Ms. Christine Zielonka
Mr. Nana K. Appiah
Ms. Beth Hughes-Ornelas
Ms. Rachel Prelog
Ms. Lesley Davis
Mr. Ryan A. Russell

Please help preserve health and safety and maybe do the right thing for this one.

I'll keep this short, I know you are extremely busy and I'm sure you are very familiar with the food trucks at Power rd and Halifax.

I live close to where the food trucks operate (not a park). The arguments are many for not allowing them to continue, and to not grant Re zoning with health and safety at the top of the list.

TODAY, right now there are dumpsters on the land north of the food trucks area that is owned by the same people. These dumpsters are not covered, and there are open bags of trash (coyotes love it) on the ground next to the dumpsters that have been this way for about a week. The land was cleared without water to prevent dust and without a permit! They were Red Tagged to stop work yet they continued!

If these people and their operation is allowed to continue the losses will outweigh the gains, and it will haunt us all.

Below is recent history if it will help you reference the food trucks I'm talking about.

Zoning Interpretation having been decided by Dr. Appiah in June 2021 and appealed by the owners of the "Food Park" to go before the Board of Adjustment sometime in October 2021.

The Zoning Interpretation was based on a permit for "Power Beach Park" (PMT19-17732) where food was considered a "related" use to the primary

function of the Power Beach Park and **NOT** the primary use. Vending areas were the “related” portions of the Preliminary Site Plan, not Food Trucks. In fact, there was absolutely no mention of Food Trucks in the **Project Narrative** for Administrative Site Plan Review (ADM19-00541).

Permit (PMT19-17732) for Power Beach Park was readily abandoned when the property owners were furnished the idea of a Food Truck “Park” by someone, and then given approval to proceed with a Food Truck Park (again by someone) without going through the normal City of Mesa Planning processes.

The neighborhood homeowners has had meetings and the consensus is we fully expect the Board of Adjustment to uphold Dr. Appiah's **Zoning Interpretation, and shut Power Food Park down once and for all.**

Please advise the Board of Adjustment to uphold Dr. Appiah’s Zoning Interpretation, because none of this belongs along Power road where it is now.

Thank you,

Russell and Marilyn Bernzen
6908 E Hobart St
Mesa, AZ 85207
rmbunz1@cox.net

Lesley Davis

From: tom bade <tombade1949@yahoo.com>
Sent: Tuesday, September 07, 2021 1:48 PM
To: Peter Vargas; Lesley Davis; Nana Appiah
Cc: Rachel Prelog; Mayor; District 5; Christine Zielonka; Tim Meyer; Ed.Quedens@mesaaz.org; Ed Quedens; craig-n-linda1@juno.com
Subject: Re: ZON21-00278 Power Food Park

Follow Up Flag: Follow up
Flag Status: Flagged

My name is Tom Bade and I live on the east end of E Halifax Dr at 7030. I would like to go on the record of being against this zoning effort. It is already a nuisance and will not add anything to our once quiet neighborhood. I would like to "ditto" the correspondences you have received from Craig Vossler. This is not a one man situation but he speaks for me and many concerned neighbors.

I would like to add a few observations. Last winter we had patrons parking on both sides of our street all the way down to the front of our house on Halifax (over 1500 feet). I believe that they were still parking on the city property to the south of this Food Flea Market at the time as the city fence had not yet been erected. This is not now nor will it be a "PARK" based on the current proposal. There is no way that the proposed parking areas will be sufficient when we have winter visitors. I would also like to know how the neighborhoods around the Spring Training ball parks have temporary no parking signs during spring training? Similar signs would be helpful.

I would appreciate if you would have the generator lights on the Power Road right of way moved back so they don't continue to block the view of North Bound traffic on Power. I also believe that the so called handicap parking is not paved and in the cities right of way.

Lastly, if there is a mid-street cross walk, there will still be a marked or unmarked cross walk at the Power Road side walk. Pedestrian traffic would be best served by a pedestrian bridge over Halifax Dr. and perhaps Hobart too. If the owners truly have permission to use the church parking lot, which I think is doubtful, such permission can just as easily be withdrawn when it interferes with church activities. You should receive a copy of the parking lot lease since the owners have hung there hat on using the church lot for overflow. Many patrons will still find the streets easier.

