

From: [Paulo Pedrosa](#)
To: Christian.orr@brookfieldrp.com; [Jennifer Merrill](#); jbulsiewicz@evgre.com
Subject: Case #: ZON25-00693 and ZON26-00155
Date: Friday, April 17, 2026 4:58:43 PM
Attachments: [City of Mesa Planning - Paul.docx](#)

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City of Mesa Planning & Zoning Department
Attn: Jennifer Merrill, Senior Planner
55 N. Center St.
Mesa, AZ 85201

Re: Letter of Support
Case #: ZON25-00693 and ZON26-00155
Site Plan Application / DUP Amendment
Eastmark Community Plan – Development Units 5 and 6 South
SWC of South Signal Butte Road & East Rubidium Avenue

Hi Ms. Merrill and Planning Team,
I'm a resident here in Bella Via Eastmark Community, and I wanted to voice my support for the new mixed-use development by Evergreen (and the DUP amendment for DU5/6S).

After looking over the plans, I think more retail/restaurants are exactly what we need (as opposed to more industrial buildings/data centers). Mixing apartments with neighborhood next to the planned Great Park is a great idea. Plus, it seems like a perfect buffer between the industrial buildings to the north and the commercial spaces on Signal Butte.

As a local resident, I look forward to seeing our community expand and hope to see this project move forward.

Sincerely,

Paul Pedrosa
Bella Via / Eastmark Community Resident
5257 S Danta
Mesa, AZ 85212

From: [Dano1988](#)
To: [Planning Info](#)
Subject: Case: ZON26-00155
Date: Thursday, April 30, 2026 7:20:53 PM

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I oppose the proposed apartment project. The developer appears incentivized to maximize revenue per square foot by increasing density within the mixed-use zone; however, this approach is inconsistent with Eastmark's planned design and character. As proposed, the project would likely exacerbate traffic congestion and place additional strain on an area that is already experiencing significant growth and crowding.

Thank you,
Dan Edwards

Sent from my phone. Please excuse spelling errors and brevity.

From: [Jennifer Castillo](#)
To: [Planning Info](#)
Subject: DU6 South
Date: Friday, April 10, 2026 10:51:14 AM
Attachments: [image.png](#)

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Attn.: Nana Appiah and Mary Kopenski-Brown

Good morning,

I am writing to express my concerns regarding the recent proposal to change the zoning of DU6 South. There is currently a proposal to construct a large apartment complex in this area. This letter was sent on April 1st , 2026.

According to the community plan, it clearly states:

“The residential neighborhoods of DU6 South will be single-family and/or mid-density single-family.”

This language does not reasonably allow for the development of a large apartment complex. My husband and I attended the meeting regarding the proposed apartments—which would be located directly behind our home—and were told that the wording in the community plan is “open to interpretation.” This interpretation represents a significant departure from the stated designation of “single-family and/or mid-density” housing.

Additionally, the plan specifies that there should be a transition from lower-density to higher-density housing. The current proposal does not provide such a transition and instead introduces a high-density development without appropriate buffering.

In 2025, the City posted a heavily redacted version of the DU6 South Development Unit Plan (DUP), rendering it unreadable and impossible to interpret. After concerns were raised by residents, the redactions were removed. However, the City continues to display only the outdated 2017 DUP on its website, despite the updated version—approved on December 30, 2020—explicitly stating that it supersedes the 2017 plan. This raises concerns about transparency, as the current DUP includes binding “single-family” designations that appear to conflict with the proposed apartment development.

Furthermore, in 2018, residents were presented with a proposal indicating that the Great

Park would extend to the rear of the storage facility on Signal Butte Road. This plan aligned with our understanding and expectations for the area's development, including the zoning described above.

Given these concerns, we respectfully request that all approvals for DU6 South be paused. The Planning Director should classify this proposal as a Major Amendment and follow the required procedures to formally change the zoning designation. This process is essential to ensure transparency and to provide residents with a fair opportunity to review and respond.

Thank you for your consideration on this matter.

Jennifer Castillo



From: [Lorraine Goins](#)
To: [Planning Info](#)
Subject: Eastmark Planned Community Development Units 5/6S
Date: Thursday, April 30, 2026 12:43:02 PM

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“I object to the proposed apartment project in Eastmark. Apartments are inconsistent with the overall demographic of Eastmark. I disagree that high density residential is appropriate for this area. The builder is driven by profit however in my opinion it will degrade the single family profile of Eastmark.

From: [Gary Smith](#)
To: [Planning Info](#)
Subject: Evergreen Project
Date: Thursday, April 30, 2026 12:11:20 PM

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I object to the proposed apartment project in Eastmark. Apartments are inconsistent with the overall demographic of Eastmark. I disagree that high density residential is appropriate for this area. The builder is driven by profit however in my opinion it will degrade the single family profile of the

Gary Smith
Eastmark Resident since 2018

From: [Christian Goehring](#)
To: [Planning Info](#)
Subject: Evergreen Project
Date: Thursday, April 30, 2026 11:39:37 AM

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I object to the proposed apartment project in Eastmark. Apartments are inconsistent with the overall demographic of Eastmark. I disagree that high density residential is appropriate for this area. The builder is driven by profit however in my opinion it will degrade the single family profile of the area.