Thank You for your attention

Lesley Davis

From: tom bade <tombade1949@yahoo.com>
Sent: Tuesday, July 27, 2021 7:56 AM
To: Christine Zielonka; Nana Appiah; Lesley Davis; District 5; Ryan A Russell; Mayor
Cc: Dave Sloan; Craig-n-Linda Vossler
Subject: Power Food Park and Swap Meet
Attachments: Property at 1439 N Power Road.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good Day Ladies and Gentlemen:

My name is Tom Bade and I live 7030 E Halifax Drive. I am wondering if these properties on Power Road don't comply with zoning (see below opinion), why are they allowed to continue to operate. Do I need to file some kind of formal complaint. If so, can you direct me to the proper form??

This is not really any kind of Park now or in their current plans. It really is a Food Park n Swap as the vendors pay for their spots.

Thanks for your help!

Lesley Davis

From: craig-n-linda1@juno.com
Sent: Monday, May 03, 2021 11:10 AM
To: Nana Appiah; Lesley Davis; Mayor; District 5; Christine Zielonka
Subject: ZON21-00278
Attachments: City Council & Staff - Letter.docx

Ms. Davis,

My "against" email regarding ZON21-00278 turned into a full blown letter. Please see the attached.

Craig M. Vossler
1451 N. 71st Street
Mesa, AZ 85207
(480) 844-3719

Ms. Lesley Davis
City of Mesa Planning Department

Dr. Nana K. Appiah
Ms. Christine Zielonka
Councilmember David Luna
Mayor John Giles

Re: ZON21-00278

1349 & 1439 N. Power Road
Maricopa County Parcel Numbers # 218-04-003A & C

Ms. Davis,

I find myself having to write the Planning Department yet again (the last time was March 3, 2018, and prior to that Sept. 2015) about the proposed rezoning of the two parcels at the south entrance to our single-family large lot residential neighborhood, and now the north entrance at Power Road and Hobart Street. As you know our properties are zoned R1-35, and the two referenced properties at 1349 & 1439 N. Power Road are Office Commercial and the two Maricopa County referenced properties are zoned R1-35.

Now the applicants are asking for yet another rezoning for a potential 6.1 acres to Neighborhood Commercial (NC) so they can proceed forward, presumably to expand their food truck operation. An operation that is allowed under Arizona HB 2371, but to this day has not been explained to me how the landowners were allowed to circumvent the City of Mesa Planning process and start this operation.

I have some serious concerns with this potential rezoning and the increased detrimental effect it would have on our neighborhood. We have a long history with Mr. Darling and Pew & Lake, P.L.C. dating back to 2008 and Mr. Johnson since 2015 at least. Their latest ploy of starting this operation without the knowledge of City Planning is beyond belief. Previous dealings with Mr. Darling and Pew & Lake, LLC have included: misrepresentation, miscommunication, deceit, City code complaints and more. Mr. Johnson is no less than arrogant and self-serving. They have never been a "Good Neighbor" and I don't expect them to be going forward. Now they want us to roll over and let them rezone 6.1 acres for a bigger food park?

Now for my concerns

Wrong location and fit for a project of this size. Just like the last proposed rezoning to ID-1 for two Self-Storage buildings. In 2007, City Staff had concerns about rezoning from R1-35 to OC "because they could potentially still be viable residential lots", referencing 1349 & 1439 N. Power Road. The General Plan at the time "...promotes the preservation and protection of existing, stable

neighborhoods.” Now the General Plan focuses on “Character Types”. To grant an NC classification moves the zoning much further away from R1-35 and creates a massive commercial ready six plus acres at the entrance to a stable and quiet “low density” neighborhood. Nothing about this proposal would further enhance the character of the given area, if anything it degrades the character. The “Power Food Park” is not a park; it’s a business plain and simple! These lots are still viable R1-35 properties. In fact, Mr. Austin Gardner who purchased the approximate four acres referenced as Maricopa Co. parcels 218-04-003A&C already has an Administrative Review on record with the City of Mesa Planning Department (ADM21-00041).

Rezoning to NC only compounds the issue of whether any of this fits the entrance to our large lot residential neighborhood. The property owners have already shown us they can’t be trusted, and they can’t be “Good Neighbors”. The Power Food Park isn’t creating any new jobs, and not likely generating much sales tax revenue for the City of Mesa. By increasing the size by two-thirds, it will only create more problems.

From the City of Mesa General Plan 2040

Neighborhoods

Focus: “The primary focus of the neighborhoods character type is to provide safe places for people to live where they can feel secure and enjoy their surrounding community”, not to feel miserable about six nights per week of food truck business and what it brings into our tiny neighborhood.

“Nonresidential areas within neighborhoods should be designed and located to bring people together and to not disrupt the fabric and functioning of the neighborhood as a place where people live. The design, development, and maintenance of neighborhoods focuses on ensuring clean, safe, and healthy areas where people want to live and maintain their investments.”

Rezoning from two acres to over six acres will only increase noise, lights and traffic. The noise and lights are already an extreme problem, and currently the amount of traffic racing through the neighborhood to gain parking access is ridiculous. Add to that the problem of traffic entering and exiting from Halifax Dr. and Hobart St. to and from Power Road. Creating more space for parking is only going to create more traffic and congestion. In no way does the neighborhood want traffic signals at these two streets, especially when the City of Mesa will be building its Northeast Public Safety Facility just a few hundred

feet south that will no doubt have its own signal. Then there's the issue of patrons walking across Halifax Drive from the current parking lot and future overflow parking area: heads down, not looking, on their phones walking into and across the street. And while talking about patrons of this operation, let's not forget how disrespectful they are while visiting our neighborhood. Neighborhood, what neighborhood? For them, it's all about me! Some of these patrons don't even realize they're in a residential neighborhood.

It would almost be criminal to degrade the entrance of our neighborhood any further. Some folks have lived here for decades, enjoying their life or retirement. Now younger families are beginning to find the perfect home because of what these properties have to offer, and it's not the food truck operation. How do we tell visitors or family how to find our neighborhood? "Oh, just look for the food park, you can't miss it." How disgusting is that!

And finally, just how many of you, Mayor Giles, Mr. Luna, and City Staff would want this in your neighborhood? That's right you wouldn't. Sorry to disappoint so many people, but the City of Mesa must not let this happen, and whoever let it begin without the normal City processes being followed should be held accountable. It is absolutely destroying our once quiet neighborhood.

Rezoning to allow for NC does not benefit or protect the neighborhood character, plus it sends the wrong message to the residents of this neighborhood and others in Mesa that commercial enterprise is more important than preserving and protecting existing and stable neighborhoods.

Please make a NO recommendation to the Planning and Zoning Board on this proposed rezoning request.

Thank You,

Craig M. Vossler
1451 N. 71st Street
Mesa, Arizona 85207
(480) 844-3719

Lesley Davis

From: Roger jenkins <rjenkins131@cox.net>
Sent: Sunday, May 02, 2021 1:37 PM
To: Lesley Davis
Subject: ZON 21-00278

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Davis my name is Roger Jenkins my wife is Karen Jenkins. We've lived at 6834 E. Halifax Dr. for thirty two and one half years. The food truck carnival that goes on six nights a week is an attack on the peace and quiet of this whole area. Our lot is bordered by the lot that Mr. Darling wants to rezone. Every night for about one hundred thirty five nights now from 4 pm to 10 pm we are subjected to the stench of food cooking, very loud talking and yelling, light pollution loud music and noises. Then on Sunday morning at 8 am they schedule trash pick up and portable potty service. If this re-zoning occurs the value of all the well established homes will decrease. **The city is aware of the traffic problem that happens every day, it seems that would only get worse.** They had a neighborhood meeting at the carnival park and the residents from across Power rd also are complaining about all the noise and traffic. The area must remain residential zoning. We are NOT in favor of the carnival park or the rezoning. Sincerely
Roger and Karen Jenkins

Lesley Davis

From: Ray Lee <trenchphx@gmail.com>
Sent: Sunday, May 02, 2021 12:19 PM
To: Lesley Davis
Subject: Power Food Park Zoning Case ZON21-00277

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Ms Davis,

Good morning. My name is Ray Leo. My family and myself reside at [6951 E. Hobart St. Mesa, AZ 85207](#). I am writing this letter, to you, on behalf of my family and all of my concerned neighbors.

I have lived here happily and securely, since 1992. This neighborhood has been a true pleasure to live in. Sadly this neighborhood and the quality of life we have all enjoyed and have striven to protect, has changed dramatically since the inception of the Power Food Park.

I have been made aware of ZON21-00278, the zoning case in regards to the Power Food Park located on Power Rd between Hobart St and Halifax Dr. I am staunchly against any such proposed rezoning.

The applicant, in this case, has repeatedly demonstrated a complete disregard for the current residential zoning, that serves to protect both the neighborhood and the good families that call it home. Some of the industrial changes made by the applicant include, creating a lighted walkway and driveway (just to allow exit to Hobart St.) for the multitude of food trucks that now routinely invade our once peaceful community. In recent months traffic has increased dramatically. Along with that ever increasing traffic, comes the various noises and sanitation issues that any resident would neither expect or welcome in a neighborhood such as ours.

We have been witness to car after car exceeding the speed limit, putting the safety of our families at risk, while they drive our loop in search of parking. When these customers of the food park are asked to slow down, they have often been rude, disrespectful and completely oblivious to the fact that this is a residential neighborhood, filled with families that they are disrupting and endangering. Often, each day after a Power Food Park event, we awaken to trash left behind and litter on our street. This is especially true for Friday and Saturday.