Regards,

Christian Goehring

From: [Gina Sabatini](#)
To: [Planning Info](#)
Subject: Evergreen project
Date: Thursday, April 30, 2026 9:18:08 PM

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As an Eastmark resident, city of Mesa resident and parent of children who attend the local GPS school, I strongly OBJECT to the proposed apartments in Eastmark. These apartments do not align with the vision or demographics of Eastmark.

Bringing an additional 250-600 people to our already congested parks, streets, stores and schools is a terrible idea for the local residents.

The apartments being located near a newly constructed park will bring about safety concerns for the local residents. We are concerned about loitering, vandalism, the safety of children playing in the park, increased traffic, I could go on.

It is currently not zoned for high density housing, and the majority of Eastmark residents are not in agreement to change this zoning to allow these apartments. This was a poorly thought out plan and is only based on money for the developer.

Thank you for listening to the residents of Eastmark and not putting in the apartments.

We do not want more apartments.

Sincerely,
Gina Failla

Get [Outlook for iOS](#)

From: [Dena Barto](#)
To: [Planning Info](#)
Subject: Evergreen project concerns
Date: Thursday, April 30, 2026 3:43:26 PM

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Hello,

I'm writing to voice my concerns for the Evergreen project. As an Eastmark resident I am disinterested in additional apartments being built in an area that should have retail shopping. The neighborhood already has a good number of less expensive rental lodging and additional apartments are for profit not need or wants of the greater area. What would be more beneficial to this area is small retail.

Thank you for your time,

Dena Barto

From: [Lynn Vittengl](#)
To: [Planning Info](#)
Subject: Evergreen Project
Date: Sunday, May 3, 2026 9:08:37 PM

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I object to the proposed apartment project in Eastmark. Apartments are inconsistent with the overall demographic of Eastmark. I disagree that high density residential is appropriate for this area. The builder is driven by profit however in my opinion it will degrade the single family profile of the area.

From: [Matt Upham](#)
To: [Planning Info](#)
Subject: Evergreen Project in Eastmark
Date: Friday, April 10, 2026 7:57:09 AM

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Hello,

I am respectfully requesting the zoning and planning committee to delay and/or deny any approvals related to this zoning change and project until the city and community can have a better understanding of what is being proposed. Brookfield has a history of being deceitful to the community and is nothing but a fraud looking to line their pockets and ignore the promises made to the city and residents over the vision of Eastmark. Enough is enough.

Matt Upham
Eastmark resident since 2016

From: [Glenn Olson](#)
To: [Planning Info](#)
Subject: Evergreen Project in Eastmark
Date: Thursday, April 9, 2026 9:29:50 AM

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I object to the proposed apartment project in Eastmark. Apartments are inconsistent with the overall demographic of Eastmark. I disagree that high density residential is appropriate for this area. The builder is driven by profit however in my opinion it will degrade the single family profile of the area.

Glenn Olson
10202 E Bergeron Ave
Mesa,Az 85212

Sent from my iPad

From: [Gina Romero](#)
To: [Planning Info](#)
Subject: Evergreen Project
Date: Thursday, April 30, 2026 3:04:04 PM

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To Whom It May Concern:

We do not support and strongly object to the proposed Evergreen Mixed use development (apartments). Apartments are inconsistent with the overall demographic of Eastmark. We disagree that high density residential is appropriate for this area for a multitude of reasons.

- **Traffic and Road Safety:** The increased volume of traffic is too high for existing roads (Signal Butte and neighborhood arterial roadways), which will result in congestion, dangerous access points for children and families traveling, playing in the community shared areas with increased (and more serious) accidents than we are already currently dealing with, considering there is a high population of families with children in this vicinity.
- **Overloaded Schools & Services:** Area schools, water supplies, emergency services (police/fire), are already taxed on this area .
- **Overdevelopment/Density:** The project is disproportionately large (density, bulk, or height) for the site, creating an overbearing presence.

This proposal once more enforces the belief that the city has no concern for the property owners in the Eastmark community that were marketed one master plan for the area over ten years ago that has continuously had modifications that dramatically conflict with the shared vision. It would go a long way with taxpayers/property owners if for once our opinions were considered.

Thank you for taking these opinions into consideration with your current and future planning.

Respectfully submitted,

Regina and Michael Romero
10737 E Stearn Ave, Mesa

From: [Crystal K](#)
To: [Planning Info](#)
Subject: Formal Opposition to Proposed Residential Development in Eastmark
Date: Tuesday, May 5, 2026 10:37:27 AM

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To City Planning Representatives,

I am writing to formally express my opposition to the proposed high-density apartment project currently under consideration for the Eastmark community. While I understand the developer's interest in maximizing the land's utility, I believe the project, as proposed, is fundamentally incompatible with the established demographic and residential profile of this area.