The traffic, excessive trash, noise and environmental disruption is affecting this neighborhood adversely. I feel that the applicant misrepresented his intentions in an effort to "get his foot in the door" on these two lots. It is our fear and strong belief that should the city grant any further rezoning permits, or amend the current zoning in any fashion to Mr. Darling (and his associates) it will only serve to further what is beginning to become a nightmare and will lead to the destruction of the beloved community we have embraced for decades.

I ask you to try and imagine that this was happening to your neighborhood and this chaos was delivered to your very doorstep. Would you welcome it or would you implore the entrusted to preserve and protect your community to do just that?

The residential lot in reference to ZON21-00278 should be kept as such. Any deviation from its current zoning status will further disrupt our neighborhood. I ask you to do the right thing, preserve and protect our community and stop this mistake before it happens.

Respectfully,
Raymond Leo & Family

Lesley Davis

From: craig-n-linda1@juno.com
Sent: Saturday, May 01, 2021 1:24 PM
To: Lesley Davis; District 5; Ryan A Russell; Christine Zielonka
Subject: Power Food Park Zoning Case ZON21-00278

Follow Up Flag: Follow up
Flag Status: Flagged

City of Mesa Staff,

A little annoyed with PFP last night, Friday 4/30/21. About 5:00pm?, their little utility off-road vehicle was driving back and forth a few times on 71st Street from Halifax to Hobart with two young adults in it. They have no business driving through the neighborhood, and it's not licensed either. Then I drove down to the "park" about 9:50pm, just to see what the scene was like at closing time (9:00pm, yeah right?). All three light standards still lit up in the parking lot, a few vehicles still in the parking lot along with a food truck, dust in the air. PFP still all lit up with a few vendors still there, and people milling around? Turned North on Power Road, liquid in the right hand lane of Power that likely spilled out of a vendors truck or trailer. It was probably just water (grey water), but who knows and why?

Then turning back East on Hobart, a food truck driving through the four acres of desert next to the lighted path, to exit onto Hobart. I made him stop for me (he wasn't planning to), all the while the PFP off-road utility vehicle sitting in the street facing West. Again, more dust in the air. Then between 10-10:30pm a well lit pickup truck made two trips through the neighborhood. Who & why? I assume having something to do with PFP.

Thursday 4/29/21, I came into the neighborhood via Halifax Drive at 3:25pm, and there was already a vendor sitting in the parking lot waiting to get in, nobody else around. There's no need to be that early! They just want to be the first to get in and get a prime spot.

There is absolutely no respect for the neighborhood! We'll see what Saturday night brings.

Craig M. Vossler

1451 N. 71st Street
Mesa, AZ 85207

Lesley Davis

From: Dorothe Sparks <dottiesparks1@hotmail.com>
Sent: Saturday, May 01, 2021 11:33 AM
To: Lesley Davis
Cc: Mayor; District 5
Subject: FOOD TRUCKS

Follow Up Flag: Follow up
Flag Status: Flagged

I am writing regarding the Zoning Case ZON21-00278. I am highly opposed to the rezoning requested.

This is a small neighbor consisting of two streets, not through streets, and the only ingress and egress is directly onto Power Road through our quiet neighborhood. The traffic caused by the existing Food Park is overwhelming and dangerous. I am sorry to say that the visitors to the Food Truck Park have no concern for our property or traffic problems. Several times I have been left in a dangerous position when entering my street by the heavy traffic at the corner and the pedestrians with strollers, dogs and multiple family members sauntering across the street. The property owners realized it was dangerous so they hired a police officer on Friday and Saturday nights, however, his job seems to be showing people where the parking lot is. He does nothing to relieve the traffic.

Again I would like to impress on you that this is a small neighborhood of homes of one acre or more and this Park is a hindrance to our property values and peace and quiet.

This operation has become a nuisance and expanding it will only make it more so.

**Dottie Sparks
7010 E. Halifax Dr
Mesa, Az 85207**

Lesley Davis

From: Ted Sparks <tedsparks@hotmail.com>
Sent: Friday, April 30, 2021 2:22 PM
To: Lesley Davis
Subject: Fw: Councilmember David Luna

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Davis, here is an email sent to Mr. David Luna for your consideration as well.

Ted Sparks

From: Ted Sparks <tedsparks@hotmail.com>
Sent: Thursday, April 29, 2021 10:58 AM
To: district5@mesaaz.gov <district5@mesaaz.gov>
Subject: Councilmember David Luna

Mr. Luna: As a 30-year resident of the Halifax/71st Street/Hobart Neighborhood, I have observed Mr. David Darling and his various partners purchase the two RS35 zoned lots on either side of Halifax Drive at Power Road, then apply for and receive C-2 zoning for the stated purpose of constructing a complex of small medical and office buildings. This proposal was not opposed by our neighborhood as we anticipated being able to walk to our dentist or accountant. As time went by, rather than commence construction as proposed in his zoning application, Mr. Darling decided to cash in on the increased value the new zoning provided and began offering the lots for sale. More time goes by and Mr. Darling asks the City to permit the construction of a three-story self-storage complex (which he called a "campus"). During his door-to-door campaign to gather support for this project several residents reported intimidation tactics wherein Mr. Darling threatened even more onerous uses for the property if his "campus" was denied. Fortunately, the City's Design Review Board declared "That facility does not belong in this neighborhood" and the application was withdrawn.

Had we suspected the complete disregard Mr. Darling and his partners would have for our neighborhood, we would have objected to the original rezoning from RS35.

Given that background we were curious when the lots were recently cleared of all vegetation (including a well-aged saguaro cactus) and called a "park". Apparently, Mr. Darling and his partners obtained permission from the City to operate a commercial food truck operation on the "park" without any paving, plumbing, electrical connections or street improvements. It is hard to believe that any of the competing eating establishments in the City would be allowed to operate under such conditions. Be that as it may, this business has attracted crowds way beyond its capacity resulting in a complete disruption of the neighborhood and making the directly adjacent residences almost uninhabitable. Of course, the solution proposed by Mr. Darling and his partners is to infringe deeper into our neighborhood by rezoning more RS35 property and adding more food trucks. This would not only add more residences to the directly adjacent list, it would also be a permanent detriment to our entire unique neighborhood.

Over 50 neighbors attended the proponent's information meeting last week and everyone I heard was opposed. Some are asking what Mr. Darling and his partner's real objective might be. They are doubtful that the food truck operation can make financial sense given the cost to acquire the additional 4 acres (\$900,000+) and the required infrastructure improvements. Having very little invested in the existing operation they might be inclined to close it down or move it to a more suitable location and see what other opportunities the new zoning might create.

Mr. Luna, we appreciate how responsive you have been to our neighborhood needs in the past and we are going to need your help now to defeat this zoning request.

Thank you for your consideration

Ted Sparks
7010 E. Halifax Drive

Lesley Davis

From: Eugena <eugena@carnationhomecleaninginc.com>
Sent: Monday, April 26, 2021 6:39 PM
To: Mayor; Melissa Randazzo; District 5; CityManager; Christine Zielonka; Nana Appiah; Lesley Davis
Subject: Zoning case ZON21-00278

Follow Up Flag: Follow up
Flag Status: Flagged

Good evening!

My name is Eugena Bring. I live at 7025 E Hobart St. I have lived here since May of 2005, almost 16 years. A rare large residential lot that is dark, peaceful, quiet, beautiful, well kept, a very low crime rate, and safe neighborhood. We searched for a long time to find our forever home and neighborhood like this!

I am contacting you with regard to the situation on Power Road between Halifax Dr. and Hobart St., Zoning case ZON21-00278. This is a quiet residential neighborhood and any commercial development does not fit this residential area. I am firmly against any such rezoning and stand with the entire neighborhood. Our neighborhood has declined since the existing food trucks and farmers market operations snuck in.

The thing I find outrageous is that the applicant has **already improved the subject property and is using it commercially**. In addition to the parking use, they have built a lighted and fenced walkway from Hobart Street to the trucks. There already is a traffic problem entering and exiting our neighborhood on Power Road from either street. The neighborhood is essentially a loop, so traffic on both streets is already severely affected adversely.

There is already excessive trash, noise, environmental and light pollution from the existing food trucks. More will not decrease this problem.

PLEASE, do not destroy this rare large lot residential parcel and the value of its surrounding homes for the sake of a nuisance inducing food truck operation, or whatever else the applicants may have planned.

I would also add that the church and school across the street was generally a quiet zone and this commercial development will destroy this.

Thank You, your attention to this matter is greatly appreciated.