My objections are centered on the following critical concerns:

- **Infrastructure and Public Safety:** The Eastmark area is already experiencing significant traffic congestion. Introducing high-density housing will exacerbate these conditions, placing an untenable strain on our current roadway infrastructure. Furthermore, this corridor is already prone to traffic accidents; increasing vehicle volume in such a concentrated manner poses a direct threat to public safety.
- **Preservation of Community Character:** Eastmark was designed with a distinct single-family residential profile. Transitioning toward high-density residential use is inconsistent with the master-planned vision of this community. Such a shift would inevitably degrade the quality of life for existing residents who invested in this area based on its low-density, suburban character.
- **Economic vs. Civic Interest:** While I recognize the builder's drive for profitability, these private gains should not come at the expense of the long-term stability and well-being of the surrounding neighborhood.

I respectfully urge you to reconsider the appropriateness of high-density residential use for this specific site and to prioritize the safety and quality of life of the current Eastmark residents.

Sincerely,

Crystal Kolosick


10144 E Tamery Ave, Mesa, AZ 85212

From: [Cassidy Welch](#)
To: [Mary Kopaskie-Brown](#); [Evan Balmer](#); [Jennifer Merrill](#)
Subject: FW: FORMAL WRITTEN PROTEST - Eastmark Community Plan Major Amendment Required
Date: Thursday, April 9, 2026 8:27:27 AM

From: Monica Miller <monicalkwasny@gmail.com>
Sent: Thursday, April 9, 2026 8:26 AM
To: District 6 <district6@mesaaz.gov>; Nana Appiah <nana.appiah@mesaaz.gov>; Cassidy Welch <cassidy.welch@mesaaz.gov>; Attorney Info <attorney.info@mesaaz.gov>; Jim Smith <jim.smith@mesaaz.gov>; Travis Miller <travismill23@yahoo.com>
Subject: Re: FORMAL WRITTEN PROTEST - Eastmark Community Plan Major Amendment Required

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Cassidy:

Thank you for taking the time to speak with me regarding the proposed amendment. You stated that this amendment is being processed as a major amendment to the Development Unit Plan 5/6 s but were not able to identify where that classification is stated in writing at this time. You also stated you were not able to identify where the new Land Use Group designation is stated in writing either. Given that the notice lacks this material information, it is imperative that the City provide written confirmation of the amendment classification and the Land Use Group being applied. Time is of the essence, I await your expedient response.

Monica Miller

On Wed, 8 Apr 2026 at 19:39, Monica Miller <monicalkwasny@gmail.com> wrote:

Monica Miller
4211 S Nano, Mesa, AZ 85212
Mesa, AZ 85212
April 8, 2026

Nana Appiah, City of Mesa Planning
Jennifer Merrill, City of Mesa Planning
City of Mesa Planning Department
55 N. Center Street
Mesa, AZ 85201

CC: Christian Orr, Brookfield Residential — Christian.Orr@brookfieldrp.com

RE: URGENT — Formal Notice of Non-Compliance and Demand for Information
RE: Proposed DUP Amendment — Development Units 5 and 6 South (DU5/6s)
RE: Area South and East of Signal Butte and Rubidium Road, Mesa, AZ 85212

Dear Nana Appiah and Jennifer Merrill

I am a neighboring property owner within the Eastmark community. I am writing in response to a letter dated April 2, 2026 from Christian Orr of Brookfield Residential regarding a proposed amendment to the Development Unit Plan for DU5/6s (the "Amendment").

I am writing today, April 8, 2026 — six days after the applicant's letter was dated. I am advised that the Eastmark Community Plan requires a minimum of fifteen (15) days notice prior to any administrative action on a DUP amendment. If that notice period began running on April 2, 2026, administrative action could occur as early as April 17, 2026 — the day immediately following the applicant's scheduled open house.

I am directing this correspondence to the City of Mesa Planning Department because it is the City — not the applicant — that bears the obligation to ensure that the notice and procedural requirements of the Eastmark Community Plan are satisfied before any action is taken on this Amendment. The applicant's notice letter is materially deficient in multiple respects, and the City's acceptance of this application in its current form without requiring corrective notice is itself a failure to uphold the Community Plan's protections for neighboring property owners.

This is unacceptable. I demand written responses to each of the following no later than APRIL 10, 2026.

1. THE CITY HAS ALLOWED THE APPLICANT TO SUBMIT A NOTICE THAT FAILS TO IDENTIFY WHETHER THIS IS A MAJOR OR MINOR AMENDMENT.

The applicant's letter does not state whether this DUP amendment is being processed as a major or minor amendment under the Eastmark Community Plan. This is not a technicality. It is a threshold determination that governs the reviewing authority, the notification requirements, and the rights of neighboring property owners to formally contest this request.