Lesley Davis

From: Lana B <hol.leigh@hotmail.com>
Sent: Monday, April 26, 2021 2:00 PM
To: Mayor; Melissa Randazzo; District 5; CityManager; Christine Zielonka; Nana Appiah; Lesley Davis
Subject: Rezoning of Hobart/Power Road for Food Truck "park"

Follow Up Flag: Follow up
Flag Status: Flagged

Good afternoon! I am Lana Braunstein and I have a home at 6915 E. Halifax that is being negatively impacted by the food truck lot on Power road. I encourage each of you to go the food truck lot on a Friday or Saturday night after dark. Try to observe it from a residents point of view. Look at all the traffic, bright lights, noise, dust from the parking lot, garbage blowing everywhere and upon leaving drive around the Halifax/Hobart loop and see if you would welcome this into your neighborhood. It has a very negative impact on the community. This is going to have a negative affect on every home value in the neighborhood.

We recently attended a meeting on an idea for the food truck lot to expand and purchase land on the corner of Hobart and Power. This lot is currently zoned as residential in which they need rezoning to commercial. I strongly oppose this. Although the concept of a food truck lot (it's not a park like they are calling it) maybe a good idea the location, in a residential neighborhood, is not. The project presented in no way would eliminate the unsafe traffic issues.

We invested a great deal of money on our home in a nice quaint, quiet neighborhood, we pray that you find it in your hearts to keep it that way. Please consider the residents and vote no on the rezoning of this parcel.

Thank you for your consideration,
Lana Braunstein
6915 E. Halifax Drive

Sent from my iPad

Lesley Davis

From: tom bade <tombade1949@yahoo.com>
Sent: Monday, April 26, 2021 10:58 AM
To: Mayor; Melissa Randazzo; District 5; CityManager; Christine Zielonka; Nana Appiah; Lesley Davis
Subject: Zoning case ZON21-00278

Follow Up Flag: Follow up
Flag Status: Flagged

Good Morning!

My name is Thomas Bade. I live at 7030 E. Halifax Dr. I have lived here for over eight years and have witnessed the terrible decline in our neighborhood caused by the existing food trucks and farmers market operations. I am contacting you with regard to the situation on Power Road between Halifax Dr. and Hobart St., Zoning case ZON21-00278. This is a quiet residential neighborhood and any commercial development does not fit this residential area. I am firmly against any such rezoning.

The thing I find outrageous is that the applicant has **already improved the subject property and is using it commercially**. In addition to the parking use, they have built a lighted and fenced walkway from Hobart Street to the trucks. There already is a traffic problem entering and exiting our neighborhood on Power Road from either street. The neighborhood is essentially a loop, so traffic on both streets is already severely affected adversely.

There is already excessive trash, noise, environmental and light pollution from the existing food trucks. More will not decrease this problem.

PLEASE, do not destroy this rare large lot residential parcel and the value of its surrounding homes for the sake of a nuisance inducing food truck operation, or whatever else the applicants may have planned.

I would also add that the church and school across the street was generally a quiet zone and this commercial development will destroy this.

Your attention to this matter is appreciated.

Lesley Davis

From: craig-n-linda1@juno.com
Sent: Tuesday, April 20, 2021 9:34 PM
To: Lesley Davis; Christine Zielonka
Cc: Nana Appiah; Mayor; District 5
Subject: Power Food Park

Follow Up Flag: Follow up
Flag Status: Flagged

Ladies,

It was my pleasure meeting you both tonight. I'm sorry it was under such terrible conditions. Maybe THE worst conditions to have a meaningful "Neighborhood Meeting". I am not proud of the way my neighbors or myself spoke or behaved, it has become very emotional for many of us. Some of these folks have lived here for decades and don't know how the City processes work. All they want, is to live quietly in their homes without the intrusion of disrespectful property owners and patrons of their Food Park.

Conversely, I have been dealing with Mr. Darling since before his rezoning on his original two parcels, through every idea and case number. I have filed complaints on his properties over the years because he never maintained them. Not once have I ever received a letter from him or his attorney about anything they have proposed, I always have to hear from someone closer to his properties. He has never been a Good Neighbor. It's all about making money and raping the land for them. The question is, where does it end?

With great respect,

Craig M. Vossler

From: Roger jenkins <rjenkins131@cox.net>
Sent: Wednesday, October 6, 2021 1:55:39 PM
To: Rachel Prelog <Rachel.Prelog@mesaaz.gov>
Subject: ZON21-00278

Please know that my wife Karen and I and my whole family are against this rezoning. It will devalue the whole neighborhood. Drive thru the area around 7-8 pm, check out our back yard on Friday Saturday evening 6834 E. Halifax Dr. and next door 6822 also. I sent a 3 minute video to Leslie Davis on 9/20/21. Roger A. Jenkins

From: Roger jenkins <rjenkins131@cox.net>
Sent: Wednesday, October 6, 2021 1:55:39 PM
To: Rachel Prelog <Rachel.Prelog@mesaaz.gov>
Subject: ZON21-00278