Past amendments to the Eastmark Community Plan affecting Land Use Group designations have been designated as major amendments requiring Planning Board and City Council review, with formal zoning case numbers assigned and full public notice provided. The City's acceptance of a neighbor notice letter that omits this fundamental classification is a failure of its obligations under the Community Plan.

I demand that the City confirm in writing immediately whether this Amendment is being processed as a MAJOR amendment requiring Planning Board review, or a MINOR amendment subject to administrative approval by the Planning Director — and the basis for that determination.

2. THE CITY HAS ALLOWED THE APPLICANT TO SUBMIT A NOTICE THAT FAILS TO IDENTIFY THE PROPOSED LAND USE GROUP.

The applicant's letter states the Amendment will change the "District Land Use Group" designation for the affected area but does not identify the current Land Use Group nor the proposed Land Use Group being requested. A Land Use Group designation change is substantive — it determines permitted uses, density, and intensity for the affected area and directly impacts neighboring property owners.

Neighboring property owners cannot evaluate the impact of this Amendment, or make an informed decision about whether to formally protest, without knowing precisely what uses are being sought. The City's acceptance of a neighbor notice that omits this information is a direct failure to protect the rights of the community it is obligated to serve.

I demand that the City provide in writing immediately the CURRENT Land Use Group designation for the affected area and the PROPOSED Land Use Group designation being requested.

3. THE CITY HAS ALLOWED THE APPLICANT TO SUBMIT A NOTICE THAT PROVIDES NO ZONING CASE NUMBER, NO FORMAL HEARING DATE, AND NO PROTEST INSTRUCTIONS.

The applicant's letter references an informational open house on April 16, 2026. An open house is not a formal hearing. It carries no legal weight and creates no formal record. The applicant's letter provides no zoning case number, no scheduled formal hearing date before the Planning Board or City Council, and no instruction whatsoever regarding how and where neighboring property owners may submit a formal written protest.

The City's obligation under the Eastmark Community Plan is to ensure that neighboring property owners are meaningfully informed — not merely notified in form while being denied the substance necessary to exercise their rights. The notice as provided does not meet that standard.

I demand the City provide immediately the ZONING CASE NUMBER assigned to this application and the DATE, TIME, AND LOCATION of any formal public hearing scheduled in connection with this Amendment.

4. WHERE MUST A FORMAL WRITTEN PROTEST BE SUBMITTED?

If this Amendment is being processed as a minor amendment, I demand that the City confirm in writing the correct name, title, mailing address, and deadline for submission of a formal written protest pursuant to the Eastmark Community Plan and applicable City of Mesa procedures. The applicant has no authority to receive or process a formal protest on behalf of the City of Mesa.

5. RESERVATION OF RIGHTS

I hereby formally reserve all rights to contest this DUP amendment through all available channels. Nothing in this letter, and nothing arising from my attendance at the April 16 open house, shall be construed as a waiver of any right to protest this application, including but not limited to formal written protest, appearance at any public hearing, and any other remedy available under the Eastmark Community Plan, City of Mesa ordinances, and Arizona state law.

The City of Mesa is on notice that neighboring property owners are aware of the procedural deficiencies in this application and will not allow those deficiencies to be used to extinguish their rights. I expect written responses to each item above no later than April 10, 2026.

Regardless of anything stated above, this shall be considered a formal written protest

pursuant to the Eastmark Community Plan. This written protest cannot be resolved, as I do not agree with the proposed action. Therefore, pursuant to the Eastmark Community Plan, this matter shall be treated as a major amendment requiring full review by the Planning and Zoning Board and The Mesa City Council.

Sincerely,

Monica Miller

City of Mesa Planning & Zoning Department
Attn: Jennifer Merrill, Senior Planner
55 N. Center St.
Mesa, AZ 85201

Re: Letter of Support – Site Plan Application / DUP Amendment
Case Numbers: ZON25-00693 / ZON26-00155
Eastmark Community Plan – Development Units 5 and 6 South
SWC of South Signal Butte Road & East Rubidium Avenue

Dear Ms. Merrill and Members of the Planning & Zoning Department,

I am writing as a resident of the Eastmark community to express my support for the proposed mixed-use development by Evergreen, as well as the associated amendment to the Development Unit Plan for Development Units 5 and 6 South.

I was recently notified of both Evergreen's site plan application and Brookfield's request to amend the DUP for DU5/6S, and after reviewing the information provided, I believe this development is a positive addition to our community. The blend of multifamily residential apartments and neighborhood retail is an excellent mix of uses for this location. It provides residents with convenient access to services while contributing to the vibrancy of the area.

Additionally, I appreciate that the development will serve as a thoughtful transition and buffer between the industrial buildings to the north and the existing commercial uses along Signal Butte Road. This type of mixed-use project is well-suited to bridge those different land uses.

For these reasons, I support this project.