Please know that my wife Karen and I and my whole family are against this rezoning. It will devalue the whole neighborhood. Drive thru the area around 7-8 pm, check out our back yard on Friday Saturday evening 6834 E. Halifax Dr. and next door 6822 also. I sent a 3 minute video to Leslie Davis on 9/20/21. Roger A. Jenkins

Rebecca Gorton

From: tom bade <tombade1949@yahoo.com>
Sent: Thursday, October 7, 2021 8:22 AM
To: Rebecca Gorton; Nana Appiah; Lesley Davis; Mayor; District 5; Rachel Prelog; Christine Zielonka
Subject: ZON21-00278 to be heard October 13, 2021

The owners have been and will probably continue to ignore the current zoning. As you are aware, the residential lot is being used commercially. We request the Planning & Zoning Board to DENY the applicant's request for rezoning. This has always been a Large Lot Residential neighborhood and it should remain that way.

Thank You

Thomas W. and Jo Ann Bade
7040 E Halifax Dr
Mesa, AZ. 85207

Rebecca Gorton

From: Dave Sloan <davesloan785@gmail.com>
Sent: Wednesday, October 6, 2021 6:27 PM
To: Rebecca Gorton
Cc: Nana Appiah; Christine Zielonka; tim timlasota.com; Rachel Prelog; Lesley Davis
Subject: Re: Opposition to Power Food Park rezoning case
Attachments: Sloan Opposition to ZON21-00278.pdf

Please see the attached letter in opposition to ZON21-00278 for Power Food Park

Regards,

Dave Sloan
602-430-7114

On Thu, Sep 30, 2021 at 9:55 AM Lesley Davis <Lesley.Davis@mesaaz.gov> wrote:

Mr. Sloan,

To be included in the hearing packet, the City needs to receive any items from the public by **noon October 7th**. The letter may be brought to the hearing and submitted as well, however, the Boardmembers wouldn't be able to review it beforehand.

Please note that information for the Rezoning and Appeal cases need to be submitted separately. Please provide any comment and/or petition to the following contacts:

Appeal (Board of Adjustment)

Alexis Jacobs

alexis.jacobs@mesaaz.gov

Rezone (Planning & Zoning Board)

Rebecca Gordon

rebecca.gorton@mesaaz.gov

Please let us know if you have any other questions.

Thank you.

Lesley Davis

Senior Planner

Planning Division

55 N. Center St., First Floor | Mesa, AZ 85201 | lesley.davis@mesaaz.gov

TEL 480.644.4934 | FAX 480.644.2757



From: Dave Sloan <davesloan785@gmail.com>
Sent: Wednesday, September 29, 2021 6:08 PM
To: Lesley Davis <Lesley.Davis@mesaaz.gov>; Nana Appiah <nana.appiah@mesaaz.gov>; Christine Zielonka <Christine.zielonka@mesaaz.gov>
Cc: tim timlasota.com <tim@timlasota.com>
Subject: Opposition to Power Food Park rezoning case

Hi Lesley,

I live at 6822 E Halifax Drive and share a property line with the food park. I will have a more detailed letter in my opposition ready for you next week. When do you need that from me to be able to be considered and included with the case as it goes before the board?

Rebecca Gorton

From: tom bade <tombade1949@yahoo.com>
Sent: Thursday, October 7, 2021 8:31 AM
To: Rebecca Gorton
Subject: Fwd: RBOA 21-00628 case to heard 10/13/21

Begin forwarded message:

From: tom bade <tombade1949@yahoo.com>
Date: October 7, 2021 at 8:27:59 AM MST
To: alexis.jacobs@mesaaz.gov, Nana.Appiah@mesaaz.gov, lesley.davis@mesaaz.gov, Mayor@mesaaz.gov, District5@mesaaz.gov, Rachel.Prelog@mesaaz.gov, Christine.Zielonka@mesaaz.gov
Subject: RBOA 21-00628 case to heard 10/13/21

We expect the BOA to UPHOLD Dr. Appiah's Zoning Interpretation as "...the current use of the property, primarily as a food truck park, does not conform to the requirements of the definition of Public Parks, and Recreational Facilities."