Sincerely,

James Justice
5729 S Coyote Canyon
Mesa, AZ 85212
jamesjustice04@gmail.com
928-380-8478

City of Mesa Planning & Zoning Department
Attn: Jennifer Merrill, Senior Planner
55 N. Center St.
Mesa, AZ 85201

Re: Letter of Support for Site Plan Application / DUP Amendment
Case Numbers: ZON25-00693/ZON26-00155
Eastmark Community Plan – Development Units 5 & 6 South
SWC of South Signal Butte Road & East Rubidium Avenue

Dear Ms. Merrill and Planning & Zoning Members,

As an Eastmark resident, I am writing to support Evergreen's proposed mixed-use development and the DUP amendment for DUs 5 and 6 South. This mix of apartments and retail is exactly what the area needs, providing walkable amenities to residents while bridging the industrial area and Signal Butte commercial strip.

I reviewed the plans and I believe this project will be a good addition to the neighborhood and community.

Sincerely,

A handwritten signature in black ink, appearing to read "Armando Milheiro". The signature is fluid and cursive, with a long horizontal stroke at the end.

Armando Milheiro
10852 E Storia Ave.
Mesa, AZ 85212

From: [Jennifer Merrill](#)
To: [fondaraley](#)
Subject: RE: Rezoning ZON25-00693 Development Units 5/65
Date: Monday, January 26, 2026 9:26:00 AM
Attachments: [image001.png](#)

Hi Fonda,

Good morning and thank you for the email. Evergreen has submitted a request for 'Site Plan Review' for a 261-unit apartment development, and two retail/restaurant buildings. As part of that request, they provided a neighborhood meeting on December 17th.

City staff have reviewed the request and provided comments to Evergreen; these comments are related to Planning/Zoning, Transportation, Fire Code, Building Code, Solid Waste and other Departments and Codes. Once those comments are resolved, the request can be placed on a Planning and Zoning (P&Z) Board public hearing agenda. A public hearing through the P&Z Board is required, and at that hearing, the P&Z Board will vote to approve/deny/continue the request. At this time, the City staff comments have not been adequately resolved, so the request has not yet been placed on a P&Z agenda.

Did this answer your question? Let me know if you need more information or have any additional questions. I'm happy to help.

Thank you,
Jennifer



Jennifer Merrill | Senior Planner | Development Services
Tel: (480) 644-6439
55 N. Center St | Mesa | AZ | 85201
Office Hours: M-Th 7am to 6pm | Closed Fridays & Holidays

From: fondaraley <fonda.raley@gmail.com>
Sent: Monday, January 26, 2026 8:24 AM
To: Jennifer Merrill <jennifer.merrill@mesaaz.gov>
Subject: Fwd: Rezoning ZON25-00693 Development Units 5/65

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Hi

We received a letter 12/1/25 from Evergreen development in regards to rezoning for East mark261 apartment units; are you able to provide status on this?

We are homeowners in Bella Villa and we were not able to attend the neighborhood meeting on 12/17/25.

Thank you
Fonda Raley

From: [Traci Smith](#)
To: lschube@gblaw.com; [Jennifer Merrill](#)
Subject: RE: Site Plan Application Reference number ZON25-00693
Date: Sunday, December 21, 2025 4:53:55 PM
Attachments: [Disc Golf Buffer Zone.png](#)
[Disc Golf-All.png](#)

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Good afternoon.

I am writing to voice our concerns regarding the proposed 261 unit apartment complex planned for the vacant lot located at the SW corner of Signal Butte Rd and East Rubidium Avenue in the Eastmark neighborhood. As homeowners who will be DIRECTLY impacted by this plan, we are very upset and concerned for our home value and safety if this plan gets approved. Our address is 10614 E Relativity Ave, which is directly south of the proposed parking lot, which will come right against our back wall on our property.

We purchased our building lot in April 2018, at which time we were told we would have a greenbelt with a citrus orchard behind us. Because of this, we were charged a lot premium. Since that time, many things have changed, including building of a 3 story storage facility and many warehouses, which have severely interrupted our mountain views. Now, with this plan to build 3-story apartments behind us, any chance of a peaceful view has been destroyed. In 2020, we received the attached images from Brookfield regarding the disc golf course that was being built, which was supposed to be a neighborhood amenity. We later found out that the property was sold by the developer to the City of Mesa, who would be moving forward with the disc golf course plan. Since then, the first phase of the disc golf course has been completed. The area directly north of us was supposed to be a "buffer zone" attached to the disc golf course. (See attached images). Since 2020, we have not received any information from the developer or the city to make us believe that we wouldn't get this buffer zone.

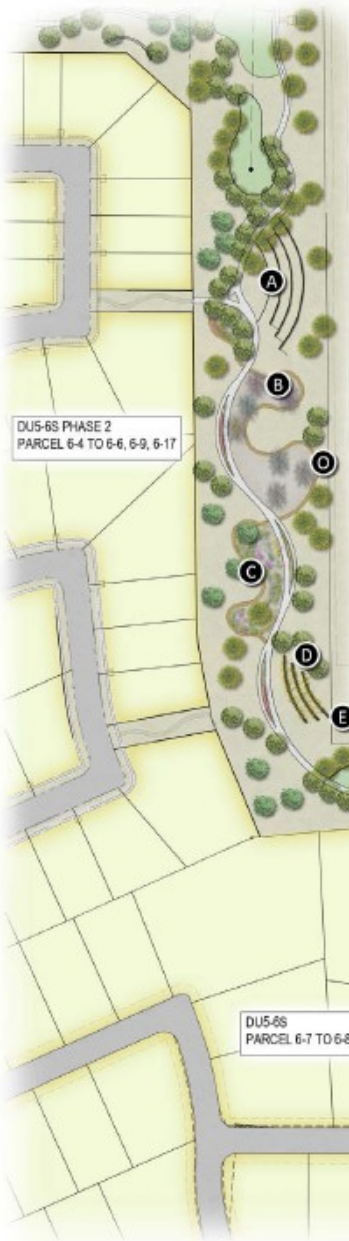
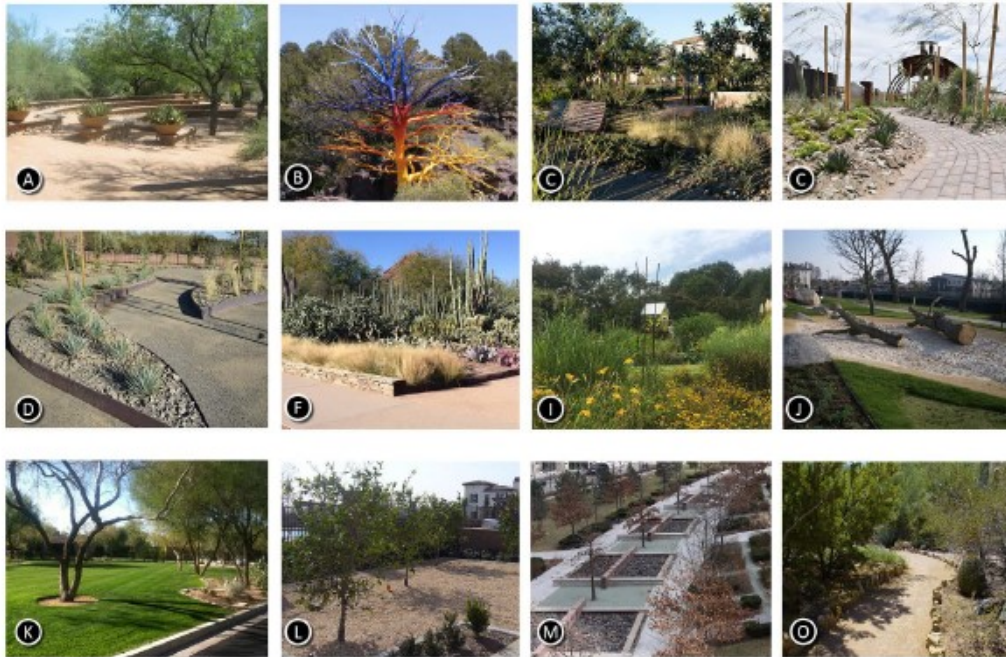
Because we were out of state and not able to attend the neighborhood meeting on December 17th, I wanted to make our concerns known. Hopefully we will get more notice when a date for the City P&Z hearing is set so we are able to attend. We as well as all of the neighbors on our street are strongly opposed to this plan and hope to have our voices heard.

Thank you.

Daran and Teresa Smith

KEYNOTES

- A** AMPHITHEATRE
- B** PAINTED TREES
- C** DESERT GARDEN
- D** PATTERN SUCCULENTS
- E** WALL RIBS WITH SUCCULENTS
- F** FORMAL GARDEN
- G** TALL SUCCULENTS GARDEN
- H** VERTICAL GARDEN
- I** CHILDRENS GARDEN
- J** CHILDRENS PLAY
- K** TURF
- L** CIRUS ORCHARD
- M** WATER HARVESTING GARDEN
- N** CUL-DE-SAC WITH PARKING
(38 STANDARD SPACES)
(2 ACCESSIBLE PARKING SPACES)
- O** COMPACTED DG TRAIL





- KEYNOTES**
- 1 9-HOLE DISC GOLF COURSE A
 - 2 9-HOLE DISC GOLF COURSE B
 - 3 PARKING LOT
 - 4 ASPHEICARE
 - 5 ART GARDEN
 - 6 DEEDY GARDEN
 - 7 CHILDREN PLAY
 - 8 SPORTS/ART
 - 9 OTHER AMENITY SPACES

From: [Evan Balmer](#)
To: [Mary Kopaskie-Brown](#); [Nana Appiah](#)
Cc: [Jennifer Merrill](#); [Cassidy Welch](#)
Subject: FW: Urgent: Illegal Apartment Approval Requires Major Community Plan (Evergreen Apartments on Signal Butte) Amendment - DU 6 South
Date: Monday, December 8, 2025 6:54:18 AM
Attachments: [Screenshot 2025-11-06 at 9.16.41 PM.pdf](#)
[image001.png](#)