Thank You

Thomas W. and Jo Ann Bade
7030 E Halifax Dr
Mesa Az 85207

Rebecca Gorton

From: jim c <ourfamilymailbox@msn.com>
Sent: Thursday, October 7, 2021 11:38 AM
To: Rebecca Gorton
Cc: Nana Appiah; Lesley Davis; Mayor; District 5; Rachel Prelog; Christine Zielonka
Subject: FW: ZON21-00278 to be heard October 13, 2021

Subject: ZON21-00278 to be heard October 13, 2021

Planning & Zoning Board Members,

Eleanor F. Connelly and James Connelly are **against** the rezoning of approximately 6.1 acres of land at Halifax Drive, Power Road and Hobart Street. The current four parcels are zoned Office Commercial and Residential Large Lot RS-35. The applicant's are seeking Neighborhood Commercial (NC) so they may develop the land into what they say will be Power Food Park, or whatever else they want to pursue.

The applicant's have already been told they are in violation of current zoning at 1349 & 1439 N. Power Road (BOA21-00628) as they are operating a Food Truck business when they have been told "... the current use of the property, primarily as a food truck park, does not conform to the requirements of the definition of Public Parks and Recreational Facilities." Yet they continue to push their agenda and have started using the approximate four acres of RS-35 land for parking and other miscellaneous activity since October 1, 2021. And to this date, we still don't know what use permit they were granted.

As a resident of this neighborhood since 1977, along with other long time residents, I request the Planning & Zoning Board to **DENY** the applicant's request for rezoning. This has always been a Large Lot Residential neighborhood and it should remain that way.

The City should not, at the expense of the neighborhood, make whole a failed real-estate purchase dating back many years, for a purchase made when the original zoning was for Office Commercial.

Thank You,

Eleanor F. Connelly
6910 E Halifax Drive
Mesa, AZ 85207

Rebecca Gorton

From: Wickstrom <JW426@cox.net>
Sent: Friday, October 8, 2021 10:05 AM
To: Rebecca Gorton
Subject: Food Trucks

I would like to bring to your attention a serious situation that has been unfolding at the intersection of Power Road and Hobart/Halifax Street. As a member of this Mesa neighborhood, I am confused as to why such complete disregard for policy and procedure has been permitted for so long?!

Here are a few observations:

- Overflowing dumpsters visible from the neighborhood and the street
- A permanent chain-link fence surrounding the properties. (it's been there over a year)
- No dust control during tractor work or during the thousands of tons gravel dumping and spreading
- Port-a-johns placed directly along residential property lines
- Huge spotlights and generators running every night
- Spotlights aimed into oncoming traffic- very difficult negotiate this area at night
- No visibility down Power Road due to proximity of chain-link fence and signage. This is very dangerous now with the increase in traffic!
- Odors, noise, dust and light pollution into what was previously a quiet residential neighborhood.
- Inequality of control between existing highly regulated food establishments and this random assortment of food-truck gypsies, especially during the pandemic.
- No ADA compliance.

...and the list goes on, but you get the idea. This has become quite intolerable.

Why are your hands tied? I do not understand. Why have you no authority over this kind of blatant disregard for *all you have worked to protect*? This goes against everything "planning and zoning" stands for. It is only a matter of time before big-business realizes they can do as they please in Mesa with no fear of repercussion.

I know you are busy, probably overwhelmed with all the unprecedented growth of our community. But please-take note of this situation! We need YOU more than ever to help protect us! A small break in the dike will soon result in uncontrollable devastation. **Keep this zoning as it was initially planned** during your upcoming review. Large residential lots and quiet neighborhoods is what makes Mesa special.

You are important to us, please be there when we need you most.

Jeff Wickstrom
Hobart Street, Mesa.

I'll simply point out a few items now though to make sure my position is clear.

First, the impact on the neighborhood and on my family is immense and well cataloged.

Secondly, they have already fully expanded their operation into the still RS zoned property. Even their current usage has been deemed unlawful and is currently under appeal. Even under those circumstances, they are expanding their operations without any zoning. This brazen level of disrespect for the zoning code is indicative of their attitudes towards everything about their operation and should be considered in this case. Being willing to so openly and knowingly disobey the law should not be overlooked or rewarded.

Thirdly, historically their justification was based on that they are a 'public park'. While public parks are allowed in OC and RS zoning, they themselves make the claim on the park rules sign that 'This is a private park' and 'We reserve the right to refuse entrance' and they have told local residents that they are not welcome or they will be trespassing. They are no longer even trying to maintain the charade of being a public park. This is in addition to the rightful interpretation that a commercial food park is not a public park.

Lastly, I (and the other residents) do have potential solutions to offer by way of compromise that can allow for a mutually beneficial solution. I am not unreasonable and understand that they have property rights AS WELL. This will also be forthcoming but the department, the board and the council should be well aware that it is possible to come to a workable conclusion but that it will require the food park owners to actually respect the property rights of their neighbors.

Thank you

Dave Sloan

602-430-7114