FYI



Evan Balmer | Assistant Planning Director | Development Services
Tel: (480) 644-6713
55 N. Center St | Mesa | AZ | 85201
Office Hours: M-Th 7am to 6pm | Closed Fridays & Holidays

From: Monica Miller <monicalkwasny@gmail.com>
Sent: Sunday, December 7, 2025 12:48 PM
To: Evan Balmer <evan.balmer@mesaaz.gov>; sjcphx61@gmail.com
Subject: Re: Urgent: Illegal Apartment Approval Requires Major Community Plan (Evergreen Apartments on Signal Butte) Amendment - DU 6 South

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Urgent Attention: Mesa Planning and Zoning Board (Evan, you are the staff contact for the Planning and Zoning Board. I could not find email addresses for the board. Please provide Board members' contact information, or if direct contact is not permitted, please forward this correspondence to them immediately as this matter is time-sensitive.)

I am writing to bring to your attention to serious procedural violations by the City of Mesa that will cause irreparable harm to many residents of Eastmark. These issues are part of a troubling and sustained pattern of planning staff's intentional misinterpretation of mandatory planning documents in Eastmark to the detriment of the residents. The City is currently considering the approval of high-density apartment development in Development Unit 6 South; despite explicit, unambiguous language in the governing Development Unit Plan that restricts this area exclusively to single-family residential uses. This is illegal and creates a direct harm to the residents.

This action requires immediate Council intervention. The Council cannot turn a blind eye to illegal actions by the staff it is responsible for overseeing. Accepting staff's assurance that apartments "comply with current zoning regulations" without understanding the legal basis for this interpretation violates your fiduciary duty. To

date, the City has refused to explain how mandatory "single family" language can be interpreted to permit apartments, or to provide any legal basis for this contradictory interpretation. Council has a governance obligation to demand this explanation—especially when residents paid premium prices relying on that mandatory language. Pursuant to Arizona law, Council has a duty to act to prevent non-feasance and or malfeasance by staff. The City of Mesa is directly liable for these actions if they do not follow legal processes including open meeting and zoning amendment procedures and law.

Should the City not make a Good Faith effort, Residents are preparing collective complaints to the State Attorney General and we will pursue our legal rights.

THE VIOLATION: APARTMENTS ON DISC GOLF COURSE LAND

The Three Betrayals:

1. **2018:** Approved as disc golf course/linear park - residents paid executive home premiums based upon City of Mesa public plans.
2. **2022:** Secretly replatted land without notice, violating Section 6's LUG requirement and Arizona open meeting laws.
3. **2025:** The City posted a heavily redacted DU 6 South DUP that was unreadable and uninterpretable. After complaints from citizens, the City removed the redactions. However, the City continues to post only the outdated 2017 DUP on its website—despite the current DUP (approved December 30, 2020) explicitly stating it supersedes the 2017 version. This appears to be deliberate concealment of the binding "single family" restrictions that prohibit the apartment development.

DU 6 South DUP Section 1.3.A (approved December 30, 2020) states:

"The residential neighborhoods of DU 6 South will be single family and/or mid-density single family"

This is mandatory language ("will be"), not permissive. Staff refuses to explain how this permits apartments and will not communicate with impacted residents in regards to this.

Community Plan Section 6 (LUG Identification Requirement) states:

"The Site Plan and/or Subdivision are the final stage of the Community Process. **At this stage in the process whether a site plan or subdivision plat is submitted, the selected LUG must be identified.** Development must conform to the requirements contained

within the LUGs as well as the General Development Standards."

The 2022 Open Meeting Law Violation:

By failing to identify the LUG as mandated by Section 6, planning staff violated Arizona's Open Meeting Law. The LUG identification would have triggered required public notice that the land use was changing from recreational Open Space land use group (disc golf course) to residential (apartments). This notice would have informed residents that the permitted uses in the adjacent land were increasing in intensity. Instead, staff deliberately avoided LUG identification to circumvent notice requirements, denying residents their legal right. This deception caused residents to be unaware that:

- the approved disc golf course/greenspace parkland was being eliminated
- high-density residential construction was being considered

The lack of an open meeting before council prevented residents from:

- Providing public comment before a decision
- Challenge the appropriateness of a different LUG for this land.

This violation of Open Meeting Law was not inadvertent—it was strategic, designed to keep residents in the dark until approval was fait accompli.

THE 2022 VIOLATIONS ENABLED THIS ILLEGAL APPROVAL

March 7, 2022 - Replat Without Required LUG Identification:

Community Plan Section 6 (mandatory language) states:

"At this stage in the process whether a site plan or subdivision plat is submitted, the selected LUG must be identified."

What happened: Dr. Nana Appiah ruled LUG identification wasn't required until site plan stage, directly contradicting "must be identified" language.

Why: If the LUG had been identified showing residential use, residents would have known the disc golf course/linear park was being eliminated. Staff deliberately avoided this to prevent public opposition.

My Appeal: Filed March 14, 2022. Dr. Appiah was appointed to review the complaint and make a final binding determination. Dr. Appiah is the same person who made the initial ruling. He denied the appeal of his own interpretation. The City of Mesa Planning Department has no appeal process, because the same person that makes a decision is the reviewer.

THE PATTERN: STAFF REINTERPRETS MANDATORY LANGUAGE TO HARM RESIDENTS

The City of Mesa Planning staff has determined that apartments in DU 6 South "comply" with the Development Unit Plan's mandatory "single family" language and is processing the application forward for Planning and Zoning Board approval. This staff finding of compliance—upon which all subsequent approvals depend—rests on two fundamental misinterpretations of law and plain English.

2022: "Must be identified" was interpreted as "doesn't need to be identified yet" which avoided mandatory notice and a public hearing requirement.

2024: "Will be single family" was interpreted to permit apartments

Both times: Staff refuses to explain how common language could be bent in such a way. Instead Dr. Appiah has acted as both interpreter and appellate authority despite no legal training and poor English competency and has denied residents due process rights.

HARM TO RESIDENTS

Residents paid executive home premiums to be adjacent to an approved disc golf course and parkland based upon publication by the City of Mesa.

The impacted residents received:

- No notice in 2022 when land was replatted and permitted increased potential uses for the land adjacent to their property.
- No recourse for financial losses from eliminated amenity and taking of their property rights
- No due process - appeals decided by same staff making initial violations or ignored entirely

ZONING CHANGES OF THIS MAGNITUDE REQUIRES MAJOR COMMUNITY PLAN AMENDMENT

DU 6 Is Legally Defined as a Mandatory Transition Zone:

Community Plan Section 8:

"Density and intensity of this DU provides a transition from existing residential neighborhoods to the east to the Urban Core to the west." [emphasis added - mandatory "provides"]

DU 6 South DUP Sections 1.2 & 1.3:

"DU6 is designated as an 'Enclave' character and is intended to be a transitional area... This transition area will be planned and developed to be well crafted" (See below image that shows the current DUP. The largest greenspace to the bottom right area that appears to be a large green oval is the land currently proposed to be apartments).



The Required Gradient:

- East: Existing single-family neighborhoods
- **DU 6 South: Executive homes, "lower density," "lower intensity" (THE TRANSITION)**
- West/North: Urban Core, high-intensity employment

Apartments eliminate this transition. High-density is not "lower density" or "lower intensity." This substantially alters a required element of the Community Plan and impacts property values for impacted residents.

Eastmark Community Plan Requirements

Major Amendment = "Any proposed change to the Community Plan that **substantially alters one or more components or required elements**"

Required Process (Title 11, Chapter 9.1):

1. Formal amendment application
2. Public notice to affected property owners
3. Planning & Zoning Board hearing
4. **City Council hearing and approval** (cannot be delegated to staff or

Planning and Zoning Board)

5. Written findings

Even Minor Amendments require notice. If contested by ANY resident, it automatically becomes a Major Amendment.

No such process has occurred. Staff is using deception and non-sense "interpretation" of common English words to circumvent the only legal method for eliminating required plan elements--the amendment process prescribed in the Eastmark Community Plan.

IMMEDIATE COUNCIL ACTION REQUIRED

Residents are preparing collective complaints to the Arizona Attorney General regarding these violations of Arizona law, The Eastmark Community Plan, and the Mesa City Code.

I request the City Council immediately:

1. **HALT apartment approvals in DU 6 South** pending proper amendment proceedings
2. **Require the Planning Director to classify this as Major Amendment** - it substantively alters the mandatory transition zone and DUP land use restrictions. The City of Mesa must follow the law.
3. **Initiate formal Community Plan amendment per Title 11, Chapter 9.1:**
 - Public notice to affected property owners
 - Planning & Zoning Board hearing
 - **City Council hearing and decision** (not delegable to staff)
 - Written findings addressing transition zone elimination and traffic/safety studies to understand impact of more intensive use
4. **Provide immediate notice to disc golf course adjacent residents** denied notice in 2022 and 2025
5. **Establish independent appeal review** - the same person cannot interpret rules and hear appeals of their own interpretations
6. **Post current DUP documents** on City website as required by Arizona law and remove redactions that hide illegal activity by the Planning Department
7. **Investigate 2022 and 2025 Pattern Raising Serious Legal and Ethical Concerns:** The Planning Department's actions surrounding DU 6 South reveal a pattern that raises serious legal concerns about deliberate circumvention of public oversight and mandatory procedural requirements.

Time is critical. The Planning & Zoning Board hearing is forthcoming. Once approved, reversal becomes exponentially more difficult. This hearing must be delayed until this matter is properly investigated.

I am available to discuss this matter and provide additional documentation. I have a wealth of information archived documenting these issues.

(I have attached the current DUP for this land. It is not published on the website.) The final plat for the Disc Golf Course that show the land was a single tract (plat). The result of the replat--land subdivided with no notice

Respectfully,

Monica Miller

Attached: